

**PLANNING BOARD MEETING
TOWNSHIP OF LAKEWOOD
TUESDAY, JUNE 7, 2005
TECH MEETING**

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 (arrived late), Mr. Franklin, Mr. Miller, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Dolobowsky.

Also present were: Attorney Charles Hutchinson
Engineer Maxwell Peters
Planner Stanley Slachetka

II. REQUEST FOR SPECIAL MEETING

Mr. Banas stated that they have a lot of applications and additional meetings were needed. Mr. Kielt stated that on tonight's agenda there are sixteen items and for July there will be sixteen items. They need to have two public hearings for the next two months and hopefully they will be able to accommodate the applications. He stated the extra meetings would be June 28th and July 26th.

On motion by Mr. Franklin and seconded by Mr. Dolobowsky, the two extra meetings would be held.

ROLL CALL: Mr. Long, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Dolobowsky.

Mr. Kielt noted that item 3, SD #1471, would be tabled until July 5, 2005 at the request of the applicant's attorney.

Mr. Hutchinson stated that SD #1471 would be carried until the July 5, 2005 technical meeting at 6:00 p.m. No further notice was required of the applicant.

II. WAIVER REQUESTS

1. SP #1817

Applicant: Bais Pinchos

Location: Central Avenue, west of Hillside Boulevard
Block 11 Lot 117

Preliminary and final site plan for proposed temporary trailer classrooms and permanent school building

Waiver request from checklist item: #21-topography of site and within 200 feet of site

Mr. Kielt noted that the engineer eliminated item #29 from the request.

Mr. Peters stated he recommended granting a partial waiver for item #21. The topography depicted on the plan previous to the meeting was adequate. The applicant has shown topography to the far side of the street adjacent to the property and to the drainage high points on all other side. Item #29 was pulled by the applicant.

On motion by Mr. Dolobowsky and seconded by Mr. Neiman, the partial waiver for item #21 was hereby granted as outlined by the engineer.

ROLL CALL: Mr. Long, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Dolobowsky, yes.

Mr. Herzl arrived at the meeting.

IV. PLAN REVIEW ITEMS

- 1. SP #1814** (No variances requested)
Applicant: Bais Tova Inc.
Location: Oak Street and Funston Avenue
Block 792, 793 & 794 Lots all

Preliminary and final site plan for proposed school

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the Bais Tova School between the unimproved rights-of-way that are Oak Street, Bellinger Street and Funston Avenue within the A-1 zone. No variances are required. The applicant shall clearly depict and label all proposed street improvements. The applicant shall separate the driveways shown on the plans so as to provide a safe distance for a bus to turn out of the parking lot and a car turning into the drop off area. The applicant shall provide traffic flow arrows throughout the drive lanes and parking areas. The applicant shall provide testimony as to the following: the school's hours of operation, the number of staff, the number of bus trips per day, and the number and age of the students. The applicant will be required to obtain outside agency approvals. The planning board should determine if a shade tree easement will be required along Bellinger Street. The applicant should show the termination of the proposed force main. The balance of the comments were technical in nature.

Mr. Slachetka stated the applicant should describe the operational characteristics of the facility including the following: the proposed number of students to be educated on site, the anticipated number of school buses visiting the site on a daily basis, the proposed hours of operation, and the services that will occur on site. The applicant should describe the bus transportation operations to confirm the adequacy of the proposed circulation pattern. A copy of the property survey should be submitted to the Board Engineer and this office. The

applicant should provide information concerning the improvement of Oak Street and Funston Avenue. The planning board will be interested in the party or parties responsible for the improvement of each street, sharing of costs, scope or level of improvements and the time schedule. Since plans have not been submitted for the Phase II pool and school, we would recommend that, if final site plan approval is granted, the final approval be limited to Phase I. We recommend that a deed of lot consolidation be filed with the Ocean County Clerk's office. There should be a time schedule for the phasing plan. Sidewalk is proposed on Oak Street. The board should decide if sidewalk should be provided on Funston Avenue. The applicant has submitted a Natural Resource Inventory for review of the planning board. Architectural elevations and floor plans have been submitted. The comments of the Shade Tree Commission should be addressed. Abraham Penzer, Esq., appearing on behalf of the applicant. This land was sold to Bais Tova by the Township of Lakewood. This is the first of many schools. They met the guidelines that the Township requested. In addition, out of the eleven items of the planner's report, they agree to all the items except two. Item five and item eight deal with the phasing and the sidewalk. They have to phase the project and cannot limit the application to one phase. They will provide testimony as to when the phase will be and how many students. They have to show the entire project. They have the footprint showing on the plan and where it is. The building will look the same. They are going phase I and phase II within five years. The applicant is seeking phase I and phase II. They were prepared to give the hours of operations and the students. They have to show the entire build out. They have no problem with sidewalk on Oak Street. They have a problem with the sidewalk on Funston Avenue.

Brian Flannery, P.E., stated that Funston Avenue runs parallel to the parking lot that accesses the back of the building. When they originally did the plan, they had a different entrance at the front and the buses had to go through the parking area, which would be teacher parking area. They felt that this was not a good situation. The alternative was that they improve Funston Avenue and the affordable housing behind them would have to improve the sidewalk. Mr. Banas stated that the municipal government has already taken a very active stand to provide and have sidewalks at all its streets and locations. Mr. Flannery stated that they be requested to present this at the hearing. Mr. Banas stated he would request the sidewalk. Mr. Penzer stated that they were going for preliminary and final site plan for both phases. Mr. Flannery stated that on the plan there is a rectangular which shows where phase II will be. There will be a building there. They provided detailed plans for phase I and they have a rendering before the board. The board can see that this will be the nicest school within a 100 mile radius of this area. The applicant has gone to great lengths to make the school a first class facility to provide adequate parking. The parking lot is about four times what is required. They are trying to meet standards that are above and beyond what is in the ordinance. What is lacking is a plan of the classrooms in phase II. The phase II building will be similar to the phase I building. Mr. Penzer stated that they would be locked in to the foot print. Mr. Flannery stated that they would not exceed the foot print. They were just requesting that the board not require them to do the architectural drawings now which would change within four years. Mr. Banas asked if they were planning to appear before the board for phase II. Mr. Flannery replied no that is why they are showing it and the quality of the facility proposed. All that is lacking is the inside of the building. Mr. Banas asked why they want phase II as a preliminary and final. He did not think they were ready to go to phase II. Mr. Penzer stated they would agree that the building would look almost exactly as the building in Phase I. They would not change the motif. They only thing they do not know is the classroom layout. Mr. Banas thought that was why it should come back for phase II. He asked if the engineering for it was done now. Mr. Flannery stated that they never came in with an application with all

the engineering done. They need to present sufficient information to the board so the board could make a decision if the project complies with the regulations and if the project was appropriate for it to be approved. What is lacking is where the classrooms are, where the hallways are and the type of information that would change.

Mr. Dolobowsky stated this should be presented at the public hearing. He stated that there are bus drop off areas and stack areas. From looking at the triangles, he could not determine the same. They needed to see that type of information. They needed to see the stuff that would be surrounding the building.

Mr. Banas felt that they had time to plan it and then the board could review it properly. Mr. Flannery stated that they would address the same at the public hearing. Mr. Banas agreed with the planner that Phase I was in order and Phase II was something they had time to discuss. Mr. Franklin also agreed. Mr. Flannery stated it was his opinion, but he felt that it would be helpful to the school to do it now. Mr. Banas stated that they had to ensure that the safety of the children was provided. He was only going to look at Phase I. Mr. Penzer stated they will try and provide enough detail for Phase II. Mr. Banas stated that Phase II would be in a clouded condition, why jeopardize the vote. Mr. Penzer stated he understand what he meant. They will provide information at the public hearing.

Mrs. Shravzblat stated there is a pool which had to be reviewed.

Rabbi Sanders, Dean of the School, stated there would be about 875 students maximum with both phases. There are 54 students on a bus, there would be about 15 buses. They have provided 285 parking spots. The hours of operation would be 9:00 a.m. to 4:15 p.m. Monday through Friday. It would be a school with all the accessory uses. The buses would arrive between 9:00 and 9:30. The second phase was proposed for high school students. The school had 9 acres and he found that a child needs a camp and a camp needs a pool. This would let the kids to go swimming in the summer. It is an attached building, but it is a separate part. It would be within the footprint.

Mrs. Wise asked how many children would be in phase two. Rabbi Sanders stated it would be between 250 and 300 students. The first phase would be 875 students with 250 to 300 in the second phase. He made separate entrances for the cars and the buses.

Mr. Flannery stated they would comply with the engineer's recommendation.

Mrs. Shravzblat asked where the playground would be. Mr. Flannery, using Exhibit A-1, stated there is a fenced in outdoor playground area in the northwesterly corner. She asked if it was sufficient and Mr. Flannery replied that it was. A part of the parking area would be closed off during school time. Details would be provided at the public hearing as well as the details for the equipment.

Mr. Banas asked about the use of the parking lot for a play area. Mr. Flannery stated they would be using the overflow area. In the past, the board has indicated that you need one parking space per classroom and then there is a question for parking for special events. They provided all that space so they have sufficient parking. On a day to day basis when the kids are in school, you do not need the parking. Mr. Banas asked if the area was marked. Mr. Flannery stated it would be provided at the public hearing.

Mr. Penzer asked if the application as submitted would be moved to the next meeting. If they cannot show enough evidence for phase two, then phase one would be acceptable.

Mr. Miller stated that Mr. Penzer provided background information. There is a problem in the township where schools were popping up all over. Schools are relocating to this area that the township sold. It was an expensive thing. It is a nice school. He was willing to let them come to the next meeting and present one and two. If the board did not like it then they could just approve one. He just wanted to provide the opportunity. Mr. Banas suggested then that they wait until they have the plans and postpone this til the next technical meeting. He was not comfortable with just approving on a statement that everything was there. He wanted to see the plans. He was thinking about the safety of the kids and the kids. Mr. Long stated the other aspect is that the board has a lot of applications before it. To have something come in that might or might not pass, he did not think it was fair. Rabbi Sanders stated if that would make the board happy, then they would do it. They will provide the proper plans.

On motion by Mr. Franklin and seconded by Mrs. Wise, phase one of the application would have public hearing on June 21, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; and Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 21, 2005 at 6:00 p.m. No further notice was required of the applicant.

2. SP #1813 (No variance requested)

Applicant: Shlomo Meyer

Location: Lexington Avenue, north of Fourth Street
Block 118 Lot 12

Preliminary & final site plan - 2,732 square foot, two story retail building

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a 5,464 square foot two story building for retail use on Lexington Avenue within the B-2 zone. No variances are required for this application. At the previous meeting, the planning board took issue with the ADA accessibility of the proposed structure and instructed the applicant to revise the architectural plans accordingly. The plans provided do not show a new revision date nor do they show any revisions to the building. The applicant must provide ADA accessible bathrooms and provide access to the second floor per ADA accessibility guidelines. The applicant should provide testimony as to how deliveries to the building will be accommodated. The applicant will have to provide outside agency approvals. The applicant has indicated the size and shape of four signs to be placed over each suite entrance. The total area of the signs is scaled to be well under the maximum area allowed of 10% of the total area of the side of the building facing the street. The applicant has indicated a 1' x 21' easement to be provided to lot 11. The easement line must be labeled on the plans. The applicant shall provide a legal description of the easement for review by the board's engineer. The applicant shall provide the easement agreement for review by the board's attorney. The remaining comments were technical in nature.

Mr. Slachetka stated the applicant has submitted an architectural elevation of the proposed building. The drawings should be supplemented by testimony concerning the exterior

building material and colors. No off-street parking spaces are proposed and none are required in the B-2 zone. The covered wood porch associated with the residential dwelling on lot 11 extends into lot 12. The plan indicates that an easement is being granted for access and maintenance. The form of the easement should be approved by the board's attorney prior to filing of the document. A trash enclosure is now shown in the rear of the site for solid waste. It should be indicated if there will be private pickup of trash containers at curbside. A detail of the proposed 150 watt light fixture should be provided. The applicant should discuss the comments and recommendations from the Shade Tree Commission.

Charles Surmonte, P.E., appearing on behalf of the applicant. They were advised by the architect that providing total accessibility to the first floor and not the second floor was within the ADA regulations. This was their intention. Mr. Slachetka stated he would confirm this prior to the next meeting. As to the exterior of the building, Mr. Meyers intends to provide a stucco finish on the street facade and a vinyl siding on the other facades. If the board would like colors as to those finishes they would provide the same. They did provide a trash enclosure in the rear but they were under the impression that the containers could be brought out to the curb for pickup and serviced by public works. Mr. Franklin agreed with the same indicating that it was everyday. Mr. Surmonte stated he did not take issue with anything else. He stated there was not a lot of room to address the Shade Tree Commission's request for a landscaping plan. Mr. Slachetka stated that they requested a landscaping plan. Mr. Surmonte stated they do not have a plan because there is very little opportunity to landscape the property. The building takes up 80% of the property and the rear has the trash enclosure and a recharge system for the roof drainage. Mr. Banas stated you cannot leave a wall with trash containers. Mr. Surmonte stated they could put some landscaping around the trash enclosure. Mr. Banas felt that would be acceptable.

Mrs. Shravzblat asked if the bathrooms were handicapped accessible and Mr. Surmonte replied that they would be.

Mrs. Wise asked about the determination of the second floor. Mr. Slachetka stated he would review it for the next meeting.

Mr. Surmonte asked about the trash enclosure. Mr. Banas stated he could work on the outside of the enclosure with the planner.

On motion by Mr. Miller and seconded by Mrs. Wise, the application would have public hearing on June 21, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; and Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 21, 2005 at 6:00 p.m. No further notice was required of the applicant.

4. **SD #1473** (Variance requested)
Applicant: Pine Belt NH LLC
Location: corner of New Hampshire Avenue and Route 70
Block 1160.03 Lot 47
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval to subdivide exiting block 1160.03 lot 47 into 2 new lots. An existing school will remain on proposed lot 47.01. No construction is proposed at this time on new lot 47.02. The property is situated on New Hampshire Avenue in the M-1 zone. There are a few variances required which could wait to the public hearing. The applicant should provide testimony as to vehicle access to the site from New Hampshire Avenue and how the subdivision will impact traffic flow on the site. The applicant should provide testimony as to the effect the subdivision will have on the parking conditions at the existing school. The applicant should indicate the number of parking spaces required for the existing school and the number of parking spaces provided on proposed lot 47.01. The applicant has to comply with the New Jersey Map Filing Law.

Mr. Slachetka stated the applicant must present the positive and negative criteria for the requested variances. The proposed subdivision line will bisect the paved area on the north side of proposed lot 47.01. Based on the location of the proposed subdivision line, it appears that the subdivision will have a material impact on the function of the existing school site. The following aspects of the site will be impacted: the access to the school from New Hampshire Avenue, the site circulation, and the off-street parking for the school. In addition, the applicant should discuss the need for screening and buffers between the school and the potential development of the new lot. Based on the above, we recommend that the applicant submit an application for amended site plan approval of the school property in conjunction with the request for the minor subdivision. Alternatively, the board may want to condition subdivision approval on the submission of a site plan application within a reasonable period of time. There are some minor technical comments. Any development of new lot 47.20 will require site plan approval of the planning board.

Ray Shea, Esq., appearing on behalf of the applicant. The purpose of the subdivision is to allow the school to purchase the building and the lot that would be retained. They have no objection for the site plan but not for that lot, only for the new lot. The cross easements would be there for the school. It could be conditioned on a future site plan application for the new lot.

Mr. Dolobowsky stated he did not remember seeing the school. The lot that is now being subdivided was the parking and the bus drop off. The board is going to want to see how it would work if the new lot is developed.

Mr. Flannery stated that currently the school uses the entire parking lot as a playground because it is there and they can. The buses come in the entrance off New Hampshire closest to Route 70, pull in front of the building and drop the children off and then proceed back out to New Hampshire. There is a cross access easement so that both driveways would remain the same. The access from New Hampshire is not changing. The intention is that a second building would be constructed and the parking area would still be used. The subdivision line would be where the limit that the school would use. The play area would be fenced. There is a bigger playground than what they would end up with. Mr. Shea stated they could show this on a subsequent site plan. Mr. Dolobowsky stated they wanted to see all this. Mr. Shea stated this is to allow them to get title and financing on the property so they can own the school outright. They will show both sides of the equation and how everything will work. At this point, it will be submitted as an office building. Mr. Banas asked the size of the lot. Mr. Shea stated it is a little over two acres.

On motion by Mr. Dolobowsky and seconded by Mr. Miller, the application would have public hearing on June 21, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; and Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 21, 2005 at 6:00 p.m. No further notice was required of the applicant.

5. **SD #1480** (No variance requested)
Applicant: Mordechia Rozansky
Location: corner of Hope Chapel Road and Hope Hill Lane
Block 11 Lot 3
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking preliminary and final minor subdivision approval for the creation of two residential lots at the corner of Hope Chapel Road and Hope Hill Lane within the R-15 zone. No variances are required. The board should determine if sidewalks are to be installed along the entire property length fronting Hope Hill Lane and Hope Chapel Road, including handicap ramps at the corners. The Board should determine if shade tree easements are required along the Hope Chapel Road and Hope Hill Lane frontages. The applicant should comply with the New Jersey Map Filing Law. The balance of the comments were technical in nature.

Mr. Slachetka stated the applicant received preliminary indications from the Board of Health staff that there is adequate separation between the proposed wells and septic systems for the proposed lots. Side lot lines shall be at right angles to straight streets pursuant to chapter 17-8.4a. A total of three off-street parking spaces are required for each of the proposed five bedrooms dwellings. Driveway aprons for street access are not shown on the plat. The remaining comments were minor in nature.

Charles Surmonte, P.E., appearing on behalf of the applicant. The lot line was not proposed to provide sufficient area. There really was no other feasible way given the orientation of the lot to place a subdivision line and have both lots with reasonable building envelopes. Mr. Slachetka stated that some level of hardship would have to be shown. Mr. Surmonte stated that if they placed it in another location, variances would be needed. He stated that the construction of sidewalks along Hope Chapel Road may be a problem due to the County's position. There is insufficient room between the curb and right-of-way line to construct the sidewalk. If the County requires something different. Mr. Peters stated that there is some merit to that but usually the County grants an easement. Mr. Surmonte stated that his client has someone living in the existing dwelling. He would like to execute the subdivision, but he does not have immediate plans to develop either lot nor to convey title to either lot. He requested that the resolution consider some time of time frame with the existing structure being able to remain and an easement where it encroaches. Mr. Hutchinson stated he did not think it was necessary to tear down the house to perfect the subdivision. Mr. Surmonte stated that a small corner does encroach. Mr. Hutchinson stated they could come in for an extension. Mr. Surmonte stated they did not go to the board of health yet but they were comfortable that it would be approved.

Mrs. Shravzblat asked when the subdivision is done, they would have to provide sidewalks and if Hope Chapel Road is widened by the County. Mr. Franklin stated when the work is done there will be sidewalks. Any widening would probably be done on the other side of the street. Mrs. Shravzblat asked who would have to put in sidewalks. Mr. Franklin stated the homeowners would have to put in the sidewalks. Mr. Banas stated the plans have to be approved by the County.

Mr. Dolobowsky asked about the driveway and the proposed disposal field. Mr. Surmonte stated that a driveway over a septic field is not a good idea. He stated the driveway to lot 3.01 will be to extreme right side up the side of the building.

Mr. Neiman suggested cutting the property on Hope Hill Lane in half. Mr. Surmonte stated that assuming that the house would front on Hope Chapel, it would not work or provide enough building envelope. Mr. Neiman thought it would work. Mr. Peters stated that variances would be needed. Mr. Surmonte stated he would look at it because it would limit both lots. Mr. Slachetka stated that a variance would be needed for the width.

On motion by Mr. Dolobowsky and seconded by Mr. Neiman, the application would have public hearing on June 21, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; and Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 21, 2005 at 6:00 p.m. No further notice was required of the applicant.

6. SP #1714A (Variance requested)

Applicant: Garden State Hotel (Hilton Garden Inn, Ruby Tuesday's and Longhorn Steakhouse)

Location: Route 70 and Garden State Parkway
Block 1160.07 Lots 193, 194
Block 1235 Lots 33, 36 & 44
Block 1241 Lot 1
Block 1240 Lot 1
Block 1239 Lot 1

Preliminary and final site plan

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of one Hotel, two restaurants, and one additional pad site on Route 70, westbound, within the LP zone. A variance will be required for maximum sign area, a maximum of 200 square feet is permitted and the applicant has provided 350 square feet. A variance will be required for minimum sign setback, a setback of 43 feet is required and the applicant has provided 10 feet. The applicant will have to get outside agency approvals for Ocean County Planning Board, Ocean County Soil Erosion and Sediment Control, NJDOT and NJDEP for Treatment Works Approval, Water Main Extension, CAFRA and wetlands disturbance. The applicant should comply with the Shade Tree Commission letter of June 1, 2005. The applicant should indicate the location of the trash enclosure for the hotel. The applicant should indicate how rainwater will be directed from the roofs of the structures to the stormwater collections system. No discharge to pedestrian areas will be permitted. It

appears easements will be needed to access water and sewer connections on the other side of Route 70.

Mr. Slachetka stated the applicant should confirm that they are in compliance with the minimum setback requirements for a freestanding sign in the LP zone. Testimony should be provided addressing the positive and negative criteria for the requested variances. A traffic engineering investigation was submitted. The board may wish to have testimony of the applicant's traffic engineer to address any traffic concerns at the public hearing. The study states that the loading area for the hotel is located on the easterly wing of the hotel. Use of this area will obstruct the travel aisle between the Longhorn Restaurant and the hotel. Therefore, the study suggests that the loading area not be used during the peak hours. The applicant should submit information on DOT approvals as well as DEP approvals. The Shade Tree Commission comments should be addressed. The parking computation for the pad site is based on a parking requirement for an office or personal services establishment. The site plan shows an apparent drive through arrow. The board should reserve the right in the future to review the site circulation and parking after the use of the pad site has been determined by the applicant. A sidewalk is not provided along Route 70 and the Board should desire if a sidewalk is warranted. The landscape plan proposes a deciduous shrub identified as 'SAWI' but it is not identified in the planting list. We agree with the comment of the shade Tree Commission that this should be substituted by evergreen shrubs. A trash enclosure does not appear to be proposed in proximity to the hotel use. The applicant should indicate how solid waste and recyclables from the hotel will be stored and collected. The balance of the comments were technical in nature.

John Paul Doyle, Esq., appearing on behalf of the applicant. This board previously approved a hotel location at the site of a different nature. This is a reconfigured hotel use of the same site limiting the hotel to 100 rooms and having two pad sites for restaurants. With respect to the engineer's report, they would respond positively with regard to the technical efforts, landscaping, the refuse, meeting the shade tree recommendations, identifying the status of other approvals, providing traffic testimony, file a consolidation deed, provide architectural, and wetlands approvals. Two issues are the variance for the setback of the sign, given its nature and the location, and the sign size, which they thought the proposed sign was the best. In a project of this size, sidewalks are not a significant financial issue. Sidewalks along Route 70 may be a safety issue. He did not think it would serve an appropriate purpose along Route 70. The two driveways were previously approved by the DOT. They tried to keep as much as possible the same. Mr. Banas stated that when they previously appeared they talked about a variance because of the lack of space that they would have. It was a 204 unit hotel. They are down to 100 and they are still asking for a variance. Mr. Doyle stated that he understood the variances were for the sign. It was not so much the size of the unit, they related to parking for about 20 spaces which they eliminated. The nature of the ramp squeezes the site. It would be 83 feet versus 100 feet and it was the highway ramp not a normal street. Their planner would testify. The only other variances apply to the sign location. That is it is 10 feet from the right of way which is an extensive right of way. Those are not building size related. Mr. Banas asked if their traffic engineer show how the traffic would flow on the parkway entrances and the like. Mr. Doyle replied that he would. There would be a traffic light that moves in a counterclockwise manner. Mr. Banas asked about Shorrock Street. Steve Atkins stated he believed that Shorrock would go into the parkway directly.

Mr. Dolobowsky was concerned about the parking. He would want to hear testimony as to how many spaces per business. Mr. Banas asked that a listing be provided for each business

as to the parking. Mr. Doyle stated that the same would be provided. The old application did not have restaurants, it had a banquet hall. The present parking requirements are give or take 280 spaces and they are providing 420 spaces which is about 50% more than what is required. They would provide the appropriate testimony.

Mrs. Shravzblat asked if they had leases already with the restaurants. Mr. Doyle stated the buildings would be restricted to the restaurants since they have letters of intent for the same. They do not have one for the left side next to Ruby Tuesdays. The approval is more for a restaurant with specific footprints and parking, not so much as the Ruby Tuesdays. Mr. Hutchinson agreed.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application would have public hearing on June 21, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 21, 2005 at 6:00 p.m. No further notice was required of the applicant.

7. **SP #1790** (Variance requested)
Applicant: Excel Corporate Park II LLC
Location: Prospect Street, east of Cross Street
Block 391 Lot 9
Preliminary and final major site plan for proposed warehouse

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a 74,400 square foot industrial building along Prospect Street and the access driveway to the Clayton Concrete Plant in the M-1 zone. A variance is required for the minimum lot width where 300 feet is required and 285 feet is proposed. The applicant should provide testimony regarding the access easement. The applicant should revise the plans to include the shade tree easement and sidewalk that were required under application SD-1420 for the subdivision. The applicant should review the trash enclosure to match the buildings exterior. The balance of the comments were technical in nature.

Mr. Slachetka stated a front yard setback of 80 feet is provided where a minimum of 50/100 feet is required. Lakewood Township Schedule of General Regulations contains note #6 relating to the front yard setback in the M-1 zone which states "Minimum yard requirements may be reduced by recommendation of the industrial commission with consent of the planning board." Therefore a variance is not required, but the reduction of the front yard setback requires the approval of the planning board. Has the applicant received the recommendation of the industrial commission. The site plan does not indicate the specific proposed use, while the architectural drawing identifies the proposed use is a warehouse. The applicant should discuss the proposed uses of the structure to confirm compliance with the permitted uses of the M-1 zone. Information concerning the proposed private access road should be provided to the planning board. A copy of the access easement documents should be submitted to the board attorney for review. We recommend that street lighting be provided along this segment of the access road. The proposed landscaping plan for the lot shows landscaping on three sides, but not on the west side, which faces the access road.

The 9-foot wide concrete median should be modified to include landscaping. A trash enclosure is not shown on the site plan, only a concrete pad. Trash removal must be addressed as well as recyclables. Information concerning any freestanding sign should be submitted with the site plan and reviewed by the planning board for consistency with the architectural design of the site.

Francis Accisano, Esq., appearing on behalf of the applicant. The variance for the lot width was granted with the subdivision. There were previous issues with the access drive which were resolved. He had a sign deed of easement which he would provide to the board. The entrance was reconfigured. There are no tenants at this time and they understood that any use had to conform with the requirements of the ordinance and any approval would be conditioned upon that. The industrial commission did approve the setback.

Brian Flannery, P.E., stated they would comply with the minor technical comments. The change is that currently the parking for employees would be accessed from the westerly side and the loading docks were changed to the easterly side. The trucks would not mix with each other.

Mr. Dolobowsky asked that at the public hearing meeting there are some buildings along Prospect with huge retaining walls. He wanted testimony as to the height of them. Mr. Flannery stated the same would be provided.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application would have public hearing on June 21, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 21, 2005 at 6:00 p.m. No further notice was required of the applicant.

8. SD #1476 (Variance requested)

Applicant: J Wei Assoc LLC

Location: Pine Boulevard and River Avenue
Block 423 Lots 20, 21, 22, 28 & 75

Preliminary & final major subdivision - 39 townhouse units and 1 clubhouse

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for the creation of 40 residential townhouse lots and one commercial lot on Lakewood Pine Boulevard and River Avenue in the HD-7 zone. A variance will be required for minimum front yard setback where 25 feet is required and 18 feet is provided. The setback is measured to the building steps, the distance to the face of the building is 25 feet. A variance will be required for lot 75.29, the commercial lot, for minimum lot area and minimum front yard setback. A minimum lot area of 1 acre is required and .96 acre has been proposed. A minimum front yard setback of 150 feet is required and 57.6 feet has been proposed. This is an existing condition. The board should determine if the 41 pull-in parking spaces will be considered as off street parking. Off street parking is defined as parking spaces located outside of the right of way. The pull-in parking spaces are shown halfway in the right of way. These parking spaces account for one third of the off street parking spaces required under

RSIS. The applicant has indicated 20 additional on-street parking spaces will be provided. The proposed cartway width allows for a sixteen foot wide travel way and two eight feet wide parking lanes. The layout is in conformance with RSIS standards for neighborhood streets. The applicant should provide a turn around area for trash collection and emergency vehicles that require access to lots 75.12 and 75.13. The applicant should revise the stormwater inlets to comply with the new NJDEP stormwater regulations. The applicant has provided a traffic impact study for the project. The study indicates that the intersection of Pine Boulevard with Route 9 should be restriped to provide dedicated left and right turn lanes. The board should determine if the applicant will be required to petition the Township Committee to restripe the intersection. The applicant should comply with the requirements of the New Jersey Map Filing Law.

Mr. Slachetka stated the applicant must address the positive and negative criteria for the requested variances. The applicant should confirm the nature of the existing use of the commercial structure to ensure that it is permitted in the HD-7 zone. Off-street parking will be provided in accordance with RSIS. The site plan indicates three bedroom town homes while the architectural drawings show four bedroom units. This should be revised and the parking changed accordingly. The parking requirements table should note the correct number of off-street spaces provided. Twenty spaces are noted and 41 spaces are shown. The applicant should provide information about the clubhouse building. In the open space lot some play equipment is going to be installed. The ownership and maintenance of this lot should be addressed. Common areas should be owned by a homeowners association per section 18-25.4. The applicant should address the issue of solid waste and recyclable collection. The applicant should provide testimony with regard to the traffic study prepared by McDonough & Rea. The shade tree commission should review the proposed street tree plantings. The applicant should provide information on addressing compliance with the landscaping and buffer requirements of section 18-14.8a. We recommend additional landscape screening behind units 75.02 through 75.06 along the commercial property and along unit 75.28. Landscaping should be provided on both sides of proposed Shilo Road at the entrance to the development. The landscaping plan should delineate the areas which will not be disturbed and labeled as tree save areas. Sidewalks should be installed along the property frontage on Lakewood Pine Boulevard. A bond should be posted to guarantee removal of structures on the tract if they are not removed by the time that the plat is presented for signature of the Township. The remaining comments were technical in nature.

Ray Shea, Esq., appearing on behalf of the applicant. The application involves two minor variances. The others are existing conditions.

Brian Flannery, P.E., stated the items in the engineer's report were technical in nature and they would comply with his recommendations. He stated that since they were under 75 units, they did not need a CAFRA approval. As indicated, the office that is remaining on Route 9 is a doctor's office which is a permitted use and the variances that are needed. The uses on the doctor's office will remain the same. If it was not permitted, they would have to go to the zoning board. The sidewalk stopped as indicated, if the board wants sidewalk all the way around the cul-de-sac, they would provide the same. There is parking and there is no practical reason or way to provide a turn around. The parking extends over the right of way. They provided parking spaces all along. This is a parking reconfiguration of townhouse developments that the board has approved before. They could have the parking out of the right of way by pushing it further in and reduces the green spaces. They have plenty of room behind the parking. With regard to the planner's report, they would confirm the use. The units

will be three bedroom townhouses with three spaces each. The RSIS does not go above three bedroom townhouses. The RSIS stops at 2.4 parking spaces for three and we know the board likes three spaces which was provided. There are two spaces in each driveway. They have 39 units and an additional 41 spaces in the parking areas along the roadways and the RSIS allows parking on the street which provides another 20 spaces that do not conflict with the driveways. This will be clarified on the plans. The clubhouse is shown at the end towards the cul-de-sac. This would be for the use of the residents. They have a homeowners association that would be responsible for the maintenance of the various items in the report. Solid waste collection would be by roll out containers. There is an area in the front of the units to shield the roll out cans. The other revisions requested will be provided.

Mr. Franklin asked about the maintenance of the streets. Mr. Flannery stated that it was the intention that the streets would be dedicated. The streets would be dedicated roadways and the parking would be maintained by the homeowners association as well as the drainage facilities.

Mr. Dolobowsky asked about the play area. Mr. Flannery described where the area was.

Mr. Banas asked where the development was. Mr. Flannery stated it was south of the hospital on Route 9 by Dr. Jaffaria's office. Mr. Banas stated that a key map is missing. Mr. Banas asked how much of a buffer is needed on HD-7. Mr. Flannery stated that the buffer requirements are established in section 18-14.8a. They comply with the same which requires a 30 foot buffer to a single family residential and if there is a retail commercial a 40 foot buffer is required. They do not have either and they do not have a required buffer. There are existing office buildings which are set back which they are not changing. They are just subdividing it.

Mr. Neiman stated that since there is enough parking, he suggested parking on one side of the street. Mr. Banas stated that could be discussed at the public hearing. Mr. Dolobowsky agreed. Mr. Flannery stated that the RSIS standards incorporate visitor parking. They feel that they have more parking than what is needed and if the board wants to limit it to one side, it would not affect the three spaces per unit.

On motion by Mr. Dolobowsky and seconded by Mr. Neiman, the application would have public hearing on June 21, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 21, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 9. SD #1477** (Variance requested)
Applicant: Regency Row LLC
Location: East 7th Street, west of Somerset Avenue
Block 208 Lot 132
Block 222 Lots 11-13
Preliminary & final subdivision - 5 lots

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for 5 residential lots on East Seventh Street in the R-12 zone. The applicant will be required to obtain outside agency approvals. The applicant should clearly label the wetlands buffer line on each page of the plans. The applicant shall provide testimony as to the ownership and maintenance responsibility of the open spaces lots 4 and 9. The board should determine if the shade tree easement and the utility easement can be within the same easement. The board should determine if sidewalks are required along East Seventh Street. The applicant will be required to comply with the New Jersey Map Filing Law. The balance of the comments were minor in nature.

Mr. Slachetka stated lot 133 block 208 is listed in the application form in the Natural Resource Inventory and the wetlands map. However, the tax lot is not identified on the final plat and the subdivision drawings. For consistency the documents should reference the identical lot numbers. We note that the useable rear yard of many of the proposed dwellings will be limited due to the proximity of the freshwater wetlands buffer line to the rear building line of each of the proposed dwellings. The status of the NJDEP wetlands permitting should be discussed. On sheet 3 of 9, the side yard setbacks are shown twice for each lot and are not consistent. The plan should be revised to provide the correct proposed side yard setback for each lot. Proposed lot 9 is identified as an open space lot. The lot is landlocked and appears to be within the freshwater wetlands area. The future disposition of this lot should be discussed with the board. Off-street parking shall be provided in accordance with RSIS standards. The remaining comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant.

Brian Flannery, P.E., stated the application is for five single family lots. They will fix the documents to be consistent. Lot 9 is in the northerly portion of the site. Lot 9 is not landlocked because there are paper streets. It would be up to the board. They could dedicate it to the township. They could tie it into one of the lots. It would be in conservation. They would comply with the rest of the comments.

On motion by Mr. Herzl and seconded by Mr. Dolobowsky, the application would have public hearing on June 28, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 28, 2005 at 6:00 p.m. No further notice was required of the applicant.

10. SD #1478 Variance requested)
Applicant: Martin Lewin
Location: corner of Cedarview Avenue and County Line Road West
Block 39 Lot 4
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval for two residential lots on County Line Road West in the R-12 zone. A number of variances are required which can be discussed at the public hearing. The applicant should provide testimony as to location of

existing parking areas and how three parking spaces will be provided for each dwelling. The board should determine if shade tree easements are required along Cedarview Avenue and County Line Road West. The applicant should comply with the requirements of the New Jersey Map Filing Law.

Mr. Slachetka stated the applicant has to address the positive and negative criteria for the variances. The proposed subdivision line is not perpendicular to Cedarview Avenue. A design waiver is required.

Abraham Penzer, Esq., appearing on behalf of the applicant. They agree and will comply with all the engineering comments. He stated that Mr. Lewin has lived on Cedarview Avenue for the past 29 years. The house was there prior to him moving there. The reason to subdivide it is so he can build for his children. The one has four spaces and the other more than three as well.

Mr. Lewin stated that the house on County Line Road has a driveway on County Line Road where he could create parking spaces to the left of the house with a T-turn around.

On motion by Mrs. Wise and seconded by Mr. Herzl, the application would have public hearing on June 28, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 28, 2005 at 6:00 p.m. No further notice was required of the applicant.

11.SP #1815 (Variance requested)

Applicant: Sharon Tal

Location: West County Line Road and Kennedy Boulevard West, east of Heathwood Avenue
Block 42 Lot 1

Preliminary and final site plan - 9,970 square foot office building

Mr. Peters stated the applicant is seeking preliminary and final major site plan approval for a two story office building with access from Kennedy Boulevard West with additional frontage on County Line Road West in the OT Zone. A variance will be required for the minimum front yard setback where 25 feet is required and 15 feet has been provided by the applicant along County Line Road West. A variance will be required for the maximum building height where less than 35 feet is required and the architectural plans indicate a height of 36 feet 6 inches. The applicant should provide testimony as to any proposed development signage and provide the location and size of any proposed signage. The board should determine if a shade tree easement will be required. The board should determine if on-street parking is to be allowed on either County Lien Road West or Kennedy Boulevard West. If parking is not permitted, the applicant should provide no parking signs, show sign location on the plans and include sign details. The balance of the comments were minor in nature.

Mr. Slachetka stated that the square footage figures shown on the engineering and architectural drawings should be reconciled. The site plan identifies the proposed square

footage as 9,970 square feet. The architectural drawing contains a chart showing 4,250 square feet per floor or a total of 12, 750 square feet. This issue must be addressed since the proposed square footage of the building will impact the required off-street parking. Will the basement be limited to storage only? If so, the site plan should contain a note limiting the office square footage to the first and second floor for purposes of off-street parking. The site plan indicates that the required parking is based on one parking space per three hundred square feet of office space. Per section 18-12.7.c.1 requires 50 spaces and only 33 spaces are proposed. Per section 18-12.7e a five foot buffer is required along the portion of the site which borders a residence. The requirement would apply to the portion of the parcel abutting lot 2. The applicant should clarify the dashed line which bisects the parcel on the site plan drawings. Landscaping should be provided between the parking area and the sidewalk on Kennedy Boulevard West. The applicant should consider additional landscaping along County Line Road as well as the shade tree commission report.

Ray Shea, Esq., appearing on behalf of the applicant. The existing building will be torn down and a new building constructed. The architectural drawings have been reconciled. The below grade section will be used for storage and an elevator shaft.

Brian Flannery, P.E., stated the information on the parking and other details will be provided. They agreed to the extra landscaping and the other comments from the professionals.

Mr. Dolobowsky asked for testimony regarding the proximity to County Line Road. Mr. Flannery stated they will review it and provide testimony.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application would have public hearing on June 28, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shrivastava, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 28, 2005 at 6:00 p.m. No further notice was required of the applicant.

12. SD #1430B (No variance requested)

Applicant: Pine River Village

Location: Pine Street, across from corporate campus
Block 830 Lot 1

Amended site plan

Mr. Peters stated the applicant is seeking amended preliminary and final major subdivision approval for the subdivision of a number of lots into age-restricted community with 151 single-family houses, 29 townhouses and two clubhouses along Pine Street, Washington Avenue and Midwood Street in the M-2 zone. The applicant has indicated that a proposed homeowners association shall provide trash hauling service to take trash cans from rear alleys to primary streets for pick up by the municipality. This service should be incorporated into the homeowner's association agreement and the agreement should be reviewed by the Board's attorney and evidence of approval must be provided prior to the board's engineer signing the plat. Under the previously approved application, the board determined no shade tree easement would be required on the interior streets, but the applicant is required to

provide a 6' wide shade tree easement for the entire frontage along both Washington Avenue and Pine Street. The easements are to be clearly labeled on the plans. The applicant has indicated that no curbing is to be installed along the alleys. The board should determine if curbing shall be required to be installed. The applicant should comply with the fire district recommendations as far as fire hydrant installation. The applicant has indicated that Cedarbridge Development Corporation is responsible for all traffic contribution fees. Evidence that these fees have been paid should be provided. There are a number of comments regarding the map filing law.

Mr. Slachetka stated the applicant should address the comments of the Shade Tree Commission. The stormwater basin along Pine Street should be screened. Foundation plantings around the base of the proposed clubhouses should be provided. The applicant should address the comments of the Lakewood Fire District No. 1. The location of the proposed clubhouses should be discussed with the planning board. The parking computations on sheet CE-3 are not consistent with those on CE-2 and should be revised. The remaining comments were technical in nature.

Ray Shea, Esq., appearing on behalf of the applicant. This is an application for an amended final. There are a series of things changes. It is a reduction and lesser intensity of the project. They were reducing the number of units overall. They were changing some of the products from town home to single family. He reviewed the changes with the board's attorney prior to submitted the application. They were increasing the size of the town homes from 24 feet wide to 30 feet wide. The major change is the division of the recreation building into two buildings. One would be for the pool and exercise activities and one would be for social activities. Both buildings will be on grade and ADA compliant. The comments of the professionals were acceptable. The fire district and shade tree commission reports would be addressed. The RSIS requirements are met. The Shade Tree Commission wanted additional open space and the landscaping plan addresses that. The first two comments were acceptable. The last comment states to provide additional open space between residential homes and recreation buildings. This was done at the preliminary stage. Mr. Banas stated that they wanted additional open space to buffer between the two. Mr. Slachetka stated they wanted more open space. Mr. Shea stated it would be addressed at the public hearing.

On motion by Mr. Dolobowsky and seconded by Mrs. Wise, the application would have public hearing on June 28, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 28, 2005 at 6:00 p.m. No further notice was required of the applicant.

13. SD #1481 (Variance requested)
Applicant: Leonard Lebovics
Location: Warren and Pine Streets
Block 768 Lots 43, 82 & 83
Preliminary & final major subdivision - 11 lots

Mr. Peters stated the applicant is seeking preliminary and final major subdivision approval for

11 residential lots along Warren Avenue from Pine Street to unimproved Fern Street in the R-10 zone. A number of variances will be required that can be discussed at the public hearing. The architectural plans indicate five bedroom homes with a separate access to the unfinished basement. The applicant should provide testimony to confirm the basements will not be utilized for living space and the structures will be for single family use. The plans indicate water and sewer utilities will be installed by others. Utilities shall be installed prior signature of the final plat or evidence of NJDEP approval submitted. No driveways were shown on the plans. The plans should be revised to indicate a minimum of three off-street parking spaces will be provided for each residence in accordance with RSIS standards. The board should determine if on street parking should be restricted on Warren Avenue and Fern Street. RSIS recommends a 20 foot wide travel lane and one parking lane for a 28 foot wide cartway such as Warren Avenue. There are a few comments concerning the New Jersey Map Filing Law.

Mr. Slachetka stated no street tree plantings are proposed and the plans should be revised to provide street trees. The Shade Tree Commission should review any proposed street tree plantings. A bond should be posted to guarantee the removal of the structures on the tract if they are not removed by the time that the plat is presented for signature of the Township. The applicant should discuss with the board the scope and schedule of the proposed improvement to Fern Street by others. The proposed drainage facilities are located on several lots. The responsibility for maintenance of the drainage lines must be addressed. Drainage easements should be provided. The remaining comments were technical in nature.

Ray Shea, Esq., appearing on behalf of the applicant.

Brian Flannery, P.E., stated they would comply with the recommendations.

Mr. Dolobowsky wanted good testimony as to why they were proposing the 7,500 square foot lots in the R-10 zone. Mr. Banas asked how many buildings would be removed to have it comply with the R-10 zone. Mr. Flannery stated he would have that information for the public hearing.

On motion by Mrs. Wise and seconded by Mrs. Shravzblat, the application would have public hearing on June 28, 2005.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mrs. Wise, yes; Mrs. Shravzblat, yes; Mr. Dolobowsky, yes.

Mr. Hutchinson stated the application would have public hearing on June 28, 2005 at 6:00 p.m. No further notice was required of the applicant.

14. DISCUSSION - Proposed Unified Development Ordinance

Mr. Banas stated the board reviewed the ordinances and asked for any questions.

Mr. Dolobowsky stated he felt that the letter from Mr. Jackson covered all the points that the board brought up very well.

Mrs. Shravzblat asked about the definitions on page two regarding accessory structures and

temporary structures. She felt that the term *succa* should be defined because it was a word used only in the Jewish religion. She was questioning whether or not it should be clarified that it was only for the Jewish religion. She felt that it should be because in different religions it does not exist. Mr. Banas stated that these are not the board's ordinances, they were the Committee's. Mr. Dolobowsky did not think it could be designated for a particular religion. Mr. Hutchinson agreed. The ordinance provision is provided for that reason since it is permitted. Mrs. Shravzblat stated that other terms were the same. The various scenarios that could happen were discussed. Mr. Dolobowsky stated that they could not name one religion and have the ordinance upheld. If it was defined further, it might have to be removed. He felt that it had to be left as it was. He suggested that she discuss the same with some of the Committee members. Mr. Banas stated that the Township is adopting the ordinance on June 30th and he suggested she attend the same and voice her opinion. Mrs. Shravzblat asked about the definition for commercial build board on page 7. It did not delineate non-permitted uses. She felt that the uses not permitted should also be included. Mr. Hutchinson stated that the land use ordinance did not regulate pornography, speech, etc. You are dealing with the land use prospective. Mrs. Shravzblat asked about permitted uses in the business zone which does not permit dry cleaning and if it carried over to the other kind of dry cleaning that does not use harsh chemicals. Mr. Slachetka stated there is a differential between a dry cleaning pick up service because it relates to neighborhood zones versus commercial zones. The distinction is between the standard dry cleaning versus the larger dry cleaning facility. It is not so much the chemicals but the extent of the business and the nature of the business and the volume. Mr. Banas asked her to research the number so the planner could provide the appropriate answer. Mrs. Shravzblat asked about the use of the basements and that there was no language. Mr. Banas stated that it was in the 800 or 900 section where the kind of buildings that could be constructed were outlined. Mr. Slachetka explained the same.

Mr. Herzl wanted to ensure that there would be adequate parking for a two family house in the R-15 zone. Mr. Banas stated if the footprint was the same, they would not have to. If the footprint was different then they had to. Mr. Slachetka stated that if the zoning officer certifies they are compliant, they would not have to come for a site plan application. Mr. Slachetka explained the same further. Mrs. Shravzblat asked about grand opening signs. Mr. Hutchinson stated it is something that the land use ordinances normally does not address. It was a matter of practical sense.

15. SD #1418

Applicant: Elmhurst LLC

Location: Route 9, Elmhurst Boulevard, Biltmore Avenue and Cross Street
Block 439 Lots 2, 10 through 19

Preliminary & final major subdivision - 42 townhouses, synagogue and commercial site
Request to modify prior approval resolution

16. SD #1441

Applicant: Pol Wei LLC

Location: Route 9, across from Finchley Boulevard
Block 1051.01 Lots 16, 17

Preliminary & final major subdivision
Request to modify prior approval resolution

Mr. Hutchinson stated that items 15 and 16 were identical. As a standard provision of the resolutions, outside agency approvals are required as a condition. The issue is that approval for Treatment Works Approval from NJDEP is that the application has been submitted, but the approval has not been received yet which is holding up the final resolution compliance. There is no dispute that the approval would be obtain. The applicant is requesting that this condition be required prior to building permits being issued rather than as resolution compliance so he could get the map signed and filed. An amendment to the resolution would be required to provide that the condition of approval is modified to provide that the applicant would only demonstrate that they have applied for the treatment works approval to satisfy the outside agency approval contingency. The applicant would still have to get it before any C.O.s were issued.

Mr. Peters was concerned with the pump station with regard to SD#1418. He spoke to the engineer and it was signed off by the water company and was at the DEP point now. New Jersey American is normally the stumbling point. If it is past them, approvals would not be a problem. There was no pump station with regard to SD #1441 and everything looks good from an engineering standpoint and he was confident that the sewer would be approved. He would be willing to sign them without the TWA with the condition that the no C.O.s are issued until the permit are received.

Mr. Dolobowsky felt that if the professionals were comfortable, the board should approve the same.

The same would be prepared for the next meeting.

V. PUBLIC PORTION

None at this time.

VI. APPROVAL OF MINUTES

On motion by Mr. Dolobowsky and seconded by Mr. Long, the minutes of April 19, 2005 and May 3, 2005 were hereby approved.

ROLL CALL: Mr. Long, yes; Mr. Herzl, yes; Mr. Franklin, yes to May 3rd; Mr. Banas, yes to May 3rd; Mrs. Wise, yes; Mrs. Shravzblat, yes to May 3rd; and Mr. Dolobowsky, yes.

VII. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary