

**LAKWOOD PLANNING BOARD
MINUTES
AUGUST 7, 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. Franklin, Mr. Neiman, Mr. Banas, Mr. Fink, Mr. Gatton

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Banas said he received a letter this afternoon from St. Barnabas Health Center requesting their application be advanced to be heard first. He stated that is not the way the board functions and they do not change the position of the applications on the agenda.

4. PLAN REVIEW ITEMS

1. SD # 1506A (NO VARIANCE REQUESTED)

APPLICANT: YEHUDA EHRMAN

Location: Lanes Mill Road, opposite Cindy Court
Block 189.16 Lot 50

Extension of previously approved Minor Subdivision to create 2 lots

Mr. Peters stated the project was approved by the Planning Board; the Resolution of Approval was adopted on March 21, 2006. The applicant is seeking an extension of the approval. The Subdivision Plan has not yet been revised in conformance with the resolution. The application form did not provide information on the reason for the extension. The applicant shall provided testimony on why the board should grant the requested approval.

Brian Flannery appeared on behalf of the applicant. He said the application is located on a county road and the county approval took extended time. 190 days is not enough in a case like that and we are requesting an additional 190 days.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to grant a 190 day extension to this approval.

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

2. SD # 1422A (NO VARIANCE REQUESTED)

APPLICANT: S&C WANOUNO

Location: Ocean Avenue & E. 2nd Street, between S. Park Ave & the railroad
Block 248.01 Lot 63

Re-approval of previously approved Minor Subdivision for 2 lots

Mr. Miri appeared on behalf of the applicant and said the applicant had not yet arrived and asked if the board could come back to this application. The board agreed.

Mr. Peters stated the applicant is seeking a minor subdivision approval for the subdivision of an existing lot into two lots. An existing two story building is located on the proposed Lot 63.01 and will remain. No constructions are proposed by the applicant. The property is situated along Ocean Avenue and East Second Street within the B-4 zone. No bulk variances have been requested by the applicant. The applicant shall revise the zoning schedule in accordance with the current Lakewood UDO. The following items shall be revised: Minimum lot area of 10,000 sf is shown, where 20,000 sf is required. Minimum front setback of 15 ft is shown, where 25 ft is required. Minimum rear setback of 10 ft is shown, where 30 ft is required. Minimum aggregate side setback of 20 ft is shown, where 25 ft is required. In accordance with the current Lakewood UDO, minimum rear setback and aggregate side setback variances are required for the proposed Lots 63.01 and 63.02. Since revisions of the Minor Subdivision Plan are needed to conform to the Lakewood UDO, the Minor Subdivision Plan shall be submitted to the Ocean County Planning Board for re-approval. The proposed building will be served by public water and sewer. Lists of the neighboring property owners within 200 ft radius of the site shall be updated. The applicant shall revise the plan to show parking spaces in front of the existing building. The neighboring buildings adjacent to the property shall be shown on the plan. All existing features such as trails, shades, and walkways, shall be shown on the plan. Concrete curb and sidewalk are existing along the Ocean Avenue frontage of the property. Concrete curb exists along the Second Street frontage of the property. The Board should determine if concrete sidewalk will be required along the Second Street frontage of the property. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 20, 2007. The applicant seeks re-approval of a minor subdivision plan to subdivide the subject parcel into two (2) new conforming lots, located within Block 248.01. The subject parcel is a 2.06-acre (89,813 square feet) lot that has double frontage on both Ocean Avenue (State Highway Route 88) and East Second

Street. The applicant is proposing to subdivide the property so that the existing 13,636-square foot, two-story commercial building would maintain frontage on Ocean Avenue for proposed Lot 63.01. Proposed Lot 63.01 would be 34,486 square feet. The 55,327-square foot lot for proposed Lot 63.02 will have frontage only on East Second Street and is currently vacant. The property is located in the Wholesale Service (B-4) Zone District near the downtown and east of the New Jersey Main Stem Southern Branch rail line. The surrounding land uses are generally commercial. There are two schools that adjoin the property to the east. The applicant received minor subdivision plan approval on April 20, 2004. Various commercial uses, as well as residential use, are permitted in the B-4 Zone District. Although no variances are requested, the existing structure (new Lot 63.01) encroaches on adjoining Lot 61 by 3.4 feet. This is an existing non-conformity. The applicant should specify the use of the existing building. In the application, the applicant indicates that the use is "commercial." The applicant should specify a use that conforms to the B-4 Zone District permitted uses. The bulk schedule should be amended to reflect the current standards for the B-4 Zone District as follows: Lot Area. The permitted lot area is 20,000 square feet and not 10,000 square feet. The front yard requirement is 25 feet and not 15 feet. The rear yard requirement is 30 feet and not 10 feet. The applicant will need to revise the front and rear yard setback lines for proposed Lot 63.02 on the plat. The applicant should be prepared to provide testimony on the existing building's encroachment on Lot 61. The plans show an encroachment that ranges from 3.1 to 3.5 feet. The applicant indicates that in the front yard of Lot 63.02 the existing chain-link fence will be replaced with a new chain-link fence in the same location. The applicant should also note the height of the fence to demonstrate conformance with the Township UDO standards. The prior resolution of approval specified that the chain link fence would be removed on Lot 63.02. At least three (3) parking spaces are required for all business uses within the Township. The applicant on their submission form indicates that the number of parking spaces is not applicable. However, on the minor subdivision plan there appears to be parking in the rear on proposed Lot 63.01. The applicant should indicate the number of parking spaces for proposed Lot 63.01 and demonstrate conformance with Section 18-807.B. for commercial uses. When and if any application is proposed on Lot 63.02, the applicant should conform to the Township development regulations for parking on this lot. For both new lots, the applicant will need to demonstrate conformance with Section 18-807.C.6. The Township UDO permits parking to be located in any yard space that is not closer than twenty (20) feet from any street line. As a condition of approval, the applicant was to locate the existing signage. The applicant has indicated that there is an existing 121 square foot (8.7' x14') sign for the commercial use. The sign is located on Lot 61 and is off-site. The applicant has not noted the utility easements on the site. The applicant indicates that water and sewer is provided by New Jersey American Water Company. The applicant has noted that curbing is in place on both frontages of Ocean Avenue and East Second Street. Sidewalks front Ocean Avenue and are not proposed on East Second Street. The Township UDO requires that sidewalks be provided. In the approving resolution, the applicant received a condition of approval not to provide sidewalks on East Second Street, provided that if and when any development application is submitted that sidewalks would be provided. As required by the condition of approval, the applicant has provided notes specifying this condition. As conditioned by the approving resolution, the applicant has provided a note on the subdivision plan that repair and replacement of existing curb and sidewalk will be done if required by the Township of Lakewood Engineer along Ocean Avenue. The balance of the comments are technical in nature.

Mr. Miri Esq. appeared on behalf of the applicant with Mr. Abadi. Mr. Mager prepared the plans but is not present, but Mr. Miri spoke with him and he stated he would comply with the comments from the professionals. Mr. Abadi said they would comply with all of the comments. Mr., Neiman asked if that included the UDO changes and Mr. Abadi said yes. Mr. Abadi said all of the information that the professionals asked for is changes on the plan. The plan that was submitted was the old plan which was originally filed with the original zoning. Now with the new zoning changes, those new changes were not put on the plans. They will make a new plan with the new UDO changes, the side yard setbacks, etc. Mr. Banas asked when they think they would have these new plans and he said by this Thursday. Mr. Kielt said they don't have to be back until August 23rd, so they will be in time.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to advance this application to the September 18, 2007 meeting

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

3. SD # 1529A (VARIANCE REQUESTED)
APPLICANT: STAR DEVELOPERS, FORMERLY MATHIAS DEUTSCH
Location: East Harvard Street, east of Park Place
Block 170 Lots 7, 8 & 9
Extension of previously approved Minor Subdivision for 4 lots

Mr. Peters stated the project was previously approved by the Planning Board; the Resolution of Approval was adopted on November 14, 2006. The last revised plans dated February 9, 2007 were determined not in conformance with the resolution for outside agency approvals and a bond for the removal of the existing dwelling. The applicant is seeking an extension of the previous approval for a period of 190 days. The application form did not provide information on the reason for the extension. The applicant shall provide testimony on why the board should grant the requested approval.

Mr. Flannery appeared on behalf of the applicant. He said the application for an extension is similar to other approvals; they did not get down in time and need an additional 190 days.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to extend the approval for 190 days

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

4. SD # 1553A (VARIANCE REQUESTED)

APPLICANT: THE TEEN CENTER FOR EDUCATION AND OPPORTUNITY INC.

Location: southwest corner of E.8th Street between Middlesex & Somerset Aves.
Block 21 Lots 1 & 3

Extension of previously approved Minor Subdivision for 4 lots

Mr. Peters stated the project was previously approved by the Planning Board; the Resolution of Approval was adopted on October 17, 2006. The contents of the plans dated May 17, 2007 were determined in conformance with the resolution; however, the applicant has not provided copy of TWA permit. The applicant is seeking a 190 day extension of the previous approval. The application form did not provide information on the reason for the extension. The applicant shall provided testimony on why the board should grant the requested approval.

Mr. Flannery appeared on behalf of the applicant. He said they needed the approval of the DEP which they feel they need an additional 190 days.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to extend the approval 190 days

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

5. 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

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide Block 4, Lot 11.02 into two lots. The existing dwelling that is currently located on the Lot 11.02 will be removed. A single family dwelling is proposed on each of the proposed Lots, 4.01 and 4.02. The property is situated on Attaya Road, within the R-12 Zoning District. The applicant is requesting lot width variance for the proposed Lots 4.01 and 4.02; 75 ft are proposed for both lots where 90 ft are required. 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. Three (3) off-street parking spaces are provided by the applicant. The Planning Board shall determine if the proposed parking spaces are adequate for the proposed use. All existing features which are to be removed shall be labeled as to be removed on the Improvement Plan. The proposed residences will be serviced with individual septic systems. The applicant shall testify as to the location of the nearest public utilities. Per NJRSIS manual, septic disposal fields shall be separated from one to another by a minimum of 50 ft. The applicant shall relocate the proposed disposal fields to meet the RSIS requirements. A roadway repair detail shall be added to the Improvement Plan, since the installation of the gas connections will cause

disturbances to the Attaya Road. Curb, sidewalk and a 6' shade tree easement have been provided along the property frontage. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 25, 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. The subdivision plat indicates that an existing two (2) story dwelling and in-ground pool will be removed. The size of the property is approximately 1.033 acres (45,000 square feet). Each of the proposed lots will be 22,500 square feet. 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. This application was discussed at the Plan Review meeting on July 10th. The applicant has submitted revised plans to address the comments of the Planning Board. Single-family detached housing is the only permitted residential use type in the R-12 Zone. The following variances are required. The lot width of new Lots 4.01 and 4.02 are 75 feet; the minimum lot width in the R-12 Zone is 90 feet. The positive and negative criteria for the required bulk variances should be addressed. The applicant should provide testimony concerning the lot sizes in the surrounding neighborhood. The applicant has not submitted architectural plans for the proposed lots. Parking for all proposed lots must comply with NJ RSIS standards. Conceptual septic disposal beds are indicated on the Improvement Plan. The applicant should clarify where the water sources for the new lots are 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. A shade tree easement and proposed sidewalks are indicated on the Improvement Plan. The balance of the comments are technical in nature.

Salvatore Alfieri, Esq. appeared on behalf of the applicant. This applicant originally came to the board with a conforming flag lot, but revised the plans to be 2 conforming lots based on the boards' recommendation. There is a lot width variance with this application. They will comply with the recommendations from the board with the exception of a few items. They will be providing a minimum of 4 on site parking spaces, not 3. Mr. Banas asked how many bedrooms there will be and Mr. Alfieri said they anticipate 5, but there are no architecturals with this, it is only required with flag lots. The building envelope is established by ordinance. Mr. Burdick stated the need for septics is because the nearest sewer and water service is located on New Central Avenue, approximately 400-500 ft. from this site, uphill and through private property. There is a provision in the ordinance that provides the homes be architecturally different and they have a note on the plans to show that.

Motion was made by Mr. Neiman, seconded by Mr. Gatton, to move this application to the public meeting of September 18, 2007

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

6. SD # 1595 (VARIANCE REQUESTED)
APPLICANT: 53 WEST CROSS STREET JACKSON LLC
Location: West Cross Street, west of White Road
Block 251 Lots 12, 13 & 13.01
Preliminary & Final Major Subdivision – 6 lots
This also falls in Jackson Township

Mr. Banas asked who will be doing the bulk of the work and Mr. Doyle stated the bulk of this application falls within Lakewood Township. There is an existing home that would remain that is located in Jackson Township and there is 5 lots that would otherwise be developed and in all 5 lots the proposed home would be solely in Lakewood Township although parts of 2 lots would be in Jackson Township.

Mr. Peters stated the applicant is seeking Major Subdivision Approval to subdivide four residential lots into eight new residential lots. A one story dwelling exists on existing Lot 5 and will remain on the proposed Lot 5.01. A two story dwelling is proposed on each of the new Lots 13.02, 13.03, 13.04, 13.05, and 13.06. No dwellings are proposed on new Lots 4.02, and 7.01 which are located in Jackson Township. The property is located along West Gross Street within the R-40 zone. The applicant is requesting three variances from the zoning requirements of Jackson Township for Lots 5.01 and 7.01. The combinations of the proposed Lots 4.02 & 13.06 and Lots 7.01 & 13.02 are in conformance with the Lakewood Township UDO. Because the lots are split by the municipal boundary, the individual Lots 13.02 and 13.06 don't conform to the UDO. Depending on the Board's interpretation of how the split lots should be considered the following variances may be required. The applicant may require minimum a lot area variances for proposed Lots 13.02 and 13.06. A minimum of 40,000 sf lot area is required, where approximately 32,900 SF and 22,000 SF are provided for Lots 13.02 and 13.06 respectively. The applicant may require minimum a lot width variance for 13.02. A width of 150 ft required, and approximately 90 FT is provided for Lot 13.02. Additional variances may be required for building setbacks from the lot lines that will run along the municipal boundary. Proposed lot information shall be shown in the Lakewood Township Zoning Schedule to demonstrate compliance with the ordinance has been achieved. The proposed street name shall be approved by the Zoning Secretary. Evidence of the street name approval shall be provided. Instead of 20 ft rear yard setbacks, 30 ft rear yard setbacks should be shown on the plans for Lots 13.03, 13.04, 13.05, and 13.06. Ocean County Planning Board and Ocean County Soil Conservation District and Jackson Township approvals are required. Evidence of the approvals shall be submitted prior to signature of the final plat. Required and proposed Off-street parking spaces shall be included in the zoning schedule. Architectural plans shall be submitted for review. Curb and sidewalk have been provided along southern side of proposed Olive Lane and around the cul-de-sac bulb. No sidewalks are proposed along the north side of Olive Lane and the West Cross Street frontage of the property. The Board should determine if sidewalks will be required to be install along. The proposed dwellings are proposed to serve by individual wells and septic systems. The applicant shall provide testimony on how the existing dwelling is served either by public water and sewer service or individual septic system. If the dwelling is served by individual septic system, location of the septic field shall be shown on the plans. The applicant has provided adequate separation distance between the proposed septic fields and proposed

wells. The applicant has called out a 15' and 50' wide drainage easement on the plans. The applicant shall provide testimony on who will be responsible for maintenance of the under ground drainage system. If a Home Owner Association is to be formed, document regarding to formation of the Home Owner Association shall be submitted to the township engineer and solicitor for review. A handicap ramp detail with truncated domes shall be included in the Construction Details Plan. The stop sign detail shall show red reflect sheeting installed at front of the stop sign pole. The sump area located at southeastern of the site, may cause a safety hazards when filled with stormwater. We recommend fence to be installed around the area to ensure safety of the surrounding residents. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 18, 2007. The applicant seeks preliminary/final major subdivision and variance approvals to subdivide the subject property located in both Lakewood Township and Jackson Township (Jackson). Lot 12 is part of a larger tract, a portion of which is assessed in Jackson as Block 13802, Lot 5 (Tract 1). Lots 13 and 13.01 are also part of a larger tract, a portion of which is assessed in Jackson as Block 13802, Lot 7 (Tract 2). Tract 1 currently contains a residence and an accessory shed, both of which lie within Jackson Township; the applicant indicates this residence shall remain. Tract 2 is assessed as vacant by both Townships. Sheds of undetermined origin are located on the Jackson portion of the Tract 2. The Lakewood portions of Tracts 1 and 2 appear to be vacant and unimproved. Frontage for both existing lots is along West Cross Street (County Route 626), located in Jackson. The applicant proposes to subdivide the existing tracts into six (6) building lots fronting on Olive Lane, a proposed cul-de-sac road. As indicated by the applicant's improvement plan, the building footprints for five (5) proposed lots that currently do not contain residences lie within Lakewood Township. The northwestern portion of a drainage easement (with indicated drainage pipe and manhole) lies within Jackson, with the southeastern portion (including an apparent drainage basin) located in Lakewood. The municipal border divides Olive Lane, which connects to West Cross Street to the west. The property is located in the western part of the Township. The tract and adjoining properties within Lakewood Township are zoned R-40 (Residential). In general, the surrounding land uses are low in density, with individual lots either residentially developed or wooded and unimproved. Single-family detached housing is a permitted use in the R-40 Zone. The applicant has not requested variances for the portion of the property within Lakewood Township. Portions of the property in Jackson Township are subject to the development regulations of Jackson Township. As per Section 18-805.C of the Lakewood UDO, side lot lines shall be at right angles to straight streets. The applicant should explain why it is not practical to have the new side lot lines for proposed Lot 13.06 at right angles to Olive Lane. If deemed impractical to orient the side lot lines at right angles, the applicant will have to request a waiver and should note this as such on the subdivision plat and plans. The portion of the lot line not at a right angle to Olive Court adheres to the municipal boundary between Lakewood and Jackson; as such a waiver from strict adherence to Section 18-805.C may be deemed appropriate for this item. The Zoning Table and subdivision plat do not reflect the fact that the proposed subdivision is creating two (2) corner lots. The plat and plans should be changed to indicate that corner Lot 13.02 requires two (2) front yard setbacks, with one (1) rear yard and side yard setback, respectively. The other corner lot lies totally within Jackson Township. The applicant's plans indicate that Jackson's underlying R-3 zoning district has differing bulk requirements than that of the Lakewood R-40 Zone. We recommend that the applicant

clarify and label on the plat and plans, where applicable, the setbacks for each municipality. Parking for all proposed lots must comply with NJ RSIS standards. Confirm that sufficient area is provided for three (3) vehicles for all proposed lots, and indicate as such on the subdivision plans, preferably under the zoning bulk table. The applicant should testify in detail as to the municipal service arrangements to service the proposed subdivision. All cross-municipal service agreements are to be reviewed by Board and Township attorneys. Individual septic systems are indicated on the proposed lots. 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. Testimony should be provided as to the nearest available connections for sanitary sewers. The Applicant should discuss the following in regard to Olive Lane. The plat and plans should indicate if Olive Lane will be a public or private road. Any proposed name for the street currently designated Olive Lane should be approved by the Lakewood Township Clerk to avoid duplicate names. Applicant should address the status of any approvals required from Ocean County in regards to County Route 626 (West Cross Street). We recommend that any county or (Jackson) township required site triangles be indicated on the plat and plans. A Tree Protection Management Plan does not contain the information required by Section 803H of the UDO. A proposed 4-foot wide sidewalk is indicated on the plans, running from West Cross Street along the southeastern portion of Olive Court. The applicant should address why the sidewalk does not run the entire length of the northwestern border of Olive Court from the end of the cul-de-sac to West Cross Street. An 8 foot wide shade tree and utility easement is indicated on the plat and plans. The balance of the comments are technical in nature.

Mr. Doyle, Esq. appeared on behalf of the applicant. The parcel rests in 2 municipalities. They will have to go to both municipal agencies for approval. They have been in front of the Jackson Planning Board for an informal review and have submitted their formal review and are waiting to be deemed complete. The resolutions are done by both boards and are made subject to a shared service agreement whereby the municipalities agree as to who will do such things as the building inspections, street maintenance etc. They would expect that they would review with the Lakewood governing body their willingness to provide those public services in as much as the 5 homes to be constructed would all be within the confines of Lakewood Township. The street, Olive Lane is intended to be a public street. They agree to comply with most of the comments in the professionals' report. The variance issue of whether or not the entire lot meets that municipalities' standards is answered because Lots 13.05, 13.04, 13.03 are within Lakewood Township and all of them have 40,000 sf. Lot 13.06 is within Lakewood and Jackson Township and it too has more than 40,000 sf, so it meets the Lakewood requirement. Proposed lot 13.02 and 5.01 are both well more than an acre and clearly meets the requirements for Lakewood Township, so in terms of Lakewood, they are not seeking variances and will have to get the variances from Jackson and they have a 3 acre zone. The thinking on the sidewalk is that on this limited cul de sac one side would be sufficient, but he had a feeling the board would disagree with that and they would put in the sidewalks. With the drainage, they would hope that with this limited circumstance, a homeowners association would not be required, but the limited drainage facility is to the southerly side of proposed lot 13.02 and does not require active maintenance and he hopes they could review with the engineer prior to the meeting whether a homeowners' association would be needed.

Mr. Franklin said maintenance would be needed and he can't maintain them where they are, because he can't get his equipment back there. Mr. Surmonte said the nature of the basin is there is a natural low lying area at the south end of the property where they abut lot 14.01. The drainage system is designed to collect and infiltrate the entire 100 year storm, but what they did in that lower part of lot 13.02 is regarding it to provide an emergency sump in the event that this system might overflow. It is nothing more than a shallow grass basin which would not hold water unless the entire system would fail, and this system is designed to handle the 100 ft storm, and that system runs between the property lines of Lot 13.02 and 13.03 and on the north side of Olive Lane between Lots 13.06 and 5.01. It is subterranean piping and does not require active maintenance, but there may be a long term need for maintenance and there would be an easement provided. Mr. Franklin said it would be impossible for him to get back to those basins. There will be fences put up along the property lines and next to where the basins will be and his equipment is gigantic. Mr. Doyle said if that is the only issue, Mr. Surmonte's testimony is that there is no need to have equipment back there, that is a sump area and only in the event the 100 year flood system would fail. Mr. Franklin said they would probably be good for 8-10 years, then the pipeline will have to be cleaned out. Mr. Surmonte asked if they made a wider easement and Mr. Franklin said they would have to pave it. Mr. Franklin said this has been a problem with these designs, along with the homeowner not knowing what to do with these systems and that they can't rake their leaves in them. Mr. Surmonte asked if they moved the system into the public right of way would it be a problem and Mr. Franklin said no, then it could be a public street. Mr. Doyle stated the public water and sewer was approximately 1/2 mile away at the closest and these lots are significantly sized and able to handle both private wells and septic tanks and they would be subject to county approval. There was a question raised about proposed lot 5.01 easterly side line is not perpendicular to the proposed Olive Lane, and they did that for a triangle that is about 20 x 20 and had it be non perpendicular so that the property line could run coextensively with the municipal boundary. Mr. Truscott agreed with the testimony. Mr. Doyle said they agreed to the balance of the balance comments.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to advance this application to the September 18, 2007 meeting

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

7. SD # 1597 (NO VARIANCE REQUESTED)

APPLICANT: ELISA ROBBINS

Location: Oak Knoll Road, between Arbutus & Magnolia Drives
Block 19 Lots 1 & 3

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide two residential lots into two new residential lots. A one story dwelling exists on the existing Lot 1 and will remain on the proposed Lot 1.01. No construction has been proposed on new lot 1.02. The property is located between Oak Knoll Road and Iris Road within the R-12 zone. No bulk variances are required. The applicant shows in the zoning schedule 3 off-

street parking spaces are proposed for each of the new lots. One parking space is provided by the existing 30.8'x13' driveway for the proposed Lot 1.01. Unless the existing dwelling on the Lot 1.01 has a two car garage with adequate dimensions, the applicant shall revise the zoning schedule to show 1 proposed parking space. The applicant shall either request a variance for not providing adequate parking spaces or propose a driveway large enough to park three cars. In addition, a note shall be added to the plan stating that a minimum of 3 off-street parking spaces shall be provided for the proposed Lot 1.02, if new dwelling is proposed on this lot. Curbs are existing along the Oak Knoll Road and the Iris Road. There are no existing sidewalks along either the Oak Knoll Road or Iris Road frontage of the property. The Planning Board should determine if the applicant will be required to install sidewalks along frontage of the property. The applicant shall show all easements on the plan. Usually a 6' shade tree and utility easement are required to be dedicated to the township along frontage of the property. The Board should determine if the Shade Tree easements will be required. All existing features shall be called out on the plan. The applicant shows a pit on the proposed Lot 1.02. The applicant shall call out usage of the pit. A graphic scale has been provided on the plan. The applicant shall add a written scale on the plan as well. Proposed Lot 1.02 is a thru lot and should be designated as having its frontage on the lower order street. The "rear" of the property should have access restricted and be planted with a landscape buffer. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 18, 2007. The applicant seeks minor subdivision approval to subdivide the subject parcel into two (2) new conforming lots, located within Block 19. Lot 1, located on Oak Knoll Road, currently contains an existing one (1) story dwelling and is approximately 28,800 square feet in size. After the proposed subdivision, the existing home will be located on the 12,903.7-square foot proposed Lot 1.01. Lot 3, located on Iris Drive, is a vacant 15,000- square foot parcel. Through Lot 1.01 is 28,800 square feet, with frontage on Oak Knoll Road and Iris Court. The property is located in an R-12 Zone 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 generally residential. Single-family detached housing is a permitted uses in the R-12 Zone. The applicant does not require variances. As per Section 18-805C of the Lakewood UDO, side lot lines shall be at right angles to straight streets. The applicant should explain why it is not practical to have the new side lot lines at right angles to Iris Court. If deemed impractical to orient the side lot lines at right angles, the applicant will have to request a waiver and should note this as such on the subdivision plat. Lot 1.02 is a proposed through lot, which are regulated under Section 18-908. The applicant should provide testimony as to which street (Oak Knoll Road or Iris Road) the majority of existing homes orient to, and amend the plat to indicate this as the primary frontage. The applicant must provide a minimum 5-foot landscape buffer along the secondary frontage. The plans should be amended to show the buffer and sufficient landscaping plan for the secondary frontage. The applicant should confirm if the existing lots are conforming and provide a rationale for creating a through lot where none currently exist. The bulk chart should be amended to reflect that through Lot 1.02 must meet minimum front yard setbacks for both primary and secondary frontages. The provided rear yard setback (for both primary and accessory uses) for Lot 1.02 should be changed to "N/A" on the bulk chart, and the buffer requirements for through lots should be added to the chart. Parking for all proposed lots must comply with NJ RSIS standards. RSIS requirements should be added to the plat. Confirm the existing parking for Lot 1.01. Add existing parking amounts

and proposed parking for through Lot 1.02 to the plat. An individual septic system is indicated on proposed Lot 1.01. 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 balance of the comments are technical in nature.

Mr. Kelly Esq. appeared on behalf of the applicant. He stated they will comply with all the comments addressed in the professionals' report and will supply sufficient parking. They did not supply sidewalks on the plans but that will be corrected. There is one question with regard to the through lot and the buffer vs. the shade tree and to do both would be inconsistent. Mr. Carpenter said the ordinance requires they put a 5 ft. buffer on a through lot and you also require a 6 ft. shade tree easement. You can't put a shade tree easement on a buffer and it does not really make sense to put a buffer against the sidewalk and then put the shade trees behind it. Mr. Banas said the shade tree easement would be on the road. Mr. Truscott agreed with Mr. Carpenter and said it depends on where the house will be oriented. Mr. Carpenter said the house will front on Iris so this would be a backyard. Mr. Truscott said the secondary would be Oak Knoll Road and that is where the landscape buffer would be. Mr. Carpenter said in the report they asked for shade trees and Mr. Truscott said that could be 4ft. in to the buffer. Mr. Kelley said they are seeking a waiver of the requirement that all the side lines be a right angles to Iris Court and this proposal does not create that. Mr. Carpenter said the lot line that separates Lot 1.01 from 1.01 is perpendicular to Oak Knoll for a portion the first 56 ft. and then it makes a turn and is perpendicular to Iris Road and the ordinance says the lot line should be perpendicular from Oak Knoll all the way back to the back of lot 1.02 but if they do that they end up with a frontage variance, they would have less than 90 ft frontage on Oak Knoll. He thinks it is better to have a waiver than a variance. Mr. Truscott said the proposed line does vary as noted from the perpendicular but it comes behind the setback line to the front setback line, which makes it an angle behind the front setback line. At that point it is more important that it does do it to the front setback. Mr. Kelly said they could comply with the remainder of the comments.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to advance this application to the September 18, 2007 meeting

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

8. 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

Mr. Peters stated the applicant is seeking a preliminary and final major site plan approval to construct a five (5) story office/retail building on Lot 7 of Block 128. Five (5) stores are proposed on first floor of the building with the remaining floors occupied by office space. An existing food market is proposed to be removed. The property is located at the corner

between Fourth Street and Monmouth Avenue in the B-2 zone. No bulk variances are requested by the applicant. Outside agency approvals from Ocean County Soil Conservation District is required. Evidence of the approval shall be provided prior to signature of the plans. The proposed building will be served by public water and sewer. In accordance with the Lakewood UDO, non-residential uses in the B-2 zone are exempt from the parking requirements. The applicant has not proposed any parking spaces for this development. The applicant should provide testimony on the location of any nearby public parking lots. Per section 18-803 of the Lakewood UDO, 25 ft buffer is required for non-residential development adjacent to residential development. The applicant is proposing stockade fence along north and west of the property lines. The board should determine if the stockade fence is adequate screening for this site. Concrete curbs and sidewalks are existing along the Fourth Street and Monmouth Avenue at the property frontage. A note shall be added to the plans stating the contractor shall remove and replace any damages curb and sidewalk at the direction of the Township Engineer. All proposed features shall be called out on the Site Development Plan. Existing features that are to be removed shall be label as to be removed on the plans. The applicant has proposed a retaining wall west to the proposed building. The applicant shall include a detail for the retaining wall. The applicant shall provide low level lighting north to the proposed building bordering the neighboring Lot 6. The light shall be screened to prevent spill over on to the neighboring residential lot. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 26, 2007. The applicant is seeking preliminary and final major site plan approval to construct a sixty-five foot high, five (5) story building. The applicant proposes to provide retail use on the first floor, with the second through fifth floors composed of offices. The subject property is 7,500 square feet (0.17 acres) in area and is located on the west side of Monmouth Avenue between Fourth and Fifth Streets. One commercial structure is currently located on the site. The retail uses will be comprised of five (5) retail units with frontage along Monmouth Avenue. Additional side entrances to the building are provided on the north and south sides of the building. The applicant has not requested any variances. The Lakewood UDO (Section 602) provides that site plans propose screening, landscaping, and other site improvements to minimize adverse effect on surrounding property. The applicant must address how these items are satisfied by its proposal, as a landscaping and/or screening plan and street trees have not been provided. We recommend that screening and/or buffering be provided to shield adjacent properties. A waiver is required if buffering is not proposed on the site. Since the tract is surrounded by residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. Revise the site plan to indicate the proposed square footage of the buildings. In addition, provide a note that all sidewalks along the site frontage will be repaired or replaced after construction is completed. The Fourth Street façade should be revised to reflect more of a “street front” appearance with larger windows and downplaying the side utility doors. The Board should consider improvements to the streetscape, such as street trees, surface treatment, and decorative lighting. The applicant should address the following in relation to its proposed building to adjacent residences: Anticipated usage of the rear and north side door entrances for the proposed building and Lighting plan specifications. The applicant has not provided any off-street parking spaces and such parking is not required for non-residential uses in the B-2 Zone (as per Section 18-870.B.9 of the Lakewood Unified Development Ordinance). The applicant should discuss the availability of parking for the anticipated offices and

businesses. The property is a corner lot. Revise the bulk zoning chart to indicate two (2) front yards, one (1) rear yard and one (1) back yard. The zoning map on the title page should be amended to indicate the correct location of the property. The current location indicated is southeast of the actual location. Discuss the location of any solid waste collection facilities and access to such a facility. Shade Tree/utility easements or street trees are not indicated on the applicant's plans. This office has not been provided an Environmental Impact Statement (EIS) for the proposed improvements. The balance of the comments are technical in nature.

Miriam Weinstein Esq. appeared on behalf of the applicant. She said they will comply with most of the recommendations from the professionals, with the exception of 2 and those would be the buffering and the parking. She will defer the parking issue to the public hearing. Mr. Flannery said he would address the buffering at the public hearing and they would be requesting a waiver. He said it is in the downtown area and the ordinance states that if you are next to a residence you leave 7 ft. on the side and 10 ft. in the rear and they have left them and see the comments to add some street trees and they would have to do that within the right of way and they would comply with any recommendation of the professionals as far as adding more landscaping on the site. They are not asking for any variances, there is an existing building there and at the public hearing they will elaborate on what an improvement this will be to the area. Mr. Banas said he does not agree with the UDO on a waiver. He feels that is really a variance and asked if it was advertised with a variance. Mrs. Weinstein said they did not but said they have a catch all in the notice.

Mr. Franklin said in front of a building this size he would like to see the sidewalks go all the way from the building to the curb on both sides because to try to control a small grass section you can't do it. When the Second Street application was approved, they were asked to coordinate their building with the reconstruction of the street to get their sewer lines and water mains into the building. We are in the process of re designing 4th Street for a project next year and ask that the same thing be done. Locate a spot where the sewer and water will be coming in and that would save the headache later on. Mr. Franklin asked how the garbage would be handled and Mrs. Weinstein thought they would be trashcans to the street and Mr. Franklin said that would not work for a 5 story building and they should have some sort of compactor. Mr. Flannery said they would look into the trash compactor and that would be located in the 10 ft. rear yard setback area. Mr. Gatton asked about input from the neighbors and Mr. Flannery said everyone within 200 ft. gets a notice.

Motion was made by Mr. Franklin, seconded by Mr. Fink, to advance this application to the September 18, 2007 meeting

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

9. 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

Mr. Peters stated the applicant is seeking preliminary and final major site plan approval to construct a bank and one story retail building on Lot 253 of Block 1160.01. There is an existing 3 story masonry office building on site. The bank and retail building are located west to the existing building. The bank is proposed on the existing parking area, and the retail building is proposed on a grass area. The site is located at the corner between Airport Road and N.J State Highway Route70 in the B-5 zone. The applicant is requesting a front setback variance for Lot 253, 58 ft is proposed, where 100 ft is required. The applicant shall provide architectural plans that show the height of the proposed retail building is under the maximum building height required by the Lakewood UDO. Outside agency approval will be required from the Ocean County Soil Conservation District. A note shall be added to the plans to state that no medical or dental offices are permitted in the proposed retail building. Medical or dental offices in the retail building will require the applicant to provide additional parking spaces. The applicant shall revise the plans to show any existing or proposed sidewalks on site. The applicant has proposed to re-stripe some areas of existing parking from ten foot wide space to nine foot wide parking spaces. Nine food wide spaces are acceptable. The applicant has provided 242 parking spaces where 242 are required by the UDO. A proposed depressed curb has been called out in front of the proposed retail building. The applicant shall call out and show the ramp to behind the depressed curb will meet ADA requirements. A handicap ramp shall be installed for the bank as well. Roof drains and cleanouts shall be shown on the plans for the proposed bank and retail building. Details of the cleanout and roof drain shall be included on the detail sheet. The proposed one story retail building will be constructed at the existing grass area in front of the existing masonry building. The applicant shall provide calculations to show the increase in runoff from the retail building. Although no stormwater runoff reductions will be required due to the size of the building, the impact on the existing stormwater collection system shall be addressed. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 6, 2007. The applicant is seeking amended preliminary and final major site plan approval to construct two (2) new buildings on the property, which currently contains an existing 13,953-square foot, three (3) story masonry office building and surrounding parking area. The subject property is a corner lot is 160,000 square feet (approximately 3.67 acres) in size and is located on westbound Route 70, just west of the Garden State Parkway. Initial site plan approval was sought (and granted) in 1986 to construct three (3) buildings and related improvements. Amended approval was granted in 2000, reducing the amount of buildings (existing/proposed) to a total of two. The applicant is seeking to amend its approval for the second building and proposes to construct a third building. As part of the proposal, modifications to the parking area, including a reduction of parking stalls to 9 feet x 18 feet, are indicated by applicant. Cumulative square footage of the three buildings will be 23,553 square feet. The applicant is requesting that the site be classified as a shopping center. The footprint of the

second building is proposed at 60 feet x 120 feet or 7,200 square feet. The submitted architectural plans indicate that five (5) retail areas (each totaling 1,800 square feet) are to be located in the building. The third building is proposed to contain a bank, and has a footprint of 75 feet x 32 feet or 2,400 square feet. Two (2) drive-through lanes (divided by a traffic island and canopy) are to be located on the east side of the building. The tract and contiguous properties to the east and west are zoned B-5 (Highway Development); adjacent properties to the north are located in an M-1 (Industrial) Zone). Properties along eastbound Route 70 are zoned B-5 and R-20 (Residential). Land usage is generally commercial, with residential development in the R-20 Zone. Large portions of the access road and associated signage to the site lie within the Route 70 right-of-way; no changes are proposed for these areas. Shopping Centers are a permitted conditional use in the B-5 Zone. Banks are not a permitted use in the B-5 Zone. However, service uses are within the definition of a "shopping center." A determination by the Zoning Officer will be necessary to confirm allowable uses and the Planning Board's jurisdiction. A request was submitted to the Township Zoning Officer on July 30, 2007 by the project engineer and a response has not been received as of the date of this report. The board should find in their packet a memo from Ed Mack relating to this issue that states the zoning officer feels that this application should be under the planning board's jurisdiction. As defined in the Lakewood UDO, shopping centers are "a grouping of retail business, service uses, houses of worship or offices on a single site planned, constructed and managed as a total entity with customer and employee parking provided on site, provisions for goods delivery separated from customer access, aesthetic considerations and protection from the elements." The applicant has requested the following bulk variance from B-5 Zone standards: Minimum front yard setback: 100 feet required, 58 feet proposed. The positive and negative criteria of the requested variance should be addressed. If the Planning Board does not find the property to be a shopping center under the ordinance, we note the following: The Resolution approving the amended plans specifically notes that the third building (which was to contain the proposed bank) was eliminated from the amended plans. By amending the plans to eliminate the third building initially approval in 1986, the use of that building (a bank, which was never built) was, in essence, also abandoned. As such, the application to build a bank should be considered an additional use to the already-existing (and approved) uses from the Year 2000 amended application. Conditional use requirements for shopping centers are less stringent than the underlying B-5 Zone except for building height, which is 45 feet. Applicant must confirm that all buildings are/will be 45 feet or less, or a D (3) conditional use variance will be required from the Board of Adjustment. If the proposal is deemed a shopping center, a separate bulk table for shopping center conditional use requirements should be added to the plans. The applicant should clarify on the bulk chart(s) that the property is a corner lot, clearly indicating two (2) front yards, one (1) rear yard and one (1) back yard. The parking requirements for this site must meet the specific standards for all uses of the property, as the cumulative floor area of 100,000 square feet or greater applicable to shopping center-specific parking requirements are not met. We recommend the applicant provide a more detailed list of uses to ensure compliance with parking requirements, so the amount of parking listed on the site plans meets the minimum threshold for the uses listed by applicant. The proper parking computations should be provided on the site plan. We note that a portion of off-street parking requirements noted on the plans (1 space per 300 square feet) are based on an office and/or bank use. Uses requiring more parking spaces (retail: 1 space per 200 square feet, medical offices: 1 per 150 square feet) are also noted.

If additional retail or medical/dental offices are contemplated, additional parking is required. The use should be stipulated and additional Board approval required if the proposed use(s) varies from that approved. The Lakewood UDO (Section 602) provides that site plans propose screening, landscaping, and other site improvements to minimize adverse effect on surrounding property. The applicant must address how these items are satisfied by its proposal. We recommend that screening and/or buffering be provided to shield adjacent properties. A waiver is required if buffering is not proposed on the site. The fully detailed landscaping plan should be prepared with consideration of existing vegetation to remain after future site plan disturbances. The applicant should supply a varied planting schedule for the buffer areas. Foundation plantings around all buildings should be added to the site plan, or a waiver requested. The applicant should address the status of any required NJDOT and CAFRA approvals for its amended site plan. Shade tree/utility easements, sight triangles and proposed sidewalks are not indicated on the plans. An Environmental Impact Statement (EIS) has not been submitted to this office. The balance of the comments are technical in nature.

Mr. Harvey Onore Esq. appeared on behalf of the applicant. He clarified the applicant position that they are not requesting the site be classified as a shopping center. Their position is that the bank is a permitted use in the B-5 zone as an office. Mr. Flannery will answer the technical issues but the one item that needs clarification is that we are dealing with an existing site which is completely landscaped, buffered, lighted, etc. so they are not starting with a clean sheet of paper and they are not expanding past the existing perimeter, so much of the ordinance requirements are already in place. Mr. Banas said he did not know if that is necessarily true. He said what was done back at the inception there were a different set of ordinances and now you are coming in with a change to approve under a new set of ordinances. Mr. Flannery stated the reports say what they needed to add and their position is that they are there because they are existing and they will show the existing things that are there and to the extent that they are not, they would have to supplement it. The perimeter is landscaped nicely and the buffering to the adjacent neighbors is there. With respect to the CAFRA and the DOT approvals, this site was approved by both the DOT and CAFRA with the bank and this building that they are doing, the applicant didn't build them initially and came back and said he thinks he wants to build something different, now they are back with exactly what they had approved. Mr. Banas asked about the buffering around the perimeter and Mr. Flannery said the site as it exists complies with the buffering in the ordinance and at the public hearing they will show what is there.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to advance this application to the September 18, 2007 meeting

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

10. SD # 1600 (NO VARIANCE REQUESTED)
APPLICANT: LAKEWOOD MEDICAL ARTS
Location: River Avenue, south of Buttell Avenue
Block 420 Lot 16 Block 420.01 Lot 23
Minor Subdivision to re align lot lines

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to adjust lot lines between two commercial lots. Lot 16 of Block 420 and Lot 23 of Block 42.01; no new buildings are proposed by the applicant. An existing 2 story building is located on the Lot 23. The property is divided by HD-6, HD-7, and R-10 zone with the existing building located in the HD-6 zone. No bulk variance is requested by the applicant, although a variance for front yard setback to Route 9 will be required. Since the lot is fronting a state highway, 150 ft front setback is required, where 87.9 ft are provided. This is an existing condition. Outside agency approval will be required from the Ocean County Planning Board. The applicant shall revise the zoning schedule in accordance with the current Lakewood UDO. As shown on the Area Map provided by the applicant, Lot 23 is located in the HD-6 and R-10 zone. The applicant lists Lot 23 under the HD-7 zone in the zoning schedule. The applicant shall provide testimony on the adequacy of the existing parking for the buildings on site. No architectural plans have been provided to review the required parking based on building use and area. 11 parking spaces are subtracted from Lot 16 of Block 420 and added to Lot 23 of Block 420.01. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 27, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 16 (Block 420) and Lot 23 (Block 420.01). The applicant is proposing to relocate a small portion of the lot line between Lot 16 and Lot 23. The lot line relocation would slightly increase the size of Lot 23, and correspondingly decrease the size of Lot 16. The cumulative size of the overall tract is approximately seven (7) acres. No other changes to the property are proposed by the applicant. The property is owned by Kimball Medical Center and is one (1) block north of the Hospital's main campus, located along River Avenue (Route 9) in the southwestern portion of the Township. The majority of the property is comprised of parking spaces, with a two-story building (on Lot 23) and an infiltration basin (on Lot 16) included as well. Lot 23 is a split zone lot, located in the HD-6 (Highway Development), HD-7 (Highway Development) and R-10 (Residential) Zones. The property to be added to Lot 23 is zoned HD-7. The entirety of current Lot 16 is located in the HD-7 (Highway Development) Zone. The majority of the surrounding properties contain hospital-related uses, with some residences to the north and east. Hospitals are permitted in the HD-6 and HD-7 Zones as a conditional use. No variances are requested. The applicant should discuss the purpose of the subdivision request. Consideration should also be given by the Board to recommending to the Township Committee that the zone lot lines be redrawn to eliminate the split zone condition of the Hospital properties. An existing sidewalk and sight triangle is indicated on the plat. If new lot numbers are proposed or approved in relationship with this application, the applicant must provide proof that all proposed lot numbers have been approved by the Lakewood Tax Assessor. The balance of the comments are technical in nature.

Harvey York Esq. appeared on behalf of the applicant. He said the front setback was previously approved by the Zoning Board of Adjustment and that is contained in the resolution. The only thing that is happening here is the lot line is being moved about 40 ft. over and the reason it is being done is there is going to be a potential sale of the property and they wanted the new lot where the building exists to have the required number of parking spaces under the ordinance. If you left it where it was, then it would stand on its' own. No construction is being proposed.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to advance this application to the September 18, 2007 meeting.

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

11.SD # 1531A (NO VARIANCE REQUESTED)

APPLICANT: ASTRID JANE DECICCO

Location: Cross Street, west of Massachusetts Avenue
Block 468 Lots 7, 8, 9

Minor Subdivision to create two conforming lots

Mr. Peters stated the applicant has revised the original design to propose two new residential Lots 7.01 and 7.02, instead of three new Lots. A single family dwelling is proposed on the new Lot 7.02. The existing one story dwelling on proposed Lot 7.01 will remain. The property is located on Cross Street with frontage on unimproved Lewin Avenue, Nassau Street, and Rachel Avenue. The site is in the R-20 Zoning District. No bulk variances are requested by the applicant. The applicant shall revise the zoning schedule to show 2.5 parking spaces are required, as per RSIS when number of bedrooms is not specified. The applicant has proposed three parking spaces for each of the proposed dwellings. The planning board should determine if three parking spaces will be adequate for the proposed use. The applicant shows a 20 ft rear setback line for the proposed Lot 7.02 on the northwestern corner of the site, but 15 ft are measured from lot line of the neighboring Lot 1 perpendicular to the rear setback line. This shall be corrected. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. Evidence of approvals should be made a condition of final approval. The applicant has provided curb, sidewalk, and six foot wide a shade tree easement along the Cross Road at the property frontage. The homes will be serviced by individual well and septic systems. The plans shall be revised to show the location of the existing and proposed wells and septic disposal fields. The separation distances shall conform to the requirements of NJAC 7: 9 A - 4.3. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated July 23, 2007. The applicant is seeking minor subdivision approval to subdivide Lots 7, 8 and 9 (located in Block 468) into two (2) conforming corner lots. Existing Lot 7 contains a single-family residence and pool (which shall remain) and a detached garage (to be removed). After the subdivision, the residence and the existing remaining improvements will be located on the proposed 20,000-square

foot Lot 7.01. Lot 7.02 is 53,585 square feet in size, and, in addition to being a corner lot, is a through lot. The 1.7-acre, partially wooded property is located on the north side of Cross Street. Zoning for the tract and surrounding properties is R-20/12 (Cluster), with M-1 (Manufacturing) and R-40 (Residential) zones on the south side of Cross Street. Land use reflects the multiplicity of zoning districts – residential, commercial, and agricultural. Much of the land surrounding the site is vacant and wooded, with mapped (but unimproved streets) bordering the property to the north, east and west. The property was subject to a previous subdivision proposal to create three (3) lots, one of which was to have been a flag lot. A denial of the application (SD-1531) was memorialized by the Board on July 11, 2006. The current plans propose one (1) less lot than the prior proposal, and the subdivision follows conventional subdivision practices. The site is located in the R-20/12 Cluster Zone; single-family residences are a permitted use. The applicant has not requested any variances; however, we note that lot width for proposed Lot 7.02 was measured incorrectly and a variance is required. Lot width is measured at right angles to the lot depth. The proposed lot width of Lot 7.02 is 90 feet and a minimum of 100 feet is required. A variance should be requested. As per Section 18-805C of the Lakewood UDO, side lot lines shall be at right angles to straight streets. The applicant should explain why it is not practical to have the new side lot lines between the proposed lots run parallel to mapped streets Lewin and Rachel Avenues. If deemed impractical to orient the side lot lines at right angles, the applicant will have to request a waiver and should note this as such on the subdivision plat. Lot 7.02 is a proposed through lot, which are regulated under Section 18-908. The applicant should amend the plat to indicate West Cross Street as the primary frontage. The applicant must provide a minimum 5-foot landscape buffer along the secondary frontage. The plans should be amended to show the buffer and sufficient landscaping plan for the secondary frontage. The applicant should consider a different location for the proposed residence on Lot 7.02. Though the minimum side yard setback of 10 feet is met, we note that the proposed building is in the narrowest portion of the lot and is only 45 feet away from the existing residence. Parking for all proposed lots must comply with NJ RSIS standards. RSIS requirements should be added to the plat. Corner and through lots have certain bulk requirements not applicable to other lots located in R-20/12 Cluster Zones. The applicant should clarify the zoning bulk table by making the following changes: Front yard setback: add a separate line item indicating a second front yard setback (required/proposed) for both proposed lots. Revise lot width figures in accordance with Section B.2. of this letter. Side yard setback: add a separate line item indicating that the required combined setback (25 feet) and indicate “N/A” under proposed for both lots. Side yard setback: eliminate the proposed combined 25 foot yard side setback, as this requirement is not applicable to this corner lot that only has one side yard. An individual septic system and potable well is proposed to serve the proposed lots. 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. Testimony should be provided as to the nearest available connections for municipal water and sanitary sewers. Locate the existing septic field on Lot 7.01. The balance of the comments are technical in nature.

Mr. Kelley Esq. appeared on behalf of the applicant. This application has been redesigned from its' previous application which was denied. He said the planners report stated they measured the lot width is incorrect but the perpendicular fashion contemplates a square

box and this particular lot fronts on a street that goes on a significant angle and the way it was calculated was from the setback and under the UDO it indicates that is how it should be done. The street is slanted and you measure it that way by the setback. Mr. Truscott disagreed and said some of the testimony he gave is geared toward the rationale for a variance. Mr. Kelley said a similar application that came up here and they are left here with the law and under the UDO it is quoted, "it shall be measured at the most forward allowable building line or the setback line" so it is indicating that the measurement shall be from the setback line and when they do that here, because the street is at an angle, the setback line that runs through this property does run through at that same angle. Mr. Banas said he thought they measured it at the setback line. Mr. Peters stated you can measure it at the setback line and still be either parallel to the road or perpendicular to the rear and side yard lot lines. Mr. Jackson had no opinion but asked if it really mattered if they request one variance. Mr. Kelley said on this application they did not publish notice. Mr. Jackson said they have time before the public meeting, but he would have a discussion with Mr. Truscott and Mr. Kelley and come up with a consensus of what to do and will give a recommendation. Mr. Kelley said the applicant agrees to the remainder of the comments in the professionals' report. Mr. Banas asked why the buildings were cock-eyed and Mr. Kelley said one is already there but the other one is parallel to the side lot lines. Mr. Carpenter said as long as they are within the setback lines, it could be built anywhere on the lot. Mr. Banas said there is a question of how many spaces they need for parking and Mr. Carpenter said they would comply with RSIS.

Motion was made by Mr. Neiman, seconded by Mr. Franklin, to move this application to the meeting of September 18, 2007.

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

Mr. Kielt wanted to set up a special meeting to hear the case of Rye Oaks LLC for September 11, 2007

Motion was made by Mr. Neiman, seconded by Mr. Franklin to approve a special meeting for September 11, 2007

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

5. CORRESPONDENCE

Mr. Banas said he did receive correspondence from NJ American Water Company and Mr. Kielt and himself are working on a method to identify and notify them of our applications. They will let the board know of the outcome at a later date.

There was another question brought up about an application on Negba Street. Brian Flannery and his applicant has alternate lay out and they went to the police department and got some feedback and they want a discussion before they change the design plans and want an informal look with Max and the planning board and he thought they could do

that now. Mr. Neiman asked if they needed a quorum for that and was told no. Mr. Jackson said they do need a quorum. Mr. Flannery said there was discussion on the width of Negba Street, the existing Negba Street right of way is 20 ft. and Mr. Lines said give us 7 ft on our side of the road. Discussing it with Max and Vinnie Mignella they said if it is one way, the 7 ft. is going to work, but the police department said they would rather it not be one way because there may be times when they need to go in the opposite direction. Mr. Neiman left. Mr. Jackson said they did not need a quorum for an informal discussion. Mr. Flannery said he is coming back to say they are not going to grant a one way so they applicant is back to the same situation they had with the existing 20 ft. right of way. Negba Street is more in the nature of an alley and they would still like to go back to the 7 ft. additional dedication and prepare their plans accordingly, but they need direction from the board. The textbook answer is you need a 50 ft. right of way, you have 20 ft. so you need 30 ft. give us 15ft. but part of the lot is only 60 ft. wide and if you take 15 away from that you are virtually making that unusable. They can live with the 7 ft. and that is what they are hoping the board would say. If the board is saying it has to be 15ft. it is a hardship for the applicant and they can't design anything with that. Mr. Franklin asked if they planned on parking on it and Mr. Flannery said no, they would provide parking spaces on site. There would be no offsite parking. Mr. Peters said the actual pavement would be about 20 ft. wide so there would only be enough for 2 way traffic and no parking on both sides. The applicant would be required to go to the Township Committee and ask for that ordinance to be written. Mr. Banas asked Mr. Franklin if he knew of any streets in town that were that narrow and Mr. Franklin said they had a couple of lanes but he can't think of them right now. Mr. Gatton asked what they were planning on building and Mr. Flannery said the property is also in 2 zones, B2 and R7.5 zone. Mr. Franklin said on Farraday, they have those large lots but asked for 20 ft. wide roads. Mr. Flannery said Belvidere Avenue is also 20 ft. wide and so is Newport Avenue. Mr. Flannery said he understands they will not get a binding answer here. Mr. Flannery said they are doing a duplex and an apartment building. Mr. Franklin asked how they would ever get the parking in there. Mr. Flannery said the plan was very tight and if the board recommendation is not make the plan so tight, but still work with the 7 ft. that makes sense. He is not asking to come back the same plan they had because he knows the answer to that is. Mr. Kielt suggested they come back with something informal and conceptual then they could see a sketch of plan 1, 2 or 3, because the board is having a real problem getting a grip on what you are asking. Mr. Gatton said it sounds like you are doing too much in too little space. Mr. Peters said that original letter from Glenn talks about a 7 ft. dedication and the plans are showing an easement. Once you dedicate it you are really cutting down some of these setbacks and there are a lot of variances involved.

6. PUBLIC PORTION

- None at this

7. APPROVAL OF MINUTES

- None at this

8. APPROVAL OF BILLS

No quorum so bills could not be approved

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary