

**LAKWOOD PLANNING BOARD
MINUTES
APRIL 1, 2008**

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. Franklin, Mr. Neiman, Mr. Banas, Ms. Velnich, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt said there one change in the published agenda. **Item #7 – SD 1625 H&C Development** will not be heard because it was not noticed in time and will be rescheduled for the meeting of May 6, 2008

Item #9 – SD 1626 – SNT Development LLC. A letter was received from the attorney for the applicant, Abraham Penzer, requesting this application be withdrawn.

Mr. Banas had one change to the agenda. He said item #5 – SP 1887 Allen Morgan had a conflict with the Planning Board attorney and Mr. Harrison will be the attorney of record and would like to hear that application so he may leave. Mr. Kielt requested the waiver request get heard first and Mr. Banas agreed.

4. WAIVER REQUEST ITEMS

- 1. SP# 1891A (NO VARIANCE REQUESTED)**
APPLICANT: BNOS DEVORAH
Location: Prospect Street, west of Williams Street
Block 411 Lot 26
Preliminary & Final Major Site Plan for proposed school

Waiver from checklist items:

- Item #B2 & B4 – topography within 200 feet of the site
- Item #B10 – man made features within 200 ft.
- Item #B13 – Environmental Impact Statement
- Item #B14 – Tree Management Plan

Mr. Peters recommended a partial waiver for Items B2 & B4- topography should be shown to the drainage high points and the far side of the street. For item B10 he does not recommend the waiver be granted; however, an aerial photo would be sufficient. For item B13 he recommends the waiver be granted based on the developed nature of the site and item B14 he does not recommend granting the waiver, although it was unclear on the plans if there were specimen trees within the project area; if they are then they should be shown and if not, the item would be not applicable.

Motion was made by Mr. Neiman, seconded by Mr. Percal, to accept the recommendation of Mr. Peters

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Percal; yes

5. NEW BUSINESS

Item #5 was heard first because of the conflict attorney.

5. SP # 1887 (VARIANCE REQUESTED)

APPLICANT: ALLEN MORGAN

Location: 456 Chestnut Street, west of New Hampshire Avenue
Block 1087 Lot 17

Concept Review of Site Plan for 2 story office building

Mr. Peters stated the Applicant is seeking conceptual plan review for Block 1087, Lot 17 to construct a 10,000 SF, two story medical office building and associated site improvements. The property has frontage along Chestnut Street. The site is situated within the B-5 zoning districts. The applicant is requesting the following variances: Minimum lot area; 1 acre is provided where 2 acres are required. This is an existing condition. Minimum front yard setback; 88 ft is provided where 100 ft are required. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District will be required. Evidence of the approvals should be made a condition of the Planning Board approval. The applicant shall revise the zoning schedule to show the maximum lot coverage of 90% and add to the schedule required and provided building coverage. The proposed number of parking spaces meets the requirements of the Lakewood UDO, based on the square footage of the proposed medical office building. The site will be access via an access drive on neighboring Lot 18. This configuration will require an access easement through Lot 18. The applicant should be prepared to discuss an access agreement with the Board. Documentation of the access agreement will be

required for Site Plan Approval. Curbs exist along the roadways at the property frontages. Sidewalks are usually required along the property frontages and should be proposed along Chestnut Street and the drive aisle. A 6 ft. utility and shade tree easement along the property frontages are usually required to be dedicated to the Township and should be shown on the plan. The Board should determine if the easement will be required. The location of the proposed entrance causes access concerns for garbage collection vehicles. A truck will have difficulty in making an immediate 90 degree right turn after entering the site. We suggest the applicant's engineer either re-configure, or relocate the trash enclosure to encourage waste collection vehicles move in a clockwise direction. In addition, the parking space adjacent to the dumpster shall be removed. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated March 26, 2008. The applicant seeks Planning Board comment on a conceptual site plan for a proposed 10,000-square foot medical office building with seventy-one (71) parking spaces on Chestnut Street. The site will be accessed through an existing driveway from the adjoining property from the East (Lot 18). The site contains an existing residential dwelling unit. Zoning. The property is located in the Highway Development (B-5) Zone District. The existing residential use is not permitted in the B-5 Zone District. The proposed professional medical office use is a permitted principal use in the district. The existing nonconformity will be removed. The applicant requires variance relief for the lot area and front yard setback. Township development regulations require a minimum lot area of 2 acres and the applicant has provided 1 acre. In addition, Township development regulations require a front yard setback of 100 feet and the applicant has provided 88 feet. Review Comments. Conceptual Site Plan The applicant should specify in the general notes that the proposed use is a professional medical office building and not a 'professional office building' as noted. The Township applies different parking standards for professional office uses and professional medical offices. The bulk schedule should be revised to indicate compliance with the minimum building coverage and lot coverage requirements for the B-5 Zone District. The applicant notes compliance with 'lot coverage' and provides the standard for building coverage. Parking The applicant complies with the parking requirements for a professional medical building. Driveway The applicant has proposed a shared access easement arrangement with the adjoining office building on Lot 18. There appears to be an existing shared access easement arrangement between Lots 18 and 31. (Lot 31 fronts on Route 70.) The applicant should indicate whether a shared access easement is proposed and what arrangements have been made with the property owners. The applicant should be prepared to discuss the improvements to Lot 18 which are also subject to Board approval. Lot 18 must be included as part of the site plan application. The appropriate shared access easement language would be required as part of the Board approval. The access easement should be delineated on the site plan. Sidewalks should be provided along Chestnut Street and connected walkways to the site. Lot Consolidation The applicant should discuss with the Board the ownership of the two adjoining lots. The applicant should consider whether lot consolidation is appropriate for this application. Stormwater/Landscaping/Trash Refuse/Lighting The concept plan does not provide any information concerning proposed drainage facilities, any landscaping and buffering to the adjoining residential zone district, the manner in which trash refuse will be handled, or how lighting will be addressed. Environmental The applicant should identify any environmental constraints on the site plan to address regulatory issues that may occur as part of the site plan phase.

Mr. Flannery is representing the applicant as the planner and stated he had aerials of the site which is behind the Investor's Savings Bank, near Charlie Brown's. Mr. Flannery said they were here for guidance because the 2 variances they anticipate needing is a lot area; 2 acres are required and they are proposing 1 acre and that is all they have. The 100 ft. setback from Chestnut Street that is required, due the unique size of this property and putting in a medical building with the access all the way around it, the 88 ft. would make a nice development of the site and it is his opinion that it does not hurt anything. Chestnut Street is also very wide because it is a County roadway. Rather than putting access onto Chestnut Street which would impact the residential uses across the street they have a shared access agreement with the adjoining lot and he feels this makes a better development of the site and wanted to make sure the board agreed with the applicant before they went further. They will be going onto the Medical office next to Investor's Savings Bank and the owner of this property does have the agreement for the shared access with that property and would be presented to the board when they came back.

Mr. Neiman asked for the reason of the 100ft. setback off Chestnut St. and Mr. Flannery said the reason for it is because they are in the B5 zone which is a highway business zone and normally would be a 100 ft. setback from Route 70, and they are at 88 ft. Mr. Banas said they could do something about the size, they can create a different type of a business. Mr. Flannery said they need 2 acres and only have 1 and he said this is the classic case where the lot area variance makes sense. Mr. Banas asked what kind of business or development can be put in this area and Mr. Flannery said it is the B5 business district, so you can put banks, restaurants, etc. and they are proposing a medical office. He said a medical office in this location is a compatible use with the restaurant and the bank. Mr. Banas asked if the property has already been purchased and if so when. Mr. Flannery said he did not know but he could provide the board with that information; presently there is a residence on the site. Mr. Banas said caveat emptor and Mr. Flannery said he understands what he is saying but said as far as does this make sense as a medical; no matter when he bought it or what he had in mind when he bought it, his professional opinion is that the medical office is a good use. An applicant has a right to expect that if he is buying a one acre lot in a 2 acre zone and he can't add to it, and Mr. Banas re-iterated caveat emptor or buyer beware. Mr. Flannery said they were here to get the board's input from the board on whether or not they agree that a medical office here makes sense or the site as they laid it out makes sense. Mr. Banas said he likes the ordinances as they are. One acre is not 2 acres and if the zone requires 2 acres let's wait for 2 acres to become available to buy and develop the site. Mr. Flannery said that is why he gave them the aerial exhibit, to show there is development on all sides and there will not be 2 acres here. He stated the MLUL clearly establishes that in a situation like this it is a variance that should be granted. Mr. Banas asked Mr. Slachetka if he agreed with that statement and Mr. Slachetka said they do have a situation of an isolated undersized lot and there are provisions from a planning perspective that allow the usage of such lots. The other issues that are here regarding the setback variances, maybe the applicant can talk about the ways to develop the tract or minimize the impact of some of the variances. Mr. Flannery said the one variance that they are requesting and they can do something about is the front setback and what they could do is make the building wider and then you would not have access around the building and he does not think when they are looking for 88 ft. instead of 100 ft. to not have access around the building the benefits of granting

a diminimus variance on front setback are warranted. He said the alternative would be 2 entrances and there would be traffic exiting onto Chestnut Street. If the board would like that they could put that into the application.

Mr. Banas said if they turned around and developed this in the fashion he is requesting, even though it is accessing to the parking area and the entrances and exits of the medical building adjacent to it, it is a shadow kind of thing. You are still accessing and exiting an entrance to both Route 70 and Chestnut Street. Mr. Flannery said they would be but it is a good thing because the patrons and employees could access from Route 70 without having to drive on Chestnut Street. If they had the one entrance onto Chestnut Street anyone using this facility would have to come on Route 70 and then drive down New Hampshire and then drive onto Chestnut and there would be all that additional traffic on Chestnut Street; this way the majority of the traffic can go through a parking lot and onto Route 70 and you limited the number of access points.

Mr. Franklin and Mr. Neiman did not have a problem with it. Mr. Neiman said if there would be room there for 2 acres they should have to acres, but there is nothing more that the applicant can do and a medical building is a nice building and he likes the fact that they can get onto the property from both Chestnut and Route 70. Mr. Percal said he is aware of the fact that 2 acres are required but this is a special situation, they only have one acre and within that 1 acre they are utilizing less than 25% of the available land to put up the structure and he thinks it is a doable project. Mrs. Velnick agreed with Mr. Franklin and Mr. Neiman and did not see any issues with this use because there is no possibility of purchasing adjacent property and it would be beneficial to the township to have a ratable such as a medical building and is happy to see they are complying with the parking. Mr. Banas said he would like to see the date it was purchased by the applicant because if it was purchased on speculative purposes, his answer would not be favorable.

Mr. Flannery thanked the board for their comments and the recommendation from the professionals.

Mr. Banas had an announcement for everyone. He said the town is in the process of having visioning workshops within the community. They have already had one that took place on March 11th and they have 3 more. The next one will take place on April 14th and they will be dealing with the redevelopment areas and the industrial park. The following meeting will be May 21st and the next one will be on June 25th and those two meetings will discuss dealing with transportation and environmental. He encouraged and invited the public to participate in these workshops. The meetings will all be held in the Lakewood Commons at the Lakewood High School at 6pm.

After the 4 visioning workshops they will have discussions and this is a matter for the Township Committee to deal with and there are 2 meetings that are scheduled on the Township level; the first is July 23rd dealing with the findings of the 4 vision sessions with the idea that this is what we are going to put forth on the Township level and the second one is scheduled for September 3rd and both are scheduled in the Municipal Building.

1. SD # 1553B (VARIANCE REQUESTED)

APPLICANT: THE TEEN CENTER FOR EDUCATION AND OPPORTUNITY

Location: southwest corner of E.8th St.-between Middlesex & Somerset Aves.
Block 21 Lots 9 & 3

2nd extension of previously approved Minor Subdivision- 4 lots

Mr. Doyle Esq. appeared on behalf of the applicant with Mr. Flannery. He said this subdivision for 4 lots was approved in the summer and they needed to go to NJAWCO for sewer approval for a TWA from the DEP and unfortunately the approval from the DEP is taking longer than anticipated and they are asking for the maximum extension available. Mr. Banas said this is the 2nd extension and Mr. Doyle said they could come back numerous times if they prove they have been diligent. Mr. Flannery stated this Minor Subdivision which needs a difficult sewer extension. They have gotten through NJAWCO and they were more difficult than they had been in the past and now it is just a matter of the DEP and usually it is 90 days. They are asking for an additional 190 days from this date. Mr. Banas thought it was a maximum of a year and Mr. Doyle said he did not think it was the same deadline under 47-F which is the map filing.

Mr. Banas asked Mr. Jackson what the maximum extension was and Mr. Kiert said he thought it was 3 one year extensions. Mr. Jackson said he could check into that but would be comfortable with a year. Mr. Banas said to use the 3 one year extensions and if Mr. Jackson found out it was different, he should change the resolution.

Mr. Peters had no objection to granting a year extension

Motion was made by Mr. Neiman, seconded by Mr. Percal, to grant the applicant an extension of one year and if the statute says 190 days then it would be 190 from today's date

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Percal; yes

2. SD # 1433A (VARIANCE REQUESTED)

APPLICANT: TASHBAR OF LAKEWOOD TUSCANY I

Location: East County Line Road, west of Brook Road
Block 208.01 Lot 19

Extension of previously approved Final Major Subdivision

Mr. Peters stated The project was previously approved by the Planning Board; the Resolution of Approval was adopted on April 20, 2004. The plans were signed by the Planning Board Engineer on September 19, 2006. The applicant is requesting an extension of the approval to obtain outside agency approvals. The applicant should provide testimony on what approvals are outstanding and how much time will be required to obtain them.

Mr. Penzer Esq. appeared on behalf of the applicant. He said the DEP was the reason for the request for extension.

Motion was made by Mr. Neiman, seconded by Mr. Percal, to grant the applicant an extension of one year

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Percal; yes

3. SD # 1435A (VARIANCE REQUESTED)

APPLICANT: TASHBAR OF LAKEWOOD TUSCANY II

Location: East County Line Road, between Brook Road and Ridge Avenue
Block 190 Lots 73 & 74

Extension of previously approved Final Major Subdivision

Mr. Peters stated The project was previously approved by the Planning Board; the Resolution of Approval was adopted on April 20, 2004. The applicant is requesting an extension of the approval to obtain outside agency approvals. The applicant should provide testimony on what approvals are outstanding and how much time will be required to obtain them.

Mr. Penzer Esq. appeared on behalf of the applicant. He said the DEP was the reason for the request for extension.

Motion was made by Mr. Neiman, seconded by Mr. Percal, to grant the applicant an extension of one year

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Percal; yes

4. SD# 1477A (VARIANCE REQUESTED)

APPLICANT: REGENCY ROW LLC

Location: East 7th Street, west of Somerset Avenue
Block 208 Lot 132
Block 222 Lots 11-13

Extension of previously approved Final Subdivision – 5 lots

Mr. Peters stated The project was previously approved by the Planning Board; the Resolution of Approval was adopted on July 19, 2005. The plans were signed by the Planning Board Engineer on April 27, 2006. The applicant is requesting an extension of the approval to obtain outside agency approvals. The applicant should provide testimony on what approvals are outstanding and how much time will be required to obtain them.

Mr. Penzer Esq. appeared on behalf of the applicant. He said the DEP was the reason for the request for extension.

Motion was made by Mr. Neiman, seconded by Mr. Percal, to grant the applicant an extension of one year

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Percal; yes

6. SD # 1624 (VARIANCE REQUESTED)

APPLICANT: MORDECHAI EICHORN

Location: southwest corner of New Central Avenue & Gudz Road
Block 11.05 Lots 77, 80

Minor Subdivision – 4 lots

Mr. Peters stated The applicant is seeking a Minor Subdivision Approval to subdivide two existing lots into four new lots, to be known as Lots 77.01, 77.02, 77.03, and 77.04 of block 11.05. Existing Lot 77 is currently vacant. A split level frame dwelling that will be removed exists on Lot 80. No residential dwellings are proposed under this application; however, some site improvements are proposed. The property has frontages along Central Avenue and Gudz Road. The site is situated in the R-12 zoning district. The applicant is requesting minimum lot width variances for Lots 77.02, 77.03, and 77.04; 85 FT are provided where 90 FT are required. Outside agency approvals from Ocean County Planning Board and NJDEP for Treatment Works Approval are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. In accordance with notes #5 and #6 shown on the plan, existing septic and well on site will be abandoned and the proposed lots will be served by public water and sewer. The existing dwelling shall be labeled on the plans as to be removed. Removal of the dwelling shall be performed prior to signature of the Subdivision Plan, or a bond posted to ensure the promptly removal of the dwelling. The applicant shows on the plans a gavel path located in the rear yard of Lots 77.01 through 77.03. The path should be labeled on the plans as to be removed since Lots 77.02 and 77.03 will be restricted to have access to Central Avenue only, as is stated on the plans. The applicant shows in the zoning schedule two and a half (2.5) parking spaces are required and three (3) parking spaces are provided for each proposed lot. In accordance with NJ RSIS regulations, two and a half (2.5) parking spaces are required for single family dwelling with un-known numbers of bedroom. The Board should determine if three (3) off-street parking spaces are sufficient for the proposed use. A note shall be added to the plans stating that a minimum of three (3) off-street parking spaces shall be provided for each lot when residential dwellings are proposed to ensure conformity of the regulation. The applicant shows on the plans 6 FT utility and shade tree easements along Central Avenue and Gudz Road are to be dedicated to the Township. A 1343 SF triangle easement at the corner of Central Avenue and Gudz Road is to be dedicated the Ocean County. In addition, the applicant also shows a 15 FT roadway widening dedication to Ocean County along the Central Avenue. Concrete curb exists along Gudz Road, but not along Central Avenue. The curb shall be clearly identified or the line type added to the legend. The applicant has proposed concrete sidewalks along Central Avenue and Gudz Road at the property frontages. The sidewalk shall be clearly labeled and called out on the plan. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated March 26, 2008. The applicant is seeking minor subdivision plan approval to create four residential lots from two existing lots. Lot 77 currently is a vacant lot and there is an existing split-level residential dwelling unit on Lot 80. The existing residence will be removed. The site fronts on Central Avenue and Gudz

Road. Three residential lots will have access on to Central Avenue, and one residential lot will have access from Gudz Lane. The subject site is located within an area of residential uses. The applicant has proposed a 15-foot wide road dedication along New Central Avenue to Ocean County. Access to new Lot 77.01 at the corner of Gudz Road and New Central Avenue will be deed restricted to only Gudz Road. Zoning The parcel is located in the R-12 (Residential) Zone District. The proposed residential single-family use is a permitted use within the R-12 Zone District. The applicant has requested variances for lot width for proposed Lots 77.02, 77.03, and 77.04. The R-12 Zone District standards require a 90-foot lot width. The applicant has proposed a lot width of 85 feet. The positive and negative criteria should be addressed for the requested variances. Review Comments. Subdivision Plan The applicant will need to revise its bulk schedule to address compliance for Lots 77 and 80. Proposed Lot 77.01 is a corner lot. Township development regulations require that the applicant provide two front yards as well as provide one (1) side yard and one (1) rear yard. The applicant has indicated in the bulk schedule that the side yard is 'Not Applicable.' On the subdivision plan, the applicant complies with the Township requirements for this lot. The applicant is required to specify compliance with Township standards for building coverage and height of the residential structures on the bulk schedule. The applicant's minor subdivision plan and site improvement plan are not oriented in a similar direction. The applicant should revise to have both these plans oriented in a similar direction. Existing Structure/Fencing The applicant should indicate their intention regarding the existing structure and fencing on the subject tract. The applicant should specify that the structure will be removed as part of this subdivision and whether the existing driveway will be used to access proposed Lot 77.04. The applicant shows existing wood fencing on proposed Lots 77.03 and Lot 77.04 in the rear and side yards as well as a chain-link fence on proposed Lot 77.01. The applicant should specify if the fencing will be removed. RSIS The applicant is subject to the requirements of NJ RSIS for off-street parking. As the applicant has not specified the number of bedrooms proposed for each unit, the applicant has indicated that they would comply with the 2.5 parking spaces per unit requirement. The applicant has proposed 3 parking spaces per lot. Based on the nature of driveways on New Central Avenue, the Planning Board should consider a requirement for a driveway turnaround (i.e., a K-turn driveway for Lots 77.02, 77.03, and 77.04). Utilities The applicant indicates that the existing septic and well will be abandoned as part of the subdivision. The location of the septic and well should be identified on the plans. The applicant should comply with all requirements of the Ocean County Board of Health and NJDEP. Public water and sewer will be provided by New Jersey American Water Company. The applicant should provide letters indicating that service may be provided on these lots to the Board. Shade trees should be shown on the improvement plan. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery said they were prepared to address all the technical comments raised by the professionals and the variances will be presented at the public hearing.

Mr. Percal asked if a variance of 5 ft. was requested and Mr. Flannery said that is correct.

Motion was made by Mr. Franklin, seconded by Mr. Herzl, to advance the application to the meeting of May 20, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Percal; yes

7. SD # 1625 (VARIANCE REQUESTED)

APPLICANT: H&C DEVELOPMENT

Location: River Avenue- Copper Kettle Diner and Motel
Block 1077 Lots 24, 39 & 40

Minor Subdivision for 2 lots

Carried to meeting of May 6, 2008 Plan Review Meeting

8. SD # 1525A (NO VARIANCE REQUESTED)

APPLICANT: SARAH BODEK

Location: 6 New York Avenue, between Ridge Avenue & E. 7th
Block 223 Lot 95

Amended Minor Subdivision for 2 lots

Mr. Peters stated the Applicant is seeking Planning Board Approval to amend the previously approved minor subdivision of Block 1159, Lot 95. The previously approved plan has been revised to transfer 2,000 SF of land from Lot 95.01 to Lot 95.02, the flag lot. Two single family dwellings are proposed on Lots 95.01 and 95.02 which is a flag lot. The property is situated along New York Avenue, within the R-10 Zoning District. It appears no variances will be required. Ocean County Planning Board and Ocean County Soil Conservation District approval will be required. Evidence of the approvals shall be made a condition of final subdivision approval. The applicant shows on the plan a minimum of five (5) parking spaces for Lot 95.02 and three (3) parking spaces for Lot 95.01. Three (3) minimum parking spaces were required by the Planning Board from the previous approval; however, the parking spaces were based on un-known number of bedrooms for each dwelling as no dwellings were proposed at that time of approval. The architectural plans show five bedroom buildings with unfinished basements. The Planning Board should determine if additional parking spaces will be required. The dimensions of the lots and the lot area are in conflict. The applicant shall review the area calculations and revise the dimensions or lot area as required. The applicant shall provide an update on status of the existing dwelling shown on the previous plans. There appears to be an error in the dimensions of the side lot lines for Lot 95.01. The parallel sides of the square lot are labeled with different lengths. The proposed dwellings will be served with public sewer and water. Sewer and water connections for the dwellings shall be shown on the plan. Curb exists along New York Avenue at the property frontage and concrete sidewalk is proposed at the property frontage. A 6' utility and shade tree easement along New York Avenue is proposed to be dedicated to the Township.

Mr. Slachetka read from a letter dated March 24, 2008. The applicant is seeking minor subdivision approval to create two (2) lots, one of which will be a flag lot. The parcel contains one single-family dwelling, which will be removed. The parcel is 0.62 acres (27,000 square feet) in area. The tract has approximately 108 feet of frontage on New York

Avenue located between East Seventh Street and Ridge Avenue. The Planning Board previously approved a flag lot subdivision for this parcel in July, 2006. The plat has been revised to show the proposed dwelling on the rear lot, angled rather than parallel to the lot lines. In addition, the lot line which separates the two proposed residences has been revised to increase the lot area of the rear or flag lot (Lot 95.02) by 2,000 square feet. The site is located in the R-10 Residential Zone and single-family residences are a permitted use. No variances are requested. Review Comments. In accordance with Section 805.G.6 of the UDO, the applicant "shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot" and provide the reasons for using a flag lot concept in contrast to a standard subdivision. Public water and sewer will serve the new building lots. Sidewalk and street trees are proposed along the street frontage. The plat should contain a note that off-street parking shall comply with the NJ RSIS. Compliance with the Map Filing Law is required. Required approvals include, but may not be limited to the following: Ocean County Planning Board; Soil Conservation District; and Sewer and water utilities. They should also be prepared to discuss the size of the rear yard of the lot immediately fronting the street because that has been reduced,

Mr. Penzer Esq. appeared on behalf of the applicant. He said this was originally a flag lot that was approved and the rear lot is hidden from the street. What they did here was angle the home instead of paralleling it and by moving it over, the rear lot now has a frontage that can be seen directly into the street. It still remains lots without any variances and the 2 proposed residences have been revised to increase the lot area of the rear lot by 2,000 sf. so the house can be moved over.

Mr. Banas asked what was in Lot 3 and Lot 92 and where the homes were and if there are homes, are they protecting them? Mr. Carpenter said he would bring in aerials for the public hearing. Mr. Banas said that is a requirement to show on the plans where the existing homes are. He wants to know if they are planting enough trees there and Mr. Slachetka said they haven't really modified to a significant degree the buffer that they had proposed and the board had approved the first time. Mr. Carpenter said he would bring in an aerial photo and he will locate the houses on every lot that abuts the subject lot. Mr. Banas said it seems the vegetation around the property is sparse and Mr. Penzer said the house behind it is owned by the applicant, Mr. Bodek and he advised that nothing has been changed from what was before, all they are doing is the angling of the house.

Mr. Akerman said he did not see where the frontage on the street is and Mr. Penzer said the house will be in the rear but you will be able to see it now. Mr. Akerman asked if the other lots in the area were small and questioned if they could do a conventional subdivision and Mr. Penzer said they couldn't do that because he wanted to have a nice home and it has a nicer look. Mr. Banas said the idea of the front yard negates what the board has been constantly asking for and that is that they do not want the neighbors to be looking at a swimming pool or what have you and Mr. Penzer said it would enhance it and it will be nicer. Mr. Penzer showed them on the map.

Mrs. Velnich said the picture shown is only a sky view and not the perspective of the street and it gives a false representation if you were standing in the street and the house would be blocked by the other house. Mr. Banas said by the public hearing they will be able to look at the homes and the revised plans. Mr. Carpenter said the aerial photograph will also give them an idea of the vegetation on the adjacent lot.

Mr. Carpenter agreed to the remainder of the professional's comments.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance the application to the meeting of May 20, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Percal; abstain

9. SD # 1626 (VARIANCE REQUESTED)

APPLICANT: SNT DEVELOPMENT LLC

Location: 160 & 164 E. 4th Street, west of Cottage Place
Block 248 Lots 20 & 21

Preliminary & Final Site Plan for 4 townhouses

Withdrawn by applicant.

10. DISCUSSION – Vote on special meeting for Tuesday April, 29, 2008

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to schedule a special meeting for April 29, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Percal; yes

6. PUBLIC PORTION

- No one at this time

7. CORRESPONDENCE

- Letter from Abe Penzer dated 03/13/08 regarding prior Minor Subdivision approval for Yehuda Reidel

Mr. Penzer said there was an approval on 910 East County Line Road which is one property away from the big synagogue for a 2 lot subdivision. As part of that subdivision it said in the rear there should be a tree save area. Unfortunately nobody wanted to buy the property and no one wanted to back out and there were 2 conditions the board made: 1) it had to be subdivided on 2 separate lots and the rear, which was abutting Village Park, should have a tree save of about 15-20 ft. His client tried to go to the Zoning Board for a use variance and it was granted with 3 conditions: 1) the lots should be consolidated, 2) they wanted a different configuration of fencing and bushes and no more tree save and 3) they wanted to be sure that no one would be parking in the back and to put a gate.

Now we have a new approval from the zoning board but the surveyor said there is a note on the map that was filed that says tree save. The surveyor said he needed the planning board say the approval is vacated. Mr. Cox suggested he come back to the board to have them formally say it is vacated. He is asking the Planning Board to say that the Zoning Board Approval which is now consolidating to one lot what was previously 2 lots and is now approved for a 10,000 sf office building wipes out the old approval.

Mr. Banas said he accepts that but he thinks what should happen is that correspondence should go to the Planning Board Attorney and the attorney should advise. Mr. Jackson said that Mr. Penzer is right that the subsequent approval takes precedence. He said he will draft a resolution that says it is vacated or he can write a letter. Mr. Penzer requested a resolution. Mr. Penzer said they had county approval, soil approval and the only thing holding them up is resolution compliance and he won't give them the survey because of the tree save. Mr. Jackson said he will prepare a new resolution vacating the old one.

Motion was made by Mr. Franklin, seconded by Mr. Herzl, to direct Mr. Jackson to prepare a new resolution vacating the old one.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Percal; yes

8. APPROVAL OF MINUTES

- Minutes from March 18, 2008 Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; abstain, Mr. Percal; yes

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Percal; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary