

**LAKWOOD PLANNING BOARD
PLAN REVIEW MEETING
MINUTES
AUGUST 1, 2006**

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mr. Dolobowsky, Mr. Akerman

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Mr. Kielt said there were several changes to the agenda.

#3 – SD 1545 319 Prospect LLC. Carried to the technical meeting of September 5, 2006 at the request of the applicant’s attorney.

Motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to carry SD 1545 to September 5, 2006 and will be re noticed.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes

Mr. Kielt said the next change is

#5 – SD 1543 Batim Management LLC-Michael Burstyn carried to September 5, 2006 because of insufficient notice.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to carry SD 1543 to September 5, 2006 and will be re noticed.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes

The next change is

Item #6 7 – SD 1509A Majestic Contracting LLC carried to September 5, 2006 because of deficient notice.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry SD 1509A to September 5, 2006 and will be re noticed.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes

The next change is

Item #13 – SD 1549 Morris Weinberg carried to September 5, 2006 noticed in error because the application was not deemed complete, but to save the notice it will be carried.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to carry SD 1549 to September 5, 2006 without further notice.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes

The last change is

Item #14 – SD 1550 Seymour Investments carried to September 5, 2006 noticed in error because the application was not deemed complete, but to save the notice it will be carried.

Motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to carry SD 1550 to September 5, 2006 without further notice.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes

4. WAIVER REQUEST

1. SP # 1850

APPLICANT: 212 SECOND STREET HOLDING LLC
Location: Second Street, west of Lexington Avenue
Block 121 Lots 12 & 13
Preliminary & Final Site Plan for office and retail building

Waiver request from checklist items:

#B-2 – topography within 200 feet

#C-13 – environmental impact statement

Mr. Peters stated for item B-2 – topography, he recommends topography be shown to the drainage high point in the rear of the property and to the curb line in the front of the property. For C-13 he sees no reason to deny the waiver, because it is a previously developed area.

Motion was made by Mr. Neiman, seconded by Mr. Dolobowsky, to grant a partial waiver for B-2 and a waiver for C-13

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes

5. PLAN REVIEW ITEMS

- 1. SD # 1553 (VARIANCE REQUESTED)**
APPLICANT: THE TEEN CENTER FOR EDUCATION & OPPORTUNITY INC.
Location: East 8th Street, between Middlesex Avenue & Somerset Avenue
Block 217 Lots 1, 3 & 4
Minor Subdivision for 4 single family homes

Mr. Franklin recused himself because of a conflict

Mr. Peters stated wetlands exist along the rear of the tract and both existing dwellings will be demolished prior to the signature of the final map or a bond posted to ensure prompt removal of the dwellings after the subdivision is completed. There are a number of variances required: Lot area; 12,000 sf is required and each lot proposes 10,250 sf. Minimum Lot width is 90 ft. where the proposed width of each lot is 51.25 ft. Front yard setback: minimum setback is 30 ft. and each lot provides 25 ft. Side yard setback: required 10 ft. one side, 25 ft. combined where the applicant has provided 7 ½ ft. one side, and 16 ft. combined. A letter of interpretation for the wetland delineation has been received by the applicant by the NJDEP. A copy of which shall be provided to the township. A wetland buffer averaging is proposed for the construction of the homes. The applicant shall provide testimony as to the status of this NJDEP permit. Outside agency approvals will be required from Ocean County Planning Board, the NDEP for wetlands and wetland transition areas, and Ocean County Soils Conservation District, and NJDEP for treatment works approval. The plan requires 3 parking spaces for each home which have been provided. The site development plan shall be revised to include the lot width, setback dimensions, driveway dimensions, and sidewalk dimensions. The stormwater management report references properties of existing soils. Borings or test pits shall be provided for the underground recharge system noting the actual seasonal high groundwater elevation and permeability tests shall be performed. The perspective buyers of these homes shall be advised that it will be their responsibility to maintain the stormwater management system on their individual properties. The stormwater management report requests waivers from the required reductions for the 210 and 100 year storms. The granting of these waivers is not recommended. We question the design of the sanitary sewer system and recommend a forced main run directly to the manhole at the intersection of East 7th Street and Somerset Avenue. We also recommend the pipe be installed within the roadway but we defer to the final design of the sewer system to the NJ American Water Company. Construction details have been provided for concrete curb, sidewalk, driveway aprons and trench and pavement repair which are acceptable. The handicapped ramp shall provide a detectable warning surface. The remaining comments deal with the map filing law and comments that are technical in nature.

Mr. Truscott read from a letter dated July 27, 2006. The parcel totals 41,000 sf with wetlands taking up substantial portions of the rear of each lot. A portion of the parcel in question consists of the former right of way of east 8th Street which was vacated by ordinance. The parcel is located in the R-12 zone. Some discrepancies between the survey and the development plan and they should be addressed. The applicant should provide a copy of the approval of the wetlands area averaging plan from the NJDEP to the board professionals. The applicant includes a wetlands buffer addition of 2,081 sf on lot 4 which is owned by the Township of Lakewood and we ask that some offside additions are applicable for this tract and the applicant should clarify. Architectural plans have been submitted and the applicant should provide justification for the size of the proposed dwellings relative to the lots front and side yard setbacks being requested. Off street parking must comply with RSIS and the required number of spaces are provided on the plan.

John Doyle, Esq. appeared on behalf of the applicant. He will testify at the public meeting and indicate the reasons for the variances requested. There is a township enactment by resolution that authorizes and accepts the granting of the buffer on the municipal lot which they wish to retain but affects favorably by resolving they can use a portion of the land for buffer averaging.

The comments about numeric changes will be made and Mr. Flannery would address the comments from the engineer. Mr. Flannery said most of the engineering items were minor in nature and they will make the revisions. The stormwater reductions, they have taken the runoff from the roofs and put that into an underground system, they haven't taken the runoff from the driveways and based on that the reductions that are required by RSIS which is the 2 year storm (50% reduction), 10 year storm (75% reduction) and 100 year storm (80% reduction) they don't make the reductions. We have reduced them all 85% so it is less after development than before development, and he thinks the magnitude is minor and there are some things they could do, and between Max's office and his they will come up with something. Mr. Banas asked how they were going to discharge and contain the water in the back (wetlands). Mr. Flannery said there is enough grade and they have provided a soil borings that they can recharge on site, obviously the water ends up in the wetlands and it has always gone to the wetlands and will continue to. They have provided a reduced rate of runoff after development compared to before development. The discrepancy of the survey and map will be corrected. The survey map is correct but the CAD operator drew the map incorrectly.

Mr. Dolobowsky asked where the driveways were and how many were there. Mr. Flannery said in front of each unit there is 2 driveways, a 2 car driveway and a single driveway, so you have a total of 3 parking spaces in front of each unit. Mr. Dolobowsky said for a 6 bedroom home with a full basement, 3 spaces were enough and was told yes. Mr. Flannery said there was room for 2 double wide driveways, and Mr. Dolobowsky said that would exasperate the runoff problem. Mr. Flannery said they could put one parking space as gravel for overflow parking and doesn't cause any drainage problems. Mr. Dolobowsky said the night of the public hearing, he would be looking at lots that are only 50 or 60% of the full width that they should be, this is not a diminimus width variance, but a substantial one, front yard setbacks that are reduced, side yard setbacks that are greatly reduced and he sees no reason for it. This looks like an application that 3 houses should be and 4 houses are trying to be fitted. It looks like a hard sell to him.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to advance this application to the meeting of August 22, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes

2. SP # 1848 (VARIANCE REQUESTED)

APPLICANT: THE TEEN CENTER FOR EDUCATION & OPPORTUNITY INC.

Location: East County Line Road & Somerset Avenue, north of Cabinfield Circle
Block 208.01 Lots 10.03 & 71

Preliminary and Final Site Plan for 2 story school

Mr. Peters stated the applicant proposes to construct a 13,875 sf one story building with a basement to be used for a school for troubled youth. The property contains wetlands along the southern property line, a wooded area also parallels the wetland area 2.80 ft. south of the property line. The remainder of the property is vacant with light vegetative cover. This 1.8 acre tract consists of 2 lots, one containing 1.58 acres and the other containing .24 acres. The 2 lots shall be consolidated which may be done by deed. This tract lies in the R-12 zone. Variances will be required for the following: front yard setback; 30 ft. required, 29.1 ft. proposed. Buffer width; 20 ft wide buffer for schools in a residential zone is required; 3 ft. wide buffer proposed for the parking area to the north and east property lines. For parking within a buffer the ordinance does not permit parking within a required buffer as noted above, the parking area is 3 ft. from the north and east property lines and therefore a variance is required. There are a number of errors in the zoning table that shall be corrected. This application proposes 30 parking spaces for this development and the plans note that 23 parking spaces are required. The applicant should provide a parking calculation to confirm the number of required parking spaces. The site plan is subject to review and approval by the Ocean County Soils Conservation District and NJDEP letter of interpretation is required for the buffer requirements for the wetlands and a NJDEP treatment works approval is also required. The environmental impact statement say that the LOI has been obtained, the LOI and the approval for the wetlands delineation plan and the approved wetland delineation plan shall be submitted for review. Permanent markers shall be installed along the wetland buffer line. The applicant shall submit a signed, sealed copy of the outbound survey for the subject property. A trash dumpster will be provided at the northeast corner of the parking area. We recommend that the trash enclosure be provided to screen the dumpster. The parking area will be illuminated by 16 ft. high shoe box type fixtures. The plan notes that house side shields will be provided, however the plans do not indicate which light will have them and we recommend they be provided for the lights along the property line. The plan notes the lights will be on from dusk to dawn and we recommend that the lights be placed on a timer that will turn off all but a few lights after the facility closes. Construction details have been provided for concrete sidewalks, curb, bituminous paving, handicap ramp and typical sign details. The details are acceptable; however, the handicapped ramps shall provide a detectable warning surface. Soil borings have been provided noting the seasonal high ground water elevations, and permeability tests were also performed. Based on the information provided it would appear the system will function properly. All stormwater from the paved areas shall be pre treated prior to discharge to the infiltration system. The water and sewer trench details shall be added to the plan. Details shall include pavement restoration.

Due to the amount of trenching required to the utility installation which is greater than 20% of the width of the road, the roadway for the entire length of the utility installation shall be milled and overlaid. The remainder of the comments are technical in nature.

Mr. Truscott read from a letter dated July 28, 2006. The applicant should provide an operational characteristics of the facility such as the number of students, number of school buses, size of the buses, proposed hours of operation and services that will occur on site. Please indicate where a bus loading and unloading area would be. We recommend a 6 ft. high board on board fence be installed in lieu of a landscape buffer for the parking along the lot lines of 10.02 and 72 to supplement the landscaping. A total of 9 street trees are required by ordinance, however, the 3 red sunset maples along the improved part of the site should be sufficient since the south side of the site is wooded and protected by the wetland buffer restrictions. The balance of the comments are technical in nature.

Mr. John Doyle, Esq. appeared on behalf of the applicant. This school has existed for 4 years serving the needs of young men, teenagers, who have taken a step off and need to be brought back to course. That school has outgrown their present location on Route 88 where the railroad tracks that cross it is not the best since this school operates in the evening. It has an intensive education and mentoring program, and presently there would be 30 boys full time and another 20 part time with approximately 5 full time staff members and 30 part time staff members. There are not school buses so the issues of parking and circulation are not present here. The schedule generally runs from pre-breakfast at 9am until 1:30 then come back for afternoon and evening efforts, and there are extra curricular programs that are both on and off the site. The facility would include a study hall, library, classrooms, basketball gym, workout gym, recreation, music, computer, student lounge, dining room and kitchen. They would add to the street trees so that it will provide a more adequate buffer for the neighbors.

Mr. Flannery is the engineer for the applicant. They will shift the building slightly and it will give them the 30 ft. front setback. Additionally, they will rotate it counter clockwise to provide more buffer along the property line. The variances indicated in the reports are for the front setback, which will be eliminated and the buffer along the northerly property line. By rotating the building, they will get close to 20 ft. in the front and it will taper to the back and we will also put in the fence. The other comments in the reports that are minor will be addressed.

Mr. Neiman asked if this is considered a historic site and was told that had to do with the EIS report. Mr. Banas asked how the student will get to the school and Mr. Doyle said they will generally drive themselves or be dropped off by family members.

Mr. Banas sees a possible safety problem here. When you move people around 3x's a day, you are lending yourself to safety of the individuals traveling.

Motion was made by Mr. Dolobowsky, seconded by Mr. Klein, to advance this application to the meeting of August 22, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Doloboswky; yes, Mr. Akerman; yes, Mr. Klein; yes

Mr. Dolobowsky is leaving for another engagement.

3. SD # 1545 (NO VARIANCE REQUESTED)

APPLICANT: 319 PROSPECT LLC

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

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

Carried to September 5, 2006

4. SD # 1542 (NO VARIANCE REQUESTED)

APPLICANT: RYE OAKS LLC

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

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

Mr. Peters stated the application proposes 40 townhouse units and a 2800 sf retail building with a community center in the basement. The eastern and southern property lines are adjacent to the Metedeconk River conservation area, the west side of the property is bounded by the NJ Southern branch main stem and is located in the wholesale services B-4 zone. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soils Conservation District, NJDOT and NJDEP for treatment works approval. Evidence of approval shall be made a condition of final subdivision approval. The townhouses will contain 4 bedrooms each and would require 96 parking spaces based on RSIS. The site plan states the applicant is providing 142 parking spaces which exceeds RSIS in is therefore acceptable. By our count, there are 125 parking spaces therefore the number of parking spaces be verified although either count is above what the standard requires. 14 parking spaces have been provided for the retail/community center building which conforms to the ordinance. One handicapped space will be provided. Access to Ocean Avenue has been proposed by a dedicated right turn and a left turn lane. The roads will be private and will be maintained by the homeowners association as noted on the plans. Homeowner's association documents shall be submitted for review by the planning board attorney and solicitor. The applicant shall provide testimony as to what type of business will utilize the retail space proposed and how deliveries and trash will be handled. Legend Circle can accommodate school buses, fire trucks and trash trucks moving counter clockwise around the circle. The radii at the intersection of Ocean Avenue and Legend Circle are too small for most trucks, the radii shall be revised to a minimum of 25 ft. In addition, some of the internal curb radii to the development appear too small for full sized trucks. A block retaining wall be provided along the portion of the eastern property line, the rear property line and the north and east side of the basin along a limited portion of the west property line. The detail of the wall includes a chain link fence at the top of the wall and notes where indicated on the plans. It is difficult to discern the exact limits of the fence on the plans and the opening in the fence for the basin shall be shown. We recommend that a guide rail be provided at the end of

the stub road adjacent to Unit 8 in Building #2. A block wall is also proposed along the east and front property lines of the retail lot. The proposed turn around area on the stub off of Legend Circle is too small for trucks to turn around. A truck can pull into the space provided but there is not enough room for the truck to back out and make a full turn. A soil boring shall be taken within the basin area which shall indicate the seasonal high groundwater elevation; also permeability test results shall be provided to demonstrate an adequate infiltration rate. The homeowners association will be responsible for maintenance of the basin and drainage structures which shall be confirmed in testimony and documented in the association by laws. We recommend additional inlets be provided upstream of inlets #6 & #9 and inlets #5 & #8 as the flow to these inlets appear to exceed the capacity of the inlets. A stabilized access shall be provided to allow for basin maintenance. The remainder of the comments are technical in nature.

Mr. Truscott read from a letter dated June 26, 2006. The proposed application is on 5.2 acre site. Currently the site is being used as a junk yard, automobile storage facility and contains wooded areas on the western side of the site. No bulk variances are requested, however, we note that the applicant does not meet one of the conditional use standards for townhouses which requires 100 ft. setback of the track boundary from a state highway where approximately 10 ft. for retail/community center parking lot is provided. A variance from the conditional use standard requires a D-3 variance which the board does not have jurisdiction.

Mr. Jackson said the board must address this point before the applicant can proceed.

Mr. Kenneth Pape Esq. appeared for the applicant. Mr. Carpenter is the engineer for the applicant. Mr. Carpenter said in building #5 unit #8 is within 100 ft. of Ocean Avenue by moving the building south along the property line with the railroad the applicant can alleviate the encroachment to 100 ft. setback in its entirety. Mr. Truscott said a D-3 variance is a use variance in which you do not comply with the additional use standards for that zone. Mr. Carpenter said they would alleviate the need for the D variance by moving the buildings or eliminating that said unit from the site plan.

Mr. Banas said they should work out their plans and then return them to the board instead of wasting the board's time and the applicant's time. Mr. Pape wanted to make a strong effort not to waste any time and said they are prepared to go through the balance of the reports. Mr. Banas said no, he doesn't see it that way. The board needs to see the determination that the applicant is not seeking a D-3 variance. Mr. Banas asked Mr. Truscott, as the plans stand, does the applicant need a D-3 and was told yes. Mr. Banas said they are at an impasse.

Mr. Jackson said it is a matter of discretion from the board. The reason for the plan review is to make sure the plans are clean enough to go through to the public meeting so it doesn't tie up the board's time. Mr. Pape said they can do it, either by removing it or sliding it back and would like to continue forward tonight. Mr. Truscott said you move the townhouse that violates it but the community center is in the basement of that retail building and it is part of that tract boundary. Mr. Banas said that is exactly what Mr. Neiman was talking about, and Mr. Neiman said that community center is part of the application and you would need 100 ft. setback from that also. Mr. Carpenter said what if the

community center was not part of the application, but Mr. Neiman and the board said it is a part of this application. Mr. Pape asked if they removed the community center from the application would it eliminate the variances. Mr. Banas said he felt that when this application comes forth to the regular hearing, there will be a request for a stand alone community center, and he doesn't think it is going to be a basement. 40 units is not a small development and would require a stand alone community center.

Mr. Pape requested to be carried to the September 5, 2006 without re noticing

Motion was made by Mr. Herzl, seconded by Mr. Neiman, to carry this application to the meeting of September 5, 2006

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

5. SD # 1543 (VARIANCE REQUESTED)

APPLICANT: BATIM MANAGEMENT LLC/MICHAEL BURSTYN

Location: Sixth Street, between Lexington Avenue & Monmouth Avenue
Block 130 Lots 11 & 12

Preliminary and Final Major Subdivision – 4 townhouse units

Carried to September 5, 2006

6. SD # 1550 (NO VARIANCE REQUESTED)

APPLICANT: HOPE HILL LANE

Location: Hope Chapel Road, between McKinley Avenue & Shonny Court
Block 11 Lots 5, 16-32, 35, 87-93, 95-98, 100, 101

Preliminary & Final Major Subdivision-38 residential lots and 1 open space

Mr. Peters stated the applicant is subdividing 33 lots into 39 lots with 4 existing dwellings to remain. One proposed lot to contain a sanitary sewer pump station and the remaining 34 lots are proposed for residential dwellings. The properties are located in the R-15 zone. The zoning table indicates no variances are requested. The applicant has reduced some of the proposed lots based on section 908. Proposed lot 5.26, which is situated primarily within the wetlands and the wetland buffers has been deemed as an open space lot to be deeded to Lakewood Township. As per section 18-908 B-5 the board shall determine whether proposed lot 5.26 is suitable to be a recreational lot. The proposed lot numbering on the site development plan does not match the numbering on the final plat and shall be addressed by applicant. The applicant will be required to obtain outside agency approvals from Ocean County Planning Board, Ocean County Soils Conservation District, and NJDEP for wetlands buffers, treatment works approval and water main extension. The applicant has indicated a 10 ft. wide shade tree and utility easement to be deeded to Lakewood Township. The applicant shall provide concrete sidewalks on both sides of all proposed cart ways. The applicant has provided at least 4 parking spaces per dwelling which conforms to RSIS Standards. Drainage easements are required around all

stormwater system components that are located outside of the right of way. The applicant shall address this issue. The applicant shall pre treat all stormwater run off prior to discharge through infiltration pipes. The stormwater management for this project will be achieved by means of perforated recharge pipes. The pipes will be located within the proposed right of way and a blanket easement encompassing the majority of the non dwelling areas of the subdivision. The board should determine if Lakewood Township will assume maintenance of the stormwater management system or if a homeowners association should be formed to maintain the system. The remaining comments are technical in nature and the rest deal with the map filing law.

Mr. Truscott read from a letter dated June 26, 2006. The property parcel is 15.3 acres in area and the majority of the tract is vacant. The surrounding land uses are single family residences and vacant land. There are numerous lots that would require a lot area variance. We note that the majority of new lot 5.25 is classified as freshwater wetlands and wetlands transition area, such areas may not be disturbed in accordance with the DEP regulations. The feasibility of such lands for usable open space and recreation may be restricted. Section 908 B-5 of the UDO provides that the soil, drainage, slope, location of the proposed recreation area shall be deemed suitable by the board for recreation purposes and the applicant should address this issue with the board. In addition to the lot area variance, proposed lot 5.24 does not appear to have frontage on an improved street therefore a planning variance is required from NJSA 40:55D-35 to permit the creation of a lot without improved road frontage. We note that the proposed open space area complies with paragraph 6 & 7 of Section 908B which addresses access to a public right of way a minimum of 1 acre land area. If the board finds the open space lot acceptable, the final plat should be revised to indicate the open space lot is dedicated to the township. The pump station lot should be identified as dedicated to NJ American Water Company. The final plat indicates 2 lots identified as 5.24 and this must be revised. The numbering from 5.25 to 5.31 differs from the lot numbering on the site development plans and the 2 maps must be reconciled. The proposed pump station lot located south of lot 5.15 and 5.16 will house a mechanical equipment and generator and control building, and we ask the applicant to provide additional information about the generator building. The portions of the right of ways to be vacated will require approval of the township committee. The requirements of Section 18-82 of the UDO which addresses building uniformity in residential developments must be addressed at the construction phase of the development. The balance of the comments are technical in nature.

Mr. Sam Brown, Esq. appeared on behalf of the applicant. The applicant has taken into account the topography and the sensitivity of the area. The applicant has also conferred with the neighbors to address their concerns. Mr. Brian Flannery is the engineer for the applicant. Mr. Flannery said some concerns with the neighbors have been with the pump station and the through street. The neighbors did not like the through street and the pump station, so we can eliminate the through street and make it a cul de sac and would eliminate the pump station completely and put septic on the lots or extend sanitary sewer from Hope Chapel Road. They need to meet with NJ American Water Co. to make sure it will work and meet with the county to see if we can go into their roadway. The rest of the comments from the professionals, one of which is sidewalks on both sides. They have a wetland buffer and wants no sidewalks on the one side. What they propose on the wetland side of that roadway (which no houses front on) is no sidewalk on the right of way

but an easement. The variance for the pump station lot would be gone now, and reconfiguration would eliminate most of the variances. The only other variance listed in Max's report is lot width, which is measured at the front setback and the way his office calculated it is at the setback line and they feel they met all the setback widths.

Mr. Banas questioned whether they were proposing coming back to another technical meeting and Mr. Flannery said he was sure the board would want them to.

Mr. Franklin said it looked the roads would be private based on the drainage coming off the lots into the storm sewers in the streets, the township shouldn't have to be responsible for that.

Mr. Neiman asked what the main objection from the neighbors and was told the pump station which is obvious and the other one is to the traffic flow from Hope Chapel with this through street.

Mr. Peters said there was one more issue and that was all these lots were reduced in width and area based on open space being dedicated to the township, but the majority of that open space is wetlands or wetlands buffer areas, so the board should determine if those wetlands and wetland buffer areas could be considered open space and therefore allow these reductions. Mr. Flannery said their position on that is the ordinance says you need to have a area for active or passive recreation and we are providing an acre of passive recreation and it is only 13 out of the 38 lots where we are even reducing it, so his opinion is that it meets the letter of the law and in keeping with the intent of the ordinance.

Mr. Banas asked if they had an LOI and Mr. Flannery said they did.

Mr. Klein asked if those were revised plans on the display and was told the easel display is the new one.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to move this application to the meeting of September 5, 2006

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

7. SD # 1509A (VARIANCE REQUESTED)
APPLICANT: MAJESTIC CONTRACTING LLC
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Preliminary & Final Major Subdivision – 17 two family townhouses

Carried to September 5, 2006

8. SD # 1555 (VARIANCE REQUESTED)

APPLICANT: MARGALIT LANKRY

Location: Case Road, between Lake Drive Terrace & Magnolia Drive
Block 16 Lots 1 & 7

Minor Subdivision to create two lots

Mr. Peters stated an existing dwelling will be removed and 2 single family dwellings will be constructed. The property is in the R-12 zone. The applicant has provided architectural drawings for a 5 bedroom house on lot 7.02. No architectural plans have been provided for lot 7.01. A variance will be required for minimum lot width: Lot 7.01 proposes 80.23 ft. and Lot 7.02 proposes 80.48 ft. where 90 ft. is required. Ocean County Planning Board and Ocean County Soils Conservation District approvals will be required and evidence of approvals shall be made a condition final subdivision approval. Zoning requirements table states that proposed lot 7.01 contains 3 off street parking spaces. It is not clear on the plans where these spaces are located, please revise. The dimensions for the concrete curb detail are not legible and shall be revised. The details for the full height curb shall be added to the plans. Various comments refer to the map filing law.

Mr. Truscott read from a letter dated July 28, 2006. Both lots will be deficient in lot width. The parcel totals 40,512 sf located on Case Road. Bulk variances are required for the lot width. The architectural plans indicate a proposed single family home be constructed on 35 Carey Street and this is not correct and should be revised. Proposed septic system must meet all DEP requirements and the status of permitting for the well and septic should be addressed. An additional 4 street trees are required along Case Road and the balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. They will be prepared to show lots in the area less than 90 ft. The architectural plans will be revised, the shade trees provided and DEP requirements will be met. They plan on selling the other lot and it will fit into the building envelope.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to advance this application to the meeting of August 22, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

9. SD # 1556 (VARIANCE REQUESTED)

APPLICANT: JOSEPH GOLDBERG

Location: corner of Hope Chapel Road & Miller Road
Block 7 Lots 15 & 52

Minor Subdivision from 2 lots into 3 lots

Mr. Peters stated the 41,524 sf tract consists of 2 lots lying in the R-15 zone. Variances will be required for the following: the 3 lots each have area of 13,841 sf where 15,000 sf is required. It shall be noted that existing side yard setback does not conform to the ordinance. The ordinance requires a 10 ft. side yard to an accessory use structure and this

is an existing condition. All the other bulk variances and setbacks for this application conform to the ordinance. The 2 existing dwellings are serviced by septic systems. The approximate limits of the septic disposal fields shall be shown on the plans. The new dwelling will also be provided with an on site septic system. The approximate limits of the new septic disposal field shall also be shown. Outside agency approvals will be required from Ocean County Planning Board and Ocean County Soil Conservation District. The existing dwellings and the proposed dwelling will require 3 off street parking spaces. The plans show adequate room for 3 off street parking spaces on each lot. The ordinance requires that curb and sidewalk be installed for new developments; therefore, curb and sidewalk shall be included on the plans. Details of the curbs and sidewalks shall be shown. There is an existing water main in Miller Road to which the new home will be connected. A pavement restoration detail shall be provided on the plan. A signature block for the Planning Board Chairman, Engineer and Secretary shall be added to the development plan. This will provide the township engineer with signed drawings to review during construction of the proposed project. The remaining comments deal with the map filing law.

Mr. Truscott read from a letter dated July 28, 2006. A total of 12 street trees are required, 6 along Hope Chapel Road and 6 along Miller Road and should be shown on the plans. Off street parking must meet RSIS. The remaining comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. Mr. Flannery is an engineer for the applicant. Mr. Flannery said he would make all the revisions based on the professionals' reports.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to advance this application to the meeting of August 22, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

10.SD # 1557 (NO VARIANCE REQUESTED)

APPLICANT: YOSEF OPPEN

Location: Garfield Avenue, east of Van Buren Avenue
Block 7 Lots 1 & 4

Minor Subdivision to create two lots

Mr. Peters stated the applicant wishes to re align in order to obtain 1,000 sf of land from the owner of lot 1. The property is in the R-15 zone. No new structures are proposed at this time and no variances are required. Ocean County Planning Board approval will be required and evidence of approval should be made a condition of final subdivision approval. No shade tree easements are provided, and the applicant shall revise the plans to include a shade tree easement fronting on Garfield Street. A note shall be added to the plans that any new dwelling proposed on lot 4.01 will provide a minimum of 3 off street parking spaces. The planning board should determine if curb and sidewalk will be required and to what extent. If curb and sidewalk are required, the details shall be provided. The remaining minor comments pertain to the map filing law.

Mr. Truscott read from a letter dated July 25, 2006. A single family dwelling currently exists on the new lot and a structure is proposed for new lot 4.01. The subject parcel totals 30,000 sf in area. Both lots are through lots as they border Garfield Avenue and Hope Chapel Road. No bulk variances are requested. The proposed subdivision would require relocation or removal of an existing shed from proposed lot 4.01. An additional 8 street trees should be provided. The balance of the comments are technical in nature.

Mr. Surmonte appeared as engineer for the applicant. They agree to install the shade trees as recommended but would like to make a request that consideration be given to the standard request for sidewalks along the entire frontage, being it is only a property line adjustment.

Mr. Banas said he didn't think so, but that is for discussion at the public hearing.

Motion was made by Mr. Neiman, seconded by Mr. Hezl, to advance this application to the meeting of August 22, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

11.SD # 1558 (VARIANCE REQUESTED)

APPLICANT: YITZCHOK SINGER

Location: northwest corner of Sunset Road and Central Avenue
Block 75 Lot 14

Minor Subdivision to create two lots

Mr. Peters stated the existing one story dwelling and garage will be removed from the site and 2 single family 2 story dwellings will be constructed. The property is in the R-12 zone. Variances will be required for the following: lot area; Lot 14.01 proposes 7,500 sf and Lot 14.02 proposed 7,486 sf. where 12,000 sf is required; lot width; Lot 14.01 proposes 75 ft. and Lot 14.02 proposed 74.78 ft. where 90 ft. is required. Ocean County Planning Board and Ocean County Soils Conservation District approval will be required. Evidence of outside agency approvals shall be made a condition of final subdivision approval. The applicant has proposed to construct sidewalks along the Sunset Road frontage, and sidewalks currently exist along Central Avenue frontage. A shade tree easement has been proposed along the Sunset Road frontage and an easement shall be added to the Central Avenue frontage as well. The driveway dimensions shall be added to the plan; it appears the driveways will provide 2 off street parking spaces per lot where 3 are required. The plans shall be revised to show 1 additional parking space or the applicant shall certify the proposed dwellings will have garages to provide one additional parking space. The remaining comments deal with the map filing law.

Mr. Truscott read from a letter dated July 26, 2006. An additional 2 street trees are required along Central Avenue. The applicant should provide testimony as to whether the existing oil storage tank which is shown to be removed is above ground or below and if it is below ground than removal of the tank may require approval from NJ Dept. of Environmental Protection. The bearings of the site triangle easement should be identified

on the plat. The balance of the comments were technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. They have 22 lots within 200 ft. only 3 conform on size, all the other ones are small. Mr. Banas said they would like to see a blow up of the exhibit they have. They agree on installing sidewalks on Sunset and also the shade tree and the parking spaces. They will put in the 2 street trees and stated the oil storage tank is above ground, so DEP is not required. They agree to comply with all other comments.

Motion was made by Mr. Neiman, seconded by Mr. Klein, to advance this application to the meeting of August 22, 2006.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

12.SP # 1849 (NO VARIANCE REQUESTED)
APPLICANT: PROSPECT BUSINESS PARK 3 C/O CHARLES FERGUSON
Location: Prospect Street
Block 386 Lot 17
Informal Review of Minor Subdivision and Conceptual Site Plan

Mr. Penzer Esq. appeared on behalf of the applicant and wanted to explain to the board why they were here before the reports were read. They have a unique problem here, Mr. Ferguson has adjoining properties and the question is do you want them to come back now and do one part, or in 3 years. The history is the person who wants to sell them the property, can't sell it for 3 years because he has a prepayment penalty which is so huge, it wouldn't make sense. We need, for our tenant, the space there. We need assistance from the board. Mr. Ferguson owns Lot 18 and he operates a facility out of Lot 18. Lot 17 is presently the self-storage facility and there are 3 acres available in the rear that Mr. Ferguson is contracted to use and ultimately purchase. From the back of the storage facility to the property that Mr. Ferguson is looking to acquire, is a substantial grade change of 37 ft. Part of this application would be to propose to access that part of the property through Mr. Ferguson's existing lot 18 which presently has a driveway running down the west property line and continuing along the rear of the property, and just extend that current driveway to link up with the proposed facility about 100 ft. off of the rail way right of way. Mr. Penzer explained because of the extreme terrain and because in the future they are going to buy it, the only access to those 3 acres is by doing an access easement through lot 18. The question is, how do we do the access easement through lot 18; we could do it 2 ways, one by doing a site plan and minor subdivision now, which would be our first choice, or go for a site plan only, and come back 3 years from now for a subdivision of the 3 acres to join them back to the 5.4 acres. (Then lot 18 would be 8 acres).

Mr. Neiman said they would need a variance to no frontage to an improved street.

Mr. Peters asked if there was a reason why when the rear portion is subdivided off it couldn't be merged with 18 at that time. Mr. Penzer said he can't take that property for 3 years. Mr. Peters said it could be subdivided with the same owner and leased out the

rear portion.

Mr. Franklin said let the owner submit an application to subdivide and lease the portion. The board members agreed. Mr. Ferguson could submit the application with the owner signing an affidavit. Mr. Jackson said as long as the board was comfortable with this way, he would work out the legalities with Mr. Penzer.

13. SD # 1549 (VARIANCE REQUESTED)

APPLICANT: MORRIS WEINBERG

Location: Spruce Street, between Funston Avenue and Caryl Avenue
Block 82 Lot 3

Minor Subdivision to create two lots

Carried to September 5, 2006

14. SD # 1550 (NO VARIANCE REQUESTED)

APPLICANT: SEYMOUR INVESTMENTS LLC

Location: Cross Street, west of River Avenue (former Calgo Gardens Nursery)
Block 533 Lots 3 & 10

Preliminary & Final Major Subdivision-74 townhouse units, community center and tot lot

Carried to September 5, 2006

8. PUBLIC PORTION

None at this time.

Mr. Banas said in the package, the members have a capital budget review they need to make a determination on. He doesn't see any problems and thinks they should recommend they advise the township that this follows the Master Plan and we have no objection

Motion was made by Mr. Herzl, seconded by Mr. Klein, to approve

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes,

Mr. Klein; yes

Max Peters stated at the last meeting he had display boards from Clayton Concrete project that just finished construction. There may have been some confusion between himself and the board members as to whether that would come back before the board for amended site plan approval or not. He thought it would only come back if he did a review and found things that were not in conformance with the ordinance, but the board may feel differently.

Mr. Banas felt that project should come back, that was quite a bit of an error that was done some place along the line. Mr. Peters said they added a lot of concrete slabs for storage areas that were not on the original plans. Mr. Peters said he would contact the applicant and tell them they have to submit amended plans.

Mr. Kiert said the real question was that they deviated from the original site plan so greatly that that was a thought they should come back, even if it conforms to the ordinance, it doesn't conform to the approved site plan. Mr. Banas and Max agreed it does not conform to the approved site plan. Mr. Banas said it should come back, and to it correctly, as an amended site plan.

10. APPROVAL OF MINUTES

None at this time

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary