

**LAKWOOD PLANNING BOARD
MINUTES
JULY 5, 2005 • 6:00 P.M.**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the 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.”

II. ROLL CALL: Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Ackerman.

Also present were Attorney Charles Hutchinson, Engineer Maxwell Peters and Planner Stanley Slachetka.

Mr. Banas asked if there were any changes to the agenda. Mr. Kielt replied that item #7, SD #1485, would not be heard tonight. The notice was not prepared. It would be heard on August 2, 2005 at 6:00 p.m. He stated that SD #1482 was not listed on the agenda. The attorney for the applicant did do a notice for this meeting instead of the August 2nd meeting. This would not be heard tonight but on August 2, 2005 at 6:00 p.m.

III. WAIVER REQUESTS

1. SD #1464

Applicant: Aaron Peker
Location: Ridge Avenue, east of Brook Road
Block 189 Lot 24

Minor subdivision to create two lots

Waiver request from checklist item:

- #21 - topography of site and within 200 feet of site
- #22 - contours
- #34 - test pits for disposal system

Mr. Peters stated he recommended granting a partial waiver for item #21. The topography on site should be shown. Topography within 200 feet is not necessary. He did not recommend granting the waiver for item #22. He recommended granting item #34.

On motion by Mr. Herzl and seconded by Mr. Neiman, the partial waiver for item #21 and waiver for item #34 were hereby granted as outlined by the engineer.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Ackerman, yes.

2. SD #1492

Applicant: Samuel Z. Brown, attorney for Zev Berger & Yaakov Weinreb
Location: corner of Leonard Street and East End Avenue
Block 228 Lots 7 and 8

Minor subdivision to create two lots

Waiver request from checklist items:

- #21 - topography of the site and within 200 feet of site
- #22 - contours
- #27 - trees 10 inches in diameter and over

Mr. Peters stated he recommended granting a partial waiver for item #21. Topography on site should be shown but within 200 feet is not necessary. He did not recommend granting item #22. He did recommend granting item #27.

On motion by Mrs. Wise and seconded by Mr. Franklin, the partial waiver for item #21 and waiver for item #27 were hereby granted as outlined by the engineer.

Mr. Neiman asked if there were trees 10 inches in diameter on the site. Mr. Peters stated it was a subdivision and the trees will be cleared for the setback line.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; and Mr. Ackerman, yes.

3. SD #1493

Applicant: Yeshiva Kol Torah
Location: Oak Street, east of Route 9
Block 1008 Lot 2
Block 1009 Lot 1
Block 1010 Lots 1 & 4
Block 1018 Lot 1

Minor subdivision and consolidation of lots for future construction of private school

Waiver request from checklist items:

- #21 - topography of the site and within 200 feet
- #22 - contours
- #27 - trees 10 inches in diameter and over

Mr. Peters recommended granting all three waivers.

On motion by Mrs. Wise and seconded by Mr. Herzl, the requested waivers were hereby granted.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; and Mr. Ackerman, yes.

4. SP #1653A

Applicant: Lakewood Plaza, Inc.

Location: Cedar Bridge Avenue @ intersection with Martin Luther King Drive
Block 536 Lot 70

Preliminary & final major site plan - proposed addition to existing stores

Waiver request from checklist items:

#21 - topography within 200 feet of site

#29 - manmade features within 200 feet of site

Mr. Peters recommended a partial granting of item #21. Topography on site should be shown and the high points surrounding the site. He did not recommend granting item #29.

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

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; and Mr. Ackerman, yes.

5. SD #1494

Applicant: Tiferes Bais Yaakov

Location: Oak Street, west of Albert Street
Block 795 Lot 1
Block 796 Lot 1
Block 797 Lot 2

Minor subdivision to create two conforming lots for future construction of private schools

Waiver request from checklist items:

#21 - topography of the site and within 200 feet

#22 - contours

#27 - trees 10 inches in diameter and over

Mr. Peters recommended granting the requested waivers.

On motion by Mrs. Wise and seconded by Mr. Neiman, the requested waivers were here by granted.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; and Mr. Ackerman, yes.

IV. PLAN REVIEW ITEMS

- 1. SD #1471** (Variance requested)
Applicant: Shlomo Kanarek
Location: Ridge Avenue @ terminus of New Hampshire Avenue
Block 190 Lot 63
Preliminary and final major subdivision to create 14 lots

Ray Shea, Esq., appearing on behalf of the applicant. He requested that the application be carried. The engineer did not have sufficient time to redesign the plans.

On motion by Mr. Franklin and seconded by Mr. Herzl, the application would be carried to the August 2, 2005 technical review meeting.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Ackerman, yes.

Mr. Hutchinson stated that SD #1471 would be carried to the August 2, 2005 meeting at 6:00 p.m. No further notice would be required of the applicant.

- 2. SP #1817** (Variance requested)
Applicant: Bais Pinchos
Location: Central Avenue, west of Hillside Boulevard
Block 11 Lot 117
Preliminary & final site plan for proposed temporary trailer, classrooms and permanent school building

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the two phase school construction project. A variance is required. The applicant should provide testimony describing the type of school proposed including the age of the students, the number of students and staff, the number of students and staff driving to school, the anticipated number of vehicles entering and leaving the site per day, and the number of buses per day. The applicant should provide testimony as to how the buses will access the site and where students will be dropped off. The applicant should provide testimony as to how deliveries to the site will be handled. The applicant should provide testimony providing details on the phasing of the project. Particular attention should be paid to how students attending school in the temporary trailer will be separated from the construction area during Phase II of the project. The board should determine if sidewalks should be installed along the property frontage. The applicant has provided for a shade tree easement. A legal description should be provided. The applicant should provide testimony as to where the students will play. We recommend a specific area be set aside and details of the proposed play equipment be added to the plans. No trash enclosure is shown on the plans. A trash enclosure location should be shown on the plans and screening details provided. We have concerns regarding traffic flow at the northeast corner of the building and the southwest corner of the building. Signage should be added to reduce the risk of conflicting traffic movements. The balance of the comments were minor in nature.

Mr. Truscott stated a variance is needed for the front yard setback of 30 feet where 9.32 feet is proposed for Phase One. The applicant should describe the operational characteristics of the facility to be submitted. There are existing structures on adjacent properties located near the property line. These should be shown on the site plan. The rendering of the building submitted with the application does not match the architectural elevations. The applicant should clarify the operations and site improvements proposed for Phase One. Additional landscaping should be provided along the front and side property lines. The parking calculations should be submitted for the school facility. Fencing may be appropriate along the side property lines due to the proximity of the drive aisles to the property lines. The lighting plan should be revised to show the illumination levels on the site. A play area should be shown on the site plan. Sidewalk is not proposed and should be discussed.

Mr. Banas stated he received a letter from the Fire District indicating that the driveways are not adequate in width for emergency vehicle access. He asked the professionals to look into this.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated that last summer they appeared. They were now here for Phase Two. There are two parts to Phase Two. They wanted to have a second trailer temporarily on the site. This would cause an encroachment of 9.32 feet where 30 feet is required for the front yard setback. Once the trailer is removed, no variance would be necessary. In order to be able to hold classes and build simultaneously, they need to do what was proposed. Phase One is the trailer and the building is Phase Two. This is the reason for the variance. The synagogue would be incorporated as part of the school. It would be a two story school when the building is complete.

Ray Carpenter, P.E., stated they will comply with the items as requested. He left it up to the board regarding sidewalks. The comments are technical in nature and they will comply with them.

Mr. Banas asked the length of time the trailer would be in place. He wanted the time limit at the regular meeting. Mr. Penzer stated it would be a maximum of two years. Mr. Banas asked if the trailer meets the standards for trailers for schools. Mr. Penzer stated they would comply with that. Mr. Banas asked about the access for the emergency vehicles. Mr. Carpenter stated he spoke with the fire commissioner who made that comment and he made that comment because the driveways are normally 12 feet wide. He was concerned with people parking along the drive. Mr. Carpenter stated they would mark the pavement with signs to indicate a fire lane and that no parking was permitted. Mr. Hutchinson stated the board could require the applicant to have signage. Mr. Banas stated then it becomes a policing matter which he did not want to create. Mr. Carpenter stated that a 12 foot access is adequate but the fire district was concerned with parking along the drive. Mr. Banas stated the applicant should obtain another letter from the fire district. Mr. Banas showed the board the proposed facade of the building.

Mr. Neiman asked if it was the driveway or along the side of the building. Mr. Carpenter stated it was the driveway. Mr. Penzer stated they would look into it and report back.

Mr. Peters asked about the play area. Mr. Penzer stated they have two proposals. They were negotiating temporarily for an adjoining house to use the rear of the house for a playground. Alternatively, they were going to make a five foot path and have the playground in the rear along the edge. They were exploring both options. They prefer renting the property next door.

Mr. Neiman asked about the age. The applicant indicated that it would be high school aged students. Mr. Neiman stated if it was older students he did not have a problem with them going to the rear. Mr. Kielt stated if it was the property next door, they had to look at the property as being part of the application. Mr. Penzer stated they would provide the playground towards the rear with a path. The matter of the rear being leveled was discussed as was the options to doing it. Mr. Penzer stated that the details of the leveling would be shown on the plans.

Mr. Banas asked about parking during construction. Mr. Penzer stated it would be provided in the same place it is now. Mr. Banas asked how many students. The applicant stated 32 students and 2 teachers who switch. The ninth grade teacher is the principal. Mr. Banas asked about the circular driveway. Mr. Carpenter stated it was about 12 feet. Mr. Banas stated they had to give a clear plan at the public hearing.

On motion by Mrs. Wise and seconded by Mr. Neiman, the application would have public hearing on July 19, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Ackerman, yes.

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

3. SP #1819 (Variance requested)
Applicant: Bais Medrash Toras Chesed
Location: corner of Monmouth Avenue and Ninth Street
Block 153 Lot 6
Change of use site plan for proposed school

Mr. Peters stated the applicant is seeking site plan approval for a change of use from a convalescent center to a post secondary Talmudic School. A variance is requested. The applicant shall provide testimony describing the type of school proposed, including the age of the students, the number of students and staff. The number of students and staff driving to school, and if the students will be permitted to have cars. The plans indicate the building will contain one classroom and one office requiring a total of two off-street parking spaces. The floor plans provided by the applicant appear to indicate additional classrooms and offices. The applicant shall provide testimony as to the proposed number of classrooms and offices. Additional parking spaces may be required. The plans indicate

four off-street parking spaces have been provided. The location of the parking spaces shall be clearly identified on the plans. A minimum of one off-street parking space shall be handicapped van accessible. The board should determine if shade tree easements will be required. The plans do not indicate a trash enclosure. A trash enclosure shall be added to the plans and proper screening employed.

Mr. Truscott stated the applicant is seeking site plan variance approval to convert an existing three story building. A copy of the public notice submitted by the applicant's attorney indicates that the first floor of the building will be renovated to accommodate two classrooms, a 2,000 square foot study hall, an office and a faculty lounge. There will be a kitchen in the renovated building. The public notice also discusses renovations to the basement and indicates that the second and third story will be utilized as a dormitory. A variance is needed for front yard setback of 16.3 feet on Monmouth Avenue and 8 feet on Ninth Street where 25 feet is required. Lot coverage is permitted at 35% and the applicant is proposing 37.2%. The applicant should describe the operational characteristics of the facility. The site plan indicates that the second and third stories will remain vacant at this time. Is approval sought only for the renovations to the first floor or for the renovations listed in the public notice. The site plan indicates that four parking spaces are provided. However, the spaces are not identified on the site. The site plan should be revised to show the proposed parking spaces and the drive aisle for access. Parking for improvements to the second and third stories must be addressed. Any proposed signage should be shown on the site plan. Landscaping should be provided to screen the parking areas and street trees should be provided. Since a kitchen is proposed, the loading area for food deliveries should be addressed. Architectural elevations have not been provided. Are exterior renovations proposed? A sight triangle easement should be provided in accordance with the required standards. All outside agency approvals must be addressed.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated he was reviewing the plans and realized the note did not provide all the information he was aware of. If you look at the reports, it indicates the third and fourth floor would be empty, so he decided to send the notice to the engineer and planner. They were giving the entire build out plan. There would be no outside renovations. Instead, they are in a facility across the street. They were moving the students out of the trailer into the building. The third and fourth floor would be the dormitory. The basement would be the dining room. The kitchen will be on the first floor. There would be two classrooms. They have enough parking spaces. It was the same student body. The office will remain. There will be parking on both properties. He included this in his notice. There are no architecturals. The variances were existing conditions. They were not creating variances. They were not touching the building. The improvements will be internally. They will address the operational characteristics. The public notice is correct. They were talking about the existing student body. The four spaces are identified. The site triangle easement is existing. Whatever is existing, they will leave. The trash enclosure will be shown.

Mr. Franklin stated the area map is wrong. There is a cul-de-sac on Eighth Street. Mr. Penzer stated it would be corrected.

Mrs. Wise asked about the food delivery area. The applicant stated there is a driveway in the rear.

Mr. Banas asked what was presently in the basement. The applicant explained what was currently in the basement. Mr. Banas asked if they would be using the basement for dormitory. Mr. Penzer replied no, just the second and third floors. Their intent is to use the basement for the dining area.

Mrs. Wise asked about signage. The applicant asked if he had to. Mr. Banas stated he did not have to but if he was planning to he had to show the location and specifics of the sign.

Mr. Peters wanted the parking spaces clearly identified on the plans. Mr. Surmonte stated there were two in the front and two in the rear. The rear would be dedicated for services and refuse collection. The balance would be provided on the adjacent lot. Mr. Banas asked about the parking for the students. Mr. Penzer stated the students were not permitted to drive. If they did, it would be grounds to throw them out.

Mrs. Wise asked if the elevator was in use. Mr. Surmonte stated it was in use. Mrs. Wise stated it needed to be inspected.

On motion by Mr. Neiman and seconded Mr. Herzl, the application would have public hearing on July 19, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Ackerman, yes.

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

- 4. SP #1810** (Variance requested)
Applicant: Bais Medrash of Willow Court
Location: corner of Fourteenth Street and Willow Court
Block 25.12 Lot 8
Preliminary & final site plan for proposed synagogue

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a 3,250 square foot house of worship at Fourteenth Street and Willow Court within the R-12 zone. Variances are required. Outside agency approvals is required. The balance of the comments were minor in nature.

Mr. Truscott stated the applicant is seeking site plan and variance approvals to construct a two-story house of worship. Site improvements include a parking area, drainage facilities, landscaping and lighting. Several variances are being requested. There is a proposed sidewalk on Willow Court. A sidewalk easement is recommended to allow public access. Some landscaping improvement are also recommended. A concrete bumper stop may be appropriate for the parking space directly west of the balcony on the Willow Court side of the building.

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

Brian Flannery, P.E., stated the comments were minor in nature and they would comply with all the recommendations.

On motion by Mr. Herzl and seconded by Mr. Ackerman, the application would have public hearing on July 19, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Ackerman, yes.

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

- 5. SP #1816** (Variance requested)
Applicant: Trippy Abramowitz d/b/a Eyewear Unlimited
Location: Route 9 (River Avenue) south of John Street
Block 768 Lot 31
Preliminary & final site plan for proposed eyewear facility

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a 1,500 square foot professional office building and associated site improvements along River Avenue in the HD-6 zone. Variances are required. The NJDOT has determined the future right-of-way of Route 9 will be 55 feet, 22 feet wider than the current right-of-way width. The applicant should be required to locate all proposed site improvements outside of the future right-of-way. Outside agency approvals are necessary. The balance of the comments were minor in nature.

Mr. Truscott stated the applicant seeks preliminary and final site plan approval to construct a two-story office and eyewear shop on an undersized lot in the HD-6 zone. Site improvements include a parking area, drainage facilities and landscaping. A number of variances are required and the positive and negative criteria will have to be addressed at the public hearing. The applicant should confirm that the Township Zoning Officer has deemed the proposed use as a permitted use in the HD_6 zone. The proposed use appears to have a retail element and the use must be clarified for the Planning Board to have jurisdiction. The Township Engineer has requested that the applicant be required to redesign the site consistent with the future widening of Route 9. The site plan indicates that the proposed building is one story. However, the architectural drawings show a two story building. The plans should be reconciled. Landscaping should be provided along the site frontage. Outside agency approvals are required.

Abraham Penzer, Esq., appearing on behalf of the applicant. His client currently operates a store on Main Street and Route 88. Mr. Carpenter stated he read the ordinance and the ordinance does allow professional offices. Mr. Hutchinson felt it would be appropriate to get a determination from the zoning officer. He thought that an eye doctor was a professional use. Mr. Kielt stated that he spoke to Ed Mack and it was his opinion that if a doctor is on the premises it was a permitted use and that the selling of the glasses was an ancillary use.

Mr. Banas was concerned with the HD-6 zoning ordinance that was adopted. Mr. Lines sent him a note and asked if they contacted him to see if they could conform to the existing code. Mr. Carpenter stated that the 150 foot setback would encompass the entire lot. Mr. Penzer stated the roadway would be 55 feet, could the building be moved back to accommodate this. Mr. Carpenter stated that it would cut the property in half. It was a small lot. Mr. Banas stated there was an ordinance adopted in 2003. He felt it was important. He was trying to determine how they could construct the building in violation of the ordinance. Mr. Carpenter stated the entire lot was in violation of the ordinance. In accordance with the ordinance, it was an unbuildable lot. The parking could not be in the front yard setback. Mr. Banas stated this could be discussed later. Mr. Penzer stated there might be another option. He understood the building was set back 48 feet. Mr. Carpenter stated the building was 85 feet from the property line. Mr. Penzer stated that they were currently 30 feet beyond the 55 foot right-of-way. They could move the building back. There is little use on the property. They had to be practical. The applicant's position is that this was the best place for his use. There is a variance for the front yard, which has to be practical. If not, it would create the property to be in nullity. They could put a house on the property. If the board feels that they should move closer to the rear and go for a rear yard setback, they would. They could come back 5 feet. It was beyond the 55 feet. If they loose the parking, they have more parking than what they need. There are normally no more than three or four customers at one time. They provided seven or eight spaces. They could put the building back 5 feet. They could not under design the building. They could not go much smaller because than the lot would not be used at all. Mr. Carpenter stated the 55 feet cuts the second parking space in half. If they moved the building back 15 feet, the building would be sitting on the rear property. Mr. Penzer stated he would rather put the building back and knock off a parking space. Mr. Carpenter stated if the building is moved back 5 feet, one parking space would be lost. Mr. Banas stated a compromise of both would work. He asked the number of spaces needed. Mr. Penzer stated they needed about four spaces or five spaces. Five spaces would be provided and the building would be moved back.

Mr. Neiman asked what was behind the building. Mr. Carpenter thought it was vacant. It was the boundary between the HD-6 zone and residential zone. Mr. Peters was concerned with moving the building back 15 feet. Mr. Banas stated if two parking spaces were removed, it would address Mr. Lines' concerns. Mr. Peters agreed. The building would be moved back five feet. Mr. Kiert asked about the buffer in the back. Mr. Banas stated a variance would be needed to separate the professional from the residential. Mr. Penzer suggesting landscaping. Mr. Banas stated trees would be needed. Mr. Penzer stated they would provide a board on board fence and trees.

On motion by Mr. Neiman and seconded by Mrs. Wise, the application would have public hearing on July 19, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Ackerman, yes.

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

- 6. SD #1483** (No variance requested)
Applicant: Pine Projects LLC
Location: Princewood Avenue and Netherwood Drive, south of Finchley Blvd.
Block 432 Lot 3
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision approval to create two new lots between Netherwood Drive, Bellecourt Boulevard, and unimproved Pricewood Avenue in the R-12 zone. Variances are required. Outside agency approvals are required. The applicant should provide testimony on the scheduled construction of Netherwood Drive. The board should determine if sidewalks are required along the frontage of the proposed lots.

Mr. Truscott stated the applicant is seeking minor subdivision and variance approvals to subdivide lot 3 into two lots. New lot 3.02 contains an existing dwelling under construction. New Lot 3.01 will have frontage on three streets. There are two variances being requested. The property is in the R-12 zone. There are several comments which are minor in nature. Information should be submitted regarding the scope and schedule of the proposed improvements. Sidewalks are not proposed and should be discussed with the board.

Abraham Penzer, Esq., appearing on behalf of the applicant. Brian Flannery stated they would comply with the minor comments. They would provide sidewalks along the frontage of the lots.

Mr. Neiman asked about the roads. Mr. Flannery stated they would provide sidewalks along the improved roads, not the unimproved roads.

On motion by Mr. Neiman and seconded by Mr. Ackerman, the application would have public hearing on July 19, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; and Mr. Ackerman, yes.

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

8. SD #1487 (No variance requested)

Applicant: Roni Shaharabany

Location: East County Line road and Carolina Street, east of Kalie Street
Block 175.02 Lot 84.19

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision approval to create two lots within the R-15 zone. A variance will be required for minimum lot width. Outside agency approvals will be required. The applicant shall provide off-street parking in accordance with RSIS standards. The board should determine if a shade tree easement will be required along the lot frontages. The applicant has proposed sidewalk along the frontage of lot 84.26. Existing curbing is located across approximately half the frontage. The board should determine if the remainder of the frontage should receive a road widening and curbing installed.

Mr. Truscott stated the applicant is seeking minor subdivision approval to create one additional building lot. There is an existing single family residence on the parcel and it fronts on two streets. The property is in the R-15 zone. The parcel has an existing lot width on Carolina Street of 67.8 feet where 100 feet is required. This is an existing condition which cannot be mitigated by the subdivision. Shade tree plantings should be reviewed by the Shade Tree Commission. Setback lines should be dimensioned. Off-street parking has to be provided in accordance with RSIS standards. The project engineer should certify that all site improvements are designed in compliance with RSIS and a note on the plans. Lot numbers must be assigned by the Tax Assessor. There are two minor comments.

Miriam Weinstein, Esq., appearing on behalf of the applicant. She stated they will comply with all the recommendations. The one variance was already granted with the original subdivision about twelve years ago.

Mr. Neiman asked about the back lot and what it fronts. Ms. Weinstein stated it fronts County Line Road. The engineer stated the cars would not back out onto County Line Road.

Mr. Banas asked how close they were to Clayton Street. The engineer stated it was about 100 feet away. Mr. Hutchinson stated that it was an existing variance but it still had to be noticed. Ms. Weinstein stated they did provide the notice for same. Mr. Kiert stated that he would have to make an announcement at the meeting on July 19th that the matter would be heard on the 26th not the 19th. Ms. Weinstein stated they were going to request that it be carried to August 16th. Mr. Kiert replied he would make the appropriate announcement.

On motion by Mr. Herzl and seconded by Mr. Ackerman, the application would have public hearing on August 16, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
Mrs. Wise, yes; and Mr. Ackerman, yes.

Mr. Hutchinson stated the application would have public hearing on August 16, 2005 at 6:00 p.m. No further notice was required of the applicant.

Mrs. Wise left the meeting.

- 9. SD #1488** (Variance requested)
Applicant: Somerset Development
Location: Pine Street, west of New Hampshire Avenue
Block 961.01 Lot 1
Final Major Subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval to create one new lot containing a stormwater management basin and easement area in the DA-1 zone. Outside agency approvals are required. There are comments regarding the map filing law.

Mr. Truscott stated the applicant is seeking final major subdivision approval to convert the area encompassed by an existing stormwater management basin and easement to an individual lot. The intention is to transfer the owner of the basin to Somerset Development in support of the Pine River Village Project. Approval of the Ocean County Planning Board is required. Compliance with the map filing law is required. The proposed new lot lines are not in compliance with Chapter 17-8.4.a. A design waiver is required.

Ray Shea, Esq., appearing on behalf of the applicant. He stated this was for a stormwater basin solely dedicated to the residential project across the street. The basin is already constructed. They were just creating a separate lot for the basin. The access to the lot will be solely from Pine Street. They would ask for a design waiver. The comments would be complied with.

Mr. Banas asked who would maintain the basin. Mr. Shea stated the homeowner's association would own and maintain the basin.

Mr. Neiman asked if it was the standard to create an individual lot. Mr. Shea stated it was not common to have a basin on one side of the street to service a project across the street.

On motion by Mr. Neiman and seconded by Mr. Herzl, the application would have public hearing on July 26, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
and Mr. Ackerman, yes.

Mr. Hutchinson stated the application would have public hearing on July 26, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 10. SD #1489** (Variance requested)
Applicant: Somerset Development
Location: corner of Pine Street and New Hampshire Avenue
Block 961.01 Lots 1.02 & 2
Final Major Subdivision to create two lots

Mr. Peters stated the applicant is seeking final major subdivision approval to create three new lots within the DA-1 zone. No variances are required. Outside agency approvals are required. There are comments regarding the map filing law.

Mr. Truscott stated the applicant is seeking final major subdivision approval to create three lots in relation to three proposed office buildings and associated parking and stormwater management basin within the Cedar Bridge Corporate Campus. The applicant should provide testimony that the proposed subdivision is consistent with the approved General Development Plan of the Corporate Campus. The plan notes that new lots 2.01 and 2.02 are subject to the cross ingress, egress, access and shared parking rights.

Ray Shea, Esq., appearing on behalf of the applicant. The square footage is being respected. They would be submitted a phasing plan. Phase One will be the first building and Phase Two would be the second building. They will obtain outside agency approvals and cross easements. They would be providing internal connections.

On motion by Mr. Neiman and seconded by Mr. Herzl, the application would have public hearing on July 26, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
and Mr. Ackerman, yes.

Mr. Hutchinson stated the application would have public hearing on July 26, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 11. SP #1818** (Variance requested)
Applicant: Somerset Development
Location: corner of Pine Street and New Hampshire Avenue
Block 961.01 Lot 2.01
Preliminary & final site plan - proposed (3) 40,000 square foot office buildings

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of three 40,000 square foot office buildings within the Cedarbridge Corporate Campus in the DA-1 zone. A variance is needed for the number of loading spaces. Two loading spaces are required for proposed lot 2.01 and one loading space is required for lot 2.02. The applicant has requested providing no loading spaces for either lot. Outside agency approvals will be required. The applicant has proposed a bituminous walking path around the site and concrete sidewalk at the building entrances. The board should determine if sidewalk should be installed to connect the building entrances to the walking path. Trash enclosures are not evident on the plans. The applicant shall provide a location for storage of trash and recyclables. The trash enclosure shall be properly screened. The finished floor elevations are overwritten on the grading plan and should be revised.

Mr. Truscott stated variances are requested. There are seven comments regarding landscaping. Details of the trash enclosure should be provided. The location and details of all freestanding signage should be provided. The applicant should confirm that the proposal is consistent from a traffic standpoint with the traffic studies previously reviewed. Architectural plans have been submitted. Sidewalks are not shown along the streets and should be discussed.

Ray Shea, Esq., appearing on behalf of the applicant. Somerset developers would be relocating their corporate offices. This is designed to be a wet pond. The trash enclosure would be consistent with the buildings. They would be submitting a signage package. They would show how they would loop and connect the internal sidewalks to the pedestrian sidewalks. The connection will work well. They were asking for a waiver of the loading areas. The deliveries would be UPS and FedEx.

Mr. Banas stated the fire district was concerned about the three hydrants to be the responsibility of the property owner. Mr. Shea would review the same. Mr. Banas felt it was a good site for the project. He asked about the internal sidewalks and Mr. Shea explained what they would be doing. Mr. Banas asked if it would be connecting with the existing paths and Mr. Shea replied it would.

The architect for the project briefly described what they would be doing and felt it was a wonderful addition to the stadium area.

Mr. Truscott asked about the phasing and Mr. Shea explained it.

Mr. Neiman asked about the basin. Mr. Shea explained the basin they were proposing and the options available. Mr. Neiman asked if it would be fenced in. Mr. Shea replied that it would be fenced. The issue with the fence was discussed as it relates to other developments in the area.

On motion by Mr. Neiman and seconded by Mr. Franklin, the application would have public hearing on July 26, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; and Mr. Ackerman, yes.

Mr. Hutchinson stated the application would have public hearing on July 26, 2005 at 6:00 p.m. No further notice was required of the applicant.

12. **SD #1490** (Variance requested)
Applicant: Mordechai Rozsansky
Location: corner of East County Line Road and Brook Road
Block 174 Lot 51
Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval to create two new lots in the R-15 zone. Variances are required. Outside agency approvals will have to be obtained. The applicant has provided off-street parking in accordance with RSIS standards. The board should determine if shade tree easements will be required. The board should determine if curb and sidewalks will be required along the frontage of the proposed lots.

Mr. Truscott stated the applicant is seeking minor subdivision and variance approvals to subdivide existing lot 51 into two new building lots. The lot currently contains two single family residences which is an existing non-conforming condition. The units will be removed and each lot will be served by public water and septic. The proposed lot line between new lots 51.01 and 51.02 is not in compliance with the ordinance and a design waiver is required. Compliance with the map filing law is required. Three off-street parking spaces are required. The assessor must approve the street numbers. Street trees should be provided. Sidewalks are not proposed and should be discussed. A sight triangle easement should be provided.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated the house is close to the street. The applicant proposes to knock down both houses and put two new houses. There is an existing non-conforming condition which will be corrected. The items requested by the professionals will be complied with. They were not sure where to put the sidewalks, but they would put them in. They left it up to the board. Detective Stillwell sent a letter in favor of the project. Mr. Banas stated he had that letter and the board could not use it. Mr. Penzer stated he would encourage him to attend the public hearing. Mr. Banas stated the letter including items to remove the old wooden fence and replace it with a white vinyl fence. He read the letter for the balance of the board. Mr. Banas asked about the driveways. The applicant indicated where the driveways would be located. Mr. Banas had concern as to whether or not the County would approve the same. The different options were discussed.

On motion by Mr. Herzl and seconded by Mr. Franklin, the application would have public hearing on July 26, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes;
and Mr. Ackerman, yes.

Mr. Hutchinson stated the application would have public hearing on July 26, 2005 at 6:00 p.m. No further notice was required of the applicant.

V. PUBLIC PORTION

None at this time.

VI. APPROVAL OF MINUTES

None at this time.

VII. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Elaine Anderson
Planning Board Recording Secretary