

**LAKWOOD PLANNING BOARD  
MINUTES  
PLAN REVIEW MEETING  
MEETING OF: MAY 30, 2006**

**I. CERTIFICATION OF COMPLIANCE**

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

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

**2. ROLL CALL**

Mr. Herzl, Mr. Franklin, Committeeman Miller, Mr. Banas, Mrs. Wise, Mr. Akerman, Mr. Gatton

**3. SWEARING IN OF PROFESSIONALS**

Mr. Banas said another meeting needed to be scheduled because of the back log of applications and Mr. Kielt selected Tuesday, July 11, 2006.

**A motion was made by Mr. Franklin, seconded by Mr. Herzl, to schedule a special meeting for July 11, 2006 at 6 p.m.**

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

Mr. Akerman arrived at the meeting.

**4. OLD BUSINESS**

Mr. Jackson said he had a conflict with one of the applications, Uman Holdings. The board will have to appoint counsel to handle the conflict, and suggested Mr. Harrison, or Mr. Starkey. He will arrange for counsel.

**1. SD # 1492A (VARIANCE REQUESTED)**

**APPLICANT: WEINREB & BERGER**

Location: corner of Leonard Street and East End Avenue  
Blocks 228                      Lots 7 & 8

Extension of Minor Subdivision approval

Mr. Peters stated they have reviewed the project and the plans were in resolution compliance and signed on April 3, 2006. The applicant seeks a 190 day extension, but the application does not state the reason for the extension. Testimony should be provided to show why the board should grant the requested approval.

Mr. Flannery said the applicant missed the deadline by 5 days and if it hadn't been the Jewish holiday, they would have been on time.

**A motion was made by Mr. Herzl, seconded by Committeeman Miller, to approve the extension for 190 days.**

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

Mr. Slachetka arrived and was sworn in.

**2. SP # 1794**

**APPLICANT: MARION WERBLER**

Location: Cross Street, west of Augusta Boulevard  
Block 524                      Lot 3

Revisit approval resolution pertaining to deed restrictions outlined in Item 9 of JCA letter dated 11/29/04

Mr. Peters stated the project consists of the construction of 4 metal contractors' storage/ office building containing a total of 74 units and located in the M-1 zone. The applicant wishes to revisit the previous planning board approval, specifically addressing the condition of approval that the site be deed restricted to prevent the storage of outdoor waste containers. Due to the nature of the use, there is a greater than usual possibility that dumpsters or waste would be permanently stored by tenants outside of the specific storage units. We believe the storage of wastes can be controlled by the township's health and safety regulations, and the storage of dumpsters should be restricted to a specific area with adequate screening provided. The applicant should provide testimony on what is planned at the site.

Mr. Penzer appeared on behalf of the applicant and said they could meet the engineer's recommendations, but their only objection was the deed restriction because that impedes the title. This is the only issue opened on resolution compliance. They would have a specific restricted area which would limit and would give each tenant that comes in a notice that states he will be fined if he puts it anywhere but this designated area.

Mr. Slachetka did not do a review letter on these plans.

Mr. Banas asked Mr. Peters if he felt this would do what the board had in mind in the previous application. The fear was that the dumpsters would be left out in the open, but the screening should be sufficient. His other suggestion was that the containers be stored empty, so that the contractors are not bringing back full prior to storage.

John N. Ernst, PE was sworn in on behalf of the applicant. He showed where the dumpster would be located, and there will be screening. He pointed to the 4 locations where they will be sized to meet the demands of the tenants. The refuge will be picked by private collector.

Mrs. Wise questioned the type of storage the dumpsters they were, and Mr. Ernst stated it was everyday trash in the dumpsters.

Mr. Jackson had a question for Mr. Penzer about item #9 in the resolution. He asked if Mr. Penzer noticed for this modification of relief. Mr. Penzer said he did not. Mr. Jackson said this is a typographical error and Mr. Penzer said yes. Mr. Penzer said when the application was approved, he requested a waiver of the deed restriction because of title problem. He said the board agreed but when the resolution was drawn, it stated all the conditions of the letters from the professionals, but that one item was not stipulated. The problem is the board does not remember the ruling, so the transcripts would have to be listened to. Also Mr. Penzer has to notice this modification so he agreed.

**A motion was made by Mr. Herzl, seconded by Committeeman Miller, to carry this application to the next available meeting after hearing the transcript and notice it. It will be scheduled under Old Business after Mr. Penzer receives the transcript.**

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

## 5. NEW BUSINESS

**1. SP # 1845 (NO VARIANCE REQUESTED)**

**APPLICANT: LAKEWOOD FIRE COMMISSIONERS**

Location: New Hampshire Avenue, north of Chestnut Street  
Block 1159 Lot 88

Courtesy Review of Site Plan for proposed addition to Junior Hose #3 firehouse

Mr. Peters stated the applicant is seeking to construct a 288 ½ sf addition to an existing 4,436 sf fire house. The adjoining properties are woodlands and residential. No variances, waivers or outside agency approvals are required. The entire addition will be within a notched area outside of the existing building and will have little or no impact on site grading, stormwater run off or parking requirements.

Mr. Slachetka read from a letter dated May 26, 2006, revised May 30, 2006. The project is adjacent to the Lakewood Industrial Park. The rest of the comments concur with Mr. Peters' letter.

Richard Braslow, Esq. appeared on behalf of the applicant. The architect is also present. James Butler, architect was sworn in. He said the addition will provide a vestibule into the building and a display area for a piece of antique apparatus. There will also be some interior alterations which will not affect the footprint. The exterior is being updated with finishes to make it more aesthetic.

Mr. Banas said it looks like a straight forward application.

**A motion was made by Mr. Franklin, seconded by Mr. Herzl, to approve this as a courtesy review, with no further meeting required.**

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

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

**APPLICANT: GEORGIAN COURT UNIVERSITY**

Location: Lakewood Avenue and Ninth Street  
Block 44 Lot 1

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

Mr. Penzer stated he was an objector, with other objector attorney's there as well.

Mr. Peters stated the applicant is seeking a 66,000 sf one story wellness center building on the campus which will contain a gymnasium, locker room facilities, various athletic fields, etc. It also includes the elimination of the Mercy Center and the construction of a new parking lot and a new entrance to the complex from Ninth Street. The complex consists of 149 acres which is located between Case Road and Ninth Street on the south, Case Road on the west, Lakewood Avenue & Forest Avenue on the east, and 14th Street to the north. The tract has direct frontage on Case Road, Lakewood Avenue & Ninth Street. Most of the existing dwellings and drive are concentrated in the south half of the tract and the proposed improvements will be constructed on the north side of the existing development. The area west of the existing library and parking area is currently open, the remainder of the lot is wooded. Located in the R-12 zone and all the bulk variances and setbacks for this application conforms to the requirements of the ordinance. The applicant will be required to obtain all outside agency approvals. The applicant proposes a net increase of 368 parking spaces for a total of 1,695 parking spaces. Based on the information provided there is no way to determine if the total number of parking spaces provided is adequate and/or if a parking variance is warranted. The applicant shall provide the basis for the number of parking spaces. Based on the total number of parking spaces provided there should be 28 handicapped parking spaces at this facility to conform to the uniform construction code. There appears to be 9 handicapped parking spaces provided in the

rear of the existing arts and science building, library and proposed wellness center. The applicant shall testify if there are additional parking spaces elsewhere on the property which will yield the appropriated number of handicapped parking spaces. This application includes a 24 ft. wide access drive to the parking area from 9th St. A portion of this drive will contain a landscape median and a gatehouse. The applicant shall provide testimony if the gatehouse will be manned 24 hours or if a card activated reader will be employed. The athletic fields will utilize light towers with spotlights of varying heights, 60-70 ft. high for the softball fields, 50 ft. high for the tennis courts, and 80ft. high for the track and field area. The applicant shall testify as to the hours that the spotlights may be in use. It shall be noted that there are no lights for the proposed soccer fields, and the plans do not identify any trash enclosure locations. The applicant shall testify how trash is handled at this facility.

Mr. Slachetka read from a letter dated May 26, 2006 and revised May 30, 2006. The current subdivision does not include a formal site plan sheet in addition to the extensive engineering plans. An appropriate site plan sheet with full and uninterrupted details to the project area should be submitted before further reviews can proceed. We note that based on our review of the current submission and the landscaping grading plans, it appears that the applicant proposes to remove 88 parking spaces, provide an additional 448 spaces in an area that is proposed to the south of the outdoor running track. In addition, the applicant is proposing an additional 8 spaces at the proposed gatehouse. These improvements would increase the number of parking spaces from 1239 spaces to 1695 spaces. The applicant should provide the board with verification that the proposed facilities will be for the sole benefit of the students, faculty and staff of the university. We are concerned that if the facilities are made available to the public, certain parking circulation issues may arise. The applicant must provide the board with a clarification of the intended use of the proposed gatehouse because as shown on the architectural details, it contains lockers, showers, toilets a work area as well as equipment and control rooms. It is our interpretation that these uses are not consistent with the traditional use of a gatehouse. In addition, we note that the gatehouse is not proposed to be located within close proximity to the proposed athletic facilities. If the gatehouse is intended to be an accessory of the athletic facilities the applicant should find a more suitable location. The applicant proposes extension lighting for the site, and should also provide additional lighting at all entrances of the proposed fitness center. The applicant should provide foundation plantings around the proposed fitness center, and decorative landscaping around the stormwater retention pond, and due to its shape, we recommend the placement of additional aerator within the northern most portion of the pond. It appears that not all sheets of the submitted plans contain a north arrow, please revise. The applicant has indicated that the height of the proposed building will be less than 35 ft. and we find the design of the fitness center to be suitable and appropriate for the intended use. The applicant should provide revised lighting plans which include sufficient coverage of the areas of the proposed soccer fields. The applicant has submitted the traffic assessment for the proposed project and we defer this review of this assessment to the boards engineering consultant. The remaining comments are technical in nature.

Mrs. Grace Bertone, Esq. appeared on behalf of Georgian Court University. She planned to address through testimony each of the comments from the professionals. She has 4 witnesses, Dr. Gower, provost of the university, Michael McKenna, Engineer, Mr. Cywinski, architect, John Rea, traffic engineer. Mr. Banas said at the technical meeting, there is no

need for witnesses, that is reserved for the day of the public hearing. He said she could ask anyone to speak on her behalf. Dr. Joseph Gower spoke about the facility and what was being planned. He said the athletic facility was built in 1899 by the Gould family as a polo facility. Now it is a university with 6 intercollegiate sports and the facilities are inadequate and need to be enhanced in order for them to be competitive in the competitions. A wellness center is sometimes referred to as an athletic center, or a recreation center. He is here today to request to build a wellness center. The gate is inadequate because it has an "S" curve that emergency vehicles cannot enter the campus, and fire trucks cannot come in. They would like to get the traffic off the street and into the campus, and they feel the new entrance will enhance the beauty of the campus as you enter into it. It would have safety factors to get the traffic better controlled and off the main street closer to Route 9. The gatehouse locker room is merely a changing room for the security staff, as it is common for security staff to have rooms to change their clothing and have a shower and bathroom. This application is not to expand the university but to meet the needs of the current students, so they can be a destination school to attract better athletes and meet the needs of the students.

R. Michael McKenna, site civil engineer for the university. He displayed a board for viewing, marked exhibit 1, a colored rendering of the wellness center dated 5/30/06. It shows the proposed soccer fields, track fields, baseball fields, additional parking, and the wellness center on the left. He addressed the planners comment about the formal site plan, and said his view is that the entire site is subject to a site plan which includes 2 soccer fields, 2 baseball field, track with lacrosse field in the middle, tennis court and wellness center. They attempted to put them on 3- 50 scale drawings, and if the planner wanted them to label that site plan, they will, but feel they have the area covered sufficiently. Mr. Slachetka asked if that was a fully scaled plan showing setbacks, etc. because that is what he requests. He needs the site plan sheet which would show building locations, dimensions, setbacks, distances between buildings, etc. Mr. McKenna said he would provide one.

Mr. Penzer stated he felt there was a deficient notice, in regards to the 60 and 80 ft. lights, and feels there is nothing in the R-12 allowing that height. Mr. Jackson felt if a notice is required it could be sent out within 10 days from the public hearing. In terms of whether variances are required he deferred the question to Mr. Peters. Mr. Penzer also had a problem with traffic.

Mr. Michael Vitally, appearing on behalf of the Rosenbaum family who own several pieces of property within the access drive. Here are private property owners across the street, and he would like to participate in this hearing. Mrs. Grace Bertone agreed to furnish Mr. Penzer with whatever paperwork he requires. Mr. Penzer requested a meeting with the applicant and she said she would confer and see. Mrs. Bertone said she would have no problem speaking with Mr. Penzer after tonight but would like to proceed tonight and address the comments from the professionals.

Mr. McKenna continued addressing the comments and spoke about the parking. The ordinance speaks of 1 space per classroom, 1 per meeting room, 1 per office, and they don't have a set number for that but it is in the order of about 200 spaces. The plan currently has over 1200 spaces (1239) and they plan on taking out 88 of those for the

wellness center. Additionally, there is another parking lot proposed. There is more than adequate parking on site currently, and there is no issue relative to the ordinance. As far as the handicapped parking spaces, the plan shows 9 but the recently completed parking lots from a previous approval show there are currently 15 spaces painted, but campus wide there is a total of 37 handicapped spaces, which exceeds the 28 required. Mr. Peters said that was sufficient. Mr. McKenna will forward those plans for review. He questioned the height of the lights, and said he did not see anything on it in the ordinance and asked the planner to investigate. As far as Mr. Slachetka and the comment about the aerator, he proposes to move the one that is shown on the plan to the center rather than add a second one. They plan on having testimony at the public meeting to address any other comments made by the professionals and the traffic engineer is present to address traffic issues. She will also have the architect at the public hearing.

Mrs. Bertone addressed the lights on the soccer fields, and said there were none proposed, only the baseball fields and track fields.

Committeeman Miller was concerned with the intersection of Private Way and Ninth Street, being that this intersection will be subject to a backup of traffic. He said there would be no room for stacking. He would be in favor of a full blown traffic study.

Mr. Vitiello said he felt that even though this was a technical meeting, he felt there was a procedural problem with the notice, and that the public was not notified of the proper application. Mr. Banas said the board's attorney advised that adequate notice will be provided for the public hearing. Mrs. Bertone objected and stated that the notice was not deficient, because there is no requirement in the statute that states you have to provide a catch all. Notice was provided to everyone and is satisfactory as is. Mr. Jackson stated he doesn't know if the lighting requires a variance, and the objectors will have the opportunity to cross examine the witnesses at the public meeting, this meeting gives an opportunity to clarify the issues, give the applicant some direction, get the ideas from the board, etc. Mr. Penzer wanted time to get his own traffic study done, because he believes there is a lot of information that Mr. Rea was not privy to.

Mrs. Wise wanted to question who would use the facilities, and Mrs. Bertone stated it was only for the students and the faculty.

Mr. John Rea traffic engineer spoke about the traffic and stated that the access gate is being moved over to the intersection of 9th Street and Private Way. The change that will be that traffic that is orientated to and from Route 9 (approx. 2/3) of the traffic generated by the university will be able to enter and exit a little closer to Route 9 and will less of an impact to those 9 residences that are on the south side of 9th Street, opposite the university. Based on the traffic counts, etc. not only does he not see a negative impact on the neighborhood, he sees a positive impact in that the majority of the traffic flow is oriented to and from Rte.9 and now all of that traffic will be on that section of 9th Street between Private Way and Rte.9 and will not be impacting those 12 homes that are across the street. He took traffic counts on 2 days in April, when weather conditions were good and the university was open, no holidays, etc. to sample the traffic activity from 8:30 in the morning until 7:00 pm and looked at peak hours and concluded that the changes can be put into effect without having an adverse or detrimental

Impact on traffic conditions in the neighborhood and will positively impact the residents on 9th Street directly across from 9th St.

Committeeman Miller said that the month of April is when BMG is off from school because of the holiday and the traffic report is flawed. He said 9th Street is a long street so stacking is more possible than the small street.

Mr. Rea responded and asked about where Committeeman Miller where he was talking about the stacking, and told him the stacking would be the same as you see today, except there would be less stacking in front of the homes directly across from the university because those cars would be on the university's property instead of the in front of their homes. Mr. Banas asked if the school was in session now and Committeeman Miller said yes.

Mrs. Wise questioned the traffic report, and asked if Mr. Rea was going to go out and re look at the traffic patterns based on the boards recommendation, and he said he would defer that to the applicant, but said his report was not flawed, and there were numerous cars on Private Way when he did his study. He said he is confident that his findings, and shows the majority of the traffic on Private Way makes a right and heads down 9th St. just like the university's traffic, and that traffic co exists today. He was surprised he had to do a traffic study, because the flow of traffic will remain the same. They are not putting in townhouses or a development to generate more cars, this will be the same number of cars, just entering and exiting at a more appropriate location. Mrs. Wise questioned if there were games, etc. that the traffic study was correct, and he said those activities are already happening on that campus, just at substandard facilities.

Mr. Akerman asked Mr. Rea about the houses between Private Way and Lakewood Avenue, but said the houses between Forest and Lakewood Avenue might be very impacted. Mr. Rea disagreed and said the guardhouse is being located 400 ft. into the university, so there will be stacking into the university, starting out at 2 lanes merging into 1, so there will be room for 20-25 cars. Mr. Banas asked how fast they go through to the university and Mr. Rea said he had to stop but wasn't sure. Mr. Akerman asked why a car count if it was not necessary and Mr. Rea replied that they knew there would be issues about traffic and wanted to be prepared.

Mr. Jackson said a member of the public approached and asked him a legitimate question. He said if the members of the public are not permitted to participate in this, how come Mr. Penzer and Mr. Vitiello are able to. Mr. Banas said when they deal with professionals, they deal with a one to many basis rather than a one to one.

Mr. Penzer asked Mr. Rea when he did his study (time of day) and Mr. Rea said he did take the peak hours into account.

Mr. Shea spoke up and said that all of the arguments being brought up by Mr. Penzer and Mr. Vitiello will be covered at the public hearing and should not be heard here.

Mr. Bernard Cywinski architect summarized what the wellness center will comprise. It will be 66,000 sf and divided into 3 separate buildings, all being 1 story in height, maximum height being the gymnasium, under 35 ft. The other uses will be lockers, administrative

areas and training areas, two multi purpose rooms, a fitness center and a small bookstore to replace the old one. There is an arcaded walkway that fronts the eastern face of the building that brings the building down to the residential scale of the surrounding buildings. It will be a green building, which is energy efficient, built with healthy materials.

**A motion was made by Mr. Franklin, seconded by Mrs. Wise, to move this application to the next public meeting which is July 11, 2006.**

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

**3. SP # 1840 (VARIANCE REQUESTED)**

**APPLICANT: BEN ORSHITZER**

Location: East End Avenue at end of Leonard Street, between East Havenwood and Rosebank Streets  
Block 208 Lot 180

Change of Use Site Plan from residence to residence and house of worship

Mr. Peters stated the applicant is constructing a 1 story synagogue and a 2 story dwelling. The application includes a paved parking area and a underground stormwater management basin. The property is in the R-10 zone and the existing property is occupied by a single family dwelling with a driveway and sidewalk. The remainder of the property is vacant with a number of large trees, most of which will be removed for the proposed construction. An existing survey of the property shall be provided. Variances are required for the following: side yard setback, 20 ft. is proposed, 25 ft. is required; maximum building coverage, 26.7% is proposed, 25% is maximum. The applicant proposes 15 parking spaces for the synagogue, and 3 parking spaces for the residence. The ordinance requires 1 parking space per 100 ft. of sanctuary area be provided, so this application would require 18 parking spaces. 15 parking spaces have been provided requiring a variance. All outside agency approvals will be required. The applicant has provided 1 handicapped space which is satisfactory according the Unified Construction Code. Illumination for the parking area will be provided by 2 12ft high pole mounted lighting fixtures. The fixtures will be 100 watt high pressure sodium lights with black out panels to avoid spillage onto adjacent properties. It appears the illumination provided for the parking lot is adequate. We recommend that illumination also be provided for the handicapped ramp to the building and to the access ramp. The remainder of the comments are technical in nature.

Mr. Slachetka read from a letter dated May 26, 2006. The solid waste enclosure indicated on the site plan appears unnecessarily large for the proposed use, and the applicant should provide testimony as to the basis of the size of the trash area. The storage for solid waste receptacles should be consistent with the neighborhood. A fence and landscaping is proposed along the perimeter of the south side of the parking area to screen the adjacent resident, and the fence also encloses the side and rear of yard. The parking lot lighting should be linked to a timer to reduce the impact to the adjoining properties. The remainder of the comments are technical in nature.

Mr. Penzer appeared on behalf of the applicant. Mr. Surmonte appeared as the engineer. Mr. Surmonte addressed the comments, and said the refuge enclosure location, and said they would revise a more conforming one, residential in nature as opposed to the dumpster location. He also said the landscaping plan would be revised based on Max's recommendation. In reference to the planners report, he concurred with the recommendations and will put the parking light on a timer.

Mr. Banas asked if they could reduce the coverage in any way (26%) because it was a lot. Mr. Surmonte said they are permitted 25% so this is only 300 sf over the maximum permitted, and looking at the architectural, it does not look as large as other buildings would.

**A motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance this application to the July 18, 2006 Meeting**

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

**4. SD # 1525 (NO VARIANCE REQUESTED)**

**APPLICANT: SARAH BODEK**

Location: New York Avenue, between Ridge Avenue & East Seventh Street  
Block 223 Lot 95

Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is proposed to create 2 lots one of which is a flag lot. The dwelling on lot 95 is to be removed and shall be completed prior to subdivision or bond shall be posted to ensure prompt removal once subdivision is completed. No new dwellings are proposed at this time. The site is located in the R-10 zoning district and not variances are required. All outside agency approvals will be required. The applicant has provided a 6 ft. wide shade tree easement and sidewalk along the property frontage. The required parking and zoning table shall be revised to 2 ½ parking spaces as per RSIS when the number of bedrooms is not indicated. A driveway for lot 95.01 has been revised and can now accommodate 2 cars, and the applicant must indicate how additional off street parking will be achieved. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated May 24, 2006. Architectural plans are required for the proposed dwellings per section 805-G6C have not been submitted and the plans must be revised to address the above listed deficiency or a design waiver will be required. The applicant must show a need for the creation of a flag lot and provide reasons for using a flag lot instead of standard subdivision. Two street trees are now proposed along the frontage of new lot 95.01 and the remaining comments are technical in nature.

Mr. Penzer appeared on behalf of the applicant. He agreed to meet all of Max's comments and will provide 3 parking spaces to meet the RSIS. Mr. Carpenter addressed Mr. Slachetka's comment on the architectural plans by saying no dwellings are proposed, and the applicant will be selling the lots, but the buildings would fit within the building envelope.

Mr. Banas said the perimeter of trees are shallow in the second lot 95.02 and Mr. Penzer agreed to add more landscaping. (in the southerly and westerly part of the lot)

Mrs. Wise questioned the concrete pad that was there on lot 95.02 and asked if that was going to be removed and was told yes. A note will be added to the plans.

**A motion was made by Mr. Herzl, seconded by Mrs. Wise, to advance this application to the July 18, 2006 Meeting**

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

**5. SD # 1540 (VARIANCE REQUESTED)**  
**APPLICANT: PROSPECT BUSINESS PARK II**  
Location: Prospect Street, east of Havenwood Court  
Block 396 Lot 1  
Minor Subdivision

Mr. Peters stated the application is location on 14.46 acres and proposed lot 1.01 contains a group of existing storage buildings and will have an area of 8.46 acres. Proposed lot 1.02 is vacant and will have an area of 8 acres, and is in the M-1 industrial zoning district. Ocean County Planning Board approval will be required and should be made a condition of final approval. No variances are being sought, but the applicant wished to reduce the front yard setback from 100 ft to 50 ft. and this is permitted with approval from the Industrial Commission, which the applicant must provide proof of. The remainder of the comments are technical in nature.

Mr. Slachetka read from a letter dated May 26, 2006. Technically, without improvements, this application would require a statutory waiver from Section 40:55D-35 would be required for the minor subdivision without improvements but that is being handled by the following site plan application. The applicant should address the improvements along proposed lot 1.01 that extends into lot 1.02. The zoning schedule should be revised to read building coverage, not lot coverage and the remaining comments are technical in nature.

Mr. Penzer appeared on behalf of the applicant, and introduced Donna Dunn from 3D Engineering. Mr. Penzer said they have asked the Industrial Commission for the letter and will have it by the next meeting. Mrs. Dunn confirmed that the applicant does have a site plan application for the new lot 1.02 and that answers the waiver request. The applicant will comply with the remainder of the comments by the professionals and as far as the variance in Mr. Peters' letter, some of the existing buildings were built before Lewin Avenue was paved, therefore they should be grandfathered in. Mr. Kielt asked if they noticed it and was told no. Mr. Penzer said he would notice for the public meeting.

**A motion was made by Mr. Franklin, seconded by Mr. Herzl, to advance this application to the July 18, 2006 Meeting**

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

**6. SP # 1842 (NO VARIANCE REQUESTED)**  
**APPLICANT: PROSPECT BUSINESS PARK II**  
Location: Prospect Street, east of Havenwood Court  
Block 396 Lot 1.02  
Preliminary and Final Site Plan

Mr. Peters stated the application consists of 6 acres. The plan must be reviewed in conjunction with the minor subdivision for this property, SD 1540. The property fronts Lewin Road which connects to Prospect Street, and the proposed improvements do not extend the full length of Lewin Road. Located in the M-1 zoning district and no variances are being sought, but a waiver is being requested for the reduction of the front yard setback from 100 ft. to 50 ft. The plans indicate signs for fire lanes and loading zones are to be provided and must be shown. Outside agency approvals are required from Ocean County Planning Board and evidence should be made a condition of final site plan approval. 70 parking spaces are required, and the plans erroneously show 65 parking spaces. The plans provides for a excessive amount of parking spaces totaling 144 spaces and the applicant should supply testimony on the parking needs for the proposed use. An easement must be provided on lot 1 to allow for the construction of the free standing sign that will service lot 2. A 2 in. water service is proposed from Lewin Avenue through the site to the adjacent property and a proper easement must be provided, and easements shall also be provided for the sewer laterals that will service neighboring lot 1.04. Truck turning templates must be provided, the building appears too long to allow for large deliver trucks access to warehouse areas. There are 3 dumpsters provided, south of building A, and additional dumpster location near building B may be required. The remainder of the comments are technical in nature.

Mr. Slachetka read from a letter dated May 26, 2006. The improvement of a portion of Lewin Avenue is proposed and the applicant should describe the operational characteristics of the facility including: the types of office and warehouse uses that will occur on site, the anticipated number of employees, and the proposed hours of operation. 2 phases are proposed, the first phase is the construction of buildings A & B and the second phase will be the construction of building C. A total of 144 parking spaces are provided which exceed the amount required in Section 18-807d. A significant amount of landscaping is proposed, but we recommend the addition of low level plantings around the foundations of the proposed buildings. In addition, we note that the planting schedule indicates the eastern white pine trees will be 5-6 ft. in height, and Section 803B1C states trees should measure 6-8 ft. in height. They are asking for clarification of access to the rear of the building B during phase 1, because it appears the line demarking phase 1 and phase 2 shows the rear of building B in phase 2. The applicant should revise the lighting to provide a beam spread diagram for each of the proposed lighting standards in plan view. The remaining comments are technical in nature.

Mr. Penzer appeared on behalf of the applicant, and agreed to all the comments and to meet all the comments.

Mr. Banas questioned the location of fire hydrants, and Mrs. Dunn said they proposed 1 at

the extended Lewin Avenue (sheet 4 of 8 on the plans) Mr. Banas asked what was going to be put into the buildings and Chuck Ferguson, the applicant, stated it would be construction trades, plumbers, electricians that will store supplies and tools, maybe vending companies, etc,

Mrs. Wise questioned the type of trucks entering and also the sizes, but Mr. Ferguson said they did not have the units rented yet, but doesn't feel they would be larger than vans or commercial trucks.

**A motion was made by Mr. Franklin, seconded by Mr. Herzl, to advance this application to the July 18, 2006 Meeting.**

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

**7. SP # 1839 (VARIANCE REQUESTED)**

**APPLICANT: 401 MADISON LLC**

Location: Route 9 (Madison Avenue) @ northeast corner of 4th Street  
Block 93 Lot 17

Change of Use Site Plan from rooming house to 3 story office building

Mr. Peters stated the applicant proposes a footprint of 2,800 sf on a subject 15,000 sf lot. Entrance to the building is located on both Madison Avenue and 4th Street, and the applicant has selected Madison Avenue as the front of the property. The zone is R-OP residential office park zone and a variance is requested for the front yard setback on 4th Street; the ordinance requires 25 ft. while 20 ft. is provided. A variance will also be required for off street parking spaces; 29 spaces are required, 17 spaces are provided, with 1 handicapped parking space being provided. Curb and sidewalks exist along the property frontages. The plans should be revised to include a 6ft. wide shade tree easement to be dedicated to Lakewood Township. As there is no loading area provided, we assume that there is no need for one, which should be confirmed by the applicant. Illumination of the parking area will be provided by 2- 16ft. high pole mounted light fixtures with 150 watt sodium lights. It appears the illumination provided for the parking area is adequate and we recommend that the light at the rear of the parking lot be provided with a house side shield to limit the light spillage onto the residential property. Walkways to the building should be illuminated for safety. The applicant shall testify how trash will be handled because trash enclosures have not been provided. All outside agency approvals will be required. Letters were sent to the historic society which came back inconclusive but a librarian notes that the site is located in the large crowded preservation zone and recommend that the applicant do further investigation to confirm that the property is not considered a historical property. The rest of the comments are technical in nature.

Mr. Slachetka read from a letter dated May 26, 2006. The onsite landscaping is sufficient, but we recommend the landscaping be varied with a mix of at least 2 species to avoid a monoculture. The type of office uses should be addressed with regard to parking variance. If HVAC equipment is proposed outside the building, screening of the equipment should be provided. A sign plan should be provided per Section 18-8 and the rest of the comments are technical in nature.

Mr. Penzer appeared on behalf of the applicant, and said this building has a history of being a rooming house and was told by the Township Committee that they wanted to do away with rooming houses. Brian Flannery answered the comments from the professionals, and agreed to comply with the comments. They will address the parking variance at the public hearing. They need direction from the board on trash collection, especially Mr. Franklin. Mr. Franklin asked what type of occupancy and was told private offices, and he suggested one dumpster. The problem was the location of the dumpster and Mr. Franklin made his suggestion to place it directly at the end, so the truck can pull in and back out. Mr. Flannery agreed to the rest of the comments. Mr. Banas asked the condition of the sidewalks, and was told it was poor and will be fixed based on the Township Engineer.

Mr. Gatton said this building will occupy much more space than the current one, and Mr. Flannery said not much more. The setback from Route 9 to the existing building is 10 ft. and they are proposing 32 ½ ft.

**A motion was made by Mrs. Wise, seconded by Mr. Herzl, to advance this application to the July 18, 2006 Meeting.**

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

**8. SP # 1841 (VARIANCE REQUESTED)**

**APPLICANT: COMMERCE BANK NA**

Location: Madison Avenue (Route 9) between Kennedy Boulevard and  
County Line Road (former Crystal Diner)  
Block 1051 Lot 29

Preliminary & Final Site Plan for proposed bank

Mr. Peters stated the applicant proposed to demolish 2 buildings and construct a bank with 5 drive through windows and parking, combined lot total of 1.24 acres. An 8ft. wide strip of land along County Line Road is being offered for dedication to the county. A total of 6 driveway exits along the roads and the existing driveway on Madison Avenue is to be eliminated. 3 driveways are proposed for the site and 2 driveways are proposed for Kennedy Boulevard, 1 exit only and 1 entrance with right turn exit only. A waiver is being requested for submission of proposed utility layout. We do not recommend the waiver approval based on that the utility installation may have an impact on township roadways during installation. A variance is requested for a free standing signs, and the applicant is requesting 109.59 sf for each building mounted sign compared to 60 sf allowed by ordinance. The ordinance allows for 50 sf each for free standing signs and the applicant is requesting 144 sf. and is also proposing 3 free standing signs where 1 is allowed. The ordinance requires a minimum of 14 parking spaces, and the applicant proposes 45 spaces. No stormwater management devices are proposed and the application will result in a reduction of impervious surface and sight run off. The full movement driveway at County Line Road is in close proximity to the drive through tellers and the 2 way drive aisle behind the 12 parking spaces. This will be a very congested area resulting in cars backing up onto County Line Road. We question the need for 3 site access points and believe 2 will be sufficient. The areas of congestion can be reduced by moving the drive through

lanes to the opposite end of the site from the access points to allow for more stacking room behind the tellers and merging room after the tellers. Revisions to the site traffic flow should be discussed with the board. The remaining comments are technical.

Mr. Slachetka read from a letter dated May 26, 2006. The applicant proposes surplus parking spaces, and due to this the applicant should provide justification based on customer demand. Off street parking requirements must be balanced against stormwater management issues and potential for shared parking and additional landscaping. A traffic impact analysis has been provided for review and testimony shall be given at the public hearing. Pertinent issues include; site circulation and stacking area. Architectural plans have been submitted and the applicant only proposes 2 shade trees and 3 ornamental trees, and based on total lot frontage on 3 streets, the ordinance requires 18-19 shade trees. No solid waste area is provided on the site and the applicant should address this issue. We recommend some variety of species be provided in the perimeter landscaping. The remainder of the comments are technical.

Mr. Shea appeared on behalf of the applicant, along with Mr. Bohler of Bohler Engineering. They would like to avoid putting in additional trees that will block the building and the signage. They will reduce the 6 access points to 3, and they will have the traffic engineer address the interior traffic circulation. They will also provide testimony on the signage.

Mr. Banas asked how much of the bakery etc. did the acquire, and was told up to the car wash and beyond. Mr. Banas also questioned the signage and was told it was less than what is there now, and less than the Bank of New York across the street. Mr. Bohler stated the ordinance doesn't characterize the size for frontage, and we have 3 frontages, one for each frontage. He feels it maintains some logic to alert the public from all three streets. The signs themselves are standard corporate sign package which conforms to the architectural design styles. Mr. Banas asked for an explanation of the stacking and Mr. Bohler showed a map and pointed to the way the cars will be entering and exiting. They have spaces for 3 waiting cars for each lane of the drive through, where 2 are required. They have the queuing to show that there is room for 4-5 cars before they get to County Line Road. They will install new sidewalks.

Mrs. Wise asked how it would affect the adjacent strip mall and Mr. Bohler said it would not be changed by this applicant. It is a safer plan than what is there on. They are about 70-80 ft. from the adjoining strip mall.

Mr. Gatton asked what additional property was purchased and Mr. Shea told him the bakery and car wash.

Mr. Akerman said the 19 spaces for stacking is for the 5 drive through lanes, and in their experience they only need 10. They were worried about the stacking coming out of the drive through. The engineer assured them there would be no stacking problem exiting the drive through.

**A motion was made by Mrs. Wise, seconded by Mr. Akerman, to advance this application to the July 11, 2006 Meeting**

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

**9. SD # 1544 (VARIANCE REQUESTED)**  
**APPLICANT: JOSEPH GUTTERMAN**  
Location: Towers Street, east of Albert Avenue  
Block 855.03 Lots 34 & 36  
Minor Subdivision from 2 lots to 3 lots

Mr. Peters stated the subject tract consists of existing lots located in the R-20 zone and proposed lot 34.01 contains an existing house. The existing shed shall be relocated within this lot and the fence will be removed. Proposed lot 34.03 will contain an existing house and the pool and fence will be removed. Proposed lot 34.02 will be located between lots 34.01 and 34.03 and a new 2 story dwelling will be constructed on this lot. A variance will be required for lot width; 100 ft. is required, 96.5 ft. is proposed for all 3 lots. Ocean County Planning Board and Soils Conservation district will be required and evidence of approval shall be made a condition of final approval. The applicant proposes 3 off street parking spaces for each of the proposed lots, which conforms with RSIS. Proposed curb and sidewalk will be installed along the 3 properties and a 6 ft. wide shade tree easement is also proposed. As per NJAC 7:0 the minimum separation between proposed well and septic fields shall be 100 ft. The well locations shall be revised. The proposed shed locations shall be shown on the plan, and the plan indicates that the 2 existing properties contain on site septic systems and wells. The new property will also be served by an on site septic system and well, and it should be noted that there is municipal water and sewer available, which we believe is incorrect and should be removed from the plan. The remainder of the comments are technical in nature.

Mr. Slachetka read from a letter dated May 26, 2006. A total of 8 or 9 shade trees are required to be spaced every 30-40 ft, instead of the 4 trees proposed spaced every 90 ft. The site plans indicate a lot coverage greater than the 25 %. There is no lot coverage requirement but there is a maximum building coverage requirement which shows a need for a variance. The remaining comments are technical in nature.

Mrs. Weinstein, appearing on behalf of the applicant. Ray Carpenter was asked to address the comments in the professional's letters. He agreed to comply with all the issues in Mr. Peter's letter. In the planners' letter, they are not proposing coverage of 25% and there is no well and sewer in the area, so they will revise the plans.

**A motion was made by Mr. Akerman, seconded by Mr. Gatton, to advance this application to the July 11, 2006 Meeting**

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

**10. SD # 1545 (VARIANCE REQUESTED)**

**APPLICANT: 319 PROSPECT LLC**

Location: Prospect Street, west of Massachusetts Avenue  
Block 445 Lot 1

Preliminary & Final Major Subdivision for 53 townhouses and 1 community center

**A motion was made by Mrs. Wise, seconded by Mr. Gatton, to carry this application to the June 27, 2006 Meeting**

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

**11. SP # 1824 (VARIANCE REQUESTED)**

**APPLICANT: BYR CO. LLC/CABINETICS**

Location: corner of Route 9 and Yale Drive  
Block 1051 Lot 29

Preliminary and Final Site Plan – proposed addition to retail building

Mr. Peters stated the property has an area of 0.96 acres located in the HD-7 zone. The site contains an existing building onto which an addition is proposed. The existing access from Route 9 and Yale Drive will be upgraded and one way parking areas are proposed along the property frontages. Access and parking is also proposed at the rear of the building and the cart way of Route 9 will be widened 8 ft. along the property frontage. Variances are required for the following: lot area; 0.96 acres proposed, 1 acre required, this is an existing condition; front yard setback; required from Rte 9 is 150 ft. proposed 50.1 ft, which is also an existing condition; front yard setback from Idalia Avenue; 40 ft. required, 27.69 ft. proposed, also existing condition; maximum lot coverage; 25% max permitted, proposed 25.9% coverage; buffer width, 25 ft. required, 10 ft. proposed; buffer width to a residential property, 50 ft. required, 10 ft. proposed; parking setback, 10 ft. required, 5 ft. setback proposed from Yale Dr. and 7 ft. from Rte. 9. The Planning Board has a request from the OCPB to require applicants to move all site improvements outside of the future 55 ft. cart way half width of Route 9. The applicant will be required to obtain all outside agency approvals, and as required by NJAC Chapter 13:40 7.2A1 a sign sealed copy of the survey prepared by a license professional surveyor must be submitted. We recommend the trench drains be removed and type B inlets be installed along the curb line on each of the drive aisles. Lighting fixture and heights must be provided. A proposed sign on Yale Drive will interfere with the stormwater management system and should also be shown on the drainage layout. The remainder of the comments are technical in nature.

Mr. Slachetka read from a letter dated May 25, 2006 and revised May 26, 2006. The applicant should describe the operational functions of the facility including the types of retail uses, anticipated number of employees, hours of operation. A parking variance may be required, and no architectural plans were provided. With the recommendation of the Township engineer at the request of the NJDOT, 11 spaces in the front will be adversely affected. All lighting should be shielded to minimize spillage onto offsite areas. We recommend the plantings located along the eastern boundary with the R-12 district be

supplemented with a board on board fence, which would provide increased screening for the adjacent dwelling on lot 56. The applicant must provide exact signage details and the exact location should be shown. The remainder of the comments are technical in nature. Robert Silverman Esq. appeared on behalf of the applicant along with the engineer Mr. Jeff Carr. The applicant is planning to rent the space out as retail stores.

Mr. Banas has great difficulty with this. That is the buffer of 55 ft. from the center line to the property line. It may be an existing condition, but he cannot see expanding it.

Mr. Carr addressed the comments and said it is an existing site and is paved right out to the right of way, no curbing, etc. They are making improvements including sidewalks, and the NJDOT said they have no plans to widen, and Mr. Banas stated they needed something in writing. Mr. Carr said the only thing the state asked them to do was put a curb in. Most highways was a desired typical section (DTS) and this one is 55 ft. and they are the long term goals. Mr. Kiert explained the letter from Glenn Lines and the history and said the letter was in response to meetings that occurred in which the township was accused of approving sites on Route 9 too close to the DTS and was told the conform. This board is very aware of this history. Mr. Banas stated he was ready to advance this now without any further testimony, but conveyed the problems with the right of way and the front yard setback problems which would eliminate all their parking. Mr. Carr said that they would still be under the jurisdiction of the DOT to approve the plans. Mr. Jackson said this board has higher standards than the DOT.

**A motion was made by Mr. Franklin, seconded by Mrs. Wise, to advance this application to the July 11, 2006 Meeting**

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

## **6. PUBLIC PORTION**

None at this time.

## **7. APPROVAL OF BILLS**

None at this time.

## **8. APPROVAL OF MINUTES**

None at this time.

## **9. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson, Planning Board Recording Secretary