

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. Herzl, Mr. Franklin, Committeeman Miller, Mr. Banas, Mr. Akerman, Mr. Fink, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt stated item #6 – SD #1636 Yehuda & Adina Kirshenbaum is being tabled until November 4th at the request of the applicant’s attorney. Mr. Alfieri said his client his client had personal reasons for not being able to attend this evening.

Motion was made by Mr. Akerman, seconded by Mr. Miller, to table the application until November 4, 2008

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

4. NEW BUSINESS

1. SD # 1629 (Variance requested)
Applicant: Shimshon Bandman
Location: Ridge Avenue between Manetta Avenue and Somerset Avenue
Block 189.01 Lots 6, 7, 8, 11 & 13
Preliminary and Final Major Subdivision – 25 lots

Mr. Peters read from a letter dated September 15, 2008. The applicant is seeking a Preliminary and Final Major Subdivision Approval to subdivide the existing five lots, into twenty five (25) new Lots. A single family dwelling is located on each existing lot. Two family/duplex units are proposed on Lots 5, 6, 7, and 8 of Block 189.02 and single family dwellings are proposed on the remaining lots. In addition to proposed dwellings, the applicant has proposed to construct a roadway and underground stormwater recharge system. The property has frontage along Ridge Avenue. The site is situated within the R-10 zoning district. The applicant is requesting the following variances: Minimum lot area for all lots except Lots 5 through 8 of Block 189.0 where duplex units are proposed; 10,000 SF is required, the proposed lot areas range from 7,500 to 8,000 SF. Minimum lot width for all lots except lots 1 through 8; 75 FT is required, where the proposed lot widths range from 50.55 to 71.26 feet. Minimum front yard setbacks for Lots 8.01, 8.17, 1, and 4; 30 FT is required, where 25 FT are proposed. Minimum side yard setback; 10 FT one side and 25 FT combined are required, 7 FT one side and 15 FT combined are proposed. The applicant shall revise the Residential Site Plan to show the revised zoning schedule as shown on the Final Map. The zoning schedule shall show the required and provided zoning criteria for each lot. Outside agency approvals are required from the Ocean County Planning Board and Ocean County Soil Conservation District. NJDEP permits for Treatment Works Approval and Water Main Extension are also required. Evidence of approvals shall be made a condition of final subdivision approval. The applicant shows on the Architectural Plans five (5) bedroom homes area proposed with an unfinished basement. The applicant has provided driveways for each dwelling sufficient to accommodate four (4) parked cars. The NJRSIS parking regulations for single and two family dwellings top out at three (3) spaces per unit. The Board should determine if the parking spaces provided will be sufficient. The applicant shows on the plans existing curb along the Ridge Avenue at the property frontage will be replaced with new curb. Curbs and sidewalks are proposed along the all property frontages. Six foot shade tree and utility easements along the property frontages, and sight triangles easements at the proposed intersections are proposed to be dedicated to the Township. In addition, an 8.5 FT roadway widening easement along Ridge Avenue at the property frontage is proposed to be dedicated to the Township. The section of Ridge Avenue which fronts the property is a 33 FT wide, two lane road. Cars are usually found parking along side of the road. We have concerns regarding additional daily traffic that will be created by the major subdivision. The applicant shows on the plans an 8.5 FT roadway widen easement along Ridge Avenue to be dedicated to the Township. The Board should determine if the applicant will be required to provide a contribution towards the roadway widening construction. The applicant shows on the Final Plat, two 10 FT wide drainage easements between Lot 8.08 and 8.09, and on Lot 5 to be dedicated to a Homeowner Association (H.O.A.). Legal descriptions of the easements and H.O.A documents shall be submitted to the Planning Board Engineer and Solicitor for review. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated September 11, 2008. The applicant requests preliminary and final major subdivision approval and associated variances to create 25 residential lots and construct the required right-of-way improvements. The project is proposed to contain 21 single-family lots and four duplex lots for a total of 29 residential units. The tract contains five (5) single-family dwellings and several accessory structures. All of the existing structures will be removed. The balance of the tract is wooded. The parcel, which is 5.7 acres in area, is located on the south side of Ridge Avenue between Linden Avenue and Manetta Avenue. Zoning and Variances. The tract is situated in the R-10 Zone and single-family residences are a permitted

use in the zone district. Two-family/duplex structures are permitted in the R-10 Zone on lots of a minimum of 12,000 square feet. The following variances are requested: Lot area. A minimum of 10,000 square feet is required for single family and 12,000 square feet for duplex, and all lots are undersized with the exception of Lots 5, 6, 7 and 8 of Block 189.02. The undersized lots range in area from 7,500 square feet to 8,000 square feet. Lot width. All lots are non-conforming with the exception of Lots 1 through 8, Block 189.02. Front yard setback. A minimum of 30 feet is required and 25 feet is proposed for Lots 1 and 4 of Block 189.02. and Lots 8.01 and 8.17 of Block 189.01. Partially Addressed. The engineering drawings have been revised to indicate 30-foot setbacks at these locations; however, a plat (Final Map) should be revised to indicate the revised setbacks. Side yards setback. A minimum setback on one side of 10 feet and a combined side setback of 25 feet are required. The applicant proposes a setback of 7 feet on one side and a combined side setback of 15 feet. The applicant should address the positive and negative criteria for the proposed variances. The testimony should address comments in Item C.1. of this letter. Review Comments. (Our updated comments based on the revised plans are shown in boldface type.) This tract was within an area that was the subject of a review during the Master Plan Reexamination Report. This R-10 Zone District was labeled as Area #4. The proposed re-zoning and the Board's recommendation was the following: "4. Rezone both R-10 Zones (Single-Family Residential) east of the downtown area to be R-7.5 Zones (Single-Family Residential) to provide additional housing opportunities compatible with the redevelopment of the area. *Approved, provided that the Township Engineer determines that at least 70% of the lots in the subject area comply with the minimum lot area for the R-7.5 Zone.*" However, the Township Committee has not implemented the Planning Board's recommendation. Therefore, the Planning Board should require testimony addressing the positive and negative criteria for the extensive variance request. The Topsoil Stockpile Area shown on the Soil Erosion Plan conflicts with the undisturbed area of Block 189.06. The undisturbed area around the perimeter of the tract on the Tree Protection Management Plan conflicts with the Grading Plan. Please reconcile the plans. However, the applicant now proposes to clear all trees from this area. The applicant should testify regarding the extent of site clearing. The Tree Protection Management Plan should be reviewed by the Environmental and Shade Tree Commissions. We note that the Lakewood Unified Development Ordinance contains provisions which allow for lot area reduction requirements for recreational purposes. The applicant does not propose any recreational area in this proposal. The project lots will be served by public water and sewer by the NJ American Water Company. Performance guarantees and inspection fees should be posted for required improvements. The proposed street name must be approved by the Township to avoid any duplicate road names. *Building Uniformity in Residential Developments* (Section 18-821). The residences in the subject development must comply with the building uniformity requirements. A minimum of eight basic designs are required. The Planning Board may require an affidavit or performance bond to insure that this requirement is addressed. The applicant has provided concept architectural drawings. *Recreation*: Section 18-808 of the Unified Development Ordinance requires that not less than 5% of the land area of a major subdivision containing twenty-five or more units shall preserve a common open space. The application proposes the creation of 21 single-family lots and four two-family/duplex lots (or 8 units) for a total of 29 residences. The total land area of the tract is 251,895 square feet (5.78 acres). The required 5% land area equals 12,595 square feet. An open space/recreation parcel is not shown on the plat or the engineering drawings. The plans shall be revised or a waiver will be required. Not Addressed. Sidewalks are proposed along all street frontages. Compliance with the Map Filing Law is required. The required outside agency approvals may include, but are not limited to: Continuing Comment. Ocean County Planning Board; Ocean County Soil

Conservation District; Water and sewer utilities; and, All other required Outside Agency approvals.

Mr. Alfieri Esq. appeared on behalf of the applicant with Mr. Glenn Lines as the engineer. Mr. Lines stated the site is 5.7 acres and currently has 5 homes on it and they are proposing to subdivide the property into 25 lots, 21 single family homes and 4 lots will contain duplexes. They are proposing to construct a loop street off of Ridge Avenue which will be 36 ft. wide with parking on both sides and curb, sidewalks and utilities. They are providing 4 off street parking spaces for each single family home and 4 for each duplex unit along with additional street parking. The site is currently partially wooded and has been cleared through development over the years with existing houses and they are proposing to clear most of the property up to the property line and they will have some trees that will remain to the rear of the property; those are marked on the tree management plan and they have added additional shade trees on each of the lots and along the property line that backs up to the school property per the recommendation of the Shade Tree Commission. They are proposing onsite recharge with underground recharge system that extends along the entire length of the roadway and the in yard drainage and outfall have been eliminated and the current design will provide % recharge of the 100 year storm. They are not proposing to widen Ridge Avenue at this time and are providing an 8 _ ft. road widening easement and traffic flows well and there is no parking on either side of Ridge Avenue in this section. There is public water and sewer. Mr. Lines said they can address the engineering comments in the reports. Mr. Banas asked why they were deforesting the entire project and putting a pile of soil on 189.06 and Mr. Lines said it is to provide positive drainage from the backs of the property: he said this property is lower than Ridge Avenue and they were originally proposing to keep the trees in the middle of the site but with the comments about the HOA and the drains in the backyards that the board did not like. Mr. Franklin said they raised the grade so the drainage flows to the street and the township will take over the streets and Mr. Banas said he is reminded of Sterling Forest where there is not a tree on it. Mr. Franklin said it will look good in 10 years. Mr. Banas said a Tree City should not be that devoid of trees. Mr. Miller said the Township Committee does not want to see this go as a private road and the only way to do that is to elevate the back to make the flow go to the street and the town can plow the road. Mr. Lines said one of the things they can do before they clear the entire property is go over the house locations and the trees that are out there with the Township Engineer and save whatever they can; it is possible they can save more than what is indicated on the Tree Save Plan depending on the dimensions of the house and where it is located so he would not have a problem with prior to clearing going out and flag additional trees to save if possible. Mr. Alfieri said the only other comment that needs to be addressed is Ridge Avenue and the comment that said the board should determine if the applicant should provide a contribution towards road widening construction and they need the board's guidance on that comment. Mr. Schmuckler said he liked the set up with the loop design but Ridge Avenue is a very tight road right now and narrow and he thinks it would be a gain for the applicant to actually widen it, not just putting money aside but doing the project. He thinks it would make a tremendous difference there. Mr. Alfieri said the applicant would agree to widen the road along its' frontage to the township's specifications. Mr. Banas said maybe they should get the police force to move the parked cars that are on there because a two lane road and he had to stop numerous times because of cars parked of Ridge.

Mr. Peters said the applicant should contact the Township Engineer to find out what the width of the widening will be and what the standards are and Mr. Alfieri said they are proposing an 8 _

ft. road widening easement to get the 25 ft. half width. Mr. Lines said to go with RSIS Standards, their maximum width road is 36 ft. and they could widen up to 6 ft. (1/2 of the 12 that is left over)

Mr. Flannery is the planner for the applicant and he stated they prepared an aerial exhibit marked A-1 which shows the subject property with surrounding property and the zones and the school property to the east and south and the adjoining residential development around them. This property was a subject of a recommendation for rezoning in the Master Plan but no ordinances have been implemented so therefore they need variances which would be consistent with the Master Plan if the governing body had proceeded with the recommendations. The area was recommended for R7.5 zoning and the caveat put on it by the board was that if 70% of the lots in the area complied with R7.5 rather than R10. They have indicated in exhibit A-1 in yellow the lots that are within 200 ft. that comply with R7.5 rather than R10 and there are 22 of them vs. 6 that would comply with the existing R10; and of the 6 that do comply, a few of them are the school properties. Mr. Banas asked Mr. Flannery if he shared his map with Mr. Slachetka so he could verify his statements and Mr. Flannery said he did not. Mr. Slachetka was given a small copy of the map to review and he asked Mr. Flannery about the properties across Ridge Avenue and adjoining the property a number of lots in orange border with a orange cross hatching labeled "existing non conforming lots" and his question is which ones of those lots are non conforming as to area and which ones are non conforming as to any other dimensional requirements such as lot width and of the total lots he identified, what percentage of those are non conforming with regard to lot area? Mr. Flannery said they did not break it down based on lot area or lot width and as Mr. Slachetka pointed out there are a number of them which comply with the lot area but don't comply with the lot width, but that would be lots that were not conforming with an R10. He said if you looked at a percentage of them more than _ of the ones there are deficient in area rather than just being deficient in width. Exhibit A1 points out any of the redevelopment in the area by the larger roadways that are shown. The property is also tucked in the BOE property; the high school, the middle school and the Ella G. Clark School. Mr. Flannery said he is presenting smart growth and redevelopment as what is encouraged in the Master Plan and this property is underutilized at this point and has 5 older houses in a neighborhood where redevelopment is occurring more towards the R7.5 standards. He also said this property has 12,000 sf lots and can have duplexes so the applicant could have come in with 12,000 sf lots and put in duplexes and got more density than what he is proposing, but he looked at the property and what made more sense for the property and 4 of the lots proposed are duplex lots at 12,000 sf complying with the R10 so no variances are requested for those lots. The variances that are requested are for the 21 single family detached lots and Mr. Banas asked how that is working with smart growth, are they putting up anything else other than homes and Mr. Flannery said unfortunately no but the MLUL says to promote the establishment of appropriate population densities that will contribute to the well being of communities and he feels this will contribute to the well being of the neighborhood. If you look at the housing demands of Lakewood for the next 20 years, it is close to 400 units a year that are needed to meet the housing demands and they are providing much needed housing opportunities. Mr. Flannery said in his opinion, there is no negative criteria to this project, there is no detriment on the zone ordinance. Mr. Banas asked him if he was suggesting that distances that are involved; 75 ft. required and 50.55 proposed is diminimus and Mr. Flannery said what he is suggesting is that it is compatible with the area. Mr. Banas said they have indicated that most of the property in the area is owned by the BOE and that is certainly beyond the 7.5 area and Mr. Flannery said that property is in an R12 so that is not part of the area recommended for rezoning. Mr. Banas asked him what percentage of those lots that are there in R10 and Mr. Flannery continued

discussing it but said he did not look at the entire zone but it is something the township engineer will do in the future when that process gets going. Mr. Flannery said they have a burden of proof to give to the board to show that the benefits outweigh the detriments and they are advancing the purposes of the MLUL and Mr. Banas said his concern and reasoning is simple: the caveat that was put on the end of the request to change from R10 to R7.5 was put on at this level by the board and he wants to be sure in their minds that the applicant is at least looking towards that determination of being in that direction, not just passing it off. Mr. Flannery said it is his testimony that this area would comport with the stipulation of the board.

Mr. Flannery went through the variances one at a time. The variances for the single family detaches lots are to make bulk standards consistent with the R7.5 zoning. The R10 requires a minimum of 10,000 sf and for the single family detached lots they are asking for 7,500 sf; the lot width for the single family lots, 75 ft. is required and they are requesting 50 ft.; sideyard setbacks, 10/25 combined is required and they are requesting 7/15 combined and he said this is all consistent with the R7.5 zone and consistent with his testimony that it is compatible with the area and will be an improvement to the area and the benefits outweigh the detriment.

As far as the recreation area Mr. Flannery said the ordinance indicates that 5% of a site should be set aside if you have more than 25 units (Section 18-808 of the UDO) but it also makes a provision on page 18-841 item C it says for projects consisting of less than or equal to 30 dwelling units, it is recognized as impractical that recreational facilities and that payment in lieu of is encouraged and a contribution of \$500.00 per dwelling unit would be the payment in lieu of and the applicant is proposing to make that payment in lieu of. Mr. Banas said the board has never deviated from a play area and has always asked for a play area and asked where the children were going to play and Mr. Flannery said there are open fields on the school properties and a playground around the corner from the Ella G. Clarke school and Ocean County Park and all of these are within 500 feet of this tract. Mr. Banas asked who is going to pick up the insurance on those tracts and Mr. Flannery said they are public parks and Mr. Banas said they belong to the school boards and Mr. Flannery said he believed the park around the corner from the Ella G. Clark School is a public park. Mr. Banas said the board has never deviated from a playground facility and remembers the board asking for recreation even below 19 units and Mr. Flannery said his memory is that no applicant has ever read this provision in the ordinance and said here is a check. Mr. Akerman said he would hate to disagree with the chair but when a development is segregated there is more of a need but this is right in a neighborhood and he does not have a playground on his block, it is _ a mile away, much further than here, and since there are a lot of playgrounds in the area already he can see that they are accounted for. Mr. Flannery said they will provide payment in accordance with the ordinance and it is his opinion that there is a playground in the area where money can be used by the recreation department to improve that playground or any other way.

Mr. Slachetka wanted to board and public to know the requirement cited by Mr. Flannery is correct except that it is a discretionary decision based on the board's determination so it is not a perfunctory requirement.

Mr. Banas opened the microphone to the public

Noreen Gill, 192 Coventry Drive, Lakewood was sworn in. She said she thought it was a great idea with the \$500.00 payment in lieu of which would be close to \$145,000.00 and thinks she

could give a better idea and that is for every home that is built in Lakewood that the developer pays \$2,000.00 per home like they do in Cape Cod. Then she said let's get serious. The homes over there are not 5 bedroom and said she wants to question the township and ask why they have not implemented the study on this area and Mr. Banas said the Township Committee is in the process of reviewing those recommendations, Mrs. Gill asked how many duplexes are going on this lot and Mr. Flannery said there will be 4 duplex lots and 21 single family homes. She asked how many bedrooms are in the duplexes and Mr. Flannery said 5 bedrooms and 5 bedrooms in the single family homes also. The basements are supposed to be unfinished and there is no attic. She said this development does need a playground; Ella G. Clark does open the playground to the public on the weekends. She said \$145,000.00 is a gift but they can put more homes in that area if they don't put a playground and Mr. Akerman and Mr. Banas said that is a lot of money to them and she said that is nothing because when she goes into other towns they are going to start with making people pay and Mr. Banas said the law is what the law is. She said the law will probably be changed very soon. She said she thinks a playground is needed there, there are a lot of children there.

Gerry Ballwanz, Governors Road, Lakewood was sworn in. She said usually on a duplex it is not two family that is living there she has found that it is 4 families that are living within a duplex so to her if that is the case it is not 8 families it is really 16 so it is not really 29 units but 33 units of families living in this development and she would like to have that clarified because the definition of a duplex is confusing. Mr. Slachetka identified on page 18-212 in Section 18-200 a duplex as a building on a single lot containing 2 dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall except for a common stairwell exterior to both the dwelling units and having separate private entrances to each dwelling unit. Mrs. Ballwanz said unless the board makes that stipulation that there won't be families living in that basement then you will be having the 33 families. She said also with the new ordinance where basement apartments are legal now those 21 single family can become extra 21 family living in the basement.

Mr. Miller said they would then have to go to the inspection department and what the Township Committee did by legalizing basement apartments is that they can then go to the inspection department and obtain permits and build a basement. He said this applicant is not doing that, he is coming for a single family house. The board cannot make him provide parking spots for something that may be done 5 years from now. Mr. Akerman said they are providing 4 parking spaces. Mrs. Ballwanz said it is 5.7 acres and there are 5 older houses and said there is a lot more land and maybe the lots are very narrow but they are very deep. She said it is still R10 and she thinks this development is too dense and she thinks the developer needs to have that 5% for the open space. Mr. Banas said if it was too dense they could not rule on it here. Mrs. Ballwanz said the public school playground is not always available for the children to play so for 9 months of the year the playground will not be available. Mr. Franklin said 3 blocks from there the old #5 school used to sit is a beautiful playground. Mr. Miller said every day after school is out the playgrounds are open to the public. Mr. Fink said if it were townhomes he would agree with some of the comments but because it is private homes and they will have back yards he thinks the backyards are outlined beautifully and does not think playgrounds should be an issue with this type of development.

Eldridge Moore Jr., 606 East County Line Road, Lakewood was sworn in. He said he wanted confirmation on duplexes because the definition states a common stairwell and said in his area plans were submitted as a duplex and they have 2 separate entrances going up and asked what the criteria is for that. Mr. Flannery said the ordinance allows a common stairwell but it doesn't say you have to have one.

Menachem Druham, 412 Ridge Avenue, Lakewood was sworn in. He said the proposed property is 40 ft. from him. He is in favor of this development because it is single family homes and more aesthetic to the neighborhood than the 34 duplexes which are permitted. He said the neighborhood right now is not the greatest neighborhood and his wife is afraid to go out at night and these new houses would improve the neighborhood. He said in terms of the playground at the Ella G. Clark school, his kids go there all the time. He said there are plenty of playgrounds around the area.

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

Mr. Alfieri said he thinks they presented adequate testimony to justify the variances and they think they have come forward with the recommendations of the boards professionals to make revisions that make the plans an exceptional plan and they seek a positive vote from the board.

Motion was made by Mr. Akerman, seconded by Mr. Herzl, to approve the application, based on everything discussed including the road widening, trying to save more trees instead of clearing, and accept the monetary contribution in lieu of the playground

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Committeeman Miller; yes, Mr. Banas; no, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes

2. SD# 1630 (Variance requested)
Applicant: Congregation Rachminstrivka
Location: East County Line Road, east of Park Place
Block 171 Lots 2 & 18
Minor Subdivision for 2 lots

Mr. Peters read from a letter dated September 12, 2008. The applicant is seeking a Minor Subdivision approval to reconfigure Block 171, Lots 2 & 18. No improvements are proposed under this application; however, the applicant has proposed a synagogue on Lot 2.02 under a different application, SP# 1894. A synagogue exists on Lot 2.01 and will remain. An existing garage that will span the two new lots will be removed. An existing dwelling on Lot 2.02 will be removed as well. The property has frontage along East County Line Road. The site is situated within the R-7.5 zoning district. The applicant is requesting a side yard setback variance for Lot 2.01; 4.4 FT are provided, where 7 FT is required. This is an existing condition. Outside agency approval from Ocean County Planning Board will be required. Evidence of the approval will be made a condition of the minor subdivision approval. An existing garage which spans new Lots 2.01 and 2.02 is to be removed as shown on the plan. The garage shall be removed prior to signature of the final plat or a bond posted to ensure the prompt removal of the garage. A 6 FT shade tree and utility easement along the property frontage is shown on the Site Plan but not on

the Final Plat. The easement shall be shown on the Plat to ensure it will be recorded along with the subdivision. The property is served by public sewer and water. The applicant shows on the plan curb exists along the property frontage. In addition, the applicant has revised the plan to add a note stating sidewalk will be install prior to issuance of a building permit. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated September 12, 2008. The applicant seeks minor subdivision approval to re-subdivide existing Lots 2 and 18 of Block 171. New Lot 2.02, which is proposed for a future synagogue and off-street parking area, will have approximately 69.6 feet of frontage on East County Line Road. New Lot 2.02 will be "L" shaped and will be 18,867 square feet in area. New Lot 2.01 will also have 52.05 feet of frontage on East County Line Road and will have 7,587 square feet in area. A site plan application has been filed as SP-1894 for development on the tract. The tract is 0.60 acres in area and is located approximately 23.2 feet east of the intersection of County Line Road with Park Place. The property is located in the northern part of the Township in the R-7.5 Zone. The tract contains one single-family dwelling and a frame garage, both which will be removed, and a one-story synagogue which will remain. Zoning. As noted above, the site is located in the R7.5 Residential Zone. The proposed uses are permitted in this zone district. A variance is requested for a side yard setback of 4.4 feet for Lot 2.01 when a minimum of 7 feet is required. This is an existing condition not exacerbated by the proposed subdivision. Review Comments. The applicant should address any requirement for a dedication of right-of-way or road widening easement to Ocean County. Continuing Comment. The plan identifies a 5.2-foot wide easement to the County of Ocean. The subdivision indicates that the existing synagogue on Lot 2.01 has 650 square feet of sanctuary space. Section 18-905.A. does not require on-site parking in cases where there is less than 900 square feet of sanctuary space. The applicant should indicate the number of parking spaces which will remain after the subdivision. Not Addressed. The applicant states that the site is a single-family dwelling; however, the plat identifies the structure as a synagogue. It is our understanding that the applicant's intention is to maintain a synagogue in the structure until the new synagogue can be occupied. Subsequently, the applicant intends to sell the property as a single-family residence. Testimony should be provided to clarify the record and to be able to establish any necessary conditions of approval. The property will be served by public water and sewer. Sidewalk is not proposed along the property frontage. The plan contains a note stating that sidewalk will be installed along the site frontage. The existing frame garage, shown to be removed, should be razed prior to filing of the plat or a bond should be posted. Performance guarantees should be posted for all improvements in the right-of-way. The reference on the plat to NJ RSIS parking standards should be removed from the plat since they are not applicable. Partially Addressed. The applicant states that this structure is now a single family dwelling; however, the plan indicates that it is a "one-story frame synagogue to remain." The applicant should testify regarding same. If this is the case, then the plan should be revised to indicate same. A shade tree/utility easement is not shown on the plat. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. He said although the application is divided into 2 parts, it is really together. They have an existing house that is 650 sf and they are using that as a synagogue and the purpose of this application is to build a new building and use this existing building until then. They have enough parking and have had no complaints from the neighbors but know for the future that they need a bigger facility and it will have sufficient off street parking which is why they set the building back.

Mr. Penzer said with regard to the planners report, the side yard setback is an existing condition, the 5.2 ft. easement has already been given to the County which is why it already exists on the map. There will be sidewalks installed and he asked the garage remain until building permit and not post a bond because of the uncertain times it would be an expense and he would like to try to save the synagogue if possible. With regards to the engineer's report, the comments are the same as the planners report. Mr. Lines spoke as the engineer for the applicant and stated the shade tree easement is not shown on the subdivision plan but is shown on the site plan and will be added to the subdivision plan before it is recorded. They will provide a 6 ft wide shade tree easement and utility easement.

Mr. Banas opened the microphone to the public

Eldridge Moore Jr., 606 East County Line Road, Lakewood was sworn in. He abuts the property and asked if this is a subdivision that makes it a flag lot and was told no. He said the county took more than 5.2 ft. the total of both tracts is 500 ft. Mr. Moore said there were 2 tracts it was taken from; Lot 18 and Lot 2.02 and Mr. Lines said he would have the surveyor review that and check that it is correct. Mr. Banas asked that he get back to Mr. Moore with the correct figures.

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

Motion was made by Mr. Miller, seconded by Mr. Herzl, to approve the application as requested

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

3. SP # 1894 (Variance requested)
Applicant: Congregation Rachminstrivka
Location: East County Line Road, east of Park Place
Block 171 Lot 2.02
Preliminary & Final Site Plan for proposed synagogue

Mr. Peters read from a letter dated September 12, 2008. The applicant is seeking a Preliminary and Final Site Plan approval to construct a synagogue and its associated improvement on Lot 2.02. Lot 2.02 and its adjacent lot, Lot 2.01, shown on the plans are currently under review by the Board for minor subdivision approval under application number SD #1630. No construction is proposed on Lot 2.01. The property has the frontage along East County Line Road. The site is situated within the R-7.5 zoning district. The applicant is requesting a rear yard setback variance for Lot 2.02; 15 FT is required, where 7 FT are provided. Per section 18-905 A.1.a. of the UDO, one (1) parking space is required per every 100 SF of main sanctuary space. The architectural plans show a main sanctuary area of 1,954 SF which yields a requirement of 20 parking spaces for Lot 2.02, the applicant has proposed 23 parking spaces. The Board should determine if the parking spaces provided will be adequate. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals will be made a condition of the site plan approval. A 6 FT shade tree and utility easement along the property frontage is proposed to be dedicated to the Township. The applicant has revised the Site Plan to show a 5.2 FT wide road widening easement along East

County Line Road at the property frontage to be dedicated to the Ocean County. The property will be served by public sewer and water. Per section 18-905 B. of the UDO, a 20 foot buffer is required between a synagogue and residential properties, a landscaped screen and board on board fence should be provided to shield the parking area from neighboring lots. The applicant has shown on the Site Plan what appears to be proposed fencing along western side of the proposed parking areas. The applicant shall call out on the plan type of the fencing proposed and provide a detail for the fence. The Board should determine to what extend screening will be required. Site Plan Review Parking spaces are not permitted within five feet of a property line per Section 18-905 of the Lakewood UDO. A design waiver will be required. The applicant shows on the Site Plan fencing is proposed along western side of the proposed parking areas; however, the fence is not shown on the Grading and Drainage Plan. The applicant shall consistently show proposed features through out the plans. Some of the text and features shown on the Site Plan are too small to be read. We recommend the applicant provide a vicinity map to show the 200 FT radius and the lots and structures with in the radius on a separate plan; as a result, the applicant will be able to show the site in a larger scale. The applicant has revised the plans to shows on the plan existing curb and proposed sidewalk along the property frontage. The majority of the sidewalk will be located within a shade tree and utility easement dedicated to the Township, but a small portion of the sidewalk will be constructed within a roadway widening easement to the Ocean County. The applicant shall revise the plans to construct the entire sidewalk within the roadway easement. If this not feasible, a sidewalk easement shall be provided with the six foot shade tree and utility easement located directly behind it. The applicant shall revise the Site Plan to show proposed water and sewer connections for Lot 2.02. A proposed handicap ramp entrance is shown on the plans at the back of the synagogue. The applicant indicated in a point by point response letter that revised architectural plans will be provided to show the proposed entrance is design in conformance with the ADA standards. Provision of the architectural plans shall be made a condition of the site plan approval. The proposed lighting fixtures on the western and eastern sides of the proposed parking area shall be fitted cutoffs to prevent the light from spilling over onto the neighboring lots. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated September 12, 2008. The applicant seeks preliminary and final major site plan approval with associated variance relief to construct a two-story synagogue building on the subject lot. The applicant has filed a minor subdivision application, under Application No. SD-1630, to create new Lot 2.02 for the proposed synagogue. An off-street parking area is also proposed to serve the proposed use. The subject property is 18,867 square feet (0.43 acres) in area and located just east of the intersection of Park Place and East County Line Road. The adjoining land use is primarily residential. Commercial uses are located in the vicinity. Zoning and Variances. The site is located in the R-7.5 Residential Zone District. Houses of worship are a permitted use in this zone. A variance is requested for a rear yard setback of 7 feet and a minimum of 15 feet is required. The applicant should address the positive and negative criteria for the requested variance. Review Comments. Sidewalk is not proposed along the street frontage. In addition, provisions should be made for pedestrians to enter the site and walk to the synagogue from the street sidewalk. Partially Addressed. Sidewalk has been added along Lot 2.02, however the applicant has not made provisions for pedestrians to enter the site and walk to the synagogue from the street sidewalk. The architectural plans indicate that the building will contain a basement, the sanctuary area on the main floor, and a partial second story. A handicapped ramp is proposed in the rear on the west side of the structure. The site plan should indicate locations where the handicapped ramp is above three feet above finished

grade, since a three-foot setback is required in such instances. Any encroachments will require a waiver of Section 18-818 (*Projections into Required Yards*). Not Addressed. Applicant will provide testimony at the hearing. Clarify the proposed use of the structure to remain on new Lot 2.01. Buffer and landscaping requirements are determined by the adjoining use. Not Addressed. Applicant will provide testimony at the hearing. Parking. Based on 1,954 square feet of sanctuary space, a minimum of 20 spaces are required. The applicant proposes 23 off-street spaces on Lot 2.02 and 6 spaces on Lot 2.01, the adjacent lot, for a total of 29 spaces. Addressed. The applicant states that Lot 2.01 is not part of this application. Therefore, the applicant proposes 23 off-street spaces on Lot 2.02, where 20 are required. Therefore, the parking requirement is satisfied. Section 18-905 of the UDO does not permit parking areas within 5 feet of a side property line. The parking area appears to be about 1-2 feet from the property line shared with Lot 2.01. The site plan should be revised or a variance requested. In addition, a six-foot solid fence plus shrubs are required by 18-905.A.2. to screen the parking area from the residence. Not Addressed. Landscaping. No landscaping is proposed on the site plan. The site plan should be revised to address buffer plantings required by 18-905 B. A minimum buffer of 20 feet is required for properties adjacent to residential use. The plans should be revised or a variance requested. Not Addressed. The landscape plan only indicates proposed shade trees. It should be noted that the shade trees are proposed outside of the shade tree easement. The proposed board-on-board fence along the western property line shown on the Landscape Plan should also be identified on the site plan. Partially Addressed. The fence is depicted but it should also be identified as proposed and the height should be indicated. This information is only provided on the Soil Erosion Plan, and should be indicated on the site plan. The Landscape Plan does not indicate the location, if any, of existing trees 12 inches in caliper or greater, on the parcel. Addressed. The applicant states that no trees exist. Spillage from the proposed light fixture on the adjoining Lot 2.01 should be addressed. A construction detail of the proposed fixture should be provided on the site plan. Several fixtures of lesser height or bollards would possibly be appropriate to provide better site lighting without impacting the adjoining lot. Any building-mounted lighting should also be identified. Partially Addressed. The applicant states that Lot 2.01 is not part of the application. Therefore, the applicant should address light spillage onto Lot 2.01 and Lot 1 from Lot 2.02. The landscape treatment of the eastern area of Lot 2.02 should be addressed. Not Addressed. Provisions for solid waste collection and removal should be provided. Not Addressed. The site plan should be revised to dimension the proposed building and to show the setback of the handicapped ramp to the rear property line. Partially Addressed. The setback of the handicapped ramp to the property line is not identified. Any sections which exceed three (3) above grade should be identified. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. He stated they wanted to maximize the amount of parking and put the building back for parking. The sanctuary is 1,950 sf which requires 20 parking spaces and we are providing 23. On the Planners report, they will fill in and put the sidewalk for the pedestrians to enter the site and walk to the synagogue, it was an oversight.

Mr. Lines appeared as the engineer for the applicant and stated the handicap ramp along the rear of the building, sheet A3 of the architectural plans, it starts at ground level and goes to 24 feet up to a landing which is required by ADA, then up another 24 feet to a landing; the point where the ramp is 3 ft. above grade is 18 ft. from the beginning which would be approximately where the second window from the right. Mr. Banas asked Mr. Peters if that made sense and

Mr. Peters said it does make sense but said those grades should be added to the site plan also and Mr. Lines said he would do so. Mr. Lines said the question from the planner was where did it go from being less than 3 ft. to greater than 3 ft. in height but he will add his dimensions to the plans and submit them for review. As far as the buffering, Mr. Lines said they are requesting a waiver on that, they do provide a board on board fence along the westerly property line and said they can add board on board fence around the synagogue property to buffer them from everyone else. Because of the irregular shape of the lot, they ended up with a narrow strip between the parking lot and lot 2.01 and they can put a 6 ft. board on board fence to separate the 2 uses when that lot is sold. Mr. Penzer said they can add more landscaping if the board requests it. They will make sure the spillage of the light remains on the property. They asked Mr. Franklin where he would like to see the trash containers located and Mr. Franklin said if they use dumpsters they would have to meet with him at a later date to work it out since they have not done so prior to the meeting.

With regards to the engineers report, he covers the comments that the planners report does and they already addressed them. They agree to the remaining comments. There was a drafting error when Mr. Lines printed the revised plans as far as the drainage and contours and he will revise the plans. Mr. Peters does not recall the original plan to see if the contour lines were correct and Mr. Banas asked him to work closely with Mr. Peters to make sure they are done correctly.

Mr. Fink asked about the wood fence and suggested planting evergreens to make it beautified and Mr. Lines said they could put some arborvitae but nothing too wide because they don't have the space and Mr. Penzer said they have no problem meeting with the engineer and putting as many trees and possible to be green. Mr. Schmuckler suggested small bushes/shrubs along the fence and Mr. Banas said some height as well and asked them to work with Mr. Slachetka and Mr. Penzer agreed.

Mr. Slachetka asked Mr. Lines if he is going to be removing the wire fences that are shown on the plans and he said the ones that are theirs they will be removing.

Mr. Banas opened the microphone to the public

Eldridge Moore Jr., 606 East County Line Road, Lakewood was sworn in. He said he lives at Lot 1, next door to the proposed synagogue. He has a hedge in front of his house and a white 6 ft fence to the back of his lot line and on the other side of that there is his chain link fence. He also owns Lot 17 which is behind him and that is a chain link fence and asked if they were proposing fencing or shrubbery 5 ft away, but he didn't hear any mention about where it comes in at an angle, (he showed them on the plans) where it narrows down to 4 ft. at the corner of the parking lot and Mr. Lines said the fence would follow the property line and bend and would be 4 ft. from Mr. Moore's other property line. There was inaudible talk while they discussed the fencing. Mr. Banas asked Mr. Moore if that was his fence and he said yes; he said there is a fence on lot 1 which is his, and it goes almost to lot 17 which is also his. Mr. Lines said they will put the fence in as close to his fence as they can when they put the new fence up. Mr. Moore asked if it is supposed to be 5 ft. off the line and was told no, there is no minimum. Mr. Moore said he has a fence on his property and Mr. Lines said if they could start their fence where his fence ends that would give them more space to put in shrubs and Mr. Banas and the board members could not hear what was transpiring and suggested they speak into the microphones

and suggested they discuss this in the field. Mr. Moore just wanted to know if the parking lot was going to be 5 ft. off the line and was told yes.

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

Motion was made by Mr. Miller, seconded by Mr. Herzl, to approve the application per the discussion

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

Mr. Banas said they will not be completing the agenda as published and asked items #10 & #11. SD #1640 and SP #1901 will not be heard and Mr. Penzer agreed to be tabled to November 4, 2008

Motion was made by Mr. Herzl, seconded by Mr. Miller, to table the application to November 4, 2008

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

Item #9 SD 1638 - Mr. Doyle agreed to be tabled to November 4, 2008

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to table the application to November 4, 2008

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

4. SP # 1897 (No variance requested)
Applicant: Cedar Holdings LLC
Location: Cedar Bridge Avenue, across from Arlington Avenue
Block 536 Lot 75.04
Preliminary and Final Site Plan for retail and warehouse building- total 28,770 sf

Mr. Peters read from a letter dated September 15, 2008. The Applicant is seeking Preliminary and Final Major Site Plan Approval of Block 536, Lot 75.04. The applicant has proposed to construct a retail/warehouse building with a total floor area of 28,770 SF and its associated site improvements. The site is situated along Cedar Bridge Avenue, near its intersection with Arlington Avenue. The property is located within the B-4 zoning district. The applicant has revised the parking calculations in the zoning schedule to eliminate the required parking space calculations for the previously proposed warehouse area. The applicant also indicates on the site plans the proposed building is to be a retail building with a basement. The applicant shows 75 required parking spaces and 77 proposed spaces. The 75 parking spaces were calculated based on a 14,885 retail area and one parking space per every 200SF gross floor area. The Board should determine if the proposed parking spaces will be sufficient. Outside agency

approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals should be made a condition of Final Planning Board approval. The applicant shows in the Key Map on the Cover Sheet wetland lines in the proximity of the site. A wetland letter of interpretation will be required from the NJDEP to show that no disturbance will occur within wetland and wetland buffer areas. A 6 FT shaded tree and utility easement along the property frontage is proposed to be dedicated to the Township. The applicant shows on the plans existing curb and sidewalk along Cedar Bridge Avenue at the property frontage. The applicant calls out on the plans the proposed building will contain a 14,885 SF basement; however, no basement is shown on the submitted architectural plan. The applicant indicated in a response letter, revised architectural plans will be submitted. The architectural plans shall be provided as a condition of the Planning Board approval. The applicant shows on the plans Cedar Bridge Avenue long the property frontage has a varied right of way. The right of way line along the frontage shall be shown and called out on the plan. The applicant shall revise the Grading Plan to show the location of the proposed roof leaders and cleanouts, if proposed. The point of discharge for the roof runoff shall be identified. The applicant shows on the plans the ADS pipe between proposed inlets CB2 and CB3 has cover less than 6 inches. The depth of cover is insufficient. The applicant shall address this issue. Stormwater Report Review. In accordance with the NJ BMP Manual, an infiltration basin must fully drain the stormwater quality design storm runoff volume within 72 hours. The applicant shall provide calculations in regard to the above requirement in the drainage report. Construction Details A detail for the proposed heavy duty pavement shown on the plans shall be added to a Construction Detail plan. Environmental Impact Statement. The EIS briefly references an attached Limited Phase II Investigation of the subject property prepared in 1999. Our review of the Phase II Investigation report indicates that site soils are contaminated with arsenic, lead, and zinc associated with the former filling and dumping of coal ash and household waste. Lead was reported at concentrations five to ten times the New Jersey Direct Contact Soil Cleanup Criteria for both residential and non-residential uses. The status of the investigation or course of action to remediate the subject property was not provided. The applicant shall provide the Phase I Environmental Site Assessment (ESA) prepared for the subject property as well as other reports, work plans, correspondence, or data that pertain to the investigation or remediation of the site. The EIS should be revised to fully incorporate the findings of the Phase I ESA, the Limited Phase II Investigation, and other reports prepared for the site. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated September 9, 2008. The applicant seeks preliminary and final major site plan approval and an associated design waiver to construct a 29,770-square foot retail facility. The site improvements will include related off-street parking, storm water management, landscaping and lighting facilities. The subject site is an unimproved wooded lot which is 1.56 acres in area. The property is situated on the north side of Cedar Bridge Avenue, opposite the intersection with Arlington Avenue. In the revised plan, the applicant indicates that the proposed building will contain 14,885 square feet of retail space with a full-story basement. The plans show a total of nine (9) retail units in the building. In the prior application, the applicant indicated that the basement would serve as a warehouse facility. Access to the retail space will be located in the rear of the building. The surrounding land uses are the Greenwood Cemetery on the east and a vacant lot to the north and west. Zoning and Waivers. The site is located in the B-4 Wholesale Services Zone District. Retail uses are permitted in this zone. The applicant does not require a design waiver for the proposed parking for this application. Pursuant to Township development regulations, the applicant requires a minimum of 75 off-

street parking spaces and the applicant has proposed 77 off-street parking spaces. In the prior submission, a design waiver was required to accommodate the retail and warehouse use. For the retail/warehouse use, the applicant required a minimum of 89 off-street spaces (Section 18-807.B).¹ An additional design waiver is required from Section 18-807C6. Parking facilities must be located twenty (20) feet from the street line. The applicant proposes a 10-foot setback from Cedar Bridge Avenue. The applicant is requesting a design waiver from the Township's buffering requirements. Section 18-803E states that buffers of 25 feet as measured from the property line toward the proposed use shall be provided for all non-residential use. The buffer shall be increased to 50 feet wide where non-residential development is adjacent to residential development. The site provides a 10-foot setback to the parking lot in the front yard and a 10 foot side yard setback. The setbacks are moderately landscaped and no landscaping has been proposed on the southern side of the building. The applicant should provide testimony addressing the need for the design waivers. The Planning Board has the power to grant exceptions from the requirements for site plan approval as may be reasonable and within the general purpose and intent of the provisions for site plan review if the literal enforcement of one or more of the provisions is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question..

<u>Use</u>	<u>Required Parking Standard</u>	<u>Floor Area</u>	<u>#Spaces</u>
Retail	1 space per 200 sq ft	14,885	74.4
Warehouse	1 space per 1,000 sq. ft.	14,885	14.9
Total			89

Basement Use. The applicant has proposed to remove the warehouse use from the application. The applicant should provide further clarification of the intended use of the full story basement. The Board should require that the applicant restrict the basement for use for storage only. If the applicant intends to use the basement for any use besides storage, the applicant then would be required to obtain site plan approval from the Board. The site plan and architectural drawings should clearly label the basement level as storage only. **Shade Tree easement.** The applicant has provided a 6-foot wide shade tree easement dedicated to the Township along Cedar Bridge Avenue. **Wetlands.** The parcel is located on the south side of the South Branch of the Metedeconk Creek. Wetlands maps of the NJ Department of Environmental Protection show a limited portion of the north side of the site is encumbered by wetlands. The applicant has applied to the NJDEP for a Letter of Presence or Absence (for Wetlands) and indicated at the Plan Review meeting that the application is still pending. The applicant should submit all required documentation to the Board regarding this matter as the status of the regulatory submissions impacts the site configuration. In addition, all wetland delineations and required buffers should be clearly identified on the site plan. **Landscaping.** The applicant has addressed our prior comments regarding the landscape plan. The applicant may want to consider providing additional variety in the vegetation proposed. **Lighting.** The applicant's lighting plan is subject to review by the Board Engineer. **Sidewalk.** There is existing sidewalk along the property frontage. The applicant has proposed to connect the site with a walkway that is adjacent to the southern off-street parking area on the site plan. **Woodlands Management Plan.** The Woodlands Management Plan is subject to the review and comment of the Environmental

and Shade Tree Commissions. We recommend that the compensation trees be distinguished from the other landscaping on the site plan. Architectural Plans. The applicant has not made revisions to the architectural plans to address the Boards comments regarding the basement level. The applicant should revise the architectural plans to show the intended use of the basement. Currently, the architectural plans show the proposed nine tenant spaces on the ground level. Of which two (2) retail spaces will face to the west of the site and the balance along Cedar Bridge Avenue. The loading area for the building will be located in the southeast corner of the building. Environmental. The applicant has submitted an Environmental Impact Statement to comply with the Ordinance requirements. The EIS includes a copy of a Limited Phase II Environmental Assessment of the site performed in 1999. Several compounds were detected in the soil samples which exceeded NJDEP Soil Cleanup Criteria. The EIS does not address any update of Soil Cleanup activities or any further documentation from the NJDEP. The applicant indicated at the Plan Review meeting that they have received a no further action letter from NJDEP. The applicant should submit any appropriate documentation regarding this matter for the Board to review prior to approval. The balance of the comments are technical in nature.

Mr. Doyle Esq. appeared on behalf of the applicant Moses and Mina Shvartzblatt. There are no variances to this application and this is a permitted use. The basement will be used for storage only exclusively and will not be rented out. The environmental issues raised in the report; the LOI and wetland delineation, they have received word from the DEP that it looks great and with their usual speed they will get the document right out. That email was dated September 11th and the mail is slow. With respect to the past nature of this site, there has been issued by the DEP on May 25, 2008 a letter of no further action in which they acknowledge that the Department of Environmental Protection makes a determination that no further action is necessary for the remediation of the area of concern. Mr. Banas asked for a copy of that letter and Mr. Doyle agreed to get it to the professionals. Mr. Doyle said they would comply with the recommendations of the Shade Tree Commission. Mr. Banas asked if there were any items in the 2 professionals' reports that they cannot comply with and Mr. Doyle said there is nothing they cannot meet but there is an issue with a buffer line immediately west of that line is the cemetery and the only other issue is the parking spaces in the front are 10 ft. from the street instead of 20 ft. and said that 10 ft. is basically been the line along Cedar Bridge Avenue by other uses and they will sufficiently landscape that and they do not feel that causes a hardship and would be better served to maintain that singular line. Mr. Banas asked if that would need a variance and was told it was a design waiver.

Mr. Challoner is the engineer for the applicant and said this application is for retail space on the ground floor and basement storage with access from the back and truck access. They agree to meet all the requirements in the professional's letters. Mr. Challoner said the parking is consistent with the new development across the street and also Washington Square parking. They will buffer and landscape the frontage sufficiently.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Mr. Banas said the walls are flexible to accommodate the type of tenants using the building and asked if anyone will have access to the basement and Mr. Shvartzblatt said the basement is for

his furniture store mainly and some of the people are already approaching him to rent space and want to store things in the basement so he will have to work things out with them but there is no inside access to the basements. Mr. Banas asked if there was any merchandising in the basement and Mr. Shvartzblatt said it is strictly storage. Mr. Challoner said there is a sidewalk that goes along the entire portion of the building and a staircase that goes to the truck loading zone and a ramp that goes down to that level for cars and trucks.

Motion was made by Mr. Fink, seconded by Mr. Schmuckler, to approve the application

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

5. SD# 1635 (Variance requested)
Applicant: Batim Management Inc.
Location: 228, 232 Sixth Street, between Clifton and Lexington Avenues
Block 117 Lots 14 & 2
Preliminary & Final Major Subdivision – 2 lots for multi-family

Mr. Peters read from a letter dated September 15, 2008. The applicant is seeking a Preliminary & Final Major Subdivision Approval to subdivide two lots into four new lots for the construction of four townhouse units. Two, 2-story single family dwellings exist on each existing lot and will be removed. The property has the frontage along Sixth Street, between Clifton and Lexington. The site is situated within the R-M zoning district. The applicant is requesting a side yard setback variance for the track: Twenty-five feet one side and fifty feet combined are required, where 5.5 FT one side and 50 FT combined side yard are provided. The applicant shall request variances for minimum lot area for all lots; 12,500 SF is required, where 5,250 SF, 3,900 SF, 3,900 SF, and 5,025 SF are provided for Lots 2.01 through 2.04. The applicant shall revise the zoning schedule to show 25 FT and 50 FT as the required one side and combined side yard setbacks respectively. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant shows on the plans a driveway can accommodate three cars for each of the proposed lots. As shown on the Architectural Plans, each unit can accommodate up to seven (7) bedrooms. The NJ RSIS standards for townhouse units top out at 2.4 off-street parking spaces for townhouse units with three (3) bedrooms. The Board should determine if the proposed parking spaces will be sufficient. The applicant shows on the Grading, Drainage & Utility Plan basement floor elevations; however, the architectural plan set does not include a basement floor plan. The applicant shall address this issue. If basements are proposed, depending on contents of the basements addition parking spaces may be required. The project is located in the RM Zone. If the development is considered to be a townhouse development, each basement shall be considered a separate unit for the purpose of parking calculations. The development will be served by public water and sewer. Curb and sidewalk are proposed along Sixth Street at the property frontage. A 6' utility and shade tree easement along Sixth Street at the property frontage is proposed to be dedicated to the Township. The applicant shows on the Final Map, a drainage easement is to be dedicated to a Homeowner Association (H.O.A.). The applicant shall provide H.O.A. documentation to the Board Engineer, Planner, and Solicitor for review. The documents shall address the ownership

and maintenance of the proposed stormwater management system and all other shared portions of the development. The applicant shall provide a Lighting Plan to the Board for review. The applicant shall show iso-luxe diagram for any proposed lighting fixtures. The existing dwellings shall be removed prior to signature of the Final Map or a bond post to ensure the prompt removal of the dwellings. The applicant shows on the Tree Management Plan an existing 24" maple along Sixth Street at the property frontage is to be removed; however, no street trees are proposed. The Board should determine how many proposed trees will be required to be planted in replacement of the existing tree. The applicant shall provide revision date on the plans after each revision has been made. From the existing grades shown on the plans a neighboring area south of the site shall be included in the stormwater runoff calculations. Although the applicant isn't required to reduce the peak flow rates for stormwater runoff from the neighboring area, the proposed underground recharge system shall be sufficient to accept and discharge the runoff volume. The applicant states in the Stormwater Management Report the site consists of Downer Gravelly Sandy Loam, a type 'B' soil. The applicant shall provide backup material for this claim. A soil map from NRCS website will be sufficient. The applicant shall perform soil boring test within the proposed underground recharge trench to determine the seasonal high groundwater table elevation and permeability rate of the on site soil. In accordance with the NJ BMP manual, the proposed recharge trench shall have a bottom invert elevation a minimum of two (2) FT above the season high elevation. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated September 12, 2008. The applicant is seeking Preliminary and Final Minor Subdivision and Major Site Plan approval to construct four (4) fee simple townhouses totaling 6,321 square feet, by creating four residential lots from two existing residential lots. Lots 2 and 14 currently each contain a two-story residential dwelling. The existing dwellings will be removed, and four (4) three-story townhouses (rear architectural elevation indicates 3 stories) will be constructed. The site fronts on 6th Street. The subject site is located within an area of residential uses and is across the street from the Clifton Avenue Grade School. Townhouses are an approved use in the R-M Multifamily Residential Zone. Zoning and Variances. The site is located in the R-M Multifamily Residential Zone District. Several types of residential dwellings are permitted in the R-M Zone. I have discussed the jurisdictional issue raised at the prior meeting with Mr. Jackson, the Board Attorney. Based on our review of the ordinance provisions, it was our opinion that the applicant could proceed with the site plan application at the Planning Board. A side yard setback variance is required. Twenty-five feet on one side and a combined side yard setback of 50 feet are the minimum requirements. The applicant proposes 5.5 feet on one side and nine (9) feet on the other side, or a combined side setback of 14.5 feet. Review Comments. Off-street parking. The applicant proposes 12 parking spaces. The number of bedrooms per unit is 6 bedrooms, if the playroom and optional 3rd floor bedrooms are included. The applicant should discuss the sufficiency of parking with the Planning Board. A drainage easement will be required for each lot for maintenance of the proposed stormwater management system. The appropriate documentation should be submitted to the Board professionals for review. Sheet 3 of 6 of the Zoning Chart should be revised to indicate the correct side yard setback for the RM Zone – 25 feet on one side and a combined side yard setback of 50 feet. A variance is required for both. The height limitation should also be revised. Indicate the landscape treatment of the curbed peninsulas which separate the driveways. The applicant should verify that the easterly inlet structure and manhole (subsurface) will not encroach on the neighboring property given their proximity to the lot line. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant and said Mr. Jackson ruled at the technical meeting that this was a multi family. Mr. Carpenter is the engineer for the applicant and said with regards to the engineers report the house on the left is a multi family house with a setback of approximately 5 ft. off the property line and if you look to the right of the project there is a single family house which is approximately 2-3 ft. off the property line so the setbacks in this area are not consistent with the zoning ordinance. Mr. Penzer added they are getting the 5-5 because they are adding a bay window, without it they are really 7 feet and the bay window was requested by the neighbors. He also pointed out is that there is an inconsistency in the UDO under RM it stipulates the side yard setback are 25 & 50 but if you look into the zoning schedule it is 12 & 25 and the last 3 applications he had in front of this board in the RM zone with townhouses they always used the 12 & 25 as a side yard setback, this is the first time the 25 & 50 have come up. (Appendix A on page 18A-1 in the UDO) Mr. Slachetka checked and concurred and said the 25 & 50 is referred to the for multi family and Mr. Carpenter said that is for houses of worship and he did townhouses on other locations in the RM zone is should be the 12 & 25 and not the 25 & 50 and they asked Mr. Jackson for his opinion and he said you have to take one position or another and it was really a planning issue.

Mr. Slachetka said one the jurisdictional issue was clarified that it is multifamily, then the multifamily standards in the RM district would be applicable and they are very clearly spelled out. In this instance, the multi family standards under H4B (6) with the side yard setback is specified as 25 ft. with an aggregate of 50 ft. and these standards supercede what would be in the chart so from a technical perspective they have to go with the variances on that.

Mr. Penzer said where do you find that the standard supercede the chart, the appendix is made, in his opinion, to explain what is in the body and Mr. Slachetka said in some instances where you are talking about specific type of use within a district it clarifies further or establishes different standards from other types of uses. Mr. Penzer asked how did they do it 3 times already. If they need to be consistent then they have to be consistent, it is only now that it has been raised, in fact it is the same applicant. Mr. Slachetka said there will always be some inconsistencies and it could be because of the use of the word townhouses but he feels in this instance it is pretty clear. He does not know in what context the prior interpretations might have been made and Mr. Banas said it is important to show the Township Committee the inconsistencies and ask them to create a Ordinance to eliminate those inconsistencies: however, they need to ask for the variance. The board understands that. Mr. Banas asked Mr. Jackson to address the committee about it and Mr. Jackson said he would rather Mr. Slachetka do that because it is the planner's ordinance and he would be better and Mr. Slachetka said again the townhouse standards are shown the sideyards are identified as 12 feet: so there is a 12 ft. for townhouses and a 25/50 for multi family in the RM. The townhouse standards are intended to be a more universal going across a number of zones and in this instance it is a multi family in the RM. We can ask the Township Committee for further clarification or when they adopt the ordinances to implement the Master Plan re-examination recommendations they can address that issue.

Mr. Penzer and Mr. Carpenter continued with regards to the bedrooms and clarified that the applicant plans to occupy the unit and they plan on putting a large sitting room in the attic and they will put in no doors and no closets. They will restrict it that way and said the units will be 5 bedrooms and Mr. Banas said he looks at it a different way: he could install a door and put in

closets after he gets a C/O and it can become a bedroom. Mr. Penzer asked what he would like him to do because they would like it to be a sitting room and Mr. Banas asked if they had a basement and Mr. Penzer said they do have one but with no outside entrance so they are trying and Mr. Banas said he knows they are trying. Mr. Schmuckler said he is more worried about the basements being rented out than the attics and with no outside entrances into the basements it is pretty much eliminated. Mr. Penzer said the can meet the remainder of the comments in the engineer's report. With regards to the planner's report, there are no windows in the playroom. He asked why a drainage easement is required for each lot for maintenance and asked why can't it be a general cross easement or a regular easement to maintain the stormwater management and Mr. Peters said if it is 4 different lots that easement it is broken by the lot lines and Mr. Carpenter said the easement will be shown on the final map and Mr. Slachetka said he doesn't see the difficulty and Mr. Penzer said it seems to him they want 4 easements to be drawn. Mr. Slachetka said it is one easement running through the 4 lots and Mr. Penzer said he has no problem with it. They will provide street trees and agree to the remaining comments in the planners report.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Miller, seconded by Mr. Herzl, to approve the application with the variances

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

Committeeman Miller left the meeting

6. SD# 1636 (Variance requested)
Applicant: Yehuda & Adina Kirshenbaum
Location: 1385 Pasadena Street, west of Alvarado
Block 187.13 Lot 15
Minor Subdivision for 2 lots

Tabled until November 4, 2008

7. SP# 1801A (No variance requested)
Applicant: Yeshivat Keter Torah
Location: Apollo Road, west of Squankum Road
Block 104 Lots 57 & 60
Amended Site Plan for proposed school

Mr. Peters read from a letter dated October 25, 2008. The applicant is seeking amended Final Site Plan approval for a previously approved school building and its associate site improvements on Lots 57 and 60 of Block 104. The property has frontage along Apollo Road

Extension. The site is situated within the R-12 Zone. The applicant was previously granted the variance as listed below: Maximum lot coverage: 25% was the maximum permitted, where 31.7% is proposed. This variance is longer required. Minimum sign setback: 34 feet was the minimum permitted where 15.5 feet is proposed. The revised architectural plans show the proposed school building will have a height of 38 FT. Per the Lakewood UDO, the allowable building height in the R-12 zoning district is 35 FT. A building height variance is required. Outside agency approvals from the Ocean County Planning Board, Ocean County Soil Conservation District will be required. Evidence of the approval shall be made a condition of the final Planning Board approval. The submitted NJDEP wetland letter of interpretation has been expired. In addition, the applicant shows on the plans changes in the wetland fill areas have been made. A new NJDEP wetland permit and letter of interpretation will be required. These approvals will be made a condition of the final Planning Board approval. The project is proposed to be built in two phases, between the two phases 33 parking spaces are required, the applicant has proposed 54 parking spaces. The applicant shall provide testimony on status of the wetland buffer markers at the rear of the property. The applicant shows on the revised plans the markers are to be set. It has been three years since the site plan was originally approved, requiring the markers be set along the buffer. The applicant indicates on the revised plans extension of Apollo Road and a stormwater discharge pipe are to be done by others. The applicant shall provide update on the status of the construction of the roadway and who will perform the construction. The applicant shows on the Improvement Plan (Phase I) the site will be accessed from the adjacent lot, Lots 61 and 53.17 during phase I of the construction. The applicant will require a temporary easement to access the neighboring lots. The applicant shall provide those easement agreements to the Board for review prior to the Final Site Plan Approval. The stormwater management report states the proposed inlets will be fitted with stormwater filters to remove oil and sediment from the stormwater runoff prior to discharge to the infiltration system. The filters shall be noted on the plans and added to the inlet details. The applicant shall provide testimony on where classes will be held during phases I and II of the construction. The applicant shall revise the plans to show the proposed concrete curb radiuses. The stormwater issues have been addressed.

Mr. Slachetka read from a letter dated October 21, 2008. The applicant is seeking amended site plan approval to construct a school complex for a boys' elementary school. The proposed elementary school is a two-story building that will include a glass atrium and a gymnasium. The applicant notes that the proposed elementary school will be constructed in three phases. The first phase includes construction of the eastern portion of the school building, placement of stormwater and drainage for Phase I, a construction access drive, and a temporary chain link fence. Phase II includes the construction of the additional school wing and the gymnasium. Lastly, Phase III includes construction of the glass atrium. The proposed plan also notes that the complex will include a future high school and dormitory. Currently, there is a one-story structure and ten (10) temporary school trailers on the site. The plan also shows an existing paved parking area and a basketball court. The site is located at the end of the cul-de-sac on Apollo Road and is 5.06 acres in area. Preliminary and Final Site Plan was granted by the Planning Board by a resolution memorialized on May 17, 2005. The Board approved the construction of the gymnasium as part of the initial phase. In this application, the gymnasium is proposed to be constructed in Phase II. This application was discussed at the September 2nd Plan Review meeting. Educational uses and related accessory uses are permitted in the R-12 District. No variances are requested; however, it appears that a variance is required from the buffer requirement. Please refer to Item D.1.Prior Variances. The applicant was granted a variance for maximum building coverage and the proposed sign setback as follows: Maximum building coverage. The applicant is permitted a maximum building coverage of 25 percent. In the prior site plan, the applicant received a variance for building coverage as they had proposed

a building coverage of 31.7 percent. The applicant has removed this variance condition for this application and has proposed a building coverage of 16.5 percent. The applicant should specify whether the building coverage provided includes the future high school and dormitory. Sign setback. Lakewood Township Code requires a setback of 34 feet where 15.5 feet is proposed. The proposed sign is at the entrance of the driveway. Review Comments. Conditions of Site Plan Approval (May 17, 2005). Access Easement. As in the prior approval, the applicant has proposed to access the property for construction for Phase I via Lot 53.17. The applicant must submit a copy of the access easement agreement from the adjoining landowner as part of this approval. Apollo Road. The prior approval was expressly contingent upon Apollo Road being approved by the Lakewood Township Committee and constructed in accordance with the plans. The applicant should provide an updated status report to the Planning Board concerning the approvals/authorizations and construction schedule of Apollo Road. Safety Fence. The applicant was required to provide a safety fence around the construction site during construction. The applicant has proposed a six-foot high temporary chain link fence on the site plan. Buffer. A twenty-foot (20') vegetative buffer is required for properties that are located within a residential district (Section 18-906). In the prior approval, buffer landscaping was a condition of approval by the Board. The applicant has proposed a ten-foot buffer along the western edge of the school which appears to adjoin a buffer on the abutting property. Buffering is now proposed on the eastern edge of the property. An additional requirement of the Township buffer requirements is that parking not be permitted in the buffer. The applicant has proposed parking and the driveway in the buffer area. The applicant shall provide testimony regarding compliance with Township buffer requirements. In regards to buffer landscaping, the applicant should consider providing additional variety of vegetative species for the site. In the prior site plan, the applicant was required to discuss compliance with the ordinance parking requirements for the school for all phases. On the site plan, the applicant has indicated parking requirements for the two phases of the project. Based on the site plan, the applicant is providing 54 parking spaces. Based on our computations, 36 spaces are required. The applicant should confirm that adequate parking will be provided. In addition, the applicant shall specify parking needs for the intended future use of the site. As there are no standards provided for gymnasiums and dormitories, the applicant should specify how they intend to provide sufficient parking for these uses. Site Plan Checklist. The Board discussed the following waiver requests on August: Environmental. The applicant requested that an Environmental Impact Statement be waived. The Board requested a copy of the NJDEP Letter of Interpretation (LOI). The applicant submitted a copy of the LOI obtained for Lots 55 & 57. The intermediate resource wetland is delineated on the lot directly to the north of the site. A NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. On the site plan, the applicant notes that freshwater wetlands/water boundary line is pending. The copy provided to the Board is dated August 5, 2005. The applicant shall indicate the correct date to the Board and on the site plan. Compliance with all NJDEP Freshwater wetlands is required. The applicant has proposed to locate the gymnasium partially in the wetland area. The applicant should consider placing the delineated wetland areas within a conservation easement. As applicable, the applicant must comply with all applicable Surface Water Quality Standards for Category One waterways. Tree Protection Plan. The applicant requested that a Tree Protection Plan be waived. The Board granted this waiver. Recreation Areas. There are provisions for an outside recreation area on the east side of the school site. The applicant should provide further information concerning fields or play areas. Bus Loading/Unloading. The applicant indicates that all students will be bussed and that no student shall be permitted to drive to and from school. The pick up and drop off times proposed are between 8:30 and 5:30 pm. Lakewood Agency Comments. The applicant

received comments from Lakewood Fire District No. 1 on August 19, 2008. Compliance with the Lakewood Fire District No. 1 comments is required. Architectural Plans. The applicant should provide architectural renderings for the proposed gymnasium for Board review. Sequencing. The applicant should provide testimony addressing the sufficient and appropriate site improvements for each phase. The time frame for the use of the temporary trailers gym and the demolition of the existing structure should be clearly specified. The applicant also should specify when the intended high school and dormitory is proposed. Occupancy of each wing of the school should be linked to improved access and sufficient parking. The remaining comments are technical in nature.

Mr. Kelly Esq. appeared on behalf of the applicant with Mr. Surmonte as the engineer. Mr. Banas asked if there were any items in any of the reports that they had great concern or that they can't comply with and Mr. Surmonte said no but there were a couple of things needed to be clear for the record. He said the height of the building is less than 30 feet where 35 feet is permitted. Mr. Peters said on the architectural plans the rear elevation showed a height of 38 ft. and he could not find any other elevations on there so that is where he came up with his number, it should be the average height of the building and that is the most extreme of the building which is a full story lower than the grade in the front. Mr. Banas suggested he come up with the exact number and check with Mr. Peters and Mr. Surmonte agreed. Mr. Surmonte said there was a comment about the Fire District and said he had a conversation with Mr. Delia after the letter in August about the center stem coming up through the driveway and they went over the dimensions and he seemed less concerned after our conversation but we have not received anything back in writing that they have changed their position on it. Mr. Slachetka said maybe what the board needs as a condition of approval is confirmation of that conversation and affirmation that it was acceptable to the Fire District. Mr. Kelly agreed. Mr. Surmonte said the remainder of the comments were acceptable.

Mr. Franklin asked who was going to put the road in and Mr. Kelly said the adjacent property is 16 lot subdivision that was approved in 2004 but Mr. Franklin said it is not being built and Mr. Kelly said the applicant has had communications with that party who also gave this applicant access easements and it is their intention to develop that parcel. If that is not built by the time this applicant is ready for phase II this applicant would improve Apollo Road up to the driveways so we would be able to fully access the site through there but it is their understanding the other applicant plans on doing it concurrent with this applicant. Mr. Franklin said totally improve it to standards, not just run a path up to their driveway and Mr. Kelly said whatever the board's desire was, but they had contemplated the other applicant doing the improvements. Mr. Franklin said they would too and that included the curbs and sidewalks and the completed roads and made part of this approval and Mr. Banas agreed. Mr. Franklin said otherwise they would end up with a dirt path going back there to with all this traffic trying to get the kids there and that is not right and that is the cornerstone to the whole building and Mr. Kelly agree and said that is the boards decision and they would propose improve the road up to their access point at phase II. Mr. Franklin and Mr. Banas said it is the other way around, phase I is where you need to have that road constructed and Mr. Surmonte said they proposed in their phase I building construction and parking lot to be constructed and used independent of that center driveway. Sheet 4 showed phased II the 24 ft. wide construction access during phase I would be the access to that parking lot and Mr. Banas asked how would they be getting the kids into school and Mr. Surmonte said the parking lot would be complete and they would construct a driveway up the right side of the property. Mr. Banas asked how do you go from the city

street, down Apollo to the site and Mr. Surmonte said the cul de sac at Apollo exists now and Mr. Banas suggested the building of the extension from the cul de sac to the school and asked when that will be constructed and Mr. Surmonte said if it fell under their responsibility to construct it, it wouldn't be constructed until the end of phase II before they occupy it. Mr. Kelly asked Mr. Surmonte to show the members how they would be accessing the school. Mr. Surmonte showed them that phase I is the right side of the building but not the gymnasium and the 33 space parking lot and while they are constructing that they are going to utilize a parking area to continue to serve the use of the trailers that are presently being occupied. Mr. Banas said they are using those trailers on the west side and asked how the children get there and Mr. Surmonte said there is a large parking field that was constructed off Apollo Road cul de sac and Mr. Banas said he doesn't remember any of that and neither does Mr. Franklin. Mr. Banas said he remembers the change of the building minus the gym, approving the parking (gray area) but he was of the impression that there would be a road going to that school at this point in time. Mr. Franklin said somebody went on their own and did something totally different that is the way it looks. Nothing looks like the way it was approved by this board. Mr. Surmonte said sheet 2 gives an idea of what exists on the site today and Mr. Banas said he does not remember seeing anything like this. They have asphalt going up about 100 feet and asked how do the kids get safely to the school and Mr. Surmonte said there is a large stone parking area that extends off that asphalt right up to the nearest trailer and Mr. Franklin said they never approved any of this and said somebody better get something straightened out. Mr. Franklin said he thinks they need to get some kind of report to find out what is going on here, who approved this, how they approved this and what is happening and who is going to put this road in and get the job done right. Mr. Banas said he can't really vote for anything here because he doesn't know what it is. If this is "as is" he would suggest that they start with an "as is" plan and move from there and Mr. Surmonte said that is what he is doing, moving from the "as is" plan to the phase I and Mr. Banas said before they do anything provide a safe means of path to take these kids to the school, you are not taking them that way. Mr. Surmonte said there is a stone parking field and Mr. Banas said this is not an "as is" condition and Mr. Surmonte said it is and Mr. Banas asked how do they get from there to the stone parking area and Mr. Surmonte said in a vehicle and Mr. Banas asked where the road is, it just doesn't seem right. Mr. Franklin wanted to see the minutes to see who approved this the way it is and then let's go from there. They said it is an existing condition and Mr. Franklin said it is an existing condition but how did it get to be this condition? Mr. Banas said we have a set a plans that we had approved and if you look at those plans, do they look like the plans and page 2 and Mr. Surmonte said no. Mr. Kelly said the '05 plans being reference show the buildings that were not built and being moved and the existing school structures that are there now were there in '05 and it was approved with the intent that there would be fundraising and in the process of fundraising they have changed the idea and the concept of the design. He said they have the proper approvals and permits for the existing conditions for what they got approval for but they never came forward for. Mr. Franklin asked who approved the trailers and how they were set up and Mr. Banas said probably the zoning officer because Mr. Franklin said they never got the application for trailers in front of this board. Mr. Peters said he recalled there being one house and Mr. Franklin agreed and said they were going to use the temporary house until they got the building done, there was not a whole field of trailers set in there with a temporary road going to it, we would never have approved it. Mr. Peters said there was just a driveway going up to that house. Mr. Kelly said they are here to get the approvals for what they intend to build here, they wanted to change it a little bit before they went forward with the plan so what we are presenting to the board and why it is an amended

site plan application is because we are changing some of the building design around. The existing structures will go away once we build this and the phasing is for funding purposes.

Mr. Banas asked about page 2 of 12, the corner parking lot, does it correspond to monument 0.2 ft. east and Mr. Surmonte said no and showed him where that point was on the map. Mr. Banas questioned where the house was and they said they wanted to clean it up and the parking area to serve the trailers.

Mr. Schmuckler asked how do we know that phase II is even going to happen, being that the approvals in '05 never happened, we need to make sure that whatever driveway is there for phase I, phase II may not happen for 10 years and we need to make sure the kids are safe getting in and out of school and the buses will be safe during phase I and he thinks one of the assurances the board needs to know. Mr. Surmonte said he understands the concern and there should be a time limit and Mr. Banas said he thinks they passed over the time limit because you are utilizing the trailers and you didn't provide the necessary safety for the kids walking to and from the stone parking area. Mr. Surmonte said there are asphalt walkways throughout the site and Mr. Banas and Mr. Franklin said they do not see them and Mr. Surmonte said they are on they are on sheet 2 and Mr. Banas said he sees asphalt in 5 different locations and they don't connect. Mr. Surmonte approached the dais and Mr. Banas asked him what was connecting what. There was discussion but what Mr. Schmuckler wanted to be convinced of was that phase I was going to be really really safe? Mr. Banas suggested Mr. Surmonte put sheet 2 on the easel and show the board where the children are presently and how they get to where they are. Mr. Surmonte said the bus comes up the cul de sac up the old asphalt driveway and into the stone parking area; the children are left off up at the corner of the stone parking area where they can access this asphalt walkway which runs along the side which links up to all the trailers on the west side of the property and 2 or 3 of the trailers here (he pointed to the south) and said he did not see a link to the 2 trailers to the south end of the property but he may have just not picked up a walkway when they did the survey. Every other trailer is linked by an asphalt sidewalk. Mr. Banas asked the width and Mr. Surmonte scaled it and said it was between 5-6 feet everywhere.

Mr. Banas said he and Mr. Franklin were under the impression that the applicant would have a asphalt driveway going right from Apollo Road from the cul de sac into that stone parking area and that stone parking area would be covered and Mr. Surmonte said they were proposing to do that under phase I, they will pave it once the board tells them they want it paved. Mr. Banas said it is paramount. Mr. Surmonte said sheet 4 is phase I and Mr. Schmuckler asked them to eliminate 2 parking spots and have a walkway directly because the kids will be walking through parking spots with cars and Mr. Surmonte said they can show the area in more detail so the safety concerns are addresses clearly. Mr. Banas asked what else goes in at phase I and Mr. Surmonte said there is sidewalks around the perimeter of the parking area and either they can take out a space or two or they can extend the sidewalk around to meet the drop off area. Mr. Banas said that is important.

Mr. Banas asked how important is it for the plans to be approved tonight and Mr. Kelly said they were hoping to have action taken tonight but Mr. Banas said there are a lot of things that he is trying to envision and knows some of the board members would like to see it in more detail; how you are going to bring your bus in here to drop off the kids; where you are going to put your walks so that the kids can get to the buildings, etc. what provisions are you going to have

during construction during phase I so that they will not be interfered with. Mr. Surmonte said they are proposing a construction fence all the way around the construction activity and Mr. Banas said he sees something that is problematic to him and that is the walk that they have to get to the temporary classrooms seem to be right where the construction fence will be placed and Mr. Surmonte said at the closest point it will be a few feet and Mr. Fink wanted him to show them exactly where the children will be dropped off and Mr. Surmonte said he would expect them to be dropped off at the head of the cul de sac and Mr. Franklin said if you go to page 6 and then he pointed to phase I; the portion of the building, the parking lot, the landscaping, sticking in the cul de sac so you can turn around and you will take it out after. Mr. Franklin then said you have to run you power, water, sewer and asked how that is coming in.

Mr. Slachetka understands the board is having difficulty with the plans and said both he and Mr. Peters had difficulty and suggested if the applicant come back with colored rendering showing how each one of these phases is intended to look like. That might be very helpful.

Mr. Franklin and Mr. Banas asked them to be more definitive and start with sheet 2, they don't want to point fingers but want to know what is out there and see where do they go from here. Mr. Franklin wants to know how to keep the kids away from the construction as you continue because you are going to be building right up to where they are going to be going to school. Mr. Kelly and Mr. Surmonte agreed.

Mr. Peters asked if will be submitted revised plans and Mr. Banas yes and said they should be coming back to a technical review meeting. Mr. Banas said when they are ready with the plans they should submit them to Kevin and he will put them into a meeting. Mr. Kielt said if they announce it tonight, they will not have to re-notice. Mr. Banas suggested a motion for January's technical meeting and Mr. Kelly said he would rather go to December's pubic hearing. Mr. Franklin said they would be better off going to a technical meeting because if they needed to be voted on they would get turned down.

They were looking at the technical meeting of January 6, 2009

Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to tabled until January 6, 2009

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

8. SP # 1893A (Variance requested)
Applicant: Dr. Norman Indich
Location: West County Line Road @ southwest corner of Cedarview Avenue
Block 37 Lots 3 & 9
Preliminary and Final Site Plan for pediatrician office

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to tabled until November 4, 2008

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

9. SD # 1638 (Variance requested)
Applicant: Benzion Harnick
Location: corner of New York Avenue & Ridge Avenue
Block 223 Lot 93
Minor Subdivision to create 2 lots

Tabled until November 4, 2008

10. SD # 1640 (No variance requested)
Applicant: 16 South Clifton Ave LLC
Location: South Clifton Avenue, south of Main Street
Block 8 Lots 8 & 1
Minor Subdivision to realign existing lot lines

Tabled until November 4, 2008

11. SP# 1901 (Variance requested)
Applicant: 16 South Clifton Ave LLC
Location: South Clifton Avenue, south of Main Street
Block 8 Lots 8 & 18
Preliminary & Final Site Plan for proposed 2 story office building

Tabled until November 4, 2008

5. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1637 (Variance Requested)
Applicant: Lakewood Development Corp
Location: Fifth Street & Clifton Avenue
Block 93 Lots 6 & 12
Minor Subdivision to realign two lots

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

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

2. **SP# 1892** (No variance requested)
Applicant: Princeton One
Location: corner of Princeton Avenue & Fourth Street
Block 159 Lots 9 & 24
Denial of Preliminary & Final Major Site Plan for proposed 5 story office building

Carried to the November 18th meeting

3. **SP # 1885** (Variance requested)
Applicant: Omnipoint Communications Inc.
Location: New Hampshire Avenue & Cedar Bridge Avenue
Block 563 Lot 1 Block 564 Lot 1
Preliminary & Final Site Plan to construct cell tower on MUA water tank

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

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

4. **SP # 1887A** (Variance requested)
Applicant: Allen Morgan
Location: 456 Chestnut Street-west of New Hampshire Avenue
Block 1087 Lot 17
Preliminary & Final Site Plan for a 2 story office building

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

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

5. **SD# 1632** (Variance requested)
Applicant: Aaron Bauman
Location: 119 Pawnee Road, west of Seminole Drive
Block 2 Lot 55
Minor Subdivision to create 2 lots

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

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

6. SD# 1536A (No variance requested)
Applicant: Eli Gross (formerly Charles Clark)
Location: East County Line Road, across from Ann Court
Block 186.05 Lots 5, 31.01 & 31.02
Amended Minor Subdivision for 2 lots

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

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

7. SD 1542A (Variance requested)
Applicant: Rye Oaks LLC
Location: Ocean Avenue (Route 88), east of railroad
Block 536 Lots 1, 2 & 4
Reconsideration of denial of Preliminary & Final Major Subdivision

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

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

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

Noreen Gill, 192 Coventry Drive, Lakewood. She said if it is possible she would like to board to visit the site. When this started years ago with the purchase of that home for the purpose of a school they asked how many students and she thinks there are 10 trailers there now and this is going to be a big project and she thinks they are right in getting it right the first time and she is concerned about the kids but there should be a road that would deviate from the entrance from dropping the children off. That is a neighborhood, there are homes there, people live there and if you have trucks going in and out of there using that gravel road they are going to tear that roadway up. She can hear construction from where she lives from Howell on Alexander Avenue because they removed all the trees. She is also concerned about the LOI and the drainage because when you remove the trees the run off is a concern.

Linda Halm, 1383 Pasadena Street, Lakewood. She came here to hear about #6 (Kirschenbaum) which was adjourned. She is surprised to hear it is re-scheduled for election day because she doesn't know how that affects those who might attend if they are committed to working campaigns or election boards and hoped in the future that they consider that. She asked if the people who want to speak on it have the option to adjourn it or only the applicant can do it. She said the applicant was not able to attend but an hour later he was here, and it made her wonder if he had changed his mind would it have been heard or once you take it off the agenda it is off. Mr. Banas said pretty much it is off and Mr. Jackson said once it is announced it is adjourned they would not hear it.

8. APPROVAL OF MINUTES

- Minutes from October 7, 2008 Plan Review Meeting

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

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

9. APPROVAL OF BILLS

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

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

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary