

**The Lakewood Township Committee held a Meeting on Thursday, June 4, 2009 in the Lakewood Municipal Building, at 6:30 PM for the Executive Session, and 7:30 PM for the Public Meeting, with the following present:**

**Mayor..... Robert W. Singer**  
**Deputy Mayor..... Steven Langert**  
**Committee Members..... Menashe Miller**  
**Raymond Coles**  
**Meir Lichtenstein**  
**Municipal Manager..... Frank Edwards**  
**Municipal Attorney..... Lawrence E. Bathgate, II, Esq.**  
**Acting Municipal Clerk..... Mary Ann Del Mastro**

**ROLL CALL**

**CLOSED SESSION**

**Resolution No. 2009-180 – Adopted.**

**SALUTE TO THE FLAG AND PRAYER**

**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, by Resolution of the Township Committee adopted January 1, 2009 and published in the Asbury Park Press on January 8, 2009.**

**ROLL CALL**

**OPEN SESSION**

Motion by Mr. Coles, second by Mr. Miller, and carried, to open the meeting.

**MOTION TO APPROVE MINUTES OF: 05/21/09**

Motion by Mr. Coles, second by Mr. Miller, and carried, to approve the above Minutes. Mr. Lichtenstein abstained.

**Minutes approved.**

**MOTION TO APPROVE CLOSED SESSION MINUTES: 05/21/09**

Motion by Mr. Coles, second by Mr. Miller, and carried, to approve the above Closed Session Minutes.

Mr. Lichtenstein abstained.

**Closed Session Minutes approved.**

## **2009 MUNICIPAL BUDGET HEARING FINAL ADOPTION**

Mr. Edwards advised that the State of New Jersey, Division of Local Government Services, DCA, has to review every municipality's Budget, and give a technical OK before it can be officially adopted. For staffing reasons, that unit of the DCA is behind in reviewing municipalities' Budgets, so what has to happen tonight is that since DCA has not gotten to the Lakewood Budget yet, the Township Committee has to have the hearing, close the official hearing, carry the actual adoption vote for the Budget to the next meeting of June 18<sup>th</sup>, at which time the Township Committee can vote on the Budget.

Mayor Singer opened the meeting to the public for comments on the 2009 Municipal Budget.

David Drukaroff, 1433 Laurelwood Avenue – Asked if the Township anticipates any layoffs, assuming nothing else changes in the future, and asked if once the Township adopts the Budget, if the State legislature should change its mind and provide the Township with less state aid than what was anticipated, he believes that means they are not allowed thereafter to raise the tax rate and they are compelled to simply cut expenses, or could they raise the tax rate if the state gives the Township less money.

Mr. Edwards stated that the answer to the first question is the Budget, as proposed right now, does not include any particular layoffs. They eliminated thirteen full time positions and one part time position from three departments, through attrition, and did not fill them. The answer to the second question is, unless someone corrects him, his understanding is he does not think that is going to happen but if for some reason the amount of state aid did not come out, it would be incumbent on the Township to reduce its expenditures and make it fit within the amount of revenue that it has.

Mayor Singer added that it could include layoffs and everything else along with that.

Mr. Drukaroff asked, in other words, if the legislature decides to give the Township less aid, after the fact, they would have no alternative except to simply cut expenses.

Mayor Singer answered that was correct; they can not take out of surplus.

Charlie Cunliffe, 135 Jennifer Drive – Asked that for those individuals who are not able to be in town when the Township has the introduction on a non-standard night, non-standard time, is the Budget posted on the website, as he was unable to find it.

Mr. Edwards answered that he really did not know. He did not handle it, so he did not know whether it is up on the website or not. It is available in the Clerk's Office.

Mr. Cunliffe stated for those who have to travel outside of town for a living, it would be more convenient to have it on the website. Previous Committees.....the purpose of the

website was to put important documentation like that on the website, so it can be viewed by the public, if you do not have the time to come to town hall or go to the library during the day. So being that it is not on the website, he asked when they would put it on the website, and will it be the full DCA copy like it was last year.

Mr. Edwards did not know what the communication was, maybe it was a breakdown. They have a new auditor so maybe they did not get the message to him, to get it on the website. He has been informed that it is in a format that could be sent to the Township, to be placed on the website.

Mr. Cunliffe asked when it comes back to a final vote, will there be another hearing where the public will have some input.

Mayor Singer answered no.

Mr. Cunliffe suggested that they postpone or continue the public hearing, so that the public could ask well informed questions and have the time to be able to compare the 2009 and 2008 Budget.

Mayor Singer stated that they appreciate his input.

Mr. Cunliffe asked what was the increase in expenditures, 2009 versus 2008; what was the increase in the tax levy, 2009-2008; was there any increase in the amount to be withheld for unpaid or uncollected taxes; and what was last year's tax rate versus this year's tax rate.

Mr. Frenia, the Auditor for the Township, with the firm of Holman & Frenia, explained that the overall expenditures, actually the amount that is budgeted for overall expenditures, is actually down about ten million dollars. But most of that would probably be because of the grants. They received a great deal of grants during 2008, so it is very difficult to compare the actual bottom line.

Mr. Cunliffe stated, that stripping away all of those \_\_\_\_\_, would be through S-159's.

Mr. Frenia answered yes.

Mr. Cunliffe asked what is the net increase.

Mr. Frenia answered that they should look at what is inside the CAP, because that would probably cover most of the operating expenditures. Inside the CAP, the expenditures went up about 2.1 million dollars.

Mr. Cunliffe asked what was the increase in the tax levy.

Mr. Frenia answered that the increase in the 2009 budget is \$43,594,338.; the levy in the 2008 budget was \$39,655,923.

Mr. Cunliffe asked what was the tax rate for 2009 versus 2008.

Mr. Frenia advised that the rate for 2008 was 50.04; the increase is 4.97 cents. The rate for 2009 is 55.01.

Mr. Cunliffe asked what is a penny worth in 2009's budget.

Mr. Edwards answered that a penny is equal to \$787,393.00 dollars.

Bill Hobday – Stated that this year, the Township appointed a Budget Committee to assist. He asked how that worked out, and did they give the Township good, decent information to work with.

Mayor Singer answered they were very helpful, and the Township appreciated their work.

Mr. Hobday asked if they gave good information and suggestions to work with.

Mayor Singer stated, in their defense, it was their first time looking at a Municipal Budget. Their recommendations would make sense, but when carried out, were not correct. For example, the budgets are submitted in September, so they are based only on a nine month expenditure of departments. And the budget is twelve months. So when you look at a nine month expenditure, and you see left over funds in the department, you assume that is a surplus, when they forgot the additional three months of operations. They made a suggestion that the Township cut 1.6 million dollars from the Police Department. The entire Police budget is sixteen million dollars; fourteen million is salaries. If he cuts 1.6 million dollars out of the Police Department, he would have to lay off sixteen officers. So, though it is nice to say that, and he would like to be able to do that, because it is a large department, in essence to do what was asked to do, would require them to lay off sixteen officers. They meant well, and it was nice to know that, but knowing that over fourteen million is salaries alone and benefits, and less than two million is operations.....you could imagine, and second of all, there were numerous other cuts by the Township that were taken already, that they were unaware of that were reduced automatically.

Mr. Edwards added that there were some structural things that could be looked at for the future, but as stated by Mayor Singer, with contracts in place and legal obligations, and the unawareness by the members of the budget committee, and they even admitted they did not check out any of the legalities, or any of the contractual issues, and they identified almost \$950,000 worth of cuts, but they were the same cuts that he already made.

Mayor Singer further stated that it was a positive thought, done in a positive way, but it is not simplistic unless they are willing to take the consequences. You need to realize that laying off sixteen officers would be a devastating factor to the Police force. The

other monies that are there are your crossing guards, your operations, your police cars, your radio rooms, equipment...there isn't a million dollars worth of non-entities. So the answer is, although they meant well and their suggestions were taken with a positive aspect, when they went through their entire list of suggestions, they looked at every suggestion to see what the ramifications were, and they sat down with the budget committee and went over every suggestion. It was a very positive feed-back, and their time and effort was appreciated. They all learned a lot from this. Next year will be a better application of the same process.

Mr. Hobday suggested that if the Township is predisposed to formulate a committee next year, they might want to arm them with a professional who is skilled in looking at a municipal budget.

Mayor Singer added that they had full access to budget books, and had full rein to discuss it with the Manager and any of the department heads; they were not restricted. And every department did a presentation before the Township Committee, which had not been done for twelve years.

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

Mr. Edwards repeated that officially the Township Committee can not vote on the Budget until they get the approval from DCA. He asked that there be a Motion made to continue the adoption of the Budget to the June 18<sup>th</sup> meeting.

A Motion was offered by Mr. Coles, second by Mr. Miller.

Mr. Lichtenstein wanted to go on record with his discussion he had with Mr. Edwards. They were working to cut another penny from the budget. Because of some state requirements about staggering people's time off, along the line of furloughs, it just did not work. But they did put a lot of time and effort into it. Unfortunately, that extra penny could not come out.

Mayor Singer also stated that Mr. Lichtenstein and the rest of the Committee looked very hard for that additional penny. They took a look at the furlough aspect of things, saying what would that mean. And the problem is that for each one day you furlough the entire Township, you would save \$100,000.00. But that included everyone...Public Works, Police, etc. If you were not able to do the Police, and that is part of the problem.....the way the State is set up, you must furlough an entire department for the day. You can not break it up. You can not furlough the Police. So without furloughing the Police, to gain one penny, you would have to furlough the rest of the staff for seventeen (17) days. That would mean Town Hall, Public Works, etc., would be closed seventeen (17) days additional this year. And that is based on a full year. Since we are

already partly into the year, that would be stepped up even more. So part of the problem is if your garbage collection was Tuesday, your garbage would not be picked up on Tuesday. It created tremendous hardships, not just for the employees who would lose seventeen days (17) of pay, and these are not highly paid people, and on top of that you would disrupt the town, not just for two days, as was done in the State, but for seventeen (17) days. That did not work out. They took a look at other cut-backs. The problem is that it is \$785,000 per penny. And as he said originally with this Budget, two cents of the 4.9 cents is going to pay back the tax appeals that were never handled in prior years. One cent is being held back because of uncollected taxes; the tax collection rate is down. So that is three cents. And if you look at the money they have lost between the State, both this year and last year, it is 1.2 million. That makes up the difference. So basically, that explains the increase factor. And it is certainly something they are not happy about. They wish they did not have to go in that direction. But to get down to no increase, there is just no physical way they can do that based on the aforementioned. Some of these things will change. They took care of the problem in the Inspection Department, because it was not done two or three years ago; they took care of the uncollected tax situation by doing what should have been done three years ago, and that was by doing the reassessment which is going right now. So those three factors are very important in this year's budget. And that is by the Committee looking at it, and doing the analytical aspect of things that were not done properly in the past. So he appreciates the help of the Committee and the work of Mr. Lichtenstein.

On Roll Call – Affirmative: Mayor Singer, Mr. Lichtenstein, Mr. Coles, Mr. Miller and Deputy Mayor Langert.

**Adoption of 2009 Municipal Budget continued to the meeting of June 18, 2009.**

Mayor Singer thanked the Township Auditor and CFO.

Mr. Edwards advised that he had warned the CFO that on this evening's Agenda, there is a Resolution to do estimated taxes, and since he is not an expert on that issue, if anyone has any questions on that issue, he would like them to be addressed while the CFO is in attendance.

Mayor Singer asked Mr. Rieker to remain in attendance for any questions regarding estimated taxes.

**PRESENTATIONS – None**

**ORDINANCES FOR DISCUSSION: None**

**Comments from the public will be heard for a limit of one (1) hour. Each speaker will have four (4) minutes and shall be limited to one time at the podium.**

Mayor Singer opened the meeting to the public.

Mr. Edwards asked that if anyone has a question on estimated taxes that they come forward first.

As there were no questions, Mr. Rieker and Mr. Frenia left the meeting.

Noreen Gill, 192 Coventry Drive – Complained about traffic congestion at the WAWA shopping center on County Line Road. Provided the Township Committee with pictures.

Mrs. Gill was advised that the area she was referring to was private property; it is not Township property. The owner has the right to close the parking lot.

Due to the traffic flow problem it caused, Mayor Singer asked Mr. Lichtenstein to look into it.

Bill Hobday, 30 Schoolhouse Lane – Thanked the Committee for the installation of the street light at Massachusetts Avenue and Cross Street.

Gedalia Tomer, 20 Windemere Street – Asked the Committee to help him obtain use of the field by Vine Street, at John Patrick Sport Complex. He has wanted to play there for a few years, but he has been told that no fields are available. He complained that there are out of town people using the fields, but he has not been permitted to use the fields.

Deputy Mayor Langert stated he would meet with him after the meeting to discuss the issue a little more specifically.

Charlie Cunliffe – He advised Deputy Mayor Langert that one of the problems they had, in previous Committees, with the John Patrick field, was that the Recreation Department and the Department of Public Works really were trying to keep that a youth sports complex. There are other facilities in Lakewood for adults to use. He wanted to mention that; he is not making a value judgment on that. They did bring it back to the Soccer Club and they did bring it back to the Little League. They wanted to restrict the use. When you have adult teams playing or adult leagues, they do put a tremendous wear and tear on the field. He is just saying this for the record, and offering some background information.

Mr. Cunliffe further reported new gang graffiti in his neighborhood. It spans from the area of 110 to 135 to 141 Jennifer Drive. He requested to speak directly to Mr. Lichtenstein who had volunteered to reach out to the neighbors who had the graffiti put on their property. They have chosen not to take it down, so he was wondering if Mr. Lichtenstein could reach out to them again, because it breeds more graffiti. However,

two of the items that were marked were utility poles and a large cable box. He asked if they have the authority to remove it from public property.

Mr. Lichtenstein answered that they just do it. But hopefully they will not do it the same way they did the roads.

Mr. Cunliffe advised that Mr. Franklin came out last time, and very effectively removed the graffiti from the sidewalks.

Mr. Lichtenstein asked Mr. Cunliffe to contact him with the exact addresses.

Mr. Cunliffe further advised that his neighborhood is inundated with dirt bikes and ATV's. A lot of young families have moved into the neighborhood, and there are many toddlers. He is afraid that someone is going to get killed. They travel at such a high rate of speed.

Mayor Singer asked if he knew where they are coming from.

Mr. Cunliffe stated they are riding in the woods, and coming through Idalia, Manor, and Jennifer Drive; they are coming through people's yards and coming onto the public streets.

Mr. Lichtenstein stated that the Township has two Police ATV's. He asked during what times this occurs.

Mr. Cunliffe further advised that the residents in the area are afraid to speak on this issue. He is speaking for them.

Mr. Cunliffe further asked who is in charge of street lights. He had reported a street light out on Jennifer Drive; there is no pole number. It is between Pole No. 1603, which is to the east, and No. 1632, which is to the west. It has been out for several months. It is close to his home; maybe one hundred feet from his home, to the left of the corner.

Mr. Lichtenstein will look in to it.

Gerry Ballwanz, Governors Road – Commented on the issue brought up by Noreen Gill. She wanted to confirm that there will be a review as to owns the access from Kennedy Boulevard across Squankum, across the light, behind the WAWA shopping center. It is a new road, part of the road ends with the storm water management basin.

Mayor Singer stated they are going to take a look at the Police Department to see what they saw when they responded to the scene. They are going to determine what was allowed to be closed legally, and what was not, and whose responsibility it was. Was it the County road that was blocked, or the Township road, or was it private property. They have to get a handle on it, because they do not know who to go to, to make sure it does not happen again.



Mrs. Ballwanz further questioned Resolution Nos. 10 and 11, and asked for an explanation.

Mayor Singer explained the details of the subject Resolutions.

Seeing no one else wishing to be heard, Mayor Singer 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 submission of application to New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the fiscal year 2010, in the amount of \$426,220.00. (UEZ – Job Link Year 14)  
Resolution No. 2009-181**
- 2. Resolution Authorizing a Request to the UEZ Authority for certain boundary modifications of the Urban Enterprise Zone in the Township of Lakewood. (UEZ)  
Resolution No. 2009-182**
- 3. Resolution establishing Traffic Regulations in connection with the July 4<sup>th</sup>. Fireworks to be conducted at Lake Carasaljo.  
Resolution No. 2009-183**
- 4. Resolution approval to submit a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for the 2010 Road Program Program. (NJDOT – SAGE)  
Resolution No. 2009-184**
- 5. Resolution authorizing the Tax Collector to prepare and mail estimated tax bills in accordance with P.L. 1994, C.72.  
Resolution No. 2009-185**
- 6. Resolution appointing Mary Ann Del Mastro, Lakewood Township Clerk.  
Resolution No. 2009-186**
- 7. Resolution authorizing the substitution of a Letter of Credit performance Guarantee posted by Yomah, Inc, in connection with Block 423, Lot(s) 10, 16, and 70-74, with a Cash Performance Guarantee posted by Silver Polish, LLC., in the amount of \$542,927.00.**

**Resolution No. 2009-187**

- 8. Resolution releasing a portion of a Cash Demolition Guarantee posted by Benzion Harnik and the conversion to a Performance Guarantee, in connection with Block 223, lot 93.  
Resolution No. 2009-188**
- 9. Resolution authorizing submission of a Second Generation Fund application to the Urban Enterprise Zone Authority in the amount of \$40,000.00. (UEZ - Stadium Emergency Repair – Light Towers)  
Resolution No. 2009-188**
- 10. Resolution acknowledging and supporting the Lakewood Development Corporation’s cancellation, unencumbrance and deobligation of the UEZ First Generation Project entitled Business Center Roadway Reconstruction Phase II-Financing in the amount of \$1,876,981.00 and the subsequent return of those funds to UEZ ZAF which is contingent to the funding’s application toward financing of the FY 2010 core project entitled “Baseball Stadium Year 11” representing the Lakewood Baseball Stadium final bond payment. (UEZ)  
Resolution No. 2009-189**
- 11. Resolution authorizing participation in litigation against the State of New Jersey by the New Jersey Urban Enterprise Zone Mayors Commission for the unlawful taking of Zone Assistance Funds. (UEZ)  
Resolution No. 2009-190**
- 12. Resolution authorizing the Sale of Surplus Personal Property no longer needed for Public use on an online auction website.  
Resolution No. 2009-191**
- 13. Resolution accepting a bid on the following parcel as a result of the Private Land Sale an undersized parcel 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. 2009-192**

Motion by Mr. Lichtenstein, second by Mr. Coles, to approve Resolution Nos. 1 through 13 on the Consent Agenda.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

Negative: Mr. Coles as to Resolution No. 13

**Resolution Nos. 2009-181 through 2009-192 – Adopted.**

## **ORDINANCE SECOND READING**

### **An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, repealing Chapter III (Police Regulations), Section 3-23 (Sex Offender Residency Regulations), of the Revised General Ordinances of the Township of Lakewood. (Section 3-23)**

Read by title only for second reading.

Mayor Singer stated that they are complying with State Law based on a Supreme Court decision on this issue.

Mayor Singer opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Mr. Coles, second by Mr. Miller.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

### **Ordinance No. 2009-27 adopted on second reading and public hearing.**

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII of the Unified Development Ordinance, Article IX (Design Standards), Section 18-806 (Nonconforming Uses and Lots) of the Revised General Ordinances of the Township of Lakewood. **(Section 18-806)**

Read by title only for second reading.

Mayor Singer opened the meeting to the public.

Bill Hobday – Stated he is trying to make sense out of this Ordinance, as it was reviewed by the Planning Board at their meeting on Tuesday. Basically, what it does is, it takes a non-conforming lot and allows a structure to be built on it, providing that coverage is no more than one third of the lot. If it is a non-conforming lot to begin with, why would they allow a structure to be built. It does not seem to make sense.

Deputy Mayor Langert explained that this is intended to help those people who have, for example, a 9700 hundred square foot lot, in a 10,000 square foot zone, where they are not violating any setbacks. The side-yard setbacks are met, the front-yard setbacks are met; they would otherwise have to go before the Zoning Board for a variance because the lot is that much smaller. They don't need any bulk variances; they just need lot area. This was intended to give them relief.

Mr. Hobday asked isn't that what the Zoning Board is set up to do. If you are zoned, and this is a non-conforming lot, the first step is to go to the Zoning Board of Adjustment to see if they approve of the application. And if it is approved, it would move on to the Planning Board.

Deputy Mayor Langert answered that is correct. If you look through, not one application has ever been denied because of a hardship, because they have an undersized lot that is surrounded by other houses.

Mr. Hobday stated he wishes that this Ordinance would not be passed, because there are too many instances of.....if the Zoning Officer is going to be in charge of these, he is not going to see it, if they go right to the Planning Board. And he thinks that the Zoning Office is the proper place to look at this.

Mr. Lichtenstein stated that he has a question; he was not present at the last meeting. The MLUL states that if someone has an undersized lot, and they are not going to violate any bulk variances, the only issue they have is the size of the lot, you can not deny them the right to build on the lot, with the one condition that they have to attempt to make that lot a conforming lot. And the way to do that is with the "buy-sell" process. He does not know if this Ordinance includes that "buy-sell" process. And if it doesn't, he is personally not supporting it. He asked if it includes the "buy-sell" process. In other words, if you have an undersized lot.... basically what this is saying, is that you don't have to go to the Zoning Board because the Zoning Board can deny you that hardship if you attempt to mitigate the variance by either selling your lot to someone for a fair price, or buying their lot, and combining it to make it a proper size lot. He asked if that is covered in this Ordinance.

Someone answered, no it is not.

Mr. Hobday stated this was a two step process. The first scenario that came down was that if it was a non-conforming lot, and you have a structure on it, it provided that as long as you were adhering to setbacks, you could improve that, or add to the structure. But this is a lot, sitting out there with nothing on it, and this would allow them to go right to the Planning Board, and ask.....

Deputy Mayor Langert added.....to build a single-family house.

Mr. Hobday continued...yes, that does not seem right. That is why we have Zoning Officers. He requested that the Committee deny this request, and send it back for additional legalese in it.

Charlie Cunliffe – Asked if there is a minus ten percent provision that they put in when they adopted the UDO. Isn't there some type of provision that if it is slightly undersized that there is a way that a single-family house can be built.

Someone answered, no.

Mr. Lichtenstein answered that he thinks what they did, maybe, was that they set the bulk variances less by a couple of percentages. However, permission to build....they did not just say you can build on an undersized lot.

Mr. Cunliffe stated that Deputy Mayor Langert's example would be fine. A reasonable person, or a Zoning Officer, could make that decision. If you had 9800 square feet, in a 10,000 square foot zone, but you meet all of the other requirements...but what he is afraid of is that, what it looks like, if you had a 6800 square foot lot in an R-12 zone, and

somehow you could shoe-horn a 19,000 square foot house in, and meet the setbacks, you could build a really good size house on a severely undersized lot. And he hopes that the Committee does not go down that path. He would ask that they vote no.

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

Mr. Lichtenstein advised that he knows that Deputy Mayor Langert has worked on this Ordinance, but he was wondering that if they voted to accept this, but to include the "buy-sell" letter, the requirements from the Municipal Land Use Law that says that the Zoning Officer has to be satisfied that.....that was met....

Someone stated you can not do that....

Mr. Lichtenstein asked, they can not do that? It is the law.

Mayor Singer stated that he believes they can not do that legally. You can not subvert the Zoning Board, and put Zoning Board requirements on something else.

Mr. Bathgate explained that what this does, as a matter of fact right now, the existing Ordinance provides that an existing residential building on a non-conforming lot may be increased in size, provided that the residential building, as altered, meets all of the setback, lot coverage, and height requirements of the then current zone. The only change to the existing Ordinance is a new Ordinance which says simply that a single family residential dwelling may be constructed on a vacant non-conforming lot provided that the single family residential building meets all of the setback, and height requirements of the then current zone, the maximum lot coverage requirement for a non-conforming single family residential lot shall be 35% which is provided elsewhere as well. It just addresses a situation where there is a vacant lot, that you can build a house similar to other houses already there as long as you meet all the setback requirements, the height limitations, and the lot coverage. It has been given to the Planning Board for their review and the Planning Board unanimously approved the Ordinance after their consideration of it, at their last public meeting.

Deputy Mayor Langert requested to address Mr. Cunliffe's comments about a smaller size lot. The requirement that you not build more than 35% of your size lot still remains. So in a case where a lot was 6800, the person would be precluded from building a "large house". It would be precluded to about 1900 square feet which would fit something on the lot. That is in the Ordinance. This just gives relief to somebody who has a vacant lot, and they do not meet the bulk size requirement. With deference to Mr. Hobday, the Zoning Officer, does not approve a 9800 square foot lot, in a 10,000 square foot zone. They send it to the Zoning Board. This Ordinance was intended to give relief to those people who would not be asking for any other variance other than lot area at the Zoning Board. If you do not feel comfortable, if you would like to carry it until they can clean up some of the language, he is OK with that as well. The existing Ordinance already allows someone to take down their house and replace it. So if they have a vacant lot, it makes sense to allow them to go ahead and build on it. That is all this Ordinance was entitled to do.

Mr. Lichtenstein asked that this Ordinance be carried. And what he would be looking for is that the Zoning Officer has to be able to refer something to the Zoning Board, and that you really made an attempt to do the "buy-sell" process.

Deputy Mayor Langert agreed to continue the Ordinance, and have a meeting with Mr. Wouters, to make any revisions to it that are necessary.

Mayor Singer stated that if you have to change the Ordinance, and you think you have to put in the "buy-sell" process, the Ordinance becomes useless. Because who determines that; that is why you have a hearing at the Zoning Board. If you are going to change the Ordinance to do that, leave it at the Zoning Board.

Mr. Bathgate stated this was actually intended to stream-line the process, because as a practical matter, trying to not grant a hardship variance is impossible. But as Mr. Lichtenstein just said, you have to go through everything when you go there, provide expert testimony, tie up their agenda with showing that it does not violate the intent and purpose of the Master Plan, it is not going to denigrate or reduce in value other properties, and the people who own a house can expand it anyway the same way. This is only for a vacant lot in a non-conforming zone, because there were a couple of circumstances where this came up, and trying to get on the Board of Adjustment agenda, and going through all of the application process...

Mayor Singer added if they were trying to change it to require proof of that...who hears that. Now you create a whole other issue. Who is going to make that determination that you made a good faith effort to buy that unless you are at the Zoning Board.

Mr. Lichtenstein stated that most times, at the Zoning Board, there was a "buy-sell" letter where one neighbor said they do not want to buy, the other neighbor said they do not want to sell, and that was the end of it. You don't need any expert testimony for that. The only time you need expert testimony is if there is a discussion in the "buy-sell" as to what the value of the land is.

Mr. Bathgate stated that you have to testify under oath, and there is a public hearing, and a witness has to stand up and say I tried to buy my next door neighbor's property on the left, on the right.

Mr. Lichtenstein answered, not when he was on the Zoning Board. They accepted a letter.

Mr. Bathgate stated that typically what happens is somebody is testifying. And the attorney will present the letter to him.

Mayor Singer asked what is the feeling of the Committee.

Deputy Mayor Langert stated he worked on this Ordinance because you can take a house, throw it down, on a non-conforming lot, and rebuild it as long as it meets the bulk requirement. It was pointed out to him, that if they allow that for a residential house, it just makes sense to allow it for a vacant lot. They are not allowing them to build over what they would get if the lot was conforming. The bulk requirements remain the same. Obviously he has no problem with this Ordinance. He apologizes if he is not explaining it as clearly as he could.

Mayor Singer asked what is the pleasure of the Committee.

The above Ordinance was offered by Deputy Mayor Langert, second by Mayor Singer.

On Roll Call – Affirmative: Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

Negative: Mr. Lichtenstein

**Ordinance No. 2009-28 adopted on second reading and public hearing.**

**ORDINANCE FIRST READING - None**

## **CORRESPONDENCE**

Per attached list of two (2) correspondence items, attached hereto and made a part hereof.

## **PARKS AND EVENTS CORRESPONDENCE**

Per attached schedule of seventeen (17) items, attached hereto and made a part hereof.

Motion by Mr. Coles, second by Deputy Mayor Langert, and carried, to approve the above correspondence items.

### **MOTION TO APPROVE BILL LIST OF: 06/02/09**

Motion by Mr. Coles, second by Deputy Mayor Langert, to approve the above Bill List.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Bill List approved.**

## **COMMENTS FROM COMMITTEE MEMBERS**

Mr. Lichtenstein thanked Mayor Singer, and Mr. Miller, and everyone else who worked so hard on the Memorial Day Parade and festivities.

Mr. Miller recognized and thanked Sheldon Wolpin for his hard work on the Memorial Day festivities.

Mr. Coles also thanked the parade crew and Elva Fegan who worked along with Mr. Miller.

Mayor Singer thanked Mr. Miller for his hard work on the Memorial Day Parade.

Mayor Singer also advised that he received a letter from a company who is interested in doing some grant procurement services for the Township. He gave the letter to Deputy Mayor Langert to meet with them, and report back to the Committee. He feels they may be missing out on some grants that might be out there.

Mayor Singer also thanked Mr. Edwards and the professionals for their work on the Budget, especially in these tough budgetary times. They really did not want to raise taxes this year. There is no member of the Committee who wanted to do that. They found no way not to based on the circumstances. He wishes they could say differently. It is certainly something he is not happy about. If the economy does not get better, he can not say the same for next year what will happen with staffing, etc. They have serious problems. And there are some reasons, and he will not go into it tonight. He just wanted to share with the public that everything is in proper perspective. He continued with comments regarding the school budget. And further commented on the Ordinance regarding building single family homes on non-conforming lots.

Mr. Lichtenstein asked Mayor Singer if he wanted to request the Attorney to look into doing a permitting process for people to put up signs around town.

Mayor Singer commented that someone came to them about the fact that every place you look there are small signs around town. People just illegally put them up all over the place. Someone suggested that they do it by permit, and therefore you would have a permit, and an expiration date by which to remove them, and they would know who to contact to remove them. They could limit the amount of permits granted each week for that.

Mr. Lichtenstein stated it was more of a control process, to give people a way to do it properly.

Mayor Singer asked Mr. Miller to contact Mr. Bathgate's office and explain what they want to do. Mr. Miller will also consult with Mr. Lichtenstein and together they will look at this.

#### **ADJOURNMENT**

Motion by Deputy Mayor Langert, second by Mr. Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 8:38 PM.