

**LAKWOOD PLANNING BOARD  
REGULAR MEETING MINUTES  
DECEMBER 20, 2005**

**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. Neiman, Mr. Banas, Mr. Long, Mr. Dolobowsky, Mr. Akerman and Mr. Klein.

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

Mr. Banas asked if there were any changes to the agenda and Mr. Kielt replied there were no changes.

**III. OLD BUSINESS**

None at this time.

**IV. NEW BUSINESS**

1. **SD# 1498** (Variance requested)  
Applicant: Sam Bauman  
Location: Birch Street, west of Route 9  
Block 416 Lots 29 & 30  
Minor subdivision to create three lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 416 lots 29 and 30. Three new lots are proposed. Proposed lot 29.01 will retain the existing structure. Another dwelling on existing lot 30 is to be removed. New lots 30.01 and 30.02 are proposed to each have two-story dwellings. The site is located on Birch Street in the R-10 zoning district. Variances will be required for lot width where all three lots propose 50 feet where 75 feet is required, side yard where lot 29.01

proposes 9.8 feet and 24.6 feet where 10 feet and 25 feet is required, and side yard where lots 30.01 and 30.02 propose 5 feet and 15 feet where 10 feet and 25 feet are required. Outside agency approvals will be required. The applicant has provided a 6 foot wide shade tree easement along Birch Street. The dwelling on existing lot 30 is proposed to be removed. Removal shall be completed prior to subdivision or a bond posted to ensure prompt removal once the subdivision is complete. There are minor comments concerning the map filing law.

Mr. Peters reviewed Mr. Slachetka's review comments. Compliance with the off-street parking requirements of RSIS must be addressed. A total of 2.5 off-street parking spaces are required for each of the proposed dwellings. The applicant indicates that three spaces are provided. The applicant should provide testimony confirming the number of spaces provided. The Township Tax Assessor should approve the new lot numbers. Evidence should be submitted to the engineer. The existing structures, which are proposed to be razed, should be removed prior to submission of the map for signature or a performance bond posted with the Township. Three shade trees are required along the Birch Street frontage and are shown on the plat. All site improvements should be bonded. Compliance with the Map Filing Law is required. The applicant will be required to obtain all outside agency approvals.

Lou Casellta, Esq. appearing on behalf of the applicant.

Brian Flannery, P.E., was sworn in and his credentials were accepted. The application is for a three lot minor subdivision. The rendering which is a copy of the tax map shows the lots. The existing home on lot 29 would remain and the home on lot 30 would be removed. As indicated, variances are required for lot width and side yard setback. As indicated on the plans the five foot is on the center section. On sides adjoining the existing lots they were providing the ten feet that is required. With respect to the other comments they are minor in nature and they would comply with all the requests. Mr. Slachetka requested testimony with respect to the parking spaces. The existing driveway is in excess of 54 feet long which provides for three parking spaces which is what is required. The two proposed dwellings have double wide driveways of 36 feet long which actually allows for three parking spaces. With respect to the variances the rendering indicates in yellow all the lots on the block which are existing with variances and it is a majority of the lot. What they were proposing was consistent with the rest of the neighborhood. It provides appropriate usage of the property and could be granted without detriment to the Municipal Land Use Law or the Master Plan. It is consistent with the area. There are no negative issues. They met last month with the owner of lot 37 and they agreed that as a condition of approval they would install a planting berm along the rear of the lot prior to construction. Mr. Banas stated that it was not part of this application. They were proposing that prior to construction to alleviate concerns with respect to runoff and aesthetics.

Mr. Banas opened the application to the public.

Catherine Billion, 22 James Street, Lakewood, was sworn in. She did meet with the applicant concerning her previous experiences with runoff drainage when the house

that he is referring to was built. They had a lot of construction runoff. They had water right to their foundation. She was concerned because she was down hill. The drainage is terrible. She wanted to ensure that this was taken into consideration before the variances were granted.

Mr. Banas asked if the berm was high enough to accommodate the runoff. Mr. Flannery stated the berm only needs to be 18 inches high. It would prevent water from flowing prior to the vegetation being constructed. It would be high enough. They would do this prior to construction.

Mr. Neiman suggested to speak with them during construction to ensure it was working.

Mr. Jackson asked if there would be a note on the plans indicating the berm would be constructed prior to construction. Mr. Flannery stated it would be added to the plans.

Seeing no further person wishing to speak for or against the application, Mr. Banas closed the public hearing.

Mr. Long was concerned with the frontage and width size. He had to vote against it.

Mr. Dolobowsky stated the lots were narrow but they had all the square footage plus some. Because of the narrowness they asked for variances on the setback which he felt was reasonable.

On motion by Mr. Neiman and seconded by Mr. Dolobowsky, the application was hereby approved as discussed granting the requested waivers.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, no; Mr. Dolobowsky, yes; Mr. Klein, yes; and Mr. Ackerman, yes.

**2. SD #1503** (No variance requested)

Applicant: Abraham Newman

Location: Ardenwood Avenue, south of County Line Road West  
Block 41 Lots 1 & 7

Minor subdivision to re-align the existing division line

Mr. Peters stated the applicant is seeking a minor subdivision of two lots into two new lots. The existing lots each have an existing dwelling that will remain. The proposed subdivision will move the shared property line such that each proposed lot has the same width. The property is on Ardenwood Avenue in the R-12 zoning district. The applicant will be required to obtain Ocean County Planning Board approval. Evidence of this should be made a condition of final subdivision approval. No variances will be required. The board should determine if a shade tree easement will be required along the frontage of Ardenwood Avenue. The applicant has added a four foot wide concrete sidewalk across the frontage of proposed lot 1.01 as discussed at the technical meeting.

Mr. Slachetka stated street trees should be provided along the street frontage. Seven street trees are required. A sidewalk is now proposed along the frontage of new lot 1.01 per the board's comments. The balance of the comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. At the technical meeting there were two issues the board was concerned with. One was regarding the sidewalks which were added. The other issue was the Ocean County Planning Board approval. They met all the requirements.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, Mr. Banas closed the public hearing.

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

Mr. Peters asked about the street tree easement. Mr. Banas stated the board has previously requested street trees for other application. Mr. Penzer thought they were on the plans. If they were not shown, they would be added.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

- 3. SP #1827** (No variance requested)  
Applicant: Bradco Supply Corp.  
Location: Oak Street, west of Airport Road  
Block 1160 Lot 268  
Preliminary & final site plan for proposed building addition

Mr. Peters stated the applicant is seeking preliminary and final site plan approval for the construction of a warehouse, storage shed, parking area and driveway. The 3.03 acre site currently contains a 17,000 square foot warehouse with the remainder of the site mixed between paving and woods. The property is on Oak Street within the M-1 zoning district. No variances will be required. The applicant will be required to obtain all outside agency approvals. The applicant has addressed all previous comments regarding stormwater management.

Mr. Slachetka stated to address the request for architectural information, the applicant has submitted a photocopy of several pages from a "Chief Buildings" catalog, showing a typical elevation, detailed wall section and typical building details. However, elevations and floor plans for the actual buildings being constructed on site have not been provided. The information does not comply with the architectural information typically provided by applicants to assist the board's review. The applicant should provide descriptive testimony at the public hearing concerning architectural details and layout of the actual buildings constructed on site. The Shade Tree Commission has requested that the caliper of the proposed shade trees be increased from 2 to 2.5 inch range to a 3 to 3.5 inch range. He had no problem with this. Comments of the Lakewood

Industrial Commission should be obtained by the applicant and submitted for the board's information. There are some areas of the site which do not appear to have sufficient lighting. The applicant's engineer should confirm the sufficiency of site lighting.

Abraham Penzer, Esq., appearing on behalf of the applicant.

Charles Witte, P.E., was sworn in and his credentials were accepted. The lighting was reviewed and it was sufficient. Mr. Witte explained what they would be doing with the lighting and the lighting in the parking area. Mr. Banas was not comfortable with it. The owner of the building to the west on Oak Street did meet with him and he showed him the problems. The lights on the building are with such luminous that it was distracting to the vehicles traveling on Oak Street. Shades were ordered supposedly but he has not seen them yet. Mr. Penzer stated he had no objection to make it a condition of this application. Mr. Banas stated there is one light on the building that is manually operated and when it goes on it is blinding. He did not want the same light to be installed on this building. Mr. Penzer stated the board has a copy of the Industrial Commission's comments. They had no problem with increasing the caliber of trees as requested by the Shade Tree Commission. Mr. Witte described the building including the material, color of it and use of it. Mr. Penzer stated the stormwater management was addressed and they would obtain the required outside agency approvals.

Mr. Banas asked if this would take the traffic off Oak Street for the deliveries to the site. Mr. Witte stated it would eliminate some traffic.

Mr. Neiman asked about the lighting and if it was acceptable. Mr. Slachetka wanted to review the final lighting plan and wanted it to be a condition of the approval. Mr. Penzer agreed to the same and that it would have to be acceptable to the board's professionals. Mr. Neiman asked about the Shade Tree Commission's comments. Mr. Penzer stated they agreed to the same.

Shawn Uscocovich, Project Manager of Bradco Supply Company, Avenel, New Jersey, was sworn in. He stated he spoke with the electrician today who informed him that the lenses were installed over the lights and the parking lot was on a timer. The one light had a switch put on it so people could turn it on and off. He indicated that it was lowered. Mr. Penzer stated they agreed to what the professionals would want. Mr. Banas stated it was on during the loading and unloading of the trucks. It was extremely bright. Mr. Uscocovich stated he would check the luminous. Mr. Penzer stated they would review it and ensure it was acceptable to the board's professionals.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

- 4. SD #1505** (No variance requested)  
Applicant: 1368 River S.L. LLC  
Location: Route 9 between Cross Street & Honey Locust Street  
Block 534 Lot 7  
Preliminary and final major subdivision for 20 single family townhouse units

Mr. Penzer stated there is one objector and they were preparing an agreement. He asked if this be carried until after item 5.

- 5. SP #1829** (Variance requested)  
Applicant: Congregation Yeshivos Pinchos  
Location: Cabinfield Circle, west of Somerset Avenue  
Block 208.02 Lot 1  
Change of use site plan from existing residence to proposed synagogue and rabbi residence

Mr. Peters stated the applicant is seeking to change the use of the basement of a single family residence to a synagogue. Places of worship are an approved use. The basement will serve as a place of worship while the upper floor will remain a residence for the Rabi and his family. An 18' x 10' addition is proposed to serve as an entry way and coat room. The property is located on Cabinfield Circle in the R-12 zoning district. Variances will be required for lot area where 11,883 square feet is existing and proposed where 12,000 square feet is required; front setback where 21.6' is proposed and 30' is required; rear setback where 10.5' is existing and proposed where 20' is required; accessory setback where 1' is existing and proposed where 10' is required; and parking where one space is proposed and 13 spaces are required. The variances for lot area, rear setback, and accessory setback are existing conditions. The plans have been revised to indicate a 10 foot wide shade tree easement to be dedicated to Lakewood Township. The applicant shall provide testimony as to hours of operation and expected attendance. The architectural plans have been revised to indicate the location of a proposed wall mounted sign near the synagogue entrance. The applicant has added an elevator to the basement to the architectural plans. The zoning table shall be revised to include adequate parking for both the sanctuary space and the residential use of the lot. The required residential parking shall be per the RSIS standards.

Mr. Slachetka stated the site is in the R-12 zone. Single family detached housing and places of worship are both permitted uses. Chapter 18, section 900.I of the UDO indicates "any site or development may contain more than one use as long as the uses are permitted in the zoning district in which it is located. The variances were discussed. In addition to the 13 spaces required for the sanctuary, 2.5 spaces are required for the residence for a total of 16 spaces. Testimony should be provided concerning the sufficiency of the parking. The applicant should address the positive and negative criteria for each of the requested variances. Architectural floor plans and elevations have been submitted for planning board review. The applicant should confirm that no additional site improvements are required. The purpose of the proposed

addition on the south side of the structure should be provided to the board. The applicant should address the comments of the Shade Tree commission which requests an evergreen buffer to screen car headlights on the adjacent properties. The balance of the comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. They arranged an indoor lift to resolve access for the handicapped. The second issue was whether or not the neighborhood would be affected by other synagogues. There are approximately six synagogues within a three to four block vicinity. One was approved by the board recently and the rest are illegal ones which he encouraged them to become legal. One of the largest synagogue is in the area and takes over the spillover. He gave the exact locations of the synagogues. This is a neighborhood shul. There is further parking, a playground and other areas where there is no parking when services would be held. The services are in the morning from 7 to 9 and in the evenings. That is when the playground is not used. There is approximately over 1,000 feet in area where cars would be parked. It would be about nine cars at the least. This is a neighborhood shul and would not need further parking.

Brian Flannery, P.E., was sworn in and his credentials were accepted. This is an application to amend an existing residence to allow the basement to be used as a house of worship. It is currently being used as a house of worship. They were proposing a 10' x 18' addition so the people come into the building in an enclosed area. They looked at handicapped access and have added a lift. They were coming out of the basement with it and trying to make the existing situation better. The lot area, rear setback and accessory setback variances are existing variances which were granted at the time of subdivision of the parcel. The current application is requiring a front setback variance on Cabinfield Circle because the existing basement is in that vicinity and they have to come ten feet off the corner to have the entrance area. Mr. Penzer noted it was the southerly side of Cabinfield Circle. Mr. Flannery stated the second variance requested is for parking. Parking would be required at 13 spaces and 2.5 for the residential area. There is currently existing one parking space. They were not changing the pattern. The parking has been working. The comments of the engineer were minor in nature and they would comply. With regard to the planner's report, the additional coverage variance was addressed. The ordinance permits 25% and they were asking for 25.3%. The negative criteria is negligible as far as drainage or aesthetics. What they were proposing would improve the situation. All the traffic and parking presently occurs. They were provided handicapped access and a covered area for the congregants. He felt that the variances could be granted without any detriment to the zoning plan or zoning ordinance. No additional improvements were requested. He did not know what headlights that the Shade Tree Commission wanted screened. They would provide whatever was required.

Mr. Banas asked if additional landscaping was needed. Mr. Slachetka stated that if the board grants the variance for the parking, then the issue with the headlights is non-existence.

Mr. Long asked if the parking lot would double as a playground. Mr. Penzer stated that if there is a concern with parking it could be used. The church has been in

operation for a couple of years. They were not increasing the number of people. They have approximately 25 to 30 people that use the facility. They were all local people involved. If there is a concern with the board, there is extra parking on the street. There is an area of the playground that could be used because the playground would not be used during services. At this juncture, they did not anticipate using it. They have history in the area. There is no playground on site, it was down the street some.

Mr. Dolobowsky was glad to see the lift. He was assuming that the proposed sidewalk would be flush with the steps. He asked if there would be parking available on Somerset. Mr. Flannery stated there would be. Mr. Franklin stated there is a lot of bus traffic on Somerset in the morning. Mr. Penzer stated they did not want to use it for parking, it was just as an overflow. For five years they have not needed any parking and they do not intend to have any now.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Klein, the application was hereby approved granting the requested variances.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Miller, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, no; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

**7. SD #1507** (No variance requested)

Applicant: Hamilton Partners LP

Location: Swarthmore Avenue, east of Lehigh Avenue  
Block 1606 Lots 6 & 9

Minor subdivision to re-align the property line between the two lots

Mr. Peters stated the applicant is seeking a minor subdivision of block 1606 lots 6 and 9. No new lots will be created. A portion of lot 9 totaling 1.250 acres is to be conveyed to lot 6. Both the existing and proposed use of lot 6 is industrial. No new structures are proposed for lots 6 and 9. The site is located on Swarthmore Avenue in the M-1 zoning district. A variance may be required for the front yard setback for lot 6. The existing and proposed setbacks are 52.2 feet. The required setback is 100' but can be reduced to 50 feet with the consent of the planning board. The applicant will be required to obtain Ocean County Planning Board approval. A letter has been received from the Lakewood Industrial Commission stating they have no objection to the subdivision. There are some technical requirements regarding the map filing law.

Mr. Slachetka stated the review comments were basically technical in nature.

Lou Pissalaro, Esq., appearing on behalf of the applicant. He stated the application is requesting to subdivide a portion of the rear lot off. They were making the one lot bigger.

Charles Witte, P.E., was sworn in and his credentials were accepted. He stated they were trying to square off the lot for future use. It would be 6.5 acres.

Mr. Dolobowsky asked if the property was in the airport property zone. Mr. Witte did not believe it was. Mr. Dolobowsky stated that FRA approval was required and he felt the airport authority would help them.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

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

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

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

Applicant: Lakewood Plaza Inc.

Location: Cedar Bridge Avenue @ the 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 fronts Cedarbridge Avenue in the B-4 zoning district. A variance will be required for parking spaces. The applicant has proposed 44 spaces were 50 spaces are required. The applicant provided 33 parking spaces under the previous plan. A variance will be required for the rear yard setback. A rear yard setback of 30' is required by the new ordinance where the applicant has proposed 18' to the proposed addition. There is a 14.1' rear setback from the existing building. The applicant will be required to obtain outside agency approval. The applicant has provided a 8' wide shade tree easement. The easement shall be labeled as to be dedicated to the Township. The applicant shall provide testimony as to the use of the paved access aisle behind the store. Signage may be required to restrict access. The balance of the comments were technical in nature.

Mr. Slachetka stated the applicant should provide testimony concerning the positive and negative criteria for each of the requested variances. The testimony concerning the parking variance should address parking demands, list of current and proposed uses and delivery schedules. The number of existing parking spaces and the number of additional spaces should be noted. An architectural drawing of the floor plan and the front elevation of the existing building with the proposed addition have been submitted for board review. The applicant should indicate if the south side elevation will be consistent with the front. The architectural plan should be corrected to read "Cedar Bridge Avenue." No trash enclosure is shown on the plans. The applicant should provide testimony as to solid waste management for the subject tenants.

The roof-mounted HVAC equipment should be screened from view on Cedar Bridge Avenue. The balance of the comments were technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. The applicant has been changed from having two entrances to one entrance. The parking has been increased. They did everything they possibly could. They tried parking in the rear but it was a C-1 corridor.

Brian Flannery, P.E., was sworn in and his credentials were accepted. The application is for an addition to an existing shopping center. The existing shopping center has 1,500 square feet, the proposed addition is 3,900 square feet. The rendering shows the existing building on the left with the addition and parking. The rendering below it is the application approved in 2000 which was an addition of 5,670 square feet. When the County decided to widen Cedar Bridge Avenue, rather than taking a little from each site, they took it all from the one side which the property is located. This disrupted the previous plan which had to be redesigned. There is a variance for the rear yard setback which they were proposing at 18' when the existing building is 14' and 30' is required. The property backs up to a wetland area and nothing can ever be constructed behind it. With respect to the variance for parking, the original application called for 49 spaces. They had a parking survey done which he distributed to the board. The survey shows how many cars were in the parking lot at 65 different times. The time periods were 10:30, 12:00, 4:00, 6:00, and 8:00. Prior to the existing conditions, it was a huge parking lot. If you look at the parking tabulations, the average number is 11 vehicles. On Friday and Saturday nights, it increases to 39 vehicles. An average number for 6:00 is 18 vehicles. Using the 18, they would need one space for every 322 square feet. Most of the employees and patrons walk. The parking they were proposing is acceptable. It would also create additional parking which would attract people to congregate. Based on that they would only need 30 spaces. They were proposes 44 spaces. It almost meets the ordinance requirements and exceeds the parking demand that the site requires. It was an appropriate amount of parking. He felt the variances could be granted without detriment to the zoning plan or zoning ordinance. The HVAC equipment would be screened. They agreed to the other comments of Mr. Slachetka as well as Mr. Peters comments. They need county approval for the sight triangle and they would provide the same.

Mr. Banas asked about the fence. Mr. Flannery stated they were providing a fence in the area behind the parking lot where the trash would blow. The dumpsters would have covers on them. If the board feels a fence is needed, they would provide the fence. Mr. Banas preferred a fence along the whole area. Mr. Penzer asked if he preferred a chain link and he replied yes.

Mr. Neiman asked the type of establishment that would be on the site. Mr. Flannery stated it would be neighborhood retail, similar to what was currently there. Mr. Neiman asked if there was a reason why they did not align the rears of the building. Mr. Flannery stated that since the needed a rear yard setback, they made it a little wider to minimize the variance. Mr. Neiman felt it should be aligned. Mr. Flannery stated they could provide the same. Mr. Slachetka stated that aesthetically it would look better but the four foot offset gives you an area where the dumpsters would not be projecting into

the drive aisle. Mr. Neiman asked about a no left turn out of the site. Mr. Peters stated he would defer to the county on it. Mr. Flannery stated the county would review it and if they felt it was an issue they would recommend it.

Mr. Banas asked about the signage on the building and the traffic flow. Mr. Flannery stated the traffic should be one way and they would sign it accordingly.

Mr. Neiman asked if there was a need to extend the fence towards Cedar Bridge. Mr. Flannery stated they could. Mr. Neiman suggested from the corner 20 feet up. Mr. Flannery agreed to the same.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Neiman and seconded by Mr. Ackerman, the application was hereby approved granting the requested variances and agreeing to the recommendations of the professionals and the extension of the fence as discussed.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

- 8. SP #1828** (No variance requested)  
Applicant: Lakewood Associates  
Location: Oberlin Avenue south, west of Syracuse Court  
Block 1600 Lot 5  
Preliminary and final site plan for proposed building addition

Mr. Peters stated the applicant is seeking to add on to an existing manufacturing facility. The addition will be a 6,019 square foot warehouse on Oberlin Avenue in the M-1 zoning district. No variances will be required. Certification by Ocean County Soil Conservation District will be required. Evidence of certification should be made a condition of final site plan approval. The applicant has provided sufficient parking spaces. The plans have been revised to indicate the proposed overhead will be for the use of a fork lift only. There is sufficient access for a vehicle of this type. In response to our concerns regarding drainage and debris in the four foot wide strip between the two buildings the applicant has added a section of the roof to be extended over the area. The additional roofing addresses our concerns regarding stormwater but debris could still be a maintenance issue. The maintenance of this area will be the responsibility of the applicant and will be shielded from public view by the building.

Mr. Slachetka stated the curb peninsula opposite the overhead door of the proposed addition has been reduced on the site plan to facilitate access. Testimony concerning this modification should be provided by the applicant. Testimony should be provided concerning the proposed site improvements by others. The plans should reflect changes in the building mounted lighting. Architectural floor plans and elevations have been submitted for planning board review. We are in receipt of a letter from the

Industrial Commission dated December 6, 2005 indicating no objection to the site plan. A total of 123 off-street parking spaces are provided. Seventy spaces are required based on one space per employee and 20 spaces for executives. The applicant should confirm the current and potential future employment at the facility. The balance of the comments are technical in nature.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated outside agency approvals would be provided. There is no prospect for any more future employment than what is existing. The parking would be ample. The architectural floor plans were submitted and they plans would be changed to reflect the building mounted lighting. The site improvements by others refers to the other existing building that was there. It was the existing plan of the other building.

Andrew Westhoven, P.E., was sworn in and his credentials were accepted. He stated the initial site plan showed the shut out from the building next door. There is full access to the overhead door. The door would only be used for forklift use only. Loading will be done in the loading zones. With the isle being back, it allows for traffic to move around. Mr. Slachetka stated that was acceptable. Mr. Penzer stated that with regard to the engineer's report, items one and two were information. They need Ocean County Soil Conservation District approval. They have more than enough parking spaces. The roof drains will be shown on the plans. The engineer agreed with the drainage report provided. The grading plan will be revised. The proposed overhead doors for forklift only has been shown with sufficient access. It was discussed about the buildings being next to each other. He found out that the other existing building may come down, therefore they cannot be next to each other. One issue was the drainage which was addressed. The second issue was the maintenance issue. They would do what they could to avoid the maintenance but they need the separation because the other building may be replaced. Otherwise it makes more sense to be flushed. Mr. Westhoven stated the applicant would take full responsibility for maintenance of the area. Mr. Penzer stated they may provide a small four foot fence. Mr. Banas stated that would eliminate the constant cleaning. Mr. Penzer stated a fence with a gate.

Mr. Dolobowsky asked about the drainage. Mr. Penzer stated there would be an overhang. Mr. Peters explained how it would work. Mr. Dolobowsky stated the four foot gap was not the concern but if the roof would collapse if there was a heavy snow storm. Mr. Penzer stated the builder indicated the snow build up would be less this way.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Neiman and seconded by Mr. Ackerman, the application was hereby approved with the acceptance of the board's professional reports and the addition of the four foot fence.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Neiman, yes; Mr. Banas, yes; Mr. Long, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

4. **SD #1505** (No variance requested)  
Applicant: 1368 River S.L. LLC  
Location: Route 9 between Cross Street & Honey Locust Street  
Block 534 Lot 7

Preliminary and final major subdivision for 20 single family townhouse units

Mr. Banas stated he did not feel a seal on the architectural plans. Mr. Penzer stated his was seal. The dates were checked to ensure they were the same plans.

Mr. Peters stated the applicant is seeking preliminary and final major site plan and subdivision approval for the construction of 20 town homes on a private drive. The 2.727 acre site currently contains three buildings and a large paved parking area. The property is situated on River Avenue within the HD-7 zoning district. No variances are required. The applicant has provided a shade tree easement along River Avenue and along the interior right of way to be retained by the homeowner's association. The applicant should provide testimony as to the method of trash collection whether it will be public or private. Outside agency approval will be required. The applicant has stated that upon plan approval, wording for the homeowner's association agreement shall be submitted to the board's attorney for review. The association agreement shall address ownership and maintenance of the stormwater management system, access easement, tot lot, and how snow removal will be provided. Approval of the homeowners association documents should be made a condition of final approval. ADA compliant ramps are shown at the proposed intersection with River Avenue and the intersection of the internal roads. Ramps must be shown and labeled at each sidewalk terminus at the parking area or the sidewalk wrapped around the parking area. There are some technical details regarding construction details and the map filing law.

Mr. Slachetka stated in response to a concern about the location of two parking areas on the entrance road, the applicant proposes to construct a speed hump with signage, a traffic-calming device. We recommend that the hump be differentiated with a pressed concrete or rubber paver treatment to further differentiate the area and provide an additional traffic-calming effect. However, we defer to the board engineer on the specifications and design of the speed hump. The tot lot has been relocated to the center of the site, as requested. We recommend that the installation of benches for the children and parents. Compliance with the RSIS standards is required. The applicant should address the comments of the Shade Tree Commission in their letter dated November 2, 2005. The balance of the comments are technical in nature.

Mr. Banas asked about the RSIS recommendation. Mr. Slachetka stated it was just a statement.

Abraham Penzer, Esq., appearing on behalf of the applicant. He stated they agreed with item eight of the planner's report. They would provide Ocean County Planning Board, Ocean County Soil and DOT approvals. He stated they complied with the RSIS standards. They did move the tot lot. They would provide a homeowners association agreement. The tax assessor has to approve the tax lots.

Ray Carpenter, P.E., was sworn in and his credentials were accepted. He stated the DOT does not recommend speed bumps because on public streets they constitute a hazard but in private parking lots they are a good suggestion. The information for the same would be provided. Mr. Franklin stated on the roads, they do not work. The only people who slow down for them are older people. Mr. Penzer asked if the board had a preference or if they wanted to leave it up to the professionals. Mr. Banas replied to leave it up to the professionals. Mr. Penzer stated they would have it up to the board's professionals. Mr. Carpenter stated the comments of the Shade Tree Commission would be complied with. Mr. Penzer stated that with regard to the engineer's report, the first two items were informational. The shade tree easement was provided. Mr. Franklin stated the Township could pick up the garbage due to the road configuration. They would not plow the streets. Mr. Penzer stated they would obtain outside agency approvals and asked that it be a condition upon filing the map since the NJDEP Treatment Works approval may take some time. They would provide the homeowners association agreement. Mr. Carpenter stated they provided ADA ramps at River Avenue and on the internal roads. The same would be labeled on the plans. The grading and drainage plan would be agreed on with the board's engineer. Mr. Peters was acceptable to that. Mr. Carpenter stated that the construction details requested in items nine and ten would be provided. Item eleven would be provided. Item twelve with regard to the seal would be provided as well.

Mr. Dolobowsky asked about the garbage pickup and if there was room with the cars. Mr. Franklin stated that the cans are put behind the cars on the driveways. Mr. Dolobowsky asked about the landscape plan and the buffer between the two properties. To the north there is a double rows of trees. Mr. Penzer stated that their objector is going to put residential on both sides. He stated that the owner of the adjacent properties would be seeking residential approval in the future. Mr. Carpenter stated the DOT maintenance yard is on one side. Mr. Penzer stated they would put a stockade fence up if the board wanted. Mr. Dolobowsky stated something should be provided. Mr. Franklin stated that the plans indicate a stockade fence would be provided. Mr. Penzer stated they would add some landscaping. Mr. Slachetka stated the chain link fence is existing and a stockade fence is indicated. He asked if the applicant agreed to the benches at the tot lot. Mr. Penzer stated they would provide the benches.

Mr. Peters stated that in going through the outside agency approvals, he asked about the TWA. Mr. Carpenter stated he asked that the approval be conditioned upon receiving TWA approval prior to filing the map and building permits issued. Mr. Peters stated it was a gravity line and he had no problem with it.

Mr. Banas opened the application to the public. Seeing no person wishing to speak for or against the application, he closed the public hearing.

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the application was hereby approved as discussed.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Long, yes; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes.

## V. MEMORIALIZATION OF RESOLUTIONS

### 1. SD# 1472

Applicant: Yosef Lipschitz  
Location: corner of Vine Avenue & Elm Street  
Block 764 Lots 12 & 13

Extension of time of previously approved minor subdivision to re-align two existing lots

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mr. Long, abstain;  
Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Ackerman, yes.

### 3. SP# 1826 (Variance requested)

Applicant: Brook Hill Shul, Inc.  
Location: Arosa Hill road, north of Engleberg Terrace  
Block 174.01 Lot 13.16

Preliminary and final site plan to construct a two story shul

On motion by Mr. Ackerman and seconded by Mr. Dolobowsky, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes;  
Mr. Ackerman, yes; and Mr. Klein, yes.

### 4. SD# 1454 (Variance requested)

Applicant: 1468 Towers Street LLC  
Location: Towers Street, west of New Hampshire Avenue  
Block 855.04 Lot 27.01

Revisions to approved (but not perfected) preliminary and final major subdivision

On motion by Mr. Klein and seconded by Mr. Ackerman, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes;  
Mr. Ackerman, yes; and Mr. Klein, yes.

Mr. Banas stated he put item two out of order because Mr. Jackson had some comments on it. The tot lot could be eliminated because the road was moved and he would amend the resolution that the one property would not be disposed of for one year.

2. **SD# 1471** (Variance requested)  
Applicant: Shlomo Kanarek  
Location: Ridge Avenue @ terminus of New Hampshire Avenue  
Block 190 Lot 63  
Preliminary and final major subdivision to create 10 lots

On motion by Mr. Dolobowsky and seconded by Mr. Ackerman, the resolution was hereby memorialized.

**ROLL CALL:** Mr. Franklin, yes; Mr. Banas, yes; Mr. Dolobowsky, yes;  
Mr. Ackerman, yes; and Mr. Klein, yes.

## VI. CORRESPONDENCE

The Township Attorney sent a letter regarding the proposal process regarding the Pay to Play Law. This law says that a municipality may have an unfair selection process or a fair and open process. He explained both processes. He suggested that the board adopt the fair and open process. The matter was further discussed. He stated the Township was using the fair and open process for their professionals. He explained what the selection process was and the criteria. Mr. Peters stated he also received a letter from the Township Attorney regarding the same. Mr. Jackson stated the board had to decide which way to go. Mr. Slachetka stated his firm was appointed as the Township Planner as well as the Planning Board Planner. It was two separate actions and two separate positions. Mr. Banas suggested the board adopt the fair and open process. Mr. Dolobowsky also agreed. He suggested that the same be sent to the Township for review as well as the professionals to ensure it was acceptable prior to soliciting bids. The bids would be opened on December 30th at 4:00 p.m. Mr. Franklin did not think they should do something different than what the Township was doing. Mr. Slachetka stated the town was opening bids on December 30th at 12:00 p.m. Mr. Jackson stated the bids have to be received by someone. They could receive them on the 29th. The matter was further discussed.

No further correspondence.

## VII. PUBLIC PORTION

None at this time.

## VIII. APPROVAL OF BILLS

On motion by Mr. Long and seconded by Mr. Herzl, the submitted bills were hereby approved for payment.

**ROLL CALL:** Mr. Franklin, yes; Mr. Long, yes; Mr. Banas, yes; Mr. Dolobowsky, yes;  
Mr. Ackerman, yes; Mr. Klein, yes; and Mr. Herzl, yes.

## **IX. APPROVAL OF MINUTES**

On motion by Mr. Ackerman and seconded by Mr. Herzl, the minutes of November 15, 2005 were hereby approved.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Long, abstain; Mr. Dolobowsky, yes; Mr. Ackerman, yes; and Mr. Klein, yes

Mr. Dolobowsky stated the Committee has put something in place regarding the Pay to Play and it was on the web site. It was the fair and open process and the attorney should be directed to speak to the Township Attorney regarding the same. Mr. Banas asked if it had to be advertised. Mr. Dolobowsky thought it had to be posted on the web site. The matter was further discussed with regard to possible changes and when to accept the bids. It was decided that the Board's secretary would accept the proposals on December 30th at 10:30 a.m.

On motion by Mr. Long and seconded by Mr. Herzl, the fair and open process would be used.

**ROLL CALL:** Mr. Herzl, yes; Mr. Franklin, yes; Mr. Banas, yes; Mr. Ackerman, yes; Mr. Long, yes; Mr. Dolobowsky, yes; and Mr. Klein, yes.

Mr. Banas read a letter that was being sent to Senator Singer regarding the MUA and 1468 Tower Street, LLC. The board was in favor of sending the letter.

Mr. Banas thanked everyone for the work during the past year.

## **X. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,  
Elaine Anderson  
Planning Board Recording Secretary