

The Lakewood Township Committee held a Meeting on Thursday, March 3, 2016 in the Lakewood Municipal Building, at 5:30 PM for the Workshop/Executive Session and 7:30 PM for the Public Meeting, with the following present:

Mayor.....Absent.....Menashe P. Miller
Deputy Mayor.....Albert D. Akerman
Committee Members.....Raymond Coles
Michael J. D’Elia
Meir Lichtenstein
Municipal Manger..... Thomas Henshaw
Municipal Attorney..... Steven Secare, Esq.
Municipal Clerk..... Kathryn Hutchinson

Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, and published in the Asbury Park Press on January 6, 2016 revised via email on February 26, 2016.

ROLL CALL

CLOSED SESSION

Resolution No. 2016-127 - Adopted

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

Motion by Committeeman Lichtenstein, second by Deputy Mayor Akerman, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: FEBRUARY 18, 2016

Motion by Committeeman Lichtenstein, second by Committeeman D’Elia, and carried, to approve the above Minutes. Committeeman Coles abstained.

**MOTION TO APPROVE WORKSHOP AND CLOSED SESSION MINUTES:
FEBRUARY 18, 2016**

Motion by Committeeman Lichtenstein, second by Committeeman D’Elia, and carried, to approve the above Closed Session Minutes. Committeeman Coles abstained.

**PUBLIC LAND SALE: BLOCK 416, LOT 5
 BLOCK 536, LOT 133
 BLOCK 1153, LOT 1 (removed from sale)**

Mr. Secare advised that Block 1153, Lot 1 is removed from this evening’s sale.

Mr. Secare announced that the first property for sale this evening is Block 416, Lot 5. He asked if there was anyone present interested in bidding on this property, and if so, to please come forward to the microphone and provide their name and bid. The minimum bid is \$216,500.00, and if you are the successful bidder, you must submit a check in amount of ten percent of the bid.

Steven Weinberg, 15 James Street, offered a bid in the amount of \$216,500.00.

As Mr. Weinberg was the only bid offered, Mr. Secare advised him that they expect him to close within a reasonable period of time. He is authorized to say that if he does not close within a reasonable period of time, not due to anything of his fault, they would refund his deposit. The reasonable time will be determined by the Committee and himself, in concert with his partner.

Mr. Secare advised that the next sale is for Block 536, Lot 133. The minimum bid on this property is \$20,000.00. He asked if anyone was interested in bidding, and to please come forward to the microphone.

_____ Engelman, 25 Tuscany Terrace, offered a bid in the amount of \$20,000.00

As Mr. Engelman was the only bid offered, Mr. Secare asked him to submit his information and ten percent of the bid to the Clerk.

PRESENTATIONS - None

ORDINANCES FOR DISCUSSION - None

PUBLIC COMMENT

Deputy Mayor Akerman opened the meeting to the public.

Alphonso Santos, 1105 Deer Path, translating for Pastor Manuel DeJesus Cruz, 219 Clifton Avenue – Asked about property they wish to purchase, a small lot, which is Block 120, Lot 19. This is a lot which has always been a lot that brings a lot of negative attention. It has been an empty lot, for the most part, but it has been used as a passage way used for negative things, and they would like to purchase it. Since he has been in Lakewood, twenty plus years, he has always seen that the lot is a mess, and he has been trying to maintain it and keep it nice. Bethel Pentecostal Church would be very happy if they were able to purchase that lot. He submitted a letter of formal request.

Deputy Mayor Akerman thanked him for coming this evening, and forwarded the request to the Municipal Manager. Deputy Mayor Akerman explained the process for the sale of property by the Township, and review by the various departments, and then they could get back to them if the Township could put the property up for sale. It is roughly a three month process.

Bill Hobday, 30 Schoolhouse Lane – Commented on the issue of the building at 4th Street and Madison Avenue.

Joanne Kochansky, Coventry Village, between New Hampshire Avenue and Vermont Avenue on Locust Street. Voiced concerns about new construction and development on Locust Street, which is a two lane street, which she feels can not accommodate the new construction. She questioned the legality of the new construction because they are attached townhouses that have finished basements and attics and are squeezed on a small piece of property. Complained about the overwhelming development in Lakewood, because she feels the Township is not paying attention to keep up with the failing infrastructure which is needed to accommodate the large influx of residents. They have a parking issue in Coventry Village, where people from another community across the street illegally park their vehicles, mostly commercial, in front of their community, which presents a safety issue, because when residents exit the development, the vehicles block their view. Also commented on the recent fire, where twenty-seven dormitory beds were found. Stated that the quality of life in Lakewood has been altered, and property values have gone way down.

Alice Kelsey, 295B Malvern Court East – Advised that this is Women’s History Month, and she feels it deserves special consideration. Also commented on the Republican party.

Gerry Ballwanz, Governors Road – Commented on the matter of trees being removed on Vine Street, north of John Patrick Park. Asked what is going on over there, because it is part of the Oak Street corridor. Advised that at the recent meeting in Trenton at the State Planning Commission, there was reference that besides the growth that was to occur in Lakewood, there is supposed to be preservation efforts.

Mayor Akerman advised he does not have the answers to her questions, but will look into the matter with the Engineering Department.

Seeing no one else wishing to be heard, Deputy Mayor Akerman closed the meeting to the public.

CONSENT AGENDA

The items listed below are considered to be routine by the Township of Lakewood and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

- 1. Resolution Authorizing the Award of a Professional Services contract to Remington, & Vernick Engineers, for 2016 Tax Map and Street Map Maintenance Services, in an amount not to exceed \$54,500.00. Resolution No. 2016-128**

2. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Supporting Left Turn Lanes Along Route US 9 at Various Location in the Township of Lakewood.
Resolution No. 2016-129**
3. **Resolution Of The Township Of Lakewood, County Of Ocean, State Of New Jersey, Authorizing A Purchase Of 2,000 Recycling Containers Through The National IPA Cooperative In Accordance With N.J.S.A. 34:6.2, Et Seq. - Toter, LLC.
Resolution No. 2016-130**
4. **Resolution Of The Township Of Lakewood, County Of Ocean, State Of New Jersey Appointing a Court Administrator.
Resolution No. 2016-131**
5. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing a Performance Guarantee Posted by Aden Homes, in Connection with SD #1390, Block 11.02, Lots 19 and 32
Resolution No. 2016-132**
6. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Reducing the Performance Guarantee (First Reduction) Posted by Forest Haven, LLC, in Connection with SD #1366C, for Block 11.05, Lots 13 – 17, 19, 19.01, 84 and 85
Resolution No. 2016-133**
7. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing a Performance Guarantee Posted by Congregation Sarah Faiga, Inc., in Connection with SP #2052, Block 25.06, Lot 17
Resolution No. 2016-134**
8. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Reducing the Performance Guarantee (First Reduction) Posted by Lakewood Property Developers, LLC, in Connection with SD #1586, Phase II, for Block 251.01, Lots 32 and 88
Resolution No. 2016-135**
9. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Reducing the Performance Guarantee (First Reduction) Posted by Mizz Construction, in Connection with SD #1934, for Block 175.02, Lots 1, 2 and 4
Resolution No. 2016-136**

10. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Reducing the Performance Guarantee (First Reduction) Posted by Congregation Knesses Bais Levi, Inc., in Connection with SP #2029, for Block 1159.03, Lot 5
Resolution No. 2016-137**
11. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Reducing the Performance Guarantee (First Reduction) Posted by Legacy Lakewood, LLC, in Connection with SP #2100, for Block 1160.01, Lot 221
Resolution No. 2016-138**
12. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Accepting a Bid for Block 1019 Lot 2.02 as a Result of the Private Land Sale in the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1 Et Seq.
Resolution No. 2016-139**
13. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Accepting a Bid for Block 1100 Lot 24 as a Result of the Private Land Sale in the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1 Et Seq.
Resolution No. 2016-140**
14. **Resolution Of The Township Of Lakewood, County Of Ocean, State Of New Jersey, Awarding Professional Service Contracts Pursuant To N.J.S.A. 40a:11-5 To Anthony Graziano And Robert Gagliano For Real Property Appraisals.
Resolution No. 2016-141**

Motion by Committeeman Coles, second by Committeeman D'Elia, to approve Resolution Nos. 1 through 14 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, (not voting on Resolution No. 9), Committeeman D'Elia, and Deputy Mayor Akerman.
Resolution Nos. 2016-128 through 2016-141 – Adopted.

ORDINANCES SECOND READING

Committeeman Lichtenstein left the dais, and did not take part in the discussion or vote on this Ordinance.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII of the Revised General Ordinances of the Township of Lakewood 1999, Entitled “Unified Development Ordinance of 2005” Article V Entitled “Off-Tract Improvements”, Section 18-505 Entitled “Transportation Improvement District”, Specifically Sub-Section D Entitled “Impact Fees” and Amending Exhibit B Attached Thereto

Read by title only for second reading.

Deputy Mayor Akerman opened the meeting to the public.

John Hague, Esq., representing Shore Builders Association of Central Jersey – Advised the Association became aware of this Ordinance yesterday, and they were asked to take a look at it. His purpose is to ask for an adjournment for a month to allow a more detailed review and critique to the extent necessary, and dialogue with the Township professionals. There are some criticisms which he is not sure if they are accurate at this point in time, but they need to take a look at it. They would like the opportunity to present something in more detail to the Committee over the next month.

Committeeman Coles suggested they carry it to April 21st, which is over a month, and plenty of time to review it, and discuss it with the professionals.

Alice Kelsey, 295B Malvern Court East – Advised this is a necessary Ordinance. Had questions, and she also suggested that they table any further issuance of construction permits until such time as this is resolved. They really have a traffic problem and this Ordinance does suggest some remedies. Asked if they have ever collected impact fees in the past.

Mayor Akerman responded, no.

Mrs. Kelsey commented on the language....”from time to time”.... and she asked that they take a look at that language.

Mayor Akerman responded that is one of the reasons why it has taken so long to do this, because everything keeps changing.

Mrs. Kelsey further commented on the payment of impact fees along a state road, such as Route 70 and Route 9.

Yehuda Unger, 36 Engelberg Terrace – He is in the real estate business in this town, and owns an engineering company in this town, and a title company, and does some development from time to time. With regard to many of the comments made about the development and the impact on the town, every single applicant that goes before the Planning or Zoning Board is carefully dissected and many conditions are added causing more expense to be added to the cost of the development and the prices of the houses. There are many application and escrow fees that are cleared by the builder or the developer to pay so there are not any additional operational expenses to the Township

for those reviews. The last thing is, and most critically important, is when you take a raw piece of land, possibly five acres, and you put thirty or forty houses on it, there is an extreme amount of tax ratables that are added to the budget. If the town is growing by leaps and bounds, those tax numbers, as well, are impacted and go up because of the many new houses that have ten to twelve thousand dollars worth of taxes, and some as high as fifteen to sixteen thousand for new houses. That is a lot of taxes to be paid over the years that could be somehow used for some of the impacts that are being suggested. But to add a blanket rule of a few thousand dollars per home added to every development on top of the high tax rate is going to ultimately just be passed down to the buyer, which will cause more expenses and more pricing to each buyer, which will not slow down the development and not necessarily change the dynamics. Most people in this town benefit from growth, from businesses, to the traffic that may impact getting around, but there is a reason why there is so much traffic, and that is because people want to live there. And if they want to live here, the growth is going to continue to happen. The rates go up every few years, and more houses are being built. So there are a lot of fees being collected by the Township. To add a blanket fee on top of every house he thinks is going to be a little bit irresponsible to the buyer.

Bill Hobday, 30 Schoolhouse Lane – Thinks this is long overdue, granted that it will add a little bit to the purchase of a home. However, this Township could never keep up with the infrastructure needs and expansion, nor can the County or State. And therefore, with the rapid growth, they need to pay as you go, or get the builders to help with that to ensure that the roadways are wide enough, and they have the proper infrastructure, to make those new homeowners comfortable. It is a needed thing, and he is glad to see this Ordinance is going to be implemented.

Seeing no one else wishing to be heard, the hearing on this Ordinance was closed to the public.

Motion by Committeeman Coles, second by Committeeman D'Elia, to carry the above Ordinance to April 14, 2016.

On Roll Call – Affirmative: Committeeman Coles, Committeeman D'Elia and Deputy Mayor Akerman.

(Committeeman Lichtenstein had removed himself from the dais, and did not participate in the vote)

Second reading and public hearing on Ordinance No. 2016-3 carried to the meeting of April 14, 2016.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII (Unified Development Ordinance), Article IX (Zoning Districts and Regulations) of the Revised General Ordinances of the Township of Lakewood

Read by title only for second reading.

Deputy Mayor Akerman opened the meeting to the public.

Edward Listen, Esq., on behalf of Laurie Leeds, who is a property owner in this area, and who believes that this plan and this Ordinance will not only harm her property, but it will harm the overall area in terms of how it is going to be developed. He has only had this case since Monday, and he has not had a chance to review all the aspects of the Ordinance, but he does know that his client's engineer, Matthew Robinson, of Midlantic Engineering Partners, wrote to Brian Flannery in September calling to his attention the fact there were problems that directly affect her property with how this overall project, or series of project, is going to be developed. To his knowledge, his client's engineer never received an answer to that. The other thing that concerns him is the fact that he found out recently that Brian Flannery, the engineer who represents most developers in this Township was the agent who went on behalf of the Township to CAFRA, and sought and got a CAFRA permit in connection with this Ordinance, which CAFRA permit is specifically called out in this Ordinance. It strikes him that this may start to look like a conflict of interest. Who was he representing? Was he representing the landowners and prospective developers in this area? Or was he representing the Township? Or was he representing them both? And whose hat was he really wearing? He is informed that the Township paid him to be their agent. That is disturbing to him when you consider the fact that Brian Flannery represents just about every developer. He is concerned that there is a problem with the way this was handled in the beginning. As a land use lawyer, he is troubled by the fact there seems to be an attempt in one section of the Ordinance to bypass the MLUL in terms of Notice and public participation, which is also a critical aspect of any development. For those reasons he opposes this on behalf of his client and asks that the Township Committee vote it down.

Brian Flannery, Jackson, NJ – He presented a map to show the Township Committee what this Ordinance represents. Mr. Listen said he has only been involved recently, and clearly has not had enough time to review what is actually going on. He seems to think that this Ordinance has something to do with the development that is going to go on in this area and clearly that has nothing to do with that. He made some innuendos about a conflict of interest because the Township Committee hired FWH to do a job. He kept saying Brian Flannery; he meant FWH. The contract was with an engineering firm, not with Brian Flannery.

Mayor Akerman advised he would not even think of commenting on that, and would leave it to the Township Attorneys. To advise the public, anything that was done with regard to hiring FWH was done through legal counsel, obviously.

Mr. Flannery continued that on the map he has highlighted the property that is involved in this Ordinance. This Ordinance says that within the designated boundary there will be a streamlined process for subdivisions that are conforming. That means no variances, and Mr. Listen indicated that they are trying to circumvent some process and not notify people. Minor subdivisions with no variances require no notice. So they are not doing something that is going to circumvent anything. Everyone knows what is going to be built there. There are twenty one (21) blocks involved, over one hundred

(100) lots. He has also indicated on the map the lots that are more than forty thousand (40,000) square feet, because if they are less than forty thousand (40,000) square feet in R-10, you can do a conforming minor subdivision. There are four that are bigger than that. The Ordinance also stipulates that the lots have to be in accordance with this subdivision map that was done in 1920 that created a grid. So there are no surprises that are going on here. The four that he has highlighted that are over an acre, two of them are owned by the Township of Lakewood, and one already has a subdivision approval. So there is one lot that would get five lots, rather than four, which you can get with a minor subdivision. So there is no circumventing anything. The hundred lots could all come in individually and this went to the Planning Board, and got the recommendation of the Planning Board, because what the Planning Board could have is a hundred and some different applications for minor subdivisions with no variances that chop into pieces, and without streamlining that, it is just going to bog down the Planning Board process so they do not have enough time to look into the details of projects that actually matter. This certainly has no adverse impact on Ms. Leeds property. The area is going to be developed the same whether this Ordinance is passed or not. The only real parties that would adversely be impacted by this are the engineers and the attorneys, the professionals who represent applicants at the meetings because their representation would be severely diminished by this streamline process.

Bill Hobday, 30 Schoolhouse Lane – Agrees with Mr. Listen on this matter. It has the effect that it would circumvent a lot of the process. He thinks it is prudent for the Township Committee to vote this down, or at least table it for further research.

Gerry Ballwanz, Governors Road – Stated that Mr. Flannery showed a picture of the current zoning, yet when you get some information about the development, you see all of the properties divided. If you have four blocks west of Argyll, east of Chateau Grande, where you now have eight blocks, not just the four. Then when you go east of Argyll towards Vine Street, you have twelve lots per that block. She wants to know when this subdivision was approved, with all of the nicely done lots.

Mayor Akerman explained it was not approved, it was submitted to CAFRA.

Mrs. Ballwanz asked where were they right now. If the Ordinance is approved, do the different projects have to go before the Planning or Zoning Board, or will they be approved administratively.

(Could not hear response)

Mrs. Ballwanz suggested that the Ordinance is tabled. It needs to come after the impact fee Ordinance gets adopted.

Sam Rabinowitz, 800 South Lake Drive – Advised he was at the Planning Board meeting when they approved this process, and they thought it was a good idea. This Ordinance does not give anyone the rights to do anything more than what they are entitled under the zoning right now. Anyone who builds now will benefit from the cluster

Ordinance, so he thinks it will help Lakewood because if they wait, and push this off, until they have the noncontiguous cluster, they will have double the amount of houses there. As a resident of Lakewood, he would much rather have it developed the way it is right now, and not try to add more houses. They are not discussing major subdivisions. They are discussing the right for every person who owns a piece of land to put up a house. What the Township is doing with this Ordinance, and the Planning Board said it is a good idea, is instead of having every person separately go before the Board, being that the roads are there from before, and nothing is changing, they will be able to have a streamlined process, but still be required to go to the Township Engineer, still go to the Zoning Officer, and comply with everything, and not ask for a variance that would change anything. He does not see how that allowing, or not allowing a person to continue forward with this would make any difference other than the fact that some people got to express their frustrations.

Mr. Rabinowitz continued that the area is not owned by one large land owner, it is owned by small land owners. The Township did something that was very good, and the Township had many meetings regarding this area, and addressing how the zone should work with Smart Growth. They had many meetings where the public had input regarding the schools, commercial and residential properties. All this is doing is following everything that the Township did properly, and it went to the State, and the State went ahead and approved it. This had more public input than any major subdivision ever had, and it is not even a major subdivision. He does not know how anyone can get up and say you are circumventing the public. He wishes the rest of Lakewood would have this kind of input. This was done the right way. He thinks they should push it forward and say that all development in Lakewood should only follow this process. But to take this place and say that after seven or eight years that the Township invested so much effort to do this the right way, and all of a sudden wake up and decide, you know what, I want to be against everything, and I want to come in from Toms River Strong, and I want to go ahead and say that I want to go against anything Jewish, that is not something that the Township should even listen to.

Alice Kelsey, 295B Malvern Court East – Resents the implication that anything in opposition to this is anti-Semitic, and she feels they are owed an apology.

Jacob Muller, 1 Renee Court – Stated he speaks for about thirty or forty people who own land in the Oak Street corridor. They spent ten years stuck inside this piece of property because of various issues that surround the project. They are not asking for anything out of line, everything is conforming. He believes that the lots are larger than almost any development that has come through here recently for the type of units to be built, with open spaces. They just feel as a group that it has come to a point where there is a new story, and because there are so many issues around the development, they feel they have been dragged along for the ride in between the rest of the politics of the town. They have done whatever has been asked of them, and have gone about everything the right way, and at some point the process has to come to an end. They are appreciative of the efforts of the Township to help develop this area properly with all the complications that are involved, but the feeling right now is they have come to a

point where they feel it is incumbent upon the Township to deliver to the people who are stuck here and at some point let them move forward.

Seeing no one else wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Committeeman Coles, second by Committeeman D'Elia.

On Roll Call – Negative – Committeeman Coles, Committeeman D'Elia
Abstain – Deputy Mayor Akerman

(Committeeman Lichtenstein had removed himself from the dais, and did not participate in the vote)

Ordinance No. 2016-4 died.

Committeeman Lichtenstein returned to the dais.

ORDINANCES FIRST READING – Second Reading and Public Hearing to be held on March 17, 2016

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Private Sale of Block 830, Lots 42 and 43, in the Township of Lakewood, County of Ocean, State of New Jersey, at Private Sale Pursuant to N.J.S.A. 40A:12-1, et seq.

Read by title only for first reading.

The above Ordinance was offered by Committeeman Coles, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman D'Elia and Deputy Mayor Akerman.

Ordinance No. 2016-15 adopted on first reading. Second reading and public hearing to be held on March 17, 2016.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter II of the Revised General Ordinances of the Township of Lakewood, 1999, Entitled “Administration”, Section 2-36 Entitled “Provisions Applicable to Both the Planning Board and Zoning Board of Adjustment”, Specifically Subsection 2-36.4 Entitled “Fees”

Read by title only for first reading.

The above Ordinance was offered by Committeeman Lichtenstein, second by Committeeman D'Elia.

On Roll Call – Affirmative: Committeeman Lichtenstein, Committeeman D'Elia and Deputy Mayor Akerman.

Negative: Committeeman Coles

Ordinance No. 2016-15 adopted on first reading. Second reading and public hearing to be held on March 17, 2016.

CORRESPONDENCE

Per list of one (1) correspondence item, attached hereto and made a part hereof.

PARKS AND EVENTS

Per schedule of twenty-three (23) parks and events requests, attached hereto and made a part hereof.

Motion by Committeeman Coles, second by Committeeman D'Elia, and carried, to accept and process the above correspondence items, with the exception of two (2) items.

MOTION TO APPROVE BILL LIST OF: March 2, 2016

Motion by Committeeman Coles, second by Committeeman D'Elia.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman D'Elia and Deputy Mayor Akerman.

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS - None

ADJOURNMENT

Motion by Committeeman Coles, second by Committeeman D'Elia, and carried, to adjourn the meeting. Meeting adjourned at 8:28 PM.