

**LAKWOOD PLANNING BOARD
REGULAR MEETING
MINUTES
DECEMBER 19, 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. Franklin, Committeeman Miller, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Gatton

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Herzl and Mr. Klein arrived

- Mr. Kielt announced the need for additional special meetings, for January 16, 2007 (Public Hearing), and February 13, 2007 (Master Plan)

Motion made by Mr. Herzl, seconded by Mr. Franklin to schedule the special meetings

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

- Mr. Kielt said there were changes in the agenda: Item #3 –SD 1550 Seymour Investments, carried to the meeting of January 16, 2007

Motion made by Mr. Herzl, seconded by Mr. Miller to schedule the application to January 16, 2007

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

ITEM #6 – SD# 1554 MARIELLE ARYEH carried to January 23, 2007 at request of the attorney for applicant, Abe Penzer

Motion made by Mr. Franklin, seconded by Mr. Herzl to schedule the application to January 23, 2007

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

ITEM #8 - SP 1854 HARROGATE carried to January 16, 2007 at the request of the applicant's attorney, Ed O'Malley

Motion made by Mr. Franklin, seconded by Mr. Herzl to schedule the application to January 16, 2007

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

Mr. Banas asked that item #10 be moved to #1 under New Business

4. NEW BUSINESS

10. DISCUSSION - APPROVAL OF NATURAL RESOURCE INVENTORY. INVENTORY ADOPTED BY THE ENVIRONMENTAL COMMISSION ON OCTOBER 4, 2006.

Mr. Truscott distributed copies 2 weeks ago for review from the Planning Board members. The board is to accept the document, which is a technical document, and does make policy for the Township but is a resource for the professionals to use and the environmental impact statement submitted by applicants should be based on the Natural Resource Inventory. Vanessa Moran from T&M gave an overview of the document. The document encompasses geology, climate, threatened endangered species habitat, vegetation and water resources. It covers the Metedeconk River, which is a category 1 status and conservation boundaries and includes a summary of different types of soils that are located in Lakewood. As far as climate, Lakewood is transitional between Pinelands and the Atlantic coast. Lakewood drains into the Barnegat Bay, Little Egg watershed which is protected by the Environmental Protection Agency in the National Estuary Program. The Natural Resource Inventory also deals with the endangered species, such as the bald eagle has suitable foraging habitat on Lake Carasaljo and Lake Shenandoah. The large tracts of forest in town are suitable for the state threatened Baird owl.

Mr. Banas said the report is voluminous and asked if there were any specifics that she would like to point out for the board. Mrs. Moran said the environmental commission was generally interested in getting a handle of the Category 1 status and how that relates to certain land uses and protections afforded to areas adjacent to those buffers. The other issue of great importance was the well head protection areas. The DEP has a tier system where the groundwater drains into the well head and what kind of land uses should be within those draw down areas.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to accept the report.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Klein; yes, Mr. Gatton; yes

1. SD # 1549 (VARIANCE REQUESTED)

APPLICANT: MORRIS WEINBERG

Location: Spruce Street, between Funston Avenue and Caryl Avenue
Block 842 Lot 3

Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide one residential lot into two lots. The property contains an existing dwelling and pool that will remain; no new construction is proposed on the new lot at this time. The property is situated on Spruce Street between unimproved Caryl Avenue and unimproved Funston Avenue, within the R-40/20 Cluster Zone. Variances are required for the following: Lot Area: Lot 3.01 proposes 32,260 SF, and Lot 3.02 proposes 20,293 SF where 40,000 square feet are required. Lot Width: Both lots propose 100 FT where 150 FT is required. Front Yard Setback: Lot 3.01 proposes 15.9 Ft where 50 FT is required, this is an existing condition, the setback is measured from the ROW if unimproved Caryl Avenue. Side Yard Setback: Lot 3.01 proposes 9.5 FT and Lot 3.02 propose 10 FT where 15 FT is required. The existing cabana on Lot 3.01 will be relocated at least 10 FT from the property line. This will eliminate the need for a variance for setback to an accessory building. Ocean County Planning Board Approval will be required; evidence of approval shall be made a condition of final subdivision approval. The Zoning Requirements Table states that each lot will provide three parking spaces per unit. Proposed Lot 3.01 appears to have sufficient space to provide more than four parking spaces. No construction is proposed on Lot 3.02, a note has been added to the plan that states any dwelling constructed on Lot 3.02 will provide a minimum of three off street parking spaces. Curbs and sidewalks have been provided along the property frontages on Spruce Street. Details for the proposed curbs and sidewalks have been provided. The remaining comments are about the map filing law.

Mr. Truscott read from a letter dated October 13, 2006. The applicant is seeking minor subdivision approval to subdivide existing Block 842, Lot 3 into proposed Lots 3.01 and 3.02, for a total of two (2) lots. The plan indicates that existing Lot 3 contains a single family dwelling, which will remain on proposed Lot 3.01. The plan also indicates that proposed Lot 3.02 will be used for a single family dwelling. The entire tract contains an area of 52,553 square feet. Proposed Lot 3.01 and 3.02 would be 32,260 and 20,293 square feet in size, respectively. The parcel is 1.2 acres in area and located on the north side of Spruce Street. The site is located in the R-40/20 (Cluster) zone district. Single family detached housing is permitted in the R-40/20 (Cluster) zone district. The following variances are required for proposed Lot 3.01: A bulk variance is required where an aggregate side yard setback of 25.4 feet is proposed, and an aggregate side yard setback of forty (40) feet is required. A bulk variance is required where an accessory building single

side yard setback of 2.6 feet is proposed, and an accessory building single side yard setback of ten (10) feet is required. Contrary to the indication on the plan, this is not a preexisting condition. The condition is created as a result of the proposed subdivision line. The applicant must address the positive and negative criteria for each of the requested variances. A six-foot wide shade tree easement is proposed along each of the proposed lot's frontage with Spruce Street. A copy of this easement should be submitted for review by the Board's Attorney and Engineer. The balance of the comments are technical in nature.

Mrs. Weinstein Esq. appeared on behalf of the applicant. The applicant had purchases two separate tax lots (lots 3 & 4) and the sellers represented that they were 2 separate lots and could be conveyed separately. After purchase, he received correspondence from the Tax Assessor and Steve Secare advising that the properties had been conveyed in violation of the law as the two lots had been merged under the doctrine of merger. (Non conforming lots can be merged if under common ownership). Many of the lots in close proximity to this one are undersized and they will provide testimony. She introduced the engineer Ray Carpenter to testify about the applicant.

Mr. Banas asked Mrs. Weinstein questions that the applicant could answer, so he was sworn in.

Morris Weinberg was asked how many bedrooms were in the existing house and he said 3 and no house was being proposed on the other lot. Mrs. Weinstein said when another house is proposed for the new lot, it would probably be 3-4 bedrooms and Mr. Banas said that would be a problem with only 3 off street parking spaces. Mrs. Weinstein said they could provide 4 spaces.

Ray Carpenter said other than the legal issues that occurred with the purchase of these lots, there are 9 lots in the area that are non conforming. Mr. Miler suggested in the future, Mr. Carpenter blow up the key map to make it easier for the board to read. Mrs. Weinstein pointed to some lots that have been approved for subdivisions and are undersized and this application said this would not be out of character for the neighborhood. There were questions about the R 40/20 cluster zone. Mr. Carpenter said this subdivision would conform to the surrounding lots. Mr. Jackson asked what purposes of the MLUL would be advanced by the deviation of this subdivision and Mr. Carpenter said Chapter 4:55D-2 paragraph E says to promote the establishment of appropriate population densities of concentrations that will contribute to the well being of persons, neighborhoods and communities, and these are lots that fit into the neighborhood scheme. Mr. Banas asked if there were any developed properties in the area and what the size of those lots were. Mr. Carpenter said there were 4 lots referred to by Mrs. Weinstein that have single family houses on that are 100 ft. wide and less than 40,000 sf. Mr. Banas asked what are the # of properties that are developed that meet the criteria (or zone). Mr. Carpenter said 2 lots are conforming and 6 lots not conforming. There is development down the street from the site and behind the lots. Mr. Carpenter said they would comply with everything in Mr. Peters report. In Mr. Slachetka's report, they will revise the plan to read the variance as not existing. Mr. Banas said since there is only an envelope for a home on the second lot, there should be wording that states the # of parking spaces would depend on the # of bedrooms and basements that will be constructed.

Mr. Neiman asked if they had any documentation showing that this used to be 2 lots, and Mrs. Weinstein said they had the deeds and the current tax maps show 2 separate lots. Sidewalks and curb are being proposed in front of the 2 properties.

Mr. Klein needed clarification of the merger law and Mr. Jackson said in order to promote the purposes of the MLUL whenever you have 2 commonly owned non conforming lots, the lots would be merged together into 1 conforming lot. The attempt is to bring all the lots in conformity with the current zoning laws.

Mr. Banas opened the microphone to the public.

Mr. Bill Hobday was sworn in. They buyer bought 2 lots and wondered if a title search was done to see if these two lots could stand together. If the law provides that 2 non conforming lots by single ownership should be merged, as the attorney for that transaction should have known that. Therefore he thinks that they have caused their own hardship by buying that lot that is conforming and asking the board to divide that into 2 non conforming lots. There is one home on that lot with 3 bedrooms, but we don't know if there is any drawing of that home, but are asking for variances on setback, and even though there are other lots in the area that don't conform, how often are we going to go down that line. There may only be 2 homes in the area now, the rest of the lots are vacant, and perhaps the zoning board would have to look at this later on, but it is clear that because these were joined as an entity one conforming lot, he doesn't see any reason for the board to grant this variances, it is a conforming lot and asked that this be denied.

Vince Corsaro was sworn in. He questioned all the non conforming, and since we have it we should have it continue. There has to come a time when we say these are the rules and this is what we have to live by. When you add up the lots and it equals 52, 000 sf. when you buy this property and know it is in the R-40 how can you expect to put in more. He feels some place along the line the Planning Board has got to say we have these rules and regulations, and we are not going to change these rules. He asked that this application be denied.

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

Mrs. Weinstein wanted to clarify a few points. A title search would not point out whether these lots were conforming or not. The seller sold them as 2 lots and a mistake was made and at this point they feel they have shown the necessary criteria for this to be approved. There are several houses on some of the lots and others have received approvals to construct homes on those undersized lots with variances.

Committeeman Miller said the board does not let all applicants subdivide and approve everything. He sees this as a little different, bought as 2 separate lots to be kept as 2 separate lots. Mr. Gatton asked if the other non conforming lots had one home built or 2 and Mrs. Weinstein said one. Mr. Banas said they were dealing with a subdivision, not buildings.

Motion was made by Mr. Neiman, seconded by Mr. Miller, to approve this application with the variances. Mr. Miller wanted to make it clear that people should not take this as buy a big lot and come to the Planning Board, and we want sidewalks. The new lot should provide 4 off street parking spaces.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; no, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; no, Mrs. Wise; no, Mr. Klein; yes, Mr. Gatton; no

Motion is denied.

2. SD # 1559 (NO VARIANCE REQUESTED)
APPLICANT: VOLODIMIR & ALLA KURTEEV
Location: Albert Avenue, south of Oak Street
Block 1159 Lot 73
Minor Subdivision to create two lots

Committeeman Miller had to leave for another appointment.

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to subdivide one residential lot into two lots; one will be a flag lot. The property contains an existing dwelling that will remain; a single family home is proposed on the flag lot. The property is situated on Albert Avenue, approximately 1,600 feet north of Salem Street, within the R-20 zone. A variance will be required for lot width for proposed Lot 73.01. The required width is 100 FT, 95 FT is proposed. The previous lot width was 115 FT prior to the “pole” portion of the lot being to revised to be a portion of the rear lot rather than an easement. This was based on comments made by the board at the technical meeting. Section 18-805 G.2 of the U.D.O. the “pole” portion of the flag lot can not be counted towards the area of the lot. Exclusive of the flag pole the lot will still have more than the minimum lot area. The zoning table shall be revised accordingly. Ocean County Planning Board and Ocean County Soil Conservation District Approvals will be required. Evidence of approvals shall be made a condition of final subdivision approval. The remaining comments deal with the map filing law.

Mr. Truscott read from a letter dated September 14, 2006. The applicant is seeking minor subdivision approval to subdivide existing Block 1159, Lot 73 into Lots 73.01 and 73.02. A two-story frame dwelling currently exists and will remain on Lot 73.01. A two-story dwelling is proposed for Lot 73.02. The property is located on the west side of Albert Avenue and is 44, 438 square feet in area. The applicant has revised the subdivision plan to provide an access strip, 20 feet in width, fronting on Albert Avenue. Previously, an access easement was proposed. The site is located in the R-20 (Residential) Zone District. Single-family residences are a permitted use in the R-20 (Residential) Zone District. No variances are requested. The applicant is required by Section 805.9.5 to “demonstrate a need, consistent with good planning principles, for the creation of a flag lot and shall further demonstrate that normal subdivision techniques are not practical” for the subject parcel. The applicant has submitted architectural drawings for the proposed single family dwelling. We find the design of the proposed dwelling to be both attractive

and suitable for the site. The plan should be revised to provide an area proximate to the street frontage for temporary storage of solid waste and recyclable materials. No continual storage of solid waste is permitted. Proposed Lot 73.02 will be serviced by a private well and septic system. Proposed Lot 73.02 will be serviced by a proposed concrete driveway located within the pole portion of the new lot. The metal shed that currently exists in the northeastern corner of proposed Lot 73.02 will be relocated to proposed Lot 73.01. The balance of the comments are technical in nature.

Sal Alfieri Esq. appeared on behalf of the applicant. There are 2 witnesses and an objector's attorney here to cross examine the witnesses. Mr. Kielt spoke about the variance. If they use an easement, they comply with the ordinance, but if not a variance is requested.

Frederick Voss, GTS Consultants, was sworn in as engineer for the applicant. The plan was variance free at the technical meeting, when the board suggested they eliminate the easement and go for a lot width variance. The variance is for 5 feet, which would constitute the pole portion. The present home is serviced by well and septic, and that is proposed for the rear lot as well. There is a row of evergreens separating the front and rear lots. He agreed to comply with the comments in both the Planning Board Engineer and Planners' reports.

Mr. Cormack appeared on behalf of an objector, Devora Wilner,(owner of the property to the read), and asked if the property is substantially similar to others in the neighborhood, and was told to reserve that question for the planner, who is more prepared to discuss that. Mr. Cormack stated that under the statute you are required to show that there is something unique about this property to justify a variance and asked what is unique about this lot. He was told by Mr. Alfieri that that was a planner question also.

Mr. Banas asked the engineer for a buffer on all sides of the property and doesn't believe there are enough plants on the north side of the property and should be more of a buffer separating the two lots. The board has also asked for a plan for each of the buildings situated north, west and south and there is none here. They do not know what is situated on either side of the proposed lots. Mr. Alfieri said the applicant would agree to buffer the north and lot line to the satisfaction of the board and its' professionals. The structures surrounding the lots on the north is an existing dwelling and Mr. Banas said they needed more of a buffer, which the applicant has agreed to.

Brian Flannery appeared as the planner for the applicant. He stated the geometry of the property does not meet the normal subdivision techniques, and this application conforms to the zoning requirement for a flag lot with the lot width variance being sought for the pole easement. The existing home has 3 bedrooms and the proposed home also has 3 bedrooms. Mr. Jackson told the objectors' attorney if the lot would lend itself to ordinary development outside of a flag lot and to keep that in mind when he did his cross examination. Mr. Cormack said the board has asked the applicant to come in with something that requires a variance which requires to applicant to meet certain burdens under the statute. Mr. Cormack asked Mr. Flannery if this was a proper development and proper planning if there was public access to this proposed rear lot and Mr. Flannery said if there was existing roadway along the rear of the lot and if was feasible to develop a roadway parallel to Albert that would be

a wonderful thing, but we don't have that. Mr. Cormack said according to the Lakewood Tax map it appears Frederick Avenue which is not developed is accessible to the rear of the property and Mr. Flannery said there is a paper street that touches the rear property line and that paper street is approximately 100 ft. before it intersects with Rockaway Avenue which in another paper street. There is no other street that is closer than 300 ft. from the rear of the property. They entered tax map sheet #138 into evidence, labeling it O-1. This area is sited for affordable housing development and access coming from that direction would not be an appropriate way to access this property. Flag lots are permitted in the ordinance and in this area is appropriate. Mr. Cormack asked the engineer, Mr. Voss in reference to well and septic and asked if the surrounding areas had septic and was told it was vacant land.

Mr. Banas opened the microphone to the public.

Christine Abrams, Coral Avenue, was sworn in. She lives in this neighborhood and said originally this area was zoned A-1, later rezoned to R-40 and now R-20. When this land was built on they had to get a variance to build on from a 2 acre to a 1 acre. You can't help all the rezoning that happens, but it does not fit in with the character of the neighborhood at all. There is nothing else like this in the neighborhood and this would set precedence and the entire character of the neighborhood would change. Rockaway will eventually be paved, just as Oak Street is going to be, for all the affordable housing will be accessible. This lot will not be similar to anything else in this neighborhood and she is against this.

Mr. Bill Hobday was sworn in. The full lot is 44,000 sf and each lot would conform to the R-20 zone. No other flag lot exists in this neighborhood. The only variance requested is the suggested one to be a width variance.

Moshe Strauss sworn in. He owns the house next door. He disapproves of his neighbors plan because he does not want to have 2 homes next to his, it would increase the density in his neighborhood and decrease his privacy for quiet enjoyment in his backyard. He is afraid it would decrease the value of his property. There are no street lights now along the roadway and wants this application to be denied. Mr. Alfieri clarified he does not live there, but rents it to a tenant.

Mr. Cormack had a witness for the objector, Mr. Shlomo Wilner, who was sworn in. He owns the property to the rear of the applicant's. He offered to purchase the property from the applicant, and was turned down. He was planning to develop the property he owns, and hopes the road would be developed. He is concerned if there is another well and septic built next to his property it might inhibit him from building his.

Mr. Henschel Cohn, 720 and 708 Albert Avenue, was sworn in. He feels the same way that having a flag lot would just congest the neighborhood. They should wait for the road to be built because it totally changes the dynamics of the neighborhood.

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

Mr. Cormack pointed out the applicant has elected to bring the application that the board has asked to be changed with variances, and the applicant has the burden to prove

specific criteria and factors under the law in order to meet the requirements of 40:55D-70C, which he has not done. The adjacent property owner is ready willing and able to purchase the property which was rejected. The neighbors are concerned with the density. This application does not meet the character of the neighborhood. Due to the concerns expressed, this application should be denied by the board.

Mr. Alfieri stated the applicant has clearly met the "C" variance criteria and this application can be developed without any variances. The fact that the rear property owner has made an offer to acquire the property is not relevant to this application, his application has the right to develop his property. He requests the board approve this application with the conditions they have agreed to as presented.

Mr. Klein asked if there were any flag lots within the area and was told no.

Motion was made by Mr. Franklin, seconded by Mrs. Wise, to approve this application.

Mr. Banas said Mr. Jackson suggested that should a roadway be built (Frederick St), does the board want to put in a caveat to have the opening change and was told it wouldn't work (not enough frontage).

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; no, Mr. Banas; yes, Mrs. Wise; yes, Mr. Klein; no, Mr. Gatton; no

3. SD # 1550 (NO VARIANCE REQUESTED)
APPLICANT: SEYMOUR INVESTMENTS LLC
Location: Cross Street, west of River Avenue (Calgo Gardens Nursery)
Block 533 Lots 3 & 10
Preliminary & Final Major Subdivision-74 townhouse units, community center and tot lot

Carried to January 16, 2007

4. SD # 1545 (NO VARIANCE REQUESTED)
APPLICANT: 319 PROSPECT LLC
Location: Prospect Street, west of Massachusetts Avenue
Block 445 Lot 1
Preliminary & Final Major Subdivision for 53 townhouses and 1 community center

Mr. Shea, appeared on behalf of the applicant and asked that this matter be continued until the next scheduled meeting. Mr. Kiert said the next available meeting was the 16th or 23rd and Mr. Shea said the 23rd would be fine.

Motion was made by Mr. Franklin, seconded by Mrs. Wise, to carry this application to January 23, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

5. SD # 1552 (VARIANCE REQUESTED)

APPLICANT: MOSHE MENDLOWITZ

Location: end of cul de sac of Sherie Court
Block 26 Lots 6, 13 & 26

Minor Subdivision to re-align property lines of existing 3 lots

Mr. Peters stated the applicant is seeking a minor subdivision to realign three (3) existing lots into three (3) new lots. The tract consists of Lots 6, 13, and 26 in Block 26 within the R-12 Zone. Lot 13 is located at the end of the Sherie Court cul-de-sac. Lot 26 is located on Country Club Lane and Lot 6 is located on Hope Chapel Road. Lot 13 is vacant, Lot 26 contains a two-story frame dwelling and Lot 6 contains a one-story frame dwelling and a detached garage. The proposed subdivision through lot line adjustments will create three (3) new lots. A 20 foot strip of property will be subdivided from the rear of existing Lot 26 (new Lot 26.01) and merged with existing Lot 13 (new Lot 13.01). A 9,375 square foot parcel located at the rear of existing Lot 6 (new Lot 6.01) will be subdivided and merged with Lot 13 (new Lot 13.01). As a result of the subdivision, new Lots 26.01 and 6.01 will be reduced in area and new Lot 13.01 will be increased. The minimum lot width in this zone is 90 feet. New Lot 13.01 has a lot width of 87 feet. New Lot 6.01 has a lot width of 80.82 feet requiring a variance for lot width. The width of both lots is an existing condition neither created nor expanded by this application. New Lot 6.01 does not conform to the minimum side yard setback requirement of 10 feet. The proposed side yard setback is 3.5 feet therefore a variance is required, the side yard setback is an existing condition neither created nor expanded by this application. The plan notes that each lot will provide a minimum of three off street parking spaces. Lot 6.01 has adequate space for at least three (3) off street parking spots. Lot 13.01 does not propose any construction at this time, a note has been added to the plan stating that any proposed dwelling on Lot 13.01 will provide a minimum of three (3) off street parking spaces. Lot 26.01 provides for only two off street parking spaces, one in the driveway and one in the garage, one additional parking space is required. Each of the lots has been provided with a six (6) foot wide shade tree easement, which will be dedicated to Lakewood Township. Outside agency approval is required from Ocean County Planning Board. The approval shall be made a condition of final subdivision approval. It should be noted that curbing and sidewalk exist along the frontages of all three lots. The remaining comments deal with the map filing law. Mr. Truscott read from a letter dated October 13, 2006 Revised October 16, 2006. The applicant is seeking minor subdivision approval to adjust the lot lines among existing Block 26, Lots 6, 13, and 26. No new lots are proposed. The reconfigured lots will be known as Block 26, Lots 6.01, 13.01, and 26.01. The plan indicates that Lots 6.01 and 26.01 will contain existing single-family dwelling units. Lot 13.01 will contain a new single-family dwelling. The existing garage and patio that are located on existing Lot 6, in the portion of the site that would become Lot 13.01, will be removed as a part of this application. The entire tract contains an area of 59,370 square feet. Proposed Lot 6.01 will contain a total of 13,608 square feet. Proposed Lot 13.01 will contain a total of 29,977 square feet. Proposed Lot 26.01 will contain a total of 15,785 square feet. The site is located in the R-12 (Residential) Zone District. Single-family detached housing is permitted in the R-12 (Residential) Zone District. The following variances are required for preexisting conditions: A bulk variance is required for proposed Lot 13.01, where a lot width of 87.0 feet is proposed and a minimum lot width of 90 feet is required. Please note that this is a preexisting condition.

A bulk variance is required for proposed Lot 6.01, where a lot width of 80.8 feet is proposed and a minimum lot width of 90 feet is required. Please note that this is a preexisting condition. A bulk variance is required for proposed Lot 6.01, where a side yard setback of 3.5 feet is proposed and a minimum side yard setback of ten (10) feet is required. Please note that this is a preexisting condition. The subdivision plan indicates that the existing dwellings are serviced by public water and sewer. The dwelling proposed for proposed Lot 13.01 will also be serviced by public water and sewer. The existing garage and patio that are located on existing Lot 6, in the portion of the site that would become Lot 13.01, will be removed as a part of this application. A six-foot wide shade tree easement is proposed along each of the proposed lots' street frontage. A copy of this easement should be submitted for review by the Board's Attorney and Engineer. The balance of the comments are technical in nature.

Mrs. Weinstein, appeared on behalf of the applicant. The applicant is seeking to acquire additional property and to re-align the lot lines. Mr. Carpenter was sworn in as engineer for the applicant. The variances are existing conditions. Mr. Carpenter agreed to add an additional parking space as requested, they will make the driveway double width to accommodate the parking space. He agreed to comply with the remainder of the professionals comments.

Mr. Banas opened the microphone to the public.

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

Motion was made by Mrs. Wise, seconded by Mr. Herzl, to approve the application with the additional parking requirement.

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

6. SD # 1554 (NO VARIANCE REQUESTED)

APPLICANT: MARIELLE ARYEH LLC

Location: East County Line Road, between Park Place and Apple Street
Block 171 Lot 3

Minor Subdivision to create two lots

Carried to meeting of January 23, 2007

7. SD # 1562 (NO VARIANCE REQUESTED)

APPLICANT: HOMES FOR ALL (STEPS INC.)

Location: south of Oak Street, on Vermont Avenue, between Beekman Street
and Lambert Street (paper streets)

Blocks 1146, 1147, 1154, 1155, 1156 Lot 1

Preliminary and Final Subdivision-56 affordable housing residential lots and
1 stormwater basin

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to create 57 new lots for 56 single family low income homes. The property is located between Oak Street to the North and unimproved Havens Avenue to the south; and Vine Avenue to the west and unimproved Lambert Avenue to the east. The site is currently wooded and is crossed by a number of existing paper streets. The property is located in the R-40/20 Cluster Zone; Affordable Housing is a permitted use in the zone. The application indicates no variances will be required. Our review of the plans has found variances will be required for the following: Lot Area: Block 1146, Lot 1.13 proposes 4,692 SF where 5,000 SF is required. Block 1147 Lot, 1.13 proposes 692 SF where 5,000 SF is required. Block 1154 Lot, 1.08 proposes 4,000 SF where 5,000 SF is required. Lot Width: Block 1146, Lot 1.13 proposes 46.92 FT where 50 FT is required. Block 1147 Lot, 1.13 proposes 6.92 FT where 50 FT is required. Block 1154 Lot, 1.08 proposes 40 FT where 50 FT is required. The lots requiring variances and four additional lots are listed as being reserved for future development. The applicant shall provide testimony on the nature of the future development. Emphasis should be placed on the future use of the 692 SF Lot 1.13. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP approvals for Water Main Extension and Treatment Works approval. The applicant has proposed two off street parking spaces for each Lot. The project consists of two and three bedroom single family homes. The RSIS requires 1.5 parking spaces for 2-bedroom homes and 2.0 parking spaces for 3-bedroom homes. The roadways are proposed to be 30 feet wide which allows for a 16 foot travel way and two seven foot wide parking lanes. The Planning Board has required playground areas and a community building be included with similar developments of this nature. The board may wish to consider requiring these amenities be included in the application. The development will be serviced by public water and sewer. The utilities will be extended into the project area as part of this project. We recommend the water be moved to within the cartway of the roadway as opposed as to the shoulder. This would ultimately be up to the agency NJAWCO. The applicant has provided concrete curb, sidewalk, and shade tree easements along the property frontages. It should be noted, sidewalk has been added along the Vine Avenue frontage of the development, no curbing is proposed in this area. Sidewalk has been proposed along Vermont Avenue as well. The applicant shall indicate the location, size, and provide details for project signage, if any is proposed. The roadway plan and profile sheets indicate portions of the roadways will be constructed by others. The applicant shall indicate who will construct the remainder of the roadways. The stormwater management facilities for the site have been designed in accordance with the Township's stormwater management ordinance and the NJDEP Best Management Practices Manual. The remainder of the comments deal with the map filing law.

Mr. Truscott read from a letter dated October 16, 2006. The applicant is requesting preliminary and final major subdivision and variance approvals to create 58 building lots for affordable housing. The applicant also proposes to create one lot for a stormwater management basin and to create seven (7) lots reserved for future development. Associated road, curb and sidewalk, drainage, utility and shade tree improvements are also proposed. The property is 10.18 acres in area and located in the vicinity of Oak Street. The tract is located to the west of Oak Street and south of Vine Avenue. The property is a vacant wooded site. The lots will be served by public water and sewer. The property is located in the R-40/20 Cluster Zone District. The same variances are required and Mr. Peters comments. Single family dwellings are permitted in the R-40/20 Zone. We note that

Section; 18902.B.7.e. requires that at least two (2) housing types be provided in a “planned affordable residential development.” This will require a variance, since only one housing type is proposed. The applicant must address the positive and negative criteria for the requested variances. Pursuant to Section 18-902.B.7.h., the Planning Board is required to make the findings with regard to a planned affordable residential development, as found in the ordinance. The area shown “as to be acquired” across from new Lot 1.01, Block 1154 to be added to the right-of-way of Ruth Street must be acquired prior to filing of the subdivision map. New Lots 1.08, 1.09, and 1.10 of Block 1154 will not have improved road access. We understand that the proposed lots are “reserved for future development” and therefore no construction is proposed at this time. A note should be added to the plat indicating that Planning Board approval is required prior to development of Lots 1.08, 1.09, and 1.10 of Block 1154. A planning variance from 40:55D=35 is required. A temporary turnaround for public works and emergency vehicles is now provided at the terminus of Havens Avenue, Bradhurst Avenue, Wadsworth Avenue, and Ruth Street and should be reviewed by the Lakewood Department of Public Works. All dwelling units developed in the subject tract shall be restricted to low and moderate income households as defined by the New Jersey Council for Affordable Housing. The appropriate deed restrictions shall be filed at the time of transfer of the tract to Homes for All, Inc./Steps, Inc. to ensure that the property will be developed for affordable housing. All site improvements shall comply with RSIS. A recreation area equal to 5% of the tract area is required by Section 18-902.B.Lg(5). No recreation area is proposed. The Zoning Schedule should be revised to reflect building coverage and impervious coverage as a percent of gross tract area. The rest of the comments are technical in nature.

Mr. John DeVincences, appeared on behalf of the applicant. He wanted to clarify that there are 2 model types being provided, one is a 2 bedroom (18 units) and one is a 3 bedroom (40 units) and had sheets marked into evidence (A-1, color coded map, and A-2 is the architectural plans)

Mr. DeVincences requested the removal of the wording as outside agencies approval being required, and said they do not think they meet the criteria for CAFRA and there may not have to do an extension of a water main going in to other affordable housing and Mr. Peters stated he did not ask for CAFRA but TWA which can be a condition of permits and not resolution compliance. Mr. DiVincences said he had no problem with that and Mr. Slachetka said he had no problem with the CAFRA deviation as long as there was documentation submitted that state a permit is not required. Mr. Slachetka clarified that the housing types showing 2 types of single family types does not qualify and Mr. DeVincences said they will have testimony as to why it is only single family and not townhouses or duplexes. The revised plans show the changes made based on the comments from the professionals and the board since the technical meeting. He called on John Ernst as engineer for the applicant. Mr. Ernst pointed to the colored rendering of the final plat and pointed out where the proposed roadways and lots were located. 3 Lots in Block 1154, 2 lots in Block 1147 and 2 in Block 1146 that are not being developed at this time because of cost to develop the road. One lot in Block 1147 is designated as a future lot for the recreation area and they have extended the roadway to that lot. Only the lots reserved for future development do not meet the bulk requirements at this time. He has another exhibit marked A-3 which is a colored rendering that depicts the development of the property showing the homes, the street trees, curbs and sidewalks, etc. They are proposing to construct curbs and sidewalks along the homes fronting the roads they are building, along with Vine Avenue,

which is also to be curbed. They have provided hammer head turn arounds in the areas requested by the Department of Public Works. They are using the old grid system from the previous filed map and to develop that in anything other than single family would create issues. The lots were increased from 45 ft. lots to 60 ft. lots to provide a home to accommodate a family. If they were townhouses, they would yield a greater density. The applicant agrees to comply with the comments from the professionals letters.

Mr. Franklin stated the hammer head turn arounds were sufficient to handle the trucks. Mr. Truscott said they did not meet the required amount of recreational area. Mr. Banas asked how they were going to accommodate the 5% recreational area. Mr. DeVincences said to do it any other way they would have to lose lots and increase the cost of roadway to undeveloped lots, and that would go against the affordable housing concept. Mr. Banas said what he hears, is that the children in a certain area cannot hang out in an area, and he feels all children are important. Mr. DeVincences said if you open up these little pocket areas, you invite people to hang out and they are asking for trouble. Mr. Banas said they are desirable. Mr. DeVincences said after speaking to the client, they have agreed to extend the roadway and in addition to the 10,000 sf lot they would make Lot 1.12 (87x100) in Block 1146 and Lot 1.13 (100x47) into the recreation area (totaling over 13,400 sf). Three separated pieces of parcels would be utilized for recreational purposes.

Mr. Mike McNeil, 201 Lincoln Street, the applicant was sworn in. He wanted to talk about the playground and they did not want to put them in here, and that is why they wanted bigger back yards. Right up the street from this development is the recreation park recently built so he asks the board to reconsider putting up the pocket parks in the 3 areas and instead putting up benches instead of swings. Mr. Banas said that was passive recreation, so it is still considered recreation, and he had no problem with benches instead of swings. He agreed to having the 3 parcels set aside for recreational use.

Mr. Banas opened the microphone to the public.

Christine Abrams, Coral Avenue, was sworn in. She said she is glad to see there will be single family homes here, not multi-family and town homes. It is a nice transition from her neighborhood to what is going on on Oak Street. She asked how many feet there was from the back of the house to the property line and was told each one had an excess of 45 ft. To have a 100x100 ft. park does not seem like enough space, and she would rather have them have no park than this little piece. She is trying to have the town preserve some space in the southern end of town for open space. Mr. Banas said they were not talking about a playground but recreation.

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

Mr. DeVincences had no closing comments. Mr. Truscott asked what the improvements to the recreation area was or if it was just a dedication, and was told it was just a dedication.

Motion was made by Mr. Herzl, seconded by Mr. Gatton, to approve this application with the professional's recommendations

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

- 8. SP # 1854 (NO VARIANCE REQUESTED)**
APPLICANT: HARROGATE
Location: Locust Street and Vermont Avenue
Block 1082 Lots 1 & 10.01
Preliminary & Final Major Site Plan for expansion of existing senior life care facility

Carried to January 16, 2007

- 9. SD # 1566 (VARIANCE REQUESTED)**
APPLICANT: DAVID HERZOG
Location: Miller Road, south of Shady Lane
Block 12.02 Lot 21
Minor Subdivision to create two lots

Mr. Shea, appeared on behalf of the applicant and asked that this matter be continued until the next scheduled meeting. Mr. Kielt said the next available meeting was the 16th or 23rd and Mr. Shea said the 16th would be fine.

Motion was made by Mr. Herzl, seconded by Mr. Klein, to carry this application to January 16, 2007

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Klein; yes,

10. DISCUSSION - Approval of Natural Resource Inventory. Inventory adopted by the Environmental Commission on October 4, 2006.

Discussed before item #1 in New Business and approved.

5. MEMORIALIZATION OF RESOLUTIONS

- 1. SD # 1509A (NO VARIANCE REQUESTED)**
APPLICANT: MAJESTIC CONTRACTING LLC
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Denial of a Preliminary & Final Major Subdivision – 17 one family townhouses

Motion was made by Mr. Franklin, seconded by Mrs. Wise, to approve the resolution of denial.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

2. RESOLUTION TO APPROVE MEETING DATES FOR 2007- 08

Motion was made by Mrs. Wise, seconded by Mr. Herzl, to approve the meeting dates for 2007-2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

6. CORRESPONDENCE

None at this time.

7. PUBLIC PORTION

8. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

9. APPROVAL OF MINUTES

- Minutes from December 5, 2006 Plan Review Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

- Minutes from May 30, 2006 Plan Review Meeting

Motion was made by Mr. Herzl, seconded by Mrs. Wise, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

- Minutes from June 13, 2006 Public Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; abstain, Mr. Gatton; yes

- Minutes from June 20, 2006 Special Public Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; abstain,
Mr. Gatton; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary