

**LAKWOOD PLANNING BOARD
MINUTES
JANUARY 29, 2008**

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 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, and 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. Akerman, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. John Moore and Mr. Truscott were sworn in.

Mr. Kielt stated there were 2 changes to the agenda. **Items #2 SP 1860 – Congregation Avreichim**, carried to a future meeting either February or March but they will re-notice and **#3 SP 1874 – Saraella Holdings LLC**, carried to February 19, 2008 no new notice requested

Motion was made by Mr. Neiman, seconded by Akerman, to carry to February 19, 2008

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

4. NEW BUSINESS

1. SD # 1607 (VARIANCE REQUESTED)

APPLICANT: 319 CEDAR BRIDGE LLC

Location: Cedar Bridge Avenue, across from Lakewood Corporate Park
Block 548 Lots 170, 187, 191-195, 297

Preliminary & Final Major Subdivision-60 single family dwellings, 2 open space lots, and 2 commercial lots

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide eight (8) existing lots into Sixty five (65) new lots. The existing lots

are predominately vacant. Sixty five (65) new lots are proposed, for sixty (60) single family homes, one open space lot, one wetland and buffer lot, one clubhouse lot, and two retail lots. Lot 170.48 contains wetlands, wetlands buffers, and provides a 300 foot buffer to the Cotterals Brook. The project is located along Cedar Bridge Avenue, within the Cluster R15/R10 zoning district. No variances are requested by the applicant; however, the applicant is requesting a wavier for not providing required parking spaces for the proposed clubhouse. The project requires approvals from Ocean County Planning Board and Ocean County Soil Conservation District. NJDEP permits for Treatment Works Approval and Water Main Extension are also required. A copy of the NJDEP LOI and the stamped plan from the NJDEP shall be provided for review. Evidence of approvals shall be made a condition of final subdivision approval. The applicant shows on the plans three (3) off-street parking spaces are proposed for each proposed dwelling. Per RSIS standard a minimum of three off-street parking spaces are required for each dwelling with five (5) bedrooms. The applicant indicates on the plans basements are proposed for all dwellings. A note shall be added to the plans stating that basements are for storage use only or additional parking spaces maybe required. The Planning Board should determine if the provided off-street parking spaces are adequate. The applicant has shown on the plans a category one water 300 ft buffer line. Permanent markers shall be installed along the buffer line to help ensure that the C1 buffer line will be respected. The applicant shall provide testimony on the need for providing recreational area for the proposed residential development. We recommend the applicant revise the plans to include sound attenuation walls along the property line where proposed dwellings back up to the public works facility, Block 549.01, Lot 1. The applicant shall call out proposed curbs and sidewalks on the Site Development Plans along Cedar Bridge Avenue. It looks like sidewalks have been proposed along the Cedar Bridge Avenue at frontage of the property. Curbs shall be proposed along the property frontage as required by the Planning Board. The Site Plans for Lot 170.49 that were listed in the transmittal letter are missing from the submitted package. The applicant shall provide the set of plans to the Planning Board Engineer for review. The proposed development will be served by public sewer and water lines. The applicant shall obtain a utility easement from the Township for the water and sewer utilities through Block 549.01, Lot 1. The applicant shall provide handicapped ramps at all locations where sidewalks are disconnected by the entrances to the proposed retail buildings. The applicant shall show and call out on the Site Development Plans proposed depressed curbs, street signs, traffic control signs in the residential development area. A rectangle in Lot 6 is shown on the third Site Development Plan without being labeled. The applicant shall either label the rectangle or remove it from the plan. Sight triangles are shown on the Site Development Plan (Sheet 6 of 27) of the residential development and shall be called out on the plans. The applicant shall show on the Final Plat the entrances to the two proposed retail buildings, if separated Final Plats are not to be submitted for the retail buildings. Sight triangles that are to be dedicated to the Ocean County shall be shown on the plans. The applicant shows on the Final Plat drainage easements and an open space are to be dedicated to Homeowners Association. HOA documents shall be submitted to Township Solicitor and Engineer for review. In addition, the applicant shall indicate on the plans either the proposed basins are to be dedicated to the township or to the Home Owner Association. The Final Plat shows sight triangle easements are to be dedicated to Ocean County at proposed entrance to Cedar Bridge Avenue. Sight triangle easements are shown on the plan at corners of proposed interior roads, Shenandoah Drive and Walker Drive, and Shenandoah Drive and Rockbridge Road are to be dedicated to

Lakewood Township. The applicant shall revise the Site Development Plan to correctly show existing structures on Lot 189. General notes #8 and #9 are duplicated notes, one of the notes shall be revised to "refer to major site plan Lot 170.49". Location of recreation equipments shall be shown on the plans and detail of the equipment shall be added to a Construction Detail Sheet. Numbers of the parking spaces shall be called out on the Site Plan of the western proposed retail building. Stop bars and signs shall be added to the retail parking area where traffic will intersect to ensure traffic will safely flow in and out of the parking lot. The applicant shows on the Site Plan of retail building a dash line 11 ft offside from the building. The applicant shall call out on the plan the dash line. Handicapped ramp(s) shall be installed in front of the retail buildings to provide an accessible route from the handicapped parking spaces to the building. The applicant shows on the Site Plan of the retail building, a trash enclosure pad. The applicant shall show the trash enclosure will conform to section 18-811 of the Lakewood UDO. In accordance with the UDO, trash receptacle area shall be enclosed behind a wall at least five (5) feet in height, with an opaque self-closing gate. The exterior finish material of the enclosure must be compatible with that of the exterior of the principal structure. The applicant shows on the Existing Conditions Plan SP-4 at two different locations and SP-5 is missing from the plan. The applicant shall address this issue. The Pre-development Drainage Area Map submitted was not revised as requested. The applicant shall submit the revised map that addressed the following comments: The stormwater runoff from the wetland buffer area north and west of the property shall be included in the post and pre-development stormwater calculations. Existing contours shown on the Pre-development Drainage Area Map are very hard to read. An enlarged map with each contour line distinctly labeled shall be provided for review. We recommend runoff from residential area to be directed into the proposed infiltration basin rather than sections of perforated pipes scattering out the entire site. This will make maintenance and managing of the drainage system a lot easier. The applicant has shown soil boring locations on the Existing Plan; however, it is very difficult to locate the boring locations in comparison to the locations of proposed basin, recharge trenches, and dwellings. The applicant shall show soil boring locations on the Grading and Drainage Plan. It seems that inverts of the proposed infiltration basin and recharge trenches that are located beneath Lots 170.12 to 170.16 have separations less than two (2) feet of the seasonal high ground water elevations. The applicant shall address this issue. The plans are inconsistent between the depths of recharge trenches in the stormwater report and what are shown in the recharge trench details. For example, the trench detail for a 36" triple pipe shows a 4 ft deep trench; however, in appendix E, section 9.01 of the stormwater report the applicant shows the depth of 5.45 ft in the volume rating table for Recharge A. This discrepancy shall be resolved. Widths of the recharge trenches that are shown in the Underground Recharge Storage Volume Tables in Appendix H of the Stormwater report are wider than the trenches' widths that are shown on a Construction Detail Plan. The applicant shall revise either the details or Stormwater report to show consistent trench sizes. A Trash Enclosure Detail shall be added to the Construction Detail in accordance with section 18-809 of the Lakewood UDO. The location of the New Jersey Department of Environmental Protection (NJDEP) regulated floodplain boundary should be shown on the site plans to determine whether the proposed project will impact the floodplain. (§18-820B.3a.2) Considering the former industrial and commercial uses at the site, the locations of existing potable, observation, and groundwater monitoring wells should be shown on the site plans. (§18-820B.3a.2) The revised Phase I Environmental Site Assessment Report that contains

description of plant and animal species and their habitats shall be submitted. Proposed lots 170.21 through 170.31, 170.32 through 170.35, and 170.40 through 170.46 will be located adjacent to proposed retail uses and commercial uses. The applicant has proposed landscaping around the housing and the retail buildings. The Board should determine if the landscaping will be sufficient. The proposed stormwater management basins will probably receive nutrients and fertilizers from the storm water runoff. The applicant should provide a maintenance and cleaning plan for the proposed basins that takes these concerns into account. (§18-820B.7) The report identified that the site had been in agricultural production. We recommend that surface soil samples be collected in the upland areas proposed for development and tested for arsenic, lead, and organic pesticides according to the guidelines presented in the Findings and Recommendations for the Remediation of Historic Pesticide Contamination (NJDEP, March 1999). The results should be compared to the New Jersey Residential Direct Contact Soil Cleanup Criteria. A copy of the results and a discussion of findings should be forwarded to the Township and T&M. The balance of the comments are technical in nature.

Mr. Truscott read from a letter dated January 7, 2008. The applicant is seeking Preliminary/Final Major Subdivision and Major Site Plan approvals to construct sixty (60) single-family residential dwellings, one (1) clubhouse, one (1) open space lot, a stormwater detention basin, and necessary improvements in the R-15/R-10 Cluster Zone District. In addition, the applicant is proposing to construct two (2) retail structures, one (1) of which is proposed to have multiple retail stores in the Corporate Campus/Stadium Support Zone (B-6). The applicant requests approval to create sixty-five fee simple lots, sixty-one lots for the single-family residential dwellings, the clubhouse, the stormwater detention basin, the open space lot, and the two retail lots. The applicant is proposing to consolidate Block 548, Lots 191, 192, 297, and 193 into proposed Lot 170.47. The tract contains three (3) cement/dilapidated foundations and the remainder of the site is wooded uplands and wetlands. All the existing structures and foundations on the site are proposed to be removed. Freshwater wetlands are located along the western and northern borders of the property. The applicant has provided the Board with an NJDEP Letter of Interpretation (LOI) which specifies that these wetlands are of intermediate resource value requiring a 50-foot buffer. The subject property's natural boundary is the Cottler's Branch of the Metedeconk River; a State designated Category One waterway with a 300-foot buffer area. The proposed retail uses will be accessed from Cedar Bridge Avenue. The entrance road to the proposed residential area will be from one access point called Shenandoah Drive proposed from Cedar Bridge Avenue. In addition to Shenandoah Drive, the site will have three proposed roadways, Walker Drive, Rockridge Road, and Stonewall Court. The tract is approximately 47 acres in area and consists of seven tax lots. Zoning and Variances. The site is located in the Corporate Campus/Stadium Support Zone (B-6) & R-15/R-10 Cluster Zones. The proposed uses are permitted in the zones in which they are located. The applicant does not require bulk variances at this time. Cluster Provisions. This application is submitted under the cluster provisions of Section 18-904 of the UDO. A yield map is required under the Township requirements to determine the overall yield of the tract (i.e., number of lots) and the overall permitted density. The yield map must show the potential development of the subject tract providing for all limiting factors with the R-15 bulk requirements. In response to our request in the October 8, 2007 letter to submit a yield map, the applicant's engineer has submitted two (2) yield maps based on the R-15 standards. Conventional Sketch (Yield Map #1) shows a total of 68 residential lots, but

does not distinguish which areas of the C-1 (300-foot) buffer are realistically developable. Conventional Sketch B (Yield Map #2) shows a total of 62 residential lots based on the R-15 standards with the existing tree line. The applicant proposes 60 residential lots at the reduced (R-10) lot area. Based on the above and prior to any in-depth review of the subject subdivision and site plan, we recommend that the applicant provide testimony concerning the yield map analysis to the Planning Board to justify the number of residential lots in the subject proposal. The yield analysis is not entirely self-evident, due to the fact that the tract is encumbered by C-1 stream corridor buffer requirements regulated by the NJDEP. It is our opinion that the land areas within the C-1 (300-foot) stream corridor buffer should not be utilized for purposes of the lot yield plan. The yield map according to the UDO (18-904.C.3) should be based upon conventional zoning requirements and "strictly applying all limiting factors." The C-1 buffer area is not developable for building lots and roads per NJDEP regulations. We note that the proposed subdivision map respects the C-1 buffer boundary. Based on the above, the number of lots in the proposed subdivision should be revised based on a revised lot yield plan which removes roads and residential dwellings from the C-1 stream corridor buffer area. In addition, the applicant will need to specifically designate areas to accommodate active recreation facilities. These areas can be deeded to the Township or other organizations. Please see comments regarding open space below. Review Comments. Subdivision Plat. The applicant should provide the following notations on the subdivision plat: The location of the stormwater detention basin should be noted on the plat, as well as whether it will be dedicated to the Township or the Homeowners Association. The applicant should indicate to the Board whether the stream corridor buffer area will be deed restricted as a conservation easement and dedicated to the Township. The applicant will be required to disclose to prospective owners the location of the stream corridor and the restrictions that are entailed. The applicant has proposed a cross-easement with the proposed retail use on Block 548, Lot 170.49 and the proposed clubhouse on Block 548, Lot 170.32. The access driveway proposed should be reflected on the plans. The applicant should provide a notation on the plat that Block 548, Lot 170.32 will be dedicated to the Homeowners Association for a clubhouse. Easements. In the residential sections of the subdivision, the applicant has proposed a variable width drainage easement throughout the plat that will be deeded to the Homeowners Association. All site triangle easement identified in the subdivision have been deeded to the Township of Lakewood in the subdivision. In the retail sections of the subdivision, a variable width utility easement is proposed to be deeded to the L.T.M.U.A. The proposed site triangle easements have been proposed to be deeded to Ocean County along Cedar Bridge Avenue. The applicant has proposed to vacate the twenty (20) foot wide L.T.M.U.A. utility easement in the residential areas of the development. All proposed easement language should be provided on the plat and submitted for Board review prior to Board approval of the plan. Survey descriptions should be reviewed by the Board Engineer. Open Space Areas. The applicant has proposed to dedicate one lot known as Block 548, Lot 170.39 as open space. This lot is proposed to be deeded to the Homeowners Association. The applicant should provide details regarding proposed amenities for the open space area, such as the location of a play area, benches and trash receptacles. The applicant should clarify what is meant by the notation "Restricted Area 2 on survey." No survey was included in the submission. Block, Lot 170.48 is a 16.732-acre parcel that includes a stormwater detention basin (proposed on Cedar Bridge Avenue and adjacent to Block 548, Lot 170.01) as well as the areas that encompass the stream corridor buffers,

wetlands, and wetlands buffer, and an area with an unspecified use, adjacent to Block 548, Lots 170.17, 170.20 and 170.21. The applicant should provide a conservation easement for all areas associated with stream corridor buffer and wetlands and dedicate those areas to the Township. The applicant also should specify the intended use of the area adjacent to Block 548, Lots 170.17, 170.20 and 170.21. If it is intended to be an open space area, the applicant should dedicate this area to the Homeowners Association or the Township. The applicant has proposed improvements on Block 548, Lots 170.47 and 170.49, which include large areas of open space. The applicant should indicate what they intend to do with the remaining area not proposed for improvements. Clubhouse. The applicant should present information concerning the clubhouse building. The applicant should confirm the clubhouse will be managed by the Homeowners Association. If so, this should be noted on both the subdivision plat and site plan. The applicant also should provide an elevation and floor plan of the proposed structure. The clubhouse should be specified to be completed (by evidence of the issuance of a C.O.) prior to issuance of a C.O. for the 31st single-family residence. Homeowners Association. Prior to the issuance of a Certificate of Occupancy for any of the proposed units, a Homeowners Association should be established for the ownership and maintenance of all common areas. The Board attorney should review the draft Association documents prior to submission to the New Jersey Department of Community Affairs. Parking. Residential Uses. Off-street parking shall be provided in accordance with the NJ Residential Site Improvement Standards (RSIS). The applicant has provided architectural plans that show a proposed 5-bedroom residential unit. RSIS requires the provision of three (3) parking spaces for each residential unit. The project engineer should certify that all site improvements are in compliance with the RSIS. Retail Use. The applicant has proposed two retail uses. The Township development regulations require a parking standard of one (1) space per two hundred (200) square feet of gross floor area. The applicant has proposed 99 parking spaces for the 19,800 square foot retail building on Block 548, Lot 170.47 and 50 parking spaces for the 10,000 square foot retail building on Block 548, Lot 170.49. Both conform to the Township standards. Clubhouse. The applicant has not proposed parking for the clubhouse use in the residential development. Township development regulations specify for other public building a one (1) space per four hundred (400) square feet of gross floor area. The proposed clubhouse is 9,600 square feet which would require 24 parking spaces. The applicant indicates that the clubhouse is pedestrian accessible and that any overflow parking will be accommodated from the parking area on Block 548, Lot 170.49. The applicant has proposed a vehicular cross-easement and two pedestrian easements from this lot to the clubhouse. The applicant may require a design waiver for the proposed shared parking arrangement. Landscaping. The applicant has proposed a tree save plan. The applicant should verify that any trees proposed for removal are not specimen trees. The applicant will be required to replace specimen trees as part of this development if needed. The applicant should address the comments of the Shade Tree Commission. Retail Uses. The applicant has provided a berm and landscaping between the residential uses proposed and the retail use on Block 548, Lot 170.47. Sidewalks. Walkways from the front sidewalk into the retail sites should be provided. All aspects of the development proposal should comply with the NJ Barrier Free Sub code and ADA requirements. Signs. Residential Uses. The applicant has not proposed signage indicating the name of the proposed residential use. The applicant should specify whether one is intended and the proposed location. Retail Uses. The applicant has not provided information concerning the proposed free-standing site identification. The applicant should specify whether one is

intended for the retail centers and the proposed location. The applicant has provided architectural plans for the retail structure proposed on Block 548, Lot 170.47. The applicant has proposed eleven separate signs for the front elevation and four on the left side elevation. No rear or right elevations were provided. The applicant will need to demonstrate conformance with the sign regulations at Section 18-812.A.10.b. No such architectural plans were provide for the retail structure proposed on Block 548, Lot 170.49. The applicant should provide floor plans and elevations for this structure. Residential Architectural Plans. The applicant has provided architectural plans for the residential structures. The applicant will need to demonstrate conformance with Section 18-821, in which at least two (2) or more separate basic house designs are provided to the Board for their review. Clarification in writing from the NJDEP that the 300-foot C-1 buffer may overlap the rear yards of the single-family residential lots. If so, a determination of a deed restriction is required. The balance of the comments are technical in nature

Mr. Truscott read from a letter dated January 24, 2008. Please be advised that, on January 16, 2008, our office met with Mr. Brian Flannery of FWH Associates. The meeting was also attended by Mr. Eric Nathanson of T&M Associates, an environmental scientist with professional experience with NJDEP regulations regarding Category One waterways. The purpose of the meeting was to discuss the build-out plan Concept Sketch C relative to the proposed residential development proposal scheduled for a continued public hearing on January 29, 2008. You will recall that this matter was carried from the January 8th Board meeting for our office to confer with Mr. Flannery concerning the build-out plan. The subject property's natural boundary is the Cotterals Branch of the Metedeconk River; a State designated Category One waterway with a 300-foot buffer area (Special Water Resource Protection Area). The initial lot yield plan presented by the applicant proposed development within the 300-foot stream corridor buffer area. The Lakewood Township Ordinance Section 18-905 (Cluster Single Family Residential Development) requires that the lot yield plan show "development of the tract using conventional zone district requirements and strictly applying all limiting factors." The NJDEP Special Water Resource Protection Area buffer requirements are a limiting factor, in our opinion. Conventional Sketch C contains a conceptual layout according to the R-15 Zone standards for 60 single-family residential lots. The current subdivision plan proposes a total of 60 single-family residential lots, which is consistent with the lot yield plan. The lots appear to conform to the R-15 width and area requirements. The rear yards of the lots along the east side of Road A are shown to be within the Category One stream corridor buffer area. Mr. Flannery explained that, if such a development proposal were to be presented to the Lakewood Planning Board, the rear yards of the lots would be deed restricted to prohibit any grading or clearing and placement of any structures such as sheds, pools, etc. Based on the above, we concluded that the intent and purpose of Section 18-905 (Cluster Single Family Residential Development) would be met, and the lot yield plan requirements of Paragraph C of that section would be in compliance. We recommend that the Planning Board request testimony from the applicant's engineer addressing compliance with the intent and requirements of the cluster provisions of the UDO. Therefore, based on our meeting and review, it is our opinion that the Planning Board may rely on the lot yield plan presented by the applicant and proceed with the public hearing for the development plan as presented.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery marked into exhibit A-1 which is sheet 3 of the plans submitted, A-2 and A-3

are rendered versions of the architectural drawings for the proposed retail buildings that are located in the front of the site. Mr. Neiman asked for an overview of the property and Mr. Flannery said the prior use of the property was farming, and there is a stream that goes along the western boundary line and wraps around and eventually goes to the Metedeconk River. The wetlands are associated with that stream corridor and is pretty close to the stream as well as the flood hazard area and that requires a 300 ft. buffer and that follows the rear of the development. What the applicant has done is left the entire 300 ft. area as open space. The DEP has certain criteria if you wanted to do something within that 300 ft. but we do not. The one lot is the fire house and the other open space lot is going to be the tot lot. The buffer will remain in the natural state and it will be deeded to the homeowners association. Mr. Banas asked about the monuments and if they are going to put them in the wetlands and Mr. Flannery stated the wetlands are substantially offset from the 300 ft. buffer so monumenting the wetlands would be a needless operation. The reports do stipulate that where the 300 ft. buffer touches the lots (12 of them) that will be permanently monumented, and we agree to that; the rest is part of the homeowners' association property, so it is not in somebody's backyard. Mr. Banas said the board has, in the past, asked for monuments around all of the wetlands and all of the hazardous streams, but the professionals have also asked for deed restrictions within each one of the lots that are affected by the wetlands buffers. Mr. Flannery agreed. Mr. Akerman asked about the lot yield plan and the need for one and Mr. Flannery said they needed one because they are in a zone that is R15/R10 Cluster that shows how many R15 lots they can have and that is how many R15 lots they can get and the answer to that is 60 and then we are allowed to do 60 R10 lots which we have done.

Mr. Flannery continued with the planners report, and said the ordinance stated 5% of this site is 2.35 acres should be put aside for active and passive recreation and they are setting aside 18.85 acres for recreation which is 40% of the site in 3 places. We are proposing active recreation in the northeasterly portion in the 16 acre open space lot as well as the southeasterly open space lot. They will be putting playground equipment on the lots. The homeowners association will maintain the stormwater basin and the stream buffer. Trident Environmental did a report and the site was cleaned up and Mr. Flannery has a copy of the report. Mr. Neiman said they can ignore the letter from the Lakewood Environmental Commission dated 10/4/07 and Mr. Banas said yes. The site has been cleaned up. Mr. Flannery said the clubhouse will be owned by the homeowner's association. They did add a parking lot at the clubhouse and showed them on exhibit A-1 that there are 10 parking spaces and 10 grasscrete spaces across from the driveway on the entrance to the retail building to serve as an overflow. Mr. Banas asked how large the clubhouse was and Mr. Flannery said 9600 sf. on 2 floors. There was discussion and the number of parking spaces that were required with Mr. Banas using a senior community and Mr. Flannery using sanctuary space. Mr. Banas asked when these plans would be ready and Mr. Shea said there is a requirement that the clubhouse has to be completed by the 30th unit. Mr. Truscott said it is a recommendation/suggestion by his office but there is no ordinance in effect.

Mr. Truscott said in his report they treated the clubhouse as a public building and there is a requirement of 1 space per 400 sf of gross floor area so they calculated 24 parking spaces required. Mr. Akerman asked if Stonewall Court is opened to the retail space and Mr. Flannery said yes. Mr. Flannery agreed to the landscaping comment in the planners report.

Mr. Neiman wanted to go back to the parking and said the 3 offsite parking spaces for the homes, especially if there are basements, and if they are livable basements, and Mr. Flannery said if they want 4 they will provide 4. Mr. Banas said not including the garage. Mr. Flannery said these would be custom homes and if they wanted covered parking why would they be penalized for wanting that. Mr. Neiman said double width 2-deep (4 outside) will make a big difference to this project. Mr. Flannery and Mr. Shea agreed. They agree to the sidewalks and signs will be conforming to the ordinance. We agree to the deed restriction so we do not need the letter from the DEP and agree to the remainder of the planners comments.

With respect to Max's report, they met with Mr. Franklin with regards to the sound attenuation walls and they are proposing a 8 ft. high sound wall and entered into exhibit A-4 which is the 8 ft. high fence. It has a sound transmission rating of 25 to eliminate any sound, along the back line, along the back of all the units (showed on exhibit) and 50 ft further past that so it would total almost 900 ft. of 8 ft. high sound barrier. Mr. Banas asked what is going to cause all that noise and Mr. Franklin said his equipment would be doing that (snow plows, garbage trucks, etc.) Mr. Banas said it would be the first sound barrier in Lakewood. Mr. Franklin said in the planning of the Public Works yard they knew something was going in there, so they did put a high berm in there and have planted pines on top of the berm, but this is just a little more secure for the people moving in.

With reference to the curbs and sidewalks along Cedar Bridge Avenue. They have sidewalks along Cedar Bridge Ave, 10 feet in off the road, but the county requested they do it without curbing because for drainage purposes we would have to put in curb, catch the water put in pipes, and they would have to maintain it. So we are requesting from the board not to put in curbs. Mr. Banas said he likes curbs, but moving that sidewalk in 10 feet will allow the water to spill over and percolate into the soil. Mr. Banas still likes the curb, and they have it in front of the public works and the firehouse and he feels it should continue. Mr. Flannery said the county would rather they didn't and they are balancing aesthetics, with safety and environmental issues. Mr. Flannery feels constructing the sidewalks 10 ft. in solves the safety issue. Mr. Franklin said it would tie in the curbs with the existing ones from the firehouse and the entrance to his building.

Mr. Flannery agreed to getting an easement from the Township for water and sewer utilities through Block 549.01 Lot 1. Mr. Flannery entered exhibit A-5 which is the environmental report from Trident Environmental referencing the Historic Farmland Sampling Report dated 11/2007.

They agree to the remainder of the comments in Max's report.

Mr. Franklin asked about the streets and the drainage belonging to the homeowners association and Mr. Flannery said yes.

Mr. Franklin said that has come back to haunt him. The homeowners are asking why they have to maintain the streets and drainage and he tells them it is a strictly monetary thing, it lowers the cost of the homes immensely. Mr. Flannery said Mr. Franklins' position all along is if the Township is going to maintain the drainage, it all has to be in the road, and in order for it to be in the road, we would have to fill all the lots so that everything drains towards the road, and it gets very costly as well as environmentally it is not good, you are changing the grades, bringing in dirt, etc.

Mr. Neiman asked about the garbage and Mr. Flannery said these are single family homes and the Township will be picking up the trash but what they are doing today is subdividing the lots, when the houses are built they, pails will be issued and they will store them where they like. Mr. Neiman asked about school buses and was told they will be coming in and out of the development, just not into the cul de sacs.

Mr. Truscott asked about the phase 1 environmental assessment that was submitted and the findings and conditions and recommendations going to be complied with as a condition of approval and Mr. Flannery stated they have been complied with and he has the documentation that he will supply to Mr. Truscott.

Mr. Banas opened the microphone to the public

Mr. William Hobday, 30 Schoolhouse Lane, was sworn in. He asked who would be paying for the construction of the clubhouse and was told the builder. He asked if there was going to be a public offering statement to the homeowners so they know the metes and bounds this is part of their homeowners' documents and Mr. Jackson told him it was not governed by this board but by the DCA. Mr. Hobday said he is concerned by some of the potential homeowners should be apprised specifically as to what is theirs because they will be paying for it in association dues and the guarantee by the builder as to what will be built on their behalf. He is concerned with the green area just west of the clubhouse and he heard that is passive recreation as well as a parking lot or overflow parking lot and he wonders if it is not being counted twice. He does not think a lot of residents will be walking there, especially if it is raining and this is 60 dwelling units so this is not small, this is major. Mr. Banas said he would have Mr. Shea explain the homeowners' documents.

Mr. Shea said they are in agreement with the comments that Mr., Hobday is saying and they are giving full disclosure to all perspective buyers.

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

Mr. Banas said the board members are asking for curbing along Cedar Bridge Avenue.

Motion was made by Mr. Franklin, seconded by Mr. Akerman, to approve this application with the conditions set forth in the discussion, 4 off site parking spaces, etc.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

2. SP # 1860 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION AVREICHIM
Location: 10th Street @ northeast corner of Clifton Avenue
Block 112 Lot 11.02
Preliminary & Final Major Site Plan for house of worship

Carried to a future meeting.

- 3. SP # 1874 (NO VARIANCE REQUESTED)**
APPLICANT: SARAELLA HOLDINGS LLC
Location: Cedarbridge Avenue @ corner of Airport Road
Block 1160.12 Lot 261
Preliminary & Final Site Plan for office, terminal and warehouse building

Carried to February 19, 2008

- 4. SD # 1611 (NO VARIANCE REQUESTED)**
APPLICANT: DAVID FLAM
Location: southeast corner of Pearl Street & Bruce Street
Block 246 Lots 47-50
Minor Subdivision for 3 lots

Mr. Penzer said the reports were read at the last meeting but Mr. Franklin had a problem with the drainage at this lot so it was decided they would meet at site and examine the drainage issue.

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to realign four (4) existing lots to create three (3) new lots. Existing dwellings are located on old Lots 47, 49, and 50. Existing Lot 48 is vacant. All existing structures are to be razed within the property limit. No new construction is proposed for this project. The property is located at the corner of Pearl Street and Bruce Street, within the R-7.5 Zoning District. No variances are requested by the applicant. The applicant should request a wavier for providing 40 ft street R.O.W on Pearl Street, where 50 ft R.O.W is required. The applicant has proposed a road widening easement to yield a 25' half width equivalent. Ocean County Planning Board approval will be required. Evidence of approval shall be made a condition of final subdivision approval. All existing structure to be removed shall be removed prior to signature of the final plat or a bond posted to ensure prompt removal of these existing structures. The applicant has revised the plan to show three (3) parking spaces are to be provided per unit for duplex and single family dwellings with an unknown number of bedrooms. The Board should determine if the three (3) parking spaces per unit provided will be sufficient for the proposed use. The board should be aware that minimum lot area of 10,000 sf is required in the R-7.5 zoning district if two family/duplex structures are proposed in the future. A six (6) foot wide shaded tree and utility easement is proposed to be dedicated to the Township along the Bruce Street and Pearl Street frontages of the property. A sight triangle easement is to be dedicated to the Township at intersection of the two streets at the frontage of the property. A 5' wide road widening easement is proposed to be dedicated to the Township along the pearl Street frontage of the property. The applicant has revised the plan to show proposed sidewalk along the Bruce Street frontage of the property. The shading that represents the proposed sidewalk shall be revised to a lighter color or a different type of shading so it doesn't cover other contents of the plan. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated December 14, 2007. The applicant is seeking minor subdivision approval to consolidate Lots 47, 48, 49, and 50 and create three (3) building lots. The property is 30,000 square feet (0.68 acres) and situated in the R-7.5 Residential Zone. The subject property is located at the southeast corner of the intersection of Bruce Street and Pearl Street in the northern part of the Township. The tract contains two existing dwellings and several accessory buildings, all of which will be removed. The subject property is located in the R-7.5 Zone and single-family dwellings are a permitted use. No variances are requested. Review Comments. The plat indicates that lot numbers have been approved for the subject lots. Street trees are not proposed along the frontage of the subject lots. Compliance with the off-street requirements of the NJRSIS is required. The balance of the comments are technical in nature.

Memo from V. Mignella to K, Kielt dated 01/23/08- At the request of the planning board administrator, I was asked to review and provide an assessment of the existing drainage conditions for the subject area (see attached tax map). Recently, I sent an inspector, during heavy rains, to document the spread on the road and the site conditions. A large drainage area exists which conveys runoff to the inlets located on Bruce Street and Dewey Avenue. I also performed a site visit to assess the Planning Board's concern that the proposed development, which most likely will yield an increase in impervious area, will have a negative impact to the current drainage issues. Our investigation does confirm that improvements to the existing overall drainage system in the neighborhood are necessary. My concern about the proposed subdivision approval is solely with the additional storm water runoff and possible failure to adhere to UDO (Unified Development Ordinance) with buffer requirements. My recommendation to the planning board is that the applicant implement the proper measures to pick-up, contain and recharge the additional runoff that is being generated by the proposed site work as well as adhere to the proper buffer requirements.

Mr. Penzer, Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Flannery stated the report from the township engineer indicates that there is a drainage problem in this area. He sent maps and it is lot 42 which is a lot removed from this lot. Our property has 3 houses on it with a pool and driveways and we are removed from where the problem is. The drainage goes through Lot 42 and down to Ocean Avenue which is downstream from them. Mr. Flannery said maybe the problem would be exacerbated with larger buildings and the impervious coverage and they would handle that with recharge for the roofs so there would be no detriment to building.

They had already gone through the professional's reports and comments at the prior meeting.

Mr. Banas opened the microphone to the public

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

Mr. Kielt commented that the same members that were at the last meeting are not here tonight and asked if there was a problem. Mr. Jackson stated 4 of the members were here but the meeting it was carried from was January 8, 2008. Mr. Banas stated that Mr. Herzl will be arriving shortly and they will wait for him to arrive to take a vote.

The board decided to hear the application again because Mr. Herzl did not arrive and they decided to read the letters into the record again so the members present can vote.

Mr. Moore and Mr. Truscott read their reports and Mr. Flannery agreed to their conditions. Mr. Flannery said they would add the street trees in accordance with the Township Ordinance. Mr. Banas said they did not know at this time if it was going to be single family homes or duplexes but whatever it is they needed at least 3 parking spaces per dwelling and the applicant agreed.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

5. SP # 1877 (VARIANCE REQUESTED)

APPLICANT: K LAND CORP.

Location: Route 70 West and Vermont Avenue
Block 1077 Lot 21

Preliminary & Final Site Plan for construction of 53,326 sf furniture store with associated parking and stormwater management

Mr. Franklin has a conflict, so he stepped down.

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan Approval to construct a 53,326 S.F furniture store with parking lot and loading area. Three stormwater infiltration basins are proposed. The property is situated north of State Highway Route No.70 and west of Vermont Avenue, in the B-5 zoning district. The applicant is requesting the following variance for the proposed sign. Maximum area for freestanding signs; 120 S.F is the maximum permitted, where 433 S.F is proposed. Maximum height for freestanding sign; 22 F.T is the maximum permitted, where 35 F.T is proposed. Maximum area for wall signs; 60 S.F is the maximum permitted, where 446 S.F is proposed. Outside agency approvals from NJDOT, Ocean County Planning Board, and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Site Plat.

The applicant shows on the plans 285 parking spaces are proposed for the development, 202 of the proposed spaces are land banked spaces, and will not be constructed at this time. The applicant shall provide testimony to justify the need for only 83 parking spaces instead of the 265 parking spaces, which are required by the Lakewood UDO, for retail stores. Twenty-five (25) of the land banked parking spaces are shown within the footprint

of one of the proposed basins. The applicant will provide underground recharge trenches underneath of the front parking lot to compensate the lost volume of the basin, if the 202 parking spaces are to be built. The applicant shows on the Existing Conditions Plan, an access way through the site from Route 70 to an existing dwelling to the north of the site is to be removed. A new access way is proposed to be construction to provide access from Colonial Drive to the dwelling. Written documentation shall be provided to demonstrate the owner of Lot 32 has agreed to the proposed construction on their property. The Township plans to reconstruction the Vermont Avenue Route 70 intersection and extend Vermont Avenue north. We recommend the Board make a condition of approval that the applicant contribute half of the cost of the intersection improvements, and half of the costs of the roadway improvements along the frontage of the property. The township engineer has estimate the contribution should be in the amount of \$163,625, as determined in the attached spread sheet. The applicant shall provide testimony on how the solid waste storage and removal will be addressed, whether it will be public or private collection. In addition, the footprint of any proposed trash enclosures shall be shown on the plan with adequate dimensions, and a detail of the enclosure shall be added to a Construction Detail Sheet. The applicant shows on the plan an area for future development on the eastern portion of the site. The applicant shall clarify what type of development may be constructed in the future. The applicant has proposed sidewalk along a section of the State highway Route No 70 at the property frontage. The applicant shall provide curbs and sidewalks along the Route No 70 property frontage. The applicant shall show on the Geometric Plan the start and end points of the proposed flush curb in front of the proposed building. The infiltration percolation calculations shall be included in the stormwater report as previously submitted. Western boundary line of the 12.01 ac off site drainage area shall be shown on the existing and proposed drainage area maps. Existing contours that are used to define the boundary line shall be shown on the maps as well. With regard to onsite ecology, barred owl and northern pine snake are mapped by New Jersey's Landscape Project (Version 2.0). The EIS states that barred owl is not expected to utilize the property, since no old-growth, forested wetland vegetation exists at the site. Although suitable habitat for Northern pine snake is present at the site, Maser Consulting has stated in the EIS that it unlikely that populations of Northern pine snake currently utilize the property. We concur with the EIS findings that barred owl and pine snake are unlikely to inhabit the site. The applicant shall notify the Township should evidence be encountered that Northern pine snake utilize the property. The balance of the comments are technical in nature

Mr. Truscott read from a letter dated January 7, 2008. The applicant seeks preliminary major site plan approval for the entire tract and final major site plan approval for Phase One for the above-referenced property. The applicant proposes to construct a 53,320-square foot furniture store and associated parking and stormwater management facilities. No improvements have been proposed at this time for Phase II. The subject tract is 8.6 acres in area and wooded. The lot has frontage on Route 70 and Vermont Avenue. The surrounding land uses are generally commercial. The Board considered the application at its November 13, 2007 Plan Review meeting. The revised plans take into account the comments of the Board and the Board professionals. A furniture store is a permitted use in the B-5 Zone. No bulk variances are requested. The following sign variances are requested: Maximum Freestanding Sign Area – 433 square feet proposed and 120 square feet allowed. Maximum Sign Height – 35 feet proposed and 22 feet allowed. Maximum

Wall Sign Area – 446 square feet proposed and 60 square feet allowed. The positive and negative criteria must be addressed. The applicant indicates that testimony will be provided to address the request for sign variances. Review Comments. The applicant has proposed sidewalks along the property frontage of Route 70. The applicant has not proposed sidewalks along Vermont Avenue. Sidewalks along Vermont Avenue should be discussed in conjunction with the improvement of Vermont Avenue. Parking. The applicant proposes 83 off-street parking spaces and 202 “land-banked spaces” for a total of 285 spaces. Based on a floor area of 53,320 square feet, 267 parking spaces are required (one space per 200 square feet). The applicant’s Traffic Engineer presents one case study and information from the Institute of Traffic Engineers (ITE) indicating that the proposed paved parking will be sufficient for the furniture store use. Land-banked spaces will comply with the ordinance requirement. A waiver will be necessary for the land-banked spaces. The proposed parking spaces include 65 parking spaces in front of the furniture store with seven (7) handicap parking spaces and eighteen (18) parking spaces along the entrance driveway. The applicant should indicate whether the proposed eighteen (18) entranceway parking spaces are intended to be designated as “employee only.” The applicant should provide testimony on whether an alternative design was considered for the location of the parking spaces. The applicant should comment on why relocating these parking spaces to the either side of the building is not a feasible alternative at this time. If the design proposed is preferred, the applicant should comment what improvements if any will be proposed to the landbanked parking spaces and whether a cross-walk will be proposed. The applicant indicates that testimony will be provided on parking and how they intend to comply with the Township ordinance. The applicant also should indicate how parking will be addressed for Phase II and whether there will be sufficient parking to address the Township’s standards for the proposed use. The applicant shall place a note on the site plan that indicates the following: “Landbanked parking spaces will be provided as needed and required to address additional parking needs as determined by the Township Engineer.” The applicant has clarified the site plan as to the location of twenty-five (25) parking spaces within the area of Basin #1. The applicant indicates that the twenty-five (25) parking spaces in Basin #1 will remain as designed as landbanked spaces. In the event that the landbanked parking spaces are required, the property owner has proposed to address the loss of volume by constructing an underground storage basin and to have a retaining wall constructed in front of these parking spaces. The applicant has provided a schematic detail for the underground storage basin on Sheet UP-2. We defer our comments to the Board Engineer regarding the design of the underground storage basin and the retaining wall. Vermont Avenue is currently an unimproved right-of-way. In our prior development review letter, we suggested that the Board require that the applicant provide sidewalks and improvements along Vermont Avenue if and when Vermont Avenue is improved. We also noted that the right-of-way improvement to Vermont Avenue should also be discussed. On the site plan, the applicant has proposed a future driveway location to access the site from Vermont Avenue. The proposed location is directly across from the existing jughandle to Vermont Avenue. In addition, the applicant indicates that the future intersection improvements will be provided by “others.” We defer our comments regarding traffic safety to the Board Engineer. The applicant indicates that the improvements to Vermont Avenue will be discussed at the public hearing regarding this application. The applicant must address the connection to Vermont Avenue and the improvement of same as part of this subdivision approval. Buffer. A continuous 25-foot wide buffer has been provided along the northerly

property line as required by the Township's UDO. The proposed access easement to Lot 32 has been proposed from the existing cul-de-sac bulb at Colonial Drive. The cul-de-sac bulb provides local street access to the existing residential structure on Lot 32. The applicant indicates that the only disturbance proposed in this buffer area is to provide a gas line to service the site. Access to Lot 32. In the revised submission, the applicant has proposed to access Lot 32 through a twelve (12) foot bituminous driveway in the right-of-way of Stratford Street. This will require that access be provided from the existing Colonial Drive cul-de-sac bulb. In the prior design, the applicant had proposed a driveway from the rear of the site that would have to cross Lot 10. With regard to the proposed driveway to the existing residence on Lot 32, Block 1077, the site plan should be revised to indicate the width and length of the proposed driveway as well as the specifications. The Landscape Plan should be revised to include the proposed driveway improvement and the relocated driveway. Landscaping. The applicant has provided additional vegetative screening along the highway side of Basins 1 and 2 as requested. Foundation plantings are proposed to be coordinated with the architectural plans. No revised architectural plans have been included in this submission that shows how the foundation plantings will be coordinated with the site plan. Screening along the west side of the site should be coordinated at the time of construction at the discretion of the Township Engineer. A note has been added to the landscaping plan on the western side of the site. This note should also be included in the general landscaping notes as well. The relocated driveway should include several trees as well as seeding. Phasing of Land Disturbance. We note that the "future development" portion of the tract will be disturbed. In our prior development review letter, we had indicated that the applicant consider not clearing the site proposed for Phase 2 until the development has occurred. In response, the applicant indicates that clearing the site in its entirety is more cost-effective and that is why the areas of Phase 2 is proposed to be disturbed. We recommend that the Phase 2 areas remain undisturbed until development of the Phase 2 area occurs and the applicant submits its application for the proposed use and development of the site. The applicant should comment as to the requirements for CAFRA approval and the proposed impervious coverage. As proposed, the applicant indicates a CAFRA approval is not required. The proposed impervious coverage covers Phase 1 proposed improvements. The applicant indicates that a permit may be required to improve the areas for Phase 2 at a later date. A condition of approval should be that the applicant provide a copy of the CAFRA permit prior to developing Phase 2 of the site. The Woodlands Management Plan should be reviewed by the Shade Tree and Environmental Commissions. Comments were provided by the Shade Tree Commission on November 7, 2007 and the Environmental Commission on November 8, 2007. The Environmental Commission recommended inclusion of a tree save plan. The applicant indicates that a tree save plan is included on the Woodlands Management Plan. The Shade Tree Commission recommended increasing the caliper size of all trees to a three (3) inch caliper size. The Commission recommends providing ornamental trees that are no less than 12 to 15 inches or 3-inch caliper. The Commission indicated that the site plan proposes an estimated 720 caliper inches of trees to be removed which will be replaced with approximately 132 caliper inches. The applicant indicates that Township development regulations require a two (2) inch caliper size (Section 18-803.B.1.c.). Section 18-803.B.1.c. states the following: "Trees shall be at least (emphasis added) six (6) to eight (8) feet in height and two (2) inches in caliper when planted and be of a species common to the area, and listed on the approved plant species list incorporated herein, and be of balled and burlapped nursery stock and be free of insect and disease."The Shade Tree

Commission also recommended that the applicant provide additional plantings around Basin #3. The recommendation is for an evergreen and deciduous tree mix. The applicant indicates that additional plantings around Basin #3 will be provided at the time of future development. We recommend that the Board require that the applicant provide a note on the site plan that indicates that additional plantings will be required during Phase 2 of the development on Basin #3. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; New Jersey Department of Transportation; New Jersey Department of Environmental Protection; and, All other required outside agency approvals.

Mr. Shea Esq. appeared on behalf of the applicant with Fred Coco from Menlo Engineering, Karl Pehnke from CMX, Traffic Engineer, and Richard Tokarski, Architect. Mr. Shea stated the Fire Commission and the Environmental Commission had no objection to the plans and the Shade Tree had some comments that the applicant will be working with a tree save plan to incorporate the suggestions. They marked into evidence exhibit A-1 which is sheet 1 of the plans prepared by Menlo Engineering, exhibit A-2 which is a photograph of the entrance and the building sign of the furniture store and exhibit A-3 which is a color rendering of proposed signage. Mr. Coco stated this is at the northwest corner of the intersection of Route 70 and the jughandle for Vermont Avenue. This site is surrounded by wooded vacant area to the north and one single family home vacant land and the jughandle to the right operated by the DOT, the opposite corner is another vacant parcel and across the street is an apartment complex and a funeral home at the intersection. To the west is a parking lot of the Flea Market which operates on the weekends and what you see in the aerial photograph is the packed gravel that covers the area. The site is predominately wooded with a topographically deep swale that runs from the western portion of the site down to the northeast corner and is about a 20 ft. grade differential between the lowest and highest portion of the site. The entire site sits lower than Route 70 in terms of its topography. There is an existing driveway that serves an easement for the single family home off Colonial Drive which is the subject of a prior 1950'ish deed between the landowner and this property that has a provision in it that the easement can be abandoned provided that there is alternate access provided for that home and since Colonial Drive is now being constructed, their proposal is to construct a driveway that the home can use to access Colonial Drive and they can eliminate and abandon the easement. The proposal is for the Ashley Furniture Store and they are providing 83 parking stalls along the front and side of the building and 202 land banked parking spaces. Access to the site is provided by 2 driveways, right in right out from the center of the site, which will also serve as the truck access that goes around the building and there is a one way right turn only at the opposite end of the site for vehicles exiting the site and continuing westbound. He also showed a light green area on exhibit A-1 which is a future development phase but as part of this application they are planning to do the clearing and grading of that area. The way the site is designed now, with the grading there is a pad site they are providing a lot of cut material where the building is going and that cut material will be going into a fill area for that second phase. There is no application filed at this time for that phase but when tenants are found and those plans are done, we will file for an approval for that site plan. There was a comment in the planners report of possibly only clearing the first phase and leaving the second phase wooded, but from an earth work standpoint it makes more sense to do the whole site at once because we are generating the cut material in this section of the site and filling along the low area so it is

their preference to build the site at once so they do not have to export this material now and then bringing fill material from offsite when the second phase occurs. Mr. Banas asked what the period of time between phase 1 and phase 2 and Mr. Coco said they were close to finalizing plans with a potential tenant for phase 2 so hopefully within the next 6 months. Mr. Shea indicated that this is the only application pending before the board. There may be a phase 2, and there may not be a phase 2 and the phase 2 may require a CAFRA permit whereas this project does not so he does not want to guarantee that they are building. Mr. Banas asked why strip it and Mr. Shea said they are not exporting the fill and then bringing it back, they are asking to take the fill from the cut and put it in the ground already existing, this is environmentally sound and the best thing you can do on a site, nothing leaves the site this way. Mr. Neiman said they would get out of filing for CAFRA because it is less than XX amount of parking spaces. Mr. Shea stated the board has to be satisfied that the landbanking in their parking proposal for the furniture store makes sense based upon professional testimony. Mr. Banas said it may be sound to the applicant but his ears are deaf on that and he is looking for the best of Lakewood.

Mr. Coco said they are not looking for any variances for lot width. They are requesting several waivers or variances. One site waiver is for land banking the 202 parking spaces and they are installing 83. They are required to have 267 parking spaces. If the land banking parking were installed, they will exceed the zoning requirement and that would cover if Ashley Furniture would ever relocate from this facility and another typical retailer would move in there would be more than adequate parking on the site to meet the Township Ordinance. The variances they are seeking are all related to the signage on the project; the first one is the wall sign where the permitted area is 60 sf and the plan shows an area of 446 sf. He showed the architects photo rendering and pointed where the sign would be positioned in the center of the building. The second variance they are seeking is for the sign which is located next to the front driveway. The ordinance requires a height of 22 ft. and 35 ft. is proposed and the maximum area permitted is 120 sf. and 433 sf. is proposed. The reason for the request is because this portion of Route 70 is a fairly high speed area and there other activity they would prefer to have a larger sign to identify not just the site but also the location of the driveway and safely be able to change lanes and turn into the site. Mr. Neiman asked if Ashley's was part of a chain and if this was typical of the signage of the other stores and Mr. Coco said the wall sign was the free standing sign was the prototype logo of the sign and around this size. From a planning standpoint, they are asking for relief from the ordinance because of the high speed highway and the location of the site and they feel the safety features of having the people enter the site safely and identify the store outweigh the detriments of the variance. They have 3 detention basins, one in the front, a smaller one to the right and a third one off near the intersection and these were designed in accordance with the DEP and CAFRA regulations and are recharge systems, all the water is collected onsite and recharged into the soil below. There is an overflow in the event these fail, the water will flow to the northeast but the runoff will not leave the site based on the design. On lighting and landscaping, all of the improvements are focused around the Ashley Furniture and the front of the store and site with the remaining grading and future development will occur being left for future development as well as landscaping. We have shown around 40 shade trees with evergreens, ornamental trees and hundreds of shrubs and 30 ft. high light which will have sufficient lighting without being overlit. Sewer and water will be brought in to the site. We have applied for the various permits, and have already received the DOT access and utility permit and CAFRA non jurisdiction letter since we have less than 150 spaces.

With regards to Mr. Slachetka's report, they wanted to discuss the need for sidewalks on Route 70 and Mr. Banas said the boards plan was to put curbs and sidewalks on both Route 70 and Vermont and Mr. Coco and the curbing is under the state jurisdiction and Mr. Banas the board asks for it here, and if the superior board does not want it, the local board will defer to them. It was agreed that curbs and sidewalks would be installed and Mr. Shea said what was left open at the technical meeting was the necessity of putting them on Vermont before it was improved. Mr. Banas said he could accept something similar to that but in conclusion when the project is complete. With the question of the driveway being configured in the center of the site because it is the truck route to the rear of the building and if parking spaces were installed against the building, the trucks would then have to make a sharp left and a sharp right to get the rear of the building and this driveway would give a more direct route to the rear and would allow easier truck access to the rear. On future development, the area is large enough to provide parking along the building and parking along the opposite side of the driveway so the access drive would remain and additional parking would be available. Mr. Shea said Mr. Peters letter pointed out that a cross walk would be constructed between the 18 parking spaces extended to the front of the store and the applicant agreed to that. They will add the note from item "e" in Mr. Slachetka's report on the plans. They provided a sketch of the land banked spaces and some of the landbanked parking spaces would intrude into the proposed detention basin and they showed an alternate plan. They agreed to the remainder of the comments in the planners report.

With respect to Mr. Peter's report, the municipality has plans to reconstruct Vermont Avenue Route 70 intersection and to extend Vermont Avenue north. Mr. Coco stated the amount of contribution that was submitted by Birdsall Engineering included the traffic signal was included in the estimate and they would like to review the quantities and said the improvements for his applicant's site is only about 100 ft. so the reconstruction of the traffic signal itself is not something they felt they should be burdened with. Mr. Banas said the estimate was done 12/3/07 and you had ample time to discuss those fees with them prior to this meeting. Mr. Shea said it was premature for the applicant to speak to the Township Engineer prior to this meeting and Birdsall did not have the benefit of a traffic study from this applicant to see the number of trips and the impact this applicant has on the intersection. The remainder of the comments in the engineers report are acceptable to the applicant.

Mr. Schmuckler asked about the parking next to the building, and said if you added the land banked spaces you can leave the driveway straight. Mr. Coco said that would be installing parking spaces that he felt they didn't need. Mr. Banas asked Mr. Truscott how many parking spaces did they need and Mr. Truscott said 267 for the furniture store. Mr. Coco said if you add the 202 land banked spaces and add them to the 83 spaces that they are installing, they have 285 spaces. Mr. Moore said Max's letter requested written documentation regarding the dwelling in the rear is in agreement to the easement being abandoned and Mr. Shea said the owner is present tonight and his testimony will be entered that he is in agreement.

Mr. Pehnke, the traffic engineer testified that he had meetings with the DOT and discussed the needs of the applicant. They have access permits with the DOT for the driveway access and they will be built according to the design guidelines. With regards to the

comments on curbing on Route 70, they will consider it but the design guidelines by the state control the approval because of drainage and safety reasons. Mr. Shea said the DOT will be in possession of the resolution requiring curbing. A furniture store, from a traffic generating standpoint is a very low traffic generator during peak hours, somewhat less than 50 total trips in and out in an hour. The driveways will meet the level of service they were designed for. That goes hand in hand for the land banked parking, studies published in Institute of Transportation Engineers in the 3rd Edition of the Parking Data Publication of furniture stores shows that at most at peak 50 parking spaces and that would be in the high end of that. They also studied another Ashley Furniture Store in a populated area of Middlesex County and on a Saturday the peak parking was 28 spaces, so the 83 spaces they are proposing are more than adequate for the site.

Mr. Banas said the sign outside directly mimics the sign on the building and Mr. Tokarski stated exhibit A-3 is a photograph of an existing building which the proposed one will mimic. Mr. Banas asked him to show the board the picture of the sign itself and stated it was a little big. Mr. Shea stated the building is people who are going to see the building sign are the eastbound vehicles and the people who will see the freestanding sign will be in the westbound lanes and will need a larger sign for them to enter safely. Mr. Banas asked Mr. Truscott if they moved the sign back from the highway, could they keep the size of the sign as they are proposing and Mr. Truscott said no, under the ordinance, it would not. Mr. Banas asked if all the free standing signs in all the other stores that large and Mr. Tokarski said they are currently pursuing this design in North Brunswick and Linden and they are not erected yet but this is the prototype for the sign for all 3 stores and this is the exact same size. Mr. Kaplan, the owner of the property stated that on one of the sites there is an existing sign that is the same size and they plan on replacing it with this one. Mr. Truscott stated the other variance is for the sign on the building itself. Mr. Shea said the store is set back 300 ft. from the state highway. Mr. Banas said he hates to compare with neighboring municipalities but does not think they have signs that large (Brick-Raymor & Flanigan) and Mr. Tokarski stated it is in a more commercialized zone in Brick, a pad site with clear parking in front of it and the Ashley Store is an architectural element as well as the sign and it is proportional to the scale of the building and the façade. Mr. Shea said he just got approval in Jackson for a bank on County Line Road for a 39 ft. high sign because the speed limit is 50 mph. Mr. Akerman asked how many employees would be at the store at one time and was told between 10-15. Mr. Schmuckler said because you do not need 267 parking spots because it is a furniture store, when there are sales going on, how many sales staff would you need and Mr. Pehnke said the spaces are laid out nicely this way and with his prior testimony the most they would expect is 50 so they have 33 additional what the demand would be so they have created a buffer for sales. Mr. Schmuckler said making more of the land banked parking into actual parking would not take away from the actual site and it would be beneficial for phase 2 and if you have the larger sales. Mr. Pehnke said they are comfortable with the number of spaces they have provided and environmentally, it is proper not to build more than what they need. If they are wrong, then the landbanked spaces are there and the Township Engineer can instruct them to construct them. Mr. Shea added if it would make the board member feel more comfortable, the resolution can be set up that states if the parking is inadequate the applicant be instructed to construct more from the landbanked ones.

Mr. Banas asked for the owner of the property in the rear to come forward to testify. Mr. Robert Kirschner, 1400 West Cross Street, Lakewood was sworn in. He stated the access road services 2 dwellings that he owns, 211 Stratford Street and 222 Thorn Street. It is the only way to get to them. When Chestnut Estates was put in many years ago, they elevated the cul de sac of Colonial Drive so you couldn't get down the embankment. He is here to support the application and to correct the situation that has been here for 50 years. It is a 500-600 ft. driveway over a dirt road that comes out onto Route 70 which is a danger and also the proposal to come off of Colonial Dr. cul de sac would be a much shorter drive and easier to find. He agrees to the extinguishment of the easement that has existed in consideration of the extension of Colonial Drive and will sign the necessary paperwork. Mr. Shea mentioned the contribution that was needed to be made by the applicant to the Township for road improvements to Vermont Ave. and suggested in the resolution be subject to a condition that the applicant and the Township Engineer agreeing upon an amount mutually satisfactory to both parties.

Mr. Banas asked how much of this land was going to be cleared and Mr. Coco showed on the plans the light green. Mr. Banas said the entire site and Mr. Coco said yes, they are moving 10-15,000 cu.yds. of material. If they do it the way they propose, all the earth movement is done onsite, the site is cleared, and various machinery will move the soil on the site and will grade the site and then construct the first phase. It will all be stabilized, and grass maintained in accordance with soil erosion measures. In the alternative, if they were only to do phase 1, they would have to clear the area, cutting the material from there and taking it offsite in dump trucks and bringing it somewhere else; then some period of time later, when phase 2 is developed, we have to go offsite and buy that same amount of material and truck it back here. Forgetting the cost associated with it, just that amount of traffic has a impact. Mr. Shea indicated they are applying for OCSoils permits which means they are cutting down the trees, removing the stumps, grading the land and seeding it. Mr. Coco agreed. Mr. Shea said this is not going to be an ugly site, it will be graded and seeded in accordance with rules applying and stabilized.

Mr. Banas said he knows what happened to the drainage basin maintained by the state—nothing, it looks horrendous. Mr. Coco said this is a private site Mr. Shea said they welcome any verbiage in the resolution to ensure it. Mr. Banas asked what kind of fence were they proposing around the basin Mr. Coco stated a post and rail fence with a black mesh. Mr. Banas said they have been using one kind of fence and Mr. Shea said he is familiar with that fence and they applicant will agree to it. Mr. Banas asked Mr. Truscott about the clearing of the entire site. Mr. Truscott but he would rather see a certain portion of trees remain but said Mr. Coco explained the reasoning pretty logically and it doesn't make sense to import fill to the site if he has a balance for a cut and fill plan. Mr. Truscott is not entirely happy with it but it seems to be logical and reasonable. Mr. Banas asked how much of a buffer was being provided around the entire area particularly in the east and Mr. Coco stated the ordinance requires 25 ft. Mr. Banas said he like to save trees as much as possible and that is a good stand of trees in the area of the east.

Mr. Moore said in the short term, the seeding specification provided by the soil conservation district is fine, but if the eastern portion of the site should remain undeveloped for more than a few months you might want to require some upgraded seeding or something like that to provide a better lawn. Mr. Shea agreed and Mr. Coco

said the Mr. Moore is correct, the seeding specification from soil erosion provide for fast growing material but it does not provide for longer. He also agreed to provide to supplement to a better seed mix for longer lawn life.

Mr. Schmuckler also said they would have to remember that they have to look at phase 2 as if it might not happen. Mr. Shea said what they are recommending is a permanent lawn, if nothing else should happen, it should have a perfect lawn. Mr. Banas said there should be some vegetation around there, you just can't leave it. Mr. Coco stated they could provide a supplemental planting in that case and Mr. Truscott suggested a non bonded vegetation plan with some kind of time frame if there is no phase 2. Mr. Shea requested 5 years before that plan had to be implemented but the proper seeding would go into effect earlier. Mr. Shea said this would be an attractive lawn from day one. Mr. Banas said they were to work with the board's professionals with regards to the terms of the plantings.

Mr. Banas opened the microphone to the public

Mr. Hobday, 30 Schoolhouse Lane, was sworn in. He said this is a very professional, very well laid out plan. He is happy that businesses want to locate in Lakewood on Route 70 and thinks that with the sign the business owner needs to display the sign and with the speed limits and if we need a bigger sign to draw people into Lakewood and away from Brick, so be it. He asks that this board approves it.

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

Mr. Shea thanked the board for staying this late to hear this application.

Motion was made by Mr. Schmuckler, seconded by Mr. Herzl, to approve the application and grant the variances requested for sign and parking.

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

6. SD # 1616 (NO VARIANCE REQUESTED)
APPLICANT: S&H BUILDERS C/O SAM BAUMAN
Location: Martin Luther King Drive, across from Lincoln Street
Block 768 Lot 57
Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Block 768, Lot 57 into two new Lots. An existing dwelling is to be removed from Lot 57. Two 2-story dwellings are proposed on the new Lots 57.01 and 57.02. The property is located along Dr. Martin Luther King Drive, in the R-7.5 zoning district. No variances are requested by the applicant. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be made a condition of minor subdivision approval. The applicant has proposed four (4) off-street park spaces for each proposed dwelling. The Planning Board should determine if the provided parking spaces will be adequate for the proposed use. Curb and sidewalk

are existing along the Dr. Martin Luther King Drive frontage of the property. A 6' shade tree and utility easement is proposed to be dedicated to Lakewood Township. The applicant shows an existing wood fence lays outside the property boundary at the rear of Lots 57.01 and 57.02. In addition, a wire fence is shown on the plan out side of the western property boundary and along frontage of the property. The applicant shall provide testimony on the ownership of the fences and if they are to remain. The balance of the comments are technical in nature.

Mr. Truscott read from a letter dated December 12, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 57 into two (2) conforming new lots. The parcel contains a single-family dwelling which will be removed. The total size of the property is 15,000 square feet in area (0.34 acres). The property is located in an R-7.5 Zone in the central part of the Township. Zoning for the tract and surrounding properties is R-7.5 (Residential). The surrounding land uses are residential in nature. The Board considered the application at its November 13, 2007 meeting. The revised plans take into account the comments of the Board and the Board professionals. Single-family detached housing is a permitted use in the R-7.5 Zone. No variances are requested. The balance of the comments are technical in nature

Mr. Doyle Esq. appeared on behalf of the applicant. The applicant proposes to demolish the existing and aged house and create 2 conforming lots. There are no objections in the environmental commission report. They agree with the comments in the engineer's report. 4 off street parking spaces will be provided. Curbs and sidewalks are provided. They will provide water and sanitary sewer for both houses. They will resolve the fence issue with the neighbor.

The agree to the planner's report.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Neiman, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

7. DISCUSSION- Proposed Ordinance Amendment to the UDO to add Mixed Use/Mid Rise Development as a conditional use

Mr. Truscott said the ordinance the board has is not something his firm prepared but it was presented to the Township Committee and now referred to the board for comments. They are talking about adding a conditional use in the B5 zone to allow mixed use mid rise development and it would have to comply with 7 conditions relating to: -minimum tract area of 60 acres, - gross maximum density of 18 units per acre, - maximum coverage of 25%, - maximum building height of 65ft., - minimum frontage on a state hwy of 1,000 ft., - development along the highway and within 1,000 ft. of a residential zone has to comply with the B5 in terms of requirements. There are specific setbacks from the tract

boundaries. He looked at the ordinance and compared it to the 1999 Master Plan and the 1999 Master Plan did not specifically have a recommendation on this tract in terms of rezoning. This tract, which is located at Route 70 and the Garden State Parkway on the westside of the GSP and it was designated as a B5 zone but there was no recommendation at that time change it to anything else. In the last re-examination of the Master Plan there was discussion and a zoning recommendation by the re-zoning subcommittee to rezone the property to mid-rise and the recommendation was to hold off on that and the planning board had asked that additional information should be submitted. They wanted specific information to be given by the developer to be able to make a recommendation.

What this conditional use would provide for a mixed use zone is commercial in the front and residential in the back, it does not provide for specific percentages of residential vs. non-residential property, it just says that near the highway, it would be non-residential and the remainder would be residential. The Township Committee is looking for recommendations, possibly for a Master Plan consistency although that would have to come after. It is his understanding the ordinance has not been introduced for first reading, it is still in discussion stages.

Mr. Kielt stated this is here because it was supposed to go for first reading but there was a snafu so it is not coming back here. It is here for the referral by law.

Mr. Neiman said this sounds like Washington Square, down on Cedar Bridge Avenue, and he thinks that is a beautiful project and we need more of those projects in Lakewood. Mr. Banas said when they had a review of the Master Plan there was one thing they came up with and that was the request for a mid rise structure and that is why we did not approve it because we did not know what height a mid rise structure was. This proposed ordinance shows there is no difference between this height and the height of any other building in Lakewood. 65 ft is the maximum height in Lakewood. There is only a small sliver of land that falls into the B5 structure. Mr. Akerman said it is his guess that this will be the only parcel that would qualify.

Mr. Miller confirmed that. Mr. Truscott said what the board's function tonight is to deem whether they find the amendment is consistent with the Township Master Plan and report back to the Township Committee. Mr. Banas also stated the wording was conditional, and not many zones are conditional and Mr. Jackson added it is fairly common and it is there because if you don't satisfy the conditions then you are in front of the Board of Adjustment for a use variance. It puts the onus on the applicant to make sure they meet all the criteria and the conditions. Mr. Akerman asked if there were any limitations for each building, could the buildings themselves have multi uses? Mr. Truscott said it is not clear but he said it talks about separate buildings and principle uses, mid rise multi-family residential but he does not think the intent is to have mixture within the building. Mr. Banas suggested the board send a note to the Township Committee indicating that this is consistent with the Re-Examination of the Master Plan and Mr. Jackson will draft the letter.

Mr. Banas opened the microphone to the public

Mr. Hobday recalled when discussing this at that time the word ambiguous came up a lot in that we tried to determine what this mixed use building would consist of if the first floor was going to be retail, what kind of retail, because each zone has within its confines the

types of retail outlets that would be allowed in that zone. Sometimes you see residential on the 2nd, 3rd & 4th floor and dry cleaning on the 1st and that is unhealthy because of the chemicals. Because the proposed ordinance doesn't restrict the type of business it may be harmful to residents that live in that same building. That was the types of issues we were dealing with at that time, plus the board did not go into the # of buildings, 3, 4, 5 etc, not exactly the acreage, but with 5 stories you can put a large amount of density in a very small amount of land. Then you have all the environmental issues, how are you going to handle stormwater runoff and the facilities needed for that type of population. He thinks what the Master Plan Committee struggled with most was what kind of retail businesses can be in those buildings because the first need is to ensure that the residents of those buildings are somewhat protected. If the initiators of the proposed ordinance got a little more specific about what could be there, it would go a long way to satisfy residents that there is not going to be anything dangerous there. His recollection is the one B5 zone is down by Route 70 and the other one is the northernmost part of Lakewood over by the Chevrolet dealer and there may even be a third one but he is not sure. He thinks this should go back to the drawing board to be a little bit more conscience of protecting those residents that are going to live above the shops.

Mr. Flannery stated for clarification this is only for the B5 zone and in that one specific area by Route 70 and is based on the Washington Square model and there will be a corridor of retail that is permitted in the B5 and behind that the apartment buildings, so no stores beneath apartment buildings

Seeing no one, this portion was closed to the public

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to approve the proposed ordinance amendment and have the Planning Board Attorney draft a letter to move ahead with it.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

5. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1603 (VARIANCE REQUESTED)

APPLICANT: JOSEPH ROSENBAUM

Location: River Avenue, between James Street & Edgemont Court
Block 415 Lots 10, 11, 12

Preliminary & Final Major Subdivision for 7 duplex buildings

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

2. SD # 1606 (VARIANCE REQUESTED)
APPLICANT: A. ROTTENBERG/KEDMA INC.
Location: 366 Ridge Avenue, west of Manetta Avenue
Block 236 Lot 49
Minor Subdivision to create 2 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

3. SD # 1609 (VARIANCE REQUESTED)
APPLICANT: ALIZA JACOBOWITZ & BARBARA ZELINGER
Location: 11th Street, west of Princeton Avenue
Block 150.06 Lots 17 & 18
Minor Subdivision to adjust lot line

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

4. SD # 1405A (NO VARIANCE REQUESTED)
APPLICANT: GUDZ ROAD LLC
Location: Gudz Road, south of Miller Road
Block 11.01 Lots 1 & 13
Preliminary & Final Major Subdivision for 8 lots

Mr. Jackson had 3 modifications to the resolution that was mailed to the members and he read the corrections to the board.

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Schmuckler; yes

5. SD # 1612 (NO VARIANCE REQUESTED)
APPLICANT: CONGREGATION ZICHRON SCHNEUR INC.
Location: Oak Knoll Road between Case Road & Arbutus Road
Block 24.01 Lots 19 & 62
Minor Subdivision to create 2 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

6. RESOLUTION APPOINTING PROFESSIONALS AND SELECTION OF PERSONNEL.

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

7. SD # 1585 (VARIANCE REQUESTED)
APPLICANT: ARBORETUM PROPERTIES LLC
Location: Arboretum Parkway and County Line Road West
Block 25.07 Lots 54 & 60
Minor Subdivision for 3 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

8. SD # 1610 (VARIANCE REQUESTED)
APPLICANT: MOSES STERN
Location: Bruce Street @ corner of Pearl Street
Block 248.02 Lots 31-34
Minor Subdivision for 4 lots

Motion was made by Mr. Miller, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

9. SD # 1613 (VARIANCE REQUESTED)
APPLICANT: JOHN BROWN
Location: Pine Street, west of Arlington Avenue
Block 774.03 Lot 2.03
Minor Subdivision to create 3 lots

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Schmuckler; yes

6. CORRESPONDENCE

Mr. Banas has a letter to give to Kevin Kiert to put in his files.

7. PUBLIC PORTION

- None at this time.

8. APPROVAL OF MINUTES

- Minutes from January 8, 2008 Plan Review Meeting
- Minutes from January 15, 2008 Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Schmuckler; yes

9. APPROVAL OF BILLS

Motion was made by Mr. Miller, seconded by Mr. Schmuckler, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Miller; yes, Mr. Banas; yes, Mr. Schmuckler; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary