

**LAKWOOD PLANNING BOARD
PLAN REVIEW MEETING
MINUTES
NOVEMBER 8, 2006**

I. CERTIFICATION OF COMPLIANCE

Chairman Banas called the meeting to order 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.”

Mr. Banas stated this is the third meeting of the Re-Examination of the Master Plan for the Township of Lakewood

2. ROLL CALL

Mr. Franklin, Mr. Banas, Mrs. Wise, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

4. NEW BUSINESS

Mr. Banas stated he is changing the method with which the public approaches the microphone. There will be a time limit; the last meeting was too excessive to discuss the condition of item #1. There will be no more talking about the redevelopment advisory committee, the positions they have had or not had, so he will not permit any comments dealing with that area. When you approach, the board would like to know several things: in favor or not in favor of the zoning change and what your objections are or are not. That should not take longer than 2 minutes. Mr. Kielt has a timer and will monitor it.

Mr. Banas stated that the board has finished item #1, item #6, item #7, item #19, and item #20. The meeting today will begin with item #21, #22, then item #2 and proceed in numerical order until it is finished.

Anyone sworn in at a previous meeting is still sworn in. Only those people new to the audience need to be sworn in.

1. DISCUSSION/ADOPTION OF THE RE-EXAMINATION REPORT OF THE MASTER PLAN & UNIFIED DEVELOPMENT ORDINANCES

ITEM #21 – Re-zone the A-1 zone on James Street, between Cross Street and the border with Jackson Township to R-40. This district borders a district in Jackson zoned as industrial.

Mr. Gatton asked about the approximate acreage, and was told by Mr. Banas that it was 24-25 acres, enough for a home to be built on 2 acres. The Faraday Avenue area was a redevelopment area and was bid out at the rate of 2 acres per house and there are 12 homes constructed in this development. He believes that is the process the board should take.

Mr. Akerman added that the those houses in that development were deed restricted, maintaining the 2 acres, or be subject to a lawsuit. Mr. Gatton asked if there were homes in that area, and was told there was.

Mr. Slachetka has not arrived, but Mr. Jackson said he is struck in traffic because of an accident.

Mr. Banas opened the microphone to the public.

Walter Lucas, 110 Newport Avenue, was sworn in. He stated the area in discussion contains 116 parcels and 302 acres. There was a question on the acreage and Mr. Slachetka was asked to answer. (He just arrived) Mr. Slachetka said he spoke to Mr. Sernotti and was told area #21 was supposed to be Faraday, between Cross Street and Jackson Township not James Street. That was a typographical error Mr. Lucas questioned where exactly it was and Mr. Slachetka referred to a tax map. He said area #21 is coterminous with area #20, which starts mid block of Block 508 and there are several lots associated with the cul de sac of Bellevue Avenue, which include Lot 29, 28, 5.01 (northern most) located between Franklin and Faraday (on tax map 102). That area proceeds southward between Franklin Boulevard and Faraday Avenue and continues southward along Franklin Boulevard to the Jackson Township boundary line. It follows the property lines on Faraday and incorporated the properties in Block 508.02 Lots 1, 2, 3, 4, & 16, but does not include Block 511 Lot 1.

Mr. Lucas questioned if from the intersection of Cross and James Sts. the area marked as R-40 is not under discussion, it is still R-40. Mr. Slachetka said that part was in item #20. Item #21 does not include the area from Cross and James, northwest of Cross and James.

Mr. Hobday, already sworn in. He is opposed to any change in that zone, because the properties were bought at auction, deed restricted, so there is no sense at all to change this to a 1 dwelling per acre. It is counter productive and the town would probably be sued.

Robert Cook, 45 Drake Road, was sworn in. He said his property was zoned a few months ago, and is not part of Item #21, so Mr. Banas told him to come back after all was done.

Sally Wells, already sworn in. She believes the Faraday Avenue properties should be rezoned because they are contiguous with the rezoning done last week, which the corner of Cross and Faraday, zoned from the M-1 to the R-40. These properties abut each other, and is the closest area to Jackson that is 2 acres.

Yehoshua Birnhack, already sworn in. He is a resident and lives in Faraday Estates. This will affect him and his neighbors. A petition was handed to the board attorney last week with the signatures of over 90 residents that favor this change. They are not suggesting R-75, R-12, R-15, R-20, but R-40, 40,000 sf per home which is low density. (Time expired) He would like more neighbors.

Mr. Neiman wanted to ask a question, and was told it was the public portion.

Laura Hebler, already sworn in. Her area comes close to that, and a lot of the homes in the area are on 2 acres, and she is in favor of keeping it at 2 acres, and against the change.

Brian Flannery, already sworn in. This was added because the A-1 zone was referred to by Dan DeSessa as a holding zone, most of the town was A-1 because the town did not know where it is going, This is the only area left in Lakewood zoned A-1, and this gets rid of the last holding zone in Lakewood.

Gerry Ballwanz, already sworn in. She thinks this is the planning area #3, a transitional area between planning area #2 which is Lakewood, and going into the farmland area. She thinks it should be kept as A-1.

Yehoshua Birnhack was allowed to finish his statement. He said he and his neighbors yearn for more neighbors so his children can live and enjoy with friends to play with and where families can live in a residential self contained neighborhood where a community needs can be met. He asked the board to vote in favor of this change.

Mr. Banas closed this portion to the public.

Mr. Neiman questioned if this is the last A-1 zone in Lakewood and was told a portion of item #22 is still A-1 unless it is changed. Mr. Neiman asked if this was deed restricted for 2 acres when you purchased this, what do you benefit from it if it is still deed restricted. Mr. Banas said it was his understanding that if the board did that without going through a bidding process, there were 2 bids in effect when this took place, one on the redevelopment itself and second one on the amount of money paid for each of the lots. He said it would be expensive for the town to do this.

Mrs. Wise asked if this area does have homes and was told yes. In the surrounding areas this was zoned for a long time, and was told yes. She re-iterated that when the homes were purchased, the zone was what it was. She agreed it would be costly and redundant for the town, being that a decision was made at that time.

Mr. Akerman said that even if they did change it, it would not have any affect on these lots. The board could change it, and the other lots would be able to build, but those lots would not. Mr. Banas asked Mr., Jackson who said a deed restriction was a property right that is

created by the grantor that is a condition of the sale or purchase, if it is a valid deed restriction. The general rule is the people who are the beneficiaries of the deed restriction could go to court and enjoin the person from the developing the property in violation of that deed restriction. It is a property right that is acquired by the people who are the beneficiaries of that. If it were a valid restriction and someone were to build on it, as a general proposition, the people who would object to it could go to court to enjoin it.. If it was the Township that gave this restriction, the township of any citizen might have standing.

Mr. Banas asked for a motion.

Mr. Gatton made a motion to deny item #21, seconded by Mrs. Wise.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman: no, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; no, Mr. Gatton; yes, Mr. Percal; yes.

Motion approved. The zone remains as is.

ITEM #22 - Re-zone the A-1 zone on the south side of Prospect Street and a portion of the M-1 zone in the vicinity between Prospect Street and Cross Street to mixed used zoned district. The zoned district should permit residential uses which are single and multi family, office and retail commercial uses. In addition, the mixed use zone should allow residential apartments on the second floor of commercial establishments. The density of the residential uses should be consistent with the density of the R-OP zone district. Ordinance provisions for the mixed use zone should include incentives or a bonus to develop mixed use projects. Zoning amendments for mixed use should also include design standards addressing architectural and streetscape requirements. The recommended maximum building height for the mixed use zoned district is 45 feet.

Mr. Neiman, asked for an explanation of what R-OP meant, and Mr. Slachetka stated the intent is to provide for an opportunity to develop in a mixed use development form, which includes a combination of retail, potentially office professional and residential uses. It would be designed is such a way as indicated by the language, that there be specific architectural design standards so that the overall development form was in a way as a smart growth approach, meaning small neighborhood scale to provide a walk able community. It specifically recommends that very strict design standards would be established. The recommendation is not a change of zoning but a recommendation to the Township Committee that a specific proposal be developed that would include such standards.

Mr. Neiman asked if there was a certain percentage that has to be from one use to another, and Mr. Slachetka stated it did not set specific standards, just recommended that standards be discussed.

Mr. Percal wanted to know how many units per acre the R-OP allowed for and Mr. Slachetka stated it provides 15 units per acre in a residential development setting. He thinks that what they would be dealing a range of densities, some may be lower density on the edge and higher density in the area the specific mixed use development components are. This is a recommendation for a land use type but not a specific recommendation for a zoning ordinance.

Mr. Neiman asked Mr. Jackson if any part of this zone was heard on Thursday, and was told no.

Mr. Banas said they did speak about another R-OP zone which was item #1, but nothing on #22.

Mr. Banas asked Mr. Slachetka if this zone is one that is suggested by the office of smart growth within the state to develop throughout our town to eliminate a lot of the problems for traffic, density, ease of movement, and was told yes. This is one of those areas where it was thought to be appropriate, to service existing developments in the area. Because of the complexity of such a recommendation, it was made to be broad based to allow the Planning Board to consider an appropriate approach and a more detailed evaluation would come after the adoption of the Master Plan.

Mr. Gatton is reading the first question and it says it is asking him to rezone the A-1 zone. Mr. Slachetka said it is with the understanding that there needs to be a second step which is the development of specific standards and a specific plan for the area. You would be recommending that the area be rezoned for some mixed use concept. Mr. Gatton was confused between the rezoning and the recommending what the standards are, because the R-OP with a mixed use concept is not a specific zone.

Mr. Banas opened the microphone to the public.

Mr. Gasorowski, already sworn in. He represents an objector to this item #22- Mr., William Hobday. He has read the Master Plan, and confesses that he agrees with Mr. Gatton. The master plan stresses the intent is to preserve open space. This proposed rezoning of this property is nothing less than spot zoning, and he would suggest the danger of rezoning this property as suggested, it is going to open up this community to a host of other applications of other small pieces of property in this area. He disagrees with Mr., Slachetka with regard to the office of smart growth, and would suggest that the office of smart growth does not come into Lakewood and tell Lakewood how to zone their property. They have a concept but their intention is to preserve open space. This particular rezoning will remove open space. You will have a creation of a small mini shopping center that is not required or demanded in an area which is presently a rural area. Even the large adult community had vast amounts of open spaces. It is absolutely absurd to speak in terms of rezoning something and then saying at some later date, we will fine tune it or determine what it will be.

David Quinn, previously sworn in. He spoke last week on behalf of the seniors with regard to overdevelopment. He wants to discuss green space as it affects and relates to this particular proposal which he is opposed. It was suggested in his subcommittee report

that certain amount of land on the western side of Massachusetts Avenue be placed in the county land trust. The land in the triangle bordered by Cross Street on the east and Prospect Street on the north is one of the few remaining wooded and pristine tracts in Lakewood. The tract described by those three streets is approximately 280 acres, one of the largest remaining tracts outside of the Cedar Bridge area in the township. Since not square foot of land in Lakewood is currently in the land trust, that it was time for the town to explore such an initiative with the county. He quoted from the environmental subcommittee report, Michael Gross, professor of biology at Georgian Court University, "there is a need to preserve undisturbed open space for the benefit of wildlife and passive recreation and to help ensure that good water quality has an opportunity to recharge the aquifer by penetrating the soil." He recommended "preserve remaining open space particularly large tracts". (Time expired and Mr. Franklin suggested 3 minutes instead of 2) The board agreed with 3 minutes. Mr. Quinn continued quoting "little such undisturbed habitat is left in Lakewood so the need is greatest for this type of open space, I recommend some of that upland pinelands, land near the Lakewood fire tower" It is ironic that after this recommendation the zoning committee came with it's recommendation of rezoning R-OP. This kind of development means density, 15 or 22 units, and this tract of land is unsuited. Furthermore it is adjoining another tract of land to the east, currently R-M. In that same triangle, it is recommended to be a B-1 zone another multi family dwelling. We are killing this open space.

Carol Suckno, 59 Foxwood Road, was sworn in. Last week everyone was allowed an unlimited amount of time and without warning we have been cut down to 3 minutes, and she would like to go on the record that she objects to it and she thinks public speaking is for the public to give their opinion. Mr. Banas said she is not the only one to chastise him, the entire board has. He leaves it to the board, and asked what they wished to do?

Mr. Jackson recommended it is the prerogative of the Chairman to make reasonable restrictions. He recommends letting the people speak their piece and if it becomes too far, it will be obvious and you can make your discretionary judgment at that time.

Mr. Neiman said there has to be a limit or else they would be here forever. Two minutes was too short, let's see how 3 minutes go. Mr. Kielt made a suggestion of 5 minutes, and Mr. Neiman said that was maybe too much but Mr. Jackson said many governing bodies use 5 minutes on their public comments. Mr. Kielt suggested 5 minutes and the board agreed as long as the public is mindful of the 5 minutes and the people wishing to speak behind them. Mr. Banas repeated what he said about being for or against it.

Mrs. Suckno said she is against the change and would like to address the issue of density vs. safety in the area. There are no sidewalks on Cross Street or Massachusetts Avenue. The Fairways have 2,000 people, the Enclave have 700 people and Lake Ridge have another 2,000 people who use these streets. There is a multi family townhouse unit under construction that exits on Cross Street near Massachusetts Avenue and Route 9. There is a proposed multi family development on the Calgo site. How much traffic is Cross Street expected to handle without further compromising safety. Cross Street is used by large tractor trailers that cut through to avoid Route 9. Both Cross Street and Massachusetts Avenue are poorly lit, some stretches have no lighting at all. Growth must be done in a controlled sensible pace. Route 9 is congested and emergency vehicles avoid it by using

Cross Street and Massachusetts Avenue. Many residents of the Fairways picked this location because of its proximity to Kimball. Will Kimball be able to handle the additional population explosion or will we spend a day in the emergency room. The other safety problem along Massachusetts and Cross, and that is created by some of the private school students. Busing is an issue because of the lack of sidewalks, yet these students are constantly walking along this road during their breaks, they walk sometimes 5 abreast, causing vehicles to swerve to avoid them. Their dark clothing makes them invisible at night. Now are we waiting to increase the density to put our children in life's harm. More traffic and students is a sure formula for disaster. The multi family complexes will have 8 or 10 more residents, and the number of buses servicing these children will stagger our streets. Parents with 5 children in tow will not use these neighborhood stores. They don't have room to hold onto these children and carry their bundles, they will use their cars.

Yaakov Nussbaum, 124 5th Street, was sworn in. Lakewood holds a lot of appeal for people to settle down here. The growth that is happening is because of a great success that the people have managed to create a community and they want their children to benefit and stay in Lakewood for some time to come. These families want to have the change to live in this community, and for that there has to be more room, more housing. Allow them to have it.

John Langan, 27 Strawberry Lane, was sworn in. Permitting density building is strangling the forest in Lakewood which impacts health and the welfare of the residents of Lakewood. There are attempts to turn Lakewood into a metropolitan area, Lakewood is losing its woods. Lakewood is becoming an endangered species will you allow this kind of growth that is now sought to be secured.

Baruch Manes, previously sworn in. He is speaking as a father, resident, and school administrator in Lakewood. Large families need large families and a single family house in Lakewood costs a half a million dollars. Not everybody can afford a half a million dollars and above for housing. The master plan entertained intelligent and smart growth. Growth is a must and the need of housing is a must. The senior community grew and we welcome them. Our family needs housing. As a school administrator, he wanted to discuss bussing. In the past, the orthodox schools were all in the north of town. The trend in the last 3 years is bringing the opportunity for the schools to move to the south side of town, and currently there are 6 high schools in the south side of town, as well as 7 elementary schools. Another 4 schools are in the construction stages. It would be extremely wise and intelligent to add additional housing to the south side of town. That would eliminate school buses over the congested streets of Lakewood. Those residents using the schools on the south side would be smart and environmentally friendly to the Board of Education. Please approve the project for families who so need the housing.

Joe Kirsch, 69 Skyline Drive, previously sworn in. He is opposed to the zoning on item #22. About a week ago Dover Township decided that they were going to stop building on Route 9 because the state told them they would not be widening Route 9. Yet we in our wisdom keep building on Route 9, it become impossible to travel here. If we start putting in multi family homes and the UDO says you can go up to 65 ft. and 22 units per acre in the R-OP zone, it will make them unsafe. Mr. Banas corrected him stating this proposal only allows up to 45 feet. He feels that police and EMS and fire will have a difficult time getting people out with the dense buildings.

Mr. Hobday approached the microphone and Mr. Banas said he could not speak again, because he had counsel representing him. Mr. Hobday stated that counsel only had 2 minutes, and he lost 3 minutes on the fees people paid him for. Mr. Banas had a problem with the fact that the counsel stated he represented him, then it in his understanding that he may or may not want you to speak. Mr. Banas asked Mr. Jackson for an opinion, who said that would be up to Mr. Hobday, and he wouldn't be concerned unless he was Mr. Hobday. If Mr. Gasorowski felt he could not say what he wanted to in 2 minutes, he would have said so. Mr. Banas decided to give Mr. Hobday 3 minutes.

Mr. Hobday said Mr. Gasorowski did a wonderful job in 2 minutes, he would have been absolutely outstanding with 5. This issue is that County Route 528 is a major artery that goes east and west in our state. To consider putting residential areas on the other side of Cross Street is unthinkable. The area is pristine, and the proposal of an A-1 and M-1 and make them a ROPM and the height is still an issue with multi family. This abuts to an M-1 zone across the street and this should never be considered to go to an R-OP zone or an R-OPM zone.

Mr. Flannery, previously sworn in. He thinks the mistake of the advisory committee in calling it an R-OPM because it is causing a lot of confusion with the R-OP zone. Maybe the planning board could give it another zone, maybe S-G zone for smart growth zone, so it would not be confusing. The complaint about losing the trees and traffic, but when he moved into Lakewood in 1979 there were a lot more trees than now, but they lost some of the trees and gained neighbors, and that is a benefit. This boards' job is a balancing act, to grab the goal of preservation along with housing goal, and this is a good job of combining that. There are a lot of open spaces, Crystal Lake Preserve, our parks and the C-1 stream corridors with 300 feet of buffers on each side, so to say we are losing all our trees is ludicrous. He agrees that this zone is more appropriate than #1 that was initially proposed.

Gerry Ballwanz, previously sworn in. She has been doing research in the last few days about this smart growth and what it means. She did find that smart growth is to show where growth should occur and in the areas where growth shouldn't occur on the state level. Lakewood are in several of these planning areas, mostly we are in the PA 2 (suburban area) which is targeted for the growth. However, in PA3 the fringe area, it is quoted "there are few areas where large blocks of the fringe planning area exists. They are mostly found in Hunterdon County, Ocean County (Jackson and Lakewood Townships)" The fringe planning area is predominately rural landscape that is not prime agricultural or environmentally sensitive with scattered small communities, free standing residential commercial and industrial development. That sounds what there area off of Cross Street is. This area serves as a transition between the urban and rural landscapes. According to the state plan, this area falls into this area. She also pointed out that at the next Township Committee meeting on November 16th, the township will be adopting an endorsement which will make the entire town of Lakewood a regional center. That is what all of these rezonings are, to lead to this regional center. In November of 2005, Mr. Slachetka stated in the minutes, that areas for the regional center were high density, Coventry Square, the hospitals, school were already there and that going into the smart growth you didn't have to change the master plan, it was already there. Now they want to whole town to be a

regional center with high density. According to the state you do not need to have entire areas with high density, you can have areas to be preserved, these environ areas, and this area certainly fits the definition and she is opposed to this rezoning.

Michael Billig, 36 Monterey Circle, was sworn in. He is here to air his views against increased density. It should be quality of life not quantity of life and it boils down to a money matter, particularly when one thinks the ideas and thoughts are voted upon by names such as Zucker, Lichtenstein. (He was told that was not appropriate), He then changed the wording to say people who are involved in development, and management. It has been stated that population growth in this township is inevitable, his feeling is that it has been spurred to a great extent by the RCA's that Lakewood has been picking up from surrounding townships. They have been accompanied by significantly large sums of money that have been forthcoming. Mr. Banas asked that he speak directly about item #22, and RCA's do not belong in item #22. He thinks that growth is being invited along with the problems that come along with increased growth and density, whether it is this parcel or any of the others. The remarks by some of the leaders that they are aware of the problems and they are looking at solutions, it is rather disingenuous, a lot like planting acres of carrots, then complaining about the rabbits that show up. Individual homeowners have been paying for everything in this township through property taxes. They should look at other townships to see how they are recognizing their need to limit unfettered growth.

Mr. Jackson wanted to re-iterate that the comments about the members of the board and Mr. Banas's purpose of limiting that is because that topic has been thoroughly developed and duplicated. The board has explored that completely in item #1.

Nathan Jack Weber, 104 Foxwood Road, was sworn in. He has a cold so apologized for his voice. He lives in the Fairways in Lakewood, moved from central Jersey. He moved because of the traffic (Rte 22) and one of the reasons he moved here 5 years ago was because of the trees and pristine land. The difference in traveling on Route 9 in 5 years is like night and day. It is impossible to get from one side to another. There is a 10-15 minute delay to get on to Rout 70, and even taking back roads around Lakewood. Rezoning this area will make Cross Street like Route 9, and impossible solution. Please don't take away Cross Street, it is the only thing left. There are other towns to move to, Howell, Brick etc. Lakewood is a town, not a city.

Rubin D. Silverman, 35 Morning Glory Lane, was sworn in. He has been living here 80 years. Sometimes he doesn't recognize the town, he has never seen such a large amount of growth in such short time and then you talk about increasing density. Why can't you think about a moratorium on multi family homes? He goes on Cross Street every day, and waits in lines 10 15 deep at the intersection. You have a 2 lane highway, that's all you have. You give people the opportunity to live in Lakewood without increasing the infrastructure. Is this good planning? It is bad planning. Starting with something that is bad and making it worse. You have the right to say no, that you do not advise this. People with large families that need large houses should have them but not high density. He read the New York Times, Brick Township is the greatest town in the United States, on the front page. Lakewood should be ashamed. Lakewood was one of the great towns it was good enough for the Rockefeller's and the Gould's. It should be good enough for anybody but not the way it is being planned. If you adopt some of these things it is going to be worse, have the courage to do you job right and deny all of these multi-family areas.

Kenneth Moll, 70 Foxwood Road, was sworn in. He opposes any increase in density and opposes the zoning laws.

Chaim Jurkansky, Roselle Court, was sworn in. He is for the rezoning. He is one of them people. His children's bikes are on his front lawn because he wants them to ride. His children do use school buses to go to private school. He does walk with his children on the street. He has 2 cars. He is looking to purchase a home for his daughter, and it is almost unaffordable. Teenagers getting married want to remain in Lakewood, it is their life where they grew up. His children will one day be the senior citizens of Lakewood. His children are the future of Lakewood and they need a place to live. Moving the schools away help spread the traffic instead of congest it in one area.

Janet Payne, already sworn in. She is against item #22. It is a beautiful piece of land and should be left in pristine condition. Some trees are over 100 years old. She backs Mr. Silverman 100%

Dawn Rogers, 15 Ivy Hill Road, was sworn in. She is opposed to the rezoning. Her topic is water. She would like the board to give consideration to water, there are young people coming in all the time, and when she thinks of losing trees, we loose the natural water shed. We have a water crisis already in the summer, think of the water you need with a family of 8-10 and we are going to be out of water, the surrounding towns have had water crisis in the summer. She would like the board to take that into consideration when you make the areas more dense.

David Quinn, previously sworn in. He has no quarrel with providing housing, but his concern on #22 is jumping from A-1 to mid-rise of 45 ft. The reason and magnet for the growth of Lakewood is the campus area, but in the process the town is going to change. The township cannot make these radical jumps from one extreme to another. To go to 45 ft., is this the only solution to making housing affordable for the gentleman with 4 children and an 18 year old he wants to buy affordable housing for? In the campus area, we have this kind of housing, and now we are going to export it and move it to the perimeter. There is no sense, or a long range vision. Local stores went out 50 years ago, shopping centers are the answer, and it is what serves all the surrounding communities. This mixed use is a buzz word and has become a mantra among the planners. He is suggesting to the planners to not make these radical jumps and try to make some balance of open space, infrastructure, and water quality in our township.

Jonathan Sanders, 1431 Ardenwood Avenue, was sworn in. He is a resident of Lakewood for 12 years. He has some points for the board to take heed of. The prices of homes instead of renting was moderate, we were able to purchase a home. This was beneficial for his family. The people who are coming into this town, trying to buy houses cannot buy them, the prices are too high. This zoning gives them the opportunity for these people in this community to buy houses at an affordable price. By affordable, he means not these big mansions, but a roof over their head. We are able to give the American dream to each and everyone of these single family homes. The schools and the infrastructure are so important. He opened a school 7 years ago and has built a school on 10 acres of land. They do not have to be in small quarters, they should be a model for the whole state. The

towns, schools and infrastructure are so vital for all the constituents of Lakewood. The people buying these houses will be going to these schools, and by us creating the small houses, they will be able to go to the schools, and there will not have the busing problems.

Helen Fertitta, 18 Ivy Hill Road, was sworn in. She heard the gentlemen speak about their dreams for their family in Lakewood, and the American dream. She agrees, but everyone who has the American dream doesn't have to be realized in Lakewood. She also talked about the price, and everybody's house has gone up. What makes him think with multiple housing the cost of those are not going to go up? Nobody is giving anything away for nothing. Nobody has even discussed what the prices of these houses are going to be? Who is to say that they will be affordable for these people? If we have all this high density, what makes the gentlemen think his children will want to live here? They may find that they are living in a same type of city that he was anxious to get away from. They will be looking for other things. She does not think making everything high density is the answer, it just confuses things.

Howard Suckno, 59 Foxwood Road, was sworn in. When his wife and him were married they couldn't afford to live in the town their parents lived in. They went where they could afford it, and worked their way up, until they moved to where they wanted to live. They checked the zoning before they moved to the Fairways, this is an unexpected surprise and one that is unacceptable.

John Doyle, representing Richon Associates, the owners of certain properties located in Block 490, and with him is Cheryl Bergailo, a professional planner in New Jersey. He would like to ask her some questions as a witness,

Cheryl Bergailo, was sworn in. Her qualifications are she is a licensed professional planner in the State of New Jersey since 1997, a practicing planner for over 13 years, she represents Wall Township as their consulting planner, Edgewater Park, Riverside, in Burlington County, and Fair Lawn in Bergen County. She has had an opportunity to review the draft of the master plans especially item #22. The recommendation would provide the opportunity for a greater diversity of housing types, right now the area only contains single family. Work force housing would be created, which is a real mantra for the state. No one wants to drive an hour to their job. This area is a transition area from industrial to the north and the large scale single family to the south. Uses would support retail that would be included. This area is between 2 county roads and is between 1-2 miles from Route 9. You don't want everybody driving to Route 9 to get a loaf of bread, and this would give them the opportunity to fulfill their trips without going to Route 9 and Route 70 and creating more vehicular congestion. Within each planning area, there is the strong recommendation that development be centered in nodes, which are concentrated areas where there is mixed uses. If left as a single use, you would be perpetuating sprawl in the area. It is challenging to plan something the town is unfamiliar with, but the time of the single use development is over. This area can also support office use, possible medical in support of Kimball Hospital. In summary, this area is appropriate for mixed use development, it is not that large and it is in a wedge between an industrial area and a very large scale single use development.

Mr. Doyle concluded that the testimony from her touched on issues from earlier. Much of this area is in the M-1 zone, which permits heavy industrial, car assembly chemical plants, and a 65 ft. height. That is undesirable, it is much more intense than is planned. There has been discussion about multi-generational living in Lakewood. There are people in this room that want their children to live in Lakewood. Don't deny them this opportunity.

Robert Cook, previously sworn in. He said when you come down this wedge, and cross over Massachusetts Avenue, you are in a different town. It is not crowded, it is like being out in Plumstead or Cream Ridge. Horse farms, open space, nice houses, and now you want to lump in businesses in there. His family goes back 4 generations, from 1916 and he would like to have 5 or 6 more.

Morris Behar, 68 Foxwood Road, was sworn in. His question is to the planner, does she live in Lakewood?

Pat Hooks, 66 Rosewood Drive, was sworn in. She heard the planner for Wall Township, and would like to see how this would go over in Wall Township. We talk about smart growth, but there is also something called overgrowth. The history of our country was the first settlers settled along the coast. Wouldn't it be something if we had the same planning and kept them all on the coast and they never moved anyplace else and they all wanted to stay there and raise their families and never wanted to go anywhere else. She is against this.

Norman Shaye, 26 Winding River Road, was sworn in. He has attended all three nights, and has been observing the responses to each one of the speakers. He is against #22, but he is against almost every one of the changes before the board. He noticed that this master plan is helping to divide this community, when someone speaks for the change, one group applauds and one group sits on their hands, and the opposite happens for those against the change. What we are doing is creating a master plan that is polarize the divide that already exists in this town. He recommendation is to take this master plan and junk it, and go back to the planners with the objective to come up with a plan that everyone would applaud. He hopes everyone in the audience is applauding him now. That is what he calls smart planning.

Howard Suckno came up again. He said no one would be able to walk up to the area of the zoning change. There are no sidewalks. When you build one way, it will be impossible to get around.

Mr. Banas closed this portion to the public.

Someone from the board wanted a recess so the board could confer, and Mr. Banas stated the board cannot do anything private, only in public.

Mr. Banas called for a 2 minute recess.

Mr. Banas called the meeting back to order. He asked Mr. Slachetka for a statement. Mr. Slachetka said they heard a tremendous amount of testimony both in favor and opposed and wanted to collectively provide the board with perspective. He wanted to speak about the issues and explain his perception of the committee in its recommendations

as to this proposal and to frame out some options and approaches the board may want to consider in making a recommendation for area #22. With regards to some facts, the majority of area #22 is currently zoned M-1 which provides for industrial development, industrial uses, which includes airports, heavy manufacturing facilities, restaurants, etc. The remainder of the tract is zoned A-1 which provides residential development on a min. lot size of 2 acres. The lot coverage in the M-1 is 40% which does not include parking areas, driveways and impervious coverage. That percentage in the A-1 zone is 20%. The height restrictions in the M-1 zone is 65 ft. and 35 ft. in the A-1 zone. The area adjoins another M-1 district in the north currently developed, M-1 south of Cross Street, 2 residential districts to the east, R-M district south of Prospect St. , and a R-20/12 cluster zone, 1 lot per 20,000 sf clustered down to 1 lot at 12,000 sf. The idea here is to create a mixed use zone which would provide for a variety of uses, residential, office professional, commercial (neighborhood scale), and the intent is to create a planned community that would incorporate all uses. It was not the intent to provide a choice of multi family, non residential in a stand alone setting, but a mix of uses in a planned setting. The rezoning should have standards before the zoning would be implemented. It is in a fringe planning area 3, however the tract is also in the boundaries of the existing coastal center. (CAFRA) The concept of smart growth provides for a balance of mixed uses, it does not preclude or require full development sites, but there can be open space and recreation as part of the smart growth. The board heard a certain level of discomfort about the making a recommendation for zoning without having a specific standards regarding density, intensity of use, specific locations within the tract where those uses may be, relationship of those uses to each other, opportunity for providing open space, recreation facilities, etc. this black box concept, which is a valid concern. The board has a range of options or approaches, the first to accept the recommendation as proposed, the second to accept the recommendation and recommend to the committee this area be rezoned but not until specific standards can be established with public input. Further down, the recommendation can be that the area be studied or evaluated for a possible mixed use approach, make no recommendations for specific changes in zoning now but recommend a more comprehensive planning study and evaluation be done in this area, again with public input. Finally, the board has the opportunity to reject the recommendation in whole without any qualifications of changes.

Mr. Banas stated he is against accepting the recommendation as listed here, there are too many things on his mind that lead him to throw it away, but the concept is good and appropriate. The concept needs to be explored if nothing more. He would like to ask if we are going to have multi use, we need to identify what % we would like to see in terms of business development, of multi family, apartments, etc. to see what we can do. Those are the type of questions he would like of the board.

Mr. Gatton said he could not vote for item #22 the way it is worded. It appears to him that if they had a theoretical area in Lakewood, and the board had the professionals develop what is being talked about, then they should look at it.

Mr. Neiman, mimicked Mr. Banas's words, and doesn't see any thing here, it is a great concept, but cannot vote until he has a little understanding of what the zone is. It should be explored and does not feel comfortable voting on it today.

Mr. Banas stated they could ask for limits on the zones, if they thought it best. Mr. Franklin stated they would need a planner to put it down in a model to make it feasible. How much property would be mid rise, retail, etc. Everyone is talking about the traffic and try to pick up the garbage, talk about a mess.

Mr. Slachetka said these were very valid points. The zoning controls are much different than standard zoning approach. You need to have specific standards. Form based zones, smart codes, etc. ordinances focus on specific areas locations, types of buildings, how the buildings are being used, mixed uses, where open spaces are, etc. If you are going to be evaluating this area or other areas, that is the evaluations should be addressed by both the committee and planning board when recommendations are made.

Mrs. Wise stated she is not torn, she doesn't like it. We are here to give approval yea or nay, recommendation to the township committee. She cannot recommend this. So much has to be done to this before the comfort level is somewhere in the middle. This whole section needs to go back to the drawing board. Mr. Banas stated there are 4 different approaches that Mr. Slachetka suggested and she said she didn't like them either. She understands the suggestions but the board cannot enforce anything, and if we don't get it right now, whatever we recommend can fall on deaf ears and go in any direction. She doesn't want to vote on this.

Mr. Klein stated there are a total of 3 proposed zoning changes to the R-OP zone. If we take the approach of sending it back to further investigation, would that apply to all of the recommendations to R-OPM and Mr. Banas said no just this one.

Mr. Banas said one of the items Mrs. Wise spoke about is the fact that the township won't do anything. Please be aware that this is our recommendation, it can neither be changed or altered. The township will have to follow through. We can put in our recommendation if it is feeling of the board that this area #22 be held for study until a later date, and that later date could be a year or two from now.

Mr. Akerman said that he did look into the smart growth and this is a complex area. There are a few parcels that are very big and they could go to the zoning board and have themselves approved as R-OPM if they like. It wouldn't be stopping anybody, all it does if before they make a recommendation, to turn an area of 75 acres which might one day be lawlessness, we should hold our breath. We don't even know what we are voting on.

Mr. Banas stated the zoning board could only act on zones that are established and the R-OPM is a new zone not yet established. In the meantime the committee has suggested that this is an area that lends itself very nicely to a smart growth development and something for the board to consider.

Mr. Akerman said it was an area to be looked into.

Mr. Gatton suggested instead of saying this area is what we are going to look into, saying it could be a theoretical model? Mr. Banas said yes. Mr. Gatton said he would be voting for the professionals to develop a model that was thorough, that talked about the traffic that would be generated, etc. It is a whole different concept.

Mr. Banas said they needed a motion before they could discuss recommendations.

Mr. Slachetka explained the board should make it clear that the area is not being proposed for change at this time, the zones remains in effect but suggesting that the area be evaluated for a mixed use approach and develop specific standards for a comprehensive evaluation of the appropriateness of the area for mixed use.

Mr. Gatton cannot vote for what is written there. Mr. Banas stated they are voting on what a motion is. Mr. Banas asked for a motion.

Mr. Gatton made a motion to have a study made for some vision for what the area would look like. Mr. Jackson said the motion should be to accept the changes, make new changes or leave to leave the same.

Mr. Franklin suggested making a motion to deny the, the drafting a letter to the committee about their views for a study. Mr. Banas said instead of a letter, making it a part of the motion.

Mr. Jackson said it would be acceptable to recommend not to change the zone but study it further, that could be part of the document sent to the committee.

Mr. Slachetka added the recommendation can say specifically that any analysis or recommendation or study include provisions for adequate public input and hearings,

Mr. Franklin moved the motion stating to deny the proposed revision however, with the request that the committee further study and review this matter that would involve public comment. This was seconded by Mrs. Wise.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes.

Mr. Kielt stated they are having an additional meeting on the 14th at 6pm to continue the master plan reexamination

ITEM #2 – Re-zone the A-1 zone which encompasses Lake Carasaljo to O-S zone (open space) consistent with the existing land use plan.

Mr. Franklin had a question on this zone. He asked the planners if you can build anything in this zone. Mr. Slachetka said there was very low density residential, 3 acre lots, 200 ft lot width, single family residential, 20% maximum lot coverage, maximum height 30 ft. Mr. Franklin said that in that area he has an amphitheater, bridges, boardwalk, playgrounds with shelters, and he wants to make sure that they would still be able to build them around the lake. Mr. Slachetka said that it would allow it.

Mr. Gatton questioned what the reason was to go from agriculture to open space. Mr. Slachetka said the idea was to recognize the lake and further reduce the residential densities to the maximum intent without completely rezoning the property into public use or public recreation. That O-S zone also includes other areas such as Lake Shenandoah, the county park and other areas within the township.

Mr. Banas opened the microphone to the public.

David Quinn, asked a question. He has seen housing around Lake Carasaljo, McMansions, and houses built in the 20' and he is unclear of the significance of this proposal declaring this open space. What happens to all the housing in the perimeter of the lake? Mr. Banas said it was all grandfathered. So this would be prohibiting any further developing in the area? Mr. Banas said yes. Mr. Slachetka clarified that the areas currently zoned R-12 & R-15 which a lot of that housing is, including an R-OP zone and none of that zoning is being changed.

Bill Hobday spoke that Lakewood doesn't have a zone that this should be. Open space still allows for some building, and there is a skeleton of a mansion with it's feet in the lake. (It is on S.Lake Dr.) The map from the zoning board doesn't even show the water, and it can't even be 10 feet from the water. This is what happens with these kinds of ambiguous zones. There should be no further building along Lake Carasaljo because it is a protected watershed. This is part of the water that goes to Bricktown to provide their drinking water. Mr. Banas said this zone (O-S) doesn't exist, and by putting it into their plans for review, it will exist.

Mr. Hobday said right now that lake is zones A-1, and that would be 1 dwelling unit every 2 acres. Mr. Banas said there is a state law prohibiting that. Mr. Hobday questioned then why is that house being built. Mr. Banas couldn't answer, and Mr. Hobday said they probably got a variance, and it has to be stopped. We are supposed to be protected from that. You are losing the confidence of the community, we have to stop this from happening.

Ann Richardson, 1870 Lanes Mills Road, was sworn in. She would like to know about Lake Carasaljo that we are talking about, and she hasn't seen the plans, but doesn't think that any building should be on the outer perimeter of the lake. This should be our recreational facility for Lakewood Township. There are no houses on the north side, and she hopes the board doesn't allow them to build.

Mr. Slachetka reiterated that the homes are not in the zone, No new opportunities for development are being provided. All property bordering the lake are subject to DEP regulations. This zone is a reduction in the density without potentially denying anyone's developmental rights in totality.

Mr. Franklin said he thinks the line is North Lake Drive and South Lake Drive, and there are no homes from the street to the lake. It would make it very hard in the future for any Township Committee to sell off that land. A-1 you could sell it O-S they wouldn't be able to. Mr. Slachetka said that was a very good point. The lake is on green acres property and they couldn't convey it without the state house approving it.

Pat Cook questioned the terms of the definition of open space zone, is that something that is state wide, or is it set by this committee? Mr. Banas didn't know, but Mr. Slachetka said the zone definition is set by the Committee. This area is considered in the state planning area #5, which is an environmentally sensitive planning area. Mrs. Cook asked if it was in the scope of this board to change the language that defines that zone. Mr. Slachetka said the jurisdiction of the board was that they could change the language pursuant to the land use categories in the land use plan. It is the Township Committee then to carry forth those recommendations and change the language in the zoning ordinances. Mrs. Cook strongly recommended this board eliminate the ability to build at all in this area. Mr. Banas said if that happened, the playgrounds and amphitheater would have to come down. It is like the land given to the state by Lions' Head Woods. You can't even pull a blade of grass, it is that protected.

Larry Simons said Mrs. Cook said the same thing he was. He thinks they should grandfather the existing property to what it contains and prevent any future building of residential on that area.

Janet Payne agree with them but remembered ice skating on the big lake every day after school. There was a building that fell down on the corner of the safety pond and it never got replaced (the benches etc). Is there something to do to get that again? She was told to ask the Township Committee.

Mr. Banas closed this portion to the public

Mr. Franklin made a motion to approve item #2, seconded by Mr. Percal

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes.

ITEM #3 – Re-zone the R-10 to an R-7.5

Mr. Percal said there are several zoning change proposals that involve going from an R-10 to an R-7.5. In a lot of these change proposals there are already a lot of R-7.5 lots in existence. What is a fair % of R-7.5 lots which we would not be harming the R-10 owners. He wants a consensus of the board for a figure so it would not harm the rest. Mr. Banas would suggest that the township engineer determine in each case that if a zone which is designated as an R-10 finds that there are 70% of the homes that have received variances under a R-7.5 zone, that that zone be changed to a R-7.5 zone.

Mr. Gatton liked the idea because it sets a standard.

Mr. Neiman said sometimes on a tax map it will be divided as an R-7.5 but in actuality it is the only one built, so just because it is subdivided but there is no home on it, why should it be considered one of the R-7.5 in the %. It should be looked at as homes not just empty space. Is this a zone that has a lot of R-7.5 zones than 10, and Mr. Banas said they do not know.

Mr. Klein said they don't see a qualification for the reason they want them changed. Mr. Banas said the reason for it is because there are more homes falling into the R-7.5 than there is R-10.

Mrs. Wise said the standards you are referring to is the board's job to recommend and was told yes.

Mr. Banas opened the microphone to the public.

Robert Cook said in reference to the R-10 to the R-7.5. There are a lot of areas, but before you make it R-7.5 you have to make the streets a little bigger. You can't get fire trucks down the street, no first aid can get through, and when you put more housing in there, with a basement, that is 2 more cars. Unless you have off street parking, you can't get up Hackett Street, Maple Street or half the streets in this town. Mr. Banas said unfortunately, the board couldn't do that.

Mr. Cook said then you can't pass the zone.

Mr. Hobday said when he looks at this proposed zone change it is in such a small area. The smaller that zoning area is, it makes him more suspicious. You were told the perponderous of the housing there was R-7.5 as opposed to 10. Mr. Banas said it was not this specific item he meant, he was referring to all of the requests. Mr. Hobday said that makes sense, but not to take the recommendations of the subcommittee that gives no statistics. You would have assumed that to ask for a change like this, they would have supplied a number of residences that conform to R-7.5 and the number that conforms to R-10. Then you could make a good and valid judgment as to the zoning. He doesn't believe there is more R-7.5 than R-10.

Mr. Banas closed this portion to the public

Mr. Percal made a motion that this be sent down to the Committee with instructions that the Township Engineer count how many 7.5 lots there are in the R-10 zone and if the # reaches 70% or more, the zoning change should be granted, or else not. Mrs. Wise seconded.

Mr. Kielt questioned the motion, since his office would be the ones to do that. What is the timing of this? Mr. Banas said after the zoning is changed but before the ordinance is complete. Mr. Slachetka was not sure of the question. He asked if you would be recommending the R-7.5 contingent upon an evaluation that confirmed the 70% of the lots in that area were conforming to R-7.5 and was told yes. Mr. Kielt questioned how does one handle one house on 2 lots, and was told it would be an R-10.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes.

Mr. Banas apologized to the gentlemen that he did not give enough time for item #21 and asked if he wished to complete his discussion.

Yehoshua Birnhack was back on item #21, and feels the board should take his and his neighbors personal needs before making a decision. He lives on Esti Circle, and him and his neighbors gave a petition (90 signatures) that they were all in favor of this zoning change. They do not see any negative to this change. The few remaining farm owners said that Lakewood is no longer a farming area. There is a deed restriction on these properties, but it is not the place of this board to decide whether or not a deed restriction can be lifted, and which properties can be subdivided. Let the attorneys decide the legalities to how or if a deed restriction can be removed. Why would a township deed restrict property and at the same time require agricultural lot sizes? The answer was that at the time all surrounding parcels were zoned A-1 so it would conform. The property that surrounds this land to R-40, so would there be any logical reason to exclude these 18 remaining residential lots to require agricultural lot sizes?

Robert Cook said he is here to question the zoning that applies to his home on Drake Road. According to the zoning map attached to the 2006 master plan, his home now lies in an R-12 zone. This area was previously zoned A-1 (even last week). This rezoning is not addressed in any of the 35 areas identified for rezoning, yet appears on the map. This R-12 area is defined by the following: to the north it is directly adjacent to the Crystal Lake Preserve, to the south, it is directly adjacent to the M-1 zone on James Street, to the west it is directly adjacent to the A-1 zone to be rezoned to R-40. He recommends the board rezone this area R-40 to provide consistency in the area, and a buffer to Crystal Lake Preserve.

Pat Cook said she wanted to bring this map up to the committee. It is this tiny piece of land, approximately 10 acres. It is absolutely adjacent to the Crystal Lake Preserve, and if this committee is set to adhere to its goal of open space, we cannot have approximately 40 homes built on this land.

The board was confused to what she was addressing and Mr. Kielt said it was not a number. It is not reflected in this rezoning. Mr. Neiman asked if it was a mistake, and was told it was. Mr. Sernotti spoke and was told it was part of the 1999 Master Plan and rezoned to R-12, and it should have been looked at and changed back to the R-40. She asked when it could be looked at and Mr. Banas said he had no answer, so she asked Mr. Jackson if that was appropriate.

Mr. Jackson said since this is a reevaluation of the master plan it would be appropriate to take comments from the public on if they think there should be any zoning changes that has not been brought up by the board. You haven't taken input from the subcommittee and the planner, and there should be a portion from the public.

Mr. Slachetka suggested that it would be appropriate for him to reevaluate this section and before this process is down, he could provide the board with his perspective and recommendations on the appropriate zoning for this area.

Mrs. Cook said that sounded reasonable.

Gerry Ballwanz said she wanted to refer Mr. Slachetka to page 27 of the 1999 Master Plan and it is talking about the Crystal Lake Preserve. Why would you take that little portion of land from the Crystal Lake Preserve, and put it into R-12. The words were missing from the plan compared to the map.

Carol Murray said she is an endangered species, she is a farmer. She was in the A-1 zone until this mistake was found, and she would like to see it reversed because her farm (12 acre parcel) has been accepted into the Ocean County Farm Preservation and it will be forever a farm. It is adjacent to the Crystal Lake Preserve one property away from the CLP and that one property would be developed if it was down-zoned. There is no reason to decrease the zoning in this area, it is rural and the wildlife visit there and visit her farm and is welcome. If you down zone in between that and her farm, it would cut the open space for the wildlife and destroy the natural area.

Janet Payne was an A-1 farmer and was changed in the last master plan to multi family. She doesn't see what is wrong with hanging on to A-1 property. You need these lots for the future. Her lot was changed and she didn't even know about it. What does she do?

Mr. Jackson said the zoning can be changed in the reexamination. She would like to go back to A-1.

Mordechai Sternstein, 127 Shady Lane, was sworn in. He has a question; was there any way there could be notification of the items in the rezoning process. He wanted to know what numbers will be heard at what time, and was told they would go in order with the public's input.

Christine Abrams asked why was Mrs. Payne not notified that her property be rezoned, and Mr. Jackson said he did not know, he was not familiar with the circumstances. Is there some type of process to notify the residents, and was told yes. With the reexamination there is notice in the newspapers, but not to individual homeowners affected.

Gerry Ballwanz said when the UDO was adopted, she and 99% of the people in Lakewood did not know they were going to be adopting the recommendations from the 1999 Master Plan. Under a statute of the MLUL the governing body does not have to notify anybody that the land is rezoned under the Master Plan Review. This was a shock to her and to Mrs. Payne. When people got to review that UDO on the web, they could not access the map. Now these maps are finally coming online.

Mr. Jackson understands there are certain things upsetting to the public, but the role of the board is to reexamine the Master Plan. It is not an appropriate forum to ask legal questions and factual questions.

5. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary