

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 *Asbury Park Press* 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*, and *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

Committeeman Miller, Mr. Neiman, Mr. Banas, Mrs. Koutsouris, Mr. Fink, Mr. Schmuckler

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

4. NEW BUSINESS

1. DISCUSSION/ADOPTION – Addendum to the Re-Examination Report of the Master Plan & Unified Development Ordinance

Mr. Banas said they are here because of a remand from Judge Grasso to hear a case that is before them. The Planner, Mr. Slachetka will make a presentation of what the general consensus is followed by the limitations and the point of discussion by Mr. Jackson. Mr. Banas will then ask if there are any attorneys in the audience to step forward, identify themselves and following that they will move to a public portion to hear the public, which he will limit to 3 minutes each.

Mr. Jackson noted that Committeeman Miller is present and under the MLUL there are certain designated officials that sit on the Planning Board and under the circumstances, since Committeeman Miller will be on the Committee when the Committee has to determine whether to pass on the activities of the Planning Board, he feels it would be appropriate for

Committeeman Miller to step down from this proceeding so when he hears this as a Committeeman he is not passing on his own ruling as a planning board member.

Committeeman Miller stepped down from the proceedings.

Mr. Banas continued and said at the conclusion, if anyone wished to speak again, he would not look negatively on that as long as everyone got to speak. He thought 3 minutes was a long enough time. After the public is finished, he will open it up for any attorneys to make a summation and it will then be closed to the public. Then the board will make a decision.

Mr. Slachetka had a series of presentation boards that he would be referring to and they correspond to the figures that are in the report presented to the board members and made available to the public. The report is identified as the addendum to the re-examination report of the Master Plan and Unified Development Ordinance, identified as a draft, dated December, 2008.-marked exhibit B1. It was prepared to provide the planning analysis and review necessary in response to Judge Grasso's remand regarding the property in question. That area is shown in figure 1 of the report which is an aerial photo that shows the boundaries of the study area and was marked as exhibit B2. The property is an irregularly shaped tract within the southwestern portion of the township and is bordered on the west by Jackson Town and includes approximately 370 acres. To the north is Veterans Highway County Route 528 and it also includes James Street, portions of the Crystal Lake Preserve area above Ridgeway Place and also Farraday to the southeastern portion of the tract. The primary consideration they have to follow is the MLUL which states that a zoning ordinance must give reasonable consideration to the character of each district and its' suitability to particular uses. The zone plan takes place within the context of a comprehensive planning framework that municipalities must undertake and that land use element of the Master Plan is the overall guide to the governing body of the municipality in terms of the desired land uses within the community. That could include the recognition of existing uses or projected or proposed land uses of an area or recommendations for changes consistent with the overall goals and objectives of the communities Master Plan.

Mr. Slachetka said they took a site investigation of the area, evaluated aerial photography, looked at statewide geographic information system (GIS data); looked at the most recent Master Plan re-examination report that was adopted in 2007, the UDO and they also evaluated this within the context of the requirements of the MLUL. That was the framework and foundation of their planning analysis. One thing to understand with this specific addendum to the Master Plan is the significant growth and development that has occurring within the township. It is very substantial and will increase within the next 10-20 years and there is data information within the report (page 3) which shows census information of a growth since the 2000 census of 40% or more. The challenge is to balance that growth and development with opportunities for preservation to provide a planning framework that is founded on smart growth planning principles that includes a variety of housing opportunities and choices including affordable housing.

The conditions within the area are shown in figure 4 of the report was marked exhibit B3 and shows the land uses and it is primarily developed as single family residential at relatively low densities. Of the 370 acres, approximately 224 acres or 60% has residential land uses, primarily single family residential land uses located on it. There are a number of commercial properties, 2.4%, and public properties account for about 12% or 45 acres and they are located in or

approximate to the Crystal Lake Preserve area in the northeastern portion of the study area, and there is about 60 acres of vacant property accounting for 16-17%. There are several farm qualified properties pursuant to the tax assessment records; one of them is under active consideration for preservation under the state program.

Exhibit B4 is figure 4 from the report which identifies the lot sizes in the area and differentiates by color conforming lots with regards to the zone designations depicted in the 2007 Master Plan. On Table 2 of page 6 you can see the distribution of the lot sizes within the area but the average lot size within the study area is approximately 2 acres; it varies by where you are within the tract area but if you took the overall average it is about 2 acres

Mr. Slachetka said one of the things they looked at was the zone designation or the land use plan designations as presented in the 2007 Master Plan vs. what had been previously identified in that area. Exhibit B5 shows the zone designations as had been previously, prior to the 2005 amendments to the Township's zone plan, identified as A1, which constituted 1 unit per 2 acre zoning for the area. Exhibit B6 shows the land use categories that were identified in the 2007 Master Plan Re-Examination Report and the designation identified as R40, which contained 268 acres, 37 acres in the R12, a portion in the CLP area which totals 23 acres, and 42 acres in the southeastern portion in the A1 area. There is a description of the various comparative zone district requirements in each one of those districts: A1 is 2 acres; R40 is 40,000 sf minimum lots; R12 is 12,000 sf and the CLP is 3 acres. Mostly single family detached dwellings in being the primary land use category that is permitted with the exception of different variations of each of the districts to provide for an opportunity for schools and houses of worship.

As part of the 2007 Master Plan Re-Examination, the Planning Board did make several affirmative findings within this study area. Exhibit B7 which is figure 2 from the Master Plan Re-Examination Report and it shows the study area of the proposed re zoning map. They show the action taken by the board was a recommendation to change the A1 district area in the southeast portion of the study area to R40, that was denied by the board and they affirmed the A1 zone. There was also an approval of an expansion of the CLP district southward on to what was previously been R12 area so in the northeastern area and that was a recommendation that was affirmed by the board. Exhibit B8 which is figure 6 of the report and comes from the statewide GIS that is provide by the NJDEP which identifies key natural environmental constraints such as wetland areas, flood plains and buffer areas to both wetland areas and C1 stream corridors and one that touches a portion of the northwestern part of the tract, the headwaters of the Watering Place Branch. Primarily these wetlands, flood plains and buffer constraints are located outside the study area tract and primarily associated with the Crystal Lake Preserve.

Exhibit B9 is the current planning area boundaries that are identified in the State Re-Development Plan and most of the study area is located in the planning area 2 which is the metropolitan planning area. There is a small triangular area by Cross Street identified as planning area 3 which is a fringe planning area. Exhibit B10 is figure 7 which shows the sewer service area map and most of the study area is located outside of the mapped sewer service area. It is one of the two areas within the township which is not in an identified sewer service area and is surrounded by a mapped sewer service area. It is not co-terminus with the boundaries of the study area, there are portions of the sewer service area that do extend into the study area and portions of the CLP outside of the study area.

Mr. Slachetka said their basic recommendation to the board is a continuation of the land use plan as presented within the 2007 Master Plan Re-Examination Report. Exhibit B11 is a mapping that identifies the recommendations that they have made in the context of the report and they re-affirm the findings to the 2 tracts; the continuation of the A1 land use designation for that rectangular portion near the southern tip of the study area and the extension of the CLP boundaries. It also recommends a continuation of the land use categories as mapped in the 2007 Master Plan. They based those recommendations from planning perspectives on the substantial growth and development occurring within the township; the need to accommodate new growth and development and provide a range of housing opportunities including higher density residential along with lower density residential. Their recommendation to retain the R40 is a low density residential development form; 1 residential unit for 1 acre. Given the growth and population and the need to provide appropriate housing choices they feel providing that designation as well as the two R12 designations is an appropriate land use approach given the context of the communities comprehensive planning efforts. Looking at the aerial photo, this is an area of the township where there is low density housing and also adjoins significantly different zoning and existing land use types within the community. To the south and southeast, east of James Street, the zone is M1 which includes one the main industrial parks and the town is looking into some new mixed use development in this area, particularly if there is a railroad station that is developed here pursuant to the MOM line. It is also located in the UEZ zone and a potential opportunity for future growth and development. To the north, across Veterans Highway and Route 528 is a fairly substantial mixed use development with a planned 1,000 residential housing units as well as non residential uses as part of an overall mixed use development. It is his opinion the R12 district provides an appropriate buffer area and transition into the lower density areas (R40) and they also recommend the Planning Board may want to evaluate and examine whether or not an extension of that R12 district is appropriate. They are not recommending it at this time, but it may be something to consider, depending upon what ultimately occurs in this area. Anything that is designed must be consistent with state regulations regarding the environmental concerns in the area.

From an infrastructure standpoint, this area is not within a sewer service area and contingent upon any development or future development they recommend that development be subject to a requirement that either the development is served by public sewer or provided adequate onsite disposal system. They also make the recommendation to the board and township that this is an area that should be examined for the inclusion of a sewer service area and they recommend as part of the overall comprehensive wastewater management planning activities for the township that the township evaluate and work with the county to examine to opportunity to extend the sewer service areas into the area and to provide opportunities for growth consistent with the land use plan categories. Until that happens it is their recommendation that there be a contingency with regard to any future development that occurs prior to the establishment of a sewer service area that either that development provide public sewers or that it be allowed to provide public sewers by the appropriate agency or such facilities be provided on site (on site disposal fields) consistent with NJDEP regulations.

Mr. Jackson said this matter is the result of a remand from Judge Grasso who described the area as the affected areas include the property west of Sunset Road to the Jackson border, and between New Egypt Road and Farraday Road. The issue was that they were designated as R40 and R12 zoning districts and the judge was not certain how it was had changed or that there was an appropriate trail to turn from A1 to R40 and R12 and the court asked the Planning Board

to review the matter and make the appropriate determination of what the zoning should be. The judge wanted to make sure what was on the table was clear and that the board made its' decision after the appropriate input from the planner and the public so there would be a clear transition if any, or stay the same. The remand is limited to the subject property and not be construed as an opinion by this court as to the proper zone designation for the property as that issue is properly for the municipality to undertake in accordance with the MLUL and sound zoning and planning.

Mr. Jackson said that portion of the Re-Examination Report was addressed by the planners and there is a recommendation and it has been on file and now it is incumbent on the board to deliberate after taking input from the public and makes it recommendations and adopt the Re-Examination Report if they think it is appropriate. Mr. Banas asked Mr. Jackson to hold the board to those limits which are established and if they deviate please let them know in some way.

Mr. Banas then asked for any attorneys who wished to speak.

Mr. Mark Steinberg Esq. appeared on behalf of the Dr. Scher and he had a few questions for the planner. He asked if he indicated that the recommendation of the one acre zoning (R40) is in conjunction with sewer and water and Mr. Slachetka said from a land use planning perspective they felt that a R1 designation was appropriate and did say they recommended the township work with the county to identify this area as a sewer service area but until that point in time any development that occurs there would have to provide either for public sewer or alternatively provide adequate onsite treatment that met NJDEP regulations. Mr. Steinberg asked if by onsite he meant septic and Mr. Slachetka said no more specifically a community type of system and Mr. Steinberg asked about a minimum acreage for that and Mr. Slachetka said he did not know off the top of his head but whatever would be consistent with NJDEP regulations. Mr. Steinberg asked if there was a manner in which, if the board were to adopt these findings, there could be an overlay zone of something in the zoning ordinance a recommendation that would indicate that if public sewer or water or another satisfactory waste disposal system is provided that the lower density not be permitted. Mr. Slachetka said that would be up to the board in terms of the wording and the approach that they want to take in terms of the recommendations. Mr. Steinberg said it would just be his recommendation if the board considers it that he believes it is predicated largely upon developing of this area at a higher density of 1 acre than as opposed to 2 acre and it is in conjunction with public sewer and water and some other type of on site waste facility in accordance with DEP regulations and he would urge the board to include in their recommendation a restriction of the higher density to be in conjunction with public water an sewer or other type of onsite waste treatment. What he wants to prevent is one acre zoning and then they will come back and say they can't get water and sewer we will put a septic here and it could be eliminated from the beginning if that is not an issue.

Mr. Banas opened the microphone to the public. He reminded them of the time limit- 3 minutes.

Tamalind Flannery, 590 Atlantic Avenue, Lakewood was sworn in. She said she agreed with the findings and recommendations listed on pages 11 and 12 of the addendum report, specifically the need to accommodate new growth. More houses in the study area will improve the neighborhoods, especially if constructed on new residential streets as opposed to houses on major collector roads such as Cross Street, James Street and Drake Road. Going backwards to

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**TOWNSHIP OF LAKEWOOD
SPECIAL MEETING**

the A1 zone would be a mistake. Requiring 2 acre lots is sprawl and that only benefits the few elite who want big houses on large lots with pools, tennis courts and no neighbors. She asked the board to approve the recommendations in the report so young people may have an opportunity to have a home with a yard where they can raise a family,

Larry Simons, 7 Schoolhouse Court, Lakewood was sworn in. He said Planning Board meetings which are open to the public input are unlimited in time and normally end at 9pm allowing for a 3 hour total. With such a serious and important issue being discussed tonight and with a decision by the DEP mandating a public hearing he finds this decision to limit speaking to 3 minutes is both arbitrary and unreasonable. In addition, he said he is of the personal opinion that this planning board is acting in a manner that is detrimental to input from the public, giving them the impression that the Planning Board is attempting to stifle public input by those members of the public who desire to be heard. In all the years he has attended Planning Board meetings, he cannot ever recall time limits on public speaking and asks why tonight this prior policy has been changed. In his mind, contact with the DEP is warranted for these reasons. Why not allow at least 5 minutes per speaker; with approximately 30 speakers this would only equate to only 2 _ hrs and by stifling it you do not accomplish anything.

Mr. Banas said they have had time limits on speakers before. If they limited it to 4 minutes, someone, like you, would get up and ask for 5 and if they limit it to 5, someone would ask for 6. Mr. Banas said he indicated that after everyone was finished and if they had time remaining he would allow the public to come back to speak a second time. Mr. Simon said that is a total disconnect for the public. Someone speaking is being disconnected in their thoughts and that is not fair.

Mr. Neiman asked Mr. Simons if he felt he got his point across and Mr. Simons said no and Mr. Neiman said because he still had a minute and _ left.

Glenn Bressan, 21 Stratford Drive, Brick was sworn in. He said he hears about the intense population growth in the Township of Lakewood but he believes there is intense population growth because you are letting it happen. He has been a police officer in Lakewood for over 24 years and he believes we are in a town that has an infrastructure made for a residential town 50 years ago. The past 5 years in his police career, he has been a UEZ officer in the downtown area and on bike patrol or walking patrol and in this span he has seen this town get so crowded it is unbelievable. He never imagined that the Township of Lakewood and the roadways and infrastructures would look the way they look now. He sees on a daily basis, cars sitting bumper to bumper. They just spent millions of dollars redoing Central Avenue and everyday in the morning Central Avenue is bumper to bumper from River Avenue to Sunset. He does not understand and what you are doing now is you want to change everything to let even more people move into town, more cars, and more traffic on roadways and to him that is just not feasible. He is flabbergasted and had lived in Lakewood his whole life, 47 years, and if you ever told him that he would see the roadways look the way they do now he would have laughed at you.

Helen Henderson, Atlantic Coast Project Manager with the American Literal Society, based out of 18 Hartshorn Drive Ste.1 Sandy Hook was sworn in. She lives on 5 Camelot Court, Lanoka Harbor. She said they are a membership based coastal conservation group and they have over 5,000 members and they have been advocating and education on conservation issues since the

1960's. She is here tonight more in the context of the Master Plan item as it plays into their review of the State Plan endorsement process. They are looking to see sustainable development, resource base planning, and most specifically, protection of water quality (in this case) of the Barnegat Bay. On November 19th she sent a letter to Mr. Truscott outlining their concerns on this zoning issue, most specifically they were asking him to first look at the limits of the area in question due to the lack of the wastewater treatment or exclusion from the sewer service area. On page 12 of their report there is a section on infrastructure considerations and it reads "consequently any proposed development in the study area will need to address the issue of wastewater treatment and disposal. Without the availability of sewer, development will be limited to the ability of onsite septic and similar disposal systems to handle wastewater generated from the development in accordance with NJDEP regulations" It continues to say the Township should work with Ocean County to amend the wastewater management plan. Ms. Henderson said the majority of the zone, even with working with Ocean County will still be excluded by the new water quality management planning rules which went into effect this summer. There is a list of environmental features, specifically that the DEP excludes from sewer service areas, service extensions, including natural heritage priority sites, wetlands, C1 buffers, threatened and endangered species and habitats and also 25 acre or larger contiguous areas of land and some mapping she will provide (if the board wishes) from the NJDEP mapping site that shows that this area had T& E species based patches and also 25 acre or larger contiguous areas so therefore they do not see any potential for sewer service being extended to this area. She had other points but the timer went off. The public wanted to hear her speak and Mr. Banas took a recess.

Mr. Banas said the time of 3 minutes was set and he respected that and she did not. He apologized if that 3 minute time was not sufficient for her to get her thoughts in order, however, he has been asked by the members of the board to extend that time to 5 minutes, but under no circumstance will he allow any member from the public to go and negotiate with the public itself for extended time. There is only one person in charge of the meeting. Mr. Banas asked her if she was a professional and she said she was employed by the American Literal Society and Mr. Jackson asked if she had the authority to speak on its' behalf and she said yes. Mr. Banas said had she made that known to him he would have extended that time automatically at the beginning of the meeting. He did not curtail any of the professionals the time element and he extended that as long as it was necessary.

Mr. Jackson expanded and said it is always rooted that the presiding official has the authority to regulate the proceedings on reasonable time limits, and reasonable efforts of preventing duplication of comments, reasonable ways of keeping the matter focused and on tract so it can move forward in a responsible manner so that people do not take the opportunity to filibust or delay the process.

Ms, Henderson continued with her comments and said there are maps available and if they would like them submitted into the record she will make them available, they are printed off the NJDEP website which clearly points out why they believe that sewer service area will not be extended to this area under discussion. She also has a T&M document that was submitted under the Plan Endorsement Process entitled "Coastal Center Boundaries and Environmentally Sensitive Areas for Lakewood Township, Ocean County New Jersey" which shows the threatened and endangered species habitat in this area of concern. Additional, therefore, appropriated zoning would be based on the sub watershed analysis for septic systems, no

sewer service, there would need to be a nitrate delusion model that was run and this is part of the much larger process currently being handled by Ocean County. It is premature without this information to make an appropriate zoning recommendation and Ocean County is required to be completed with this process by April of '09. The State plan designations, their consultant's own report, page 10, say these are proposed changes, those are all pending. The cross acceptance that they underwent, new mapping will come out and at the very least this area will have planning area 5 which is environmental sensitive areas and CES' which is critical environmental sites. In regards to the last paragraph of the report, she says the development that will be proposed in a zone such as R40 or R12 will be difficult if not impossible without sewer service due to NJDEP rules and regulation, specifically ground water quality standards. She said in closing, it is premature to adopt this zoning change based on that information.

Carol Murray, 51 Drake Road, Lakewood was sworn in. She said Lakewood has become a unique place. While other towns are concentrating on saving open space, preserving and controlling sprawl, this town wants to do just the opposite. She said the elected and appointed officials encourage more building and issue an open invitation to developers to clear cut forest and build dense housing. She said we are destroying our own quality of life for all the people who currently live here and plan to stay. We do not seem to count anymore and said everything is geared toward those who are coming in the future. Zones are changed to accommodate people who want to sell their land and our land is being controlled by a force that is fueled by greed. In the end we will all suffer the consequences of foul air, bad water, and gridlock. Lakewood will become an undesirable place to live. An R12 zone is put in the middle of an R40 zone for the convenience of a landowner who wants to develop and it is called good planning. In fact R40 will become a stepping up point for variances that permit 1/2, 1/3, and _ of an acre, so it is largely meaningless. She asked the board to please consider what they are doing to every resident including themselves before you make another irreversible mistake.

Janet Scher, 1050 Cross Street, Lakewood was sworn in. She said her husband was the stand in plaintiff for a group of neighbors who noticed that their land had been zoned without legislative back up and that is the reason we are here. She said they all believe the same things Mr. Slachetka was talking about; a balance between preservation and growth, accommodating people who need to have homes, but they also very strongly believe in preservation of the environment and she believes the growth that has been projected is not accurate in terms of figures presented. There are references to figures with regard to the 2007 population that take a number that is not a local number, it is a state number, and it is much larger and we are in an enormous economic downturn and there are developments all over town that have been abandoned. Developers are selling their land and filing for bankruptcy, defaulting on their agreements. The Office of Smart Growth, the DEP and the Ocean County Natural Lands Trust have identified Crystal Lake Preserve within the Township as an area of preservation. She said the township has failed to pass the ordinance to preserve that area. R12 in the middle of an existing A1 area is not consistent zoning and planning and there has been no mention of the fact that the bordering properties to this A1 zone in Jackson are 3 acres for every one home. Serenity Acres has been proposed with approximately 50 variances and the bringing in of septic and water which Ms. Henderson has spoke to as not something that will happen under the present system. Serenity would be an excellent preservation area and the Ocean County Natural Lands Trust has received a proposal to that effect because of its' watershed, C1 pond and the buffers that are required. Lakewood Meadows is another on Cross Street that has been discussed with the Ocean County Natural Lands Trust and people in the township are interested

in preserving that as well. This is a town that has only so much land left that it can preserve. The state, the office of smart growth, is asking for preservation and there is only one place within which it can take place because this is all that exists so she would ask to please take into consideration what the State, the County, and residents who plan to stay in Lakewood would advocate and not weigh the balance in favor of people who would like to sell and leave.

Marilyn Fontanetta, 1188B Clydebank Court, Lakewood was sworn in. She has 2 requests for the planning board; one is to give consideration to the people who already live in Lakewood as opposed to giving priority to people who are only thinking of moving to Lakewood since the board is the representatives of the people of Lakewood. She also requests that the 45 acres of publicly owned land be preserved as open space and not sold for development. Her reasons for opposing increasing the density of building in the area under consideration are that Lakewood's roads are inadequate to handle the current volume of traffic and additional cars, school buses and delivery trucks will only exacerbate the problem. Her concerned about the degradation of the environment are the following: increased exhaust fumes from cars, school buses and delivery trucks will further degrade the air quality; increased use of impervious cover such as buildings, roads and parking lots will have a impact on the drainage of the groundwater and increased use of impervious cover may cause some homes to be re classified as being in a flood zone due to the effect on the water drainage. This would greatly increase the cost of their homeowners insurance and cutting down more and more trees will have a negative impact on both the air quality and the quality of life. She said many people moved to Lakewood because of the beauty of its' natural resources. The towns' senior citizens of whom she is one will suffer the negative effects of expanded development and increased density which are worse traffic, air quality and taxes but will not profit from the increase economic growth of the town. The increased development will mainly benefit builders, business owners and families with school age children so she would again ask the board to consider the many people that already live in Lakewood and want a clean environment, less traffic or maintain the traffic problems and not make them worse, when you are considering increasing the density in this area.

Bill Hobday, 30 Schoolhouse Lane, Lakewood was sworn in. His first comment is that he believes a planning board has an obligation to try to prepare a plan for the township that serves all the residents. He looks at the tax base that keeps on rising for school taxes and municipal taxes as the population increases and he looks at the infrastructure around and the old County roads that service all of Lakewood or the inadequate State roads are overwhelmed by current traffic. He said as we continue to increase density and/or provide building options for higher density buildings in locations such as the southwest sector, there is no where else to go. He knows there have been approvals for large density dwelling units on Route 70 and that is ok because Route 70 can accommodate that extra traffic and in the industrial park but when you get into environmentally sensitive issues like the southwest sector that is only fed by old underdeveloped roads you are developing a problem there in that nothing can get in and out and if we would ever use that evacuation route which is County Route 528 (Cross Street) we would have a problem doing that. The more building and structures you put in that sensitive area the more difficult it is not only for the people who reside there now but any people you add to that area. They are going to be just as gridlocked as they are on Route 9 in the eastern section, center city of Lakewood, northern Lakewood and he believes this committee has a obligation to allow for some areas that go relatively undeveloped so that we have everything; high density, low density, farms, industrial sites, residential sites, and when you integrate it all together it works but if you try to put high density everywhere it no longer works. His plea to

the board is for them to go about this with a common sense approach and say Lakewood will accommodate the people that want to live here but do it where it is smart to do it, not clogging every roadway that allows them to get in and out of Lakewood Township.

Jerome Safner, 1188B Clydebank Court, Lakewood was sworn in. He has a number of concerns about making Lakewood a regional center. In regards to transportation, it is a misleading argument to say that the dense development which incorporates some straws will lessen the use of cars. Higher population will mean more cars, except for small chores which people will accomplish by walking most food shopping will be done by car due to the bulk of merchandise transported. Lakewood's roads are inadequate to handle the current volume of traffic and additional cars, school buses and delivery trucks will exacerbate the problem. In regard to the environment, he said increased exhaust fumes from cars, school buses and delivery trucks will further decay the quality of the air. Taxes have to be further increased to pay for additional public services such as police and fire departments and the years' proposed budget include a 10% property tax hike on top of the 2007 10,000 % tax increase. Taxes may also have to be increased to pay for additional infrastructure such as roads, sewers and schools. Increased numbers of school aged children will require increased spending on buses, drivers, supplies, etc. and these expenses will be disproportionately borne by senior citizens like himself, many whom are on a fixed income. He said the towns' senior citizens will suffer negative effects of expanding development, worse traffic, worse air quality and taxes but will not profit from the increased economic growth of the town. The majority of the seniors are retired and neither own businesses, seek new jobs, nor make money by building new homes and the increased development will mainly benefit builders, business owners and families with school age children. New Jersey has the highest population density at 1,134 people per square mile and if Lakewood was granted a status as a regional center the maximum population density would jump up to 5,000 people per square mile.

Pat Weber, 289B East Cambridge Court, Lakewood was sworn in. She has a question for the planner and asked how many people do they expect to live in the area if they get the variance for the zone and Mr. Slachetka said the did not do a population projection in the area and they are not requesting a variance, this is not an application.

Mr. Jackson said in the context of the question she is asking what the future growth will be. She said will it be 2,000, 5,000 people and said there must have been some sort of work done on this. Mr. Slachetka said if you looked at it and you assumed total full development, it would be about 100 houses in addition to what would be allowed under the A1 scenario. Ms. Weber asked if that is what the total is under high density and Mr. Slachetka said they do not plan on doing high density and Mr. Jackson said on page 5 there is a section under review and it talks about Lakewood's demographics and in that is talks about the population increase of 60,000 (34%) 1990 census and you said you project over the next _ century slightly faster than the county's growth rate of 44% and you expect Lakewood to increase its' population by 45.3% and that is what the question is directed to. Mr. Jackson said what growth does he expect and why are you proposing the higher density housing.

Mr. Slachetka said the R40 designation was not being considered high density housing as it would be in some of the other districts but those projections are based on township wide not segmented within this area. Ms. Weber said that did not answer her question, and her concern is that she thought they were trying to downgrade this area from 2 acres to 1 acre and 12,000 sf.

and Mr. Jackson said downgrade is a matter of perspective and asked what she meant and she said you can build more houses on the same amount of property and Mr. Jackson said yes. She said if you build more houses, you are certainly going to have a lot more people.

Noreen Gill, 192 Coventry Drive, Lakewood was sworn in. She said she is a resident for 37 years. She originally moved from up north because of the intense traffic. It took them 20 years to build Route 9 into Lakewood and they were still building Route 9 south when she first moved here. Now it is like she is looking backwards and she wants to look forward, she wants to look forward to the reason why she moved here. What is happening to this town now is you are not listening to the people that live here; you are saying to the people that live here, development is good for all. Development is a good thing but we are not developing our land the way we should. Our environmental is not even a consideration here; a developer comes in and says he can put some much on this land. Where is the thought that you stop and you ask yourself what is happening to our town? We are catering to developers. Who wants all this land? Is it the retired people? People that need the land because they have so many children? She agrees, many they need it but she asks if they have considered all the investors who have taken all that they could and put many many, many, illegals in them. In her row of houses, there are 70 people in 6 condos. You are catering to the investor who is wiping out people like her, buying the property, renting it out, getting \$1800.00 and then saying there is no housing in Lakewood. Well there is housing thank you to the investors and thank you to the developers and she wants the board to think about what she is living with now. She cannot even travel on her streets; it takes her 20 minutes to get from Kennedy Boulevard with a light, after 20 some years requesting one, to Rite Aid on Clifton Avenue which is 2 blocks. Her husband had an emergency at Paul Kimball Hospital and she decided to drive him because the bridge was closed. That was her mistake. She had to go down around Martin Luther King and her husband almost died along the way. There is no substitute and what the board is doing, in her opinion, is catering to these developers.

Roger Boyd, 1000 West Cross Street, Lakewood was sworn in. He said the thought R40 meant you needed 40,000 sf to build a house but after listening to the comments it seems he can put 40 units on an acre. - He then said that was a joke. He said he is in favor of the rezoning and believes many people come here and wish they would put up a gate because they find it such a nice place to come to but they don't want anyone else to come here. He said he doesn't even know if people that would be moving into a house on a 1 acre lot would be someone coming from outside of Lakewood but rather someone that is moving from a smaller house providing affordable housing by selling the smaller house or condominium and mover up as they are more successful so he is in favor of it.

Sam Flancbaum, 110 Franklin Boulevard, Lakewood was sworn in. He said he has been a resident of Lakewood for over 50 years and have resided in this section of town that is the topic of discussion for over 30 years he has watched as it has developed and has seen the formation of neighborhoods there. In the 1970's and the 1980's, 90's and even the turn of the century when the A1 zone still existed there has been a continual series of applications presented to the Zoning Board of Adjustment requesting that the board provide the opportunity to create building lots that ranged in size from 12,000sf to 40,000 sf and as long as the requests were reasonable, he does not ever recall them being denied and this is public record. If you drive around the extended neighborhood you'll see these smaller lots with homes on them scattered about and they all seem to blend in very well. In the late 1990's when the Lakewood Master Plan

Committee convened, the recommendation made by that committee to change the A1 to R40 was simply a logical and natural outgrowth of a pattern of spotty rezoning that occurred by the granting of so many variances over a very long period of time. The proposed zone change recommendation was no secret and was depicted on maps and diagrams that were part of the Master Plan Report in 1999 and this information was available to anyone who requested it. Some years later in 2005 the Township Committee voted to enable zone changes as they were recommended in that 1999 report. All these zone changes were depicted on a large map of the town that showed the proposed changes for Lakewood at the time and the map was available for review by anyone. A zone change that provides greater density than A1 is not a mistake, it make good sense. It increases the possibilities for good, diverse, smart planning that is so much needed in Lakewood. The zone change that was adopted in 2005 further provided to Lakewood residents housing possibilities and the opportunity to enjoy a lifestyle the so many people in this part of town have been able to obtain and already enjoy. The zone changes are logical and an appropriate reaction to an established pattern of growth and development that has occurred over the course of decades. These types of zone changes in this part of town have been time tested; they work and they further fulfill the needs of a diverse and growing township population.

John Kirsimagi, 41 Ferndale Avenue, Morris Township was sworn in. He said he represents someone tonight, but not in a professional capacity. His parents own and reside at 54 Drake Road which is in the subject property and his family is in favor of the recommendations.

Sally Wells, 1101 West Cross Street, Lakewood was sworn in. She said she agrees with the planners recommendations and would like to comment and say that with the exception of a very few vocal individuals who have spoken out against any growth in the 1515 district, many don't even live in the 1515 district. Many of these people would not have been afforded the opportunity if this committee and the builders did not have the foresight to build communities where they currently reside. She too has seen a tremendous amount of change in the township as she was born here 54 years ago and she believes for the most part the change is good. She has been involved and has watched this process for over 5 _ years now and she would like ask that once and for all, the board and the members of the community come together and let individuals get on with their life.

Barbara Flannery, 590 Atlantic Avenue. Lakewood was sworn in. She said agrees specifically with the need to accommodate new growth as listed in the findings and recommendations on page 11 and 12 of the addendum report. Farming in the study area doesn't benefit Lakewood Township and in actuality there are no productive farms in that area. Farming is bad for the environment; it has been proven to be bad for the environment because of the run off of fertilizers, pesticides and erosion. The only benefits derived by farms in the study area are reduced property taxes for the property owners and there is no good reason to encourage farming in the study area. Requiring 2 acre lots is sprawl and we all know sprawl is bad and going back to the A1 zone would be a mistake. Sprawl only benefits those few who want big houses on large lots with tennis courts, pools, and no neighbors. She commends those people who have large families and who want to have homes for those families with yards so that their children can play and she would like those people to have the chance to be able to afford that home and have a home to raise their family.

Nathan Birnhack, 18 Esti Circle, Lakewood was sworn in. He said he lives in the subject property in a 2 acre parcel and he loves the 2 acres, the trees, and the openness of the area but to say that everyone should live like this is stingy. The concern of the density that everyone keeps hearing about, the total after the change to the R40/R12 is 183 parcels on 370 acres which basically means an average of over 2 acres per property after the zoning change and he thinks just like he enjoys the area the zoning should allow many other residents to enjoy the same.

Brian Flannery, 590 Atlantic Avenue, Lakewood was sworn in. He said he has a map he would like to put up on the board, marked exhibit F-1. He said it is a tax map of the area in question and it extends into the Crystal Lake Preserve and he has colored in orange the school properties in the area, in green is the CLP and other environmentally sensitive property area and the blue is the proposed preservation area. This is to give the board a feeling of how much area they are actually talking about is left for development. The planner gave an estimate, if this zoning was approved and everyone developed it to the maximum potential of approximately 100 additional dwellings, which is what he concurs with. The board has seen him with several hats on and tonight he is here as a father and a grandfather and in Lakewood we certainly care about the environment, you can see that from exhibit F1 in the size of the green area for the habitat that needs protecting. In Lakewood, we love our children and our neighbors children and our grandchildren and it is important for us that there is habitat for those children so that young families have houses so that is why we have a balanced approach. The planners' report put in all the information including the development that surrounds them and the need for housing and the things that make the findings and recommendations in his report what this board should do. Some of the people who came up before and discussed the issues on the sensitive areas, Mr. Slachetka has shown a map that came from the DEP on the sensitive areas and any application that comes before the planning board has to address the sensitive areas and how they are going to provide sewer service and if they are any threatened or endangered species other than the young families that are impacted by the development, so those issues are issues that the board would take care of and he does not see any reason to amend Mr. Slachetka's report and said his report hits all the issues and covers all the bases that need to be covered. There was a comment that they did not look at the zoning in Jackson Township and that is 3 acres zoning but that is a small area along the top by White Road but the majority of the area adjoining the parcel is zoned industrial and is not built yet because there is not a need for the industrial because Lakewood has done a good job of providing an industrial park and the industrial uses have come in Lakewood. When Lakewood's is full, the other area will fill up. The other issue he needs to address and that is the issue of a mistake and he sat through the Master Plan hearings and he heard countless times that there was a mistake, there is no legislative back up and in deference to the board's time constraints he did not weigh in on that and it was a mistake because when the record then went to a judge, those findings weren't there and other comments were taken. He said he has some documents that he would like to present at this hearing so that if this goes to a judge again, he can see the actual documents. He said the first one is the actual UDO that was adopted on July 14, 2005 marked exhibit F2. The second is a reduced copy of the map that was prepared by T&M Associates, presented at the same time the UDO was adopted called proposed zoning map, marked exhibit F3 and it shows very clearly this area to be rezoned both R40 and R12 consistent with how it was done and it was very clear and it was presented at a public hearing. The timer went off.

Mr. Banas asked him if it differed to the maps that are in the back of the reports that Mr. Slachetka made and Mr. Flannery said yes. Mr. Jackson said Mr. Flannery is providing

documents relating to the court case and he is providing evidence as it deals to the trail and the procedures that were involved in the adoption of the original changes and he would request Mr. Flannery be permitted the time to make these documents part of the record in case there is another appeal. Mr. Banas asked the planners if they agree with the request of the attorney and the board members said yes. Mr. Banas said this is a map of the entire town of Lakewood and he has a feeling it is part of the planner's plan and he follows the outline as directed by Judge Grasso and Mr. Flannery said yes he does and this is the same line and these are the same lines that are indicated in his report it is just a different map and it is a map that was presented publicly. Mr. Flannery continued and said the last one he introduced in exhibit F3 which is an appendix to the background studies of the 2007 Re-Examination Report Appendix 5 which is also available on the township's website and it is the environmental report. Mr. Flannery said that is a report the was prepared by a subcommittee of the Master Plan Advisory Committee, chaired by Janet Scher, and it was unanimously adopted by the subcommittee and accepted by the planning board and there is no recommendation to encourage farming or two acre lots; there are specific recommendations on how to preserve the environment and all of those recommendations the planning board took into consideration and continues to. His contention is the only mistake made with respect to zoning was a mistake in the information provided to the Judge so it was not clear to him the documentation that backed up the actions of the board. Mr. Dolobowsky said at one of the public hearings said the mistake was made by Mr. McSweeney and he is here to say a mistake of this nature cannot have been made by McSweeney because McSweeney prepared a report similar to Mr. Slachetka's report and he presented it at 3 public hearings and the public and the board commented on it and then it was adopted so McSweeney was then done, there was nothing he did that was a mistake. The complaints of his no growth neighbors and if you look in the room you will see just as many neighbors for growth, the no growthers look like more because there are some from Coventry Square and the retirement villages but the neighbors in the neighborhood, in his opinion, there is a majority that are in favor of having more neighbors because more neighbors will make the neighborhoods safer, nicer and provide residential roads that will have sidewalks where people can walk, etc.

Mr. Jackson interrupted Mr. Flannery and said they indulged him with extra time to present evidence and told the board and the public that Mr. Flannery has gone over this with Mr. Jackson and Mr. Jackson has not discussed this with any board members and he indicated he did not think the record was adequately developed on the remand and Mr. Jackson said he does not know from the perspective tonight if this matters because he thinks the charge is to look at the report that the planner has prepared and make the appropriate recommendations after taking public input and comment and to go forward. What happened in the past, he respectfully submits that the slate is clean and to go forward but thinks Mr. Flannery feels is important and Mr. Jackson wanted to give him the opportunity to make the record to the extent that it might be relevant in the future and at least now it is in the record and he has made his case in front of the board. Mr. Banas thanked Mr. Flannery.

Pat Cook, 45 Drake Road, Lakewood was sworn in. She said we talk about growth and volume but she is very worried because we really don't mention vision. Our vision should not included abandoned and unfinished developments and if you travel throughout this town you will see numerous developments that have been started and are now boarded up and are sitting there and are providing no value only drain upon the quality of life that we all as Lakewood residents partake in. She worries about the infrastructure issues that have been pointed out. This is an

extraordinary time in our country's history in terms of our ability to financially survive as a country, as a state, as a county, as a town and she worries about the burden that this change will place on all of its' citizens in Lakewood in terms of the tax burden that this will create by having to create and build infrastructure. She knows that it will also create taxes but it will not equal out. Many of the speakers have spoken about this area and they have made reference to the R40 component but you need to keep in mind that there is a large component here that is R12 so please do not loose sight of that. In terms of the documents that Mr. Flannery submitted, she is very disappointed that these documents did not come forth long before this, it would have save us a lot of time and energy if these documents are part of the public record she has to question why they haven't found them before this if this would have clarified all these issues. Lastly she said they need to stay focused on the fact that the preservation of this area and the quality that it will add will benefit all of the citizens of Lakewood, it is not just about our neighborhood, that CLP is a public area and it will benefit all of us. The drinking water and the run off that will be created through that will affect not only Lakewood but towns downstream of Lakewood. She is a little confused because she thought that Mr. Slachetkas' report was really inconclusive in terms of septic and water so she is worried about making a decision because once you make the decision there is no going back and she thinks right now there is just too much unknown information for them to make a decision and to be prudent and to make an informed decision and to decide to wait, leave things as they are, let the town finish the development that exists and that are already under development, see if the population comes, they could always then change the zoning, but once it is changed we cannot go back.

David Richardson, 441 Monticello Lane, Lakewood was sworn in. He asked if this were to pass this evening and this was rezoned from minimum 2 acre to 1 acre and assuming because it is in such an environmentally sensitive area, is it possible for this board to pass a resolution which would stipulate that in perpetuity on this parcel of land that never in the future could this be further subdivided below one acre. Mr. Jackson and Mr. Banas said no and he asked why not. Mr. Jackson said the board could pass a resolution but it would not be enforceable because the process provides for a Master Plan review every 6 years, it recognizes by statute that planning is a dynamic process so you can't bind future generations. Mr. Richardson said his concern is there is a well established history within Lakewood of property stepping down, first it is A1, then it is minimum 2 acre, then it gets down to 1 acre and 10 years from now we will be sitting in this room listening to somebody who comes in and they now want to take it down to _ acre lots and pretty soon we have townhouse communities going in there, so it seems to him if they did that, whether a court of competent jurisdiction would ever go along with that or not but at least there would be a legislative trail that would state that this board on this night intended that this property never go below minimum 1 acre lots and that any existing environmental areas which were just shown by Mr. Flannery will forever be preserved and asked if they could find a way to establish that legislative record, that is one thing; if they can't then the zoning should be left as it is.

William Wells, 1101 Cross Street, Lakewood was sworn in. He said he prepared this to show the amount of neighbors that approve this zoning and said the yellow is the people who approve they have signatures for on a written piece of paper. Mr. Jackson asked him to write on it WELL1 so it becomes part of the record and Mr. Wells said it is a map he prepared and said there are 37 signatures and there are others who have verbal. The orange is schools and the green is preserved land. Mr. Jackson cautioned the board and said ordinarily petitions and saying what your neighbors said would not be permitted and the chairman would have leeway

with that but asked they give appropriate weight to it as opposed to people who come in and testify themselves.

Yitzy Schreiber, 182 White Road, Lakewood was sworn in. He said as a resident of this neighborhood and a father of a young family he strongly proposes the zoning remain at R40 for the fact that his children would like to have friends to play with. They are not asking for townhomes or apartment buildings, R40 is very nicely developed and he approves and respectfully requests the board approves it at R40.

Mr. Banas reminded him that R40 is not the only zone that was in this remand order: there is an A1, R40, R12 and a CLP. Mr. Schreiber said the part that affects him is the R40. Mr. Jackson said the CLP is outside of this area.

Tom Baynes, 101 Drake Road, Lakewood was sworn in. He said he wanted the board to know they have been going round and round on this for years and he feels he knows these guys and wished them a great holiday. He said we are not going to go back to '99 and redo the plan, we adopted it, we went with it in '05, and everybody had the right to do whatever they had to do, it is what it is, let's move forward. They put a water line through that to service the Clayton property on the north side of 528 and the infrastructure started, do what you have to do, pass it on and let the zoning board do their job.

Robert Kirschner, 1400 West Cross Street, Lakewood was sworn in. He said he has been a resident over 40 years and he has reviewed the report by the planner and thinks he did an excellent job and he is here to support this and as the gentleman said, it is time to move on.

Gerry Ballwanz, 208 Governors Road, Lakewood was sworn in. She said she doesn't live in the area but she has reviewed different things happening in Lakewood since the day she moved here and she is a concerned citizen and hopefully maybe she can look at this objectively rather than from people who wish to have their land redeveloped at a higher density and have had proposals before this board, so they speak from a prejudicial point of view. She would hope this could be a little bit more unbiased. Lakewood is part of the whole entity of New Jersey. The area being mentioned and Mr. Flannery brought up that comment about the mistake, the mistake was that the map did not coincide with the verbiage, the words that appeared in the '99 Master Plan. She re-read that section before she came here and it is not in the Master Plan but somehow this A1 area appeared on the rezoning map and she had been looking at that and at that meeting of the UDO I happened to be one of 4 people who spoke on the UDO but she was concentrating on the different ordinances; somehow, the fact that this area was going to be rezoned simply went over her head because there was really no big input from the township to say what was happening. At that hearing, there was no explanation of the UDO or that there was rezoning. It took her a year to realize that that area had been rezoned. One of the things about choice of housing, variety of housing, you are now eliminating a choice of housing of people who want to be in the A1 zone and have the 2 acre zoning, you are now making that disappear by having the R40 zone. Choice of housing always seems to be more for growth, but what about for the status quo, for the people who are there, that have those large lots. When she looked at the recommendations for the areas to be rezoned, she disagrees with certain areas on the map. On figure 6 of the report, environmental constraints, there is nothing about where there are constraints based upon threatened and endangered species. Mrs. Henderson referred to that as the T&E species map and she is disappointed that in this report that map that

shows the areas in Lakewood that have potential habitat for T&E species was missing from this report, in fact Mr. Slachetka, in September of '07 wrote a 16 page letter regarding the areas that the State wanted to be preserved and that map should have been included with the environmental constraints and that whole page is missing and perhaps that is what Mrs. Henderson may have been referring to and Mrs. Ballwanz believes the answer to these 29 areas was mostly that they can't preserve this but in that area which was listed as number 13 was for further review and because of the Scher lawsuit it is finally being done, otherwise she doesn't know when that preservation response letter of Sept. '07 would have been dealt with. Under the R12 that is in that northeastern portion that goes to the Watering Place Brook, she thinks that should not be R12, that should be part of the CLP. The other area that is the R12 that is by Ridgeway she does not agree should be R12 because of the 7 parcels that are farm qualified, 4 of those parcels are in that R12 area. There are also wetlands in there, how it became R12 was a mistake and she thinks things should go back to the A1 or the R12 should be R40.

Greg Stafford-Smith, 1200 West Cross Street, Lakewood was sworn in. He said he is in favor of the proposed and maintaining the R40 in his area: for his own selfish reason and that is to have some defined controlled growth. He has witnessed Lakewood go in directions that he personally finds offensive, congestion that Mr. Hobday alluded to and said maybe we shouldn't have build Lake Ridge; that has crowded the area quite a bit. There are people in this room that have 26 houses now built where they used to own the land; they didn't mind that. He would like a shot at having the same of what goes on in his area, he does not want to live in a Westgate; there is nothing wrong with that for people who want to live there but he wants to have something to say about what is going to be across the street from him and he has no problem with R40 and thinks it gives everybody enough space.

Sam Schulman, 59 Drake Road, Lakewood was sworn in. He said he agrees with the change.

Sara Wells, 1101 Cross Street, Lakewood was sworn in. She said she also agrees with the recommendations of the planning board.

Mr. Doyle Esq. appeared on behalf on Walter Lucas who is a regular attendee of the planning board and a long time resident of Lakewood. The question was asked to define those people in effect who would be for this and it was suggested where do they live and Mr. Lucas has lived in this area since 1979. Mr. Lucas is not a developer but a retired, federal civil servant, a senior citizen. Mr. Lucas is not an opportunist but would rather have the opportunity to have his children live close by as his late mother lived in this area too. On her behalf he came before this board and sought a subdivision of 4 acres to convert it into 4 lots. From the minutes of that meeting, in his own words he testified the reasons he was seeking subdivision was because to preserve the character of the neighborhood, the area has a 100 year history of being rustic and he would find purchasers that appreciate the wooded area and would condition the sale on the preservation of the trees. Mr. Lucas is just somebody who would like to be able to live in a neighborhood that would be provided by R40 zoning. Mr. Doyle said others have testified and live outside the area might want to force him to live in a wilderness, he speaks as one who lives there and knows what he wants and what he wants is right. Mr. Doyle said he knows it is not all about the Lucas family but he does not think it is all about growth vs. non growth because those who have talked about this being growth in some sort of high density fashion missed the boat; this is about 370 acres. People have used this hearing as a venue to complain and denigrate Lakewood as a whole and this is about this specific area and it is also about fairness

and about balance. Mr. Lucas has prepared a map for Mr. Doyle for show which is marked Lucas1 and it shows the portion closest to him and the lots that are closest to him and the lots that are delineated are lots that would not necessarily conform to the existing 2 acre zoning, in separate ownership. Should they have to go and tax and burden the Board of Adjustment to live on their own land to build one house on 1 _ acre lot? It makes little sense and would be unfair to go through that cost. Mr. Doyle said it is about the critical word balance and Mr. Slachetka spoke to that. There are 10-12 residential zones there are in the Township of Lakewood and an R40 zone would be the second least dense, only other than the A2. As you have multi family and R5's and R7's and R10's and R12's there should be a place for 1 acre zoning for people like the Lucas family and all those others who preceded him to this microphone who actually live there who read the plan who understand the neighborhood and have said please support this. The number of houses that would be built between the R40 and the A2 are in the size of Lakewood diminimus but it is a change that affects this area most and it is important to do it. The only other suggestion made about sewers to just wait, the Judge prescribed the procedure, the boards' attorney said this is the process, the opposing attorney in the litigation said this is the accurate process, so Mr. Doyle thinks the time to do the right thing and support the planner who speaks to a balance report to speak to the people who actually live in the R40 area and to support the plan, not some day in the future, but right now. It is right, it has been right for the past several years, people have relied on it like the Lucas' 4 lot subdivision for their family; for others that want that same opportunity he thinks the time is now and hopes the board will support and give credence to the zoning that exists.

Mr. Shea Esq. appearing on behalf of 38 property owners who have all signed authorization for him to represent them this evening. Mr. Shea said he wants the record to reflect that on November 24th he wrote a letter stating his legal position; there are 38 families, not one of them is a developer, these are families that live within the district and many for a great many years. He wrote that letter on November 24th to T&M and he wrote a separate letter to Mr. Jackson on the same date with his legal position. He said one of the benefits of speaking nearly last is that if you possess any wisdom at all you would have to say very little so he will not use his 5 minutes but he will say it is his position, the 38 families he represent and the people who have spoken in favor of the retention of the zoning as it exists now, they maintain the preservation of open space should be supported and the planning community, not just T&M Associates, any planner, would be in general agreement that large lots zoning is not a wise tool for its' creation, that is open space preservation. The state plan that has been mentioned tonight recognizes that large lot zoning is sprawl and inconsistent with the established goals of the PA2. He said there has not been much talk about the PA2 tonight but this is in a planning area 2 in the state development program and under the NJ Farmland Preservation Program (the SADC, State Agricultural Development Commission) defines sprawl as low density development patterns characterized by large lot sizes and much of these lands are located within the PA2 and by definition they can be distinguished by their lack of high density centers and by a more dispersed and fragmented pattern of predominately low density development. Mr. Shea said the 2 maps presented by Mr. Flannery and Mr. Wells are definite evidence of that. The area in his view has no productive farmlands that he sees and only a handful of lots are being farmed and examination of the prevailing soils reveals there are no prime farmland soils in this zone. Moreover, the retention of the R40, R12 zoning does not preclude farming, for the few who might choose that alternative for their lands, so that the retention of this zoning does not take away anyone's right to start farming or to continue farming on their lands. The area already enjoys the benefits of open space preservation in the CLP and by the C1 designation for the

Metedeconk River requiring enhanced buffer of 300 ft. along the C1 waterway. The existing zoning (R40, R12) continues natural systems, strategically locates open space and buffers critical environmental areas. Mr. Flannery introduced appendix 5 which was the environmental appendix and that document says everything that needs to be achieved. The idea of using large lots to control growth and maintain a certain lifestyle in a neighborhood is inimical to the environment; it does not advance the environment. He said their position concerning the existing zoning is consistent with the State's statute titled RSIS which state that the R40 and the R12 zoning is declared to be low density. Mr. Steinberg was urging T&M Associates to make certain that you couldn't do any of this stuff unless you had sanitary sewer and the report said you had to make sure there was an onsite disposal system. If he had 40,000 sf what does he need sanitary sewer for, he has more than enough land for a septic system, so he would take the opposite view of his colleague Mr. Steinberg and recommend that you do not couple that for the R40 and the R12. He does want to recommend the introduction of cluster. Clustering is probably one of the most innovative and advanced environmental tools that is so little used in the State of New Jersey because of ingrained prejudice. They recommend the mandatory set aside of undisturbed open space and corridors in consideration for this increase in density, so if you have 20 acres and you want to put 20 lots on it, let the lot size go down below 40,000 sf onto a smaller lot size so there will be more open space. This balanced environmental approach together with the existing environmental regulations adopted by the DEP would ensure an outcome that provides housing for Americans and protects our natural resources. The existing zoning poses no threats to the quality of life; this area is serviced by major collector roads and the development potential within the R40 and R12 is 100 units is both modest in scale and effect and provide housing opportunities for Americans that is so desperately needed today not only in Lakewood Township but in the State of New Jersey.

Mr. Steinberg Esq. stated he did say that the procedure that is being followed by the board is what was ordered by Judge Grasso; however, there is no reason that the board has to take action. If they would like to wait and consider when and if there is going to be some sort of sewer study and more information, action does not have to be taken, Judge Grasso did not mandate that there be action. He would also reiterate that the parties he represents are the opposite to the last 2 attorneys who spoke who feel that their quality of life as it exists should be maintained. Lastly, he would like to indicate that he really feels the planners report, in reducing the size of the lots, is commensurate with sewer and water, or waste disposal system, and he thinks it should be tied in some manner.

Mr. Banas then closed this portion to the public

Mr. Neiman asked for an explanation of this sewer, of waiting for sewer, and what the significance of this sewer has to do what type of zone is here. Mr. Slachetka said to clarify and said any applicant in any zone has to provide proof to the board that the proposed development can adequately be served with appropriate infrastructure. In certain circumstances in the R40 there may be a lot size that is proposed that has an onsite septic system that could pass muster from the NJDEP and if it is consistent with the zone standards of the districts you can develop it. Every applicant had to do that. In some of the R12 areas, given the lot sizes, their recommendation has more relevance with regards to the extension of the infrastructure and particularly more the community systems that they were talking about. Ultimately, from the long range planning perspective it makes sense to have this in the sewer service area and to be served by adequate public sewer systems, but until that happens this board has to receive

proof from the applicant that they have the infrastructure capacity and availability and that could be onsite systems or in those areas where there are smaller lots there may need to be an extension of sewer.

Mr. Schmuckler said there are 2 components; overall belief that there should be expanded sewer and water into this area. Whatever is in the UDO now would not change. He said Mr. Shea brought up the issue of clustering and how it adds to the environment and adds to open space and asked the professionals if they felt the same way. Mr. Slachetka said from an overall planning perspective clustering is a good option, it has its' usefulness in a variety of areas, it depends on the parameters of that clustering. If you are clustering, maybe that brings into the issue of dealing with onsite disposal systems or more of a community system vs. individual septs. It is one of the recommended planning tools both in the State plan and there is also something called non contiguous clustering which is a situation where 2 property owners work together to cluster in a non contiguous way so you would have a tract of open space that would be preserved in one area and development occurring in another area. From a planning perspective, it would be their recommendation to the board to consider and evaluate their applicability not only in this area but township wide. Mr. Banas said we have ordinances in place for that and we have applied it in this particular zone.

Mr. Fink said based on the acreage of the R40 zone and the R12 zone, if his calculations are correct, we are looking at 100 additional houses in this area and Mr. Slachetka said that is at absolute full build out.

After hearing all the testimony tonight and reviewing this and reading the reports Mr. Neiman said the Number 1 factor is what Mr. Fink said and that is we have 368 acres here and want to add approximately 100 homes. They have looked at other areas of town and he thinks 100 homes in this area would enhance the area.

Motion was made by Mr. Neiman, seconded by Mr. Fink, to go along with the planner's recommendation and change this to a R40 zone with the R12 piece in there too. Mr. Banas asked for it to be done editorially and asked Mr. Jackson to reaffirm the previous decision in the zone change and Mr. Jackson said the old one becomes irrelevant. He thinks what the board has to do is look at the planners report, consider the needs of the township, look at the overall context, absorb the comments, pro and con, and use their best judgment to make a determination if what the planner proposes in the report is appropriate or it requires to be modified or changed or stay A1. Mr. Slachetka also clarified and said the recommendation would also include the retention of the A1 land use category just to the west of Farraday Avenue which was affirmed by the board in the 2007 Master Plan Re-Examination as well as the expansion and extension of the CLP zone. Mr. Neiman said that is what his motion is.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes

5. MEMORIALIZATION OF RESOLUTIONS

- None at this time

6. CORRESPONDENCE

- None at this time

7. PUBLIC PORTION

- No one at this time

8. APPROVAL OF MINUTES

- None at this time

9. APPROVAL OF BILLS

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Koutsouris; yes, Mr. Fink; yes, Mr. Schmuckler; yes

Mr. Banas said he would not be at the next meeting and wanted to thank everyone for the year's hard work and wished all a healthy and happy new year.

10. ADJOURNMENT