

**LAKWOOD PLANNING BOARD
SPECIAL MEETING
MINUTES
JANUARY 30, 2007**

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Franklin, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Klein, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

The Planning Board Engineer and Mr. Slachetka were sworn in.

4. NEW BUSINESS

1. Discussion/Adoption of the Re-examination report of the Master Plan & Unified Development Ordinances

Mr. Banas said they were into the environmental section of the master plan, section F, page 63.

Item G – HOUSING - The goal is to meet the affordable housing requirements set by the council on affordable housing.

Mrs. Wise is on the housing authority and is recusing herself from this section.

Mr. Neiman asked if the affordable housing council set this goal and Mr. Banas said yes. Mr. Slachetka said the council of affordable housing that is being referenced is the New Jersey Council of Affordable Housing, a statewide agency that establishes affordable housing obligations by region.

Mr. Banas opened the microphone to the public

Seeing no one, Mr. Banas closed this portion to the public.

Motion was made by Mr. Miller, seconded by Mr. Franklin, to approve this section on the COAH requirements with the objectives

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

Zoning Area- modify the Lakewood Unified Development Ordinance (UDO) to encourage affordable housing. The 2 objectives are to allow an affordable housing density bonus for developers and to explore and encourage mixed use developments.

Mr. Neiman asked about the bonus for developers and Mr. Slachetka said this would not be requiring a density bonus for any developer who came in and suggested they would build affordable housing but the UDO would have provisions in the document to create opportunities for the creation of affordable housing consistent with the housing plan now and the fair share plan for the township. It would probably be best if the planning board agrees with these objectives as to provide a clarification that will be only consistent with the housing plan. It would ultimately have to come in front of the planning board and be reviewed and adopted as part of the master plan sometime in the future. Mr. Banas said coupled with that as well is item #1 which the board was dealing with this type of thing and that was rejected by the planning board. Mr. Franklin asked what bonus means in this sense, one unit or double unit. Mr. Banas it might be a double unit. Mr. Neiman asked what is considered an affordable housing project, is there a zone for it, can any developer come in and say they are building one, etc.? This is very vague. They need clarification. Mr. Banas said there are no provisions in the UDO as of yet.

Mr. Sernotti said the groups that are in the affordable housing projects have been given properties and have produced plans to go along with the COAH regulations. The COAH regulations state that a house can't be sold for XX amount more than it was bought for some 30 years. As the years go by, a person can increase incrementally their profit but based on the COAH guidelines. So a person cannot buy a home today for \$100,000.00 and then next month sell it for \$200,000.00, they have to live in it a certain amount of time, and as the years go by they can increase it so much.

Mr. Neiman asked if these were specific properties, and was told that for the COAH requirements, yes.

Mr. Slachetka said this draft was prepared along with a draft housing and fair share plan that would ultimately be presented at the planning board, and as part of the COAH's regulation at the time, there is a requirement to establish to address their affordable housing obligations as a portion of new development that occurred in the development. Since this master plan reexamination draft, they have prepared a draft housing element which evaluated the obligation of the township and calculated the projected growth share for the township. They also looked at various credits and reductions that the township

was eligible for based on existing affordable housing and when you look at all the numbers, the township had a net surplus of affordable housing pursuant to the standards under the council of affordable housing. Last week there was an appellate division case that overturned some of the critical elements of the COAH's growth share methodology and put a 6 month moratorium on processing municipal applications for approval by COAH. So when we were talking about the initial goals and objectives that was in the context of assuming 2 things; 1st of which the growth share methodology was in place and constant, which has changed, and 2nd , the time when this was being prepared they hadn't yet reached the point to look at the numbers. So what the intent is to provide a general objective in saying the township would pursue a course of action which would protect itself under the 3rd round growth share methodology and providing for opportunities consistent with whatever is proposed or adopted housing or fair share plan would be to provide that affordable housing. That is why it is general in nature and does not provide sites and types of bonus.

Mr. Banas opened the microphone to the public

Mr. Hobday has a problem with this, not only because it was extremely vague, and he thought the case was a supreme court decision, and Mr. Jackson said they were both right. Mr. Hobday said Lakewood Township has been wonderful with affordable housing, but when are we going to start some middle class housing, taxpayers to enhance the tax rates. That would stabilize our rates. We can't take everyone's burden into Lakewood, and with the land tracts diminishing he would like to get as much for the land as we can. If our objective it to modify the UDO to encourage affordable housing, that gives the emphasis that we should just continue to do that but for how long? Mr. Banas said not necessarily. Mr. Hobday said this does not get into how long might we do something, to what extent, and what percentage would be do that. We should have mixed use developments within a zone as opposed to anywhere in the township. On our boundaries with Toms River and Jackson and Howell and Brick, there should be some kind of a scenario that says these are the outlying areas and therefore the density in those areas is not going to be as extreme as we might have downtown. If we start putting high density everywhere, it doesn't serve the purpose of the downtown, we can't have a 25 square mile downtown. That zoning has not been taken into account, He thinks this is wrong and does not serve the residents of Lakewood, and he thinks we should set this aside and get more specifics on it.

Morton Gudel, was sworn in. He asked if it was true that there is a percentage of affordable housing the town is required to have and Mr. Slachetka said it varies on the ground and cycle 1 and cycle 2 combined and an assigned numerical obligation identified by the council of affordable housing. The quota was 1 affordable housing unit for every 8 new market rate units that were created and 1 affordable housing unit for every 25 new jobs created, but base on their calculations they made the determination that based on existing affordable housing within the township, the township has addressed all its need with regard to cycle 1, cycle 2 and ground 3 growth share as we calculated the obligation. However, with the appellate division case, that COAH may come up with a modified growth share methodology or it may go back to assigning need to municipalities, but there is not a specific percentage that is assigned to each municipality. Mr. Grudel asked if it was true that other municipalities that donate their low housing to other municipalities, and

Mr. Slachetka said they sell it or transfer their obligations (regional contribution agreement) and Lakewood has entered into preliminary contracts with 2 municipalities, Manalapan Township and Ocean Township as a RCA recipient to receive those types of funds from those townships. Mr. Gudel said he thought we were on the wrong end of the stick.

Mr. Simons had a question for Stan Slachetka and said his 2 RCA's he quoted is closer to 12. The township has approved close to 12 exchanges already.

Gerry Ballwanz said it is her understanding that when Lakewood receives these RCA's this does not reduce any obligation we may have in round 3 that if we do require to have any affordable housing units, it is over and above these 600 (or 400) units that are being planned in the affordable housing zone and there is a question of how far does Lakewood want to keep going with this if we are already accepting other town's contributions then we have our own to add upon it, where are we supposed to put these units if we have already taken so much land out of the vacant land. Mr. Banas said he is sure the town fathers in their wisdom have reviewed the situation and determined that there was sufficient land for that purpose. Mr. Ballwanz said there are 4 parts of this housing section she agrees with Mr. Hobday with regards to the bonus and said it should not be done at this time. Mr. Banas said they will be exploring it more. Mrs. Ballwanz said maybe it should be scrapped from the objectives.

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

Mr. Franklin said he has a problem with this, maybe not the goal but the 2 objectives he would be against at this time because they are not defined well enough. Mr. Neiman agreed with Mr. Franklin.

Motion was made by Mr. Franklin, seconded by Mr. Neiman, to approve the goal but hold the 2 objectives for further study

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

FINANCIAL MECHANISMS – The goal is to use financial sticks and carrots to encourage desired residential development. The objective is to institute mandatory development fees to generate funding for affordable housing. Another objective is to use tax credits and payments in lieu of taxes (pilots) to encourage the construction of lower income households.

Mr. Slachetka said if a community either has an approved affordable housing plan or files a housing plan or petitions COAH for a grant of certification, then a municipality can adopt a mandatory development fee ordinance in which new developments are charged a fee, typically for residential developments, 1% of the equalized assessed value of the development within the proposed development and for non residential developments, 2% of the equalized assessed value of the ultimate development. Those monies generated can be used for a variety of different affordable housing purposes including the rehabilitation of existing affordable housing units within the community bringing existing

units that are occupied by low income households that are below code standards up to code standards to provide affordability assistance to low and moderate income households and other activities that are permitted under COAH regulations to help implement the town's fair share plan and to address affordable housing needs. The second goal and objective relates to a variety of state and federal programs that are available to help fund low income affordable housing developments. The type of program, whether tax credits or payment lieu of taxes is dependant on the nature of the affordable housing that is being funded. The tax credit process is a very complicated process and there are experts out there that know this in greater detail. The idea is to identify these as possible sources of funding for affordable housing.

Mr. Franklin said it sounds like the developer is going to pay these things, but that is just not the way business works. These are all pass-throughs to that guy that is going to buying that house. There are a lot of young people that are going to try to buy houses and they are stretching to be able to buy that house, and now you throw on those extra taxes on top of that that he will be paying, not the builder. We have to watch what we are doing here, this is reaching out pretty far.

Mr. Klein asked if these fees that will be levied against the developers and that those fees would be passed on to the consumer and Mr. Slachetka said yes, that there are a number of municipalities that have adopted these development fee ordinances and are typically used to fund a municipality to address their affordable housing obligations pursuant to the community fair share plan. The way it works it somebody comes in with a development application, they are required to pay 50% of whatever assessed fee of estimated fee that may be and then pay the remaining upon the granting of the building permit. Whether or not they are passed through or not as with any fee, there is always a potential for it. It becomes a policy decision by the municipality and they do not have to do a development fee ordinance if they do not want to do so. Mr. Klein shared the same concern as Mr. Franklin who stated whatever it is going to cost you to build a house, you are going to take your profit off the top first thing, then you are going to take the rest of the money and that is what is going to happen. Mr. Klein asked if we are also stepping on a slippery slope by redistributing monies from the developer for the purpose of a second party benefit which would be for affordable housing. Mr. Jackson said he thought that was what Mr. Franklin was alluding to and Mr. Slachetka said what was required was for the township to petition the council for affordable housing for approval of its plan. The structure has been affirmed by the courts and is not seen as a pass through to a third party.

Mr. Banas opened the microphone to the public.

Mr. Hobday said he hated to be a cynic but he feels this is really draconian. We don't even know how to do this, other states have figured this kind of carrot and stick process out. Florida, in order to stabilize its' tax base, when one applies to create a new development, they take that district, which is run by the county, that the infrastructure needs to be improved first; and that is the roadways, sidewalks, electricity, sewer and water has to be brought to that district prior to approval of the development. This is not part of your tax structure, the residents pay regular taxes but they float a 50 year bond that only the residents of that area pay that bond down. Of course when they sell that house, they sell that obligation to the new homeowner. That makes sense and that stabilizes taxes for all of the homeowners in that community and the new owners pay off for that restructuring of

the infrastructure that would allow them the quality of life. With these objectives, the first thing that blinks at him is the word desired. Desired to whom? That is not a goal, that is just a word and the objectives don't get into anything specific that a governing body can enforce. These financial mechanisms are just words on paper, you can't take money from one and give it to another. He would ask you to reject this outright. Both the goal and the objectives.

Mr. Banas said he heard something differently from Mr. Slachetka. He said he indicated the plan was one that needs and gets approval from COAH that has to be submitted to them, it has to be followed in direction as indicated. Apparently this is carried out in many communities within the state. Mr. Slachetka said it has been used for about a decade and a half and there have been court determinations on this. It is also important to understand that ultimately has to be made by the planning board and be adopted as an element of the master plan, but it doesn't have to be made now, in fact can't be made now, because by adopting this you do not adopt a development fee ordinance, that is important to understand. For the public's perspective, the ordinance would have to be approved by COAH and there is a model ordinance that is available on the COAH website that typically municipalities use. Municipalities have the opportunity to exempt certain types of development, whether it is certain zones or areas or types of residential or non residential developments, and typically municipalities will exempt 1 or 2 lot subdivisions, minor subdivisions or expanding a single family home, those are typically exempt by municipalities. The ordinance needs to be approved by COAH pursuant to its' structure and model, and once COAH approves the ordinance, municipalities may begin collecting development fees from private developers; however, they can not spend those monies unless they also have approved by COAH a development fee spending plan, which is regulations and requirements for the expenditure of such monies and they are strictly enforced and monitored on an annual basis for both collections and expenditures. The township doesn't have to make a decision on this until the housing element and fair share plan is presented and we know what the requirements will be when COAH comes out with its' new methodology. This recommendation for exploring mechanisms does not obligates either the planning board or the township to do anything other than review and look at what financing options pursuant to COAH regulations may be out there.

Mr. Banas said one other item he wishes to comment on is the scenario that was used about the state of Florida. Cedar Bridge Development was done in exactly that fashion, and we are doing something that is in the right direction. The infrastructure, streets, sidewalks etc. are already in place before any development goes on. Mr. Hobday said that is the way it should be for residential. Cedar Bridge Development is a different animal all together in that it is intended to be a corporate park and you can't invite corporate tenants in without it. If we had the fortitude to do that with housing, we might have a street that we can drive down and a sidewalk and we wouldn't be burdened with the extra taxes for helping finance that new community, it would be tax stabilization and let that community pay for their infrastructure. If everything we do is based on encourage desired residential development the idea, it is inviting development without the infrastructure. When we hear the county wants to cut taxes, it means we will not be getting additional roadwork in Ocean County. He has nothing against development, but we have to do it smart and we have to provide an infrastructure so when the residents come, they can actually get out of their driveway. If we don't, we are kidding ourselves by continuing high density residential development.

Mrs. Gill wanted to talk to Mr. Slachetka, and said if we are collecting money from the developer, does COAH say it has to come back to use for more affordable housing? Mr. Slachetka said it doesn't have to be used for more affordable housing, it can be used to address the existing obligation for affordable housing, address the need to rehabilitate existing residential units that are currently occupied but below code, or used to provide affordability assistance to existing low and moderate income households. It could be used to support existing or proposed affordable housing projects in any number of ways; to reimburse the township for expenses that it incurs in administering its' existing affordable housing programs, including administration of any rehabilitation programs, or other such programs in the community. It is not a mandate to construct more affordable housing but provide financial support for the township's existing affordable housing activities. Mrs. Gill asked if it can be used to build more affordable housing and Mr. Slachetka said it could be used for any method of affordable housing permitted under COAH regulations. Her opinion is it seems like we are going around in a circle with this affordable housing, if we are going to collect money from the developer, and it has to be used for A,B,C,D, E, and possibly building more affordable housing, you are only dealing with only affordable housing, where is our tax base. She just doesn't see this.

Gerry Ballwanz said under these things it will be passed on to the future buyers and she thinks this objective of the mandatory development fees should be deleted as an objective. She thinks these carrots and sticks are probably suitable for other towns that really need to have affordable housing in their towns, but it is not suitable for a town like Lakewood. What Lakewood has done by giving land at a dollar to these 3 affordable housing agencies is doing more than any of these sticks and carrots. Her concern is that COAH says you have affordable housing, what about the COAH that was on Pine Street? This was almost 10 years ago and that means pretty soon those units that were affordable there no longer have to be affordable, because they only had to be affordable for 10 years. When towns give free land, those units should be affordable for 99 years, what good does it do to have an affordable unit that is only affordable for 10 years? That is a far more important financial mechanism for Lakewood than these other things, and that is how long does a unit stay affordable, and she thinks 10 years is too short.

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

Mr. Klein said he likes the concept of looking for financial mechanisms to encourage the affordable housing, but is not comfortable with the objectives because he does not have enough knowledge.

Motion was made by Mr. Franklin, seconded by Mr. Percal, to approve that we hold this entire section until we get more information on it and further study.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

\STRUCTURAL LEVERS – The objectives are to create a Community Land Trust (CLT); to encourage the construction of affordable housing by entering into more Regional Contribution Agreements (RCA's) with local municipalities; create Ocean County Affordable Housing Consortium to share the burden of creating affordable housing in Ocean County; create a plan for emergency relocation in the event of a natural disaster or closure of a large building by building code enforcement agents.

Mr. Slachetka said some these items are beyond his expertise on affordable housing. They look at issues such as community land trusts, etc. and maybe the members of the master plan committee that worked on this could provide some perspective. We know about the RCA agreements that the municipality has entered into. He clarified that the 2 towns he referred to earlier were in round 3 negotiations, not the round 2 ones. He doesn't have enough familiarity on the consortium to comment on that mechanism. With regards to emergency relocation, that would be an issue if a natural disaster would occur and caused a closure of existing affordable housing units.

Mr. Franklin commented about the Community Land Trust, and said the township owned a lot of land already and does not have to get rid of it, we can keep it. The next issue, to construct affordable housing, that is a political issue, and it will be done by the politicians and he doesn't think the planning board should answer that question. Create an Ocean County Consortium, fine to create one, and the last one to create an emergency plan, he says they are always working on an emergency plan, a disaster control group is working on plans now, what do they mean by work on it? He doesn't understand. Mr. Banas said he didn't either. Mr. Franklin said there is a emergency relocation plan that they worked out, it is working because they are closing apartments and they are moving people. This is going on right now. He said if it is a big enough disaster, where are you going to go anyway, you might as well go outside and watch it happen.

Mr. Banas opened the microphone to the public

Mr. Hobday said these structural levers are not even structural levers. To create a community land trust, of course Mr. Franklin is correct, we have land today. Encourage affordable housing by entering into RCA's, Mr. Simons has testified that we have entered into about 12 of them, how many more can we possibly get? Create Ocean County Affordable Housing Consortium; this comes down from the state or county, he doesn't think if Lakewood floated an idea to organize a consortium to share the burden we'd get much participation with other communities. He thinks they would think they are doing their part in this battle. Create a plan for emergency relocation in the event of disaster; well, Mr. Franklin covered that too. He would make a suggestion that this whole page section G on housing, is not even balanced. It is one point and one point only, it deals with affordable housing. A master plan has to have a balanced approach. The entire community cannot be affordable housing. It is a balance of affordable housing, low income housing, middle income housing etc. That is what a community is, and it takes all those elements to make a community. When you put the entire master plan into affordable housing, that is wrong because it is not balanced. When does it stop? Let's get some tax ratables in here. He thinks this whole thing needs to be revised.

Mrs. Gill agreed with Mr. Hobday and also wants to comment on the consortium. Creating affordable housing in Ocean County is contradicting. Here we are saying we want to encourage more housing and get more regional contributions, and the next thing is we are taking a lot of the regionals from the other municipalities. They should both be taken off the list.

Larry Simons said from what he gathered, it seems that no one on the board is really knowledgeable in this particular area from the comments made. How can this board conduct a vote on something that they are not knowledgeable on. His suggestion would be to delay or hold this completely. Mr. Banas said they have asked for a further study on things and they are saying the same thing.

Seeing no one, Mr. Banas closed this portion to the public.

Motion was made by Mr. Franklin, seconded by Mr. Percal, that STRUCTURAL LEVERS be held for further study

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

Item H - SENIOR CITIZEN ISSUES

Development- the goal is to investigate development impacts, especially on the accessibility to Kimball Medical Center on US Route 9 for future zoning ordinance amendments.

Objectives- to amend the ordinance 05-111 to delete provisions for age restricted multi family residential use in the B-5 zoning district.

- to review provisions allowing multi family developments in the B-2 downtown area.

CIRCULATION –

-the objective is to finish the connection of Oak Street between Vine Street and Albert Avenue.

- the objective is to connect New Hampshire Avenue to Route 9 at the Howell border.

- the objective is to create emergency entrance to ingress from gated communities on Shorrock Street.

OPEN SPACE – the goal is to preserve open space

- the objective is to consider acquisition of private lands adjacent to public lands in the vicinity of Massachusetts Avenue between Cross Street and Prospect Street. These are the lands currently zoned R-20/12 cluster and RM zone.

SENIOR CITIZEN AND THE DOWNTOWN – the goal is to facilitate involvement in community life by senior citizens.

- the objective is to encourage façade and other street scape improvements in the downtown area

- the objective is to make seniors feel more welcome downtown

- the objective is to explore avenues with the Ocean County Library for acquisition of land for additional off street parking contiguous to the library.

Mr. Banas asked Mr. Quinn if he wanted to make any comments at the beginning.

Mr. Quinn said he was the chair of this subcommittee. There are 2 issues he would like to discuss. The first is making downtown more welcome. One of the places that brings them in is the Strand Theatre, and the other is the public library. Everyone uses the library. It has been about 6 years since Lakewood joined the county library system and the seniors had a lot to do with that change. Since then the population of Lakewood has increased by the thousands, maybe 10's of thousands, but the facility for parking has not increased a single square foot. The Friends of the Lakewood Library was dissolved because its core membership, largely comprised of seniors, now affiliate themselves with libraries in Brick and Manchester townships, where there is sufficient parking. Land that could have been acquired over these 6 years by the township and county has been gobbled up by developers. There is still some undeveloped property adjoining the library that could provide the necessary space for parking if Lakewood and the Ocean County Freeholders have the will to pursue it. It is time to restore the library to its proper place in our township. On the question of open space, with the acquisition of land in the vicinity of Massachusetts Avenue between Cross Street and Prospect Street. Not one square foot of land has yet been placed in our county's land trust. The triangle formed by Massachusetts Avenue, Cross Street and Prospect Street is one of the few large tracts of upland pinelands remaining in Lakewood. Dr. Michael Gross of Georgian Court University said we should preserve open space, particularly large tracts of land such as the upland pinelands near the Lakewood Fire Tower on Massachusetts Avenue. This is home to all kinds of wildlife.

He asked the board to drive around that triangle of piney woods and see what the subcommittee saw, the opportunity to save for future generations a rapidly vanishing piece of Lakewood.

Mr. Neiman said in the second objective, reviewing the provisions allowing multi family residential development in the B-2 downtown area, is that specific for senior citizens? If it is for seniors, it should specifically say seniors. Mr. Quinn said it was not specific for seniors, but there is a place for that kind of housing between 9th & 10th Street, and if he could he would change it but the way it was written, it was for all housing. Mr. Neiman said in the goal to make it accessible to Kimball Medical Center, do they have any ideas to get to that goal? Mr. Quinn said there are no magic bullets and he doesn't have one.

Mr. Banas opened the microphone to the public.

Mr. Hobday said he likes what the senior citizens issues says, however, he thinks that the open space portion of it is the largest issue of all. Lakewood intentionally created these gated communities on the outskirts of the township. They all are abreast to other townships and when these homeowners bought these probably final homes, they did it based on the zoning that was there and the natural suburban type that they were in. Since that time the master plan is overturning much of this zoning in and around these areas making it something that it wasn't like when most of the seniors bought these homes. One

of the objectives is to consider acquisition of private lands adjacent to public lands in the vicinity of Massachusetts Avenue, and he doesn't know how much of that land is still available but he doesn't think any of it is available. It is in the hands of developers. He thinks the township still owns some measure of that land and that is the most prominent place to preserve as much of Lakewood Township natural forestry as possible. He thinks that is a great objective but doesn't know if that could be accomplished, but if the township was serious about trying to do some of these objectives and trying to preserve some land for future generations, this would be an ideal place to do it. There is a part on Shorrocks Street that is in the land trust. It was put there when Marta Harrison was mayor and that goes back to 2002? There was about 75 acres put in that, and he asks for that same consideration for Massachusetts between Cross and Prospect Streets. He thinks that they board should look at that area as a possible place that we should put as much of this as we can into a land trust and keep it there and preserve it. It is about the only area left.

Mrs. Gill said she really feels the township has not done enough to protect our lands, our open space. The town owns quite a bit of land on Prospect Street and she did notice that a few investors could possibly be contiguous owners if anything should occur. She is encouraging, if we can't save it on Massachusetts and Cross, to see Prospect Street saved. We should be putting it into trust. Trees help us with our oxygen. The library also needs parking. We have the Strand Theatre, but we need a good restaurant. One that is open at nights and weekends. You can bring more people into this town with it. She would like to see bigger and better shows at the Strand, because Red Bank is really pulling them in.

Marilyn Fontanetta, 1188B Clydebank Court, Lakewood, was sworn in. She said the issue of preserving open space is extremely important to her and many people in her senior community.

She implores the board to keep the woods in Lakewood in fact, and not just in name.

Diane Reeves said there are a few things that would scare off the senior citizens and other residents as well from the center of town. The overwhelming day laborers throughout Clifton Avenue and the bicycles that are locked up on poles on Clifton Avenue. The town center has no seating or tables for sitting but tables to give out clothing for the day laborers. To give seniors and other people in Lakewood more comfort would be to clean it up and make it more safer and more accessible with parking, etc.

Amelia Squeo said the goal to preserve open space deals with Massachusetts between Cross and Prospect. Her concern is that in December's meeting there was a recommendation for rezoning a portion of the R 20/12 cluster zone at the northwest corner of Massachusetts and Cross St. Is that the same piece of parcel that we are talking about now? Mr. Banas said that was turned down, but it was just the corner of Massachusetts and Cross St. Mr. Hobday hit the nail on the head, most of them bought homes here with the intention of not moving again, and density is the biggest issue that Lakewood is experiencing now. Give the seniors a little bit of consideration, that is all she asks.

Christine Abrams talked about the development part. She thinks that until Route 9 issue is addressed, nothing you suggest here is going to make a lot of difference. Unless Route 9 is improved, finishing the connection from Oak Street from Vine to Albert Avenue is not

going to make a lot of difference because you still have to turn onto Route 9 to get to the hospital. With the Route 9 problem that continues, that will spill over into her neighborhood. She understands the need for a quicker way to get to the hospital, but until Route 9 is improved, the problems will continue. As far as preserving open space, there is area in her neighborhood which should be added to this list. Will the planning board encourage the Township Committee to create an ordinance to encourage the streetscape improvements downtown, so when a building is sold and a new owner goes in they just don't go wild and paint? Mr. Banas said the board can not go and insure that ordinances will be written in the way the board wants. If they indicate that these are items of concern, they would search for means of following those items.

Larry Simons said he wanted to reiterate what the speakers before him and said we have an opportunity to preserve a major piece of land and he implores the board to exercise their quasi-governmental powers and place this property in trust. Please protect this open space for generations to come.

Mike Sernotti said while he agrees Route 9 is a mess, he doesn't think that would be a reason to not put Oak Street through. Currently Vine Street is planned to be a bypass to Route 9 (an alternate route) and they are talking about going all the way from Route 70, up Vermont Avenue, west on Essex Street to Vine Street, north on Vine to Washington Avenue and pick up Pine Street and eventually get to Cedar Bridge Avenue. The board should know that currently only 1/10th of a mile is left between the improved Oak Street and Albert Avenue. There are schools down there now, and while he agrees that Coral Avenue has a lot of traffic, Vine Street has a lot of traffic as well. We have to share the burden of circulation. Oak Street needs to go through to help circulation between Albert and Vine. Mr. Banas said they built Oak Street because it was the only access between east and west and it was done with that in mind.

Brian Flannery said he concurs with Mr. Sernotti and said these other things need to be done.

Gerry Ballwanz said she doesn't think the town will consider buying any of the private lands, but the question is the town owns a lot of that land in the triangle, but what the planning board did with the master plan of 1999 was made the decision to change the zone on that area to multi family. But there was a conflict because the environmental commission said this should have been kept as uplands as a special area to be preserved. This land, if it is owned by the township and zoned multi family, would be a big temptation to sell it, it is valuable land. This board should set it straight that the land in that area and should put it into a land trust or keep that as an open space area. What is confusing or disturbing to her is that when the UDO was adopted, 6 years after the master plan was approved by this board, those are the ordinances that enforce what the planning board and master plan have suggested and make them legitimate; however, in the UDO there was only a little thing that had the new rezoning map and that is what showed this areas being rezoned as multi family and cluster zone. The way the township adopted that UDO was faulty but it is important that this board says there is so much of that forested land in that triangle that it should be preserved and that the multi family designation should be removed and preserve the trees in that area.

Mitch Dolobowsky, 19 Kings Court, was sworn in. He stated this is an interesting section. Saying the triangle should be preserved is very nice but honestly, the majority is owned by private citizens who have plans for it, schools own it and there is industry in it now and residential is going in it now. A small portion of it, the northeast corner was rezoned multi-family and that was the only portion that was. Rather than make the broad stroke statement that we should preserve the entire area, we know that that can't be done, lets suggest that the township committee look strongly at creating another park on that portion of town. If you approach it that way, maybe it is something the township can accomplish. He agrees with the circulation comments made by both Mr. Sernotti and Mr. Flannery. He doesn't think we will see Route 9 improved in his lifetime.

Mr. Quinn had additional comments. He would like to endorse what Mr. Dolobowsky said, there area a lot of private lands in that triangle and there are some pubic lands, and whether it is a park it would seem that the township committee could empower a task force to take a look at this. Find out how much of this is available and come up with some way to preserve some green in that area. It is all in striking a balance in this township, density open space, etc. Changing ordinances is a serious matter but the reason that was said (delete provisions for age restricted multi family residential use in the B-5 zoning district) was because we have to look at where the building is going and assume as you move out of the downtown area, the density should be less.

Larry Simons said the suggestion of putting in a park on Massachusetts Avenue sounds wonderful, but being the suspicious mind that he has, he wonders if the suggestion would fit in with all the proposed schools and residential housing that goes there. Mr. Banas said he didn't think that is what Mr. Dolobowsky had in mind and Mr. Simons said that is his opinion.

Mr. Hobday said nobody is suggesting existing buildings be taken down, but he does think that the planning board should make a suggestion that there be a moratorium that we establish a committee to look at that triangle, determine where the ownership is, and do some possible land swaps to make enough contiguous area for something like a park or open space, etc. People are very concerned because it is the only area left. He suggests preserving as much as they can, on whatever is not built on, and the township has the authority to do that, with eminent domain and other issues they can do to preserve it.

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

Mr. Banas said there were a few things they needed to discuss and the first thing is to dispose of the open space and asked if there were any suggestions in terms of the open space.

Mr. Neiman said he heard what everyone said about open space in that area, but agreed there was not much left, and liked the idea of a park, which is needed in that area. He would like to recommend that to the Township Committee to create a park with whatever open space is left in that area, and that is his suggestion. Mr. Franklin agreed with that, we have enough land in there without buying anything, and he doesn't think we can afford to buy anything. Don't sell the land the town has and see what it really amounts to. Mr. Banas said he would like to see how much land is there before they make a suggestion to

so something with it, it is a little premature because we don't know how big it is. We could ask the municipality to ask their engineer to go and find out what is available and contiguous. We might have more than a park, and if that doesn't work, we need our own land trust, instead of giving it to Ocean County.

Under development, Mr. Neiman recommended reviewing the provisions. He wanted more parking in the area of the library, and Mr. Franklin said he thinks the township owns the property next to the library. Mr. Franklin said he would like to see Oak Street extended. He said they also spoke to the county about New Hampshire and to get that piece of New Hampshire and tie it in to Kennedy Boulevard, but there is a piece of wetlands there, but possibly through some land trading something could have been done. These are important things that need to be done. Mr. Banas said they should encourage the extension of Oak Street. The other would be to extend New Hampshire Avenue and the board should pressure the county to do that.

Mr. Slachetka wanted a clarification on the open space. It is his understanding that they would be changing this to say consider the use of public lands in the vicinity of Massachusetts Avenue between Cross Street and Prospect Street as a future public park. Mr. Banas said no, that the recommendation should be to have the township engineer determine how much township owned land is available and then develop that for the interest of open space or passive or active recreation. Mr. Slachetka said if the board was making this recommendation, it probably would be appropriate to make it in the recreation open space section and the circulation items should be appropriate in the circulation section.

Motion was made by Mr. Franklin, seconded by Mr. Klein, to approve this section on the recommendations made by the board and the comments made.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

The motion would read this: that the board approve all on page 65 as recommendations for the master plan with the exception of the item dealing with the way the board said it was going to be on open space, the road of Oak Street, and the through road on New Hampshire Avenue.

Mr. Franklin said they did not go into the emergency access on Shorrock Street, but that is something on private land and there is an emergency exit going out the back side and through the water company.

Mr. Banas wanted a re vote so there would be no confusion.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

Item I – UNIFIED DEVELOPMENT ORDINANCE

Mr. Banas said the subcommittee on the UDO had a task to review the ordinances that were presently written in the fashion that it is. There was not attempt to do anything else other than point out what the errors or problems were in the existing UDO. The UDO was compiled and approved in a cumbersome way and it took a long time to develop. The items they have listed in the UDO are those items that need to be reviewed, not by this committee, but by the municipal government.

The first section dealt with definitions, and we could add one more: Mid rise houses which came up and the board has not definition as to what it is. There are items that are listed here that indicated the specific item dealt with the professionals dealing with the UDO because it was difficult for the board to come up with a determination. The board cannot change the UDO but can alert the township committee that these area problematical and need to be reviewed.

Mr. Slachetka said on page 73 one of the recommendations (#27) addresses all the components of this section which is to create an advisory committee consisting of planning board members and Township professionals to guide and assist the implementations of the revisions to the UDO after adoption of the master plan reexamination report. That language should be a preference to the entire section because you are recommending you evaluate further. It is important to understand we don't have the answers to that today, and if anything should be changed or how it should be changed.

Mr. Franklin said that was a good idea.

Mitch Dolobowsky said most of what the board has in front of them is recommendations for the Township Committee to look into. There were some cases where recommendations were made. You may want to review just those few things, but in the majority of cases they said there was a problem and to look into it.

Mike Sernotti said some of these things came up as problems presented to both the planning board and zoning board. They were definitions that were not clear and it forced the 2 boards to make decisions for applicants that could maybe stretch the imagination. This particular case, these items need to be clarified by professionals and the Township Committee.

Brian Flannery said they summarized it pretty well and said the important thing is that these go to the Township Committee and they have their professionals look at them, address the issues and then send them back to the planning board for their input before it goes forward with ordinances.

Mr. Banas said the next part is the board's part. Should we have added anything else to this section. Mr. Percal said there were several items, item #1 because of safety issues, he would like to eliminate hammerhead turns in favor of cul de sacs. Mr. Franklin said he was not sure he could do it, because it is recognized by RSIS. Mr. Slachetka said to the extent that such types of road configurations, that is the regulations that govern residential

development and subdivisions. The Township cannot go beyond it and go less than that except in some unique circumstances allowed. You can't prohibit something that necessarily is permitted pursuant to RSIS. Mr. Banas asked if it was possible to word the language stating Lakewood encourages the use of cul de sacs in lieu of hammerheads, and Mr. Jackson said he would recommend using language stating hammerhead configurations be discouraged. Mr. Slachetka said it could be expressed in such a way that the board states their concern on hammerhead cul de sacs and is recommending that the Township Committee study and make recommendations what could be in the ordinance to discourage such configurations. Mr. Percal said it might help if it is stated it is for safety purposes. Mr. Percal said #2, he thinks flag lots are an abomination and he thinks that the idea that somebody has to walk down with trash is inhuman. He thinks it is a mistake to begin with and asks the professionals to word it in such a way that it would fly. # 3 Mr. Percal said with the applications, there is always an issue with parking, with basements, with the inhabitable attic and the growth issues, visitors, etc. and in some cases the use of land for the sake of building has be such that the entire parking is off street. He would like to make a recommendation that not more than 50% of the required parking for a particular unit be on street. It would take pressure off the inside of the development. Mr. Jackson said what he thinks he means is not more than 50%, but what they should do is raise the standards above the RSIS which is what the UDO has done in deeming apartments with basements as an additional unit. Mr. Slachetka said you can't do more or less than the RSIS when the standards are defined. When the circumstances are more than the RSIS standards, the board does have discretion based on the local circumstances to make a determination based on public health, safety and welfare as to what would be appropriate and the board has that authority. The board may want to consider and have the Township Committee evaluate the issue and make recommendations as to a more uniformity in those standards. Mr. Jackson said going to other planning boards as an applicant, there are other things they could do on a site plan to require more parking, bigger turning radius, bigger areas for dumpsters, etc. make islands, more landscaping, and less units, that would add more spaces.

Mr. Neiman said when you have a development that has over XX amount of units, a community dwelling or center should be part of that application. The number he uses is 25, so anything that amount or greater should have some sort of criteria to require a community center. Another issue he has is the private roads vs. public roads, and asks for the criteria to determine such. Mr. Franklin said it is the size of the road, no right angle parking to it, the way the drainage is configured, if the drainage is running out of the lots and into the roads drainage system, that will plug it up because you can't get onto private property to clean the yard drains. Mr. Neiman finds some of these developments have roads that are really narrow and that is a safety issue, and there should be some type of standard. Mr. Banas said they could make those changes in the site plan. Mr. Slachetka said maybe the Township Committee could review the standards for private roads and modify those with issues such as width, sufficient parking and safety be evaluated. Mr. Percal said there is one more issue he would like to bring up and that is one the board has been asking the developers and that is developments above a certain size to have playgrounds and wants feedback from the board on a minimum size that would require the developer to provide some play area. Mr. Franklin suggested 12 or 15 units, and Mr. Neiman agreed. Mr. Banas and Mr. Percal agreed with 12. Mr. Klein said 10 but he would agree to 12. Mr. Percal asked Mr. Slachetka to help him word that. It should go along with the requirements for a community center.

Mr. Percal had a question, with projects that are already in process that did not provide for a playground, if this board recommends this is required, what happens then? Mr. Jackson said the approved developments are protected for a certain time period against changes, if they were to build it during the time period, 3 years and then 2 one year extensions for site plans and subdivisions. It would not have a retro active effect.

Mr. Klein said when we have application with private roads, is there a mechanism in place for future buyers to inform those buyers that the roads are private. Mr. Jackson said they could put it in their offering statements and contracts, but how enforceable he does not know. When people buy into a community with a private road, if they do their due diligence, it should be in the title work and association by laws. Mr. Klein asked if they could make it encumber ant upon the developers to put us signs, etc. and Mr. Jackson said yes they could put it in as a standard condition.

Mr. Banas opened the microphone to the public

Mr. Dolobowsky said if the Township Committee sees it way to abolishing flag lots, it would make much happier neighbors, he likes the idea of tot lots for a certain size development, and they may want to consider the wording as the number of units grows, either additional playgrounds or larger playground. He was going to bring up the community buildings, but would like the size of the building to be based on the size of the development, so some language should be put into to connect the 2 sizes, possible square footage. He does have a concern in which someone buys a small ranch and removed the walls, then the roof, then dug a foundation, and now there is a building that is 4x the volume of the original ranch sitting on the same property. In doing that, there is also no garage and yet there is one parking space, off street, in front of that house. All the things being discussed are for new developments, but what about the ones that don't come in front of the board? They need to consider on street parking for all applications, new and old.

Mike Sernotti said the recommendations they could make to the UDO to define they did. Where they could not they asked the professionals to take care of. He is please with the recommendations made this evening and apologized for not thinking of them themselves.

Bill Hobday said he is delighted with the recommendations too. We have to start putting some limitations and standards in. When you get a development and you really don't understand the amount of density that could be there. We still permit bathrooms in attics and unless one has difficulty, there is no reason to have bathrooms in attics. We can do some very specific things, like the standards for dwelling units for recreation and community buildings. The streets should be standard, even if they are private because it doesn't mean you are not going to have the same flow of traffic than any other place. A public offering statement should be provided to the homeowners of private roads because it tells them everything he is getting. The reason the roads are narrow is because of the builder, so he can put in more townhouses if he narrows the road. It is time to put in some standards and if we stabilize those things at least it will be uniformed. RSIS has no concept of Lakewood, so maybe our ordinances should say 2 off street parking spaces for every 3 bedrooms, and it might mean 6. Mr. Banas said they would include that.

Larry Simons said Mr. Percal made some very worthwhile recommendations. He would like more teeth added and said when you require a play lot or tot lot are you going to specify 1 slide, 3 swings, etc. Mr. Banas said they do not write ordinances and can not tell the Committee what to write, only suggest to them. Mr. Simons said the requirement of the community center requiring a certain size. If we have a community center right now, that is taxable, if we have a synagogue, that is not taxable. Mr. Banas said it depends on the application that comes in front of the tax board or agency that looks at it. If we are making a recommendation for a community center one of the things is the wording, because if we are going to take something off of the tax rolls, it will effect every one of us.

Mort Gudel liked the idea of the tot lots and the community centers, but who would take care of these, and was told the homeowners association. He would like to recommend the planning board provide for fire zones, hydrants and entrances into the buildings, even private roads. He was Mr. Banas it was hard for the trustees to enforce speeding etc. in private roadways.

Noreen Gill said a house of worship is built, and they have xx amount of parking, but get the approval for an extension or addition. Too little parking spots are given and she is recommending any addition to a house of worship or shul get the parking spaces have to be added. Mr. Neiman said that is why if you have a shul in the private community, you would eliminate the parking issue. When you have outside shuls, you have a parking problem. She would like see the requirements added to the spaces.

Mr. Flannery agreed with Mr. Hobday and said if you tell the developers what to do, they will have to do it and everybody will be happy. With respect to the parking and the RSIS, there is a provision in there that you can submit standards for your local area, and that is what needs to be done for Lakewood. We submit the standards, DCA approves them then they are the law, and we don't have to spend all the hours that we spend haggling over a tenth of a space.

Gerry Ballwanz said part of this happened when we had 10 units per acre. Those units were 1,200 sf. then developers came in with 2,400 sf. It doesn't quite fit. Under the definitions of 2 family duplex, within the UDO we find this written as 2 family (duplex). In the zoning area it is stated as 2 family and duplex but under the design standards we have 2 family/duplex. It gets to be confusing and when it is that way you have a 2 family becoming a quad plex. This has to be determined as to what this really is. You refer to the fact that when the Township does ordinances it comes back to you, but you remember you did not allow duplexes in the R-7.5 and the R-10 zone. Her thing now about the duplexes is the R-7.5 zone is you need 10,000 sf but in the R-10 you need 12,000sf. If it is a duplex that could be a quad plex the standard should be 12,000 sf not according to the zone, but minimum amount of square footage. She recalled the Township putting in an ordinance that said this is the size dwelling unit and should have 2 parking spaces. Perhaps when they did the UDO in July they did away with this requirement. So it would be better to go to the DCA and get it done once and for all.

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

Mr. Banas said they have accepted all the items that are printed under the UDO, added several.

Mr. Slachetka read the additions including: the recommendations of hammerheads cul de sac standards; flag lots, removing them in their entirety. That would replace the recommendations for changes in standards. Evaluation of standards for residential developments with large numbers of bedrooms in terms of parking standards; the need for community centers in developments with a certain number of units (25) and establish a square footage per unit for community building size; evaluate the standards for private roads that can be modified without violation of RSIS, including road width, parking, and safety standards; providing a recreation facility or tot lot with a minimum of 12 units and that the size and number of tot lots be increased based on the size of the development; applying for a RSIS standard for parking for Lakewood; looking at the consistencies and standards and reference to 2 family duplexes within the ordinance; the need for the definition of a mid rise.

Mr. Slachetka said there was a recommendation from the public about adding the minimum lot size to 12,000 sf for duplexes but he did not add that and Mr. Banas said he didn't think they should.

Motion was made by Mr. Franklin, seconded by Mr. Neiman, to approve the above recommendations read by Mr. Slachetka.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

Mr. Slachetka said there is one small section on the UDO on utilities, and if you get through that, then you have gone through the entire master plan reexamination report.

Item J – UTILITIES

To summarize – Upgrade existing infrastructure including retention/detention basins and underground systems in older established areas of town. Provide and maintain an effective stormwater management system throughout the town. Explore and investigate the possibilities for surface water reservoir within the town. Create and implement a well head protection plan. Provide for adequate public water services in appropriate areas of the township. Provide for adequate public sewer services in appropriate areas of the township. Provide and maintain an effective solid waste collection and recycling programs for residents. Identify innovative strategies and partnerships to finance existing and future facility expansions and improvements. Promote protection of public infrastructures such as public and quasi public infrastructure including water supply and treatment, wastewater treatment, and energy supply and preparedness for emergency management.

Mr. Neiman said these are excellent and self explanatory goals and Mr. Klein concurred.

Mr. Banas opened the microphone to the public.

Mr. Hobday said we have explored a situation in Lakewood for many years with NJAWCO which is extremely expensive. We should at least explore a scenario that says we should look at Lakewood and the use the lakes as a reservoir. If we could clean that up it would be successful, Howell has done it and so has Brick. If we could explore that, we would benefit from it. There is only a small area that is serviced by LTMUA. If we could use our own water supply, we would not get into trouble like Toms River.

Mr. Franklin said the Lakewood lake was a reservoir right up to about 1940 and we got all our water from that lake. Then NJAWCO came in and bought up the whole system. Mr. Hobday asked if they owned the water rights for now and future and Mr. Franklin said they don't use it, all that water now goes to Brick town, it flows to them and EPA controls it.

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

Motion was made by Mr. Neiman, seconded by Mr. Klein, to move these goals.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

Mr. Slachetka said Mr. Sernotti brought to his attention 2 other sections that were not discussed and probably could not be handled tonight: one was minority and the other was schools and houses of worship. They are both small sections but the board decided to come back to another meeting. Mr. Slachetka said if the board would like, T&M could provide a red line version of the draft for review for the next master plan meeting including a map showing the approvals and denials. Mr. Banas said they would. Mr. Kielt asked when will that be distributed to his office and when will it be available to the public. Mr. Slachetka said it would be available between the 13th of next month and the following meeting (March 13) set aside, this way they could finalize these last 2 items and add them to the red line.

Mrs. Ballwanz stated the vision statement was not done, and Mr. Banas said that would be done on the 13th.

5. MEMORIALIZATION OF RESOLUTIONS

- 1. SP # 1855 (VARIANCE REQUESTED)**
APPLICANT: LAKEWOOD AFFORDABLE HOUSING CORP. "CYPRESS COVE"
Location: Oak Street between Caldwell Avenue & Rockaway Avenue
Blocks 1135,1142,1150,1151 Lot 1
Block 1143 Lots 1 & 9
Preliminary & Final Site Plan for affordable housing project

Motion was made by Mr. Franklin, seconded by Mr. Klein, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

6. PUBLIC PORTION

Mr. Hobday said when this committee comes together to look at the changes to the UDO, the public be invited to that committee because they all have skin in that game. Once it becomes law, it will affect all of them and he thinks it should be extended to the public. Mr. Banas said it would be a year from now.

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

7. APPROVAL OF BILLS

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

8. APPROVAL OF MINUTES

- Minutes from January 9, 2007 Plan Review Meeting

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Klein; yes, Mr. Percal; yes

9. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary