

**LAKWOOD PLANNING BOARD
MINUTES
JULY 10, 2007**

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

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

4. WAIVER REQUEST ITEM

1. SP # 1871 (NO VARIANCE REQUESTED)

APPLICANT: W & M REALTY LLC

Location: 410 Monmouth Avenue @ northwest corner of 4th Street
Block 128 Lot 7

Preliminary and Final Site Plan to construct a 5 story building with retail/office use

Waiver request from checklist item:

C-13 – Environmental Impact Statement

Mr. Peters recommended the waiver be granted due to the site being previously developed.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to grant the waiver

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes,
Mr. Fink; yes, Mr. Gatton; abstain, Mr. Percal; yes

Mr. Akerman arrived.

2. SP # 1630A (VARIANCE REQUESTED)
APPLICANT: PARKWAY 70 ASSOCIATES

Location: Route 70 @ northeast corner of Airport Road
Block 1160.01 Lot 253

Amended Preliminary and Final Major Site Plan to construct 2 commercial buildings

Waiver request from checklist item:

B-2 – topography of the site

B-4 – topography within 200 feet

Mr. Peters said he did not recommend granting the waiver for B-2 because it is not necessary, the contours are already shown on the plan, but he recommends granting the waiver for B-4 due to all the improvements being interior to an already developed site.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to grant waiver B-4 but not grant waiver B-2

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

Mr. Jackson announced that an item was noticed for tonight's meeting but was not on the agenda. The application is for 53 West Cross Street and the attorney for the applicant, Mr. Doyle called him and said it was a clerical error and requested the board consider making the announcement that the matter will be on for July 31st meeting in case anyone responded to that notice. Mr. Jackson said he did not see anyone come in. Mr. Banas asked the board.

Motion was made by Mr. Herzl, seconded by Mr. Neiman, to advance this application to the 31st of July.

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

5. NEW BUSINESS

1. SD # 1534A (VARIANCE REQUESTED)
APPLICANT: MTR VENTURES

Location: Ridge Ave., East 7th St. & Highgrove Crescent, east of New York Ave.
Block 223 Lots 4, 9.04, 84 & 85

Extension of previously approved Minor Subdivision – 4 lots to 3

Mr. Peters stated the project was previously approved by the Planning Board; the Resolution of Approval was adopted on July 11, 2006. The applicant is seeking an extension of the previous approval. The mylars of the final plat for the minor subdivision were signed on February 13, 2007.

The applicant is requesting extension of time for the minor subdivision approval. 190 calendar days is requested for the extension.

Mr. Carpenter appeared on behalf of the applicant. He stated the reason for the extension was they were trying to get the outside approvals for this application. Mr. Banas asked if this was the 1st extension and Mr. Carpenter said yes and asked for 190 days. Mr. Neiman asked if they had to come back to a regular meeting or they are granted the extension now and they don't have to come back and was told this was it.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to approve a 190 extension from February 13, 2007.

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

2. SD # 1590 (NO VARIANCE REQUESTED)

APPLICANT: MOSHE & CHAYA FEINROTH

Location: Attaya Road, west of Miller Road
Block 4 Lot 11.02

Minor Subdivision to create 2 lots - 1 flag lot

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide Block 4, Lot 11.02 into two lots. Proposed Lot 4.01 has an existing two story dwelling which will remain, and Proposed Lot 4.02 is a flag lot for a proposed single family dwelling. The property is situated on Attaya Road, within the R-12 Zoning District. No variance has been requested by the applicant. Ocean County Planning Board and Ocean County Soil Conservation District approval will be required. Evidence of both approvals shall be made a condition of final subdivision approval. The applicant should provide required and proposed off-street parking spaces in the zoning schedule. The proposed residences will be serviced with individual septic systems. The applicant shall testify as to the location of the nearest public utilities. In addition, the applicant shall show the location of the well for proposed Lot 4.01 to ensure the minimum separation distances as have been provided. Curb, sidewalk and a 6' shade tree easement have been provided along the property frontage. Architectural plans shall be provided for review. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated May 15, 2007. The applicant seeks minor subdivision approval to create two (2) tax lots from Block 11.02 Lot 4, located on the north side of Attaya Road; Proposed Lot 4.02 is a flag lot; fee simple access is provided from Miller Road to the lot via a twelve (12) foot access road located inside a thirty five (35) foot access strip that forms the "flag stem". The subdivision plat indicates that an existing one story dwelling and in – ground pool located within the boundaries of proposed Lot 4.02 (fronting Attaya Road) will remain. The property is located in the northwestern part of Lakewood Township near the border with Jackson Township. The property and contiguous lots are located in the R-12 (Single Family Residential) zone, and surrounding land uses are residential in nature. The size of the property is approximately 1.033 acres (45,000 square feet). Proposed flag lot 4.02 is 24,875 square feet in total (18,750 square feet exclusive of the flag staff). The size of proposed Lot 4.01 is 20,125 square feet. Single-family detached

housing is the only permitted residential use type in the R-12 Zone. The applicant has not requested any variances. The existing in-ground pool is approximately eight (8) feet from the proposed rear lot line. As the minimum rear yard setback is ten (10) for accessory structures, a variance is required for this item. The positive and negative criteria for the required bulk variance should be addressed. Section 18-805.G.5 provides the following criteria for creating flag lots: "Flag lots shall be created only in conjunction with an overall development plan of the entire tract of which the flag lot is a part and the applicant shall demonstrate a need, consistent with good planning principles, for the creation of the flag lot and shall further demonstrate that normal subdivision techniques are not practical because of topography, lot or land configurations or other physical characteristics or constraints of the land related to the proposed development concept." The applicant should be prepared to discuss with the Board how this application complies with the above requirements. Applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. We note that many of the lots in the surrounding area are also deep lots and the applicant should distinguish the need for a flag lot configuration for this parcel. The applicant has not submitted architectural plans for the flag lot as required by Section 18-805.G.6.c. The proposed plan complies with the requirements of Section 805.G, in that landscaping along the access drive is provided, and an area for temporary storage of solid waste containers is indicated on the plans. The required minimum access strip width is twenty (20) feet. The applicant is proposing a thirty – five (35) foot wide access strip, with a twelve (12) foot wide access road and accompanying landscaping. Applicant should provide the rationale for providing an access strip 1.75 times the width required. The applicant should clearly delineate all buffer areas required by Section 805.G for the front yard of flag lot 4.02, as well as the access road. The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. Applicant should address is a more varied planting schedule for the buffer areas. A sufficient visual screen between flag Lot 4.02 and Lot 24 should be provided, either with new plantings or identify existing vegetation. Flag lots have certain bulk requirements not applicable to other lots in the R-12 zone. Applicant should amend the zoning bulk table as follows: Add a separate line item indicating lot area (exclusive of flag stem) for proposed flag Lot 4.02; indicate this item as "N/A" for Lot 4.01. Correct the proposed maximum building coverage for the flag lot to match the architectural plans that applicant will be submitting. Add a separate line item indicating required and proposed side yard setbacks for flag Lot 4.02. As per Section 18-805.G.6.c this item must the minimum rear yard setback for the underlying zone (20 feet). Indicate this item as "N/A" in the "Proposed" column for Lot 4.01. Correct the required side yard setback to indicate 10 feet, and add the aggregate side yard setback requirement for the R-12 zone (25 feet). Parking for all proposed lots must comply with NJ RSIS standards. A septic area, well and recharge pits are indicated on the Improvement Plan for flag Lot 4.02, and an existing seepage pit is identified on Lot 4.01. Applicant should clarify where the water source for Lot 4.01 is located. Testimony should be provided as to the location of the nearest municipal water and sanitary utilities to the property. Proposed septic tanks, disposal fields and wells are indicated on the subdivision plan. Lots requiring septic systems shall be of sufficient size to achieve required separation distances in accordance with New Jersey Department of Environmental Protection septic design regulations, and shall be designed in accordance with the requirements of the State enforced by the County Board of Health. The remaining comments are technical in nature.

Mr. Burdick appeared as the engineer and Moshe Feinroth appeared and is the applicant. Mr. Burdick said they would comply with the comments in the professionals' report. The nearest water and sewer is located approximately 400 ft. through private properties north of the site and uphill. He is requesting a waiver of the need for architectural plans and Mr. Banas said it is required. Mr. Burdick will supply them. He said they could move the property line to make sure the additional 2 ft. needed for the pool is available. The property is more than 3x the required dimensions for the R12 zone and the idea of developing it to additional properties would require that a roadway be built and that is not feasible because of the cost of infrastructure, so they believe that a flag lot is a good way to develop this lot. The only alternative would possibly be to cut it in half and make 2 – 75ft. lots which would be similar to what is in the area but would require lot width variances. The applicant would be amiable to that. They provided 35 ft. stem on the flag lot rather than the 20 ft. required because they have the room on the property and the idea was to give that flag lot a little bit more accessibility and visibility for people to see it. On site wells and septic systems will be provided.

Mr. Banas asked how many bedrooms will the dwelling be and Mr. Burdick said approximately 5 and they will provide parking in accordance with RSIS and Mr. Banas said they would recommend at least 4 spaces in the driveway and the back. Mr. Burdick said that could be accommodated. Mr. Banas said they also needed to show the existing homes surrounding this lot. Mr. Burdick said they had them and that they were also providing curb, sidewalks and street trees and will mix up the landscaping with Leland Cypress so it is not so uniform. Mr. Banas pointed out sheet 1 of 1, lot 11.02 the existing structure, but the lot above needs to be shown, along with the north and the west (Lot 24 & Lot 5). Mr. Burdick agreed. Mr. Alfieri, Esq. arrived for the applicant.

Mr. Akerman asked why they could not do this as a conventional subdivision, and doesn't see why they don't. Mr. Jackson said based on the ordinances, if the board determines that 2 side by side lots were better and wanted to grant those variances, it would be their call, not the applicant's. Mr. Neiman said even though as a flag lot there are no variances, with the 75 ft. width, there are variances requested. Mr. Jackson said the standard for a flag lot is when a conventional subdivision is otherwise impractical, and a 75 ft. lot is not impractical. Mr. Truscott said the applicant could come back with a concept plan of 75 ft. lots and talk about the surrounding area in terms of what some of the lots are like. Some lots are rather wide in the neighborhood. Mr. Banas said in the master plan review, the board has unanimously voted to do away with flag lots, and the applicant may wish to consider the comments from the board and rather than proceed at this point, come back with a conceptual plan to present for a formal hearing. Mr. Alfieri said what he can see 6 lots on the block that have similar sized widths of 75 ft. and the applicant has no problem converting this to a 75 ft. lot subdivision and prefers it over the flag lot. If the consensus of the board is they preferred the conventional subdivision the applicant would be glad to come back with it and not pursue the flag lot. Mr. Alfieri said he did not see what a concept plan would show except a line down the center of the property and Mr. Truscott clarified and said as their argument for the flag lot they could show the concept of what a conventional subdivision would look like. (another alternative).

Mr. Alfieri said they would prefer to do the 75ft. subdivision and would come back with that plan and present it and show they could do a flag lot and but would rather do the conventional subdivision. Mr. Banas said he thought the board would be more favorable in granting the variances should it be necessary. Mr. Neiman said he would much rather see a 75 ft. subdivision as opposed to seeing a flag lot. The existing structure would have to be removed and Mr. Alfieri agreed. Mr. Alfieri said he would also re notice. Mr. Banas said they would be coming back to a technical meeting and Mr. Alfieri said it would show a line down the middle but Mr. Banas said it also poses all kinds of possible problems and Mr. Jackson said it is a materially different application from a flag lot to a conventional, and Mr. Banas said that with a new proposal, like this would be, you come back.

Ms. Johnson said the next tech meeting is 8/7 and Mr. Burdick said he could have them ready about a week or so before that and it was agreed.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to advance this application to the Plan Review Meeting of August 7, 2007

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

3. SD # 1592 (NO VARIANCE REQUESTED)

APPLICANT: 844 SOUTH LAKE LLC

Location: South Lake Drive, east of Carasaljo Drive
Block 12.04 Lot 120

Minor Subdivision to create 2 lots - 1 flag lot

Mr. Banas said before they go on....looking at the next application, it is the same Block but 2 lots away from each other. Mr. Banas asked if it was the same owner and Mr. Dennis Kelly Esq. appeared on behalf of the applicant and stated they were. Mr. Banas said he was concerned about a creeping major. Mr. Truscott said as part of the testimony they could provide as to their control of adjoining properties. There was much discussion of ownership and if the middle lot could come back later (lot 118). Mr. Peters said that application was pulled and they could get testimony from the applicant on. It was unclear to the professionals if it was pulled completely or just delayed to a future meeting, but it is a different LLC, although the same signee and address which raised a flag. Mr. Banas asked Mr. Jackson his opinion and he said he did not know. Mr. Banas said in his mind there was suspect here. This might be a major subdivision rather than a minor. Mr. Banas asked if there were a different set of standards between a major and a minor and Mr. Peters said there are more submission requirements with a major and with all 3 of these properties being proposed a flag lots, the real question it raises is the alternate method of subdividing the land. (cul de sac as opposed to 3 sets of flag lots.) Mr. Kelly said he is unsure of the ownership. There are 3 lots here and the planner has indicated in his letter that there is some commonality between the LLC for 118 and the 2 adjacent lots on either side of it. He personally does not know the specifics of it, he is covering the hearing for another attorney from his firm. What he proposes is the LLC in the middle, which is a different entity than what is proposed here there may be some commonality but it may be a

different partnership, could be the same, but he does not know it. Mr. Jackson said it is a significant piece of information, because if some single string puller assembled all these properties to develop them and could orchestrate the LLC so they were technically different entities, the question would then be is that an actual method of trying to subvert the intent behind a major subdivision. Mr. Kelly said right now there is no application pending for lot 118 and Mr. Truscott stated that as Mr. Peters indicated there were 3 applications submitted, one for Lot 120, 118 and 153 and both professionals reviewed them, all scheduled for tonight's agenda and then they were informed the application for the middle lot had been withdrawn. Mr. Percal asked if they were all from the same group and Mr. Truscott said that is what he assumed. Mr. Kelly said it is a different name on the map, but understand the board's concern. Mr. Jackson said he was interested to hear the input from counsel. It is a question of whether you are planning and being smart and using different entities, or if it is a question of your trying to sidestep what the rules are by being clever. It may be perfectly legitimate to do it in that matter or you can take the view of you're not fooling anybody, it is one person, and you have done this as a means of avoiding the normal methods of subdivision. Mr. Neiman said the rules of a flag lot is the worst case scenario and if you don't have any other way to develop this property, we will allow you to develop it with a flag lot; here you have 3 oversized lots, one right near each other. For all practical purposes, it is the same signee on all 3 of them. To come for one, skip the middle one, and come for the other one, and down the road come for that middle one, that is against planning. Mr. Jackson said Mr. Neiman is looking at it equitably, not technically, looking at the big picture. He suggested the applicant sit down with the professionals, outside the context of the board, and have a meeting. Mr. Banas said there is suspect in his mind. If an application is presented to the board in the inception, to include 120, 118 and 153 as a development of some kind, and then 118 is removed from the further application, there is a great deal of ideas running through his mind that he does not wish to go over, and until this is straightened out, he can not see moving this application forward. The rest of the board agreed.

Mr. Kelly said Mr. Jackson had a great idea that the applicant could meet with the board's professionals to get some clarity on this issue. He wanted to carry the meeting to the next tech meeting in August and in the meantime set up a meeting with the professionals. Mr. Banas suggested advancing both of these to the Plan Review of August 7th. It was further discussed that the professionals should get back to the board with some substance, then it would be assigned a date. Mr. Neiman said they had a similar application with an owner who had 2 lots and he was able to come back with a nicer application with a cul de sac as opposed to 3 flag lots and this is a very nice neighborhood and to put 6 flag lots is going to kill that neighborhood.

Mr. Kelly asked if they could still be place on the August agenda and Mr. Banas said the agenda is pretty full, so Mr. Kelly said the next tech meeting would be fine, Ms. Johnson stated the next meeting is September 4, 2007 and the applicant agreed.

Motion was made by Mr. Herzl, seconded by Mr. Percal, to table this application and application # SD 1593 to the meeting of September 4, 1007

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

Mr. Jackson made the announcement and explained to the public the procedure.

Seeing someone wanting to speak, Mr. Banas opened the microphone to the public but advised him this is not normal procedure.

Jonathan Cohen said the neighbors and him are concerned that each of the other lots in the area are about 300 ft. deep and this will ruin the character of the neighborhood. They would like to be involved in these other meetings. Mr. Banas said they are not the only ones concerned, they are all sitting here too.

Cipora Chapler asked if they were going to be notified for a definite date and Mr. Banas said they were notified that it was September 4th and if it is adjourned on that date, it would be announced.

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

- 4. SD # 1593 (NO VARIANCE REQUESTED)**
APPLICANT: 844 SOUTH LAKE LLC
Location: South Lake Drive, east of Carasaljo Drive
Block 12.04 Lot 153
Minor Subdivision to create 2 lots - 1 flag lot

Tabled along with SD 1592 to the Plan Review Meeting of September 4, 2007

- 5. SD# 1596 (VARIANCE REQUESTED)**
APPLICANT: PGD DEVELOPERS
Location: Warren Avenue, north of Pine Street
Block 768 Lot 81
Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide 1 lot and created 2 new lots. Existing Lot 81 is current occupied by a 1 story single family dwelling. New single family dwellings are proposed on the proposed Lots 81.01 and 81.02. The property is located along Warren Avenue within the R-10 zone. The applicant is requesting the following variances: Minimum lot areas for proposed Lot 81.01 and 81.02, 7,500 sf are proposed where 10,000 sf are required. Minimum lot widths for proposed Lot 81.01 and 81.02, 50 ft are proposed where 75ft are required. Minimum side setbacks for Proposed Lot 81.01 and 81.02, 7.5 ft with an aggregate of 15 ft are proposed where 10 ft with an aggregate of 25 ft are required. Six and five bedroom buildings are shown on the architectural plans. The proposed driveways shown on the Subdivision Plan can accommodate three (3) cars on each of the two lots. The Planning Board should determine if the 3 parking spaces are adequate. The architectural plans show an unfinished basement for each of the proposed dwellings, with a separate entrance to the

basement. The board should determine if the basements will affect the required number of parking spaces. The proposed and required parking spaces should be added to the zoning schedule. The existing 1 story dwelling shall be removed prior to completion of the subdivision, or a bond to be posted to ensure the prompt removal of the structure. Review of NJDEP wetlands mapping show wetlands on or adjacent to the site. The applicant shall obtain an L.O.I or wetlands absence determination from the NJDEP. The applicant should show wetland boundary on the plan. Any work to be done within the 50 ft wetland buffer zone will require permits from NJDEP. Note number 7 on the plans states the curb and sidewalk are bonded under a separate project. The applicant shall clarify what the "other project is and if the curb and sidewalk in front of this specific property has been bonded. The applicant is required to obtain outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. The proposed dwelling will be served by public water and sewer. The plans show new sewer and water utilities are proposed. Off-site utility extensions can trigger this application being classified as a major subdivision. The Board should determine if this application will be considered a major subdivision. The applicant shall provide testimony on how the existing dwelling was served either by public water and sewer or individual well and septic. If the dwelling was served by individual well and septic, locations of the existing well and septic field shall be shown on the plan, and notes add to ensure their proper removal. North arrows should be added to the Zoning Map and Key Map. Proposed sidewalk runs through an existing utility pole, the pole or the sidewalk shall be relocated. The plan shows proposed contours that do not tie into the existing contours and in one location contours overlap. The contours also show proposed grading off-site that will require easements from neighboring property owners. The contours shall be revised. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 22, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 81 into two (2) non-conforming lots, located within Block 768. The 15,000-square foot property contains an existing one (1) story frame dwelling, which the applicant has indicated will be demolished. The property is located in an R-10 (Residential) Zone in the central part of the Township, less than 0.25 miles east of River Avenue. Warren Avenue divides the R-10 from an R-7.5 (Residential) zoning district to the east. The surrounding properties are either vacant or contain residences. Single-family detached residences are a permitted use in the R-10 Zone. The applicant has requested the following variances for proposed Lots 81.01 and 81.02: Minimum Lot Area: 10,000 square feet required, 7,500 square feet proposed. Minimum Lot Width: 75 feet required, 50 feet proposed. Minimum Side Setback (one): 10 feet required, 7.5 feet proposed. Minimum Side Setback (both): 25 feet required, 15 feet proposed. The positive and negative criteria for the required bulk variances should be addressed. The proposed building coverage, by our computations, is 25.2 % ($1,890 \div 7,500 = 25.2$), exceeding the maximum building coverage of 25 % permitted in the R-10 Zone. The applicant should submit the proposed building coverage and request a variance, if necessary. The applicant should add the required and proposed maximum building coverage percentage to the bulk tables. The title of the submitted architectural plans indicates "Proposed Duplex Residence." The minimum lot size in the R-10 Zone for this type of housing requires a minimum lot size of 12,000 square feet. We recommend that single-family residences be stipulated and revised architectural plans be submitted. For the variance testimony, the applicant should discuss the dimensions of the proposed lots and the contemplated land use(s) in comparison with current lot sizes and uses in the surrounding area. The

submitted architectural plans have two alternate layouts for the second floor, which result in a five (5) and six (6) bedroom unit, respectively. All designs include an unfinished basement. The NJ Residential Site Improvement Standards (RSIS) Parking Requirements for Residential Land Uses (Table 4.4) requires three parking spaces for five (5) bedrooms in size. Similar to other Planning Board applications, the number of bedrooms of a six (6) bedroom single-family home exceeds those listed in RSIS Table 4.4. Therefore, the Planning Board must establish a sufficient parking ratio based on the number of bedrooms in each unit consistent with the RSIS, the project site location and local conditions. We note that the RSIS standards for single-family homes increase in increments of 0.5 spaces per each additional bedroom. In prior applications, the Planning Board has extended the RSIS parking standard to require four (4) parking spaces for a 6 bedroom single-family home. The feasibility of four (4) off-street spaces should be discussed. The current plans show parking for three (3) vehicles. Parking for both lots must comply with NJ RSIS standards, Revise the zoning bulk charts on the plat to reflect the amount of spaces required and provided. Municipal water and sewer to the proposed dwellings is indicated on the plat. Testimony should be given as to the proposed water main and sanitary sewer lines north of the site as indicated on the plat, as well as the curb and sidewalk improvements south of the site. Proposed sidewalks are indicated on the plat. The balance of the comments are technical in nature.

Mr. Flannery appeared on behalf of the applicant. They will provide testimony on the variances requested at the public hearing. The number of parking spaces will be revised to show 4 and they will reduce the size of the buildings so they will not need a coverage over 1875 or smaller. The sewer and water shown is because this project is surrounded by other houses that are being constructed now but they can not show where it is because it is being done as we speak and by the time they come back, it might be in place. They will show where the wetlands are because his office did the other application that surrounds this, so they know there is no wetlands on this site and no buffers on site. They will get a letter from Trident Environmental to show where that is.

Mr. Percal asked about the variance requested and asked if an aerial would be provided to show other lots in the area and their sizes and Mr. Flannery agreed. Mr. Banas asked for a colored rendering showing what lots are in the general area of the same configuration and Mr. Flannery said he could show that on the aerial.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to advance this to August 21, 2007

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

Mr. Banas told Mr. Flannery there was nothing on the architecturals about the basement, and what was going in the basement was important.

6. SD # 1356B (VARIANCE REQUESTED)

APPLICANT: C HOOK LLC

Location: River Avenue @ corner of Finchley Boulevard
Block 431 Lots 9.01 through 9.47

Preliminary & Final Major Subdivision – 42 lots

Mr. Peters stated the applicant is seeking preliminary and final major subdivision and major site plan approval for Block 431, Lots 9.01 through 9.47. The proposed project consists of seven (7) multiple unit townhouse buildings with basements, containing a total of forty-two (42) units, a playground, and a cul-de-sac access road. The site is located on River Avenue (US Route 9), in the HD-7 zoning district. Townhouses are permitted as a conditional use in the HD-7 zone. Outside agency approvals will be required from, the Ocean County Soil Conservation District, Ocean County Planning Board, N.J. Department of Transportation, and NJDEP for TWA and water main extension, and wetlands disturbance. A variance has been requested for front yard set back: 20 ft is proposed where 25 ft is required. The Site Plan contains a wetland boundary line and areas of wetlands to be filled and buffer areas to be averaged. Evidence of approvals from the NJDEP shall be provided and accompanied by a copy of the NJDEP stamped approved plan. All proposed improvements shall be dimensioned on the Layout Plan, those include building setbacks, roadway, island, and sidewalk widths, parking stalls, curb radii, etcetera. In the zoning table the proposed number of units shall be corrected to 42, the required number of parking spaces corrected to 101, and the provided number of parking spaces corrected to 116. The applicant has provided 116 parking spaces, 84 of which are in driveways. This total includes two (2) handicap parking spaces. ADA design standards specify a minimum of five (5) handicap parking spaces shall be included in a lot that contains 101-150 total spaces. The applicant has provided 2.7 parking spaces for each three (3) bedroom unit where RSIS requires 2.4 parking spaces per unit. The board should determine if this will be sufficient. A note shall be added to the plans to indicate the basements are for storage only (at the board's discretion). No separate entrances for the basements are proposed as shown on the plans and no bathrooms are proposed as shown on the architectural plans. Playground details have been provided on the plans but the location of the playground is not shown. The playground area shall be called out. The applicant shows on the Existing Condition Plan that 6' shade tree & utility easement along the proposed Chevy Lane to be vacated, as well as all the homeowner drainage easement from previous approval. The shade tree & utility easement along the River Avenue and sight triangles at the Chevy Lane entrance dedicated to the Ocean County will remain as shown on the plans. This application will require the formation of a Home Owners Association (HOA) to own and maintain the public portions of the development. The applicant shall provide the HOA documents to the Planning Board solicitor and engineer for review. The documents must address maintenance of the stormwater management system, snow removal, and ownership and maintenance of all other public portions of the project. The balance of the comments are technical in nature.

Mr. Truscott read from a letter dated June 28, 2007. The applicant seeks preliminary and final major subdivision and major site plan approvals with associated variances to construct a 42-unit townhouse development on a 5.33-acre tract. This property was previously granted site plan and subdivision approval for a forty-three (43) townhouse unit

development, with each unit being twenty (20) feet wide; along with approval for four (4) open space lots on the tract. The architectural drawings submitted by the applicant for the present application indicate that each unit is to be twenty-two feet wide, have three bedrooms, and will include basements. The tract is located adjacent to River Avenue (Route 9 South) in the southwestern part of the Township in an HD-7 (Highway Development) Zone. Contiguous zoning is HD-6 (Highway) and R-12 (Residential) to the north and west of the tract, and HD-7 to the south and east. The existing land uses in proximity to the parcel are a mix of uses along Route 9, and residential moving west from the State Highway. The tract is mostly wooded and contains freshwater wetland areas in the western portion of the property. Additional site improvements include parking, stormwater collection and management facilities, a playground, utility services, landscaping and lighting. Access to the development from Route 9 will be provided via a private road. Townhouses are a permitted Conditional Use in the HD-7 Zone. The application as currently proposed requires no variances. The schedule of bulk requirements for townhouses provided by the applicant on its submitted plans contains information that is incorrect or unclear. Exhibit 1 is provided below and should be addressed by the applicant.

Exhibit 1: Townhouse Bulk Requirement in HD-7 Zone

<u>Item</u>	<u>Required</u>	<u>Proposed</u>	<u>Comments</u>
Minimum Tract Size	1 acre	5.33 Acres	Listed as 5 acres
Tract Boundaries:			
From a state highway	100 feet		Not indicated on plans
From other property lines/ rights of way	20 feet		Not indicated on plans
Maximum Density (Townhouses)	8	7.9	Listed incorrectly
Minimum Tract Width	125 feet	253.4 feet	
Minimum Tract Depth	100 feet	938.5 feet	
Maximum building coverage: entire tract	35 %	< 30 %	Listed incorrectly
Townhouses:			
Minimum front yard setback (from internal street)	25 feet	20 feet	Applicant should verify
Minimum side yard setback (for end units)	12 feet	0	Applicant should amend plans
Minimum rear yard setback	20 feet	> 20 feet	
Minimum distance between buildings	20 feet		Not indicated on plans
Maximum units per structure	8	8	
Maximum building length	240 feet	160 feet	

State highway/other property lines/rights-of-way setbacks: applicant should revise plan and add to bulk chart. Minimum front yard setback: applicant should recalculate based on distance from the internal street, as the 20 feet listed (which would require a variance) appears incorrect. Minimum side yard setback (for end units): applicant should recalculate as the 0 feet listed (which would require a variance) appears incorrect. Minimum distance between buildings: applicant should revise plan and add to bulk chart. Architectural drawings of the front of the townhouses, as well as a floor plan, have been provided. The applicant must also provide side and rear elevations as well. Architectural drawings should also be provided if the HVAC equipment is to be located on the roof. The applicant should indicate if all units will have identical floor plans, which indicated that access to the basement is not provided by a separate exterior entrance. NJ Residential Site Improvement Standards (RSIS) Parking Requirements for Residential Land Uses (Table 4.4) specifies that three (3) bedroom townhouse units require 2.4 parking spaces. The applicant's parking calculation of 103 spaces is based upon the original application of 43 units ($2.4 \times 43 = 103.2$). The current proposal of 42 units calculates to 101 spaces ($2.4 \times 42 = 100.8$). The plans should be amended. The applicant should also address the following: Based on the current drawings, there are 2 spaces in front of each townhouse ($2 \times 42 = 84$), and there are a sum total of 32 spaces not fronting townhouse units. The sum total of parking is 116 ($84 + 32 = 116$). The applicant must clearly indicate each parking space on the revised plans, and the number of spaces on each parking pad in front of the townhouse units. In previous applications, the Planning Board has required parking to address potential occupancy of the basement. The applicant should clarify or confirm the building plans regarding access to the basements. The RSIS does not list requirements above three (3) bedroom townhouses. As such, the Planning Board must establish a sufficient parking ratio based on the number of bedrooms in each unit consistent with the RSIS, the project site location and local conditions if potential basement bedroom(s) are to be accounted for. We note that the RSIS standard for a three (3) bedroom townhouse is 2.4 spaces, greater by 0.1 spaces over that of a two (2) bedroom unit (2.3 spaces required). In prior applications, the Planning Board has extended the RSIS parking standard to require 2.5 parking spaces for a 4-bedroom townhouse unit and 2.6 spaces for a 5-bedroom townhouse unit. Four (4) bedroom units require 105 parking spaces ($42 \times 2.5 = 105$), and five (5) bedroom units require 109 spaces ($42 \times 2.6 = 109.2$) under the standards enumerated above. As 116 parking spaces are being proposed, the applicant would still be in compliance under these standards. Of greater concern than additional bedrooms, is if any of the units would be designed to have separate entrances for basements; current floor plans indicate access to the basement is provided internally. Basements with separate entrances could theoretically be converted to separate living quarters requiring a minimum 1.8 additional parking spaces per unit (the RSIS minimum standard for a one bedroom townhouse is 1.8 spaces per unit). We recommend the Board require expert testimony to provide the necessary data for an informed decision regarding the necessary on-site parking. The applicant has indicated all common areas (including roads) as an open space lot 3.165 acres in size. Chapter 18-808 requires that applicants who are proposing residential development projects over 25 units are required to preserve not less than 5 percent of the tract land area as common open space, or dedicate the area to active recreation or community facilities for residential development projects. The tract is 5.33 acres (232,174.8 square feet); 5 % of the tract is 0.2665 acres (11,608.74 square feet). Applicant must provide proof that enough of the area in this open space lot will meet the 5% threshold required. The following lands must be

excluded from open space calculations: any portion of land not free of environmental constraints such as flood plains, wetlands, bodies of water, storm water drainageways and basins (exclusive of underground facilities), steep slopes, and any lands not utilized for passive or active recreation, community facilities or left as undisturbed open space and/or wildlife habitat. The applicant must supply documentation to the Board in regards to compliance with Chapter 18-1010.9., which requires that commonly-owned areas for the enjoyment of all townhouse residents and their guests be owned and maintained by a non-profit homeowners association. The Township UDO identifies specific requirements as well as requiring that the applicant adhere to the New Jersey Department of Community Affairs (NJCA) requirements. The document must be filed with the NJCA. The applicant has provided a 30-foot buffer along the northern and western portions of the tract bordering residential uses, as per the requirements of Section 18-803.E.2.b. As per section 18-803.E.2, the applicant should ensure that sufficient screening be provided along those portions of this residential development that border incompatible uses (such as commercial uses of the HD-7 Zone). The landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. The applicant should address a more varied planting schedule for the buffer areas. A sufficient visual screen between the tract and surrounding properties should be provided, either with new plantings or by identifying existing vegetation. This property boundary is also the boundary between the HD-7 Zone and R-12 Zone. It is critical that a sufficient buffer is provided. As required by Chapter 18-1010.B.6., the applicant is required to obtain Department of Public Works approval for the proposed location and size of the individual trash and recycling enclosures for the townhouse development. Applicant must indicate an area designated for the storage of trash and recycling containers for each unit. All trash containers shall be screened from view. Wetlands areas should be clarified and New Jersey Department of Environmental Protection (NJDEP) and NJDEP File Numbers for all wetland delineation lines should be added to the plans. The applicant should discuss the buffer reductions (to the 50' buffers) indicated on the plans, and proof of receipt of a NJDEP Wetlands fill permit should be made a condition of approval. A Tree Protection Management Plan must be submitted and reviewed by the Township to address the provisions of the UDO concerning "tree protection" (18-803.H). The applicant should address if the submitted Wetlands Delineation and Inventory report (dated November 2000) requires updating to reflect current conditions or changes since it was composed. We note that Application No. SD-1574 (Pine Projects, LLC) for property west of the tract was heard by the Board earlier this year. The submitted Tree Plan is based on the previously approved layout, and should be revised. A shade tree easement is indicated along Route 9 only. Proposed sidewalks are not clearly identified on the plans. The remaining comments are technical in nature.

Mr. Kelly Esq. appeared on behalf of the applicant with Brian Flannery as the engineer. Mr. Flannery stated variances as indicated in the planners report will be revised to reflect what he has indicated and basically they do not have any variances. For some reason they put down that they had a 20 ft. front setback, and they have 28 ft. This is the same plan they brought to the board conceptually about 6 months ago. The architects plans are submitted and there are no separate entrances to the basements, these are small units and the only way to get into the basement is through the middle of the living area. The basement will be for storage and they will provide testimony at the public hearing. They will also supply the documents from the DEP, DOT and whatever else they need and make

the revisions that are requested. With respect to the handicapped spaces, he does not look at this application as a entire parking lot, the driveways will accommodate handicapped vehicles and they have provided 32 spaces and 2 handicapped. They have more parking spaces than are required by RSIS or the ordinance and they can make 5 handicapped parking spaces but he doesn't think they are needed and the extra parking spaces would better serve the residents. If the board feels they would rather see the 5 they can do that. This is consistent with the approval they received a few years ago. Mr. Peters agreed with that statement. Mr. Flannery said with respect to the trash enclosures, they have indicated on the plans they will be located in front of the units for the roll out cans. Mr. Banas asked what was being used as a buffer on the south side of the project and Mr. Flannery said 30 ft. from the rear of the property to the commercial property to the south they have not shown anything but could add to the extent that the area is available because they do have a stormwater management facility in that area. That property will likely come in for townhouse development in the future, the corridor is tending to go that way. There are no single family homes and that is the 30 ft buffer they plant heavily for is done in the northerly border consistent with the last approval and the conceptual plan. Mr. Banas asked if the buildings were far enough away from the center line of Route 9 and Mr. Flannery said they were 100 ft. back from the property line, consistent with the ordinance and this was the first job that the 100 ft. came into effect.

Mr. Gatton asked about where the location was and Mr. Flannery told him. He also asked about the school bus pick up and where it was going to be, on Route 9. Mr. Flannery said it would be on Route 9 and they would provide a school bus enclosure. Mr. Gatton thought that was not acceptable to have bus stops on Route 9 and thought there was an ordinance prohibiting it. No one knew of any ordinance prohibiting it and Mr. Truscott said he would look into it.

Mr. Franklin suggested that when they show the walls to cover the garbage pail, not to put a window there behind that wall in the basement, so the garbage could not be placed there. Mr. Flannery said they would discuss it with the applicant so that mistake is not made.

Mr. Percal said there would be no outside entrances to the basements, however, the usage is still not clear to him, they could put in 2 bedrooms and a bath. Mr. Flannery said the size of it would preclude 2 bedrooms and a playroom and a bathroom. The parking calculations the planner report addresses, if they put 2 additional bedrooms in the basement, there would still be enough parking to comply with the standards. It is Mr. Flannery's representation that that is not the intention, it would be storage and for the mechanical room, but even if they were 5 bedrooms, the parking that is provided would accommodate that. He said what the board is afraid of is a separate family in there and if you look at the layout, somebody has to come into the middle of your living room in order to get into the basement and that precludes any separate family. Mr. Percal said he was not concerned with a separate family, he was concerned about additional dwelling within the dwelling in which case perhaps the parking would not be sufficient.

Mr. Banas asked if there were a playground and Mr. Flannery said yes and they would make it clear on the revised plans. Mr. Neiman asked if there was any public building in this development and Mr. Flannery said there was not. Mr. Neiman asked where the

nearest synagogue was located and Mr. Flannery said he would have information that by the public hearing. Mr. Banas asked them to consider some type of club house building.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to advance this application to the meeting of August 21, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Fink; no, Mr. Gatton; yes, Mr. Percal; yes

Mr. Neiman wanted to reiterate that there was no room for overflow parking onto Route 9 and they have to be open to more spaces.

7. SP # 1872 (VARIANCE REQUESTED)

APPLICANT: RICHARD ROBERTS MD PHD

Location: Arbutus Drive @ southwest corner of Case Road
Block 21 Lot 4

Preliminary & Final Major Site Plan for 2 story synagogue with parking area

Mr. Neiman informed the board that Dr. Roberts' wife and Mr. Neimans' wife are 1st cousins and it would be best if he recused himself. He quoted the mayor of Marlboro who says " this is a good friend of mine, make sure it passes, but I am recusing myself from this application"

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 21, Lot 4. The proposed project consists of constructing a two story synagogue with basement. A dwelling that was previously located on the site has already been removed. The site is located at corner of Arbutus Drive and Case Road. The applicant is requesting the following variances: 24.5 ft front setback is proposed where 30 ft are required – the applicant shall correct the 24.5 ft provided front setback to 24.7 ft. 15 ft rear yard setback is proposed where 20 ft are required. 5 ft side yard setback is proposed where 10 ft are required. 31 % building coverage is proposed where 25% maximum building coverage is required. 7 off-street parking spaces are proposed where 20 spaces are required. The applicant shall revise the zoning schedule to show two front yards setback to reflect the site has two frontages on both Arbutus Drive and Case Road. In accordance with section 18-905 B of the Lakewood UDO a 20 ft buffer is required. The applicant has provided a 10 ft buffer to the rear yard and 4 ft buffer to the side yard, and has requested waivers for both. Outside agency approval will be required from the Ocean County Soil Conservation District. A 4 ft buffer is show along the frontages of Case Road and Arbutus Drive. Buffers are not required along frontages and shall be removed. It appears gravity sewer flow from the building will not be possible due to the elevation of the proposed basement and existing sanitary sewer. In addition, a gravity sewer from the building would cause a conflict with the 30" HDPE pipe. We defer review of the detailed design to the utility provider. The applicant shall clarify what fences are existing and proposed, and the limits of each. If the 4' high fence is proposed, the applicant shall show detail of the fence on the plans. The applicant shall provide lighting structures on the plans to show adequate lighting on site. Handicap parking signs shall be provided on the plans. Detail of the signs

should be added to the Detail Plan. A 6 ft shade tree and utility easement along property frontage is usually dedicated to the Township. The Board should determine if such easement is necessary for this project. The applicant shows on the plans neither existing sidewalk nor proposed sidewalk. The board should determine if sidewalk will be required. The existing depressed curb along Case Road shall be removed and replaced with full height curb, with the exception of the area in front of the proposed driveway. A 24" oak is shown on the plans along the Arbutus Drive. The 24" oak should be preserved. Tree protection fence shall be added to the plans. Since oak trees are existing on site, we recommend that new oak trees be planted; we defer to the Board's Planner for final decision. The applicant did not include any runoff from neighboring Lots in the stormwater calculations, or provide adequate existing contour or spot elevations to demonstrate that there is no runoff from neighboring Lot 19 and 15 coming into the site for the existing condition. Additional information is required. As per the NJBMP Manual only half of the permeability rate from boring log test is permitted to be use in ground water recharge calculation. Revised calculations shall be provided. As per the NJBMP Manual all runoff from imperious area shall be pretreated prior to be collected by ground water recharge measurements. In the section Elev-Volume of the stormwater report for the proposed condition, the user defined volume rating table shows that storage of the recharge trench has increased from 0.046 to 1.000 ac-ft as elevation inclined from 99.60 to 99.90. The gutter elevation at inlet C.B.-3 is 99.60 as shown on the plans. There shouldn't be any increasing in storage volume after elevation 99.60. The applicant shall add to the Construction Detail the handicap ramp detail with truncated domes shown. A handicap parking sign detail shall be added to the Construction Detail Plan. An 'N' Eco curb piece should be included in the type B inlet detail. The applicant has show a recharge trench with 6" topsoil in the Construction Detail Plan. A detail of recharge trench underneath the parking lot shall be included in the Detail. A note shall be added to the plans stating that if fill is to be imported, the source shall be documented and the soil shall be tested at a frequency approved by the township engineer. A discussion of the contents of the onsite shed was not provided in the report. We recommend that shed's contents be inspected for hazardous materials (i.e. pool-related chemicals, petroleum products, and/or fertilizers) that may require proper removal and disposal prior to site development. We recommend the applicant add a note to the plans stating that non-hazardous and potentially hazardous materials will be properly disposed offsite at a permitted facility and that all other environmental concerns encountered during site development will be addressed in accordance with applicable local, state, and federal regulations. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated June 15, 2007. The applicant is seeking preliminary/final major site plan and variance approvals to construct a 2.5-story synagogue and associated parking, drainage facilities and utilities on Block 21, Lot 4. The property is a corner lot formed by Arbutus Drive and Case Road, approximately 0.33 acres (14,363 square feet) in size and currently contains a cleared area (formerly the site of a private home), a small shed and an in-ground swimming pool. The proposed synagogue will contain a worship area of 1,976 square feet, and a basement area totaling 3,764 square feet. Seven (7) off-street parking spaces are proposed. The property is located in the northern part of the Township, just west of Georgian Court University. Zoning for the tract and surrounding properties is R-12 (Residential). The surrounding land uses are residential in nature. Places of worship are a permitted use in the R-12 Zone. The applicant has

requested the following variances: Minimum Front Setback: 30 feet required, 24.7 feet proposed. Minimum Rear Yard Setback: 20 feet required, 15 feet proposed. Minimum Side Yard Setback: 10 feet required, 5 feet proposed. Maximum building coverage: 25% maximum permitted; 31% proposed. Parking: 20 spaces required; 7 spaces proposed. Required waivers are noted in Section C of this review letter. The positive and negative criteria for the required bulk variances should be addressed. The Planning Board should discuss the variance for off-street parking spaces being requested. As noted, parking required for the proposed synagogue is twenty (20) off-street parking spaces; seven (7) parking spaces are provided. The architectural plans indicate a basement with a 2,088-square foot simcha. The applicant should comment as to whether the parking regulations of Section 18-905 for a catering facility are applicable. Testimony must be provided to address the parking variance, describing how parking will be provided for the proposed (and potential) uses. We recommend the Board require expert traffic engineering testimony to provide the necessary data for an informed decision. The Zoning Table should be revised to reflect the following: Indicate only one (1) side yard, as the property is a corner lot; the reference to a 25-foot combined setback should also be removed. Both front yards should be listed; the side yard borders Lot 15 to the south, and the rear yard borders Lot 19 to the west. The notations for the required variances (front, side and rear yard setback) should remain unchanged. The applicant has requested waivers from the buffer requirements of 18-905.B.1 (Perimeter buffer: 20 feet from residential use): Side yard: 5 feet proposed; no landscaping along the building. Rear Yard Setback: 10 feet proposed. Testimony must be provided to address the requested waivers. Applicant should discuss the sufficiency of the landscaping plan and proposed board on board fencing to provide a sufficient visual screen between the property and the residences in close proximity to the site. The Applicant should supply a varied planting schedule for the buffer areas. Applicant should discuss the building and site improvements and proximity of the proposed improvements and land use(s) in comparison with adjoining lots. The site plan does not identify existing or proposed sidewalks, site triangles or shade tree/utility easements. Solid waste disposal should be discussed. The plans indicate that a stop sign will be placed at the exit of the parking lot. All proposed signage should comply with applicable regulations. An Environmental Impact Statement (EIS) has been submitted for Planning Board Review. The balance of the comments are technical in nature.

Mr. Meiri Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery stated the variances requested will be discussed at the public hearing and they will show the justification. Dr. Roberts owns the lot next door and he bought this for a neighborhood schul. The comments of the technical nature will be revised on the plans. There will be curb and sidewalks. They will save the oak tree and will show the location of the garbage cans. Mr. Banas asked if they could do anything to eliminate the 30% coverage and Mr. Flannery said they address that at the public hearing. Mr. Banas asked what a simcha was and Mr. Flannery could not answer the Mr. Akerman said it was an affair/ party hall.

Motion was made by Mr. Akerman, seconded by Mr. Gatton, to advance this application to the meeting of August 21, 2007

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

6. CORRESPONDENCE

None at this time

7. PUBLIC PORTION

Mr. Lewis Richmond asked about the rules and if they could ask about anything tonight. He asked if there was a standard width for roadways, with cars parked in a roadway and what the required number of feet was. Mr. Peters said all road in the town is governed by the RSIS which generally is 30-32 ft. but there is a table for different uses and different cars.

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

8. APPROVAL OF MINUTES

- Minutes from June 19, 2007 Planning Board Meeting
- Minutes from June 26, 2007 Planning Board Meeting

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

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

9. APPROVAL OF BILLS

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

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

Mr. Banas told the board to read the Ocean County Planning Board minutes about the review of the corner of Cedar Bridge and New Hampshire Avenue for the mall. It was quite in detail

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary