

**LAKWOOD PLANNING BOARD
SPECIAL MEETING
MINUTES
FEBRUARY 13, 2007**

I. CERTIFICATION OF COMPLIANCE

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

“The time, date and location of this meeting was published in the Asbury Park Press and 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 Asbury Park Press, The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Herzl, Mr. Franklin, M. Neiman, Mr. Banas, Mrs. Wise, Mr. Akerman, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

Mr. Peters 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 stated there were 3 items left to discuss and he will entertain suggestions from the public. Towards the end of the meeting they will receive a lined copy of all accomplished in the prior meetings, however, those are only available for the board, they will be ready for the public some time after the 13th of March (a minimum of 10 days) either at the Planning office or on the web. At the March 13th meeting, it will be quick because the board has already reviewed the items and the public had an opportunity for their input, and the only action necessary is to approve the changes. At that time, the red lines will be eliminated and the corrected approved copy will be available. The final vote will be in its entirety. Mr. Slachetka said the zoning map will also be updated. The board has 2 choices in the final document; the first is to have a document which reflects the final action of the board on all the zone changes; not the rejections; the other alternative is the

recommendation from the committee and specific board actions to reject, accept, or modify. The benefits of the latter is if at some future date someone wants to propose a use which is comparable or consistent with something that is rejected, the information is important for reference as to what was evaluated and the reason for it being rejected.

Mr. Banas said they would decide on that at the completion of this meeting.

Item L- MINORITIES

Goals – The Township should work through community groups in supporting development of training programs designed especially for minority residents, require employers to register as a means of ensuring full payment for work performed, revisit the sections of the rent control ordinance which relates to permission and exceptions, support passage of legislation to allow issuance of a social security card and sponsorship for citizenship after completing an approved course of study and graduation from the 12th grade and to create a township position of community service, aid/minority affairs reporting to the Township Committee.

Mr. Neiman asked if goal #4 about the social security card being issued, etc. was something the master plan should write. That is an INS thing, or even on a federal level, or state level. The board agreed and was not comfortable with it. Mrs. Wise said this is beyond their scope and she doesn't understand the necessity of it. Mr. Akerman agreed.

Mr. Percal said item #2 is also a problem and he doesn't see who would enforce the employers to ensure payment, it was more of a labor board.

Mr. Banas asked Mr. Jackson for his opinion on both items. Mr. Jackson said this does not really relate to planning on what kind of buildings to put up and where and they seem like legislative and policy decisions. He is concerned if the board rejects them it will look like you rejected salutary goals or it might be controversial. The board should state that these are not planning issues and therefore not adopting them.

Mr. Franklin stated instead of voting for or against it, just remove it from the master plan. Mr. Banas said they could leave it there but indicate that it is not a matter that the planning board should get involved in. Mr. Jackson said what Mr. Franklin said is correct, these are proposed draft, and the board could agree to not to do it. Mr. Slachetka said there is some linkage in the uses of land and the minority communities within the municipality. If the board felt these were a little beyond their prevue it could identified as these being goals that were presented to the board, considered and passed on to the Township Committee as recommendations coming from the subcommittee of the Master Plan without taking a position either way.

Mr. Banas opened the microphone to the public.

Mr. Hobday said on the first goal there will be the occasion that a minority has a problem that is not necessarily embraced by a community support group and you have to be sensitive to the fact that if an individual has a problem you may want to work directly

through that individual without the support group and wonders if it is even enforceable. As far as # 2, he agrees this is not an action for the planning board, item #3, he does not know what that means and feels it is ambiguous. As far as #4, the federal government is the only one who can issue a social security number, however they can get a tax ID from the IRS which is a legitimate number that puts them in the tax rolls. They could amend the item to reflect that, and what that means is they would pay taxes on the money earned. The Federal Government can use that information to see how long they have been here. The last one to create a position is a wonderful idea, but that the Township could also reward good students by possibly making scholarships available to students who excel and for good citizenship. That would be more meaningful and that would be something the minorities would embrace.

Mrs. Gill said the goal of community groups she said she would like to see training programs and would like to see in the summer having a possibility of working in the municipal building or something like that. On the rent control ordinance, she thinks it needs more teeth, we have to have some sort of penalty or something stronger to ward off the situation with the landlords etc. On the issuance of social security cards, she said the federal government has done nothing and she sees no reason for our township to go to a legislator and legislate for someone who is here illegally. She is for legal immigration and our 14th amendment says one parent must be a US citizen. Mr. Banas said the board already discussed their feeling about that point.

Mr. Quinn said he was a member of the minority subcommittee and said there was difficulty in those recommendations. As far as the passage of the legislation, it was introduced by this committee and said it was recommended because we have this very large population and they felt it would not be inappropriate if the governing body that faces this problem along with the children that attend the school system and maybe after 12 years of schooling the Township could make a recommendation to make a resolution to the federal level. The members of this minority subcommittee felt it was a concern of this governing body and in that spirit made that recommendation. Mr. Banas asked if the subcommittee felt it was an element of land use law and Mr. Quinn said no. Mr. Quinn said this is a vision of this town in the next 5 or 6 years.

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

Mr. Neiman asked the professionals if it would look bad if the planning board did or did not act on this and Mr. Jackson said there are occasions that the governing body does make recommendations, but some of these goals are controversial, and it is really going far as far as a planning issue. Things like immigration, citizenship, that is not the board's place. Mr. Neiman asked if they could state that what pertains to land use be approved. Mr. Slachetka said one approach might be if the board feels uncomfortable about these as land use policies, they could be explicit in the documents saying that while the board recognizes that these are not necessarily policies that have a direct relationship to land use, there was an opportunity provided for the minority community to participate in the master plan reexamination process and in that spirit the board is passing on these recommendations to the governing body.

Mr. Franklin said another approach they could take is to take this whole section out because they don't feel it is part of the land use law. Mr. Banas said he thinks the first item is fine, he feels the third item is fine. Mr. Franklin asked what the rent control board has to do with the planning board, and if you want to get into the philosophy end of rent control, that is one thing. Mr. Banas said what he is suggesting is that the statement is fine because there is some concern of rent control and whether it is permissive or exceptions and the way you will find that is to go and revisit it, not saying do it one way or another way. Mr. Franklin said why would the planning board want to tell the Committee, why not the rent control board? That is how it is handled. Mr. Banas said in the Land Use Law, that is one item that needs to be addressed. Mr. Slachetka said technically it is the boards decision as to what issues and concerns they feel are important to address in the context of the comprehensive planning of the community. It would be valid for a planning board to consider minority concerns as part of the planning process but it is not obligated to do so.

Mrs. Wise said when it comes to this entire section, the flavor of this whole section was to be an inclusive type of situation where the minorities in the community felt they had an input in some of the process put forth here. She does agree with a lot of the situations that is in the L section that it does not have a direct impact on housing and land use law, but to not to be offensive, it would give the minorities an avenue to go to the township and this is more of an avenue than anything that can be enforced and they can refer to the master plan and say there is a provision within a legal document that gives them an avenue to come to the committee under. She thinks that is more of the flavor of this item. Some of the areas are extremely gray and she thinks they should not visit certain areas, but there are some areas that are not as gray as others. She thinks by totally eliminating that L section would be considered by the minority community as offensive and not inclusive, whether or not it has any teeth or not, but it gives them an avenue to take to the Township, and an avenue is better than nothing. Mr. Banas asked her to identify some of the gray areas that she is not in favor with and she said #1 she believes when it comes to citizenship, she thinks it is something our governing body has to stand up and be accounted for on their own behalf without the master plan being put in a position for recommending or not recommending. If the Township would like to give that resolution, let the township do it, without it being in the master plan. When it comes to payment of employers to employees, she thinks we are stretching it beyond the board's scope and there are other avenues in the community that a person can go to to fend for their rights as far as labor is concerned. She does think to create a position in the community for an aid is an avenue that is positive source to have. It may not give you what you want, but a voice in something that is more credible because it is included in the master plan.

Motion was made by Mrs. Wise, seconded by Mr. Neiman, to recommend 1, 3 & 5 to the Committee for review

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

Item M – SCHOOLS

Goals- address the current educational facility needs, address land needs for projected growth in school enrollment, and the objective is to set aside 100 acres to address needed educational lands, parcels of 3 - 4 acres in area would be appropriate.

- HOUSES OF WORSHIP

Goals – address the acute need for neighborhood sites for house of worship and the objective is to coordinate sale of surplus municipally owned property.

Mr. Neiman commented that the need for schools and houses of worship in this town is a great need. There are parking issues and so many other issues and a lot of those issues can be eliminated with more synagogues. They have to go to synagogue 3 times a day, and there is not that many choices and this board has helped by approving many within the past year. It does help with parking, and by allowing more, may eliminate parking problems in other areas. When there is a synagogue in a community, parking is not as much of an issue because most of the people from the development will go there and will walk. As far as schools go, the board has to look at the safety, the school bus ingress and egress into that property, to make sure it is safe.

Mrs. Wise said the objective to set aside approximately 100 acres was vague and wanted to know if this was in conjunction with houses of worship or just schools and was told just schools. She was told the 100 acres would be spread throughout the town, in increments of 3-4 acres. Mr. Banas said it would be a viable foundation and make it easy transportation and he doesn't think it is out of line. These parcels of land would not be given; it would be put up for public sale that would be used specifically for schools. Mr. Banas said this is relatively small, and if we were in a public sector we would need a huge size of land to accommodate the number of pupils in private schools.

Mr. Slachetka said he could add in a clause that clarifies that it is not a single 100 acre tract of land but say they could set aside approximately 100 acres throughout the Township.

Mr. Neiman said within the last 5 years there have been schools opened up in the industrial park, and his opinion now is that a lot of them there turned out really well, they have enough space.

Mr. Franklin said the way the ordinance reads now, you can put a school anywhere, so what are we trying to accomplish here? He doesn't understand the way it is written, being it is already there. Mr. Neiman thought it was because there was a recent land sale for school use and this opens up some Township land specifically for schools.

Mr. Banas opened the microphone to the public.

Mike Sernotti said it was asked by this subcommittee to set aside Township property for sale. Bais Tova is going to take a couple of schools and put them into one which will consolidate the schools. There is other property along Oak Street which was sold last year specifically for the use of schools. The people who own property, the schools would

have to buy up parcels, tear down houses, and it would not work, that is why they are asking the Township to do this. He doesn't know if there is 100 acres around, but that is what it is for. While he agrees that houses of worship need their own parcels as well he wanted to ask the board to do something about the parking.

Mr. Hobday said he can't get over the loose language that he sees here. When it says address current educational facility needs, it doesn't say study it, make determination on the adequacy, just address it. That is ambiguous. Address land needs, has a study been done, do we know what needs to be done? These are what the master plan should be. If there is a need for educational facilities we should say there is an absolute need for educational facilities in the Township of Lakewood. It is expected that we are going to need 40 – 45 new schools in the next xxx number of years. That gives the Planning Board something to chew on, the Township Committee something to vote on, you can't address current educational needs, what are we looking at? Who did the study? Maybe we have too many, do we have enough?? Until we know what we are talking about, this is nothing but words, just ambiguous. To set aside 100 acres, how do we know this is right? It should be based on some kind of a study where the educators would get together and say this is what we have, we are at capacity, and we know there is going to be a need over the next 2, 4 or 6 years for this type of development. That gives this body the opportunity to agree or ask them to get by with a certain amount. Therefore, these types of documents should have tight English, that one can read the sentence and understand what it says, and how one might perceive that and how decide whether to approve or not. As for the houses of worship, they are generally needed in close proximity to the people that live there. Because of the tenants of the religion, one must walk to that house of worship, so you can't have one 9 miles away if the population is not there to support that house of worship. Therefore he would look at population grids as to where they are. You can look at this and not understand what it is saying and approve it on principal and he says we can do a better job than this.

Mr. Banas said in a master plan, this on is just a review and what they are indicating in these statements is for the municipal government who has the resources to do the kinds of study Mr. Hobday is suggesting. Knowing the people who served on the advisory committee, they were knowledgeable about each of these 2 areas and know what it is and what they need. Mr. Hobday said if that is what they wanted they would have stated that in the report. The way you can get the township to do your proposal is to do that hard work, lay it out, tell them specifically this is what they believe is needed and then the Township Committee has the opportunity to either accept or reject.

Mr. Simons said he understands the need for schools and houses of worship. He would like to modify one sentence, the objective of the schools to set aside 100 acres etc., what he would like under the background studies pertaining to that section, approximately 25 – 35 Township owned land parcels, 3 - 4 acres each should be identified and set aside restricted to educational use and made available for sale at public auction. He would like to include in there, the objective of houses of worship coordinate sale of surplus of municipal owned property, if we could take that same wording and put that in the objective for the schools, not defining this is land going to be sold, this is all our land, and either we are going to give it away or sell it. His concern is that if identified in houses of worship that we are going to sell this land, why don't we do that with the educational. Mr. Banas said it makes sense.

Mike Sernotti wanted to clarify that most of these sections, environmental, circulation, schools, houses of worship, these are all summaries of the reports that were done. While Mr. Slachetka couldn't put everything that was in all the reports, there is support for all the items recommended.

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

Motion was made by Mr. Neiman, seconded by Mrs. Wise, to approve the goals and objectives and to put the language of coordinate the sale of surplus in the school objective also.

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

There was discussion on the last item to be discussed (page 57). Mr. Banas showed having taken a vote on this previously (10 people voting yes) Mr. Neiman said that was done possibly at the first meeting. Mr. Kielt said he thought someone recommended they come back to this.

Mr. Neiman wanted to thank the public for their participation and input and said he has learned a lot from them. He also thanked Mr. Slachetka for his hard work.

Mr. Banas thanked the members of the planning board for sitting through this and working diligently to the sacrifices they made. This is a document they can be proud of.

Mr. Banas went over what the sequence will be. They need a motion to set forth the date, time and place of the final approval for the Master Plan Reexamination Report and Unified Development Ordinance.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to vote on March 13th, 2007 at 6pm.

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

Mr. Slachetka went over the 2 choices of maps, one is the red lined version with all the accepted and recommended changes and revisions discussed. The board should review the red lined items and ensure the language is accurate to what was recommended and adopted by the Planning Board. The map is a modification of the original proposed rezoning map and is dated 2007. What the map does is reflects graphically all the various recommendations for rezoning that the subcommittee of the Master Plan had made to the Planning Board. The map and text reflects those items that were approved or modified by the board or accepted in its totality. An important clarification for the board to understand is that map is numbered as it was in the original map, and identifies in red the number of the specific recommendation as well as what was originally recommended by the Committee. The second map would be a proposed rezoning map that would be

incorporated into the Master Plan and contain those specific areas that are recommended by the Board with the specific zone change recommendation reflected on the map that the Planning Board accepted. The final document can take 2 approaches; one is to incorporate in the text the recommendation of the subcommittee and the action of the Planning Board. Alternatively, the final document could just be what the board accepted. There is some value for future boards to understand what was considered and what was rejected and modified, and that can be just as important as understanding what was approved by the board.

Mr. Banas said realizing the confusion they had in 1999 with the map, he would suggest that they use the latter of the 2 proposals of the map; identify in the document that which was recommended by the advisory committee and the final outcome in each case. We will possibly eliminate any confusion there might be. Mr. Slachetka recommended that in the final document, any proposed rezoning map also be identified as the Land Use Plan map of the municipality. It is important because pursuant to the MLUL, the zoning ordinance is to be substantially consistent with the Land Use Plan element of the Master Plan. It needs to be identified as proposed rezoning and land use plan element if the board wishes. The board agreed.

Mr. Banas asked the board to examine the report that Mr. Slachetka is handing out. They suggested using the email to contact Mr. Slachetka with any discrepancies and comments.

The board has until next Tuesday (2/20) to comment on the report and Mr. Slachetka will provide a version of what was voted on today within a day or two. Then the meeting of March 13th 2007 will have the finished product with no comments, just a vote. Mr. Jackson said it should be limited to whether the document is consistent with what the board had said and comments should be limited to that. The whole purpose of putting it on file for the public is for them to see what the board has done. It would be inappropriate to say no comment, but to use discretion. It will be opened to the public and suggested keeping a strict control and the only issue should be if there is a discrepancy between the language and what the board made its determination on.

Mr. Slachetka said when the board reviews the red line version, there are several places where he put in brackets and bold italic notes to the board, which are clarifications or identification of an exhibit that is going to be attached to the final version. Those comments will not be part of the final document, just there for clarification.

5. PUBLIC PORTION

Mr. Hobday said there were several zoning proposals that were tabled in order to do studies on them to determine what the preponderance of the buildings were in that zone. There were about 3 or 4 proposals that a study was needed to determine what the composition of the zone was. Mr. Slachetka said that is what is identified in the red lined language. On the map they were either identified as denied with recommendation or modified or further study. Mr. Hobday said his commentary about schools and houses of worship was addressing the language, he knows there is support documentation, it is too

bad that the language the board votes on does not reflect that study. He would think it would point to that study and say based on the study compiled by this advisory board they have come to the conclusion that there are going to be 2,000 births into the community each year and based on that we made the recommendations. That is not a hard sentence to construct.

Mr. Neiman said if this is going to be the attitude, we will be here on March 13th, and the next meeting and they will be here forever. Mr. Hobday said the language should be consistent with what they want to do.

Mr. Simons asked if the public will be able to get a red lined copy around the 3rd of March and then on the 13th the public will be allowed to make constructive comments, not rehash. He questioned when the final document will be presented to the Township Committee and was told there was no date scheduled. On the 13th, if the public has a correction, he wanted to know what happens, and was told the plan would be adopted with the corrections. Typographically errors would be corrected and the report would still be adopted on the 13th. Mr. Neiman suggested giving the email address to the few public members and Mr. Simons agreed to that.

Mr. Sernotti said the report is done, based on the 8 or 9 meetings. The red line version is for the Planning Board to make sure that what they said is done. It would not be fair to have 4 or 5 people be privy to the boards' editorial on the red line without the remaining public.

Mrs. Ballwanz disagreed with Mr. Banas and said she did not think the community vision was not thoroughly discussed and voted on at the first meeting. She suggests checking the minutes from October 24th to verify it. There were discussions on what was meant by smart growth planning, and that whole topic needed further scrutiny. The other section referred to the R-OP zone and everyone nixed it and yet it is still a goal. She said it was discussed and said they were to come back to the community vision later. Mr. Banas said if he didn't have that vote that he showed to her, he would have gone over it again. Mrs. Ballwanz said what she wanted to say on the community vision is that the Township's natural resources and the protections of them, there are so many environmental concerns on the undeveloped lands and if you say this is land that cannot be touched, everything else will fall into place. That should be the #1 goal of the Master Plan because development is going to occur but it needs to be restricted by what and where you can build.

Brian Flannery wanted to compliment the board and recommends their boss double the pay for them. This board has taken more input from the public than any other board in the past and any other board in other towns and have responded to them.

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

6. APPROVAL OF BILLS

- None at this time.

7. APPROVAL OF MINUTES

- Minutes from January 30, 2007 Special Planning Board Meeting

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

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; abstain, Mr. Percal; yes

8. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary