

**LAKWOOD PLANNING BOARD
SPECIAL MEETING
MINUTES
DECEMBER 12, 2006**

I. CERTIFICATION OF COMPLIANCE

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

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

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Neiman, Mr. Banas, Mrs. Wise, Mr. Gatton

Mr. Banas asked for an additional item be added to the executive session at the end of the meeting that was for attorney/client matter.

3. SWEARING IN OF PROFESSIONALS

Mr. Peters and Mr. Slachetka were sworn in.

4. NEW BUSINESS

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

Mr. Banas said 1 item from the zoning portion of the master plan put on hold, and that item was zoning item #28

Item #28 – Re-zone a portion of the B-5 zone northwest of the Garden State Parkway interchange 88 to allow mid rise buildings

Mr. Banas said that was postponed so the members had an opportunity to review the tapes and they have signed the necessary papers and are ready to move on.

Mr. Flannery, previously sworn in. He had a copy of the tax map to show and highlighted in yellow the specific area. There is a 300 ft. corridor of B-5 along Route 70 and it would be the area behind it, blocks 1160.10 & 1160.11. The intention was in accordance with the

information from the state on the smart growth was to provide a mid-rise area, so it could still be used for B-5 but the overlay zone would be allowable for up to 10 stories. He felt the township would hammer out the details for the zone and the height restriction. One misconception was the mid rise was going to be strictly residential, and it was envisioned to be a mixed zone. Mr. Slachetka confirmed the area was Mr. Flannery highlighted was in fact the correct parcel. They did take out the portion of the land that is owned by the Township.

Mr. Banas said the reason it was held was because of comments made by Mr. Corby in reference to the Industrial Commission.

Mr. Corby spoke again to the board. He is here to talk about the concept that is now being presented and is re-instating the Industrial Commission's position. First that there is a sizable portion of the property considered for re-zoning that the Industrial Commission has an interest in and ownership rights. Second point that was troublesome to the Commission which we now hear of some different viewpoints spoken this evening was the exclusivity of zoning that there would be nothing else allowed but the mid rise use. He is re-iterating that these properties are in the Urban Enterprise Zone as well. The Lakewood Development Corporation met subsequent to his last appearance and they had the same difficulty with this area as the Franklin Street Development Area. The LDC took the view that in fact the Franklin Street area is already designated a redevelopment area and mid-rise is permitted as a use in that area and would accept that as opposed to the exclusive mid rise use. He restated the Industrial Commission's position that if their property is removed and they have no assurances of that, the fact that this is still a UEZ area and the potential economic development is very important to the future of the township. He would like the previous speaker to expand upon the new concept presented and they would reserve to have another comment.

Mr. Neiman asked Mr. Corby if he was not opposed to this change if it included industrial and mid-rise. Mr. Corby said the Industrial Commission was adamant in their position that nothing else would be acceptable, it is an industrial area now and like that to remain. He realizes the board has to deal with issues such as mixed use and smart growth etc. and he is here to oppose the zoning. Mr. Neiman asked if all the current areas in the industrial park utilized already or are there empty buildings or areas that cannot be rented out for industrial/business. Mr. Corby said it has the normal vacancy rate, probably less than the national average. He also notes that many of the properties are privately owned and they control the destiny. The Industrial Commission has the property discussed tonight and one other property currently on the market, and one currently under contract.

Mr. Sernotti, previously sworn in. He said it is not strictly industrial. B-5 zone allows for office buildings, professional, executive, engineering, or administration purposes including accounting and sales functions. The thought process of the LDC is that it is strictly industrial use and that is not the case. The B-5 zone allows for retail and restaurants, hotels, motor vehicle sales room, etc. and what they want to do is add mid-rises. They want to keep the 300 ft. along Route 70 as B-5 is intended to be and the area behind that up to the M-1 zone would be used for mid-rises as well. It is in addition to what is allowed now.

Mr. Corby clarified that it is the position of the LIC and the LDC with respect to the existing B-5 zone that that remain what it is. The Industrial Commission's objection is to the industrial portion of the zone that is being considered for re-zoning.

Mr. Gatton said when they speak of high rise they speak of residential only. Mr. Banas said they were speaking to mid rise building and Mr. Neiman asked if mid rise was residential only. Mr. Slachetka said the intent was a retail and non-residential component. Mr. Flannery had indicated that is not what the committee was recommending in this instance. Mr. Slachetka asked Mr. Flannery if there were buildings in the proposal that could be residential, and Mr. Flannery said that would get into details that they felt the Township Committee, when they drafted the ordinance with the Planning Board's help, would combine the uses and to overlay the uses so if a business comes in they could use it. Mr. Slachetka pointed out that there is some residential use that is permitted as a conditional use within the B-5 zone and that is age-restricted multi-family housing pursuant to Article 10 and that includes two family and duplex housing in that type of development.

Mr. Neiman asked Brian Flannery if there were any marketing study done to see if it even makes sense to out a residential area in the middle of an industrial zone and Mr. Flannery said no. This was not one the original recommendations from the committee, but the entire committee went over the information provided by the DEP and were instructed to go back and look at where we thought the mid rise concept mixed use would work, and that is when these 2 additional areas (Franklin Street Redevelopment) and this area, sort of along the lines of the Washington Square project on Cedar Bridge Avenue. Mr. Neiman asked if there were any buffers discussed between the two areas and Mr. Flannery said no but that would certainly be part of any ordinance. This property was considered because it has a wetlands corridor with a buffer that does separate it from the other industrial. It is bordered on one side by the Parkway and the other has the wetlands corridor with the CAFRA requirements. The advisory committee did not feel it was their job to come up with specific buffers between the uses, but it was up to the Committee and Planning Board.

Mr. Banas asked Brian if there was any proposal to run a service road between Route 70 and Route 88, parallel with the Parkway to give us ease and access from the north to the south. Mr. Flannery said the parkway authority has plans where that will be and the Township Committee would see how that would fit in.

Mr. Banas opened the microphone to the public.

Mr. Bill Hobday, previously sworn in. He thinks this is extremely ambiguous at best. This is an industrial park. Who would the neighbors be? Factories, trucks. That area was once a landfill, and that is not suitable for housing. His concept of the mid rise was different than what he just heard tonight. The mid rise as he heard it tonight would be residential, and a mid rise is a 65 ft. 6 story apartment dwellings, and the concept of having that in an industrial zone is ludicrous. Who would want to live inside of an industrial park? The parking requirements would have to be very large, but why would one want to overlay residential buildings within an industrial park, it does not make sense, and he asks the board to deny this.

Patricia DeFilippis, 314 Fifth Street, was sworn in. She has a question on how this would affect the UEZ zone. Mr. Banas said the UEZ zone is not just this area, but throughout the town. Mr. Corby was asked to answer the question and he said the potential impact of removing this revenue the opportunities is not known, but it would shrink the zone and the potential to attract business.

Vince Cosaro, already sworn in. He wanted people to know that not everyone on that advisory board was in favor of this and several were not. When the UDO came out last year, he was against the conditional uses of the B-5 to permit any sort of housing. This mid rise has the potential of being 10 stories high although some compromise might be reached. But that is scary, why can't they say what it will be, how big is this area, how dense will the population be in this zone, these are the answers we need before we can approve this. The other concern is the close proximity to the Lakewood Airport, and these mid level rises might be in the direct flight pattern of planes. The original concept was also supposed to be for senior citizens, and now it is just residential. Congestion on Route 70 is bad enough, but if we put in these residences, the traffic will be intolerable. He doesn't believe that putting in this mixture into this area is what Lakewood should be looking for, and that they should be looking for businesses that will bring in revenue. He thinks approving this is inappropriate and asked the board to reject it.

Mike Sernotti said when they were asked to look at locations to put a multi-family type structure, the Franklin Street area came in and this area was brought up because of commuters, people who will be using the parkway. The Hilton is going up in that part of town. They want to keep the 300 ft. on Route 70 open to business. They were looking to have something like Washington Square, and those buildings are only 4-5 stories.

Mr. Banas wanted to set some things straight. First, the height restriction for any building is currently 65 ft. When they discussed this zone, the height discussed was 45 ft. so nothing can be constructed 10 stories in Lakewood.

Lawrence Lazzaro, previously sworn in. He asked about the residents having access to Route 70, and asked how these people were going to get access to the parkway when it is on the other side of the roadway. Mr. Banas said this had to go to the committee first, and then work out the details on access, so to talk about what is, and not about what is to be done, we will get into trouble. Mr. Banas then read the uses permitted in the B-5 zone now. Mr. Lazzaro asked that the Township Committee get all the recommendations spoke about at these meetings and Mr. Banas explained the procedure that is used. He said you can access the planning board information, including the minutes, on the web. He also said there is a court stenographer here, but those minutes are available at a cost. The minutes approved by the board are not verbatim, but a consensus of minutes and the committeemen do read them.

David Quinn, already sworn in. He talked about nomenclature because it is difficult, this recommendation is very succinct, it says change and allow in B-5 mid rise. Mid rise is mentioned in other recommendations also, but in most cases it recommends changing from a particular zone to another zone. Mr. Slachetka categorized the height from 4-6 stories or from 45-65 ft. to be the target area for mid rise. Mr. Quinn said we have listened to 34 recommendations before tonight #28, and he recalls those that talked about mixed

use. One of the uses in this item is mixed use, businesses, retail stores, and residences. He spoke about all the changes recommended prior to this one, and most were being changed from one zone to another with mixed use. He sees a pattern of big vertical buildings up to 65 ft. filled with mixed use, or surrounded by mixed use, and this mixed use of residential with retail is planted right in an industrial zone. He doesn't think it makes a lot of sense and asked the board to look at the UDO and uses both permitted and conditional and to the same with the others. We are changing the face of Lakewood, piece by piece, and he asks that the board connect the dots, put these pieces together and look at these recommendations not separate but in the context of the map of this township, and see the big picture.

Mr. John Doyle, appeared on behalf of White Elephant LLC., the owners of Block 1160.11 Lots 1, 2, 3, 4 and 219. His knowledge said his client owns the only property that this recommendation contains. No one else including the Township of Lakewood and the LIC owns property affected by this rezoning. He wanted to correct some errors stated: rezone a portion of the B-5 zone northwest of GSP interchange 88 to allow mid rise buildings. It doesn't say mixed use, doesn't say 100ft., 10 stories, or do away with any of the existing uses. It doesn't say anything the objectors have come up and suggested it was all about. It was suggested that a portion of this land was in the M-1 zone, not true. It was suggested that the only permitted use was mid rise, and that is not in there, it is just added as an additional use. The LIC made a report, but this parcel is neither municipally owned nor is it zoned industrial, and the report was made on the misunderstanding that their land was included, but it is not. He spoke about the industrial complex, and said the last time a building was constructed there was Blinds to Go, which was constructed with state grants. He said there area currently many vacancies in the industrial park, and how industry is not growing there, look at all the schools located there. For years, we knew that site by its huge sign; 66 acres available, for at least 20 years. If everyone who has spoken wants ratables, and balance, then let them address the realities of the situation. That property has been zoned and other properties that have been zoned B-5 allow housing. What is being recommended is permissiveness, to allow to opportunity for the market to work to attract ratables. We are beyond industrial, business is one possibility, residential another. The LDC moved a motion and recommended to the Lakewood Planning Board that the mid rise zones not be exclusively mid rise and still be able to have our UEZ B-4 and B-5 use as the underlying zones for those areas and the areas would not be exclusively residential mid rise. That was a recommendation adopted unanimously. They decided that the uses that would most likely work on that site were residential and business and should both be allowed, and that is exactly what #28 says. For those to say we don't know what we are getting ourselves in for, there is planning, to draw the grand picture, zoning, to draw the specific picture, and the application that allows you to know what are the specifics of the building that is proposed on that site. We are not at the application process or the zoning process, but merely at the planning process to say what the grand purpose of the site is. The one question that was raised was height, and it is his understanding as was Mr. Banas' that the regulation could not be higher than 65 ft. The board has in past recommendations restricting certain things. In this case the board can put on record that the structures not be higher than 45 ft. and that would satisfy the public's concern with height and make the best use for this area for the township, and he hopes the board agrees to recommend this item.

Mr. Banas said he indicated that this area had B-4 in addition to B-5 and Mr. Doyle said he quoted from the LIC. The 15 acres he mentioned was a line parallel to Route 70, roughly 1000ft. is to remain B-5 and not allow mid rise. The mid rise would be behind it. The portion was the balance of the land not fronting on Route 70. Mr. Banas asked how many acres where is this B-5 and Mr. Doyle said he understood it to be 41 acres, 15 of which is located on the highway and would remain B-5 and the remaining be approximately 26 acres allow mid rise.

Mr. Neiman said he understands it better now than before. He asked if this was part of the industrial park and Mr. Doyle said it is clearly in the UEZ. He doesn't know if the Lakewood Industrial Park has a specific statutory ordinance for geographic boundary. Mr. Neiman said the board has approved new buildings in the industrial park and they were industrial. The schools were resales, but not new construction. He has been at the smart growth areas, and we as a board have turned down recommendations. He liked the height of 45 ft. but wanted to clarify the uses would not be townhouses and duplexes and Mr. Doyle said the B-5 allows that now. Mr. Neiman asked if it is the concept of this zone to be comparable to the Washington Square project.

Mr. Akerman had a question for Mr. Doyle about the 1000 ft. long x 300 and said that is about 7 acres not 15 acres.

Christine Abrams, already sworn in. She said two words, spot zoning. She agrees with Mr. Corby and does not want to see lost revenue. Residential in this area does not make any sense. With the master plan having to do with a regional center, it seems that this proposal are only to qualify for a regional center approval. Success in the industrial park is subjective when you have so many schools in the industrial park. Knipper was just built on New Hampshire Avenue. How can you say that putting in residential in this area because the parkway is right there, and then say it is age restricted because only a small percentage would actually use the parkway to go to work? Mr. Banas said the area she is talking about along New Hampshire Avenue is designated M-1, this zone is a B-5. You would be adding to the congestion and wanted to know how much of this land is actually wetlands, what is the % and how can be done to protect the wetlands. Mr. Banas said the wetlands will be protected in the local level.

Mr. Slachetka said this specific site was not identified in the center concept plan for mixed use or any other type of development form and the claim that it is being used for a foundation for a proposed center is incorrect. There were a variety of zoning proposals that came out of the master plan committee, some were approved some rejected, some modified. They reflected a wide variety of planning perspectives and foundations for the basis for making those recommendations, some relating to the mixed use concepts consistent with smart growth, some were existing development forms and local characteristics. The plan endorsement is an ongoing process parallel to the master plan process and there will be a substantial amount of give and take between the township, the state agency and the public who will have an opportunity to participate in that process. Whether the township gets approved for a regional center or a smaller one, we don't know that yet.

Gerry Ballwanz already sworn in. She also said this seems like spot zoning, there is an attempt to create a new zone. How is Mr. Doyle saying the other land owners now cannot build anything residential and the only residential component is to be behind this 300 ft. area. It seems like you are restricting this, because in the B-5 zone you can put in residential anywhere. How are you going to say do not build anything residential along the Route 70 part but only where his clients own the land. That sounds like spot zoning. She questioned the height again and asked what it is now in the B-5 zone and was told it was 50 ft. Why would you add mid rises to this when there already a height, when it is there now. Looking at the zoning map, it looks like it is part of the industrial park but not in the industrial park zone, and doesn't see why people would want to live there, because you would have the co-gen as your neighbor. How many other towns, in their business zones, include residential? State wide, you see residential, then you see business, but in Lakewood the business zones allow for so many residential components. Already the HD zones allow for townhouses and businesses, and all you see are townhouses, not businesses. She thinks this zoning should stay the same.

Mr. Hobday spoke again and the ambiguous of the sentence to rezone a portion of the B-5 zone northwest of the GSP interchange 88 to allow mid rise buildings. A zone is a zone, the B-5 zone is the B-5 zone. He doesn't think you can allow for one B-5 zone to have a mid rise building component on it without also allowing that in all the other B-5 zones. Therefore, what this basically does is opens up every B-5 zone in Lakewood for the mid rise apartments. Mr. Banas said it is already there. Any B-5 zone can build a structure under conditional use of 50 ft. in height. Mr. Hobday said those are age restricted. A mid rise is not age restricted and this would be adding another permitted use to that zone. Mr. Slachetka wanted to clarify if the board decides to make this recommendation, they could establish an overlay district for this area or any other area. An overlay option does not have to allow it in all other B-5 zones, you can establish it in a specific area. Mr. Hobday said the argument would be if you allowed it in this particular B-5 zone, an application could be submitted to build that same structure type in another B-5 zone, and it would be a matter of time until they prevailed. It is a dangerous precedent to create because the land mass is very large, we don't know enough about this, only that a person has acquired this land and the advisory committee said it would be good to permit mid rise in this zone, and he feels it would be a lot of mid rises.

Mr. Corby spoke again and said it was suggested in earlier testimony by Mr. Doyle that the Industrial Commission misrepresented the zone that was portrayed. On November 2nd a letter was submitted and material exhibited which showed the extent of the zone being spoken about. Also presented was an aerial photograph which is on record with the board, so it wasn't misrepresented that the LIC owns property in what was described and what was portrayed in this map. Tonight we have the offering of a different concept map than was proposed in July. That is why he is here representing the Industrial Commission. The resolution that was adopted by the Industrial Commission suggested that this was next to an M-1 zone not in the M-1 zone.

Mr. Banas said they have each received a copy of the resolution, and asked where the boundaries of the industrial park were, if any. Mr. Corby said the boundaries are the M-1 zone that is in the zoning map. There is no approved boundary such as the UEZ map. Mr. Neiman asked if this was part of the industrial park and Mr. Corby said the B-5 zone is not.

Vince Corsaro spoke about the access to the GSP and how easy Mr. Sernotti said it would be. One of the goals of this advisory board was to have something that was consistent, but in the area we are talking about, we know behind is the M-1 zone. If we look along Route 70 and this area right now, the only thing you see on that side of the road is nothing but industrial businesses. Also brought up was that land has laid fallow for 20-30 years, but that also applied to the land along Route 70 in Brick and now they have Lowe's, possibly Costco, furniture places, etc. which would indicate there are businesses interested in building along Route 70. If you don't have anymore room in Brick, then maybe some will come to Lakewood. You don't want to have these homes, because there is no consistency from mid level homes to an M-1 zone. To permit anything in this specific area as far as residences go is inconsistent. If you allow this, you open to door to allow more, and he asks that the board reject this.

Emelia Squeo, already sworn in. She wanted to know who specifically requested this change and asked why rezone an area without the proper information. Mr. Banas said this document was prepared by a group appointed as an advisory group and it was their task to examine the 1999 Master Plan and make suggestions as to how better look at the UDO and continue so we have some sort of order to develop Lakewood. She asks that this not be approved now.

Mr. Doyle spoke and said according to the minutes of 11/2/06 show the Industrial Commission saying they are the owners of the land in the rezoning and now we know that is not going to be. Their resolution states they are against to conversion from a commercial area in the mid rise, but it is not a conversion, but permissible for both. Nowhere does it state that the LDC which acted after the LIC action and the 7 members voted unanimously to allow this to be an overlay zone provided the pre existing permitted uses continue. That is his understanding of what the suggestion is and that makes sense. It doesn't stop anyone from doing anything, it permissively allows an overlay zone with an additional qualification that in no event shall buildings be higher than 45 ft. That is what the motion should be, to approve the overlay zone as recommended by the LDC. Those who suggest that that is wrong and to leave things as they are, it means leaving it vacant for 20 years more. Don't let that land lie, without jobs, without construction, without ratables. Follow the lead of the LDC be permissive, limit the height, give growth and ratables a change.

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

Mr. Jackson was unclear on the hearing tonight, and asked if there was previous testimony done on this. Mr. Banas said Mr. Corby addressed this board in the past, and Mrs. Wise asked if she could vote tonight based on the fact that she was not present. The board affirmed that only Mr. Corby spoke about this item and if he re-iterated the same points tonight, there would not be a problem and he said he restated his testimony. Mr. Jackson asked Mr. Doyle if he had a problem with Mrs. Wise voting on this and he was told no problem. Mrs. Wise can vote on this.

Mr. Gatton said he is being put in a position to vote on something with very few words. It will make a dramatic change and if he had to vote the way it is stated, he can not vote for it. He would vote for a study of this, but this is more complex than what is being set down in these words.

Mrs. Wise concurred with his statement because it is a lot to put in here and if there were more to it.

Motion was made by Mr. Neiman, seconded by Mr. Akerman, to recommend to the Township Committee that we vote on this matter when we have a conceptual plan in front of us. At this point he doesn't feel it is right to say no, or right to say yes, since it is one developer, let him show us a conceptual plan, and we can see if we want this change.

Mr. Kielt asked if this was the motion, the current zone would stay the way it is until that such time. Mr. Neiman said yes. Mr. Slachetka asked if what they were suggesting is that rather than rezone or recommend a rezoning of the property, they are suggesting the burden be on the property owner to approach using normal procedures under the MLUL to rezone. Mr. Neiman said no. Mr. Jackson said let them approach the committee with a zoning recommendation based on what their concept is for the area. Mr. Neiman said he wanted to see the concept of a mid rise, wants to see the buffers, see the retail front of it etc. so the board could get a better idea of what he wants to bring to these 40 acres. Mr. Franklin said it makes a lot of sense.

Mr. Akerman said by other motions we either have to accept the change or reject the change.

Mr. Neiman said they would vote on a zone change when they see a conceptual plan in front of them.

Mr. Banas asked what a mid rise building was. Mr. Slachetka said the concept is ambiguous and doesn't give the board a reasonable conclusion from a planning perspective. The only current permitted use for residential is an age restricted multi family housing. That permits a maximum building height of 5 stories, 60 ft. provided no building shall have more than 4 stories utilized for residential purposes. The differences would be age restricted vs. non age restricted plus some kind of mixed use component.

Mr. Banas could not vote on the motion as stated. He wants a study done. Mr. Neiman said he feels that something beautiful can be here, and we have to see what we are allowing there. Mr. Neiman agreed that they are asking for a future study.

Mr. Franklin said once you get the conceptual plan you can get the study. Mr. Doyle asked who would do this study, would it be the Township Committee or the board. Mr. Banas said the board does not want that function, and the people who would make the conceptual plan would be the landowner and he comes back to the Township Committee to request the change. Mr. Slachetka added that the Planning Board would have a role if the applicant came to the Township Committee and requested a zone change, because ultimately the committee would refer that request to the board for recommendation. Mr. Slachetka said it was important how the board phrased the recommendation, because if it sounds favorable, it is a little more informative than just saying no.

Mr. Neiman was asked to re state what he said. He said he made a motion to recommend the Township Committee for further study of this zone with a conceptual plan from the developer and send it back to the planning board for our comments and recommendations and the zone stays the same until that happens. Mr. Akerman seconded.

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

Mr. Banas said they would begin by taking environment on page 63 and feels the board should move fast on these, but will take as much time as the public needs and the board needs to do the job correctly.

The next section deals with the flora, the water, open space, and others dealing with goals. Under flora the goal is to encourage the preservation of existing trees and planting of new ones. Under water, the objectives are to preserve the supply of clean water for Lakewood and surrounding municipalities. Under open space, we want to increase open space inventory to meet community growth. Another goal is to update sewer service area mapping to reflect environmentally sensitive areas. These goals are consistent with the goals listed in the 1999 Master Plan. There are also objectives of how these will be accomplished.

Mr. Slachetka added that in prior discussions on zoning recommendations the board agreed that there was going to be preservation of the Kettle Creek stream corridor and that discussion should fall under the water category. The board wanted a study done on that area for the intent of its preservation and there was a fairly detailed discussion that language was going to be taken from and a revised version written.

Mr. Banas opened the microphone to the public.

Mr. Hobday previously sworn in. He looks at the objective in flora which includes a landscaping ordinance which prohibits exotic and invasive species, and although that is a good objective, there is no consideration for ordinances that say we need to preserve and have ordinances that say if you take a tree down you must replace that. He feels that is a part of preserving the environment. The exotic species in one thing, but if you take a tree more than 6 inches in diameter that you must replace that. Mr. Banas asked Mr. Slachetka if he had the copy of the tree preservation ordinance that was developed a few years ago and asked where it would be appropriate to insert that, and Mr. Slachetka said under flora. Mr. Banas said that would be inserted in the updated copy of the master plan. Mr. Hobday said that under the water objectives the terms being used are to consider the adoption and protection of stream water protection plan and he believe is should be more than to consider but make it mandatory that we protect these stream corridors and especially our well heads. There are no current ordinances that protect these vital elements and it should be mandatory rather than considered that we do this. This is our future.

Mr. Slachetka said one of the benefits in participating in the plan endorsement process is the emphasis on environmental issues and we will be required to do a stream corridor protection plan and ordinance as well as a well head protection ordinance. It should be reminded that the township has adopted a stormwater management plan and a stormwater protection ordinance which recognize the C-1 buffers along the streams in our township.

Mr. Hobday asked if the wording will be changed from consider to mandate and Mr. Slachetka said not mandate but shall prepare an ordinance. Mr. Hobday continued with the objective of open space and said we have a lot of nice ones, but none that says let us put some aside to be preserved. If we don't determine what can be open space today, there won't be any left and therefore we need to move on this to set aside xxx amount of acres to be designated as open space and do it with some intelligence to determine where it exists, and not just the areas that are swamp and wetlands. There should be some areas set aside that are just forest, because trees are a necessary ingredient for our environment. For the other, what we basically have to do is work closely with the county and state to begin upgrading our infrastructure be it roadway, sewer system etc, all of the things that affect us in Lakewood Township. Our roadways are basically old county roads and our growth is faster than the county is responding to us and we need to have more intensive discussions with the county to put some teeth into our arguments for needing broader roadways to handle our traffic. Without that he doesn't see how we can grow because we can't move now and it will only get worse.

Mr. Banas said there are plans within the state but those plans take years to develop. Mr. Neiman said they were up in Trenton the other day discussing all these things and we are trying as a township to have to state aid us with the drafting of ordinances. Mr. Slachetka said there is minimal differences where the DEP has identified areas of their concern and what we have identified.

Christine Abrams already sworn in. She agreed with Mr. Hobday regarding the trees, and well head protection and DEP map does identify where those are even if you are not getting any information from the water company. Regarding open space, she said the township already owns a lot of land that does not need to be acquired, and she has a map showing the township owned land in blue and also shows where the well heads happen to be, and is in an area with a high recharge number for the groundwater, and she would like to see the township get funding for the properties that are not owned by the township in that area, including the Kettle Creek. She said it is funny how it was easy for her to go down and find out what is owned by the township but yet it couldn't be found out and put into the master plan re examination report. We should not have to stand up here and say it needs to be in there. She said here is an area that is environmentally sensitive and township owned land that can be used as open space. She said why not use this area as a recommendation to the township to be put aside as open space. Mr. Banas said the town fathers are wise and will use the land appropriately. Mrs. Abrams said they are giving it away for dollars and if it is not preserved now, it is going to be gone. She would like to see a specific objective of having this specific area put aside for open space.

Mr. Slachetka wanted the public to know that at the next Planning Board Meeting they will be discussing and reviewing for acceptance the Natural Resource Inventory that was adopted and approved by the Environmental Commission. A lot of the data included the well head location and soil. There are some well heads that do not even appear on the DEP web site or map and they are looking to get additional information to supplement that.

Mrs. Abrams said her copy of the re examination was the first one put on the township web site and she downloaded it, but did not copy the current one. Under environment, the objective is to continue to maintain open space networks, critical habitat and the area she

is talking about falls right under this area, and they talk about the Crystal Lake Preserve, so why can't they also talk about Kettle Creek specifically and the areas surrounding it. Mr. Banas said what she wants to do is address the Township Committee, because they would be the ones taking that move. After the board approves this re examination, you can go to the committee. She said they already have an objective to complete Crystal Lake Preserve, why can't you have an objective to save the area already township owned. Why can't it come from the Planning Board. Mr. Banas said all they could do is tell them to preserve land, and they have the opportunity to go and do that. Mr. Slachetka clarified that the current version in front of the board has the continuation to maintain open space networks, critical habitats and contiguous tracts of land for habitat. It is a broad objective for both public and private to maintain those open space networks. Certainly a more comprehensive recreation open space plan element of the master plan will focus on these issues.

Janet Payne, previously sworn in. She would like to have Lakewood developed tastefully only. We have to be very specific with building and a professional forester should be on hand for every single job and she would like to have it in writing. If a forester comes out to a site and reviews the project to see how it can work with saving buffers, major trees, trees over a certain age, because in our lifetime we will never get these trees back again. We realize this now that stripping these lots is a mistake, and we need to change this. She is begging the board to put this into writing and make it so. Also if someone trespasses on these trees that are supposed to be preserved, that they should be heavily fined so it will hurt and maybe they will think about it for the next development, because if it is not done this way, it will never be done right.

Vince Corsaro, previously sworn in. Underneath the floral objective, consider a landscaping ordinance that prohibits exotic and invasive species. He thinks the word exotic should be eliminated (the magnolia trees from down south are magnificent) but leave in invasive species. What do we mean by complete acquisition of Crystal Lake with the Ocean County Land Trust? His understanding is that the OC Land Trust is land deeded over and always maintained as open space. Mr. Slachetka explained there is some privately owned out parcels here and there that are currently being acquired through the trust and the idea is to ensure that there is a contiguous tract of open space. Mr. Corsaro said he appreciates that but sometimes local pressure makes things change but if it was in the OC Land Trust, the potential for someone causing something to change would not be as great. Mr. Slachetka said the concept is to be in partnership with the OC Land Trust, but as far as specifics on how it would work, he would have to ask the township committee.

Mrs. Gerry Ballwanz, previously sworn in. She said on the area that says open space inventory, she did mention 3 specific areas under community services area, and she would like to re-iterate it again. Mr. Banas said it is already on record, but she wanted to mention it again. These are township owned lands; one is off of Brook Road, Block 198 Lot 25, 5.39 acres which is around the Cabinfield Creek, a very sloppy area and a great spot for open passive space. Mr. Banas felt that was already in the 300 ft. buffer zone for C-1. The other section is Block 169 Lot 13, this is near the old public works site, 10.42 acres and happens to be zoned B-4 and backs up to Harvard Street and off of Squankum Road, and that would be a great temptation to sell off when the old public works site is sold off. This is pristine woods and it is the headwaters for the Cabinfield Creek and it needs to be set

aside and was mentioned in the 1999 Master Plan. The third area is off Massachusetts Avenue where the fire tower site is, these are township owned land that should be preserved as open space. These are the areas she wishes the planning board recommend be saved as open space. She said there was a statement of page 30 of the Master Plan review she doesn't understand. It is under land use types, and it says "more than 3 out of every 5 acres in Lakewood Township or 61.2% are developed. This leaves 38.79% of the township undeveloped but most of this land is unusable for anything other than recreation, and open space because of environmental constraints such as wetlands, flood plains, and endangered species". This seems to be a contradiction, if we have almost 39% of our undeveloped facing these kinds of restrictions, what are we doing rezoning all of this land unless this statement is incorrect. Mr. Slachetka said it is not incorrect, but says most of the land not all of the land. There is certainly some parcels of land, both public and private that is not environmentally constrained. He disagreed with the statement that we are rezoning this land, because a lot of the zoning changes were for existing developed land, not all undeveloped. Mr. Banas remembered when he moved into Lakewood over 50 years ago, only 20% was developed. Mrs. Ballwanz said the parcel off of Oak Street and Route 9 that was rezoned from R-12 to R-10, that is an area with threatened habitat and species, and that was rezoned. Somewhere along the line there will be problems when this is going to be developed because the land may not be able to be developed and she thinks we really haven't concentrated on saving of the land that is critical, we have been so bent on rezoning we have been shy on taking on the responsibility to preserve the land. So much of the well heads is off of south Route 9 and townhouses have been built there. Are we too late in protecting this area now because the townhouses are up there? Mr. Banas said we are not.

Mr. Slachetka responded to the comment that there is a current ongoing planning study and analysis being undertaken on the former public works site as to the proposed future land use plan and no recommendations have been made, but there is a substantial area of that tract that does have environmental constraints and consideration for open space will be given as part of that study.

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

Mr. Neiman said it was mentioned before to add any tree that comes down to be replaced, does that mean on that property or other property. Mr. Franklin said it was in the tree ordinance and when they get to that it will be discussed. Mr. Slachetka said that it would be added into this section if the board recommends. Mr. Neiman said they should also mention that there are developers that do a clear cut of the site, but there are ways to save certain trees and still develop the site. Mr. Banas said that is also in the report.

Mr. Banas told the public that what they had in this tree ordinance is that the board identified the number of trees that were destroyed, a section of land had to be reserved, trees had to go and be replanted if they couldn't plant those trees, they gave it to a tree bank in the public works department who would plant them all over Lakewood as needed. Mr. Franklin said they are working on a forestry grant now that we should get shortly, and once we get that grant we will have a full time forester working.

Mr. Slachetka suggested under the flora objective to state hire a forester to enforce the shade tree requirements outlined in Lakewood UDO and any adopted tree preservation ordinance as well. Also based on the comments heard, we may also want to note to provide a recommendation that the township shall adopt a Habitat Species Protection Plan.

Motion was made by Mr. Neiman, to go along with the verbiage that Mr. Slachetka just said to the board and seconded by Mrs. Wise.

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

The next planning board meeting for the Master Plan is January 30th, 2007.

5. APPROVAL OF BILLS

Motion was made by Mrs. Wise, seconded by Mr. Neiman, to approve

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Gatton; yes

6. APPROVAL OF MINUTES

- Minutes from November 28, 2006
- Minutes from May 23, 2006

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

ROLL CALL: Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; abstain, Mr. Gatton; yes

Executive session was called to discuss the litigation regarding Georgian Court University. The minutes are closed to the public for this session and the machine was turned off.

7. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary