

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 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*, and *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. Banas, Mrs. Koutsouris, Mr. Fink, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt said there were changes to the agenda. Items #2 SP 1902-Bais Medrash Mayan Hatorah, Item #3 SP 1904-Toras Imecha Inc., Item #6 SD 1642 Yitzchok Lieberman and Item #7 SP 1907-Congregation Beth Medrash of Arlington. They are all going to be taken later than usual based on the attorney's request.

4. NEW BUSINESS

1. SD # 1605A (Variance Requested)
Applicant: Harvey Hirsch
Location: southeast corner of Cedar Row & W. County Line Road
Block 25 Lot 58
Extension of previously approved Minor Subdivision to create 2 lots

Mr. Banas said he was impressed with the way they conducted the Plan Review meeting a few weeks ago and he discussed with the secretary the nuances of the meeting and what they are planning to do is have the professionals present their major points in each one of the discussions. They will not enumerate each and every one of the items they present at this point but at the public meeting the professionals will read each item on their report. The attorneys

will be asked whether they have any questions or disagreements in the statements that are made by the professionals at which time the board can react. With that in mind, the meetings should be shorter and they will be recognized as long as needed so they can discuss anything that goes on.

Mr. Kielt said he saw no one in the audience representing item #1 but said the permit extension act has been passed and it automatically extends all approvals to December 31, 2010 so this application is really a mute application.

Mr. Banas asked who passed this act and Mr. Jackson said the Governor and the State Legislature. He said the preamble says that due to the economic hard times that we are in, certain specified permits are extended and one of the included categories is all approvals granted under the MLUL of Preliminary and Final and he said he believed this application fell under that category. Mr. Slachetka said he is correct. Mr. Jackson said the whole idea is so people who couldn't build because of financing, economic downturn, etc. would not have to spend additional monies to keep their approvals intact.

Mr. Banas said they should follow through by granting the extension as requested. Mr. Jackson said he doesn't believe that is necessary because then you have to prepare a resolution and it costs the applicant money. Mr. Banas said he doesn't want wasted money for no reason but doesn't want it to come back and haunt them later on. No one on the board thought it would and said they have done some of these already and Mr. Jackson said no one is here to make their case. Mr. Banas agreed.

The next application heard was item #4.

2. **SP# 1902** (No variance requested)
 Applicant: Bais Medrash Mayan Hatorah
 Location: Coleman Avenue & Milton Street
 Block 104 Lots 23 & 32
 Preliminary & Final Site Plan for proposed school and dormitories

Mr. Peters read from a letter dated October 5, 2008 and is entered into the record complete. The Applicant is seeking a Preliminary and Final Site Plan Approval to construct a school and dormitory building, and all corresponding site improvements. The property has frontage along Milton Street & Coleman Avenue. The site is located within the R-12 zoning district. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for Treatment Works Approval are required. Evidence of the approvals shall be made a condition of the Planning Board approval. The architectural plans indicate that a school is to be constructed, but the plan set shows a proposed synagogue. The applicant should address this issue. The applicant has shown an existing water main in front of the property, but a site visit could not confirm it. The applicant should address this issue. The applicant has provided a six (6) foot shade tree easement long both site frontages and a 25 foot x 25 foot sight triangle easement adjacent to the Coleman Avenue / Milton Street intersection to the Township of Lakewood. The applicant shall provide legal descriptions to the Board Engineer for review and easement documents to the Board Solicitor for review. The easement shall be filed with the county prior to signature of the Final Site Plan. The two lots shall be consolidated by deed as a

condition of approval. The applicant shall include additional spot elevations, proposed contours, and where proposed contours tie into existing contours on the plans. The applicant shall provide a high point in the driveway of the parking lot to minimize the amount of stormwater runoff from bypassing the proposed on-site stormwater collection system. The applicant has proposed to connect the sanitary sewer to an existing main located in a side yard of a residential lot on Whispering Pines Lane. This connection will require a sewer easement or modification of the existing easement if one existing. The plans shall be revised to show the existing features on the residential lot and provide a restoration plan. We recommend the applicant revise the sewer layout to tie into the existing manhole in the Whispering Pines Lane Right of Way. The applicant appears to be labeling three (3) existing trees as "To Remain", but these trees appear to be located where either proposed fencing or landscaping is to be provided. The applicant should address this issue. Existing concrete curb is provided along the frontages of both roads. Concrete sidewalk is proposed as a part of this project. The applicant has provided 19 off street parking spaces for the proposed school. The proposed school contains one class room and one office resulting in two required parking spaces. The Lakewood UDO does not have a requirement for parking spaces for dormitories. The Board should determine if the provided parking spaces will be sufficient. Stormwater Report Review. The applicant should provide Existing and Proposed Drainage Area Maps. The applicant has not provided any soil borings or permeability tests for the soils below the proposed infiltration basin. The applicant shall address this issue. The elevation of seasonal high water table shall also be provided for review. Per Chapter 9.5, Infiltration Basins, of the NJBMP Manual, it is required that stormwater entering a subsurface infiltration basin be pretreated. The applicant shall address this issue. In the Maintenance portion of the Stormwater Report and on the plans, the applicant mentions HDPE pipe, but the Underground Basin Detail shows P.C.P.P. pipe. The applicant should revise the plans accordingly. The applicant indicates that, if the infiltration basin were to fail, that the runoff for the 2- and 10-year storms would still be decreased, but the table in the report shows that only the 2-year storm's runoff would continue to be reduced. The applicant should address this issue.

Mr. Slachetka read from a letter dated September 26, 2008 and is entered into the record complete. The applicant requests preliminary and final major site plan approval to construct a school and dormitory building. Associated site improvements, such as a parking area for 19 vehicles, storm water management facilities, landscaping, lighting, and sidewalk, are also proposed. The proposed school consists of a basement level and two floors. The school/classroom facility will be on the first floor, and ten (10) dormitory rooms will be located on the second story. A cafeteria will be located on the basement level. The project site consists of two tax lots and is 27,000 square feet (0.6198 acres) in area. The property contains a residential dwelling, which will be razed, and the balance of the lot is wooded area. The tract is located at the intersection of Coleman Avenue and Milton Street. The surrounding area contains single-family and multifamily dwellings. Zoning and Variances. The parcel is located in the R-12 Residential Zone District. Schools are a permitted use in the R-12 Zone. An associated dormitory is considered an accessory use to the school. No variances are requested. Review Comments. Off-street parking. A total of nineteen (19) off-street parking spaces are proposed. The proposed school contains one (1) large classroom and one (1) office. Based on the UDO standards, a minimum of one parking space is required for each class and one space for the office. The applicant should discuss the number of classes which will be conducted within the one large class room area shown on the architectural plans. In addition the applicant should address the appropriate number of off-street spaces based on staff and visitor parking. There is

not a minimum parking standard in the Ordinance for the dormitory portion of the proposed structure. The applicant should provide testimony on the need for parking for the dormitory use based on staff related to the residential dormitory and the age of the students. The applicant should provide the following information about the proposed school operation: The proposed number of students to be educated on site; The grades or student age levels; The anticipated number of school buses visiting the site on a daily basis, if applicable; The proposed hours of operation; The services that will occur on site; The amount of students and teachers/staff to be housed in the dormitory; and, Number of teachers and staff. The applicant should discuss bus circulation, as applicable. Sidewalk is proposed along both street frontages. No recreation area is proposed for the school. The applicant should discuss the grade levels of the proposed school and the appropriateness of a play area. Construction of a sewer line extension in the right-of-way of Milton Street is proposed to serve the proposed facility. The following revisions to the site plan are recommended: Revise the identification of the proposed structure from "synagogue" to "school." Provide a side yard setback line on the east property lines. Identify the proposed fence and its height on the landscaping plan. Identify the species of the plantings along the eastern property line. Landscaping. A landscaping plan has been prepared as part of the submission to the Planning Board. Street trees are proposed along the street frontages. Plantings are proposed along the eastern property line to screen the adjoining residences. The Planning Board should decide if additional plantings are appropriate in the buffer area. The proposed light fixtures should be shielded or relocated to prevent spillage onto Lot 18. A shade tree easement is proposed and should be filed by deed. The proposed sight triangle easement should be filed by deed. We recommend that the subject lots be consolidated by deed. The Tree Protection Plan should be reviewed by the Shade Tree and Environmental Commissions. Approval of all outside regulatory agencies is also required including, but not limited to: Ocean County Planning Board; Water and sewer utilities; and, Soil Conservation District.

Mr. Penzer Esq. appeared on behalf of the applicant and said as far as Max's report, he requests that the TWA be a condition of the building permit and can meet the remainder of the comments except for one. Mr. Carpenter stated there is water on Milton and he has been in touch with NJAWCO and they will have to dig a test pit to see how far the water line extends on Milton but if it doesn't extend to their site they will extend it to the site. There is a sewer on Squankum Road and they show being tied into where they thought was an easement to the NJAWCO but he still has not seen a physical copy of the easement but he has been in touch with NJAWCO and he will revise the plans to tie into the pump station so they do not have to deal with the easement. Mr. Banas said he will provide water and sewer to the facility and Mr. Carpenter said yes. Mr. Carpenter agreed to the remainder of Max's comments.

Mr. Banas discussed the off street parking issue and Mr. Penzer said there will be 19 off street parking and Mr. Banas said they could testify about the number of students, etc, at the public hearing. Mr. Penzer said they agree to comply with the remainder of the professional's comments in their reports and they will put in the landscaping as suggested.

Mr. Akerman said there are no classrooms shown on the plans and Mr. Penzer said it is post high school students so there is one large study hall. Mr. Akerman asked how would you configure parking if there is just one classroom and Mr. Penzer said the bigger issue is the dormitory: there is nothing in the ordinance that say how many parking spaces is required. They put in 8 required, but there is no requirement. Mr. Penzer said the students are not allowed to drive so there will not be any cars.

Motion was made by Mrs. Koutsouris, seconded by Mr. Percal, to advance the application to the meeting of November 4, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

3. **SP# 1904** (No variance requested)
Applicant: Toras Imecha, Inc.
Location: East County Line Road & Thorp Road
Block 194 Lots 2 & 3
Preliminary & Final Site Plan for proposed school

Mr. Peters read from a letter dated October 6, 2008 and is entered into the record complete. The applicant is seeking a Preliminary and Final Major Site Plan Approval to construct a school and all corresponding site improvements. The property has frontage on East County Line Road. The site is located within the R-15 zoning district. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for Treatment Works are required. Evidence of the approvals shall be made a condition of the Planning Board approval. The applicant shall consolidate the two lots by deed as a condition of approval. Site Plan Review. The applicant has shown an existing water main within the right-of-way of East County Line Road, but does not show a water service to the proposed building. The applicant should address this issue. The applicant has provided a 5.25 foot roadway dedication to the County of Ocean, but has not provided a shade tree or utility easement. The applicant should address this issue. The applicant has provided concrete sidewalk and curb within the site, but has not included any sidewalk or curb for the site's frontage to East County Line Road. The applicant should address this issue. Currently, there is no curb or sidewalk on the southern side of East County Line Road. The applicant has provided 13 off street parking spaces for the proposed school. The proposed school contains eight (8) classrooms and four (4) offices resulting in 12 required parking spaces. The Board should determine if the provided parking spaces will be sufficient. The applicant should provide an elevation to correspond with the proposed high points to demonstrate that adequate fall is provided for all areas. The applicant shall request a design waiver for the proposed parking area being too close to the property line, a five (5) foot setback is required. The applicant shall provide testimony on the size of school bus anticipated to access the site. The site is too tight for a full size school but to maneuver. The applicant shall clarify and detail the end treatment for the proposed curbing. Stormwater Report Review. The Stormwater Management Calculations states that 16 parking spaces area proposed, but the plans only show 13 parking spaces. The applicant should address this issue. The Stormwater Management Calculations state that six (6) test pits were performed, but only five (5) test pits are shown on the plans. The applicant shall address this issue. The applicant has provided test pit results for Test Pit #1 as a part of the Stormwater Report, but the information does not match the information for Test Pit #1 as it is shown on the plans. The applicant should address this issue. The applicant should provide calculations demonstrating that the site meets the runoff reduction requirements for the 2-, 10-, and 100-year storm events. The applicant should provide Existing and Proposed Drainage Area Maps. Per Chapter 9.5, Infiltration Basins, of the NJBMP Manual, it is required that stormwater entering a subsurface infiltration basin be pretreated. The

applicant shall address this issue. The applicant should provide a Stormwater System Maintenance Plan for review. Construction Details. The applicant should revise the stop sign post detail to include red retro-reflective sheeting on the sign post. The applicant should revise the handicapped parking sign to reflect the most recent fines for illegal parking.

Mr. Slachetka read from a letter dated October 3, 2008 and is entered into the record complete. The applicant is seeking preliminary and final site plan approval to construct a private high school on two existing lots. The applicant intends to construct the high school in two phases. The existing residential and accessory structures are proposed to be demolished as part of this site plan. The site fronts on East County Line Road and two papers streets, Thorp Road and Stillwell Avenue. The proposed high school will be accessed from East County Line Road. The subject site is located within an area of residential uses and is 40,000 square feet (0.92 acres) in area. The applicant has proposed a 5.25-foot wide right-of-way dedication to Ocean County along East County Line Road. Zoning. The parcel is located in the R-15 (Single-Family Residential) Zone District. The proposed private school is a permitted use within the R-15 Zone District. Variances. The applicant is subject to the conditions set forth to the conditions provided at Section 18-906 for the proposed private school. The applicant requires variance approval from the buffer requirements. The requirement is to provide a twenty (20) foot landscaped buffer. The applicant has not provided any landscaping in the ten (10) foot side yard setback proposed. The applicant should provide testimony addressing the positive and negative criteria. Review Comments. Zone Schedule. The subject tract is a corner lot with three frontages. The applicant is required to indicate conformance with the zone standards for all three front yards and conformance with the side yard setback (adjoining Lots 1 & 4). The applicant should revise the zone schedule to indicate conformance with the front yard setback for all sides and that the rear yard setback is "NA." Design Waiver. Currently, the residential structure is accessed from a driveway off of Thorp Avenue. Thorp Avenue currently is an unimproved gravel road. For the proposed high school, the applicant has proposed two driveways off of East County Line. The purpose is to provide a one-way access drive through the development. For the proposed design, the applicant requires a design waiver for the proposed driveway. Pursuant to Section 18-807.C.4., a driveway may not be located closer than thirty (30) feet to the intersection of two (2) public streets. The proposed driveway closest to Thorp Avenue is in close proximity to the lot line. The applicant should indicate whether a different access design can be considered. School Operation. The applicant should describe the operational characteristics of the facility including the following: The proposed number of students to be educated on site. The grade levels of the school; The anticipated number of school buses visiting the site on a daily basis; The anticipated number of staff persons; The proposed hours of operation; Any other services, other than lunch food services, that will occur on site. Circulation. The applicant should describe the bus transportation operations (number, schedule, etc.) for the site. Bus loading/unloading zone(s) should be delineated on the site plan. The applicant should clarify how parent drop-off will occur and at what location. Since a food preparation room is proposed, the loading area for food deliveries should be addressed. The applicant should specify if a recreation area will be provided on site. Phasing Schedule. The applicant should provide a time schedule for the phasing plan. Parking. The applicant has provided thirteen (13) parking spaces in accordance with Township standards. One parking space will be handicap accessible. Landscaping. The applicant has proposed four (4) Norwegian Sunset Maples along East County Line Road and in the parking area. The applicant has not proposed landscaping treatments for the areas that front Thorp Avenue or Stillwell Avenue nor on the side yard. We recommend that the Board require additional landscaping on

the site. Fences. The applicant indicates that the existing wood and wire fences on the property will remain. The applicant should provide more details regarding the fences, i.e., height and materials, to determine compliance with the Township standards. Lighting. The proposed lighting plan is subject to review and comment by the Board Engineer. Trash/Refuse. The applicant has not indicated how solid waste will be addressed on the site. This should be addressed on the site plan and in public testimony. Easements. The applicant has not provided a shade tree easement as required by the Township Local Development Ordinance. An easement should be provided. The applicant has proposed a 5.25-foot wide roadway dedication for road widening purposes to the County. Appropriate easement language should be provided for the Board's review and approval. Sidewalks. The applicant has not proposed sidewalks along the frontage of the property. Sidewalks should be provided. Architectural plans. The applicant should specify how the phasing will occur on the first floor. Tree Protection Management Plan. The applicant should provide the Board a Tree Protection Management Plan. This plan will need to be reviewed by the Shade Tree Commission. Signage. The applicant should indicate whether any signage would be installed. If so, the height of any proposed sign and construction details, including the type of materials to be used to construct the sign, should be submitted. Utilities. The applicant indicates that the existing well will be abandoned according to current DEP regulations. The applicant has proposed to connect to existing water lines. The existing applicant should provide the Board with verification letters from the appropriate entity. The applicant has proposed an on-site septic system which will be designed for the number of students proposed for the high school. The applicant should indicate the status of soil testing and permitting for the septic system. Environmental Impact Statement. An Environmental Impact Statement (EIS) has been submitted for Planning Board Review. Compliance with the Map Filing Law is required. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Agency Approvals. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Ocean County Board of Health; New Jersey Department of Environmental Protection; Sewer and water utilities, prior to construction permits; and, All other required Outside Agency approvals.

Mr. Penzer Esq. appeared on behalf of the applicant and said there will be sidewalks. Mr. Banas asked about the buffer and Mr. Penzer said Mr. Stillwell from the Shade Tree Commission had a meeting to discuss his concerns and his comments will be complied with. Mr. Lines stated Mr. Stillwell's concerns were the same as Mr. Slachetka's which was that they did not have buffering on the side of the building and that they didn't have buffer landscaping along County Line Road or that they only had 4 shade trees on the plans. They will increase the shrubs and will put additional shade trees. Mr. Stillwell also wanted them to locate other trees at the rear and side of the property and the caliper and types and provide a better ratio of replacement to what is being removed. They discussed buffering with Mr. Stillwell and he also had concerns with buffering and the use of the property behind the applicant's which there were a lot of hunters, apparently there are a lot of deer, and wanted the area delineated, so they will address his concerns as best as they can.

With regards to Mr. Peter's, report Mr. Lines stated the septic system they are proposing will not require treatment works approval, it will be less than the 2,000 gallons per day that would kick them over to the DEP so he wanted to clarify that. Also, Max's letter stated the applicant needed to meet the reduction requirements for run off for the 210 and 100 year storm, and they have less than 1 acre of total disturbance which is where the requirement in the ordinance and the

DEP comes in to address it so the ordinance only requires them to address the water quality storm which they have addressed. They agree to the remainder of the comments in the engineer's report.

With respect to the planner's report, Mr. Lines said they can address the comments in his reports. They bring food in for the meals, so there is no preparation. This is a girl's high school. Mr. Lines will meet with Mr. Franklin with respect to the trash collection. Mr. Banas asked about circulation and Mr. Lines stated they anticipate a maximum of 4 buses a day when they are built out in phase 2, which will be in 5 years. They will provide a bus loading zone during phase 1. Mr. Penzer said the applicant stated there will only be 3 buses maximum and Mr. Lines said there shouldn't be any parental drop offs unless they miss the bus. Mr. Lines said they did not show a connection to the water main in the street because they have not gotten confirmation from anybody that they can connect to that water main. It is a NJAWCO water main but they are in the Lakewood MUA district, so they are trying to find out if there is a way they can connect to it, if not, they will have to provide well. Mr. Banas said they have 3 weeks to come up with a resolution to that. Mr. Peters had a question on the size of the school buses and Mr. Lines said full sized S1 and the turning radius on that driveway is such that they could bring a bus through there. Mr. Peters said it looked tight getting in and tight making the full turn inside the site. Mr. Lines said he will recheck. Mr. Kielt said the plans would be due back by the 20th and Mr. Lines said he would not be able to get the plans back by then so the next meeting would be November 18th the plans would be back the 27th of October.

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to advance the application to the meeting of November 18, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

4. **SP# 1900** (No variance requested)
Applicant: Advance Auto Parts
Location: River Avenue, north of Locust Street
Block 534 Lots 8 & 10
Concept Plan for auto parts store

Mr. Peters said at the previous meeting the report was read into the record and said he had nothing further to add. He believes the applicant was going to look into other front yard variances in the area. Mr. York has a list of 5 projects that were approved involving setbacks varying between 50 ft. and 160 ft. and keeping with the applicant's plan. Mr. Kielt prepared the list. The report is from a letter dated August 28, 2008 and is added here into the record. The Applicant is seeking a Conceptual Plan review for constructing an auto parts retail store on Lots 8 and 10 of Block 534. Parking lots are provided along the property frontage and a stormwater retention basin is proposed at the rear of the site. An existing two (2) story office building is currently located on site and is to be removed. The property has the frontage along River Road (State Highway Route 9). The site is situated within the HD-7 zoning district. The applicant shows in the zoning schedule the following required variances: Minimum front yard setback; 75.67 FT are provided, where 150 FT is required as the property fronts a state highway.

Minimum rear yard setback; 13.33 FT are provided, where 50 FT is required. Parking lots are proposed in a non-conforming front yard. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT will be required. Evidence of the approvals should be provided prior to the Planning Board Approval. Per section 18-807 of the UDO, one (1) parking space is required per 200 SF of the proposed building gross floor area for a retail use. The applicant shows on the plan the proposed building will have a gross floor area of 6000 SF which will yield thirty (30) required parking spaces. The applicant shows on the plan thirty (30) parking spaces are proposed with two of the parking spaces being handicap parking spaces. The Planning Board will determine if the proposed parking will be adequate. The applicant should provide architectural plans to the Board Professional for review. The applicant show on the plan a proposed dumpster at the western corner of the proposed parking lots. The applicant should show on the plan, the dimensions of the trash receptacle area and provided testimony on the anticipated waste volume generated by the site. In addition, the waste receptacle area should be designed in accordance with section 18-809.E. of the UDO. The applicant shows on the plan no developments are proposed within the 57 FT NJDOT desired typical section along River Road. The term setback shall be revised to section in label. No curb or sidewalk is proposed along the property frontage. Both should be added to the plans. Six foot shade tree and utility easements along the property frontage are usually required and will be determined by the Planning Board. In addition, sight triangles at the proposed entrance should be dedicated to the NJDOT. The two lots should be consolidated as part of the site plan application. The paving or the existing driveway should be removed and vegetated. The handicapped accessible parking spaces should be relocated to be in front of the main entrance. A loading area should be indicated on the plans and yellow striping provided to in that location. The remaining comments are technical in nature.

Mr. Slachetka said the only thing he would add is that on the plan it is identified as Desired Typical Setback instead of Desired Typical Section. They should make the revision so it is clearer on the drawings and the applicant agreed.

The planner's letter is dated August 28, 2008 and is added here into the record. The applicant seeks Planning Board comments on a concept plan for an Advance Auto parts site plan. The property is 1.14 acres in area and located on the west side of River Avenue (Route 9) approximately 100 feet north of Locust Street. The rear of the site will be used for a stormwater retention basin. The proposed building is 6,000 square feet in area and the proposed parking area contains thirty (30) spaces. Zoning and Variances. The tract is located in the HD-7 Highway Development Zone. Retail business establishments are permitted uses in the HD-7 Zone. The applicant should confirm that the proposed use is limited to retail trade and no automotive repair is proposed. The following variances will be required when an application for site plan approval is submitted: Front Yard Setback 150 feet required and 75.67 feet proposed: Rear Yard Setback: 50 feet required and 13.3 feet proposed. The site plan indicates that a variance is required for an off-street parking area within the 150-foot setback. In our opinion, that variance is not required. Review Comments. The concept plan shows the desired typical half-section of 57 feet and the proposed parking area respects that boundary. The applicant should provide testimony about deliveries; a loading zone is not shown. A landscaping and lighting plan will be required. The width of the sidewalk in front of the building should be six feet or protective bollards should be installed. Foundation plantings should be provided along the north side of the building. The applicant should confirm that all paved areas will be curbed. Preliminary

Architectural plans should be submitted for Board review. The proposed off-street parking complies with the Ordinance – 30 spaces required and 30 spaces are provided. Ocean County Planning Board approval will be required. NJ Department of Transportation approval will be required. The concept plan indicates that public water and sewer is proposed.

Mr. Michael York Esq. appeared on behalf of the applicant with Andrew Marshall who is the engineer for the applicant. Mr. Marshall said the typical desired section for Route 9 in this area is 57 ft. from the centerline and they respect that to the edge of the proposed parking lot.

Mr. Banas said basically they came back to this meeting because of the desired typical section along Route 9, but the rest of the application has met with the boards' recommendation and is ready to move forward with a formal application.

No one was present for the next application (#5) this early in the evening so the agenda was switched around to accommodate the remaining applicants who were present early. The next items heard were items 11, 12, 13, & 14

5. SP# 1898 (Variance requested)
Applicant: Kennedy Ventures LLC
Location: East Kennedy Boulevard, between Lexington & Monmouth Avenues
Block 140 Lots 3 & 5
Preliminary & Final Site Plan – 7,500 sf 2-story office building

Mr. Peters read from a letter dated October 6, 2008 and is entered into the record complete. The Applicant is seeking a Preliminary and Final Site Plan Approval construct a 7,500 SF two story office building, and corresponding site improvements. The property has frontage along Kennedy Boulevard East, west of its intersection with Monmouth Avenue. The site is located within the OT, Office Transitional Zoning District. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District are required, and an NJDEP permit for treatment works approval. Evidence of the approvals shall be made a condition of the Planning Board approval. The applicant is requesting the following variances and design waivers: Side Yard Setback: The applicant has provided a setback of 10 feet, where 12 is required. Rear Yard Setback: The applicant has provided 7.8 feet, where 15 feet is required. Maximum Permitted Building Coverage: The applicant has provided 28.6% building coverage where a maximum of 25% is permitted. Number of Parking Spaces: The applicant is required to provide 25 parking spaces based on one parking space being required per each 300 SF of office area. The number of required parking spaces will increase if the proposed use is for medical or dental offices. A design waive is required for not providing the required buffer. Fifty feet is required between a residential and non-residential use. Site Plan Review. Concrete curb is existing along the property frontage, four foot wide sidewalk is proposed. The applicant should increase the width of the sidewalk to five feet and add a note to the plans stating that any deteriorated or damaged curb will be replaced as directed by the Township Engineer. Water and sewer will be provided to the site by the New Jersey American Water Company. Water and sewer lines will be extended within Kennedy Boulevard East as part of this project. We recommend the applicant make every effort to remove the two site entrance configuration and provide a parking lot with one access point. The applicant shall discuss with the board what

options are available. The two lots shall be consolidated by deed as a condition of approval. The applicant had proposed to construct an office building with a basement. The applicant shall confirm the basement will be used for storage only. Stormwater Report Review. The applicant has provided soil boring information on the plans and within the Stormwater Management Report but has not provided permeability tests for the soils below the proposed infiltration basin. The applicant shall address this issue. The underground detention basin will require maintenance by the applicant. A maintenance plan shall be submitted for review.

Mr. Slachetka read from a letter dated September 24, 2008 and is entered into the record complete. The applicant seeks preliminary and final major site plan approval and associated variances and design waiver to construct a 7,500-square foot two-story office building. The site improvements will include related off-street parking, storm water management, landscaping and lighting facilities. The subject site contains two existing residential structures which will both be demolished as part of this application. The tract is 15,000 square feet in area. The property is situated on the South side of Kennedy Boulevard East. The closest intersection is Monmouth Avenue. The applicant indicates that the proposed building will contain 7,500 square feet of office space with a full-story basement. The plans note that the basement will be used as storage space only. Access to the office space will be provided by two driveways. The surrounding land uses are generally residential. Zoning. The site is located in the Office Transitional Zone District (OT). Office uses are permitted in this zone. The applicant has noted in the site plan application form that they intend to have commercial uses on the site. The applicant should clarify this inconsistency. Variances. The applicant requires variance approval for the following deviations from the OT zone standards: Side Yard Setback. A minimum side yard setback of twelve (12) feet is required and a ten foot side yard setback is requested. Rear Yard Setback. A minimum rear setback of fifteen feet is required and a 7.8 foot rear setback is requested. The applicant must also note on the zone schedule the correct rear yard setback. The applicant notes that the variance requested is eight (8) feet and not 7.8 feet as indicated on the plan. This should be revised accordingly. Building Coverage. The maximum permitted building coverage is 25 percent of the lot. The applicant has proposed 28.6 percent. The applicant indicates that the variance requested is for lot coverage and building coverage. The OT zone district does not contain standards for maximum permitted lot coverage, only building coverage. Parking. The Local Development Ordinance sets specific off-street parking requirements for the OT zone district. The requirement is one parking space for every 200 feet of office spaces. The applicant is required to provide 37.5 off-street parking spaces or 38 parking spaces for the proposed office. The applicant has provided 23 off-street parking spaces and noted incorrectly the number of parking spaces required. This is a deficiency of fifteen (15) off-street parking spaces. The plan should be revised accordingly. Parking Buffer. A five (5) foot solid buffer is required for parking areas that are adjacent to residential properties. The applicant has provided a five (5) foot solid buffer on eastern side of the property and none has been provided on the western side. The land uses of the adjacent western lot should be denoted on this site plan. The applicant must address the positive and negative criteria for the requested variances. Design Waivers. The applicant requires design waivers as follows: Landscape Buffering. The applicant is requesting a design waiver from the Township's buffering requirements. Section 18-803E states that buffers of 25 feet as measured from the property line toward the proposed use shall be provided for all non-residential use. The buffer shall be increased to 50 feet wide where non-residential development is adjacent to residential development. On the site plan application the applicant indicates that a 12-foot setback is provided. Along the eastern edge a five (5) foot buffer is provided from the existing vegetation.

The remaining side of the building and parking areas are moderately landscaped and no landscaping has been proposed on the rear of the building. The applicant should indicate their intent to provide additional landscaping around the building. These design waivers should be listed on the site plan. The applicant should provide testimony addressing the need for the design waivers. The Planning Board has the power to grant exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more of the provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question. Review Comments. Site Plan Application. The applicant notes that the lot area proposed on the site plan application is 13,000 square feet. On the site plan, the applicant notes that the subject tract is 15,000 square feet. The applicant should indicate the correct lot area for the subject tract. Application Waivers. The Board discussed the following waivers at the meeting of August 5, 2008: Environmental Impact Statement. The applicant requested and the Board granted the waiver request for an Environmental Impact Statement for this application. Tree Protection Plan. The applicant requested and the Board denied the waiver request for a Tree Protection Plan for this application. The applicant included on the boundary and topography sheet an indication of trees to be preserved. As proposed, the applicant has not provided a tree protection plan as required. The applicant should provide a tree protection plan in accordance with Section 18-803H. The plan should note the proposed preservation strategies as well as clearly identify the trees to be removed and the compensation provided. This plan will require Shade Tree and Environmental Commissions approval. Signs. The applicant should note whether a sign is proposed for the subject tract. In addition, the applicant should note the proposed sign location, dimensions, and proposed illumination. A proposed sign would be subject to the requirements of the OT zone district regulations. Basement Use. The applicant indicates that the intended use of the basement is for storage. Both the site plan and architectural drawings should clearly label the basement level as storage only. Driveway. The applicant has proposed two driveways to access the proposed office building. The applicant should indicate whether it is feasible to provide one-driveway to the site due to the greater intensity of uses proposed for the site. ADA. The plan indicates ADA parking; however, per ADA regulations, the site is required to have one van accessible stall which incorporates a minimum of an 8-foot wide ADA aisle. The plans should be revised to include a van-accessible stall in accordance with ADA standards. Shade Tree easement. The applicant has not provided a shade tree easement on the site plan as required. Fence. The applicant has not indicated on the site plan whether the existing chain link fence will be removed as part of this application. We recommend that a solid fence or landscaping be provided along the rear of the building to buffer the adjacent lot. Lighting. The applicant's lighting plan is subject to review by the Board Engineer. Sidewalk/Curb. The applicant notes that the existing curb will be replaced on the site plan. On the grading plans, the applicant notes that a four foot wide sidewalk is proposed. This should be noted on the site plan as well. Architectural Plans. The architectural plans should include the dimensions on the elevation drawings to confirm that the building height complies with ordinance requirements. Utilities. Public water and sewer will be provided by NJ American Water Company. Trash/Refuse. The site plan shows a five-foot by seven foot trash enclosure area in the rear of the property for the structure. Landscaping has been proposed to surround the enclosure. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. Agency Approvals. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; Sewer and water utilities, prior to construction permits; and, all other required Outside Agency approvals.

Mr. Brown, Esq. appeared on behalf of the applicant. The applicant agrees to address all of the issues in both letters. This is a use that is encouraged in town.

Mr. Schmuckler asked how high the building is and Mr. Flannery said it is a 2 story building.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to advance the application to the meeting of December 16, 2008. Plans were due back November 20.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Penzer said numbers 6 & 7, in order to make sense of #6, he need to explain #7 first, they are really part and parcel so Mr. Banas said to do #7 first. Mr. Penzer wanted to explain it before the reports. He said there is a division of the zoning line where it splits between the R10 zone and the R75 zone right in the middle of their property. What they are doing is try to create a larger property for the lot on top, which will be a synagogue and are here for a conceptual to see what the board thinks about it, and at the same time they are here to make the Minor Subdivision to make those lots. The reason they are making the lots smaller is because in order the make the synagogue bigger with the proper parking they have to make the other lots smaller. That is why they would like to go to #7 first. He asked Mr. Flannery to show them on the display the larger lot which would be the synagogue and the smaller lots which would be the Minor Subdivision. There is no question the zone dividing line is right in the middle of the place where they are putting the synagogue and if they were on the reversal side they would be proper in the size, but all the lots around it are undersized because that is where the boundary is.

Mr. Banas suggested going to item #7 first.

6. SD# 1642 (Variance requested)
Applicant: Yitzchok Lieberman
Location: Arlington Avenue @ northeast corner of Wynatt Avenue
Block 774.01 Lots 12 & 13
Minor Subdivision from 2 lots to 3

Mr. Penzer stated for the record that although the applicant is Mr. Lieberman, it really is the synagogue, he is just the contract purchaser who will assign his rights to the congregation.

1. Mr. Peters read from a letter dated October 5, 2008 and is entered into the record complete. The applicant is seeking a Minor Subdivision approval to subdivide two (2) lots into three (3) new lots, to be known as Lots 12.01, 12.02, and 12.03. No existing dwellings are shown on the plan located within the property. No construction is proposed under this application. The property has frontages along Wynatt Street and Arlington Avenue. The property is situated within the R-7.5 and R-10 zoning districts. The majority of Lot 12.01 will be located in the R-7.5 zone and Lots 12.03 and Lot 12.02 will be entirely located in the R-10 zone. The applicant is requesting the following variances: Minimum lot area for Lots 12.02 and 12.03; 10,000 SF is required, where 8,602 SF are provided. Minimum lot width for Lots 12.02 and 12.03; 75 FT is required, where 50 FT are provided. Minimum front yard setback for Lots 12.02 and 12.03; 30 FT is required, where

25 FT are provided. Minimum rear yard setback for all new lots: 15 FT is required for Lot 12.01, where 8 FT is provided for Lot 12.01; 20 FT is required for Lots 12.02 and 12.03, where 15 FT are provided. Minimum one side yard setback for Lots 12.02 and 12.03; 10 FT is required, where 7 FT are provided. Minimum total side yard setback for Lots 12.02 and 12.03; 25 FT is required, where 15 FT are provided. Allowable building coverage for Lots 12.02 and 12.03; 25 % is permitted, where 30 % is proposed. The Board should be aware that a minimum lot area of 10,000 SF instead of 7,500 SF is required when two-family/duplex structures are proposed in the R7.5 zone. The applicant shall provide testimony on the intention of the subdivision. The applicant shall revise the zoning schedule to show the number of parking spaces to be provided for each new lot, when dwellings are proposed on the lots. Per NJ RSIS standards, two and an half (2.5) off-street parking spaces are required for single family dwellings with unknown numbers of bedrooms. The Board should determine the minimum number of required parking spaces per lot. Outside agency approval from the Ocean County Planning Board is required. Evidence of the approval shall be provided as a condition of the final approval. Based on our site visit, there are two existing dwellings found on the property. The applicant shall revise the plan to show existing structures on the plan. The subdivision will result in two dwellings being located on one lot, which is a nonconforming use. The dwellings shall be removed prior to signature of the final plat or a bond posted to ensure the prompt removal of the structures. The plan notes that water and sewer will be provided by New Jersey American Water Company. The plans do not show any utilities along the property frontages. The location of the existing utilities shall be shown on the plan to show the feasibility of new connections. The applicant shall provide testimony on how the existing dwelling is provided with water and sewer. Any individual septic systems or wells found on site shall be abandoned in accordance with the state and federal standards and regulations. A 6 FT shade tree and utility easements along the property frontages are usually required to be dedicated to the Township. The Board shall determine if such easements will be required. Curbs and sidewalks exist along the property frontages at where Wynatt Street and Arlington Avenue are improved. An aerial map from NJDEP shows wetlands may be located within the close proximity of the site. The applicant shall revise the plan to show wetland boundary and buffer lines. Access to new Lots 12.02 and 12.03 will require further improvement to Arlington Avenue. The applicant shall revise the plans to show roadway improvements. The Board should determine if the application will be considered a major subdivision due to the off-site improvement. Map Filing Law Comments pertaining to the New Jersey Map Filing Law will be provided prior to the public hearing for this application.

Mr. Slachetka read from a letter dated October 3, 2008 and is entered into the record complete. The applicant requests minor subdivision and variance approvals to create three lots. The subject parcel is 38,236 square feet in area and situated on the east side of Arlington Avenue. The subject tract contains two (2) dwellings. The surrounding land use is residential. Zoning and Variances. The parcel in question is located in both the R-10 and R-7.5 Residential Zone Districts. Single-family detached residences are a permitted principal use in both zones. Compliance with the bulk standards of the R-10 Zone is required for Lots 12.02 and 12.03. The following variances are requested:

	Required	Proposed Lot 12.02	Lot 12.03
Minimum Lot Area (sq. ft.)	10,000	8,602*	8,602*
Minimum Lot Width (sq. ft.)	75	50*	50*
Minimum Front Yard	30	25*	25*

Setback (feet)			
Minimum Side Yard Setback:			
One (feet)	10	7*	7*
Both (feet)	25	15*	15*
Minimum Rear Yard Setback (feet)	25	15*	15*
Maximum Building Coverage	25%	30%*	30%*

* = Variance requested.

We have requested a determination or confirmation of the location of the zone boundary from the Township Zoning Officer. The positive and negative criteria for the requested variances should be addressed. The consistency of the proposed lot areas and lot widths with the neighborhood should be discussed. Review Comments. The plat should show the location of the existing dwellings and any improvements. The future disposition of all structures should be noted. Road access is necessary for Lots 12.02 and 12.03. Please clarify, since a street extension will require classification of this application as a major subdivision. The property will be served by public water and sewer. Sidewalk is not proposed along the property frontage. The existing structures must be removed prior to signature of the plat. Performance guarantees should be posted for all improvements in the right-of-way. The proposed lot numbers should be submitted to the Lakewood Tax Assessor for approval. Evidence of the approval should be provided to the Planning Board. Compliance with Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery acknowledges all the comments and will address them. Some of the variances that were requested are going to be removed because they are not needed and Arlington was the subject of an application on the opposite side of the street and there were road improvements that that applicant indicated he posted a bond for (John Brown) and they will show those improvements on the plans along with the curb and sidewalks on their side of the street. Mr. Banas asked if there was any comments made that the applicant cannot comply with and Mr. Flannery said they can address all the comments in the professional's reports.

Mr. Peters had a follow up question regarding the conceptual plan and another developer locating the wetlands out there and asked how close are they to the existing limits of pavement and asked if they would be able to extend that roadway to the next 2 lots and Mr. Flannery said on Wynatt Street on that dead end piece the 50 ft. buffer is over the pavement and anything that has been there since 1988 is allowed to stay there (since the wetlands buffers were enacted). As far as extending or doing something different, there will be a problem. Mr. Peters asked in any investigation was done on the southern limits of the applicant's site and south of the end of Arlington Avenue because he is looking at the DEP map and to the east of the site it shows up and also to the south it shows a strip. Mr. Flannery said he will have someone check it in the field and have it as part of the resubmission.

Motion was made by Mrs. Koutsouris, seconded by Mr. Percal, to advance the application to the meeting of November 4, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

7. **SP# 1907** (No variance requested)
Applicant: Congregation Beth Medrash of Arlington
Location: Arlington Avenue @ northeast corner of Wynatt Avenue
Block 774.01 Proposed Lot 12.01
Conceptual Plan for proposed synagogue

Mr. Peters read from a letter dated October 6, 2008 and is entered into the record complete. The applicant is seeking conceptual plan review for a proposed 4,000 SF synagogue, with two future expansions for an additional 1,400 SF, a parking area is also proposed. The subject property consists of 21,032 SF and is part of subdivision application SD#1642. The property is located at the corner of Wynatt Street and Arlington Avenue, within the R7.5 Zoning District. The applicant is not requesting any variances for the project. Design waivers for addressing the buffer requirements may be required. The conceptual plan does not show any proposed landscaping. The seven foot side yard to the south will not meet the buffer requirements. The applicant has proposed 25 parking spaces where 24 are required by the Lakewood USO. The handicapped accessible parking space should be noted as van accessible. Sidewalk is proposed along the property frontages. Concrete curb is provided along Arlington Avenue. No curb is existing or proposed along Wynatt Street. The applicant should address how utilities will be provided to the proposed building. The applicant will be required to address stormwater management for the site when a formal application is made.

Mr. Slachetka read from a letter dated October 3, 2008 and is entered into the record complete. The applicant seeks Board review and comment on a conceptual site plan for a proposed synagogue at the above referenced location. The applicant proposes to construct a synagogue and associated site improvements at the above-referenced site. The building will be constructed in two phases. The first phase will be a 4,000-square foot building with a 1,800-square foot sanctuary. The second phase will be additions which will increase the building and sanctuary area. Access to the parking area will be from Arlington Avenue, and the parking area will surround the building on two sides. The subject property is 21,032 square feet (0.48 acres) in area. The current use of this parcel is as a single-family dwelling. Under a separate application, SD-1642 (Yitzchok Lieberman,) a minor subdivision is requested for the subject parcel. Zoning and Variances. The property is situated in the R-7.5 and R-10 Residential Zones. Places of worship are a permitted principal use in these zones. No variances are requested. Review Comments. Clarify the status of Lot 13/Wynatt Street right-of-way. The tax map does not show a right-of-way; however, there is a paved cartway to the north of the subject lot. Identify the zone boundary of the R-7.5 and R-10 Zones on the subject lot. A clarification may be required by the Zoning Officer as to the location of the zone boundary relative to this lot. Parking. The number of off-street parking spaces appears to be in compliance with Section 18-905 (*Additional Regulations Pertaining to Places of Worship*). Parking Lot Buffer. A 2-foot separation between the property line and the parking area is proposed. A minimum separation of 5 feet is required. A variance will be necessary. Perimeter Buffer. A minimum 20-foot wide perimeter buffer is required, per Section 18-905.B; 2 feet is proposed. A variance will be necessary. A landscaping plan will be required. Stormwater management must be addressed. A fifty-foot wetland buffer is shown on the eastern corner of the property. Identify the NJDEP

permit number associated with the Letter of Interpretation. Outside agency approvals will include the Ocean County Planning Board, the Soil Conservation District, and water and sewer utility approvals.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Banas had a question about the tax map not showing a right of way and Mr. Slachetka said it does not formally as a public right of way and the applicant can explain whether or not there will be an extension of a street down to the property. Mr. Flannery said the tax map shows it as a building lot owned by the Township. The records in the county courthouse indicate that it is a right of way, there is pavement out there today and there is a street sign out there, so from the applicant's standpoint it is clearly a street, that is why they show it as such. Mr. Penzer said he would like to keep it as a street because they would like to have it as additional parking as a dead end street. This will be the first synagogue that not only has 25 parking spaces and it meets the UDO by one, but they also have a dead end area and adjoining property owner who is present would also like it as a road.

Mr. Banas said he does not see the zone change on the map and Mr. Flannery said that map does not have it but the Minor Subdivision map has it and it basically runs through the center of the lot where the pavement ends and out the back. It splits off a triangle on the front of the proposed schul lot and cuts through the adjoining 2 lots. Mr. Banas said the other thing that disturbs him is in Max's report where there is a curb missing and Mr. Flannery said there will be a curb for the technical meeting. Mr. Penzer asked if they were talking about curb in the immediate frontage of the synagogue or both sides and Mr. Banas said it was identified as Wynatt Street. Mr. Penzer said they can't touch the other side because they don't own it or have access to that and Mr. Banas said if the Township agreed that they wanted it he is sure you would accommodate them in some way and Mr. Penzer said if they would agree or do a 99 year lease. Mr. Banas said at this point he sees no reason to go beyond what is required.

Mr. Akerman does not understand what the 600 sf addition is and Mr. Penzer said it is a mikva. Mr. Akerman asked why is it an addition and Mr. Flannery said it would be phase 2, the initial phase will not include it and after additional fundraising it will be constructed.

Mr. Slachetka said with regard to the lot and the right of way, he thinks it is important for it to retain its' function as a street, but from a technical perspective, is there anything that needs to be done to be identified on the tax maps as a distinct township lot, does the township have to take any action to allow a formal public access through that de facto street. Mr. Penzer said his position is it is open notorious and been more than 20 years and therefore by adverse possession a road exists. They are not claiming ownership but they are saying there is an adverse possession interest of a road being there so that the landowners on each side would argue that it is a township lot but it has been used as a road and Mr. Flannery said his office could provide information to the Township Engineer where the public records indicate it as a road, physically it is a road, and he thinks that the tax map to be amended to show it as a road rather than a tax lot. Mr. Jackson questioned how do they get assurances that it has been there for 20 years, what would a title search show and Mr. Penzer said the Township of Lakewood. Mr. Slachetka said the other reason it is important is because for the Minor Subdivision to be done, technically the newly created lots would not be landlocked if that was a road, but if it was a lot, they would be. Mr. Jackson asked if they have checked with the governing body and Mr. Penzer said they have not and Mr. Banas said he thinks it should be more definitive than that.

Mr. Flannery said it is a conceptual plan. Mr. Penzer said if the Township does not want to make a decision on it and they leave it as a township lot, they are not going to do anything with it, it really doesn't affect this property whether it is a lot or a right of way other than it would have a front yard setback if it is a right of way or a side yard setback if it is a lot and they are taking the more conservative approach by showing it as a front yard setback. Mr. Penzer said not only does this lot dead end, but immediately after is wetlands and the buffer is about 20 ft. in after the road so it will never be a through road. Mr. Banas asked if they got an LOI and Mr. Penzer said they did not get one but there is another person coming in for an application who did a delineation for it and we were advised it falls about 15-20 ft. before our property line and Mr. Flannery said they will locate the wetlands off their property and based on that they will do a 50 ft. buffer and show it on the plans. Mr. Banas said as long as they get the blessing from the town.

Mr. Franklin said the location of the garbage dumpsters should be over where the handicapped space is and handicapped parking be moved over where the #2 parking and the dumpster is you can make that 2 parking spaces. Mr. Penzer said the rabbi wants the entrance to be on Arlington because he wants it to face eastward.

Mr. Flannery said he understood the comments about the parking lot buffers and the regulations and when then they prepare the plans they will take them into account and if they feel a waiver is required they will request one at the public hearing.

8. SD # 1643 (No variance requested)
Applicant: Joseph Grunwald
Location: New Central Avenue, across from Princess Court
Block 11.01 Lots 14 & 16
Preliminary and Final Major Subdivision – 6 lots

Mr. Peters read from a letter dated October 6, 2008 and is entered into the record complete. The Applicant is seeking a Preliminary and Final Subdivision Approval to subdivide two lots into six (6) new lots, to be known as Lots 14.01 through 14.06. The property has the frontage along New Central Avenue. The site is located within the R-12 zoning district. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP Permit for Treatment Works Approval are required. Evidence of the approvals shall be made a condition of the Planning Board approval. Site Plan Review. The applicant has mislabeled Block 11.01 as Block 11.0 on the Cover Sheet and General Notes and should correct it. The applicant has mislabeled Lot 14.06 as Lot 14.05 on the plans and should correct it. The applicant has provided an eight (8) foot shade tree, utility, and sidewalk easement along New Central and proposed Elderberry Court. The applicant shows in the zoning schedule three (3) parking spaces will be provide for each lot. New Lots 14.01, 14.03, 14.04, and 14.06 provide two (2) parking spaces within their respective driveways. Lots 14.02 and 14.05 provide four (4) parking spaces within their respective driveways. The applicant notes what garages will be provided but has not indicated whether one- or two-car garages will be provided. We defer determination of whether the parking requirements have been met to the Board. The applicant should label each soil boring appropriately. The applicant will be required to form a Home Owners Association for the ownership and maintenance of the stormwater management system. The

legal descriptions and HOA documents shall be provided for review. The applicant has proposed to widen New Central Avenue along the property frontage. Curb and sidewalk are proposed along all property frontages. Stormwater Report Review. The applicant should revise the Stormwater Management Facilities Maintenance Plan for residential sites. The applicant will have to provide a construction easement and stormwater easement to tie the proposed system into the existing system situated on adjacent Lots 4.02 and 4.03. Per NJBMP Manual requirements, it is required that stormwater entering a subsurface infiltration basin be pretreated. The applicant should address this issue. Soil Boring #2, situated on existing Lot 16, was performed to a depth of approximately ten (10) feet below the surface, but the proposed drainage system is situated 13.5 feet below the existing ground elevation. The applicant should redo this boring to the appropriate depth, demonstrating a separation of at least two (2) feet between the seasonal high water table and the bottom of the proposed basin. The stormwater runoff calculations should be routed to a single point so all flows can be added up and included in the existing and proposed runoff flow rates. Also, currently, the required reduction in the runoff rate for the 100-year storm has not been met. The applicant should revise the calculations accordingly. Map Filing Law Provide the source of the meridian. The Planning Board Secretary's certification references Little Egg Harbor. Provide complete curve data, including easement lines. The Surveyor's certification in the Map Filing Law does not provide for outbound corner markers "to be set", as stated on this plan. Markers conforming to the requirements of N.J.A.C. 13:40-5.1 are to be set prior to approval of this plan. In the event corner markers cannot be set due to physical restraints, witness markers are to be set as prescribed therein, with a notation added to the plan indicating the relationship to the true corner. Remove the word "proposed" from in Elderberry Court. Provide three coordinates. Label the shaded area shown within New Central Avenue. Include property data. Correct the overwritten text at the end of Elderberry Court.

Mr. Slachetka read from a letter dated September 24, 2008 and is entered into the record complete. The applicant is seeking major subdivision plan approval to create six (6) residential lots from two existing lots. A cul-de-sac street will be constructed to provide access to five (5) of the new lots. There is an existing one-story residential structure on Lot 14 and an existing two-story residential structure on Lot 16. Both existing residential structure are proposed to be razed as part of this subdivision. The site fronts on New Central Avenue. Five of the six residential lots will have access onto a proposed cul-de-sac, Elderberry Court. The existing drive for one of the residential lots will remain and access Central Avenue. The subject site is located within an area of residential uses and is 4.1 acres in area. The applicant has proposed a 5-foot wide right-of-way dedication to Ocean County along New Central Avenue. An eight (8) foot wide shade tree easement and sidewalk is proposed along New Central Avenue and a six (6) foot shade tree easement and sidewalk is proposed on Elderberry Court. The applicant also has proposed a twenty-two (22) foot drainage easement. Zoning. The parcel is located in the R-12 (Residential) Zone District. The proposed residential single-family use is a permitted use within this R-12 Zone District. Variances. The applicant has proposed six (6) conforming residential lots and does not request variances. On the subdivision plan, the applicant indicates that there is an existing granted variance approved for the lots. Please confirm the prior variance approval with the appropriate documentation or remove the note. Review Comments. The applicant is required to specify compliance with Township standards for building coverage on the bulk schedule. The applicant specifies compliance for lot coverage for which there are no Township standards for this zone. Revise the zoning chart. Landscaping. The applicant has proposed twenty (20) Japanese Zelkova (*Zelkova serrata*), an ornamental tree.

While we defer to the Shade Tree Commission, the applicant may consider providing additional variety as well as consider a tree native to this area as part of this subdivision plan. RSIS. The applicant is subject to the requirements of NJ RSIS for off-street parking. As required by RSIS, the requisite number of parking spaces is determined by the number of bedrooms. The applicant has not specified the number of bedrooms proposed for each unit; however, three (3) off-street parking spaces have been proposed per lot which complies with the NJ RSIS. Lighting. The proposed lighting plan is subject to review and comment by the Board Engineer. Driveway. The existing driveway on Lot 14.01 has not been proposed to be removed. The applicant should specify whether this driveway is proposed to be removed as part of this application. Utilities. The applicant indicates that they will connect to existing water and sewer lines. The applicant should provide the Board with verification letters from the appropriate entity. Easements. Revise the shade tree easement width shown on the Final Plat and the engineering drawings. The Final Plat indicates an 8-foot width; the improvement plans identify a 6-foot width. The applicant should prepare the appropriate deed language for the proposed drainage and shade tree easements for the Board's review and approval. Compliance with the Map Filing Law is required. Performance guarantees should be posted for any required improvements in accordance with Ordinance provisions. The street name must be approved by Lakewood Township. The proposed lot numbers must be submitted to the Tax Assessor for review. Section 18-821 (Building Uniformity) must be addressed with the necessary architectural plans. Agency Approvals. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; New Jersey Department of Environmental Protection (TWA Permit); Sewer and water utilities, prior to construction permits; and, all other required Outside Agency approvals.

Mr. Alfieri Esq. appeared on behalf of the applicant and said they agree with most of the comments from the professionals. They do have a few issues to discuss. The reference to a prior granted variance is a typo and will be removed from the revised plan. The applicant will provide at least 4 parking spaces per lot and there will be 5 bedrooms. Mr. Alfieri said there is another error on the plans and that is that the existing home that is on proposed new lot 14.01 was listed as to be removed and it is in good shape and the applicant wishes to retain that home, but by retaining that home there would be a side yard setback variance because that home is relatively close to the existing lot line. They are not exacerbating that variance but it would require a variance. Mr. Banas asked if they needed the building envelope and Mr. Slachetka said they would need to identify the setback lines. Mr. Alfieri said he would re-notice just because he did not notice for that variance and to be safe he would do that and Mr. Banas agreed. Mr. Alfieri said the last issue was in Max's letter and discusses the connection to the drainage easement offsite and the permission from the neighboring property owner and he believes the drainage easement was granted to the Township so if it is a Township drainage easement they would not need permission from anyone to connect to it. Mr. Peters said they were correct if it was connected to a Township easement and Mr. Alfieri said he would have to provide the easement agreement but said his engineer has the paperwork.

Mr. Banas asked about a homeowners association and Mr. Alfieri said there was no stormwater basin but Mr. Franklin said there is storm drainage in the yards and the township will not accept the streets. If they can change the drainage, the township would have no problem accepting the streets and Mr. Alfieri said they would work that out with the engineer but they would obviously like to dedicate the streets to the Township. Mr. Franklin said with storm drainage on private

property he cannot get back there to clean, even with easements. Mr. Alfieri said the remaining comments will be complied with and the applicant's engineer will address.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to advance the application to the meeting of November 18, 2008.

Mr. Alfieri will re-notice because of an additional variance.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

9. SD # 1425C (Variance requested)
Applicant: Osnate Weinstein
Location: corner of Kennedy Boulevard & North Apple Street
Block 172 Lot 16
Minor Subdivision for 2 lots

Mr. Peters read from a letter dated October 5, 2008 and is entered into the record complete. The Applicant is seeking a Minor Subdivision approval to subdivide one (1) lot into two (2) new lots, to be known as Lots 16.01 and 16.02. An existing single family dwelling, garage and shed are located on Lot 16 and will be removed. Two single family dwellings are proposed on Lots 16.01 and 16.02. The property has frontage along North Apple Street and unimproved Kennedy Boulevard East. The site is situated within the B-4 zoning district. The applicant is requesting a minimum area variance for Lot 16.02; 7,500 SF are required for single family dwellings, where 6,843 SF are proposed. Outside agencies approval from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals will be made a condition of final approval. The applicant shall label Block 172.03 on the plan. The applicant shall add property owners for the following lots to the certified list of property owners within 200 FT of the site: Block 172, Lot 6.20; Block 172.01, Lot 6; Block 172.03, Lot 13.20. Curbs and sidewalks are not existing or proposed along the property frontages. The Board should determine if curb and sidewalk will be required and to what extent. The applicant shall provide testimony on how the existing dwelling is provided with water and sewer. Any individual septic systems or wells found on site shall be abandoned in accordance with the state and federal standards and regulations. The plan notes water and sewer will be provided by New Jersey American Water Company. The plans do not show any utilities along the property frontages. The location of the existing utilities shall be shown on the plan to show the feasibility of new connections. The applicant has provided a note stating three parking spaces will be provided for each single family home when the lots are developed. The existing dwelling spans the proposed lot line. The dwelling shall be removed prior to signature of the final Plat or a bond posted to ensure its prompt removal after the subdivision is perfected. Map Filing Law Comments pertaining to the New Jersey Map Filing Law will be provided prior to the public hearing for this application.

Mr. Slachetka read from a letter dated October 3, 2008 and is entered into the record complete. The applicant seeks minor subdivision and variance approvals to subdivide Lot 16 into two lots. New Lot 16.01 will be 10,000 square feet in area, and new Lot 16.02 will be 6,843 square feet in

area. There is an existing residence on the parcel which will be removed prior to the subdivision. The subject parcel is 16,483 square feet in area and situated at the intersection of North Apple Street and Kennedy Boulevard. Kennedy Boulevard has not been constructed at this location. North Apple Street terminates at the northern boundary of the parcel. The surrounding land use to the east is vacant land and there is a residential condominium complex to the north. The structure across the street is listed as residential/commercial. This property was the subject of a prior application of the Planning Board for an extension of major subdivision approval. Previously, a cul-de-sac was proposed within the right-of-way of Kennedy Boulevard. Zoning and Variance. The subject property is located in the B-4 Wholesale Services Zone District. Single-family residences are a permitted use in this zone district with a minimum lot of 7,500 square feet. A variance is requested for a lot area of 6,843 square feet when a minimum of 7,500 square feet is required. The positive and negative criteria for the variance should be addressed. Review Comments. The applicant should provide an update of the status of this application addressing the prior approvals. The Planning Board should decide if a partial turnaround is appropriate for public vehicles. Compliance with the off-street parking requirements of the NJ Residential Site Improvements Standards (NJRSIS) is necessary. The plat indicates that a five-bedroom home is proposed and a minimum of three parking spaces per lot are required. The notes on the plat indicate that three spaces will be provided on each lot which complies with this requirement. The plat does not indicate if the proposed lots will be served by public water and sewer. Utility service should be addressed. Sidewalks are not proposed on either frontage. The existing residence and all improvements must be removed prior to the signature of the plat, unless a performance guarantee is posted. The lot numbers on the plat should be consistent with the lot numbers assigned by the Township Tax Assessor. Compliance with the Map Filing Law is required. Ocean County Planning Board approval is required.

Mr. Shea, Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Shea said this application was already approved for 2 lots by this board, but when they went to Ocean County Planning Board it was unacceptable to them based upon the Kennedy right of way. Mr. Flannery redesigned the plan based on the Ocean County Planning Boards' recommendation and Mr. Flannery showed a rendering of the approved map with the lots turned with a cul de sac on Kennedy Boulevard. It is the same property and the subdivision line ran north and south with the bigger lot on the corner because of the double front setbacks and the smaller lot to the east and this had a cul de sac but the county did not want to maintain a cul de sac for 2 homes and they wanted to give it to the township to maintain and the township did not want it either. So after years of trying to figure it out, they decided to flip it and do the same two lots with a different orientation. The will provide a turn around at the end, they cannot do a cul de sac. They will provide curb and sidewalk along North Apple but they cannot provide it along Kennedy because it is a county right of way and the county does not want any curb or sidewalk that they need to maintain and with the current configuration it is unnecessary. Mr. Banas asked when do they maintain curb and sidewalk and Mr. Flannery said they have to maintain the roadway and the only maintenance you do on curb and sidewalk is 30-40 years later when it breaks you replace it, but it would be curb and sidewalk going nowhere because they do not intend on letting anybody build a road there, the railroad tracks are there and they cannot get a crossing along the tracks. They agree to address the remainder of the comments in the professional's reports.

Mr. Akerman said they were going to develop Kennedy Boulevard and now it is just going to be grass and Mr. Flannery said yes that is the only change.

Motion was made by Mr. Akerman, seconded by Mr. Schmuckler, to advance the application to the meeting of November 18, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

10. SD # 1644 (Variance requested)
Applicant: Whiting Pines Realty Corp. Inc. / Hope Hill
Location: Hope Hill Lane, off Hope Chapel Road
Block 11 Lots 87-89, 91-93, 95, 96
Preliminary & Final Major Subdivision for 15 single family lots

Mr. Peters read from a letter dated October 6, 2008 and is entered into the record complete. The Applicant is seeking a Preliminary and Final Subdivision Approval to subdivide eight (8) existing lots into fifteen (15) new lots. The properties will either have frontage on Hope Hill Lane or on one of the three (3) new cul-de-sacs, Hill Top Court, Mesa Court, and Tel Court, that are to be constructed as a part of this project. The site is located within the R-15 zoning district. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, NJDEP for Treatment Works Approval and Water main extension. Evidence of the approvals shall be made a condition of the Planning Board approval. The applicant shall provide a copy of the easement agreement graining stormwater discharge through the subject property. The easement agreement may place restrictions on the development of the land within the easement area. Site Plan Review. The following proposed lots do not meet the minimum width requirements: Lots 87.04, 87.07, 87.08, 87.09, 87.10, 87.11, and 87.14. The applicant has stated that a variance is required, but has not included the lot numbers in the variance comment on Sheet 3 of 14. The applicant has provided a minimum of 2.5 off-street parking spaces per lot, which conforms to R.S.I.S. requirements. We defer this issue to the Board to determine if additional off-street parking is required. A corner of the proposed dwelling on Lot 87.02 appears to be within the existing drainage easement. The applicant should address this issue. On Sheet 4 of 14, there appears to be some stormwater text on existing Lots 98 and 99 that do not appear to be associated with any section of pipe. The applicant shall address this issue. On Sheet 4 of 14, there are not grate elevations shown for the following proposed inlets: CB#1, CB#2, CB#3, CB#6, CB#7, CB#8, CB#9, CB#12, & CB#13. The applicant should address this issue. On Sheet 4 of 14, it does not appear that soil boring B-1 was shown on the plans. The applicant should address this issue. The applicant has provided a six (6) foot shade tree and utility throughout the existing and proposed development. The applicant should provide a utility easement through proposed Lot 87.12 to accommodate the proposed sanitary sewer and potable water main that are to be connected to existing services within the right-of-way of Adams Street. Stormwater easements should be shown were any stormwater piping or structures are located outside of the right-of-way. The applicant should add a note to the plans indicating the ownership and responsible party(parties) for maintenance of the proposed stormwater collection and infiltration systems. If a homeowner's association is to be the responsible, the appropriate documents should be provided for review. The applicant should revise the Hope Hill Lane profile shown on Sheet 6 of 14 to include all existing and proposed

utilities and stormwater piping situated within the right-of-way. The applicant should revise the Hill Top Court, Mesa Court and Tel Court profiles shown of Sheet 7 of 14 to include all existing and proposed utilities and stormwater piping situated within the right-of-way. The applicant should include a Soils Map showing the types of soils that exist on-site. The applicant should revise the plans to show all pipes within each proposed infiltration basin. Stormwater Report Review. The applicant should provide Existing and Proposed Drainage Area and Inlet Drainage Area Plans for review. The Soil Log Form for Soil Boring #13 has not been provided. The applicant should address this issue. It appears that there is insufficient distance above the seasonal high water table for the infiltration basin between proposed catch basins CB-14 & CB-15 and the basement floor elevation of the dwelling on proposed Lot 87.06. The applicant should address this issue. It shall be noted that a minimum separation of two (2) feet should be provided. Per NJBMP Manual requirements, it is required that stormwater entering a subsurface infiltration basin be pretreated. The applicant should address this issue. It appears that the reduction requirements have been met for the following areas and storm intensities: Area A2 for the 2-, 10, and 100-year storms, Area 4 for the 2-year storm, and Area A5 for the 2-year storm. The applicant shall address these issues. The applicant should provide the Stormwater Management Facilities Maintenance Plan for review. It appears that the proposed street trees are to be planted over the proposed infiltration basins situated along Tel Court and Hill Top Court. This is an unacceptable situation that shall be addressed by the applicant. The stormwater runoff calculations should be routed to a single point so all flows can be added up and included in the existing and proposed runoff flow rates. The applicant should revise the calculations accordingly. Construction Details The applicant should provide a Sanitary Sewer Drop Manhole Detail. The applicant should include the type of stone used to surround the perforated pipe in the Pipe Recharge Trench Detail on Sheet 10 of 14. The applicant should provide a "No Outlet" sign instead of a "Dead End" sign as a part of this project. The applicant should revise the stop sign post detail to include red retro-reflective sheeting on the sign post. The applicant shall add a detail for the street signs proposed for the new road. The street sign detail shall be use 3M hi intensity prismatic reflective sheeting or equal, as approved by the Township Engineer. The sign shall use white # 3930 hi intensity prismatic as the background and blue transparent # 1175 as an overlay. The font shall be Swiss land narrow bold and the sign shall be nine inches wide. Environmental Impact Statement Trident Environmental Consultants (TEC) noted garbage and debris consisting of tires, wood and household waste items. The EIS states that the applicant will "address future concerns". Prior to site preparation and construction, we recommend that the waste items be removed from the site and disposed in accordance with local, State, and federal regulations. The EIS states that no freshwater wetlands are present on the subject property. Wetlands present on the adjacent site have been approved by the NJDEP in a Letter of Interpretation (File No. 1514-06-0036.1). A small portion of the adjacent property's wetland buffer extends onto the subject site. Although the applicant proposes no work within the wetland buffer, we recommend that the wetland buffer line, associated LOI file number, and expiration date be clearly shown on the site plans. New Jersey Map Filing Law The applicant shall address the following comments pertaining to the New Jersey Map Filing Law: Certifications. The Clerk's Street Certification (left side of plan) is duplicated. If the monuments have been set, as indicated by the symbol shown in the legend, the Clerk's certification stating that the monuments have been bonded is not required. If the monuments have not been set, revise the legend to indicate that the monuments are "to be set". Plan Lot 87.01: Provide a dimension to tie the 20' wide drainage easement to the Hope Hill Lane point of curvature on this lot. Lot 87.02: Define the 33.65' dimension shown on the westerly line, and provide a dimension to tie the 20' wide drainage easement to the property line. Lot 87.06:

Label the easterly lot line as non-radial to the cul-de-sac. Lots 87.09/87.10: Verify the curve labeling and dimensions in these lots, along with the information shown in the curve chart. The label C21 is shown twice in Lot 87.09. Also label the common lot line as non-radial. Adjoining Lot 94: Provide the dimension of the southerly line and complete curve data for the frontage common to the Hope Hill Lane cul-de-sac. Hill Top Court: Revise to eliminate the overwritten text along the frontage of Lot 87.02. Mesa Court Provide complete curve data for the easterly end common to the Hope Hill Lane cul-de-sac. Tel Court Provide the width, as the north and south right-of-way lines are parallel.

Mr. Slachetka read from a letter dated October 2, 2008. The applicant proposes to subdivide the subject tract, which consists of eight (8) vacant lots, into fifteen (15) building lots for single-family residences. The applicant also proposes to construct three (3) cul-de-sacs for street access to the proposed lots. Associated improvements, such as sidewalks, drainage, and street lighting, are also proposed. The subject tract is 6.8 acres in area and wooded. The property is situated along Hope Hill Road in the northwestern portion of the Township. The surrounding lands consist of single-family residences and vacant lands. Zoning and Variances. The site is located in the R-15 Residential Zone District. Single-family residences are a permitted use in this zone district. The following variances are requested: Lot width: A minimum of 100 feet is required and Lots 87.04, 91.01, 91.02, 91.05, 95.02 and 95.03 have a lot width less than 100 feet. The applicant should submit the specific proposed lot width of the above-referenced lots. Testimony addressing the positive and negative criteria for the requested variances should be provided. Review Comments. A portion of a shade tree and utility easement must be vacated at three locations. The easement vacation will require an action of the Township Committee. Plat details. Identify the proposed lot widths for lots where a variance is requested. Identify the typical setback dimensions on the lots. The proposed configuration of Tel Court creates a front yard setback along the northerly property line of existing Lot 94. The front yard setback will limit the future development on Lot 94. We note that an existing storm sewer pipe and easement will be located in the front yards of two new lots and the side yard of one lot. This issue should be discussed with the Board with consideration of relocating the majority of the existing pipe to the right-of-way. Some of the stormwater lines are proposed outside of the right-of-way. Easements for maintenance may be appropriate. The Tree Protection Management Plan should be reviewed by the Shade Tree and Environmental Commissions. The applicant should address any and all comments of the Commissions. Street lighting should be reviewed by the Board Engineer. Off-street parking for each of the new lots must comply with the NJ RSIS. The plans indicate a minimum of three (3) off-street spaces will be provided on each lot. Since the bedroom count of the proposed dwellings has not, as yet, been submitted, the number of spaces complies with the NJ RSIS standard. All improvements should comply with the NJ RSIS. The project will be served by public water and sewer. Handicap ramps should be identified on the improvement plans. The provisions of Section 18-821 (*Building Uniformity*) must be addressed. Screening should be provided along the rear lot line of Lot 87.03 to buffer the existing detention basin. Compliance with the Map Filing Law is required. The proposed lot numbers should be submitted to the Lakewood Township Tax Assessor for approval. Evidence of the approval should be provided to the Planning Board. The proposed street names should be reviewed by the Township for potential duplications. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; and, Water and sewer utilities;

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said they will address the comments in the professionals' reports. There is no easement agreement for the storm sewer, that is an easement that was created by the subdivision map and as far as relocating it, they feel that where it is they get nice building envelopes and would prefer to leave it where it is. The other comment with regard to screening to the detention basin, they would not be proposing to screen the detention basin, the basin is there, the homes they are building are not going to impact the basin and any landscaping an ultimate homeowner would want to do on that lot with respect to the basin but he felt some people might find the basin to be attractive to look out and see that open space there rather than screening to prohibit. Other than that they agree to address the remaining issues.

Mr. Banas asked about parking and asked how many bedrooms they were putting in and Mr. Flannery said they will revise the plans to show 4 spaces and will show 4 spaces on the map. They do not have architectural. Mr. Banas asked about attics and basements and Mr. Flannery said this is a subdivision application and they do not know what is going to be built, they are subdividing the lots, these are going to be custom lots and the type of houses that would be built would probably be similar to the ones on Reagan Court and they are typical Lakewood houses of 5 bedrooms, 2 story close to 3,000 sf. We can tell you that is what they are going to be like, but it is not going to be the plan that will be built but 4 parking spaces exceed the RSIS by 1 _ and most people on the larger lots provide bigger driveways ultimately when they come in with a plot plan.

Mr. Schmuckler asked about the center turn around in the middle and if it services any houses and Mr. Flannery said it is an existing cul de sac that there is one house and they have indicated it on the plans. Mr. Schmuckler asked if they could straighten out Lot 87.06 and Mr. Flannery said that would have an impact on that one neighbor and that one neighbor probably enjoys his cul de sac. Mr. Akerman said it does not show a radius for the cul de sac and Mr. Flannery said it is the RSIS compliant of 50 ft.

Motion was made by Mr. Akerman, seconded by Mr. Schmuckler, to advance the application to the meeting of November 18, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

11. SD # 1645 (Variance requested)
Applicant: Reisz & Lipschitz
Location: northeast corner of Clifton Avenue & 11th Street
Block 112 Lots 3 & 11.0
Minor Subdivision from 2 lots to 3

Mr. Peters read from a letter dated October 5, 2008 and is entered into the record complete. The Applicant is seeking a Minor Subdivision approval to subdivide two (2) lots into three (3) new lots, Lots 3.01, 3.02, and 11.03. An existing single family dwelling is located in Lots 3.01 and 3.02 and will be removed. Two duplex dwellings are proposed on Lots 3.02 and 11.03. No construction is proposed on Lot 3.01 at this time. The property has frontages along Clifton Avenue (County Route #528) and Eleventh Street. The site is situated within the R-10 zoning

district. The applicant is requesting a minimum area variance for Lot 3.01; 10,000 SF is required, where 9,750 SF are provided. Outside agencies approval from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approval will be made a condition of final subdivision approval. An aerial map from NJDEP shows Lot 11.03 is located in a potential wetland area and the majority of Lots 3.01 and 3.02 are also within the potential wetland area as well. The applicant shall investigate the site, and if no wetlands are found, provide a written verification that no wetlands exist on site. We recommend the applicant obtain a wetlands presence/absence determination from the NJDEP for their own protection. Lot 3.01 is a corner lot, the plat shall be shown to have two front yard setbacks, one side yard, and one rear yard. These revisions shall be made on the plan view and in the zoning schedule. The existing dwelling spans the two proposed lots and shall be removed prior to signature of the final plat or a bond posted to ensure prompt removal of the structure. The buildings that are to be removed shall be labeled on the plans as "to be removed." The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for each lot. Per NJ RSIS standard, two and an half (2.5) off-street parking spaces are required for each unit with unknown number of bedrooms. Since duplex dwellings are proposed; a minimum of five (5) parking spaces for Lots 3.02 and 11.03 shall be provided. The Board should determine if the number of parking spaces provided will be sufficient. Curb and sidewalks exist along the property frontages. A note shall be added to the plans stating any damaged or deteriorated curb or sidewalk will be replaced as directed by the Township Engineer. A 6' shade tree and utility easement along the property frontage is required to be dedicated to the Township. Comments pertaining to the New Jersey Map Filing Law will be provided prior to the Public Hearing for this application.

Mr. Slachetka said his letter is dated September 25, 2008 and is entered into the record complete. The applicant seeks minor subdivision and variance approval to subdivide Lots 3 and 11 into three (3) building lots. Proposed Lot 3.01, a corner lot, will be 9,750 square feet in area; Lots 3.02 and 11.03 will be 12,000 square feet in area. Lots 3.02 and 11.03 are proposed for duplex dwelling units. The tract is located at the intersection of Clifton Avenue and Eleventh Street. The subject property is 33,750 square feet (0.77 acres) in area. The site contains a one-story dwelling and a masonry garage. Both structures will be removed. The tract is located in the R-10 Zone; single-family and duplex dwellings are permitted uses in the zone. Duplex dwellings are permitted if a minimum lot area of 12,000 square feet is provided. A lot area variance is requested for new Lot 3.01; a minimum of 10,000 square feet is required and 9,750 square feet is proposed. The positive and negative criteria for the requested variance must be addressed. Review Comments. New Lot 3.01, the corner lot, is shown with two (2) front yard setbacks and two (2) side yard setbacks. One of the side yards must be a rear yard with a minimum setback of 20 feet. The plan should be revised. The status of the existing garage and shed should be shown on the plat as to be removed. There is existing sidewalk along both street frontages. We recommend that assurances be provided via a note on the plan that any damage to the existing sidewalk during construction will be repaired. The existing dwelling must be removed prior to the filing of the plat. Otherwise, a bond must be posted with the Township. Off-street parking shall comply with the NJ RSIS. The plat indicates that three (3) off-street parking spaces will be provided. The bulk chart should be revised to indicate three (3) spaces per unit. Based on the fact that the number of bedrooms in each unit has not, as yet, been specified, the plan is in compliance. Compliance with the Map Filing Law is required. A shade tree easement should be shown on the plat. Street trees should be required for all lots.

The following approvals are required: Ocean County Planning Board; Soil Conservation District, prior to construction permits; Sewer and water utilities, prior to construction permits.

Mr. Lines appeared on behalf of the applicant. He said they will provide 3 parking spaces for each duplex where 5 are required. Mr. Banas asked how many bedrooms and Mr. Lines said probably 5 and Mr. Banas said he is not generous enough and they have asked for at least 4 parking spaces. Mr. Lines said they can provide 4 parking spaces per duplex and definitely for the single family. Mr. Lines said he did not believe there were any wetlands on the property but they will check into it. They do not have any problems with complying with the comments in the professional's reports. Mr. Kielt asked him to clarify the parking, they are going to provide 4 parking spaces per unit, or 8 per duplex and Mr. Lines said yes.

Mr. Jackson asked about the architectural plans and if there were going to be any rooms that would be ambiguous such as den, study, sitting room etc. that could be converted to a bedroom and Mr. Lines said he has not seen any and Mr. Banas said architectural plans are required. Mr. Lines said he did not think they were required for a Minor Subdivision and Mr. Banas said he has difficulties with that and asked if there were basements and Mr. Lines said he did not have an answer and Mr. Banas said that is why they need architecturals. Mr. Banas said they cannot render a decision if they don't know what they are building, even though it is a subdivision.

Mr. Kielt said typically on a Minor Subdivision they do not request architectural plans; however, the board has flexibility in a case like this, where the lot is tight, that they can request architectural plans and he suggests showing the parking spaces on the plans. Mr. Lines said they will resubmit plans to address the comments of the professionals, and they will show the footprint of the units on the subdivision, he will include the driveways and show parking and they will provide architectural plans.

Mr. Schmuckler clarified the amount of parking spaces per duplex if there is a basement, they would want more spaces and Mr. Banas said they would need more than 4 per unit.

Motion was made by Mrs. Koutsouris, seconded by Mr. Fink, to advance the application to the meeting of November 18, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

12. SD# 1646 (Variance requested)
Applicant: Moshe Zucker
Location: southeast corner of Linden Avenue & Stirling Avenue
Block 189.17 Lot 151
Minor Subdivision to create 2 lots

Mr. Peters read from a letter dated October 5, 2008 and is entered into the record complete. The Applicant is seeking a Minor Subdivision approval to subdivide one (1) lot into two (2) new lots, to be known as Lots 151.01 and 151.02. An existing single family dwelling is located on Lot 151 and will be removed. Two single family dwellings are proposed on Lots 151.01 and 151.02. The property has frontages along Linden and Stirling Avenues. The site is situated within the R-10

zoning district. The applicant is requesting the following variances: Minimum lot area: For both lots, 10,000 SF are required for a single family dwelling, where 7,500 SF and 9,750 SF are proposed, respectively. Minimum lot width: For both lots, 75 FT are required, where 50 FT and 65 FT are proposed, respectively. Minimum front yard setback: For both lots; a 30 FT is required, where a 25 FT setback is proposed. Minimum side yard (one side) setback: For both lots; a 10 FT setback is required, where a 7 FT setback is proposed. Minimum combined side yard setback: For both lots; a 25 FT combined setback is required, where 15 FT is proposed. Outside agencies approval from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals will be made a condition of final approval. The applicant shall correct the discrepancy between the 20 FT rear yard setback proposed in the Zoning Data Table and the 15 FT rear yard setback shown on the plan view. Per the zoning schedule, a 20 FT rear yard setback is required. The handicap ramp is required to have a detectable warning surface with truncated domes. The applicant shall correct the ramp detail to show the warning surface. The applicant shall show the proposed handicapped ramp location on the plan. The existing dwelling on Lot 151 shall be removed prior to signature of the final plat or a bond posted to ensure prompt removal of the structure. The applicant shall provide testimony on whether individual septic systems and wells are found on site and how the proposed dwellings will be served with water and sewer. It is unclear on the plan whether the proposed lots shall be serviced by water and sewer utilities. The applicant shall identify utility service to the proposed subdivision on the plan. The applicant has provided three (3) parking spaces per single family lot. The Board should determine if the proposed number of parking spaces will be sufficient. Curbs and sidewalks are shown on the plan existing along the property frontages. It is not clear what features are existing and what is proposed. The applicant shall clarify the plans, using distinguishable line types. A six-foot (6 FT) shade tree and utility easement is proposed to be dedicated to the Township. The applicant shall correct the typographical errors in General Notes #5 and #7. It is recommended that the R.O.W. easement along Stirling Avenue be a R.O.W. dedication to the Township to create a continuous R.O.W. line. The easement for future widening along Linden Avenue is appropriate. A dedication would increase the need for lot area and width variances for Lot 151.02. Map Filing Law Comments pertaining to the New Jersey Map Filing Law prior to the public hearing for this application.

Mr. Slachetka read from a letter dated September 24, 2008 and is entered into the record complete. The applicant seeks minor subdivision and variance approvals to subdivide an existing oversized lot into two (2) non-conforming lots. The parcel contains a single-family residence, which will be demolished as part of this application. The property is located at the intersection of Stirling Avenue and Linden Avenue in the northeastern portion of the Township. The surrounding land uses are mostly single-family residential. Zoning and Variances. The parcel is located in the R-10 Residential Zone. Single-family dwellings are a permitted use in this zone district. A following variances are required: Lot Area: A minimum of 10,000 square feet is required; proposed Lot 151.01 will be 7,500 square feet and proposed Lot 151.02 will be 9,750 square feet. Lot Width: A minimum lot width of 75 feet is required; new Lot 151.01 will be 50 feet in width and new Lot 151.02 will be 65 feet in width. Front Yard Setback: A minimum of 30 feet is required and both lots have a proposed front yard setback of 25 feet. Lot 151.02 is a corner lot and has two front yards. Side Yard Setback: A minimum of 10 feet on one side and a total of 25 feet on both sides is required. Proposed Lot 151.01 provides 7 feet on one side and a total of 15 feet. Proposed Lot 151.02 provides 7 feet on one side. The minimum side yard for both sides on proposed Lot 151.02 should be noted as "NA" on the bulk schedule. Building

Coverage: A maximum of 25% is allowed. A building coverage of 30% is proposed for both lots. The applicant should address the positive and negative criteria for each of the requested variances. The applicant should be prepared to discuss the planning benefits of the reduced lot area and width and the lesser setbacks. **Consistency of the proposed lots with the neighborhood** should be addressed. **Review Comments.** **Plat.** The plat indicates two (2) side yard setbacks for new Lot 151.02. Each lot must contain a rear yard. Revise the plat to indicate a 20-foot rear yard setback. **Existing Dwelling.** The existing one-story dwelling shown on the plat as “to be removed” must be demolished prior to filing of the plat, or a bond should be posted. **Dedications.** A five (5) foot wide right-of-way easement is shown on the plat on Stirling Avenue and Linden Avenue. Based on the prevailing 50-foot wide right-of-way on Stirling Avenue, a dedication may be appropriate. The prevailing right-of-way on Linden Avenue is 40 feet. A right-of-way dedication will impact the proposed lot area of Lot 151.02 and require an adjustment of front yard setback on Stirling Avenue. **Sidewalks.** Existing or proposed concrete sidewalk is provided on both street frontages. **RSIS.** Compliance with the off-street parking requirements of the NJ RSIS is required. The applicant proposes three (3) off-street spaces per lot which complies with the NJ RSIS. **Street Trees.** The applicant has provided a shade tree easement on both street frontages. **Utilities.** The applicant indicates that the existing utilities are to remain. The applicant should indicate how the new dwellings will be serviced. **Lot Numbers.** The applicant should obtain new lot numbers from the Township Tax Assessor. Evidence should be submitted to the Board Engineer. Compliance with the Map Filing Law is required. Outside agency approvals which will be required include: Ocean County Planning Board; Soil Conservation District, prior to issuance of a construction permit; and, Sewer and water utilities, prior to issuance of a construction permit.

Mr. Lines appeared on behalf of the applicant and said these are single family homes and agree to comply with the comments in the professionals’ report. Mr. Banas asked him about the question Mr. Peters raised about parking and asked how many bedrooms there were and Mr. Lines said they do not have houses designed for these lots yet and Mr. Banas said it is very important to establish how many bedrooms they would be providing so the board can establish the number of parking spaces. Mr. Lines said based on RSIS which requires 2.5 spaces, they are providing 3 and Mr. Banas said he remembers the comments from the previous application and they apply here. Mr. Lines said he understood.

Mr. Kielt asked Mr. Banas if he is requesting architectural plans and Mr. Banas said yes.

Motion was made by Mrs. Schmuckler, seconded by Mr. Fink, to advance the application to the meeting of November 18, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

13. **SD# 1647** (Variance requested)
Applicant: Moshe Zucker
Location: Ridge Avenue, adjacent to Manetta Avenue
Block 223 Lot 92
Minor Subdivision to create 2 lots

Mr. Peters read from a letter dated October 5, 2008 and is entered into the record complete. The Applicant is seeking a Minor Subdivision approval to subdivide one (1) lot into two (2) new lots, to be known as Lots 92.01 and 92.02. An existing single family dwelling is located on Lot 92 and will be removed. Two duplex dwellings are proposed on Lots 92.01 and 92.02. The property has frontage along Ridge Avenue at its intersection with Manetta Avenue. The site is situated within the R-10 zoning district. The applicant is requesting the following variance for both proposed lots. Minimum lot area: 12,000 SF are required for duplex and two family dwellings, where 10,275 SF are proposed. Minimum lot width: 75 FT are required, where 50 FT are proposed. Minimum front yard setback: 30 FT is required, where a 25 FT is proposed. Minimum side yard (one side): 10 FT is required, where 7.5 FT is proposed. Minimum combined side yard setback: 25 FT is required, where a 15 FT is proposed. The applicant shall correct the discrepancy between the 20 FT rear yard setback proposed in the Zoning Data Table and the 15 FT rear yard setback drawn on the plan. The applicant shall correct the discrepancy between the tax map sheet number noted in the Title Block and General Notes, and the sheet number listed in the Tax Map Data. Outside agencies approval from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approval will be made a condition of final approval. The applicant shall identify the line marked "S.L." which crosses the sanitary sewer main and enters into Proposed Lot 92.01. It is unclear on the plan whether the proposed lots shall be serviced by water and sewer utilities. The applicant shall identify utility service to the proposed subdivision on the plan. The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for each lot. Per NJ RSIS standard, two and an half (2.5) off-street parking spaces are required for each unit with unknown number of bedrooms. Since duplex dwellings are proposed; depending on the proposed number of dwelling units, a minimum of five (5) parking spaces for Lots 92.01 and 92.02 shall be required. The Board should determine if the number of parking spaces is sufficient. The applicant shall provide a general note addressing the required number of parking spaces per dwelling. Curbs exist along the property frontage. An existing concrete sidewalk is labeled on the plans but none is drawn. The sidewalk shall be clarified.

Mr. Slachetka read from a letter dated September 25, 2008 *Revised October 6, 2008* and is entered into the record complete. The applicant proposes to subdivide Lot 92, a 0.47-acre parcel, into two (2) building lots for duplex dwellings. A total of four (4) dwelling units are proposed for the two new lots. The property contains an existing structure which will be removed. The site is located on the north side of Ridge Avenue at the intersection with Manetta Avenue. The surrounding land uses are single-family residential dwellings. Zoning and Variances. The property is located in the R-10 Residential Zone. Single-family dwellings are permitted on a minimum of 10,000-square foot lots; duplexes are a permitted principal use provided the lots have a minimum lot area of 12,000 square feet. The following variances are requested: Lot Area: A minimum lot area of 12,000 square feet is required for duplex dwellings; 10,275 square foot lots are proposed. Lot width: A minimum of 75 feet is required; 50 feet is proposed for both lots. Front Yard Setback: A minimum of 30 feet is required; 25 feet is proposed for both lots. Side Yard Setback: A minimum of 10 feet is required on one side and a total 25 feet on both sides; 7.5 feet is proposed on one side and a total of 15 feet on both sides for both lots. The positive and negative criteria for the requested variances should be addressed. The Planning Board should consider requesting submission of architectural drawings of the proposed duplex structures to be able to fully evaluate the negative criteria for the requested lot width and side yard setback variances. Review Comments. An existing concrete walk is noted on the plat. Clarify the location and width of the sidewalk. A shade tree

easement, 6 feet in width, is proposed. However, no street trees are proposed. The right-of-way of Ridge Avenue along the frontage of the parcel is 33 feet. The appropriateness of a dedication of right-of-way or road widening easement should be discussed. Off-street parking must comply with the NJ RSIS. A minimum of three (3) spaces per unit is required. The location of the off-street parking spaces on each lot should be clarified. Compliance with the Map Filing Law is required. The existing structure to be removed must be removed prior to filing of the map or a bond should be posted. The new dwelling units will be served by public sewer. This application is subject to the following outside agency approvals: Ocean County Planning Board: Water and sewer utilities, prior to construction permits; Soil Conservation District, prior to construction permits.

Mr. Banas said it seems as though architectural plans are needed again.

Mr. Lines appeared on behalf of the applicant and said he will provide architectural plans. He said he will comply with the remaining comments in the professionals' reports. Mr. Banas said to be advised when there is a 5 bedroom house, the board requests 4 parking spaces, and that includes duplexes. The board is also looking to see if there is a basement.

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to advance the application to the meeting of November 18, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

14. SD# 1648 (Variance requested)
Applicant: Moshe Zucker
Location: Maple Avenue, south of East 7th Street
Block 234 Lot 9
Minor Subdivision to create 2 lots

Mr. Peters read from a letter dated October 5, 2008 and is entered into the record complete. The applicant is seeking a Minor Subdivision approval to subdivide Lot 9 of Block 234 into two new lots, to be known as Lots 9.01 and 9.02. An existing two (2) story dwelling and a garage are located on site and will be removed. No construction is proposed under this application. The property is located along Maple Avenue, south of East Seventh Street. The site is situated within the R-7.5 zoning district. The applicant is requesting individual side yard setback and combined side yard setback variances for both new lots; 7 FT one side and 15 FT combined are required; where 5 FT and 10 FT are provided. The applicant shall provide testimony on why the above variances are requested, since there are sufficient lot widths to provide the required side yard setbacks for each new lot. The Board should be aware that a minimum lot area of 10,000 SF is required when two family/duplex structures are proposed in the R7.5 zone. The applicant shall provide testimony on the intention of the subdivision. Outside agency approval from the Ocean County Planning Board is required. Evidence of the approval shall be provided as a condition of the final approval. The applicant shows in the zoning schedule three (3) off-street parking spaces will be provided for each lot. Per NJ RSIS standards, two and an half (2.5) off-street parking spaces are required for single family dwellings with unknown numbers of bedrooms. The Board should determine if the proposed number of parking spaces will be

adequate. The applicant shall provide testimony on how the existing dwelling is served with water and sewer. If the dwelling is served by a well and individual septic system, the applicant shall indicate on the plan that the system will be abandoned in accordance with all state and county standards and regulations. Based on our visit to the site, no water valves or sewer manholes were found in the project area. The existing dwelling and its associated structure shall be removed prior to signature of the final plat or a bond posted to ensure the prompt removal of those structures. The applicant shows on the plan concrete curb exists along the property frontage. A detail of concrete sidewalk is show on the plan. The applicant shall revise the plan to show layout of the proposed sidewalk as sidewalk is required along the property frontage by the Planning Board. The handicapped ramp detail shall be revised to show a detectable warning surface with truncated domes. The applicant shall correct the typographical errors in General Notes #5 and #7. Map Filing Law Comments pertaining to the New Jersey Map Filing Law will be provided prior to the Public Hearing for this application.

Mr. Slachetka read from a letter dated September 25, 2008 and is entered into the record complete. The applicant seeks minor subdivision and variance approvals to subdivide an existing lot into two conforming parcels. There is one existing single-family dwelling and an accessory garage on the site; both will be removed. The parcel is 23,022.7 square feet (0.53 acres) in area. The property is located on the west side of Maple Avenue south of East Seventh Street. The surrounding land uses are single-family residences. Zoning and Variances. The parcel is located in the R-7.5 Residential Zone. Single-family dwellings are a permitted use in this zone district. The following variances are requested: A side yard setback of 5 feet is proposed for both lots when minimum of 7 feet is required. A combined side yard setback of 10 feet is proposed for both lots when a minimum of 15 feet is required. The positive and negative criteria should be addressed. Review Comments. Sidewalk. No sidewalk exists or is proposed along Maple Avenue. Street Right-of-way. We note that the existing right-of-way of Maple Avenue is 20 feet wide with a 22- foot wide pavement. A right-of-way dedication or road widening easement to provide a 25-foot half section should be required. Currently, approximately 7.5 feet along the parcel frontage is paved. This issue should be discussed with the Planning Board. A right-of-way dedication will impact the proposed lot area of the new lots and require an adjustment of front yard setback on Maple Avenue. Compliance with the Map Filing Law is required. The existing one-story dwelling and garage shown on the plat as "to be removed" must be razed prior to filing of the plat, or a bond should be posted. Off-street parking. The applicant has not specified the number of bedrooms in each new dwelling and three (3) parking spaces per lot are proposed. Therefore, as shown, the subdivision is in compliance with the NJ Residential Site Improvement Standards. Street trees should be provided for each lot. Information as to water and sewer utility services should be provided. Approval of the Ocean County Planning Board is required. Prior to the issuance of construction permits, approval of the Soil Conservation District should be required.

Mr. Lines appeared on behalf of the applicant and said the current structure is serviced by water and sewer and they will be continuing that service. With regard to the sidewalks, the Township just rebuilt Maple Avenue several years ago and did not provide sidewalks. Mr. Banas said they are required and Mr. Lines said they would provide them. Mr. Banas asked Mr. Lines if he understood the requirements of the board with regards to the sidewalks; the width of the roadway determines the width of the sidewalk and this would be a 4 ft. sidewalk. Mr. Lines asked if they could provide a right of way easement rather than a dedication and Mr. Jackson said it was a style choice and Mr. Lines said if they dedicate a right of way, then they are

reducing the lot area, but if they provide an easement then the lot area stays the same and all the other requirements remain the same. Mr. Slachetka said the easement would be provided assuming that at some point the Township would want to acquire the right of way that they would dedicate the easement, otherwise the board is asking them to construct the right of way and do the improvements so that right of way and cartway exists at that lot. Mr. Franklin said he would want them to do it and Mr. Banas said of course. Mr. Lines said the road was just reconstructed and Mr. Jackson said if they give the land to the town then it reduces the lot area and that is how it is typically done and the town has the right of way, and at the end of the day it is the same thing. Mr. Banas asked if it costs the town any money or the developer money and Mr. Jackson said it doesn't make any difference either way but Mr. Banas and Mr. Franklin thought it did. Mr. Peters had a question for Mr. Franklin and said looking at this one block of street it doesn't look like it is something for the Township to widen in the future so if the Planning Board chooses to take a dedication that is one thing, but to require the applicant to widen the stretch of road where it is going to be narrowed down at both ends of the property wouldn't make much sense. Mr. Fink also agreed. Mr. Jackson said it is 6 of one, _ dozen of another, whichever the board prefers they can check with the Township Engineer, the only difference is it will make the lot smaller. Mr. Jackson asked if it would invoke other variances and Mr. Lines said possibly, he would have to look at it. Mr. Banas said at this point they are looking at the plans to see if they are in a position to advance them to a public hearing and all decisions will be made at the public hearing so it is incumbent on the applicant to present all of the arguments at that time. Mr. Jackson suggested Mr. Peters check with the Township Engineer to see what his preference is and Mr. Slachetka added was there will not be any added lot area variances or other variances, they would just have to adjust the front yard setback if it is dedicated rather than an easement, so there would be no variances occurred with a dedication. Mr. Banas agreed and said Mr. Peters should check with the Township Engineer for his preference and Mr. Lines agreed.

Mr. Banas asked Mr. Lines if he read all the comments by the professionals and Mr. Lines said he agreed to comply with them.

Motion was made by Mr. Fink, seconded by Mr. Percal, to advance the application to the meeting of November 18, 2008.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

The next item heard was item #8

5. PUBLIC PORTION

-None at this time

6. CORRESPONDENCE

Mr. Kielt had one item of correspondence that he received from the zoning officer with respect to a proposed school on Joe Parker Road. It is dated today from Ed Mack to Kevin Kielt and says "Recently I received a change of use application for a school at 509 Joe Parker Road. The school consists of one classroom and about 16 students. The question is to whether a school this size would require a hearing by the Planning Board. The site involvement would be minimal and apparently the need for the school is crucial. Please let me know how the board feels about this issue."

Mr. Banas asked where it is located and Mr. Kielt said he believed it is a couple of houses from where they looked at the school Chinuch Labovics where they put in the trailers. Mr. Banas said why wouldn't the board hear this application, since they look at all of the others. Mr. Kielt said the ordinance provides for a site plan exemption for several things; however, there are parameters you have to meet or else it triggers Site Plan. Mr. Kielt hasn't spoken to Mr. Mack but assumes that if he felt it met the parameters he would not have seen the letter because he has done several schools in town that the board has not seen. Mr. Jackson asked to see the letter. Mr. Jackson said Rabbi Birnbaum came to his office today and Mr. Jackson spoke to Mr. Mack about this and what Mr. Mack told him was that the site plan exemption criteria is that there cannot be any changes to the site and Mr. Jackson took a look at the ordinance with the rabbi and it says it has to not have any variances or not require any site work. Mr. Mack said the issue was that he was not comfortable with the buses, mini vans, etc. dropping on and off on Joe Parker Road, he thought that would require a Site Plan. Mr. Jackson spoke with the rabbi who said he is not doing any site improvements, so it sounds like this is the zoning officer's call and the zoning officer is looking for some type of direction from the board as to whether the board deems this is the type of thing that they would like to see come before the board or if it is not. Mr. Jackson does not believe there is any construction going on, there is a driveway there and the rabbi indicated that it does meet the parking requirements.

Mr. Banas asked Mr. Kielt if there were any plans given with the letter and Mr. Kielt said there was copy of a plan of survey which shows an existing house with an existing driveway with a pool in the back. One question would be what are the buses going to do if it came in front of the board, the board may require a circular driveway for the buses, but this is what we got, we got a sketch. The rabbi was present and Mr. Jackson asked him to bring up a copy of the building plans so he can show it to the board.

Rabbi Birnbaum, owner of 509 Joe Parker Road, gave plans to the board. Mr. Banas said he never looked at a school without looking at a set of plans and direction and this does not tell him a thing. The professional staff has not looked at it and he thinks what they should do is look at this and study it, we can't just ok it. If the zoning officer has sent us a letter, he is concerned about something or he would have just used the powers that he has at his command. To look at this like this, it does not meet the criteria.

Mr. Fink asked if the children walk to school and Rabbi Birnbaum said they are bussed. The bus pulls off the road in front of the building and there are only 16-17 children total, they are teenagers, 14-15 years old. There are no mini vans, no traffic. This is a high school with one bus which pulls off the road on the other side of the white line.

Mr. Akerman said it is a one classroom school which is probably transitional and they are probably going to build a bigger building once they have more students.

Rabbi Birnbaum said he understands they will have to come in front of the board if they expand. Mr. Akerman said he does not know why they have to come in front of a board for one classroom.

Mr. Banas asked where it was located and the rabbi explained that it was past the farm before the apartments. Mr. Franklin said there should be a presentation in front of the planning board, the neighbors probably want to be a part of application he imagines. Mr. Banas said he is thinking that for a bus to move off the roadway, he doesn't think there is enough room and Mr. Franklin said that is why they come in front of the Planning Board, so they board can see the plans, and the traffic. Mr. Akerman did not understand why he had to come to the board and neither did the rabbi, he just wanted a change of use. Mr. Banas asked what is Mr. Mack asking for and Mr. Kielt said he is asking for direction from the board and how they feel about this issue.

Mr. Banas said they know how he feels and Mr. Schmuckler had a legal issue. He asked Mr. Jackson what was the difference in what the board feels and Mr. Jackson said he explained to the rabbi that the zoning officer is an official who has his own statutory authority and there have been times that the zoning officer is not confident and not sure and he has asked for an opinion. The zoning board's attorney is the municipal attorney, but from time to time he will ask the planning board for their input, such as this time, as in Ordinance Section 18-601, he is asking for clarification. Mr. Schmuckler said the letter sounds like the zoning officer is asking this board to help him do his job and Mr. Banas said it goes beyond that. If this board makes a mistake, we appeal to him for the right way of doing it, not the other way around. Mr. Jackson said he does not think it is uncalled for him to ask the board's opinion.

Mr. Fink said with all due respect, he understands what Mr. Akerman is trying to say about expansion next year and the year after and he agrees with him. He thinks we should face this now and hear it and when he does come for expansion then we can consider it. Mr. Franklin thinks there should be a presentation made to the Planning Board, start the thing on the right foot. There definitely needs a turn off to get the bus off the road to unload 16 kids. He said every school they have had so far has done well with them and they should come before the board, explain what you are doing, let the public from the area know what you are doing, don't surprise them. Why skirt it now?

Mr. Percal said most schools have come in front of this board with a proposed plan, they want to build something, they want to change something, this particular school is not asking for anything at this point, it is just one new classroom and there is no request for any additional building at this point. Mr. Banas said except it gives authority of approval or disapproval. Mr. Franklin said they have had a lot of houses come before them that were made into schools and then shortly after additions were put on and he said to do the thing right so that the public knows that they are doing the thing right and they are not picking someone and saying we will pass this one through.

Mr. Schmuckler asked Mr. Jackson if they can legally recommend they come to the board without closing them down and Mr. Franklin said that is the zoning officer's job. Mr. Percal asked if there is a construction plan, is there anything to come to the board and Mr. Kielt said it is an abbreviated Site Plan application or a Minor Site Plan/Change of Use Site Plan which has less requirements. If it was not a permitted use, it would have to go to the Zoning Board.

Mr. Banas said this does not give him enough to operate, it is just not complete and if they were going to expand the school, there is just no land to expand. The rabbi said they don't plan on expanding and Mr. Franklin said even if they don't plan on expanding, bring it to the board and do it the right way. Mr. Banas said there is another thing that has transpired over the years and that is the board used to sit and discuss items in the minution details and he would get home at 2am and they fought for time constraints to the point where we are now. We had methods where people didn't know where they fit in the time schedule and we established one. That schedule is maintained until the schedule is complete, simply because we established rules. When we have a request for a school, let's do it right as Mr. Franklin is indicating. Let's look at the safety and health for the school and he visions that bus coming down the road, putting the lights on and stopping, and some driver just slamming into that bus. He could not live with that.

Mr. Percal said he would recommend that they schedule a presentation by the rabbi to the school and he proposes he continue to operate until such time as he makes his presentation. Mr. Schmuckler asked if the rabbi was planning on making an expansion because if he is he should do it now so he does not have to come back to the board a second time.

7. APPROVAL OF MINUTES

- Minutes from September 16, 2008 Planning Board Meeting
- Minutes from September 23, 2008 Planning Board Meeting

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

8. APPROVAL OF BILLS

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary