

**LAKWOOD PLANNING BOARD
MINUTES
NOVEMBER 13, 2007**

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Neiman, Mr. Banas, Mr. Akerman, Mr. Gatton

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Truscott were sworn in.

Ms. Johnson said there were changes to the published agenda. **Item # 5 – SD 1615** and **Item #6 – SP 1876 Congregation Bais Halevy Inc.** were tabled by the applicant’s attorney to a future date. Mr. Penzer said they are meeting with objectors and he will re-notice when ready.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to table to a future meeting

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

4. PLAN REVIEW ITEMS

- 1. SD # 1567A (VARIANCE REQUESTED)**
APPLICANT: KELLI DALRYMPLE
Location: Whitesville Road and Lafayette Boulevard
Block 252 Lot 4.02
Extension or previously approved Minor Subdivision to create two lots

Mr. Peters stated the project was previously approved by the Planning Board; the Resolution of Approval was adopted on March 27, 2007. The applicant is seeking an extension of the previous approval for a period of 190 days. The application form did not provide information on the reason for the extension. The applicant shall provide testimony on why the board should grant the requested approval.

Mr. Penzer Esq. appeared on behalf of the applicant. Mr. Flannery said it did not get filed in time and is ready now.

Motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve the extension for 190 days

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

2. SD # 1613 (VARIANCE REQUESTED)

APPLICANT: JOHN BROWN

Location: Pine Street, west of Arlington Avenue
Block 774.03 Lot 2.03

Minor Subdivision to create 3 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Block 774.03, Lot 2.03 into three new lots. The existing dwelling on new Lot 2.04 will remain. No construction is proposed under this application. New lot 2.04 fronts along Pine Street with a 25 ft access strip to Ashley Avenue in the rear. Lot 2.05 and Lot 2.06 have frontage along Arlington Avenue (unimproved), in the R-10 zoning district. The applicant is requesting the following variances: Minimum lot width: Lots 2.05 and 2.03; 72.95 ft are proposed, where 75 ft are required. Minimum side yard setback: Lot 2.04; 9.4 ft is proposed, where 10 ft is required, this is an existing condition. Outside agency approval from Ocean County Planning Board is required. Evidence of the approval shall be provided prior to signature of the Final Plat. The proposed development will be served by public sewer and water lines. The 25% maximum building coverage shall be included in the zoning schedule. The applicant shows in the zoning schedule 2.5 proposed off-street parking for Lots 2.05 and 2.06. A note shall be added to the plan stating that a minimum of three (3) off-street parking spaces shall be provided for proposed Lots 2.05 and 2.06, when dwellings are proposed on the new lots. The applicant shows on the plan the dwelling on lot 2.04 has a stone access drive to both Pine Street and Ashley Avenue. This arrangement classifies Lot 2.04 as a thru lot. These lots are permitted to access only one road frontage in accordance with section 18-805.F of the Lakewood UDO. The section also requires landscaped buffers to be provided along the secondary frontage for newly created thru lots. The Planning Board should determine if buffer will be required for the Lot 2.04, since the thru lot is an existing condition. The applicant shows on the plan a 10' wide existing shade tree and utility easement along Arlington Avenue frontage of the Lots 2.05 and 2.06. The applicant shows on the plan neither proposed nor existing curbs and sidewalk along Arlington Avenue and Pine Street. The applicant is requesting to create new buildings lots that front on an unimproved Right of Way. The applicant will be

required to extend Arlington Avenue to access the new lots. The offsite improvement will trigger the application being considered a major subdivision. The applicant will be required to address all the requirements of a major subdivision or requests waivers. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 1, 2007. The applicant seeks minor subdivision approval and associated variance to subdivide existing Lot 2.03 into three (3) new lots. The parcel contains one single-family dwelling which will remain on new Lot 2.04. Two new lots will have frontage on Arlington Avenue which is only partially improved. The total area of the property is 65,925 square feet (1.5 acres). The property is located in an R-10 Residential Zone on the north side of Pine Street. The surrounding land uses are generally residential. Single-family detached housing is a permitted use in the R-10 Zone. The following variance is requested: Lot width. The proposed lot width of both Lots 2.05 and 2.06 is 72.95 feet, where a minimum of 75 feet is required. Please note that the plat indicates that Arlington Avenue is "partially improved." The road must be improved to comply with Township standards or a waiver must be requested. The road improvement would be an extension of Arlington Avenue and, therefore, a major subdivision. A turnaround of Arlington Avenue or connection to Pine Street should be addressed. We would also note this applicant received minor subdivision approval for the same tract in May, 2005. Under the definition of a major subdivision, this application represents a "further subdivision of an original tract of land for which a previous minor subdivision or subdivisions, or a major subdivision had been approved by the Planning Board within three years prior to the filing of the application." The prior subdivision was approved 2-½ years ago. Based on the above, it is our recommendation that the applicant should re-submit the application as a major subdivision and comply with all of the filing and submission requirements of a major subdivision. Off-street parking for all proposed lots must comply with NJ RSIS standards. Sidewalk and street trees should be addressed. The remaining comments are technical in nature.

Mr. Silverman Esq. appeared on behalf of the applicant with Mr. Flannery as the engineer for the applicant. Mr. Flannery stated it is submitted as a Minor Subdivision and had exhibits to explain the reason. As far as the rest of the reports, the items are minor in nature and he will provide them. They will provide the sidewalk and the street trees. There are 2 reasons the professionals felt it should be classified as a major subdivision; one is because they are doing roadway improvements and the applicant is getting a bond to improve that road so it will be a bonded roadway and by the public hearing they will provide proof that a bond is in place. The second issue is with respect to a creeping major subdivision. This was subdivided almost 3 years ago. He showed 2 renderings to the board, the lower one shows what the property configuration was before the subdivision and it was 2 lots. The top rendering show the subdivision done in May 2005 and when it was done there was also 2 lots. At that time the only thing that was done was Mr. Brown gave a strip of property to his neighbor so his lot would be more conforming. At that time there was discussion on if it was a minor subdivision and the board decided not to penalize him for giving some property to his neighbor and they said it was 2 lots not 3 lots. They are here this evening is a three lot subdivision plus the one lot from before, which is still a minor subdivision and it is his testimony that it is a minor subdivision. They still have the same situation with him giving the property away to his neighbor and he apologizes for not making it clear initially and hopes this clears it up. Mr. Banas said he would leave it up to the board's professionals.

Mr. Truscott stated he was not aware there was a bond in place for the extension of Arlington Avenue that would take care of the road improvements so that takes care of the roadway issue. The ordinance has changed in regards to the creeping minor since the original approval and you are now allowed 3 lots plus one retained lot to qualify for a minor subdivision. The more important point is the creeping major subdivision in terms of the approvals so it is would still be treated as a major for that reason and as the road extension, so the question he has and he would ask Mr. Jackson if they define it as a major subdivision but waive the requirements so that it is in terms of the submission requirements of a minor. Mr. Flannery said just because they got the approval less than 3 years ago does not kick it into a major and read the definition.

Mr. Jackson said it is discretionary up to the board. He does not like form over substance and thinks the board has discretion to view it on its' merits. Mr. Flannery said this is Mr. Brown's home, he is a resident of Lakewood, he is not going anywhere. Ms. Johnson stated Mr. Brown has been in the office with the engineer for the bonding of the roadway. Mr. Jackson asked Mr. Flannery what additional things would be required of a Major Subdivision and Mr. Flannery said additional fees, topography, and he would be happy if the board said they would waive it. Mr. Peters said this was primarily some legal technicalities, if this was considered a major, he would recommend a waiver be granted for nearly all if not all of the major subdivision requirements for this type of development. Mr. Banas said he does not like waivers and Mr. Peters said in that case he would recommend the board look at this as a minor subdivision. Mr. Akerman said he did not see a problem with looking at this as a Minor Subdivision because a creeping major was set up to keep people from taking advantage but if the laws changed in between it is not like the applicant is trying to pull anything over on the board.

Mr. Banas said most of the matters have been discussed but the parking spaces and Mr. Flannery said they were planning on 3 per lot and Mr. Banas asked how many bedrooms and Mr. Flannery said they would be the typical 5 or 6 bedroom homes and Mr. Banas said to count on 4 spaces and Mr. Flannery said 4 is a much better number and agreed. Mr. Truscott said they have not seen the plans for the bonded road and Mr. Flannery agreed to provide that and Mr. Truscott is concerned with the turnaround. Mr. Flannery said he would contact Mr. Franklin to make sure it is adequate.

Mr. Gatton asked the professionals if they were ready to address the question of a minor subdivision vs. a major subdivision if this was moved forward. Mr. Jackson said from a legal perspective he would be comfortable with the board viewing this application as a minor subdivision. Mr. Peters said this is when the board should make the determination, at the technical hearing, so if the board decides this is a major subdivision, the applicant can revise the plans and come back to a new technical meeting as opposed to finding out at a public meeting that there are additional issues to address. Mr. Gatton asked Mr. Peters what he would recommend and Mr. Peters recommended the board address this as a minor subdivision. Mr. Banas said he thought Mr. Peters said a major subdivision with waivers and Mr. Peters said it was ultimately up to the board but if the board were to consider it a major, he would recommend granting those waivers. Mr. Truscott also agreed treating this as a minor subdivision as no one is trying to evade the improvement requirements, he is just addressing them in a different way. Mr. Banas asked the board members their opinion and it seems their thinking is the same.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to move the application to the meeting of January 8, 2008 as a Minor Subdivision

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

- 3. SP # 1875 (NO VARIANCE REQUESTED)**
APPLICANT: SOMERSET DEVELOPMENTS LLC
Location: Fairways Boulevard
Block 524.01 Lot 1
Preliminary & Final Site Plan for addition to clubhouse and parking lot

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan Approval to construct two additional Great Rooms and 28 parking spaces for an existing clubhouse. The property is situated along Fairway Boulevard within the Fairways at Lake Ridge Development. The project is in the R-40 zoning district. No variance is requested by the applicant. Outside agency approval from Ocean County Soil Conservation District will be required. Evidence of the approval shall be provided prior to signature of the Site Plan. The proposed clubhouse additions are measured on the Site Plan to have an approximate total area of 2,000 S.F, but the applicant states 1,400 S.F are proposed. This discrepancy should be resolved. If the additions are indeed over 1500 S.F, this application shall be reviewed as a Major Site Plan and additional plans and reports shall be prepared and submitted to the Township, or waivers requested. The applicant shows on the plan 28 parking spaces are proposed to accommodate the additional floor area of 1,400 S.F. If the addition areas are 2,000 S.F as measured on the plan, 40 additional parking spaces will be required in accordance with section 18 of Lakewood UDO. The applicant shall provide proposed grades where additional parking stalls are proposed. The proposed grades shall demonstrate positive on-site drainage is achieved. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 1, 2007. The applicant seeks preliminary and final major site plan approval to construct a 1,400-square foot addition to the rear of the Fairways Clubhouse. The application also includes a proposal to add twenty-eight (28) parking spaces. The subject site is located within the Fairways at Lake Ridge housing development, off Fairways Boulevard. The parcel is located in the R-40 Zone. No variances are requested. The applicant should comment as to the need for twenty-eight (28) additional parking spaces. The site plan should be revised to dimension the two (2) additions. We note that storage area # 3 shown on the floor plan does not appear on the site plan. Landscaping (short hedge) should be provided between the six proposed spaces and the driveway to the clubhouse. Any required outside agency approvals should be addressed.

Mr. Gross Esq. appeared on behalf of the applicant. He stated the adjacent property is the Kelly horse farm and that was approved by the Board of Adjustment and the intent is to link that property with the Fairways property and to allow the horse farm residents to become part of the Fairways development and utilize the clubhouse. They have reached

an agreement with the Homeowners Association of Fairways on the proposed expansion of the clubhouse and the additional parking spaces. Chris Rosati from FWH Associates is the engineer for the applicant. Mr. Rosati stated when the HOA was questioned about annexing this portion they agreed and voted with the stipulation that they needed additional services at the clubhouse, basically enlarging the great room and providing some additional storage. They also requested additional parking spaces which we have provided on the plans. The total addition is 1,746 sf to the existing clubhouse and 28 parking spaces where are distributed throughout the site where they could fit them in without disturbing the tree protection areas or drainage or aesthetic nature of the site. One of the ways it was achieved was by eliminating storage area #3, which was shown on the original site plan floor plan. With regard to Mr. Peters' letter and regard to variances, the existing parking lot under the existing approval was under variances due to the number of parking stalls, so we are adding 28 and are still in a variance situation. Also there was a variance granted for the size of the pool, it was undersized by a few hundred square feet, they are not proposing any additions to the pool because it was requested by the HOA, so they are still in a variance situation as well. The main issue to discuss tonight is the size of the addition. The initial submission was under 1,400 sf however, once we met with the Kokes organization additional space was added and now we are at the 1,746 number. Only 1,420 is the ballroom area expansion which would require the parking addition, the balance is storage which technically, they would not need to come to the board for approval. They feel the board can use it's' discretion to say the site plan addition is 1,420 sf for the ballroom addition and the storage would just be not a site plan issue. There were some limitations where to put the parking because of CAFRA approvals for the site have deed restrictions and they can not disturb any trees. Mr. Gross said there is presently no parking problems at the site, there is 179 spaces currently and the association felt that with the addition of 28 that would be plenty to accommodate the additional residents. Mr. Banas asked how they came up with the figure of 28 and they said with numerous meetings with the HOA and Mr. Banas said why not 30 and was told it was a trade off, you had to worry about the stormwater run off etc, and the HOA felt the 28 would be more than adequate for their needs and did not want to have more paving than was necessary. Mr. Banas asked how many proposed homes are being added at the horse farm site and was told 93 units. Mr. Banas said that is a development within itself and normally when you have a complex of this nature, the board would ask that a complete stand alone building be constructed for the purpose of meetings, swimming etc. Mr. Banas asked if they are increasing the swimming pool and was told no, it was not requested by the HOA. Mr. Jackson asked if the Board of Adjustment asked for any increase in the facilities and was told by Mr. Rosati that this exhibit was almost the identical one that was presented to the Board of Adjustment and they voted based on these facts. Mr. Jackson asked for the Board of Adjustment resolution and suggested they submit that so the board members can see that. Mr. Banas asked how many parking spaces did the applicant provide for the 1,700 sf and if that is in compliance and was told they were deficient by 7 (they would need 35). For 1400 sf they need 28, which they have provided. Mr. Banas asked if they are adding only 1400 sf for the 93 units, is that sufficient for that number. Mr. Flannery said there is no set amount but they will have testimony at the public hearing. Mr. Neiman said at the public hearing they should also bring testimony as to the HOA agreeing to the addition and combining the clubhouse. Mr. Gross said they are here now, they can not speak at this meeting, but they will be at the public hearing. Mr. Jackson asked how many houses are in the existing community and Mr. Gross stated 1,035 units.

With regards to the planners report, Mr. Rosati stated they will make the revisions on the technical comments in the letter along with the comments in Mr. Peter's report other than what was previously discussed.

Motion was made by Mr. Herzl, seconded by Mr. Neiman, to move the application to the meeting of January 8, 2008

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

Mr. Banas asked for a change in the agenda because one of the members had to leave. Mr. Jackson asked for the resolution to be memorialized so Mr. Banas asked for a motion.

Mr. Neiman made a motion to change the agenda #5.1 Memorialization of Resolution, seconded by Mr. Herzl.

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

Mr. Banas asked Mr. Jackson about a dilemma. One of the members has to leave and will leave the board without a quorum. He asked what the opinion of counsel was, can the board continue, can they move the applications, etc and Mr. Jackson stated, in his view, the meeting could continue and the applications could be heard without a quorum because nothing was being voted on, only moved to the public meeting. He does not recommend doing this on a regular basis, but he does not feel the technical requirements of the MLUL are violated if the board were to go with a committee of 4 instead of 5 for this type of procedure as long as no official action is taken. From time to time, official action is taken at these meetings, but this is simply a sounding board and as long as we take these applications tonight in that matter, he does not see a problem with 4 members. Ms. Johnson asked if they needed a quorum for the correspondence letter and he said no.

Mr. Banas stated the board could take action on advancing the plans that are brought before the board on the advice of the attorney.

4. SD # 1614 (Variance requested)

Applicant: 962 Finchley LLC

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

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

Mr. Peters stated the applicant is seeking Preliminary and Final Major Subdivision Approval to subdivide Block 430, Lot 37 into 32 new residential Lots. Lot 37 is currently vacant and bisected by a zoning boundary line. Two new Lots, 37.01 and 37.02, fronting Finchley Boulevard are located in the R-12 zoning district. A single family dwelling is being proposed on each of these lots. The remainder of the proposed lots is located in the HD-7

zoning district. Four townhouse structures which will yield a total of 29 units are proposed within the 3.8 acre area. A private road is proposed to provide access from Finchley Boulevard to the townhouse community. The single family homes are proposed to contain six (6) bedrooms and a basement with a separate entrance. The townhouse units are proposed to contain five bedrooms and a basement with a separate entrance. The applicant is requesting the following variances for Lot 37.01 and 37.02: Minimum lot area; 10,382 SF and 10,430 SF are proposed, where 12,000 SF is required. Minimum lot width; 80 ft are proposed, where 90 ft are required. The applicant shall revise the zoning schedule to reflect Lot 37.01 has two frontages one along the proposed private road and another along Finchley Boulevard. The applicant shows on the plans a 15' setback is proposed for Lot 37.01 along the private road at the frontage of the property. Based on the current building footprint on Lot 37.01, a front setback variance will be required to the proposed road. Proposed Lot 37.01 shall be deeded to have access on the Finchley Boulevard only. Outside agency approvals from Ocean County Planning Board, Ocean County Soil Conservation District, NJDEP permits for Treatment Works Approval, Water Main Extension, and a Wetlands Fill Permit are required. Evidence of the approvals and a copy of the NJDEP stamped approved wetlands plan shall be provided prior to signature of the Final Plat. The applicant shall give a name to the proposed Road A. The proposed name shall be submitted to the Zoning Secretary for review and approval. The proposed dwellings will be served by public water and sewer. It appears that 36'x18', 4 car driveways are provided for proposed townhouse units; the driveways shall be dimensioned to verify the size. The applicant also shows 24 additional parking spaces for the townhouse development to provide a total of 4.8 spaces for each townhouse units. The applicant states in the zoning schedule 3 off-street parking spaces are proposed for each proposed single family dwelling. Per NJ RSIS, 3 off-street parking spaces are required for single family dwellings with 5 bedrooms and 2.5 parking spaces are required for townhouse units with 3 bedrooms, this is the highest number bedrooms for a townhouse listed in the RSIS. The Planning Board should determine whether the proposed off-street parking spaces will be sufficient. Public portions of the site are to be owned and maintained by a homeowners association. The homeowner association (H.O.A) documents shall be submitted for review by the Planning Board Engineer and Solicitor. The applicant shows on the Final Plat two 20' wide drainage easements on Lot 37.01 and 37.02 to be dedicated to the Township. The Board should determine if the Township will accept the drainage easements. In addition, the applicant shows on the Grading Plan underground recharge trenches are proposed. Ownership of the drainage system shall be determined. If the ownership goes to the home owners, the ownership of the system shall be included in the H.O.A documents. The applicant shall provide testimony on how solid waste storage and disposal will be addressed. Generally for townhouse developments household cans are picked up at the curb line. Proposed dumpster pads are shown on the north end of the development. Residents from the south end of the townhouse development will have to walk approximately 350 ft and across a parking lot to drop off their refuse. We request input from Public Works on this issue.

The applicant shall provide testimony on the reason why mountable curbs are proposed along Road A, as opposed to full height curb. The applicant has proposed a recreational area to be dedicated to a homeowner association. As per RSIS multifamily cul-de-sacs shall "provide for a cartway turning radius of 40 ft or other suitable means for vehicles to turn around, such as hammer heads." The 15 ftx18 ft hammer heads are too small for

delivery trucks and trash trucks to turn around without multiple maneuvers. The board should determine if the turn around area provided will be adequate. We request input from public works on the adequacy of the turn around area. Curb and Sidewalk are proposed along Road A. Curb is existing along Finchley Boulevard, but no sidewalk is proposed. Sidewalk shall be added to the plans along Finchley Boulevard. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated November 12, 2007. The applicant proposes to construct two (2) single-family dwellings and four (4) townhouse structures (29 units) for a total of 31 residences at the above-referenced location. Associated site improvements are also proposed. Access to the proposed development will be provided by a private roadway, which will intersect with Finchley Boulevard. The single-family dwellings will front on Finchley Boulevard and the townhouses will front on the new private road. The tract is 2.48 acres in area and is a wooded site. The property is located in the south central portion of the Township on the west side of River Avenue (Route 9). The surrounding land use consists of single-family residences to the west, north and south. A commercial establishment is situated to the east of the site. The parcel is located in the R-12 and HD-7 Zones. Single-family residences are permitted in the R-12 Zone, and townhouse units are permitted conditional uses in the HD-7 Zone. The following variances are requested: Lot Area (R-12 Zone): a minimum of 12,000 square feet is required; proposed Lot 37.01 will have an area of 10,382 square feet and proposed Lot 37.02 will have 10,430 square feet. Lot width (R-12 Zone): a minimum of 90 feet is required and Lots 37.01 and 37.02 provide 80 feet. The positive and negative criteria should be addressed. A tax map exhibit showing the lot areas and lot widths of the lots in the surrounding area should be submitted to the Planning Board. The site plan indicates that a portion of lot 37 has been determined to be freshwater wetland and wetland buffer areas. In addition it appears that the wetlands will be filled. No information has been submitted with the application as to the status of these activities relative to NJDEP permitting. Since these activities require state permits, the applicant should address whether the fill activity has been approved. Copies of plans and correspondence with the NJDEP should be submitted to the Planning board and the Board professionals for review and information. If the fill activity has been approved, the permit number and date of approval should be noted on the site plan drawings. We have a concern about the off-street parking area located at the entrance of the townhouse community. It could be seen as an intrusion in the single-family neighborhood. The applicant should consider locating the parking area within the HD-7 Zone area of the tract or providing additional screening. The architectural drawings indicate that the townhouse buildings will have unfinished basements. The architectural drawings should be revised to include side and rear elevations in accordance with § 18-1010. B. 8. The applicant should provide testimony indicating compliance with § 18-1010. B. 5. This requires "a variation in setback of at least two feet" for every two townhouse units. The Final Plat and Site Plan should be revised to indicate the front yard setback of thirty (30) feet along the new Road A. This revision will impact the size and location of the proposed single-family dwelling on new Lot 37.01. Compliance with the Map Filing Law is required. The proposed street name must be submitted to Lakewood Township for approval. The applicant should address compliance with Chapter 18-1010.9., which requires that commonly-owned areas for the enjoyment of all townhouse residents and their guests be owned and maintained by a non-profit homeowners association. The Township UDO identifies specific requirements as well as requiring that

the applicant adhere to the New Jersey Department of Community Affairs (NJDCA) requirements. The document must be filed with the NJDCA. Public water and sewer services will be provided by the NJ American Water Company. Buffering is required by §18-803. E. The site plan should be revised to provide the required 30-foot wide buffer in the northwest corner and southeast corner of the tract. The Planning Board has discretion to reduce the buffer to 15 feet in width if the applicant provides a dense landscaping screen. The landscaping around the perimeter of the tract should be revised to provide a greater diversity of species. A Tree Protection Management Plan is required for this application. Our office has not received the required plan. As required by Chapter 18-1010.B.6., the applicant is required to obtain Department of Public Works approval for the proposed location and size of the individual trash and recycling enclosures for the townhouse development. Chapter 18-808 requires that applicants who are proposing residential development projects over 25 units are required to preserve not less than 5 percent of the tract land area as common open space, or dedicate the area to active recreation or community facilities for residential development projects. The tract is 4.28 acres, of which 0.21 acres (9,384 square feet) are dedicated to residential uses; 5% of 4.28 acres is 9,311 square feet (rounded up). For this application, the open space standards appear to be met with the area of the proposed playground (Lot 37.32). The applicant is proposing off-street parking of four stacked spaces in front of each unit and three parking areas which will provide off-street parking of 24 spaces. The proposed townhouse units will contain five bedrooms each. Based on the extrapolated RSIS requirements, a minimum of 2.6 spaces are required for each town home unit. An Environmental Impact Statement (EIS) has been submitted for Planning Board Review. The EIS does not make note of the impact of the proposed wetlands fill activity on the tract. The balance of the comments are technical in nature.

Mr. Penzer Esq. appeared on behalf of the applicant. He stated they have worked with neighbors on this application and had several meetings. They have proposed putting in cameras to maintain security and the applicant will place cameras on the site and the neighbors have pin pointed specific sites. Mr. Flannery said they are putting sidewalks on Finchley and the applicant has gone further and there is a missing piece to the west of the site that he is willing to install to make the sidewalk continuous from Route 9 to Hearthstone. There is concern with the traffic at the corner of Finchley Boulevard and Route 9 and they are going to approach the committee to make it a right turn only if the board thinks it is a good idea, they will spearhead the idea. The issue of security cameras was also discussed and they will prepare an exhibit for the public hearing showing where they will install the cameras as well as in intersections in the surrounding neighborhood. Street lighting is another issue in the area and they will go out with the neighbors and see where the street lighting needs to be improved and contact the town to see the procedure to improve. As far as the buffering, they are proposing 30 ft and dense vegetation adjoining the neighbors in the northwesterly corner. They will be putting a decorative fence 20 ft. into the property, so there will be 20 ft. of dense vegetation, then a fence, then another 10 ft. of vegetation so the neighbors will be looking at vegetation and the residents will be looking at vegetation also and if there is a little gap in between, there is a fence. Mr. Palmieri, who is a neighbor and the chairman of the environmental commission will work with the applicant to see which trees can remain.

With regards to the Mr. Peters' report, they will testify to the variances at the public hearing. As far as the solid waste disposal they will set up a meeting with John Franklin to discuss, and that also applies to the hammerhead. Sidewalk will be added to the plans, in addition they will show the off site sidewalk they will construct. They showed a mountable curb because they have so many driveways that it would be more aesthetically pleasing. Mr. Peters said it is a better idea by the driveways, but he would prefer to see full height when you get past the driveways and the pull in parking spots to prevent people parking on the lawns. They agree to the remainder of the comments in both professionals reports. Mr. Truscott questioned the parking area and relocating it or screening it. Mr. Flannery said they would screen it heavily because there is really no availability to move it where it would be aesthetically pleasing and it provides more parking than the RSIS requires but they have provided 4 spaces at each unit and an additional .8 for each unit. There will not be any buses going down this road, the bus will stop on Finchley Boulevard. Mr. Banas asked if there was room on the plans for a pull in and Mr. Flannery said they could add a bus shelter where the parking is for the surrounding neighbors as well. They also would write a letter to the Township Committee requesting a traffic light at the corner of Finchley Boulevard and Route 9. Mr. Gatton wanted to talk about the number of children at this development, about 100-150 children at one location. Mr. Flannery said all the children do not get picked up at the same time. 150 children are not all school age. Maybe 10 children at a time will be standing for a bus, and they are staggered. Mr. Banas said these questions should be brought up at the public hearing, but they are very important.

Motion was made by Mr. Herzl, seconded by Mr. Akerman, to move the application to the meeting of January 8, 2008

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

5. SD # 1615 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION BAIS HALEVY INC.
Location: Lakeview Drive & Woodland Drive
Block 12.07 Lots 13 & 28
Minor Subdivision to re-align lot line

Carried to a future meeting

6. SP # 1876 (VARIANCE REQUESTED)
APPLICANT: CONGREGATION BAIS HALEVY INC.
Location: Lakeview Drive
Block 12.07 Lot 13.01
Preliminary & Final Site Plan for proposed synagogue with attached residence

Carried to a future meeting

7. SP # 1877 (VARIANCE REQUESTED)

APPLICANT: K LAND CORP.

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

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

Mr. Peters stated the applicant is seeking Preliminary and Final Site Plan approval to construct a 53,326 sf furniture store with parking lot and loading area. Three stormwater infiltration basins are proposed. The property is situated north of State Highway Rte.70 and west of Vermont Avenue in the B-5 zoning district. The applicant is requesting the following variances for the proposed sign: maximum area for freestanding signs: 120 sf is required, 433 sf is proposed. Maximum height: 22 ft required, 35 ft. proposed. Maximum area: 60 sf required, 446 sf proposed. Outside agency approved from NJDOT, Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of approvals shall be provided prior to signature of the Site Plat. The applicant shows on the plans 285 parking spaces are proposed for the development, 202 of the proposed spaces are land banked spaces and will not be constructed at this time. The applicant shall provide testimony to justify the need for only 82 parking spaces instead of the 265 parking spaces, which are required by the Lakewood UDO for retail stores. 25 of the land banked parking spaces are shown within the footprint of one of the proposed basins. These spaces shall be relocated, as no parking may be built within the proposed recharge basin. The applicant shows on the Existing Conditions Plan, an access way through the site from Route 70 to an existing dwelling to the north of the site. A note on the plan states there is a "15 ft wide right of way access agreement (see ref#3)"; however; there is no note number 3 found on the plan. Since the access way is to be removed, as shown on the plans, the applicant shall provide a new of the access agreement for review by the Planning Board Engineer and Solicitor for review. Provisions shall be made to ensure continued access through the site during construction. The plans show retaining walls, grading, and driveway improvements will be constructed offsite to the north. The applicant shall provide written approval from the property owner granting permission for the work. The board should determine if the applicant will be required to make financial contribution for the improvements to Vermont Avenue. The amount of the contribution will be determined based on the Township Engineer's cost estimates for the roadwork. The applicant shall provide testimony on how the solid waste storage and removal will be addressed, whether it will be public or private collection. In addition, the footprint of any proposed trash enclosures shall be shown on the plan with adequate dimensions, and a detail of the enclosure shall be added to a Construction Detail Sheet. The applicant shows on the plan an area for future development on the eastern portion of the site. The applicant shall clarify what type of development may be constructed in the future. The applicant shall clarify if the development of this area is counted in the 46.1% impervious coverage shown in the zoning schedule. Lines that appear to represent proposed curbing are shown in the future development area. We question the installation of curbing at this time and recommend all the site improvements be made part of a future planning board application. If the curbing is a future improvement it shall be removed from the plan.

Mr. Truscott read from a letter dated November 13, 2007. The applicant seeks preliminary major site plan approval for the entire tract and final major site plan approval for Phase One for the above-referenced property. The applicant proposes to construct a 53,320-square foot furniture store and associated parking and stormwater management facilities. The subject tract is 8.6 acres in area and wooded. The lot has frontage on Route 70 and Vermont Avenue. The surrounding land uses are generally commercial. A furniture store is a permitted use in the B-5 Zone. No bulk variances are requested. The following sign variances are requested:

Maximum Freestanding Sign Area – 433 square feet proposed and 120 square feet allowed. Maximum Sign Height – 35 feet proposed and 22 feet allowed. Maximum Wall Sign Area – 46 square feet proposed and 60 square feet allowed. The positive and negative criteria must be addressed. This tract is in the vicinity of Kettle Creek. The 2007 Master Plan Reexamination Report, adopted on March 13, 2007, contains the following reference to Kettle Creek in the Environment section: “Objective: Prepare a corridor protection and preservation plan for the Kettle Creek stream corridor and related open space areas. The proposed corridor protection plan should be included as part of the open space component of the Township’s proposed regional center plan. (See Appendix B for location of Kettle Creek and associated wetland areas.)” The Kettle Creek stream corridor, as shown in Appendix B, indicates that Kettle Creek and associated wetlands are located to the north of the project site. The NJ Department of Environmental Protection has identified areas for possible preservation in Lakewood Township in connection with its review of the Township’s petition for State Plan Endorsement and Regional Center designation. The subject tract is located within an area identified on a map for possible preservation submitted to the Township by the NJDEP. T&M Associates submitted, on behalf of Lakewood Township and in conjunction with discussions with the Lakewood Township Committee, a response to the NJDEP’s proposed preservation area map. One of the maps submitted to the NJDEP, Figure 5, proposes certain areas for preservation which focused on publicly-owned sites for a comprehensive strategy of open space preservation. The subject site is located in one of the areas designated for possible preservation. The purpose of this information is to provide the applicant and the Planning Board with pertinent information relating to the site. No formal action has been taken by the Township or relevant State agencies with respect to the preservation of this site. Therefore, in its review of the application, the Planning Board is not mandated to require that this specific site be preserved for open space. However, the Board may wish to consider water quality issues as part of its site plan review. Sidewalk is not proposed along Route 70 nor on Vermont Avenue. The applicant proposes 83 off-street parking spaces and 202 “land-banked spaces” for a total of 285 spaces. Based on a floor area of 53,320 square feet, 267 parking spaces are required (one space per 200 square feet). The applicant’s Traffic Engineer presents one case study and information from the Institute of Traffic Engineers (ITE) indicating that the proposed paved parking will be sufficient for the furniture store use. Land-banked spaces will comply with the ordinance requirement. The Planning Board should request testimony on this issue. A waiver will be necessary for the land-banked spaces. Clarify the site plan as to the location of twenty-five parking spaces within the area of Basin #1. Vermont Avenue is currently an unimproved right-of-way. The applicant must address the connection to Vermont Avenue and the improvement of same. A 25-foot wide buffer is required along the north property line except for the northwest corner of the parcel which abuts the R-12 Zone. The required buffer area is provided; however, it consists of undisturbed area. The plans should be revised to comply with

Ordinance requirements. Access to Lot 32: The site plan identifies a relocated driveway from the rear of the subject site across Lot 10 to provide access to a single-family residence located on Lot 32 to the north. The applicant should address this matter. An easement may be necessary. Vegetative screening should be provided along the highway side of Basins 1 and Foundation plantings are proposed to be coordinated with the architectural plans. Screening along the west side of the site should be coordinated at the time of construction at the discretion of the Township Engineer. We note that the "future development" portion of the tract will be disturbed. The applicant should indicate if the Phase 2 areas can remain undisturbed until development of the Phase 2 area occurs. Sidewalk and improvements along Vermont Avenue should be required if and when Vermont Avenue is improved. Right-of-way improvement of Vermont Avenue should also be discussed. The applicant should comment as to the requirements for CAFRA approval and the proposed impervious coverage. The Woodlands Management Plan should be reviewed by the Shade Tree and Environmental Commissions. The required outside agency approvals may include, but are not limited to: Ocean County Planning Board; Soil Conservation District; New Jersey Department of Transportation New Jersey Department of Environmental Protection All other required outside agency approvals.

Mr. Truscott went back to the part about the plan endorsement and stated these are activities between the DEP and the office of smart growth and the Township Committee and there has been mapping down between the different agencies as to possible preservation. The intent is to preserve publicly owned property not privately owned but wanted the board to know that this Kettle Creek area was discussed for preservation.

Mr. Shea Esq. appeared on behalf of the applicant. Mr. Coco appeared as engineer for the applicant. The only variance being requested is for signage and there will be testimony at the public hearing in support of that variance for the sign. As far as the number of parking spaces, they meet the requirements and have a traffic engineer who will testify at the public hearing on that matter. They just do not want to pave the entire site if it is not necessary. They will address the easement on the site at the public hearing. They will probably take the position that no contribution will be required at this time for this building with respect for Vermont Avenue, it remains to be seen whether or not it will ever be an improvement to that section of Vermont Avenue, but if and when that is done, that would be in phase 2. Solid waste would be in a roll out, which would be shown on the plans and they will be doing improvements in the phase 2 section in terms of grading and preparing the stormwater infrastructure for phase 1, so it will be necessary to disturb that area. There is an observation in the report that some of the land banked parking spaces are in the proposed detention basin location and they are but if that detention basin is required to be built to accommodate future construction in phase 2 than it will be underground recharge and the parking will be above it and detention basin will be changed. Mr. Peters said if that is the route the applicant chooses to go, that would change the calculations, he would not get as much underground storage as you would with an open basin, but he does not have a problem with it. Mr. Banas stated that it is his understanding that Vermont Avenue will be constructed and Mr. Shea said his client will be delighted because it would give new life to phase 2 to have that additional connection and he would not resist any additional assessment based upon that. Mr. Shea said they will not be importing any soil. They will address the relocation of the access to lot 32 with the property owner and address that after the meeting. Mr. Banas asked about sidewalks and curbs and Mr. Shea said he is sure the plans will reflect that at the public hearing.

Mr. Banas is concerned with the destruction of all the evergreens and asked if he had seen the recommendation of the Shade Tree Commission and Mr. Shea said they would look at the plans with the professionals.

Mr. Truscott wanted to add the land banking issue and needed a mechanism to put in place in the resolution so when the need arises how the spaces can be paved. Mr. Jackson said in his experience the appropriate officer is the municipal engineer, so that if it is raised by the Committee, zoning etc. it is in the engineer's discretion to make the determination whether to make that activated.

Motion was made by Mr. Gatton, seconded by Mr. Akerman, to move the application to the meeting of January 8, 2008

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

8. SD # 1616 (NO VARIANCE REQUESTED)
APPLICANT: S&H BUILDERS C/O SAM BAUMAN
Location: Martin Luther King Drive, across from Lincoln Street
Block 768 Lot 57
Minor Subdivision to create 2 lots

Mr. Peters stated the applicant is seeking a Minor Subdivision Approval to subdivide Block 768, Lot 57 into two new Lots. An existing dwelling is to be removed from Lot 57. Two 2-story dwellings are proposed on the new Lots 57.01 and 57.02. The property is located along Dr. Martin Luther King Drive, in the R-7.5 zoning district. No variances are requested by the applicant. Outside agency approvals from Ocean County Planning Board and Ocean County Soil Conservation District are required. Evidence of the approvals shall be provided prior to signature of the Final Plat. The applicant shows on the plan proposed asphalt driveways that can each accommodate four (4) cars; however, three (3) off-street parking spaces are stated in the zoning schedule as proposed parking spaces. The applicant shall address this discrepancy. The applicant shows on the plan existing curb and sidewalk along Dr. Martin Luther King Drive frontage of the property. A 6' shade tree and utility easement is proposed be dedicated to Lakewood Township. The applicant shows an existing wood fence lays outside the property boundary at the rear of Lots 57.01 and 57.02. In addition, a wire fence is shown on the plan out side of the western property boundary and along frontage of the property. The applicant shall provide testimony on the ownership of the fences and if they are to remain. The remaining comments are technical in nature.

Mr. Truscott read from a letter dated October 30, 2007. The applicant seeks minor subdivision approval to subdivide existing Lot 57 into two (2) conforming new lots. The parcel contains a single-family dwelling which will be removed. The total size of the property is 15,000 square feet in area (0.34 acres). The property is located in an R-7.5 Zone in the central part of the Township. Zoning for the tract and surrounding properties is R-7.5 (Residential). The surrounding land uses are residential in nature. Single-family

detached housing is a permitted use in the R-7.5 Zone. No variances are requested: Parking for all proposed lots must comply with NJ RSIS standards. Shade trees and sidewalk are proposed for both lots. The lots will be served by public water and sewer. The balance of the comments are technical in nature.

Mr. Doyle Esq. appeared on behalf of the applicant. There is an existing home and the lot is large enough for 2 homes. The applicant agrees to comply with the recommendations in the professional's reports.

Motion was made by Mr. Akerman, seconded by Mr. Gatton, to move the application to the meeting of January 8, 2008

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

5. MEMORIALIZATION OF RESOLUTIONS

- 1. SD # 1600 (NO VARIANCE REQUESTED)**
APPLICANT: LAKEWOOD MEDICAL ARTS
Location: River Avenue, south of Buttell Avenue
Block 420 Lot 16 Block 420.01 Lot 23
Minor Subdivision to re align lot lines

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

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

6. PUBLIC PORTION

- No one came forward at this time

7. CORRESPONDENCE

- Letter from Mr. Mack-zoning officer re: Beth Medrash Govaha

Mr. Jackson said they board can not act on this but it can be introduced. Mr. Banas said there is no action to be taken. Mr. Jackson read the letter to the members about adding a new roof to the building on 345 9th Street. Mr. Banas said this is only for information. He does not know if it was going to zoning or planning board.

8. APPROVAL OF MINUTES

- Minutes from October 23, 2007 Planning Board Meeting
 - Minutes from October 30, 2007 Special Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Gatton; abstain

Mr. Jackson said the board could not approve the minutes because there was no quorum

9. APPROVAL OF BILLS

Could not approve the minutes because there was no quorum

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary