

**LAKWOOD PLANNING BOARD
PLAN REVIEW MEETING
MINUTES
JULY 18, 2006**

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 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 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. Klein, Mr. Gatton

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt stated there were changes to the agenda.

Item # 6 – SD 1533 Harvard Street Development and
Item #7 – SD 1529 Mathias Deutsch both items were tabled at the request of the attorney and carried to September 19, 2006.

Motion was made by Mr. Herzl, seconded by Mr. Franklin to carried the two applications, SD 1533 and SD 1529 to September 19, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Gatton; yes

4. OLD BUSINESS

1. SP # 1794/SD # 1460

APPLICANT: MARION WERBLER

Location: Cross Street, west of Augusta Boulevard
Block 524 Lot 3

Revisit approval resolution pertaining to deed restrictions outlined in Item 9 of JCA letter dated 11/29/04

Mr. Penzer said he has the transcript from the meeting which the application was approved. This was the one about the outside storage needing a deed restriction and Mr. Penzer asked that no deed restriction be done. Under resolution compliance a deed restriction was entered into the resolution. Mr. Penzer has the transcript in which he asks for the restriction not be put into the deed because it would cloud the title. The suggestion is either to enter into a lease with each renter that they would not be allowed outside storage, or put that restriction on the map, but not in the deed, to screw up the title. Mr. Kitrick said Mr. Penzer was correct that he brought it up at the meeting and asked that no deed restriction be imposed, and it was never addressed afterward, either yeah or nay and a resolution was adopted incorporating the letter from JCA recommending the deed restriction. Mr. Kitrick's question for Mr. Penzer is he is offering 2 solutions, can both solutions be put into the resolution. Mr. Banas also suggested they do both.

Motion was made by Mr. Neiman, seconded by Herzl, to put the restriction on the map and in a lease, but no deed restriction. (Mr. Dolobowsky and Mr. Akerman arrived in time to vote)

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; abstain

5. NEW BUSINESS

- 1. SD # 1539 (VARIANCE REQUESTED)**
APPLICANT: REUVEN KANAREK
Location: East Eighth Street, between Park Avenue & Nowlan Place
Block 230 Lot 9
Minor Subdivision to create 2 lots

Mr. Peters stated the property has an existing house on it. Variances will be required for the following: Lot area; both lots propose 7,500 sf where 10,000 sf is required. Lot width; both lots propose 50 ft. where 75 ft. is required. Proposed dwellings are not indicated, and in order to comply with the side yard setbacks houses of a 50 ft. maximum width would be permitted. The right of way width and pavement for East Eighth Street must be indicated on the plans. The existing dwelling will be bisected by the proposed lot line and the house must be removed prior to signature of the final plat or a bond posted to ensure prompt removal after subdivision is achieved. The remaining comments deal with the map filing law.

Mr. Truscott read from a letter dated June 19, 2006. The parcel is .34 acres in area. The tract has approximately 100 ft. of frontage on East Harvard Street and is situated in the R-10 zone. The applicant's name on the plat is not consistent with the application form and they should clarify. There is an existing concrete sidewalk along the frontage of the parcel and compliance with the off street parking requirements of the NJRSIS is required. The zoning schedule indicates that 1 parking space per lot is required, which is incorrect; the number of required parking spaces is 2.5 spaces, since the applicant has not specified the number of bedrooms in the proposed dwellings. The balance of the comments are technical in nature.

Mr. Pfeffer Esq. appeared on behalf of the applicant. At one time they were 2 existing lots and they are trying to recreate what at one time was a given but it was consolidated. Across the street is R-7.5 and on their side the lots are primarily 50 ft wide and they wish to divide it in half to have two 7,500 sf lots and leave the frontage.

Reuven Kanarek, the applicant, 127 E. 8th Street Lakewood was sworn in. He said his intent is to subdivide the property and have his parents move from New York onto one of the lots. Mr. Pfeffer marked some photos into evidence, from A-1 to A-4 and Mr. Kitrick reviewed them. Rabbi Osher Lederer took them and he was sworn in and he said they were taken about 3 weeks ago. They were identified as A-1 being Lot 9 #137 E.8th Street showing the lot is 50 ft. wide. A-2 is a picture of a series of townhouses further east on the block. A-3 is lot 10 #121 E. 8th Street, further west of the property which is 50 x 150 lot. A-4 is lot 11 #117 E. 8th Street further west same side of the street, 50 x 150 ft. Mr. Kanarek said he took title August of last year and the original deed showed 2 lots and this subdivision would be in keeping with the other lots in the area. Mr. Banas said the board usually asks for a comparison of all of the lots in the surrounding area and Mr. Pfeffer said he has another witness.

Joseph Kociuba of R.C. Associates was sworn in. He stated the applicant is requesting two 50 ft lots. He marked an exhibit A-5 which was the site plan and marked A-6 which is a blow up of the tax map, the property in question and the surrounding properties. It does show existing lots that are the same as what they are requesting. There are 5 existing lots on East 8th Avenue that match the lot widths of what they are requesting. The townhouses are less than 50 ft. widths. Mr. Pfeffer referred to the planner's report and agreed with the comments made. Mr. Kociuba said based upon his research it appears the proposed lots would be in keeping with the neighborhood, the size and width of the lots would be matching to several lots in the area and not out of character. The fact that across the street is R-7.5 the lots they are proposing would be conforming if they were within the R-7.5 zone. With regards to Max's report they agree to comply with the comments made in the report. Mr. Banas asked how many bedrooms there was going to be and was told by the applicant there would be 5. Mr. Banas asked how many parking spaces were needed for 5 bedrooms and Mr. Truscott said 3 and the applicant's engineer said there was enough room to put in 3 parking spaces. Mr. Dolobowsky asked the applicant to describe how they would accommodate them and Mr. Kociuba said they would set the houses back farther and could widen the driveway to accommodate 3 parking stalls across. Mr. Neiman said Mr. Peters report said houses should only be 25 ft. not 50 ft. Mr. Pfeffer said it should be 35 ft. but Mr. Peters said it was only 25 ft. and Mr. Dolobowsky stated the plans show 25 ft. not 35 ft. Apparently the plans do not match the plans the applicant has.

Mr. Banas wanted to show Mr. Pfeffer the plans submitted to the board. The applicant's engineer stated that a new set of plans were submitted to the board and Mr. Kiert said these were the latest plans received and his office has had problems with the plans received from this engineer in the past. Mr. Banas suggested they table this until the board receives drawings that correspond with what they requested. Mr. Pfeffer said he wanted to go forward but the professionals stated they reviewed the plans showing 25 ft. not 35 ft and no variances were being sought either on the application or on the plans and Max's plans show no new date. Mr. Truscott also agreed he did not receive new plans. The exhibit plans shows May 10 also but does not match up.

Motion was made to table the application by Mr. Franklin, seconded by Mr. Gatton.

Tabled to August 15, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

2. SD # 1544 (VARIANCE REQUESTED)

APPLICANT: JOSEPH GUTTERMAN

Location: Towers Street, east of Albert Avenue
Block 855.03 Lots 34 & 36

Minor Subdivision from 2 lots to 3 lots

Mr. Peters stated the property is located in the R-20 zone. A variance will be required for lot width: 100 ft. is required, 96 ½ ft. is proposed for all 3 lots. Ocean County Planning Board and Soils Conservation District approval will be required, and evidence of approval shall be made a condition of final approval. A note on the site plan indicates that shade trees will be planted in accordance with the ordinance. We defer to the planning board planner on what trees should be installed. The applicant proposes 3 off street parking spaces for each of the proposed lots which conform to RSIS. Proposed curb and sidewalk will be installed along the 3 properties, and construction details have been provided. A 6 ft. wide shade tree easement is also proposed.

Mr. Truscott read from a letter dated July 5, 2006. The existing lot contains a single family dwelling which will remain. The applicant proposes to build a 2 story dwelling on the proposed lot situated between the existing dwellings. The parcel is 1.52 acres in area. The proposed subdivision plat will require the removal of 2 sheds, a portion of 2 driveways, in ground swimming pool, chain link fence, metal fence and a wooden fence from proposed lot 34.02 and the structures should be removed prior to the signature of the plan or a bond posted. Approval of the Ocean County Health Department is required for the potable well and septic systems and the balance of the comments are technical in nature.

Mrs. Weinstein, Esq. appeared of behalf of the applicant. Joseph Kociuba of R.C. Associates was sworn in. He stated the variances requested are for lot width only, but conform to the lot area criteria, in fact they greater than 10% larger than what is required in that zone, and also match a number of lots in that area. He stated the applicant agreed to comply with the comments contained in the professional's letters.

Mr. Dolobowsky asked the engineer if the driveway on 34.03 will house 3 cars and was told it was 60 ft. long and would accommodate 3 cars.

Mr. Banas opened the microphone to the public.

Seeing no one come forward, this portion was closed to the public.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve the Minor Subdivision with the variance.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

3. SD # 1522 (VARIANCE REQUESTED)

APPLICANT: UMAN HOLDINGS LLC

Location: River Avenue, south of Chestnut Street
Block 534 Lot 18

Preliminary and Final Major Subdivision - 27 lots

Mr. Starkey is handling the planning board attorney duties due to a conflict from King Kitrick & Jackson

Mr. Peters stated the applicant is proposing 28 new lots. The proposed project consists of removing an existing garage on the site, improving the site around the existing office building, and constructing 27 townhouse units where 24 were previously proposed. The site is located in the HD-7 zone. The applicant has combined the roadway, basin and office building lots into a single lot approximately 1.74 acres in size. This negates the necessity for lot area variances for the commercial site. Variances will be required for the following: front yard setback for the commercial site; proposed 94.3 ft. where 150 ft. is required. Parking in the front yard for the commercial site; front yd setback for parking are existing conditions. The applicant will be required to obtain outside agency approvals and will be required to form a homeowners association to be responsible for the common areas and stormwater management facilities. The homeowner's association documents shall be submitted for review. The applicant has revised the plans to show the radii at the intersection of Charming Way and Route 9 and it is sufficient to allow access by trash trucks and fire trucks but it too tight for tractor trailers. We recommend the island be constructed with mountable curb to allow access by tractor trailers in the rare event they need to access Charming Way. Charming Way will be a private road accessed through proposed lots 18.01 and will result in the residential portion of the subdivision having no frontage on a public street requiring a variance. The applicant has added a trash enclosure location to the plans. It appears the enclosure will not be accessible by trash collection vehicles. The applicant shall provide testimony on how solid waste will be disposed of. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 7, 2006. The applicant is also proposing converting an existing office into an office and community center with associated parking areas. The property is 3.4 acres in area. The common area must be deed restricted to the residential area to meet the density standard. Cross easements will also be required for access, drainage and utilities since the road and stormwater basin are different lots from the residential area. As noted, the conversion of the office into an office/community center violates the front yard setback of the HD-7 zone and the applicant should discuss the office use and the square footage involved. A smaller office could be more consistent

with the setback provisions of the HD-7 zone. A total of 48 off street parking spaces are provided in the front of the townhouse units and 29 spaces are provided in the parallel parking arrangement in the new road for a total of 77 spaces and testimony should be given to show the number of parking spaces is sufficient based on the number of bedrooms. The office/community building has a total of 32 parking spaces in the front and rear and is in compliance with township requirements. The applicant shall clarify the relationship between the office building tenancy, the community center and the overall residential development. Some landscaping has already been provided as requested around the office building but foundation plantings should be provided along the front and north side of the office building. The report from the Lakewood Fire District regarding the installation of a fire hydrant and we ask that be addressed. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. He marked into evidence A-1 which is what the units will look like. The applicant is seeking 27- 3 bedroom units, with no outside access for a basement, only interior, and plan to sell these at \$239,000.00 per unit. Brian Flannery is the engineer for the applicant. The only variances requested are for the existing office building along Route 9. They are taking the existing office building and proposing a community center along with the existing offices. The community will own the building, and the office space will be leased and will be spelled out in the homeowner's association documents. The building is existing and the variance is an existing condition, along with the parking in the front yard setback. They will provide the cross access easements that are requested and the access is adequate and safe and they will also require a DOT permit so they must comply with their standards. If they made the building smaller to conform to the front yard setback, it would make minimal impact on the roadway and the building that is there has parking in front of it. The turn around has been modified and they defer to Public Works to see if it is adequate for their vehicles. The EIS submitted was 22 town homes and will be changed to show 27 units. The parking tabulations show 2.5 spaces per units, which would be 68 required spaces and they have provided 77 which is 2.9 spaces per unit. They agree to the remaining review comments in Mr. Slachetka's review letter. With regards to Max's report, Mr. Penzer asked that the TWA approval be a condition of the building permit and not the resolution approval. Mr. Peters said normally he did not have a problem with that as long as it was a gravity line, but in this case it is a pump station involved. He thinks that some evidence from NJAWCO that application has been made should be submitted. Mr. Flannery said they would comply and then defer the actual DEP permit prior to the building permits, and Max agreed. The trash will be collected from trash cans. They agree to the remaining comments in Max's letter.

Mr. Banas asked what will happen to the parking spaces in this commercial section when the highway is constructed, and where will that industry be able to park their vehicles. Mr. Flannery stated they are in the same situation that they would be in prior to the approval as after the approval. The reality of what the DOT needs to expand the road and what is available are 2 different numbers. None of the parking proposed there will be impacted by the widening by the DOT, based on the desired typical section line on the plan (sheet 3 of 10). Mr. Dolobowsky said looking at that line, it ended right at the end of the parking space and would leave no space for buffer, sidewalk or curb. Mr. Flannery said the sidewalk and curb is in the right of way. Mr. Dolobowsky said they are showing

29 spaces parallel to the driveway on the inbound side and asked how far up it went, all the way to the K turn? Mr. Flannery said it stops right before the hammerhead turn. Mr. Dolobowsky asked Mr. Franklin if there should be parking there when then trucks need to turn around. Mr. Franklin asked they take out 2 spaces for the trucks to turn around in and Mr. Flannery agreed, making a total of 75 parking spaces, 7 more than required by the RSIS.

Mr. Peters questioned the solid waste collection, but said they did not address the collection of solid waste for the commercial building, and it does not look accessible. Mr. Flannery said it would be picked up by private contractors and it would be the applicant's responsibility to coordinate the pick up of the trash when vehicles were not in the lot.

Mr. Truscott has questioned to one of the points he made relating to the relationship between the office building and the community center, specifically the use and the restrictions. He would not like to see retail or industrial use and was told it would be restricted to office professional.

Mr. Banas asked about the architectural that were submitted, and asked what size windows were being installed in the basement. Mr. Flannery stated they would be small windows, 30 inches from the finished floor. Mr. Banas said if they had basements with no outside access, does that require additional parking spaces, and was told no.

Mr. Franklin asked if there was going to be a wall in front of the garbage cans and was told yes.

Mr. Dolobowsky asked if the water would be collected in the basin at the end of the block, and Mr. Flannery said yes and that the basin has been designed to accommodate the 100 year storm. There is an outlet that is released at a rate that is consistent with RSIS standards. Mr. Dolobowsky asked to be shown where that outlet was. Mr. Flannery said there was an outlet weir at the northwesterly property line to allow the water to flow overland in the direction where the water currently would flow.

Mr. Banas asked the board professionals with regard to density and treating it as Mr. Flannery has indicated, have we solved the problem in #2 of the review comments. Mr. Truscott said it appeared they did.

Mr. Banas opened the microphone to the public.

Larry Simons, 7 Schoolhouse Court, was sworn in. He asked if they could describe the exact location of the property, and was told it was before the Seagull Shopping Center. He asked what the exact density for the residential townhouses is and was told approximately 7.9 townhouses per acre as per Mr. Slachetka's report. He asked about the Route 9 setback and asked why they can't modify the setback to comply with what the DOT requirements. Mr. Flannery stated they follow the desired typical section line where a widening would go. He asked if the entrance would be through the commercial lot and was told yes.

William Hobday, Schoolhouse Court, was sworn in. He said 27 townhouses would bring in a lot of traffic onto Route 9. Other applications have restricted them to right turns only, and this is in a very busy area, but yet he does not see that in this application. Mr. Flannery said they would defer to the board, and if the board felt it appropriate, they would agree to right in right out only. Mr. Peters stated that is already shown on the plans. Mr. Hobday asked if the applicant would be willing to put in a shoulder further on Route 9 as an egress lane, and Mr. Flannery said the entrance on Route 9 would be subject to a DOT permit, and they dictate what to do.

Gerry Ballwanz, Governors Road, was sworn in. She asked if the size of the unit is 25 ft. x 25 ft. and was told it was 20 ft. wide x 35 ft. (1400 sf) and asked if there was going to be a den or just 3 bedrooms, and was told just 3 bedrooms.

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

Mr. Banas said they haven't spoken about children and the transportation to school. Mr. Flannery said the plans show a bus stop on Route 9 and the applicant will provide a figure holding a flag indicating children are present and there will be a bus shelter (sheet 3 of 10).

Mr. Penzer summarized the application. The application is for the betterment of the people of Lakewood to be able to afford housing.

Motion was made by Mr. Akerman, seconded by Mr. Klein, to approve the application with the comments and recommendations made by the professionals.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; no

4. SP # 1840 (VARIANCE REQUESTED)

APPLICANT: BEN ORSHITZER

Location: East End Avenue at end of Leonard Street, between East Havenwood and Rosebank Streets
Block 208 Lot 180

Change of Use Site Plan from residence to residence and house of worship

Mr. Peters stated the applicant is seeking to construct a one story synagogue and an attached 2 story dwelling on the subject lot. The application also includes a paved parking area and an underground stormwater management basin. The property is location in the R-10 zoning district. Stormwater management report notes that the existing property is occupied by a single family dwelling with a driveway and sidewalk, and it appears that the remainder of the property is vacant with a number of large trees most of which will be removed by the proposed construction. The existing conditions survey of the property shall be provided. Variances will be required for the following: side yard setback; 20 ft. is proposed, 25 ft. is required. Maximum building coverage: 26.7 % is proposed, 25 % is the maximum. 18 parking spaces are required for the synagogue and 3 spaces for the residence, making the total required to 21 parking spaces. The applicant has proposed a total of 18 parking spaces, therefore a parking variance will be required. One handicapped

parking space is provided, which satisfies the Unified Construction Code. The handicap ramp to the end of the building is at the rear of the building and the applicant shall testify as to how a disabled individual can access the ramp. The site plan is subject to review by the Ocean County Soils Conservation District and NJDEP treatment works approval. The parking area will be illuminated by 2 12 ft. high pole mounted fixtures. The southern pole mounted light will spill light on the existing dwelling to the south, and a light standard with a more efficient cut off should be provided. It appears the illumination provided for the parking area is adequate. There are 6 wall mounted lights to provide illumination for the handicapped ramp to access the building. Please provide photometric distribution for the wall mounted light fixtures. A minimal landscaping buffer has been provided and he defers to the planner on review of the landscape issue.

Mr. Banas asked if this building is a 3 story building, not a 2? Mr. Flannery said the building as submitted complies with the definition of a 2 story, because it has a basement and 2 stories above that and the ½ story beyond the second story is permitted as long as it is a less than ½ % of the other. It also complies with the 35 ft. height restriction. Mr. Dolobowsky stated the plans show a bathroom and 2 bedrooms on the 3rd floor, you may call it an attic but it is a 3rd floor. Mr. Flannery said according to BOCA standards, it is a 2 ½ story building.

Mr. Peters said he would call it a 2 story with an attic.

Mr. Truscott read from a letter dated July 11, 2006. The synagogue portion is one story but rises to an advertised 26 ft. The residential portion which is described as a parsonage for the rabbi is a 2 ½ stories in height. The property is 20, 204 sf in area and is located in the R-10 zone. A fence is proposed that encloses the area from the rear of the property to the front setback line. Landscaping is proposed and follows both lot lines along the front of the building envelope to within 15 ft. of the front lot line. The applicant proposes to link the parking lot lighting to a timer to minimize the impact to the adjoining properties. The remaining comments are similar to Mr. Peters.

Mr. Penzer, Esq. appeared on behalf of the applicant. Brian Flannery is the engineer for the applicant. He feels that with the size of the property, the maximum coverage is diminished in nature. There are townhouses and multi-family homes in this area and this is less coverage than in the surrounding zone of R-7.5 lots, which allows 30% coverage. Mr. Flannery said the variance for the 25 ft. combined setback is 5 ft. more than the applicant has, but he does provide 10 ft. on each side. If the building was narrower, it would then have to be longer, and the impact on the neighbors is more fair and appropriate for the side yard variance. Mr. Banas said if you stuck with the 25 % coverage, that item #3 would not exist. Mr. Flannery said then they would have to make the building higher to accomplish the same goals, and to provide the services for the neighborhood and the impact of a building that is slightly more ground coverage vs. less height is a better planning alternative. The ordinance does have a provision that entrances to the basements can be put in any setback as long as you are not closer than 5 ft. to a property line, and they comply to that. The last variance is for parking, where they have provided for the driveway for the residence which complies with RSIS, we have provided 15 parking spaces for the house of worship, where 18 is required. Mr. Penzer has a letter from an adjoining school, which was marked into evidence dated July 18, 2006 from the Yeshiva

which grants permission to the congregation to have full use of our parking facilities prior to and after school hours to coincide with their services to be held at their location. 5 parking spaces will be designated for the use of the congregation during off school hours. Mr. Kitrick acknowledged that the letter has been notarized, but was not sure if it could be accepted as evidence, because the rabbi is not here to testify and is not subject to cross examination. Mr. Penzer said it could be official record for the approval. Mr. Truscott was not familiar with the ordinance that said places of worship allowed parking within 200 feet and asked Mr. Penzer where it was. Mr. Truscott said the letter would go towards the mitigating condition of the approval. Mr. Flannery said because this is a neighborhood school, the neighbors will walk, so the 5 parking spaces is diminimus. The remaining comments in Mr. Slachetka's comments will be complied with. In regards to Mr. Peter's letters, they will clarify where the sidewalks are going to the handicapped access, and agree with the comments.

Mr. Dolobowsky asked about the architectural, and questioned the library and the sanctuary on the main floor, and suggested the library be put above the men's foyers as a 2nd floor overlooking the sanctuary, the whole building could be shortened up with less coverage, and more room for parking etc. Mr. Flannery stated that would make the height of the building go up. They asked Mr. Penzer about changing the architectural plans and making the building smaller.

Hessy Pinter, 113 Rosebank Street, was sworn in. He said the front of the building is for esthetics only, and to raise it up another floor would be more expensive. The library is an accessory use, and you would lose the prayer space. Mr. Penzer said it wouldn't work for then economically.

Mr. Banas opened the microphone to the public.

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

Mr. Dolobowsky asked how many parking spaces the school has and was told probably 40 or 50 if not more, but 5 are specifically dedicated. He asked a sign be put up at the synagogue specifying where additional parking is located.

Motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to approve this application with all the stipulations done

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

5. SD # 1525 (NO VARIANCE REQUESTED)

APPLICANT: SARAH BODEK

Location: New York Avenue, between Ridge Avenue & East Seventh Street
Block 223 Lot 95

Minor Subdivision to create 2 lots

Mr. Peters stated that 2 new lots are proposed, one is a flag lot. The dwelling on existing lot 96 is to be removed. No new dwellings are proposed at this time. The site is located in

the R-10 zoning district. It appears no variances will be required for this application. The applicant will be required to obtain all outside agency approvals. The applicant has provided a 6 ft. wide shade tree easement and sidewalk along the property frontage. Removal of the existing dwelling should be completed prior to the subdivision or a bond posted to ensure prompt removal once subdivision is completed. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 6, 2006. The property is .62 acres in area and the tract is approximately 108 ft. of frontage on New York Avenue. The applicant has revised the plot to show 3 off street parking spaces on both new lots. In addition, landscaping has been supplemented along the boundary line with lots 91 and lot 92. The plan does not comply with the following requirements for flag lot: architectural plans for the proposed dwellings are required; the building setback to all property lines shall be a minimum of the stipulated rear yard setback for the particular zone and the rear yard setback in the R-10 zone is 20 ft. and the setback lines on the plat should be revised accordingly and the location of the building footprint should be adjusted. The landscaping chart be updated to reflect the additional landscape plantings that are now shown on the plans. The balance of the comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. The applicant only intends to sell one lot and they don't know what demand will be put on the property. All they ask is that the lot will not exceed the envelope or ask for any variances. They agree with the comments in Max's report and the building will be removed before the subdivision is approval. Joseph Kociuba of R.C. Associates was sworn in and is the engineer for the applicant. The building setback on their plans show a discrepancy and they will revise to show that setback on both of the lot lines, and by doing so it will require us to move the house 4ft. to the north which they have the room to do. In this case, a subdivision is not feasible, it would require too many variances. The remaining comments will be addressed.

Mr. Dolobowsky asked how the house would be shifted, and Mr. Kocuiba showed him on the map. He was concerned about the parking and if there was a big van it would be difficult to turn around. Mr. Truscott suggested making the footprint smaller by 5 ft. then you would not need an adjustment to the parking. Mr. Kocuiba said what they provided is allowed in the zone, but if the board suggests it be smaller, he could speak to his client. The client is not sure what they are going to build, but they can reduce that dimension by 5 ft., but would like to option to expand in the other direction where it is permitted. The north-south direction of the house would be stipulated to be no more than 45 ft. and the east-west would be increased by 5 ft.

Mr. Klein wanted to clarify why on lot 95.01 the driveway was designed in that shape, and if it made it difficult for the car parked to leave. Mr. Kocuiba said the shape was designed with that in mind.

Mr. Banas opened the microphone to the public.

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

Mr. Dolobowsky asked about the ownership, and was told by Alex Hartstein, who was sworn in that owner lives in the back yard on 7th Street (on adjoining lot). He will sell off the front lot and keep the flag lot.

Motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to approve this application with all the additional comments with regard to landscaping and the new dimensions on the house and not shifting the driveway.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes

6. SD # 1533 (VARIANCE REQUESTED)
APPLICANT: HARVARD STREET DEVELOPMENT
Location: Harvard Street, between Apple Street & Park Place
Block 171 Lots 11,19 & 21 Preliminary & Final Major Subdivision -
9 lots

Tabled to September 19, 2006

7. SD # 1529 (NO VARIANCE REQUESTED)
APPLICANT: MATHIAS DEUTSCH
Location: East Harvard Street, east of Park Place
Block 170 Lots 7, 8 & 9
Minor Subdivision to create 2 duplex buildings (4 lots total)

Tabled to September 19, 2006

8. SD # 1527 (NO VARIANCE REQUESTED)
APPLICANT: GWEI LLC
Location: Squankum Road, north of Whispering Pines Lane
Block 172 Lot 18
Preliminary & Final Major Subdivision - 29 townhouses

Mr. Peters stated the applicant is proposing 27 lots for 26 townhouse units on 3.3 acres. The property is currently vacant and wooded and is located in the B-4 zoning district. No variances will be required for this application. The applicant will be required to obtain all outside agency approvals. The applicant has provided curb, sidewalk and a shade tree easement along the proposed roadway. RSIS requires 78 off street parking spaces and the applicant has proposed 79 or just over 3 parking spaces per unit. The applicant shall provide the wording for a homeowner's association agreement for review by the planning board attorney and engineer and shall include ownership and maintenance of the stormwater management basin. The applicant shall provide testimony on whether the proposed roadway will be public or private. The applicant shall provide testimony on how garbage collection will be handled, whether public or private and where the containers will be stored. The fence around the basin requires a gate to allow for maintenance access.

The curb radii at the turnaround and at the intersection with Squankum Road shall be shown on the plans. The road profile shall be labeled Baila Boulevard and the map has been prepared in accordance with the NJ Map Filing Law.

Mr. Truscott read from a letter dated July 7, 2006. A total of 28 lots is proposed, 26 town home lots and 2 lots for the tot lot, parking area, and stormwater management basin. The surrounding land use is basically residential with the exception of the JCP&L property which adjoins the site on the northeast side. The site also adjoins the NJ Southern Railroad property. The site plans have been revised to shift all the improvements to the northeast towards the JCP&L building and landscape plantings are now proposed along the south and north property lines. There is a concern about the usable rear yard for dwelling units on the north side of Baila Boulevard and propose Norway Spruce plantings should be substituted with more columnar species. Existing vegetation should be preserved if possible along the north property line. Not less than 5% of the land area for every residential major subdivision or site plan consisting of 25 or more units shall be preserved as common open space and shall be dedicated to active recreation or community facilities. This will require an area of 7,187 sf dedicated to common space and this amount of the recreation land should be clearly shown on the site plan and reserved for open space and recreation. The traffic impact analysis has been prepared, and the testimony of the traffic engineer should be supplemented if necessary. The right of way of the subdivision plat now includes a portion of the proposed parking lot. This is due to the shift in the roadway noted earlier, and based on this design it may be more appropriate for Baila Boulevard to be a private drive. The tree protection plan should be revised to preserve the trees in areas which were not disturbed for grading purposes. The applicant has provided testimony that the dwelling units will be limited to 4 bedrooms per unit. Architectural drawings of the side and rear elevations were requested in the April 3rd letter and those have not yet been submitted, and we ask these drawings dimensions identify compliance with the maximum height of 35 ft. Handicapped sidewalk ramp be provided on both sides of Baila Boulevard with the intersection of Squankum Road. The balance of the comments are technical in nature.

Ray Shea, Esq. appeared on behalf of the client. Joseph Kociuba of R.C. Associates was sworn in and is the engineer for the applicant. The roadway will be private. Garbage collection will be considered private. The remaining comments in Max's letters will be complied with. They have addressed the item of undersized lot by combining the tot lot and stormwater basin to provide a lot that is greater than 20,000 sf in accordance with the recommendation of the professionals. They will provide a revised subdivision plat as a condition of approval. The 5% requirement recreational facilities, they do meet that requirement, it is not specifically delineated on these plans but the revised plans will show that. The specific amount as noted by the professional is 7,200 sf. and we do provide that and they will show it on the plans. They agree to comply with the remaining comments in the letter from the planner. Mr. Shea marked sheet 3 of 10 into evidence as number AA-1. Max asked about the property lines in the area of the turnaround. Since the right of way line was shifted and this is a private roadway, shouldn't that all be part of the roadway as opposed to having a lot line coming through there. Mr. Kociuba said they would combine the tot lot, parking, and roadway one lot.

Scott Kennel from the traffic engineering company that did the traffic report. He stated the report was done during peak hours and estimating the traffic that would be generated by this development. The intersection would operate at level C that is consistent with an acceptable design criteria and vehicles leaving the site will experience an average delay of 16 seconds which is more than acceptable. The site distance exceeds those required for a roadway with a posted speed limit of 40 mph.

Mr. Gatton asked if the traffic would move directly into the north or is there a shoulder or lane provided, and was told there was a lane but not as an accelerate lane. This access is also subject to Ocean County review as it is on a county road. The curb lines for this development will match the curb lines for Whispering Pines to the south.

Mr. Dolobowsky said testimony was given based on 40 mph but Squankum Road is rarely a 40 MPH road but usually a 50 MPH road and did you take into account that this development does not have a community center so you will have the residents coming to another community building and was told by Mr. Shea that a basement from one of the units would serve as a community building. Mr. Dolobowsky asked the professionals how that would be done, unusually it is a whole unit. Mr. Shea said the resolution would have it and it would be put on the plans and easily enforceable. Mr. Banas said that would mean all of the units would have basements for occupancy and was told they were only 4 bedroom units. They looked at the architectural plans and commented there were no basements shown. Mr. Kocuiba said the architectural plans did not show a basement but the engineering plans do. Mr. Banas said the architectural plans do not match the engineering plans. Mr. Franklin asked if there would be outside access to all the basements and Mr. Shea did not know. Mr. Dolobowsky said they plans also do not show where the garbage cans would be stored. Mr. Kocuiba said on sheet 1 of the architecturals it shows front entrances into each basements.

Mr. Gatton said he thought they would dedicate a entire lot not just a basement, but Mr. Shea said he did not. Mr. Dolobowsky asked if the basement space would be large enough for 26 men to pray and Mr. Truscott said that was more of a building code and fire code issue. Mr. Shea said if that offer is so troublesome, he could withdraw the offer to create that community space. Mr. Peters said based on the dimensions of the basement, it would accommodate 56 people, but he does not know if that complies with the building code. Mr. Dolobowsky asked if there needed to be more than one egress and if bathrooms were required, and ADA compliant etc. if you are creating a public meeting room. Mr. Shea stated if they are required by law, the applicant would have to do them.

Mr. Franklin suggested making it one way traffic so he can get the trucks in to pick up the trash, and said it would be cheaper for the township to pick it up rather than the township paying a private contractor.

Mr. Peters had an additional comment to add to the record. The homeowners association document should address maintenance of the basin, if this is a private roadway it should also address the ownership and maintenance of the roadway and tot lot and Mr. Shea agreed. Mr. Truscott also questioned changing the species in the backyard, and asked what the substitution was as was told the work with the planner on a substitute species.

Mr. Banas opened the microphone to the public.

William Hobday, 30 Schoolhouse Lane, was sworn in. He said the concept of the basement room intrigues him also and he wonders who would own it and if it would be detached some way from the rest of the townhouse that sits above it. He thinks for a property such as that it was common that a homeowners association would maintain it. Who would do the cleaning if not a homeowners association and it would be most unusual to have a basement as not part of the townhouse that sits above it. It could be done by deed, but he is not sure that it should be done, and sounds extremely problematic. He said there are too many issues here, and the engineering and architectural plans don't match, and thinks the board should send this one back for more specifications.

Noreen Gill, 192 Coventry Drive, was sworn in. She said 1,400 sf for the basement could almost be a 3 bedroom, and if this is such the case, maybe we should have that basement deed restricted. Also the street is should be one way, and off side parking, on Squankum Road there are 3 different developments and some of those developments use Coventry Square and the shul on Kennedy Boulevard, so there is a lot of walking. However, the traffic coming off 547 is blocked up from the light at Wa-Wa to past Whispering Pines, and you can't move.

Larry Simons, 7 Schoolhouse Court, was sworn in. He asked which number was correct, the agenda showed 29 and they testified 26, and Mr. Shea said 26. Mr. Simon asked if it was going to be right in right out and was told the intention was to have both right and left hand turns but would be subject to the jurisdiction of the county. He said the entrance to a basement must be 5 ft from the property line, but it is not identified on the plans. Mr. Kocuiba testified it will be at the same distance as required. He also questioned what the 5% for recreation was.

Zev Feldberger, 73 Whispering Pines Lane, was sworn in. His concern is the buffering between Whispering Pines and the new development and asked what vegetation was proposed and was told it was double row of evergreen trees consisting of Norway Spruce, Leland Cypress and White Pine. Mr. Feldberger asked about fencing and was told the existing fence is deteriorated and requested a maintenance free vinyl fence replace the existing one and it was agreed. He questioned where the buses were going to be picked up and was told it was a private street. He also had a issue with the traffic report and asked what year they were done and was told it was done in 2003 and spot counts were done since that time. He also has questions about the drainage and impervious coverage, specifically he is concerned with the swale. Mr. Peter said there would have to have an easement for the pipes and swales dedicated to the homeowners association and it must be in the documents before the subdivision is signed off on. He is not happy with this development and the added traffic and congestion but thanked Mr. Shea and the applicant for working with them to alleviate some of the problems.

Gerry Ballwanz, 208 Governors Road, was sworn in. What guarantee is there that these 26 townhouses don't turn into 52 residential units, particularly if the basements are 1,400 sf and outside entrances, so she is requesting deed restrictions.

Menachum Gordon, 59 Whispering Pines, was sworn in. His experience with the traffic generated with all the new developments, it is difficult to make a left, and it takes about 5 minutes. He also brought up the question about the busing. He also said the shul at Whispering Pines is full, the one at Coventry is too dangerous to walk to and the others are full, this development really needs their own shul. Mr. Banas said they must refer to them as community buildings. He also said Mr. Gatton was not wrong when he said a phone call was made, but it was not made by Mr. Shea, rather a representative from Mr. Weisman's office.

Abraham Teitelbaum, 77 Whispering Pines Lane, was sworn in. He said that a 2 ½ % growth would be a natural growth not a building growth for the traffic study. As far as using the basement for a community center, he thinks they would need a ramp for wheelchair accessibility and doesn't think the 1400 sf is not a true measurement, it is probably measured from the outside, not the inside and doesn't take into consideration the utility rooms and bathrooms, etc. and usually there is a ladies end as well which would make it a lot more than the place can fit in. He does remember a few months ago, a meeting was held and a board member said he was uncomfortable with the basements and wanted 4 ½ parking spaces which is what the developer was proposing and he was forced to put in 5. He thinks that 3 spaces is stretching it and it should make the board member feel even more uncomfortable.

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

Mr. Banas told Mr. Shea that there were several items brought up that caused him some difficulty. Nothing was done to consider how the children would be taken to school, and Mr. Shea said there would be children and his response it they don't design something on site for the collection of children, that is dictated by the companies that pick up the children. He assumes they will enter and exit the site without disturbing the neighboring development. But Mr. Banas said safety is a concern. With all that traffic going out to Squankum Road, it will be horrendous, and in other application, bus shelters were provided. Mr. Shea said if the board has a recommendation for a place to pick up the children, the applicant will comply.

As far as the basement is concerned, Mr. Shea said you cannot turn this application down because the traffic is too great, so you cannot use traffic to turn it down. As far as the obligation to furnish a community space, that is what they will provide, and will be subject to the requirements of the ADA and the building codes as far as ramps and the number of occupants allowed.

Mr. Dolobowsky said these community spaces are usually owned by the community, and how do you do it in this case, and Mr. Shea said it is done the same way as other projects, office buildings where they enter into a lease with the homeowners associations, and the same thing is done here, a lease for the basement. The family that purchases that unit, will recognize that they are dedicating their basement for worship services. Mr. Banas asked if they could identify which unit would be designated for that purpose and Mr. Dolobowsky suggested the unit closest to the parking area, building #4 unit #5, would be closest to the parking area, and Mr. Shea agreed.

Motion was made by Mr. Dolobowsky, seconded by Mr. Franklin, to approve the application with the stipulation that the unit #5 in Building #4 be deed restricted and noted to be a community facility, that the basements are deed restricted and not rental apartments, everything else discussed, the shrubbery, the shifting, put into place, and if it is determined that the bus company would like to see a shelter near the entrance for the children, that would go into the approval as well.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes

9. SD # 1540 (VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK II
Location: Prospect Street, east of Havenwood Court
Block 396 Lot 1
Minor Subdivision

Motion was made by Mr. Akerman, seconded by Mr. Klein, to table to August 15, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes,, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

10.SP # 1842 (NO VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK II
Location: Prospect Street, east of Havenwood Court
Block 396 Lot 1
Preliminary and Final Site Plan

Motion was made by Mr. Akerman, seconded by Mr. Klein, to table to August 15, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes,, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

11.SP # 1839 (VARIANCE REQUESTED)
APPLICANT: 401 MADISON LLC
Location: Route 9 (Madison Avenue) @ northeast corner of 4th Street
Block 93 Lot 17
Change of Use Site Plan from rooming house to 3 story office building

Motion was made by Mr. Akerman, seconded by Mr. Klein, to table to August 15, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes,, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

12. SD # 1535 (VARIANCE REQUESTED)

APPLICANT: MOSHE MENDELWITZ

Location: Miller Road, between Central Avenue & Lakewood New Egypt Road
Block 11.03 Lot 90.03

Preliminary & Final Major Subdivision – 7 lots

Motion was made by Mr. Akerman, seconded by Mr. Klein, to table to August 15, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes,, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

6. CORRESPONDENCE

None at this time

7. PUBLIC PORTION

Larry Simons, 7 Schoolhouse Court, was sworn in. He commented that there was an application tonight SD 1522 that was approved by the board, but he heard that under Section 8.808 that a community of not less than 25 or more units must reserve 5% of the land for recreation, and this board was negligent, and they did not reserve land. The board said there was and Mr. Simons apologized.

Secondly, he heard the board say something to the effect if an applicant comes before the board and has no variances requested, the board cannot deny that application. He also just heard that an application cannot be denied because of traffic. Yet the Planning Board contradicted their own decision regarding Georgian Court.

Mr. Banas said the action that dealt with Georgian Court on Monday dealt with a separate item, everyone on the board supported everything except for NIMBY and the entrance. He said Mr. Simons was correct in his terms of that, but as a body the statements he makes are true, but him as an individual can vote against it if he is really troubled. Mr. Simons said Mr. Shea also just said the same thing about you cannot deny it if there is no variance requested, and yet it was denied by this board which seems contradictory.

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

Mr. Peters said he had 2 issues to discuss, both for administrative approvals. One is for the Commerce Bank, at the request of the county, they have moved the entrances and shifted the whole site approximately 20 ft. away from Route 9. The internal configuration will remain the same, the parking areas that were on the far side of the building will now be shifted to the near side and that extra 20 ft. He did not know if this should come back before the board or if this was something that could be reviewed administratively for resolution compliance. Mr. Banas said he wanted it back before the board so they knew about it and take formal action on it.

Motion was made by Mr. Franklin, seconded by Mr. Dolobowsky, to approve the changes by moving the bank to the east and the parking spaces next to Madison Avenue, per the county recommendation.

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes

Mr. Peters said the second issue is one that came up after construction, Clayton Concrete. The original site plan was approved by the Planning Board approved November 2004, and there were changes to building, basic modifications, and he received a revised stormwater management report and there is a good bit of impervious coverage that was added. It used to be gravel and now is paved, and that is where they are storing the finished product.

Mr. Dolobowsky asked if the drainage basin still cover the amount of impervious ground added and Mr. Peters said he would like the opportunity to review all the plans to see if they conform.

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; abstain

Mr. Kiert reminded the board they have to vote on 2 special meetings to accommodate the Master Plan. The dates he picked out are September 26, 2006 and October 17, 2006.

Motion was made by Mr. Dolobowsky, seconded by Mr. Akerman, to approve the special meeting dates

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes

8. APPROVAL OF BILLS

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes

9. APPROVAL OF MINUTES

- Minutes from April, 7, 2006

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

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Gatton; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary