

**LAKWOOD PLANNING BORAD
MINUTES
APRIL 29, 2008**

I. CERTIFICATION OF COMPLIANCE

Vice Chairman Neiman 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. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Akerman, Mr. Fink, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt said there were changes in the agenda. **Item #1 –SP 1886-Congregation Sanz of Lakewood, Item #2 –SP 1880 T&T Development LLC and Item #5 – SD 1409A Villa Marie LLC have all been tabled to the May 20, 2008 Meeting** per the request of the applicants’ attorney. Mr. Penzer’s mother passed away.

Motion was made by Mr. Franklin, seconded by Mr. Herzl, to carry the 3 applications to the meeting of May 20, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

4. NEW BUSINESS

- 1. SP # 1886 (NO VARIANCE REQUESTED)**
APPLICANT: CONGREGATION SANZ OF LAKEWOOD
Location: Spruce Street
Block 778.06 Lots 55 & 56
Preliminary & Final Site Plan for construct 10,600 sf school

Carried to May 20, 2008

2. SP # 1880 (NO VARIANCE REQUESTED)

APPLICANT: T & T DEVELOPMENT LLC

Location: 312 5th Street, west of Clifton Avenue
Block 93 Lot 6

Preliminary & Final Site Plan to construct 3 story, 16,200 sq. ft. office/retail bldg.

Carried to May 20, 2008

3. SD # 1619 (VARIANCE REQUESTED)

APPLICANT: MOSHE MENDLOWITZ

Location: Hope Chapel Road, Country Club Drive, Sherie Court
Block 26 Lots 6, 13 & 26

Minor Subdivision to re-configure three lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to reconfigure existing Lots 6, 13, and 26 of Block 26. An existing dwelling is located on Lots 6.01 and 26.01. New Lot 13.01 is currently vacant. Lot 13.01 will obtain 9,378 S.F. and 5,251 S.F. from Lots 6.01 and 26.01 respectively. An existing garage and patio that are located on old Lot 6 will be removed. The existing driveway on new Lot 26.01 will be expanded. The properties have frontages along Hope Chapel Road, Country Club Lane, and Sherie Court, and are located within the R12 zoning district. The applicant is requesting the following variance: Minimum lot width; 90 ft are required, where 87.0 ft and 80.82 ft are provided for Lots 13.01 and 6.01 respectively. These are existing conditions. Minimum side yard setback; 10 ft are required, where 3.5 ft is provided for Lot 6.01. This is an existing condition. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the subdivision plan. The applicant has proposed six foot shade tree and utility easements along Hope Chapel Road, Country Club Lane, and Sherie Court at the property frontages to be dedicated to Lakewood Township. In addition, an eight foot wide right of way along Hope Chapel Road at the frontage of Lot 6.01 is shown on the plan to be dedicated to the Ocean County. The applicant shows on the plan, curbs and sidewalks are existing along Hope Chapel Road, Country Club Lane, and Sherie Court at the property frontages. The existing garage and patios on old Lot 6 shall be removed or a bond posted to ensure the promote removal of the structures prior to signature of the subdivision plan. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 10, 2008. The applicant is seeking Minor Subdivision approval to reconfigure the subject lots. New Lot 13.01 is a vacant lot and will be supplemented with land area from Lots 6.01 and 26.01. There are three lots involved in the subdivision, and there will be three lots after the subdivision is perfected. The property is located at the west side of Sherie Court, a cul-de sac. Lot 6.01 has frontage on Hope Chapel Road, and Lot 26.01 has frontage on Country Club Lane. The subject tract contains two single-family residences and accessory structures and improvements. The surrounding land uses are generally residential. This application was discussed at the March 4th Plan Review meeting. The subject property is located in the R-12 Residential Zone. Single-family residences are a permitted use in the R-12 Zone. The following variances are requested: Lot width of 87 feet for Lot 13.01 and 80.8 feet for Lot 6.01. A

minimum lot width of 90 feet is required. These are existing conditions. Side yard setback of 3.5 feet for Lot 6.01; a minimum of 10 feet is required. This is an existing condition. The positive and negative criteria should be addressed for the requested variance. Sidewalk is existing along all three lots. Off-street parking for three vehicles is proposed for each lot. The garage and patios must be removed prior to signature of the plat, or a bond must be posted. The balance of the comments are technical in nature.

Mrs. Weinstein Esq. appeared on behalf of the applicant. She said this application is for a simple lot realignment to further enlarge Lot 13. Lot 13 is no longer a vacant lot, there is a dwelling under construction. This application is not new to the board, it was heard about a year ago and approved the subdivision at that time, but prior to the map being filed the applicant opted to further subdivide the property and that is why they are here now. (Mr. Banas arrived.)

Mrs. Weinstein continued and said there were no new variances on this application and no non conformities are exacerbated by this application. The variances they are requesting are for existing conditions. They agree to all the comments in the professionals' report and Mr. Carpenter is present to answer any questions.

Mr. Carpenter said the variances are existing conditions that have always been there. The outbound of the subdivision is not changing from previously approved subdivision, they are just adding land to Lot 13 which will straighten out the subdivision with the lot line. Mr. Neiman mentioned the structure that is already being built and asked if there will be any other new homes being built and Mrs. Weinstein said it is one lot with one home and that is all that will be on it. Mr. Peters agreed and said the application is enlarging the back yard of that structure that is currently being built.

Mr. Neiman opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to approve with all the comments from the professionals

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

Mr. Neiman stepped down as chair and Mr. Banas took over as chairman

4. SD # 1622 (NO VARIANCE REQUESTED)
APPLICANT: PARK AVENUE EQUITIES LLC
Location: Harvard Street at northeast corner of Park Place
Block 170 Lots 1.01, 1.02 & 3
Minor Subdivision from 3 lots to 2

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to consolidate three (3) existing Lots, known as Lots 1.01, 1.02, and 3 of Block 170 into two (2) new lots to be known as Lots, 1.03 and 3.01. Two (2) one story single family dwellings are existing on old Lots 1.01 and 3. No new construction is proposed under this application. The site

is situated along Harvard Street, within the R-7.5 zoning district. The applicant is requesting front yard setback variances for Lots 1.03 and 3.01; fifteen (15) ft are provided to an un-named paper street in the rear of the lots, where 25 ft are required. The applicant shows existing sheds on lots 1.03 and 3.01. If the sheds will remain, the required and provided accessory building setbacks should be included in the zoning schedule. Variances for accessory building rear yard setbacks would be required for lots 1.03 and 3.01: two (2) ft is provided for Lot 1.03; where seven (7) ft is required. Five (5) ft is provided for Lot 3.01; where seven (7) ft is required. The existing dwelling on Lot 1.03 requires a front yard setback variance. A twenty-five foot setback is required where 22.4 feet is proposed. This is an existing condition. If the dwelling is demolished prior to signature of the plat the variance will not be required. The applicant has revised the zoning schedule to show four (4) off-street parking spaces are required and will be provided for each lot. In addition, a note shall be added to the plan stating that four (4) off-street parking spaces will be provided per lot, when new dwellings are proposed in the future. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the Final Plat. The applicant shows on the plan existing dwellings are to be removed. Any structures that associate with the dwellings are to be removed shall be labeled on the plan as to be removed. The proposed dwellings will be served by public water and sewer. A 6' shade tree and utility easement is proposed along Harvard Street at the property frontage to be dedicated to the Lakewood Township. The applicant has revised the plan to show a concrete sidewalk detail. The applicant shall show on the plan proposed layout of the sidewalk. Furthermore, it shall be noted on the detail that where driveways are proposed, thickness of concrete sidewalk shall be increased from 4" to 6". Concrete curb is existing along the property frontage. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated April 7, 2008. The applicant seeks minor subdivision approval to consolidate the subject tract and subdivide the parcel into two conforming lots. There are two (2) existing dwellings on the parcel, both of which will be removed. The property is 22, 850 square feet in area and located on the south side of Harvard Street, east of Park Place in the northern portion of the Township. The surrounding properties to the east and west are residential uses. The lands to the south of the subject area are wooded and owned by Lakewood Township. The adjoining land to the south is the former Department of Public Works site, which is zoned for business. This application was discussed at the March 4, 2008 Plan Review meeting. The plat has been revised to address the comments of the Planning Board and its professionals. The site is located in the R-7.5 Zone and single-family dwellings are a permitted principal use in this zone district. Duplex/two-family dwellings are a permitted use, provided the lot area is a minimum of 10, 000 square feet. The proposed lot areas are 11,241 square feet (Lot 3.01) and 11,239.5 square feet (Lot 1.03). The applicant requests a variance to allow a 15-foot setback in the rear of both lots. The ordinance requires a minimum of 25 feet. The subject parcel has frontage on both Harvard Street and an unnamed, unimproved road. The plat contains a note that no access shall be permitted from the unnamed street. The Planning Board discussed a deed restriction at the Plan Review meeting; however, the plat does not reflect any restriction. Four (4) off-street parking spaces are proposed for each lot. The plat should indicate that the RSIS off-street parking standards will be addressed. Sidewalk is now proposed along the parcel frontage. The balance of the comments are technical in nature.

Mr. Neiman questioned the agenda stating there are no variances requested but there are, and asked if it is because of the existing structures are there but once they are demolished, there will not be any variances. Mr. Peters said yes, they were all existing conditions and they are listed to reaffirm the existing variances. Mr. Neiman said when the new homes are built there will not be any variances and Mr. Peters said they are not proposing new homes at this time, this is just a subdivision.

Mrs. Weinstein said they will cover that in their testimony.

Mr. Weinstein Esq. appeared on behalf of the applicant. She said this application is consolidating 3 existing lots into 2 larger lots. The applicant does not have finalized plans at this time as to what he will be doing with these lots but prefers the 2 larger lots over the 3 smaller lots. This application is for subdivision only, no site plan is proposed. The applicant intends to raze the structures on the property, which consists of the houses and the accessory structures. All the variances listed will not be necessary. The only variance the applicant requested at the technical meeting is the 15 ft. front yard setback from the unnamed paper street at the rear of the property. The applicant has agreed to restrict the properties to permit access only from Harvard Street and deny access from that paper street, therefore the applicant is requesting the setback be treated like a rear yard setback rather than a front yard setback which is 15 ft. That is the only variance they are requesting.

Walter Hopkin is the engineer for the applicant. He stated the application is for 3 lots be consolidated into 2. They will restrict access to the unnamed right of way which is unpaved at this time and they are proposing shade trees and sidewalks along the frontage of Harvard Street and they have notes on the plans on the number of parking spaces proposed for the new lots. He repeated the only variance requested and the remainder of them will be eliminated with the demolition of the buildings.

Mr. Banas asked why they were using a 4 inch depth of sidewalk and Mr. Peters said the standard sidewalk is 4 inches but 6 inches where the driveway is. Mr. Hopkin agreed to that comment and all the other comments by the professionals. Mr. Hopkin said that was a drafting error.

Mr. Peters questioned the timing of the removal of the homes and asked if it would be done prior to the filing of the plat and Mrs. Weinstein said yes it would be done prior to the filing of the plat.

Mr. Banas opened the microphone to the public

Gerry Ballwanz, Governors Road was sworn in. She said she is concerned that because there is not going to be any site plan needed; if you approve this lot the way it is with the variance in the back that will send up a red flag that this will be a very large house and there will be no oversight by this board to give any input into it if you give it carte blanche. She doesn't know why this applicant is asking for this variance if there are no houses planned right now. There are duplexes down the street and those duplexes are big. She is wondering if there is any information on the duplexes being built about 8 lots down and

if they have the same setback. Mr. Banas said it really doesn't matter and the only thing that matters is the parameter of the plan that is before the board now. The development of the two lots does not require the applicant to come back to the board unless it becomes a townhouse development or something similar to that. It can be developed as single units or duplexes. Mrs. Ballwanz asked why are they asking for that variance for the backyard, why can't it be the 25 ft. and if they are going to put up a really big duplex they don't have to come back. She doesn't think that variance should be given. The land in the back, a little farther down, is the beginning of the Cabinfield, the headwaters of the Cabinfield stream and that was one of the areas that is supposed to be a park in the future (or looked at to become one).

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

Mr. Peters said as a point of resolution compliance, if the dwellings are to be razed, they have an inspector that goes by the site to make sure it has been removed before he signs off on it.

Mr. Neiman asked about the deed restriction and Mr. Peters said yes and Mrs. Weinstein said they will add a note to the plan and they will also agree to a deed restriction.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve the application with the variance and put a deed restriction on the lots so there will be no access to the unnamed street.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

5. SD # 1409A (VARIANCE REQUESTED)

APPLICANT: VILLA MARIE LLC

Location: Miller Road, between Attaya Road & Whitesville Road
Block 11.04 Lot 15

Re-approval of Minor Subdivision to create two lots

Carried to May 20, 2008

Mr. Banas said before the public left he wanted to make an announcement about the upcoming Community Vision meetings in May and June dealing with environmental issues and urged the public to attend.

6. DISCUSSION –Zoning Ordinance Revision re: Off Street Parking in B-2 Zone

Mr. Banas said he received word from one of the members, Mr. Miller, that he wanted to make some statement regarding this item and he has not arrived, so they moved on to #7.

Mr. Miller arrived and he said that after looking over the ordinance he noticed the Township Attorney had made some minor variations to the ordinance, one of them saying that one

who is rebuilding or restructuring from 3 stories and up would need to put into that parking. Mr. Miller's issue with that is if a person has a pre-existing 3 story building, should there be a fire or something there, now they would have to put money into parking? They are an existing structure and one of the things this board felt was someone with an existing structure should not have to be subject to the parking.

Mr. Schmuckler said he noticed the \$25,000.00 number and wants to know where that number came from. Mr. Banas said it was explained to them by Mr. Franklin and that is what it costs to build a parking space in a garage. That includes the ramps, roofs, floors, etc.

Mr. Schmuckler also said in a month or so T&M should have the parking study back and he feels this should be tabled for one more month so the report may become available. Mr. Miller asked Mr. Truscott when the study will be completed and he said 1-2 months, but he is not involved in the study. The draft of the traffic circulation has been submitted but the parking study draft is being addressed shortly. Mr. Schmuckler said he feels there is a lot that will come out of the community vision meetings and he feels it should wait a month or 1 ½ month to see the outcome of those studies.

Mr. Banas asked him if he had any trouble with the wording of the ordinance as it is and Mr. Miller said Section 5 that says "existing buildings that may be replaced with 3 or more stories require the parking spaces or payment for the number of stories in excess of 2." Mr. Banas said Mr. Schmuckler is asking for a delay of a month before voting on this and Mr. Schmuckler said no, that he wants to be able to comment on it after the study is done (in 2 months from now).

Mr. Miller asked if it would be appropriate to say they will not hear any applications from downtown until the 2 months go by and they have a better idea. He said he thinks the mayors' big rush is that in the meantime, people are going to quickly run and stick in their applications, and he asked if they can say they will not be hearing any applications for the downtown? Mr. Kiert said that cannot be done because of statutory time limits and it is illegal. The Mr. Elward, the Planning Board Attorney sitting in for John Jackson, agreed.

Mr. Banas said that revisions can always be made to applications along with corrections but he thinks the important thing is that this ordinance is very vital or they are really going to lock themselves out and he is thinking about the building on Second Street. He said they won't be able to move if they don't have a parking ordinance. Mr. Schmuckler asked if there other things coming forward in the works in the next month or so. Mr. Schmuckler asked Mr. Franklin if there are 200 spaces or so, would the applicants still have to pay that \$25,000.00 and Mr. Franklin said that would help pay for a future building that would be made somewhere along the line because you are not going to get it all in that building and will have to build another one. Mr. Schmuckler asked if the money gets bonded or what happens to it and he was told it would be earmarked.

Mr. Banas said as far as Section 5, if there is a discrepancy and there needs to be revisions, it is important to approve the ordinance and then make the changes that will fit the picture. What they said when they discussed that was a little different if he recall. They were going to go and have, in the event someone wanted to build a third story on, to beautify an older building, to have that person go without payment on that 3rd story. Mr.

Franklin said he thinks the other buildings could be grandfathered in and Mr. Miller agreed but said it does not say that. They asked the attorney if they had a 3 story building and there is a fire and the building gets burned down and now it has to be replaced, and they replace it with a 3 story building, does the builder have to now pay for parking spaces and the attorney said you could deal with that as reconstructing a pre-existing non-conformity that was destroyed and as a matter of law you have a right to restore that existing structure. The members, Mr. Schmuckler, Mr. Akerman and Mr. Miller said it does not read that way and Mr. Franklin said it would be grandfathered and the Mr. Elward said there is some ambiguity in the language and suggested they put that into the recommendation. Mr. Fink asked Mr. Kielt how many applications do they have for the downtown area over the next 3 months, and Mr. Kielt said he has between 20-30 applications pending, he does not know how many are for the downtown, maybe a couple but he is guessing. Mr. Truscott pointed out one of the application they tabled tonight is a three story building (T&T Development). Mr. Fink said he can't see hearing selected cases and pushing others back for 2 or 3 months, but he thinks Josh (Schmuckler) has merit in what he is suggesting. He thinks whatever they do should be consistent and fair.

Mr. Banas said they are asked to make comment on this UDO which is the Township Committee's piece of work. The Township Committee can do one of three things regardless of what this board says: they can accept the comments, they can change the comments, or they can go and ignore the comments completely and do whatever they feel is best. So when it comes down to it, it really doesn't matter. It is something that they have been asked to comment on previously, they made comment, the comments were accepted by the Township Committee, they revised it in accordance with the letter that Mr. Jackson sent to the Township Committee and they are saying this is what the board has asked them to do. Mr. Elward added, that in regard to the comments made, if they can wait, not wait, how much time do they have, etc. By statute you recommendations and comments are to be made within 35 days and failure to do that within 35 days, they can wholly ignore the Planning Board.

Mr. Banas said when he read this he was very pleased, and one of the phrases they used was that the language was ambiguous. Mr. Miller said he is concerned with Section 5 and the 2 lines the way they are written and Mr. Banas said he felt they would fall under the grandfather clause. Mr. Akerman agreed with Mr. Miller and said they should re write it. Mr. Banas asked them to clarify what they are talking about, and Mr. Miller said Section 5 and Mr. Akerman said it specifically says it should not be grandfathered in. Mr. Kielt suggested that when the attorney writes the letter he says the Planning Board accepts this however they would like to make one change, and call to Section 5. That is the board's inclination to do so and it is not a big thing. Mr. Fink agreed with that. Mr. Miller said they just want to clarify what is written and Mr. Akerman said even if there is no major hardship, if someone decides they want to make his building more pleasing and he wants to re do his building, if he had 3 stories before, he thinks he should not have put the extra money into parking. It is encouraging people to re do their buildings.

Mr. Truscott commented and said there is an implicit grandfathering by this in terms of the 1st & 2nd story not the whole building, but if you were to tear down a 3 story building and put up an 4 story building, you are still only grandfathered for the 1st and 2nd story. Mr. Miller said that is exactly what he disagrees with. Mr. Miller said someone who has a 3 story building does not then go down to only 2 stories but should be allowed to build 3

without having to contribute to parking. Mr. Truscott said they wanted to add a grandfather clause which states if you have 3 stories you get credit for 3 stories, but he thinks they have to be specific about floor area, not just stories. If you have a small 3 story building and you add a large 3 story building then would that change? Mr. Miller said if someone has a narrow building with square footage and he needs to go up, but the person next door that has a large building that takes up the block and has a lot of square footage but is not going above 2 stories, the smaller building would have to pay for all his parking. Mr. Fink said you really need to be consistent here and Section 5 really needs to spell it out. Mr. Akerman said that is the value of the land, when you buy a piece of land, it is a bigger property so you can get more square footage out of the building, that is the way it works. Mr. Miller said he just wants to take care of this grandfather issue.

Mr. Banas suggested they go and draft a letter indicating they did like the ordinance with the exception of Section 5, the language is not clear about grandfathering and ask that the ordinance with that section be revised to deal with grandfathering. Mr. Schmuckler agreed but said with the building coming to the board (T&T Development) if this ordinance stood, that application, which deals with a building over 100 years old and probably the worst building downtown, could they add another clause that if the building is a certain amount of years old that they can have an exception? That person would not redevelop the building if they were hit with that \$25,000. Fee per spot. Mr. Kielt said they have to be very careful in an ordinance not to be site specific. Mr. Miller said Mr. Schmucklers' point is not to deter the downtown owners from beautifying the buildings. They want the downtown to look nice and entice people to go shopping there.

Mr. Banas said what he suggested is just simply stating this is what the board feels needs to be changed and strengthened and the Township Committee puts the wording in. Mr. Fink agreed and said it should be spelled out but they need to be consistent. They should combine what Mr. Banas stated along with what Mr. Miller stated and have Mr. Jackson draft a letter to that effect.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to accept the ordinance with the stipulation that Mr. Jackson draft a letter with the recommendation to change the wording in Section 5 to stipulate the grandfather clause.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

7. DISCUSSION - SD #1603 Joseph Rosenbaum – Review resolution to determine action required to address front yard setback

The application was approved a few months ago and the resolution needs to be reviewed to determine the action that was required to address a front yard setback variance.

Mr. Flannery said the application was for 7 lots with duplexes and at the first meeting, the board was not happy with the application because a school bus could not turn around. They put in the bigger cul de sac and that created setback variances to 18 ft. at the corners of the buildings where the cul de sac expanded. They went through the meeting

so quickly and between getting the plans and reports it was not specified that those variances were created with this. He thought everyone was aware of this and it was shown clearly on the plans but it did not end up in the resolution. When the planning board engineer was doing resolution compliance he saw the buildings over the setback line and questioned the plans. The procedure would be to amend the resolution to include those setback variances.

Mr. Banas said he needed to know who was present when they voted on that issue and asked that the record be researched. Mr. Kielt said the members who voted were: Mr. Herzl, Committeeman Miller, Mr. Banas, Mr. Akerman and Mr. Fink. Not all of those were yes votes but they are the members who voted. Mr. Neiman said he left in the middle of this application but he does remember this application but had to leave before the voting. Mr. Flannery said they do have 3 of the 4 voting members who voted affirmatively which 3 affirmative voted is enough to move the application. Mr. Banas said they are changing the resolution and Mr. Flannery said they are clarifying the resolution, the plan voted on was with the change of a bigger cul de sac and in order to accommodate that they encroached on the buildings. Mr. Banas said his question is if they are going to amend the resolution, should they have a quorum present to determine whether or not we should, of those members who were there at the time of the hearing and asked the board attorney for his legal opinion. The board attorney present said he felt the safe and conservative approach would be to come back and do it again.

Mr. Akerman said Committeeman Miller may be showing up and he would be the 5th. Mr. Fink said he recalled the one comment they had was the cul de sac and at the time Mr. Kielt did bring up the fact when it was redone it would have that and they agreed to that. Mr. Banas said it did not matter and he is saying if they are going to change the resolution they should have at least a quorum of the board and they have people voting against it, so right now they only have 4, so they should wait for that 5th person.

Mr. Miller arrived and they continued with the discussion.

Mr. Flannery repeated the testimony on the reason for the revised resolution. Mr. Miller said he was the one who made the motion and he did understand that because of the widening of the cul de sac which he is in favor of, he agrees to the revision.

Motion was made by Mr. Miller, seconded by Mr. Herzl, to amend the resolution.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; abstain, Committeeman Miller; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; abstain

There was discussion who could vote, so a revote was taken

ROLL CALL: Mr. Herzl; yes, Committeeman Miller; yes, Mr. Banas; no, Mr. Akerman; yes, Mr. Fink; yes

5. MEMORIALIZATION OF RESOLUTIONS

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

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; abstain,
Mr. Fink; yes, Mr. Schmuckler; 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 Preliminary and Final Major Subdivision

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; abstain,
Mr. Fink; yes, Mr. Schmuckler; 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 Preliminary and Final Major Subdivision

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; abstain,
Mr. Fink; yes, Mr. Schmuckler; 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 Preliminary & Final Subdivision – 5 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; abstain,
Mr. Fink; yes, Mr. Schmuckler; yes

5. SD # 1405A (NO VARIANCE REQUESTED)

APPLICANT: GUDZ ROAD LLC

Location: Gudz Road, south of Miller Road
Block 11.01 Lots 1 & 13

Amended Resolution for Preliminary & Final Major Subdivision for 8 lots

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

Mr. Banas said there is a question on this resolution and there was a change. He said item #16 was changed and said there was an explanation of what it was and how it was changed. Mr. Kielt said it is in regard to an easement from a neighbor. Initially there were 2 neighbors involved, Mr. Zucker and this person, and he thinks they had the wrong person by mistake.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; abstain

6. CORRESPONDENCE

-None at this time

7. PUBLIC PORTION

Gerri Ballwanz said regarding the ordinance, everybody is saying there is so much congestion in town and you need to have a parking garage. The question is who is going to be paying for it, is she, who does not live in the downtown area and the rest of the taxpayers, are they going to have to subsidize that parking space to alleviate the cost to the developer? She does not know that exempting that 3rd floor should not be exempt, she does not want to have to pay for those other spots that that builder doesn't have to pay because the rest of the town is going to have to pay for it. People are not going to be happy with this, especially since everything is so expensive now, including gas. She also mentioned the application T&T Development and said she and Mr. Banas were at that visioning workshop where they were talking about that whole Stand block being a redevelopment area, and asked if the Township Committee have to make that into an ordinance? Mr. Banas said he did not believe so, but the Lakewood Development Corp. is doing that project. She said the application from T&T, is that going to fit into the vision they had for that whole block area and it would be putting the board in the position of maybe voting for something that might not really be in relationship to what might be seen for that redevelopment. She guesses she is glad it was not heard tonight.

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

8. APPROVAL OF MINUTES

- Minutes from April 15, 2008 Plan Review Meeting

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

ROLL CALL: Mr. Herzl; abstain, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; abstain

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, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

The remaining items on the agenda were being hear when Mr. Miller arrives. There was a recess called.

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary