

**LAKWOOD PLANNING BOARD
MINUTES
MAY 08, 2007**

I. CERTIFICATION OF COMPLIANCE

Chairman Banas called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ms. Johnson 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 Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

Mr. Fink was sworn in by Mr. Jackson as a new member of the Planning Board

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Akerman, Mr. Fink, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in. Mr. Slachetka arrived late because of traffic.

Mr. Penzer appeared on behalf on **SD #1366C –Ralph Clayton & Sons** and asked for the application to be carried to a future meeting because the applicant’s engineer could not attend due to circumstances beyond his control. He said they were ready willing and able to move forward unfortunately, without him they cannot. He requested this matter be adjourned to a new date. Mr. Banas said they would not set a date, but would look to see what is available on the calendar.

Motion made by Mr. Herzl, seconded by Mr. Akerman to approve the adjournment to a future meeting and the applicant will re notice.

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes, Mr. Percal; yes

4. OLD BUSINESS

1. SD # 1558A (VARIANCE REQUESTED)

APPLICANT: YITZCHOK SINGER

Location: northwest corner of Sunset Road and Central Avenue
Block 75 Lot 14

190 day extension of previously approved Minor Subdivision to create two lots

Mr. Penzer appeared on behalf of the applicant and testified that Mr. Surmonte did not inform the applicant that there was a time period and they were one day late.

Motion made by Mr. Herzl, seconded by Mr. Franklin to approve the extension of 190 days.

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes, Mr. Percal; yes

5. NEW BUSINESS

1. SD # 1575 (VARIANCE REQUESTED)

APPLICANT: KENNEDY INVESTORS LLC

Location: West County Line Road and cul de sac of Kennedy Boulevard West
Block 27 Lot 47

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking Minor Subdivision approval to subdivide one Lot into two Lots. The subject property, known as Block 27, Lot 47, lies between County Line Road West and Kennedy Boulevard West, in the R-12 Zone. Proposed Lot 47.01 currently contains a one story dwelling which will remain and a 20' x 21.5' area of the dwelling that will be removed. Proposed Lot 47.02 has no new construction is proposed at this time. A variance will be required for the following: Lot Area: 10,058 S.F. and 10,203 S.F. are proposed where 12,000 S.F. is required. Rear Yard Setback: The applicant proposes a ten (10) foot rear setback for Lot 47.01 after the removal of a portion of the house. Twenty feet is required. Proposed Lot 47.01 will front County Line Road West and proposed Lot 47.02 will front a proposed cul-de-sac on Kennedy Boulevard West. The cul-de-sac is to be expanded to the limits shown on the plan under SD #1511; the resolution for approval was adopted on January 17, 2006. The proposed lots will be serviced by public water and sewer. Ocean County Planning Board approval will be required. Evidence of this approval shall be made a condition of final subdivision approval. The north portion of the existing dwelling on proposed lot 47.01 should be removed prior to signature of final plat or a bond posted to ensure its prompt removal after the subdivision is completed. The applicant has provided a 5.9 foot shade tree, drainage, and utility easement along County Line Road West. The applicant shall provide testimony on the reason for not providing the standard 6 foot shade tree easement. The applicant has proposed a six foot shade tree and utility

easement along the Kennedy Boulevard West cul-de-sac. The Board should determine if the applicant should provide sidewalk along the County Line Road West property frontage. Sidewalk exists along the far side of the road but not along the project side of the road. No construction has taken place on the proposed cul-de-sac expansion. The applicant shall provide testimony on the timing of when that work will be performed. The remaining comments deal with the map filing law.

Mr. Peters read from a Stan Slachetka's letter dated March 21, 2007. The applicant is seeking minor subdivision and variance approvals to subdivide Lot 47 into two non-conforming lots. Existing lot 47, which contains an existing dwelling, has frontage on County Line Road. A Minor Subdivision plat has been filed in the Ocean County Clerk's Office according to the subject plan, and improvements are proposed to construct a cul-de-sac to the north side of the subject parcel. The new cul-de-sac will provide paved access to new Lot 47.02. In addition, the applicant proposes to remove the northern portion of the existing dwelling to provide a ten (10) foot rear yard setback. Both lots will be served by public water and sewer. The lot has an area of 20,115.4 square feet (0.46 acres) and is located on the north side of County Line Road in the northern part of the Township. The surrounding land uses are generally residential. The site is located in the R-12 (Residential) Zone District. Single-family detached housing is permitted in this zone. The following variances are requested: A lot area of 10,057.9 square feet for Lot 47.01 when a minimum of 12,000 square feet is required. A lot area of 10,057.5 square feet for Lot 47.02 when a minimum of 12,000 square feet is required. A rear yard setback of ten (10) feet for Lot 47.02 when a minimum of 20 feet is required. The applicant should address the positive and negative criteria for each of the requested variances. We would request that the applicant submit written confirmation that performance bonds and inspection fees have been posted with the Township to guarantee the construction of the proposed cul-de-sac. The removal of the north portion of the dwelling on new Lot 47.01 must be accomplished or a bond posted for same prior to the signature of the plat. No sidewalks are indicated on the subject plan for County Line Road. A six-foot wide shade tree easement is proposed along street frontage of new Lot 47.01. The Planning Board Engineer and Attorney must approve the shade tree easement and survey description. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. With regards to Max's report, all of the lots in this subdivision are 10,000 sf, none of the lots are 12,000 sf. That was the way it was approved and this is the last lot that is in the subdivision. The rear yard setback request is because they are tearing down the house that is existing, and they are trying to minimize tearing down the house. If they took 20 ft. they would have to tear down almost the whole house. The cul de sac question is not part of this applicant, the Township Committee declared the land vacant, put it up for public auction and Mr. Friedman owns the property. The questions about the cul de sac and the bonding is not part of this application, it was a bonded and is a condition of sale they have no control over. They have no problem posting a bond for the northern portion of the existing building after the subdivision is finished. The reason for not having the 6ft. shade tree easement is because it is an existing county easement and the county created it when it widened County Line Road; therefore they can't continue the easement because the county won't let them. They agree to sidewalks. They agree with the remainder of the comments. Mr. Banas asked if this is the area where they had difficulty with a fence and Mr. Franklin said it was where they had the 2 pie shaped pieces that they wanted made part of the property so

that they didn't end up in Township ownership where the town would have to maintain it. With regards to Stan's report, they agree to the comments in his report, except where they are the same as Max's and have already been addressed.

Mr. Gatton asked about the history of the property and Mr. Banas told him the history. Mr. Penzer also added there was a neighbor that had an objection (Spitzer Family) and an agreement was worked out. Mr. Banas stated that if the objector had a disagreement, she would be here tonight.

Mr. Banas 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. Akerman, to approve the application with sidewalks and all the recommendations from the professionals.

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Slachetka arrived.

Mr. Liston spoke about the Ralph Clayton project and said he was the attorney representing objectors. He wanted to know why it was adjourned and why he was not notified and Mr. Penzer said he was notified approximately 3:30-3:45 pm that Mr. Stevens was not available, he did not feel good. (Even though they spend the whole day preparing to be ready tonight, they did not have an engineer) He said he spend for a hour trying to get Mr. Kevin Kielt to tell him and could not get a hold of him and after 5 when he got somebody here, he called Mr. Liston's office and nobody picked up. Mr. Liston said that is because they close at 5. Mr. Penzer said he did not have any more time than that and apologized. Mr. Liston said under the circumstances he could not object to the adjournment trusts there will be some documentary proof as to his illness. Mr. Liston said he had to pay an expert to be here tonight and he also had to pay another attorney to cover another matter he had in Barnegat which he could have attended had he known as late as 3:30 this afternoon that this matter was going to be adjourned. Mr. Banas said they always extend the courtesy when there is an illness and Mr. Liston said he understood. Mr. Liston also asked the board to instruct Mr. Penzer to contact him before he requests another date so they can work out a date when he is available. Mr. Banas said the board will notify Mr. Penzer of a date available. Mr. Penzer said he would call him and get his approval of the date. He apologized again.

- 2. SD # 1366C (NO VARIANCE REQUESTED)**
APPLICANT: RALPH CLAYTON & SONS – JULE ESTATES
Location: Gudz Road and Lakewood New Egypt Road
Block 11.05 Lots 13-17,19, 19.01, 84 & 85
Preliminary & Final Major Subdivision – 36 lots

Carried to a future meeting.

6. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1539A (VARIANCE REQUESTED)

APPLICANT: REUVEN KANAREK

Location: East Eighth Street, between Park Avenue & Nowlan Place
Block 230 Lot 9

Extension of previously approved Minor Subdivision to create 2 lots

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain,
Mr. Gatton; yes, Mr. Percal; yes

2. SD # 1570 (VARIANCE REQUESTED)

APPLICANT: SHIMSHON BANDMAN

Location: corner of Melville Avenue and Elm Street
Block 762 Lot 4

Minor Subdivision to create 3 lots

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain,
Mr. Gatton; yes, Mr. Percal; yes

3. SD # 1572 (NO VARIANCE REQUESTED)

APPLICANT: TRACHS INC.

Location: East End Avenue at corner of East Eighth Street
Block 208 Lot 139

Minor Subdivision to create 2 lots

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain,
Mr. Gatton; yes, Mr. Percal; yes

4. SD # 1573 (VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK 3 C/O CHARLES FERGUSON
Location: Prospect Street, south of Railroad Street
Block 386 Lot 17
Minor Subdivision to create 2 lots

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain,
Mr. Gatton; yes, Mr. Percal; yes

5. SP # 1857 (NO VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK 3 C/O CHARLES FERGUSON
Location: Prospect Street, south of Railroad Street
Block 386 Lot 17.02
Preliminary and Final Site Plan for 2 warehouse/office buildings

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain,
Mr. Gatton; yes, Mr. Percal; yes

6. SD # 1574 (VARIANCE REQUESTED)
APPLICANT: PINE PROJECTS LLC
Location: corner of Netherwood Drive and Bellecourt Boulevard
Block 431 Lot 1.02
Minor Subdivision to create 3 lots

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain,
Mr. Gatton; yes, Mr. Percal; yes

7. SP # 1858 (NO VARIANCE REQUESTED)

APPLICANT: NEW CEDAR HOLDING LLC

Location: Oberlin Avenue at northwest corner of New Hampshire Avenue and Cedar Bridge Avenue

Block 1603 Lots 1.02, 2.02

Preliminary & Final Site Plan-proposed shopping center

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; abstain, Mr. Gatton; yes, Mr. Percal; yes

7. CORRESPONDENCE

Two letters from Kenneth Pape in reference to **Rachel Rosenfeld SD #1578**, were introduced for discussion.

Mr. Banas said he is questioning the vote and is asking for a re consideration, but they will study it put it off until the next meeting. Mr. Jackson suggested having Mr. Pape here to make the argument. Mr. Jackson said his view on reconsideration is a tricky legal question for these sessions, and while the matter is still pending, the resolution has not been adopted, does have the authority to re consider the judicial standards of if there has been a mistake. It is a discretionary call on the part of the board.

8. PUBLIC PORTION

Amelia Squeo, 406 Monticello Lane came forward and congratulated Mr. Carl Fink on his appointment. She is so pleased; he has been an active member of their community and he will be an asset to this board.

Larry Lazzarro, 426 Monticello Lane came forward to congratulate Carl Fink and said he has worked with him on several issues in the community and found him to be a very competent, interested and sincere individual.

David Richardson, 441 Monticello Lane came forward and complimented the Planning Board on their new addition and wished Mr. Fink all good wishes.

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. Gatton; yes, Mr. Percal; yes

10. APPROVAL OF MINUTES

Minutes from April 17, 2007 Planning Board Meeting
Minutes from April 24, 2007 Planning Board Meeting

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

ROLL CALL:

Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; yes,
Mr. Gatton; yes, Mr. Percal; yes

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary