

**LAKWOOD PLANNING BOARD
MINUTES - SPECIAL MEETING
NOVEMBER 2, 2006**

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.”

Mr. Banas made a announcement that at the last Planning Board Meeting, the board members voted to add another special meeting for the Master Plan Review on November 8, 2006

2. ROLL CALL

Mr. Franklin, Mr. Banas, Mr. Akerman, Mr. Klein, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

4. NEW BUSINESS

**1. Discussion/Adoption of the Re-examination report of the Master Plan & Unified Development Ordinances
ITEM #1 rezone from R-15 single family residential to R-OP zone**

Mr. Gasorowski appeared on behalf of the East Kennedy Neighborhood Association to speak in opposition to the rezoning of property on page 74 of the Master Plan. The conversion of an existing R-15 zone to an R-OP zone which will permit as much as 18 units per acre. He note that members of the Master Plan Committee are attorneys and/ or developers and would advised that if they own any of the property to be rezoned, that would be one of the objections to the re-zoning as it would taint this procedure. He called Mr. John Chadwick, who is a professional planner in the state of NJ. Mr. Chadwick was sworn in. He stated that when he drove the area, it is mostly single family homes of varying sizes with some 2 story homes. He read page 74 Item 1 which states the zone district should permit single family uses, single and multi family, office and retail commercial uses. In addition, the mixed use zone should allow residential apartments on the second

floor of commercial properties, the density of residential uses should be consistent with the rope zone district. This should include incentives or bonuses to develop mixed use zones. The maximum recommended building height is 45 ft. He found that 40- 50 acres that is readily available and undeveloped in this area in addition to oversized lots. Mr. Slachetka asked which area he is objecting to, and was told by Mr. Chadwick it was the area on the re-zoning map marked A-1 and pointed out the area along East Kennedy and County Line Road, identified as area 1, and is in part R-15 and R-12. His opinion was that any zoning ordinance has to have a reconciliation and good deal of consideration as to what the development of the neighborhood is. This area is single family neighborhood historically and a new single family neighborhood development, not a multi-family zone. The basic proposal is to overlay the high density standards into this district, and the mix of those uses is inconsistent with what the evolving patter of this neighborhood is. He reviewed the literature and said it would increase the population of the school and the township has been developing at an enormous rate and this added density would just add to it. The character of this zoning would add to the traffic demands, demands for open space and compatibility of building size and bulk and would be totally inconsistent and have a negative impact on the area. The current R-15 zone allows for 2-2 ½ homes per acre, and the RM Zone approaches 18 homes per acre. It is providing high density zoning in an established single family residential development and there is no rationale for it.

Mr. Akerman questioned the size of the area being affected and was told by Mr. Chadwick that it was area north and south of County Line Road and East Kennedy Boulevard, and extending from the east on Brook Road over the to Railroad tracks.

Mr. Percal questioned if there were smaller lots in the R-15 than 15,000 sf. and was told there was, but the homes being built are singe family.

Mr. Klein had a question for the township planner on how equipped the roads were and the drainage capacity to support the zone change. Mr. Chadwick said the analysis in the review is very detailed, but it is very difficult to tell whether this area is capable of handling the zone change. The main roadways are tree lined street, residential streets, not equipped for high density housing. Mr. Slachetka stated they did not do individual studies on each area, so they could not answer whether they had sufficient capacity to handle additional use, or whether new sewer and drainage lines needed to be installed, or a pump stations, etc. This area has existing sewer and water. New developments would have to meet NJDEP requirements for drainage and sewer.

Mr. Gasorowski made a statement that if it is not broke, don't fix it. Why inundate it with 18 units of multi family housing.

Mr. Steinberg, an attorney from Neptune, NJ spoke to the board. He prepared both a written correspondence and has brought a planning expert to testify. Mr. Steinberg represents Dr. Steven M. Scherr, 1050 West Cross Street and Joan C. LaRocca who lives at 22 Brian Street, both in Lakewood. He is opposed some of the zoning changes made by the committee comprised of members who have not properly disclosed personal interests which may have influenced their vote. Some members of the subcommittee who own land in the area, who have clients or associates who own land in the area who

will possibly gain economic advantage by any of the 35 recommendations made. Mr. Jackson asked for state law or authority for the proposition that it would be inappropriate for members of the committee to be influential on rezoning. Mr. Steinberg said he believed there was case law, and stated that the local government's ethic law financial disclosure statement is a requirement of everybody, even on a subcommittee, and he does not believe they were solicited from all the members. Attorneys in the room who were on this committee will be testifying for clients in favor of the zoning changes. He also understands that there was haste for the subcommittee when it rendered its vote, started out at 19 then ended up at 35, that there were no minutes of the subcommittee meeting, and that members did not realize the extent to which they were voting. The vote was on September 20, 2006 but the Master Plan Recommendation Report is dated September 26, 2006, 6 days after the vote. Is that the document that was voted on? Mr. Banas stated it was the document, and Mr. Steinberg asked why it was not dated the 20th. His clients ask that the board finds the subcommittee was flawed and be reconstituted with proper disclosure.

Mr. Banas asked Mr. Steinberg to stick with the specific objections and not the general procedures and Mr. Steinberg had 5 zones; the areas between Cross Street, Drake Road, White Road to Faraday Avenue are indicated in the 1999 Zoning Map as A-1, but they are color coded in green and referenced indicated they are to be changed to R-40. They can not find anything to support why they were changed from A-1 to R-40. Mr. Banas stated there was an error made in 1999 when the document was submitted, the verbiage was one thing and the map was reflecting different boundaries. An attempt was made to make a change during the time between 1999 and 2006 and the zoning map was changed to reflect what it reflects with the understanding that would be corrected at this point.

Mr. Gordon Gemma, 685 Neptune Blvd. Neptune, NJ, a licensed professional planner was sworn in. He made 11 copies of his report for the members and professionals and was given exhibit #s share 1 and share 2. There are 5 areas which he had objections. He also had objections to the goals and objections in prior sections. The 35 zoning changes do not meet the criteria for the goals and objections stated in the earlier sections: encouraging economic vitality; it seeks to bring property more into zoning rather than less into zoning, and also and land use plan; preserve a balance of various types of houses while preserving the rural landscape and significant natural features, and the only zoning change that speaks to preserving and protecting property is to change the zoning from the lake from agricultural to open space. The 2nd goal and objection is to try to bring more economic development, and out the 35 goals and objectives, only 2 discussed making areas more commercial rather than less residential. The recommendations in Section K are not consistent with your goals and objective, and that is a key component of planning. In Section G, housing element, a background study indicates as attached to the Master Plan, that based upon COAH's numbers, you have a potential round 3 obligation of 299 units, not one of the 35 changes talk about providing affordable housing.

He is objecting to recommendation # 6 & #7, rezone a portion of the R-20 single family zone between Joe Parker Road and New Hampshire Avenue to R-7.5 "consistent with development patterns" but along Ridge Road north of the golf course and west in the

O-S zone, it is certainly not consistent, those areas seem to be less developed. This recommendation brings the property along Ridge Road not more, but less into conformity with the surrounding uses.

The second item is recommendation #19, which recommends rezone the industrial zone along Pine Street to R-20 single family residential "to be compatible with approved development in the area". East of Pine Avenue, the land is primarily vacant, and the area to the north of Pine Street, is your DA-1 industrial Cedar Bridge Development area directly across the street. Again, it is inconsistent, making residential across from industrial. In this case, the existing M-1 serves as a buffer for single family residential further to the south of Pine Street, which is exactly what is incorporated in recommendation #20, rezone a portion of the M-1 zone, north of Faraday Avenue and west of Cross Street to R-40, to provide a transition between industrial areas and single family areas. Recommendation #21, rezone the A-1 zone on James Street between Cross Street and the border with Jackson to the R-40 zone as it borders a district in Jackson zoned industrial. The area in Jackson is primarily vacant land or single family lots. There are only 2 non residential uses along Whitesville Road and the property to the south of Whitesville is encumbered by a stream with a buffer that would preclude other intense development. Rezoning is not consistent with the property in Lakewood, and is not consistent with the property in Jackson.

Finally, recommendation #22, rezone A-1 zone on the south side of Prospect Street with a portion of the M-1 zone to mixed use commercial and residential which would include apartments on the second story, heights of 45 ft. and density similar to the R-OP zone. This land is primarily vacant and south has industrial areas along Prospect Street. There are large multiple family developments to the south of Cross Street, but they are separated by land which is to remain M-1 and property to the east and along Massachusetts Avenue is properly multi-family but here it becomes less consistent with multi-family. There was a comment made about the utilities. In your report on page 48 it indicates that there is a study being done, The Coastal North and Supply Development Plan, about whether you can in fact accommodate additional water. That study is not going to be done until March of 2007, and you don't know if you have the infrastructure to support all the growth that you encouraged.

Mr. Steinberg's final comment was that it is his client's position that this master plan seeks to intensify the residential uses in this town and it is not supported by your goals and objections. It is the board's responsibility to take the resident's objections into consideration as part of its determination.

Mr. Russell Corby, executive director of the Lakewood Industrial Commission was sworn in. He is also director of Department of Economic Development for the Township. He serves as executive director for the Lakewood Development Corporation which administers the Urban Enterprise Zone. He has letters from himself and from the industrial commission to be used as exhibits, and recommendations about item #9, Item #28, and asked permission to reappear after the meeting of the Lakewood Development Corporation, because the LDC has not had a scheduled meeting since this review. Mr. Corby asked that the 14th be reserved for a letter to be issued by the action of the LDC. Mr. Jackson stated this letter would be a position accorded to a quasi-governmental department and he saw no problem with that being submitted.

Mr. Corby had comment about #28, rezone portions of the B-5 zone northwest of the Garden State Parkway interchange 88 to allow mid rise buildings. He pointed to the map showing the area near the GSP and Rte.70. The objection from the Industrial Commission was that they are the owner of a sizable 26 acre parcel known to the board as the Cross Street landfill. To the north is the Power Peaking plant, in addition to a number on industrial sites to the northwest. The suggestion that mid rise buildings obviously add to the density in a particular area which in addition is industrial, there is no ability to transition from industrial to mid rise apartments. It is not consistent to what the area has traditionally been. This is also an Urban Enterprise Zone, and the township had with much effort zoned this to generate commercial activity here, and to date that zone has produced 55 million dollars to the coffers of Lakewood Township. We have a new stadium, and we are keepers of the treasures of the historic Strande Theatre. Further, that money has helped reduce and stabilize property taxes by the ratables that they brought in to the industrial park, by the jobs created, and that has all made Lakewood a regional job center for our county with a record of success that is inconsistent with the idea of mid rise increasing residential density. He believes these reasons are why the Industrial Commission believes that this proposal should be rejected.

He also added that with respect to the boundaries of the UEZ he can point to the Franklin Street Redevelopment Area, and site the board recommendation item #9 to rezone portions of the B-4 zone south of Main Street between South Clifton Avenue and Congress Street to use as mid rise buildings. This is the heart of the UEZ, heart of the business zone, currently under a redevelopment plan which was adopted by this board in 2001-2002 and that plan does permit mixed use, but primarily a commercial area the must be revitalized and cannot as proposed be simply be dedicated to mid rise building uses. That portion of downtown is too valuable to the tradition of this town, to the economic viability of this town, to do all the things that downtown Lakewood has represented for more than a century.

Mr. Banas then discussed the order that the items would be heard. Item #1, #6 & #7, #19, #20, #21, #22, #28 and #9.

Item #1- Mr. Banas asked the board members if they had any questions about this item. Mr. Percal asked about the R-15 zone and what the size was, and did not ask about the R-12 zone, and if the lots were smaller or larger than that. Mr. Slachetka did not have an answer and Mr. Banas said the idea at this point was to develop a zone that was going to be for people to have multi-uses in this area, less use for their cars.

The floor was opened to the public.

David Quinn, 1 Morning Glory Lane, Lakewood was sworn in. He had a prepared statement to read but his comments were about the multi family housing. He was one of the members on the Master Plan committee and chaired the subcommittee charged with getting a perspective from Lakewood's senior community. The most prominent area of concern was the subject of overdevelopment of our town, and its' impact on our infrastructure, green space, and overall quality of life. This subcommittee made several recommendations for changes to zoning ordinances, to impose a moderating influence

on the zoning laws governing development in Lakewood. One was the question of mid rise; they did not think it was suitable for age restricted communities. Then they received the report from the zoning subcommittee, which made 19 recommendations for changes to existing zoning ordinances, the net effect was to liberalize in favor of increased density, which was counter to what the seniors on the subcommittee recommended. A month later, the zoning subcommittee came in with a revised report, recommending from 19 changes to 35 changes which is what is currently. These recommendations open the door to increased density in our township, and they are not just downtown changes, but all areas in town. 13 of those 35 recommendations authorize multi family housing (up to 22 dwelling units per acre) or mid rise which allows for heights of up to 65 ft. Is this the vision for the next 6 years, a vision our citizens want? Or is this the vision developers and others with development interest who served on this master plan committee would recommend to this board and to the governing body of this town? These 35 recommendations are a concern to every resident who has watched developers bulldoze our pine woods with impunity. What you recommend to the governing body is Lakewood's future.

Mr. Banas asked Mr. Quinn if he opposed item #1 and he said he did.

Mrs. Janet Scher, previously sworn in. She was also on the Master Plan advisory committee, chair of the environmental subcommittee. She was concerned about the R-OP zone, and had the same concerns as Mr. Quinn. Spot zoning is an illegal process, monetary gain for anyone should not be a reason for rezoning, and consistency patterns should be supported. The errors of past planners was not corrected in the southwest corner of town. The consensus of the subcommittee to look at the error concluded the correcting of the area. She said they were told at the beginning of each meeting that they were to uphold a vow of confidentiality, and no understands that confidentiality was for some members but not others. That subcommittee decision was leaked and her entire neighborhood was leafed with fliers with factually inaccurate information. A meeting was held with the people in charge of the master plan committee and the creator of the flier, which the neighbors were not told about, nor invited to. Instead more erroneous information was fed into the process through a channel that was not sanctioned by the whole committee or the public. Developers, lawyers and planners serving their own or clients' interests should not be making decisions about the future of our town. Individuals from these professions played influential roles in the decision making process of the master plan advisory committee. Sellers should not be enticed with bonuses if they deliver a change in zoning as part of the sale of their property. Profit takers who are moving from town should not take precedence over those who are staying. Confidentiality should apply to everyone. Minutes should be taken, circulated and approved by the committee. Votes should be recorded with names next to the vote. Text should be applied for all zoning recommendations and adequate time should be granted to study text and maps before a vote is taken. There is a divide in Lakewood, but it is not the one that is talked about in the newspapers, it is between ordinary citizens who all want good things and the developers, lawyers, and planners who have hijacked the system for their own monetary gain. There is a divide between those who expect the DEP will uphold protected habitat for baird owl, hooper's hawk and pine snake and those who seek to destroy that habitat. A divide between those who feel that deed restrictions in terms of contracts for conveyances of lands are to be upheld rather than subsequently

have their intent and terms not enforced. The lack of water in our neighboring communities should be a wake up call. The southwest corner of town needs to be preserved as a recharge area for drinking water for all of us. Unrestrained paving creates impervious surfaces which do not allow this to happen. The zoning recommendations in the master plan, specifically item #1 reward profit takers at the expense of all of us.

Cathy Stillwell, already sworn in. The two people who came before her were eloquent. She does border the area in item #1 and she has specific comments. In looking over the members of the master plan committee, one stands out completely as not being a member of our town and representing applicants to this board and having input. If it is not illegal, it is certainly unethical and improper. Moving on to #1, her home is on a 2 acre parcel and her neighbors are on at least 1 if not 2 acres. For the most part, these lots are larger than R-15 and what this plans proposes is taking what could be approximately at 3 per acres making 150 potential home sites into 1,000 on County Line Road, already an overtaxed, unsafe road. Encourage new development consistent with the scale of established land uses, R-15 while preserving the character and developed nature of existing neighbors and approximate land uses. How to read those statements and see the rezoning for up to 22 homes is unconscionable and inappropriate. The residents in the R-15 zone have collected over 100 signatures of homeowners in that area who are against the proposed change. You need to listen to who is living there, not who wants to build there. Mr. Jackson stated that he would take the petition but would research whether it would be permissible. (he marked it Stillwell 1)

Mr. Gatton asked if the petition applied to recommendation #1 and was told yes.

Mr. Herb Cottrell, already sworn in. He wants to sign the petition from Mrs. Stillwell. He asked if we had the police and fire personnel to handle the density and if his taxes were going to go up.

He lives by WaWa but neither he nor his neighbors walk there, so he does not see it happening with the new zone.

Mr. Bill Hobday, already sworn in. His issue with #1 is with the R-OP zone. A discussion of that zone was scheduled for the last planning board meeting but was changed to the 14th of this month. That discussion was going to take into account should multi dwelling and townhouses be removed from that zone. They were put in in June, and at that time there was one R-OP zone, and now 3 more have appeared. If we don't know if the recommendation is going to include multi-dwelling and townhouses, how can we discuss the merits of this? You should know what you are voting on. He is also concerned about the professionals that were on the subcommittee.

Mr. Slachetka stated for the record that the boards' professionals were not members of the committee and did not vote as members.

Mr. Hobday went on to state that zoning ordinances were supposed to protect the existing residents, not those that might come in the future, and this is unfair and should not be adopted by the committee.

Mr. Alexander Vorhand was sworn in. He lives in Brook Hill Estates and spoke about how

they lived. The average family has 8 children. There are currently 50 buses in the morning, and if you add the denser zoning, it would make it approximately 288 children per acre, or 360 people per acre. There is no public transportation, and the roads can not handle it. They pray 3 times a day, and there are not enough community centers. The only difference between Lakewood and New York City would be higher taxes, no transportation, and no jobs. He sees only one person that might have some good things coming out of this and it is Mr. Ralph Zucker who owns huge property. He owns Casey's market, and the expanded supermarket, so he would benefit.

Mrs. Sally Wells, already sworn in. She lives in the southwest section of Lakewood. She would like to comment on Janet Scherr's comments. Mrs. Scherr said many of the neighbors in her area wanted the zoning be turned back to A-1. She wanted to put on the record that neither she nor her husband want that.

Mr. Robert Kirschner, 1400 West Cross Street, was sworn in. He is speaking on behalf of a number of people. Mr. Jackson stated under the laws of NJ you cannot represent other people unless you are an attorney, so Mr. Kirschner is speaking on behalf of himself, but had a letter that Mr. Jackson would accept and research. He was responding to what Mrs. Scherr spoke about. It shows an R-40 zone and should have been A-1. He has a petition from about 80 people stating their wish for the zoning to remain R-40. It has no item # on the master plan. The petition was marked Kirschner #1.

Mr. Vince Corsaro, already sworn in. He was also a member of the master plan advisory committee. He questioned whether a professional who might benefit from a zone change be allowed to vote. Mr. Jackson responded it is an advisory committee, and the document is a starting point, but not the final plan. But to say it is unethical would be a disservice to the people who served on the committee. It is fair to comment on it and for the board take into account who did the rezoning. He questioned the R-OP zone in June and was told it already existed and this made it consistent. He now is concerned with if people do what they want, and then fix the zoning to fit it. Do we have fire equipment to handle 45 ft tall buildings, and Mr. Banas said he thought so. He also stated for the record that he is against this zone change.

Mr. Brian Flannery, 590 Atlantic Avenue, was sworn in. He was on the master plan advisory committee, and he was a planner. He clarified the R-OP existed for many years, and permitted multi family for up to 65 ft. The zone that proposed by the Master Plan Committee was not R-OP. It started out as 18 units per acre, upped to 22 per acre, but the only one who knows what it is would be the Township Committee. He thinks it is a good proposal and will not benefit by 1 penny and thinks the board should approve it.

Mrs. Cook, already sworn in. She has concerns about the R-OP zone being adjacent to the Metedeconk River designated the highest protection we can afford it. She was caught in a quandary about petitions being accepted. If this committee is going to be accepting petitions that needs to be publicized so everyone has that opportunity. She knows that through the Division of Consumer Affairs, there is a process in place where you can register complaints regarding concerns about the conduct of a professional. If this group does not feel it is getting the satisfaction they need, they can contact the Division of Consumer Affairs.

Erin Justice, 102 Melvin Street, was sworn in. She is concerned with the traffic issues and the intersections of E. Kennedy Blvd., Squankum Rd. and County Line Rd. are a quagmire and to add more traffic is terrible.

Mr. Yehoshua Birnhack, 18 Esti Circle, was sworn in. He has 3 points to make, one between the conflict on items #20 & #21 and said he would come back.

Gerry Balwanz, already sworn in. She is the 5th person from the neighborhood in the R-OP zone to speak. She lives off of East Kennedy Boulevard, and agrees with the other speakers about not allowing this rezoning to take place. She is concerned about the people in the R-7.5 zone which is just west of the railroad tracks up to Squankum Road, across from the WaWa shopping Center. Some of the property has been sold to developers who don't care but some retired senior residents may not be able to afford their taxes, or be forced to move. To say you will have people walking to the stores is foolish because you still have to deal with County Line Road. She totally disagrees with the rezoning recommendation for item #1.

Mr. Sheldon Wolpin, 245 Martine Way, was sworn in. He has comments about downtown Lakewood. Mr. Banas asked him to speak about item #1, but he wants to talk about downtown Lakewood today, and they are permitting residential units to be built there, will make more gridlock.

Mr. Howard Suckno, 59 Foxwood Road was sworn in. He is opposed to this R-OP zone and R-OP zones in general because of what they are going to do to the density. Last week there was an article about Dover Township doing their master plan and due to the lack of infrastructure the Route 9 traffic and loss of green areas, they were seriously considering limiting new development. They are trying to prevent over development in an area that can not support such growth. If our neighboring community, with the same infrastructure deficiencies as Lakewood is looking at their plan and thinking enough is enough, how can Lakewood make more density in this development plan for the future? Will Lakewood finally say enough is enough? He asked Mr. Banas about how long the township has been meeting about Route 9, and Mr. Banas said about 11 years. He said they are working on it.

Mr. Ben Heinemann, already sworn in. As chairman of the Master Plan Committee he felt compelled to come up and denounce all who have accused the members and professionals for their hard work. The people coming up to the mike should be respectful of one another. He also brought to the attention that any kind of approval that may happen tonight does not give a license to build. They need to go in front of a board and get the needed approvals.

Mr. Lawrence Schreiber, 922 East Kennedy Boulevard was sworn in. He lives in the R-15 zone near Somerset. He is an architect but he was not part of the master plan committee. He wanted to clarify that R-OP does not allow stores, only professional buildings, and asked for verification, but Mr. Banas said he did not know. He said according to the current ordinance, multi family zones allow buildings up to 65 ft. and asked for clarification. Mr. Slachetka stated it is 45 ft. not 65 ft. Mr. Banas stated the

R-OP in this case, item #1 allows the height to be 45 ft. not 65 ft. Mr. Schreiber also commented that when before the master plan is recommended, you look at the existing area and only look to improve the quality of the community and in this case, the R-OP zone is not consistent with the neighborhood.

Janet Payne, already sworn in, wanted to ditto some of the previous speakers. She is on the road daily and can't get through, and is against this change.

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

Mr. Banas asked for a motion from the members. Mr. Klein said he and the members have absorbed a lot from the panel, and felt the emotional charged atmosphere. He wanted to give the opportunity to proponents to the change, and was told by Mr. Banas that the microphone was open for over 3 hours, and no one came in favor of it. Mr. Klein closed his statement.

A motion was made by Mr. Gatton, seconded by Mr. Akerman, to reject the rezoning in item #1

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

ITEM #6 & 7 - rezone a portion of the R-20 zone single family residential between Joe Parker Road and New Hampshire to R-75 single family residential, consistent with development patterns as indicated on the proposed rezoning plan.

Mr. John P. Doyle, is representing the owners of Block 189.03 Lots 37, 38, 39, 40, & 172, which is a central portion of the district contained in recommendation #6. The owners are Eli Schwab, Charles Schwab et al. This is an area surrounding the north end of the Woodlake golf course. Under housing there is a goal for more housing, but also states to maintain the type and character of available housing for varied residential communities. What this zoning recommendation does is meet the needs for more housing and includes clustering. The area for this area is 50 acres, and under the standards for R-20 which is 1.6 to 2 houses per acre, it would mean a yield of 80 – 100 houses. In this area, a branch of the Metedeconk River runs through it, and there are other areas that are unbuildable, and the portion of this parcel to be rezoned to R-75 is approximately 15 acres. R-75 would allow generally 4-5 units per acres, or 65-80 units for the 15 acres. This rezoning would provide a cluster, it hasn't increased the number of houses to be built in the gross area, but put it in the area where building can take place. This would also leave the pristine woods and water, and would allow the building for single family houses, and he hopes the board will affirm the committee's recommendation.

Mr. Banas asked where the southern portion of item #6 begins, and Mr. Doyle said that item #6 is identified the corner of New Hampshire and County Line to the R-M district, the units that front on Paris Court.

Mr. Hobday, said taking an R-20 zone and tripling the density. When we continue to do this, when the homes are built, they will be so crowded on that small, road and will choke that neighborhood before it gets started. We have to resolve the R-75 in outlying areas, outside of the downtown area are not a good mix, not in a rural setting. R-75 is just not large enough to raise a family and to get to where you need to get to, because both are dangerous in that area.

Mrs. Cook wanted to support what Mr. Hobday stated and wanted clarification of what the boundaries are. Does it include the Woodlake Golf course, and was told by Mr. Doyle that the northerly portion of the golf course is included. She thinks this goes against what the master plan says about preserving open space, and if the golf course goes, dense housing would take over the golf course. Mr. Stachetka said this is not dedicated open space because it is private land. Mrs. Cook strongly recommend the board exclude the golf course.

Mrs. Payne appeared and stated she did not want to see the property developed. She doesn't think they should change any zoning, and we need something to preserve the trees. She wanted to make a note of the unity of the public, and hopes the board votes with this unity in mind.

Laura Hebel, 180 Doria Avenue was sworn in. She wanted to say she objecting this item.

Vince Corsaro, already sworn in. He was questioning if it included the golf course, and said that selling golf courses to put up homes. Unless you put up restrictions to prevent the golf course from becoming homes, you should leave it at the R-20.

Mr. Flannery, already sworn in. He said with respect to the portion of Woodlake shown for the rezoning, there is a stream that runs through there. It is a category 1 stream with a 300 ft. buffer on both sides of it, so there is no need to put a restriction, the state has already done that. There is CAFRA in this area so it is protected. He also stated item #2 and #13 have decreased the density.

Mr. Slachetka has a question for Mr. Flannery about pulling out the golf course from the rezoning recommendation, and he stated it would not be a problem.

Mr. Palmieri, already sworn in. He is also against the rezoning of item #6 & #7. He is the chairman of the Environmental Commission who met and discussed the master plan, and he has a prepared statement. The statement reads that the commission has read the recommendation are in strong opposition to many of the proposed changes which increase density throughout our township. The community has been negatively impacted by high density residential developments, the massive removal of trees and installation of impervious surfaces such as concrete and blacktop, which have negative impact on our air and water quality, our septic systems, and our wells. We recommend adoption of a tree save plan as soon as possible, which will force a developer to identify and locate major mature tree clusters and make every effort to preserve them. Existing trees must be replaced by developers based on a formula which will be determined by the master plan which would be in direct proportion to their size and maturity. The increase in traffic

in which developers have not improved roads in our town have resulted in major safety issues such as traffic congestion, entering and existing driveways, streets and developments. The undersized roadways have resulted in difficult access for our passenger vehicles, our buses, fire trucks, garbage trucks, and snow and emergency vehicles. We recommend a comprehensive approach to this master plan in which any proposed increase in development is contingent upon a commitment on the part of the county, and state DOT's to improve transportation infrastructure, and is limited to those areas where we are assured of road improvements. In addition, if and when there is any commitment on the part of the legislature or the rail, perhaps consideration could be given to housing in a particular area. We are certain that the entire community agrees with the commission as they urge the planning board to reject the proposals until they are properly modified to the satisfaction of the community.

Cathy Stillwell, had questions about the boundary lines. She wanted to make sure the golf course decision was removed and kept as a golf course due to the stream.

Gerry Ballwanz, wanted to say item #6 & #7 should be rejected by this board. The golf course is listed in the R-20 according to the current zone map and is subject to being built on. Mr. Banas stated that stream has a 300 ft. buffer on each side. Her other comment is that in the R-75 zone, it is not only single family detached housing that is permitted. The planning board approved duplexes in this zone, which is an approved use, just a few weeks ago. To imply just single family homes are permitted is wrong. Duplexes would be allowed, which really mean 2 family duplex, which is a quad plex, so not just by 2 but by 4.

Yisroel Shapiro, 156 Downing Street, was sworn in. He doesn't see any development going on in that area, only on Joe Parker Road, and the crime is higher than average, it would be a better idea to do this in that area and it would lift up the neighborhood instead on bringing it down.

Lyn Celli, 579 Patriots Way, was sworn in. She said we can't stop change but we can do it in a proper way where needs are met. Please look at what you are doing, because it is the future generations that will suffer.

Mayer Censor, 10 Geffen Drive, was sworn in. He lives in the area between Lakewood high school and the area being discussed. Tires were slashed in his neighborhood, break-ins, and they find disturbances and that building there would enhance the area and make it a better place to live.

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

Mr. Banas stated his problems are with the R-20. There are several homes that are covered from the R-10 to the R-75. Some homes are developed and they go back pretty deep, one belongs to St. Mary's church, and he doesn't think they would want their property changed to R-75. Mr. Doyle pointed out there is a stream back there, so no building would be permitted. Mr. Banas said he is not opposed to the R-75 zone but he thinks some of the homes up to lot 37 down to Joe Parker should remain R-20.

Mr. Franklin said why not take advantage of that open space, so why not keep it the way it is. Take the advantage of keeping that stream open, and not take the advantage of having the lots larger on the other side of it. Leave it zoned like it is. Mr. Doyle said the suggestion from Mr. Banas protects about 700 ft. along the stream.

There was much discussion among the board members, who gathered around Mr. Banas to look at the map, and Mr. Jackson recommended it be put on the record, and any comments from the members should be repeated for the record. It was in full view of the public.

Mr. Banas stated the discussion they had was because the members did not agree with the proposal in front of them, however they are considering keeping a part of R-20 and a part changed to R-75. Another thought was to leave it as it is.

Mr. Franklin said the width of the lots would make them flag lots, and doubling them. It changes the whole scope when you look at it that way. If someone bought the whole tract up, they could really stack some houses in. Mr. Doyle stated his clients own several of those lots and that is what he would do to make it more orderly.

Mr. Klein is concerned about that area and the crime that has happened there. He said redeveloping that area would have a positive affect on the area. He is not sure if an R-75 is the way to go, maybe R-10 or R-15. Mr. Franklin said if you made it a R-15 you could still put flag lots in and that would worry him. With R-20 you can't put it in because you need 100ft frontage. Mr. Banas said the flag lot does not have that restriction. Mr. Heinemann said you could make it a lesser zone and make a restriction on flag lots. Mr. Slachetka said if you made it a condition, you would have to do it uniformed throughout the town unless you make it a special zone.

Mr. Akerman asked whether you can make a deed restriction on a specific area and was told no.

Mr. Klein stated that growth happens and it is a natural progression, and even though they are concerned with open space, they need to envision the future for growth and provide areas for that and keep an open mind where that growth will go. This area is on the outskirts of town, away from the commercial area, and bordering open space and this might not be a bad area to recommend this growth

Mr. Akerman wanted to compromise the zoning change from R-75 to another zone maybe R-12 or R-10. Mr. Slachetka stated you can put flag lots in the R-12 zone, in fact right now flag lots are permitted in every zone. Mr. Kielt stated there is a provision in the UDO to alter that, there is a restriction on the lot size.

Mr. Franklin said if you make the lots smaller, the traffic on New Hampshire Avenue is horrendous as it is, and it would be overloaded.

A motion was made by Mr. Akerman, seconded by Mr. Percal, change item #6 to take out the C1 areas and the golf course and change the R-75 to R-12 and.

Mr. Jackson said the C1 stream meanders and the 300 ft. come off that, so the line should be drawn by lots. The stream is protected by the state. They modified the motion to take out the C1 stream restriction. Mr. Franklin said the line would go down the back property line and the back property line along the golf course, would come out on Ridge, (pick up from lot 34). The members had to look at the map, and discussed the location on the map. They pointed to the lot lines on a map, and conferred with Mr. Doyle, who tried to change the motion. Mr. Jackson questioned whether the machine was running, but the conversations were multiple and there was a delineation question. Mr. Banas asked for a blue marker, to show the consensus for the motion, and delineation the changes and marked it as an exhibit.

Mr. Jackson the record should reflect the members huddled around the chairman, who had a blue marker and highlighter to trace out an area to capture what the motion was, and it was marked as exhibit Board 1, which is a copy of a zoning map with pink highlighting on it, with blue writing, one area says R-20 and another says R-12 and it is Mr. Akerman's motion.

Mr. Banas stated the motion that Mr. Akerman made was to have Lots 36, 169, 170, & 35, in R-20 and Lots 171, 37, 172, 38, 39, 40, 174, 42, 173, 176, 178, 175 & 179 in an R-12 zone. And that was seconded by Mr. Percal. Mr. Jackson stated that it was the intent to capture what was on the exhibit B1 and given to the planner.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM #7 – Area on Joe Parker Road that incorporates an existing multi family development which is located on Lot 165. It also includes 2 properties just to the south of that lot, Lots 184 & 186. It ends at a line which is identified to the south as a tree preservation area to the residential subdivision located further to the south on Joe Parker Road, to be rezoned RM. It is currently zoned R-20.

Mr. Franklin asked if it included the golf view townhouses and was told it was. Mr. Banas questioned if it was next to the senior development and was told it was.

Mr. Flannery, already sworn in. He clarified the 2 adjoining lots were the subject of a zoning board application where they approved duplex units, so there is approved developments, and this proposal is to make it a conforming use so if they wanted to put up a shed, they would not have to go to the zoning board because it is a non conforming use.

Mr. Hobday, already sworn in. He stated the RM zone provides a maximum building height of 65 ft. He feels that is too high. Mr. Banas asked Mr. Flannery if there was another zone they could propose with a limited building height, and he said no. Mr. Hobday said he could not imagine super imposing this on a quiet residential area with single family dwellings. Mr. Banas said he didn't think it could happen, it just abuts both properties and one side is a senior development.

Mr. Hobday said that was Kara homes and they didn't need another disappointment there.

Mr. Franklin recommended making the same change as in item #6 – making it R-12.

Gerry Ballwanz, already sworn in. She questioned whether the recently approved zoning application could then be changed to townhouses. Mr. Banas said he didn't think so. Mr. Slachetka stated if they wanted to legitimize the approvals, then to divvy up the property and make the zones applicable to the multi family and changing the duplexes to R-75. He asked Mr. Flannery if he had the lot size of the recently approved zoning application. Mr. Flannery was not sure but R-10 required 10,000 sf.

Mr. Banas said they should leave it for another day. Mr. Slachetka said he could find out by the meeting of the 8th.

ITEM #19 – Pine Street. The suggestion is to go to an R-20. The zoning map shows R-20. The adult community. It was a M-2 recommending an R-20. Mr. Banas asked if it should be an R-40 instead of R-20, but was told it was meant to be R-20.

Christine Abrams, already sworn in. She asked about a portion of this that extends to New Hampshire Ave, and is that necessary. Mr. Banas said it is already there, and she asked why is it there as having to be rezoned if it already matches up. Mr. Slachetka stated that little strip is zoned M-2, so the intent is to make it incorporate it into the adjoining R-20. No other zone would fit in that place and M-2 is not appropriate. She asked what the M-2 zone permitted and Mr. Slachetka stated minimum lot area is 2 acres and the permitted uses are all that are permitted in the M-1 zone (industrial). Mr. Franklin asked what that would do to the first aid building, since that is what is in the M-2 zone now, and if it would be a permitted use in the new R-20. Mr. Slachetka did not know if it was a permitted use in the M-2. It is permitted in the M-2.

Mike Sernotti, was sworn in. He is the chairman of the zoning board and vice chair on the master plan advisory committee. This area is already a project being built along Pine Street and is permitted in the R-20 zone, from Washington Avenue to the detention basin.

The question was the first aid squad and Mr. Slachetka stated the R-20 zone would not exclude them from the zone.

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

A motion was made by Mr. Percal, seconded by Mr. Akerman, to accept the change from M-2 to R-20

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM #20 – Rezone a portion of M-1 north of Faraday Avenue and west of Cross Street to R-40 single family residential to provide a transition between an industrial use and a single family use to the north.

Mr. Hobday, already sworn in. He stated that property is currently in industrial use as a boat storage facility. How does he feel about his property being rezoned? How can you rezone someone's property? It is not residential. It does not seem practical. We should not be zoning for the sake of rezoning.

Mr. Banas asked if there were additional properties involved in the rezoning and Mr. Slachetka had to do research. Mr. Franklin said there were not many M-1 zone left, and you really need to keep it M-1.

Mr. Slachetka said there are 4 lots in this tract. Block 580 Lots 1, 2, 3 and 11, between Franklin Blvd. and Faraday and Cross Street. It does not cross over Cross Street.

Mrs. Cook wanted to re-iterate what Mr. Hobday said. She also stated because of the late hour many people left who would have liked to speak on this.

Ralph Zucker, 52 Cabinfield Circle, was sworn in. He stated he does not own any property in this area. He said there are neighborhoods in this area that feel disconnected to other communities, and he thinks it should be rezoned to allow a re-connection. He also wanted to stand up for his honor since he was singled out earlier by someone. He thinks what is going on tonight is doing a disservice to the rest of the people of Lakewood who the master plan committee represented. They represent the opportunity for growth, channel growth, correct growth, in Lakewood. They had the benefit of professionals to help channel it. To dissect, one by one, members of the planning board who had no idea, of growth, traffic patterns, by virtue of how many nays and yeas to go ahead and rezone Lakewood, he believes a disservice is being done to the 75,000 people who are not standing here in this room. He is on record as asking for architectural controls as part of this, so it should not look like some of the townhouses that are going up in Lakewood that are an embarrassment and wished Mr. Banas had stood up for them.

Mr. Banas responded to Mr. Zucker that at those meetings that he would not involve himself in a discussion, nor would he take any action, and he didn't vote. He stated it was known from the get go but unfortunately he didn't think Mr. Zucker was there. Mr. Banas was there. He knew there would be a conflict and reserved his vote for here. Mr. Zucker apologized if Mr. Banas thought he meant he was owed any support, but to pick apart without the benefit of the year that went into it is doing a disservice. Mr. Banas stated it was a public meeting, and it is their meeting, the only input they will have. The ideas they present is taken into their hearts, and they should be allowed to speak their heart.

Mr. Flannery, still awake. He stated that this property is a 10 acre piece on the corner of Cross and Faraday, and also has Franklin Blvd. on the northerly side. The opposite side of Franklin Blvd. is residential. He doesn't think M-1 across the street from residence makes sense, it is surrounded by 2 sides by residential. There was an application

approved by the zoning board for residential but was appealed and overturned by the judge because it was zoned M-1. The application was done by his office. He thinks there are varying opinions from the neighbors on the zoning but feels the residence contiguous to it probably would prefer residential. The business being there that many years, it is either rented or he sold it, because the owner came in asking about residential.

Laura Hebler, already sworn in. She would like to see it stay as it is. They are isolated there, but it is why she moved here.

Carol Murray, 51 Drake Road was sworn in. She would love to see this stay M-1, we have so little left. One it is gone it's gone. They help pay our taxes.

Vince Cossaro already sworn in. He wanted to comment on Mr. Zucker's statement. He pointed out that these people have also done their homework and he doesn't think they went to the neighbors and asked them, and he thinks what is going on now is appropriate.

Sam Flancbaum, 110 Franklin Boulevard, was sworn in. He thinks it would be appropriate to zone this M-1 to R40. He lives on a 1 acre lot, and there are numerous 1 acre lots in the area. The owner of the boat yard has sold it and the new owner is just waiting to do something with it. The boat yard was an eyesore. Numerous variances have been granted giving 1 acre lots, and they have been 1 acres lots for at least 3 decades. It would create a nice transition to have it rezoned R-40 and nice homes built there where the boat yard is.

Janet Payne, thinks the boatyard should be cleaned up but keep the industry area.

Mr. Slachetka explained the differences in the maps present, and which one was the latest, and that a change was made for the boundary of Crystal Lake Preserve but the rest was the same. The map is dated 10/21/06.

Larry Simons, 7 Schoolhouse Court, was sworn in. He questioned the goals of the committee, page 62, to encourage and foster development and growth of small business in the township and encourage existing industrial parks to remain as industrial use. Yet what he is hearing is take M-2 zones and making them residential. You keep deviating from the goal.

Janet Payne stated all the people on Cross Street left, so it would be unfair to vote on it tonight.

Mr. Hobday asked to approach Mr. Banas and discuss the map dates. Mr. Banas showed him the correct one. Mr. Hobday pointed out that there was a mistake on the 1999 one and he sees it happening again.

Yehoshua Birnhack already sworn in. He lives in Esti Circle, off Faraday Ave. He would like to see it as residential.

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

Mr. Gatton said both of these lots are accessible from Faraday, and the boat yard is accessible from Cross, and he questioned whether if they went residential, would they come out onto Faraday. If the parcels were consolidated they have frontage on all streets, but where access is provided would be up to the applicant. The acreage is 11-12 acres, so there might be 8-9 lots.

Mr. Banas said he agreed with the change to R-40.

A motion was made by Mr. Akerman seconded by Mr. Percal to approve the change from M-1 to R-40

ROLL CALL: Mr. Franklin; no, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

An announcement was made about the next meeting being Wednesday, November 8, 2006.

Baruch Manes spoke about item #22 and said he could not be at the meeting of the 8th, and wanted to hear it now.

Mr. Banas stated they are 2 -3 hours over their curfew.

5. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary