

I. CERTIFICATION OF COMPLIANCE

Both the Chairman and Vice Chairman were not present.

Mr. Schmuckler made a motion to nominate Mr. Banas to serve as Chairman for tonight's meeting and it was seconded by Mr. Franklin.

Roll Call: Mr. Herzl; yes, Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes

Chairman Banas called the meeting to order at approximately 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. Herzl, Mr. Franklin, Mrs. Koutsouris, Mr. Akerman, Mr. Banas, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

Mr. Kielt said there were 2 changes to the agenda. Under New Business item #1 –SD 1685 Dan Reich asked to be tabled per the request of the applicant's attorney and it will be re-scheduled to the meeting of December 15, 2009

Motion was made by Mr. Schmuckler, seconded by Mr. Herzl, to table to the meeting of December 15, 2009

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

Mr. Kielt said the second change is item #4 – SD 1509B Majestic Contracting asked to be tabled per the request of the applicant's attorney and will be rescheduled to the meeting of December 15, 2009

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris to table to the meeting of December 15, 2009

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

4. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1684 (No Variance Requested)
Applicant: Levi Steiner
Location: corner of East Fifth Street & Manetta Avenue
Block 236 Lots 15 & 53
Minor Subdivision to create 2 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mrs. Koutsouris; abstain, Mr. Akerman; abstain, Mr. Banas; abstain, Mr. Schmuckler; yes

2. SD # 1666 (Variance Requested)
Applicant: Chaya Wohlender/Ridgeview Gardens
Location: Ridge Avenue, south of Hackett
Street Block 238 Lots 15, 16,
17
Minor Subdivision from 3 lots to 4- 3 duplexes and 1 single family

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mrs. Koutsouris; abstain, Mr. Akerman; abstain, Mr. Banas; abstain, Mr. Schmuckler; yes

3. SP # 1923 (Variance Requested)
Applicant: SLG Partners LP
Location: northeast corner of Route 9 & Sixth Street
Block 95 Lot 8
Preliminary and Final Site Plan for proposed bank & office

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mrs. Koutsouris; abstain, Mr. Akerman; abstain, Mr. Banas; abstain, Mr. Schmuckler; yes

4. SP # 1924 (Variance Requested)
Applicant: Bais Chinuch L'bonos Bayis Rochel Inc.

Location: Carey & Twelfth Streets, between Monmouth & Lexington
Block 136 Lot s 6 & 7
Preliminary & Final Site Plan- addition to school

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Akerman; abstain, Mr. Banas; yes, Mr. Schmuckler; yes

5. NEW BUSINESS

1. SD # 1685 (Variance Requested)
Applicant: Dan Reich
Location: westerly terminus of Brittany Court with frontage on Co.Ln.Rd.West
Block 27 Lots 9.05 & 47.01
Minor Subdivision to create 2 lots

Tabled to December 15, 2009

2. SD # 1687 (Variance Requested)
Applicant: Eli Schwab/Open Apple LLC
Location: corner of Carlton Ave. South, Lafayette Blvd. & Thorndike Ave.
Block 266 Lot 4
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated October 19, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide an existing 36,049.1 square foot lot into two (2) proposed residential lots. The existing property, Lot 4, is an existing vacant, wooded tract with frontages on three (3) streets. Carlton Avenue South borders the property on the east side and is a fully improved street in a developed residential neighborhood. Thorndike Avenue borders the site to the west and is a newly paved street of an otherwise undeveloped cul-de-sac. Lafayette Boulevard is an unimproved street on the south side of the lot and connects the right-of-ways of Thorndike Avenue and Carlton Avenue South. The right-of-ways of all three (3) streets are sixty feet (60') wide. The applicant proposes to subdivide the property into two (2) residential lots. Proposed Lot 4.01 will contain 20,081 square feet and have frontages on Thorndike Avenue and Lafayette Boulevard. Proposed Lot 4.02 will contain 15,968.1 square feet and have frontages on Carlton Avenue South and Lafayette Boulevard. A variance for lot width will be required for proposed Lot 4.02 because of the existing curved configuration of Lafayette Boulevard. No improvements are proposed for Lafayette Boulevard. The proposed lots are situated within the R-12, Single-Family Residential Zone. The surrounding land uses are predominantly residential. Except for frontage improvements along Thorndike Avenue and Carlton Avenue South, no construction is proposed. *We have the following comments and recommendations per testimony provided at the 9/1/09 Planning Board workshop hearing, and comments from our initial review letter dated August 19, 2009.* Zoning -The parcels are located in the R-12 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. *Statements of fact.* Per review of the Subdivision Map and the zone requirements, the following variance is required for proposed Lot 4.02: Lot Width – ninety feet

(90') is required and 65.32' is proposed. *The lot width variance is required on this corner lot because Lafayette Boulevard is unimproved and Carlton Avenue South becomes the only useable frontage.* The applicant must address the positive and negative criteria in support of the requested variance. *We recommend supporting documents be presented at the Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.* Review Comments - The NJ R.S.I.S. requires 2.5 off-street parking spaces for a single-family dwelling when the number of bedrooms is not specified. No specific parking data for the existing and proposed lots is provided. Therefore, the zoning table rounds up to three (3) off-street parking spaces being required. Parking shall be provided to the satisfaction of the Board. *Statements of fact.* We note that sidewalk and curbing is proposed along the property's Carlton Avenue South and Thorndike Avenue frontages. No improvements are proposed for Lafayette Boulevard. *Statements of fact.* The proposed concrete sidewalk and concrete curb details require corrections. Concrete sidewalk shall be four feet (4') wide with joints provided at a maximum of twenty feet (20'). Concrete curb shall be a full depth of eighteen inches (18"), even where it is depressed. The Concrete Walk Detail shown is not applicable to this project and shall be removed from the plan. A Pavement Repair Detail must be added. *The construction details have basically been corrected. The construction joints on the concrete sidewalk detail shall be revised to be five foot (5') on centers.* The sidewalk proposed along the Carlton Avenue South frontage will be an extension to the existing sidewalk directly north of the property. Dimensioning within the right-of-way is required for the proposed sidewalk and its location along the Thorndike Avenue frontage. *The dimensioning has been provided.* Should minor subdivision approval be granted, the Board may wish to consider having the applicant bond for improvements since no other construction is proposed at this time. *A statement of fact requiring Board action.* Per review of the subdivision plan, we note that the proposed lots will be served by public water and sewer supplied by New Jersey American Water Company. *Statement of fact.* The lot numbers should be consistent with the numbers assigned by the Tax Assessor. *Statement of fact.* Proposed six foot (6') wide shade tree and utility easements are shown along the Thorndike Avenue and Carlton Avenue South frontages. However, no easement is shown along the Lafayette Boulevard frontages of the proposed lots. No shade trees are shown within the proposed six foot (6') wide shade tree/utility easement on the subdivision plan. Shade trees should be provided to the satisfaction of the Board (or waiver sought). *Statements of fact requiring Board action.* Metes and bounds information must be provided for the proposed easements. *Metes and bounds information has been added; areas of dedication to the Township must be included.* A chain link fence encroaches on to the property from adjoining Lot 6. The disposition of the fence must be addressed. *Testimony was given that the encroaching fence appears to be the neighbor's fence from Lot 6. However, the disposition of the fence was unresolved. We recommend the applicant work with the neighbor to relocate the fence.* Compliance with the Map Filing Law is required. *Statement of fact.* Should approval be granted, the necessary monuments to be set (for the proposed lot line) must be in place prior to signing the map for filing with the County. *Statement of fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals (if necessary); Ocean County Soil Conservation District (if necessary); and all other required outside agency approvals. *Statements of fact.*

Miriam Weinstein Esq. appeared on behalf of the applicant with Glenn Lines as the engineer for the applicant. Mrs. Weinstein said this application is for a minor subdivision with one variance for lot width and it is due to the odd shape curve configuration of Lafayette Boulevard which is a paper street. Mr. Lines said there is an existing through lot that fronts on 3 streets but 2 improved streets; Thorndyke Avenue and South Carlton Avenue and they are proposing to subdivide the lot down the middle with frontages on the improved streets and leave Lafayette Boulevard unimproved. The variance they need is for the Carlton Avenue side where 65.32 ft. is

proposed where 90 ft. is required because of the way that Lafayette Boulevard curves. It is an existing condition and the positive criteria is that they improve the neighborhood and he does not think the neighbors on both sides of Lafayette want to be connected and the negative criteria is that it is a small variance and the home can still be built with plenty of lot area and he does not believe it will be a detriment to the neighborhood or the zone plan or zoning ordinance of the township. Mr. Banas asked if Lafayette Boulevard is a complete street and Mr. Lines said it was a paper street and the westerly part of Lafayette Boulevard has access from Central Avenue off Pine Circle Drive and Carlton goes out to Central. Mrs. Weinstein said Thorndyke Avenue is paved at this location (Lafayette to the west and Thorndyke to the north of this intersection). Mr. Banas asked what is between his applicant's property line and the paper street of Lafayette in the southwestern area and Mr. Lines said it is all treed and there is a small clearing through Lafayette for drainage improvements that were put in a few years ago.

Mrs. Weinstein said looking at Mr. Vogt's report most of the items were addressed at the technical meeting but said they would not be putting in the curb and sidewalk and there would be no bonding requirements and said they are not paving Lafayette Boulevard and Lot 4.01 has frontage on Thorndyke Avenue which is a paved road and Lot 4.02 has frontage on Carlton so there is no need for curbing and sidewalk on Lafayette. Mr. Franklin asked why aren't they paving Lafayette Boulevard because that triangular lot will have that house facing Lafayette Boulevard and Mr. Lines said it will be constructed to face towards Carlton and Mr. Franklin said they are not going to have that little tiny front facing Carlton Avenue, the majority of the house will be facing Lafayette and said they should be realistic so they should just get the street in there and get it paved because they are going to make a trail there so they can get from one road to the other and the town will have a problem trying to block the trail off all the time. Mrs. Weinstein said there is really no need to make a trail there and Mr. Franklin said there is no need to make a trail through a lot of places but they do and he feels it should be paved; it is a chance to get it done with this project. Mrs. Weinstein said she was told the neighbors do not want that paved and she does not see any need to pave this road because there is frontage on Carlton and Mr. Franklin said they really don't have enough room to get frontage there- that house is going to be facing Lafayette. Mrs. Weinstein said it could be angled and the driveway can be on Carlton and Mr. Franklin said the front of the house will be facing Lafayette.

Mrs. Weinstein asked Mr. Holtz to be sworn in and Mr. Banas said the board has put sidewalks and curbing on all streets of all projects that face a street. Mrs. Weinstein said if the street is paved she agrees but this is a paper street and the question is if Lafayette should be paved. Mr. Schmuckler said if the plan is not to pave and the board agrees to that, why wouldn't they try to get that street vacated so they could have a better lot and Mr. Lines said because it has existing storm drainage there and they would need an easement. Mr. Schmuckler said they would gain 25 ft. which would make it larger. Mrs. Weinstein said it sounds like a good idea and she will bring it up to the applicant and said that is all the more reason not to pave Lafayette at this time. Mr. Jackson asked Mr. Franklin if in his experience, would it be beneficial for that road to have traffic and Mr. Franklin you have traffic that would go both ways there. Mr. Schmuckler said there are neighbors that don't want it and Mr. Franklin said there are always people who don't want things and that doesn't make it work out the best and said when you get in a situation like this, enough cars start going through there and you have a trail and then they complain you are not plowing it and not maintaining it and it doesn't work.

Mr. Akerman said if they move back the building envelope then they would have a much wider frontage and they might even be able to make the 90 ft. and Mr. Franklin said the way it is now, the building will be facing Lafayette. Mr. Schmuckler asked Mr. Lines if they can get 4 parking spaces on each lot and Mr. Lines said yes.

Mr. David Holtz was sworn in. He is a real estate agent and broker for ReMax on the move Realty. He is familiar with the neighborhood and lives there. He said the property, although it is an odd shape, the person who is planning on building on it and designing it to fit that envelope the way it is right now. The key is that he wants to have his frontage on Carlton. Mr. Holtz said he lives on the corner of Carlton and Cedar and Mr. Franklin asked him to draw a triangle and tell him where the front is going to be and Mr. Holtz said Carlton and Mr. Franklin said it will not because by the time you put your driveway in for 4 cars you are going to have a garage there and Mr. Holtz went to a display and pointed it out to him. He also said the property on Carlton is more desirable than property on Lafayette or Thorndyke. People want to live on Carlton South. Mrs. Weinstein said she could make, as a condition of approval, that the house has to front on Carlton if that is his concern. Mr. Holtz said it is his request to not have a road go through and he would like to limit the traffic; they do have access through Central, Columbus, Elliot, St. Nicholas etc. so he would rather limit the traffic. Mr. Banas said he wishes they could do that for every neighborhood but unfortunately they cannot. Mr. Franklin said they way everything is drawn, it makes sense to put in that street.

Mrs. Weinstein said the only purpose to pave this street would be to access this lot and there is access from Carlton and they have no problem putting in a condition in the resolution that this house has to front on Carlton and she doesn't see the need to pave Lafayette. Mr. Franklin asked at the end of Thorndyke, where does the street end and Mr. Lines said it stops right there; the Crystal Lake Preserve starts. Mr. Franklin asked how far does Carlton go and Mr. Lines said it goes another 3 or 4 lots and Mr. Franklin said you can go around here and get back out on Carlton and you don't have the dead end over here. Mr. Lines said anybody that is on the other section of Lafayette and Thorndyke already have access out to Lakewood New Egypt or Central and pointed out other routes on a display and Mr. Franklin said that would be a nice turn and Mr. Lines said they already have access out the other way. Mr. Franklin said this way it gets you more back into town and Central Avenue.

Mr. Banas asked why they are so opposed to putting in a bond for improvement for that street for the curb and sidewalk and Mr. Lines said because when they turn in their grading plans they have to have curb and sidewalk or it won't be approved by the engineer. They can't get a CO without having the curb and sidewalk in on either lot and if they do not know where the driveway is they have to break it up and put the driveway apron in later- they will provide them when they submit their building permits. It would be a hassle for the township and the applicant to bond for 2 small pieces of curb and sidewalk when they know they have to do it. Mr. Banas said he was talking about Lafayette and asked why they oppose that and Mr. Lines said they are not improving Lafayette.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Akerman said he was speaking to Mr. Jackson and said there are plenty of 50 ft. wide lots in town that have nice big houses and he doesn't see how they will have a hard time building a house facing Carlton; they have a 65 ft. setback and if they could condition for that, the applicant said they would be willing to accept that as a condition of approval. Mr. Banas asked if there was anyone that has a 50 ft. frontage with a 15,000 sf lot and Mr. Akerman said it is not common but from the street, he does not think it will look that bad. Mr. Schmuckler said he does not have a problem with this but he would like to see them try to vacate that street because then you make it a better lot. Mr. Banas said if that is the case, it would be better for

the applicant to withdraw the application until they get resolution. Mr. Kielt said they could table it until the approach the Township Committee.

Mr. Akerman said he was not at the last meeting but he heard the minutes and the discussion about the bonding. He said they don't usually bond for streets and Mr. Banas said they have bonded for paper roads and Mr. Akerman said it isn't common.

Motion was made by Mr. Franklin, seconded by Mr. Banas, to approve the project with the paving of Lafayette Boulevard

ROLL CALL: Mr. Herzl; no, Mr. Franklin; yes, Mrs. Koutsouris; no, Mr. Akerman; no, Mr. Banas; yes, Mr. Schmuckler; no

Motion was made by Mr. Akerman, seconded by Mr. H to approve this application without the paving of Lafayette Boulevard but the home should front Carlton

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; no, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; no, Mr. Schmuckler; yes

Mr. Jackson asked about the bonding and asked Mr. Banas to poll the board about the bonding because it was not specifically addressed. Mr. Herzl said if they aren't paving Lafayette, they do not need to bond.

3. SD # 1688 (Variance Requested)
Applicant: YNG Management LLC
Location: southwest corner of Clifton Avenue and First Street
Block 89 Lot 4
Minor Subdivision to create 2 lots

Mr. Vogt prepared a letter dated October 20, 2009 and is entered in its entirety. The applicant seeks minor subdivision approval to subdivide existing Lot 4 in Block 89, an existing 50' X 100' five thousand square foot (5,000 SF) property, along the common wall between the front building (corner of Clifton Avenue and First Street) and the rear building (fronting First Street). An existing three-story brick building is currently situated on the existing part of Lot 4 fronting both Clifton Avenue and First Street, which is proposed as New Lot 4.01. An unoccupied existing new addition to the building is currently situated on the existing part of Lot 4 fronting First Street, which is proposed as New Lot 4.02. This new addition to the building is under construction. The surrounding land uses are predominantly business. *We have the following comments and recommendations per testimony provided at the 9/1/09 Planning Board workshop hearing, and comments from our initial review letter dated August 20, 2009.* Survey- An updated Outbound and Topographic Survey is required. No elevations are indicated and they are required. Construction associated with the one-story addition has damaged the monuments and property corners previously set. Furthermore, the existing conditions are not accurately depicted; this is partly due to the construction in progress. We observed property line encroachments associated with the adjacent building on existing Lot 5 which are also not shown. *Testimony was given that an updated Outbound and Topographic Survey would be provided as a condition of approval.* Zoning -The parcels are located in the B-2 Central Business Zone District. The existing three-story building on proposed Lot 4.01 appears to contain retail use on the first floor and residential use on the second and third floors. The one-story addition under construction on proposed Lot 4.02 appears it will contain retail use as its

future use. Testimony must be given with respect to the buildings present and future uses. The plan only indicates "business" as the use. The project may require approval as an existing nonconforming use. *Testimony given with respect to the buildings present and future uses shall be reiterated at the Public Hearing.* Per review of the Subdivision Map and the zone requirements, a rear yard setback variance is required for both proposed lots. The correct rear yard setback of proposed Lot 4.01 is 4.1'. The rear yard setback of proposed Lot 4.02 is 5.7'. A rear yard setback of ten feet (10') is required. *It appears the correct rear yard setback of 4.1' for proposed Lot 4.01 occurs at the 0.6' building jog near Clifton Avenue. The Zoning Schedule shall be corrected. The rear yard setback of 5.7' for proposed Lot 4.02 occurs at the proposed subdivision line.* In accordance with UDO Section 18-903B.3.b., a side yard setback of seven feet (7'), with an aggregate of fifteen feet (15') is required. However, a side yard setback is not required between two (2) businesses. A side yard setback variance is required for the side yard of proposed Lot 4.02 which does not abut a business since a setback of only 4.7' is proposed. *The Zoning Schedule shall be corrected.* The applicant must address the positive and negative criteria in support of the requested variances. *We recommend supporting documents be presented at the Public Hearing, including but not limited to aerials and/or tax maps of the project area and surroundings to identify the existing character of the area.* Review Comments- The plan partially shows the existing streetscape improvements in front of the three-story building on proposed Lot 4.01. As previously noted an updated topographic survey is necessary. Some of the streetscape improvements are in disrepair and require replacement. New curb and detectable warning surface with truncated domes are required for the existing handicapped ramp at the intersection of Clifton Avenue and First Street since it no longer complies with current NJDOT Standards. *New curb and detectable warning surface with truncated domes are proposed for the handicapped ramp at the intersection of Clifton Avenue and First Street. Construction details are required for the handicapped ramp work in accordance with current NJDOT requirements. It appears an area of brick pavers will be reset. A brick and concrete porch which serves as access to the three-story building encroaches into the Clifton Avenue right-of-way. Neighboring buildings to the south on Clifton Avenue have similar type access points and encroachments. Testimony should be provided regarding the porch.* Proposed improvements along First Street in front of the one-story building on proposed Lot 4.02 will be required. A depressed curb from an old driveway requires replacement with full height curb and the associated sidewalk behind it must be replaced. *The revised plans propose replacement of the depressed curb with full height curb and the replacement of the associated walk behind it with a brick walk to match the adjoining streetscape.* Construction details are required for proposed improvements. *Brick walk and concrete curb details have been provided. The full height curb shall have a six inch (6") face. Pavement repair details are required.* Per our field review, new public water and sewer connections for the one-story addition on proposed Lot 4.02 have recently been made on First Street. *This work shall be shown on the updated survey to be provided.* The proposed lot numbers must be approved by the Lakewood Tax Assessor's office. *Statement of fact.* A new air conditioner condenser which is not shown on the plan has been installed behind the existing three-story building on proposed Lot 4.01. An "L" shaped cross access easement to Lot 4.01 is shown on proposed Lot 4.02 from an existing utility pole to the proposed subdivision line. We believe the proposed cross access easement is for utility purposes. An area of 295 square feet is proposed for the cross access easement, but no bearings and distances have been provided. *A detail of the Cross Access Easement has been provided. The bearing, "North 01 degrees, 55 minutes, 26 seconds East", should be checked since it varies from the proposed subdivision line.* Minor corrections to the proposed lot areas appear to be required. We calculate New Lot 4.01 to be 3,203.75 square feet and New Lot 4.02 to be 1,796.25 square feet. *The lot area corrections have been made. The area for proposed Lot 4.01 shall be rounded off to 3,203.75 square feet so the total of the two (2) proposed lots is five thousand (5,000) square feet.* A new section of concrete sidewalk not

shown on the plan, which appears to be associated with the construction on proposed Lot 4.02, must be removed. It is constructed below the existing top of curb elevation of the adjoining parking lot and creates a tripping hazard. *The revised plans indicate the existing concrete slab in question to be removed.* Encroachments of the property (air conditioners, vents) from the adjoining building on existing Lot 5 must be addressed. *The revised plans state that the "Lot 5 encroachments shall be allowed to continue by reason of a non-recordable license to be granted by the owner of Lot 4 to the owner of Lot 5 for service of air conditioners and vents". The Planning Board attorney should deem whether this is acceptable.* Compliance with the Map Filing Law is required. *Statement of fact.* Outside agency approvals for this project may include, but are not limited to the following: Ocean County Planning Board; Water and Sewer Approvals; All other required outside agency approvals. *Statements of fact.*

John P. Doyle Esq. appeared on behalf of the applicant. Mr. Doyle said this is a building that has long existed. It has more recently obtained a building permit to create a 1 story addition. The applicant comes here to allow each different type of building to have its own lot to be owned and mortgaged separately. It creates a variance that is pre-existing; the rear of the old building and the new building has 5 ft. setbacks. Mr. Carpenter said they are further utilizing the property in the downtown and providing as much business property for retail. The 2 buildings have a party wall between them and they are separate and distinct uses and there is not connection between utilities and there is no reason not the grant the subdivision. Mr. Doyle said they have an updates outbound survey that needs to be sealed and that will be a condition of approval and the building is about 80% completed and they will provide an as built on condition of CO. The corner building (3 story building) is zoned commercial and the second building is also permitted use. They will make the corrections noted in the review letter and said they had an aerial map of the downtown and Mr. Carpenter pointed out the building. Mr. Doyle said they will provide the DOT required handicap ramp on the corner will repair any brick pavers and reset if necessary. There is a porch that is in the Clifton Avenue right of way and that right of way extends to a foot of all the buildings so the steps have been there since 1942 or so. Mr. Doyle said they will prepare a license to the satisfaction of the board attorney and they agree to meet the remaining comments in the report. Mr. Carpenter said the variance is a pre existing condition.

Mr. Franklin said they were putting in new brick pavers and that there was a driveway going down the side of the building and they are showing a full height curb and Mr. Carpenter said they will leave the driveway open and depressed curb. Mr. Banas asked why they are putting in brick pavers there and Mr. Carpenter said the match the existing brick that is already there.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Herzl, seconded by Mr. Schmuckler, to approve/advance

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

4. SD # 1509B (Variance Requested)
Applicant: Majestic Contracting
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18

Preliminary & Final Subdivision & Site Plan for 17 two family townhouses

Tabled to December 15, 2009

5.DISCUSSION/RECOMMENDATION - 2009 Capital Improvements

Mr. Banas said they have been presented with a list of items that is being requested by the Township Committee for capital improvements. The board is to determine whether these items fit into the Master Plan.

Mr. Akerman asked Mr. Franklin if he could explain the items under Public Works. Mr. Franklin said they are going to single stream recycling at the first of the year. All the other towns are already aboard with it and so is the county. He said they are going to give every home a 95 gal. container and it will be yellow and say recycling on it; if you put garbage in it you will contaminate the recycling load and it will go to a landfill. What will go into that 95 gallon is cardboard, cans, bottles, newspaper all together. In the larger areas he will be able to pick them up with the one arm truck and it can be done with a one man operation. The truck is a compactor compared to the trucks now; he can pick up for 2 days before he has to go to the landfill so the really gain on that. The other improvement is a new roll off truck because the old one is over 20 years old and it is shot. The Clifton Avenue playground money was put together in one of the preliminary meetings for green acres but he said it is not enough; it is supposed to be for ball fields and basketball courts, etc. Mr. Banas said there was an awful lot of glass between 6th and 7th where they used it as a playground and asked if it is possible to get rid of it and Mr. Franklin said they are going to try to dig up as much as they can but they have to be careful because there is a foundation there from the old Lakewood hotel. He said they also requested they pave the parking lot in front so he has to find the money to do that. He said he can't answer the amount for the EMS or the police.

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to recommend the approval of the improvements.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; abstain, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; yes, Mr. Schmuckler; abstain

6. CORRESPONDENCE

7. PUBLIC PORTION

Larry Every, 144 Enclave Boulevard. He said he heard Mr. Franklin say the new recycling cans are going to be compacted and Mr. Franklin said no, the 95 gallon containers will be able to be dumped into a truck that will compact the garbage and Mr. Every asked if the adult communities will also get these cans and Mr. Franklin said yes.

Bill Hobday, 30 Schoolhouse Lane. He said as far as the capital improvements, there is going to come a time when they will have to start thinking about transportation - mass transportation or getting a step closer to where they can have possible mini buses in the town, and he thinks he

will never see MOM but there are such things as light rail that could transport people from one area to another and to transportation hubs. The way the town is growing, he thinks they must start putting away capital for these kinds of improvements so when the time comes they will have sufficient capital to get pilot programs going and every year that they delay the mini buses or light rail or any kind of mass transportation options and they don't lay the groundwork for it now we are not going to get there. He suggested they start talking about how we can lay the foundation for some type of mass people movers in the town. Mr. Banas said he makes some good points but unfortunately they need to be brought to the Township Committee.

8. APPROVAL OF MINUTES

- Minutes from October 20, 2009 Plan Review Meeting

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

ROLL CALL: Mr. Franklin; yes, Mrs. Koutsouris; yes, Mr. Akerman; yes, Mr. Banas; no, Mr. Schmuckler; yes

9. APPROVAL OF BILLS

Motion was made by Mr. Schmuckler, seconded by Mrs. Koutouris, to approve

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

submitted
Johnson
Board Recording Secretary

Respectfully

Chris
Planning