

**LAKWOOD PLANNING BOARD  
MEETING MINUTES  
JANUARY 9, 2007**

**I. CERTIFICATION OF COMPLIANCE**

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

“The time, date and location of this meeting was published in the 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. Gatton, Mr. Percal

**3. SWEARING IN OF PROFESSIONALS**

Mr. Peters and Mr. Truscott were sworn in.

**4. OLD BUSINESS**

**1. SD# 1479 (VARIANCE REQUESTED)**

**APPLICANT: SHLOMO KATZ**

Location: corner of Cedarview Avenue & Fourteenth Street  
Block 39 Lot 4

Extension of previously approved Minor Subdivision to create two lots

Mr. Peters stated the resolution of approval was adopted on October 11, 2005. The applicant did not explain the reason for the extension and shall provide testimony on why the board should grant the request.

Mr. Bill Stevens from PDS appeared on behalf of the applicant. He stated they simply ran out of time to file and are requesting an extension. All of the work required is complete except for 2 things, we need to set the monuments in the field, and we also need to get a bond estimate for the proposed sidewalks the applicant wants to put in. Everything else in the review letter has been accomplished.

Mr. Neiman questioned how long do we usually grant for extension, and was told it was 6 months or a year. Mr. Stevens said they need only 6 months.

**Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve the extension for 6 months.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

## 5. NEW BUSINESS

- 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. Peters stated the applicant is seeking preliminary and final minor subdivision approval for the creation of four (4) new lots from two (2) existing lots. The existing tract is situated on Somerset Avenue between East Eighth Street and East Seventh Street. Existing Lot 3, the southerly lot, contains a one-story frame dwelling. Lot 1, the northerly lot, contains a two-story frame dwelling. A wetland exists along the rear of the tract. Both dwellings will be demolished for the four (4) new homes. The houses shall be demolished prior to the signature of the final map or a bond posted to ensure prompt removal of the dwelling after subdivision is complete. The applicant shall add "TO BE REMOVED" to both existing dwellings on the Existing Conditions Plans. This 41,000 square foot site lies in an R-12 Single Family Residential Zone. Single family detached dwellings are a permitted use in this zone. We note the following required variances and discrepancies in the Zoning Table: Lot Area - The required lot area in this zone is 12,000 square feet. Each of the lots are 10,250 square feet in area and, therefore, require variances. Minimum Lot Width- The required lot width in this zone is 90 feet. Each of the lot widths are 51.25 feet and, therefore, require variances. Front Yard Setback - The minimum front yard setback in the zone is 30 feet. Each of the lots provide for a front yard setback of 30 feet, which conforms to the ordinance. The minimum front yard setback listed in the Bulk Requirements Schedule on the Site Development Plan for the four proposed dwellings is listed as 25 feet. The applicant shall address this issue. Minimum Side Yard Setback - The minimum side yard setback in this zone is 10 feet and the minimum side yard setback for both sides is 25 feet. Each of the lots provide for a side yard setback of 8.5 feet and a 17 foot aggregate side yard setback. These non-conformances require variances. All of the other bulk requirements conform to the ordinance; however, the Maximum Lot Coverage shall be revised to be consistent on the Minor Subdivision Plan and the Site Plans. 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 by the following: NJDEP for the wetlands and wetlands transition, New Jersey American Water Company and NJDEP permits for Treatment Works Approval. Ocean County Planning Board and Ocean County Soil Conservation District approvals have been received. The plans note that each of the proposed homes will contain five (5) bedrooms. Based on the Residential Site Improvement Standards (RSIS), three (3) parking spaces are required for each home which has been provided. Garages will not be provided for the four

(4) homes. Based on our review of the stormwater management report, we note the following: The report references properties of the existing soil. The applicant has stated that test pit and soil permeability test information has been included, but it appears that the above listed information has been omitted from this submittal. Borings or test pits information and permeability test information shall be provided for the underground recharge system noting the actual seasonal high groundwater elevation. Also, the location of the test pit or boring shall be shown on the plans. The applicant has requested a waiver from the A detail of the drywell and recharge system has been provided on the plan and has been revised, but the two views provided are still not clear as to how it will be constructed. Additional comments may be forthcoming based on our review of the drainage area maps, soils information and flow chart. The Stormwater Management report requests waivers from the required reductions for the 2, 10 and 100 year. The granting of these waivers is not recommended. We question the design of the sanitary sewer system and recommend the force main run directly to the manhole at the intersection of East Seventh Street and Somerset Avenue. We also recommend the pipe be installed within the roadway. We defer review of the final design to the New Jersey American Water Company. Water services for the proposed homes will connect to the existing water main in Somerset Avenue. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 21, 2006. The applicant is seeking minor subdivision and variance approvals to subdivide two existing lots into four undersized lots. The applicant proposes to raze the single-family homes that currently exist on the tract. The applicant proposes to construct one single-family home on each proposed lot, for a total of four new single-family homes. The parcel totals 41,000 square feet (0.941 acres), 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 Eighth Street, which was vacated by ordinance. The subject property is located on the east side of Somerset Avenue, across from the High School. The applicant must address the positive and negative criteria for each of the requested variances. Please reconcile the front and side yard setbacks listed on the Minor Subdivision Plan and Site Development Plan. The plat notes a 30-foot front yard setback, while the Improvement Plan lists a 25-foot front yard setback. The side yard setback on the Minor Subdivision Map is 7.5 feet; on the Site Development Plan, the side yard setback is 8.6 feet. In addition, the applicant should clarify the floor area of each of the dwellings. The figures listed on the Minor Subdivision do not match the Site Development Plan. The applicant should provide a copy of the approval of the wetlands area averaging plan from the Department of Environmental Protection to the Board professionals. The status of State permitting should be discussed. The applicant includes a wetlands buffer addition of 2,081 square feet on Lot 4, which is owned by the Township of Lakewood. Off-site additions may not be applicable for the subject wetlands area averaging plan. The applicant should clarify the reason that the off-site buffer addition is indicated. Off-street parking must comply with NJ RSIS. The architectural plans indicate six bedroom, single-family residences. The Site Development Plan indicates a five-bedroom dwelling. A minimum of three (3) parking spaces are required for a five-bedroom home, per the NJ RSIS. Three (3) spaces are shown on the plans. The Planning Board should request expert testimony to provide justification that three (3) off-street parking spaces will be sufficient for a six (6) bedroom single-family residence.

John Doyle, Esq. appeared on behalf of the applicant. He had an aerial map that he showed to the members. Mr. Flannery is the engineer for the applicant. Mr. Flannery has a rendering of the proposed subdivision and an aerial of the property showing the wetlands. There will be no negative impact on the area because it is wetlands, and the high school. This will provide housing opportunities needed in Lakewood. The negative aspects are stormwater runoff, traffic, noise or aesthetics. There will be no one affected by the noise, the DEP will have to permit the stormwater drainage, which will go into the wetlands, and his testimony is there is no negative impact from this development. The minor items the professionals asked them to fix they will comply. They have provided 3 parking spaces in the driveways, and have room, if the board feels additional parking a benefit; they can do that with a pervious driveway for an additional vehicle.

Mr. Banas said in the planners report, the 6 bedrooms, and Mr. Flannery said if an additional parking space was required, they would comply. Mr. Banas asked if they would need variances if they only built 3 homes rather than 4, and Mr. Flannery said they would need for lot width, not for area.

Mr. Percal is concerned on how these 4 lots will impact on each other. Privacy with the combined side yard setbacks, along with the buffering and asked what can be done for privacy. Mr. Flannery said they proposed 16 ft. between the houses which is consistent with R-7.5 zone. The applicant would be agreeable to a condition that we put fencing and landscaping in between the 2 houses to provide the buffering. Mr. Banas said this is an R-12 zone.

Mr. Dolobowsky thought they had asked the applicant for smaller houses at the technical meeting. He would rather see the houses set back with a wider driveway, which would also give them a front lawn instead of concrete. This board has given variances in the past, but they are close, this one is dramatically different from the neighborhood. Mr. Doyle said to the degree that the board thinks a more appropriate use on these 4 lots would be a 5 bedroom rather than a 6 bedroom house, they would accept that. With respect to the neighborhood, the testimony from Mr. Flannery was telling. It is not that they are out of character with the neighborhood, but based on the environmental limitations, there is no neighborhood but this buildable parcel.

Mr. Dolobowsky wanted to know if they were going to make the houses visibly smaller, and Mr. Doyle said they would be prepared to do so. Mr. Banas asked by how much and was told by Mr. Flannery, the units are 56 ft. deep, if they took 6 ft. off it would give them a 36 ft. setback which would allow for 2 parking spaces. Mr. Banas did not think that was cutting down the house enough. Mr. Dolobowsky said it is 1800 sf. reduction. Mr. Truscott commented on the fencing and landscaping between units, and said there is perforated pipe drainage system in between some of the units, so in some cases a fence would be required, rather than landscaping, and landscaping can be done between others. Mr. Doyle agreed with the landscaping and fencing. The applicant agreed to comply with the remainder of the comments in the professionals reports.

Mr. Neiman commented on Mr. Peters report about the drywell and Mr. Flannery said they would agree that the detail be clear and Mr. Peters is happy with it. Mr. Peters said he needed clarification.

Mr. Dolobowsky asked about the buffer averaging and some is done on a neighboring property and Mr. Doyle said it was legal and the township has permitted it by resolution. He will provide the resolution documentation and Mr. Jackson said they could make it a condition of the resolution.

Mr. Banas opened the microphone to the public.

Gerry Ballwanz, 208 Governors Road, was sworn in. She thinks what is being overlooked is that if you allow the 4 units, it is not just any 4 units, this will have about 40 children on 1 acre of land, and she thinks it is too much. She thinks it is a little too crowded. She thinks 3 houses would not need as many variances and would be better for the quality of life for everybody.

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

Mr. Doyle made closing remarks for the applicant.

Mr. Dolobowsky asked what the new front yard setback and Mr. Flannery said 36 ft.

Mr. Banas commented that moving from a zone which is R-12 down to a zone of R-7.5 is excessive, and he doesn't think there is any place for this kind of development in this area and he cannot support this project with 4 homes, and suggest the applicant consider having 3 homes rather than the 4. It will ease the situation to a greater degree than what we have proposed at this point. The cutting down of the size is really diminimus, it doesn't speak very well of the entire project and this kind of development does not belong in an R-12.

Mr. Jackson asked the Mr. Doyle if he was looking for variances under C1, C2 or both. Mr. Doyle said they would ask for it under both. Under C1, under uniquely different property, topography, etc. they feel they fit. Under C2, the benefits to be derived far outweigh any detriments if the variance were granted. The benefits are meets the Master Plan, provides housing opportunities, and is in a unique area.

**Motion was made by Mr. Herzi, seconded by Mr. Percal, to approve this application with the recommendations in the professional's reports, to reduce the homes to 5 bedrooms, 4 parking spaces, buffers between the houses and 6 ft. reduction in the front yard making it a 36 ft. and the footprint will be 34 x 50 ft.**

Mr. Dolobowsky said he hopes it will be conditional on the paperwork from the township on the buffering averaging, and that monuments be set so the homeowners know where the wetlands buffers are and there be no grubbing or clearing where the buffers are. The motion was amended to include Mr. Dolobowsky's comments.

**ROLL CALL:** Mr. Herzi; yes, Mr. Neiman; yes, Mr. Banas; no, Mr. Dolobowsky; yes Mr. Akerman; yes, Mr. Gatton; abstain, Mr. Percal; 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 this application seeks site plan approval to construct a 13,875 square foot one story building with a basement and associated site improvements to be used for a school for troubled youth. The property is located on Somerset Avenue, just north of Cabinfield Circle. The property contains wetlands along the south property line. A wooded area also parallels the wetland area to a point 80 feet in from the south property line. The remainder of this property is vacant with light vegetative cover. This 1.82± acre tract consists of two (2) lots: Lot 10.02 containing 1.58± acres; and Lot 71 containing 0.24± acres. The two (2) lots shall be consolidated, which may be done by deed. This tract lies in an R-12, Single Family Residential Zoning District. Public and private schools area permitted use in this zone. No variances are required for the application. Design waivers are required for the following: Buffer width - The ordinance requires a 20 foot wide buffer for schools in a residential zone. This application proposes a three (3) foot wide buffer for the parking area to the north and east property lines. Parking within a Buffer - The ordinance does not permit parking within a required buffer. As noted above, the parking area is three (3) feet from the north and east property lines and, therefore, requires a waiver. This application proposes 28 parking spaces for this development. The zoning table states 30 parking spaces are provided and shall be revised. The plans note that 23 parking spaces are required. The applicant shall provide a parking calculation to confirm the number of required parking spaces. This application proposes two (2) handicap parking spaces and conforms to the Uniform Construction Code. It appears that the handicapped parking spaces are located far away from the handicapped accessible ramp which is located on the east side of the building. This site plan is subject to the review and approval of the Ocean County Soil Conservation District, NJDEP Letter of Interpretation (LOI) for the buffer requirements for the wetland and NJDEP Treatment Works approval. The applicant has provided a copy of the wetlands LOI. A copy of the approved wetland delineation plan shall be submitted for our records. Permanent markers shall be installed along the wetland buffer line, and should be shown on the plan. The property will be accessed from a 24 foot wide two-way driveway from Somerset Avenue. Handicap ramps have been provided and detailed. The detail shall be revised to show the use of a detectable warning surface. The applicant shall testify regarding the time of day that trash will be picked up at the site. The location of the trash enclosure will cause a conflict between trash trucks backing up from the dumpster and parked cars. Water and sewer trench details shall be added to the plans. Details shall include pavement restoration. Due to the amount of trenching required for utility installation (>20% of the width of the road), the roadway for the entire length of the utility installation shall be milled and overlaid. The remaining comments were technical in nature.

Mr. Truscott read from a letter dated September 15, 2006. The applicant is seeking preliminary and final major site plan approvals to construct a 13,875-square foot private school and associated improvements for “troubled youths.” The parcel in question totals 79,879 square feet (1.83 acres), located on Somerset Avenue in the R-12 zone. The site currently consists of vacant field and light forest, and much of the southern portion of the

parcel is designated as wetlands. The front yard setback variance previously requested has been eliminated by a change in site layout. No variances are requested. The applicant should describe the operational characteristics of the facility, including the following: The proposed number of students to be educated on site; The anticipated number of school buses visiting the site on a daily basis; Anticipated bus size (i.e., full or mini); The proposed hours of operation; The services that will occur on site. The applicant's Engineer has indicated in his September 12th submission that a copy of the letter of approval of the wetlands area averaging plan from the Department of Environmental Protection has been provided to the Lakewood Planning Board office. Based on the facility operation and transportation arrangements, please indicate whether a bus loading/unloading area would be appropriate. Parking is provided along the north and east sides of the property within the 20 foot buffer. A waiver is required. In lieu of a landscaped buffer, the applicant proposes a 6-foot high board-on-board fence along the line with Lots 10.02 and 72 to supplement the low-level landscaping along the parking lot perimeter. A total of nine (9) street trees are required by Ordinance; however, the three (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 wetlands buffer restrictions. Architectural plans have been submitted for the Board's review. Required approvals include, but may not be limited to, the following: Ocean County Planning Board; New Jersey State Department of Environmental Protection; Sewer and water utilities.

John Doyle, Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer. This school is presently located on Route 88. He has 3 exhibits to present, A1 which is a rendered, colored site plan, A2 which is a floor plan executed by the architect John Saracco, and A3 which is the concept visualization of the plan as it would look on the site.

Rabbi Simcha Greenwald, 82 Cabinfield Circle, was sworn in. He said the school is for boys who haven't done well in the typical main stream school. His school starts at 7am and goes until 11pm. He is the dean of the school. The school is presently located on Route 88 and it is in an old building, 4,000 sf located on the railroad tracks, fronting a mechanic shop and the best suited for a school. This location was chosen because it gives them their own place, and it will give them the size they need to enhance their ability to help out teenagers in town. The school will be a complete center to be able to accommodate the needs of the students. They have 6 full time staff members, a number of part time mentors, and students who come in at different times, about 20 a day. The students arrive by private means, either dropped off by parents, or they get a ride, bike, or walk. The new building will have a study hall, library, gymnasium, etc.

Mr. Banas asked how many pupils do they anticipate when the building is occupied. Rabbi Greenwald said they don't recruit. Mr. Banas asked what the capacity of the building was, because it is very large.

Mr. Flannery stated they are not asking for variances but is asking for a design waiver, they have rotated the parking design to get as many spaces as possible and to comply with the buffer to the extent possible while still allowing the building as designed. They have respected the 50 ft. buffer for the wetlands. They will provide the remaining items that were requested in the planner's and engineer's review letters. They have provided a dumpster in the rear for trash pick up and would agree to any suggestions by Mr. Franklin, and the truck would need to back out of the lot.

Mr. Banas said if they didn't know how many students there were at a maximum, in regard to the number of parking spaces, and asked if there were sufficient parking spaces. Mr. Flannery said they have allowed more parking spaces than required in the ordinance (based on the number of classrooms). Based on conversations with the applicant, it was determined that there was not a large parking need.

Mr. John Saracco, is the architect for the applicant. He said exhibit A3 is a computer rendering of what the building will look like, this view is looking towards Somerset Avenue. They put the lower and quieter portion of the building on Somerset Avenue. The entrance courtyard is on the side of the property.

Mr. Akerman asked about the capacity of the building. Mr. Doyle said the applicant told him the approximate number of the student body is around 50 and not exceed 60.

Mr. Jackson said he needed a number to put into the resolution as to not exceed the number and Mr. Banas said if we know about the special events that are going on, where are they going to park? Mr. Flannery said that parking would take place as it does for most of the facilities in town, where there would be car pooling, people being dropped off, etc. some of the schools do a valet parking. Mr. Banas asked where would they bring them, but Mr. Flannery had no specific answer but said they could use the high school parking lot, etc. The rabbi said there would be only about 2 events that would happen a year.

Mr. Dolobowsky asked the board professionals if they were comfortable with the buffering between the parking area and the neighboring property. Mr. Truscott said there is a board on board fence provided and that would block the lights from the neighbor. Mr. Dolobowsky asked where the drop off point is, even if they are being dropped off and Mr. Doyle said it would be at the courtyard front door located on the side. They will turn around in the parking spaces.

Mr. Peters had a suggestion for a turn around, as he is concerned with trash trucks backing up. He suggested that 2 of the spaces opposite the dumpster enclosure be striped as no parking and that would allow for the turn around of vehicles also and reduce the width of the grass island to make up for the loss of the 2 spaces. Mr. Franklin said it would help him out with his trucks.

Mr. Banas opened the microphone to the public.

James M. Waters, 1275 Old County Line Road, was sworn in. He has 5 points that he would like to make. He has concerns about the application. This is a school for troubled youths. He thinks that this kind of school is needed, and the opposition is not towards the school itself but its' location of it. The amount of traffic that will be generated and the quality of life for the neighbors, and he is speaking for a Mrs. Brown, is not being considered. Parking spaces, and things of that nature needs to be pinned down. He would not like to see a fence along Somerset Avenue, facing private homes. He is interested in seeing the environmental studies, he is concerned in the reduction in the number of trees that was outlined in a letter, from 8 or 9 down to 3, and he has a problem with some of the compromises offered by the applicant. When we are in a private area, he doesn't think we should compromise in some of the requirements. Even if it is one family that gets disrupted, they have to care about that family. It is interesting how the jump went from 20 to 50 or 60 students.

Moishie Klein, 1594 South Lake Drive was sworn in. He said he is the general counsel for Somerset Development, who owns the lot north of the subject property. He wanted to state that Somerset Development supports and values the school and welcome them to build there.

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

Mr. Doyle made closing remarks for the applicant.

**Motion was made by Mr. Neiman, seconded by Mr. Percal, to approve this application with all the stipulations mentioned by the professionals.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Akerman; yes, Mr. Gatton; yes, Mr. Percal; yes

**3. SD # 1547 (VARIANCE REQUESTED)**

**APPLICANT: SAM & HENNA BAUMAN**

Location: Woodland Drive, west of Hillridge Place  
Block 12.04 Lot 101

Minor Subdivision to create two lots

Mr. Peters stated the Applicant is seeking Minor Subdivision Approval to subdivide one residential lot into two residential lots. Existing structures will be removed, and two separate dwellings are proposed. The property is located on Woodland Drive in the R-12 Zoning District. It appears that variances will be required for the following: Lot area, both lots propose 7,500 SF where 12,000 SF is required Lot width, both lots propose a 50 foot width where 90 feet is required; Side yard setback, both lots propose 8 feet with an aggregate 18 feet where 10 feet with an aggregate of 25 feet is required. The following outside agency approvals will be required: Ocean County Planning Board Approval; Ocean County Soil Conservation District Approval; NJDEP Permit for Treatment Works Approval (TWA) Evidence of approvals shall be made a condition of final subdivision approval. Three (3) parking spaces have been provided per lot. This conforms to RSIS standards. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated August 8, 2006. The applicant is seeking minor subdivision and variance approvals to create two (2) lots fronting on Woodland Drive. The parcel is 0.34 acres (15,000 square feet) in area and contains a single-family residence, which will be removed. The tract has approximately 100 feet of frontage on the south side of Woodland Drive and is situated in the R-12 Zone. As noted, the site is located in the R-12 Residential Zone and single-family residences are a permitted use in the zone district. The following variances are requested: New Lots 101.01 and 101.02 are proposed to have a lot area of 7,500 square feet and the minimum lot area in the R-12 Zone is 12,000 square feet. A lot width of 50 feet is proposed for new Lots 101.01 and 101.02 and a minimum lot width of 90 feet is required. The applicant should address the positive and negative criteria of each of the requested variances. There are no changes to the review comments in our June 23, 2006 letter. Concrete sidewalk is proposed along the-frontage of the parcel. All improvements in the right-of-way should be bonded prior to signing of the map. The balance of the comments are technical in nature.

Mr. Doyle Esq. appeared on behalf of the applicant. He has an exhibit A1 which is colored coded copy of the tax map. Mr. Flannery is the engineer for the applicant. The colored tax map shows the area and lots that are 50ft in width in the area. There are 17 lots in the immediate area, probably 1/3 of the lots in the area that are similar to the applicant's. The negative criteria is the stormwater management, and traffic which he feels would be negligible. Aesthetically, it will conform with 1/3 of the lots in the area. The positive criteria, they are extending the public sewer and water which would be a benefit to all the neighbors including 5 of the smaller lots currently serviced by septic and well, there will be curb and sidewalk installed and this provides housing opportunities consistent with the master plan. The technical comments from the professionals will be complied with. Sewer and water is approximately 400 ft. easterly on Woodland Drive and the cost and expense of running the lines would be approximately \$50,000.00. New Jersey American Water Company is the servicing water company, and it would probably not install the lines on their own.

Mr. Banas said if the colors were in reverse order, he could see granting this. 2/3 of the neighborhood is R-12.

Mr. Neiman asked if there were homes on those lots, and was told yes. Mr. Dolobowsky said it is more like 25% not 1/3. There is no requirement for the neighbors to hook up to the pipe. The applicant is dropping the zone by 2.

Mr. Banas opened the microphone to the public.

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

Mr. Doyle made closing remarks to the board. He said one resident was interested in this applicant and wanted to have water and sewer extended to his property. Mr. Doyle did not remember his name.

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; no, Mr. Banas; no, Mr. Dolobowsky; no, Mr. Gatton; no, Mr. Percal; no Motion defeated.

**4. 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 applicant is seeking a minor subdivision of Block 9, Lots 15 & 52. The subdivision proposes to subdivide two (2) existing lots to create three (3) new lots. The tract lies at the intersection of Hope Chapel Road and Miller Road. The 41,524 square foot tract consisting of the two (2) lots lies in an R-15, Single Family Residential Zone. It appears that a lot area variance will be required. The ordinance requires a lot area of 15,000 square feet in this zone. The three (3) lots will each have a lot area of 13,841±

square feet. It shall be noted that the existing garage side yard setback does not conform to the ordinance. The ordinance requires a 10 foot side yard setback for accessory use structures. This is an existing condition neither created nor expanded by this application. All of the other bulk and setbacks of this application conform to the ordinance. Outside agency approvals will be required by the following: Ocean County Planning Board and Ocean County Soil Conservation District. The existing dwellings and the proposed dwellings will each require three (3) parking spaces. The plans show adequate room for three off street parking on each lot. The remaining comments are technical in nature.

Mr. Slachetka read from a letter dated August 18, 2006. The applicant is seeking minor subdivision and variance approvals to subdivide two existing lots into three undersized lots. One single family home remains on each of the existing lots, which are to remain. The applicant proposes to construct one single-family home on the newly-proposed Lot 50.03. The parcel totals 41,524 square feet (0.953 acres), and is located at the intersection of Hope Chapel Road and Miller Road. The site is located in the R-15 Residential Zone. Single-family homes are a permitted use in the zone district; The following bulk variances are required: A variance is required for Proposed Lot 50.03 for a lot area of 13,841 square feet, where a minimum of 15,000 square feet is required. A variance is required for Proposed Lot 50.02 for a lot area of 13,841 square feet, where a minimum of 15,000 square feet is required. A variance is required for Proposed Lot 50.03 for a lot area of 13,841 square feet, where a minimum of 15,000 square feet is required. A variance is required for Proposed Lot 50.01 for an accessory structure side yard setback of 5 feet, where a minimum of 10 feet is required. This is side yard, not a rear yard setback, as indicated in the zoning schedule on the site improvement plan. The applicant should address the positive and negative criteria for all the requested variances. The proposed septic system should meet all New Jersey Department of Environmental Protection septic design regulations (NJAC 7:9A). A total of twelve (12) street trees are required, six each along Hope Chapel Road and Miller Road. A note has been provided on the Improvement Plan. The balance of the comments are technical in nature.

Mr. Penzer, Esq. appeared on behalf of the applicant. All the technical comments are minor in nature from both the planner and engineer's letters and can be met. The main issue that board was concerned with was the safety. Mr. Flannery is the engineer for the applicant. He has a rendering that shows 12 lots that are less than the 15,000 sf required from 5,500 sf to 12,000 sf. He characterized the nature of the reduction to be diminimus and in light of the fact that the county has taken property from these properties, they would have the 15,000 sf. Mr. Banas asked how much property was taken, and Mr. Flannery said he did not know. The safety issue was brought up at the technical meeting because of the corner, and he met onsite with the applicant, and they have provided the turn arounds consistent with the county requirements, so no one needs to back out onto the road. As far as safety is concerned, they are proposing sidewalks along Miller Road which would enhance the safety of that area. The positive criteria is they are providing sidewalks and curbs and an additional housing opportunity.

Mr. Dolobowsky asked if there is a need for handicapped ramps for the corner and striping. Mr. Flannery said they would petition the county for the crosswalk at least across Miller. He also sees double wide driveways, but where would you park cars if they need the K turn, and Mr. Flannery said they would increase the size of the driveway to make it easier to turn around.

Mr. Banas opened the microphone to the public.

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

**Motion was made by Mr. Dolobowsky, seconded by Mr. Neiman, to approve the application with the applicant requesting the county to stripe a crosswalk, doing depressed curb at corner, and making the driveways bigger to accommodate 4 spaces plus the K turn.**

Mr. Banas asked on Hope Chapel Road, how deep are those curbs, and Mr. Flannery said typical curb height is 6 inches. Mr. Banas asked if it could be higher and Mr. Flannery said the DOT requires 8 inches but the height is governed by the county. Mr. Banas asked that on the Hope Chapel side the board can request 8 inches. Mr. Flannery said if you put in 8 inches, the vehicle could lose control. They decided to go for the 8 inches.

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; abstain, Mr. Percal; yes

**5. 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 applicant is seeking a Minor Subdivision Approval to subdivide one existing lot to create two residential lots. An existing one-story dwelling and garage will be removed from the site and two single family, two-story dwellings will be constructed. The property is situated on Sunset Road and Central Avenue, within the R-12 Zone. A variance will be required for the following: Lot area, Lot 14.01 proposes 7,500 SF and Lot 14.02 proposes 7,486 SF where 12,000 SF is required. Lot width, Lot 14.01 proposes 75 ft and Lot 14.02 proposes 74.78 ft where 90 ft is required. Ocean County Planning Board and Ocean County Soil Conservation District Approvals will be required. Evidence of outside agency approvals shall be made a condition of final subdivision approval. The applicant has proposed to construct sidewalk along the Sunset Road frontage. Sidewalk currently exists along the Central Avenue frontage. Shade tree easements have been proposed along the Sunset Road and Central Avenue frontages. The driveways will provide two (2) off-street parking spaces per lot, and a note on the plan indicates that any proposed dwellings will have minimum of one car garage to provide a total of three (3) off-street parking spaces per lot.

Mr. Truscott read from a letter dated August 18, 2006. The applicant is seeking minor subdivision and variance approvals to subdivide one existing lot into two undersized lots. The applicant proposes to raze the single-family home, garage, and associated improvements that currently exist on the property. The applicant proposes to construct one single-family home on each proposed lot. The parcel totals 14,978 square feet (0.344 acres) and is located at the northwest corner of Central Avenue and Sunset Road. The site is located in the R-12 Residential Zone. Single-family homes are a permitted use in the

zone district. Lot numbers should be obtained from the Township Tax Assessor. Off-street parking in accordance with the NJRIS is required. The note on the plan concerning off-street parking should reference compliance with the NJRSIS. Required approvals include, but may not be limited to, the following: Ocean County Planning Board; Ocean County Soil Conservation District; and Sewer and water utilities, prior to issuance of construction permits.

Mr. Penzer, Esq. appeared on behalf of the applicant. He had exhibit A1 which is the list of the lots. They have a list of approximately 40% of the area which show undersized lots in the area. It is their position that they would conform to the surrounding lots. Mr. Surmonte is the engineer for the applicant. He stated there are 25 lots within 200 ft of this project and only 4 meet the R-12 requirements. Only another 4 on top of that meet the R-10 requirements. Only 8 out of 25 lots exceed 10,000 sf.; 2/3 of the lots fall between 7,000 and 9,000 sf. What we are proposing is conforming to the surrounding area. Mr. Neiman asked if there were homes on the lots and was told yes. Mr. Penzer said they were constructing sidewalks which would make it even safer for pedestrian traffic. Mr. Banas asked what is going on at Central Avenue, particularly this corner. Mr. Surmonte said they are reconstructing the roadway on Central Avenue and installing curb and sidewalks. The intersection has a traffic light and they are re-doing the drainage.

Mr. Dolobowsky said more and more of the homes are not being built with garages. He would like to know if they would be willing to move the houses back a few feet and let the driveways be long enough to accommodate 4 spaces. They can back out because of the traffic light. Mr. Penzer said the applicant agrees. Mr. Peters said front to back they need a minimum of 36 with 2 -18 ft. long spots and the applicant agreed.

Mr. Banas opened the microphone to the public.

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

**Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to approve with everything they discussed.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; no, Mr. Percal; yes

**6. SD # 1533 (VARIANCE REQUESTED)**  
**APPLICANT: HARVARD STREET DEVELOPMENT**  
Location: Harvard Street, between Apple Street & Park Place  
Block 171 Lots 11, 19 & 21 Preliminary & Final Major Subdivision -  
9 lots

Mr. Penzer agreed to carry to October 17, 2006 and granted extension of time.

**Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to carry to October 17, 2006**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**7. SD # 1529 (NO VARIANCE REQUESTED)**  
**APPLICANT: MATHIAS DEUTSCH**  
Location: East Harvard Street, east of Park Place  
Block 170 Lots 7, 8 & 9  
Minor Subdivision to create 2 duplex buildings (4 lots total)

Mr. Penzer agreed to carry to October 17, 2006 and granted extension of time.

**Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to carry to October 17, 2006**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

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

Mr. Jackson received correspondence from Mr. Gasiorowski to the board indicating that in essence he believed that since the prior application was begun and then abandoned, that the record should be made a part of the subsequent proceeding and should be seen as one opinion.

Mr. Jackson's opinion to the board is one of two things: the board could consider it a continuation if it is factually a continuation, but he thinks it would be the better practice for the board to determine that the matter was begun anew, look at the prior proceeding as something that was terminated and they are making a new application and if there is an appeal, and it would be up to a judge to decide if it was part of the record and connection.

Mr. Gasiorowski had one comment. He said when they were here, the board took a straw vote/poll and the board said to the applicant, we suggest perhaps you withdraw this without prejudice so you can come back with a new application. What they are coming back with is the same thing, so his position is that this is a continuation.

Mr. Banas said that to go and start from that point forward, we would have to look at all testimony, we don't have the physical equipment to pass on to the members or read the transcript and it becomes a cumbersome issue. Mr. Gasiorowski advised the board of what his position is.

Mr. Jackson stated that the applicant's counsel has advised him that there is an objector that it is going to take them several hours, and in fairness to other members of the public who may wish to participate, counsel requested the matter be carried to another meeting.

**Motion was made by Mr. Franklin, seconded by Mr. Dolobowsky, to carry this application to November 14, 2006.**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**9. SP # 1850 (NO VARIANCE REQUESTED)**  
**APPLICANT: 212 SECOND STREET HOLDINGS LLC**  
Location: Second Street, west of Lexington Avenue  
Block 121 Lots 12 & 13  
Preliminary and Final Site Plan for proposed retail and office building

Mr. Penzer agreed to carry to October 17, 2006 and granted extension of time.

**Motion was made by Mr. Dolobowsky, seconded by Mr. Herzl, to carry to October 17, 2006**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**10. SD # 1559 (NO VARIANCE REQUESTED)**  
**APPLICANT: VOLODIMIR & ALLA KURTEEV**  
Location: Albert Avenue, south of Oak Street  
Block 1159 Lot 73  
Minor Subdivision to create two lots

Request made by applicant's attorney to carry this application.

**Motion was made by Mr. Franklin, seconded by Mr. Dolobowsky, to carry this application to October 17, 2006**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

## **6. MEMORIALIZATION OF RESOLUTIONS**

**1. SD # 1539 (VARIANCE REQUESTED)**  
**APPLICANT: REUVEN KANAREK**  
Location: East Eighth Street, between Park Avenue & Nowlan Place  
Block 230 Lot 9  
Minor Subdivision to create 2 lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**2. SD # 1540 (VARIANCE REQUESTED)**  
**APPLICANT: PROSPECT BUSINESS PARK II**  
Location: Prospect Street, east of Havenwood Court  
Block 396 Lot 1  
Minor Subdivision

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**3. SP # 1842 (NO VARIANCE REQUESTED)**  
**APPLICANT: PROSPECT BUSINESS PARK II**  
Location: Prospect Street, east of Havenwood Court  
Block 396 Lot 1  
Preliminary and Final Site Plan

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**4. SP # 1839 (VARIANCE REQUESTED)**  
**APPLICANT: 401 MADISON LLC**  
Location: Route 9 (Madison Avenue) @ northeast corner of 4th Street  
Block 93 Lot 17  
Change of Use Site Plan from rooming house to 3 story office building

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**5. SD # 1541 (NO VARIANCE REQUESTED)**  
**APPLICANT: MOSHE ARYEH**  
Location: East Spruce Street, east of Albert Avenue  
Block 855.02 Lot 31  
Minor Subdivision to create 2 lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**6. SP # 1843 (VARIANCE REQUESTED)**  
**APPLICANT: JOSEPH GUTTERMAN**  
Location: corner of Central Avenue and Columbus Avenue  
Block 12.04 Lot 41  
Preliminary and Final Site Plan for proposed synagogue

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**7. SD # 1546 (VARIANCE REQUESTED)**  
**APPLICANT: YEHUDA & IRIS SCHWARTZ**  
Location: Leonard Street, west of East End Avenue  
Block 227 Lot 6  
Minor Subdivision to create two lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**8. SP # 1846 (NO VARIANCE REQUESTED)**  
**APPLICANT: JACKSON OFFICE COMPLEX LLC**  
Location: West County Line Road, border with Jackson Township  
Block 2.03 Lot 1  
Preliminary & Final Site Plan -2 story retail/office building

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**9. SD # 1548 (NO VARIANCE REQUESTED)**  
**APPLICANT: MOSHE FEINROTH**  
Location: New Central Avenue, west of Princess Court  
Block 11.02 Lots 1 & 12  
Minor Subdivision to create four lots

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**10. 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

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

**11. 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

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

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

## **7. CORRESPONDENCE**

Taken care of with item # SD 1509A

## **8. PUBLIC PORTION**

None at this time

## **9. APPROVAL OF BILLS**

**Motion was made by Mr. Neiman, seconded by Mr. Dolobowsky, to approve**

**ROLL CALL:** Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Dolobowsky; yes, Mr. Gatton; yes, Mr. Percal; yes

## **10. APPROVAL OF MINUTES**

None at this time

Mr. Banas asked the board to look at the minutes from the Ocean County Planning Board, that affected Lakewood and all the towns south of Lakewood. They had a meeting with

the county and asked that a resolution be adopted by OCPB which sets the limit for the desired typical section (DTS) which now will be a resolution approved by our town which will indicate Route 9 will have enough room at 114 feet. Plus all the buffers the town will ask for. Mitch said around the hospital they will probably not bring any traffic closer to the hospital. They need to find out where the center line will actually be. Mr. Banas said that at the meeting there was a good repore between the county engineer, the people of Dover and the politicians.

## **11.ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Chris Johnson  
Planning Board Recording Secretary