

**LAKWOOD PLANNING BOARD
MINUTES
NOVEMBER 1, 2005 • 6:00 PM**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the Ocean County Observer and 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 at least two of the following newspapers: The Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

II. ROLL CALL: Mr. Herzl, Mr. Franklin, Mr. Miller, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Dolobowsky, Mr. Ackerman and Mr. Klein.

Mr. Banas asked if there were any changes to the agenda and Mr. Kielt replied there were no changes.

Also present were Attorney John Jackson, Engineer Maxwell Peters and Planner Stanley Slachetka.

III. WAIVER REQUESTS

1. SP #1828

Applicant: Herman Voorhand
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18

Preliminary & final major subdivision for 19 townhouse units

Waiver request from checklist item:

#B-2 - topography within 200 feet of site

#B-10 - man made features within 200 feet of site

Mr. Peters stated he recommended a partial waiver for B-2. Topography should be shown to the far side of Massachusetts Avenue to the east and to the drainage high points to the north, south and west. He did not recommend granting the waiver for B-10, although he felt that an aerial photograph added to the plans would suffice.

On motion by Mr. Neiman and seconded by Mr. Miller, the requested waivers were hereby granted as indicated by the engineer.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

IV. PLAN REVIEW ITEMS

- 1. SD #1471** (Variance requested)
Applicant: Shlomo Kanarek
Location: Ridge Avenue @ terminus of New Hampshire Avenue
Block 190 Lot 63
Preliminary and final major subdivision to create 10 lots

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for the construction of 12 lots for ten single family homes. The property is situated on Ridge Avenue within the R-15 zone. Variances are required for minimum lot area and for the minimum lot width as indicated on the plans. Two out of the 12 lots require variances for minimum lot area. Lot 63.03 on the zoning schedule is labeled incorrectly. Ten out of the 12 lots require variances for minimum lot width. The applicant will be required to obtain all outside agency approvals. The applicant shall submit the wording for the homeowners's association to the planning board attorney for review. The association agreement shall address ownership and maintenance of the stormwater management system and access easement. The board should determine if a 10 foot buffer and landscaping shall be required along the 25' wide driveway access easement. The applicant shall indicate the location and size of any proposed development signage. We recommend that the access drive for lots 63.01 and 63.02 have a minimum width of 18' to allow for two-way traffic. We recommend a fence be installed around the tot lot, especially along the access easement site. This is a safety concern. It is unclear if playground equipment will be installed on the tot lot. The applicant should address this issue and if proposed provide details of the equipment and proposed ground cover. The applicant should provide testimony as to how trash will be collected from lots 63.01 and 63.02. Will the trash be brought to the curb, and at what location will it be collected. No existing fire hydrants are shown on the plans and no proposed fire hydrants have been shown either. The UDO requires fire hydrants approximately every 800'. The applicant shall address this issue and review the plans accordingly. We recommend the applicant check with the local fire official or proper authority to coordinate placement of the fire hydrant. The applicant shall show all proposed street and traffic signs on the plans. A light should be added to the tot lot for safety purposes. The remaining of the comments were technical in nature regarding the stormwater and map filing law.

Mr. Slachetka stated the applicant must address the positive and negative criteria for the requested variances. In this regard, the applicant should specify how the granting of the variances for lot area and lot width will advance the positive criteria (i.e. what community planning benefits are advanced by the reduction in the lot area and lot width). The front yard setback of 30 feet is proposed for lots 63.03 and 63.10. However, the setback line is being measured from the existing property line, which extends into the cartway of Ridge Road. As a result, the setback would be less than 30 feet from the curb and approximately 25 feet from the proposed sidewalk. It is our opinion that the proposed dwellings are still too close tot he street edge. Therefore, we recommend that the board require that the 30 foot front yard setback on Ridge Avenue be 30 feet from the northern boundary of the road widening easement. As proposed, the sidewalk along Ridge Avenue is not within the right-of-way and an access easement will be required. The

access easement should be delineated in the final plat. In our opinion, the current plan is an improvement on the prior one. However, we prefer a subdivision plan, which provides access to lots 63.01 and 63.02 via an extension of the new roadway, Pleasant Avenue. In addition the revised plan proposes an 18 foot wide paved driveway within an access easement along side lot 63.04. Another alternative is to reconfigure the lots on the western side of the site to provide access from a local roadway. The applicant should provide planning testimony showing how the revised layout represents a better planning alternative for the site than a fully conforming subdivision. The prohibition of street access to proposed lots 63.01 and 63.02 from Ridge Road should be deed restricted. Documents should be reviewed by the board attorney prior to filing. The applicant should discuss provisions for mail delivery and solid waste collection for lots 63.01 and 63.02. Landscaping should be provided along the south side of the proposed access driveway to buffer the drive from lot 63.04. Proposed lot 63.06 has a street frontage of 20 feet at the end of the cul-de-sac. The resulting lot requires the placement of a dwelling that faces the rear of the adjoining lot. This represents poor site design and layout. We note that vegetative screening is now proposed to buffer the dwellings. The side lot line of proposed lot 63.06 is only partially radial to the cul-de-sac. This condition violates section 805C of the UDO. The plat must be revised or a design waiver requested. The applicant's intentions concerning the future ownership and maintenance of new lots 63.05 and 63.12 should be discussed. A deed restriction for lot 63.05 for the recreation use may be appropriate. A conservation easement should be filed to restrict future development of proposed lot 63.12, if the lot remains under private ownership. The remaining comments were technical in nature.

Steven Pfeffer, Esq., appearing on behalf of the applicant. They were here previously with regard to the application. He introduced Joe Gashoe of RC Associates who gave his credentials and where he has appeared. Mr. Pfeffer stated that with regard to the engineer's report, they could comply with everything in the report. Mr. Gashoe replied that was correct. The revised plans would be submitted. Mr. Pfeffer stated that with regard to the planner's report, page one was informational. They did not agree with paragraphs two and four of paragraph C on page two. With regard to item two, they were talking about under one foot of width. Mr. Gashoe stated they were currently proposing a dedication along Ridge Avenue. The amount of property they were giving the County was greater than the current overlap onto their property. They would have no problem giving 30 feet from the curbline but from the dedication narrows the building envelope below the proposed dwelling. Mr. Slachetka stated they were doing a dedication rather than an easement. He asked how close the dwelling would be to the right of way line. Mr. Gashoe stated the proposed distance was 29 feet from the proposed right of way. Mr. Slachetka stated they were about one foot off. He felt that with some landscaping in the area it would be acceptable. Mr. Pfeffer stated that with regard to item four, they were now giving up three buildable lots and if they agree to it they would be giving up an additional two building lots. Mr. Gashoe stated that was correct. They were proposing a driveway easement tot he rear of the property so they could access away from Ridge Avenue. This request asks that they extend the cul-de-sac. Due to the narrow nature of the lot if they were to extend it they would at a minimum remove a lot, if not two depending on the variances. Mr. Slachetka stated he preferred to have developments that are as close as practical to the standards of the ordinance. He preferred to see all lots fronting on a cul-de-sac type street and accessed from the cul-de-sac street rather

than access easements. The board has to decide based on the testimony. It is improved from what was presented previously. Mr. Pfeffer stated they could agree to comply with all the other planner's recommendations.

Mr. Neiman stated they were proposing the driveway in the rear because they did not want access onto Ridge Avenue. Mr. Gashoe replied that was correct.

Mr. Franklin stated it looked like the road would fit if the property line was made a little tighter. He did not think the driveway in the rear made sense. Mr. Gashoe stated you have to take into account the right of way and surroundings. If you extend the road out, you could provide frontage on one property but it would not be possible with a second property. The width is almost half the depth of the lot. The lot would be cut in half. Mr. Franklin felt it could be run down the northern property line. Mr. Gashoe stated you needed a certain radius on the road.

Mr. Neiman asked if they could get it to one property so they just need a driveway for the last property as a compromise. The cul-de-sac could be pulled behind lot 63.02 and then have a driveway to lot 63.01. Mr. Gashoe stated as the cul-de-sac is extended further down, the line is drawn through the middle of the dwelling on lot 63.04 which could be the furthest extent of the cul-de-sac. Lot 63.04 would get cut in half and the total lot area would be eliminated. Mr. Franklin felt the road could be widened by going to the north. It would keep the same configuration. Mr. Gashoe stated they could do that but they were trying to keep traffic inside the cul-de-sac. Mr. Pfeffer stated they could do it.

Mr. Dolobowsky stated if the road was there it could be a problem with the garbage. Mr. Franklin stated the trash could be picked up on Ridge Avenue.

Mr. Banas stated the garbage would be brought out to Ridge Avenue. Mr. Gashoe stated the lots front on Ridge Avenue but they were eliminating the traffic from Ridge Avenue. Mr. Banas asked if they were providing sidewalks. Mr. Gashoe stated they could provide utility walks.

Mr. Dolobowsky stated lot 63.05 shows square footage numbers that do not match. Mr. Gashoe agreed and it would be revised. Mr. Dolobowsky stated there is something running through the back yards. Mr. Gashoe stated that was the drainage. The proposed drainage system to the property drains to an underground recharge system. Mr. Dolobowsky stated he sees DW in the back of each house. Mr. Gashoe stated it was dry wells and the drainage system collects the runoff from the road. The dry wells are for the roofs of the house. Mr. Franklin stated the Township would not be responsible for the drainage. Mr. Gashoe stated the dry wells could be placed so a pool could be placed in the yard once a house footprint is designed. Mr. Dolobowsky stated lot 63.11 would need some kind of monumenting along the buffer area. Mr. Gashoe stated the same would be provided.

Mr. Jackson stated a JCP&L easement is needed and a copy should be provided. He was not sure if a fence constituted a structure. Mr. Banas stated that a fence was there. Mr. Franklin stated a fence was put across the right of way ten years ago. When JCP&L had to get in, they removed a piece of the fence and put it back up. Mr. Pfeffer stated that the neighbors complained about trucks there parking. He felt they should try it. Mr. Jackson stated a gate should be provided.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application would have public hearing on November 15, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein.

Mr. Jackson stated the application would have public hearing on November 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

2. SD #1504

Applicant: David & Michael Herzog

Location: Attaya Road, between Gudz & Miller Roads
Block 11.04 Lots 6 & 7

Informal review of proposed minor subdivision or major subdivision

Mr. Peters stated the applicant is seeking a major subdivision of block 11.04 lots 6 & 7 into six residential building lots. The conceptual sketches have different layouts. Concept plan #1 had each lot with a frontage on Attaya Road. The biggest drawback is that each lot would be 60' in width which is much smaller than the 90' required. The majority of the lots in the vicinity have 75' to 100' of frontage. Concept #2 has the benefit of wider lots with four of the six lots with frontage of 75' with two flag lots to the rear. The two flag lots are twice the size of the front lots. We recommend that instead of easements, the 20' strips be included as part of the flag lots. Required buffering was discussed. Concept #3 has the three front lots with 100' frontage which complies with the ordinance but the rear three lots have a 20' easement. A variance would be needed for lot frontage. We recommend that the flag pole portion of the flag lot be made a portion of the rear lot.

Mr. Slachetka stated variances would be required with all of the concept plans. Lots without any frontage on Attaya Road would require a planning variance for the lack of frontage on an improved road. While the applicant describes the lots without frontage as "flag lots," they do not meet the definition and requirements of flag lots as specified in the UDO section 805 G. Another alternative is to construct a cul-de-sac and testimony should be provided as to the merits of a short cul-de-sac. When a formal application is submitted, the applicant should be prepared to address the positive and negative criteria of any plan that requires variances. In our opinion, a cul-d-sac is the preferred alternative to the development of the site. Creation of multiple flag lots and narrow lots should be discouraged. The board should also consider the precedent that it may be establishing if it accepts the proposed "flag lot" configuration.

Brian Flannery, P.E., stated they were looking for guidance. He read the ordinance and felt that the lots complied with the ordinance. Unless the board says they are not flag lots, sketch three would be conforming and the other two would be alternatives. Mr. Banas asked how many lots could be established in 2.2 acres in that zone. Mr. Flannery stated it would be between seven and eight lots. They were proposing six lots that exceed the lot area. There are three 12,000 square foot lots along the front and three 20,000 square

foot lots in the rear. He reviewed the ordinance for flag lots. He felt he met the ordinance. If the board agreed with them, sketch one was a better zoning alternative, they would proceed accordingly. Sketch three has no variances by his interpretation of the ordinance. Mr. Slachetka stated the issue is of the opinion that it meets the technical provisions of the ordinance. The intent of the flag lot ordinance was not to have this type of configuration presented. He felt the intent of the flag lot ordinance was to, in certain circumstances, provide for the opportunity of flag lots. It is a situation where you have a number of lots that are residential properties to the rear of residential properties. You have deep lots and this could occur on a regular basis. He did not think that was the Committee's intent. His primary question would be how many lots would you get as a fully conforming subdivision assuming each property had frontage on the street. Mr. Flannery stated if they did a cul-de-sac, he thought they would get five lots with minor relief but they would all meet the lot area. Mr. Banas asked if there was a need to review the court decisions and statutes to determine what direction the board should go. Mr. Flannery stated they could do a cul-de-sac and get five lots. The applicant would be happy with that. Mr. Jackson stated that if Mr. Flannery is correct than it would be acceptable. It was a policy determination to be made. Mr. Slachetka stated he felt the intent was specified at 805G5 which indicates that flag lots shall only be created in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need consistent with good planning principals for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configurations, or other physical characteristics or constraints of the land related to the proposed development concept. There is nothing preventing the creation of a conforming subdivision of the lot with frontage and there are other alternatives. He felt that good planning principals would not be engendered or advanced by providing the lots in the configuration where you have the lots in the back. He felt that the inclusion of item 5 in the ordinance clearly demonstrates the intent of what flag lots provisions are supposed to do. Mr. Jackson did not think it would be difficult to argue in court if the flag lots were denied.

Mr. Miller stated that if the flag lots would not need variances does the board have the opportunity to say it is something they would not like to see and request the five lots with variances. Mr. Jackson stated the board has a lot of discretion. Ultimately the planning board plans and you have to fulfill the objectives of the Municipal Land Use Law. The board has to advise the professionals what they want to do. Mr. Flannery stated the applicant does not want to go to court. They could argue that the configuration of the property is not practical because they have six lots one way and only five the other way. They like sketch one where they get five lots. It was not the best configuration. The applicant is willing to drop a lot. Mr. Banas stated he did not like flag lots but they are permitted. He would like a cul-de-sac. It was only one penetration into the street. Mr. Dolobowsky agreed. He would prefer to see a cul-de-sac or five lots in a row.

Mr. Miller asked Mr. Franklin what would be the benefit to the township of five in a row versus a cul-de-sac. Mr. Franklin felt a cul-de-sac would make more sense. Mr. Slachetka stated the parking requirements would favor a cul-de-sac since you would lose on street parking. When you put in a cul-de-sac you have more frontage on the roadway for on street parking and more width for off street parking.

- 3. SP #1826** (Variance requested)
Applicant: Brook Hill Shul, Inc.
Location: Arosa Hill Road, north of Engleberg Terrace
Block 174.01 Lot 13.16
Preliminary & final site plan to construct a two story shul

Mr. Penzer stated that Mr. Slachetka raised a threshold issue which should be heard first. He thanked the board's professionals for their time. Mr. Slachetka raised the issue in C.1 of his report. Mr. Jackson stated as he understood the issue, the zoning board had created a subdivision creating a variance with part of it delegated as a tot lot. The subdivision was completed and filed. He felt that the planning board has jurisdiction over the application. He did not see it as a controversial situation. Mr. Penzer stated the ordinance changed. He agreed with Mr. Jackson and the ordinance made them go to the zoning board and the new ordinance indicates they have to go to the planning board. The old application was without variances. The applicant put the lot in for tot lots. The first issue is that the ordinance changed. Mr. Banas asked why they had to go to the zoning board. Mr. Penzer stated they were under a special permit which does not exist in the new ordinance. The more important issue is that this is a new application. The original application was made by Country Wide Association which is a completely different entity. As a condition of the approval, certain areas were conveyed to the Brook Hill Homeowners Association. The applicant here tonight is not the applicant for the map. The applicant tonight is the Brook Hill Homeowners Association and it is a different application. They have a permitted use and Cox clearly indicates that all matters of site plan belong before the planning board.

Mr. Slachetka stated he raised the issue because he felt it was an appropriate issue to raise and as noted they deferred to the board attorney. The revision was to indicate that the matter was referred to the board attorney. It was a legal issue, not a planning issue. Mr. Banas stated when a plan comes before the board and they deal with something in total does the board have the permission to look at the total of the design of the map. Mr. Penzer stated no because it was not the application. The application is for specific lots. Mr. Jackson felt they could look at the whole situation. You need to know the intent of the zoning board since there is no deed restriction. Mr. Banas stated they would proceed with the premise that the board can look at the entire project. Mr. Penzer stated that it was his opinion that they could not. The rule is that the board is supposed to treat each application on its merits. They were here for one specific aspect. To complicate the matter further, if you look at anything beyond the Brook Hill Homeowners Association, they were not here. None of the landowners have any power beyond their own individual lot. If you go beyond the lot, the standing of the applicant is the homeowners association. They only have two parcels. Any changes beyond that lot is someone who is not hear. Mr. Jackson stated when you consider the development of the lot, you can consider the surrounding area.

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a synagogue. The applicant will be required to obtain all outside agency approvals. Variances are required for lot width where 97' is proposed and 100' is required; front yard setback where 24' is proposed where 30' is required; and for number of park-

ing spaces where 5 are proposed and 13 are required. The application states there are wetlands and a transition area on the plans. The boundary lines appear to be missing from the plans. That should be shown and permanent markers should be installed along the wetlands buffer line if not already in place. There was a slight increase in runoff on the site. The applicant should investigate the feasibility of installing drywells.

Mr. Slachetka stated the applicant should provide testimony concerning the positive and negative criteria for the requested variances. There is no deed restriction. We have concerns about the location of the five proposed off street parking spaces since vehicles will be required to back out into a public street at a curve. The proposed location of the parking spaces represents a traffic safety issue. Architectural drawings of floor plans and front elevations have been submitted. Construction of the shul without disturbance of the wetland transition area would be difficult given the proximity of the proposed building to the transition area boundary. If the application proceeds, they will have additional site plan comments.

Abraham Penzer, Esq., appearing on behalf of the applicant.

Brian Flannery, P.E., stated the application is for a shul on the lot. In reviewing the engineer's report, item one is informational. Item two indicates that he wants a LOI and the same would be provided. The wetlands line is shown on the plans but the buffer line is not. That would be added to the plans. The other items in his report are for the variances which proofs for the same will be provided at the public hearing. The other information requested would be provided. In reviewing the planner's report, Item A is the description and Item B lists the variances. The positive and negative criteria would be provided. Item C 1 and 2 were discussed. Item three is information and item four indicates construction of the shul without disturbance to the wetlands transitional area would be difficult. He did not show the transitional area. When the other details are added, his opinion may change. Item 5 are the outside agency approvals required.

Mr. Dolobowsky stated he visited the site. He felt the project could be done but some details had to be worked out. He stated normally the board is concerned with parking. He stated if the building is on a major road, it would attract more people. If it was in a tucked away area the parking may not be needed as much. He felt the parking could be worked out. He was sorry to see the tot lot disappear. He asked if the tot lot could be moved. Mr. Penzer stated the original approval for the tot lot was one swing and a see-saw. Mr. Dolobowsky asked if the equipment could be moved to just where the building would be since there is an empty space along the road. The site was already cleared. Mr. Penzer stated he argued this. Mr. Flannery stated he thought they were talking about the area next to the pump station. There is room for the equipment there but the land is in the wetlands transition area. Since it was an area that was disturbed when the roadway was constructed, you are allowed to keep mowing it. He was of the opinion that they could not construct anything there but they could move the equipment there. Mr. Dolobowsky also suggested a couple of park benches. Mr. Flannery stated they would be agreeable to the same. There is another recreation lot further down which is under construction. Mr. Dolobowsky stated that he was going to suggest that it be done. Mr. Flannery stated they were in a grey area. Mr. Penzer stated they considered it. The matter of the location of the tot lot was discussed further. Mr. Banas suggested

benches. Mr. Penzer stated the issue with the benches is if it is on someone else's property. They would review it to see where they could place benches.

Mr. Miller stated he visited the site. It was a residential area. The people using the shul would be from the development and would be walking. Every house in the area is on a large lot with a spacious area in the back. They would like to see this for the community. It would discuss the traffic from the people in this area going to other synagogues.

Mr. Banas suggested equipment other than a swing and see-saw. Mr. Penzer stated that Brook park is directly across the field from this which the residents use. Mr. Miller asked what was in the park. Mr. Franklin stated there was a baseball field, two soccer fields, football field, and a playground.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the application would have public hearing on November 15, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated that the application would have public hearing on October 11, 2005 at 6:00 p.m. No further notice was required of the applicant.

Mr. Miller left the meeting

4. SD #1498 (Variance requested)
Applicant: Sam Bauman
Location: Birch Street, west of Route 9
Block 416 Lots 29 & 30
Minor subdivision to create three lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 416 lots 29 and 30 in the R-10 district. Variances will be required for lot width for all three lots which are proposed to be 50' in width where 75' is required and for side yard setback for lots 29.01 and 30.01 are proposed at 7' one side and 15' combined where 10' one side and 25' combined is required, and side yard setback for lot 30.02 where 9.8' one side and 24.6' combined is proposed and 10' one side and 25' combined is required. The applicant will be required to obtain all outside agency approvals. The planning board should determine if a shade tree easement will be required along the property frontage. The dwelling on existing lot 30 is proposed to be removed. Removal shall either be completed prior to subdivision or bond posted to ensure prompt removal once the subdivision is completed. There is a separate letter dated October 17th with some minor comments regarding the Map Filing Law.

Mr. Slachetka stated the applicant shall address the positive and negative criteria for the requested variance for each lot. Testimony should include information concerning the lot width and side yard setback of single family residences in proximity to the subject tract. Complaint with off-street parking requirements of the RSIS must be addressed. A total

of 2.5 off-street parking spaces are required for each dwelling and the applicant indicates that 3 spaces are provided. The existing structures which are proposed to be razed should be removed prior to submission of the map for signature or a performance bond posted with the Township. Three shade trees are required along the Birch Street frontage. The remaining comments were technical in nature.

John Paul Doyle, Esq., appearing on behalf of the applicant. An existing house would be demolished and lot lines changed. They were proposing three lots conforming in size with 50' frontage which is not conforming but is consistent with 95% of the homes on Birch Street. They have the reports and will provide testimony for the requested variances. They would comply with all the recommendations.

Mr. Dolobowsky asked about the number of parking spaces. Mr. Flannery stated there would be four spaces per dwelling. Mr. Dolobowsky stated his only objection is the side yard setback. He would prefer something like 10' and 10'. Mr. Doyle stated there is a slight change and the bump outs would be turned to face each other. The outside dimensions of the two existing homes would be ten feet.

On motion by Mr. Herzl and seconded by Mr. Ackerman, the application would have public hearing on November 15, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on November 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

Mr. Banas to discuss some correspondence at this time. There were no objections to this.

Mr. Kielt stated this was a request for a certificate of prior use for harvesting of timber pursuant to Article VIII design standards of section 803.H.3e of the UDO. Mr. Jackson reviewed this and had no problems with it. He stated there is a provision in the ordinance which provides for a mechanism for the planning board to make a finding. There could be a review committee to review it and make recommendation for the board to approve. Mr. Flannery stated the documentation was submitted to the board and the new ordinance provides for a certificate of prior use. There is a woodlands management plan for the lot and submitted to the State, Bureau of Forestry who reviews it and issues an approval. That approval was submitted to the board and the ordinance provides for the certificate of prior use. He was not sure what it was needed for but if anything changes in the future the use could remain.

Mr. Dolobowsky asked if this was an undeveloped lot and Mr. Flannery replied it was correct. He asked about allowing it if it was grand fathered. Mr. Flannery stated he was of the opinion that it was not written out yet but it might be in the future. The ordinance states he could obtain it now if he submits it within a certain period from adoption of the ordinance which he submitted within the period. Mr. Jackson stated it was a strange provision. Mr. Slachetka stated he had no involvement with the crafting of this provision.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the applicant was granted his request and the attorney was authorized to prepare the necessary documentation.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

5. SD#1503 (No variance requested)
Applicant: Abraham Newman
Location: Ardenwood Avenue, south of County Line Road West
Block 41 Lots 1 & 7
Minor subdivision to realign the existing division line

Mr. Peters stated the applicant is seeking a minor subdivision approval of a shared lot line on Ardenwood Avenue in the R-12 zoning district. The applicant will be required to obtain approval from the Ocean County Planning Board. No variances are required for this application. The planning board should determine if a shade tree easement will be required along the frontage of Ardenwood Avenue. The board should determine if the sidewalk should be continued across the frontage of proposed lot 1.01. Each lot contains a minimum of three off street parking spaces in accordance with RSIS standards. The plan as been prepared in accordance with the Map Filing Law.

Mr. Slachetka stated street trees should be provided along the street frontage. Seven street trees are required. No sidewalk is shown along most of new lot 1.01. This is an existing condition. The board should consider whether it's appropriate for the applicant to extend the sidewalk along the entire frontage of the lot. The balance of the comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated this backs his property. Mr. Newman is helping Mr. Schron by selling him a piece of his yard. It was a lot adjustment. It was an internal street and did not know why the county approval was required. Mr. Miller stated that all subdivisions within the county need approval from the county planning board. Mr. Kiert stated it was in his best interest to get the approval because in the past he had applicants try to file a map and if the approval is not there it is rejected at the deed room. Mr. Penzer stated both neighbors stated there is nothing on the street to warrant a sidewalk. Mr. Banas stated they found that sidewalks are being asked for throughout the township. It may not be in the ordinance. Mr. Penzer stated they meet RSIS and the map filing law. The street trees will be provided as would the sidewalk. They would comply with all the recommendations.

On motion by Mrs. Wise and seconded by Mr. Dolobowsky, the application would have public hearing on November 15, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on November 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 6. SP #1827** (No variance requested)
Applicant: Bradco Supply Corp.
Location: Oak Street, west of Airport Road
Block 1160 Lot 268
Preliminary & final site plan for proposed building addition

Mr. Peters stated the applicant is seeking preliminary site plan approval for the construction of a warehouse, storage shed, parking area and driveway. The 3.03 acre site currently contains a 17,000 square foot warehouse with the remainder of the site mixed between paving and wooded areas. The property is known as block 1160 lot 268 and is situated on Oak Street within the M-1 zoning district. There are no variances required for this application. The board should determine if a shade tree easement will be required along the property frontage. The applicant will be required to obtain outside agency approvals. The board should determine if curb and sidewalk are to be constructed along Oak Street. There are technical comments pertaining to the stormwater management.

Mr. Slachetka stated architectural floor plans and elevations have not been submitted for board review. The board should request such plans. The site plan shows 36 off street parking spaces. However, the zoning compliance table indicates that 38 spaces are proposed. Also, the number of existing spaces appears to be mislabeled. The applicant should clarify or correct the discrepancy. A landscape hedge, two to three feet in height, should be provided along the front perimeter of the proposed new parking area. The applicant should describe the use of the warehouse and storage shed and the difference between the two uses. The landscape plan should be corrected to indicate the quantity of maple trees proposed on the west side of the building. Two trees are shown, but the label indicates three trees. Comments of the industrial commission should be obtained by the applicant and submitted for the board's information. The applicant should provide information on refuse storage. The location of any dumpsters or other solid waste collection areas should be shown on the plans. The remaining comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. The industrial commission gives a letter when it is a first factory in support of the application. This is an addition and normally they do not have the industrial commission give a comment. They always support the application when it is an initial application. Mr. Banas agreed that it was on the initial application. Mr. Penzer stated once they approve it as a factory, they are happy. He requested that they do not have to comply with that recommendation. Mr. Slachetka stated if that was the process it was acceptable. Mr. Dolobowsky stated it was not required that they grant the letter but a number of applicants went to the Township for a tax abatement and for that they usually want something. Mr. Penzer stated that would be afterwards. His client wants to break ground. Mr. Banas stated they could make it a condition. Mr. Slachetka stated it was the board's discretion but it becomes a threshold matter. If it is a minor addition it is one thing, if it is a major addition it may be large enough that the board may want the industrial commission's approval.

Charles Witte stated they would submit architectural drawings. The uses are permitted. The warehouse would be used to store siding and the shed to store roofing material. Mr. Banas asked if the building would be sprinkled. Mr. Witte replied no. Mr. Banas asked if it had to be. Mr. Witte replied no. Mr. Penzer stated that if there is a requirement for it they would not receive a C.O. Mr. Dolobowsky stated it sounds like it is a typical shed where fork lifts would be in and out constantly. It was open to the weather and they could not sprinkle it. Mr. Witte stated the landscape plan would be clear. A dumpster is utilized that could be moved around the site where it is needed and stored inside at night. There are no plans to change that. The site is fenced with privacy slates. It is basically all enclosed. The outside agency approvals would be provided. Mr. Penzer stated the shade tree easement was up to the board to decide. He asked about the curb and sidewalk. Mr. Banas stated they have not been putting curb and sidewalk in in the industrial park. Mr. Penzer wanted to ensure they did not have to change the plans for same.

Mr. Banas asked what kind of lights were being used. Mr. Witte stated the only lights are the existing lights on the building. There are no pole lights. Mr. Banas stated he asked because there is a building that Bradco occupies on the corner of New Hampshire and Oak and the lights are horrendous. They blind you. He asked if there was any way to exert any influence with regard to the lights. There is one gigantic light on the building which is like a spot light. He was going to make a formal complaint about the light. The applicant indicated he would drive down there today. Mr. Dolobowsky asked which direction. Mr. Banas stated when driving east on Oak. There are four lights on top which are not as bad as the light in the center. The other are building lights. Mr. Penzer asked if Mr. Banas could show them which light after the meeting. Mr. Banas stated he would. Mr. Witte stated the existing building has fixtures on it already. Mr. Banas asked if they were proposing to increase the wattage on the lights. Mr. Witte replied they were not. Mr. Banas asked about the circle of lumination. Mr. Peters stated he would have to check on it. Mr. Banas stated he will be asking those questions at the public hearing.

Mr. Dolobowsky asked if there would be additional lighting for the parking in the front. Mr. Witte replied no. There are lights on the building now which light the parking.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application would have public hearing on November 15, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on November 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 7. SD #1505** (No variance requested)
Applicant: 1368 River S.L. LLC
Location: Route 9 between Cross Street & Honey Locust Street
Block 534 Lot 7
Preliminary and final major subdivision for 20 single family town units

Mr. Peters stated the applicant is seeking preliminary and final major site plan and subdivision approval for the construction of 20 new town homes on a private drive. The 2.727 acre site currently contains three buildings and a large paved parking area. The property is situated on River Avenue within the HD-7 zoning district. No variances are required for this application. The board should determine if a shade tree easement will be required along the frontage of River Avenue. The applicant should provide testimony as to the method of trash collection. The applicant will be required to obtain all outside agency approvals. The applicant should submit the wording of a homeowners' association agreement to the board's attorney for review. The association agreement shall address the ownership and maintenance of the stormwater management system, the access easement, the tot lot and how snow removal will be provided. A fuel tank is shown next to the existing building at the south-east corner of the property. The nature of this tank and all others must be clearly defined. All underground fuel tanks must be inspected and removed in accordance with all current standards and specifications. The applicant has stated that existing structures will be removed. Please provide proposed contours and spot elevations where needed on proposed lots 7.01 and 7.02 after the structures have been removed. The applicant should provide specifications for the playground ground cover. The ground cover must be sufficient to protect from a fall height equal to the height of the highest piece of playground equipment. There were a number of detail comments regarding stormwater management and the map filing law.

Mr. Slachetka stated we question for reasons of traffic safety the location of the two parking lots located along road A. Vehicles will be required to back into the entrance road to leave the parking space. In addition the path for pedestrians into the development is along the rear of the subject spaces. The turnaround area is provided at the north and south ends of road B. The space should be clearly identified as a no parking zone by means of a small sign and pavement striping. An architectural drawing, one sheet, prepared by Feldman and Feldman revised March 23, 2004 has been submitted for board review. The sheet shows the front, rear and side elevations. However, on the sheet provided to our office, the front elevation has been crossed out. In addition, floor plans have not been submitted. The applicant should submit an architectural elevation for the front elevation and floor plans to confirm the proposed number of bedrooms per unit. We note that the site plan indicates a basement is proposed. The zoning schedule on the site plan and final map should be revised to reflect the conditional use standards (section 1010 of the UDO) which governs this application. A homeowners association must be established to own and maintain the common areas created by the proposed subdivision. As required by section 903.E.2.f. of the UDO, a 100' setback and buffer for Route 9 is provided. A conservation easement should be filed with the County Clerk's Office to document the buffer requirement for the subject area. Section 803.E.3.C. of the UDO, the applicant is required to provide adequate grading and planting, which shall include evergreen plantings that produce a screen of at least six feet in height. We recommend supplemental plantings on the south side of the entrance road to provide a

suitable screen from the highway. The ground landscape treatment of the front buffer area, other than the proposed plantings, should be identified on the landscape plan. The final map contains the outline of the three existing buildings. The building outline should be removed. The location of the proposed tot lot is in close proximity to one of the town homes. The location may limit the privacy and enjoyment of that unit. The applicant should consider an alternate location. The west boundary of the parcel abuts property owned by the NJDOT. The applicant should consider the installation of a stockade fence along the western property line to screen the state property from the townhouse community. The remaining comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they could agree to 80 to 90% of the recommendations. With regard to the engineer's report, everything from item 6 to 18 they agree to do and would make the changes. Their engineer would like to speak to the board's engineer regarding item #19, the stormwater drainage calculation. They agree to item 20. They would get all the approvals they need. It would be the standard trash collection that there is. The shade tree easement is at the board's discretion. With regard to the planner's report, they agreed to items 4, 5, 6, 7, 9, 10, 11, 13 and 14. The wrong architectural drawing was submitted and they would submit the new one. They were not sure where to put the tot lot. The new ordinance does not require a tot lot unless there are 25 units. They decided to put one in. They could not find another location. They needed assistance with regard to putting the tot lot in the proposed location or eliminating it. The ordinance does not require it, but they want to put it in. Mr. Slachetka stated it was a tightly constrained site. The only other alternative is potentially some relief on the building spacing between buildings one and two to allow for a greater area for the tot lot area. It was really tight where it was. Mr. Penzer stated they could do that. Building two could be moved over. Mr. Slachetka stated that could be another alternative. Mr. Penzer agreed to either alternative. Mr. Slachetka stated the buildings might be adjusted to give you width. It was a question of adjusting the building layout. The idea of putting it closer to the center part of the site makes sense as well. Mr. Banas asked for benches to be supplied. Mr. Penzer stated they would be provided. He stated he worked on the new UDO ordinance but they never talked about a conservation easement. He did not want to set a precedent with a conservation easement. There is a 100' buffer and felt it should not be a conservation easement. Mr. Banas stated the 100' buffer is required under the HD-7 ordinance. Mr. Slachetka stated that was correct. It shows as a conservation easement. Mr. Penzer stated it could cause issues with CAFRA. It was there and he did not want to call it a conservation easement.

Mr. Dolobowsky stated the ordinance requires a 100' buffer. He stated just to take the words conservation easement out. Mr. Penzer stated that the no parking signs would be provided. They needed to discuss item one of the planner's report. Mr. Flannery stated they were doing a project with a tight site. The parking they were providing is no different than what is being provided in front of the other units. They are required to back out into an aisle and leave the site. The parking is beyond the 100' buffer so there is additional safety factors. They will have visibility. There is no traffic in the way of this.

Mr. Dolobowsky stated he sees cars coming off of Route 9 and pull into the street and going faster than allowed. He wanted to see heavy signage and children at play signs. Mr. Penzer agreed to the same. Mr. Dolobowsky stated that just north of here a similar

project had problems with the buses. He asked that they check with the bus company that the buses would be able to get into the site. Mr. Penzer stated they would check with the bus companies to ensure the buses could access the site. Mr. Slachetka stated the site is limited and they wanted to maximize the parking as much as possible. He suggested a speed bump type of arrangement. You come off the main road onto this and you want the speed reduced. Sidewalks should be around the parking areas. Mr. Penzer agreed to provide the same. Mr. Banas stated he did not like speed bumps but he did not mind speed humps. Reducing the speed into the site was discussed with the different possibilities. Mr. Flannery stated they showed the isles and it does provide a calming mechanism. It would be reviewed and they would ensure that the buses could access the site. There are two trash cans for each unit and each unit has five bedrooms. The number of trash cans could be reviewed. Mr. Franklin stated public works would not plow the development or maintain the drainage. Mr. Penzer stated they would have to have a homeowner's association. Mr. Franklin stated they could pick the trash up but they could not plow because of the way the parking is. Mr. Slachetka stated the humps could be accomplished through a raised paving material.

On motion by Mr. Klein and seconded by Mr. Herzl, the application would have public hearing on November 15, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Jackson stated the application would have public hearing on November 15, 2005 at 6:00 p.m. No further notice was required of the applicant.

V. CORRESPONDENCE

Mr. Banas stated they had items under correspondence that the board should be aware of. Following the last meeting, communication was transmitted to the Township Engineer by Mr. Kielt asking to study the speed of the traffic on Massachusetts and Prospect. Mr. Lines did contact the Ocean County Engineering Department and the County indicated that the speed study that was performed to establish the current speed and that no new speed study would give a different result. Both of the speeds would remain.

The board has in front of it a letter in the form of a public notice dealing with the action taken by the Township of Lakewood to adopt the smart growth and state planning commission's idea to determine what would happen with Route 9. It appears that the County is very much involved with the idea of trying to dualize Route 9 from Lakewood to the terminus of the County. It appears that we have the least number of land that needs to be purchased and it gives us a pretty good idea that we would be looking for the dualization of Route 9. The meeting is scheduled for November 11th.

There was also a matter of the school board presenting to the board a report that is needed which is the Long Range Facility Report. He asked the board to review it.

The meeting schedule for 2006 was also included. It would be considered for adoption at the next meeting.

VI. PUBLIC PORTION

None at this time.

VII. APPROVAL OF MINUTES

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the minutes of September 20, 2005 and September 27, 2005 were hereby approved.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes abstain from September 27th; Mr. Dolobowsky, yes; Mr. Ackerman, yes abstain on September 27th; and Mr. Klein, yes abstain from September 27th.

Mr. Slachetka stated that on November 10, 2005 the Committee would be conducting a public hearing on the Township's application to the State Planning Commission for plan indorsement of its various planning documents. There will be a discussion of the process, a description of it, what is being submitted, and the purpose of the submission.

VIII. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary