

## I. CERTIFICATION OF COMPLIANCE

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

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

## 2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Gonzalez (ZB member), Mr. Mund (ZB member), Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

## 3. SWEARING IN OF PROFESSIONALS

Mr. Vogt was sworn in.

## 4. MEMORIALIZATION OF RESOLUTIONS

- SD 1847** (Variance Requested)  
Applicant: Arthur Gestetner & Nachman Steger  
Location: Columbus Avenue, north of Central Avenue  
Block 12.04 Lot 38  
Minor Subdivision to create two lots

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- SD 1843** (Variance Requested)  
Applicant: Yehoshua Frankel  
Location: Northwest corner of Linden Avenue & Sterling Avenue  
Block 189.01 Lots 152 & 190  
Minor Subdivision to create four zero lot line lots (two duplexes)

A motion was made and seconded to approve the application.

**PLANNING BOARD MEETING  
JULY 24, 2012**

**TOWNSHIP OF LAKEWOOD  
PUBLIC HEARING MEETING**

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

3. **SD 1844** (Variance Requested)  
Applicant: Melville Properties  
Location: Northeast corner of County Line Road East & North Apple Street  
Block 172.02 Lots 4 & 5  
Preliminary & Final Major Subdivision to create twelve lots

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

4. **SD 1845** (Variance Requested)  
Applicant: Michael Herzog  
Location: Negba Street, between East Fourth Street & East Fifth Street  
Block 241 Lot 9  
Minor Subdivision to create two single family & one duplex

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal  
Abstained: Mr. Neiman

5. **SD 1846** (Variance Requested)  
Applicant: Shoshana Flohr  
Location: Northwest corner of Somerset Avenue & Ridge Avenue  
Block 223 Lots 72, 73, 74, 76, 77 & 102  
Minor Subdivision to create four new lots with an existing six lots for a total of ten lots

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

6. **SD 1850** (Variance Requested)  
Applicant: Lakewood Township MUA  
Location: Syracuse Court, east of New Hampshire Avenue  
Block 1600 Lots 8 & 14  
Minor Subdivision to realign two existing lots

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

7. **SP 1987** (Variance Requested)  
Applicant: 100 Syracuse Court, LLC  
Location: Syracuse Court, east of New Hampshire Avenue  
Block 1600 Lot 8  
Preliminary & Final Major Site Plan to add a one-story addition to existing warehouse

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

8. **SP 1989** (Variance Requested)  
Applicant: Bnos Brocha  
Location: River Avenue, north of Oak Street  
Block 782 Lot 35  
Preliminary & Final Site Plan to construct a 3 story addition to connect 2 existing school buildings

A motion was made and seconded to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

9. **SD 1836** (Variance Requested)  
Applicant: Homes For All, Inc.  
Location: Vine Avenue, south of Oak Street  
Block 1146 Lot 1  
Block 1147 Lot 1  
Block 1154 Lot 1  
Block 1155 Lot 1  
Block 1156 Lot 1  
Maple Tree Village – Preliminary & Final Major Subdivision to create 71 residential single family dwellings & duplex affordable housing

Mr. Vogt announced that this resolution will be carried to the August 21, 2012 meeting.

## 5. PLAN REVIEW ITEMS

1. **SP 1992** (Variance Requested)  
Applicant: Mikor Hatorah c/o Jeffrey Schron  
Location: Massachusetts Avenue  
Block 524.28 Lot 73.01  
Preliminary & Final Site Plan to construct a gymnasium for an existing school

Mr. Vogt announced that this application will be carried to the August 7, 2012 meeting.

Mr. Jackson, Esq. announced no further notices are required.

## 6. NEW BUSINESS

1. **SP 1988AA** (Variance Requested)  
Applicant: Abe Shapiro  
Location: Ocean Avenue, west of South Park Avenue  
Block 248.01 Lot 78.01  
Change of Use Site Plan from office to commercial laundromat facility

### **Project Description**

The applicant for the project is Abe Shapiro, 1225 Todd Court, Lakewood, NJ 08701. The owner of the site is Park & Second Acquisition, LLC, 40 Airport Road, Lakewood, NJ 08701. The applicant is seeking Site Plan exemption/Change of Use approval for conversion of a "prior office use" to a commercial Laundromat facility. The existing site has access off of NJ Route 88, and is located several hundred feet north of South Park Avenue. It includes an existing two-story, 7,753 sf masonry office building (per the architectural plan) and eleven (11) existing parking spaces. As part of the change of use proposal, over 2,900 sf of the existing building would be removed, allowing for the installation of six (6) additional parking spaces, one space being handicap accessible. In addition to the proposed building reduction (and façade modifications noted on the architectural plans), an additional 304 sf of gross floor area will be added for the proposed Laundromat. As currently proposed, there are minimal additional site improvements associated with the use conversion (other than additional parking, as needed paving and sidewalk restoration). As depicted on the Abbreviated Site Plan, the property will discharge into a new stormwater basin associated with the "Midtown Circle Townhouse Development" project. The site is located in the southern portion of the 'downtown portion of the Township, on the north side of Route 88. Curbing and sidewalk is depicting as existing on the Route 88 property frontage. 1. Zoning 1. The property is located in the B-4 Wholesale Service District. Per UDO section 18-903 D.1-f, laundry establishments and businesses are listed as a permitted use(s) in the zone. 2. Per review of the Site Plan and the zone requirements, the existing/proposed layout do not comply with the Bulk (area, setback) requirements of the B-4 zone with respect to Lot area, lot width, and existing/proposed front and side yard side yards setbacks. However, as noted on the "Abbreviated" plan, these are existing, non-conforming conditions, and the proposal calls for a net reduction of the existing building size. 3. As correctly noted on the Abbreviated Site Plan, a proposed 4,400 sf Laundromat requires twenty-two (22) parking spaces per UDO Section 18-807B(1). Seventeen spaces are proposed. The prior

approval for the previous office use was approved based on eleven (11) spaces. Relief for parking is required. Testimony must be provided to the Board's satisfaction regarding the proposed parking, and confirmation that said parking would be exclusively for the proposed Laundromat use. Additionally, the architectural plan appears to indicate a proposed floor area of 4,938 sf, which would require 25 spaces per the UDO. II. Review Comments 1. Testimony should be provided by the applicant for the Board to determine the adequacy of existing site improvements to support the proposed change in use, including but not limited to the following issues: a. Testimony must be provided addressing the anticipated parking needs for the Laundromat, including the number of employees and patrons, and projected days and hours of operation. b. Testimony must be provided to the satisfaction of the Board regarding how the site will function with respect to vehicular and pedestrian circulation, deliveries, etc. c. Testimony should be provided as to how the site will function with respect to service vehicles deliveries (supplies, repairs, etc), as to how they will access the site. d. Testimony should be provided regarding storage and handling of non-household cleaning chemicals (if any proposed). 2. No information is provided regarding proposed solid waste and recyclables storage and pickup, including when, where and by whom (DPW or private). DPW approval would be necessary if public pickup is proposed. 3. Testimony should be provided regarding proposed lighting. Note #14 on the "Abbreviated" plan indicates that building mounted security lighting is proposed, but no additional information is provided regarding site lighting. Testimony should be provided as to whether patrons or employees will be at the facility when convention lighting is necessary. Lighting shall be provided to the satisfaction of the Board. 4. The plan correctly notes that no significant increase in stormwater runoff will occur with the use conversion. Testimony should be provided by the applicant's professionals that roof runoff from the converted building flows via roof leaders into the on-site stormwater collection system (of new leaders or other conveyance measures are proposed). 5. Testimony should be provided as to whether any buffer or screening is proposed. We note that the area is developed with several buildings immediately adjacent to this property. 6. As indicated previously, minimal additional site improvements are proposed with the use conversion. Our office will review proposed construction details during compliance if/when approval is granted. Any improvements proposed along NJ Route 88 will likely require NJDOT approval. 7. If approved by the Board, the proposed building improvements are still subject to applicable Township reviews (building code, fire, etc). Utility improvements as proposed are still subject to applicable outside agency approvals (if any). 8. If approved, we will review the proposed construction and restoration details during compliance. Bonding and financial guarantees will be required for necessary site improvements. Depending upon the Board's consideration of the above referenced information and testimony, additional site plan improvements may be necessary. The request for Site Plan exemption should be considered based on additional improvements (if any) deemed necessary to support the requested change in use.

Mr. Vogt stated that there are existing bulk variances and this proposal calls for a net reduction in building size. He also stated that they will need to hear testimony on the parking.

Mrs. Miriam Weinstein, Esq. on behalf of the applicant. She stated the applicant is seeking a change of use approval to convert a prior office use to a Laundromat. Laundromats are a permitted use in the B-4 Zone. All the bulk variances are pre-existing conditions and have already been granted as a result of a previous application. The net effect of the modifications to the building are to reduce its size and increase the number of parking spaces from 11 to 17 including 1 additional handicapped space.

Mr. Graham MacFarlane, P.E., was sworn in. He stated that this is a lot that was a subject of a previous minor subdivision. They are going to be removing about 2,000 SF of that building and constructing some additional parking spaces. There will be 17 parking spaces where 22 are required. A previous variance was granted to allow for 11 parking spaces so now we are lessening the previous variances that were granted.

Mr. Neiman opened the microphone to the public, seeing no one, he closed to the public.

Mr. MacFarlane stated that the trash would be picked up by the Township.

Mrs. Weinstein asked for a waiver of the bond because there are minimal site and public improvements.

Mr. Vogt stated that the Planning Board does not usually act on that.

Mr. Neiman would like to stay away from doing that.

Mr. Vogt asked about security lighting.

Mr. MacFarlane stated that they will have a couple of building mounted lights that will be shown on the plans submitted for compliance.

Mr. Vogt asked if they need lighting as part of any public operation.

Mr. MacFarlane stated they do not.

A motion was made by Mr. Herzl, seconded by Mr. Schmuckler.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 2. SD 1849** (No Variance Requested)  
Applicant: Saul Mizrahi  
Location: Jay Street, west of Warren Avenue  
Block 768 Lot 41.01  
Minor Subdivision to create two lots

**Project Description**

The applicant proposes to subdivide the existing 100' X 150' tract into two (2) equal separate lots. Existing Lot 41.01 in Block 768, containing fifteen thousand square feet (15,000 SF), would be subdivided into proposed Lots 41.01 and 41.02 as designated on the subdivision plan. The property contains an existing dwelling which would be removed. Public water and sewer is available. The site is situated in the central portion of the Township on the south side of Jay Street, west of its intersection with Warren Avenue. There is a multi-family development on the opposite side of the street to the north. The area to the south is predominantly single-family residential. Vacant lands are immediately to the east and west with freshwater wetlands off-site

to the west. Jay Street is a paved dead end road in fair condition. Curb and sidewalk does not exist along the property frontage, but is proposed. Potable water exists on the north side of the street, sanitary sewer exists in the center of the street, and gas exists on the south side of the street. The existing fifteen thousand square foot (15,000 SF) property which would be subdivided into seven thousand five hundred square foot (7,500 SF) lots falls within the R-7.5 Single Family Residential Zone. No variances are requested to create this subdivision. We have the following comments and recommendations: I. Zoning 1. The property is located within the R-7.5 Single-Family Residential Zone District. Single-family detached dwellings are a permitted use in the zone. 2. No variances have been requested or appear to be required for this subdivision. II. Review Comments 1. A Survey Plan with Topography has been submitted for review. The survey must be revised to add a datum and bench mark, all existing improvements, and existing spot elevations on Jay Street. 2. The Survey Certification on the Minor Subdivision Plan indicates the survey date to be 5-2-2012. This date must be corrected. 3. The wrong party appears listed in the Notary's Certification of the owner. 4. The applicant listed on the Application is not consistent with the applicant listed in the General Notes of the Minor Subdivision Plan. 5. The General Notes of the Minor Subdivision Plan indicate vertical elevations are based on an assumed datum. The bench mark shown on the Improvement Plan must be provided on the Minor Subdivision Plan. 6. The Proposed Use in General Note #9 shall be revised to "two single family residential dwellings". 7. Stray layers from the Improvement Plan shall be turned off on the Minor Subdivision Plan. 8. The Minor Subdivision Plan should be labeled as sheet 1 of 2. 9. The NJ R.S.I.S. requires 2.5 off-street parking spaces for unspecified number of bedroom single-family dwellings. The zoning schedule indicates that four (4) off-street parking spaces are required and will be provided for the proposed future dwellings. The applicant should provide testimony detailing the number of bedrooms proposed for the future dwellings. Parking must be provided to the satisfaction of the Board. 10. Testimony should be provided whether basements will be proposed for the future dwellings on proposed Lots 41.01 and 41.02. The Notes on the Improvement Plan state that if basements are proposed, a minimum of four (4) off-street parking spaces would be required to comply with the Township Parking Ordinance. 11. If basements are proposed, seasonal high water table information will be required. The Notes on the Improvement Plan indicate seasonal high water table information will be provided with plot plan submissions. 12. The Minor Subdivision Plan shows new lot numbers were assigned by the tax assessor's office on May 16, 2012. If approved, the map shall be signed by the tax assessor. 13. General Note #14 on the Improvement Plan should be eliminated since it may not be true. 14. The Improvement Plan includes a note that new lots are to be serviced by public water and sewer. The project will be serviced by New Jersey American Water Company since it is located within their franchise area. 15. Six foot (6') wide shade tree and utility easements dedicated to the Township are proposed along the property frontages of new Lots 41.01 and 41.02. The proposed easement areas are shown on an individual lot basis. 16. Three (3) October Glory Maple street trees are proposed along the property frontage of Lots 41.01 and 41.02. Landscaping should be provided to the satisfaction of the Board, and should conform to recommendations (if any) from the Township Shade Tree Commission as practicable. Our site investigation indicates there are many existing trees on-site. This development, if approved must comply with the Township Tree Ordinance at time of Plot Plan review for proposed Lots 41.01 and 41.02. 17. The applicant proposes to construct curb, sidewalk, and driveway aprons along the property frontage of new Lots 41.01 and 41.02. We recommend the proposed sidewalk be five feet (5') wide and setback two feet (2') behind the back of proposed curb. 18. The Improvement Plan shall be revised to provide proposed grading for the new curb and pavement widening. 19. Testimony is required on the disposition

of storm water from the development of proposed Lots 41.01 and 41.02. The property slopes westward toward undeveloped land. The Notes on the Improvement Plan state that storm water management shall be provided when plot plans are submitted. 20. Testimony should be provided on proposed site grading. No proposed grading is indicated on the plan. The Notes on the Improvement Plan indicate that proposed grading will be included on the plot plan submittals. 21. Due to no construction proposed at this time, the Board may wish to require the cost of improvements to be bonded or placed in escrow to avoid replacing them in the future. 22. Proposed monuments are required for the existing outbound corners. 23. Compliance with the Map Filing Law is required. 24. A Pavement Trench Repair Construction Detail shall be added to the Improvement Plan. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Township Tree Ordinance (as applicable); b. Ocean County Planning Board; c. Ocean County Soil Conservation District; and d. All other required outside agency approvals. New Jersey American Water Company will be responsible for water and sewer service.

Mr. Saul Mizrahi, applicant and Mr. Glenn Lines, P.E. was sworn in. They are proposing to subdivide the lot into two conforming lots for two single family homes. They will be providing curbs, sidewalks, four off-street parking spaces. He has reviewed the engineer's letter and they can address all of the comments.

Mr. Schmuckler asked if there will be only one apartment in each basement.

Mr. Mizrahi confirmed.

Mr. Neiman opened the microphone to the public, seeing no one, he closed to the public.

A motion was made by Mr. Percal, seconded by Mr. Follman.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Follman, Mr. Rennert, Mr. Percal

- 3. SD 1851** (No Variance Requested)  
Applicant: Cedarbridge Development, LLC  
Location: New Hampshire Avenue  
Block 961.01 Lot 2.01  
Minor Subdivision to create two lots

### **Project Description**

The applicant seeks minor subdivision approval to subdivide existing Lots 1.02 and 2.01 in Block 961.01, into two (2) new lots shown as proposed Lots 2.05 and 2.06 in Block 961.01 on the subdivision plan. The applicant is Cedarbridge Development, LLC, of 641 Fifth Street, Lakewood, New Jersey 08701. The owner of the existing lots is Lakewood Township. The 9.813 acre site is situated in the central portion of the Township on the south side of the Boulevard of the Americas and the west side of New Hampshire Avenue. A corner property, Lot 1.03, owned by the Lakewood Township Municipal Utilities Authority is not part of the site. The adjoining roads are improved. The plan shows the Boulevard of the Americas has an existing



variable right-of-way width. New Hampshire Avenue is a County Road with an existing right-of-way width of ninety feet (90'). No additional right-of-way dedications are proposed for this minor subdivision. A construction project has recently been completed along New Hampshire Avenue and the right-of-way shown on the minor subdivision plan is consistent with the County Plans. Proposed Lot 2.05 would become a 4.465 acre property with frontage on the Boulevard of the Americas. Proposed Lot 2.06 would become a 5.348 acre tract with frontage on the Boulevard of the Americas and New Hampshire Avenue. An existing sixty foot (60') wide access and utility easement from the Boulevard of the Americas will split the proposed property line between new Lots 2.05 and 2.06. An existing twenty foot (20') wide sanitary sewer easement traverses proposed Lot 2.05. An existing twenty foot (20') wide gas pipeline easement and an existing twenty foot (20') wide drainage easement runs through portions of proposed Lot 2.06. The lots are situated within the DA-1 Cedarbridge Redevelopment Area. No variances are required to create this subdivision. We have the following comments and recommendations: I. Zoning 1. The parcels are located in the DA-1 Cedarbridge Redevelopment Area. Per communications with the applicant's professionals, the proposed uses will be office and warehouse/storage in nature. 2. Per communications with the applicant's professionals, waivers were granted with the original major subdivision including sidewalks and shade tree and utility easements. Review of the previously filed (Van Note Harvey) Major Subdivision Plats appear to corroborate the applicant's position that necessary waivers for sidewalk, shade tree and utility easements were previously granted. II. Review Comments 1. Per communications with the applicant's professionals, there are no new site plan improvements proposed as part of the current minor subdivision application. 2. The Minor Subdivision title box should include Lot 1.02. 3. Dedications and areas should be added to all easements and restrictions. 4. Survey data should be completed for the existing drainage easement. These data could be supplied during compliance if approval is granted. 5. Under "Parking Requirements" it appears the calculation  $40,000 \text{ SF} \times 4/1,000 = 160$  is not relevant to this plan. 6. The proposed building setback lines should be eliminated from the existing access and utility easement. 7. Proposed parking setback lines are shown on the new lots. The proposed parking setback line should be eliminated from the existing access and utility easement. 8. A bench mark shall be provided for the vertical datum. The vertical datum is NGVD 29 since the aerial topography is from 1987. 9. The filed Major Subdivision Plat which created Lots 2.01 through 2.03 proposes easements which are indicated on the Minor Subdivision Plat submitted. 10. A County Road Improvement project for New Hampshire Avenue has recently been completed. 11. The proposed lot and block numbers must be approved by the tax assessor's office. 12. No shade tree and utility easements are proposed along the property frontages on the Minor Subdivision Plat. 14. Compliance with the Map Filing Law is required. 15. Development for proposed lots 2.01-2.03 will require future site plan applications for development. III. Regulatory Agency Approvals Outside agency approvals for this project may include, but are not limited to the following: a. Ocean County Planning Board; and b. All other required outside agency approvals.

Mr. Jackson stated that he is aware that some members may have a conflict of interest and that is why there are Zoning Board members hearing this application tonight if they are needed. He stated that Cedarbridge Development is a subsidiary that BMG has a controlling interest in so they are looking at Cedarbridge as an extension of BMG. Committeeman Ackerman recused himself at a previous BMG application and disclosed that his father-in-law student at BMG. Mr. Jackson then read case law concerning this issue as well as case law concerning financial contributions. Mr. Jackson asked the Board Members if they believe that they have a conflict of interest, they step down.

Mr. Percal stepped down and left the room.

Mr. Follman stepped down and left the room.

Mr. Neiman stepped down and left the room.

Mr. Franklin will serve as chairman.

Mr. Neiman stepped back onto the dais.

Each member still on the dais stated that they can vote on the application.

Mr. Vogt stated that there are no variances for this application.

Mr. Kenneth Raike, P.L.S. of Van Not-Harvey Associates was sworn in. He stated that they are seeking a minor subdivision approval. It is an existing two lots and they are creating two lots out of that. Lot 2.05 will be roughly 4.5 acres and Lot 2.05 will be a little over 5 acres. There are no variances for this application. They will comply with all the engineer's review comments which are minimal.

Mr. Neiman asked why this subdivision is being done.

Mr. Penzer stated that they have someone who wants to put up medical building and offices. The original plan was approved for such. They are just splitting the lots down the middle.

Mr. Raike entered the minor subdivision plan as exhibit A-1 prepared by Van Note-Harvey Associates. The solid pink lines are the outbounds of both lots. The solid orange line is the proposed subdivision line.

Ms. Donato asked if this particular lot was also the subject of a site plan approval.

Mr. Raike confirmed that this lot has been in front of the Board for site plan approval and a major subdivision application.

Mr. Penzer stated that this subdivision is not effecting the proposed buildings of the site plan approval. He is not seeking to abandon any previous approvals.

Ms. Donato asked if Mr. Raike was involved in the site plan approval.

Mr. Raike stated that he was not. He is not an engineer, he is a licensed land surveyor.

Mr. York objected to Ms. Donato's question as this application is for a minor subdivision, not a site plan approval.

Mr. Jackson asked Mr. Vogt if he has any objections to this application and has any issues raised as far as any shared facilities, detention basins, water sewer is any of that implicated in the letter.

Mr. Vogt stated that is not part of this application. There are no physical improvements that are being proposed or altered as part of this application. This is a subdivision and a lot line adjustment.

Mr. York stated the site plan is not relevant. This application is just a minor subdivision dividing up the land. The site plan is not before the Board. It may be when the engineer is asked to sign off on the site plan, he will require that this minor subdivision conforms to the original site plan approval. The engineer may say to go back to the Planning Board and get it re-approved or he may ask the applicant to show that there is no impact by this minor subdivision in developing it. It is another approval. They are not neutrally exclusive nor is the jurisdiction of this Board dealing with that site plan. The applicant will have to show to the Township engineer that the site plan is not adversely impacted by the two lots.

Mr. Vogt stated that is accurate. What you are voting on is a minor subdivision. The minor subdivision itself does not alter the construction or the appearance of the site. As a result of this lot line we may have to re-examine the site plan approval prior to construction. Hypothetically, that this lot line now makes a bulk variance for one of the previously approved buildings or there is an issue that you now need to have perimeter landscaping that would have to be addressed as part of an amended site plan for the previously approved design concept if and when they go forward but it is not part of this application.

Mr. Jackson stated that Mr. Vogt does have the survey and it appears the proposed lot line goes down the middle of an existing street.

Mr. Vogt stated that they have a copy of the previously approved subdivision which shows the previous site layout as part of that application. It does not appear that there would be major site plan changes that would result. Prior to the Township signing off on the site plan, that would be assessed.

Ms. Donato thinks it is unfair to the Board and public that there are no plans provided showing the previous site plan approval along with the proposed subdivision.

Mr. Schmuckler asked if this application creates any variances or waivers would they have to come back to the Board.

Mr. Vogt said that is correct.

Mr. York stated that if this subdivision creates a variance or any other condition it voids the original approval.

Mr. Jackson stated that Mr. Penzer has correctly said that he doesn't intend to abandon any previous approval but that doesn't mean that that won't be the consequence of this approval.

Ms. Gerri Balwinz was sworn in. She asked about the Educational Endowment Fund which was listed on the stockholders form.

Mr. Penzer stated that they own more than 10% so therefore they are disclosed. They are related entities for Cedarbridge Development. BMG is a separate related entity.

Ms. Noreen Gill, was sworn in. She asked for the address of the Educational Endowment Fund.

Mr. Penzer stated that he does not have it. They only have to list the name on the form.

Mr. Penzer then stated that the Educational Endowment Fund is a related entity to BMG coming out of the same address of 617 6<sup>th</sup> Street.

Mr. Neiman closed to the public.

Mr. Penzer reiterated that this is a vacant piece of property and all they are doing is splitting it down the middle.

Ms. Donato stated that this is not just a vacant piece of property. It is a vacant piece of property with a site plan approval with buildings, roads, landscaping, stormwater management, etc.

Mr. Neiman reiterated that they would have to come back to the Board.

A motion was made by Mr. Schmuckler, seconded by Mr. Herzl to approve the application.

Affirmative: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Schmuckler, Mr. Gonzalez

- 4. SP 1975** (Variance Requested)  
Applicant: Lakewood Housing Partners  
Location: Southeast corner of Vermont Avenue & Oak Street  
Block 1154 Lots 1 & 10  
Block 1155 Lots 1 & 6  
Amended Preliminary & Final Site Plan for sixty-five affordable housing rental units

Mr. Vogt announced that this application will be carried to the August 21, 2012 meeting.

Mr. Jackson, Esq. announced no further notices are required.

## 7. CORRESPONDENCE

Mr. Vogt stated that the application SP 1990AA Nefesh Hachaim was originally carried to the August 21, 2012 meeting. Since then the applicant has requested to be on the August 7, 2012. They did re-notice for that meeting.

Mr. Neiman stated he had no problem with that.

## 8. PUBLIC PORTION

**9. APPROVAL OF MINUTES**

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Rennert, Mr. Schmuckler

**10. APPROVAL OF BILLS**

A motion was made and seconded to approve.

Affirmative: Mr. Franklin, Mr. Banas, Mr. Neiman, Mr. Rennert, Mr. Schmuckler

**11. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Sarah L. Forsyth  
Planning Board Recording Secretary