LAKEWOOD PLANNING BOARD
MEETING MINUTES
TUESDAY, MAY 31, 2005

CERTIFICATION OF COMPLIANCE

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

"The time, date and location of this meeting was published in the Ocean County Observer and 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 at least two of 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."

ROLL CALL: Mr. Long, Mr. Herzl, Mr. Franklin, Mr. Banas, Mrs. Wise, Mr. Dolobowsky, and Mr. Ackerman.

Also present were: Attorney John Jackson
Engineer Maxwell Peters
Planners Marty Trusscot, Stanley Slachetka.

Mr. Slachetka stated that the purpose of the meeting was to discuss the proposed unified development ordinance, chapter 18. This was referred to the planning board by the Township Committee. The Township has introduced the ordinance which addresses the recommendations contained in the Township's master plan. A municipality's zoning ordinance has to be substantially consistent with the land use plan element of the master plan as well as the housing plan element of the master plan. The Township Committee can adopt an ordinance that is inconsistent with the master plan. If it does so, it has to do so by a majority of its full voting membership and has to specify the reasons for so acting as part of the minutes of the meeting and state the reasons why it was adopting an amendment or change in the zoning ordinance that was not consistent with the master plan. In the process, the planning board has the responsibility of reviewing the proposed ordinance and any amendment with the primary role and responsibility of making a determination and recommendations to the governing body as to whether or not the proposed zoning ordinance is consistent or inconsistent with the land use plan element of the master plan. That way when the governing body does consider the adoption of the ordinance at its second reading and public hearing, it has the advice and recommendation of the planning board to consider. The governing body has introduced the ordinance and pursuant to the requirements of the Municipal Land Use Law has referred it to the planning board for its review. The planning board members have copies of the proposed draft ordinance. This meeting is for the board to review the draft and respond to any questions and/or issues or concerns about the draft and provide the basis and foundation upon which the board could make the recommendation to the planning board as to its consistency with the master plan.

Mr. Jackson stated that was an accurate depiction of what had to be done.

Mr. Slachetka stated that Mr. Dolobowsky suggested a format that was done at a recent township meeting. It was going through the ordinance on a section by section basis and providing a brief

overview of what the intent and purpose of that section is. Then any questions would be addressed for that section. There are a number of sections that focus on administratively and statutorily mandated requirements that the board may or may not have an interest in. Sections on zoning, conditional uses, and design standards would be of the most interest. The ordinance is divided into a number of 11 articles.

The first article is the purpose, scope, interpretation and title. It details the purpose of the ordinance, what the intent of the ordinance is and the title. This covers sections 100 through 103 of the ordinance. There were no questions or concerns about this section.

Article two is the definitions. The definitions work in tandem with the various other sections of the ordinance. They are as important as any article or section within the ordinance. It defines various terms that are used throughout the ordinance. A lot of the terms tract and are consistent with requirements within the municipal land use law. You utilize the definitions within the land use law. There are also some standard planning references. The illustrative book of definitions that planners use by Moskowitz and Lyndbloom are used. They reviewed the definitions to ensure that they are consistent with the municipal land use law. There are also some definitions and twists that are put on the definitions to make things more appropriate to the Township of Lakewood and the utilization of how certain terms are used in the Township that may or may not be used in a similar manner in other communities. The definitions fine the terms and how the various terms are used in the ordinance. Mr. Banas stated that when they reviewed the definitions, they included several definitions that were of concern to the board. Mr. Kielt stated that one of the terms were “creeping minor”. He wanted to ensure that the definition of minor is covered because he read it and he was not sure if it was covered clearly. It was something that always came up. Mr. Banas stated that he found within the context of the ordinances was that they were dealing with a flag lot this year which was something new. The board never approved flag lots before. There is a definition but he did not know if it was consistent with what the board wanted to do or if they changed their opinion on flag lots. Mr. Slachetka stated that his firm came in earlier this year and there has been work on the draft for quite some time. Various individuals, committees and groups were involved in the process. Their role was not to reinvent the draft but to build upon the work that was proceeding. Some members of the board could provide insight as to certain terms. They used the work of other individuals to compile the current version. All municipalities have the authority to define what is a minor subdivision. The question is whether or not if someone comes in with a subdivision, whether or not there is a time limit later as to whether or not they could then come in and do another minor subdivision. He was not sure if there was a specific time limit currently. Mr. Kielt stated the current ordinance does not have a specific time limit. He knew that some municipalities did. In this town it was always a real question. They were trying to establish a time limit so as to determine what constitutes a “creeper”. He felt it would happen within the first couple of months. Mr. Slachetka stated there is a specification in the ordinance that talks about the subdivisions that occurred prior to January 1, 2004. What is happening here is that you can subdivide the parcel into three additional lots, in addition to the retained parcel. The retained parcel has to be a parcel that is in existence as of January 1, 2004. Mr. Dolobowsky asked what it meant. He stated if you have a lot and subdivide it into three, are one of the lots considered the retained lot, one is a new one. Mr. Kielt stated yes, so you could have a total of four. In the past, you could only have two. You would have the new one and the retainer. So we went from two to four. Mr. Slachetka stated it would be two new lots. Currently the minor subdivision covers a three lot subdivision. Mr. Kielt stated the current ordinance indicates that you can have two lots. Any three lot minors are majors. If there are two lots it is a minor. The third lot creates a major. Mr. Slachetka stated that the current draft would change that and make it four lots. Mr. Kielt stated the question was when it becomes a creeper. Mr. Slachetka asked about the current ordinance. Mr. Kielt stated it was handled in chapter 17. Mr.

Dolobowsky asked if there was an ordinance done by the Township. Mr. Kielt stated no. Chapter 17 was the only chapter that dealt with it. The board discussed it but nothing has happened and he has not seen an ordinance. Mr. Dolobowsky thought that an ordinance was done. Mr. Kielt stated that he pulled out chapter 17 and gave it to the attorney. Mr. Banas stated that after that, they found reasons why they could not do this. An applicant went to the zoning board for it. Mr. Slachetka stated it was not necessarily an ordinance. It could be administratively. He was not sure if there is a distinction between a major and a creeping major. It was usually a question of what information the board wants for their application. Mr. Kielt stated that under the new ordinance there is going to be substantially different information. Right now, the information required for minors and majors is pretty much alike, the topo, trees, etc. What the proposal is under the new ordinance is to show a lot less detail on the minor. They were trying to eliminate showing topo and trees. With that in mind, there is a substantial difference between a major and minor. Mr. Jackson stated they could recommend to the Committee that they define what a creeping major subdivision is. Mr. Slachetka stated that in 4.5 of Chapter 17 defines a major subdivision and indicates that "major subdivisions shall also include any proposed subdivision which would otherwise qualify as a minor subdivision if the subdivision under consideration represents a further subdivision of an original tract of land for which a previous minor subdivision, minor subdivisions, or major subdivision has been approved by the planning board". That is where it is varied in that section. The major subdivision definition does not carry that up. Mr. Dolobowsky stated that there were some in the past that tried it. Mr. Slachetka stated that the answer would be to have a time period because after a number of years, the danger is not there. Mr. Kielt stated that some towns are three years. He saw one that was five years. Mr. Slachetka stated it was a matter of policy as to what they wanted the Township to consider. Mr. Dolobowsky stated that when they approve a site plan it is good for a number of years plus two one year extensions. Mr. Slachetka stated it ultimately comes out to five years. It would be a little different depending on if it was a preliminary or final. Mr. Dolobowsky suggested making the creeping major the same time. Mr. Jackson stated he did not think that anyone would do it within five years. Mr. Dolobowsky stated then they would apply the first time for a major. Mr. Slachetka stated that you moved the minor up to four lots, the likelihood that someone is coming in with a three lot subdivision would have some potential to further subdivide in a creeping sort of way. By that point in time, it would be more cost effective to go with a full major subdivision rather than doing the creeping minors because time is usually of the essence in development activity. He thought by moving the definition of minor up to the larger number of lots, probably would mitigate to a certain degree the potential for these creeping minors or creeping major. It was the board's decision. Mr. Banas stated that it was proposed five years. Mr. Kielt stated that he would propose three to five years. He thought something had to be in place. Mr. Slachetka stated that if you wait five years, it would probably be developed. You want more information on a major because more lots have a greater impact on the area. Once it is there and built after five years, the same things are not as important because you would know the land from one lot to two lots. He thought it was unlikely for someone to wait five years to try and avoid the expense of coming in with a major. Mr. Dolobowsky stated that in some cases, they are trying to avoid the expense of a major. In other cases, it is a minor developer. They are circumventing the playground, recreation area, etc. Mr. Slachetka asked what they would be comfortable with. It was suggested that there would be a time limit of three years. Mr. Banas asked Mr. Jackson to include a three year time limitation on further subdivisions, otherwise it would be considered a major, if it does in fact become a major, in the recommendations to the Township. Mr. Slachetka stated the definition could be reviewed or in article 6, subdivision and site plan, provisions that could address subdivisions would probably be the best location for it. Mr. Banas suggested having it in both places. Mr. Slachetka stated the other issue was flag lots. Mr. Banas stated the board has turned down many applications with flag lots. Mr. Slachetka stated that Cox indicates that a flag lot is that a flag lot is a lot which lies principally to the rear of the other lot. The access is by a staff and the

balance of a flag. Flag lots must generally be provided for by ordinance. However, it is not uncommon to apply to the planning board for variances to permit the creation of a flag lot. Generally a flag lot is prohibited because you do not get the lot width that you need. That is what prohibits them. You would need variances. It is prohibited and he felt it would be redundant to say you are prohibiting flag lots because they are already prohibited if you do not have the frontage. Mr. Kielt stated that the ordinance calls for them. They are permitted in all residential zone. Mr. Slachetka stated that there is a definition of flag lots but it does not indicate that it is permitted. There are certain policies or approaches that were taken that were based on the work of various groups and committees. To the extent that there was an interest to incorporate a flag lot as a permitted provision, that was based on the work that was done. From a planning perspective, it is really a situation of what the community wants. He stated that the master plan does not take a position either way. If there was a provision in the master plan, then the ordinance would have to be consistent with the same. Mr. Kielt stated that somewhere in the ordinance, it indicates that flag lots are permitted in all residential zones. Mr. Slachetka stated it might be under article six. Mr. Jackson stated that section g refers to flag lots on page 136. Mr. Banas stated that the copy he had was an old copy. Section 805, page 117, refers to flag lots. This section was reviewed. Mr. Jackson stated that number 1 sets the design standards for flag lots. At some point, the Committee made a determination that it wanted to include flag lots and establish standards for those flag lots. Mr. Slachetka stated the board had to determine if it was consistent or inconsistent with the master plan. Mr. Banas stated that it was not in the master plan. Mr. Slachetka stated that there is neither a positive or negative reference. Mr. Banas stated that considering that these are not the board's ordinance, the Township determined that they wanted flag lots and that these are the directions for them. He did not see how the board could do anything other. Mr. Dolobowsky suggested to review what was required for flag lots and determine if it was acceptable. It did not indicate any buffering. Mr. Franklin stated that a big problem was servicing it. Mr. Banas asked if they could suggest more regulations to be placed in the definition of flag lots. Mr. Jackson stated that if the board felt it was appropriate. Mr. Banas felt that buffering was appropriate as was garbage. Mr. Dolobowsky stated they usually review the applications to ensure that there is enough buffering. Mr. Banas stated that the garbage would have to be brought to the street. Mr. Jackson stated that he could write a letter indicating that it was the board's recommendation that flag lots should have standards for buffering along the pole and between the front and back of the new house, as well as adequate provisions for garbage, trash, and recycling collection and a mailbox. Mr. Slachetka asked if there was anything else in the definition section. Mr. Banas stated that the items that meant something to the board were in there already. Mr. Franklin suggested including something in the definition section regarding garbage, trash and recycling because it would come up as to where it would be put as well as where the pad would be in the townhouse developments, if there would be an enclosure. Mr. Slachetka suggested to have it refer to the standards specified in section 805G. Mr. Franklin stated that it comes up in every application. Mr. Long was concerned with the garage definition. It indicates that it is an accessory to the main building. Mr. Slachetka stated that was a typical definition. A garage is considered as an accessory structure to the principal use on the site. It states building or space used as an accessory. Mr. Long stated there were concerns with garages being used as an additional bedroom and not using for the storage of a vehicle. Mr. Slachetka stated that a garage is an accessory. Mr. Banas stated that if the space does not fit the definition than the people who are enforcing the laws and the codes would have a means to enforce the same. Mr. Long stated it was not spelled out. Mr. Banas stated that if there is a living space used in lieu of the garage, the code enforcer could issue a summons. Mr. Slachetka stated it would be considered a living area. There are people who convert their attached garages to living space so long as they meet the other codes and standards, they could do it but they would no longer have a garage. The definition allows you to have a garage. It recognizes the garage as being an accessory to the principal use. Mr. Long stated the board had an application in which the board looked to

have the garages deed restricted which was lifted because the planner did not feel that it was necessary. He thought it was wrong. Mr. Slachetka stated that if it part of a subdivision and the garages are used, as they can be used as part of the calculation for required parking pursuant to the RSIS standards, they cannot eliminate the garage space because they would not be able to use the garage for anything other than a parking space. Mr. Dolobowsky stated that was the issue with the application. The garage was being used as a parking space and could not be converted. If it was not deed restricted, no one would know. Mr. Slachetka stated that if it is being used towards the calculations, they have to be available for parking spaces because that would violate the RSIS. People use their garages for storage in addition to living spaces, but the spaces would not be able to be converted. Mr. Long felt that people would do it and use the street for parking. Mr. Slachetka stated it does not change the need for the definition and would not change the definition. The definition is saying that a garage is permitted as an accessory to the use. He would not change the definition. The issue brought up was a totally different issue that would have to be addressed when a subdivision was being reviewed. Mr. Dolobowsky stated that what he was saying is that if an applicant comes before the board and testifies that the garage would be used as a parking space, there should be something in the ordinance that says it has to be deed restricted or recorded someplace. Mr. Slachetka stated you would have to be careful because you cannot do less or more than what the RSIS standards permit you to do. The RSIS standards permits you to count garage for spaces but it becomes an issue of enforcement. Mr. Franklin stated they could not let the garage count as a parking space. Mr. Slachetka stated that they could not do that, it because an issue of enforcement. It would be a policy issue of the board whether or not to restrict the conversion. Mr. Banas thought an opportunity had to be given to the board as to their opinion when they review the plans. There were no further questions regarding article two.

Article three primarily describes the administrative aspects of both the planning board and zoning board as to the ability and creation of the planning board and zoning board for the township. It describes their powers, procedures for appeals and applications, what the composition is of the boards, and most of the provisions track the provisions, requirements and standards that are presented in the Municipal Land Use Law. There were no questions regarding this article.

Article four deals with improvement guarantees. Mr. Slachetka stated these are the performance guarantees, maintenance guarantees and escrows. The Municipal Land Use Law permits municipalities to require bonds to ensure that the various improvements on the infrastructure side of the equation are going to be undertaken. The bonds are usually not released until final approval and certain professionals indicate that they can be released. This is also the same for maintenance guarantees to ensure that the improvements are maintained. Escrows are the fees that allow the boards to collect fees for the review of applications when they are submitted. Mr. Kielt stated that the existing escrow ordinance has some items that were outdated. The initial deposit was $1,500. which should be increased. He thought the escrow ordinance should be reviewed. It was a lot easier to get the money up front rather than to keep asking for more money to replenish the accounts. Mr. Slachetka felt that it made sense to review it. There were additional reviews that were being done currently which requires escrow being posted. Mr. Banas stated that the attorney could recommend review of it in the letter to the Committee. Mr. Kielt stated there are two escrow ordinances. One covers the reviewing fees and one covers the inspection fees. Mr. Banas stated that it could be included in the letter. Mr. Dolobowsky suggested having it indicate that the board was recommending that the Committee review the escrow ordinance with Mr. Kielt. Mr. Jackson stated he would include in the letter that the Township was spending their money have the personnel chasing down individuals with deficient escrows. There were no further questions regarding this article.

Article five deals with off tract improvements. This is paralleling and tracking the provisions of the Municipal Land Use Law. Some of the provisions deal with sewer, roadway improvements. If the area impacts the area, the municipality can require that certain off tract improvements be put in place and there are provisions for the fair share or pro-rata share of the costs of various improvements that an applicant would have to pay. The computations for the share are set forth in the terms of this ordinance and the provisions of the Municipal Land Use Law. There are certain things that the town can ask for and there are things that the town cannot ask for payments for. Again, this is administrative. There were no questions regarding this article.

Article six deals with subdivisions and site plans. A lot of the provisions and requirements deal with how subdivisions and site plan applications are handled by the boards. The provisions of both preliminary and final approvals for subdivisions and site plans are all spelled out in this section. What constitutes the procedures for the approval of a major subdivision. What constitutes the procedures for the approval of major site plans, etc. This is technical and administrative and procedural in nature and tracks the MLUL with little twists here and there to make it consistent with other things in the township. Mr. Banas asked about the certification for signatures which were different. Mr. Kielt stated that he has a lot of questions with this section. He would be meeting with the planner separately regarding his concerns on this article. He stated that the ordinance encourages applicants to have an informal review. He wanted the board to determine if that made sense because they did not do it now. This would probably increase the number of meetings per month. Mr. Jackson asked if it was in the ordinance now. Mr. Kielt replied that you are allowed to but it is not encouraged. The new ordinance encourages it. Mr. Slachetka did not think many people would read it and apply for it. Mr. Kielt felt that the word “encouraged” should be removed and indicate that it was optional. Mr. Jackson stated it would not be practical for the board to have a lot of informal reviews. On page 58, at 602 it states that an informal discussion and concept review stage is encouraged. Mr. Slachetka stated that the MLUL 40:55D-10.1 informal reviews it almost makes it mandatory. At the request of the developer, the planning board shall grant an informal review of a concept plan for a development for which a developer intends to prepare and submit an application. In essence, if an applicant requests it, you are required. Mr. Kielt stated he prefers this wording better than encouraged. Mr. Slachetka stated they wanted the language in the ordinance to reflect the language in the MLUL. It would be recommended that the language in 40:55D-10.1 be used instead of the current wording. Mr. Banas stated that he was not aware of anyone requesting an informal review that was denied. There were no further questions regarding this article.

Article seven deals with provisions applicable to site plans and subdivisions. This continues on with the process and procedures. The section further defines some of the administrative requirements but also establishing procedures in section 705 for acceptance of streets and improvements. Mr. Dolobowsky asked about approval from other agencies other than the board and having it as a condition of approval. He asked about major approvals being held up by American Water and if that would fit this. He would like to see a blanket statement. Mr. Jackson stated a section to B would permit an applicant to do the same and come back to the board to seek relief from paragraph b. He did not think anyone would review the ordinance to do this. He thought they would just call. If they are not getting the outside agency approval that is needed, they would not be building anyway. He felt the board could review each one on a case by case basis. Mr. Franklin stated he has a problem where they issue C.O.’s before the projects are completed and the toppings are never on the streets. They cannot get in to service the people. There was nothing that covered them to get into the homes. He needed something for the homes that were getting C.O.’s on unfinished roads. He asked that it be added to indicate that the roads were to remain open and accessible. Mr. Slachetka stated that there are several provisions under section 53 of the MLUL that govern the whole process of how streets are accepted. The C.O.’s should not be issued. Mr. Dolobowsky stated

when he moved in his development, he received a temporary C.O. because his street was not finished. Mr. Franklin needed the roads accessible during the interim period. He stated he went to the engineer and he told the developer that no more C.O.s would be issued unless the roads were cleared and they were cleared within twenty minutes. He could not do that each time. Mr. Jackson stated that might be part of a general police ordinance. If it was already through the planning board, the ordinances would not apply. Mr. Slachetka stated that a C.O. cannot be issued for a house on a street that is not fronting on a public street. Mr. Franklin stated it was a temporary C.O. Mr. Slachetka stated he did not think it could be done. It would be recommended language that indicated that in no event shall an applicant or property owner block access on an unimproved street while the street is pending approval. It would indicate that if there is a temporary C.O. issued the same can be revoked if public works or any other municipal service is blocked from access. Mr. Kielt stated that section 701 for public notice, as it stands site plans are required to be noticed if they are in a residential zone and/or if there is a variance. The new ordinance indicates that you only have to notice a site plan if there is a variance. Mr. Slachetka stated the section entitled preliminary site plan approval deals with it. Mr. Kielt stated that a lot of towns require notice for all site plans. Mr. Slachetka stated some towns only require notice when there are variances associated with it. Under section 46.1 of MLUL, notice of hearings, an ordinance requiring pursuant to section 12 of the MLUL, notices of hearings on applications for development for conventual site plans may authorize the planning board to waive notice and public hearing for an application for development if the planning board or site plan subcommittee of the board appointed by the chairman finds that the application for development conforms to the definition of minor site plan. Mr. Jackson suggested mirroring the statute. Mr. Slachetka stated that 12A, public notice of application, mirrors section 12A of the MLUL. It indicates that public notice of an hearing shall be given for an extension of approvals for fi ve or more years under subsection d for modifications or elimination of a significant condition or conditions and memorializing resolution in any situation wherein the application for development for which the memorializing resolution is proposed for adoption required public notice and for any other applications for development with the following exceptions: (1) conventional site plan review pursuant to section 46 of the MLUL; (2) minor subdivisions, etc. This seems to be the same as the MLUL. Mr. Kielt asked if he received a notice for 60 apartments if he had to tell them to notice. Mr. Slachetka stated not if they are fully conforming. A major site plan has to be noticed. Mr. Banas stated that 55D-50 stated that notwithstanding the foregoing public notices are required for categories of a site plan review. Mr. Kielt did not think the ordinance regarding this was clear. Mr. Banas stated that the law provides that we can do it, but we did not do it. Mr. Kielt suggested that the board include it. Mr. Slachetka suggested that the intent here is that the planning board wants to ensure that notice is given. Whatever language that we need to provide, there would have to be a separate section or look elsewhere in the ordinance to ensure it is there. Mr. Banas stated that the statute indicates that the board may do it and the board wants to. Mr. Jackson stated that it would be recommended that notice is required for any major site plan or subdivision. Mr. Kielt stated also any preliminary major site plan, any preliminary major subdivision and any application with a variance. Some of the applicants may assume that they do not have to notice if they read the current proposed language. Mr. Kielt stated that currently notice is not required for site plans in the industrial park. Only in residential zones or those that require relief. Mr. Jackson stated that it would be recommended that the board wants to make certain that notice is required for any major site plan or subdivision. Mr. Kielt stated you do not need it for final, just preliminary. There were no further questions regarding this article.

Article eight deals with design standards. This is policy and sets the general preference for article 9 for the zoning and article 10 the conditional use requirements. This area talks about various design standards and requirements as they relate to the various site plan improvements and other issues that relate to overall design of developments, site plans and subdivisions within the Township. Mr.

Banas asked where the height of the tree is that the board caliber to find out the diameter. Mr. Dolobowsky stated that it is detailed in the tree save ordinance. Mr. Slachetka stated it was buried in section 803. There were no further questions regarding this article.

Article nine deals with the zoning districts and regulations. Mr. Slachetka had a map which showed the zone boundaries and proposed changes. He thought it was important for the board to understand that one of the responsibilities he had was to ensure that the ordinance was substantially consistent with the land use plan element of the master plan. There is a section in the 1999 master plan which includes the zoning ordinance text and map. This used a zoning map that was in place in 1999 which laid out the zoning boundaries and make recommendations for certain changes. If you look at the zones, in general it is substantially consistent with the list of zones that are specified in the land use plan element including the various changes that were made and recommended in the 1999 master plan. The key sections are 900 which is general provisions that apply to all types of uses, 901 is the establishment of the zone districts and zoning map, 902 is the residential zone districts, 903 talks about non-residential zone districts, 904 is clustered single family residential development, regulations for houses of worship, and public and private schools. This specifies what the zones are, what uses are permitted in those zones and the various bulk and yard standards, and the scheduled requirements which regulate the use of land. Mr. Herzl stated that R-12A the frontage was wrong on page 164. The numbers were different. Mr. Slachetka stated it should be 75 feet under item 5 for the minimum lot width. Mr. Jackson would include this change in the recommendation letter to the Committee. Mr. Slachetka stated that places of worship should be consistent also in the R-12A zone as a separate item. This would be included in the letter. Mr. Slachetka stated that the numbering is off also, there are two fives. Item 7 would be the places of worship. Mr. Dolobowsky stated on page 154 is a list of zones. They are numbered 1 through 28. He asked if the OS zone was the CLP zone. It was never renamed. Mr. Slachetka stated he was correct. It was item 22. It should read CLP (Crystal Lake Preserve) rather than OS zone. Mr. Banas asked about 901 and if the 24 was included in the master plan in 1999, which was the Cedarbridge Redevelopment Area. Mr. Slachetka stated that technically it was but the boundaries were different than specified in the current zone district. The DA-1 district is the redevelopment plan for the Cedarbridge Redevelopment Area. If you look at the proposed rezoning map, it specifically had a designation for the area. It is more specified as a proposed minor league/corporate park research center designation. The bulk of that area corresponded to the DA-1 area on the current zone map. There are a couple of differences noted. The map he had was dated August 10, 1999 by Schoor DePalma and is an exhibit in the 1999 master plan. It is not called the same thing. This was created as part of the redevelopment planning process which is somewhat of a different process than what you do under a zoning scenario. It is allowed pursuant to the Local Redevelopment Housing Law and it is allowed to be part of the zoning plan. It can be part of and actually supercede the zoning for the area. Mr. Kielt asked on page 151, item f and g which says any lot in a residential district without public water and public sewer meets the requirements of the zoning district and the requirements of the board of health. The way it reads now there is a footnote in the schedule that says if you do not water and sewer, you have to upgrade to a certain lot size. This is saying you have to meet the requirements of the board of health because when they come in he has to know if they are requesting a variance right away or not. He cannot wait until they go to the board of health so they can notice. Mr. Slachetka stated that he agreed that this language needed to track the standard that is in the schedule of requirements. Mr. Dolobowsky stated that under each section there is a phrase that says any lot that requires well and septic shall meet NJDEP standards for minimum lot size. Mr. Kielt stated it comes to the board first and he needs to know before it is placed on an agenda whether or not they need to notice. If they are not asking for relief than they do not have to notice. If they are asking for relief, they do have to notice. The board could not let them come here and then the board of health upon approval. When an application comes in, he

goes to the table to determine if the square footage is there regarding whether or not it is acceptable. Mr. Dolobowsky stated that it appears now that they would have to go to the NJDEP to determine the lot size for the area and then come to the board. Mr. Kielt did not think it would happen that way. Mr. Slachetka stated that they would have to do it. The board could require them to do it up front. Mr. Kielt stated that is a problem that Brian had with the checklist. He wanted to eliminate the necessity to do test pits. Graham had previously wanted them. The township wanted soil tests. He did not think this made sense. They are trying to streamline the subdivisions. If they have to go to DEP first, they would be held up for six to eight months. Mr. Slachetka stated that the ordinance had an archaic standard which was not realistic. They were trying to come up with a more appropriate standard that could be used. Mr. Peters stated the board of health and the NJDEP would have to be contacted to see if they could develop a different table. Mr. Slachetka stated that the nitrate dilution will have an impact on the lot sizes. Mr. Kielt stated he has a 45 day clock to determine if an application is complete or not. If he gets an application without submission from the DEP does he determine it is incomplete. Mr. Peters stated they were trying to determine if they would have buildable lots up front. He thought it could be narrowed down to certain size lots. The approval might have to be amended. Mr. Kielt was acceptable to a chart. Mr. Trusscot suggested amending the language to indicate that 990 g should be amended to track the same requirements in the table so that the septic standards are the same. Mr. Slachetka stated that they would have to get approval from NJDEP ultimately. Mr. Kielt stated he realized that. Mr. Peters stated it may not have to be done for all zones because some zones are entirely covered by water and sewer. It might just be a few of the zones. Mr. Dolobowsky stated that if you have an R-20 lot or an R-40 lot you would be okay. Mr. Slachetka stated it would depend on the soil characteristics. He felt that a lot standard based on DEP approval would work. Mr. Peters stated it was a balancing act. Mr. Trusscot stated you did not want to give them approval without the septic approvals. Mr. Peters stated he would check into it. Mr. Banas stated the only other alternative was for Mr. Kielt to reject the application until they received DEP approval. Mr. Kielt stated if he did that, it would cause a problem due to the number of applications he is receiving. Mr. Banas stated if the applications are rejected, the Committee will be receiving a lot of complaints. Mr. Slachetka felt that they could come up with something. Mr. Kielt stated that on page 172, item k, office transitional, there is permitted uses, design standards, should it be a number or a letter. Mr. Slachetka stated it should be item 2. This would be included in the recommendation letter. Mr. Slachetka stated the numbering has to be corrected. There were no further questions regarding article nine.

Mr. Slachetka stated the zone map boundaries have some corrections and changes to it so it makes it consistent with the master plan. There are a couple of areas where there were no changes because the Committee had subsequently made its own changes and amendments and he had an opportunity to meet with Mr. Lines and Mr. Kielt to go through all the changes. They looked at what the 1999 master plan said, what the Committee had changed subsequent to that, and where adjustments were needed they changed. He showed the map with the changes. There really were not a lot of changes. The multi-family district was changed to include the townhouse district. The RM district allows for both multi-family and single family detached. Single family detached is permitted at 7,500 square foot lot size. The RM allows for townhouse development. The various standards are included. The RM areas were shown on the 1999 master plan map that were townhouse districts. This was changed to make the areas RM. The master plan identified two specific areas for clustering. There is a lot reduction in these situations. The new ordinance provides for clustering. The clustering areas are the areas identified for R-40/20 clustering which is the R-40 standard but allows clustering down to R-20 and R-20/12. The next step is to take a master plan reexamination since the township was in a six year period. The other areas identified for changes were the M-1 area to a R-40; the A-1 area to R-40; and the area south of the CLP was to be changed from A-1 to R-12 area. The one area is a B-1 zone and a B-4 area. Everything else pretty

much remains the same. The master plan called for a larger R-40 area and the Committee only changed a section to R-40 and the rest is A-1. Some of the changes have been put in place. Mr. Banas asked the green area. Mr. Slachetka stated it was a B-5 zone and the out parcel which will remain the same. It could be reviewed when the master plan is reexamined. There were no further questions with regard to this article.

Article ten is conditional use requirements and in various districts in the township there is references to conditional uses and the standards and provisions for each one of the conditional uses are specified. If the applicant does not meet any one or more of those standards they are required to go before the zoning board for a use variance. If they meet all the conditions, then they appear before the planning board. Mr. Banas stated this was a big change. There were no questions with regard to this article.

Article eleven is administrative in nature. It deals with enforcement, when permits are required, how applications for permits are handled, fees and various miscellaneous administrative requirements. The most significant item is probably a new section is the submission checklist. It is now part of the ordinance. It is at the end of the ordinance. Mr. Kielt explained what he currently does and felt the proposed checklist needed to be fine-tuned. Mr. Dolobowsky asked about the schedule of general regulations and a typographical error. Mr. Slachetka stated that the acreage for CLP should be amended to three acres. This would be included in the recommendation letter. Mr. Kielt asked how they would handle look-a-likes. Mr. Slachetka stated he has seen it in other ordinances for single family homes. He did not think it was in this ordinance. It could be added to article nine or have a subsection to section 900. Mr. Kielt would provide a copy of the language. This would be included in the recommendation letter. There were no further questions with regard to this article.

ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary