

**1. CERTIFICATION OF COMPLIANCE**

Chairman Neiman 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 Meeting 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 the 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 criteria of the Open Public Meetings Act.”

**2. ROLL CALL**

Mr. Franklin, Mrs. Koutsouris, Mr. Fink, Mr. Neiman, Mr. Banas, Mr. Follman, Mr. Percal, Mr. Schmuckler

**3. SWEARING IN OF PROFESSIONALS**

Mr. Dave Magno was sworn in.

**4. MEMORIALIZATION OF RESOLUTIONS**

**1. SP# 1939**

Applicant: Yeshiva Gedola of Woodlake Village Inc.  
Location: Southeast corner of Joe Parker Road and County Line Road  
Block 189.15 Lots 44.01, 44.02 & 45  
Preliminary & Final Site Plan for proposed school & dormitory

Moved by Mr. Schmuckler, seconded by Mr. Follman

Roll Call: Mr. Franklin, yes, Mrs. Koutsoauris, yes, Mr. Fink, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**2. SP# 1753**

Applicant: Regency Development  
Location: Corner of 4<sup>th</sup> Street, Monmouth Ave. & Steckler Street  
Block 160 Lots 1, 3, 5, 6, 13, 14 & 15  
Minor Subdivision to realign lot lines

Moved by Mr. Schmuckler, seconded by Mr. Follman

Roll Call: Mr. Franklin, yes, Mrs. Koutsoauris, yes, Mr. Fink, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**3. SP# 1929**

Applicant: Bais Rivka Rochel  
Location: Corner of 4<sup>th</sup> Street, Monmouth Ave. & Steckler Street  
Block 160 Lots 1, 3, 5, 6, 13, 14 & 15  
Preliminary Site Plan for 2 story retail & office

Moved by Mr. Schmuckler, seconded by Mr. Fink

Roll Call: Mr. Franklin, yes, Mrs. Koutsoauris, yes, Mr. Fink, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**4. SP# 1741**

Applicant: First Hartford Realty Group/CVS  
Location: Northwest Corner of Route 9 & Prospect Street  
Block 420 Lots 16 & 17  
Preliminary & Final Site Plan for proposed

Moved by Mr. Schmuckler, seconded by Mr. Fink

Roll Call: Mr. Franklin, yes, Mrs. Koutsoauris, yes, Mr. Fink, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**5. SP# 1933**

Applicant: First Hartford Realty Group/CVS  
Location: Northwest Corner of Route 9 & Prospect Street  
Block 420 Lots 16 & 17  
Preliminary & Final Site Plan for proposed

Moved by Mr. Follman, seconded by Mr. Percal

Roll Call: Mr. Franklin, yes, Mrs. Koutsoauris, yes, Mr. Fink, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**5. NEW BUSINESS**

**1. SP# 1932**

Applicant: Georgian Court University  
Location: Lakewood Avenue & 9<sup>th</sup> Street  
Block 44 Lots 1, 25 & 26  
Block 45 Lots 1 & 4  
Block 46 Lot 1  
Block 47 Lot 1  
Block 48 Lot 1  
General Development Plan – 156.3 Acres

## Project Description

The applicant is Georgian Court University and is seeking approval of a General Development Plan. As part of its campus facilities master plan, the University has prepared a General Development Plan in accordance with NJSA 40:55D-45.2 and Section 18-606 of the UDO. Georgian Court University occupies a total of approximately 156.3 acres, which includes the main campus (149.4 acres) and other parcels along the easterly side of Lakewood Avenue and the westerly side of Cedarview Drive. The campus is generally bounded by residential uses along Fourteenth Street to the north, residential uses along Forest Avenue to the east, by Ninth Street, Lakewood Avenue, and North Lake Drive to the south, and Case Road to the west. Over the next twenty (20) years, Georgian Court University intends to construct new academic buildings, dormitories, athletic facilities, parking, and other miscellaneous improvements on its campus. The proposed non-residential floor area would increase from 6.66% to 15.6%. The proposed building lot coverage would increase from 4.6% to 9.7%. The proposed number of parking spaces would increase by one thousand twenty-two (1,022) from seven hundred ninety-seven (797) to one thousand eight hundred nineteen (1,819). ***We have the following comments and recommendations per testimony provided at the 5/4/10 Planning Board Regular Meeting and comments from our initial review letter dated April 29, 2010:*** (I) **Waivers** (1) Georgian Court University is not submitting a Housing Plan with the application as the University is exempt from COAH under NJSA 40:55D-8.4(b). The Board should grant a waiver from Section 18-606.B of the UDO which requires a Housing Plan. ***At the regular meeting the applicant's attorney indicated that testimony would be provided in reference to the University being exempt from COAH.*** (II) **Zoning** (1) The site is located in the R-12 Single-Family Residential Zone. Places of worship and private schools are permitted uses in the R-12 Zone. **Statements of fact.** (2) The application qualifies for a General Development Plan submission since the project comprises over one hundred (100) acres and more than one hundred fifty thousand square feet (150,000 SF) of non-residential building area. No variances are being requested at this time. ***The applicant's attorney has confirmed that no variances are being sought.*** (III) **Review Comments** (A) **General Land Use Plan** (1) The General Land Use Plan lists the existing land uses as follows: (a) Worship Place - 0.2 acres (b) Private School - 7.1 acres (c) Recreation - 21.2 acres (d) Parking - 7.4 acres (e) Open Space - 120.4 acres Total 156.3 acres **Statements of fact.** (2) The General Land Use Plan lists the proposed land uses as follows: (a) Worship Place - 0.2 acres (b) Private School - 14.5 acres (c) Recreation - 27.1 acres (d) Parking - 17.9 acres (e) Open Space - 96.6 acres Total 156.3 acres **Statements of fact.** (3) The existing number of parking spaces is being increased from seven hundred ninety-seven (797) to one thousand eight hundred nineteen (1,819). ***The applicant's attorney has indicated that detailed testimony as to how the proposed number of total spaces was calculated will be provided at the hearing.*** (4) A Table has been provided listing the proposed buildings, types of buildings, building areas, and total floor areas. ***The Proposed Building Summary shows a total building area***

**square footage of 331,250 and a total floor area square footage of 850,850.** (5) The square footages of the existing buildings have not been addressed. **An Existing Building Summary has been added showing a total square footage of 523,850.** (6) Proposed dormitories have been indicated, but no account of the proposed number of dormitory rooms provided. **The proposed number of beds has been added for each dormitory. A total of three hundred fifty (350) beds are proposed among five (5) dormitory buildings.** (B) **Open Space Plan** (1) Most of the proposed site is comprised of undesignated open space. The Legend and Plan delineates the following five (5) specific recreation and open space uses: (a) Proposed Active Recreation. (b) Existing Active Recreation. (c) Proposed Passive Recreation. (d) Existing Passive Recreation. (e) Conservation Area. **Statements of fact.** (2) We recommend a more detailed breakdown and description of the types of recreation and open space areas be supplied, such as the number of courts and fields. **A Table has been created which lists the acreage of each athletic field.** (3) Acreage should accompany the types of recreation and open space areas. **The acreage for each category of open space has been included in the Legend.** (C) **Utility Plan** (1) The site is located within the New Jersey American Water franchise area. We recommend that "will serve letters" be obtained from New Jersey American Water to insure future water and sewer capacity is available for the proposed project. **The applicant's attorney thought it was premature to obtain "will serve letters". However, our office recommends providing a copy of the GDP to NJAW.** (2) Additional sanitary sewer lines are proposed to service the new buildings. A pump station is proposed in the northwest section of the site to collect sanitary sewerage which cannot be conveyed by gravity to existing facilities. The force main from the pump station is being routed to the existing system at the end of Case Road. **The plans have been clarified to show the pump station and force main exist. The Legend shall be corrected to indicate "existing force main". Modifications will be required with the further development of the site.** (3) No sanitary sewer lines are provided to the proposed small athletic building and maintenance building on the east side of the site. Potable water extends to the maintenance building and the water passes close enough to the small athletic building for a connection. **The applicant's professionals have confirmed that no sanitary sewer will be provided to the proposed small athletic building and maintenance building on the east side of the site.** (4) The plan notes Georgian Court University will maintain the sanitary sewer and proposed pumping station facilities. **Statement of fact.** (5) Additional potable water lines are proposed to service the new buildings. Consideration should be given to main sizing, hydrant location, and irrigation. Irrigation should be provided to the sports fields unless synthetic turf is proposed. **The applicant's attorney indicated irrigation is done by wells and two (2) wells already exist.** (6) The plan notes Georgian Court University will maintain the potable water service system. **Statement of fact.** (7) The plan notes solid waste and recyclables are collected by the Georgian Court University Facilities Staff and brought to the existing storage area on Lakewood Avenue. This area is located on the east side of Lakewood Avenue between Seventh and Eighth Streets. The Township collects the solid waste and recyclables from the storage area. **Statement of fact.** (8) An additional on-site recyclable and solid waste storage area is proposed in the maintenance yard on the east side of the

project. **Statement of fact.** (D) **Storm Water Management Plan** (1) The Storm Water Management Plan designates seven (7) future locations for storm water management basins, plus an underground infiltration basin. **Statement of fact.** (2) Summary drainage calculations should be provided to determine whether the sizes of the designated storm water management locations are reasonable. The applicant's designer should contact our office for further guidance. **More detailed information has been included such as drainage areas and impervious coverage. It is noted that final designs will be prepared for any future site plans.** (3) The amount of proposed storm sewer schematically shown will be inadequate. cursory review indicates additional structures and piping will be necessary. **Final designs will be required with the submission of any future site plans.** (E) **Environmental Inventory Plan** (1) The Environmental Inventory Plan depicts topography and soil classifications. **Statement of fact.** (2) The General Notes on the Cover Sheet indicate that the topographic information was taken from a plan entitled "Georgian Court Aerial Survey, P/O Lot 1, Block 44, Lakewood Township, Ocean County, New Jersey". The date of this plan should be provided. **The aerial survey was completed in 2003 and supplemented through 2006. The applicant's attorney indicated additional supplemental survey work would take place at the time of future site plan applications.** (3) A legend and descriptions should be provided for the soil classifications listed on the plan. **The soil classifications have been better depicted on the plans.** (F) **Community Facility Plan** (1) The Community Facility Plan notes support for the University Campus will include staffed and gated entry points, two (2) campus maintenance facilities, two (2) chapel buildings, and a library. The existing University Chapel is highlighted on the plan, but no other chapel building is highlighted. Clarification is necessary. **The plans have been corrected to show only one (1) chapel building onsite.** (2) Four (4) gated entry points are shown. Proposed gated entries are located at Case Road opposite Magnolia Drive, the extension of Cedarview Drive, and at Ninth Street opposite Private Way. A gate house is shown at an existing access point along Lakewood Avenue across from Seventh Street. The status of the existing access at the intersection of Lakewood Avenue and Ninth Street is unclear. **The existing gate at the intersection of Lakewood Avenue and Ninth Street will become an exit only when the entrance at Ninth Street opposite Private Way is completed.** (3) The existing library is proposed to receive an eighteen thousand square foot (18,000 SF) addition consisting of two-stories and a basement level. **Statement of fact.** (4) An on-site maintenance building and yard is proposed to supplement the existing maintenance garage facility on Lakewood Avenue between Seventh and Eighth Streets. **Statement of fact.** (5) A proposed eight thousand square foot (8,000 SF) student center consisting of one-story and a basement level is also a highlight of the Community Facility Plan. **Statement of fact.** (G) **Local Service Plan** (1) The Local Service Plan states local services to be provided will include telephone, natural gas, electric, and cable television. **Statement of fact.** (2) The plans should add the providers of the various local services. **A Table has been added that includes the names of utility service providers. The Notes must be corrected.** (3) The plans note that all future services will be installed underground. **Statement of fact.** (4) We notice that in some instances natural gas is not being provided to new buildings, thereby eliminating natural gas as a potential source for

heating. **The level of detail to provide natural gas to new buildings must still be added to the plans.** (H) **Circulation Plan** (1) The Circulation Plan considers routes for emergency access throughout the site. **Statement of fact.** (2) Testimony should confirm whether all circulation is through private pedestrian paths and individual vehicles. No public transportation is indicated. **The applicant's attorney indicated the University's willingness to work with the Township and New Jersey Transit to come up with a plan to help students access the University via public transportation.** (I) **Phasing Plan** (1) The Phasing Plan contains a proposed implementation schedule for the Facilities Master Plan, which encompasses the next twenty (20) years. **The schedule should be modified for work under construction.** (2) Construction of the Ninth Street entrance across from Private Way and Parking Lot "O" is imminent. A previous site plan approval was granted for this work. **This previously approved construction work is nearing completion.** (3) Excepting the imminent construction project, the next phase of work is not slated until 2013. The construction of Parking Lots "L" and "Q" are projected to start in May of 2013. **The applicant's attorney confirmed this schedule.** (4) The next building to be constructed "Academic Building K" will not be undertaken until 2014. Since its location is within an existing park lot, it is imperative that Parking Lot "Q" be completed first. **The applicant's attorney stated that Parking Lots "L" and "Q" would be completed before "Academic Building K".** (J) **Traffic The applicant's attorney stated that each of the following traffic related items would be addressed at the Public Hearing:** (1) A Traffic and Circulation Master Plan has been submitted for review, assessing impacts of this project on the adjacent community. (2) The Report recommends the University implement strategies to minimize future vehicular traffic generated to and from campus, including public and mass transit. Construction of future on-site housing is proposed, but public or mass transit has not been addressed. (3) The Report recommends additional access points for vehicular traffic. The two (2) locations discussed, access to Fourteenth Street via Cedarview Drive and access to Case Road opposite Magnolia Drive, are both proposed on the GDP, consistent with the Report. **A supplement to the report was submitted to address comments regarding future traffic conditions at the two (2) new potential access points. According to the supplement, the analyses for the design year of 2014 shows that construction of a new Fourteenth Street access opposite Cedarview Avenue would operate at an overall level of service "B" during the AM peak hour. Southbound traffic from Cedarview Avenue would operate at a level of service "C". Left turns in either direction from Fourteenth Street would operate at levels of service "A". During the PM peak hour, the exiting approach to Fourteenth Street would operate at a level of service "B". Southbound traffic from Cedarview Avenue would operate at a level of service "C". Left turns in either direction from Fourteenth Street would operate at levels of service "A". A new Case Road access at a realigned North Lake Drive intersection would operate at a level of service "A" in all instances. Testimony on the supplement to the report shall be provided.** (4) Future traffic signal warrant analysis will need to be conducted at various intersections as future traffic volumes increase. Some surrounding intersections are already operating at poor levels of service. These studies may be performed in support of future plan applications. (5) The Report gives an

endorsement to the GDP for the on-site circulation of vehicles and pedestrians, as well as the future additional parking facilities in areas proximate to points of interest within the campus. (K) **Fiscal Report** (1) A Fiscal Report describing the anticipated demand on municipal services to be generated by the project and any other financial impacts to be faced by the municipality should be submitted in accordance with Section 18-606B.10 of the UDO. ***The Fiscal Report submitted illustrates that the project will not create a large increase in demand for municipal services and financial impacts faced by the municipality because it will have no direct impact on the Lakewood Township School District.***

Ms. Grace Bertone, Esq, we are picking up from where we left off in October and actually we had completed two witnesses Mr. Mc Kenna and John Rae our Traffic Engineer. We would actually like to go back to MR. McKenna who is the Engineer only because we heard the comments and questions that were raised by everyone last time and Mr. McKenna has a drawing that will show some potential new buffering and some changes that we would agree to if it is more acceptable to the Board. So I would like to start with Mr. McKenna and we will have two additional witnesses, Richard Redding who is the fiscal expert who's report you already have and Kevin O'Brien who is a planner.

Mr. Ron Gadzorowski my only question is in regard to Mr. McKenna whom if in fact he submitted additional drawings to the Board I would like to know weather they were done ten days prior to this hearing which is required.

Ms. Bertone stated that they were not done ten days in advance, our application still is what it is what we are proposing is some additional thoughts that we have that may be of some interest to the Board, that we may be willing to change after comments. Right now the application is as it is.

Mr. McKenna presented exhibit A1 which we showed the last time, as indicated this is the plan, we would like to introduce another exhibit which we believe reflects some of the comments of the last meeting. This exhibit will be A2 it is the modifies GDP and I will just walk you through the modifications, they are limited to basically the North and East side of the North portion of the tract, everything below 9<sup>th</sup> Street remains unchanged. We show on this exhibit a white line which is a fifty foot line off of the property line the fifty foot is a required buffer in the zone for a non-residential use against a residential use, and you will see that that white line goes around the perimeter. The changes we made and we can go back and for the between the drawings, is on the East side is to rotate the maintenance yard 90 degrees to make it longer in the North South direction and move it away from Carey Street. We also have moves over the two soccer fields on the east side one by 50 feet and one by an additional 100 feet so that now the northeast one is 150 feet from the property line and the one in the center is 100 feet from the property line. The other change that we made was, there were some comments made about the dorms located up in the center of the North parcel, noted as Q and R on the plan, what we did with those is, they were previously parallel to the property line, and we rotated them away from the northerly property line. That is the extent of the changes between the two exhibits.

Mr. Neimans asked how far the buildings in pink were from the property line and how far they would be in exhibit A2.

Mr. McKenna stated that they were at 50 feet exactly, continuously. In Exhibit A2 they are moved out to the closest point is the northwest corner is at 60 feet and it goes out as far as 140 feet. Fifty feet is the required buffer in the zone for non-residential versus residential use.

Mr. Jackson asked how they knew the buffer must be 50 feet.

Ms. Bertone stated that the citation is 2009-53, the Educational Campus Ordinance Zone adopted about a year ago. It refers to 18-803E2A which requires a 50 foot buffer next to residential.

Mr. Jackson asked if there was any place on the exhibit where there is less than a 50 foot buffer.

Mr. McKenna answered that no, there was not.

Mr. Jackson asked why the fields and other amenities were moved on the plan.

Mr. McKenna stated that based on the comments they had heard in the past from the public and the Board. We looked at where we could move things over and there was a little bit of room in the Northeast corner that's about the only spot, and without giving up these two dorms in the center, we could at least rotate them parallel to the tennis court and the bulk of it would have moved off further than previously indicated.

Mr. Neiman asked if there are any trees in the buffer zone or is it just opened.

Mr. McKenna stated that the dark green on the plan are existing trees that would remain, The definition of trees is debatable, the whole area that this is on was farmed years ago and these are second growth trees.

Mr. Neiman asked if there could be more trees in the buffer area.

Mr. McKenna stated that you probably could but that would be something more for a site plan in the future.

Mr. Ron Gadzarowski asked when was this revised plan prepared. Mr. McKenna answered over a period of about two weeks and was finalized about a week ago.

Mr. Gadzarowski stated that he thinks this plan should have been submitted to the Board with the Boards engineer having the proper opportunity to examine the plan and comment on it. Frankly we are coming in here this evening, the plan is difficult to see, the way it was set-up, I don't feel that I understand exactly what it was meant to show. If it is not what they are going to present and they are going to argue that they still want the old plan, what is it that is really before the Board. If it is before the Board how can the Board decide on it with out having It's Engineer comment upon it.

Mr. Jackson stated that the applicant is submitting evidence and the Board will make there determination on the application, you are making a comment which might be an argument for summation but at this stage

Mr. Gaszarowski asked why is there an argument for summation where this is in effect a revised plan which they are asking this Board to consider for approval, it wasn't here ten days prior to the hearing, it hasn't been reviewed by your engineer, if they where that laxadasicle in getting it in



this plan should be stricken from the record and let the plan be decided upon the original plan that was submitted.

Mr. Jackson stated that can this also be viewed as an applicant that has made revisions to reflect some of the comment that the members of the Board and the public have made.

Mr. Gadzarowski stated that then it is an amended application.

Ms. Bertone stated that the application is what it is as it was filed; we made these proposals because we responded to specific objections we brought these here as an opportunity for the Board to consider the possibilities that Georgian Court would be willing to consider. We did it in the spirit of cooperation.

Sworn in was Mr. Richard Reading, Economic Analyst and Consultant with a degree in economics from Penn. State University School of Business. I work at Richard B. Reading & Assoc., a Princeton based consulting firm that provides economic, demographic and financial research along with advisory services to approximately 570 clients in both the public and private sectors. One of the specialties of the firm involves the economics of land use and I appear on a regular basis before zoning boards, planning boards, governing bodies, superior court through out New Jersey. I have prepared fiscal reports in connection with GDP before. I was asked by Georgian Court to undertake and provide an evaluation of the economic, demographic and fiscal implications that could be expected to result from the proposed expansion of the facilities of the existing campus of Georgian Court University over the next twenty years and as set forth in the GDP. This information was set forth in a fiscal report; this report was dated December 8, 2010. The fiscal report is a standard format the initial sections examined, the economic base and fiscal structure of the community including the database collected from the Township Clerk, the Tax Assessor, the Board of Education along with the view of the current historical data reflected by the rateable base, assessment ratio, budgets and tax structure. The development proposed by Georgian Court University in its development plan contemplates an expansion of the existing campus over a period of twenty years and includes the construction of additional academic, dormitory, student center and athletic facilities along with additional campus parking and infrastructure the current campus which was founded by the Sisters of Mercy back in 1908 is on the former estate of George J. Gould and encompasses approximately 156 acres in the central portion of Lakewood Township. The existing campus includes 25 structures, the total building area of 590,000 sq feet and has a current enrollment of 2,320 students. The University employees total administrative, faculty and support personnel number about 615. The University is the second largest employer in Lakewood, with annual revenues of 47.7 million. The additional development proposed on the campus included 850,000 sq feet that includes the construction of 8 academic buildings with nearly 500,000 sq feet and 18,000 foot expansion of the existing library, 5 new dormitories with space for 350 students, and an additional maintenance building of about 3,500 sq feet. The expansion plans also include an increase of the on campus parking from the current 797 spaces to 1,819 spaces. The completion of the proposed expansion plan will enable the University to increase it's enrollment its current 2,320 students to a total of 4,000 students. While the existing faculty, administration and support personnel will increase from 615 persons to approximately 1,000 persons. The current payroll which amount to about 27.3 million would be expected to increase to 44.4 million with the addition of 385 new employees, while the total annual revenues of the University would grow from 47.7 million to about 82.2 million. The operation of the existing campus currently generates annual expenditures of about 13.8 million

dollars in goods and services, and these expenditures would be expected to increase to 29.7 million dollars when the expansion is completed. We have measured the direct economic impacts of the campus expansion utilizing a model that has been developed by the Center for Urban Policy Research at Rutgers Estate University, it is an input output model that measures economic impacts and just during the construction phase the added development would generate construction payrolls of 55.3 million dollars and those payrolls would result in disposable income for those employees of 48.7 million. The new facilities would also result in approximately 40 million dollars in construction materials and when completed the permanent additional employment of 385 jobs would result in about 13.8 million dollars in annual personal consumption expenditures. A broader measure of economic impact of Georgian Court university which is calculated as total independent expenditures in New Jersey and as reported by the Association of Independent Colleges of New Jersey indicated that during the 2008-2009 year those total expenditures amounted to 184.6 million dollars and using the regional input-output model called RIMS II that economic impact was extrapolated to account for the expansion and netted expenditures of 184.6 million dollars would grow to 318 million dollars. So, overall our analysis indicate the existing campus as well as the proposed expansion generates a minimal need for municipal services, generates no services or added cost for the Lakewood Township school district and when completed would result in increased economic activity, added employment, increased local expenditures for local expenditures for good and services, increased enrollment at the University and the related expenditures resulting from the expanded campus. The University would continue to add to the vitality and diversity of the community and the presence of the University in Lakewood can also be expected to assist local business or enhance the operation of local businesses through increased sales of goods and services as well as the quality of life in the community.

Mr. Percal asked out of the 184 million dollars proposed total expenditures that you mentioned, how much of that do you think will wind up in the Lakewood area.

Mr. Reading answered that with RIMS II which is a regional impact model and it really looks at a much broader economic region than Lakewood so there is really no way to accurately predict it's impact on an area as small as Lakewood. I would point out that the enrollment in the University 95% of the total enrollment comes from the Ocean and Monmouth counties and approximately 70% of that is within a twenty mile radius of the campus.

Mr. Percal asked of the 650 employees that the University currently has, how many of them are Lakewood residents.

Mr. Reading answered he does not have the answer to that question but if they do reside in Lakewood they generate cost and revenue and pay taxes. Models such as this, this is an employment based model, we measure the impact where they are employed as apposed to where they reside. If this were a residential application we would be measuring the impact where they reside as opposed to where they are employed. It is really the nature of the structure that the center of policy and research has devised for measuring economic impacts, and this is for non-residential uses.

Mr. Percal stated that he understands the generalities but when you say that the reason that you are before this board is to comment on the positive economic impact of the addition that is

proposed for this area, I would anticipated that there would be some economic benefit to the Lakewood area.

Mr. Reading stated that the economic benefits are the ones that are generated by virtue of the activity generated by the University in terms of the students coming to the University on a regular basis as well as the employees who weather they live in Lakewood or commute to Lakewood on a daily basis would have the opportunity to utilize services of local businesses.

Mr. Percal the asked on the proposed construction expenditures, materials, companies, etc. Do you know if any % of that is committed to firms in the Lakewood area?

Mr. Reading stated that right now the answer is no there is no percentages know. In the construction of the addition to the campus it would be anticipated that a significant amount of the employment would come from New Jersey for sure, but certainly from the two surrounding Counties.

Mr. Percal stated that in addition to the prestige of having the campus in the Lakewood area, I would like to have heard of benefits that would impact the Lakewood area specifically, but I have not heard that.

Mr. Reading stated that a reasonable expectation would be that local firms would have the opportunity to bid on the construction by virtue of their proximity to the campus, they may have an economic advantage in bidding for those jobs but they would never the less have to compete with firms from outside of this area also.

Mr. Fink stated that he was unsure of the questioning and what it had to do with this specific application.

Mr. Jackson answered that the Board could ask a fiscal expert about the local impact a project may have but to also look at the regional impact an application may have.

Ms. Bertone stated that the plan to expand the campus is set out over many years and the fiscal expert would not be able to give specific determination on the local level so that is why he uses the models that were mentioned in his testimony.

Mr. Jackson asked Mr. Reading what his title might be. Mr. Reading answered an Economist and Demographer.

Mr. Neiman stated that in the Engineers request there was a fiscal report requested in section K and that is what we just heard from Mr. Reading.

Mr. Ron Gadzarowski asked what if anything does his testimony have to do with weather or not this applicant is entitled to a General Development Plan.

Ms. Bertone stated that it is a requirement of the statute and the local ordinance be submitted, we would not have a complete application before this Board had we not submitted the fiscal report.

Mr. Gadzarowski stated that he understands this information but Mr. Reading has come before this board to give testimony as to the impact this will have upon the economy of the municipality. My question is you are not a planner are you sir. Mr. Reading stated that he is not a planner. Mr.

Gadzarowski asked if he gave any consideration to the requirements of the MLUL as far as the planning aspects of this application. Mr. Reading stated only as far as the requirements for a fiscal report as set forth in the MLUL for a GDP.

Mr. Gadzarowski stated that Mr. Readings testimony is limited to solely satisfying that requirement. Mr. Reading answered yes.

Mrs. Koutsouris stated that it is her understanding that there will be additional dormitories as a result of this GDP and if those are built was there testimony as to that there will be additional people living in Lakewood as a result of this.

Ms. Bertone stated that both Mr. McKenna and MR. Reading both gave testimony that there will be approximately 350 new dorm beds.

Mrs. Koutsouris asked if having those additional beds that would have a regional or local impact on the economy.

Mr. Reading stated that it would have both, but the fact that the percentage of students that will now be full time resident students will increase as part of this plan and students that are living there as apposed to commuter students would be likely to have a larger impact on local businesses just to buy food, cosmetics, drug store item, etc. so expenditures by virtue of resident students would be higher than non-resident students. That number will be almost doubling from 375 to 725 students.

Mr. Jackson read an excerpt from the court from Lisardi vs. Curtis Point, which says state wide policies are relevant to zoning positions because municipalities exercise zoning power only through delegation of the states authority and they must consider the welfare of all the states citizens not just the interest of the inhabitants in the particular locality, local planning decisions must be consistent with state wide policies concerning land use and resource allocation, and that being said I think the board also has to consider the imposition of the particular application and how it effects the surrounding community, but I think it is appropriate to consider as evidence the state wide policies and the economic impact on the entire region.

Ms. Bertone stated that the next witness is Kevin O'Brien, a planner and although there are no variances required in this application we did thing it was necessary to have a planner give a planning perspective on the overall GDP.

Mr. Gadzarowski objected to Ms. Bertone's statement that there are no variances required in this application. I think the testimony was as they go forward if in fact variances were necessary they would be before this board to basically modify this development plan. To simply make a generic comment that no variances are necessary, and have you take it as a given I think is misleading.

Ms. Bertone answered that there are currently no variances in the GDP as we go forward with specific building applications there may be, but that is a totally different issue as to weather or not there are variance in the GDP application, there is not.

Mr. Gadzarowski stated that that is the underlining premise in his argument, they are coming before you and saying that we really don't know what we are going to build here or where we are going to place it, but yet we want a GDP approved, and I would submit that that is just ridiculous.

Ms. Bertone stated that Mr. Gadzarowski's argument is with the statute and the ordinance. The application is based on the ordinance, the ordinance permits an application to be filed with the level of detail that we have filed.

Mr. Gadzarowski stated that he would like Ms. Bertone to show him in the ordinance or the MLUL that permits a planned development concept of a college.

Mr. Kevin O'Brien a Licensed Professional Planner, with a graduate degree from the NJIT he has been published in planning and zoning periodicals, I teach zoning and planning as adjunct faculty at Rutgers University for the league of municipalities, for the NJ Assoc of planning and zoning administrators. I have appeared before approximately 175 municipalities including the zoning board of Lakewood. Here in Ocean County I have appeared in Barnegat, Berkley, Jackson, Lakewood, Manchester, Neptune, Point Pleasant Beach and Seaside Park. Georgian Court has asked me to describe in planning testimony why you should consider this application. The reason that we are here tonight is because Georgian Court University has applied to this board for a GDP which allows for planned expansion over a twenty year period. Georgian Court decided to come to this board based upon their experience when they were before you with the Wellness Center application and the board and the community asked a number of questions about what would happen at the University in the future. This University of 156 acres in the midst of Lakewood is certainly a prominent member of the community and it was certainly appropriate for the community and the board to say what is going to happen here next which has led to this GDP which lays out for you in stages what can happen at the University over the next twenty years. The GDP itself provides for the increased flexibility desirable, to promote mutual agreement between the University and the Planning Board, the advantage to the Township is that the entire tract can be planned as a coordinated unit rather than doing it piece by piece over the years without seeing what it is all going to look like as a unified whole. According to the MLUL this is supposed to be looked at in a very general way, from the stand point more of probable feasibility as to what could happen with more detailed presentations of site plan being left until a more specific application is presented to this board for appropriate individual development. Specific site plan approvals will be required of this board and those presentations have to be made to you for everyone of those developments that are called for on the plan itself. Whenever the University is ready to build they have got to come back to you but it has to be within the framework of the GDP that is being presented this evening.

Ms. Bertone asked if Mr. O'Brien has reviewed the Townships Master Plan in connection of his review of this application.

Mr. O'Brien answered yes he has, the 2007 Master Plan re-examination has a couple of quotes in it concerning the University.

Mr. Jackson asked what vested rights does an approval under a GDP give the applicant. Some of the concerns from the board members is what are they approving we don't have specifics, we have a big site plan here what do you mean you need no variances, what do you mean that you are going to have to come back on different things. What is the benefit and what rights, if the board approves this concept, what rights will the board have in the bank, as it were.

Mr. O'Brien stated there are two levels to a GDP, and the first level of the plan itself is that vision statement, almost like the Master Plan for your community that this board likes, it is a visionary

statement that lays out what you want your community to look like over the next six or ten or twenty years. A GDP does the same thing for the University, lays out what they would like to see where it is going to go how it is going to work. The second level is what happens next and that is the site plan applications come before you for the various dormitories for the various sports complexes, for other concrete building changes that are going to be made. In terms of the rights that are given the University, the university has vested rights to build what has been approved in a GDP pending site plan approval.

Mr. Jackson stated that would preserve the zoning so that the zoning can not be changes in the future, so you are looking for development on the zoning that exists now, with the relief that you may need in the future.

Ms. Bertone stated that any significant changes to the plan in the future would require the University to come back to the board with an amended GDP.

Mr. O'Brien continues the 2007 Master Plan reexamination discusses the University in a few places. On page 40 it says "support and encourage the continued growth of Georgian Court University" on page 59 it says "support institutions of higher learning and actively partner with them in a collaborative fashion to help address the broad issues facing Lakewood". The 2009 Smart Growth Plan goes on to state in a couple of places, page 8 "provide sufficient educational, recreational and community facilities to meet future needs" followed by "coordinate traffic and parking improvements and new development with Georgian Court University" on page 12. It is my opinion that the GDP proposed by the University meets the goals put forth by the Smart Growth Plan and the Master Plan of Lakewood. A GDP according to the MLUL consists of 11 items it is laid out both in the ordinance and the MLUL at 40:55D-45.2 and amongst those items are a general land use plan, with the number and type of residential units, a circulation plan, an open space plan, a utility plan, a storm water management plan, an environmental inventory, a community facility plan, a local service plan indicating public services, a fiscal report, a proposed timing schedule and should this be approved a municipal development agreement. And with the exception of the municipal development agreement all these items have been submitted to the board in accordance with your ordinance and the MLUL. There are 4 criteria laid out in the MLUL 40:55D-45, and amongst these are that the Board must find that departures from standard zoning provisions conform to the local planned development ordinance, second proposed common and opened spaces adequate in size, location and purpose and will be maintained and conserved, third provisions for light, air, public services, traffic circulation and control, recreation and visual enjoyment are adequate, and last the proposed planned development will not have an unreasonable or adverse impact on the surrounding area. I believe there are a number of reasons laid out in this application that show that this application can be approved by the Board and support those four criteria in the MLUL. Amongst them is that the circulation plan provides adequate access to the University and lessens the impact on 9<sup>th</sup> Street, proposed multiple accesses will be in keeping with other colleges in the area such as the College of New Jersey, Rider, Princeton, Monmouth, DeVry, Burlington County, Ocean County and Brookdale. Multiple accesses are also important because Georgian Court is a township designate emergency response site which improves health safety and security. This application will allow parking on the campus to increase significantly from 797 spaces to 1,819 spaces, more than double, thereby moving cars off the street. This application will allow the number of students living in dorm rooms here in the Township of Lakewood to double from 375 to 725 further lessening traffic to the University. The

historic buildings in the south side of the campus that are on the State and National register will continue to be accessible and protected. The twenty year program that you have in front of you proposes at maximum 9.7 % of building coverage on a 156 acre property. That means that 90% of all those acres will be open space. This application allows the number of students to increase from 2,320 to 4,000 increasing their economic impact on the township and the surrounding areas. Payroll at the University will increase from 27.3 million to 44.4 million dollars with the addition of 385 permanent jobs over the course of expansion, another significant economic impact. These are people that have to report to the University every day, so they will come not only from Lakewood but from the surrounding area. Payroll will increase and expenditures on goods and services will also increase from 13.8 million to 29.7 million, also a significant impact on the township and those goods and services will be bought locally, not only from Lakewood but from the surrounding areas as well. Construction itself will generate a payroll of 53.3 million dollars, generate approximately 1,035 jobs and generate approximately 40 million dollars spent on materials, having also a significant economic impact. This too will be spent locally. The University is now the second largest employer in the township of Lakewood, after this expansion it may be number two or it may be number one but either way it is going to be a very significant economic impact upon this township. No children will be generated for the Lakewood school system as a result of this application there by promoting a significant economic impact to the board of education. I believe that the board can approve this application for a GDP based upon the four criteria established in the MLUL. No variances requires, the campus will have over 90% of open space at the conclusion of this application, proposed site provisions are more than adequate and represent an improvement over existing conditions and lastly there will be no unreasonable impact upon the area in fact it will be a significant and positive impact in many, many ways including economic.

Mr. Neiman asked Mr. O'Brien to explain what the criteria are for number four in reference to no unreasonable impact, does this include unreasonable traffic.

Mr. O'Brien stated in terms of number four you have heard previous testimony stating that the addition of other accesses to Georgian Court will relieve traffic on certain streets surrounding the University and instead of funneling everything in through one small access, by having multiple accesses it spreads the traffic around so it doesn't have such a significant impact on places such as Forest Ave or 9<sup>th</sup> Street, which the traffic impact study of the applicant as well as the township traffic study that was done recently by T & M showed a significant traffic impact going on now on those streets surrounding the University. So taking traffic off of those streets I believe is a positive.

Mr. Jackson asked in Mr. O'Brien's position as a planner any individual component of the GDP any dorm rooms any fields, do any of those conceptually require a variance.

Mr. O'Brien stated at this point no they do not. We do not go over on lot coverage; we are within all the setbacks. We would meet all the parking requirements.

Mr. Jackson asked if in the future could there be a change of zone and could it be just for Georgian Court University or would it have to affect the surrounding areas.

Mr. O'Brien stated that in his experience each case is taken individually and zoning may be changed in a smaller area or just for their own zone, which allows them to do within their own

zone what is best for them. It would be spot zoning if someone were to take a piece of property and make it an R6 or R5 or something that was not in keeping with it and doing it just for that property all by itself at the location. If the zone in conjunction with other institutions in the township where zoned for the purpose that it currently serves and takes that into account as well as the bulk requirements that it may need, I would not consider that spot zoning.

Mr. Jackson stated that some of the concerns of the residents is that if the University expands too much there is a concern with the traffic around town, maybe there is a concern to give an approval that might last twenty years so as conditions change the municipality might not be able to change the zoning. So my question remains you just can't do it for one particular site the zoning will effect everything, the dorms and other buildings.

Mr. O'Brein stated that the University can not expand outside its borders unless it acquires property but within its borders what the GDP does for the township is give you protections for the next twenty years because these facilities that are being proposed on site can only handle so many people. They represent that there will be about 4,000 students all together at maximum, there will be over 700 students living on campus at maximum. They can't go beyond that without amending the GDP before you. So this actually gives the township protections against changes on the University campus.

Mr. Jackson stated that a GDP works both was in locking in what the applicant can do as well as what the township can do.

Mr. O'Brien stated that yes the MLUL allows you to do that gives that right and there is a certain percentage of change that the MLUL calls for at which point it triggers a new GDP.

Mr. Jackson stated that what if Georgian Court comes in in five years and says things have changes and we want a 7,000 seat basketball facility, what happens then.

Mr. O'Brien stated that it is not on the GDP therefore they would have to amend the GDP.

Mr. Percal asked if there was an increase in the lot coverage of the campus you would have to come before the board again, you are under the limit of 25% coverage.

Ms. Bertone stated that they would have to come before the board with a new request, They would have to start over essentially.

Mr. Schmuckler stated that the GDP locks in what the University can do and what the township can do as far as the buildings. What would happen if an outside vendor were to come in and rent out a soccer fields and bring in a few thousand people, how would the township be protected from that.

Ms. Bertone stated that the University would be able to host certain events within the confines of the University as far as parking and space availability. There was testimony from the provost of the University in the past stating that the University does this already on a very limited bases.

Mr. Neiman asked that there are eleven things that have to be submitted with a GDP. There was a concern about the storm water plans and are they adequate for the GDP.



Ms. Bertone stated that at the last evening of testimony Mr. McKenna stated that the storm water management is adequate at this stage and that because this is a GDP and not a site plan the applicant will provide a storm water mgmnt plan at site plan application.

Mr. Gadzarowski asked for a clarification of the fact that a Storm Water Management was submitted and approved. Mr. Banas pointed out the on page 8 and 9 in the plan is the Storm Water Management report exists. It was submitted on 1/25/10 and reviewed by the township engineer. As we go forward and there are changes to this plan as far as locations of buildings and the like, will that not in fact effect the existing storm water management plan.

Mr. O'Brien answered that it may but because this is an only a GDP, the next step would be site plans to this board with a specific application for a specific building in a specific place that has to meet all of your requirements including storm water.

Mr. Gadzarowski stated that as he understands it the applicant is not proposing to come back with a site plan for the entire site, but rather you are proposing to come back over a series of years with multiple site plans for specific areas within this plan.

Mr. O'Brien stated that that is what the MLUL calls for in a GDP.

Mr. Gadzarowski asked Mr. O'Brien to show him where it says that.

Mr. O'Brien stated section 45

Mr. Gadzarowski stated that Mr. O'Brien is familiar with the MLUL and when in fact it was first passed by the legislature. When it was first passed neither the GDP nor Planned Developments where in the initial legislation but was passed at a subsequent time when the legislature realized that there were specific instances in which planned developments were necessary because of the large projects that were coming about such as the industrial parks and large condominium projects and the like. There is a provision in the MLUL that identifies Planned Developments in the definitions which is 40:50-D.

Mr. Jackson advised the Chairman that if he was satisfied that these concerns were stated and addressed in the past and the board is satisfied that the chairman could move on at this point.

Mr. Gadzarowski stated that he wanted the applicant to show him where in the MLUL did it stated that a college is entitled to the protection of a planned development.

Ms. Bertone stated that she is objecting because they have had this discussion numerous times and the Court has stated that it is based on the interpretation of the language of the ordinance.

Mr. Jackson stated that during cross examination is not the appropriate time to argue the legal merits of this nuance in the MLUL.

Mr. Gadzarowski stated that Mr. Jackson was saying that he could not cross examine a professional planner as to where in the MLUL a college is subject to a planned development.

Mr. Jackson exclaimed move on to another area.

Mr. Gadzarowski stated to Mr. O'Brien that he had listened to his testimony and he described a GDP as being predicated upon two levels. Mr. O'Brien stated that no he did not. Mr. Gadzarowsky stated that didn't he describe on level as being visionary and the other level as being the site plan applications. Mr. O'Brien stated that he said the one level is the GDP which the board is hearing tonight for approval. The second part of it would be future site plans that would have to come back before this board every time the University wants to put a shovel in the ground.

Ms. Bertone stated that from a prior point where it was stated that site plan applications are required after a GDP. Reading from Cox it states "note that a developer who obtains approval of a GDP must submit for each section or phase a conventional application for either subdivision or site plan approval which ever is applicable for each phase of the development. The submission of the first phase is required to be made within five years.", the site is 40:55-D-45.7B.

Mr. Gadzarowsky asked if this was a phased application. Mr. O'Brien stated that yes it was. Mr. Gadzarowski asked was it broken down in phases on the GDP. Mr. O'Brien stated that it was submitted to this Board.

Mr. Gadzarowski moved on to the issue of visionary. Mr. O'Brien stated that that was his interpretation. Mr. Gadzarowski stated that he also said it was done piece by piece. Mr. O'Brien stated that the site plans are done piece by piece. Mr. Gadzarowski stated that what this board is looking at is a period of twenty years with plans coming in piece by piece with determination to be made when they are before the board weather or not number one if they will require an amendment to the GDP or number two they will require variances or other uses. Mr. O'Brien stated that he agrees with that statement. Mr. Gadzarowski stated lets look at 40:55D-45 in the MLUL that says "every ordinance that is pursuant to this article that provides for planned developments shall provide that prior to the approval of such planned developments the planning board shall find the following facts and conclusions" I know that this is off limits but what we are really saying is I can't ask you where it says a college is a planned development, is that correct. Number D very clearly says that a proposed planned development will not have an unreasonable adverse effect on the surrounding area in which it is proposed to be established. To Mr. O'Brien he asked did you read Mr. Rae's traffic report. MR. O'Brien answered yes he read it. MR. Gadzarowski asked if he agreed with the report. Mr. O'Brien stated that he had read it. Mr. Gadzarowski asked if there was an in depth analysis of the impact that this project will have upon the two additional ingresses and egresses which were proposed adjacent to residential zones. Mr. O'Brien answered that the traffic study gave it's opinions as to the area wide traffic impacts of a GDP. Mr. Gadzarowski asked did the traffic report have projected traffic plans as to what the traffic would be ten to twenty years from now as this build out takes place. Mr. O'Brien stated that Mr. Rae should answer these questions. Mr. Gadzarowski stated that as the planned Mr. O'Brien should be able to answer these questions. Mr. Gadzarowski asked with regard to a planned development are you aware of a criteria that is necessary for such a development that there must be common opened space. Mr. O'Brien stated yes. Mr. Gadzarowski asked where is the common opened space in this planned development. Mr. O'Brien stated that 90% of the acres of this University will be opened space at the end of this application. Mr. Gadzarowski asked will the public have a n opportunity to use this common opened space. Ms. Bertone stated that we have had this discussion before and common opened space is not limited to common opened space uses only by the general public. Mr. Jackson stated that his question is would there be

access the answer is yes or no. Ms. Bertone stated that that is not within Mr. O'Brien's field of expertise, someone from the college would have to answer this question. Mr. Jackson stated that this is private property and you would need to be invited to come on the property to use the common opened space, Ms. Bertone has issue with the definition of what constitutes common opened space. Mr. Gadzarowski stated lets look at 40:55D-45E it says" in the case of a proposed development which contemplates construction over a period of years the terms and conditions intended to protect the interest of the public and of the residents occupants and owners of the proposed development at total completion of the development are adequate" is there anything in this application before you which speaks in terms of projecting out how the public will be protected during this long course of development. Mr. O'Brien stated that yes certainly the plan in front of us protects not only the public but the township because you know what is going to happen on this property over the next twenty years, this is an R12 zoned property what is to prevent the university from selling it into 12,000 sq foot residentially zoned lots, and adding significantly to the economic impacts on this particular town. This plan in front of you projects and protects what is going to happen over the next twenty years. The University will remain as it is, it will expand somewhat significantly for them in terms of the over 60,000 people that live here in Lakewood and the well over hundreds of thousands of people that live in Ocean and Monmouth county, it's not a very large number so I think that this is really a protection for the Township. Mr. Gadzarowski asked so long as that property is zoned R12 and the zone permits this type of a use within that zone the college can come in and seek all the approvals that they want as long as they conform with the ordinance. Mr. O'Brien stated that it would depend upon the circumstances for instance if a GDP is approved by this board it would lock this in and any change from an approved GDP brings the University back to this board for review. If there is no GDP the Universtiy can certainly come before this board for individual applications. Mr. Gadzarowski stated that Mr. O'Brien made a comment about building residential homes and what impact that may have, are you aware of any study this applicant had performed to show what impact if any if this property were developed for residential housing how it would adversely impact the surrounding area. Mr. O'Brien stated no there is no study, but 156 acres at 12,000 sq foot lots, that is a lot of houses. Mr. Gadzarowski stated that there is a need for housing in Lakewood. Mr. Gadzarowski asked if ten years from now this University underwent a fiscal crisis and they decided that they were no longer going to go forward with these expansion plans but rather they would like to take and sub divide off 60 acres they would come before this board and say the plan that we showed you some time ago is no longer appropriate we are limiting what we have done we are not violating any ordinance we would like to terminate the GDP and build 10 to 20 houses, they can do that can't they. Mr. O'Brien stated not without this boards approval. Mr. Jackson asked if that was a question or an argument. Mr. Gadzarowski stated that the argument is by the applicant that by granting this GDP this is locking the University into this plan on infinitum. Mr. Jackson asked Mr. Gadzarowski to please ask a clear cut question not make statements or ask for opinion. Mr. Gadzarowski stated lets assume for the sake of argument that five years from now this college comes before this board and says they have revised this plan and want to subdivide to have residential lots can they not. Mr. O'Brien stated that yes they can just as any residence can come into this board. The Chairman stated that the answer is yes. Mr. Gadzarowski state that if the University does not receive approval of their GDP they can come before this board at any time with an application for area by area. Mr. O'Brien stated that if the University came in area by area for approval without a GDP there would be no input from the Township on the overall vision plan for this campus. Mr. Jackson asked can Georgian Court discriminate as to who they would allow there as a student other than having an academic criteria,

isn't it more or less based on federal funding opened to the public in terms of who can go to school there. Ms. Bertone stated that it is a private University but it can not discriminate on bases of race, creed or color. Mr. Jacscon stated that in that respect anyone can apply to Georgian Court and if they met the grade they would be admitted.

Mr. Dan Betonte, Esq, from Kosan and Connor representing a resident Mr. Michael Parnes. He asked Mr. O'Brien when he was engaged by the University before or after the first meeting. Ms. Bertone stated after the first meeting. Mr. Betonte asked Mr. O'Brien to give the board and myself an idea as to your familiarity with the plan. Mr. O'Brien stated that he is familiar with the plan. Mr. Betonte asked when was the plan first designed. Mr. O'Brien stated that he would have to defer to Mr. McKenna on that. Mr. Betonte stated that you weren't involved in any of the technical aspects of the plan. Mr. O'Brien stated that no he was not involved in the preparation of the plan. Mr. Betonte asked if he was involved in any of the planning aspects of the GDP. Mr. O'Brien stated that since he has been involved, yes. Mr. Betonte asked was that after the first hearing. Mr. O'Brien stated yes it was. Mr. Betonte asked what have you contributed to the plan as it stands now before the board. Mr. O'Brien stated that a number of changes were made between the first plan that was presented to this board and a revised plan that was presented this evening and I was part of a team that worked on those changes. Mr. Betonte asked if MR. O'Brien was present at the first hearing. Mr. O'Brien stated that he was not. Mr. Betonte asked if Mr. O'Brien had the benefit of reviewing the testimony from the first hearing. Mr. O'Brien stated that he read the testimony. Mr. Betonte asked if Mr. O'Brien read the report submitted by the traffic expert. Mr. O'Brien stated that yes he did. Mr. Betonte asked did the traffic expert propose openings along 14<sup>th</sup> street and Case road that would direct traffic through residential neighborhoods. MR. O'Brien stated yes. Mr. Betonte asked Mr. O'Brien if he had discussed the Master Plan as part of his testimony tonight and if the Lakewood Township Master Plan reexamination states that one of the goals is to encourage the preservation of existing neighborhoods, is that correct. Mr. O'Brien stated that he did not now that off hand but he would take Mr. Betonte's word for it. Mr. Betonte then added by increasing the traffic through the new proposed entrances in the residential neighborhoods is it your testimony that that encourages the preservation of existing neighborhoods. Mr. O'Brien stated yes. Mr. Betonte stated that the Lakewood Master Plan also states that "one of the goals is to encourage new development consistent with the scale of established land uses while preserving the character and developed nature of existing neighborhoods and approximate land uses, is that correct. Mr. O'Brien stated that he would take Mr. Betonte's word for it. Mr. Betonte stated that it is Mr. O'Brien's testimony tonight that additional traffic through these residential neighborhoods as proposed by the applicant is consistent with the Master Plan. Mr. O'Brien stated yes, a GDP is an area plan and it consists of the entire area of the University and all the areas that surround it so even though traffic may increase somewhat in some areas it will decrease in other areas, the township itself has found that Forest Ave. is one of the areas that is amongst the most difficult areas as well as Route 9, which needs an extensive amount of work. By taking the people that are south bound from northern areas and putting them onto the campus at 14<sup>th</sup> street and taking people from the south and putting them onto the campus at Case Road you are removing traffic from Forest and 9<sup>th</sup> Street, so overall there is a positive impact on the area. Mr. Betonte asked Mr. O'Brien to describe that area around 9<sup>th</sup> Street. Mr. O'Brien stated that 9<sup>th</sup> street is the area of the University and the surrounding areas. Mr. Betonte asked if there were any business in the area. Mr. O'Brien stated that he could not answer that question. Mr. Betonte asked if Mr. O'Brien had conducted a site view. Mr. O'Brien stated he had been to the site a number of times. Mr. Betonte stated that your

testimony is that creating additional openings in the residential neighborhoods that are clearly residential in nature is consistent with the Lakewood Master Plan. Mr. O'Brien stated yes, because of the area wide impact of this University. Chairman Neiman stated regarding the new openings, that is part of the GDP but when you do decide to open them there will be site plans on those openings and further testimony on those openings. Ms. Bertone stated yes, there will be much more detailed traffic report with specific traffic counts, both of those openings are several years down the road on this proposed GDP. Mr. Gadzaarowski asked if it was their testimony and the position of the applicant that if at a later date despite the fact that there are approved openings in the GDP that if they come back before this board that this board can in fact deny them the use of those openings. Mr. O'Brien stated that this board will use the power that the MLUL gives them. Chairman Neiman asked for an answer to that question can this board if it approves this GDP then some years later down the road can this board deny an application if at that time the traffic study does not prove that the openings are in the best interest of the neighborhood. Mr. O'Brien stated that this board can deny any application so long as the application does not meet the burden of proof. Mr. Jackson stated that the board would be hard pressed in the future to deny something once it approves a GDP which shows an opening in a particular location, that to me is a very material component of the overall vision and I think if you denied that that would really do violence to the overall application, they would object and probably win an appeal. If there was some kind of site difficulty or ordinance or variance violation, but I can't envision what situation would come up. Chairman Neiman stated a traffic study that will show an impact to the residential neighborhood. Mr. Jackson contends that they have provided that. Chairman Neiman stated that they have not, their testimony is that Route 9 is crowded, Forest Ave is crowded so let's disperse the traffic elsewhere, that is the testimony that I got from the Traffic Engineer. If we approve this GDP tonight with approving as part of the GDP the two openings and they come five years from now with a more in-depth traffic study how is the board going to be able to deny that if we are approving the GDP tonight. Mr. Jackson stated that the board would be hard pressed to deny it at that point, I think this is the time where the applicant should show that is good location for an opening based upon the projection of growth into the future. Ms. Bertone stated that she thinks the traffic report that they have submitted does do that, Mr. Rae talked in detail how those two openings were determined, but I do think that when we come back at the time that the openings are scheduled for there is going to have to be specific traffic studies at that point because everything changes in five, ten or twelve years. I think Mr. Jackson is correct that it would be difficult for the board to not approve but not impossible. If we don't meet the standards, the board can deny the application. Chairman Neiman asked can the board look at the GDP tonight and approve the GDP without the proposed openings. Mr. Jackson stated that the board can grant all, some or none of the relief the applicant requests. The configuration and the exact combinations of the approval is based upon whether or not the board feels that the applicant has proved a satisfactory case for it. Mr. Schmuckler asked can this plan work without those two openings. Mr. O'Brien stated in his opinion he does not think so but that question should be asked of the engineer. Mr. Jackson asked does the lack of entrances do violence to the overall vision. Mr. O'Brien stated that the lack of entrances is a safety and security issue, there is one entrance to the University now with several thousand people on the campus. Mr. Neiman stated that there are three entrances on 9<sup>th</sup> street. Mr. O'Brien stated that there is only one way in and one way out entrances. Mr. Neiman stated that there is an entrance on 7<sup>th</sup> street. Ms. Bertone stated that it is not very wide and as of now it is for pedestrian traffic only. Mr. O'Brien stated that in addition to alleviating traffic at the one exit there is also the issue of safety and security. Every other University in the area has more than one entrance and exit for that concern. In addition this has

been a township designated emergency evacuation area, if there is only one entrance into the campus and that entrance gets blocked there are problems from a safety and security stand point. Mr. Gazarowski asked Mr. O'Brien, I know you have testified at hundreds of applications before planning boards and zoning boards, during the course of all those applications have you not witnessed instances where a knock down fire lane for emergency egress and ingress was established without approval of it, as a means of public ingress and egress into the site. Mr. O'Brien stated without approval no. Mr. Gazarowski stated that lets just say for sake of argument could there be a fire lane with a barrier in front of it to be used only for emergencies and the public can not use it. Mr. O'Brien stated that the board would have the right to approve such an entrance. The Township Engineer David Magno asked Mr. O'Brien, you referred to mention of opened space on the project of approximately 90%, I assume you are using that in the context meaning opened space exclusive of building area. Mr. O'Brien stated yes, that is correct. Mr. Magno stated that the GDP approval the time frame would be a twenty year approval. Mr. Jackson asked Ms. Bertone what she thought of the entrances not being approved as part of the GDP. Ms. Bertone stated that she thinks the entrances are a critical part of the overall plan, the University really feels that there are necessary and to be honest I could not say yes or no to that without speaking to the president of the University. Mr. Neiman stated that based on what you said if this is approved this might be a different board in twelve years the neighborhood might be totally different, for the board not to have any input then because this GDP was approved with those entrances I don't think it is fair to the College or the community. Ms. Bertone stated that she did not think that Mr. Jackson nor did she state that the board has no input down the road, I think that it would be difficult if the applicant came in without any variances requested and without any site plan waivers I think it would be difficult to deny the site plan for the entrances.

Chairman Neiman asked for testimony from the opposing attorneys.

Mr. Gadzarowski had Mr. Litwornia, Traffic Engineer and Planner sworn in. Chairman Neiman accepted the professional. Mr. Litwornia stated that he was retained and is being compensated by Mr. Gadzarowski for his testimony here today, I looked at the traffic study submitted, the site plan, I went to the site and looked at the municipal ordinance, zoning ordinances and the Lakewood Township Master Plan. This is a planned development and the board has stated that they are entitled to present a GDP application. As a part of the GDP according to section 40:55D-45.2 there are items A thru K to the GDP. The first item is a Density and Intensity of use of the entire planned development set forth. This is important because you have to know what the density and intensity are so you know what the ultimate traffic is going to be for build out, so you know what the circulation plan is going to be like. The second item is a circulation plan that should show the types of general location and types of transportation facilities including utilities, pedestrian access within the planned development and any proposed improvements to the existing transportation system outside of the planned development. I did not see one improvement that was recommended to be done in conjunction with this application or pro rata shared to be provided for anything or any agreement to be entered into. I say that as agreement to be entered into because usually as any conditions for any type of a GDP the municipality enters into an agreement with the applicant to provide those types of improvements that would be required at intersections, streets, signalization, etc. The timing schedule is one of the most important things so you can see as each phase of the development is supposed to be provided. As was discussed previously as the applicant comes forward with each phase there must be a site plan, which is required by the MLUL. There should be a traffic study done for each of the phases, if you don't

do that you won't know if the circulation plan will work or not you won't know if the access will work or what impact they will have on the surrounding area. The Township has requirements under the township ordinances pertaining to a GDP under 18-606B.11 a proposed timing schedule in the case of a planned development whose construction is contemplated over a period of years, there was no timing schedule that we could tell. Traffic Consultants when they go over plans they also look for guidance from periodicals and papers pertaining to traffic. I went further than that there is a text called "Managing Transportation in your Community" it is a municipal handbook on what you are supposed to do as a board and as the planner mentioned previously that he gave speeches and lectures to the planning boards I to have done the same as part of an accreditation process. If you take a look at the text it gives you time periods for a traffic survey, what time, AM or PM how big of an area, what areas to pick, the future traffic what it is supposed to show, the design years and especially on page 47 of the text it says you are supposed to add the future traffic projections and they are supposed to take into account future development in the area planned but not built as well as expected traffic growth over time. In addition to that the design year or traffic projection year is supposed to be looked at, a valid traffic analysis will project the traffic impact for the first full year of operation of the development some agencies require additional years be analyzed if the proposed development is phased over time traffic projections should be prepared for each phase. That is one of the guidelines for the planning board to look at so that you will know if the application will or will not work and what is going to happen in the future. It also mentions that you are supposed to manage parking and you should know what the parking should be. The parking requirements for a non-residential will also vary by size and by facility and you are supposed to know what the parking requirements are and what they are going to be used. There is no data showing how many spaces are needed and if you don't know that you are not handling the parking analysis which is a critical part of the application. If you don't know any critical parts you don't know anything. Mrs. Koutsouris asked the township engineer that it was her understanding that there are no variances with this GDP so therefore the parking should be adequate for the future development. Mr. Magno stated that in his review the parking was proposed based upon the number of buildings and the uses for the buildings on the site. Mrs. Koutsouris asked Mr. Litwornia since there is no variance required for the building they are proposing what is he basing his requirements for parking on. Mr. Litwornia stated that there are no variances required on anything at the present time. Mrs. Koutsouris stated that the attorney stated that there were no variances for the GDP but if in the future there are variances required for individual site plans they would be addressed in the future. Ms. Bertone stated that that was correct and the parking detail was in the plans. Mrs. Koutsouris again stated that she was unsure of the issue Mr. Litwornia was bringing up, I feel that you are giving us general statements about how to conduct a traffic study but you have not given us any specific issue for example you said that a traffic expert should propose various agreements with the municipality and improvements, what improvements do you feel are necessary to this plan. Mr. Litwornia stated he would like to answer those questions at the end of his testimony, he doesn't see the complete uses for all the buildings and he doesn't see how all the analysis can be done by phase as required by the GDP. If the engineer wants to testify as to those numbers by phase and how those numbers are proposed and required I can then see what the parking is needed. I have not seen that type of analysis. The next thing that I looked at was the Rae study dated 1/21/10, in that he went over a level of service analysis, all the levels of service he showed were level of service of D or better which is really pretty good so why do we need all of these extra access points if everything is working so well. The analysis doesn't show one problem in the first study at any intersection. We looked at an Origin and Destination study done by zip code analysis and Mr. Rae went to an OD study which

was pretty elaborate and I see no problem with the OD study it showed a good distribution of traffic. The next study that he did was 10/20/10, in that he said a full traffic study would be required of the new potential access points. The board has to take into consideration that you need a full traffic study before a GDP can be approved because you are approving the GDP with the access points in it. If we take a look at the Rae study he looks at the two new access points and he says he used the OD study to get his information from. He distributed the traffic to the two new access points, the one on Case Rd. he distributed approximately 10% of the traffic to that access point, the other access point is on 14<sup>th</sup> street where he said that 60% of the traffic would be using this access point without any improvements on the street no traffic signals, etc. This is a large amount of traffic and would be detrimental to the area. It shows that 60% of the traffic would come out this exit on Cederview and none of the traffic would stay on Cederview all the way, it would go up the block and make a right or left onto 14<sup>th</sup> street, I find that impossible to believe. The level of service analysis is flawed without anybody going onto Cedarview, there should be more work done on that distribution. So basically I think that we have to get some additional work done I think really there is one thing that is also brought out in the MLUL and in the zoning text the 2010 New Jersey Zoning and Land Use and Administration by Cox page 415 says” moreover the general timing of each phase of the development can be submitted which is a distinct advantage for municipal planning, note that the developer that obtains approval of a GDP much submit for each section or phase a conventional application for either a sub-division or site plan approval”, whichever is applicable for each phase of the development the submission of the first phase has to be within five years the developer customarily enters into a Municipal Development agreement as provided for in NJS40:55D-45.2 setting forth the undertakings of development, the timing schedule and providing in detail for various aspects of the development. Mr. Jackson asked Mr. Litwornia what his objection to the application is really. Mr. Litwornia stated that in the traffic studies submitted there could be as many as 6,000 people on the campus if 60% of the traffic were to use Cedarview Ave. and 14<sup>th</sup> street that would be about 3,600 trips going into a residential area, That would be a very detrimental impact on the area. Ms. Bertone stated that Mr. Litwornia mentioned that there are other Universities that have only one entrance can you tell me what they are. Mr. Litwornia stated Passaic County College. Ms. Bertone asked any in this vicinity. Ms. Bertone stated that for a 156 acre campus with potentially 6,000 people at the phase plan is it the most advantageous to have only one access point. Mr. Litwornia stated that he would have to look at build out with the entire amount of traffic to see what it would be, if we did look at build out then we can do a better traffic analysis, but I feel it would be better to sent the majority of the people out in the area which is on 9<sup>th</sup> Street where there is a lot of built up area with traffic that is presently going in that area, it is not the same type of residential community. Ms. Bertone asked have you reviewed the full plans that were submitted to the board. Mr. Litwornia stated that not all of them, no. Ms. Bertone stated that she believes that the plans do contain a full plan of build out that is available for your review. Where you present at the last meeting in October. Mr. Litwornia stated that yes he was. Ms. Bertone asked if he was aware that Mr. Rae did mention signalized at several intersections. Mr. Litwornia stated that there was nothing in the traffic study that says that this applicant will provide any improvements in conjunction with the GDP it says that the T & M Study recommends them and the T& M study id parroted in his report. Ms. Bertone stated that she did not ask if it was in the report she asked if it was in his testimony that it was something that the college would consider. Mr. Litwornia stated that there is nothing that the applicant has said they would do at this time, saying you would considering it doesn’t give you anything. Ms. Bertone stated that you are aware that we are talking about gates that are twelve to fifteen years away. Mr. Litwornia said yes but



they still have to know how the site drives work with the total development. Ms. Bertone stated that you don't think that Mr. Rae has done that in the analysis that he has done so far. Mr. Litwornia says it is normally done when you do the total build out. Ms. Bertone asked if he had worked on other GDP's in the past. Mr. Litwornia stated that yes he had and they always require the municipality a total circulation plan for buildout so that we know that the circulation plan will handle the traffic at build out. Ms. Bertone stated is that what you feel is required in the ordinance. Mr. Litwornia stated in the ordinance it requires a circulation plan I would interpret it to have it for build out myself. Ms. Bertone stated that the ordinance actually says " a circulation plan showing the general location and types of transportation facilities including facilities for pedestrian access within the planned development and any proposed improvements, I don't believe it requires full plans for general build out. That is just your interpretation. Mr. Litwornia stated that yes but if you look at NJS40:55D-45.2 setting forth the undertakings of development, the timing schedule and providing in detail for various aspects of the development and how it effects that surrounding area. I am concerned with the traffic that will adversely effect the surrounding area. Ms. Bertone stated that wouldn't it be better to do a full traffic study at the time that the proposed access points are being built ten or fifteen years down the line. Mr. Litwornia stated that there could be a circumstance that might move that timeframe up. Ms. Bertone stated that may happen but as of now the time schedule stands. Ms. Bertone asked how much time he had spent in the area looking at traffic conditions at different times of the day at the site. Mr. Litwornia stated approximately a total of two hours at PM peak and midday also. Ms. Bertone stated that their traffic study looked at nine off site intersections surrounding the site, how many of those locations have you visited. Mr. Litwornia stated that he looked at all of the intersections and observed that the intersections on 14<sup>th</sup> street went through nice residential areas, he noticed that on County route 526 which was not counted on any intersections had traffic signals that were not oriented in conjunction with Cedarview Ave., the intersections that were at Hope Chapel Road, Case Road, and Cedarview were all nice residential areas, but the intersection at Forest and 14<sup>th</sup> street was basically more congested and was less of a single family type of residential area, the intersection on Lakewood Ave and the intersection of Lakewood and North Drive I noticed at that intersection there were a lot of people from the college parked on Lakewood. And a lot of people avoided going up 9<sup>th</sup> street so they made u-turns on Lakewood and came back out onto North Lake Drive, there was a lot of pedestrian traffic on Forest at the intersection of 9<sup>th</sup> street and North Lake Drive I made no significant observation on those intersections. Ms. Bertone asked did he spend any time counting traffic on Forest and 9<sup>th</sup> Street. Mr. Litwornia stated that no he did not spend any time counting traffic he just observed it at different intersections for approximately 3 hours. Ms. Bertone asked if he was aware that the T & M study identifies Forest Ave. & 9<sup>th</sup> Street as a corridor in need of capacity and safety improvements. Mr. Litwornia stated that yes he was. Ms. Bertone stated would taking some of the GCU traffic off of those roads be beneficial to that corridor. Mr. Litwornia stated that taking some traffic off but adding traffic because of development would not help in the end. The fact is that the numbers have not been given and he can not make that determination at this time without those figures.

Mr. Gadzorowski had Mr. Gordon Gemma a professional planner sworn in. Mr. Gemma stated that he was retained by Mr. Gadzorowski and was present at the last hearing. His opinion is that the applicant is seeking approval of a GDP in accordance with section 40-55D-45 of the MLUL and pursuant of the Township ordinance section 18-606 and it is to construct the improvements shown over a twenty year period at GCU. This area is in the R12 zone, the standards are set forth in section 906 of the Township Ordinance, bulk standards, minimum lot area of 12,000 sq feet, lot

width of 90 feet front yard setbacks, side yard setbacks, it talks about the requirements for public and private schools the buffer requirements, parking lot permitted, the parking permitted for private schools etc. I think the point that Mr. Lutwornia was trying to get at is that in order for you to determine whether you meet the parking requirements you have to have the knowledge of what all these rooms break out to be, and so far there has not been a real break out except for Mr. Rae stating that they will almost double the parking and everyone saying it looks pretty good, but Mr. Litwornias point is we don't know quite yet because we do not have a specific break out as to the number of rooms, and what that means to the parking obligation. The whole point of a GDP is to do two things, to give you an idea as to what they propose and provide flexibility to develop it over a certain period of time without locking anybody in. What it doesn't mean that the process is without standards and requirement as to what the applicant must submit and what the board may require of the applicant in terms of what they should submit so that you can make an informed decision. The MLUL says that the applicant has to provide items A thru K but could be somewhat permissive, it used the words the ordinance may require, but your ordinance states that you shall provide these items A thru K. One of the first requirements you have to do is what is proposed and what is permitted in the zone, we have thru testimony they more than meet the impervious coverage part they more than meet the bulk requirement but what he hasn't seen is a specific standard and here is how we meet or don't meet any of your standards, if they had done that the issue of parking may have been resolved. One of the standards in the Township Ordinance in the R12 zone you have a requirement of 3.63 unit per acre and I know that there is an issue in colleges as to the number of dorms constitutes a unit, here you have 4.73 dorms equal a unit, clearly if you consider this the standard, you clearly exceed the number of dorm rooms. It is not as if in any way this stops the flexibility of this board or the application but it gives you a standard to look at and there is a reason for that. The reason for that is if there is a variation from that standard and if you deviate by more than 15% from dwelling units or non-residential floor area you have to make an amendment, well if you don't call it a dwelling unit and you don't call it residential unit what do you call it. It has to be one or another and the first thing is to create this comparison so that you know if there is a deviation from the standards or deviation of what they propose. We have not seen a straight forward comparison yet. The board needs to know this so that if nothing else you can create a clear record so that ten years from now if they come back in and change things well what does it mean and there is a 15% requirement so you have to know specifically exactly what changed. There was a question if the board can change something in the future and in my opinion you can't. The whole purpose of why you approve a GDP is to lock in with certain flexibility this plan so you better know what you are giving them and what they are asking for before you do it because if they come back and it is more than the 15 they can ask for an amended plan but the board will not be able to make a significant change to the GDP. The two things that you need to be clear on are the zoning standards and the circulation plan, you have to be real clear of what you are proposing both on site and off site because if you don't do that, you can't change it. They can but you can't. Classically when you do these types of plans with studies you look out a whole lot of years ten, twenty or more. They talked about an open space plan, what you have here is a plan that states here is what we want here is the active use her is the passive use but normally what I would propose for you to make a determination on a long term bases would be some testimony as a college what do you need, what are the standards of open space, what are the standards of active and passive recreation space, there has to be some standards something articulate other than what I want and what I just offer since you are locking in a plan for twenty years and you have to have a plan has an adverse impact, defined in you ordinance as an impact on the residents surrounding the property. There should be some testimony as to what

the standards are for a college going forth, here is what is appropriate for academic, open, recreation etc. that should be articulated, at least it is a standard the board can utilize and ignore or not ignore when going forward. They talked about a utility plan, there is sufficient gravity sewer in the area he did concede the plans to the American Water company, what I didn't hear is how this growth plan and this utilization of water and sewer conform with your growth plan for the growth of Lakewood Township over the next twenty years. If you use this many GPD per day does that have an adverse impact that you may be planning on in your own future growth, and what does this plan compare to what you have already articulated in a master plan for your own growth. What I as a planner would like to know that so that I can then assess whether there is or there is not an adverse impact on the neighborhood surrounding this use. Mr. McKenna provides a Storm Water plan that can handle the storm water on this property but we happen to be next to a lake, what are we doing about storm water quality and how it meets the 2004 storm water standards for water quality; there is a whole lot of parking are you going to use overland swales just tell us lock it in so we know on a long term basis are you going to take care of water quality and water quantity. The Environmental Inventory, Mr. McKenna properly states that he does not have to prepare an Environmental Impact Statement pursuant to section 18-820 of your ordinance. Mr. McKenna's environmental plan is a sheet that says here are the topos and the soil classifications, the only problem with that is that when you look at an environmental impact you look at things like noise, light, impact of trash all those things that you discussed with this applicant when they put all those dorm rooms over there how much noise are they going to generate, where are the lights going to go. Those are the things that a board would like to know and it is not hard to figure out, because you can't change that location once you lock it in. What you should be doing is understanding it or at least have the applicant articulate in the context of your standards that you set forth in your ordinance about environmental impact statement. The Fiscal Report missed two things, one is how much are you going to generate for the town actually since you don't generate real estate taxes and the other thing is when you develop this big of a college in a residential area you do have a fiscal impact on the property values of the residences that surround the college. If the property values go down there is not only an impact on the local residences but on the town as well. Mr. Jackson asked if he had testimony on how this would negatively impact the township. Mr. Gemma stated that no, he does not but as a planner there has been adverse impacts surrounding other colleges can he specifically articulate how much, no he can not. It is not up to him to prove the negative it is up to this applicant when putting together a fiscal report to say that in fact it doesn't have an impact. Mr. Jackson asked what this is at its core is 156 acres with 4,000 student with up to three entrances, is that too much for the site. There are other colleges with 4,000 students. Mr. Gemma responded it depends there are a whole lot of colleges but can they be built in Lakewood in a residential area, all I am saying is that it is incumbent upon the applicant to use the requirements that you have in your ordinance to show with more specificity so that you can make a determination, what I am indicating is that when it comes to things such as fiscal or environmental or traffic they haven't done it and you should demand it so that you can make a decision. The time frame has to be more articulate because the last thing you have to do and you put it into record the last thing you have to do is a development agreement, you can't do a development agreement of what you are going to provide in what phase if you haven't determined what is going to get built and when. You can't do it pursuant to a report that may not agree to. They the applicant has to say when I do "x" it goes to "y" and you have to say it makes sense or not. You have got to put it into an agreement and it has to be based upon what is on the record and if it is not on the record you can't make it like that. What I am getting at is that there are real tools that a planning board has in a GDP and those tools require

certain information and in this instance with this application in this location there are some holes that you should try to plug. Ms. Bertone asked if Mr. Gemma is familiar with the Lakewood ordinance 2009-53 the educational campus zone. Mr. Gemma stated that know he is not. Ms. Bertone stated that that ordinance imposes an educational campus zone on several different zones in the municipality and one of the provisions of that section is that maximum gross residential density is 28 units per acre. I believe that the plan does show the development. She then asked what is your general understanding of a GDP, do you think a full site plan application has to be submitted for each phase of the project now. Mr. Gemma stated that no a GDP is a plan that the board can rely on knowing that full well what they approve is going to lock the location the density in regardless of changes over time regardless as to changes in other conditions in town, the whole point of a GDP that I am familiar with is that it talks about flexibility it talks about things that the board may but is not limited to require. What you have to do in each GDP is say where is it, what is it and what items do I need as a planner on a long term twenty year basis to lock the GDP in, and it is not going to change, the applicant can change it but the board can not. Ms. Bertone stated that if in fifteen years from now an application is brought for a new gate on 14<sup>th</sup> street do you think it is more advantageous to have complete traffic studies at that time or is it better to do it now. Mr. Gemma stated that the answer is both, because for you to have a gate and say once I get a gate in there now and if it is a disaster, and you say guess what even though it is a disaster we are putting in the gate. The board can still consider it fifteen years from now but in that instance it is not necessarily the context of can you have it there, then you are arguing as to what improvements may I have to make or not make. Ms. Bertone stated that she agrees with that, if in 14 years we make a gate application is there any reason why if we don't produce the proofs that are necessary under the statute at that time that this board would have to approve that application. Mr. Gemma stated that you would have to provide the proofs but the board can not deny the location of the access, they may say you need lights or other improvements but there will be cars coming out of that campus into a residential area and no matter what happens the board can't say no. Ms. Bertone did not agree with that statement. Mr. Banas asked that Mr. Gemma indicated that if the GDP was approved by the board and if 15 years from now the gate is not a useable gate the board can do is nothing but on the other hand the University can determine that the gate is not a functioning gate the University can say they made a mistake and they can make a change at that time to the GDP. Mr. Gemma stated yes. Mr. Banas then said that it goes with the idea that nothing is cast in stone, if an error is made by whatever party that can be corrected by that party. Mr. Gemma respectfully disagreed because unfortunately the casting is one way, if they come back and they say they want to change things they have the right, if you say we are not going to do that, the section 45.1 says after they get approval "the planned development shall be developed in accordance with the GDP approved by the board not withstanding any provisions of the MLUL or an ordinance or regulation adopted pursuant there to after the effected date of the approval. You approve it, you live with it. Ms. Bertone stated that if 14 years from now the conditions have changed in that neighborhood it would be an abysmal level of service are you saying that the board can not deny that. Mr. Gemma stated as the law is written today that it would be very difficult if not impossible for the board to deny it.

Mr. Betonte opposing attorney had Mr. Charles J. Witzcak, 990 Cedarbridge Ave., Brick NJ was sworn in.

Mr. Witzcak stated that he is a licensed professional engineer and planner in the state of NJ and I have testified in front of this board. Chairman Neiman accepted the professional.

Mr. Witczak stated that he agrees with Mr. Gemma's testimony. He disagrees with some of the applicants information when you compare the master plan to this GDP that has been presented there are several items in A-1 Community Vision they include encourage the preservation of existing neighborhoods, encourage new development consistent with the scale of established land uses and the developing nature of existing neighborhoods. I believe by opening gates for one there will be a change to those neighborhoods that will have a serious impact on them. I also believe that the proximity of the features on the site itself also are a detriment in that particular case. Having worked on a number of college campuses and GDP's over the course of my career what I find interesting about this particular plan is that there is a spreading of the facilities to the perimeter of the site which I don't think is generally in character with a couple of things that would be positive for both the town and the applicant itself. Usually what you see is that the buildings are meshed together with separation as necessary to provide good pedestrian access between the facilities and it will consolidate and reduce the cost of the project because you won't be building long driveways to gain access to the areas and thirdly it provides a much better buffer between the existing residents and people that live around the perimeter. You can speak to the two dormitories to the north as it dovetails in with the zoning to compare it to R12 zoning it really is not in the spirit of the ordinance because you are talking about two buildings with 23,000 sq feet footprint on both the scale is enormous compared to the surrounding residents, when you talk about an R12 zone you are probably maxed out at a 3,000 sq foot site. This is a significant difference. The buffers are very inadequate; your ordinance says that they are to provide a constant visual screen I believe by constant it means continuous throughout the property as well as within the seasons. In this particular case if you were to drive along Case Road as the campus stand right now and look in there are areas that are over 100 feet now and you can clearly see the buildings. There is really not that much of a buffer provided and there is a more intense situation in the rear of the site, north of the site that is based on the proposed development that is before you on the GDP. Mr. Gemma also touched on other elements of the GDP and I agree whole heartedly that there needs to be more information given to make specific instances and from more of an engineering standpoint I will give you some of the reasons that I believe that there is need for more information certainly from a storm water stand point. When you look at the plan there was a storm water management plan that was presented but basically it showed areas of detention, there weren't any calculations and I think a lot of problems that comes into the interpretations of this nature is when some one says plan we think of a piece of paper with a drawing that looks like a map on it, that is not the only definition of plan a plan can include calculations, reports and it is an overall plan as opposed to a picture. In many cases where I have prepared GDP there are very intense reports that are provided in the same nature as these applications as it applies to this particular site this is a very difficult storm drainage site to achieve or meet regulations on. The whole north end of the site is ahamenent series soil which is very difficult to drain when you look at that along with it is a very flat slope it will be very difficult to provide storm water discharge. Looking at the utility plans I haven't seen anywhere where that is going to take place, there can be a comparison between the existing DEP criteria which says there are three storms that you evaluate two ten one hundred year storms and you reduce them for fifty, seventy five and eighty percent respectively but that just talks to the specifics of the site. The third element which I can find no evidence of is how does it relate to the out falls when you are outfalling into a large stream that doesn't become an issue but now the only way that I can see that you can discharge in this particular case, and I really can't tell otherwise because the plans don't provide the information, would try to tie into the existing input, that would mead either water surfaces or it would mean connections to pipe systems. If you are connected to a pipe

system and you are allowable hundred year storm discharge for the DEP criteria is fifty CFS and the pipe that you are tying into allows only five you have to make a much bigger basin, so there is a lot of different criteria that I believe would seriously impact the neighborhood that needs to be considered in that sense. The other is the Environmental inventory, the environmental inventory really can not be a substitute for environmental impact and I believe that there are environmental issues on this site that need to be addressed before anybody can really make a decision as to what can and can't be. Lake Carasaljo happens to be a C1 category 1 water which contains a three hundred foot buffer based on DEP criteria when you apply that three hundred foot buffer onto this particular area it extends into the Georgian Court Campus on the south and actually extends past several of the buildings that are existing. I noticed on the plan down in that area there is a proposal for a storm drainage facility and some additional parking, based on my experience that would be very difficult if at all possible to achieve approval of that which would mean that programmed space would need to be moved somewhere else and you certainly don't have that before you on this plan. In addition to that the site also contains a bald eagle foraging area in accordance with DEP criteria. So the bottom line is that there are a lot of questions to be answered along those lines and the level of the detail in the plan is what concerns me at this time and it goes back to the continuation of what the chairman mentioned before with the gates if you approve it and then you try to take it back it will be a difficult situation. There are very specific items on this plan there are parking lots with spaces that are shown there are buildings with actual foot prints that are shown, there are storm drains that are actually shown on the plan from the standpoint of going into the basin however none out. If you approve a GDP with this type of detail as opposed to what I have normally seen in a GDP which are general areas that would say building so many square feet give you a density allow you to build that that would give the board the flexibility to control their own destiny. In this particular case I become concerned that whoever it may be would rightfully in their own mind try to live by the letter of the plan that was submitted and approved. Ms. Bertone stated if I heard you correctly you are saying that this GDP has more detail than the ones that you have seen. Mr. Witezak stated that it has more detail in that it asks for more but it doesn't provide the information to back it, in the sense that in order for the design to be undertaken to such a level where there is actually storm drains showing on a roadway system leading into the basin. There are parking lots laid out, there are things if that nature there would have had to be more grading involved and I didn't see any grading on the plans. Ms. Bertone stated that isn't it true that full site plan applications will have to be made at each phase of this project and technical standards will have to be met for each phase. Mr. Witezak stated that that was true but what if they were not met. Ms. Bertone stated that if they were not met could the board not deny. Mr. Witezak stated that the board could deny the application. Ms. Bertone asked if he was familiar with the educational campus zone ordinance that was passed in the township in 1999, that ordinance actually permits dwelling units which includes dormitories of 28 units per acre at 156 acres that would be about 4,000 or so, the plan is 350 new so that would be approximately 2.5 per acre, obviously below the standard. This ordinance requires a buffer of fifty feet, you said that the buffer was inadequate are you suggesting that the board require something other than what its ordinance requires. Mr. Witezak stated that he believes that this is an application that really doesn't fit within the spirit of what was going on there, I think if you compare it to what the products that they were trying to cover which were schools with busses which is certainly not the case here it seemed to me to be the intent of that ordinance to gear that buffer requirement and any other bulk requirements towards a primary or secondary school. Ms. Bertone asked what would make him think that. Mr. Witezak replied that basically the portion about the busses.

Mr. Hal Simoff a licensed professional engineer and planner, 2 Shunpipe Road, Madison NJ. I am a graduate civil engineer from NJIT I am a fellow with the Institute of Transportation Engineers, I have been an adjunct professor of civil engineering at NJIT and I have been qualified for over 30 years as a professional witness. Chairman Neiman recognized his qualifications. I would like to point out a couple of salient points. Any GDP should address in my opinion alternatives and different methods of addressing the traffic. Mr. Rae's report talks about a couple of different alternatives of getting access to and from the campus but effectively what he would be adding about 300 cars an hour to 14<sup>th</sup> Street and he would be reducing the 9<sup>th</sup> Street access from 400 to 100. I think that the campus has been developed over the years with an existing roadway pattern and the land uses have developed with an existing land use pattern and to force additional traffic to 14<sup>th</sup> street and another 100 cars to Case Rd. is an assault on the zoning and on the intent of the master plan. The master plan in its recent update by T & M states as follows the reexamination encourage economic vitality through well designed land development that is consistent with established neighborhoods and land use patterns while preserving the communities suburban and historic landscapes which make Lakewood Township a desirable place to live and work. It goes on and its goals are to encourage the preservation of existing neighborhoods and to encourage new development consistent with the scale of established land uses while preserving the character and developed nature of existing land uses and approximate land uses. Mr. Jackson asked if he though the campus should remain static and stay at the level of student that is at now. Mr. Simoff stated no, but I think that the access to Case Road and 14<sup>th</sup> Street is unreasonable and insults the intent of the zone plan and the master plan update. When you add another 300 cars onto 14<sup>th</sup> street without sidewalks without lighting without all the amenities and you have 9<sup>th</sup> street that is an established access an established land use pattern it has been that way since 1908. Also you have heard a lot about the impacts and the timing, the Rae report only goes to 2014, it goes out three or four years not twenty years, I think it is deficient and the opinions that have been drafted in the Rae report if you are going to talk about going out twenty years you should have a traffic report for twenty years. Ms. Bertone asked if he was testifying as a traffic expert tonight. Mr. Simoff stated that he is a planner but there is a crossover in the two disciplines. Ms. Bertone stated let me ask you about 14<sup>th</sup> street, are you aware that there are sidewalks and lights on 14<sup>th</sup> street. Mr. Simoff stated that there are lights on 14<sup>th</sup> street but not case road and the sidewalks are intermittent. Ms. Bertone asked if the sidewalks are in the vicinity of the access. Mr. Simoff stated that you have to plan for the entirety of adding 50 to 60 percent of the traffic to 14<sup>th</sup> street. Ms. Bertone stated that Mr. Rae's report does do. Mr. Simoff stated that Mr. Rae's report doesn't address the impact to the residential, when you are adding traffic thru a residential I feel that is an affront to the master plan. Ms. Bertone asked if he had spent any time at the 9<sup>th</sup> street and forest Ave. gate and what are your observations. Mr. Simoff stated that yes he had and his observation is that it is acceptable. It is a professional residential area meaning that there are residences and professional offices on Forest Ave. Ms. Bertone stated that given that Georgian Court is a 158 acre campus and currently only has one entrance is it your opinion as a traffic expert that one entrance is preferred type of an entrance for that size of a University, should it remain only a one entrance campus. Mr. Simoff stated that there are other alternatives for access for emergency vehicles, you have to look at where the emergency vehicles are coming from. Ms. Bertone asked if he was aware that the campus has historic registry. Mr. Simoff answered no he was not aware. Ms. Bertone stated that the entrance that was on 7<sup>th</sup> and Lakewood is right near the Mansion which is the most historic part of the property and for security reasons that entrance is currently a pedestrian entrance. Do you think a one lane entrance is an appropriate entrance for a campus of that size if that were to be opened? Mr. Simoff stated

that the projections are that there would be 475 vehicles entering and one alternative would be to make it a double wide driveway. There are several alternatives without infringing on the residential area to the north and to the west. You can make a double width driveway; you can put more entrances on 9<sup>th</sup> street. Mr. Schmuckler asked have you driven around the campus where there sidewalks on the northern or southern side of 14<sup>th</sup> street. Mr. Simoff stated that there are sidewalks on the southern side only.

Chairman Neiman opened the meeting to the public at this time.

Sworn in was Dr. Marilyn Gerzberg-Gittleman, 204 Autumn Road, Lakewood. She stated that she is for Georgian Courts right to build and they are a good neighbor but she does not want her neighborhood to become a highway. There are many children in the area and there are no sidewalks this is a recipe for disaster. Please do not allow this to happen in our neighborhood.

Sworn in was Devorah Roberts, 120 Arbutus Drive. She lives across from Georgian Court College and she does not want the entrance in her neighborhood. There are no sidewalks and it is very dangerous to put this traffic in this neighborhood.

Sworn in was Fran Lapidoth, 214 Iris Road, She does not want the traffic in the area because of the fact that there are no sidewalks and a lot of little children in the area this is very dangerous. Please do not expose my grandchildren or other children to this traffic.

Sworn in was Joyce Ginsberg, 2 Arbutus Drive, She is an advocate of higher education. She moved to her home because of the great safe neighborhood. She does not want the traffic in the area due to the children. She does know that if there is more traffic there will be more accidents. Teenagers are the highest risk drivers. The Orthodox community has a larger number of children than the average family there is triple the number of children as other communities.

Sworn in was Dr. Richard Roberts, 120 Arbutus Drive, In the past when there was a problem with a construction fence that was opened the College was very responsive in handling the problem. They have cut trees down and he did not complain. These openings are not good for the area and the experts do not tell you as to when the openings will be opened. They are not authorized to accept any other plan for openings. This does not make sense. They are spending a lot of money to grow this college are they doing it so that they can not rent out the sports complexes to outside agencies. Georgian Court threatened me because of a tax issue, and they said that if they do not get this GDP they will sue in the future.

Sworn in was Jacob Steinberg, 1050 14<sup>th</sup> Street. The traffic study submitted by the University does not state the typical traffic pattern on 14<sup>th</sup> Street. An opening is not wanted, nor is it good for the neighborhood. There was an accident on 14<sup>th</sup> street and the car landed on my lawn right where my children wait for their bus. This would be chaos. The historic portion of the campus is not used for vehicular traffic to preserve that area, we are trying to preserve out future by protecting our children.

Sworn in was Yaakov Friedman, 325 Case Road. It is incomprehensible to me that in this neighborhood where there are children that wait for busses on the streets because there are no sidewalks that there could be no more traffic. Also there should be more of a continuous screen so that we don't have to look at the parking on the campus.



Sworn in was Louis Richmond, 319 Case Road. At this time of year there are not a lot of trees and we are disturbed by the noise on the campus. How many trees will be cut down over the twenty years of this project? Also the drainage, where will it go, into the lake, when we get heavy rain or street floods. When you constructed the Wellness center there was a sewer brought out to case road, will the sewer also come to our sewer. Also did they measure the street because when there are cars parked there is no room for any additional traffic to go through. In support of there argument for a new gate did they look at the size of the street. Ms. Bertone stated that that would be done at site plan application.

Sworn in was Aaron Steinberg, 1402 14<sup>th</sup> Street. The element of beauty in the neighborhood has been retained to this very day. The properties are kept pristine. A suggestion of a buffer of 100 feet was asked for and I ask that the board maintain this.

Sworn in was David Drukaroff, 1433 Laurelwood Ave. I have lived near GCU for over fifty years and opening an entrance would make it easier for me to attend meetings and functions on the campus. GCU owned the land that some of the complaintants tonight now live on. The concern of increased traffic is a concern all over Lakewood as the town has grown from 13,000 to approximately 90,000 residents and is expected to go over 200,000 residents over the next twenty years. These complaints are purely selfishness. My temple sold their property to BMG there are now cars lined on both sides of the street on Forest Ave. I travel that way to work every day. This Board asked to come up with this plan and if you deny this plan you ask them to spend a considerable amount of time and money which was wasted. If on the other hand you allow them to build without giving them more entrances you are going to force more and more people to use only one entrance. The Case Road area is a very residential area but 14<sup>th</sup> street can be used.

Sworn in was Deena Kleinman, 678 14<sup>th</sup> Street. I have a disabled son and we bought our house to accommodate his illness. We walk down 14<sup>th</sup> street to get anywhere and the extra traffic would make it impossible to go out.

Sworn in was Yatha Floras, 19 Autumn Road. The traffic is already to fast in the area as it is. There was recently construction that diverted traffic onto Lake Drive Terrace, it was a disaster. It is so frightening to watch the traffic but I plead for all the children in the area, please do not allow this opening.

Sworn in was Yisroel Gross, It is very disturbing about the opening being put in this area. Since Georgian Court College has changed into a University the activity has become noisier on the campus. The dorm rooms are going to be used for single moms with children and unfortunately there may be more crime in the area that would affect the neighborhood. The traffic will affect the residential neighborhood areas.

Sworn in was William Hobday, 30 Schoolhouse Lane, I am amazed at tonight's proceedings because this should be a simple matter. Lakewood is a changing society we change every day. The people at Georgian Court University are wonderful people; they have been around forever the neighborhood grew up around it. The people of Catholic faith and Jewish faith have been the bearers of education, they take education profoundly. They instill in their youth good principles to live by; they have faith in their God, their tolerance of each other and their encouragement for so many things not only limited to education, look at their hospitals. We as a people need to encourage education especially from this University that has gone out of its way to present

everything that this board has asked for. Look at the plan the board asked for that they produced it and it is all by statute they are not asking for a variance. They are not asking for anything out of the ordinary except to develop their property and at the request of this board they did a GDP.

Sworn in was Michael Parnes, 314 Case Road. The student body that will be traveling through this neighborhood do not know that there are no sidewalks and the curvature of the road you can not see around it.

Sworn in was Jacob Lock, 111 Arbutus Drive. Because the residents are tax payers and the University is not I believe that our rights should supersede their rights and we should be able to restrict what goes on in our neighborhood. Education is a good thing. The openings in the residential area should not be able to be done. Traffic will affect the property values in the area.

Sworn in was Sora Kuperwasser, 1355 Fernwood Ave. When Georgian Court went through construction and disrupted our neighborhood we did not complain. On Friday nights when loud music can be heard through our closed doors we did not complain. On Saturdays when we hear the cheering and shouting from the sporting events through our closed windows we did not complain. What I do not understand why when Georgian Court owns so much land why must they build their dormitories so close to our backyards. Why must we have to see them through their windows and they can see us through our windows. We were told these dormitories were for some older nuns, but yet when some of the people had a meeting they asked why do the nuns need a tot lot, that is when we found out it was not for the nuns but for the unwed mothers.

Sworn in was Noreen Gill, 192 Coventry Drive. In this traffic study not once did I hear the word BMG and that impact, not once did I hear about the homes in that hear about the business in these homes in this area and that impact. I never heard anyone say did you observe people walking in the streets and there were sidewalks. I never heard that I can drive down Clifton Ave. and find 500 cars in a parking lot across the street from a new school that was built that they added two floors to but I can't get down Clifton Ave because there are 500 cars there are 500 more students within a year. Georgian Court came to this board and said we have a twenty year plan, they are not sticking 1,000 students within two square blocks their not putting in 700 students a year. To me I do not think that is unreasonable. The people in the area are concerned because they have no sidewalks perhaps they should go to the Township and ask for the funds to get sidewalks, community grant funds.

Sworn in was Gerry Balwins, Governors Road. Sidewalks are needed and they need to be used when they do exist. I was also told that when someone hires an attorney they are not allowed to get up and speak because they are being represented by an attorney, yet, tonight two people that hired attorneys did get up to speak and they did not mention that they hired an attorney. I live in a condominium and the students there attend BMG and they speed also. I do not know why the University did not come before the board under the college campus plan, within two weeks BMG came before the board after they had purchased Princeton Ave School and they have the units at probably 20 units per acre. This development is definitely low key. The point that GCU is designated as an emergency response location, there should be more than on access point to the campus.

Sworn in was Shlomo Katz, 1415 Cedarview Ave. Everyone agrees that GCU has the right to build what they want. Tonight the board is going to decide what is best for the township. The traffic expert said that putting the traffic out into a residential area is not good for the township.

Sworn in was David Wilschanski, Forest Ave. The intersection of 14<sup>th</sup> and Forest is horrendous already and putting more traffic in this area would be disastrous. I don't think the board should allow this application at all.

Sworn in was Moshe Lankry, 120 Case Road. If the board approves this tonight it is very difficult for Lakewood citizens to come in and try to change anything. GCU can build anything they want but putting an entrance in this residential area will have a negative impact. I think when BMG comes into a neighborhood the impact on the homes is a positive one to the prices of the homes.

There being no more statements from the public, Chairman Neiman closed this portion to the public.

Mr. Gadzorowski stated that at the first meeting both parties were instructed to meet and attempt to come up with an amicable resolution with any differences that might exist between the parties. There was a meeting that took place at GCU, I attended as well as several members of the audience were also present, it was a cordial meeting and one thing that was made absolutely clear to GCU was that the residents did not object to the use of this property by Georgian Court as a University the residents did not object to the expansion of GCU in accordance with the zoning ordinances of the Township of Lakewood. What the residents objected to was the necessity of the openings on Case as well as 14<sup>th</sup> Street and stated to the representatives of GCU that we would like you to address this and if you can you will have our whole heated support. We left the meeting Mr. Rae gave me a copy to the plans, I made a representation to them that we would hire a traffic consultant, which we did, we proposed an alternative which would have been the enlargement of the ingress and egress on 9<sup>th</sup> street, the channelization of traffic throughout the site, with interior roads meaning that the University itself would utilize it's property to reduce the traffic coming from off site. That was basically summarily rejected. At a later point in time I wrote to the attorney of the applicant, I said we are going back to the board again, if we are going to have an opportunity to resolve this amicably lets sit down and attempt to do it. We feel that the presence of these ingresses and egresses will have a catastrophic effect upon the residential neighborhoods they are going through. We listened to the traffic testimony of Mr. Rae, and even he says in his report that he even says in his report that he doesn't provide you with all the necessary information. I make one comment when I appear before the board over and over again and that is that the your zoning ordinance is here to protect three groups of people, the community at large, the applicant whose property is being utilized and it is to protect us people who are objecting who feel that their property would be adversely utilized. They simply have not presented to you all of the facts that surround this application that allow you to make a judgment based upon fact and the danger is whether it is five years from now, ten years from now or fifteen years from now this will come back to haunt you. It is a very simple solution let them give to you what the MLUL and your zoning ordinance demands that they give to you so that you can make a reasoned decision concerning this application. Thank you.

Mr. Betonte thanked the board for allowing him to present his witnessed. Putting aside the legal issue as to whether a Private University can apply for approval of a GDP, which is legally deficient in my opinion. The board doesn't even have to get there, the board has to deny this

application because it is woefully deficient it is contradictory to good planning principles and it is inconsistent with the Lakewood Master Plan. I limited my cross examination to a few questions tonight, using the master plan I asked about the change to a neighborhood, everyone in this room knows that this plan with the entrances with the increased traffic does not support the Master Plan. The only person in the room that had a differing opinion was Mr. O'Brien and I think that goes to his credibility and you as the board have to judge the credibility of the witnesses when you are making your determination. As you heard from the experts and the witnesses it is absolutely going to impact the neighborhood. You don't open up entrances into a residential neighborhood, there are traffic issues, safety issues, and noise issues these are all adverse to the neighborhood. As a board you need to make several findings in NJSA40:55D-45, those findings and those requirements are grounded in the notion of protecting the public and the applicant has not demonstrated with it's testimony that it meets at least three of those criteria. I would also like the board to consider the buffer issue seriously, if this plan is going to go through there needs to be a buffer that is absolutely protective of the neighboring community.

Ms. Bertone stated that the ordinance in town and the statute require eleven items to be considered for a GDP, all of those items have been submitted, your engineer and planner have gone through them and found some deficiencies in the beginning, all of which have been corrected. I think that the objector's main point is that they wish that the statute and ordinance was more detailed than it actually is. The reality is that what was required under the GDP has been submitted and I believe that our experts have testified clearly that we have met the requirements of a GDP, what seems to be forgotten although we have repeated it over and over is that each section of this project as it gets developed requires complete and full site plan applications. The board has the authority at that point, at some point, to deny approval if we don't meet the technical requirements or if there is a variance requires that you feel we don't meet the standards for. In fact a planning board does not have the authority to deny a site plan because of anticipated detrimental impact on off tract traffic conditions. Planning for traffic patterns is an exercise for the zoning power; the planning board can go no further than to condition approval. On improvements to on tract entrances exist and contributions to off tract improvements. Mr. Rae said when the time comes to make specific site plan applications we will consider consistent with the master plan and the Smart Growth Plan, sidewalks, lighting and signalization. All those issues that are specific to site plans, we are nowhere near that stage. The phasing plan in our application puts us several years out before the first plan would be submitted for approval. With respect to the traffic we have also have discussed several alternatives including more people on campus with the additional dormitory space which would decrease the traffic. What I have heard tonight is primarily from the Casae Road and 14<sup>th</sup> Street people, it is obvious to me that endangering those on 9<sup>th</sup> and Forests who already live there, furthering the danger to them is not a concern to anybody, it should be. That is the reason why our experts have talked repeatedly about the need for two additional access points. Those two entrances are in fact consistent with the master plan which requires the Township to work collaboratively with the University to address the broader issues in town. One of which is the T & M report which talks about the 9<sup>th</sup> Street and Forest Ave. area being in need of traffic improvement, we are trying to address those issues. The reason for bringing this application in the first place was to put our cards on the table. Despite some of the wild speculation you have heard this evening about what we are planning to do there, it is what we have testified to, the dorms are going to be dorms, and they are not going to be more than that. I don't think that anyone would agree that agreeing to deed restrictions. Mr. Neiman asked why is there a tot lot there. Ms. Bertone answered because there will be nursery care there during the day

which was discussed at the first meeting. In short Mr. O'Brien discussed the standards for approval of a GDP, we think we have met all of those standards and exceeded them in fact. Thank you.

Mr. Fink asked how many entrances and exits does GCU currently have. Ms. Bertone answered there is 9<sup>th</sup> Street where you come in at Private Way and out at the corner of Lakewood Ave. There is a blocked entrance to vehicular traffic at 7<sup>th</sup> and Lakewood, it is narrow and goes right by where the mansion is. At Case Road and Magnolia which is one of the proposed sites for an entrance there is a construction entrance., which isn't really a road.

Mr. Banas stated that his memory goes back a couple of years longer than some of you sitting in the audience, I do remember there was an entrance on 14<sup>th</sup> Street , There was a home that was occupied by one of the caretakers of the College and that is where he had his home and there was an emergency entrance at that point, he would open the gate infrequently but it was there for emergencies, is that still there. Ms. Bertone stated that that was way before her time. There is a gate there but it is locked. Mr. Banas stated that everyone that approached the microphone inevitably used the phrase that these gates that you are trying to open are going to create a traffic problem wherever it is. I suggest very quickly that that is not the case if you think about it gates don't cause an increase of traffic but cars do and the purpose of this twenty year plan that is before us is one that gives the University an opportunity to expand their program for a period of twenty years and by doing that and to do it properly we are going to have more students apply to the college have their education and that is what causes the problem. I do think that the problem that we are having presently and it is so common I'm sure every knows about "NIMBY"- not in my back yard, you see if I could move that to Mr. Diamond backyard it is not in my backyard I am not going to complain about it. So we have people talking about the negativism of parking, we have already had the automobiles that are going to come out of these gates totally to the maximum of 4,000 possible automobiles, that is what is going to happen. I disagree with you. I do have another thing that bothers me is that when the comments are made that the planning board will have an opportunity to view and review all the plans that you do not have the confidence that we would be taking into consideration things such as safety, my heavens, that is what we look for, we cherish our people, we don't want to see accidents. We would do the things that are necessary to make the things safe, the roads that are common along North Lake Drive, those are horrendous. Nobody expects the same highway system to be in place when and if openings are developed within the University.

Chairman Neiman stated about seven years ago the NJDOT gave testimony in front of the planning board that we are no widening Route 9 because it is so bas so just get used to it and it is going to get worse. Same thing over here, 9<sup>th</sup> Street get used to it, it is going to get worse. Why go into a neighborhood that has not been subjected to any of this traffic. There are a few homes on 9<sup>th</sup> Steet that are going to be effected, it is a nice entrance but effects really three homes, it is not effecting a neighborhood. Yes it is going to get worse because of the growth at the University but just as NJDOT said to this board we are not widening Rte 9 so it is not going to help anyway, get used to the traffic, I feel that can be said about 9<sup>th</sup> Street also. To come into a new neighborhood where they have never been subjected to the University traffic I think that I can't approve that part of the application.

Mr. Banas stated that just off the topic there is a new east west street, Oak street, with one stop sign you could be out to New Hampshire Ave.

Chairman Neiman stated that is why he asked the question if we could look at one part of the GDP versus another part of the GDP. At this time I will entertain a motion.

Mr. Schmuckler stated that he will make a motion. This board has been extremely strong on safety, Mr. Fink and Mr. Banas have led the way, to the point that we had a Yeshiva come to us a few weeks ago and they wanted to move a sidewalk that was facing the woods in a very rural area and Mr. Banas and a few of us voted against that application. I agree with Mr. Banas that sidewalks have to be there because one day there will be other sidewalks being built in the are, we don't negotiate on safety issues we don't give an inch. On the other hand I do appreciate that GCU came in with the GDP to us and it is a good request and most of the people as well as the board feel that it is there land and they can build as they see fit. I will make a motion to approve this GDP with the following limitations, to deny the two openings on Case Road and Cedarview/ 14<sup>th</sup> Street, also when you come before the board with the site plans please do not create a hardship where you need those openings, you have heard from the public, they do not want those openings. This approval shall not in any way to give approval for large outside vendors to come in and run large functions. I heard the testimony from GCU that there will not be any of these functions I am sure that will stay the same. The buffer should be as large as possible with burms and thick rows of trees to help with the sight coverage and lessening of noise. It gives you an option in the future to decide what to do at the point of site plan application. Mr. Follman seconded the motion.

Ms. Bertone stated that this is essentially a motion to deny the application because this is not the application.

Mr. Jackson stated that the board has the right to approve some, none or all and if you are dissatisfied with the approval to the extent where portions of your application have been denied that would be the effect of that.

Ms. Bertone stated that she wants to make it clear that that is unacceptable that those portions of the application are being denied.

Chairman Neiman stated that the board feels that once we approve these entrances they can not be reversed, I feel that the traffic study that you brought into testimony really granted an opening of these gates.

Ms. Bertone stated that she does not agree.

Mr. Jackson stated that he would like to clarify if in his view if the board were to approve a configuration the entrance is a very important part of that and in the absence of some compelling change any board in the future would be hard pressed to take that away.

Chairman Neiman stated that if in two years they were to come back with a full traffic study, with a site plan with more information for a board to make a decision, that would be fine but at this point I don't have enough information to grant an opening based on the study that was given.

Roll Call Mr. Franklin, no, Mrs. Kousouris, no. Mr. Fink, no, Mr. Neiman, yes, Mr. Banas, no, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

Mr. Jackson stated the vote is four to four the motion does not carry.

Mr. Franklin made a motion that the plan be approved as presented using the second plate that the applicant brought in tonight. Mrs. Koutsouris seconded the motion.

Roll Call Mr. Franklin, yes, Mrs. Kousouris, yes. Mr. Fink, yes, Mr. Neiman, no, Mr. Banas, yes, Mr. Follman, no, Mr. Percal, no, Mr. Schmuckler, no.

Mr. Jackson stated that the motion does not carry the vote is four to four.

**6. CORRESPONDENCE**

**7. PUBLIC PORTION**

**8. APPROVAL OF THE MINUTES**

Minutes from the November 30, 2010 Planning Board Meeting.

A motion to approve the minutes was made by Mr. Schmuckler and seconded by Mrs. Koutsouris.

Roll Call Mr. Franklin, yes, Mrs. Kousouris, yes. Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**9. APPROVAL OF BILLS**

A motion to approve the bills was made by Mr. Schmuckler and seconded by Mrs. Koutsouris.

Roll Call Mr. Franklin, yes, Mrs. Kousouris, yes. Mr. Fink, yes, Mr. Neiman, yes, Mr. Banas, yes, Mr. Follman, yes, Mr. Percal, yes, Mr. Schmuckler, yes.

**10. ADJOURNMENT**

The meeting was hereby adjourned. All were in favor.

Respectfully submitted  
Margaret Stazko  
Secretary