

**LAKWOOD PLANNING BOARD  
MINUTES  
AUGUST 2, 2005**

**I. CERTIFICATION OF COMPLIANCE**

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

“The time, date and location of this meeting was published in the Ocean County Observer and the Asbury Park Press and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and a copy of this Agenda has been mailed, faxed or delivered to at least two of 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.”

**II. ROLL CALL:** Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Dolobowsky, and Mr. Chermack.

Also present were:

Attorney John Jackson, Engineer Maxwell Peters and Planner Stanley Slachetka.

Mr. Banas asked if there were any changes to the agenda.

Mr. Kielt replied that item #5, SD #1471, would be tabled to the September 6, 2005 meeting at the request of the attorney. Item #6, SD #1482, would be tabled to the September 6, 2005 meeting as well as item #9, SD #1491.

**III. WAIVER REQUESTS**

**1. SP #1822**

Applicant: Chevra Lomdel Torah

Location: Fifth Street, west of Private Way  
Block 48 Lot 10

Preliminary & final site plan for proposed synagogue

Waiver request from checklist item:

#B-2 - topography within 200 feet of site

#B-10 - man made features within 200 feet of site

#C-13 - environmental impact statement

Mr. Peters stated he recommended granting a partial waiver for item #B-2. He recommended granting a partial waiver for #C-13 and not granting item #B-10.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the partial waiver for items #B-2 and #C-13 were hereby granted and item #B-10 was hereby denied.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mrs. Wise, yes; and Mr. Ackerman, yes.

#### IV. PLAN REVIEW ITEMS

1. **SD #1493** (No variance requested)  
Applicant: Yeshiva Kol Torah  
Location: Oak Street, east of Route 9  
Block 1008 Lot 2  
Block 1009 Lot 1  
Block 1010 Lots 1 & 4  
Block 1018 Lot 1

Minor subdivision and consolidation of lots for future construction of private school

Mr. Peters stated the applicant is seeking minor subdivision approval of four lots on three separate blocks. The properties in question lie on existing blocks 1008, 1009, 1010 & 1018. Oak Street is the nearest improved road that services the properties, all of which are located in the R-12 zoning district. No variances will be required for this application. Ocean County Planning Board approval will be required. The planning board should determine if a shade tree easement is required along the frontage of Oak Street. The applicant shall revise the plan such that all signature lines requiring official seals are placed no further than two inches from the edge of the paper. The board should determine if a sidewalk will be required along Oak Street. The balance of the comments were minor in nature.

Mr. Slachetka stated the purpose of the subdivision should be identified on the plat. Further, the plat should state that no construction may occur until such time that sufficient road improvements are in place or bonded and all necessary permits and approvals have been secured. No Township permits should be issued for any of the new lots until improved street frontage is provided. No construction will be done. The balance of the comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated the application and the following application is a series of properties that the Township sold for schools. The township is insisting that they close. In order to close, the subdivision has to be closed. This was a condition of the closing. They were chopping off from the existing lot that the township has to what was sold to the individual school. They would modify and have Mr. Yuro show what the extent of the subdivision. They could comply with the recommendations. The issue of the sidewalk would be discussed at the time of construction. They have to subdivide now so they could close on the property.

Mr. Banas asked about the little "L". Mr. Penzer explained what the township did with selling the properties with lots, not surveys.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application was hereby approved.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Chermack, yes.

No public hearing was required since there was no notice.

- 2. SD #1494** (No variance requested)  
Applicant: Tiferes Bais Yaakov  
Location: Oak Street, west of Albert Avenue  
Block 795 Lot 1  
Block 796 Lot 1  
Block 797 Lot 2

Minor subdivision to create two lots for future construction of private school

Mr. Peters stated the applicant is seeking to consolidate three complete blocks into two blocks, each with one lot. The properties are known as block 795 lot 1; block 796 lot 1; and block 797 lot 2. Upon consolidation, the property will be known as block 795 lot 1.01 and block 797 lot 1.02. No variances are required. Ocean County Planning Board approval will be required. The applicant has indicated that a 6' wide shade tree and utility easement will be deeded to the township along the frontage of Oak Street and Bellinger Street. This plan conforms to New Jersey Map Filing Law requirements.

Mr. Slachetka stated the purpose of the subdivision should be identified on the plat. Further, the plat should state that no construction may occur until such time that sufficient road improvements are in place or bonded and all necessary permits and approvals have been secured. No township permits should be issued for any of the new lots until improved street frontage is provided. The balance of the comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. The purpose of the subdivision is to close on the property which was sold by the township. The auction was limited to schools. It was part of a larger parcel. In order to close, they have to subdivide the property which was a condition of the sale. They would have to come back with the application at a later date.

On motion by Mr. Chermack and seconded by Mr. Dolobowsky, the application was hereby approved.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Chermack, yes.

No public hearing is required since there was no notice.

- 3. SD #1486** (Variance requested)  
Applicant: Tovia Halpern  
Location: Woodland Drive, west of Hillridge Place  
Block 12.05 Lot 9

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking a minor subdivision approval to create two lots. There is an existing residence on proposed lot 9.01 which fronts on Woodland Drive. Proposed lot 9.02 fronts on Lakeview Drive. Both lots are located within the R-12 zone.

A variance will be required for minimum lot area where 12,000 square feet is required and 11,353 square feet is provided for lot 9.02. A variance will be required for minimum rear yard setback where 20 feet is required and 13 feet is proposed for lot 9.01. Outside agency approvals will be required. The applicant has provided off-street parking in accordance with RSIS standards. The board should determine if shade tree easements will be required. The board should determine if sidewalks will be required along the frontages of the proposed lots. The notary's certification shall be relocated to be below the owner's certification.

Mr. Slachetka stated variances are required and the positive and negative criteria for the variances must be provided. Street trees are required and should be shown on the plat. Filing of the subdivision must comply with all provisions of the Map Filing Law. Off-street parking shall be provided in accordance with RSIS standards. The project engineer should certify that all site improvements are designed in compliance with the RSIS standards with a note on the plans. The assessor must assign proposed lot numbers and evidence of the same should be provided. A performance bond should be posted for installation of the street trees and driveway apron. Sidewalk is not provided on either lot and should be discussed.

Abraham Penzer, Esq., appearing on behalf of the applicant. The recommendations would be complied with.

Mr. Dolobowsky wanted to discuss the sidewalk issue at the public hearing. Mr. Penzer stated that he thought the board would be surprised that the sidewalks really would not be an issue.

On motion by Mr. Dolobowsky and seconded by Mr. Chermack, the application would have public hearing on August 16, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Chermack, yes.

Mr. Jackson stated the application would have public hearing on August 16, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 4. SP #1821** (No variance requested)  
Applicant: Congregation Ahvaas Chesed  
Location: corner of Lexington Avenue and Third Street  
Block 126 Lots 1 & 16  
Preliminary & final site plan for proposed boy's school

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for a new school. The site is on the corner of Lexington Avenue and Third Street in the B-2 zone. No variances are required. Outside agency approvals will be required. The applicant has indicated that the school will be serviced by public school buses. Testimony shall be provided as to where the children will be dropped off and picked up by the buses. We recommend they be dropped off on site and a turn-around area be provided

for the bus. The board should determine if shade tree easements will be required along Lexington Avenue and Third Street. Concrete sidewalks are to be labeled clearing as to what is existing and what is to be constructed. The balance of the comments were minor in nature.

Mr. Slachetka stated the applicant should describe the operational characteristics of the facility including the proposed number of students; anticipated number of staff persons; anticipated number of school buses; expected number of school buses visiting the site on a daily basis; the proposed hours of operation; and any other services other than lunch food services that will occur on site. Architectural floor plans and elevations have been submitted for board review. Section 906 of the UDO requires a twenty foot landscaped buffer from a residential use. The site plan indicates a dwelling on lot 2 and lot 15. The buffer should be provided and identified on the plan or a waiver requested. Bus loading/unloading zones should be delineated on the site plan. Landscaping should be provided around the trash enclosure. The location of the building entrances on the site plan and the walkway connections from the sidewalk should be clarified. The loading area for food deliveries should be indicated. Outside agency approvals will be required.

Steven Pfeffer, Esq., appearing on behalf of the applicant. He stated the proposed building is right down the street. The two buildings would be removed. The property is bordered on one side, at the corner of Second and Lexington by the former YMCA, which is not a residential use. The property bordered on Third Street by the Jefferson Hotel, which is a rooming house. It is a multi-family use. No buffer is required between the site and the YMCA building. If the board feels that the Jefferson Hotel is a residential use requiring buffering, they would be requesting a waiver. They would put in partial landscaping. They will provide testimony at the hearing with regard to the school buses and the hours of operation. They have no problems with the comments. They do not feel that they need a turn around for ingress for the children and testimony would be provided. The boys are high school aged and it is one bus per day.

Mr. Banas asked about the number of students. Mr. Pfeffer stated it would be up to 150 students.

Mr. Dolobowsky stated the students are from the area and would walk.

Mr. Banas asked about a play area. The applicant stated it is between the two parking areas. A lawn area would be provided.

Mr. Dolobowsky wanted to hear testimony why they want to two separate parking lots rather than one. Testimony should further be provided about not providing a cut off for the buses or cars to pull in to drop the children off.

Mr. Banas asked why the buses would drop off at. Mr. Pfeffer stated the buses would drop off at the main entrance on Third Street. They come in at 7:00 a.m. and return at 6:00 p.m. Mr. Banas asked about Mr. Slachetka's concerns. Mr. Pfeffer stated the YMCA was not a residential use. The ordinance only becomes applicable between a residential and non-residential use. On Third Street it is the Jefferson Hotel but it is not a typical one family home, it was a rooming house, so he was not sure if the ordinance was

applicable. Mr. Slachetka explained the ordinance and felt the applicant made their case. The issue with the Jefferson Hotel was at the board's discretion. Mr. Pfeffer stated they would add landscaping between the parking areas and the adjacent uses to make it look better.

Mr. Dolobowsky stated the plans indicate that there is a two story dwelling. Mr. Pfeffer stated they currently rent the old library. Mr. Banas stated the building on the plans is really the YMCA. Mr. Pfeffer stated the same would be indicated on the plans as would additional landscaping.

Mr. Banas asked the condition of the sidewalk. Mr. Pfeffer stated he was not sure. Mr. Franklin stated it was in disrepair. Mr. Pfeffer stated they would replace wherever it is in disrepair.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application would have public hearing on August 16, 2005.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Chermack, yes.

Mr. Jackson stated the application would have public hearing on August 16, 2005 at 6:00 p.m. No further notice was required of the applicant.

- 7. SP #1820** (Variance requested)  
Applicant: 1161 Route 9 LLC  
Location: Route 9 (River Avenue) between Chestnut Street & Yale Drive  
Block 1064 Lot 4  
Preliminary & final site plan for proposed office building

Mr. Peters stated that the applicant is seeking preliminary and final site plan approval for a commercial office building at Block 1064 lot 4 front River Avenue in the H-7 zone. Variances are required for proposed lot area where 28,000 square feet is proposed and 43,560 square feet is required; lot front of 140 feet where 150 feet is required; front setback of 53 feet where 150 feet is required; side setback of 5.8 feet where 30 feet is required; 29 parking spaces where 59 are required and parking space dimensions of 9 feet by 18 feet where 10 feet by 20 feet is required. The applicant is requesting a waiver from providing the required 25 feet landscape buffer along the property frontage. Outside agency approvals are required. The applicant has been provided information from the township engineer that NJDOT plans to widen River Avenue by 22 feet on each side to 55 feet on each side. The proposed right of way line shall be shown on the plans and dimensioned from the existing centerline. All proposed site improvements shall be kept outside of the future right of way limits. This will result in the loss of six proposed parking spaces. The remaining comments were minor and technical in nature.

Mr. Slachetka stated testimony should be provided addressing the positive and negative criteria for the requested variances. Architectural drawings of the building have been submitted for the board's review. A sidewalk is not provided along Route 9. The board

should decide if sidewalk is warranted at this location. NJDOT approval is necessary. A trash enclosure does not appear to be proposed for the site. The applicant must provide for the storage and collection of solid waste and recyclables. The plans are not labeled correctly. The applicant should submit an Environmental Impact Statement that adheres to the standards of Section 820(A) of the new Township UDO. The applicant has proposed parking areas within the required front yard setback. UDO section 903(H)(6) permits the location of parking within the required front yard setback where the principle building has a minimum setback of 150 feet and a 10 foot buffer strip is provided between the parking area and public road. The board should be aware that though a buffer strip in excess of 10 feet has been provided, the front yard setback requirement is not met. A landscaping plan has been provided. The applicant should provide additional plantings within the buffer area along Route 9. Low level shrubs of a diverse species mix are recommended. The plantings should be located in medium-sized, mulched beds. A chain link enclosure and concrete base are located onsite. The applicant should indicate on the plans whether or not these features are to be removed. The ownership of the metal box within the Pineview Avenue right of way should be indicated.

Abraham Penzer, Esq., appearing on behalf of the board. Most of the conditions are preexisting. The parking required is 39 spaces not 59 spaces as indicated based on the new ordinances. They would be requesting a variance for ten spaces. They understand about the DOT permits. They would take care of the trash enclosure and labeling the plans. They did comply under the old ordinance with regard to the Environmental Impact Statement. They needed some guidance. Mr. Banas did not want to go back to the old ordinances. Mr. Penzer stated the same would be provided. They will give testimony regarding the front yard setback. They have no problem providing additional landscaping. Mr. Banas felt the board needed more than an explanation with regard to the front yard setback. Mr. Penzer stated the 150 foot setback was because they were not sure about the widening of Route 9. The actuality is only a widening of 55 feet. He has several applications before the zoning board. Yes, the 150 foot was required by the actuality is 55 feet. Mr. Banas stated that the township engineer recommends that the site be redesigned with the future widening of Route 9 with 55 foot half widths right of ways in mind. Improvements should not be allowed in the future right of way. A variance would be required for all improvements except the access driveway that are within the 150 foot setback from the line. Mr. Penzer stated he was aware of this which is why he advertised for it. If they do that, they would lose six parking spaces. They were trying to negotiate with the town to purchase the land next door. Mr. Banas asked if they were planning to redesign the property. Mr. Penzer stated if the board wished, they could. They were going to give an alternative for the six parking spaces and when Route 9 was widen they would move the spaces. If the board was not in favor of the same, they would redesign now. Their proposal was until it is actually done, they would move it over to the alternative site. If not, they could redesign it. Mr. Peters stated he understood the 150 foot setback would be from the new right of way.

Mr. Dolobowsky stated that if the building was turned sideways, the building would be set back. Mr. Penzer stated it was an existing building. The second story was being added on. Mr. Dolobowsky stated that they were told they had to stop giving variances. The township engineer is saying that six parking spaces would be lost if the area was taken to widen Route 9. Mr. Banas stated that Mr. Kielt stated the County was requesting

that they stop granting variances along Route 9 because it would make the situation worse down the road. Mr. Dolobowsky agreed and felt the township had to push for the improvements. The township engineer is stating the site would be losing 20 feet across the front as well as six spaces. He felt the site would have to be reengineered. The applicant's engineer stated they discussed it to free up some area for additional spaces if the six spaces were lost. He would look at sliding the entire parking closer to the building. They were three foot short. They were showing 19 feet to the first space and according to Mr. Lines it would have to be 22 feet. If it is slide forward, they would probably lose one parking space along the back parking. Mr. Penzer stated the building is existing, they were just adding a second floor. They would provide testimony why they do not need as many parking spaces. Mr. Banas stated that may be their position now, but if the building is sold and the new owner has a different business the parking may not be enough. Mr. Penzer stated they understood that which is why they were trying to purchase the adjacent property from the Township. Mr. Dolobowsky stated the property is part of the Hagerman dump which is probably why it was taking so long. Mr. Penzer stated he would send another letter. Mr. Dolobowsky felt that the secretary should send a similar letter. Mr. Jackson stated the whole concept of responding to a direct, indirect or overt directive from the state or governing body to not grant variances or to tighten up could present problems. The board sits as a quasi-judicial board and charged with considering the facts of the case, the law, and whether the applicant has met the criteria for variances and if so the variances have to be granted. That should be the only concern. To write a letter from the secretary is just asking for trouble. He felt the board should hear the case. Let the applicant makes its' proofs and make a determination as to whether the variances meet the legal criteria. Mr. Banas stated that Mr. Penzer would send another letter. He felt this was the best way to approach it. He agreed that the board was a quasi-judicial body but it is really something that the board could grant without putting a second floor on but it is not what the applicant wants. He felt that would be better. He did not feel that the plans were ready for presentation at the next meeting. It would be held until it is represented without prejudice. He felt that Mr. Penzer should approach the Township again about purchasing the adjacent property.

On motion by Mr. Dolobowsky and seconded by Mr. Herzl, the application was carried to the September 6, 2005 technical review meeting.

Mr. Penzer stated if he cannot meet the deadline, he would contact Mr. Kielt.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Chermack, yes.

Mr. Jackson stated the application be carried to the September 6, 2005 technical review meeting at 6:00 p.m. No further notice was required of the applicant.

**8. SD #1338A** (Variance requested)

Applicant: Ezriel & Yaffa Munk

Location: Caranetta Drive, south of Central Avenue  
Block 288 Lot 9

Minor subdivision to create two lots

Mr. Peters stated the applicant is seeking minor subdivision approval for the creation of two lots from one. The property is lot 9 of block 288, fronting Caranetta Drive, approximately 150' south of the intersection with Central Avenue in the R-12 zone. Variances are required for the area of lot 9.01 where 12,000 square feet is required and 7,000 square feet is proposed; area of lot 9.02 where 12,000 square feet is required and 8,000 square feet is proposed; lot width of lot 9.01 where 90 feet is required and 70 feet is proposed; lot width of lot 9.02 where 90 feet is required and 80 feet is proposed; front yard setback of lot 89.01 where 30 feet is required and 19.59 feet is proposed; and minimum floor area of existing dwelling on lot 9.01 where 1,200 square feet is required and 830 square feet is proposed. Ocean County Planning Board approval is required. The board should determine if shade tree easements will be required along the frontage of Caranetta Drive. The applicant has indicated that the existing garage shall be removed. The garage should be removed prior to signature of the final plat or a bond posted for the removal of the garage. The applicant has indicated that the existing driveway shall be relocated. Relocation of the driveway will result in proposed lot 9.02 having no driveway. The applicant shall address the parking requirement for lot 9.02. The applicant has indicated that two off-street parking spaces are to be provided for proposed lot 9.02. RSIS standards require 2.5 parking spaces as the number of bedrooms have not been provided. The same must be labeled on the plans. The balance of the comments are minor in nature.

Mr. Slachetka stated the applicant seeks minor subdivision approval to subdivide one conforming parcel into two non-conforming lots. The existing residences will remain. This was previously denied as application SD-1338. Since then, the application has been revised to include removal of the existing garage and the moving of the proposed lot line so that proposed lot 9.01 would have a lot frontage of 70 feet and proposed lot 9.02 would have a frontage of 80 feet. The previous denial indicates the primary objection was the size of the lots. He stated the applicant must address the positive and negative criteria for each of the requested variances. Street trees are required and should be shown on the plat. Filing of the subdivision must comply with all provisions of the Map Filing Law. The assessor must assign proposed lot numbers. Off-site parking should be supplied in accordance with RSIS standards. Two and a half spaces are required.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated this was an unusual application. He asked the applicant not to be present. The Munks had these two houses and several years ago their daughter was killed by a car. As a memorial for the daughter they were using the other house for people who do not have a place to stay on the Sabbath, a place to live or eat. Mr. Simpson told them it was okay to make a connecting hallway and they would be able to keep both houses. Mr. Mack took a different position. It is an inherently beneficial use because it is used for non-profit purposes. It serves a good function. There about 13 people using the house on any given day. Mr. Mack advised him that the only way it would be legal was to resubdivide and put one house on a lot. There are other lots in the area. The only way to avoid

knocking down the house is to do what they proposed. They were currently in court because of how long it took to get on the agenda. They received a summonses for the lot. The new ordinance stops after R-10 and does not permit a duplex. Under the old ordinance, if you have an R-7.5 a duplex is permitted. This would have met that but then it was decided that after an R-10 duplexes were not permitted. If it was left, it would have been permitted. It was their position that this was an inherently beneficial use. They will provide further testimony at the public hearing. He explained what Mrs. Munk does each Sabbath in remembrance of her daughter. The buildings are existing. The street trees are shown and the balance of the recommendations were minor.

Mr. Dolobowsky stated he would love to declare this a duplex. Mr. Penzer stated that they were not permitted under the new ordinance. Mr. Dolobowsky stated in the master plan it states specifically which residential zones duplexes are permitted in. This was not in this master plan. He hoped that the new master plan committee saw to permit it in other areas. He would prefer to allow it rather than splitting the lot. Mr. Jackson stated it may be a use variance if it not allowed. Mr. Penzer stated it was a house on an undersized lot. It is two houses on one lot. If it was a duplex he would ask for a use variance. Mr. Jackson stated that two houses on one lot is a density issue and a use issue and should be heard by the board of adjustment. The board has to make the decision. It may be considered a boarding house. Mr. Penzer stated that a boarding house is up to a 30 day stay.

Mr. Chermack stated if the board grants the same, the owners could sell the property in the future. He suggested a deed restriction. Mr. Dolobowsky stated it could be in perpetuity. Mr. Penzer stated he would have to do some research. He has some ideas but he wanted to do further research first. Mr. Slachetka explained the review process in redoing the ordinance. Mr. Penzer stated the original idea was to knock the house down. This was subsequent to the child being killed. Mr. Dolobowsky wanted to work with the applicant.

On motion by Mr. Dolobowsky and seconded by Mr. Chermack, the application would be heard again at the September 6, 2005 technical review committee.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Chermack, yes.

Mr. Jackson stated the application would be carried to the September 6, 2005 technical review meeting at 6:00 p.m. No further notice was required of the applicant.

**10.SP#1653A** (Variance requested)

Applicant: Lakewood Plaza, Inc.

Location: Cedar Bridge Avenue @ intersection of Dr. Martin Luther King Drive  
Block 536 Lot 70

Preliminary and final site plan for addition to existing commercial building

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for an addition to an existing commercial/retail building. The site is block 536 lot 70 fronting Cedarbridge Avenue in the B-4 zoning district. A variance will be required for parking spaces where 95 spaces are required and 33 spaces are proposed. A variance will be required for the rear yard setback where 30 feet is required and 18 feet is proposed. There is a 14.1 feet setback from the existing building. Outside agency approvals will be required. The applicant shall provide sight triangles at each parking lot entrance, including labels and descriptions. Sight triangle easements shall be deeded to the Township of Lakewood. The board should determined if a shade tree easement will be required. The applicant shall provide traffic signs where needed throughout the parking areas and drive lanes. The balance of the comments were technical in nature.

Mr. Slachetka stated that 48 spaces are required and 33 spaces are proposed per the UDO ordinance. The applicant should provide testimony concerning the positive and negative criteria for each of the requested variances. The zoning schedule should be revised to reflect the correct lot area and setbacks required in the B-4 zone. An architectural drawing of the floor plan and the front elevation of the existing building with the proposed addition has been submitted for board review. The applicant should indicate if the south side elevation will be consistent with the front. Additional landscaping should be considered along the front of the site. Due to spillage of the pole-mounted light fixtures on the south side of the parking lot on to Lot 71, back-shielding of the fixtures is recommended. No trash enclosure is shown on the plans. Due to the fact that about two-thirds of the required paring is proposed, we recommend that the applicant provide detailed written and verbal information addressing the parking demands, list of uses and delivery schedules. The balance of the comments are minor in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. The engineering issues can be addressed. The testimony regarding the variances will be provided.

Brian Flannery, P.E., stated the addition is to a facility that is adjacent to multi-family areas. They believed that due to the fact that a lot of the residents in the area would utilize the facility there would be a lot of walk up traffic warranting the parking variance. There is an existing structure and they were jogging the proposed addition to increase the rear setback and it would be consistent with the existing structure. The additional information would be provided.

Mr. Banas asked about the sight triangle on the west. Mr. Flannery stated they were not the property owner. He would look into what happened in the past with lot 75.03 which is immediately adjacent to the site. Mr. Banas stated the owner could not do anything with it.

Mr. Dolobowsky stated it might be a buffer for the Metencodnek. He stated the area is normally packed with vehicles parking. Mr. Penzer stated that they would post signs. Mr. Dolobowsky was concerned with a shortage of parking. He suggested that they review it to provide additional parking.

Mr. Franklin asked if the 300 foot would affect the building. Mr. Penzer stated it would be exempt because it was all built on. The 300 foot rule only applies when it was undisturbed land. He suggested where they could get a couple of more spaces. Mr. Banas felt that the ingress/egress to the west was not used much. Mr. Penzer stated that was one of his suggestions. The various possibilities of obtaining additional spaces was discussed. Mr. Banas asked if the exit from the property could be aligned along with Dr. Martin Luther King Drive. Mr. Penzer replied that it could not be done. Mr. Penzer stated it would be a good idea if they could do it.

Mr. Dolobowsky wanted testimony that the room was available to do the project. Mr. Flannery stated there is an existing concrete curb to the east which they were looking to expand it. He thought there would be a net balance. In addition, the fact that some pavement area would be replaced with a roof area is a better water quality condition. Mr. Dolobowsky stated that they would dictate to them. Mr. Banas asked if the rear was dirt or paved. Mr. Flannery stated it is shown as pavement but he has not been back there recently.

On motion by Mr. Dolobowsky and seconded by Mr. Chermack, the application would be carried to the September 6, 2005 technical review meeting.

ROLL CALL: Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes; and Mr. Chermack, yes.

Mr. Jackson stated the application would be carried to the technical review meeting on September 6, 2005 at 6:00 p.m. No further notice was required of the applicant.

## **V. PUBLIC PORTION**

Resident from 74 Kew Gardens Drive stated he wrote a letter about a question regarding the ownership of their clubhouse. He was requesting that they be notified if any applications were brought before the board. Mr. Banas stated that the board recognized that he addressed the issue and it was indicated that there was a problem. Notification to him individually may not be done. Mr. Jackson stated he cannot investigate what a developer is doing based on the call from a citizen. It should be addressed with the zoning officer. The resident asked if he has the right to request an interpretation of the February 25, 2003 Planning Board meeting. Mr. Banas stated at this point no. Mr. Jackson stated if it was initiated by a board member. Mr. Banas stated even that would be given to the code enforcement officer. Mr. Jackson stated the board does not have the right to do it. Mr. Banas stated it would be done by the zoning officer and then the court. Once it leaves here, the board has nothing further to do with it. Mr. Jackson explained what he could do with regard to the question he raised. The board really could not get involved.

## **VI. APPROVAL OF MINUTES**

None at this time.

## **VII. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,  
Elaine Anderson  
Planning Board Recording Secretary