

**LAKWOOD PLANNING BOARD
MINUTES
JULY 31, 2007**

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 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 Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

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

3. SWEARING IN OF PROFESSIONALS

Mr. Wineger and Mr. Slachetka were sworn in.

Mr. Kielt stated there were 2 changes to the agenda. **ITEM #6 – SD 1588 PINE PROJECTS** - revised plans were not submitted and the application will be carried to August 21, 2007.

Motion was made by Mr. Herzl, seconded by Mr. Franklin, to carry to August 21, 2007

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

Mr. Kielt stated the next item is **#9 – SD- 1595 53 W. CROSS STREET JACKSON LLC** - this item was carried from a previous meeting to tonight’s meeting in error. It should have been carried to August 7, 2007 meeting but when the announcement was made; it was made for this meeting.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to carry to August 7, 2007

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

4. NEW BUSINESS

1. SD # 1542 (VARIANCE REQUESTED)

APPLICANT: RYE OAKS LLC

Location: Ocean Avenue (Route 88) east of railroad
Block 536 Lots 1, 2 & 4

Preliminary & Final Major Subdivision for 40 townhouses and 1 retail center

Mr. Pape stated his architect did not yet arrive and asked if item #2 could be heard and then come back to this application. Mr. Banas agreed.

Mr. Wineger stated the applicant is seeking major preliminary and final subdivision and site plan approval for 38 townhouse units, a two story office building, a community center, parking areas, a tot lot, and a stormwater management basin. The existing property fronts on Ocean Avenue (NJSH 88). The eastern and southern property lines are adjacent to the Metedeconk River Conservation Area. The west side of the property is bounded by the New Jersey Southern Branch – Main stem C.R.R. Company of New Jersey. The existing property, which consists of three (3) lots: Lots 1, 2 & 4, is predominantly open except for a wooded area in the southwest area of the property and a smaller wooded area on the east side of the property. There are a number of existing buildings on the property that will be removed; including the existing dwellings located at the northeast and northwest corners of the property that front on Ocean Avenue. The open area of the site is composed of asphalt and gravel areas previously utilized for parking. The property is located in a Wholesale Service zone, B-4, which permits retail and office uses. Townhouses are also permitted as a conditional use. It is our recommendation the existing house #118 to be subdivided out of the development and become a separate single family Lot. If the applicant extends the south property line of Lot 3 to the east property line of the development to configure a new lot for the existing house, the following variance will be required: Minimum Lot area of 6100 sf would be proposed where 7,500 sf are required. Front yard setback of 25 ft would be proposed where 19 ft are required. This is an existing condition. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, NJDOT, and an NJDEP permit for TWA. Evidence of approvals should be made a condition of final subdivision approval. Review of the NJDEP I-Map shows wetlands may be present along the southern limits of the property. The applicant shall obtain from the NJDEP a Letter of Interpretation (LOI) or a wetlands absences determination. The site will be accessed by a driveway from Ocean Avenue. Approval of the driveway location is subject to the applicant obtaining permit from NJDOT. The applicant will be required to form a homeowners association for maintenance of the public portions of the development. Homeowners' association documents shall be provided for review by the Planning Board Engineer and Planner. The documents shall address ownership and maintenance of the stormwater management system, roadway, community building, tot lot, and all other public portions of the site. The documents shall also include a schedule of when the public amenities will be completed in terms of number of certificates of occupancy. A note has been added to the plans to prohibit medical or dental office in the proposed office building. The architectural plans submitted by the applicant has confirmed dimension of the office building. However, 28'x50' townhouses are shown in the architectural plans where some townhouses are

dimensioned 26'x50' and 25'x50' in the Layout Plan. Required parking space calculations in the zoning schedule provided by the applicant were based on 3 parking spaces per unit. Per RSIS 2.4 off-street parking spaces are required for townhouses with 3 bedrooms. Since the applicant is proposing 4 bedroom townhouses, the Planning Board will determine adequate parking spaces for this application. The four (4) parking spaces located directly in front of the site entrance where it intersects Legend Circle cause a safety issue when the cars back out. The four (4) spots shall be removed. The applicant shall revise the zoning schedule to show 121 parking spaces are proposed instead of 125. The applicant has revised the architectural plans to remove the outside entrances to the basements. The applicant shall include a trash enclosure detail for review. An individual trash enclosure is shown on the site plans but no detail provided on the site or architectural plans. Legend Circle can accommodate school busses, fire trucks and trash trucks moving counterclockwise around the circle, the plan has been revised to be one-way in a counterclockwise direction. The applicant shall confirm the name of the road; "Legend Circle" is not a duplicate name within Lakewood Township. The proposed road name shall be approved by the zoning secretary. The applicant has revised the architectural plans to remove the separate outside entrance to the basements. The Layout Plan indicates a stockade fence proposed along a portion of the rear property line, the west property line, and the south and west sides of the retail parking lot. The detail shows a chain link fence. This discrepancy should be resolved. The board should determine what type of fence will be installed around the detention basin. We have safety concerns with having the basin totally screened from public view. The proposed turn around areas on two the stub offs of Legend Circle are too small for trucks to turn around. A truck can pull into the space provided but there is not enough room for the truck to back out and make a full turn. The board should determine if this is acceptable. The applicant has revised the plans to show a dedicated left turn and right turn lane with widths of 11 ft leaving the site. Per NJDOT Roadway Design Manual although not desirable, an 11 ft lane is acceptable in urban area. The entrance design will be subject to DOT approval. A soil boring shall be taken within the basin area, which shall indicate the seasonal high groundwater elevation. Permeability results shall also be provided to demonstrate an adequate infiltrates rate will be provided. The Homeowners Association will be responsible for maintenance of the basin and drainage appurtenances which shall be confirmed in testimony and documented in the association by laws. Because the applicant has reconfigured the development by relocating the development access drive to the Ocean Avenue and eliminating the office building access drive to the Ocean Avenue and other related changes, the applicant should provide a modified final map for review.

Mr. Slachetka read from a letter dated June 25, 2007. The applicant seeks preliminary and final major subdivision and major site plan approval to construct a 38-unit townhouse development and separate retail building on a 5.2-acre site in the Wholesale Service Zone District (B-4). Forty two (42) lots are indicated on the subdivision plat: thirty eight (38) are designated for townhouses, one (1) for stormwater management, two (2) for a community center and open space, and one (1) for commercial/retail use. Additional site improvements include parking, stormwater collection and management facilities, a community center within the development, utility services, landscaping and lighting. Access to the development from Ocean Avenue will be provided via a private road with access to the commercial area and to the residential development. Currently, the site is used as a junkyard/automobile storage facility. The tract abuts the NJ South Branch rail line and Ocean County Park

(Lake Shenandoah). The site plan has been revised through May 30, 2007, and new architectural plans for the townhouse and commercial buildings were issued as of May 31, 2007. As noted above, the site is located in the B-4 Wholesale Service Zone District. This zone permits various retail uses as permitted uses and the construction of townhouses as a conditional use (Chapter 18-903). Several undersized and/or nonconforming lots are proposed for dedication to the homeowners association for open space and stormwater management and recreation. Therefore, the following variances are required: Lot 1.41 (dedicated for open space): Minimum Lot area: 20,000 square feet required, 7,367 square feet proposed. Minimum Lot width: 125 feet required, 16.87 feet proposed. Lot 1, Block 536.01 (dedicated for open space and community center): Minimum Lot area: 20,000 square feet required, 11,228 square feet proposed. Minimum Lot width: 125 feet required, 104 feet proposed. Lot 1.16 (dedicated as a detention basin): Minimum Lot area: 20,000 square feet required, 15,560 square feet proposed. The positive and negative criteria for the requested bulk variances should be addressed. Based upon a meeting with the applicant, the architectural plans have been revised to address access to the basements. The architectural plans provide two (2) alternate floor plans indicating separate entrances to the basement and are limited to interior-only access to the basement. The applicant is not willing to limit the number of units which will have exterior access to the basement. Residential Parking: the applicant is proposing a total of one hundred twenty-five (125) parking spaces, or 3.29 spaces per unit ($125 \div 38 = 3.29$) for the 38 dwelling units. NJ Residential Site Improvement Standards (RSIS) Parking Requirements for Residential Land Uses (Table 4.4) contains lists standards for townhouses up to three (3) bedrooms in size. The revised architectural plans depict four (4) bedroom townhouses. The applicant has stipulated in prior testimony that there will be no bedrooms on the third floor. Similar to other Planning Board applications, the number of bedrooms per townhouse unit exceeds those listed in RSIS Table 4.4. Therefore, the Planning Board must establish a sufficient parking ratio based on the number of bedrooms in each unit consistent with the RSIS, the project site location and local conditions. We note that the RSIS standard for a three (3) bedroom townhouse is 2.4 spaces, greater by 0.1 spaces over that of a two (2) bedroom unit (2.3 spaces required). In prior applications, the Planning Board has extended the RSIS parking standard to require 2.5 parking spaces for a 4-bedroom townhouse unit and 2.6 spaces for a 5-bedroom townhouse unit. In addition, the Planning Board has required parking to address potential occupancy of the basement. Based on our review of the floor plan, there could be twenty-eight (28) 4-bedroom units and ten (10) 5-bedroom units. (Interior rooms without egress cannot be used as bedrooms per the construction code.) Therefore, the required parking, not accounting for basements, would be:

28 units @ 2.5 spaces	= 70
10 units @ 2.6 spaces	= 26
Total	96 spaces

If basements are considered, the required number of parking spaces is as follows:

28 interior units @ 4.3 spaces	= 120
10 end units @ 4.3 spaces	= 44
Total	164 spaces

(1.8 spaces per basement)

Please note that the above computation is based upon revised architectural plans which show an interior room without a window. It is our understanding that, in accordance with

the construction code, such a room cannot be a bedroom. Should the Board determine that the parking computations be based upon a 5-bedroom parking standard for all units, then three (3) additional spaces would be required, or a total of 167 spaces. Testimony of Mr. Feldman, the project architect, should be provided concerning the regulations addressing the interior room.

We recommend the Board require expert testimony to provide the necessary data for an informed decision regarding the necessary on-site parking. Revised site plans: The applicant has submitted site plans previously revised with shared ingress/egress to the commercial and residential portions of the development from one (1) access point from Ocean Avenue (Route 88). The following should be addressed: We note the latest Tree Protection Plan provided for this review does not reflect the current site design. The applicant must revise all plans to reflect the changes in site layout as indicated on the current site plan. Ownership of the portion of Legend Circle which crosses over the commercial/retail lot (proposed Lot 1.01) should be clarified. Lot 1.01 is currently 20,154 square feet in area. If the access road is not included as part of Lot 1.01, a variance for lot area would most likely be required. An access easement must be perfected to guarantee access to Route 88 for both the townhouse development and Lot 1.01. We recommend the Board require expert traffic engineering testimony addressing the revised road connection to Route 88. The access drive is 27 feet away from Lot 152. As this is a residence, a waiver from the buffers required by Section 18-803.E.2.a (fifty (50) feet wide where the nonresidential development is adjacent to an existing single-family residential development or an area zoned for residential land). The applicant should clarify and indicate on the site plans the ultimate use of the existing structure on current Lot 4. We note the area the building occupies was previously dedicated to access to Route 88. Ultimate ownership of this portion of the tract should be clarified. The applicant should verify that the Planning Board and its experts have received all the latest revisions to the plans, as this office did not receive Soil Erosion Plans. Residential Site Improvements: As required by Chapter 18-1010.B.6., the applicant is required to obtain Department of Public Works approval for the proposed location and size of the individual trash and recycling enclosures for the townhouse development. The applicant's expert should discuss the sight distances for vehicles backing out of spaces to the north of Unit 4 (Building # 1). We are concerned about the proximity of these spaces in relation to the access and egress points of Legends Circle. Parking for the community center is a minimum 3 spaces; the applicant has provided one (1) handicapped space in addition to the three (3) required. The applicant is proposing a 2-story office building on proposed Lot 1.01, an irregularly-shaped lot with frontage on Route 88. The latest architectural renderings indicate that the building has a footprint of 35 feet by 51 feet (1,785 square feet per floor), and includes a floor plan for an unfinished basement and two floors. The front and side elevations indicate the potential for an attic, for which a floor plan was not provided. The sum total of the square footage of the first and second floors is 3,570 square feet ($1,785 + 1,785 = 3,570$), which matches the site plan. Based on office use standards (1 space per 300 square feet), the 12 parking spaces provided are in compliance ($3,570 \div 30 = 11.9$). The revised site plans specifies that the office building will not contain medical or dental offices. Additional Board approval will be required if the proposed use varies from that approved. The use of the basement and attic areas (if applicable) should be stipulated for storage. Locating the dumpster area on the north side of the proposed office building (toward Route 88) would be more appropriate than locating it near the townhouse

development as currently indicated. Proper screening, landscaping and sufficient access should be provided. Chapter 18-808 requires that applicants who are proposing residential development projects over 25 units are required to preserve not less than 5 percent of the tract land area as common open space, or dedicate the area to active recreation or community facilities for residential development projects. The tract is 5.238 acres, of which 4.7757 acres are dedicated to residential uses; 5% of 4.7757 acres is 10,402 SF (rounded up). For this application, the open space standards appear to be met with the proposed playground (Lot 1.41) and community center (Lot 1), which total 18,595 SF. We note that Section 18-808 requires that the dedicated open space is to be contiguous; Lots 1 and 1.41 are not. A design waiver may be appropriate. The applicant has supplied documentation to the Board in regards to compliance with Chapter 18-1010.9., which requires that commonly-owned areas for the enjoyment of all townhouse residents and their guests be owned and maintained by a non-profit homeowners association. The Township UDO identifies specific requirements as well as requiring that the applicant adhere to the New Jersey Department of Community Affairs (NJDCA) requirements. The document must be filed with the NJDCA. The proposed development shares a border with the New Jersey Southern Railroad right-of-way. New Jersey Transit is conducting an investigation into reopening passenger rail transit along this right-of-way. If approved, this would result in trains running within 100 feet of the proposed construction. This information should be accorded appropriate consideration in terms of the setbacks along the west side of the site and screening. A design waiver is necessary for the lack of landscaping along the east side of the site. The applicant may want to provide some landscape treatment for the center island area in addition to that proposed surrounding the proposed lot. Due to the residential use of Lot 152, which borders the access drive, sufficient screening and landscaping should be provided. Zoning Requirement Schedules (Bulk Charts). The applicant has presented the zoning bulk requirements as two distinct tables on the site plans and plat, as standards for townhouses are based upon the (townhouse) tract, whereas commercial/retail bulk standards are based on the actual tax lot. The townhouse tract boundary distance from State Highway 88 should be indicated on the plans and added to the bulk table requirement (minimum setback: 100 feet). The bulk chart for Lot 1.01 front yard setback requirement should be changed to 25 feet. The applicant should correct the Bulk Table section for office parking requirements to indicate that the office contains 3,570 square feet of office space, and change the building use description to "office." Since the lot is fronting the access drive (which may or may not remain private) and borders Route 88, we recommend treating Lot 1.01 as a corner lot. The bulk chart should be revised on the plans and plat to show two (2) front yards, (1) side yard and a rear yard. The references to N/A for the rear yard setback provided should be removed from the Zoning Bulk Table for Lot 1.01, as corner lots require a rear yard. All setbacks should be clearly indicated on the site plans and plat. The townhouse tract boundary distance from State Highway 88 should be indicated on the plans and added to the bulk table requirement (minimum setback: 100 feet). The applicant should indicate on the site plan and the plat what portions of Legend Circle will be privately owned, and which portions, if any, will be publicly owned. Based on the new location of the access road, the issue of dedicated sight triangle easements should be re-addressed. If variances are granted for the proposed undersized lots, a deed restriction should be filed with any undersized lot limiting its future use to that proposed. The applicant should discuss the appropriateness of screening of the pump station in the center area near the community center. The remaining comments are technical in nature.

Mr. Pape Esq. appeared on behalf of the applicant. He stated this application began about 11 months ago and had more residential units and a larger office/retail building and the location was of early concern. The last time they were here they completed the application presentation and was up to the part of the adequacy of the parking on the facility. They revised the plans to add 14 parking spaces to the residential area and they have changed the commercial building to be strictly office without any medical element. The short stub road were also discussed and Mr. Fears is here again to discuss them. The last change was the single central driveway out to Route 88 which has triggered these review letters. The interior portion of the site has had very little change since the last hearings. They have provided homeowners association documents to the professionals this past winter. Mr. Carpenter is the engineer, Mr. Feldman is the architect and Mr. Fears is the traffic consultant and all are present. The onsite circulation has been changed to allow one way circulation. Exhibit A-1 was identified as sheet 3 of 7, the layout plan that were submitted. Mr. Kielt asked if this was a continuation of a prior public hearing or a new hearing (question of who votes) and Mr. Banas suggested making it a new hearing. Mr. Pape said there was so much testimony he would rather have a continuation, so Mr. Kielt had to check back to see if the members from the last meeting were present. It was concluded that this was a continuation of a prior meeting (May 15th) and there are enough members present from that meeting to make a quorum and vote. Mr. Pape agreed to continue with the 5 members present tonight that were present at the previous meeting.

Mr. Banas asked if the exhibits from the May 15th meeting were present tonight and Mr. Carpenter said there were no exhibits entered that night and Mr. Pape agreed. Mr. Jackson suggested marking tonight's exhibits with today's date and if there is a duplicate, then mark them with the prior date. Mr. Banas said if the exhibits are not here, it should be treated as a new hearing, and Mr. Pape objected due to the amount of testimony entered previously. Mr. Banas said the testimony could have been heard at a technical meeting as well and Mr. Pape said they weren't but Mr. Franklin asked how the board would know that without seeing the other boards and if the applicant doesn't like the final ruling of the board and this goes to court, the board will look foolish. Mr. Jackson said it would be reasonable to request transcripts, then the board could review the transcripts, refresh the recollection and look over it for the hearing. It has been 2 months and with the heavy volume the board has heard, it would not be unreasonable. Mr. Pape agreed to provide transcripts. Mr. Pape said a more efficient use of time is for him to begin again but to make a determination based on tonight's testimony. Mr. Jackson questioned whether there was anyone from the public that spoke that night, whose testimony would not be entered, and asked if there were minutes available,. Mr. Kielt said he could get them. Mr. Neiman said he did not think this would be finished tonight, so to do this half way again, they should be careful. Mr. Jackson said the applicant wished to start anew, they are asking the board to make a determination based on the record that is before the board so there is a clean slate. He does not see any problem with that except if there were objectors who were here last time who made comments.

Mr. Kielt came back with the minutes from May 15th and they stated that this was the last item and that Mr. Pape said they would revise the plans and resubmit for the June 19th meeting. No public testimony was entered.

Mr. Banas said he was disturbed with the episode that has unfolded. If this is a continuation of something that was carried on from May 15th, the exhibits that were at that meeting should have been available for this meeting so that the board could find out the comparisons between one and the other. You made reference to the size of the project and that it was cut down, made reference to the homeowners association ultimately finding its' was to the DCA, and a number of other items listed. They are changes that are for the good of the project; however, when we compare if it carried, we do need to have those things in front of us. They are not retained by our office; they are retained by your office. He feels it is important for someone along the line to have all that material available at request and communication should have been directed to the planning office so there are no problems. It makes for a smoother meeting and what this looks like, it puts the applicant at a bad point, and the board at a bad point and that is not what the board wants to do.

Mr. Banas looked at the clock and said he doesn't think it is fair for the other 4 items on the agenda to just stay here, so accordingly, he announced item #3 Somerset Development and asked if they would be willing to stay. The attorney for that applicant said it would be very short. Mr. Neiman asked that they make a special meeting for Rye Oaks and hear the other 4 applications tonight. Mr. Franklin agreed and said before they continue with Rye Oaks, they should have all their exhibits and they are not prepared to present this tonight. The rest of the board agreed.

Motion was made by Mr. Franklin, seconded by Mr. Fink, to table Rye Oaks until all the materials are available to be presented. The special meeting date will be provided and the applicant will re-notice.

Mr. Gatton questioned whether he would be allowed to participate since he was not at the May 15th meeting. He was told not necessarily. Mr. Jackson said for the next meeting he would have to have listened to the tape or read the transcripts.

Mr. Pape said they did not have any expectation that old plans were needed, and their goal was to meet the requirements identified to them from the professionals and they were prepared to address those points. If the board wishes to see the old plans, they will have them with them for the next meeting. Mr. Carpenter said he takes the old plans and modifies them and he does not keep them. Mr. Jackson suggested picking a new date and having the applicant provide transcripts for the meeting.

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

Mr. Banas advised Mr. Pape that the professionals have been instructed to advise the board if the changes requested were made on the plans i.e., basements were to be eliminated and are still shown and attics are also still shown. They are also looking for more parking.

2. SD # 1583 (NO VARIANCE REQUESTED)

APPLICANT: KRUPNICK & SCHUSTER

Location: North Lake Drive and 14th Street, between Curtis Lane & Cedar Row
Block 24 Lots 12, 21, 24 & 30

Minor Subdivision to create 3 lots

Mr. Wineger stated the applicant is seeking a Minor Subdivision Approval for Block 24 Lots 12, 21, 24, & 30 to reconfigure the existing lot lines to create three (3) new lots out of the four (4) existing lots. Lots 12, 21, & 24 currently contain single family dwellings which will remain. Lot 30 will be eliminated. 7,854 square feet of Lot 30 will be transferred to New Lot 12.01 and 11,867 square feet of Lot 30 will become part of New Lot 24.01. A 2,104 square foot portion of Lot 21 will also be transferred to New Lot 12.01 as a part of the subdivision. The site is located between Fourteenth Street and North Lake Drive, in the R-12 Zoning District. It appears no variances will be required for this application. Ocean County Planning Board Approval will be required. Evidence of approval shall be made a condition of final subdivision approval. The applicant has provided a six foot wide shade tree and utility easement along the property frontages. A 13.5' road widening easement has previously been dedicated to Ocean County along the Fourteenth Street property frontage. Curb exists along the North Lake Drive Frontage. The Board should determine if sidewalk will be required. The Board should determine if curb and sidewalk will be required along the Fourteenth Street frontage. It appears that New Lot 21.01 and New Lot 12.01 have connected driveways. The board may want to have the applicant separate the two driveways to prevent any access issues in the future. The zoning table states two parking spaces have been provided for the existing three bedroom homes on Lots 24.01 and 21.01. Three parking spaces have been provided for the five bedroom home on existing Lot 12.01. The applicant shall clarify the limits of the parking area provided on Lot 12.01, to verify sufficient parking has been provided.

Mr. Slachetka read from a letter dated June 6, 2007. The applicant should confirm that the provided off-street parking meets NJ RSIS standards. A 13.5-foot roadway widening easement is indicated along the 14th Street frontage of proposed Lot 24.01; front yard setbacks indicated on the subdivision plan are measured from the edge of the property line. The plat indicates that a portion of a chain link fence is to be removed from proposed Lot 24.01. The fence and any other improvements to be removed as a result of this subdivision must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The applicant should clarify the shared/connected driveway issue discussed at the March 6, 2007 Plan Review meeting, as the proposed lot line between Lots 21.01 and 12.01 apparently intersects a portion of the driveway used to access the existing residence located on Lot 21.01. If any portion of this driveway is to be removed the plans must be revised, and that portion must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. Proposed shade tree and utility easements are noted on the subdivision plans; landscaping or proposed sidewalks are not. The remaining comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. Mr. Shea said they had no difficulty with the comments made in both professional reports. This is 2 long standing families and they are eliminating the non conforming land locked lot

and the 3 remaining lots are fully conforming. No construction or development is proposed in this application and they hope that in light of that, no improvements will be required. They have an exhibit of trees to show the board to encourage no improvements to the road. Mr. Flannery entered exhibit A1 which shows the tax map copy of the 4 lots and photographs taken of both 14th Street and North Lake Drive indicating the vegetation that is along the property. The one issue they have is with respect to the comment of whether curb and sidewalk is required. The Krupnick property on 14th Street has a very long driveway and room for plenty of parking and a garage, the Schuster residence on North Lake Drive also has a very long driveway and a double car garage with plenty of parking and Lot 21 has a single car garage and a very long driveway, which will provide parking for 4 or 5 vehicles of all the lots. The driveways are interconnected on North Lake Drive and they will put a fence along the property line and will remove a small piece of the asphalt on each side so there will be no property issues. They will comply with the professionals' comments with respect to that. As far as the curb and sidewalk, he entered into showed the colored rendering of the site plan, and quoted the ordinance about curbs and sidewalks. He said the ordinance does not apply to this application because it is not a new street and does not abut a new development or subdivision. Mr. Jackson asked him the definition of a development, and wouldn't a subdivision be considered a development. Mr. Flannery said they were not creating a lot but reducing a lot. Mr. Banas asked if Mr. Flannery was saying they should not put a curb and sidewalk in front of both of these areas so that our residents who will be transversing those 2 areas might at some future date be subject to injury by some kind of oncoming or moving vehicles. Mr. Banas said in his estimation there are no balancing features that could jeopardize the value and safety of a life. Mr. Flannery said with the nature of this application it would not be fair to require the developer to put in curb and sidewalk because of the hardships with the drainage and the trees that would have to be taken out. Mr. Krupnick has a lower area with rocks and water goes. Mr. Flannery said the master plan supports what they are asking for here and Mr. Banas said except when a plan is presented to the board, the board never looks at just one thing, but the entire boundaries of that plan. In this case, they are doing exactly that. Mr. Jackson said Mr. Flannery stated that this isn't a development and Mr. Jackson had the definition of development and read it and said in his opinion this would constitute a development. Mr. Neiman asked Mr. Franklin if the 14th Street sidewalk which ends and the end of Cedar Row and is 2 houses away from this development and asked why it did not go any further and Mr. Franklin said it is because the people did not want it and spoke to the politicians who sided with them. Mr. Neiman agreed with Mr. Banas and said this area is highly traveled with pedestrians. Mr. Shea said the definition of development if read more slowly was directed towards expansion or an extension of a piece of property and this is a reduction or a diminishment. This used to be called merger and lot consolidation and in the past you only needed a form and did not have to go through a subdivision application. He agreed with Mr. Flannery that it is unfair to make the applicant to put in curb and sidewalks. He felt no one was at risk in walking in front of the Krupnick residence or the Schuster residence. Mr. Banas disagreed.

Mr. Flannery agreed to the remaining comments of both professional's report and Mr. Banas asked what type of fencing was being installed between the 2 driveways and Mr. Flannery stated a 4 ft. high board on board fence.

Mr. Neiman discussed North Lake Drive and said sidewalks were more needed on the 14th Street side than the North Lake Drive side. Mr. Franklin said when you see the amount of people out there walking and pushing baby carriages, you see the need. Mr. Flannery said the township owned the property adjacent to the North Lake Drive side and if the board wanted sidewalks, that side made more sense.

Mr. Banas opened the microphone to the public

Gerry Ballwanz, Governors Road, was sworn in. She asked if the definition of sidewalks was concrete or could it be blacktop or it that considered a bikeway. Mr. Banas said his definition was that it was a sidewalk, some place where you could walk, with the exclusion of riding on it with a car. However, if you want something that was durable, cement is what is generally used. She asked if the blacktop sidewalk would require the removal of the trees and was told it was the same thing but Mr. Banas said sometimes they encourage a meandering sidewalk. Mrs. Ballwanz stated one of the comments was about smart growth and she said one of the things about smart growth is to have walkable communities, so if the argument is made from Mr. Flannery on one end, this is the other argument.

Bill Hobday, 30 Schoolhouse Lane, was sworn in. He said this board has consistently through the years required sidewalks. This area in particular has so many people who walk, and sometimes with a double carriage. This area will continue to develop and these neighbors will need to put in curbs and sidewalks, and it is consistent for this board to require the sidewalks.

Mr. Wineger read the definition of sidewalks from the ordinance Article 18-814 paragraph O which stated the width and thickness of sidewalks and made of concrete.

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

Mr. Shea said Mrs. Ballwanz is correct when she states that smart growth encourages walkable communities but this is not a community application. This is outside the box, with no development and no expansion and to impose on these 2 families, you are affecting their quality of life. If the board wanted to undertake a municipal project and extend the sidewalks from Cedar Row to the end they could not stop them. It does not make any sense to do sidewalks this way, it would still be difficult to make someone jump the curb to use this piece of sidewalk. He feels it would be unfair to make this applicant do this.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to approve this application with sidewalks on 14th Street but not obligate sidewalks on North Lake Drive.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; no, Mr. Fink; yes, Mr. Gatton; no

3. SD # 1584 (VARIANCE REQUESTED)
APPLICANT: SOMERSET DEVELOPMENT LLC
Location: 975 East County Line Road, west of Lucerne Drive
Block 174.04 Lots 24 & 63
Preliminary & Final Major Subdivision for 9 lots

Mr. Wineger stated the applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide two existing lots and created 9 new lots. The existing Lot 63 is current occupied by a single family dwelling and masonry barn to be removed, and Lot 24 is open field. The property is located between Kennedy Boulevard East and County Line Road East within the R-15 zone. The applicant is requesting the following variances: A lot width variance is requested for proposed Lot 24.05, 90.8 ft are proposed where 100 ft is required. Front yard setback variances are requested for all proposed lots, 20 ft are proposed where 30 ft is required. Rear yard setback variance is requested for proposed Lot 24.06, 14.9 ft are proposed where 20 ft is required. In the applicant's response letter dated May 9, 2007, the applicant stated that the number of bedrooms for each house will be five (5) and two-car garages will be provided for each house. Architectural plans with 5 bedrooms and two-car garages shown should be provided for review. The applicant shall also revise the plans to show the outline of the two-car garages on the Subdivision Plans. The applicant has provided two car garages and driveways that can accommodate two cars. Per the RSIS this combination counts as 3.5 parking spaces. The board should determine if this will be sufficient for the 5-bedroom homes. The required and proposed number of parking spaces shall be added to the zoning table. Curb and Sidewalk are proposed along Kennedy Boulevard East and proposed Champlain Court. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, and NJDEP approvals for Treatment Works approval. The applicant has provided 6 ft shade tree and utility easements along frontage of the property to be dedicated to the township. The applicant shall call out the "no outlet" sign on the plans and include the detail to the Detail Plan. There are no existing sidewalks along the County Line Road East. The board should determine if the applicant will be to construct sidewalks along the county road. The applicant should provide testimony on whether the proposed roadway and drainage system will be public or private. The Township may not want to assume ownership of the stormwater management system due to the number of pipe runs located in easements through residential side yards. If private ownership is proposed a homeowners association will be required.

Mr. Slachetka read from a letter dated July 13, 2007. The applicant seeks preliminary/final major subdivision and variance approvals to subdivide existing Lots 24 and 63 located within Block 174.04. The property has frontage on East County Line Road and northern frontage along (unimproved) Kennedy Boulevard. Nine (9) lots fronting Champlain Court and a proposed cul-de-sac will be created, with two (2) lots being corner lots and two (2) lots being through lots. The 3.55-acre tract has been the location of Casey's Market and Greenhouse in an R-15 Zone in the northern part of the Township, and contains a one (1) story frame dwelling, a barn and a metal-framed farm stand. All the improvements relating to prior use are oriented toward East County Line Road. County Line Road forms the border with the R-12 Zone to the south; contiguous zoning for the rest of the properties is R-15. The surrounding land uses are residential in nature. Subsequent to the prior review

of this application, the applicant submitted revised plans and requested additional variances from minimum front and rear yard setback requirements. Single-family detached housing is a permitted use in the R-15 Zone. The applicant has requested the following variances: Minimum lot width: 100 feet required, 90.8 feet proposed (Lot 24.05). Minimum front yard setback: 30 feet required, 20 feet proposed (all Lots). Minimum rear yard setback: 20 feet required, 14.9 feet proposed (Lot 24.06). An additional rear yard setback variance (not noted by the applicant) is required for Lot 24.05. The positive and negative criteria for the required bulk variances should be addressed. The revised plans indicate larger building footprint areas than the previous proposal, necessitating additional variances for front and side yard setbacks. We note that the applicant has revised the bulk chart to reflect an increase in building lot coverage (22.1%) from its prior proposal (17.3%). We recommend that the applicant provide the Board with architectural plans for the proposed buildings for review. For the variance testimony, the applicant should discuss the dimensions of the proposed lots and the size of the contemplated residences in comparison with current lot sizes and uses in the surrounding area. As noted, access to proposed Champlain Court is via Kennedy Boulevard, which is indicated as unimproved on the subdivision plat. The applicant has indicated via correspondence that improvements to Kennedy Boulevard are part of this application. Improvements by others, if any, should be noted. The applicant has indicated (on Sheet #3 of its submitted plans) a five (5) foot wide landscape buffer along East County Line Road, so as to comply with Section 18-908 of the Lakewood UDO, which requires that through Lots 24.04 and 24.05 require a landscaped buffer along the secondary frontage bordering East County Line Road. The landscape buffer should be identified on Sheet #13 "Final Plat," last revised on July 2, 2007. The need for a sight triangle easement should be determined by the Board Engineer. The applicant should indicate sight triangles, if required, or sight lines on the Landscape and Tree Management Plan and note that plantings will meet Lakewood UDO and RSIS requirements for planting placements and height within the sight triangles or area impacted by sight lines. We recommend that the proposed plantings and placements be modified in the vicinity of the sight lines with Kennedy Boulevard to ensure clear sight lines. A proposed five (5) foot wide sidewalk easement along East County Line Road is indicated on the subdivision plan and the subdivision plat. Proposed sidewalks are indicated in a separate note to be installed along Champlain Court. Applicant has indicated in correspondence that sidewalks along East County Line Road are to be installed by Ocean County. This note should be verified by submission of plans or correspondence. Parking for all proposed lots must comply with NJ RSIS standards. The appropriate RSIS requirements should be added to the plans. The applicant should indicate the number of bedrooms proposed, if known, and confirm that sufficient off-street parking area is provided for each proposed lot. A proposed 5.25-foot roadway dedication to Ocean County along East County Line Road is indicated on the plans. A six (6) foot wide shade tree/utility easement and a proposed sidewalk are indicated along Champlain Court and Kennedy Boulevard. The plans indicate the existing structures are to be removed. All structures must be removed or a bond posted for such removal prior to the signature of the plat by the Planning Board. The remaining comments are technical in nature.

Mr. Klein Esq. appeared on behalf of the applicant. They have architectural plans for the board. Mr. Banas asked why they were not submitted prior to tonight. Mr. Slachetka said he thought they should have been submitted prior to tonight. Mr. Kielt said they were only required for flag lots and the ordinance does not require them for major subdivisions.

Mr. Slachetka said the difference here is that the applicant is requesting variances for front and side yard setbacks based on the fact that they are building structures. Mr. Graviano stated normally the applicant does not submit architecturals. The one variance that is requested is due to the narrow lot frontage of the end cul de sac lot and it is customary for any development that has a cul de sac. They do have a sample of the dwellings here tonight for the board's review. The requested variances are not due to the size of the homes, but to provide more back yard space for the dwellings because the shape of this property to get 9 conforming lots requires lots that need a little relief in terms of the setbacks. Mr. Banas said they have always requested the architecturals prior to the meeting rather than at the meeting. Mr. Gatton said he was not comfortable with this if the planner is not comfortable. Mr. Neiman said he felt comfortable hearing this. Mr. Herzl is willing to listen to the application tonight and Mr. Franklin said the footprint matches the architecturals and Mr. Fink said he had no problem with it. It was decided to continue with the application.

Mr. Greg Oman, engineer for the applicant from Menlo Engineering. He stated the applicant will comply with the comments from the engineers report. Regarding the easements located between each of the dwellings, they are looking for this to be a public system. The only area that would be in the private area are the easements located between each of the dwellings and the plans show a 20 ft. easement between each of these units. Mr. Franklin said it is their policy to make them private when you have these drainpipes between the buildings. They can't get in there to clean the pipes out and can't get the equipment in without tearing up the lawns. The applicant agreed to make them private. Mr. Banas asked about the sidewalks and Mr. Oman said they did not have any more discussions with Ocean County about providing that sidewalk, but the applicant agreed to install the sidewalks. Mr. Franklin questioned the drainage on inlet A2, where it goes back and tying in across the county road to a terminus unknown pipe, and said that is taking a chance. Mr. Oman said the site today drains from north to south and the drainage analysis anticipated the run off to that inlet and by the use of the infiltration basins, they are actually infiltrating every year storm up through and including the 25 year storm and approximately 85-90% of the 100 year storm, so there is virtually nothing really leaving the site through the pipe system. Mr. Franklin asked why put the pipe across and was worried about the damage that could be done by not chasing the pipe and finding out where it is going. Mr. Oman said the flow through there is so minimum, but Mr. Franklin said they have no idea what you will be doing to the other people as far as damage. Mr. Oman said they could analysis where that pipe will go, but said these lines within the street are basically sized for a 25 year storm. The amount of water leaving their site for the 25 year storm is 0. Mr. Franklin said 15-20 years from now there will be silting and if you do get a flow, where is the flow going. Mr. Neiman asked Mr. Franklin why he picked A2 and not the other ones and Mr. Franklin said that is where the water is draining off the property onto other peoples' property. Mr. Oman stated that Ocean County is still planning on installing that sidewalk but the question is they do not know when they are planning on installing it. They would like to look at this as a condition of approval, if they don't build it in a certain amount of time then the applicant would be required to install it. Mr. Klein said they would install the sidewalks

As far as the planners report, Mr. Oman stated they will comply with the comments. Regarding the expansion of Kennedy Boulevard East, right now the improvements end at

the northwest corner of the property. This application is anticipating extending those improvements along Kennedy Boulevard East to the northeast corner of the property. They have designed the site triangle easements based on AASHTO requirements and there are no site triangles required for those intersections due to the low speed limit. The plans have shown the site distances. Mr. Slachetka said at the current levels it is not required but anticipate that as Kennedy is carried through that traffic volumes and speeds may be different and asked if there is any contemplation of accommodating site triangles at that intersection. Mr. Oman said he is not a traffic engineer but said that if Kennedy Boulevard is eventually tied into Lucerne Drive, the speed limit along Kennedy Boulevard is not going to increase over 25 mph now. The design right now is for 30 mph.

Mr. Graviano stated the variances requested are for lot width on Lot 24.05; front yard setback for all the proposed dwellings and a rear yard variance for Lot 24.06. By reason of the shape of the parcel for lot 24.05 to configure it into 9 conforming 15,000 sf lots would result in exceptional practical difficulties to the applicant to meet the lot sides due to the long and narrow shape of the property. Deviation from that lot width requirement for proposed lot 24.05 which is the middle lot of the cul de sac would relieve such a hardship. Many subdivisions of this sort would require some form of lot width requirement for that end cul de sac lot. In reference to the front yard setback and the rear yard setback variances he feels it would advance the purposes of the MLUL by deviation of the zoning requirements and the benefits would outweigh any detriment and a hardship is not a requirement for the granting of these variances. The shape of this lot made it difficult to configure these lots and meet the zoning requirements of the township. The front yard setback was pushed forward to provide more rear yard space and the applicant is still providing 2 spaces in the driveway as well as the 2 car garage so the reduction in the front yard setback is not creating any detriment.

Mr. Neiman wanted the record to show those two houses that come up to Kennedy Boulevard, the driveways should go to the private road as opposed to Kennedy Boulevard. Mr. Graviano said those lots would be deed restricted to prohibit driveway access to Kennedy Boulevard. Additionally, the lots that border East County Line Road will also be deed restricted from having driveway access from that also. Mr. Graviano marked the copy of the plans as A-1 and also marked the architectural as A-2. Mr. Neiman asked Mr. Slachetka if, based on the architectural, there was enough off street parking for this application and Mr. Slachetka said they would have to meet RSIS. Mr. Graviano stated they plan on 2 car garage and 2 driveway spaces which is considered 3.5 parking spaces lot. The driveway pad is 20x20 which can accommodate 2 vehicles. Mr. Slachetka said they don't have the necessary length when you take into account the 5ft wide utility and shade tree easement. Mr. Gatton questioned the C1 that moved the lot coverage from 17.3% to 22.1% and Mr. Slachetka said there is a 25% maximum and the applicant is under that.

Mr. Banas opened the microphone to the public.

Mrs. Ballwanz, 208 Governors Road was sworn in. She said they are taking the 10 feet from the front and putting it into the backyards and her question is how big are the backyards. Mr. Oman said the rear yards vary but if you look at the 3rd lot down it is approximately 55 ft. She asked what the smallest backyard was and 15 ft. She asked

how many were bigger than the 20 ft. required vs. the one needing the variances. Mr. Oman said the 8 lots exceed the 20 ft. setback. Mr. Slachetka said there needed to be a correction on that. The testimony from the planner stated only one rear yard variance was being requested and there are actually 2 lots that are shown on the current plot plan that would require rear yard variances; Lot 24.05 and 24.06. Mr. Oman stated lot 24.05 has frontages on 2 right of ways, or 2 front yard setbacks. Mrs. Ballwanz also questioned is the drainage on County Line Road and there has always been a problem with flooding and drainage in that area and it is important that the drainage be corrected. Mr. Jackson said they will put a condition into the resolution that the applicant locate that and indicate where it is going to and it be to the satisfaction of the board engineer. She asked what the anticipated use was of the area over the garage and was told it would be storage or dead space and they would make a condition of approval that nothing above the garage be converted to living space. They do not intend it to be inhabitable space and the plans before the board is what will be built. She asked how big the attic was and Mr. Graviano stated the plans will be built exactly as is shown and there is no plans for habitable space in the attic. Mr. Banas said with no testimony either way, he would have to vote no. Mr. Franklin said the pitch of the roof over the garage is too low a ceiling for a bedroom. Mrs. Ballwanz asked if there was a basement and was told yes, and she asked if there would be people living in the basement and was told there was no basement plan submitted. Mr. Banas asked Mr. Graviano what was in the basement and was told the units would be deed restricted to prohibit the basements being used as habitable space as a separate living unit. Mr. Banas said the zoning officer has asked for specifics as to what furnishings will be found in the basement. Mr. Kielt said usually it is stated there would be no plumbing fixtures or no kitchens, or something like that.

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

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve this application with putting sidewalks on County Line Road East and all the stipulations by both the planner and engineer, deed restricting the driveways to Kennedy and County Line, the identification of the outfall pipe, no habitable space in the attic, and the basement would be constructed as an ancillary accessory to the house and not a separate dwelling unit, and the sewer system, drainage in roadway and easement and swale would be governed by a homeowners association.

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

4. SP # 1868 (NO VARIANCE REQUESTED)
APPLICANT: TIFERES BAIS YAAKOV
Location: Oak Street, west of Albert Avenue
Block 795 Lot 1.02
Preliminary & Final Site Plan for proposed school

Mr. Wineger stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 795, Lots 1.02. The applicant is proposing a new school building on a currently

vacated area. The project consists of a two story school with a basement, stormwater management measures, new parking facilities, and a recreation area on the site, and improvements to Oak Street along the property frontage. The site is located between Oak Street and unimproved Bellinger Street, adjacent to unimproved South Lafayette Avenue, in the R-40/20 Zoning District. No variances have been requested for this project. The applicant is requesting wavier for decreasing buffer width with denser landscaping. The applicant has provided a 10 ft buffer to Lot 4 where 20 ft are required. Outside agency approvals will be required from the Ocean County Soil Conservation District and Ocean County Planning Board, and a TWA permit from the NJDEP. The applicant has provided 91 parking spaces where 45 are required by ordinance. The applicant has provided a 6' shade tree easement along the Bellinger Street. A 6' shade tree easement exists along the frontage of the property along Oak Street. If the applicant is proposing a one way ramp in and out of the school, directional arrows and one way street sign should be added to the plans. In addition, crossings shall be provided from parking lot to the depressed curbs in front of school building. We recommend a one-way drive aisle for better flow of traffic. Curb and sidewalk are proposed along the Oak Street frontage. No sidewalk is proposed along unimproved Bellinger Street. A safety fence is noted to be installed on the top of the retaining wall proposed to the east of the proposed school, a detail shall be provided. A 757 SF utility easement at west of the site along the neighboring Lot 1.01 has been added to the plans for the sanitary sewer. The easement is labeled to be dedicated to the township. The Board should determine if the Township will assume ownership of the sewer easement. Sanitary sewer easements are generally dedicated to the Lakewood MUA or NJAWCO. An easement will be required from the owner of lot 1.01 for connection to the sanitary sewer. A legal description shall be provided to the planning board engineer for review and wording of the easement shall be provided to the planning board solicitor for review. The easement agreement shall be finalized prior to signature of the final plat. The applicant shall provide testimony as the whether this project will require importation of soil or fill material during site construction. Should import fill or soil be necessary, we recommend that source documentation and/or documentation that the soil is analytically tested at a frequency approved by the Township engineer. The applicant states that it is anticipated that no endangered species inhabit the site. We note that no land-use mapping was provided or evaluated for this EIS. Therefore, we recommend that the applicant review the requisite geographic information system (GIS) based mapping for the subject site. Landscape Project Mapping established by the NJDEP, which depicts potential suitable habitat for threatened and endangered species should be review and included with this EIS.

Mr. Slachetka read from a letter dated July 17, 2007. The applicant seeks preliminary and final major site plan approval to build a two (2) story private elementary and secondary school. The project also includes the extension and improvement of Oak Street from the point where current improvements end, west of the tract, so as to provide access to the school. Oak Street was recently extended by the Township. The related site improvements include parking, drainage, landscaping, and lighting. The tract is located in the southern part of the Township in the R40/20 Cluster Zone and, other than the Bais Tova School to the west, the property and much of the land surrounding it is currently undeveloped. The proposed Bnos Rivka School (Application SP-1865), approved at the May 15th meeting, is to be located west of the site on Block 795 Lot 1.01. Contiguous zoning is R-40/20, with properties to the south of Oak Street and east towards Albert Avenue zoned R-20 (Residential). Undeveloped parcels not owned by the applicant are

situated between the property and residences along Albert Avenue. The tract was created via a subdivision approval memorialized on September 20, 2005 (Application SD-1494). Applicant has submitted revised plans subsequent to the June 5, 2007 Plan Review meeting. Public and private schools are a permitted use in the R-40/20 Cluster Zone. The applicant did not request variances; design waivers are discussed in the Review Comments section. The site plan should be revised to indicate the improvements on Oak Street and the party(ies) responsible for constructing same. Discuss if a temporary turnaround (cul-de-sac) will be provided. Vacation of the stub street should be requested by the Township Committee. The applicant has delineated a ten (10) foot buffer along the border with the Bnos Rivka School, and a 20-foot buffer for the areas surrounding Lot 1. A waiver is required from the 20 foot buffer requirements for those areas bordering Lot 4, and should be clearly identified on the plans. A ten-foot buffer is proposed. The applicant should discuss if existing vegetation and/or proposed additional landscaping treatment as indicated on the Landscaping and Lighting Plan is sufficient for the site. We recommend adding more landscaping in the buffer areas, especially in those areas adjacent to parcels zoned residential. No supplemental screening is proposed. The applicant should clarify the off-site improvements contemplated, specifically all improvements in the Oak Street right-of-way and the manhole on the Bnos Rivka property that ties into applicant's stormwater drainage system. Applicant should verify if cross-lot or other easements will be required for its improvements. The Planning Board may wish to consider a condition, similar to the one required for the Bnos Rivka application, to require installation of sidewalks on adjoining streets, if such streets are improved. The site plan indicates that the required off-street parking, based on the classrooms and other rooms, is 45 spaces. If three classrooms (for arts & crafts, computers, and a "club room") are included, required parking will increase to 48. The applicant should elaborate, for purposes of the public hearing, on anticipated parking arrangements with the Bnos Rivka School, which applicant (at the Plan Review meeting) represented as a reason as to why 91 spaces (more than twice which is listed as required) are proposed for the site. An area reserved for recreation is indicated on the plans. Details should be added to Sheet 2 of the plans indicating the specific area for the recreation area. The applicant should address if its proposal for recreation equipment will adequately support the recreational needs of the students of the proposed school. The applicant should confirm the height of the proposed school as shown on the submitted architectural plans is in compliance with the Ordinance requirements. In addition combined side yard setback requirements should be added to the zoning bulk chart on the plans. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. This is the final site plan on a parcel that was bought from the Township and then subdivided. Graham MacFarlane is the engineer for the applicant. He said this application is for a new school on Oak Street that joins the recently approved Bnos Rivka school. The cover sheet was marked A1 which shows the project location. This project is fully conforming with one waiver for a reduced buffer which adjoins lot 4 to the east of the subject parcel. Exhibit A2 shows the layout of the project, the location of the school and the parking spaces, the egress to the site from Oak Street as well as the bus parking. Since the technical meeting, they have revised the plans to expand the recreation aspect of the project by additional clearing in the eastern corner of the site and detention basin to provide appropriate access for maintenance of the basin. There are separate trash and recycling receptacles. They prefer to keep the entrances as two way driveways to maintain adequate ingress and egress and to provide

for the greatest public safety possible. In regards to the 10 ft. buffer in lieu of a 20 ft. buffer for the adjoining lot 4 which is currently zoned residential to the east of the project, we feel that the waiver is warranted to allow for proper ingress and egress to the site and to maintain proper pedestrian safety in consideration of the bus loading and the students who will be utilizing the access way. With regards to the exhibit A3, grading, plan, it shows the arrangement of the topography of the site. The basin and the underground recharge system is designed with Township requirements and they can address any of the technical comments in the engineer report. Exhibit A4 is the landscape and lighting plan, and the planners comment was to provide additional buffer, the applicant is of the opinion that the natural buffers that exist are adequate for this project, there are no residences that abut the project. Mr. Banas asked about the lower plants, since the trees in that area are quite tall and Mr. MacFarlane said if the board felt strongly that additional plantings were needed, the applicant would add some shrubbery. Mr. Banas said huckleberry and asked for the applicant to work with Mr. Slachetka and Mr. MacFarlane said the only place it would be needed is the south property line of Lot 1 which has the greatest exposure to the school and recreation area. The comment appearing in both professionals' report referring to the number of parking spaces, the ordinance requires 45 and if they add some arts and crafts rooms it would require 48 parking spaces, they are proposing 91 parking spaces on this plan and the reason for so many spaces is to allow for some overflow parking from the adjacent school in the event that there are special events at the school (graduation, back to school, etc.) the two schools have worked together and developed the plans to provide as many spaces as they could.

Mr. Banas asked if they planned on asking the Township to vacate Bellinger Street and Mr. Penzer said the Township said they won't. The sewer easement is not proposed to be dedicated to the town, that was an error on the plan. The sidewalk on Bellinger Street, the issue was brought up for the other school and it was decided that if the street was developed, they would put in the sidewalk, and this applicant is requesting the same. Mr. Penzer asked that the TWA permit be a condition of the building permit and not the condition of the resolution. Mr. Penzer also brought up the issue of the endangered species and said they had never done that before, and Mr. MacFarlane said this project does not have to go to the DEP. Mr. Banas said when the DEP sees a group of trees, they immediately get upset and want to know what is there. Mr. Penzer said he represents NJ Hand and in the area there, and there are no endangered species there at all, and there is no historical or archeological resources there either. Mr. Banas asked Stan Slachetka what the DEP requires and he said the most critical thing is whether or not they would be required to submit a CAFRA application and that is when a lot of these issues come up. It is his understanding that this is not subject to CAFRA so it is not applicable.

Mr. Neiman asked if they were proposing a sign and Mr. MacFarlane said they would handle this the same way as Bnos Rivka, adding a sign that will conform with ordinance requirements and no variance. He also asked about the location of the dumpsters and was shown on the map.

Mr. Banas opened the microphone to the public.

Mrs. Christine Abrams, 755 Coral Avenue, was sworn in. She asked what is required for impervious coverage. Mr. Banas said the site is too small for CAFRA and she asked what the impervious coverage is anyway and was told by Mr. MacFarlane probably about 70%.

Mrs. Gerry Ballwanz was sworn in. She said regarding the buffer, how does that fit in with other open space or non building buffer and Mr. MacFarlane said the 10 feet is contained within the building setback. Mrs. Ballwanz said where the building is to the other property line and Mr. MacFarlane showed her on the map. She thought it should remain at 20 ft. in case someone wants to build there. Mr. Penzer explained it would be a rear yard and with the property's rear yard it would be more like 30-40 ft. She asked if that is the property where there is a really big dip and Mr. MacFarlane said yes and she asked if that was going to be filled in or left as it is. He explained the building will be located at that low spot with a basement. She asked about the recharge system and Mr. MacFarlane explained the details. She asked how close the Kettle Creek was and Mr. Banas said it was quite a distance away.

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

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve this application with all of the stipulations from the planner and engineer. The applicant will maintain the outside drainage system.

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

5. SP # 1863 (VARIANCE REQUESTED)

APPLICANT: MOUNTAINVIEW INVESTMENTS LLC

Location: Kennedy Boulevard, former Shop-Rite
Block 104 Lot 38

Minor Site Plan to construct canopy on existing building and reconfigure parking lot

Mr. Wineger stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 104, Lot 38. The site currently contains a retail building with a ground floor area of 52,539 square feet. The applicant proposes constructing a canopy, an addition to the building, and reconfiguring the parking lot. The site is located on Kennedy Boulevard and Clifton Avenue, in the B-4 Zoning District. Variances are required for the following: Side Yard Setback: 0 / 26.7 Ft. is proposed where 10 / 20 Ft is required. This is an existing condition: Rear Yard Setback: 26 feet is proposed where 30 feet is required. This is an existing condition. County Planning Board approval is required. Proof of approval shall be made a condition of final approval. The applicant was granted a wavier from section 18-1112.B.1&3 of the UDO which requires including topography and contours in the plans. The applicant has since provided limited topography in areas of the site that propose changes in grade. Sidewalk exists along the Kennedy Boulevard frontage. It appears that the existing curb along the southeast corner of the parking area will be removed, but no indication of its removal has been given. The applicant shall clearly label all existing features that will be removed. A25'x40' trash enclosure is called out on the Construction Detail Plan, but the trash enclosure on the Site Plan is measured to be 25'x50'. This discrepancy shall be corrected. A detail for the freestanding sign shall be added to the plans. As per section 18-807.8.1 of the UDO, one parking space is required for every 200

square feet of square feet of gross floor area. The zoning table states that 263 parking spaces are required based on the building area of 52,539 square feet given on the application. The applicant has proposed 247 parking spaces onsite and 42 parking spaces on adjoining Lot 44, for a total of 289 spaces. In order for the offsite parking to be counted in the number of spaces for this site, an access easement will be required. The application states that both the ground floor area and total building area is 52,539 square feet. The architectural plans indicate a first floor area of 52,300 square feet and a second floor area of 12,480 square feet for a total of 64,780 square feet. The plans indicate that the building is a one story building. These discrepancies shall be resolved. The applicant shall include a detail for the railing to be installed along the raised walkway. The applicant shall provide a calculation to prove the proposed 16 ft of 15" HDPE is capable of directing flow from west side of the proposed curb and retaining wall to the existing stormwater management system. In addition, more information about the existing stormwater measurements should be provided in lieu of a stormwater management report. The plans do not show any pipes leading from the existing 2'x2' inlet. The plans call for a new inlet to add flow to this inlet. Low point with no relief causes a danger situation. The applicant's engineer shall address this issue. The existing parking lot is in general poor condition with areas of pot holes that will require full depth reconstruction. We recommend the entire parking area receive a bituminous overlay with crack repair and full depth reconstruction of areas in bad repair. Specific areas to be boxed out should be indicated on the plans.

Mr. Slachetka read from a letter dated July 17, 2007. The applicant has submitted a minor site plan application approval to construct a canopy on an existing one-story building and reconfigure the existing parking lot. The applicant has previously submitted site plans indicating the existing building (currently undergoing internal renovations) contains 52,539 square feet. The revised plans include a parking calculation table indicating total square footage is 70,633 square feet. The building is located on Lot 38 and has pre-existing non-conformities relating to side yard and rear yard setbacks. A small portion of the building is 1.3 feet over the lot line between Lots 38 and 44. Applicant indicates that a portion of its parking is located on Lot 44, and that the building height will increase from 35 feet to 39.5 feet. Lot 38 is approximately 4.67 acres in size, with frontage along East Kennedy Boulevard. The submitted building plans indicate a supermarket in the center of the building with an entrance facing south (toward East Kennedy Boulevard). The loading dock area is located on the north side of the building. The submitted building plans indicate fourteen (14) separate tenant spaces surrounding the supermarket area, and a second floor area with offices and a dining area. The tract is located near the corner of Route 9 North and East Kennedy Boulevard in the northwestern part of the Township, near the border with Howell Township. The tract and adjacent properties are located in the B-3 (Highway Business) Zone. A mix of commercial and retail uses surround the site, and a residential development is located to the east. Applicant has submitted plans revised subsequent to the June 5, 2007 Plan Review meeting. Retail uses are permitted in the B-3 Zone. The applicant has requested the following variances: Side Yard Setback: 30 feet/60 feet (combined) required, 0 feet/26.7 feet proposed. Rear Yard Setback: 30 feet required, 26 feet proposed. Rear Yard Setback: 30 feet required, 26 feet proposed. The above variances are due to pre-existing non-conformities. The applicant has requested the following variance: Maximum Building Coverage: 25 % required, 25.86 % proposed (existing: 25.74%). The positive and negative criteria for the requested bulk variances should be addressed. At the Plan Review meeting it was indicated during applicant's

testimony that the square footage of the building is 70,633 square feet, not 52,539 square feet noted on the site plans. If the improvements currently being done by applicant are increasing the square footage to 70,633 square feet from the shown 52,539 square feet noted on the site plans, consideration should be given that applicant requires major site plan approval. The applicant should indicate the specific amount of square footage which is being added. We defer to the Board Engineer as to the applicability of granting any site plan waivers. As per 18-818 (Yard Requirements) handicapped ramps (such as those indicated on the site plans) may project into a required setback; any portion of the ramp where the floor elevation exceeds three (3) feet above finished grade may not be closer than three (3) feet to a property line. The tract and surrounding properties commonly share parking and/or access, and a 50-foot wide access easement is noted on the site plans. The applicant has included a parking calculation table, indicating 289 parking spaces; our calculations based on applicants figures are (with rounding) 288 spaces. The calculations are based on the following: Retail: 260 spaces (51,929 square feet/200 = 259.6); Warehouse: 15 spaces (14,909 square feet/1000 = 14.9); Office: 13 spaces (3,795 square feet/300 = 12.7). The warehouse parking definition is based upon standards for a wholesale trade establishment; the Lakewood UDO defines a wholesale business as “an establishment with the set purpose of selling commodities or goods in large quantities typically for resale”. As per the Plan Review meeting applicant must add a note to the plans indicating that the warehouse area is not open to the public. The use should be stipulated and additional Board approval required if the proposed use varies from that approved. Testimony provided at the Plan Review meeting indicated that the second floor areas (including the dining room) will support office activities of the principal use of the building (supermarket). The use should be stipulated and additional Board approval required if the proposed use varies from that approved. Applicant’s plan indicates 42 off-site parking spaces on Lot 44, and part of the subject building is 1.3 feet over a portion of the western border with Lot 44. We recommend easements for parking and access should be executed and recorded for Lots 38 and 44. In addition, an easement or fee simple transaction should be executed to resolve the issue of lot encroachment caused by the portion of the building on Lot 38 being located on Lot 44. The applicant has supplied additional landscaping (along Kennedy Boulevard and the Clinton Avenue R.O.W.) and added site triangles/shade tree easements to the site plans subsequent to the previous review. We note that subsequent to the initial review of the application this office received correspondence from the Lakewood Environmental Commission requesting a landscaping plan that recommended buffering the retail areas (while maintaining site triangle visibility) and to provide low plantings in the buffer areas. Architectural elevations of the structure should be presented to the Planning Board. The remaining comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. He stated that the engineer had the correct number of 64,780, therefore, they don’t need the 42 offsite parking spaces next door and the encroaching issue is an existing 1.3 encroachment. The elevation map was marked into exhibit and Mr. Penzer said it is an L shaped elevation. Mr. Banas said how come they are coming up for applications for this approval when it is already done. Mr. Penzer said they are not touching anything outside of the building, they are not increasing the size of the building, they are only doing the inside. The canopy is being added. Mr. Carpenter stated he does not have a plan of the existing Shop Rite but was there when it was originally started construction. There was a canopy on the existing Shop Rite and the

square footage of the canopy that they are adding is exactly the same square footage of the canopy that used to be there, instead of being reconfigured, it is around the perimeter of the building. The actual square footage of the building does not change except for they added 2 handicapped ramps on the west side of the building and the area of the handicapped ramps is exactly the increase in the building coverage that is shown on the zoning schedule. Mr. Penzer said before it was 25.74 % and now it is 25.86% and it is 244sf which is exactly what is in the handicapped ramps on the west side of the building. Mr. Slachetka said that part of the application they represented is correct, the reason that they are here as well is that there are other site plan changes with regard to the reconfiguration of the parking area and some other related improvements. Mr. Neiman asked if they had to come back for a change of use and Mr. Kiert same Ed Mack deemed they did not. Mr. Carpenter said the parking lot was laid out not very efficiently and they went in and re configuring the parking lot they increased the parking by 50 spaces. Obviously they are going to have to overlay and re stripe the parking lot to accommodate all the new parking spaces shown. Mr. Carpenter said they would be putting down a 2 inch overlay compacted to one, and all the areas with major damage will have a total reconstruction. He said he would meet the engineer in the field and they will mark out all of the areas in exactly what has to be done and it will be mapped out on the plans but it will be totally overlaid. Mr. Banas asked how long a 2 inch compact would last and Mr. Carpenter said if it is done correctly, it should last 25 years. Mr. Banas asked why don't they consider a 3 inch and Mr. Carpenter said they have an existing 1 ½ to 2 inches of asphalt out there now on a compacted gravel base and you would end up with 4 inches of asphalt which is the thickness of a lot of roads.

Mr. Penzer said they will get OCPB approval. Sidewalks exist along Kennedy Boulevard and he said if they break it during construction they will replace it. They will show where the removal of the curb will be done. The size is 25 x 50. He asked for direction from the board on the free standing sign. The sign that is in the front is not a conforming sign and they want the exact sign but want to make it nicer so they are asking for a variance. The exact size of the sign is 40x18 which is larger than normal but they want it one the same place so they need some input from the board. Mr. Slachetka said this was not submitted as part of the submission package but Mr. Penzer said he asked for it on his report. Mr. Slachetka said the renderings Mr. Penzer just gave him do not have dimensions on them and Mr. Jackson said if it is not part of the application, and Mr. Penzer said it was not, then Mr. Jackson said they would have to submit that to the zoning officer for his ruling. Mr. Jackson said they are only here to reconfigure the parking lot and a canopy and Mr. Penzer added they are also putting on a second floor for offices for the stores that are located downstairs and they are restricted to that. Mr. Banas said if you put all of those individual stores on that sign, you will need a sign as big as that wall. Mr. Penzer said the upper floor and bottom floor is the same, it is Slomie's meat and it is internal use. Mr. Slachetka said this is not part of the application, Max asked for it in case there was something brought up about a sign, they really need to submit an application to the zoning office and Mr. Penzer agreed to that. Mr. Neiman asked if the 2nd floor is part of this application and Mr. Penzer said yes. Mr. Neiman felt they should ask for a variance now for the sign since this will be a new shopping center, with a new look, 10 stores, etc. Mr. Penzer said that is what they are doing now. Mr. Kiert said Ed Mack cannot grant a variance unless it goes in front of the zoning board. There was a question about the notice sent out and if it covered a variance for the sign. Mr. Penzer decided that they would go to

Mr. Mack, and if there was a problem with and if they had to they would come back with an amendment for this application. Mr. Jackson said their notice talked about a canopy and the parking lot, he does not see anything about additional office space upstairs. Mr. Penzer said it did not have to be, because it is in the building, the parking and everything else meets it and the office space is for Shomie's meat market and Stan S. asked for testimony indicating the second floor are will support office activities of the principal use of the building as a supermarket. Mr. Penzer said the applicant is not renting it to anybody, they want to restrict it specifically to the office for the business downstairs. Mr. Jackson asked if this application is to allow for office space and Mr. Penzer said Mr. Mack feels it is the same part of the application and since they are not going beyond it or taking the parking they have and it is restricted clearly to the supermarket, and that was his opinion. Mr. Jackson asked if the space was already there and Mr. Penzer said yes and that it was offices and they are re configuring it and making it bigger. Mr. Jackson said if you are making it bigger on a commercial lot you have to notice for that. Mr. Penzer said Mr. Mack stated he did not feel that way and that is where they got it from. Mr. Penzer spoke to him extensively and he felt that since it was an ancillary and there was an existing office space, and it is still part of the building, it did not have to be noticed. Mr. Neiman asked if there were existing offices there and some members stated no but Mr. Penzer said yes. Mr. Klein asked what is there currently and Mr. Penzer said offices that they are building on based on the permits they received from inspection. They are doing everything to code, and they are inspecting it. Mr. Neiman said don't you normally go for approvals first before you get permits and Mr. Penzer said this is for the site plan and the offices are different, they are telling the board everything they are doing so as not to hide.

Mr. Jackson said he sees an application for a reconfiguration of the parking lot and canopy and he should talk about that. Mr. Fink said if you have the permits to do the offices, than why are we even bringing it up right now and Mr. Penzer said it was in the comments from the professional's letter that there was concern they would rent it to outside. Mr. Banas said the plans that they submitted indicated the expansion of the office. Mr. Slachetka said the reason they put it in their report is in relationship to the amount of parking that would be necessary.

Mr. Banas asked if the resolution could be restricted to just indicate the parking lot and the canopy and Mr. Penzer agreed. Mr. Neiman wanted to know if adding more offices on the second floor added more square footage to the building and Mr. Penzer said no, not outside the footprint but inside the footprint. Mr. Carpenter said they did not add any height to the building, the roof is the roof, but they added ceiling height. The ceiling height in the old shop rite was 20 ft. so now the 1st floor is 10 ft. and the second floor has an 8 ft ceiling. Mr. Penzer said the actual amount is 64,780 sf. and they will put a detail of the railing. They agree with the remaining comments in Mr. Peter's report. There will be no handicap ramps within 3 ft of the property line. They do not need any off site parking on lot 44. They have put in the site triangle easements and the landscaping easements and also have added the sewer easement. They do not need a corral and they will provide a lighting plan and they agree to the remaining comments in the planner's report. Mr. Jackson asked the board engineer if the parking works and is it safe and Mr. Wineger said Max reviewed it and if there was an issue, he would have brought it up. Mr. Carpenter said in his opinion this parking lot works. The dumpsters are on northeastern corner and are existing trash compactors. Mr. Slachetka had a concern with the use of the warehouse

space and Mr. Penzer said he had no problem stipulating that that is warehouse space to be used specifically for Shomie's meat market and it is not open to the public and it will be on the plans as well as the resolution.

Mr. Banas opened the microphone to the public.

Gerry Ballwanz, Governors Road was sworn in. She had 2 areas of concern. One is on the southwest side of the building in the parking area, whenever it rains, there is a nice little puddle, a lake. There is something wrong with the drainage there. Mr. Carpenter said that is where the 2x2 catch basin is and there is a pipe leading out of that catch basin, and more than likely due to lack of maintenance of the last 13 years it is probably plugged so they will clean out that line. She asked if it could be written that after it is cleaned out that puddle doesn't exist that maybe there needs to be something else done for the next rain to make sure that is all that is needed. Mr. Banas said based on what Mr. Carpenter said, he feels comfortable that will alleviate the problem. Her other concern is coming west on Kennedy from Clifton to Route 9, it is a breeze. When the store gets built and occupied we are going to have traffic coming. How many entrances and exits from the parking lot onto Kennedy are there planned. Mr. Carpenter said there are 2 existing entrances and will only be 1 when they are finished. She asked if there will be left turns from there or only right hand turns but Mr. Carpenter said he does not see any reason to restrict left hand turns. Mr. Banas said what she questions makes sense, if we directed the traffic onto Kennedy Boulevard, right turn only, and make a left turn on Clifton Avenue, that would relieve the problem. Mr. Carpenter agreed and said they could sign it accordingly.

Mr. Hobday, 30 Schoolhouse Lane, was sworn in. He said he was confused about the canopy. It may be the same size and the previous one, but that was taken down and a new canopy was erected and now the applicant is asking for permission to do that. Is that standard procedure? Mr. Banas said he had a permit from what Mr. Penzer indicated from the Zoning Officer so it is not out of order. Mr. Penzer said as a comfort factor, as long as you don't go over the footprint that existed, that is what gave the comfort factor to the zoning officer. Mr. Hobday asked why would replacing an existing canopy be a zoning issue and Mr. Banas said it wasn't a zoning issue but a zoning officer's issue. He granted a permit to do that work. Mr. Hobday asked why is the applicant asking for permission to construct it and Mr. Penzer said they are asking as a part of a site plan so they are describing what a site plan is (canopy and parking).

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

Mr. Penzer said his client took a great deal of courage to make this nice and this store is at the entrance of Lakewood and will be a flagship of Lakewood, people will see it. He requested the Mr. Jackson write in his resolution that the applicant agrees to all of the conditions that the professional staff says unless the board says differently and he would like to respectfully say that now that they have clarified this. The correct size is 64,780 sf so they do not need the parking on lot 44 and don't need an encroachment easement. Mr. Banas asked if they will ever need additional parking from lot 44 and Mr. Penzer said they do not plan on extending the building and if they do, they will come back. Mr. Banas asked Mr. Slachetka if he and Max can go and remove the items that don't pertain and then they can include that statement. Mr. Slachetka said the applicant has clarified the

amount of space and Max's review reflects that. Assuming that the applicant stipulates on the nature of the use of the warehouse and that they said it is on record that second floor is going to be servicing the supermarket and not converting it to medical offices, then they do not need that additional parking and there is nothing the professionals need to do. Mr. Penzer agreed.

Motion was made by Mr. Neiman to approve this application. This will beautify the area. The parking lot is vital to this project and without adequate parking the stores will not be serviced properly. He made a motion to approve the new parking configurations but would want them to meet and this parking lot have to be repaved before the stores are inhabited. Mr. Penzer had a problem with that because a tenant (cleaners) is getting thrown out of his existing site and needs to open there. Mr. Banas said it was time for a motion and Mr. Penzer has said what he wants to say. They can only deal with the parking and the canopy.

Mr. Neiman pulled back on his motion and asked someone else to make one.

Motion was made by Mr. Gatton, seconded by Mr. Herzl to approve the canopy and approve the parking with all of the recommendations including giving up the easement across the street.

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

6. SD # 1588 (VARIANCE REQUESTED)
APPLICANT: PINE PROJECTS LLC
Location: Miller Road, between Forest Drive & Shady Lane
Block 12.01 Lot 16
Minor Subdivision to create two lots (1 flag lot)

Carried to August 7, 2007

7. SD # 1589 (NO VARIANCE REQUESTED)
APPLICANT: FAIRMONT INVESTMENTS LLC
Location: 1963 New Central Avenue, east of Irene Court
Block 11 Lot 118.01
Minor Subdivision to create two lots (1 flag lot)

Mr. Shea requested, due to the late hour, to be carried to August 21, 2007

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to carried to August 21, 2007

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

8. SP # 1869 (VARIANCE REQUESTED)

APPLICANT: J&J GROUP LLC

Location: Cushman Street, west of Route 9
Block 430 Lot 60

Preliminary & Final Site Plan for 6,960 sf 2 story office building

Mr. Shea requested, due to the late hour, to be carried to August 21, 2007

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to carried to August 21, 2007

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

9. SD # 1595 (VARIANCE REQUESTED)

APPLICANT: 53 WEST CROSS STREET JACKSON LLC

Location: West Cross Street, west of White Road
Block 251 Lots 12, 13 & 13.01

Preliminary & Final Major Subdivision – 6 lots

Carried to August 7, 2007 Plan Review Meeting

5. MEMORIALIZATION OF RESOLUTIONS

1. SD # 1425B (VARIANCE REQUESTED)

APPLICANT: HERBERT HEYMAN

Location: North Apple Street & Kennedy Boulevard East
Block 172 Lot 16

Extension of previously approved Preliminary and Final Major Subdivision – 2 lots

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes,
Mr. Gatton; yes

2. SP # 1866 (NO VARIANCE REQUESTED)

APPLICANT: BATIM MANAGEMENT

Location: Fifth Street, east of Clifton Avenue
Block 117 Lots 11 & 12

Preliminary & Final Site Plan for 5 story building with retail/office and restaurant hall

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes,
Mr. Gatton; yes

3. SD # 1581 (VARIANCE REQUESTED)
APPLICANT: MEIR KOHEN
Location: Albert Avenue, between Oak Street and South Street
Block 855.06 Lot 15
Minor Subdivision to create two lots

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes,
Mr. Gatton; yes

4. SD # 1582 (VARIANCE REQUESTED)
APPLICANT: YAAKOV SINGER
Location: White Road, east of Cross Street
Block 251 Lot 9.02
Minor Subdivision to create 2 lots

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes,
Mr. Gatton; yes

5. SD # 1587 (VARIANCE REQUESTED)
APPLICANT: ELANA SHAIN
Location: Gudz Road, north of Central Avenue
Block 11.10 Lots 72.01 & 72.02
Minor Subdivision from 2 lots to 3 lots (1 flag lot)

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes,
Mr. Gatton; yes

6. SD # 1534A (VARIANCE REQUESTED)
APPLICANT: MTR VENTURES
Location: Ridge Ave., East 7th St. & Highgrove Crescent, east of New York Ave.
Block 223 Lots 4, 9.04, 84 & 85
Extension of previously approved Minor Subdivision – 4 lots to 3

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes,
Mr. Gatton; yes

6. CORRESPONDENCE

The correspondence in their packet from Judge Serpentelli and if the board did not read them, they should read them

7. PUBLIC PORTION

No one came forward

8. APPROVAL OF MINUTES

- Minutes from July 10, 2007 Plan Review Meeting

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Gatton; yes

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Fink; yes, Mr. Gatton; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary