

**LAKWOOD PLANNING BOARD
MINUTES
MARCH 4, 2008**

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Banas, Ms. Velnich, Mr. Fink, Mr. Schmuckler, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

4. WAIVER REQUEST ITEMS

- 1. SP# 1888 (VARIANCE REQUESTED)**
APPLICANT: CONGREGATION CHASIDEI BOBOV OF LAKEWOOD
Location: Astor Drive at corner of Kennedy Boulevard East
Block 104 Lot 29
Preliminary & Final Major Site Plan to construct a synagogue

Waiver from checklist items:
Item #B2 – topography within 200 feet of the site

Mr. Peters recommended the board grant a partial waiver and topography should be shown to the far side of the two roads fronting on the property and to the surrounding drainage high points.

Motion was made by Mr. Herzl, seconded by Mr. Miller, to agree to the recommendations of the engineer.

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

5. PLAN REVIEW ITEMS

1. SD # 1568A (VARIANCE REQUESTED)

APPLICANT: ISAAC GREENWALD

Location: River Avenue, between Halsey Avenue & Edgecomb Avenue
Block 1019 Lot 2

Extension of previously approved Minor Subdivision to create 2 lots

Mr. Peters stated he has reviewed the above referenced project for conformance to the Resolution of Approval adopted on April 17, 2007. The applicant is seeking an extension of the previous approval. The Minor Subdivision mylar was signed and sealed by the Planning Board Engineer on November 28, 2007. The application form did not provide information on the reason for the extension. The applicant shall provided testimony on why the board should grant the requested approval.

Mr. Penzer Esq. appeared on behalf of the applicant. He stated the problem was a misunderstanding with the timing on the filing of the map. They found out because the Township wanted to close on the property and they were not able to and now there is pressure to close as soon as possible. The maps are ready now and they just need an extension.

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 extension of this application for 190 days.

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

2. SD # 1566A (VARIANCE REQUESTED)

APPLICANT: DAVID HERZOG

Location: Miller Road, south of Shady Lane
Block 12.02 Lot 21

Extension of previously approved Minor Subdivision to create two lots

Mr. Peters stated The applicant is seeking an extension of the previous approval. The Minor Subdivision resolution was adopted on June 19, 2007. The application states that they are requesting a 190 day extension to obtain outside agency approval.

Mr. Carpenter appeared on behalf of the applicant and Mr. Herzog is also present. Mr. Carpenter said they are waiting on Ocean County Planning Board approval. Miller Road is a county road and they are requesting numerous things and they did not have enough time to meet all the conditions of their approval. They have their approval now, they just need an extension of the approval.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Herzl, seconded by Mr. Miller, to approve the extension of approval for 190 days.

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

3. SP # 1721A

APPLICANT: BAIS RIVKA ROCHEL

Location: River Avenue (Route 9), north of Pine Street
Block 768 Lot 4 Block 776 Lot 4

Conceptual Plan for addition to existing school

Mr. Peters stated the Applicant is seeking conceptual plan review for Block 768, Lot 40 and Block 776, Lot 4 to construct an 18,000 SF school addition and associated site improvements to an existing school. The property has frontages along River Avenue (N.J.S.H. RT. 9) and Pine Street. The site is situated within the HD-6 and R-10 zoning districts. The applicant should apply for a front yard setback variance to re-establish the existing front yard of 100 feet where 150 feet is required by ordinance. The stream on the site behind the existing building is a tributary to the Metedeconk River, a category one water, and therefore should be treated as a category one water. The applicant will likely need to obtain an NJDEP Flood Hazard Area Control Act Permit. At a minimum a jurisdictional determination will be required from the NJDEP. A review of NJDEP mapping shows the area of the site where the new parking area is proposed may be wetlands. The applicant will need to perform a wetlands investigation and obtain a Letter of Interpretation (LOI) from the NJDEP. Outside agency approvals will be required from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for LOI, Flood Hazard Area Permit, and possibly for wetlands disturbance, depending on the results of the L.O.I. Evidence of the approvals should be made a condition of the Planning Board Site Plan approval. The applicant has proposed 191 parking spaces. The zoning table states 90 parking spaces are required based on one parking space for each class room and office. Architectural plans will need to be submitted with the site plans application package to confirm the required number of parking spaces. The NJDOT Typical Desired Section (TDS) half width of 57 feet shall be shown on the site plans. The site plan application will require a full survey of the site and include the location of the neighboring residences adjacent to the subject property. Section 18-908 of the Lakewood UDO requires a twenty (20) foot buffer to any residential lot such as those to the north and south of the site. The proposed parking area south of the existing school appears to provide no buffer to the neighboring residence. On the northern end of the site, no new site improvements are proposed, and there appears to be no existing buffer. The applicant should discuss with the board to what extend landscaped buffers will be provided in both locations. A waiver will be required if the applicant proposes buffers less than twenty (20) feet in width. Sidewalks are existing along River Avenue and a portion of Pine Street at the

property frontages. Curbs and sidewalks along the remainder of Pine Street at the property frontages will be required. A stormwater management report is required to be submitted with the site plan application. The stormwater management system and report shall be prepared in accordance with N.J.A.C. 7:8 and the NJ BMP Manual. The applicant should comply with all lighting and landscaping requirements in the UDO. An additional trash enclosure may be required for handling of additional solid waste from proposed addition. The applicant should discuss with the Board the anticipated increase in solid waste.

Mr. Truscott read from a letter dated February 29, 2008. The applicant seeks Planning Board comment on a concept plan for a proposed 18,000-square foot, one-story addition to an existing private school. The site contains an existing school building and parking. The proposed addition is proposed in the rear of the current structure. Zoning The property is located in both the HD-6 (Highway Development) and R-10 Residential Zones. Public and private schools are a permitted principal use in both zones. The existing front yard setback does not conform to minimum requirements of the HD-6 Zone District; 150 feet required and 100 feet provided. Review Comments. The applicant should present an elevation and floor plan of the addition and discuss the need and purpose of the proposed construction. The applicant should discuss the impact of the addition on the number of school children, staff, and parking requirements. The concept plan indicates that 69 off-street parking spaces are required. There are 90 existing spaces and 191 spaces proposed. The applicant should clarify the location of the proposed parking spaces. An existing conditions plan should be provided to the Planning Board. The concept plan does not provide any information concerning proposed drainage facilities. A stream is identified in the rear of the site. The applicant may be subject to a regulatory review such as stream encroachment, wetlands, which may or may not be required to proceed to construction. The regulatory issues should be addressed during the site plan phase.

Mr. Pfeffer Esq. appeared on behalf of the applicant. He said Rabbi Kanarek's school is the owner of the single family residences to the north and the south and they will provide a note on the maps so no buffering would be required. Mr. Banas asked which property he was talking about and Mr. Kanarek showed which residences his school owned and Mr. Banas stated it was Lot 6 and where the parking lot is there is also a home which they own, Lot 4, and they own the property beyond the stream. Mr. Pfeffer said they will make a note on the map of the ownership so that would negate the need for a buffer. Rabbi Kanarek said when he first came before the board for this school there were 120 students, now there are pushing 2,000. This building used to be a nursing home which is excellent to change for schools because there are hallways, two rooms are exactly to the inch of the size of one classroom. The only thing nursing homes don't have is large lunchrooms so they are struggling with the room to have plays and gatherings so the main goal of this building is to accommodate a very large lunch room and an auditorium with a stage gatherings. They do not anticipate adding more classrooms with this addition or more students, this is just to accommodate the existing students.

Mr. Pfeffer stated in response to the planners report, there is an existing front yard variance and they will supply the elevations requested. Rabbi Kanarek said there may be a minimal increase of staff but nothing major. They maximized the number of parking spaces in case they need them for an event or PTA meetings. Mr. Banas asked if they already provided greenspaces for parking on the prior approval and Mr. Kanarek said yes and it was located

on the other side of the stream. Mr. Banas said it is not listed here and it should be. Rabbi Kanarek agreed. Mr. Pfeffer said they will identify the parking spaces and will not put in parking spaces where there are wetlands. Mr. Banas said they should show the delineation on the plans. Mr. Peters said the stream is a category 1 and should be treated as one. Mr. Banas said they will need an LOI before they do anything else because they need the boundaries. They agree to the remainder of the planners comments.

With regard to the engineer's report, most of the comments are similar to the planners. They tried to maximize the number of parking spaces but will reduce them if necessary by the LOI. They will get outside agency approvals. Mr. Banas said they received 2 reports from the Ocean County Planning Board with their approvals and one thing they stress is the desired typical setback of the highway on Route 9 and suggested they get that taken care of as soon as possible. They will depict the parcels that the school owns in the surrounding area and don't feel they need any buffers. Mr. Truscott said it depends on the use of the property and would have to see when the revised plans are submitted. They agree to curb along the remainder of Pine Street and Mr. Banas added sidewalks. They agree to the remainder of the engineer's comments.

Mr. Banas asked the board members if they had any questions and none were asked. They are to come back with a formal submission.

4. SP # 1891

APPLICANT: BNOS DEVORAH

Location: Prospect Street, west of Williams Street
Block 411 Lot 26

Conceptual Plan for Change of Use Site Plan from residence to school

Mr. Peters stated the Applicant is seeking conceptual plan review for Block 411, Lot 26 to construct a 3,600 SF school and associated site improvements on a 36,700 SF lot. The property has frontage along Prospect Street approximately 365 feet west of William Street. The site is situated within the R-12 zoning districts. No variances will be required with the proposed layout. 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 Site Plan Approval from the Planning Board. The applicant has provided five (5) off-street parking spaces. The applicant shall provide testimony on the number of classrooms and offices proposed in the school, one parking space is required for each. The applicant will be required to submit architectural plans to confirm these numbers as part of a site plan application package. As per section 18-906 of the Lakewood UDO, twenty (20) foot buffers are required along property lines adjacent to residential uses. The buffer is required to contain a landscaped screen, and no parking is permitted within the buffer. The applicant should discuss with the Board what buffers will be provided. A waiver is required if the buffer is not provided or is less than twenty (20) feet in width. A stormwater management report is required to be submitted with the site plan application. The stormwater management system and report shall be prepared in accordance with N.J.A.C. 7:8 and the NJ BMP Manual. Curbs and sidewalks will be required along Prospect Street at the property frontage. The applicant will be required to provide testimony on how solid waste will be handled on site. A landscaped trash

enclosure is generally provided to contain solid waste. The one-way driveway in front of the school should be reversed to flow counter clockwise. The driveway should be signed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD). The applicant should comply with all lighting and landscaping requirements in the UDO. The type of recreational facilities proposed should be discussed with the Board. The applicant should provide testimony on how water and sewer will be provided for the building. Whether public water and sewer are available or if private well and septic will be constructed. The deed overlap issue shall be resolved prior to signature of the approved plans.

Mr. Truscott read from a letter dated February 29, 2008. The applicant requests comment on a concept plan for a proposed 3,600-square foot school. The site improvements include a circular driveway and a five (5) space parking area. The lot is located on the north side of Prospect Street in the R-12 Residential Zone. The parcel is approximately 0.84 acres in area. Zoning. As noted above, the site is located in the R-12 Residential Zone. Public and private schools are a permitted principal use in the R-12 Zone. The concept plan does not identify any variances. Review Comments. The concept plan indicates that four (4) classrooms and one (1) office are proposed. A minimum of five (5) parking spaces are required and five (5) spaces are proposed. We note that one (1) space is restricted to use by the disabled; therefore, only four (4) spaces are actually available. The applicant should provide information concerning the number of students and grades, number of teachers and staff, types of buses serving the proposed school, and hours of operation. Schools are subject to the requirements of Section 18-906 of the UDO. A 20-foot wide buffer is required for residential districts. We note the proposed school is set back 15 feet from the east property line. An architectural elevation and floor plan of the proposed school should be submitted. Sidewalk should be provided along the site's frontage. There appear to be some survey issues that must be addressed prior to a site plan application. Testimony concerning the availability of public water and sewer, or lack thereof, should be provided to the Board. Detailed information concerning drainage facilities, landscaping, lighting, and the recreation area can be submitted at the site plan phase.

Walter Hopkin appeared on behalf of the applicant as the engineer and Mr. Notice is the applicant. Mr. Hopkin stated they have no issues with what the mentioned by the professionals, they would like to talk about the buffer requirements and would like a waiver from the buffer on the easterly side of the proposed lot and can only get 15 feet because they don't have the space between the building. Mr. Notice said he would also like to change the location of the recreation area so that would make the 20 ft. buffer impossible. Mr. Banas stated if they move the recreation they would not have a buffer on that side either, they would only have 4 ft. Mr. Banas said if they were to square off the building providing that 39.5 ft. that would almost be 20 ft. on each side. Mr. Hopkin said he would discuss that with the applicant and architect to see if they can build a 39.5 ft. structure. Mr. Banas said he did not think there was enough room to move the playground area where they are suggesting and they would only have a buffer of 5 ft. or so and that is unacceptable. Mr. Hopkin said the other issue was with the stormwater management report and they can comply with that, but as long as they are below the threshold of a major development they would not be required to fully comply with all of the requirements and Mr. Peters agreed. The agreed to the refuse enclosure and the number of parking spaces were discussed and they will add an additional space if the board wishes. They agree to the rest of the comments from both professionals.

Mr. Miller asked what the adjoining properties were, and Mr. Hopkin said they were residential. Mr. Hopkin said he was able to locate water and sewer there. Mr. Schmuckler asked what kind of recreation they were planning and Mr. Notice said it was a jungle gym playground and the students were elementary from nursery up.

There were no other comments from the board so Mr. Banas told them move the building to the center to meet the requirements more to locate the trash containers and to submit a formal application.

5. SP # 1880 (NO VARIANCE REQUESTED)

APPLICANT: T & T DEVELOPMENT LLC

Location: 312 5th Street, west of Clifton Avenue
Block 93 Lot 6

Preliminary & Final Site Plan to construct 3 story, 16,200 sq.ft. office/retail bldg.

Mr. Peters stated the applicant is seeking a Preliminary and Final Site Plan Approval to construct a three (3) story 16,200 S.F. office/retail building. A three and half (3-1/2) story apartment dwelling is currently located on site, and will be removed. The property is situated along Fifth Street near Clifton Avenue; located within the B-2 zoning district. No variances are requested by the applicant. In accordance with section 18-903 B.3.b. of the Lakewood UDO, a seven foot side yard setback is required within the B-2 Zone, however, a zero foot side yard setback is required between two business uses. The applicant has provided a zero foot setback to the adjacent properties used for retail use. Outside agency approval from the Ocean County Soil Conservation District is required. Evidence of the approval shall be provided prior to signature of the Site Plan. The property will be served by public sewer and water. Concrete curb and sidewalk exist along Fifth Street at property frontage. As shown on the plans, the existing sidewalk will be replaced with proposed sidewalk. A note shall be added to the plans stating any deteriorated concrete curb will be replaced along the property frontage as directed by the Township Engineer. In accordance with section 18-807 B. 9. of the Lakewood UDO, no off-street parking spaces are required for all non-residential uses in the B-2 zoning district; however, the applicant shall provide testimony on location of any nearby parking lots that may be used by employees and customers of the proposed office/retail building. In accordance with section 18-803 E. 2. a. of the Lakewood UDO, Non-residential development shall provide a minimum twenty-five (25) foot wide buffer area as measured from the property line toward the proposed use. The Board should determine if buffering will be required and to what extent. If no buffer is required a waiver shall be requested by the applicant. Plan Review A Tree Protection Plan is list on the Title Sheet and is missing from the plan set. The applicant shall revise the plan lust on the title sheet to address this discrepancy. The plans do not address solid waste generated by the proposed building. The applicant shall provide testimony on how and where solid waste will be stored and disposed of a trash enclosure may need to be added to the plans. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated February 1, 2008. The applicant is seeking Preliminary and Final major site plan approval to construct a three (3) story retail and office building. The tract is approximately 7,501 square feet in area, located between Clifton and

Madison Avenues in the northern part of the Township. An existing three and half story rooming house is currently located on the site. The subject tract is surrounded by predominately commercial uses. Directly to the West of the tract is an apartment building. The Strand Theater and Township offices and assorted commercial uses are located on the south side of Fifth Street. The tract is located in a Central Business Zone District (B-2), with its southern and western edge bordering the Residential Office Professional Zone District (ROP). Zoning and Variances. Retail trade and offices are permitted uses in the B-2 Zone. The applicant has not requested any variances. Review Comments. The site plan includes a grading, drainage and landscape plan, and a soil erosion and sediment control plan. The applicant has not proposed landscaping on the site. The bulk schedule on the site plan should be revised to indicate the height of the building as required by the development regulations. The applicant has noted that three stories are proposed for the structure; however, a conforming height of the building has not been provided. The applicant should revise accordingly. For informational purposes, the applicant should identify the lot area, lot width, and lot frontage for the subject tract as well as the lot coverage of the building in the bulk schedule. The B-2 Zone District does not have development standards that the applicant must conform to for these dimensions for non-residential developments. Revise the site plan to indicate the proposed square footage of the building and the proposed square footage for each use within the structure. The applicant has proposed to connect the existing sidewalk fronting the building as part of this application. Shade Tree/utility easements or street trees are not indicated on the applicant's plans. The applicant has not proposed off-street parking spaces as part of this application. Off-street parking is not required for non-residential uses in the B-2 Zone in accordance with Section 870.B.9 of the Lakewood Unified Development Ordinance. However, the applicant should be prepared to discuss specific availability of parking for the anticipated offices and businesses, on-street and off-premises. The site abuts an apartment building on the southwest corner. No landscaping or buffering has been proposed. The Lakewood UDO (Section 602) provides that site plans propose screening, landscaping, and other site improvements to minimize adverse effect on surrounding property. The applicant must address how these items are satisfied by its proposal, as a landscaping and/or screening plan and street trees have not been provided. We recommend that screening and/or buffering be provided to shield adjacent properties. A waiver is required if buffering is not proposed on the site. The Board should consider improvements to the streetscape, such as street trees, surface treatment, and decorative lighting. The illumination levels of the proposed building-mounted lighting should be identified on the site plan, especially in areas visible by the adjacent residential building. Since the tract is adjacent to residential uses, we recommend that all roof-mounted HVAC equipment (if applicable) be appropriately screened. The applicant has not addressed how refuse will be removed from the site. The applicant should indicate on the site plan the proposed placement of the trash enclosure and the proposed masonry. The Environmental Impact Statement (EIS) submitted for Planning Board Review notes that there are no environmental issues addressed on the site. The architectural plans indicate that the proposed use of the site is for office and retail uses. The floor plans note that all three stories proposed are for retail uses. These floor plans should be revised to indicate the portion of the building dedicated to the proposed office use. In addition, the applicant has submitted elevations plans that show several entrances to the building on the western edge of the property with two doors in the rear. The applicant should provide comment on the proposed entrances. In addition, the applicant has proposed two blank walls on the

rear and eastern edge of the building. The Planning Board should decide if the applicant should provide additional architectural variation on these elevations. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. He stated this application has some wrinkles that have to be discussed with the board. This is an older application which was filed a while ago and the problem was there were a number of things that were competing. One of the issues was whether or not the Township was interested in buying this property for a parking lot. They have subsequently decided to buy the property next door and because of the age the application there is a question of a notice issue. The notice issue is because on the agenda there is a discussion item that this is a subject of because it is a B2 zone with regards to parking requirements if a building is over 2 stories and this applicant has 3 stories. Mr. Penzer does not know the outcome of the zoning change and agrees to pursue this application at the applicant's own risk. They are willing to notice and will put in the notice that right now it is permitted with no parking. Mr. Jackson said he did not think he would have to put anything in the notice because he submitted the application under the existing rule and the current status. Mr. Penzer agreed. Mr. Banas question the height of the building and Mr. Carpenter said he will address that.

Mr. Carpenter said all the comments in Mr. Peters' report they can address and will address for the public hearing. They will provide testimony on the off street parking and the buffer and Mr. Penzer said since the Township Committee is purchasing the lot next door, should they put in a drawing of a proposed parking lot or not. If that is the case, they have immediate parking.

Mr. Carpenter said with regard to the planner's report he will resolve all the engineering comments and will speak to the architect about those issues and revising the peak of the roof to be a lower profile. Mr. Banas asked about the comment of buffering and Mr. Carpenter said they will discuss it at the public hearing and it is possible to put in a buffer if they are going to put in a parking lot. Mr. Carpenter said they will revise the architectural plans along with revised site plans.

Mr. Fink asked how many retail stores will be in the facility and Mr. Carpenter said he did not know but all the space on the first floor will be retail. Mr. Penzer said a normal store is between 1200 and 1500 sf so there would be a maximum of 4 to 5 stores. Mr. Fink said what concerns him in this area is how these retail stores are going to get stock. The UPS truck is going to stop in the street and take up the entire street. Mr. Penzer said the trucks to double park but the advantage here is they are on side street being 5th Street and it is better than Clifton Ave. Mr. Miller said currently 5th Street does not have parking on the south side of 5th Street and the reason for that is any truck has a better opportunity to stage on that side of the street. They will sit down with Mr. Franklin to discuss the best place for the trash pick up. Mr. Franklin asked where their staging area to build this will be and asked if they will build the parking lot for the town and then use the lot and Mr. Carpenter said the Township does not have ownership at the present time and the applicant has had conversation with the current owner and they can accommodate 2 rows of parking and that is where they would stage the construction before the Township buys it. Mr. Miller said the building going up on 2nd and Lexington and the owners of the building sent a letter to the Township and have a deal to use the Township lot and at the completion of the building they will resurface and stripe it and this might be something to

consider. Mr. Penzer said they will discuss it with the Township Committee but it does not belong here and Mr. Franklin disagreed and said it does belong here because to build a building like this you need to have someplace to put the stuff. The negotiations are with the Township but they have to provide this board how they will build. Mr. Miller suggested the applicant submit a letter to the Township Committee to discuss the negotiations and Mr. Penzer agreed but wanted to suggest an alternative to set up a meeting with John Franklin, Vinnie Mignella and Kevin to decide the best way to go and then go to the Township Committee. Mr. Banas said it has to be done before the next meeting and Mr. Penzer agreed.

Mr. Schmuckler asked Committeeman Miller if the parking lot next door is a done deal and Mr. Miller said they passed a resolution that they are purchasing it through the LDC. Mr. Penzer said it is a done deal and they may have to begin condemnation proceedings. Mr. Schmuckler asked about trash and Mr. Penzer said they left 15 ft. on the side to store the garbage and it is rolled out to the curb and this section has daily pick up.

Motion was made by Mr. Miller, seconded by Mr. Fink, to advance this application to the meeting of April 15, 2008

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

6. SD # 1619 (VARIANCE REQUESTED)

APPLICANT: MOSHE MENDLOWITZ

Location: Hope Chapel Road, Country Club Drive, Sherie Court
Block 26 Lots 6, 13 & 26

Minor Subdivision to re-configure three lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to reconfigure existing Lots 6, 13, and 26 of Block 26. An existing dwelling is located on Lots 6.01 and 26.01. New Lot 13.01 is currently vacant. Lot 13.01 will obtain 9,378 S.F. and 5,251 S.F. from Lots 6.01 and 26.01 respectively. An existing garage and patio that are located on old Lot 6 will be removed. The existing driveway on new Lot 26.01 will be expanded. The property has frontage along Hope Chapel Road, Country Club Lane, and Sherie Court, and is located within the R12 zoning district. The applicant is requesting minimum lot width variances; 90 ft is required, where 87.0 ft and 80.82 ft are proposed for Lots 13.01 and 6.01 respectively. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the subdivision plan. The applicant has proposed six foot shade tree and utility easements along Hope Chapel Road, Country Club Lane, and Sherie Court at the property frontages to be dedicated to Lakewood Township. In addition, a eight foot wide right of way along Hope Chapel Road at the frontage of Lot 6.01 is shown on the plan to be dedicated to the Ocean County. The applicant shows on the plan curbs and sidewalks are existing along Hope Chapel Road, Country Club Lane, and Sherie Court at the property frontages. The rear yard setback along the 61.22 foot long segment of the Lot 13.01 rear property line shall be revised to be twenty feet instead of ten. The side yard setback along the 285.59 foot long segment of the Lot 13.01 eastern side property line shall be called out as ten feet instead of fifteen. A note shall be added to the plan stating that a minimum of three (3) off

street parking spaces will be provided when any residential dwelling is proposed on Lot 13.01. The existing garage and patios on old Lot 6 shall be removed or a bond posted to ensure the promote removal of the structures prior to signature of the subdivision plan. The shade tree easement label on Lot 6.01 points to the area to be dedicated to the county and shall be revised. The proposed front corner monuments for Lot 6.01 shall be installed at the line of dedication to the County not the old property line. All outbound corner monuments shall be set prior to signature of the surveyor's certificate, as the certificate states. Only interior monuments can be bonded. If all of the monuments are set prior to signature of the final plat, the monument bond certification should be removed from the plan. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated February 1, 2008, Revised February 4, 2008. The applicant is seeking Minor Subdivision approval to reconfigure the subject lots. New Lot 13.01 is a vacant lot and will be supplemented with land area from Lots 6.01 and 26.01. There are three lots involved in the subdivision, and there will be three lots after the subdivision is perfected. The property is located at the west side of Sherie Court, a cul-de sac. Lot 6.01 has frontage on Hope Chapel Road, and Lot 26.01 has frontage on Country Club Lane. The subject tract contains two single family residences and accessory structures and improvements. The surrounding land uses are generally residential. Zoning and Variances The subject property is located in the R-12 Residential Zone. Single-family residences are a permitted use in the R-12 Zone. The following variances are requested: Lot width of 87 feet for Lot 13.01 and 80.8 feet for Lot 6.01. A minimum lot width of 90 feet is required. These are existing conditions. Side yard setback of 3.5 feet for Lot 6.01; a minimum of 10 feet is required. This is an existing condition. The positive and negative criteria should be addressed for the requested variance. Review Comments There are no new sidewalk improvements proposed. Street trees are proposed along all three street frontages as well as a shade tree and utility easement. Off-street parking for three vehicles is proposed for each lot. The applicant should provide information as to the number of bedrooms in each of the existing dwellings. A note should be provided on the plat requiring compliance with the off-street parking standards of the NJRSIS. The garage and patios must be removed prior to signature of the plat. The new lot will be served by public water and sewer. Compliance with the requirements of the Map Filing Law is required. Ocean County Planning Board approval is required.

Mrs. Weinstein Esq. appeared on behalf of the applicant. She said the board has heard this application before and received approval last year to reconfigure these 3 lots but map was never filed and Lot 13.01 is no longer vacant and there is a home under construction on that lot. The applicant decided to reconfigure this slightly and to acquire more land from Lot 26.01 and append that to Lot 13.01. All of the variances are pre existing conditions and were approved last year. Mr. Carpenter stated all the technical comments in both letters can be addressed and are minimal in nature. The applicant will probably prefer to post a bond for the removal of the structures rather than move the structures.

Motion was made by Mr. Herzl, seconded by Mr. Percal, to advance this application to the meeting of April 15, 2008

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

7. SP # 1696B (NO VARIANCE REQUESTED)
APPLICANT: AUGUSTA BOULEVARD ASSOCIATES LLC
Location: Augusta Boulevard and Cross Street
Block 524.23 Lot 1 Block 524 Lot 77.02
Preliminary & Final Site Plan – addition to clubhouse

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 524.23, Lot 1 and Block 524, Lot 77.02. The following improvements are proposed: construction of a 1,049 SF club room addition, construction of a 1,365 SF terrace & gazebo, conversion of a 3,195 SF canopy over the existing patio area to a hard roof, modification to the halfway house, and a 289 SF addition to the existing golf bag storage area. The country club has its main entrance located on Cross Street with the southern limit of the site adjacent to Toms River. The site is situated within the R-40 zoning district. No variances are requested by the applicant. Outside agency approval from Ocean County Soil Conservation District is required. Evidence of the approval should be made a condition of final Planning Board approval. The applicant notes on the Title Sheet that the proposed expansion is not intended to increase the capacity of the existing banquet facility, but to improve quality of the facility. A note shall be added to the architect plan stating that no tables or chairs will be added to dining area of the club house. It should be noted that the 1,049 SF expansion area will yield twenty-one (21) additional required parking spaces; with 326 existing parking spaces the applicant can still meet the parking requirements. Plan Review. It is not clear what the applicant proposes at end of the bituminous ramp where the clubhouse expansion is proposed. It appears the ramp will be filled in; however, additional grading of the ramp will be required. The applicant shall provide testimony on what is proposed in this area, and provide additional detail on the plans. The applicant shows a Standard Inlet Resetting Detail on the plan; however, there are not any inlets that are shown on the plans to be reset. The applicant shall clarify this issue. The applicant shall provide stormwater management calculations showing the increase in stormwater runoff from the proposed improvements. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated February 28, 2008. The applicant seeks preliminary and final major site plan approval to construct additions to the existing Eagle Ridge Clubhouse. The additions include clubroom (1,049 square feet), a terrace and gazebo (1,365 square feet), conversion of a canopy to a “hard” roof (3,195 square feet), modification of “halfway house” and an addition to the existing golf bag storage area (289 square feet net). The subject property is located in the R-40 Zone in the southern part of the Township. The total tract (18-hole golf course) is 167 acres. Zoning and Variances The golf course and clubhouse are a permitted principal use in an adult community project. No variances are requested. Review Comments. The building expansion is proposed without any commensurate expansion of the parking area. The site plan contains the following note: “The proposed expansion is not intended to increase the capacity of the existing banquet facility. The expansion is only intended to provide more room for the functions currently being held at the facility.” The parking computations provided on the site plan are as follows:

Facility	Requirement	Required Spaces
Parking		
8,400-square foot Clubhouse	1 space/50 sq. ft.	168
300-person Banquet Facility	1 space/3 chairs	100
800-square foot Office Area	1 space/200 sq. ft.	4
Total:		272 spaces

326 Parking Spaces Provided 54 Spaces Surplus

The applicant should provide testimony concerning the adequacy of the current parking areas for the existing clubhouse operation and events. Information as to the impact, if any, of the proposed building expansion on parking demand should be provided. We note that one handicap parking space is being removed without replacement due to the clubhouse expansion. A total of eight (8) handicap spaces will remain. It appears that eight (8) handicap spaces meet the requirements of the NJ Barrier-Free Subcode. However, the applicant should confirm that at least one (1) of the handicap spaces is van accessible. The expansion of the clubhouse will close the current loading ramp. Testimony should be provided as to the new location for unloading for the facility. Any approval is subject to all required outside agency approvals.

Mr. York Esq. appeared on behalf of the applicant. He said they will address all the comments in both letters. Mr. Jacobus said this is the Eagle Ridge Golf Course and they want to add additional room to the reception area because they are finding when they have larger events there is just not enough room in that area to accommodate that many people. There will not be additional seating. With the terrace for summer use and the gazebo on the terrace, it overlooks the 18th green and is a perfect place for pictures and weddings etc. The other minor additions would be an addition to the half way house and the starter booth area where the first hole and the tenth hole meet. They have an existing canvas canopy over the existing terrace and patio area and they are looking to make that a hard roof structure. The last addition, even though it has been previously approved, is a cart storage building because they intend to open up the back nine or the new nine in the Township Lakewood Landfill area July 4th and will need 35 additional carts to accommodate the new 27 hole course. The parking is adequate for their functions and they have valet parking for large events. The loading ramp presently goes into the basement level of the existing clubhouse and the expansion will shorten that ramp by about 15 to 20 ft. and the ramp will stay there it will still be the loading ramp for the facility. They do have one van accessible handicap space in the same area as the remaining handicap spaces. The technical questions will be answered in the public hearing. Mr. Fink said all the additions are right on the money.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance this application to the meeting of April 15, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

8. SP # 1886 (No variance requested)
Applicant: Congregation Sanz of Lakewood
Location: Spruce Street
Block 778.06 Lots 55 & 56
Preliminary & Final Site Plan for construct 10,600 sf school

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval for Block 778.06, Lot 55 & 56 to construct a two-story private school and associated site improvements. Two (2) existing one story single family dwelling are located on Lots 55 and 56, which will be removed. The property has frontage on Spruce Street, within the R-10 zoning district. No variances are requested by the applicant, however waivers are required for not providing the buffers required under section 18-906 A of the Lakewood UDO. A ten foot buffer is required to the non-residential use to the west and a 20 foot buffer is required to the residential use to the east. The applicant has provided a ten foot side yard to the west and has labeled a 20 foot buffer to the east. The 20 foot buffer is measured four feet into the parking area. The board should determine if reduced buffer will be acceptable and to what extend screening will be required. 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 the Planning Board approval. The applicant has provided eighteen (18) proposed parking spaces, one for each proposed classroom or office as required by the Lakewood UDO. The proposed school will be serviced by public sewer and water. The applicant shall provide testimony and note on the plan the type of water and sewer service to the two existing dwellings. If the dwellings are serviced by well and septic they shall be removed in accordance with NJDEP regulations and noted as such on the plans. The proposed project spans two separate lots. The two lots shall be consolidated by deed prior to signature of the site plans. A 6' shade tree and utility easement is shown on the plans along the Spruce Street at the property frontage to be dedicated to the Township. Existing curb and sidewalk are located along Spruce Street at the property frontages. They will both be reconstructed as part of this application. Plan Review. The applicant has proposed a trash enclosure at the far end of the proposed parking lot. No turn around area is provided for trash trucks to maneuver out of the site. We recommend the applicant provide a turn around area, however we will defer to the department of public works for a final determination on this matter. In addition, the applicant shall provide testimony on whether the trash collection will be public or private. The applicant shall provide testimony on the size of the school busses that will access the proposed student drop off location. In addition, similar testimony shall be provided regarding the anticipated size of delivery trucks and the location where unloading will occur. If students will be dropped of in front of the school to the south, we recommend the applicant extend the parking lot to the north and relocate the parking currently shown to the south of the school to the extended parking area. This will leave an area clear of parked cars and allow for student drop off. We recommend the applicant discuss a revised layout with the board. The one-way entrance and exit openings are excessively large and invite two-way traffic. Both site access points shall be narrowed. The applicant shall label the handicapped ramp located behind the proposed handicapped parking space. All sidewalks located in front of parking spaces shall be a minimum width of six feet. The applicant shall include gates in the fence around the play area. Access will be need to the rear of the property through the fenced area for maintenance access to the

stormwater management system and for grass cutting. The chain link fence or some other means of fall protection shall be added to the top of the retaining wall to the north of the proposed school. The applicant shall provide testimony on what is proposed within the play area. Any proposed play equipment shall be shown on the site plans. The proposed light fixtures shall be fitted with cut-offs to block the spill of light onto neighboring properties. We are particularly concerned with the light spillover to the residential lot to the east of the site. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated February 28, 2008. The applicant seeks preliminary and final major site plan approval to construct a two-story private school and associated site improvements at the above-referenced location. The school will contain fifteen classrooms and three offices. The site improvements include an off-street parking area for eighteen (18) vehicles, two driveways from Spruce Drive, and a play area in the rear. The tract is located on the north side of Spruce Street, approximately 210 feet east of River Avenue (Route 9). The parcel contains two single-family dwellings which will be razed. The surrounding land uses include an office to the west and single-family residences to the east. Zoning and Variances Public and private schools are a permitted principal use in the R-10 Zone. No variances are requested. In our opinion, a variance is required from the buffer requirements. The site plan does not provide a 20-foot wide buffer on the east and north sides to the residential use in terms of buffer width and plantings. Review Comments The applicant should describe the operational characteristics of the facility including the following: The proposed number of students to be educated on site; The proposed number of educators for the school; The type and anticipated number of school buses visiting the site on a daily basis; The proposed hours of operation; and, The services that will occur on site. The Area Map on Sheet 1 of the site plan should be revised to clearly indicate the location of the zone boundary. We have the following comments concerning the Environmental Impact Statement: The date of the referenced site plan should be updated to December 26, 2007. The square footage of the school should be consistent with the site plan - 10,600 square feet. The reference to a use variance in Section 1.7 should be deleted. Landscaping Landscaping should be provided around the refuse enclosure. The buffer plantings are insufficient in all locations. A revised landscape plan should be submitted. The proposed access for the subject site should be discussed with the Board. The one-way driveways should be narrowed to approximately 12-15 feet. The applicant should provide information as to whether short buses will utilize the front area for drop-off and pick-up. If so, then the required turning radius must be sufficient. A drop-off/pick-up plan for the facility should be submitted for review of the Planning Board. The plan should encourage vehicles to approach the site from the east. The applicant should consider shifting the handicap space to the east and use the unloading portion of the handicap space (striped area) for school children to travel from the discharging vehicle to the sidewalk. The width of the sidewalk on the east side of the building should be widened to six feet to accommodate the overhang of parked vehicles. Play Area Section 906.D of the UDO requires that if a recreation area is designated the construction details of the equipment in the play area shall be provided. The site plan does not contain any details for the proposed play area. The site plan should be revised to provide the necessary construction details. Lighting Given the adjoining residential use, the light fixtures on the east side of the parking lot should be shielded to minimize light spillage to adjoining Lot 57. Tree Protection Plan The applicant should consider retaining some of the existing trees in the rear of the lot which are outside of any improvements and grading. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. With regards to the planners' report, he stated there are 15 classrooms with a maximum of 25 students per classroom so they are maxed out at 375 students, one teacher per classroom. There will be 3 offices, one for principal and other 2 for secretaries and the hours of operation are between 8-9 am and between 4:30-7pm depending on the age of the students. There will be no more than 8 school buses. There will be religious studies in the morning hours and secular studies in the afternoon. They are not seeking any variances, and with regard to the buffer, the UDO provides that although 25 ft. buffer is required where there is no plantings, but they have 16 ft. of plantings and they will supplement that even more and the UDO allows if you have 10 ft. that is sufficient as long as you have heavy planting.

Mr. Carpenter stated all the technical comments in the planner's report they will comply with. He disagrees with the comment about the width of the driveway and would prefer to leave the width in case a school bus comes from the opposite direction on Spruce Street (east) so it can make the turn into the site and they need that larger opening. Mr. Franklin said that would also help the garbage trucks. Mr. Carpenter stated he also spoke to Mr. Peters about eliminating the parking in the front and extending the parking further back on the site. Mr. Peters said as far as the buffer issue, he and Mr. Truscott discussed it and on the east side there is a row of plantings proposed but they are 24 inches tall and that would not be considered an adequate buffer but he will defer to the board for their determination. Mr. Carpenter said the low plantings are for the headlights and they have some trees but they could also put in a solid row of evergreens to landscape it and Mr. Banas said not the white pine but a more dense vegetation and told him to work it out with Mr. Truscott who said additional plantings would be required and a setback is not a buffer so they need some plantings in the setback area as well. Mr. Carpenter agreed. Mr. Truscott also asked them to move the handicapped space to the front door and they also agreed. Mr. Carpenter said they agreed with the remainder of the comments in the professional's report.

Mr. Jackson announced that Mr. Herzl has a conflict with this application and he will not participate and has removed himself from the room.

Mr. Schmuckler asked about the school busses and their size and was told they would be the full sized busses and there is enough room.

Motion was made by Mr. Franklin, seconded by Mr. Fink, to advance this application to the meeting of April 15, 2008

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Akerman ; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

- 9. SP # 1882 (NO VARIANCE REQUESTED)**
APPLICANT: SUDLER LAKEWOOD LAND LLC
Location: Oak Street, New Hampshire Avenue & Salem Street
Block 1160.02 Lot 7.01
Preliminary & Final Site Plan for 140,000 sf warehouse/office "Building 30"

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval of Block 1160.02, Lot 7.01. The applicant has proposed to construct a 140,000 SF warehouse for a total of five (5) tenants and parking and loading area on the proposed Lot, which is currently vacant. A detention basin is proposed at the southeastern corner of the lot. The property has frontages along New Hampshire Avenue and Oak Street. The project is located within the M-1 zoning district. No variances are requested by the applicant, however, the zoning requirements shown in the zoning table for maximum impervious coverage and minimum tree preservation area are based on the expired CAFRA Regional Center Designation. The zoning schedule shall be revised to show the general CAFRA standards. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for CARFA approval will be required. Evidence of the approvals should be made a condition of Final Planning Board approval. The applicant shall show in the zoning schedule 60 employees plus 20 executives will be located in the warehouse portion of the proposed building and a 28,000 SF area will be prepared for office uses in the rest of the proposed building. The applicant shall revise the architectural plan to show the warehouse and office areas to backup the parking requirement calculations. The applicant shall revise the zoning schedule to show the property has frontages along New Hampshire Avenue and Oak Street. Curbs are existing along Oak Street but not New Hampshire Avenue, sidewalk does not exist along either property frontage. The Planning Board should determine if curb and sidewalks will be required. The applicant shall provide testimony on how solid waste will be handled for the proposed building. The applicant shows on the plans no proposed trash storage areas. A note should be added to the plans stating that no dental or medical offices are permitted in the proposed building. In accordance with Lakewood UDO, dental and medical offices require more parking spaces per square feet than offices in other use. In accordance with section 18-803. E. of the Lakewood UDO, a 25 ft buffer area is required along property lines and shall be shown on the plans. A waiver will be required if buffers of less than 25 feet are proposed. The applicant shows on the plan a section of proposed stormwater pipe, a flare end section, and outlet protection measurement outside the property limit in adjacent Lot 3. It is our understanding that Lot 3 is also owned by the applicant and the construction on Lot 3 will be located in an existing utility easement. The applicant shall provide a copy of the easement documentations for a review of the restrictions the easements imposes. The new stormwater outfall may need to be incorporated into the easement to ensure maintenance access is provided. Plan Review. The comments in this section are technical in nature. Stormwater Report Review. The comments in this section are technical in nature. Construction Details The comments in this section are technical in nature. Environmental Impact Statement A presented in the EIS, the NJDEP Landscape Project maps habitat for the Northern pine snake and the barred owl, both State-threatened species. Connolly Environmental observed no threatened or endangered species, their habitat, or other environmentally sensitive areas at the site. Habitat suitability analyses conducted by Connolly Environmental in July and August 2007, and

presented in the EIS, support this statement. We recommend that the applicant notify the Township if Northern pine snake and/or barred owl are encountered during site development activities. The balance of the comments are technical in nature.

Mr. Truscott read from a letter dated February 28, 2008. The applicant is seeking preliminary and final site plan approval to construct a 140,000-square foot warehouse on a 13.30-acre lot in the Lakewood Industrial Park. The proposed warehouse will provide space for five tenants each with six loading areas. The applicant has proposed a total of 169 parking spaces for the proposed warehouse use. The site fronts on New Hampshire and Oak Street. The subject site is located within an area with commercial and industrial uses to the north, east, and south and residential uses to the west of the site. The applicant has proposed a 1.71-acre tree preservation conservation easement along the eastern and southern perimeter of the site. In addition, the applicant has an existing 40-foot wide utility easement on the eastern side of the site. Zoning The parcel is located in the M-1 (Industrial) Zone District. The proposed warehousing use is a permitted use within the M-1. No variances are requested. Review Comments. CAFRA Permitting The Board should take note that this application is subject to CAFRA regulatory requirements. The applicant has noted compliance with the impervious coverage and conservation area requirements for a site that is within a Regional Center on the site plan. As the Board is aware, the Township Committee is actively involved in the State Plan Endorsement process to reinstate the expired CAFRA Regional Center. This includes the Lakewood Industrial Park area. At this point in time, the site would be subject to the CAFRA requirements for a site that is within a Planning Area 2 sewer service area. The maximum permitted impervious coverage limit under CAFRA is 30 percent and the proposed impervious coverage limit is slightly over 60 percent. In addition, there is a minimum tree preservation requirement (CAFRA) that the applicant does not comply with. The applicant shall comply with the appropriate CAFRA regulations when it seeks NJDEP regulatory approval. Township Proposed Preservation and Open Space Strategy The NJ Department of Environmental Protection has identified areas for possible preservation in Lakewood Township in connection with its review of the Township's petition for State Plan Endorsement and Regional Center designation. The subject tract is located within an area identified on a map for possible preservation submitted to the Township by the NJDEP. T&M Associates submitted, on behalf of Lakewood Township and in conjunction with discussions with the Lakewood Township Committee, a response to the NJDEP's proposed preservation area map. One of the maps submitted to the NJDEP, Figure 5, proposes certain areas for preservation which focused on publicly-owned sites for a comprehensive strategy of open space preservation. The subject site is located in one of the areas designated for further review (i.e. not suitable for preservation, privately-owned, and not identified for development). The purpose of the designation is not to restrict development on privately-owned parcels. The purpose of this information herein is to provide the applicant and the Planning Board with pertinent information relating to the site. No formal action has been taken by the Township or relevant State agencies with respect to the preservation of this site. Therefore, in its review of the application, the Planning Board is not mandated to require that this specific site be preserved for open space. However, the Board may wish to consider water quality issues as part of its site plan review and require as a condition that the applicant propose a conservation easement by deed for the areas identified for tree preservation. The applicant, as part of this submission, recommended that the tree preservation be deeded restricted. The applicant should be required as a condition of approval to submit the conservation deed language to

the Board professionals for review. Industrial Commission Recommendations If it is the applicant's intent to reduce the front yard setback as permitted by a recommendation of the Industrial Commission and the consent of the Planning Board from 100 feet to 50 feet, the applicant will need to provide documentation demonstrating Industrial Commission recommendations for reducing the minimum front yard setback for the site prior to Board approval. Presently as shown on the site plan, the applicant conforms to the 100 foot front yard setback for both frontages. Site Plan The applicant will need to revise its bulk schedule to address compliance for a corner lot. The applicant must show compliance for the two front yards (New Hampshire/Oak Street), indicate 'NA' for the combined side yard, and compliance with the rear yard setback in the bulk schedule. In addition, the applicant is required to demonstrate conformance with the building height requirements for the proposed warehouse. The applicant should specify compliance the parking setback requirements for both front yards on the bulk schedule. Parking The applicant has provided 169 parking spaces and 6 loading areas for each of the five tenant spaces on the site plan. Applying the M-1 parking standards for warehouses and office spaces, the applicant demonstrates conformance with the Township requirements. However, as indicated in a discussion with applicant's Engineer, the applicant is proposing that the warehouse be considered as "flexspace;" meaning that the office area will be determined by the tenant and the tenants needs, i.e. a tenant may rent more than one area. Of the total 140,000 square feet, the office use would account for 28,000 square feet (or a one-fifth of the area) and the remaining 112,000 square feet would be warehouse. A note to that effect should be placed on the site plan. In addition, the applicant may require additional Board approval if the flexspace proposal is utilized as an alternative parking plan would then need to be proposed. This issue should be discussed with the Planning Board. In addition, the applicant will need to provide documentation and provide testimony on the number of proposed employees projected. Currently, the applicant notes that the warehouse facility will employ 60 individuals and, as required by the Township development regulations, will provide 20 executive parking spaces. Architectural Plans The applicant has submitted architectural plans that show five tenants and six loading areas for each approximate 28,000 feet of area of the warehouse. The applicant should comment whether the proposed warehouse appearance is similar to existing structures owned and maintained by the applicant. A note regarding the proposed "flexspace" i.e., office/warehouse, should be provided on the architectural plans. Utilities. Public water and sewer will be provided. Environmental The applicant has submitted an Environmental Impact Statement which notes a NJDEP Letter of Interpretation (LOI) obtained for Lots 7 & 8. The ordinary resource wetland is delineated on the lot directly to the South of the site. A NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. The Board should note that the date of the letter is December 19, 2003. Compliance with all NJDEP Freshwater wetlands is required. Landscaping The applicant has provided a landscape plan as part of this submission. We recommend that the landscaping plan be revised to add a limited amount of 1.5 to 2 foot high (screening) shrubs on the New Hampshire Avenue side of the western parking area. In addition, six (6) foot high vegetative screening should be provided on the north side of the loading area. Lighting The applicant's lighting plan is subject to review by the Board Engineer. The Woodlands Management Plan is subject to the review and comment of the Environmental and Shade Tree Commissions. Trash/Refuse The applicant should address provisions for solid waste management for the proposed warehouse. All signage should comply with Township requirements. The balance of the comments are technical in nature.

Mr. Rich Goldman Esq. appeared on behalf of the applicant. He is with the firm of Drinker Biddle & Reath. He stated they reviewed the reports and intend to comply with the comments in those reports. They will revise the plans to reflect those changes. With regard to CAFRA, they know the Township is in the process of seeking to reinstate the regional center designation for the Lakewood Industrial Park and their project is dependent on that. If the regional designation doesn't happen this project also doesn't happen because it will be way out of whack with the bulk requirements for the current designation. They are proceeding with the hope and risk that that designation will happen and expect that as a condition of approval would be that they would have to comply with CAFRA. Flexspace is a term that is warehouse space, In a spec building you do not know who the tenant is, or how much office and warehouse is the mix for each tenant. They are suggesting a limit of 20%, 28,000 sf of office space which has been designed into the project. One occupant might have a little more, one a little less and the end game is that, as far as the parking, the office space shouldn't exceed 28,000 sf. If they get a tenant that needs more, they would have to come back to the board. They will provide a dumpster location on the revised plans. They will need waivers on some of the 25 ft. setbacks, they are a little bit less on some. They don't think that sidewalks are appropriate for this site, the park generally does not have sidewalks and adding sidewalks here would be adding to the impervious coverage and the sidewalks would not connect to anything. Mr. Banas pointed out that Cedar Bridge Development has sidewalks that will extend to the industrial park. This will be a balanced site so there is not going to be a need for export or import of soil to the site.

Mr. Banas asked what type of building they were constructing and Mr. Goldman said it would be a single story and have similar appearance to other buildings that are owned and operated by Sudler.

Motion was made by Mr. Schmuckler, seconded by Mr. Akerman, to advance this application to the meeting of April 15, 2008

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

10.SP # 1883 (NO VARIANCE REQUESTED)
APPLICANT: SUDLER LAKEWOOD LAND LLC
Location: Oak Street and Paco Way
Block 1160.04 Lots 54, 383
Preliminary & Final Site Plan for 70,000 sf flexible use "Building 29"

Mr. Peters stated the Applicant is seeking Preliminary and Final Major Site Plan Approval of Block 1160.4, Lots 54 and 383. The applicant has proposed to construct a Flex-space building for a total of five (5) tenants and parking and loading area on the Lot 383, which is currently vacant. The building will consist of warehouse and office space. A one story masonry office building and parking area exist on the Lot 54. The parking area on Lot 54 will be expanded and two stormwater infiltration basins are proposed at rear of the lot. Lot

54 has frontage along Oak Street and Lot 383 has frontage along Paco Way. The project is located within the M-1 zoning district. The applicant is requesting the following variance for Lot 383: Minimum parking space; 86 spaces are provided, where 95 spaces are required. Non-residential buffer along property lines; 14.5 ft is provided, where 25 ft is required. A variance may be required for front yard setback for Lot 383. Seventy three (73) feet are proposed where 100 feet is required. The front yard setback requirement may be reduced to fifty (50) feet if approved by the industrial commission. Up on receipt of the recommendation letter, the Board should determine if the reduction is feasible for this application. They have received the letter from the Industrial Commission after this report was written granting the reduction. The zoning requirements shown in the zoning table for maximum impervious coverage and minimum tree preservation area are based on the expired CAFRA Regional Center Designation. The zoning schedule shall be revised to show the general CAFRA standards. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for CAFRA approval are required. Evidence of the approvals should be made a condition of the Planning Board approval. The applicant shall show in the zoning schedule 40 employees plus 20 executives will be located in the warehouse portion of the proposed building and a 14,000 S.F. area will be prepared for office uses in the rest of the proposed building. The applicant shall revise the architectural plan to show the warehouse and office areas to backup the parking requirement calculations. Curbs are existing along Oak Street and Paco Way at the property frontages; however, no sidewalks are existing or proposed. The Planning Board should determine if sidewalks will be required. The applicant shall provide testimony on how solid waste will be handled for the proposed building. The applicant shows on the plans no proposed designate trash disposal areas. A note should be added to the plans stating that no dental or medical offices are permitted in the proposed building. In accordance with Lakewood UDO, dental and medical offices require more parking spaces per square feet than offices in other use. A tractor trailer parked at the western most loading dock will have difficulty pulling out the loading area. We recommend the applicant replace the 15 ft radius on the retaining wall with a 25 ft radius to provide more space for truck to maneuver. The architectural plan should be signed by a professional architect who is licensed in the State of New Jersey. An easement shall be granted from Lot 54 to Lot 383 for the construction and maintenance of the stormwater management basins. The wording of the easement agreement and legal description shall be submitted for review. The easement shall be finalized prior to signature of the approved site plans. Plan Review. The striping around the 32 parking spaces in the loading area will not provide any protect to the parking cars from truck maneuvering to access the loading docks. The striping shall be replaced with curbed islands. A maintenance plan for the stormwater management facilities shall be submitted for review. Environmental Impact Statement On December 2, 1999, the New Jersey Department of Environmental Protection (NJDEP) re-issued a freshwater wetlands Letter of Interpretation (file number 1514-95-0013.2-FWLIRI) for Block 1160.04, Lot 383. As determined for the original LOI in 1995, the NJDEP determined that no wetlands, wetland transition area, or State open waters are present on the subject property (i.e. the site is not regulated under the NJ Freshwater Wetlands Protection Act). The LOI for Block 1160.04, Lot 383 expired in October 2005. Furthermore, the LOI does not reference Block 1160.04, Lot 54, which is improved with a stormwater detention basin (dry). We recommend that the applicant provide testimony to the Board that reaffirms that no freshwater wetlands, transition areas (buffers), or State open waters are located on or adjacent to lots 383 and 54. As presented

in the EIS, the NJDEP Landscape Project maps habitat for the Northern pine snake and the barred owl, both State-threatened species. Connolly Environmental observed no threatened or endangered species, their habitat, or other environmentally sensitive areas at the site. Habitat suitability analyses conducted by Connolly Environmental in July and August 2007, and presented in the EIS, support this statement. We recommend that the applicant notify the Township should Northern pine snake and/or barred owl be encountered during site development activities.

Mr. Truscott read from a letter dated March 3, 2008. The applicant is seeking preliminary and final site plan approval and associated variances to construct a 70,000-square foot flex use office and warehouse, internal roadway and parking facilities on Lot 383 in the Lakewood Industrial Park. In addition, the applicant proposes to expand the parking area on Lot 54 as well as expand an existing stormwater detention basin to accommodate the improvements of Lots 54 and 383. The proposed warehouse (Lot 383) will provide space for five tenants with loading areas associated with each. On Lot 54, there are a total of 44 existing parking spaces and 119 proposed parking spaces. On Lot 383, the applicant has proposed a total of 88 parking spaces for the proposed use. The site fronts on both Paco Way and Oak Street. The proposed new office/warehouse on Lot 383 will front on Paco Way and the existing office/warehouse on Lot 54 fronts on Oak Street. The subject site is surrounded by commercial and industrial uses. Zoning The parcel is located in the M-1 (Industrial) Zone District. The proposed office and warehousing uses are permitted uses within the M-1. The applicant has requested the following variances: Parking. The applicant is requesting a variance from the parking requirements on Lot 383. The applicant is proposing that approximately 20 percent of the building will be dedicated towards office uses and that the remaining area will be used for warehouse uses. The applicant is required to provide 95 parking spaces (by their computations) and has proposed 88 parking spaces. The standard for the warehouse use for buildings greater than 50,000 square feet is 1 space for each employee and 20 parking spaces for executives; therefore, the applicant has proposed 40 employees will be on site and thus is required to provide 40 employee parking spaces and 20 executive spaces for a total of 60 parking spaces. Thirty-five (35) parking spaces are required for the office space. (14,000 sq. ft. $400 = 35$.) The positive and negative criteria should be addressed for the requested variance. CAFRA Permitting The Board should take note that this application is subject to CAFRA regulatory requirements. The applicant has noted compliance with the impervious coverage and conservation area requirements for a site that is within a Regional Center on the site plan. As the Board is aware, the Township Committee is actively involved in the State Plan Endorsement process to reinstate the expired CAFRA Regional Center. This includes the Lakewood Industrial Park area. At this point in time, the site would be subject to the CAFRA requirements for a site that is within a Planning Area 2 sewer service area. The maximum permitted impervious coverage limit under CAFRA is 30 percent and the proposed impervious coverage limit is slightly over 40 percent on Lot 54 and 70 percent on Lot 383. In addition, there is a minimum CAFRA tree preservation requirement that the applicant does not comply with. Any required tree preservation areas should be deed restricted as conservation easements. The applicant shall comply with the appropriate CAFRA regulations when it seeks CAFRA regulatory approval. Industrial Commission Recommendations. A reduction in the front yard setback is permitted by a recommendation of the Industrial Commission and the consent of the Planning Board from 100 feet to 50 feet. The applicant indicates that the existing warehouse facility on Lot 54 received approval for a 50-foot setback. A general note indicating the approval dates

should be provided on the site plan. The applicant proposes a front yard setback of 73 feet for the proposed office/warehouse on Lot 383. The applicant will need to provide documentation demonstrating Industrial Commission which has been received after this report was submitted. Site Plan For Lot 54, the applicant will need to revise its bulk schedule to address the following standards: Minimum Side Yard. The applicant notes that the side yard setback is 29.9 feet where 30 feet is required. This represents an existing nonconforming condition. Maximum Building Height. The applicant has not provided indicated the height of the existing structure. To demonstrate compliance, the applicant should note the current height. Maximum building height permitted is 65 feet. Parking. The applicant has not noted the existing structure square footage on the site plan to determine consistency for the existing parking requirements of the building. It appears the standard for Section 18-903.M.6.b. should be complied with. The Environmental Impact Statement notes that the building square footage is 52,110 square feet. A notation should be made to determine consistency for the existing parking arrangements or the applicant should note whether a bulk variance was previously granted for the site. The applicant currently has 44 parking spaces on the site. The parking standard for this size building is one space for each employee on maximum shift, plus 20 spaces for executives. Maximum Impervious Coverage. Although not a Township requirement, the applicant has indicated a reduction in the proposed impervious coverage limit; although it appears that the existing asphalt area to accommodate the new parking is greater in area. The applicant should revise accordingly. For Lot 383, the applicant will need to revise its bulk schedule to address the following standards: Maximum Building Height. The architectural plans note a building height of 36 feet and the site plan indicates that the height as 30 feet. The bulk schedule should be revised accordingly. The bulk schedule should be revised to indicate that the standard is for maximum building coverage and not lot coverage as shown. Design Waiver The applicant requests a design waiver from the buffer requirements for non-residential uses for Lot 384. A landscaped buffer of 25 foot is required and the applicant has provided 14.5 feet. We note that the applicant should document the design waiver received for Lot 54 in which a buffer of 4.2 feet is provided. Parking The applicant should be prepared to discuss the proposed parking arrangements for the site. The applicant has applied a mixture of the M-1 parking standards for this application. On Lot 54, the applicant notes that 44 parking spaces exist and that an additional 119 parking spaces are proposed as part of the site plan. This is a ratio of one space per 320 square feet. The applicant should note what the intended use for the structure is to determine whether the increase in parking is appropriate for the site. If the applicant is proposing a new 'flex use' space this should be noted on the site plan. The applicant should comment on the proposed number of employees for the site. On Lot 383, 88 parking spaces are proposed for the 'flex use' office/warehouse building; where 95 parking spaces are required according to the site plan. This is a proposed ratio of one space per 795 square feet of floor area. Of the total 70,000 square feet, the office use would account for 14,000 square feet (or 20 percent of the structure) and the remaining 56,000 square feet would be warehouse. A note to that effect should be placed on the site plan regarding the proposed uses. The applicant should be prepared to discuss the proposed number of employees for the site. Further, the applicant on the submission forms notes that this parking plan is preferable because adding an additional seven (7) parking spaces would increase the impervious coverage on the site. The applicant should be prepared to offer expert traffic engineering testimony regarding the appropriate parking standards for the proposed uses. Architectural Plans The applicant has submitted architectural plans that show five tenants

and loading areas. The applicant should comment whether the proposed warehouse appearance is similar to existing structures owned and maintained by the applicant on the adjacent lot. A note regarding the proposed 'flex use' i.e., office/warehouse should be provided on the architectural plans. Utilities. Public water and sewer will be provided. Environmental The applicant has submitted an Environmental Impact Statement which notes an NJDEP Letter of Interpretation (LOI) obtained for Lot 383. The LOI makes a determination that there no wetlands/waters or buffers present on Lot 383. An NJDEP LOI jurisdiction determination is valid for five years from the date of the letter. The Board should note the applicant originally received this determination on October 3, 1995 and requested and received an extension to October 3, 2005 on December 2, 1999. Accordingly, the LOI has expired. The applicant will need to resubmit an NJDEP LOI to demonstrate the absence or presences of wetlands on the site. The applicant has not provided wetland information for Lot 54. Compliance with all NJDEP Freshwater wetlands regulations is required. The Woodlands Management Plan is subject to the review and comment of the Environmental and Shade Tree Commissions. Landscaping The applicant has provided a landscape plan as part of this submission. The applicant should consider providing additional landscaping to create a greater vegetative buffer between the buildings. Attention also should be made to increasing the diversity of species that surround the stormwater detention basin. Cross drainage easement The applicant should be required to address cross drainage easements since the site drains to a basin on another lot. The applicant should be required as a condition of approval to submit the cross drainage easement language to the Board professionals for review. The applicant should address provisions for solid waste management for the proposed office/warehouse. The balance of the comments are technical in nature.

Mr. Goldman Esq. appeared on behalf of the applicant. They have reviewed both reports and agree to comply with the comments and will revise the plans accordingly. This application is a little different because there is an existing building on the site which has the existing 4.5 ft setback. They will try to determine the history of that but believe the building was built in the 70's and not by them so it may be a challenge. The lot has frontage on Oak Street and comes to the next lot with the frontage on Paco Way so they have designed this with a shared greenspace between for the detention basin that will serve both properties. This project is also dependent on the regional center designation for CAFRA and would be a condition of approval. They came up with 88 parking spaces, rather than say it is going be 19% office and fool around with the numbers, they said it was going to be 20% office and the same deal as the flexspace, if the total office space exceeds 20% they have to come back to the board. They will address the parking at the public meeting. The building will be the same as other Sudler buildings. They will also provide a dumpster location and have the same comments as the previous application.

Mr. Schmuckler commented he welcomed such developments within Lakewood Industrial region and appreciate it.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance this application to the meeting of April 15, 2008

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

11. SD # 1621 (NO VARIANCE REQUESTED)

APPLICANT: MARK BAUMAN

Location: Albert Avenue, north of Salem Street
Block 1159.01 Lot 7

Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Lot 7 of Block 1159.01 into two (2) new lots, to be known as Lots 7.01 and 7.02. An existing single family dwelling will remain on new Lot 7.02. A single family dwelling and its driveway are proposed on new Lot 7.01. The site is situated along Albert Avenue, within the R-20 zoning district. No variances are requested by the application. 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 plan an asphalt driveway that can accommodate up to six (6) cars is proposed on Lot 7.01 and a driveway and garage combination that yield five and half (5.5) off-street parking spaces is existing on Lot 7.02. In accordance with NJ RSIS three (3) off-street parking spaces are required for single family dwellings with unknown number of bedrooms. The Board should determine whether the proposed and existing off-street parking will be adequate. A 6' shade tree and utility easement is proposed along Albert Avenue at the property frontage to be dedicated to the Lakewood Township. Neither curb nor sidewalk exist or proposed along Albert Avenue at the property frontage. Curb and sidewalk are usually required at the property frontage if they do not exist. The Board should determine whether curb and sidewalk will be required along Albert Avenue. If curb and sidewalk are required, a bond for the construction of the curb and sidewalk in front of Lot 7.02 shall be posted prior to signature of the final plat. The applicant indicated on the plan that the existing and proposed dwelling will be served by individual wells and septic systems. A note is found on the plan stating that existing well and septic on Lot 7.02 they were unable to locate. In accordance with N.J.A.C. 7:9A, table 4.3, a 50 ft separation should be provided between disposal fields and a 100 ft separation should be provided between wells and disposal fields. We will defer this issue to the Ocean County Health Department. The lots appear to be of sufficient size to accommodate the well and septic.

Mr. Truscott read from a letter dated February 26, 2008. The applicant seeks minor subdivision approval to create two conforming lots. The tract is 43,600 square feet (or 1 acre) in area and contains a single-family residence. The dwelling will remain. The parcel is located on Albert Avenue, approximately 300 feet north of Salem Avenue. The property is located in the R-20 Residential Zone. The surrounding land uses are generally residential. Single-family detached dwellings are a permitted principal use in the R-20 Zone. No variances are requested by the applicant. Review Comments. The Planning Board needs to decide if concrete curb and sidewalk should be provided along the site frontage. Individual septic systems and potable wells will be provided on each lot. The applicant should indicate the proximity to the nearest public water and sewer lines. Off-street parking for each lot must comply with the NJ Residential Site Improvement Standards. Shade trees should be planted along the entire site frontage. The balance of the comments are technical in nature.

Mr. Doyle Esq. appeared on behalf of the applicant. The application is fully conforming with the one home to remain. They will provide curbs and sidewalks and Shade Trees and will comply with all the technical requirements. There is currently septic and well water and the required degree of separation they believe to be met and will furnish the board at the time of the hearing and the distance to public utilities they feel are at such distance and not be able to facilitate the extension of public water and sewer.

Motion was made by Mr. Akerman, seconded by Mr. Percal to advance this application to the meeting of April 15, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

12.SD # 1622 (NO VARIANCE REQUESTED)

APPLICANT: PARK AVENUE EQUITIES LLC

Location: Harvard Street at northeast corner of Park Place
Block 170 Lots 1.01, 1.02 & 3

Minor Subdivision from 3 lots to 2

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to consolidate three (3) existing Lots, known as 1.01, 1.02, and 3 of Block 170 into two (2) new Lots, 1.03 and 3.01. Two (2) one story single family dwellings are existing on old Lots 1.01 and 3. No new construction is proposed under this application. The site is situated along Harvard Street, within the R-7.5 zoning district. No variances are requested by the application. The applicant shows on the plan an unnamed and undeveloped street along the southern property line of the proposed lots. The applicant shall revise the zoning schedule to show the proposed lots have two frontages. In addition, the rear yard setback lines shown on the plan should be revised to be front yard setback lines. Required front yard setback distances should be shown on the plan. The applicant shows existing sheds in lots 1.03 and 3.01. The required and provided accessory building setbacks should be included in the zoning schedule. Variances for accessory building rear yard setbacks are required for lots 1.03 and 3.01: two ft is provided for Lot 1.03; where 7 ft is required. Five ft is provided for Lot 3.01; where 7 ft is required. A note should be added to the plan stating that Lots 1.03 and 3.01 are to be deeded to have access on Harvard Street only. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the Final Plat. The proposed dwellings will be served by public water and sewer. The applicant shows in the zoning schedule three (3) parking spaces are provided for each proposed lots; however, the existing driveways for the lots 1.03 and 3.01 can only accommodate two cars each. The applicant shall require a waiver for not providing required off-street parking spaces. The Board should be aware that duplex units are permitted in the R-7.5 zone on lots of 10,000 SF. The zoning table shall be revised to show three (3) off-street parking spaces will be provided per unit rather than per lot. A 6' shade tree and utility easement is proposed along Harvard Street at the property frontage to be dedicated to the Lakewood Township. The applicant shows on the plan existing curb along Harvard Street at the property frontage, but no sidewalk. The Board should determine if sidewalk will be required at the property frontage. A note shall

be added to the plan stating any damaged or deteriorated curb will be replaced as directed by the Township Engineer, if construction is proposed in the future.

Mr. Truscott read from a letter dated February 26, 2008. The applicant seeks minor subdivision approval to consolidate the subject tract and subdivide the parcel into two conforming lots. There are two (2) existing dwellings on the parcel which will be removed. The property is 22,850 square feet in area and located on the south side of Harvard Street, east of Park Place in the northern portion of the Township. The surrounding properties to the east and west are residential uses. The lands to the south of the subject area are wooded and owned by Lakewood Township. The adjoining land to the south is the former Department of Public Works site, which is zoned for business. Zoning and Variances The site is located in the R-7.5 Zone and single-family dwellings are a permitted principal use in this zone district. Duplex/two-family dwellings are a permitted use, provided the lot area is a minimum of 10,000 square feet. Review Comments The subject parcel has frontage both Harvard Street and an unnamed, unimproved road. The plat contains a note that no access shall be permitted from the unnamed street. The Planning Board may wish to implement this note with requirements for a deed restriction. The plat should contain a note that off-street parking shall comply with the requirements of the NJRSIS. Sidewalk is not proposed along the parcel frontage. The Planning Board should decide if sidewalk is appropriate for the subject lots. The lots will be served by public water and sewer. The plat should be revised to identify the setbacks of existing accessory buildings and their future status. The remaining comments are technical in nature.

Mrs. Weinstein Esq. appeared on behalf of the applicant. They only have one issue and that is these two lots have frontage on 2 streets and do also front on the paper street. They are willing to deed restrict the access only from Harvard Street but requests a variance for the front yard setback to be the same as the permitted rear yard setback in that zone based upon the fact that they are restricting access. Mr. Peters said this is 2 front yards and what was labeled as the rear should also be labeled as a front yard. She is asking to list it as 2 front yards but asks for a variance for the front yard setback in the rear yard to what the rear yard setback is (15ft.) from the paper street but deed restrict it so there is no access. They will notice for the public hearing. They will provide curb and sidewalks. The remainder of the comments in the professional's report they will comply with. Mr. Banas asked how many bedrooms would be in the new home and was told there was nothing proposed at this point but the professionals had asked for 3 spaces per unit and if the applicant does put in duplexes, that would be complied with. Mr. Banas said he would like 4 parking spaces for that because if you don't provide it there it would have to be in the street and there is no room for it there. The applicant agreed to 4 parking spaces per unit.

Mr. Akerman said the building envelope does not go near the back and Mrs. Weinstein said it is probably not going to be necessary but just in case they will notice and discuss it at the public meeting.

Motion was made by Mr. Akerman, seconded by Mr. Fink, to advance this application to the meeting of April 15, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

13.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

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for Block 563, Lot 1 and Block 564, Lot 1. The applicant has proposed to construct a gravel access driveway within the Right of Way of Chile Avenue, and a wireless communications facility consisting of three pad mounted equipment cabinets, and six antennae mounted on an existing Lakewood MUA water tank. The site is located on New Hampshire Avenue with additional frontage on the unimproved Rights of Way of Chile Avenue, Drexel Avenue and Hughes Avenue, within the M1 zoning district. The applicant is requesting variances for the following:

Minimum lot size: 2.57 acres is proposed where 3 acres is required. This is an existing non-conformance. Minimum lot width: 240 feet is proposed where 300 feet is required, this is an existing non-conformance. Front yard setback to Drexel Avenue: 1.9 feet is proposed where 50 feet is required. Front yard setback to Chile Avenue: 16 feet is proposed, where 50 feet is required. Maximum building height: 150 feet is proposed, where 65 feet is permitted, this is an existing non-conformance. Maximum fence height: Seven feet is proposed where six feet is permitted, this is an expansion of an existing condition. The applicant has listed in the zoning table a variance is required for minimum side yard setback, this variance is not needed and shall be removed from the table. Outside agency approval is required from Ocean County Soil Conservation District. Evidence of the approval should be made a condition of the Planning Board approval. In accordance with section 18-1012 D.1.c. of the Lakewood UDO, the applicant shall provide to the Township, as part of the application and inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Lakewood Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower. The applicant shall revise the plans to include a list of the owners of all lots within 200 feet of the subject property. If the surrounding lots are under common ownership then a note stating such shall be added to the plans. The color of the proposed antennae and their supporting electrical and mechanical equipment should be called out on the plans. In accordance with section 18-1012D.1.d.(3) of the UDO, their color must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure. In accordance with N.J.A.C. 13:40-7.2(a) a signed sealed copy of the survey on which the engineering drawings area based shall be provided. Plan Review The applicant shall provide testimony on why part of the driveway is labeled as temporary and the remainder is not labeled, insinuating it will be permanent. The labels "R-BLEND" and "ACCESS PAD 8" THICK" shall be revised to be consistent with the detail for a six-inch thick gravel drive made of ¾-inch stone. The applicant shows on the plans a 40' curb cut along the Cedar Bridge Avenue where the gravel access driveway is proposed. The applicant shall revise the plans to call out a depressed curb and provide details for the curb. The applicant shall provide a concrete apron between the depressed curb and the gravel driveway.

Mr. Truscott read from a letter dated February 28, 2008. The applicant requests site plan and variance approvals to place transmitting/receiving antenna at an approximate height

of 110 feet on an existing 115-foot MUA water tank. The applicant also proposes to place equipment cabinets within a 10 by 20 foot leased fence area at the base of the tank. A gravel driveway from Cedar Bridge Avenue will be constructed to provide access to the communication's facility. The subject site is occupied by the MUA water tanks pumping facilities and other buildings. The tract is 2.57 acres in area and is partially developed.

Zoning and Variances The property is located in the M-1 Zone. Telecommunication facilities are a principal permitted use in the M-1 Zone. The following variances are requested: Front Yard setback. A minimum of 50 feet is required. The applicant proposes 1.9 feet on Drexel Avenue, a paper street, and 16 feet to Chile Avenue, a paper street, for the equipment. The height of the antennas, accessory structures, is 110 feet. The maximum height permitted in the M-1 Zone is 65 feet. The standards in the UDO are silent on the permitted height for antennas on a water tank or building. However, the maximum height for a telecommunications tower, per Section 18-1012.n(1) for a single use is ninety (90) feet. Based on the above, it is our recommendation that the applicant request a "c" variance from Section 18-903.M.7.g. for the height of the antennas. This height variance of an accessory structure is within the ancillary power of the Planning Board pursuant to NJSA 40.55D-60.

Mr. Jackson interrupted the report and asked Mr. Truscott to explain the above. Mr. Truscott said typically when you have a height of a principal building either more than 10 ft or 10% greater than what is required it is considered a use variance which is not within the power of the Planning Board and that is because there is an increase in intensity. He is considering the antennas as an accessory structure to the water tank and they do exceed the height in the ordinance of 65 ft. in the M1 zone. Telecommunications facilities standards allow for 90 ft for a single use tower but it does not say anything about how high antennas can go on other structures like water towers or another building, so he is considering the antennas as accessory structure therefore it would be considered a height variance as a C variance. The ordinance really focuses on towers and says it can be considered a principal use or an accessory use.

Mr. Jackson said the cell towers are sometimes controversial. One board or the other is going to have to hear the application, and it can be argued either way, and he would go with Mr. Truscott's recommendation and the only consequence is that the Planning Board is dealing with it instead of the Board of Adjustment. The applicant is comfortable here and he hazards the risk that some objector will say we did not have jurisdiction.

Michael Learned from the law firm of Cooper Levenson in Atlantic City appeared on behalf of the applicant and said as long as the board professionals are comfortable on how the applicant submitted this, they will be happy to comply with their wishes. In this instance, you have a specific wireless ordinance Section 18-1012 which covers these facilities within Lakewood. The one zone they are a permitted use in is the M1 zone and in this section of the ordinance, specific ordinance regulations supersede general regulations of the zoning code. The ordinance also encourages use of existing structures in lieu of constructing towers if possible. You have an existing 115 ft structure upon we can affix the antenna below the top of the structure so we are not increasing the height of the existing structure. This water tower is a suitable location for more than one carrier and if another carrier goes into that part of Lakewood, the first object they will look at would be the water tank. He is comfortable enough that that is the intent of the regulations and they have another application which is pending in front of Lakewood now, that is in a residential zone, so that

will clearly end up in front of the Zoning Board. Mr. Banas asked how high the towers going to be above the existing water tower and Mr. Learned said they are not, the antenna will be mounted on the side of the water tower at 110 ft., painted to match the water tank, the antenna is rose box sized structure so if they match the tower at 110 ft, unless you are looking for them, you will not even see them. The ground equipment are refrigerator size electronic equipment cabinets on a concrete pad and the variances they are triggering is because they are setback variances because of the paper streets (sheet A-01 of the site plan) All the variances are pre existing non conformities, including the water tower itself, or the setback variances which they are creating at the request of the water company so that the installation would not interfere with the internal traffic of the water company itself. Mr. Banas said if he read it correctly it will extend 14 ft. from the perimeter of the tank, it doesn't fit flush. Mr. Learned said that is ground level and you won't see it. Mr. Banas said he is interested in pollution. Mr. Learned said look at A-02 and you will see the antenna that is mounted on the tower and will submit the FCC compliance report prior to the 27th along with all the documentation the planner and engineer requested. He will also have an expert to explain the FCC compliance with creating frequency emissions.

Mr. Banas asked Mr. Jackson if he was comfortable with this and he said he read the ordinance and it is the appropriate interpretation and he thinks should come before the planning board, It is a question on what board it goes to, the hearing is the same, the proof is the same, the only slight difference is if it were in front of the Board of Adjustment as a height variance, it would be a different vote, different standard of approval. With cell towers, he doesn't think it would matter.

Mr. Truscott continued: A variance is necessary for a 7-foot high fence where a maximum height of 6 feet is permitted per Section 18-1012.t. The applicant should address the positive and negative criteria for the requested variances. Review Comments We have reviewed the site for compliance with the requirements of Section 18-1012 of the UDO. Our findings are as follows: Since the proposed antennas are a co-location rather a new telecommunications tower, many of the requirements of Section 18-1012 of the UDO are not applicable. The co-location of the antennas on the water tower will minimize the need for a new telecommunications tower. Inventory of existing sites The applicant should address the following: "Each applicant for an antenna and/or tower shall provide to the Township as part of the application and inventory of its existing towers, antennas, or sites approved for towers or antennas, that are either within the jurisdiction of Lakewood Township or within one (1) mile of the border thereof, including specific information about the location, height, and design of each tower." Aesthetics The applicant should indicate the color of the proposed antenna and cables on the water tank walls and whether it is identical to or closely compatible with the color of the water tank. (18-1012.D.1.i.) Franchises A copy of the Omnipoint Communications franchise information should be filed with the Township Clerk as per 18-1012. D.1.i Confirm that no lighting is proposed. The proposed facilities must meet the standards and regulations of FCC and the State of New Jersey. Due to the location of the equipment area, landscaping does not appear to be necessary and can be waived by the Board. The equipment cabinets at the base of the water tower are 80 square feet in area and 5.5 feet. The floor area and height comply with the UDO. Construction plans for the proposed gravel access driveway should be submitted for review of the Board Engineer. A concrete or paved driveway apron may be appropriate at the curb cut. Evidence of the lease with the MUA should be submitted to the Board Attorney. Performance guarantees should be posted for all improvements in

accordance with ordinance provisions. Indicate the location of proposed electric and telephone lines from the communication's facility to the existing utility network. Outside agency approvals which will be required include: Ocean County Planning Board Soil Conservation District and all other required outside agency approvals.

Mr. Learned Esq. appeared on behalf of the applicant and said all those conditions are acceptable to the applicant and they will comply.

Motion was made by Mr. Percal, seconded by Mr. Herzl, to advance this application to the meeting of April 15, 2008

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

14. SD # 1409A (VARIANCE REQUESTED)

APPLICANT: VILLA MARIE LLC

Location: Miller Road, between Attaya Road & Whitesville Road
Block 11.04 Lot 15

Re-approval of Minor Subdivision to create two lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Lot 15 of Block 11.04 into two new Lots 15.01 and 15.02. An existing single family dwelling is shown on the plan as to be removed. Two single family dwellings and driveways are proposed on new lots 15.01 and 15.02. The site is located along the Miller Road, within the R-12 zoning district. The applicant is requesting minimum lot width variances for lots 15.01 and 15.02: 90 ft is required; where 86.05 ft are provided. The applicant should revise the zoning schedule to show bulk requirements of the current UDO. For a site situated within the R-12 zoning district, the minimum lot area and minimum lot width should be 12,000 sf and 90 ft respectively.

Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP for a wetlands letter of interpretation are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. Based on a site visit, the existing dwelling and driveway have been razed, the applicant shall remove the existing dwelling from the plan. The applicant shows on the plan driveway and garage combinations for lots 15.01 and 15.02 to provide up to five and half (5.5) off-street parking spaces for each lot. In accordance with the NJ RSIS, three (3) off-street parking spaces are required for single dwellings with unknown number of bedrooms. The Board should determine if the proposed parking spaces are adequate. A 6' shade tree and utility easement is proposed along Miller Road at the property frontage to be dedicated to the Lakewood Township. The applicant shows on the plan proposed curb and sidewalk along Miller Road at the property frontage. Note #6 on the plan states that the proposed dwellings will be served by individual wells and septic systems. The applicant shall show on the plan the locations of the proposed wells and septic systems and adjacent wells and disposal fields. In accordance with the N.J.A.C. 7:9A, table 4.3, a minimum separation of 50 ft should be provided between disposal fields and a separation of 100 ft should be provided between disposal fields and wells. The applicant shall show on the plan these regulations have been met. From previous engineer and planer's review letters, trees were required to be planted in rear yards of the proposed lots; however, the submitted plan

dated April 26, 2004 shows no proposed trees at all. The applicant shall provide testimony on this issue. The plan is based on a survey dated, February 26, 2003 and shall be updated. At a minimum the surveyor shall confirm the site features currently exist as depicted on the plans.

Mr. Truscott read from a letter dated February 27, 2008. The applicant seeks re-approval of a proposed minor subdivision to create two lots. The lots exceed the minimum lot area requirement, but require a variance from the minimum lot width. The tract is 1.35 acres (or 58,991 square feet) in area and contains a single-family residence. The dwelling will be removed. The rear portion of the parcel is constrained by freshwater wetlands. The wetlands boundary and transition line are both shown on the plat. The applicant proposes a five (5) foot wide dedication for road widening purposes. The parcel is located on Miller Road, approximately 322 feet south of Attaya Road in the western area of the Township. The property is located in the R-12 Residential Zone. The surrounding land uses are generally residential. The Planning Board granted minor subdivision and variance approval for this minor subdivision by resolution memorialized on November 18, 2003. The approval has expired; therefore, a re-approval is required. Since the date of the approval, the Unified Development Ordinance has been revised to decrease the required lot width in the R-12 Zone from a minimum of 100 feet to 90 feet. Zoning and Variances Single-family detached dwellings are a permitted principal use in the R-12 Zone. A variance is requested for a lot width of 86.05 feet for Lot 15.02 and 86.05 feet for Lot 15.01. The minimum required lot width is 90 feet. The applicant must address the positive and negative criteria for the requested variances. Review Comments The existing single-family dwelling will be removed prior to filing of the plat or a bond will be posted for the structure removal. Concrete curb and sidewalk will be provided along the site frontage. Individual septic systems and potable wells will be provided on each lot. The applicant should provide information as to the nearest water and sewer facilities. Off-street parking for each lot must comply with the NJ Residential Site Improvement Standards. The map is based upon a 2003 survey which should be updated. The applicant should provide monumentation for the wetlands and transition area lines to protect these areas from future disturbances. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant and said this applicant thought this approval was filed and recently found out that was not the case. When the variances were granted the setback was 100 ft. and now it is 90 ft. He is asking whatever is possible to keep the approval without costing him too much. To ask him to update the survey would mean he would have to go to an engineer and he does not have the money. The remaining items were the same requests that were there from the approval 5 years ago. They can meet everything but the question to ask for NJDEP LOI is if it is still good and Mr. Peters said he thought an LOI was good for 5 years so they would have to check. They will meet everything if they have to and Mr. Peters said they may have to get an extension from the NJDEP for the LOI which is easier than getting the original one. They will install sidewalks.

Motion was made by Mr. Schmuckler, seconded by Mr. Miller, to advance this application to the meeting of April 15, 2008

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

15. DISCUSSION- Amendment to Zoning Ordinance-revising B2 zone

Mr. Banas asked Mr. Truscott to start. Mr. Truscott said there were basically 2 changes. Section 2 807 which deals with offstreet parking and circulation, paragraph 9 states all non residential uses in the B12 zone district on the 1st & 2nd story are exempt from the parking requirements of this section. The current ordinance says all non residential uses in the B2 zone are exempt from the parking requirements, so this first change exempts only the first and second story within the B2 zone and anything floors above that (up to 65 ft) will be required to provide parking.

Section 3 addressed the requirements in the ordinance that do allow to do offsite parking on other lots within 1000 ft. and this makes it a little more stringent and says the board can require certain information and adds appropriate language to say that the board with a valid legal instrument, giving the applicant legal use to use the off premise parking facility for the duration of the use for which the parking is required. That instrument has to be reviewed and approved by the board attorney prior to the approval of the application and filed with the township clerk and the board secretary upon the approval. This sets up more stringent standards than are in the ordinance now. Those are basically what the changes are.

Mr. Miller said he knows there are members of the audience that are here as well to give their thoughts. There was an application tonight that proposes to replace an old decrepit building with a new one. If we told this applicant they don't have parking so they couldn't put their building, we are shooting ourselves in the leg. We know our downtown going to pot and we need to revitalize the downtown but at the same time we can't zone ourselves out of the downtown and can't make hardships for the builders who can make the downtown better. We have to figure out a medium to make it work and he likes this idea but feels it is a little premature and asks the board to come back to this with more thoughts on this. He knows there are parking problems downtown and the Township Committee does not have an exact description of what type of parking solutions we have for the downtown and thinks this is a drop too premature.

Mr. Akerman said when they get recommendations from the Committee it is not something of such large volume and that has such a large scale effect on people. If someone bought a building in January assuming he can build 6 stories he is now told 2 months later he can only build 2 stories without parking, he would be at a loss. Something of this magnitude should have been in the Master Plan where the recommendation would be there and they would know it would be acted upon sometime in the future, maybe 2, 3 or 5 years. Mr. Banas said he thinks this is the outgrowth of the items that were presented in the re examination of the Master Plan. This was part of it and probably there were other items that came in and brought a necessity or urgency to bring this forward. He thinks we are restricted by time and we spoke about this at the last meeting to see whether or not we were able to table the matter until this meeting and we must respond at this meeting in one way or the other in some fashion. Mr. Akerman has no love the high buildings he just feels that during the Master Plan proceedings we were pushing towards hitting the sky and we are giving a message to investors that we are allowing 6-8 story buildings and he agrees there is a parking problem but this is happening too fast and too monumental.

Mr. Miller said as the housing grows, so does the demand for more shopping, and office space and we would be sending the business out of Lakewood. Our downtown needs revitalization and we are taking away the incentive of every business owner to revitalize and make their buildings look nice and he can't support it the way it is.

Mr. Franklin said to take the other side of the argument, what you have to do is you have to have parking. You can feel sorry for the guy who builds the 5 story building because what is going to happen when he pulls downtown onto Clifton Avenue and can't park his car, he is not going to go into the 5 story building. Now there is no sense in him having tenants if nobody is going to get into his building. This is a double edged sword and there has to be more planning done on this. Who is going to pick up the parking on this, is it going to be the taxpayer when they build these multi thousand of dollar parking garages or does there have to be an escrow fund set up by the person building this high rise that he is responsible for so many parking spaces and as they are built he has got to contribute. You have to have the parking for the building or the people won't come. If the people don't come you don't have the tenants then you have a big glob on your hands that is paying taxes that someone is going to have to knock down.

Mr. Miller said unfortunately this ordinance does not say anything about the idea of an escrow towards parking and if that was in here he would be more inclined to back it up. He thought it was a great idea. The way the ordinance is written he cannot support it.

Mr. Fink said last year when there was an application in front of the board by Mr. Penzer, they talked about going back to Ocean County and asking for some financial relief of building multi-level parking lots and he still thinks that is the way to go. He thinks John Franklin was right on the money, if we are going to bring new people to Lakewood we need the plans to do it and without the parking there is going to be issues and retail spots without parking can't make a profit and without a profit the retail is gone.

Mr. Miller wanted to ask the board if they could send a letter to the Township Committee requesting from the Committee knowing what facts, what parking lot or garage, what concrete is on the table with the specific numbers so they make an accurate decision in this matter.

Mr. Banas said there is a committee that is in its' infancy to study that question but they have not met yet. They will determine where to establish more parking downtown.

Mr. Jackson said Mr. Banas' comment about the time period is correct and when the governing body refers an ordinance to the Planning Board for consideration, the board has 35 days to respond. It is an advisory thing, the board can say it whether it believes the ordinance is consistent or inconsistent with the Master Plan or give its recommendations and if the Planning Board does not respond within the 35 days then the Committee can move forward without the input from the Planning Board.

Mr. Banas asked Mr. Jackson if he was correct in stating that the Committee can respond in one of three ways; accept the recommendation of the Planning Board, change it or deny it. It is their call and the Planning Board is an advisory board.

Mr. Truscott said there is a parking study underway. T&M Assoc. is doing a study that the Township got a grant to do a study in the downtown area and that has started and the field work will be started next week. It will probably be several months for the results are complete, no longer than 6 months, probably shorter.

Mr. Banas opened the floor to the public

Mr. Doyle Esq. who represents Mr. Weinstein who owns property within the affected area. This is a very significant ordinance that affects the downtown of Lakewood changing radically the present parking requirements. This board is not used to acting hastily and this particular ordinance seems to be moving in a way different than the hearings of the re examination of the Master Plan. He thinks using some time is appropriate in this matter and more thinking needs to be put into this. He said if you have a 2 story that was 5,000 sf on each story (10,000 ft) they would not have to produce any parking but if you had a 3 story building with a footprint of 1,000 sf (3,000sf for 3 stories) you would have to provide parking even though their building was 1/3 of the size of the 2 story 10,000 sf building and that does not make any sense. He thinks the board should continue its' deliberation to the March 18th meeting that way people will hear of this discussion and be able to participate.

Mr. Graviano, who is a licensed planner in the state addressed the board. He said he thinks it is this board's duty to adequately study this ordinance. The B2 district encompasses a relatively small area of the township which is characterized by older deteriorating buildings in need of redevelopment and reinvestment and establishing off street parking will inhibit the potential redevelopment of these buildings. The 2007 Master Plan indicates that non industrial commercial uses account for only 4.8% of the land uses within this municipality and that includes the uses along Route 9, Ocean Avenue and New Hampshire Avenue. By limiting these buildings to do 2 stories the Township will lose not only tax revenues but the ability to have a downtown that stands apart from the typical suburban style development that dots the major highways. The 2007 Master Plan Re examination provides recommendations for the downtown area and there were no recommendations to make the parcels within B2 provide off street parking nor was there a recommendation to limit the size of the buildings and the height of the buildings to provide parking. The only recommendation was a goal of increased parking within the downtown with an objective of constructing multi level parking. The Master Plan also encourages the growth of small businesses and by limiting the size of the buildings in the downtown area the Township is eradicating the possibility of additional business establishments that could feed off the foot traffic and a denser downtown. Such an ordinance change should not be made without an amendment to the Master Plan. He feels the requirements should at least go by square footage not a story basis if the board wanted to entertain this. He thinks they should wait until the report on parking is done before the ordinance is passed. We also do not know what the impact would be on the UEZ zone and the revenue it generates. More study needs to be done on this ordinance and the proper thing to do is reject this proposed ordinance change until it can be studied in further detail.

Mr. Penzer wanted to piggyback on Mr. Millers comments and doesn't feel you should cause a sickness to solve a problem. There used to be parking meters on every street until a lawyer got a parking ticket and it was learned that all the meters were 3 inches short so they all had to come out. There was a problem with parking in Toms River and the

county created a parking authority that created bonds to develop a parking area. He believes the best place to make the same type of garage that they have in the county is on 1st Street on the lot we have now between 1st and 2nd bordered between Highway 9 and Clifton Avenue. It is underutilized and could be a multi layered, multi floored, 4-5 story and it is owned by the Township and he bets that if the Chamber of Commerce were approached and asked by the storeowners if they would pay for valet parking, so there would be designated spots, he thinks they would contribute to that. It would be a win-win situation. You have to be motivated if you want to do your business to be able to have something that someone else doesn't have and valet parking would be something that would work. Storeowners would contribute to that. He thinks you need to have a parking authority first, then you can go and talk about parking.

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

Mr. Schmuckler asked Mr. Miller why the Township Committee kicked this to them so fast and Mr. Miller said it happened so fast and the Township Committee said let the Planning Board discuss all the issues and they usually follow the Planning Board's recommendation.

Mr. Miller recommended this board recommend to the Township Committee

Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to reject this ordinance right now and recommend to the Township Committee that after the studies are done it should be re written with more thought and then sent back to the Planning Board to review further. It would be inconsistent with the Master Plan to restrict building and require parking as a condition for building and it requires further study to determine the correct way to promote parking.

Mr. Jackson said the Planning Board can make and transmit to the governing body within 35 days after the referral report, including identification of any revisions in the proposed development regulation revision or amendment that is inconsistent with the Master Plan and recommendations concerning those inconsistencies and any other matters as the Board deems appropriate.

Mr. Doyle spoke again and said the Board could wait until the 18th to put their thoughts together and Mr. Jackson said he thought Mr. Doyle was against the ordinance and Mr. Doyle said if the board acted tonight, their job was done and the Township Committee could still act on it on the 13th but if the Planning Board waited until the 18th, they would still be within the 35 days and the Township Committee could not act on it on the 13th. That additional time might allow for greater thinking at the Township Committee level.

Mr. Jackson will draft a letter to the Township Committee with the board's recommendation to reject the ordinance until the study from T&M is completed.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

Mr. Banas asked Mr. Jackson to draft the letter and email it to the board members as soon as possible.

7. PUBLIC PORTION

Herb Cottrell wanted to talk about the duplexes and his concern is the parking spaces. They recommend specific spaces and in reality that is not what is being executed. The Board talks about no finished basements that can be lived in, the number of parking spaces and right around the corner from him a duplex has been built and he has pictures that speak 4,000 words worth. There is two spaces per unit if you drive Yugos and if that is not a side entrance to a finished basement it is awful fancy. It is not being executed and the commitment by the town to make Harvard, Park and Apple one side of the street parking has not been carried through and we now have a situation on Park Place that is being used as commuter parking. There are 2 parking spaces for the duplex by his house and it is obvious they plan on putting people in those basements and both of those things the board has said they are not to do. Somebody is not getting the memo. Mr. Miller asked if there was a resolution compliance for the approval that says the street should be turned into a one way street. Mr. Franklin said they mentioned it but there is not way the board can do it. Mr. Miller said as far as the policing of that is concerned, that is the inspection department. Ed Mack, and he suggests he get in touch with him. In regards to parking on the roadway the Township Committee can do that. Mr. Cottrell said the code enforcers are supposed to do this and they are not doing it, they allow it to be built, they allow the number of parking spots and they are either not inspecting, not paying attention, not doing something. He does not want to call them, he is tired of calling them, tired of asking them to clean the street up, tired of talking to deaf ears. They have violated the spirit of what this board has laid down, clearly he heard what the board instructed and they are doing what they want to do. He thinks the board should be a little discourage by the fact that their wishes are not being executed by the arm of this town that is supposed to execute it.

Mr. Banas asked to see the pictures. Mr. Banas said he would try to get something done. They discussed the pictures and there were multiple conversations. Mr. Miller took the pictures and asked for his name and number.

8. CORRESPONDENCE

- None at this time

9. APPROVAL OF MINUTES

- Minutes from February 19, 2008 Planning Board Meeting

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

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

10. APPROVAL OF BILLS

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

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

Mr. Banas had 2 comments about the minutes from the Ocean County Planning Board. One didn't say very much about anything one meeting but the other one was loaded pretty heavily and he has a question for the professionals is if the Ocean County technical design manual just come out of existence, is it something new. Mr. Peters did not know and Mr. Kielt said it has been around for years. Mr. Banas said it is the first time he has ever seen it in any reports and they have hit this up pretty hard. They are citing the use of this manual in the curb and sidewalks and have been supporting in the comments for this board.

11. ADJOURNMENT

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary