

## 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. Neiman, Mr. Banas, Mrs. Koutsouris, Mr. Akerman, Mr. Fink, Mr. Schmuckler, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated there were 2 changes to the agenda. Item #7 – SD 1647 and Item #8 – SD 1648, both Moshe Zucker will be carried to the December 16, 2008 Meeting because the plans were not returned in time for this meeting.

Motion was made by Mr. Akerman, seconded by Mrs. Koutsouris, to carry to the meeting of December 16, 2008

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

## 4. NEW BUSINESS

1. 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 November 13, 2008. 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 are required from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of the approvals shall be made a condition of the Planning Board approval. A TWA Permit from the NJDEP will be required if the proposed septic system will receive 2,000 gallons per day. The applicant shall provide testimony on the anticipated volume of sewer flow. The applicant shall consolidate the two lots by deed as a condition of approval. 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 through testimony. The applicant has provided a 6 foot shade tree and utility easement. A legal description and easement language shall be provided for review. The easement will be required to be filed with Ocean County. The applicant has proposed a 5.25 foot wide Right of Way dedication to Ocean County. Curb and sidewalk are proposed along the property frontage. 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 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. A full size school bus can maneuver on-site but we have concerns regarding the in and out turning movements without crossing over into on-coming traffic. The remaining comments are technical in nature.**

**Mr. Truscott read from a letter dated November 13, 2008. 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 ft. wide right-of-way dedication to Ocean County along East County Line Road. Zoning and Variances. 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. The applicant is subject to the conditions provided in 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. However, it should also be noted that the proposed ADA ramp that abuts the building is within this side yard, and reduces the buffer to 5 feet. The applicant should clarify if the ADA ramp along the side of the building is 3 feet above the ground elevation, since per the definition of building, any unroofed platform with vertical faces more that 3 feet above the level of the ground is part of the building. If over 3 feet in height, a side yard setback variance may be required. The applicant should provide testimony addressing the positive and negative criteria. Review Comments. Design Waiver. 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 testified to the operational characteristics of the facility, which are identified below: The applicant testified that the proposed number of students to be educated on site will be approximately 160 students; The grade levels of the school are ninth through twelfth. The applicant testified that the anticipated number of school buses visiting the site on a daily basis will be 3 buses per day; The anticipated number of staff persons is 12; The proposed hours of operation are 8:30am to 4:00pm; No other service, other than lunch food services, are proposed. The above information should be confirmed or corrected by the applicant.

**Circulation.** Bus loading/unloading zone(s) should be delineated on the site plan. The applicant has stated that no parent drop-off will occur at the school, the applicant should clarify same in testimony. A lunch room is proposed, and the applicant states that the delivery of prepared meals will occur at noon.

**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 in the East County Line Road 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 be removed. The applicant proposes a 6 foot board-on-board fence along the property line. The proposed lighting plan is subject to review and comment by the Board Engineer.

**Trash/Refuse.** The applicant has revised the plans to include a trash enclosure. The enclosure is proposed in the front of the building along the proposed sidewalk, which is within the required buffer for a school. The applicant should testify regarding the adequacy of the proposed location.

**Easements.** The applicant has provided a shade tree easement as required by the Township Local Development Ordinance, however, the easement conflicts with portions of the proposed parking stalls, please re-delineate. The shade tree easement should also be reviewed by the shade tree commission. 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. The applicant has proposed sidewalk along the East County Line Road frontage. The other two frontages are on paper streets, therefore, sidewalk is not proposed along their frontages.

**Architectural plans.** The applicant should specify how the phasing will occur on the first floor. The applicant has provided a Tree Protection Management Plan. This plan should 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 states that NJ American Water will not permit the site to tie into public water. The applicant states that the sewer is too far to tie into. The location of the existing sewer should be reviewed by the Township Engineer. The applicant proposes to utilize septic and well. It should be noted that the applicant proposes a total of 160 students plus 12 staff, per our calculation results in a sanitary sewer requirement of 2,580 gpd (15 gal/day/person x 172 persons = 2,580 gal/day). It should be noted that NJDEP approval of the septic system is required for proposed sanitary flows over 2,000 gal/day, therefore, NJDEP approval of the septic system is required. The applicant should indicate the status of soil testing and permitting for the septic system. Since public water is not proposed, we defer to the Fire Official to review the adequacy of the site for fire protection. The remaining comments are technical in nature.

**Mr. Penzer Esq. appeared on behalf of the applicant and Mr. Lines appeared as the engineer for the applicant. Mr. Penzer said Mr. Stillwell is the neighbor to the immediate left and he is the chairman of the Environmental Commission and they have met with him and have satisfied his concerns. Mr. Penzer said the Shade Tree Commission did review the plans and the Environmental Commission did also. Mr. Penzer marked exhibit A-1 which is an architectural rendering of the building.**

**With regards to the engineer's report and the issue of the septic tanks, Mr. Penzer stated they will have no more than 160 students and the teachers will not all be there at the same time, so the maximum number of people is 172. The issue is if this has a cafeteria and they need 15 gallons which would equal 2,500 and 2,000 is the line that where you would need DEP approval and Mr. Lines will testify that the meals will be brought in therefore it is their position they do not meet that 15 gallons, they only need 10 gallons which equals 1720 gallons total and below the DEP permit.**

**Mr. Banas said it is nice to accommodate the board's feelings but ultimately they will have to go to the Health Department in the County and Mr. Penzer said yes and they will have to satisfy them, so Mr. Banas said they do not have to convince this board, they have to convince them. Mr. Penzer said Mr. Jackson always writes in the resolutions that they meet all the requirements that are stated in Max and Stan's report and he does not want to have to go and get a TWA septic permit; they have no problem saying it is subject to them getting Department of Public Health approval but he does not want it to be subject to TWA approval.**

**Mr. Lines marked exhibit A-2 which is a colored rendering of sheet 2 of 5 which is the grading and drainage plan. He said because there is no sewer or water available in East County Line Road, they will be providing a septic field to the rear of the building. The school has their meals prepared offsite at another location that has sewer and they want to avoid doing any food preparation at this site because they would have to get into grease traps and it is just not a good plan to have a school like this on a septic system. The actual requirement from the DEP is designed on 10 gallons per day per student or person in the building, which would come out to 1,720 gallons per day and under the DEP's 2,000 gallon per day limit. There won't be any preparation of food or washing of dishes, etc. Mr. Jackson asked Mr. Peters if that was reasonable and Mr. Peters said it did if there was no cafeteria. Mr. Jackson said if the board was satisfied, they can eliminate that from the resolution. Mr. Banas asked if they are going to have a cafeteria and Mr. Lines said they are but it is going to be a lunch room but if you look at the DEP standards and you go from the 10 gallons a day to the 15 gallons a day per person, that extra 5 gallons is the exact standards they use for restaurants and cafeterias, which is where you prepare food and wash dishes. Mr. Banas asked if it is specified that is the 5 gallon usage and Mr. Lines said it has 4 different standards: one is just a school, which is 10 gallons per day; then school with cafeteria, which is 15 gallons a day; school with showers, which is 20 gallons a day and school with showers and cafeteria is 25 gallons a day; schools with dormitories have another standard. He said what they are saying is that they will not be preparing food here and there is no kitchen facility. Mr. Banas said they will be having a cafeteria though and Mr. Penzer said but not with preparation of food. Mr. Banas said that is a rather fine line and Mr. Penzer said they don't have a problem meeting the Board of Health requirement and if they require them to do it they will but it is their legal position that they do not need a TWA permit from the NJDEP. Mr. Peters said he agreed with Mr. Lines that the extra**

5 gallons a day is based on the preparation of food and not on the eating of food at the establishment and said the important thing to have in the resolution is that there be no food preparation and there be a limit on the number of students so down the road if there were to be renovations to the building and a permit is applied for the code official has in the resolution that the board specifically stated they did not want them to have. Mr. Truscott agreed and said it is between the applicant and the Board of Health and typically what the board has done is the TWA approval is a condition of the permit for construction purposes, not site plan approval but Mr. Penzer said he wants to make sure it is not a condition of resolution compliance.

Continuing with the report, Mr. Penzer stated they will consolidate the lots and Mr. Lines said they are in the Lakewood MUA water district and there is a water line running down the center of County Line Road but that is a transmission line owned by NJAWCO and came up from Howell, so there is no water service to anybody along County Line Road from that main, and they cannot tie into it. Mr. Lines said the subdivision across the street has well and another home that was told they could tie into that main has been told they cannot tie into that main from the Lakewood MUA and he has the letter. Mr. Lines said they will be providing a well on site with all of Ocean County regulations. Mr. Penzer said they will provide the shade tree and utility easement and are giving the 5.25 right of way dedication along County Line Road and will construct curb and sidewalk. There will be 20 children per classroom (8 classrooms) and 4 offices, so they need only 12 parking spaces and have provided 13 parking spaces. Mr. Banas disagreed and said if he is in a parking space and someone else is coming in as a teacher and the first person has not yet left, there will not be enough spaces available and Mr. Penzer said he believes they have enough and Mr. Banas said he has experience in this field and Mr. Penzer asked for his suggestion and Mr. Banas said 13 might work with the overlapping. Mr. Lines said with regard to the parking area being 5 ft. off the property line, with the turning movements, the parking spaces and ample driveway space for buses to enter and exit the site they were only able provide a small concrete island on either side of the parking spaces and ended up with 2 ft. on either side which requires a design waiver. Mr. Lines said Mr. Albers met with Mr. Peters with regards to the turning radius for the buses and they can maneuver in from the center line to the site they have plenty of room and exiting, if the bus will be traveling east on County Line they can get out of the site but they do have to use their entire half of the road, but will not have to cross the center line. Mr. Banas asked which direction the bus will be turning and Mr. Lines said he believes they will be turning left and come back towards downtown Lakewood and coming in they would be coming eastbound from County Line and make a right turn into the site. Mr. Peters said it is the right turn in and the right turn out that will be a problem because the bus needs to make a wider turning movement and said the bus is coming pretty close to the center line and using both lanes of that roadway and because the corners are so tight. Mr. Penzer said they would not be traveling during rush hour (8am and 4pm) and Mr. Banas disagreed. Mr. Lines said with regards to the stormwater review, based on the township and the state's requirements they have 40,000 sf site which is less than an acre and are not disturbing the last 50 ft. or so and the cut off in the township's/state's regulations are 1 acre of disturbance, and they are under that 1 acre. Mr. Peters said the other parameter is the impervious area Mr. Lines said they are providing more than \_ acre of impervious so they are collecting and infiltrating the water quality storm and proposing to pre treat the parking lot water to meet the total suspended solids and hydrocarbon removal requirements. Mr. Peters said he would give his office a call because he does not have the requirements on hand but believes that if it is one or the other you get pulled in to the three requirements. Mr. Lines said there are 2 tiers and explained them to Max. Mr. Banas said he would have to convince Mr.

Peters before he will sign off on any item and as he indicated he will be in touch with him. Mr. Penzer said they can comply with the remainder of the comments in the engineer's report.

With regards to the planners report, Mr. Lines said they are requesting a variance on the 20 ft. landscape buffer because with the handicap ramp, they really don't have that much room for buffering on that side of the building. They will lower the ramp to make it lower than 3 ft. so they will meet ADA requirements and will not need a variance and the architect will make the changes. Mr. Banas asked that the variances be marked on the plans and not just an asterisk and Mr. Lines said he would add it onto the plans.

Mr. Fink asked Mr. Peters about the buses entering and leaving and asked if it was safe for the children to enter coming in from the left or the right and exiting right only vs. making a left and Mr. Peters said the easier turning movement to exit and enter is the left hand turn; the buses need more room to make that maneuver to make a right and it is very tight. Mr. Banas said the changes to the ramp is not on the plans and Mr. Penzer said the plans were just changed today and Mr. Banas asked them to explain what they are going to do and Mr. Lines said they don't have a groundwater problem on this site so they are going to lower the building so the finished floor is 2'11" above the ground elevation so the handicapped ramp is under 3 ft. The plans submitted show 7 steps going up into the building and they now propose it to be 3 or 4 steps so they won't need a side setback variance. Mr. Banas asked if they were going to have a basement in this building and Mr. Lines said yes, the cafeteria/lunch room is located in the basement. Mr. Penzer said there were a number of objectors who did not want Thorp Road developed so therefore they are asking for a design waiver. They have no problem locking the number of students in at 160 and 3 buses maximum and total staff of 12 and hours being 8:30 to 4:00. There will be no food service. It is the policy of the school to not allow any parent drop off, and have no problem with putting that in the resolution. The phasing schedule according to his client is 2 years but Mr. Penzer said he would like to be more conservative and ask for 3 years. On landscaping, Mr. Lines said the applicant met with Mike Stillwell and he had some concerns on the screening of the site from the adjacent properties and from the rear since there are a lot of hunters behind the site. They have agreed to put up an 8 ft. stockade fence across the back of the site just to the rear of the proposed septic field and on the backside of that they will provide a double staggered row of some shade tolerant native species, they didn't discuss what type, but some type with height and buffer that fence. They also agreed on the west side to put in a 6 ft. stockade fence starting at the back edge of the septic field and bring that all the way up even with the back of the parking spaces that front on County Line Road, approximately 25 ft. from County Line Road. On the east side, to buffer the school from the neighbors on Thorp Road they will extend a 4 ft. fence up to the same point at the front of the site. They also discussed the islands in the parking lot and Mr. Stillwell wanted to see it planted with native vegetation so they agreed to that and will have foundation plantings along the front of the building. They will not have any access to Thorp or Stillwell Avenue. Mr. Penzer added the plantings will not be added until phase 2 when they clear it for the second building. Until then, it will be left in the native state. There will be no light pollution beyond the property, and Mr. Lines said he met with Mr. Franklin and they have agreed to comply with his recommendations. With regards to the shade tree easements, they conflict with the parking stalls and Mr. Lines said if they put it 6 ft. off the property line it ends up in the parking lot and the county requested a 5.25 ft. right of way easement and with the curb and sidewalk and Mr. Peters questioned why they couldn't just slide everything back a few feet away from the road without changing the whole design, then you would have enough room for the shade trees and keep the cars off the

road a little more and Mr. Lines said they could do that. Mr. Penzer said they are putting sidewalks along East County Line Road, the other streets are paper streets so there are no sidewalks proposed. The signage is intended to be wall mounted on the building only. The hydrants are shown on the map and the remaining comments in the planners report can be met.

Mr. Akerman said on the architectural plans it shows a food prep room and he assumes that is where the food will be dropped off and separated for distribution, but the building department may be alerted because it says on the resolution no food preparation so Mr. Jackson said they could change the resolution to read no commercial cooking or kitchen facilities. Mr. Banas asked how they were going to get the food down to the basement and was told there was an entrance on the easterly side to the basement.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Penzer said the parent body is present behind him and they love the school and are excited about the opportunity.

Motion was made by Mr. Neiman, seconded by Mr. Percal, to approve the application with all the comments that the planner and engineer have made and the attorneys have agreed.

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

2. 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 November 13, 2008. The Applicant is seeking a Preliminary and Final Major Subdivision Plan Approval to subdivide two existing lots into six (6) new lots. The property has frontage along New Central Avenue, a County roadway. 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 Final Planning Board approval. The applicant has provided an eight (8) foot shade tree, utility, and sidewalk easement along New Central and proposed Elderberry Court. The applicant has provided four (4) parking spaces per lot, for new Lots 14.02 – 14.06. Three (3) parking spaces have been provided for Lot 14.01, which is an existing condition. The Board should determine if the parking provided will be sufficient. The applicant has proposed to widen New Central Avenue along the property frontage. Curb and sidewalk are proposed along all property frontages. The applicant has revised the Stormwater Management System to be located entirely within the proposed right-of-way with access points at all four corners of the system. The Board should determine if the Township will assume ownership of the stormwater system and roadway. If the Township assumes ownership, an H.O.A. will not be required. Proposed Elderberry Court should be

aligned with Princess Court across New Central Avenue. The offset alignment can cause conflicts with the left turn movements leaving each residential street. The applicant shall discuss the alignment with the Board. As New Central Avenue is a County roadway, the County Planning board will have the final determination if access will be granted. The applicant should revise the Stormwater Management Facilities Maintenance Plan for residential sites. Per the NJRSIS stormwater easements shall have a minimum width of 20 feet. The easement on Lots 14.02 and 14.03 shall be revised to 20 feet wide and aligned with the existing easement on Lots 4.02 and 4.03. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 14, 2008. The applicant is seeking major subdivision plan approval to create six (6) residential lots from two (2) 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. The existing residential structure on Lot 16 is proposed to be razed as part of this subdivision, and the existing residential structure on Lot 14 is proposed to be retained. The site fronts on New Central Avenue. Five (5) of the six (6) residential lots will have access onto a proposed cul-de-sac, Elderberry Court. The existing drive for the existing residential structure on Lot 14 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 five (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 fifteen (15) foot drainage easement. 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. The applicant has proposed six (6) residential lots and a cul-de-sac, which require one variance: A bulk "c" variance is required for a side yard setback of 3.7 feet, where ten (10) feet is required. This is an existing condition. The existing home was shown to be removed in the initial plan. Waivers. R.S.I.S. 5:21-4.19(b)2 states that "where provided, offsets for intersections along the same or opposite sides shall be at least 150 feet between right-of-way centerlines." The plan provides approximately 45 feet between centerlines of proposed Elderberry Court and Princess Court. We note this possible safety issue due to conflicting traffic movements. Since this is a County road, the Board may wish to defer to the County Planning Board. R.S.I.S. 5:21-7.3(j) states "No pipe shall be placed on private property unless the owner of the land is to own or operate the pipe, or an easement deeded to the municipality is obtained. All easements shall be a minimum of twenty (20) feet wide unless depth of pipe, soil conditions, or additional utilities require wider. Where the easements are located adjacent to a right-of-way, the municipality may approve a narrower easement." The applicant proposes a fifteen (15) foot drainage easement on private property and that easement does not run along the r.o.w., therefore, it should be revised to twenty (20) feet per R.S.I.S. or a waiver obtained. 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. New Lot 14.01, a corner lot, is shown with two (2) front yard setbacks, one (1) side yard setback, and one (1) rear yard setback per the building envelope. The building envelop indicates the side yard as the northern lot line, and the rear yard as the easterly lot line; however, the zoning table indicates the opposite. The building



envelop should be revised to coincide with the zoning table. R.S.I.S. The applicant is subject to the requirements of NJ R.S.I.S. for off-street parking. As required by R.S.I.S., 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) to four (4) off-street parking spaces have been proposed per lot which complies with the NJ R.S.I.S. Lighting. The proposed lighting plan is subject to review and comment by the Board Engineer. 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. As stated above the drainage easement should be revised to meet R.S.I.S. The applicant should prepare the appropriate deed language for the proposed drainage and shade tree easements for the Board's review and approval. The balance of the comments are technical in nature.

Mr. Alfieri Esq. appeared on behalf of the applicant with Mr. Surmonte as the engineer. They have re-noticed since the technical meeting since they now have a variance because they are now keeping the existing home. Mr. Surmonte said each lot is conforming with the exception of the existing dwelling that is to remain and that requires an existing variance of a 3.7 ft, side yard setback. All the drainage will be collected into the roadway and into a stormwater management system within the cul de sac and the overflow is proposed to run along an easement between Lots 14.02 and 14.03 and tie into some existing drainage that is presently constructed in the adjoining subdivision. They intend on broadening that easement to 20 ft. in width per the Township requirement and shifting it so it lines up with the existing easement on the adjoining property. As to the comment on the alignment of the road, there is a subdivision across the street presently under construction that is about 45 ft. east of their roadway and they are of the position that this cul de sac serving 5 lots, and that subdivision serving 4 lots, because 2 lots front Central Avenue, are not much of a safety hazard as R.S.I.S. envisions when they write the standards so they are entitled to an exception from strict adherence to R.S.I.S. on that matter. Mr. Alfieri said that issue will have to be addressed at the County Planning Board level because it is a county road. Mr. Surmonte said there could be as many as 5 bedrooms proposed in each of the homes and they are providing as many as 6 off street spaces in the lots, 4 in the driveway and 2 car garage and at least 4 spaces provided for the home on Lot 14.06, The existing home on Lot 14.01 is only a 3 bedroom home and that home currently has a garage and enough depth in the driveway for 2 cars off street. The maintenance of the drainage facilities will be from a public right of way and maintained by the Township.

With regards to the engineers report Mr. Surmonte said they can address the comments in his report. With regards to the planners report Mr. Surmonte said they can revise the plan to eliminate the waiver for the 15 ft. drainage easement and make it 20 ft. On the soil erosion plan they proposed a topsoil stockpile area in the rear of Lot 14.0 and they will relocate that so it will not be located on that existing lot. The light fixture, assuming the utility company accepts that light fixture, it would be their obligation to maintain that light fixture. The remaining comments in the planners report are acceptable and can be met.

Mr. Franklin asked if Primrose Street is a public or private street and was told it was a public street and Mr. Franklin said the reason he is questioning it is because the yard drainage between Lot 4.03 and Lot 4.02 and the other drainage pipe that is going down the rear of the lots coming out to Central Avenue they normally exclude those streets when they are tied in like that because they have no way of getting back there without destroying the people's property to clean the basin's and now you are adding to that so he is wondering whether that fact was a

Township street. Mr. Alfieri said they would have to check it out and if Primrose was a private street then the town would not want to take responsibility for Elderberry Court's drainage and it would be a private street, but if it is a public street it is not an issue. Mr. Alfieri said they would live with the outcome of that and would check.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve the application. Mr. Franklin said it was subject to the drainage being tied into Primrose being a condition of the resolution.

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

3. 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 November 13, 2008. 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 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 project will be serviced by Public Water and Sewer. The plans state that the proposed waste and sewer will be installed "by others". The applicant shall provide testimony on who will construct the improvement and when they will be completed. The applicant has provided a hammerhead for a turn around at the end of North Apple Street. The hatched area shall be labeled and dimensioned. An access easement will be required on Lot 16.02 for the turn around. The easement shall be added to the subdivision plans. 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. The plans has been prepared in accordance with the New Jersey Map filing Law.

**Mr. Truscott read from a letter dated November 14, 2008. 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. The applicant has provided a partial turnaround area, however, it is on proposed lot 16.02 which is not acceptable. The lot boundary would have to be revised to exclude this area so that public vehicles are not entering the subject lot. 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. The Roadway Plan indicates that the services will be available in the street, however, per the plan, these services will be installed "by others". The applicant should clarify the timeline for the installation of these utilities, and how services will be provided to the proposed lots, should these services not be installed "by others". Since sanitary will be available in front of the proposed lots. The plan should indicate the abandonment of the existing septic system in accordance with NJDEP standards. Board of Health approval for the abandonment is required. Sidewalks are proposed on the North Apple Street frontage. The applicant is also proposing curb where none currently exists. We defer to the Board Engineer to review the grading to determine if curb can be installed without creating a drainage issue on the proposed lots. The plans indicate a shade tree easement. Shade trees should be provided in said easement. The remaining comments are technical in nature.**

**Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Shea said this a re-design of an existing approval. Mr. Flannery stated the previous application had the 2 lots fronting on Kennedy Boulevard East and after 2 years of negotiating with the county they have determined they are not going to win that battle and so they have turned the lots and they now front on North Apple Street and they are requesting a variance for lot area on the smaller lot. It is the same variance that was granted when the configuration was switched. The septic will be abandoned and if the sewer and water "by others" is not installed by the time this application would proceed they would have to post the bonds and be responsible for doing the work. (There was another application approved by the board that indicated those improvements) The prior application had a hammerhead turnaround that went into the end lot and we are proposing the same thing here. In Mr. Peters' report he recommends putting in an**

easement should be put around it and that what the applicant prefers to do so that the public has the right to turn around in it; the planner also suggested taking the lot area out and changing the lot lines. They have also met with the neighbors to the north and have agreed to put an 8 ft. vinyl fence along the northern property line up until the front setback. The applicant has also requested for the board to grant a 20 ft. instead of a 25 ft. front setback to Kennedy Boulevard East because Kennedy Boulevard is not going to be the boulevard it was previously, it ends at the railroad right of way and will never be put through because they will not allow another railroad crossing. It is his professional opinion the board can grant the variances without any detriment to the zoning ordinance or zone plan. The other comments are minor in nature and they would agree to satisfy them. Mr. Banas asked how many bedrooms are in the units and Mr. Flannery said the typical house would be 5 or 6 bedrooms and they are providing 4 parking spaces.

Mr. Schmuckler asked about the driveway for proposed Lot 16.02 and asked if it could meet the turnabout where the hammerhead and Mr. Flannery agreed.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Akerman, seconded by Mr. Fink, to approve the application with the recommendations. Mr. Truscott asked about if the 20 or 25 ft. setback off Kennedy Boulevard and Mr. Banas said if it is a request from the applicant, he would honor it. The members agreed.

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

4. 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 November 14, 2008. 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 will be required. Evidence of the approvals shall be made a condition of the Planning Board approval. The applicant shall provide a copy of the easement agreement permitting stormwater discharge through the subject property. The easement agreement may place restrictions on the development of the land within the easement area. The following proposed lots do not meet the minimum width requirements: Lots 87.04, 87.07 through 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. In addition, the proposed

width of each lot has not been provided. The applicant has provided four (4) off-street parking spaces per lot. The Board should determine if the proposed number of parking spaces will be sufficient. The Board should determine if the proposed roadway will be public or private. The stormwater infiltration system lies within easements to be owned and maintained by a Home Owners Association. Stormwater conveyance pipes lie within the proposed right of way. If the proposed roadways will be private, they shall be noted as such on the plans. We recommend the existing stormwater piping the lies within easements adjacent to Hill Top Court be relocated to be within the right of way or along the rear property lines of the proposed lots. We recommend the intersection of the Hope Hill Lane cul de sac and the two proposed roadways be revised. The cul de sac should be removed and either a Tee intersection designed or Hope Hill Lane can curve into Mesa Court with Tel Court intersecting Hope Hill. Although traffic volumes will be low, the proposed layout of a cul-de-sac bulb with two intersecting streets creates a safety concern for motorists. Stop sign control should be added to all proposed intersections. 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. Curbs and sidewalks are provided for all the proposed streets. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 14, 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. 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, 87.07, 87.10, 87.11, 87.14, and 87.13 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, the lot widths for lots 87.04 and 87.13 are missing, and 87.10 is listed twice. Please address. 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. This front yard setback should be indicated. 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 proposed layout is not in accordance with RSIS, since Hope Hill Lane will cease to be a cul-de-sac given the proposed design, then Hope Hill Lane becomes a residential street. This proposed residential street exceeds RSIS width requirements. Therefore, the Board would have to grant the applicant the right to exceed RSIS standards. We do not recommend

the proposed circulation and, therefore, would recommend against the applicant exceeding RSIS standards. The applicant should address the safety and turning movements within the proposed three-way intersection of Tel Court, Mesa Court and Hope Hill Lane. We defer to the Board Engineer for further comment. The project will be served by public water and sewer. 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. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery stated the application is for 15 new lots where 8 lots existed. All of the lots conform to the minimum lot area and they are requesting variances for lot width for 4 lots although the board professionals feel there are more and the problem is the ordinance does not define the average lot width and it is difficult to determine on unusual lots. They defer to the boards' interpretation and request the variances on the 6 lots and feel they are minor in nature and the minimum they are asking is more than 80 ft. and the same number of lots could be developed without lot width variances if they went to another provision in the ordinance for flag lots. It is his professional opinion that these lots can be developed and these variances can be granted without any detriment to the zoning ordinance or zone plan and said a lot of the lots greatly exceed the 15,000 sf required and some of them have over 20,000 sf.

With regards to the planners report, Mr. Flannery said they only negative to the variance is the aesthetics because they are large and on cul de sacs. Based on that, Mr. Flannery felt there really is no negative impact to it, the benefits are they are providing lots with areas exceeding the minimum lot area and providing needed housing opportunities on very nice large lots in Lakewood. Mr. Banas said aesthetics is a negative idea and Mr. Flannery said the aesthetics of a flag lot would be far outweighed by what they are proposing. Mr. Banas asked if they plan on destroying the trees at the same time and Mr. Flannery said they will save every tree possible and the will meet with the Township Engineer and flag trees to be saved and they would agree to that as a condition. Mr. Flannery said they have an existing cul de sac which is the large cul de sac that buses can turn around in and they have an existing dwelling on Lot 94 and after the technical meeting when the board recommended eliminating the cul de sac and replacing it with a bend the neighbor was vehemently opposed to eliminating it and felt if a school bus wants to come in it can come in and turn around and the children playing in that cul de sac is his children and he feels comfortable from a safety issue and there will be a limited number of neighbors that all will know the situation and therefore the safety situation, in his professional opinion is taken care of because it is not like a through street you would have people not from the area entering the neighborhood. If they were subdividing this from the start, they would not propose this but taking into account the fact that it is exiting and the dwelling is there, he hopes the board would wait until after the public comment to hear the neighbor express his concerns and the applicant would defer to whatever the board wants.

Mr. Banas said the only problem is that the neighbor would not be there infinitum. He will die along the line and will not have that property and it is hard to say what the next property owner would feel and Mr. Flannery said anyone buying this house would see the situation and have the opportunity to make that decision. Mr. Banas said he would wait for his comments. With reference to the screening along the rear of lot line of 87.03 to the existing detention basin, Mr. Flannery said at the tech meeting he expressed his opinion that aesthetics of the detention basin would be enough to look at without screening. If a purchaser decides they don't want to

look at the detention basin they could always put the same trees in themselves but if an owner wanted to look at the detention basin and we put the trees in, he would have to rip them out. Mr. Banas asked how deep the basin is and Mr. Flannery said probably 4 or 5 ft. and Mr. Banas asked how much water will be save and Mr. Flannery said it is a detention basin so it is dry, when it rains there is water in it, it is fenced and when the rain stops the water goes away. He said he would rather look out and see a larger depth than put trees in the back of the lot line and not have that but they would defer to the board's opinion but would respectfully request relief from that.

With regards to the engineer's report, Mr. Flannery said the issues were the same as the planners. They have searched the records and there is no easement agreement, the easement was created on the filed map and they will provide a copy of the filed map. It is an easement that comes from the detention basin through the subject property out to Hope Hill Lane and continues across the neighbors property and underground pipe and on this issue they also request that the pipe stay where it is because each of the lots have large build able areas and relocating the pipe is going to disturb the area and create more erosion and have more of an adverse impact on the downstream properties than just leaving it there. The only adverse impact they get leaving it there is the building envelope is reduced slightly but it allows large building envelopes anyway and the applicant respectfully requests to leave the pipe in its' present location. The remaining comments in the engineers report are minor in nature and they agree to comply.

Mr. Franklin asked who was going to maintain that pipe and Mr. Flannery said currently it is an easement that is maintained by the county and if they leave it in the same easement he thinks they would continue to maintain it. The other pipes on site would be maintained by the homeowners' association and if the county did not accept responsibility for maintaining that pipe they would, in the documents for the homeowners association, indicate that it would be maintained by them because they understand the township is not going to maintain pipe on private property.

Mr. Peters asked Mr. Flannery about the pipe that runs in the front yards of at least 2 of the houses on the north side of the cul de sac and asked if they the lot area to make those lots less deep, slide the cul de sac north, basically build the road overtop of that pipe so it eliminates that front yard issue? He said he thinks it would be cleaner if it was within the roadway as opposed to someone's front yard. Mr. Flannery said due to grading issues and lot area issues, they tried to do that and couldn't make it work. Mr. Banas said driveways from those same lots are going to go over that pipe and asked if it was going to destroy that pipe and Mr. Flannery said typically a roadway would be constructed over that pipe and a roadway would have more of an impact than just a driveway.

Mr. Banas asked about the parking spaces and Mr. Flannery said they would agree to 4 spaces per lot since they would be building about 5 bedroom homes. Mr. Schmuckler asked who will own the streets and Mr. Flannery said he would hope the Township would take them but they will defer to Mr. Franklin and he thinks he already knows the answer so they will be maintained by the homeowner's association. Mr. Franklin said he thinks Mr. Flannery needs to explain why this is happening because other homeowners' associations asking for the township to take over the roads because they are taxpayers. The reason the drainage systems are put in the way they are is because it is saving the homeowner a lot of money up front and you can't loose that

thought as they start maintaining it over the years it becomes costly but this is the reason for putting the drainage in this way. Mr. Flannery said the township doesn't want to maintain a roadway with drainage that goes onto private property and in order to keep all the drainage in the roadway you would have to have a property that is all sloping towards the road. This particular property has a lot of topographical relief to it and it would be impossible to get all the drainage into the road and the Township's position is if all the drainage is not in the road the drainage and the roadway needs to be maintained by the homeowner's association. Mr. Schmuckler asked how many drains are not in the road and Mr. Flannery said there appears to be 6 catch basins and the piping that connects that. Mr. Percal asked if they made any provisions for a play area and Mr. Flannery said no, they are 15,000 sf lots and they typical tot lots that are put in for townhouse developments are 5,000 sf and these lots will have an area the size of a tot lot. The ordinance also says that lots over 25 need to have one and this is less. Mr. Percal said this board recommended in the Master Plan that any development 12 units or larger should have a play area, it did not encompass lots this big so he will yield to the other board members as to their opinion on this matter. Mr. Banas said even though the Master Plan did recommend that, until it becomes an ordinance this board cannot hold the applicant to that.

**Mr. Banas opened the microphone to the public**

**Mr. Moshe Rubin, 51 Hope Hill Lane, Lakewood was sworn in. He stated he is the owner of Lot 94 with the cul de sac. He is opposed to the current cul de sac being taken out. He likes the fact that he is on the cul de sac and his children who play on the circle and have the need for the school bus to turn around in. It would significantly change the complexion of the street where he purchased his home and as an existing resident on the road he has a right to have his street retained in the same nature and not changed because a developer wants to maximize the number of lots to develop by eliminating his cul de sac and installing one for the developers. Mr. Schmuckler said there are 2 parts left of the cul de sac when the road is punched out, the part in front of Mr. Rubin's house and the part across from his house. The part in front of his house is the smaller part which doesn't make things less safe by taking it, across the street from his house, if a child is playing in that cul de sac area and a car is coming around the corner it is a blind spot and asked if Mr. Rubin realizes that. Mr. Rubin said as a resident of the block, the safety issue is really not a concern because it is really not a major thoroughfare and he would rather leave the existing circle as is. He also wanted to bring up the issue of the road being public or private, currently the status of Hope Hill Lane is that it is a Township road maintained by the township and Mr. Flannery said yes and it would remain that way, the proposed new roadways would be maintained by the homeowners association.**

**Diane Charleston, 11 Hope Hill Lane, Lakewood was sworn in. She said there was discussion about the easement and she lives on Lot 99 and the easement runs through her property. She would like to know how, with the new drainage that will further impact her property. She said they already have a development that is behind them, it comes off Adams and it is Reagan Court. She has been in her home 22 years and since they built the development on Shonny there has been an increase in the water flowing through the drainage easement from there underneath Hope Hill Lane, under the pipe that goes through her property and it dumps out in the back lot behind her property which is wetland property with a ravine. Nobody is maintaining that sewage/drainage pipe that dumps out in the back; consequently over the last 2 summers the water has been flowing back; there has been times when the water sits there and stagnant water breeds mosquitoes. Now new homes are being built along that ravine: Reagan Court, off**



of Adams and some of those homes on built into the buffer of that ravine and those people are going to be subject to those mosquitoes, West Nile virus, etc. if that drainage area is not properly maintained, and it has not been. She called the Township and they did some work with shovels and that is it. Her concern is that they are going to get a lot more water flowing back there and asked what is going to happen with the increase of water, who is going to be maintaining it? She said this is water that is supposed to flow and it doesn't, there are trees over it, it is all blocked up and not flowing and it is supposed to flow to Barnegat Bay and supposed to be rain water only. Mr. Flannery said it is rain water only that is going there and any of the water from this development that is going there is going to be rainwater only. It goes into a stormwater management system where all of the storms will be reduce so the flow is less after development and before so the impact from this development will be less. With respect to the ravine where the wetlands are and the water goes, it will be wet and there will be water there and this board approved the application that was done and Mr. Franklin was the one who insisted that the homeowners association be formed for that development and they would be responsible for the maintenance of that area and if there are trees that are blocking the drainage flow that homeowners association would be responsible. Mrs. Charleston said there is not even a grate over the top of the outlet. Mr. Banas asked if Mr. Flannery indicate that the county is the one responsible and Mr. Flannery said the pipe is from the county detention basin so the pipe itself would be maintained by the county, the county is not going to maintain the property downstream from that where the water goes, that property would get maintained by the property owner of that property and this was an application that was before this board, a homeowners association is being formed, the houses are under construction and as soon as those houses are built those people who are part of the homeowners association will make sure that it is maintained. Prior to this, it was a couple of homes in the area and homeowners certainly had no responsibility to maintain that waterway. The reality is that it is wetlands and what the DEP wants is that the wetlands stay wet so there are going to be some mosquitoes. Mrs. Charleston said the problem has hone been the last 2 years since they built the Shonny Court development.

Mr. Banas said part of her property is in the wetlands area and she said it was in the buffer area. He asked her if she can see the outflow pipe from her home and she said no, you have to go into the woods along the edge of the ravine about 100-150 ft., about the length of 3 homes. Mr. Banas asked how she would suggest maintaining that and she said someone would have to physically go in there and do it, take out the things that are blocking the flow of water. Mr. Flannery said the homeowners association, when the houses are done and hopefully the Township Engineer would require that. Mr. Banas did not think the witness would accept that very readily. Mr. Flannery said this development would generate less drainage post development and Mrs. Charleston asked how because she does not understand. Mr. Jackson said there are stormwater regulations and DEP standards, etc. and they can keep going back and forth and Mr. Banas said nevertheless, the witness would like an explanation so Mr. Flannery said it is an underground drainage system, the water is directed to the underground drainage system, its' perforated pipes, so it holds the water and then it perks it into the ground and releases it into the ground at a slower rate than prior to development. Mrs. Charleston asked about the homeowners association and said there are people on that street who are not part of that development and asked if they were going to be required to pay fees and Mr. Flannery said it would only be for the new lots and new homes. She asked if they were going to be required to hook up to NAWCO water and sewer since they have septic and well and Mr. Flannery said no, the availability is there if they want to. She said they all know the problem of global warming and keeping the environment green and she said it is the responsibility of every

individual to try to work towards a greener society and every time you take down a mature tree, trees are the lungs of the world, and you can plant little 5 and 8 ft. trees, but it is going to take 50-70 years for that little tree to clean the air the same capacity as that mature tree did. A lot of people move here for the clean and healthy air and the development is destroying the environment.

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

Mr. Akerman discussed the cul de sac with Mr. Schmuckler and there is an issue of safety of a car coming around the bend but if that cul de sac is not there, then they would have to walk all the way to Hope Chapel Road and he assumes the bus would not come down there anymore. He also asked about the existing trees and the tree save and Mr. Flannery said in that area the grading would eliminate any of the existing trees they could plant lower bushes and pull back the trees and provide a site easement at that bend.

Mr. Banas asked the members their feelings about the cul de sac and Mr. Akerman said as long as there are no trees blocking the cars vision and Mr. Flannery said they would pull the trees back onto the property and put in a site easement and put that on the plans.

Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve the application with all the stipulations of the professionals and everything discussed.

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

Mr. Flannery asked if the approval was with the relief they requested and was told yes.

5. SD # 1645 (Variance requested)  
Applicant: Reisz & Lipschitz  
Location: northeast corner of Clifton Avenue & 11<sup>th</sup> Street  
Block 112 Lots 3 & 11.01  
Minor Subdivision from 2 lots to 3

Mr. Peters read from a letter dated November 13, 2008. The Applicant is seeking a Minor Subdivision approval to subdivide two (2) existing lots into three (3) new lots. An existing single family dwelling is located on proposed Lots 3.01 and 3.02 and will be removed. Duplex dwellings are proposed on Lots 3.02 and 11.03. The duplexes are proposed to contain five (5) bedrooms and an unfinished basement with a separate entrance. A single family home is proposed on Lot 3.01. The property has frontage 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. The side yard setback label on Lot 3.01 is written over the building line and can not be clearly read. The label shall be relocated. Also, the rear yard setback shall be revised to read 20 feet instead of 10 feet. 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 is providing two and one half (2.5) off-street parking spaces per duplex unit, for a total of five (5) spaces per Lot. Four parking spaces have been provided for the single family home. The Board should determine if the number of parking spaces provided will be sufficient. Curb and sidewalks exist along the property frontages. A note has been 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 proposed to be dedicated to the Township. The outbound corner markers shall be set prior to signature of the Final Plat.

Mr. Truscott read from a letter dated November 13, 2008. 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. Duplex dwellings are proposed on all three lots. 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. A lot width variance is required for Lot 11.03 for mean lot width of 55 feet when a minimum of 75 feet is required. The positive and negative criteria for the requested variance must be addressed. Review Comments. New Lot 3.01, the corner lot, has a typographic error on the plan which indicates a rear yard setback of 10 feet, whereas the setback scales to 20 feet. The zoning table correctly indicates 20 feet. The plan should be revised. As indicated by a note on the plan, 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 4 off-street parking spaces will be provided for the single family dwelling, and 5 off-street parking spaces will be provided for each duplex. The plan is in compliance with R.S.I.S. We note that the rear lot line of the proposed duplex lots is less than 90 degrees to the abutting lot lines. This is not typical lot platting and typically not recommended from a planning perspective. The Township Ordinance addresses this issue through the definition of lot width, which requires that the mean lot width not be less than the required lot width at the setback line in the zone. The applicant should provide the proposed mean lot width for each of the proposed duplex lots. It appears from our calculation that a lot width variance is required for proposed Lot 11.03 and Lot 3.02. The balance of the comments are technical in nature.

Mr. Lines appeared on behalf of the applicant as engineer and planner. Mr. Lipschitz, 59 Arosa Hill, Lakewood, appeared as the applicant. Mr. Lines said 2 of the proposed lots are for duplexes and the corner lot will be for a single family home. They have provided 5 parking spaces for each side of the duplex so each lot will have 10 parking spaces and they have provided 4 parking spaces for the single family dwelling. They are asking for a variance for minimum area for the single family lot but it is a 250 sf deficit and looking at the lots in the area

that are R10 zone, half of the lots conform to the R7.5 so he believes the 250 sf deficit would not impair the zone plan and doesn't believe it is that extensive of a variance that it could not be granted. With regard to the comments about the mean lot width in the planners report, he looked in the ordinance and did not see a definition of a mean lot width but if you look at the average width of the lot it is a 150 ft. deep lot which is 12,000 sf which works out to an average width of 80 ft. He said they would request the variance if it is necessary but he is not sure if the planner's method of calculating is 55 ft. Mr. Truscott said it requires that you lot width, not only at the setback line but average for the whole lot, so you don't have a lot that closes in on itself and so you still have a rear yard. There is no definition of mean lot width, but it says you have to maintain it not only at the setback line but for the whole lot and 2 of the lots also have this narrow rear, so by definition it would have to be the required. Mr. Lines said they did submit architectural plans for the duplexes and those footprints are shown on the plans. He said based on the lot areas that they have provided for the 2 duplexes he does not believe there is any detriment to it being an askewed lot line, they both have sufficient rear yard area for a deck and play area and they have conformed with all the other setbacks. The benefits are there will be 5 new housing units in place of one older unit and provides sufficient light and air and is keeping with the zone plan. Mr. Banas asked how many square feet there were in each duplex and Mr. Lines said 1,500 sf, Mr. Banas asked Mr. Lines how many variances he was asking for and Mr. Lines said he was originally asking for one variance for lot area for the corner lot (single family lot) and Mr. Banas asked what is going in the basement of the unfinished and Mr. Lines said right now they are unfinished with heating units, air conditioning, hot water heater, etc. and Mr. Banas asked the height of the basement and Mr. Lines said normal 8 ft. height and Mr. Banas said that is not normal for unoccupied basements. Mr. Lines said they are not proposing apartments in the basements but if in the future someone were to put one in, they are providing 5 parking spaces on each lot which would provide 3 for the main part of the house and 2 if there were basement for parking. Mr. Banas said there were steps going down from the outside to the basement directly and Mr. Lines said he said he has not looked at the plans in a month and Mr. Banas said that immediately tells him that the basement isn't unfinished and in his mind it is already finished. Mr. Banas asked if there was sufficient parking and Mr. Lines stated there was 5 for each side of the duplex; 3 parking spaces for a 5 bedroom duplex (upper floor, per the RSIS) and 2 spaces if someone had a basement apartment. Mr. Banas said some of the zones in Lakewood anything that goes in a basement requires 2 additional and what they have been asking for with 5 bedrooms is 4 parking spaces and with a basement it would be 6 spaces. Mr. Lines said at the last meeting he had 4 and there was a lengthy discussion on this and he shifted the homes to provide the 5 and Mr. Banas said they did not see the architectural plans until now and the architectural drawings show him that there is another apartment downstairs. Mr. Lines said if the board requires 6 parking spaces then they will provide 6 and Mr. Banas asked where will they be and Mr. Lines said on the 11.03 they will extend the driveway another 18 ft. because it is already in the sideyard and on Lot 3.02 they could either next to and create a 3 car wide 2 car deep driveway or if there was a way to move the house and provide it another way around. Mr. Banas asked him what he has done in terms of the wetlands that were discussed in the engineer's report and Mr. Lines said he has looked at the I Map and it does indicate the possibility of wetlands on the property. He has walked the site and he does not believe there are any wetlands on the property but will submit an absence/presence request to the DEP and said there was another subdivision approval in 2003 for lots 11.01 and 11.02 with no indication of wetlands then. He will apply for an absence/presence from the DEP.

Mr. Schmuckler said he would rather have 10 spaces than 12 spaces for the duplexes because it is so much ground being paved and he would rather have more grass and it is his opinion. Mr. Banas said he knows the area and it is in desperate need of parking.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve the application with the 12 parking spaces per duplex lot and 4 parking spaces for the single family lot.

Mr. Lipschitz asked what if they decide not to build the duplex and Mr. Banas said they would have to come back to the board and Mr. Jackson said they could put a stipulation in there that they could put a single family home. Mr. Banas said this is a deviation of the form of procedure. They gave the applicant the opportunity to make his presentation and we are at the are of a motion and now the applicant with another request.

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

Mr. Banas said if they do not build the duplexes those parking spaces are not necessary, but if they do build the duplexes and the single that is what is needed.

6. **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 November 14, 2008. The Applicant is seeking 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: 10,000 SF are required for a single family dwelling, where 7,500 SF and 9,750 SF are proposed for Lots 151.01 and 151.02 respectively. Minimum lot width: 75 FT are required, where 50 FT and 65 FT are proposed for Lots 151.01 and 151.02 respectively. Minimum front yard setback: 30 FT is required, where 18 FT is proposed for Lot 151.02. Minimum side yard (one side) setback: For both lots 10 FT is required, where a 7 FT setback is proposed. Minimum combined side yard setback: 25 FT combined setback is required, where 15 FT is proposed for Lot 151.01. Maximum Building Coverage: A maximum of 25% is permitted where 29.69% is proposed for Lot 151.01. Outside agencies approvals 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 show the proposed handicapped ramp location on the plan. The applicant has added a label for a handicapped ramp to the plan, the ramp shall be shown graphically as well. 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. Any existing well and septic system shall be noted that they will be removed in accordance with State and County standards. The proposed dwellings will be serviced by public water and sewer. The applicant notes that each lot will provide four (4) parking spaces. The length of the driveways measures 26 feet from the road widening easement. The minimum driveway length shall be revised to be a minimum 36 feet from the easement line. 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 has provided a R.O.W. dedication to the Township along Stirling Avenue. The rear property line length for Lot 151.02 shall be revised to account for the five (5) foot reduction in width. The outbound corner markers shall be set prior to signature of the final plat as the surveyor certification states the corner markers have been set.

Mr. Truscott read from a letter dated November 12, 2008. 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. 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 9,000 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 60 feet in width. Front Yard Setback: A minimum of 30 feet is required and Lot 151.02 has a proposed front yard of 18 feet along Stirling Avenue. 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. Building Coverage: A maximum of 25% is allowed. A building coverage of 29.69% is proposed for lot 15.01. 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 properties in the neighborhood should be addressed. Review Comments. Existing Dwelling. As noted on the plan, 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. Sidewalks. Existing or proposed concrete sidewalk is provided on both street frontages. The balance of the comments are technical in nature.

Mr. Lines appeared on behalf of the applicant as the engineer and planner. He stated they are proposing a 6 bedroom dwelling on each property and the variances requested comply with the R7.5 zone for the 2 structures and the 2 lots. As indicated in the master plan this area is recommended by the board for rezoning condition upon if 70% of the lots in the area complied with the R7.5 zone. Only 20% of the lots in the area are less than the R 7.5 zone, the remainder comply with the 7.5 zone up to the R10 zone. Mr. Banas asked how he determined that and Mr. Lines said based on the area that goes from Clover Street to Route 88 to Oakland Street, based on the tax maps and aerial photographs to see what lots have houses on them and 20% of those lots are generally 50 ft. wide and between 120-150 ft. deep. Based on that they propose to provide R 7.5 setbacks for side, rear and they are providing a 30 ft. setback on the front on the

Linden side. As indicated in the letters, they are requesting a variance of 18 ft. on the Stirling Avenue side and that is after the 5 ft. dedication which they would rather it be a road widening easement because from an engineering standpoint he doesn't believe any of the street in this area will be constructed to 36 ft. wide, they are mostly 30 ft. wide and he doesn't believe the town is going to come in and start widening all of the streets, they are well established neighborhoods, so they are requesting that one variance for the side setback on the corner lot. He believes the benefits of granting the variance outweigh the detriments because the lots generally comply with other lots in the area. As far as the comments in the letter, Mr. Lines said they could comply and make the revision required for both professional reports. He does not believe there are any septic systems on site but would put a note that if there are any found during construction they would be closed in accordance with DEP and county requirements.

Mr. Banas asked why does the building on the corner, Lot 151.01 need to have a building coverage of 29.69 % and Mr. Lines said they are proposing to put the same house on both lots which is a 6 bedroom house and Mr. Banas said they meet the coverage on the one lot but on Lot 151.01 you are asking for a coverage of almost 30% and Mr. Lines said the 30% is the permitted coverage in the R7.5 zone and Mr. Banas said this is an R10 zone. Mr. Lines said they are designing to comply with the R7.5 zone and Mr. Banas said they cannot change the zone, you have to follow the zone requirements that are in the ordinance. Mr. Banas said the home should restrict itself to 25%, they are putting a bushel in a peck. Mr. Lines said they can reduce the size of the house to comply with the 25% lot coverage. Mr. Banas said in doing that, would they be requesting all the variances and Mr. Lines said yes because they would be taking the coverage off the back of the house and would still like to comply with that width of house because it is architecturally easier to design that width of house. They just have to reduce the size of the rooms. Mr. Banas said his question is simply, you have one width of property at 65 ft and one width at 50 ft. and if you are building the same structure on both of the parcels wouldn't it be better to go and just take the 2 of 115 ft. and divide it in half and Mr. Lines said because it is a corner lot so they needed the increased setback on the side.

Mr. Banas opened the microphone to the public

Ruby Kee, 55 Linden Avenue, Lakewood was sworn in. She wanted to know about the 2 dwellings that they area planning to put over there, how many bedrooms are expected to be in those bedrooms and Mr. Banas said he knows what in the one but with the reduced house and 25% coverage, he asked Mr. Lines the number of bedrooms and Mr. Lines said they would reduce it to 5. Mrs. Kee asked if they would have basements and Mr. Lines said yes, but they would be unfinished. She asked if there will be sidewalks and was told yes.

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

Mr. Banas asked Mr. Lines if there were basements and Mr. Lines said they were regular single family home with a basement and Mr. Banas said not according to the architectural plans submitted. It shows a first floor and a second floor, but no basement. Mr. Lines said there is no outside entrance but they do have a basement. Mr. Lines said they will increase it to 6 parking spaces if they would like. Mr. Banas said they better but they need some architectural drawings to be furnished to the board. You have something that is partially done, you don't have the full thing and suggested he get the whole thing done correctly and bring the true picture to the board. The plans do not show a basement but it was pointed out to Mr. Banas that they have an

area of 1,643 sf and he thinks he would like to see new plans since they are also going down from 30% to 25% on the one lot and you are building 2 different structure and they only have one set of architectural plan without a basement. Mr. Banas said he would request that the plans be done and the architecturals be done come back at another hearing.

Mr. Fink had a question on the basement and asked if they planned on having a kitchen or plumbing in the basement and Mr. Lines said maybe the property owner could come up and answer that since he was not involved in the preparation of the architectural plans. The applicant said there will be no kitchens in the basements. Mr. Lines said the architectural plans do not have an outside entrance to the basement but understands they would like to see more complete architectural plans.

Mr. Fink asked for an explanation of why the application should be carried and Mr. Schmuckler asked if they always asked for architecturals on subdivisions and Mr. Banas said pretty much so.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to carry to the meeting of December 16, 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. SD# 1647 (Variance requested)  
Applicant: Moshe Zucker  
Location: Ridge Avenue, adjacent to Manetta Avenue  
Block 223 Lot 92  
Minor Subdivision to create 2 lots

Tabled to December 16, 2008

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

Tabled to December 16, 2008

9. Adoption of 2009 Planning Board Schedule

There were some minor typographical corrections as far as the year (09 vs, 08)



Motion was made by Mr. Akerman, seconded by Mr. Fink, to approve as corrected (replace 08 with 09)

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

## 5. MEMORIALIZATION OF RESOLUTIONS

1. **SP# 1892** (No variance requested)  
**Applicant:** Princeton One  
**Location:** corner of Princeton Avenue & Fourth Street  
Block 159 Lots 9 & 24  
Denial of Preliminary & Final Major Site Plan for proposed 5 story office building

Mr. Banas said this item is incorrect and will be corrected so it will not be memorialized.

2. **SD # 1629** (Variance requested)  
**Applicant:** Shimshon Bandman  
**Location:** Ridge Avenue between Manetta Avenue and Somerset Avenue  
Block 189.01 Lots 6, 7, 8, 11 & 13  
Preliminary and Final Major Subdivision – 25 lots

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

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

3. **SD# 1630** (Variance requested)  
**Applicant:** Congregation Rachminstrivka  
**Location:** East County Line Road, east of Park Place  
Block 171 Lots 2 & 18  
Minor Subdivision for 2 lots

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

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 # 1894 (Variance requested)  
Applicant: Congregation Rachminstrivka  
Location: East County Line Road, east of Park Place  
Block 171 Lot 2.02

Preliminary & Final Site Plan for proposed synagogue

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

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

5. SP # 1897 (No variance requested)  
Applicant: Cedar Holdings LLC  
Location: Cedar Bridge Avenue, across from Arlington Avenue  
Block 536 Lot 75.04

Preliminary and Final Site Plan for retail and warehouse building- total 28,770 sf

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

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

6. SD# 1635 (Variance requested)  
Applicant: Batim Management Inc.  
Location: 228, 232 Sixth Street, between Clifton and Lexington Avenues  
Block 117 Lots 14 & 2

Preliminary & Final Major Subdivision – 2 lots for multi-family

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

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

## 6. CORRESPONDENCE

-None at this time

## 7. PUBLIC PORTION

-None at this time

## **8. APPROVAL OF MINUTES**

- Minutes from October 28, 2008 Planning Board Meeting
- Minutes from November 4, 2008 Planning Board Meeting

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

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

## **9. APPROVAL OF BILLS**

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

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

Mr. Kieft reminded the board members that the meeting for next week is cancelled

Motion was made by Mr. Franklin, seconded by Mr. Schmuckler, to cancel the meeting of November 25, 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. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary