

**LAKWOOD PLANNING BOARD  
PLAN REVIEW MEETING  
MINUTES  
JULY 11, 2006**

**I. CERTIFICATION OF COMPLIANCE**

Chairman Banas called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meetings Act:

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

**2. ROLL CALL**

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

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

**4. NEW BUSINESS**

**1. SP # 1847 (VARIANCE REQUESTED)**

**APPLICANT: SPECIAL CHILDREN CENTER**

Location: Prospect Street, south of Havenwood Court  
Block 490 Lot 13

Preliminary & Final Site Plan to construct a recreation center for children with Special needs.

Mr. Peters stated the 1.116 acres site is located in the A-1 zone. Variances are required for the following: Lot area; 1.12 acres where 2 acres are required, Lot width; 160 ft. proposed where 200 ft. is required. Both variances are existing conditions. The applicant will be required to obtain all outside agency approvals. Sidewalks and curbs are proposed along the property frontage and have provided 18 parking spaces where 13 are required. The plans have been revised to indicate the dumpster location on the lighting and landscaping plan. The location shall be added to the site plan and enclosure shall be dimensioned.

Mr. Truscott read from a letter dated July 7, 2006. The applicant is proposing to construct an 8,850 sf. special children center. The applicant has provided a description of the day to day operations of the center in the form of a 2 page letter signed by the executive director. The applicant should also provide testimony before the board as to the aspects of the operation, the proposed # of students to be educated on site, anticipated # of school buses visiting the site on a daily basis, proposed hours of operation and services that will occur on site. Section 906A of the UDO has additional regulations for public and private schools; the ordinance requires a 20 ft. buffer be provided from any lot line with a residential use and a buffer of 10 ft. from any non residential use. The parcels bordering the property to the west are zoned M-1 industrial and the parcels to the east and south are A-1. The ordinance also requires that 906B that parking is not permitted in any required buffer. The applicant proposes 15 parking spaces within the 20 ft. buffer to the east of the property and this area abuts an unimproved right of way. Design waivers are requested for relief of both requirements. The architectural plans indicate the rear entrance leads to a playfields and none are indicated on the site plans, and the applicant has requested a deferral of that since no play equipment is proposed at this time. A bus loading and unloading area shown on the front of the building should show adequate circulation in the front driveway.

Mr. John Doyle, Esq. appeared on behalf of the applicant. The center has been in operation since 1997 to serve the needs of families with special needs children providing after regular school and respite care for the families by providing training for special needs children. It is a permitted use. Mr. Flannery appeared on behalf of the applicant as the engineer. Mr. Doyle marked exhibits as A-1 and an aerial as A-2 and a letter from the adjacent property owner as A-3. Mr. Flannery stated the site is on the southerly side of Prospect Street, located in the middle of woods. Across the street is zoned industrial and the property is surrounded on 3 sides by roads, Johnson Ave to the east and Blanche Street to the south which are not paved, and Prospect Street which is paved. The westerly line property owner did not wish to purchase nor sell any additional property. 2 variances are requested based on the existing lot size, lot area and lot width, but are existing variances. There is an entrance for buses only, and there is a main entrance where faculty of parents could come in and they have provided parking in excess of what the ordinance requires. They will comply with the comments in Mr. Peter's letter. In the planners report, they currently have 35 students and they are expecting that to go to 50 students, and the anticipated # of buses is they have 3 buses now and they are staggered. The hours of operation is generally after school type of facility and they are hoping to expand to some during school operations. The design waivers requested are for the buffering and they show they are not next to a single family residential development, therefore a 10 ft. buffer around the perimeter and they have that along the front, with 15 ft. on the westerly side, as well as providing plantings along the easterly side. The area where they violate the buffer is for the parking spaces, that is an area where Johnson Avenue will either be vacated or a roadway will be put in and the parking would be appropriated then, therefore the design waivers are technical in nature. They agree with the remainder of the comments in the planners report.

Mr. Banas asked why they were not putting any playground equipment in the rear. Mr. Doyle said they are a non profit which will exhaust their funds in the construction of this project, and hopefully there will be some at a later date. Mr. Doyle said they could show a prospective plan.

Mr. Neiman asked if there were any signage for this school because none was shown, and Mr. Flannery said there would be a sign on the building which is permitted.

Mr. Gatton asked what the sign would say and what language and Mr. Flannery said it would be the special children's center logo in English.

Mr. Banas opened the microphone to the public.

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

**A motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to approve this application**

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

**2. SP # 1844 (NO VARIANCE REQUESTED)**

**APPLICANT: GEORGIAN COURT UNIVERSITY**

Location: Lakewood Avenue and Ninth Street  
Block 44 Lot 1

Preliminary and Final Site Plan for proposed wellness center, athletic fields and new entrance on Ninth Street

Mr. Peters stated the applicant is proposing to construct a 66,000 sf. one story wellness center building on the campus of GCU. The application also includes the elimination of the Mercy Center and construction of new parking lot, new entrance to the complex from 9th Street and new stormwater management facilities. The new wellness center will be located just north of the existing library building and the fields will be constructed north of the existing parking areas. The application also includes improvements to the athletic fields and lighting of a number of those fields. The tract is located in the R-12 zone, and all the bulk variances and setbacks for this application conform to the requirements of the zone. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soils Conservation District and NJDEP for treatment works approval. The application includes a 24 ft. wide access drive for the parking area to 9th Street. A portion of this drive will contain a landscape median and a gate house. The channelized entrance/exit drive will align opposite Private Way at 9th Street and will provide one lane in each direction. The applicant shall testify if the gatehouse will be manned 24 hours a day or if the gate will be card activated. The existing drive from the parking area to the west end of 9th Street will be improved to its intersection with the existing drives but the access to 9th Street will be eliminated. The athletic fields will utilize light towers with spotlights of varying heights; 60 – 70 ft. high for the softball fields 50 ft. high for the tennis courts and 80 ft. high for the track and field area. The applicant shall testify to the hours that these spotlights will be in use, and it should be noted that no spotlights are proposed for the 2 new soccer fields. The pole lights proposed for the proposed lighting athletic fields and track are within normal height range for the proposed use. The plans do not identify the locations of the trash enclosure

and the applicant shall testify how trash will be handled at this facility. The proposed site plan includes a total of 1,695 parking spaces throughout the university campus and the total net increase is 368 parking spaces. Since an increase in college enrollment is not anticipated, the applicant should explain the need for the increase in the parking supply. From the site plan, the available vehicle stacking space at the gatehouse is 335 ft. which is sufficient stacking area for about 13 vehicles. The applicant shall evaluate if this is sufficient storage for the gatehouse processing times. The light package should show level green which is the highest level provided and should be shown on the table.

Mr. Truscott read from a letter dated July 6, 2006. The applicant proposes removing a 1 story masonry building and construct a gatehouse, fitness center building and an outdoor running track and tennis court as well as 2 softball fields and 2 soccer fields. Associated circulation, parking, landscaping, lighting, and drainage improvements are also proposed. The applicant proposes the removal of 88 parking spaces and provide an additional 448 spaces in the parking area that is proposed for the area located to the south of the proposed outdoor running track. In addition, the applicant is proposing an additional 8 spaces at the proposed gate house, and these improvements would increase the existing amount of parking from 1239 spaces to 1695 spaces. The applicant should provide the board with testimony that the proposed facilities will be for the sole benefit of the students, faculty and staff of the university. Plans for the foundation plantings around the proposed fitness center will be developed during the construction phase according to correspondence from the engineer. Decorative landscaping should be provided along the stormwater retention pond consistent with the proposed uses around the pond. The remaining comments are technical in nature.

Mrs. Bertone, Esq. appeared on behalf of the applicant. She said she has 4 witnesses to testify relating to the issues raised by the professionals. Evelyn Saul Quinn is the provost of GCU and was sworn in. She oversees all the student life, all academic, athletic, health, campus ministry, and all activities. GCU is in existence for 98 years, it moved to the Gould Estate in 1923. The primary goal of GCU is the education of women. There is also a co-educational evening division and graduate school. The wellness center fits into the holistic education for women. The current facilities were built at the turn of the century, so the facilities area not adequate for the NCAA division sports. It is an opportunity for community development, for passive recreation and thought and there will be gardens for meditation. There were over 480 women's colleges in the USA and now we have approximately 58 and less than 2% of all women taking SAT's in their senior year of high school indicate an interest in an all women's college. The whole idea of encroachment and the competition for students in tremendous, especially a women's school, so being able to have cutting edge facilities to attract these students becomes critically important to maintain the enrollment they now have. The current entrance causes a problem if they have an activity such as graduation because the traffic ends up backing up on 9th Street and they prefer to have that traffic on their own property. We think it is part of being good neighbors and also want to enhance security. Our current situation is as you come into our entrance, if a car has to be stopped by security because they don't have a regulated parking sticker, the car stops and the traffic backs up. In the new entrance, we can stack approximately 13 cars at any given time, and as they approach the actual gate house cars will be able to move to the left lane that need to be stopped, ask for directions etc. while at the same time, current traffic won't have to back it, it will easily be able to go past whoever

is stopped. We also feel that it will provide a wonderful entrance into the campus in general so it will be a plus both to the community and the campus. The Wellness Center will be environmentally friendly from the heating, air conditioning, drainage, etc. While the current parking exceeds what is required, parking has not been added for many years and is needed.

Mr. Percal asked if it is the intent of the college to rent part of the fields to the public and was told only high schools would be invited for clinics, but no commercial business is planned.

Mr. Bernard Cywinski, architect, was sworn in. Items marked for identification was A-1, the site plan, and A-2 which is front rendering of the proposed wellness center. A-3 was identified as the site plan local to the building, or a blow up of the site plan. He explained the layout of the buildings from the gymnasium to the work out rooms, etc. and the proximity to the fields. The overall planning of the building is very compact in its land use, conserving energy, landscaping to soften the building, and they are mindful not to disturb the landscape to the north.

Michael McKenna from Schoor DePalma, engineer, was sworn in. He showed what improvement were planned by showing exhibit A-1. He clarified that the stacking at the new entrance was 13 cars per lane and there are 2 lanes, so it could accommodate 26 cars, while the current entrance hold only 4 or 5. The site already has water, sewer, gas and electric, and more water lines will be installed. He introduced another exhibit which is a phasing plan, marked as A-4. A-3 shows the bulk of the improvements, and all will not be built at once, so the exhibit in A-4 will show the improvements to be made in phases, the plans in yellow are critical and will be part of phase 1, and these include the wellness center, the soccer fields, the storm drainage pond and la cross field in the center and one of the softball fields. In the near future, they would have other changes, the tennis courts, the second softball field, the track area which is shown in green, probably be in phase 2, and finally, additionally parking and the main entrance being last. There are no variances requested for this application. The lighting for the fields are 4 lights on 80 ft. poles for the track, the softball and tennis courts have lighting, 40-70 ft range depending on the particular use and is state of the art, similar to other structures in Lakewood, and do not impact any adjacent residential building. Mr. Banas had questions about the phasing and asked Mr. Peters if he had any issues with the phasing, and Mr. Peters said he didn't.

Mr. Neiman asked if there was a need for a fence for the retention pond and was told no, this is not a typical basin and there is a slight slope then a flat area and it is more of a pond than a basin.

Mr. John Rea, traffic engineer, was sworn in. He prepared the traffic impact statement on the new entrance. He visited the sites at least a half dozen times, and at peak times. It is his opinion that the changes proposed by the university will actually result in more efficient traffic flow onto and off the site. He was told in May that the rabbinical college was not in session, and he subsequently went back, himself personally, and did 2 additional days of traffic counts at Private Way and Ninth Street. That resulted in him sending a supplemental traffic report to the board, and it is his opinion more than ever now that the changes proposed by the university will actually have a beneficial impact on traffic entering 9th

Street from Private Way. Currently all traffic leaving the university that is oriented towards Route 9 (approximately 2/3 of the existing traffic) comes out of the exit gate and 9th and Lakewood, turns left, and proceeds eastbound on 9th Street. At the intersection of Private Way, any vehicle that is coming out of Private Way and making a right turn to go to the east towards Route 9 (predominant movement) during peak hours, those right turn movements must yield the right of way to the Georgian Court traffic heading eastbound along Ninth Street towards Forest Avenue and towards Route 9. Under the revised configuration, that traffic will be stacked up on the site and will be making a left turn onto 9th Street from the revised entrance and exit. Under this scenario, the right turn movement from Private Way onto eastbound 9th Street actually has preference and has the right of way over the traffic coming out of the university. In terms of impacting the intersection of Private Way and 9th Street he thinks it will have a beneficial impact by permitting those right turn movements from north bound Private Way which now must yield to the through traffic generated by the University that is going back towards Route 9, those Private Way movements will now have preference. The existing exit opposite Lakewood Avenue will remain open and can be used by exiting traffic as well so that approximately 1/3 of the exiting traffic that heads down Lakewood Avenue towards Lake Drive will continue to use the existing exit at 9th and Lakewood, and it is his opinion that now having an opportunity to spread the exiting traffic out to 2 different points and make the whole exiting system more efficient, will not only not have a negative impact but a positive impact. The new entrance will be superior for emergencies as well, the geometrics for the existing entrance is very tight, and the new one has been designed to better provide for turning radius, etc. for service and emergency vehicles. They will make sure that an adequate site triangle is provided at the intersection with 9th Street. Mr. Banas asked if they were going to operate one entrance and two exits and Mr. Rea stated there were no restrictions on no left turn. The overwhelming amount of traffic generated from the parking areas would be closer to the new exit than the old one.

Mr. Dolobowsky asked if there was going to be a new construction entrance for this project and was told yes, and the existing one is off the drawing down by the lake. Mr. Dolobowsky asked if the second construction entrance could be used. The university stated they could use the second entrance.

Mr. Banas opened the microphone to the public.

Lewis Richmond, 319 Case Road, was sworn in. He has issues that will effect himself and his neighbors during the construction process and the quality of life issues that will occur once the project is completed. He objects to the entrance of the construction gate, it is right next to his house and there are Oak trees. The university said they would use the existing construction gate. He asked when will the gates be removed because it seems they are still using them.

Andrew Christ, assistant vice president for operations at GCU was sworn in. He said the construction gate next to Lake Drive Terrace is the gate they would like to use for the construction of this project. Mr. Richmond also stated that deliveries are being made during the night, 3 am or 4 am. Mrs. Bertone said the university would comply with the ordinance. He questioned the drainage of the site and asked Mr. Peters if they were adequate. Mr. Christ said the detention basin for the dormitory did not work properly,

and they had to remedy the situation by connecting that system to the township system. Mr. Richmond asked to be shown which fields were going to be lit and said his concern is when the college has casino night, and if nighttime activities with a sound system have a curfew as to not impact his quality of life. The university stated there is no plans for a permanent sound system and they would continue to use a portable system and follow Lakewood Ordinances. The university stated if there were any nighttime activities, they hire the Lakewood Police to monitor.

William Hobday, 30 Schoolhouse Lane, was sworn in. He said he witnessed a well presented application, well researched and well defended. This university is a credit to Lakewood township as well as the state of NJ. He sees that all ordinances were complied with and no variances are requested. This university needs to grow and what they are asking for is better access to their community to alleviate some of the problems that we have on 9th Street. It will improve the flow of traffic and he thinks it is a terrific idea that the university is upgrading and doing what is necessary to help out all the situations. All of us in Lakewood probably live near a school, and you are going to hear noise, but the University has gone out of its way to present a program, noise abatement and having the LPD there and asks the board to approve this application.

Elizabeth Inderrieden, 513 9th Street, was sworn in. She said the traffic survey was done at the last meeting and was done in April which was spring break and Passover and was not a true survey. The traffic is absolutely impossible, she can't back out of her own driveway. She also said there will be cars waiting to get into the college and the fact that you are going to keep open the other exit, there is still going to be some students coming in to the exit and you won't have the security. She thinks part of the problem is the traffic light on Forest Avenue does not have a no turn on red, so as a result you have people with a steady stream of traffic. There are a lot of pedestrian traffic on Private Way. Mr. Rea went over the procedure with her as far as the traffic and that his report was done when school was in session, for both colleges. Mr. Rea entered into evidence, A-5 which is a blow up of the entrance and exit, opposite Private Way. He showed Mrs. Inderrieden the way traffic would flow in and out of the exit.

David Himelman, Esq. representing the Rosenbaum Family who lives on 9th Street across from the potential new entrance. He has concerns about the project. His clients have no problems with the improvements but with the rationale with why they need to move the access drive now. He has some serious reservations about the traffic study done, and suggests there may be some proposals that may make some sense in terms of the access they are proposing. Maybe perhaps a good suggestion would be since the access drive is down the road from the proposal, and the correlation from the rabbinical college and the university, a traffic study needs to be done more thoroughly. He doesn't think the report accurately reports and doesn't address the class times of the rabbinical college. There are potentially other access points they university can utilize. Maybe other exits could be opened up and a general master plan submitted by the university. A letter was brought up that was sent by the Master Plan Advisory Committee that the chairman of the Planning Board was not aware of and Mr. Miller stated this letter was read by the mayor at a prior township committee meeting, sent by the advisory board stating they were reviewing the traffic possibly make one way street up to 9th Street, and was asking that any application coming forward to be put on hold until the study is done. Mr. Kielt said his concern was

how does this meet the MLUL. It was his understanding you can only do this if there was a problem with utilities or inadequate water supply, sewage etc. and he deferred to the attorney that as long as this application is deemed complete, it has statutory time limits to be heard and must be acted on. The board attorney concurred. The concerns about traffic flow can be brought up later but the applicant has the right to have the application heard. Mr. Himelman is suggesting revisiting the entrance and access point and defer that to a later point because they have retained a traffic engineer for a study to be done. He doesn't think the university should rush the entrance point at this point. Mrs. Bertone said she believes the letter should be entered into evidence. She said that Mr. Rea did not do the report during Passover but when school was in session. If Mr. Himelman wanted to do a traffic study, it should have been presented tonight and it is not appropriate to delay this application because of that. This is an application that does not require any variances and conforms to all standards and the applicant had no intentions of agreeing to an adjournment of anything. Mr. Himelman said he had 2 witnesses to question the applicant.

Frank Miskovich, civil engineer was sworn in. Mr. Himelman asked him to give his opinion of the traffic study made by Mr. Rea report of June 29th. There was a question raised about when the rabbinical college was in session, and that was done in midday. No study was done in the evening when the rabbinical college has their evening courses, and that has an impact on the proposal. Events might be done in the evenings and on Saturdays and there are a higher impact of pedestrians walking in the vicinity. He wondered why the existing entrance could not be improved upon. He saw parking that needed to be evaluated with the new entrance and he feels the old entrance was a better location. Mr. Rea said he used that one peak hour was 1:00 – 2:30 and that is why he used that time frame. Whatever goes on in Private Way, he does not feel the new entrance will negatively impact that situation, and this is where access belongs.

Mr. Bodner, 514 9th Street was sworn in. He said the current plan with 2 competing traffic engineers show good and bad and adding another entrance to Private Way no matter how it is called, there is a tremendous pressure of traffic would not be logical. What about the stacking outside the university getting into the University from Route 9 for soccer games. The current entrance and exit is at the end of Lakewood Avenue, and the students have many options to get there, either through 5th, 6th, 7th, 8th or even 9th, and there are multiple paths to choose from. Now with this new entrance you are confining the traffic to one street, and the engineer is hired by the applicant and he has an agenda. He leaves, you leave, and we have to live here with the traffic. The infrastructure of this area was not developed to handle the population and the pedestrians walk in the street especially on Saturdays. With a soccer game on Saturday, there will be safety issues with traffic and pedestrians. Mrs. Bertone said Mr. Bodner is assuming that there will be more traffic and that is not true. Mr. Rea said that traffic is already there as a through movement, and all they are trying to do is properly design and construct a new entrance and exit from the university that makes a lot of sense, opposite an existing street which is fundamental and sound traffic engineering practice. If we move the entrance, there will be a different group of objectors the NIMBY situation would exist, this is the safest and best solution.

Mr. Neiman said Mr. Bodner's comment was that the traffic had the option of going on different streets to get to the entrance and Mr. Rea stated that is not true. They still have the same paths, one is along 9th Street to Route 9 and the other is Lakewood Avenue to Lake Drive, and that is where 99% of the traffic goes. Mr. Miller said they are bringing all the traffic to 9th and Private, and Mr. Rea said that is not true, every person that enters and exits the university at the new entrance is already going through that intersections as a through movement either westbound as they enter at Lakewood and 9th of eastbound as they exit back toward Route 9 and the traffic is there already. Mr. Miller said they are coming up Lakewood Avenue, not passing Private Way and 9th Street.

Alicia Scott, 900 Lakewood Avenue, was sworn in. She said she just graduated from GCU and said she thinks we are getting off the topic here. In the planning phase, the first phase is the wellness center, the additional gate and the moving of the gate is in a later phase, and we need this upgrade now. The new gate would help with the bus traffic, since the current gate cannot allow the buses into the university and they need to meet on 7th Street to get their bus.

Mr. Miller said he is in favor of the wellness center and the improvements, but he has an issue with the safety of the intersection between Private Way and 9th Street.

Rachel Rosenbaum, 606 9th Street, was sworn in. She has council representing her so she cannot testify alone. Mr. Himelman questioned her and she said the board sitting here would live at a corner, sanitation, delivery trucks, and you have children walking, you can have a million studies, but unless you live there you don't know. We are in favor of this school growing and progressing into a more functional institution. However, the entrance doesn't have to be in places that in the past were many tragic accidents, and there have been many accidents.

Mr. Yehuda Shain, 1140 Forest Avenue, was sworn in. He is familiar with the traffic patterns and said there are many options available to the college for entrances. We do have a 7th Street entrance that the doors are gated and it says no vehicular traffic that can be opened up. On Case Road there are 2 entrances at minimum that can be opened up, 14th Street can be opened up. He has no problem if they opened up Carey Street where he lives, and with that many options available, not to take all the traffic all in one place but to divide it between 5 or 6 different areas around the campus. He thinks you should approve the wellness center and the fields but defer the entrance to another time.

Elliott Zaks, was sworn in. He thinks it is premature to make a decision about the new entrance when there may be a study of a one way and wants to board to push this decision off until all the studies are done.

Mr. Himelman had one more witness, James Higgins was sworn in. He is a licensed professional planner. Mr. Higgins said the board should consider the negative impact on neighborhoods. He feels coordination between the municipality and the university and a master plan for development of the university that coincident and coordinated with the township's master plan, and he does not see one here. The problem here is the one major access point and the impact it will have on the neighbors. This neighborhood has cars parked along the street and there is no available parking in this area. This new access will take away 8 parking spaces. The other point is the traffic study done and the

basic assumption that he was given to work with and that is that the enrollment was not going to increase. They also did not provide information on what the existing enrollment is, what past enrollment was or what the capacity of the existing facilities at the school are at this time. What they are doing will attract more students to their facility. Mr. Banas said his concern was to look at a project without all the engineering aspects.

Steve Pfeffer, 1448 14th Street, was sworn in. He is a member of the master plan also, and he has two competing thoughts, one for safety and one for the potential of one way streets. He thinks you should approve this application and not the entrance portion. Mr. Banas said he said it was a suggestion that this might take place but to put it aside until there was something substantial, but was not aware that anything was being done about it. The one way street could drastically affect this application.

Mr. Hobday, already sworn in. He said he was also a member of that master plan committee and was present at all of those meetings. His testimony is the issue was brought up but never voted on by the master plan committee, the only discussion was is there is something we need to look at, there was never a vote, no inclusion into the plan, anything of the sort, just a matter of consideration. 9th Street if this is approved, should be a 2 way street and some of the others should be one way, but the idea here is this: this master plan committee in no way shape or form voted for the announcement to indeed stop any applications. Mr. Kiert also added that along with Bill, Stan, and other people, it was discussed but absolutely no vote was taken. Mr. Franklin said Mr. Kiert's daughter plays soccer for GCU and there are on an average of about 20-30 people at these games, no hundreds.

Rabbi Yoffe, 814 Forest Avenue, was sworn in. He asked if the existing entrance and exit would continue to be one and was told it would be an exit. The corner of 9th & Forest, every morning, then around 2 pm and in the evening around 7 pm is mayhem. When the students come, they are running, and when they leave they are running. More parking means more people, sports events mean more people. One additional car would be on someone's conscience if something happens. Mrs. Quinn said they have graduation on Friday, not Saturday, and only once a year.

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

Mrs. Bertone said this is an application that needs no variances, they have met every technical standard, have provided information about traffic and several other issues to provide a full and complete picture of what they are intending to do. Mr. Rea testified the new entrance would be better than what it is now, and given all the testimony heard this evening, there is no reason to deny this application as we have satisfied every requirement of the municipality.

Mr. Akerman questioned if it was possible to split it up between the facility and the entrance, and Mrs. Bertone said no. Mr. Akerman asked if the board could split it up, and was told it was not up to the board but the applicant.

Mr. Percal wanted a position from the college that such a beautiful project is contingent on the entrance and Mrs. Bertone stated the gatehouse was an important and necessary part of the overall application.

Mr. Neiman wanted the professional's input on this and if they saw a "T" intersection now being changed to a 4 way intersection being better solution and if they could find another intersection, would it be better to wait until one is found? Mr. Peters said if the traffic levels stay where they are, the neighborhood will have the same amount of traffic now as in the future and this new intersection is a better situation than the current one and would be safer than the one they have now. Mrs. Bertone said the university would have no objection to that new exit be a 4 way stop.

Mr. Akerman asked Mr. Rea about the confusion on the turns. Mr. Rea said there won't be any confusion, all they are doing is creating a 4 way intersection which is a conventional 4 way intersection. Good traffic engineering practice would dictate that if you have an opportunity to line the driveway up opposite a road on the other side of the street that is the way you should do it. In the NJSIS there is a passage that indicates when you create new streets, they should line up with streets on the other side of the street wherever possible, and that is what we have done. It should not confuse anybody with a drivers' license.

Mr. Herzl asked if the old entrance have a no left turn to exit and Mr. Banas said the board could do that. Mrs. Bertone said the university would propose that once the new entrance is constructed, if the police department believes that for safety concerns is needs to be restricted, they would restrict it. Mr. Banas said they would probably make that a condition of the resolution.

Mr. Gatton asked about the entrance/exit and when would it be done by, and was told that the university was hoping that within a 24 month time, they would like the entire project to be developed, but it also depends on the financial situation for the completion.

**A motion was made by Mr. Franklin, seconded by Mr. Gatton, to approve with the no left turn coming out of the college from the old exit after the new entrance/exit is completed.**

Mr. Miller stated that because the 2 are not split that anyone who votes no is against education, expansion or anything, and only because of safety.

**ROLL CALL:** Mr. Herzl; no, Mr. Franklin; yes, Committeeman Miller: no, Mr. Neiman; no, Mr. Banas; yes, Mr. Dolobowsky; no, Mr. Akerman; no, Mr. Gatton; yes, Mr. Percal; no

**Motion Denied.**

Mrs. Bertone wanted a clarification for the record. She said the motion was a motion to approve with the condition, so the vote is then that you deny the approval. You refused an approval but didn't move to deny. You did not make a motion to deny.

Mr. Banas asked for a motion to deny. Mr. Percal made the motion to deny the application, the board members told him no. The board attorney said he agreed with the applicant's attorney and for a point of clarification, the board should vote based upon the comments made by the applicant's attorney.

Mr. Percal made the motion to deny the application, and no second was made. Mr. Franklin made a motion for the application to be approved. Mr. Kielt said they only had 2 options, and Mr. Banas asked what the board's next position was? The board attorney said the 1st denial was a technical violation based on the motion presented, and for point of clarity after speaking to the applicant's attorney it is appropriate that the board vote. The board made comments about the basis of the denial of the application and has the opportunity at this point in time to make further comments in regards to denying the application. For point of clarity and protection of appeals it is important that the board to deny.

Mr. Miller asked if they board could make a motion to approve the interior design and was told no, it had to be the total application.

Mr. Banas again asked for a motion to deny the application and Mr. Franklin stated again he made a motion to approve the application.

Since there was no motion to deny, Mr. Banas accepted Mr. Franklin's motion to approve the application. Mr. Dolobowsky said he was confused, if they voted no to approve they should make a motion to deny. The board attorney said it was more appropriate for the board to make a motion to deny.

Mrs. Bertone said the difference is if you don't deny it, there is a non decision.

Mr. Banas said they needed to make a motion to deny the application, and someone who voted no would be appropriate to do that. Mr. Gatton asked if it was appropriate to ask the applicant if they had any additional thoughts before they voted on this and the board attorney commented that their position is what it is.

**Mr. Percal made a motion to deny the application for the sake of clarity. He is in favor of the expansion of the college, however, he is against the entrance. Seconded by Mr. Akerman.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; no, Committeeman Miller: abstain, Mr. Neiman; abstain, Mr. Banas; no, Mr. Dolobowsky; abstain, Mr. Akerman; abstain, Mr. Gatton; no, Mr. Percal; yes

**2 yes, 3 no, 4 abstain**

Mr. Miller said because of the confusion taking place here, the township attorney wanted to come and clarify the situation and to take a recess.

Mr. McGuiney said if the board thinks it is appropriate to take a recess, it would not be a problem at this time.

Mr. Banas said to take a 2 minute recess.

Mr. Banas requested that all attorneys step into the back room. (board attorney, applicant attorney, and objector attorney)

Mr. Banas wanted to do some homework while the attorney's are speaking.

After resolutions were approved, applications carried and bills approved, the attorneys returned and the meeting was called back into order.

Mrs. Bertone stated for the record that she spoke to the applicant and the university in not willing to bifurcate (separate) the application and they would like to go forward as the application was submitted.

Mr. Mc.Guiney said the vote has been taken and the application is complete for purposes of the board voting. The board exercised 2 votes, and that will be subject to interpretation.

**The application has been denied.**

**3. SD # 1539 (VARIANCE REQUESTED)**

**APPLICANT: REUVEN KANAREK**

Location: East Eighth Street, between Park Avenue & Nowlan Place  
Block 230 Lot 9

Minor Subdivision to create 2 lots

**A motion was made by Mr. Herzl, seconded by Mr. Neiman, to table to July 18, 2006**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes,  
Mr. Gatton; yes, Mr. Percal; yes

**4. SD # 1544 (VARIANCE REQUESTED)**

**APPLICANT: JOSEPH GUTTERMAN**

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

Minor Subdivision from 2 lots to 3 lots

**A motion was made by Mr. Akerman, seconded by Mr. Herzl, to table to July 18, 2006**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain,  
Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes,  
Mr. Gatton; yes, Mr. Percal; yes

**5. SD # 1522 (VARIANCE REQUESTED)**  
**APPLICANT: UMAN HOLDINGS LLC**  
Location: River Avenue, south of Chestnut Street  
Block 534 Lot 18  
Preliminary and Final Major Subdivision - 25 lots

The applicant's attorney was not present and an extension needed to be granted, and Mr. Doyle stated he was only standing in and Mr. Penzer was the attorney on record but was unavailable due to the wedding. Mr. Doyle was trying to call the applicant. Both Mr. Flannery and Mr. Doyle tried without success to contact Mr. Liebb, so Mr. Doyle left it to the board to its discretion.

**A motion was made by Mr. Franklin, seconded by Mr. Dolobowsky, to deny without prejudice.**

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

Mr. Doyle was able to get the applicant on the phone after the vote to deny without prejudice was voted and the applicant has authorized the extension until July 18, 2006

**A motion to rescind the denial without prejudice was made by Mr. Franklin, seconded by Mr. Herzl**

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

**A motion was made by Mr. Franklin, seconded by Mr. Herzl, to table to July 18, 2006**

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

While the board was waiting for the attorney's, Mr. Kiert suggested they vote on adding a special meeting for August which they did after the memorialization of resolutions.

## 5. MEMORIALIZATION OF RESOLUTIONS

**1. SD # 1531 (NO VARIANCE REQUESTED)**

**APPLICANT: ASTRID JANE DE CICCIO**

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

Denial of Minor Subdivision to create 3 conforming lots

**A motion was made by Mr. Franklin, seconded by Mr. Dolobowsky, to approve the resolution of denial**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; abstain, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Gatton; abstain, Mr. Percal; abstain

**2. SD # 1532 (NO VARIANCE REQUESTED)**

**APPLICANT: DAVID HERZOG**

Location: Endor Lane, west of Canterbury Lane  
Block 25 Lot 68

Minor Subdivision to create 2 lots

**A motion was made by Mr. Franklin, seconded by Mr. Dolobowsky, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; abstain, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Gatton; yes, Mr. Percal; abstain

**3. SD # 1537 (VARIANCE REQUESTED)**

**APPLICANT: NJ HAND**

Location: corner of Spruce Street & Sherman Avenue (south of Pine Street)  
Block 834 Lot 1

Minor Subdivision

**A motion was made by Mr. Herzl, seconded by Franklin, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain, Mr. Neiman; abstain, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; abstain, Mr. Gatton; yes, Mr. Percal; abstain

**4. SD # 1538 (VARIANCE REQUESTED)**  
**APPLICANT: NJ HAND**  
Location: corner of Read Street & Funston Avenue (south of Pine Street)  
Block 833 Lot 2  
Minor Subdivision

**A motion was made by Mr. Herzl, seconded by Franklin, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain,  
Mr. Neiman; abstain, Mr. Banas; yes, Mr. Dolobowsky; yes,  
Mr. Akerman; abstain, Mr. Gatton; yes, Mr. Percal; abstain

**5. SP # 1838 (NO VARIANCE REQUESTED)**  
**APPLICANT: NJ HAND "LAKEWOOD COMMONS"**  
Location: Towers Street & Vine Street  
Blocks 807-809, 813-815,817-820 Lots all  
Block 816 Lot 1  
Block 831 Lots 3, 5  
Block 832 Lot 3  
Block 833 Lot 2  
Block 834 Lot 1  
Block 835 Lot 3  
Block 836 Lot 3  
Block 837 Lot 3

Preliminary & Final Site Plan – Phase 1 – 72 units and 1 community center

**A motion was made by Mr. Herzl, seconded by Franklin, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; abstain,  
Mr. Neiman; abstain, Mr. Banas; yes, Mr. Dolobowsky; yes,  
Mr. Akerman; abstain, Mr. Gatton; yes, Mr. Percal; abstain

**6. SD # 1530 (VARIANCE REQUESTED)**  
**APPLICANT: JONATHAN RUBIN & MOSHE FEINROTH**  
Location: New Central Avenue, east of Hillside Boulevard  
Block 11.29 Lots 3&75  
Denial of Preliminary & Final Major Subdivision - 6 lots

**A motion was made by Mr. Akerman, seconded by Franklin, to approve the resolution to deny.**

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

**7. SP # 1837 (VARIANCE REQUESTED)**  
**APPLICANT: CONGREGATION NER YISROEL**  
Location: Ridge Avenue at corner of East Seventh Street  
Block 223.01 Lot 71.04  
Minor Site Plan – Change of Use Site Plan from 2 family home to synagogue

**A motion was made by Mr. Herzl, seconded by Mr. Franklin, to approve**

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

**8. SD # 1534 (VARIANCE REQUESTED)**  
**APPLICANT: MTR VENTURES**  
Location: Ridge Ave, E.7th St & Highgrove Crescent, east of New York Ave.  
Block 223 Lots 4, 9.04, 84 & 85  
Minor Subdivision from 4 lots to 3

**A motion was made by Mr. Akerman, seconded by Mr. Dolobowsky, to approve**

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

**9. SD # 1464 (VARIANCE REQUESTED)**  
**APPLICANT: AARON PEKER**  
Location: Ridge Avenue, east of Brook Road  
Block 189 Lot 24  
Minor Subdivision to create 2 lots

**A motion was made by Mr. Akerman, seconded by Mr. Dolobowsky, to approve**

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

**10. SD # 1536 (NO VARIANCE REQUESTED)**  
**APPLICANT: CHARLES CLARK**  
Location: East County Line Road, across from Ann Court  
Block 186.05 Lot 31  
Minor Subdivision to create 2 lots

**A motion was made by Mr. Akerman, seconded by Mr. Dolobowsky, to approve**

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

## 6. CORRESPONDENCE

None at this time

Mr. Banas stated the need for another special meeting to be held on August 22, 2006

**A motion was made by Mr. Franklin, seconded by Mr. Akerman, to approve the special meeting date.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

## 7. PUBLIC PORTION

## 8. APPROVAL OF BILLS

**A motion was made by Mr. Franklin, seconded by Mr. Akerman, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

## 9. APPROVAL OF MINUTES

None at this time

## 10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary