

**LAKWOOD PLANNING BOARD  
MINUTES  
FEBRUARY 19, 2008**

**I. CERTIFICATION OF COMPLIANCE**

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

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

**2. ROLL CALL**

Mr. Franklin, Mr. Neiman, Mr. Banas, Ms. Velnich, Mr. Akerman, Mr. Fink, Mr. Schmuckler, Mr. Percal

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Slachetka were sworn in.

Mr. Kielt stated there were 2 changes to the agenda. **Item #1 – SP 1860 Congregation Avreichim** has been carried to the March 18, 2008 Planning Board Meeting per the request of the attorney for the applicant, Sal Alfieri.

**Motion was made by Mr. Franklin, seconded by Mr. Neiman, to carry to the meeting of March 18, 2008**

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

Mr. Kielt stated the second change to the agenda was **item #6 – SP 1878 Congregation Sanz of Lakewood** has been carried to the March 18, 2008 Planning Board Meeting per the request of the attorney for the applicant, Abe Penzer.

**Motion was made by Mr. Franklin, seconded by Mr. Neiman, to carry to the meeting of March 18, 2008**

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

Mr. Neiman stated that Committeeman Miller asked him to talk about the discussion item that is on the agenda and Committeeman Miller is out of town and he has a lot of comments to make on this ordinance and asked if it could wait until the next meeting to discuss. Mr. Banas asked Mr. Jackson if there was a time constraint problem and was told they had 35 days to act and Mr. Kiert said the first reading was the 14th of February and they gave it to the board very quickly and the members received it by email on Friday. He believes they are fine to put it off until the 4th of March.

**Motion was made by Mr. Neiman, seconded by Mr. Akerman, to carry item #8 to the meeting of March 4, 2008**

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

#### **4. NEW BUSINESS**

- 1. SP # 1860 (VARIANCE REQUESTED)**  
**APPLICANT: CONGREGATION AVREICHIM**  
Location: 10th Street @ northeast corner of Clifton Avenue  
Block 112 Lot 11.02  
Preliminary & Final Major Site Plan for house of worship

Carried to March 18, 2008 Planning Board Meeting

- 2. SP # 1874 (NO VARIANCE REQUESTED)**  
**APPLICANT: SARAELLA HOLDINGS LLC**  
Location: Cedarbridge Avenue @ corner of Airport Road  
Block 1160.12 Lot 261  
Preliminary & Final Site Plan for office, terminal and warehouse building

Mr. Peters stated the Applicant is seeking Preliminary and Final Site Plan Approval for Block 1160.12, lot 261. A three story office building and a warehouse are proposed on the Lot 261. The lot is current vacant. The property is located at corner of Cedar Bridge Avenue and Airport Road, within the PS zoning district. No variances are requested by the applicant; however, the applicant is requesting a wavier for not providing sidewalk along the Cedar Bridge Avenue and Airport Road at frontages of the property. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District. Evident of approvals shall be provided prior to signature of the Site Plan. Although, the project proposes 149 parking spaces, which are below the limit that requires a CAFRA permit, the subject property was previously part of a larger tract of land and may therefore require a permit from CAFRA. The applicant shall request a jurisdictional determination from the NJDEP. The applicant shall provide testimony on usage of the proposed office building. Dental and medical offices may require more parking spaces in accordance with section 18-903 3.b of the Lakewood UDO. A note shall be added to the plans to state that no dental and medical offices will be located in the office building. A 6' wide shaded tree and utility easement and a sight

triangle are proposed to be dedicated to the Township along Airport Road and Cedar Bridge Avenue frontage of the property and at the right turn ramp from Airport Road to Cedar Bridge Avenue. Concrete curbs are existing along the Airport Road and Cedar Bridge Avenue frontages of the property. A waiver for not providing sidewalks at the property frontages has been requested. A copy of the Letter of Interpretation for the site shall be provided. The EIS indicates a stockpile of soil located in the freshwater wetland transition area must be removed. The applicant should indicate whether the removal activities will require a permit from the NJDEP. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated November 21, 2007. The applicant is seeking preliminary and final site plan approval to construct a 53,600-square foot office building and 12,600-square foot warehouse/wood shop facility at the above-referenced location. Sidewalk is not proposed along Airport Road, nor along Cedarbridge Road. The Planning Board should decide if sidewalk is appropriate. A waiver is requested. If sidewalk is required, sidewalks and crosswalk access on site to each building should also be included. Off-street parking is provided for the proposed buildings in accordance with Section 18-903.O.3. of the UDO. Please note that the UDO states in that section that "the off-street parking requirements are minimum requirements and the zoning officer may require additional off-street parking facilities if compliance with the minimum requirements would cause congestion in the streets and create a traffic hazard or would for a special reason be unsafe or dangerous to public health, welfare and safety." Applicant agreed to note no medical or dental use in office building. Traffic impact testimony should be provided. Applicant indicated at the Plan Review meeting that this is not needed. Trip generation, distribution, and assignment should be provided before drawing this conclusion. A copy of the Consent Order referenced in Note # 21 on Sheet One of the Site Plan should be submitted to the Planning Board for its records and to the Board professionals for their review and information. This information was requested in our prior report and has not been provided. Striping along Airport Road for the two site driveways may need revisions to be worked out with the Township Engineer, consistent with the full access requirements of the Consent Order. The office building is 53,340 square feet on the site plan and 53,600 square feet on the architectural drawing. The warehouse is 13,500 square feet on the site plan and 14,500 square feet on the architectural drawing. Clarification is needed. An accessible curb ramp is necessary at the two accessible parking spaces in front of the building. The Tree Protection Management Plan (Sheet T-1) should be reviewed by the Shade Tree and Environmental Commissions. The proposed sight triangle easement on Airport Road should be filed with the Ocean County Clerk's Office. The easement documents should be reviewed by the Board Attorney and Engineer prior to filing. The far side curb radius along the right turn-in-only driveway from Cedar Bridge Avenue appears to be reversed and should be consistent with the near side curb radius. We will defer to the Township Engineer and Ocean County Engineer on this matter. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. Mr. Franklin questioned the consent order and Mr. Penzer stated he submitted a copy to Mr. Jackson and it is where the entrance and exits can be. When the parkway and county took different parts of the exit there was a consent order entered into. Mr. Penzer has it and was going to enter it as exhibit A-1. Mr. Jackson read the consent order which affixes compensation in the amount of \$350,000.00. It was a condemnation of a site triangle along Cedar Bridge and

Airport Road and it says under item #4 is the County of Ocean will permit the property owner a) full access on Airport Road from the southerly line of Lot 263 extending 150 ft. northerly; b) right turn in only will be permitted on Cedar Bridge Avenue for 70 ft. from the easterly property line Lot 386 extending 70 ft. westerly and; c) the remainder of the frontage on Airport Road and Cedar Bridge will be restricted to no access. They also have a diagram in the back. Mr. Penzer said he received a phone call from the Turnpike Authority to make sure that they were going to obey that order and asked for a copy of the map and initially they wanted to object then they realized they were bound by the order and he spoke to a Mr. Vlanti of the NJ Turnpike and Mr. Penzer gave him a copy of everything. Mr. Penzer also entered into the record exhibit A-2 which is copies of the building which he handed to the members. It is also in the architectural plans in the corner. The third item is A-3 which is a colored copy of the Preliminary and Final Major Site Plan, page 1 of 5 from R.C. Burdick, last revised 10/24/07.

Bob Burdick appeared as the engineer for the applicant. Mr. Burdick stated they are constructing a 3 story office building and a warehouse/woodshop facility. The building size as stated on the Site Plan are the maximums that they will be building of 53,340 sf office building and the warehouse/woodshop will be 12,190 sf, The site plans are the correct sizes. No variances are being requested. With regards to the engineer's report, Mr. Burdick stated they are requesting a waiver for sidewalks because there is none in the area and the nearest sidewalk to the south on Cedar Bridge Avenue is the sidewalk at Target in Brick approximately 1 mile away; the nearest one to the north is for Mr. Franklin's Public Works facility, There are no sidewalks along Airport Road within a mile of this project, therefore they are requesting a waiver for that. Mr. Banas stated there are sidewalks being added to the area and the board feels strongly that sidewalks need to be installed along everything that is constructed. Mr. Burdick said the applicant will put in sidewalks. They will provide all outside approvals including the OC Planning Board and the OC Soil Conservation District. They do not believe a CAFRA permit is required for this application because the number of parking spaces is 149 is less than the 150 trigger for CAFRA jurisdiction. The lot part of the old industrial park and has been in existence the 1970's and predates the 1993 CAFRA revisions that go into combining lots and subdividing lots for jurisdiction. The site will be used for general office and warehouse and woodshop use, no medical and dental offices will be allowed on the facility and they will add a note on the plans. The parking complies with the ordinance requirements for this zone. They have provided a shade tree easement and a substantial site triangle easement which already exists as part of the consent agreement previously mentioned. The Environment Impact Statement, the site plan is outside of the flood plain and they have no effect on any flood plain in the area. The LOI was done in the early 90's late 80's for an expansion to Mr. Smith's office and at that time the DEP came out and designated a 150 ft, buffer for the site; however, that was due to the great blue heron being in the area and the great blue heron no longer triggers the 150 ft. transition area so that was reduced to 50 ft. and that was recognized when NJDOT constructed the parkway exit and they will provide copies of that. The stockpile is within the 150 ft. transition area but it is not in the 50 ft. transition area therefore removing it does not require a permit. They will comply with the remainder of the items.

With regards to the planners report, some of the items are duplicate to the engineers'. The traffic volume, Cedar Bridge Avenue was rebuilt in 2003 and the access agreement was court ordered under a settlement agreement between the owner and Ocean County and

established the ingress and egress points for the site. The settlement severely restricts access for the site and they are only allowed to have a right in only from Cedar Bridge Avenue along the easternmost 70 ft. and they have full access within 150 ft. of the southern boundary along Airport Road. They believe the traffic ingress and egress was fully explored and accounted for with a court ordered settlement and they do not believe further analysis is warranted. They will meet with the Township Engineer to work out the striping. They have revised the plans to meet the Shade Tree requirements and they will work with the Environmental Commission on any future considerations they might have. With regard to the easternmost radius for the entrance of the property, it is intentionally small, approximately 4-5 ft. radius because that is to discourage anybody from trying to make a left from Cedar Bridge Avenue into the site and it is under the county control and they will meet the county criteria. They agreed to comply with the remainder of the comments in the report.

Mr. Penzer said it is his legal opinion that the applicant is bound to what the county told them to do. One of the disputes was the county did not want them to have access from Cedar Bridge and wanted to limit that as much as possible and have access from Airport Road. Normally a consent order is payment for what is taken, here they specifically stated the 70 ft. and 150 ft. in the order. Mr. Jackson agreed with that and knows the road department is involved in this consent order, but it does not necessarily mean that you have to have this configuration, they just have to live within those limitations, they can design it any way as long as they don't violate what the county outlined. Mr. Banas thought it was constructed in a fashion that the engineer did follow the constraints.

Mr. Burdick said they will revise the architectural plans to match the site plans by they time they submit for resolution compliance.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

**Motion was made by Mr. Neiman, seconded by Mr. Fink, to approve the application with all the conditions set forth by the planner and engineer.**

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

**3. SD # 1614 (VARIANCE REQUESTED)**

**APPLICANT: 962 FINCHLEY LLC**

Location: Finchley Boulevard, east of Netherwood Drive  
Block 430 Lot 37

Preliminary & Final Subdivision for 32 lots, 2 single family homes and 29 townhomes

Mr. Penzer said they went through this application at the last meeting and the big issue before the board was the cul de sac and they wanted one. They are back to discuss that now.

Mr. Banas asked Mr. Peters if he reviewed the plans before the board now and asked if they have changed substantially from the previous plans. Mr. Peters stated he did review the plans and there have been revisions. He said he could read those comments from his report. Mr. Banas asked Mr. Slachetka the same question and Mr. Slachetka stated his primary comments at the last public meeting were one the cul de sac and circulation. He does have some minor comments and he could address in the context of the testimony. Mr. Jackson wanted to make sure the people here who will vote tonight heard the last application and signed a certification that they have heard the tape or read the transcript. Mr. Kielt stated no one has heard the tapes and he would have to check to see who was present at that meeting so they can vote on it tonight. It was decided there were at least 5 members present who were at the last meeting and they are the only ones who can vote. It was the meeting of January 8th and Mr, Kielt stated Mr. Herzl, Mr. Franklin, Mr. Banas, Mr. Akerman, Mr. Fink, Mr. Schmuckler and Mr. Percal were present.

Mr. Peters stated the proposed dwellings will be served by public water and sewer. The applicant has provided an average of 4.8 parking spaces for the Townhouse units, a four car driveway is provided for all but two of the townhouse units and an addition 24 community spaces are provided. The two northern most townhouse units propose three (3) car driveways instead of four. The applicant shall revise the plans to show 40 ft x 18 ft driveways for Lots 37.01 and 37.02 to accommodate four (4) cars as agreed during the January 15, 2008 plan review meeting. The applicant has provided an open turnaround area at the terminus of Shayas Road. The turn around has a radius of approximately 30 feet and does not meet the RSIS requirements for a cul-de-sac. The RSIS states that "other suitable means for vehicles to turn around" are acceptable. We believe the proposed turn around is an improvement over the previous design. The board should determine if the proposed turn around will be acceptable. The applicant has revised the plans to show a bus stop enclosure at the entrance of the proposed development. As shown on the plans, the enclosure is located too far into the development; we recommend the applicant revise the location of the enclosure closer to the Finchley Boulevard Right of Way to provide a good line of sight between the bus and waiting passengers. The remaining comments are the same as the previous letter read into the record.

Mr. Slachetka read from a letter dated February 14, 2008. The applicant proposes to construct two (2) single-family dwellings and four (4) townhouse structures (29 units) for a total of 31 residences at the above-referenced location. The site plan should be revised to provide continuous sidewalk at the western entrance radius of Shayas Road, around the southern dumpster area (west side only) and around the parking areas in the middle of the development. Parking. The applicant is proposing off-street parking of four stacked spaces (for all except two units) in front of each unit and three parking areas which will provide off-street parking of 24 spaces. The proposed townhouse units will contain five bedrooms each. Based on the extrapolated RSIS requirements, a minimum of 2.6 spaces are required for each town home unit.

Mr. Slachetka had an additional comment not in the report that there are some handicapped spaces on the eastern side of Shayas Road that are near the dumpster and they note there are no sidewalks in that area and the applicant should provide sidewalks. Mr, Penzer agreed.

Mr. Penzer Esq. appeared on behalf of the applicant and said Mr. Rosati was here for the engineering firm of FWH. Mr. Rosati stated the biggest issue was the hammerhead turnaround and they came up with a new alignment of the road. They have a 30 ft. radius cul de sac along with what the hammerhead proposed last time, so it is basically a hybrid between a cul de sac and a hammerhead. It is his opinion that what they are now presenting satisfies both RSIS as well as the safety concerns of the Township and the DPW, They marked into exhibit A-1 which is the "cul de sac" design or as Mr. Slachetka called it a wine glass. Exhibit A-2 blown up version of the bus shelter which is an 8 x 12 enclosure for the students. It was moved a little closer to Finchley Boulevard by about 8 ft. while still respecting the site triangle. Mr. Banas thought there was a house on that site and Mr. Penzer stated there was an issue of the neighbors saying they wanted it more accessible to the neighborhood. They are also putting up cameras for security and agreed to mark the trees so the bulldozer does not raze them.

Mr. Franklin said he would like to get the dumpster pads 6 ft. wider because by the end of '08 they will be able to put a dumpster in there and all of the recyclables will go into one dumpster. This way they can get 2 dumpsters there. Mr. Schmuckler was happy to see the bus shelter there.

Mr. Banas opened the microphone to the public

Bill Hobday, 30 Schoolhouse Lane was sworn in. He said he thought he heard Max say this turn around does not meet RSIS standards. Mr. Banas said RSIS states that other suitable means for vehicles to turn around are acceptable. Mr. Hobday asked Mr. Franklin if this turnaround will accommodate waste collection vehicles and Mr. Franklin said yes they would have to pull in frontways then back up. Mr. Hobday asked if they normally back up garbage trucks and Mr. Franklin said yes, all the time. Mr. Hobday asked if the school buses will come down to the turnaround or will the stop by Finchley and Mr. Penzer said they would stop by Finchley and they would not go into the development. Mr. Hobday said it would be a long walk and was told it was about 500 ft.

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

**Motion was made by Mr. Schmuckler, seconded by Mr. Percal, to approve the application with all the conditions set forth by the planner and engineer.**

Mr. Franklin asked if it would be a private street and was told yes.

Mr. Banas said he is happy the applicant listened attentively to the board.

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; no vote, Mr. Banas; yes, Ms. Velnich; no vote, Mr. Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

**4. SD # 1608 (NO VARIANCE REQUESTED)**

**APPLICANT: JONATHAN ELY**

Location: Carlton Avenue South, south of Lakewood New Egypt Road  
Block 269.01 Lot 3.01 Block 266 Lot 1

Minor Subdivision to re-align the lot lines

Mr. Peters stated the applicant is seeking Minor Subdivision Approval to relocate the line between Lot 1 of Block 266 and Lot 3.01 of Block 269.01. As a result, new Lot 1.01 will gain approximately 5,250 square feet from new Lot 3.01. Lot 3.01 is currently vacant. A one (1) story dwelling is located on new Lot 1.01. Lot 1.01 has frontage along Carlton Avenue South and unimproved Thorndike Avenue, Lot 3.01 fronts on Carlton Avenue South. No variances are requested by the applicant. Outside agency approval from Ocean County Planning Board will be required. Evidence of the approval shall be provided prior to signature of the Final Plat. An approximately 36'x18' driveway is provided for the existing dwelling on new Lot 1.01. The driveway can accommodate up to four parked cars. New Lot 3.01 does not propose any construction at this time, a note on the plans states parking will be provide in accordance with the RSIS. The board should determine if additional parking will required, and if the note should be amended. A small section of curb but no sidewalk is existing along Carlton Avenue South at frontage of the properties. The Planning Board should determine if the construction of curb and sidewalk will be required along the properties' frontage. The applicant shows on the plan a shed and tent are located on the land to be conveyed. The applicant shall provide testimony on if they will be removed or remain. The applicant shall revise the plan to show a 6 ft shade tree and utility easement along the Carlton Avenue South frontage of the property to be dedicated to the Township. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated February 13, 2008. The applicant is seeking Minor Subdivision approval to relocate a lot line between Lot 1 of Block 266 and Lot 3.01 of Block 269.01. A total of 5,250 square feet of land area is involved. Lot 1 of Block 266 contains a single-family dwelling fronting on Carlton Avenue South and Thorndike Avenue. The house will remain. Carlton Avenue South is an improved roadway. Thorndike Avenue is an unimproved roadway. The subject property is located in the R-12 Residential Zone. Single-family residences are a permitted use in the R-12 Zone. No variances are requested or required. Sidewalk is not proposed on Carlton Avenue South. We note that the application is for a relocation of a lot line; no new building lots are created. The balance of the comments are technical in nature.

Mr. Ely appeared on his own behalf. He said the only item raised was the sidewalk issue and he had hoped to come back with some sort of proposal that the board will find acceptable that the sidewalks not be installed now but if he ever chooses to make a subdivision in the future that sidewalk would occur then. He feels is he was compelled to install sidewalks now it would be an expense that he could not shoulder at this point, He did not think simply moving the lot line would cause these type of expenses and he had pointed out several reasons to the board at the last meeting. The grading, the height of the property and the necessity of putting in retaining walls, the removal of trees are just some of the problems and are fairly expensive. The way this whole thing developed is when he went to contract on the adjacent property and took this small piece of land for himself he did it by deed at the advice of his title company and he also spoke to the zoning officer; however, Mr. Kielt informed him that type of subdivision was not an acceptable means and confirmed that with a letter from the Township Attorney, Steven Secare, and he was told he needed to go for a formal subdivision. Now more additional requirements are being put on him and it is making this application quite expensive and feels it is a bit unfair. He was hoping to bring to the township that he would be willing to

install the sidewalks if he subdivided and a new house was created on the adjacent land he is acquiring. Mr. Banas said when he goes for a subdivision and it becomes a matter of dealing, there are certain requirements and putting in the sidewalks at that point is one of them. Mr. Neiman asked why he wanted to make that lot alignment at this time and Mr. Ely said it is because he acquires another 35 ft. of property and one day there is a possibility for spitting off a piece of property for another lot. Mr. Neiman asked the professionals if he wants to come back for a subdivision at another time he will have to subdivide this property. Mr. Peters said why not split the lots now and put it all on one plan and Mr. Ely said the taxes would go up for each individual lot and he does not really want a neighbor right now, he likes the space and the view. Mr. Neiman asked Mr. Peters if he would have to come back if he wanted this subdivision and Mr. Peters said yes. Mr. Neiman said the consideration for the sidewalks could be done at that point since he is not doing anything to the property at this time. Mr. Slachetka stated if the board wants to consider another alternative, once you do this minor subdivision you create another buildable lot and he said if the concern is that to extend the sidewalk along the full length of the property including the existing lot there is some topographical issues on the southern part of the lot, so it might be done in 2 phases. One, if a building permit is pulled for a residential unit on the new lot, then there would have to be the construction of sidewalks rather than the subdivision and certainly if the applicant comes in with a subdivision then he needs to construct them regardless of the topographic features. Mr. Banas is also concerned not only with the sidewalks but the envelope that is considered being established on this new lot. He asked how many bedrooms on this new lot and Mr. Ely stated he is not building anything at this point. Mr. Jackson said all he is doing is adding area to the current lot, the vacant lot now matches the other lot and they would both be conforming. It is classified as a Minor Subdivision but it is just a realignment of the lot lines. Mr. Banas said he did not want to be hard nosed about it and have him spend money foolishly, but he also wants to be consistent with all the applications and up to this point he feels it has been that way.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

**Motion was made by Mr. Neiman, seconded by Mr. Percal, to approve the application and at this point not to require the applicant to put in sidewalks. If he does come back for a future subdivision or goes for a building permit, he would need to install them.**

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

Mr. Slachetka suggested to the board and Mr. Ely that the subdivision map indicate those conditions and identify them on the map so if anyone comes in for that building permit that they would have to put in sidewalks. Mr. Ely clarified that it is the vacant lot that they are talking about and the board said yes.

Ray Shea requested that Item #7 be heard next and to switch with Item #5, which he is also the attorney for that applicant. Mr. Banas granted the request.

**5. 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 5,520 sf 2 story office building

Mr. Peters stated the applicant is seeking Preliminary & Final Site Plan Approval for Block 430, Lot 60. The proposed project involves construction of a two story office building and a parking area. The neighboring property east of the site is currently vacant. A single family dwell is located on the western side of the site. The site is located on Cushman Street, in the Highway Development (HD-7) Zoning District. The applicant has revised the plans from the previous submission by reducing the building floor area from 6,900 SF to 5,520 SF. In addition the number of parking spaces has been reduced from 27 to 19, proportionate with the reduced building area. The rear yard setback has been increased from 10 feet to 25 feet. The applicant is requesting the following variances: Lot area: 0.4773 acre are proposed where 1 acre are required. This is an existing condition. Rear yard setback: 25 ft are proposed where 50 ft are required. A variance is required for parking within the front yard, where the setback provided is less than 150 ft. Outside agency approval will be required from the Ocean County Soil Conservation District. The applicant has proposed a total of 19 parking spaces in accordance with section 18-807 of Lakewood UDO. The Planning Board should determine if the proposed parking spaces are adequate for this application. A 50 ft buffer is required in accordance with the UDO, when non-residential development is adjacent to an existing single-family residential development or an area zoned for residential land uses. The applicant shows on the plans a board on board fence is proposed along west property line to screen the proposed office building from an existing single family dwelling; however, only a 30 ft buffer is provided from the property line to the building. The Planning Board should determine if additional screen will be required along the property line. The applicant has proposed a 6 ft shade tree easement to be dedicated to Lakewood Township along the property frontage. An easement agreement between the applicant and Township shall be filed prior to signature of the site plan. The agreement wording and legal description shall be provided for review. Concrete curb exists along the property frontage, concrete sidewalks are proposed. The applicant shall provide a signed and sealed copy of the property survey. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated February 13, 2008. The applicant is seeking preliminary/final major site plan and variance approvals to construct a two (2) story office building and associated parking, drainage facilities and utilities on Block 430, Lot 60. The property is approximately 0.4773 acres (20,791.188 square feet) in size and is currently wooded and unimproved. The proposed office building will be 5,520 square feet and parking for 19 vehicles is proposed. The prior site plan proposal discussed at the October 23, 2007 meeting consisted of a 6,960-square foot, two-story building and off-street parking for 27 vehicles. The revised building is 24 feet shorter in length and there are 8 fewer off-street parking spaces. The property is located in the southern part of the Township, just west of Route 9. Zoning for the tract and contiguous properties is HD-7 (Highway Development). Surrounding land uses are a mix of commercial and residential uses, with a residential development just south of the site. Zoning and Variances. Various

types of commercial and retail uses are permitted uses in the HD-7 Zone. The applicant indicates that the proposed use is offices. If known, please indicate the permitted use which is proposed for this building. The applicant has requested the following variances: Minimum Lot area: one (1) acre required, 0.4773 proposed (pre-existing condition). Rear Yard Setback: fifty (50) feet required, twenty-five (25) feet proposed. (The prior rear setback variance request was ten feet.) Additional variances are required for the following: Parking provided in the front yard setback (principal building has a setback less than 150 feet and a 10 foot buffer strip is not provided-Section 18-903.H.6). The positive and negative criteria for the requested bulk variances should be addressed. Review Comments. The applicant has requested a waiver from Section 18-803.E.2, which requires a twenty-five (25) and fifty (50) foot wide landscape buffer for commercial and residential uses, respectively. Screening is necessary with residential Lot 9 to the north and Lot 54 to the west. A 25-foot wide building setback is provided along the north property line and 30 feet along the western boundary by the proposed parking areas. We note that off-street parking requirements noted on the plans (1 space per 300 square feet) are based on an office use. The applicant has noted on the plans that medical or dental offices will not be allowed. If medical or dental offices are contemplated, additional parking is required. The use should be stipulated and additional Board approval required if the proposed use varies from that approved. The applicant has noted on the plans that the basement will be for storage only. Existing vegetation to be preserved should be highlighted on the site plan and protected during the construction phase in accordance with the UDO. The balance of the comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Mr. Carpenter as the engineer. Mr. Shea said the variances are an existing condition and they have reduced the size of the building by more than 20% and increasing the rear yard setbacks more than 50%. Mr. Carpenter said this site is less than ½ acre where 1 acre is required so there are constraints that are placed upon them on designing and if you put all the buffers, setbacks and other requirements on this site this lot cannot be developed. Mr. Shea said this is an attempt to make a lot that has been zoned out of utility, to avoid condemnation, eminent domain and taxpayers' dollars to produce something that is safe and that works as far as interior circulation, traffic and access to the site. Mr. Carpenter said they tried to maximize the buffers, and at one point this site was 2 lots that were combined and that is why there is a little jog in the property line in front of the site. They have dealt with the parking, drainage and lighting that is required they feel this is the minimum size building that they could put on this site and make it a reasonable site. They have a 25 ft. buffer in the back and there is no development in the back and Lot 9 runs all the way out to Route 9 and there is a single family house on Route 9, but that lot is 990 ft. deep but 75 ft. wide. The chances of it being developed in the future are slim. The house to the left on Lot 54, according to the owner, has been for sale and will be bought by someone who is proposing commercial use for the land, so they have a commercial use to the east and the land to the west will probably be an office building. Mr. Carpenter said they can comply with all of the details that are required in both professional's report. Mr. Carpenter said the granting of the variances that they are requesting outweigh any detriment to the zoning scheme and believes this proposal advances the purpose of zoning under 40:55d-72 of the MLUL.

Mr. Banas asked Mr. Shea how long this applicant owned this property. Mr. Carpenter said he owned this property at least since 2005 when the developer built Sterling Forest. Mr. Banas said he would be hard pressed to vote for this project. Mr. Shea said they could put townhouses on this site but he does not think it is an appropriate use for the site and they did reduce the building by 20% and increased the rear yard and he hoped they were enough for the board.

Mr. Banas opened the microphone to the public

Seeing no one, this portion was closed to the public

Motion was made by Mr. Herzl but no one seconded, so the motion dies.

Mr. Fink said he still felt that they went 20% from 6900 to 5500 and he thought it was the wrong building for the wrong lot and doesn't see himself approving this at all.

Motion made by Mr. Fink to deny this, and Mr. Jackson asked for time for them to discuss it so the record can be straight in case of an appeal of what the board's rationale was. He said if they are recommending a smaller building, a different configuration and things that could accommodate the neighbors and things that can be done, but to just say you can't use this lot, is too vague. Mr. Fink said his thinking was originally the same and Mr. Banas' and the board when this was first presented to them, he thought they made it very clear they wanted this downsized and he doesn't think 20% is downsized properly. Mr. Jackson asked Mr. Fink if the 5500 sf is still overdeveloped for this lot. Mr. Fink said it was 1/2 an acre and Mr. Franklin added not even 1/2 an acre. Mr. Jackson said they wouldn't rule out a smaller building, this one doesn't satisfy them and Mr. Fink said yes. Mr. Shea said he did not remember Mr. Fink objecting to this and Mr. Fink said he did, but Mr. Shea said he remembered telling the board that in today's world on one acre you can expect to get 8,000 sf of an office approved and that is the prevailing rule, and they are proposing 5500 sf on 1/2 an acre. He asked if it was a matter of square footage because there is a rule of law and the applicant has a right to develop the land and he is not asking for a non permitted use, he wants to use it the way it is zoned. He said if it is too much, what is the threshold the board is looking for to meet with their approval.

Mr. Jackson cautioned the board and told them it is not their duty to design the property, and he thinks it is reasonable to give their ideas but not to design it if they don't want to. He thinks it is fair of the applicant to ask for suggestions. Mr. Banas identified his feelings to Mr. Shea and said he indicated at the previous board meeting that he felt it was not the kind of development he would be in favor of and suggested that there are other things that the applicant could do rather than impact the area and he suggested one of those developments and Mr. Slachetka read some of the other uses they could do. That is basically his feeling, this is a tiny space, it is no longer diminimus. Mr. Shea said this is a 2 story, they are not going horizontally and the alternate use was 3 townhomes and he can't see 3 isolated townhomes being here. If they cannot reach an agreement on the size of the building then they have no alternative and that is in no ones' best interest. No judge is going to say you cannot use this land. Mr. Banas said he did not say that either, but there are other purposes. Mr. Shea said this is the only one he is authorized to represent.

Mr. Banas asked Mr. Fink if he wanted to continue with his motion or withdraw it. Mr. Slachetka asked a question and it was that from a practical perspective is it possible to reduce down the size of the building further and Mr. Shea said it is but they are pretty much at the margins now to build a building and make it attractive you can't go much further. He could say to his client he could certainly if he granted a further 20% reduction of the building down to 5,0000 sf and make 2 floors of 2500 sf each but below that he didn't think you could build a commercial building today and come out to Route 9.

Mr. Shea said to the board that it is a permitted use and there are some variances required because of the existing lot and the applicant has made attempts to reduce and scale back the size of the building so that it is consistent with what would be permitted without variances and he is offering to reduce the building to by another 500 sf. If the board denies the application no one wins, Lakewood loses a ratable and Mr. Weisman has to initiate litigation (not a threat, a fact) because he can't do those other things, he could put up 3 townhouses but Mr. Shea does not think he wants to do that and he doesn't think it is a desirable location for 3 townhouses.

Mr. Slachetka had another question for Mr. Shea and asked if the applicant has made any attempt to purchase additional property adjoining the tract. Mr. Shea said the gentleman who owns a 900 ft. lot behind him does not want to sell and the property to the west has already been sold. He said Judge Serpentelli rendered a decision call the Dalmier decision, stating once you are isolated and you can't expand your lot the board has to work with the applicant to get something that is viable and safe in terms of ingress and egress, parking, etc.

**Mr. Schmuckler made a motion to approve the application after reducing it 520 ft. so it would be a 5,000 2500 sf each floor. sf building, seconded by Mr. Herzl, to approve the application with all the conditions set forth by the planner and engineer.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; no, Mr. Banas; no, Ms. Velnich; yes, Mr. Akerman; yes, Mr. Fink; no, Mr. Schmuckler; yes, Mr. Percal; yes

Mr, Kielt asked about the revised plans and Mr. Jackson said he would put it in the resolution.

**6. SP # 1878 (VARIANCE REQUESTED)**  
**APPLICANT: CONGREGATION SANZ OF LAKEWOOD**  
Location: River Avenue, north of Sterling Place (Gila)  
Block 423.14 Lots 13 & 77  
Preliminary & Final Site Plan for construction of 1.5 story synagogue

Carried to March 18, 2008 Planning Board Meeting

**7. SP # 1879 (NO VARIANCE REQUESTED)**

**APPLICANT: H & C DEVELOPMENT CORP.**

Location: River Avenue, northeast of Oak Street  
Block 782.01 Lot 2

Preliminary & Final Site Plan for 2 story office/retail/commercial building

Mr. Peters stated the applicant is seeking Preliminary and Final Major Site Plan Approval to construction a two (2) story retail / office building and its associated site improvements on existing Lot 2 of Block 782.01. The lot is currently vacant. The property has frontages along River Avenue, N.J. State Highway Route 9, within the HD 7 zoning district. No variances are requested by the applicant. Ocean County Planning Board, Ocean County Soil Conservation District, and NJDOT approvals will be required. Evidence of the approvals shall be made a condition of final site plan approval. A 6 ft shade tree and utility easement along frontage of property is generally required to be dedicated to the township. The Planning Board should determine if the easement is required along River Avenue at property frontage. In addition, sight triangles easements at the proposed entrance to the River Avenue may be required to be dedicated to the NJDOT. We defer this issue to NJDOT. The applicant has revised the plans to show the NJDOT typical desired section. All of the proposed improvements are located outside of the typical desired section. Plan Review At the technical review meeting, the board discussed with the applicant moving the proposed development entrance to line up with Hadassah Lane across the street. The revised plans show the entrance moved away from Hadassah Lane, the applicant shall provide testimony on the reason for the relocation. If the geometry to line up the entrance with the road does not work, we recommend the entrance be moved farther south to line up with the drive aisle to the rear of the property and reduce the internal turning movements. The applicant shall add hammer heads to the end of the two parking aisles to allow the vehicles parking along the curb to back out. The applicant has provided 70 parking spaces where 70 are required by the Lakewood Township UDO. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated February 13, 2008. The applicant proposes to construct a two-story, 16,800-square foot retail and office building at the above-referenced location. The first floor will be occupied by 8,400 square feet of retail space and the second floor will be dedicated to the office use. Associated site improvements are also proposed. Access to the proposed development will be provided by a driveway from River Avenue (Route 9). The tract consists of three lots that total 1.36 acres in area and is currently vacant and wooded. The property is located in the south central portion of the Township on the east side of River Avenue (Route 9). The property is in close proximity to the intersection at Oak Street. The surrounding land use consists of residential land uses to the north and west and a commercial use to the south. The eastern boundary of the lot is vacant and wooded. This application was discussed at the January 15, 2008 Plan Review meeting. The plans have been revised to address many of the Board's comments. Zoning. The parcel is located in the Highway Development Zone District (HD-7). Office and retail uses are permitted in the HD-7 Zone. No variances are requested. Review Comments. Route 9. The applicant has indicated the DTS (desired typical standards) on the site plan as 114 feet consistent with NJDOT standards for a four-lane divided highway with shoulder and parking. The parking area proposed is located beyond the DTS line.

Landscaping and Buffering. We recommend the applicant provide more landscaping along the front and side yards as well as provide a greater diversity of species throughout the site plan. We recommend the applicant provide more landscaping along the side yards as well as provide a greater diversity of species throughout the site plan. The Township encourages that applicant retain as much existing landscaping to meet these objectives. Parking is permitted within the 150-foot front yard setback provided that the principal building has a 150-foot setback and a 10-foot wide buffer requirement is provided between parking and the public road. The applicant has provided shrubs and a lawn area. The parking lot is set back 25 feet from the right-of-way line; however, a six-foot screen is required. The applicant must also comply with the requirements for tree protection and removal on the site. Proposed stairwell in rear. Reconcile the site plan and architectural drawings with regard to the rear (exterior) stairwell shown on the site plan. The architectural plans provide for all interior staircases. Lighting. The applicant should revise the lighting plan to remove/minimize spillage on to the adjacent residential parcel. Parking. The applicant conforms to the Township standards regarding parking. Revise Sheets 4 and 5 to remove the location of existing trees shown in improved areas. Trash Removal. The applicant has proposed a trash enclosure on the northwest corner of the property. The proposed location and the ease of trash removal should be discussed with the Board as it appears that the collection vehicles would have to access areas designated for parking. The applicant also should provide landscaping around the trash enclosure. None has provided on the site plan. Lot Consolidation. We recommend that Lots 2, 3, and 4 be consolidated by deed. The remaining comments are technical in nature.

Mr. Shea Esq. appeared on behalf of the applicant with Ray Carpenter as the engineer. Mr. Carpenter stated the comments from the technical meeting were incorporated into these revised plans and they looked at relocating the driveway directly opposite Hadassah Lane and when they did that it became apparent that they could not meet the DOT access requirements which requires a 12 ft. corner clearance which makes the calculations for the driveway to be 29 ft. from the property line and the only way he could do it was if it were 25 ft. and he knows the DOT will not give them a waiver on that standard. They moved the driveway to the far south on the site as they could get and still maintain the 29 ft. site clearance for the driveway and by doing that they also avoid a conflict with the left turn movements. Mr. Carpenter also spoke with a representative from T&M Assoc. in reference to the buffering and landscaping and he will continue to work with them do discuss and supplement and address the landscaping issues and he represents he can reach an agreement with them. Mr. Carpenter said what they did with the trash is the door to the trash enclosure will face west where there is an opening between the parking space and the trash enclosure and they will put in roll away dumpsters so they can be rolled out to load into the truck and then roll them back. The trash enclosure will be fenced in so you will not be able to see it from the site and it is protected from the cars, and it will be private trash collection. Mr. Banas asked how long they anticipated the door will be there and Mr. Carpenter said it is made out of steel. All they can do is put it up and try to remind the trash collection people to be careful when they use it. The remainder of the issues in both letters they agreed to address and comply with.

M. Banas asked how many lanes were going out of the project and Mr. Carpenter said one lane out and one lane in and it will be a right in and right out and they will be required to put in the porkchop in by the DOT.

Mr. Schmuckler asked about Mr. Peter's letter about the hammerheads being added and Mr. Carpenter said he agreed to that. Mr. Shea said there is nothing in the report that they disagree with.

Mr. Banas opened the microphone to the public

Bill Hobday, 30 Schoolhouse Lane, was sworn in. He said there is a perfectly good corporate park that is vacant and we continue to put office buildings along Route 9 and we need the retail and commercial buildings and we need that revenue in Lakewood but there comes a time when Route 9 is so congested and he would think that the Township of Lakewood would try to redirect commercial and business enterprises into the corporate park where all the facilities are there and waiting for use. We keep on building businesses along Highway 9 that is so congested that you can't move. He said it is time to get businesses into a business park and stop doing this along Route 9.

Mr. Banas said his words were well understood except he is addressing the wrong body. He should be addressing the municipal government, the Township Committee, this board can only suggest. The Township Committee is the one that has the right to make an ordinance and when the ordinance is established that removes the possibility of conducting this type of business then it will stop.

Mr. Hobday said he would keep silent for item #5 since it is the same type of application.

Mr. Akerman said for the people living in the area it provides retail space that they would not have access to otherwise. It keeps them off the road and is a convenience to them.

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

Mr. Shea said Mr. Hobday's comment is one preferred by everybody but the smallest building you can put in the industrial is 40,000 sf. These are for the smaller users on Route 9 and that is absorbed and consumed they don't really have a shot unless they really get lucky in the Cedar Bridge Office Park. He represents them and they have been trying very hard to deliver major tenants and large scale buildings. There is not a single building that is 40,000 sf in all of Jackson Township, there is only one in Howell. That explains why there is such pressure on Route 9 and he can't disagree with Mr. Hobday when he says there is traffic congestion on Route 9.

**Motion was made by Mr. Akerman, seconded by Mr. Herzl, to approve the application with all the conditions set forth by the planner and engineer.**

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

## **8. DISCUSSION- Amendment to Zoning Ordinance-revising B2 zone**

Table to March 4, 2008 Plan Review Meeting.

## 5. MEMORIALIZATION OF RESOLUTIONS

**1. SD # 1607 (VARIANCE REQUESTED)**

**APPLICANT: 319 CEDAR BRIDGE LLC**

Location: Cedar Bridge Avenue, across from Lakewood Corporate Park  
Block 548 Lots 170, 187, 191-195, 297

Preliminary & Final Major Subdivision-60 single family dwellings, 2 open space lots,  
and Preliminary & Final Site Plan for 2 retail buildings and clubhouse.

**Motion was made by Mr. Akerman, seconded by Mr. Herzl, to approve**

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

**2. SD # 1611 (NO VARIANCE REQUESTED)**

**APPLICANT: DAVID FLAM**

Location: southeast corner of Pearl Street & Bruce Street  
Block 246 Lots 47-50

Minor Subdivision for 3 lots

**Motion was made by Mr. Percal, seconded by Mr. Herzl, to approve**

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

**3. SP # 1877 (VARIANCE REQUESTED)**

**APPLICANT: K LAND CORP.**

Location: Route 70 West and Vermont Avenue  
Block 1077 Lot 21

Preliminary & Final Site Plan for construction of 53,326 sf furniture store with  
associated parking and stormwater management

**Motion was made by Mr. Fink, seconded by Mr. Percal, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; not voting, Mr. Banas; yes, Ms. Velnich; yes, Mr.  
Akerman; yes, Mr. Fink; yes, Mr. Schmuckler; yes, Mr. Percal; yes

**4. SD # 1616 (NO VARIANCE REQUESTED)**

**APPLICANT: S&H BUILDERS C/O SAM BAUMAN**

Location: Martin Luther King Drive, across from Lincoln Street  
Block 768 Lot 57

Minor Subdivision to create 2 lots

**Motion was made by Mr. Akerman, seconded by Mr. Percal, to approve**

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

## 6. CORRESPONDENCE

- None at this time

## 7. PUBLIC PORTION

- None at this time

## 8. APPROVAL OF MINUTES

**Motion was made by Mr. Schmuckler, seconded by Mr. Fink, to approve minutes from January 29th & February 5th.**

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

## 9. APPROVAL OF BILLS

**Motion was made by Mr. Herzl, seconded by Mr. Akerman, to approve**

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

## 10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary