

**LAKWOOD PLANNING BOARD  
MINUTES  
PLAN REVIEW MEETING  
MEETING OF: DECEMBER 5, 2006**

**I. CERTIFICATION OF COMPLIANCE**

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

“The time, date and location of this meeting was published in the Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

**2. ROLL CALL**

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Banas, Mr. Gatton

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

Mr. Banas added an item to the agenda under new business- a discussion of the Natural Resource under item #11

A special meeting was added to the schedule to catch up on applications on January 30, 2007 at 6 p.m.

A motion was made by Mr. Franklin, seconded by Mr. Gatton, to schedule the special meeting

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Gatton; yes

**4. OLD BUSINESS**

**Re-Adoption of Stormwater Management Plan**

Andre Lennertz from BEI gave a brief narrative of the stormwater management plan. A version came before the board in April and was approved. It was then sent to OCPB for approval and they conditionally approved the plan in May. He has since revised the plan

to conform to their requirements. He distributed the memo showing the changes made, and OCPB said it is in compliance once the board re-approves the revisions.

Mr. Banas liked the last paragraph and asked how that would work into the Master Plan, and asked what recommendations he could make to help with the run off. Mr. Lennertz said that the recommendations have been incorporated into the Township's new Stormwater Control Ordinance which gives them a more effective tool to change the design standards and become more stringent in the amount of stormwater run off allowed to leave a site. A maximum impervious coverage % by zone could also be set to go above and beyond the standards. Mr. Banas had a hard time reading the maps, he thought they were too small.

Mr. Gatton questioned the statements about the high pollutant loads, regarding the impervious coverage, and needed help with the chart, especially the existing impervious coverage. Mr. Lennertz said they used the state maps. Mr. Gatton said we already have existing high pollutant loads, and if we build to the maximum we would be 4x times what we are now and was told yes. He agrees with Mr. Banas' statement about the excessive run off and was told the only way to do it is to have the township review its' ordinance and adopt more stringent impervious coverage standards for each of its' zoning district.

A motion was made by Mr. Franklin, seconded by Mr. Hezl, approve the re-adopt the stormwater management plan and recommend the township establish an ordinance to fulfill the request to eliminate the impervious surfaces in all of the zones.

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Banas; yes, Mr. Gatton; yes, Mr. Percal; yes (Mr. Akerman arrived but did not vote)

Mr. Jackson to prepare a letter to Frank Edwards so the committee can move.

**1. SP # 1794A**

**APPLICANT: MARION WERBLER**

Location: Cross Street

Block 524 Lot 3.02

Extension of previously approved Preliminary & Final Site Plan

John Mallon, appeared as engineer (Ernst Ernst & Lissiden) on behalf of the applicant. The subdivision was filed but the site plan was delayed by the county. He requested 90 days and was given 1 year extension.

**A motion was made by Mr. Franklin, seconded by Committeeman Miller, to approve a 1 year extension on the approval**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes

**2. SD # 1515A**

**APPLICANT: GITEL EISEN**

Location: corner of Ocean Avenue (Route 88) and Holly Street  
Block 189.02 Lots 160, 161

Extension of previously approved Minor Subdivision

Mr. Penzer appeared on behalf of the applicant. He asked for 90 days and was given 1 year.

**A motion was made by Mr. Herzl, seconded by Mr. Franklin, to approve a 1 year extension on the approval**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes

**3. SP # 1726**

**APPLICANT: SHLOMO MEYER (FOOD EX)**

Location: intersection of Princeton Avenue & 4th Street  
Block 162 Lot 4

Amendment to previously approved Preliminary & Final Major Site Plan approval resolution.

Mr. Peters stated was previously granted approval on September 21, 2004. One of the conditions of approval was the applicant was required to obtain written authorization to access the New Jersey southern branch main line right of way. The applicant has provided correspondence from the applicant's engineer to NJ Transit; these letters went unanswered according to the applicant's engineer. During resolution compliance Mr. Peters spoke with Mr. Allen Krantz of NJ Transit real estate division who stated that Lakewood Township agreed to lease approximately 40 ft. of the right of way to NJ Transit to allow for continued access. Mr. Krantz stated NJ Transit has plans for a future rail line within the right of way, and when the new line is created, the lease will be terminated and no access will be permitted within the ROW. This information is based on a phone conversation only and Mr. Peters recommends the applicant contact the township to determine the specific requirement of the agreement between NJ Transit and the township. The applicant has proposed a parking lot entrance and loading dock to be access through the ROW. The board should discuss with the applicant future plans for this site one the new rail line is constructed and the ROW is closed to the public.

Mr. Penzer appeared on behalf of the applicant. He tried every way imaginable to contact the railroad to no avail. Even if they eliminate the right of way they have sufficient parking and circulation and they would loose the loading dock, but to remove that condition. When the railroad goes through, no one knows. Committeeman Miller said he has had similar problems getting in touch with the railroad, and suggest they take the condition out. Mr. Flannery said they could function without that street, they have access from Princeton Avenue.

**A motion was made by Mr. Herzl, seconded by Committeeman Miller, to approve the amendment to take out the condition of the railroad.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; abstain

## 5. NEW BUSINESS

**1. SD # 1551A (NO VARIANCE REQUESTED)**

**APPLICANT: SOUTH LAKE PARK C/O SAM BROWN**

Location: Hope Chapel Road, Buchanan Street, Adams Street, Hope Hill Lane and Oliver Street

Block 5                      Lots 5 & 1.01

Block 11                     Lots 5, 16, 21, 22, 35, 97, 101

Preliminary and Final Major Subdivision

Mr. Peters stated the applicant has requested to divide 12 existing lots into 18 new lots with 3 existing dwellings which will remain, 14 lots for proposed residential dwellings and one open space lot. The property is located in the R-15 zone. The applicant has stated no variances are requested, but we find the following variances will be required: Lot area; 15,000 sf are required, the applicant is permitted a 15% reduction to the minimum lot area of 12,750 sf. A variance would be required if the recreation area is not deemed acceptable. The following lots are larger than 12,750 sf but smaller than 15,000 sf: Lots 139, 140, 143 & 144, and Lots 139, 140 & 143 have existing dwellings. Lot width: 100 ft. is required; the applicant is permitted a 10% reduction to the minimum lot width of 90ft. The following lots will require variances; Lots 141, 142, and 155. Lots 144 & 145 have acceptable average lot width, but the width at the front setback measures 80 ft. Front yard setback: 30 ft. is required and lots 139 & 140 will require a variance, but is an existing condition. The number of lots requiring variances may increase if the applicant is not approved for the reduction of residential lot requirements. The applicant must obtain all outside agency approvals which include Ocean County Planning Board, Ocean County Soils Conservation District, and NJDEP and for wetland buffer disturbance, water main extension. The applicant should provide testimony on the distance of the proposed development from the closest existing sanitary sewer connection. If a sewer system will be provided in the area within 6 years, the board may require the applicant to install a capped system within the road right of way. The applicant will need a design waiver for the lot layouts because many of the lot lines are not perpendicular to cart ways. The board may wish have to applicant improve Adams Street leading into the development to meet Township and RSIS standards. The applicant shall provide testimony to the identity of "others" proposing improvements to McKinley Ave. and Garfield St. as well as the time table and provide testimony on the ownership of the proposed roadway is public or private. The board may require the applicant to make the roadway private due to the underground stormwater management system. If privately owned, the applicant will be required to form a homeowners association to maintain them, and the documents should be forwarded for review by the Planning Board engineer and attorney. The applicant shall provide a tree protection plan and architectural drawings. The plans should show utility connections, both water and septic to the residences. We defer the water system for review by NJAWCO. The only place the use of septic is mentioned is on the final plat map. The applicant should include more information about the proposed sanitary sewer

system in the plans. The proposed septic systems should be labeled as well. The applicant should show adequate separation has been provided between the septic fields and the stormwater infiltration system. The proposed septic field location for Lot 142 would involve running lines through the wetlands buffer zone, and the applicant should consider moving the septic field of apply to the NJDEP for a permit; also, if the current design remains the applicant must detail how flow will be maintained through the considerable changes in elevation encountered through the wetlands. The applicant shall revise the plans to indicate that sidewalk that will handle vehicular traffic will have a minimum of 6 inches, and provide a vertical curve at all locations where the algebraic difference is 1% or greater at changes in grade. The applicant should provide testimony that the proposed subdivision conforms to the requirements of 18-821 building uniformity in residential developments. They should pre-treat all stormwater runoff from paved areas prior to discharging it to the infiltration system, and the stormwater reductions have not been met because the grading of portions of the site do not allow for the runoff to be captured by the infiltration system. The curb and sidewalks show discrepancies in the grade and base course. Please revise. The applicant should move the notes in the detail plans for the doghouse manhole to a different location, because they appear to be notes for the handicap ramp detail. The approximate locations of the septic field for the existing homes should be indicated on the plans. We request a copy of the wetlands boundary plan approved by the NJDEP dated 1/12/05. The LOI by Trident Environmental Consultants state the Metedeconk River drainage area is classified as FWT-2NT and is incorrect and should be revised to read category C-1 which imposes a buffer of 300 ft. wide. The remainder of the comments are technical in nature.

Mr. Truscott read from a letter dated December 4, 2006. The parcel is 7.8 acres in area and located in the northwestern portion of the township and the majority of the tract is vacant. A lot of the planners' comments are identical to the engineers report. This application is a substantial revision to plans reviewed by the board in June, 2006. The applicant should discuss the nature of the proposed changes. Section 908-B.8 requires the reduction of lot area and width requirements may be permitted, provided the maximum gross residential of 2.5 dwelling units per acres are not exceeded. The tract is 7.8 acres and the proposed dwelling units, existing and proposed is 17. The proposed density is 2.2 units per acres which complies with the above requirement. The majority of new lot 151 is classified as freshwater wetlands and wetlands transition area and should not be disturbed. The feasibility of this land for usable open space and recreation may be restricted. The applicant should address this issue with the Planning Board. If the board finds acceptable, the final plat should be revised to show open space lot 151 dedicated to the township. Lots 152 and 153 do not have frontage on an improved street. Please clarify or revise. We note that sidewalk is not proposed on the Adams Street frontage for new lot 150 and site triangle easements should be provided for all intersections. A soil erosion and sedimentation control plan should be submitted. The requirements of Section 18-821 of the UDO should be followed for construction in requiring 4 basic house designs for developments with between 7 -15 homes. Site improvements and parking must be in compliance with RSIS. Proposed lot 154 is constrained by freshwater wetlands and restricts the rear yard of the proposed lot. The balance of the comments were technical in nature.

Sam Brown, appeared on behalf of the applicant. The main concern is that it is in an environmentally sensitive area. The original plan was much larger and much denser, and it is nor more manageable. He agrees with the tree management plan. Brian Flannery appeared as the engineer for the applicant. He agreed to meet the concerns of the professionals. Mr. Banas said there were items that needed to be dealt with, such as the open space being wetlands, the extension of Buchanan Street, and Mr. Flannery said they would comply or testify at the public hearing. The nearest sanitary sewer is 2,000 ft away. He disagreed with Mr. Peters on the requirement of architectural plans.

Committeeman Miller liked the revised plan but stipulated sidewalks on Adams Street.

Mr. Akerman said some lots are undersized, so why didn't they notice for variance. Mr. Flannery thought it was a technicality.

**A motion was made by Committeeman Miller, seconded by Mr. Akerman, to move this application to the meeting of February 20, 2007 with sidewalks.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; yes (Mr. Klein arrived)

**2. SD # 1542 (NO VARIANCE REQUESTED)**

**APPLICANT: RYE OAKS LLC**

Location: Ocean Avenue (Route 88) east of railroad  
Block 536 Lots 1, 2 & 4

Preliminary & Final Major Subdivision for 40 townhouses and 1 retail center

Mr. Peters stated the applicant is seeking approval for 38 townhouse units, a 2 story commercial building with retail and office space, a community center, parking areas, a tot lot, and a stormwater management basin. The existing property fronts on Ocean Avenue and has access at 2 locations, east and west of 2 existing dwellings that are not a part of the subdivision and will remain. The eastern and southern property lines area adjacent to the Metedeconk River conservation area and the western side of the property is bounded by the NJ southern branch of the railroad. The lots are predominately open except for wooded area in the southwest area of the property and a smaller wooded area on the east side. There area a number of existing buildings on the property that will be removed, and the open area is composed of asphalt and gravel previously utilized for parking. The property is located in a wholesale service zone B-4 which permits retail and office uses and townhouses are permitted as a conditional use. A variance will be required for front yard setback for the retail building; 15 ft. is provided where 25' is required. The applicant must obtain all outside agency approvals which include Ocean County Planning Board, Ocean County Soils Conservation District, NJDOT, NJDEP permit for TWA and be made a condition of approval. A review of the NJDEP I-map shows wetlands may be present along the southern limits of the property, and the applicant shall obtain an LOI from the NJDEP or a wetlands absences determination. The applicant is required to form a homeowners association for maintenance of the public areas of the development and association documents shall be provided for review by the Planning Board Engineer and attorney and should address ownership and maintenance of the stormwater management

system, roadway, community building, tot lot and all other public portions of the site. The documents should also include a schedule of when the public amenities will be completed in terms of number of co's. Depending on the proposed uses of the office space, the number of required parking spaces may increase. Uses such as offices for doctors, dentists, and service uses will require additional parking spaces. Legend Circle can accommodate school buses, fire and trash truck moving counterclockwise around the circle and some of the curb radii internal to the development appear too small for full sized trucks, and the radii at the entrance to the retail/office parking area is too small for most trucks; the radii shall be revised to a minimum of 25 ft. Also, the width of the entrance to the retail parking area shall be provided. There are 8 parking spaces along Legend Circle that will require an easement, and the easement language should be provided for review by the planning board attorney and engineer. The rest of the comments are technical in nature.

Mr. Truscott read from a letter dated December 4, 2006. The current site is used as a junkyard/ automobile storage facility and contains wooded areas on the western side of the site. The site plan is a re-submission of a site plan reviewed in June 2006 which proposed 40 townhouse units within 100 ft. of Rte. 88. The applicant has since moved the townhouses back and have added a community center to the development. Several undersized lots are proposed for dedication to the homeowners association for open space and stormwater management and recreation. The following variances are required: Lot 1.41 – lot area of 7,367 sf is proposed, 10,000 is required; lot width of 16.87 proposed, 125 ft. required. Lot 1 – lot width, 104 ft. proposed, 125 ft. required. The front yard setback for the commercial lot is shown at 15 ft. where 25 ft. is required, and the building should be shifted to comply with the B-4 Zone front yard setback. The architectural plans show a building elevation of the townhouse unite being 2.5 stories and the floor plans show an unfinished basement with a separate entrance. Floor plans indicate each unit will have 4 bedrooms plus a child's study and habitable living space with a full bathroom in the attic, and these spaces can be converted into 5th & 6th bedrooms. The plans should be revised to show side and rear elevations as well as the placement of HVAC units if proposed. The applicant is required to obtain DPW approval for the location of the trash and recycling container enclosures Based on RSIS standards, the total number of spaces required is 117, based on 3 spaces for each dwelling, and the applicant has provided 133 spaces. The site plans indicates 115 spaces, and the proposed number of parking spaces should be confirmed. A total of 27 parking spaces are required for the commercial building, 19 are proposed in front of the building and 8 spaces which are accessible from Legend Circle to the south of the building. One concern with the spaces on Legend Circle it that the spaces will be partially located on the townhouse lot if Legend Circle is a private road, and the spaces are located at the curve of the street. The current turn around for the DPW appears to be inadequate and subject to the review of the engineer. The proposed development share a border with the NJ Southern railroad right of way. NJ Transit is conducting an investigation into reopening passenger rail service and if approved, would result in trains running 100 ft. of the proposed construction and the applicant should be prepared to address consideration of setbacks. The applicant should indicate if Legend Circle will be private or public and the applicant's engineer should discuss the sight distance for vehicles backing out of spaces in front of unit 4 (Bldg.#1). The entrance to the office space on the 2nd floor in the commercial building appears to be in the rear of the building, and there are no improvements shown to provide access to the office entrances, such as walkways and lighting. The remainder of the comments are technical in nature.

Kenneth Pape, appeared on behalf of the applicant along with Ray Carpenter. They were in front of the board in June, and have revised the plans based on the guidance received by Mr. Truscott and his staff. The bulk variances are in reference to the lots that would be dedicated to the homeowners' association. Mr. Carpenter stated the front yard setback on the commercial property will be complied with (25 ft). The 8 parking spaces in the townhouse lot is not in the townhouse lot but in the commercial lot. The remainder of the comments will be complied with.

The commercial building will contain retail on the 1st floor and the second floor will not be doctors, dentists, etc. and the client will stipulate the 2nd floor will not be used for high volume office use.

Mr. Franklin said the turn into Legend Drive will be tight, and Mr. Carpenter said he would speak to him tomorrow and comply with his recommendations, and he will make 25ft. radii for the trucks.

Mr. Akerman asked about the number of parking spaces, and was told it was 133 spaces.

Committeeman Miller said if the streets were going to be privately owned, then he suggested wording being put into documents stating that. Mr. Pape said it would be incorporated in the master deed. Mr. Banas asked for it to be put into the individual deeds and was told no problem. Mr. Millers also suggested that Legend Circle be a one way circle for the buses, but Mr. Banas said no bus will go into a private road. Mr. Miller said that when the bus stop is on a highway, the recommendation is to go into the road. Mr. Banas asked about the entrance and exit and the stacking of the cars. They wanted to open the turn in to make it wider, and Mr. Peters recommended adding 2 ft. to each side, making it 36 ft. wide (3-12ft. lanes; 1 in, 1 out to make a left, and 1 out to make a right) Mr. Carpenter agreed.

Mr. Akerman talked about the one way circle and liked the yellow striping, but if you made it a one way circle, it would eliminate the striping.

Mr. Truscott talked about the parking behind the commercial building, and they would be on a private road, and the applicant agreed to a cross access easement.

**A motion was made by Committeeman Miller, seconded by Mr. Herzl, to move this application to the meeting of February 20, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes



- 3. SP # 1859 (VARIANCE REQUESTED)**  
**APPLICANT: BATIM MANAGEMENT/MICHAEL BURZTYN**  
Location: Sixth Street  
Block 130 Lots 11, 12  
Preliminary & Final Site Plan for multi family dwelling with 4 dwellings

Edward Liston appeared on behalf of the applicant, said he thought the jurisdiction issue was settled on this 6 months ago, but it has resurfaced. He would like to respond to the conclusions found in those letters and asked to be carried to January 9, 2007 without any further notice.

**A motion was made by Mr. Herzl, seconded by Mr. Franklin, to carry to the meeting of January 9, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; yes, Mr. Akerman; abstain, Mr. Klein; yes, Mr. Gatton; yes

Committeeman Miller left for another meeting.

- 4. SP # 1851 (VARIANCE REQUESTED)**  
**APPLICANT: CONDOR JACKSON LLC**  
Location: West Kennedy Boulevard @ east corner of Forest Avenue  
Block 57 Lot 1  
Preliminary & Final Major Site Plan for 2 story office building

Mr. Penzer asked for this to be skipped over temporarily so Mr. Brown could attend a portion of a wedding and return a little later.

Mr. Peters stated the applicant is proposing to construct a 7,314 sf two story office building and is located in the O-T zone. The property currently contains a 1 story multi-family dwelling. The parking calculations shows 1 space is required for every 300 sf of office area. The applicant should certify that there will no medical, dental, personal service or retail trade businesses in the building in order for these parking calculations to conform to the UDO. The site plans indicates crosswalks and HC ramps on the sidewalk along Kennedy Boulevard, but no crosswalk or HC ramp is shown for a sidewalk along Forrest Ave and should be added to the plans. The 2 small parking lots are not large enough to allow for the entering and existing movements needed to maneuver a vehicle and we recommend the building be moved to the southeast corner of the lot to allow for one large parking lot to the north and west. The parking layout proposes too many curb cuts on Kennedy Boulevard West and should be revised to show only 1 curb cut along each frontage. The applicant should locate and detail any signage if proposed. The remainder of the comments are technical in nature.

Mr. Truscott read from a letter dated December 4, 2006. The applicant proposes 24 off street parking and 37 spaces are required. The O-T zone has a zone specific parking standard for office space, and a variance will be required for the deficiency of 13 spaces.

The other bulk variances required is for rear setback; 15 ft. is required and the applicant proposed 12 ft. A 2005 UDO revision to the O-T zone did not modify the zone-specific parking standard, and we are not aware if the lack of change was intentional or an oversight and request the members offer any insight on this issue as appropriate. In our opinion a variance is required, but we defer to the board members to measure the proposed off street parking against the one space per 300 sf of floor area such that 25 spaces are required. Two street trees are proposed on Kennedy Blvd, but none on Forest Avenue, but it appears that it would be difficult to plant any street trees based on the location of the parking area proposed. We have a concern about parking on Forest Avenue. The 2 spaces along the building are restricted as far as backing out of the spaces. The same concern applies to the space in front of the building on Kennedy Boulevard. The site has been revised to designate these spaces as “employees only”. If this is acceptable to the board, we recommend identification including a small sign and pavement markings. The remainder of the comments are technical in nature.

Mr. Brown appeared on behalf of the applicant. This is at the gateway to Lakewood. This application was originally in front of the zoning board for a use variance. It is their position that the parking is sufficient, and they will address that at the public hearing. Brian Flannery said the UDO revised in section 8 the parking requirements, but not in the O-T zone. His opinion is that the parking space requirement that makes sense is 1 per 300 sf as stipulated in Section 800 of the ordinance. They will stipulate that there will be no medical, dental or personal service establishments. The other comments are agreed and the plans will be revised.

Mr. Banas asked about the entrance and exit and Mr. Flannery said the entrance and exit is onto Kennedy Boulevard, with employee parking exiting on Forest Avenue. Mr. Banas asked about the beautiful trees on Forest Avenue, and was told a tree had already fallen down, and Mr. Flannery said he would take a serious look at the trees.

**A motion was made by Mr. Franklin, seconded by Mr. Herzl, to move this application to the meeting of February 20, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

**5. SD # 1563 (VARIANCE REQUESTED)**

**APPLICANT: MOSHE ARYEH**

Location: Lanes Mill Road- east of Barrymor Drive  
Block 187.15 Lot 12

Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision of 1 residential lot contain 2 existing dwellings to create 2 new lots, each will contain of the existing dwellings. The existing 17,167 sf lot is located on Lanes Mill Road, east of its intersection with Barrymor Drive, in the R-15 zone. Variances are required for the following: Lot Area: Lot 12.01 proposes 10,034. sf, and Lot 12.02 proposes 7,133 sf where 15,000 sf are required. Lot Width: Lot 12.02 proposes 97.03 ft where 100 ft is required. Front Yard Setback: Lot 12.01

proposes 16.2 ft where 30 ft is required, this is an existing condition. Side Yard Setback: Lot 12.02 proposes 2.3 ft, this is an existing condition. Setback to an accessory building: Lot 12.01 proposes 0.4 ft where 10 ft is required, this is an existing condition. Outside agency approval will be required from Ocean County Planning Board. Evidence of approval shall be made a condition of final subdivision approval. The applicant has proposed concrete curb, sidewalk, and a shade tree easement along the property frontage. The plans do not indicate the existing or proposed number of off street parking space. It appears the existing gravel drive on Lot 12.01 has room for 4 off street parking spaces. Proposed Lot 12.02 appears to contain room for 3 off street parking spaces. The Right of Way (R.O.W.) in front of the subject property is approximately 12 feet narrower than the R.O.W. in front of the neighboring property. A R.O.W. dedication to Ocean County may be appropriate, we defer to the Ocean County Engineer on this determination. If a R.O.W. dedication is required the front yard setbacks and lot area will be affected. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated September 29, revised October 3, 2006. There are two existing dwellings on the lot. The property is triangular in shape and situated on the north side of Lane's Mill Road. Access for the rear lot (new Lot 12.02) will be via an access easement across new Lot 12.01. There is one existing dwelling on the lot, which will be razed. Both lots will be served by public water, and each will have an individual septic disposal system. The lot has an area of 0.39 acres in area and the surrounding land uses are generally residential. The applicant should provide background information concerning the non conforming nature (2 dwellings on one lot). There is only one septic and well on the lot.

The balance of the comments are technical in nature.

Mr. Penzer appeared on behalf of the applicant. They are going to hook up to water and sewer eliminating the well and septic. The existing homes will not be razed, the purpose of the subdivision is to create a separate lot for each. 4 off street parking spaces will be provided for the larger lot, 3 for the smaller lot. The variances are existing and the applicant is confident the county will grant an easement. They agree to meet the remaining comments.

Mr. Gatton questioned there would be no new building and was told they are existing buildings to remain.

Mr. Truscott said once the lot is approved, there is also change they could knock it down and re-build.

Mr. Akerman asked if it was currently residences and was told yes.

**A motion was made by Mr. Akerman, seconded by Mr. Klein, to move this application to the meeting of February 20, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

The board went back to application #4 since Mr. Brown arrived.

**6. SD # 1561 (VARIANCE REQUESTED)**

**APPLICANT: DAVID HERZOG**

Location: East 4th Street, west side of Negba Street between E.4th & E.5th Sts.  
Block 241 Lot 9

Minor Subdivision and Preliminary & Final Site Plan- 2 lots and 1 two story duplex  
1 three story multi family with basement - total of 6 apartments

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide one multizone lot into two lots. Lot 9.01 proposes 2- two story Duplexes are proposed on a 10,000 sf portion of the existing lot containing the entire R-7.5 zoned portion and a small amount of the B-2 zone. Lot 9.02 proposes a 3 story Multi-Family housing building containing 6 apartments and a partially below grade basement is proposed on a 13,363 sf portion of the existing lot zoned B-2. The subject property, known as Block 241, Lot 9, stretches from East Fourth Street to East Fifth Street along Negba Street within the R-7.5 and B-2 zones. The property is currently vacant. A variance will be required for the following: Lot 9.02-Side yard setback; a 4.2 foot setback is proposed where 20 ft are required. Lot 9.02 Lot Coverage; 44% lot coverage is proposed where 40% coverage is the maximum. The applicant will be required to obtain an outside agency approval from the Ocean County Planning Board and the Ocean County Soil Conservation District. The multifamily building will contain 2 -6 bedroom apartments, and 4- four bedroom apartments. The RSIS tops out at 2.1 parking spaces per unit for a 3 bedroom unit. The applicant has provided 13 parking spaces for the multifamily building in accordance with 2.1 parking spaces per unit. The board should determine if the parking provided will be sufficient. The duplex building will contain 2 -5 bedroom units.. The RSIS tops out at 2.4 parking spaces per unit for a three bedroom townhouse. The applicant has provided 10 parking spaces for the duplex building. We recommend the northern three (3) parking spaces along Negba Street be relocated farther north. We recommend the proposed lot line be moved to the block limit; this will increase the rear yard setback to the multi-family building and still provide the required rear yard to the duplex building. Curb, sidewalk, and a roadway easement are proposed along the property frontages. Sidewalk existing along East Fifth Street and shall be shown on the plans. The site plans indicate the multi family building will be 3 stories, the architectural plans show four stories. This discrepancy shall be resolved. Access from parking lot on Fourth Street to the building is inconvenient. We recommend adding a sidewalk connecting both parking lots to the front entrance. Please note that sidewalks bordering a parking lot must be six feet wide to accommodate car overhang. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 4, 2006. The applicant is seeking the following: Minor subdivision approval to subdivide existing Lot 9 (located within Block 241) into 2 separate tax lots. Lot 9 is currently vacant. Preliminary/final major site plan approval to construct: A 2 family attached residence on proposed Lot 9.01, and A 6 unit multi-family apartment building on proposed Lot 9.02. Off-street parking and stormwater management facilities for the proposed development. Existing Conditions/Proposed Changes: Lot 9 is a corner lot from East 4th to East 5th Street, with Negba Street running along its eastern edge. Lot 9 currently is located in 2 separate zoning districts: the R7.5 and B-2 Zones. The surrounding properties are improved, with single-family dwellings. Proposed Lot 9.01 will have depressed curb cuts along both East 5th and Negba Streets, and will lie entirely in the R-7.5 Zone. Proposed Lot 9.02 will have depressed curb cuts

along both East 4th and Negba Streets, and will lie entirely, within the B-2 Zone. The application package provided to this office did not include a Minor Subdivision Plan. A subdivision plan must be submitted to the Planning Board and reviewed by the Board's professionals. A "shared" parking arrangement between the two proposed lots should be discussed with the Planning Board. Cross easement for the two lots will be required. The parking calculations on the submitted Site Development Plan differ from the NJ RSIS requirements: A 5-bedroom duplex requires a minimum of 3 off-street parking spaces, not 2.5. Based on the bedroom count, a total of 14 spaces are required for the multi-family apartment building. The total parking required is 20 spaces: 6 spaces for the duplex and 14 spaces for the multi-family. A total of 23 spaces are proposed. However, the Planning Board should determine if the proposed parking space located between the buildings is appropriate. The applicant should comment on the relocation of the lot line to provide the required lot area for the R-7.5 Zone. A long, narrow strip of land along the multi-family structure is created. Maintenance and the irregular shape is a concern. Architectural drawings have been submitted for Board review. The duplex units will have 5 bedrooms each and an unfinished basement. The multi-family structure is proposed to have 6 units. 2 of the multi-family units will have 6 bedrooms each, and 4 of the units will have 4 bedrooms each. The plans indicate that a Homeowners Association (HOA) will be established for Lot 9.01 for maintenance and ownership of the underground stormwater management recharge system. The proper documents should be filed with the NJDCA. Clarify on the site plan that Lot 9.01 will only contain 2 dwelling units. The balance of the comments are technical in nature.

Adam Pfeffer, esq. appeared on behalf on the applicant. He has no objections to the comments from the professionals. Mr. Flannery spoke about the variance for coverage and said it is no longer needed. The plans indicate 44% lot coverage, his office made a mistake, they only have 30% coverage. Mr. Banas said he needed parking, and Mr. Flannery said they didn't. On the multi family building, the architectural show 3 stories and a partially exposed basement, which adds the 4th floor that adds to confusing. The R-M zone allows you to go up to 65 ft. and doesn't limit the floors. They could deed restrict the basement for no plumbing.

Mr. Akerman reminded the board that it the RSIS is based on 2.1 which ends at 3 bedrooms, when these are much larger. Mr. Flannery agreed with Mr. Peters comment with the strip and it be moved. Mr. Peters also commented on the stacked parking space along the zone line to the left of the duplex. Mr. Flannery did not notice it and agreed that was a problem.

Mr. Franklin wanted more parking and Mr. Banas agreed.

Mr. Gatton questioned the side yard going from 20 to 4.2 and Mr. Flannery said because of the geometry of the lot and the conditions, and will justify that at the public meeting.

Mr. Klein asked if there were any other multi family dwellings in the area, and Mr. Flannery said he was not sure. Mr. Klein is interested in the characteristics of the neighborhood.

**A motion was made by Mr. Akerman, seconded by Mr. Klein, to move this application to the meeting of February 20, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

**7. SD # 1568 (VARIANCE REQUESTED)**

**APPLICANT: ISAAC GREENWALD**

Location: River Avenue, between Halsey Avenue & Edgecomb Avenue  
Block 1019 Lot 2

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking Minor Subdivision approval to create two lots. The subject property lies in the vicinity of Halsey Street, Pinehurst Avenue, and Edgecomb Avenue, in the R-12 Zone; all three are unimproved streets. Proposed lots 2.01 and 2.02 are currently wooded. The Applicant has previously purchased parcel 5 from the Township to build a school and states on the application that this subdivision is necessary to complete the development of the parcel. The application does not state which portion of Lot 2 will be used for development of the school, please clarify. We recommend that the applicant show the location of parcel 5 on the map. A variance is requested for the following: Lot area; proposed lot 2.02 has an area of 6,000 sf where 12,000 sf is required. Lot width; proposed lots 2.02 has a width of 60 ft where 90 ft is required. Ocean County Planning Board approval will be required and should be a made a condition of the approval. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 1, 2006. Lot 2 is surrounded by unimproved lots and paper streets. The application indicates the eventual proposed use is a school. The application indicates the applicant is Isaac Greenwald, the fee owner as Lakewood Township, and the proposal is related to "the applicant has purchased parcel 5 from the Township but needs to subdivide the portion of Lot 2 to complete the parcel for development of the parcel," and that the proposed use is a "school." The applicant should provide clarification of the above, specifically but not limited to, the location of "Parcel 5," and how the proposed future use as a school relates to this subdivision application. Will new Lot 2.02 be merged with additional land owned by the applicant? Please provide additional information. As noted above, Halsey Street is an unimproved right-of-way. The proposed Lot 2.02 will have frontage on Halsey Street. The submitted plans indicate that the proposed lot numbers have been approved by the Lakewood Tax Assessor, but do not indicate when they were approved. The balance of the comments were technical in nature.

Mr. Penzer appeared on behalf of the applicant. This was part of the auction the town sold. They don't have a perfect rectangle, and if they got the lot, they could trade with the existing owner of the lot between them and have a more rectangle. Mr. Kiert suggested Mr. Carpenter look at the map he has about the configuration of the parcels. Mr. Banas asked what it is going to get used for and Mr. Penzer said it would be used as a bargaining tool. Mr. Carpenter said it is not lot 5 but parcel 5 (used to identify the parcels the schools auctioned for)

**A motion was made by Mr. Herzl, seconded by Mr. Akerman, to move this application to the meeting of February 20, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

**8. SD # 1569 (NO VARIANCE REQUESTED)**  
**APPLICANT: FAIRMONT INVESTMENTS LLC**  
Location: Hope Hill Lane  
Blocks 11 Lot 90  
Minor Subdivision to create 2 lots.

Mr. Peters stated the applicant is seeking Minor Subdivision approval for the creation of a flag lot from existing Lot 90, Block 11. Lot 90 has an existing 2 story frame dwelling that will remain on proposed Lot 90.01. Proposed Lot 90.02 will have a 2 story frame dwelling constructed on it. The property is situated on Hope Hill Lane in the R-15 zoning district. It appears that no bulk variances will be required. Access to the flag lot is proposed to be provided by an access easement. The easement is permitted, although a variance from NJSA Section 35 of MLUL will be required for the lot having no frontage on a public right of way. The board may wish to consider requiring the applicant make the flag pole portion of the rear lot a part of the lot in a fees simple arrangement. This will require a variance for side yard setback, Lot width, and Lot area for Lot 90,01. Ocean County Planning Board and Ocean County Soil Conservation District approvals will be required. Evidence of approvals should be made a condition of final subdivision approval. There is currently existing curb, sidewalk, and a 6 ft wide shade tree easement along property frontage. Proposed plantings for all buffer areas shall be indicated on the plans. Buffers are required as per section 18-803 of the UDO. The majority of proposed Lot 90.02 is wooded. The proposed limit of clearing shall be indicated on the Improvement Plan. The required separation between a septic field and a detention basin is 50 feet. The applicant proposes a 15 foot separation, which is unacceptable, the detention basin is on the neighboring lot. The rest of the comments are technical in nature.

Mr. Truscott read from a letter dated December 1, 2006. Hope Hill Lane is a cul-de-sac and Lot 90 is located near the terminus of the street. A cursory review of tax map 9 reveals that existing Lot 90 is similar in dimensions to adjoining lots along Hope Hill Lane. The majority of the surrounding properties are unimproved and wooded, with single family type residential structures. A two-story frame dwelling exists on proposed Lot 90.01 and will remain. Proposed Lot 90.02 is unimproved except for an existing shed, which will be removed. Section 805.G.5 provides the following criteria for creating flag lots: "Flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principles. The proposed plan does not comply with the requirements of Section 805.G in that the necessary landscaping along the access drive is not provided. In addition, a 10-foot buffer is required along the property line adjoining the lot immediately to the front of the flag portion of the lot. Further, an area for temporary storage of solid waste containers must be provided. The plans for a proposed single-family residence on proposed flag Lot 90.02 indicates it will contain 5 bedrooms and a nursery room on the second floor. The balance of the comments are technical in nature.

Adam Pfeffer appeared on behalf of the applicant. Mr. Flannery agreed with Mr. Peters comments about the flag pole portion of the rear lot and buffering will be revised.

Mr. Franklin asked how they were going to get the grading done, going from 102 to 116-117, and Mr. Flannery said if they needed retaining walls they would put them in. Mr. Banas said they would destroy a lot of trees, and Mr. Flannery said they do the minimum amount of damage and will revise the plans to show. The nearest water is about over 1,000 ft away.

Mr. Truscott reminded the applicant that he would have to demonstrate the need for a flag lot, and he feels it is hard in this case. He is concerned there is no need for precedence here.

**A motion was made by Mr. Akerman, seconded by Mr. Franklin, to move this application to the meeting of February 20, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes,

**9. SD # 1571 (VARIANCE REQUESTED)**

**APPLICANT: WALTER LUCAS**

Location: Newport Avenue @ corner of Bellevue Avenue  
Block 499 Lot 19

Minor Subdivision to create four lots

Mr. Peters stated the applicant is seeking Minor Subdivision approval to subdivide one lot into 4 lots. The property is in the R-40 Zone. Proposed lot 19.04 currently contains a 2 story frame dwelling which will remain. Proposed Lots 19.01, 19.02 and 19.03 are currently wooded, no new construction is proposed at this time. Proposed Lot 19.01 has frontage on both Newport and Bellevue Avenues. We recommend that the future development of Lot 19.01 front Newport Avenue to match the other three proposed lots. The Board should determine if a deed restriction will be needed on Lot 19.01. A variance will be required for the Lot Width of all 4 lots; Lot widths ranging from 136 ft to 145 ft are proposed where 150 ft is required. The proposed lots will be serviced by individual well and septic systems. The Applicant shall provide testimony on the nearest public water and sewer. The Applicant should improve the Newport Avenue and Bellevue Avenue roadways to meet UDO 18-814 and N.J.A.C. 5:21-4 standards. The Applicant should install curb and sidewalk along Newport Avenue and Bellevue Avenue frontages of the project that meets UDO 18-814 N.J.A.C. 5:21-5 standards. The zoning table states more than 2.5 parking spaces will be provided for proposed Lots 19.01-19.03. A note shall be added to the plans stating 3 parking spaces will be provided for each Lot. The Applicant has provided a 6 foot shade tree and utility easement dedicated to Lakewood Township along Newport Avenue and Bellevue Avenue. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 1, 2006. Proposed Lots 19.01, 19.02, and 19.03 are unimproved. Much of the surrounding properties are unimproved and/or wooded. Several private residences currently exist near Lot 19. We note that Newport Avenue and Bellevue Avenue are not fully improved to Township standards. The Planning Board should consider improvements appropriate to the proposed development. Article VII Design Standards of the UDO provides standards for public streets and such standards



should be addressed. The scope of the proposed improvements to be considered include: curb and sidewalk, street lighting, street pavement, street trees, stormwater management. NJ RSIS minimum parking requirements are included with the bulk table on the submitted plans. The balance of the comments are technical in nature.

Walter Lucas, the applicant, said the property is owned by his mother and he lives across the street from her. He takes exceptions to the improvements and curbs and sidewalks. The road has been there for about 70 years, and everyone in the neighborhood needed a variance to build on a gravel road, and there are no curbs and sidewalks. He has pictures that accurately display the property. He would have to rip out 18 feet of trees to meet the improvements commented by the professionals. Mr. Flannery said they would present their case to the board and hope they agree with the applicant that no curb and sidewalks be waived.

Mr. Banas stated the board wants curbs and sidewalks, and also the roadway must be done.

**A motion was made by Mr. Klein, seconded by Mr. Akerman, to move this application to the meeting of February 20, 2007**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

#### **10. DISCUSSION - Ordinance for review and recommendation re: to delete Multi-Family and townhouse uses in ROP Zone**

Mr. Truscott said what the ordinance does is reverses an amendment made 6-8 months ago in the R-OP zone, which allowed multi-family houses.

The governing body wants to reverse this as soon as possible, and they want to put it on for 1st reading as soon as possible.

Mr. Akerman asked why it is being removed, and Mr. Kielt said he did not know. Mr. Truscott said there is a multitude of multi-family homes in the area already, and there is some speculation that there was an oversight in the UDO.

Mr. Klein said if they voted to amend the R-OP zone when would it take effect, and Mr. Jackson said this is a recommendation to the governing body, not an ordinance. The township committee makes the ordinance. Mr. Banas reminded the board that this is about the 1999 master plan that they are trying to correct. Mr. Banas pointed out the location of the zone: from Clifton Avenue west to Private Way, from 10th Street south to Lake Carasaljo. The zone to the west of Clifton Avenue is an R-M zone already.

Mr. Banas asked the public for their comment.

Mr. Flannery said the R-OP zone prior to July of 2005 allowed townhouses and multi-family and that is why they were built there. If the zone changes all that ones built would be non conforming uses. It was reviewed in May they found it was an oversight.

Bill Hobday said he had a different take on that, originally there was an R-OP zone, and one alone. In June 2006 the Township Committee was asked to amend the ordinance to allow townhouses and multi-family dwellings in the R- OP zone which they passed. We went from 1 R-OP zone to a proposed 3 more. All of the other 3 R-OP zones were denied at the re-examination because of the possibility of permitted use of a 65 ft structure in the R-OP zone and that is when they started talking about the R-OPM zone.

Mr. Banas said all the existing buildings would be grandfathered in but if they wanted to do anything to their building it would have to go to the Zoning Board.

Mr. Flannery said when they made the amendment to the UDO they left out the design standards for residential which looks like an omission, then they revised the ordinance to try to correct it and now they are saying it never should have had townhouses and multi-family.

Mr. Banas said the board needed to tell the township where their position is on this ordinance.

Mr. Banas said he needed a motion that said they recommend to the township committee that the proposed amendment to the UDO is in accordance with the master plan of 1999 and would further like to enter any omissions that may have been added or not added to be added to the new UDO. Mr. Kielt thought that was too complicated and recommended it saying to delete the multi-family and townhouse as permitted uses in the R-OP zone.

The motion should be to delete the uses, or not to delete the uses. (or endorse the ordinance or not to endorse it )

**A motion was made by Mr. Franklin, seconded by Mr. Gatton, to accept the recommendation from the township.**

**ROLL CALL:** Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; no, Mr. Klein; yes, Mr. Gatton; yes,

Mr. Jackson will draft a letter to Mr. Edwards with the board's recommendation.

Mr. Truscott had an additional item to add to the agenda and handed out the plans to the members

## **11. NATURAL RESOURCE INVENTORY**

Mr. Truscott said this document was adopted by the Environmental Commission and is part of the required documents for the plan endorsement process that we are going through with the state. It is a technical document with no policy in it and they are asking the board to approve it, not adopt it, to use it as a technical resource.

Mr. Peters stated he had an additional item to discuss that would not take much time. He spoke about the Enclave Development currently under construction and T&M is acting as the township engineer for inspection due to a conflict with Birdsall. While reviewing some plans, they found changes with fence heights, during the approval the applicant said they would do what they had to to screen the shopping center on Rte. 9 and the industrial areas on Cross Street and the plans approved showed 6 ft high privacy fencing. During construction to screen these homes, 12 ft. high privacy fences were installed in 2 locations. Mr. Peters instructed the developer to go to the Zoning official for permission and he kicked it back to Mr. Peters as acting engineer on this project. The houses adjacent to this 12 ft. fence are already occupied. He asked if they needed to come back to them. Mr. Banas said he doesn't remember going over 6 ft. but the township passed a 14 ft. fence ordinance. (that is only for shielding pools).

The consensus is that it should go to the Zoning Officer and the Zoning Board.

## **6. CORRESPONDENCE**

None at this time

## **7. PUBLIC PORTION**

The public spoke at above discussion.

## **8. APPROVAL OF BILLS**

**A motion was made by Mr. Klein, seconded by Mr. Gatton, to approve**

**ROLL CALL:** Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes,

## **9. APPROVAL OF MINUTES**

Minutes from November 21, 2006

Minutes from May 16, 2006

**A motion was made by Mr. Akerman, seconded by Mr. Gatton, to approve minutes from November 21, 2006**

**ROLL CALL:** Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; abstain, Mr. Gatton; yes,

**A motion was made by Mr. Klein, seconded by Mr. Banas, to approve minutes from May 16, 2006**

**ROLL CALL:** Mr. Franklin; abstain, Mr. Banas; yes, Mr. Akerman; abstain, Mr. Klein; yes, Mr. Gatton; abstain

## **10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary