

The Lakewood Township Committee held a Meeting on Thursday, April 7, 2011, in the Lakewood Municipal Building, at 4:00 PM, with the following present:

Mayor..... Menashe P. Miller
Deputy Mayor..... Steven Langert
Committee Members..... Albert D. Akerman
Raymond Coles
Meir Lichtenstein
Municipal Manager..... Michael Muscillo
Municipal Attorney..... Lawrence E. Bathgate, II, Esq.
Municipal Clerk..... Mary Ann Del Mastro

Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, and published in the Asbury Park Press on March 23, 2011.

ROLL CALL

SALUTE TO THE FLAG AND PRAYER

OPEN SESSION

MOTION TO APPROVE MINUTES OF: 03/24/11

Motion by Committeeman Coles, second by Deputy Mayor Langert, and carried, to approve the above Minutes.

MOTION TO APPROVE CLOSED SESSION MINUTES: 03/24/11

Motion by Deputy Mayor Langert, second by Committeeman Coles, and carried, to approve the above Closed Session Minutes.

PRESENTATIONS - None

Mayor Miller advised that the idea of having a Farmer’s Market in town has been brought to the attention of the Township Committee. He has had extensive correspondence with the Ocean County Public Health Coordinator.

Mayor Miller further stated it is a great idea that Lakewood should do a Farmer’s Market. The Ocean County Board of Health has provided him with the Farmer’s Market Nutrition Program for 2011, which includes towns such as Lakehurst, Tuckerton, New Egypt, Forked River, Jackson, Toms River, Beachwood, West Creek, Waretown, and Point Pleasant, but does not include Lakewood. He feels it is a great thing to bring to Lakewood. The NJ Department of Health and Senior Services, as well as WICK, do participate in the Farmer’s Market Program, and the people on those programs will benefit from having a Farmer’s Market here in Lakewood, as they will be able to utilize their vouchers without having to travel to a surrounding town. The information that he

was provided with explained that it is a highly underutilized component of WICK, so by bringing it to Lakewood, it will be very beneficial to the town. At upcoming meetings, he will announce the information as to where and when these Farmer's Market will take place.

ORDINANCES FOR DISCUSSION: None

Comments from the public will be heard for a limit of one (1) hour. Each speaker will have four (4) minutes and shall be limited to one time at the podium.

Mayor Miller opened the meeting to the public.

Baruch Blaustein, 109 Seventh Street – Commented with regard to his previous statement made at the March 3rd meeting, wherein he made a request that the Township postpone renewing the Contract to the SOA, giving an extension to the PBA, and that the Township should make serious cuts to the Fire Budget.

Yehuda Shain, 1140 Forest Avenue – Read a letter written to the Township Committee, a copy of which is attached hereto, with regard to Cedarbridge Development Corporation.

Vince LoBello, 4 Mulberry Lane – Complained about the Township Committee Meeting being held at 4:00 PM. Also commented with regard to the Fire District Budget; the new walkway on North Lake Drive around Lake Carasaljo; the Township towing processing fee being paid to the Township; and all the illegal signs around the Township.

Mayor Miller responded that the meeting is being held at 4:00 PM today out of respect for the Stadium who is celebrating opening night this evening; the funds for the sidewalks on North Lake Drive came out of CDBG monies, and did not come out of the municipal budget;

Noreen Gill, 192 Coventry Drive – Agreed with Mr. LoBello's comments regarding the signs.

Mayor Miller responded that he will have the Public Works Department look into it.

Mrs. Gill also complained regarding the traffic back-ups in the areas of traffic lights at Kennedy Boulevard and Clifton Avenue and County Line Road and Clifton Avenue. Also complained about the lack of parking in the downtown area.

Mayor Miller responded that he agrees regarding the traffic problems at Kennedy Boulevard/Clifton Avenue and County Line Road/Clifton Avenue, and has requested the Engineer to look into the recent changes made at those intersections. As to the parking problems, he believes that the Lakewood Development Corporation is looking into making additional parking lots in certain areas in town.

Larry Simons, 7 Schoolhouse Court – Commented regarding the Resolution concerning the Leisure Village tax appeal settlement; asked how much it was settled for, and what was the basis for the appeal.

Sean Gertner, Esq., responded that he believes that the settlement was \$3,500.00, and the basis was that there was a parcel of property that remained in the corporate entity of Leisure Technology, and had never been transferred to the Association. During the reassessment process, the Assessor's Officer caught it, started to tax it, and had to go through the process in order to return it to the Association.

Harold Hershkowitz, 1496 Cedar Row – Commented with regard to the Farmer's Market, and thanked the Township Committee for considering it. Submitted a letter from the downtown merchants regarding this issue, which is attached hereto.

Gerry Ballwanz, Governors Road – Commented regarding the need for adequate street address indicators in order that emergency vehicles can easily find the locations.

Committeeman Lichtenstein requested the Homeowner's Association to contact him and let him know where the areas are that emergency services may have a problem finding, and they will resolve the problems.

Diane Iannarone, Leisure Hack and Laurel Transportation – Her business is run out of the bus station, and advised that there are No Parking, and No Standing signs on First Street that are not being enforced. Other taxis are parking along First Street, and it is not fair to her as a business owner. She feels that the Township Committee is not helping her, and she is losing business. Also complained about the illegal transportation companies in town, and the lowering of medallion fees.

Mayor Miller responded that the fees will return to their original amount as of July 1st.

Committeeman Coles suggested that they request the Chief to have the UEZ officers patrol First Street, with a zero tolerance policy for the illegal parking and stopping and standing.

Committeeman Lichtenstein stated he would relay the information to the Chief of Police.

Committeeman Coles further offered a Motion to return the medallion fee to full price, this evening, rather than waiting until July.

Mrs. Iannarone also complained about taxi companies from other Townships running in town; about the lack of attendance at the Transportation Board meetings; and about her previous requests for a taxi fair increase.

Deputy Mayor Langert commented regarding the proposal for a taxi fair increase. The Manager is reviewing it, and will be making recommendations to the Committee.

Committeeman Coles asked that the Ordinance is prepared for the next meeting to reinstate the original \$1,000.00 taxi medallion fee.

Evgeny Matvienko – Commented regarding the illegal transportation businesses in Lakewood. He says nothing is being done about it. He goes to the Transportation Board meetings, but no one shows up.

Mayor Miller asked for a list of the members of the Transportation Board so he can review the meeting attendance records.

Committeeman Lichtenstein asked that he provide the Police Department with the license plate information so they can work on it. The Police Department is enforcing the laws and they are doing all they can. He asked the Township Clerk to forward Mr. Matvienko the Ordinance which shows the enforcement against illegal cabs.

Committeeman Akerman, as Liaison to the Transportation Board, addressed the board members at the most recent meeting, and advised them that if they want to be part of the Board they need to attend the meetings. They plan to revamp the membership of the Board in order to address the problems.

Moshe Raitzik, 166 North Crest Place – Advised of his schools request for the use of ball fields at John Patrick Sports Complex being denied because permits are not being issued this year because the fields have to be in pristine condition for use by the leagues.

Committeeman Coles asked that Mr. Raitzik see him after the meeting and they will resolve the problem.

Seeing no one else wishing to be heard, Mayor Miller closed the meeting to the public.

CONSENT AGENDA

The items listed below are considered to be routine by the Township of Lakewood and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

- 1. Resolution authorizing award of contract for Professional Engineering and Project Administration Services for Runway End Identification Lights (REILS) on Runway Ends, at Lakewood Airport, to DY Consultants, in the amount of \$125,400.00. Resolution No. 2011-124**

- 2. Resolution supporting Assembly Bill A-3603 and Senate Bill S-2588. Resolution No. 2011-125**

3. **Resolution authorizing the award of a Contract for the purchase of Proprietary Computer Hardware to Spillman Technologies, Inc., in an amount not to exceed the sum of \$32,651.00. (Automatic License Plate Recognition System)
Resolution No. 2011-126**
4. **Resolution releasing Performance Guarantee, First Reduction, posted by East 7th Street LLC, formerly Regency Row LLC, in connection with SD #1477A, East Seventh Street, Blocks 208/211, Lots 132 & 133/11, 12 and 13
Resolution No. 2011-127**
5. **Resolution releasing a Performance Guarantee posted by Stanislaw Rybska, in connection with SD #1656, Minor Subdivision, Albert Avenue.
Resolution No. 2011-128**
6. **Resolution accepting settlement and authorizing the execution of a Settlement Agreement in connection with Leisure Village Association, Inc. vs. Township of Lakewood, Tax Court of New Jersey, Ocean County, Docket No. 017796-2009.
Resolution No. 2011-129**

Motion by Committeeman Coles, second by Deputy Mayor Langert, to approve Resolution Nos. 1 through 6 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Resolution Nos. 2011-124 through 2011-129 – Adopted.

ORDINANCE SECOND READING

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Sale of Block 1028, Lot 3, and Block 445, Lot 9, in the Township of Lakewood, County of Ocean, State of New Jersey, at open Public Sale pursuant to N.J.S.A. 40A:12-1, et. seq.

Read by title only for second reading.

Mayor Miller opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

Mr. Wouters suggested that this Ordinance be dropped because they are reincorporating it into two separate Ordinances, one for public sale and one for private sale.

Ordinance No. 2011-9 died due to lack of Motion.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-13 (Parking Prohibited at All Times on Certain Streets) of the Revised General

Ordinances of the Township of Lakewood, 1999. (Chapter XI - Sec. 11-13 – Parking Prohibited/Eleventh Street)

Read by title only for second reading.

Mayor Miller opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Committeeman Coles, second by Committeeman Akerman.

Mayor Miller thanked Committeeman Lichtenstein for his work on this Ordinance.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-13 adopted on second reading.

An Ordinance of the Township of Lakewood in the County of Ocean, State of New Jersey, releasing, extinguishing and vacating the rights of the Public in a paper street known as Oak Place, in the Township of Lakewood. (St. Vacation – Oak Place)

Read by title only for second reading.

Mayor Miller opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Deputy Mayor Langert, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-14 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter VI, Alcoholic Beverage Control, Section 6-3.4, (License Fees, Maximum Number) and Section 6-3.6 (Prohibited Locations). (Chapter VI – Sec. 6-3.4 & 6-3.6 – Fees/Locations)

Read by title only for second reading.

Mayor Miller opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Committeeman Coles, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-15 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-26 (Bus Stop). (Chapter XI – Sec. 11-26 – Bus Stop/Rt.9 – Buttell Avenue)

Read by title only for second reading.

Mayor Miller opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Committeeman Coles, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-16 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII of the Code of the Township of Lakewood entitled the Lakewood Township Unified Development Ordinance of 2005; Specifically Section 200, entitled "Definitions of Terms" to add the definition of Mixed Use Townhouse Development; and Section 903 entitled "Non-Residential Zoning Districts"; Subsection 903.E.2, entitled "Highway Development Zone (B-5)", to add a Conditional Use entitled "Mixed Use Townhouse Development" and to add Under Conditional Use Requirements, a new Section 1014 entitled "Mixed Use Townhouse Development". (Chapter 18 – Sec. 200; 903; and 1014)

Read by title only for second reading.

Mayor Miller opened the meeting to the public.

Gerry Ballwanz, Governors Road – Confirmed that this Ordinance pertains to the Flea Market area on Route 70.

Sean Gertner, Esq. advised this Ordinance is applicable to anywhere on Route 70, or any B-5 zone, where there can be an assemblage of twenty acres.

Mrs. Ballwanz confirmed that you need twenty acres to have a plan for townhouses and retail, commercial, etc. She commented that with Route 70 being in the Highway zone, she is not sure about having only fifteen percent of the tract being commercial; she is wondering if having more commercial would be better because there is so much residential property already, and you need to grow the economic base. And this is Route 70 where there should be more commercial and retail property.

Mrs. Ballwanz continued regarding the minimum of twenty acres being exclusive of wetlands; then you go into the maximum density of seven dwelling units per acre. She asked if the builder would be able to develop 170 units rather than 140. Where is the density in that level if a certain proportion is wetlands?

Terrence Vogt, Remington Vernick, and Vena Engineers, Township Engineer and Planner, responded that Lakewood's residential density deals with gross residential density. The intent of the twenty acres is to make sure that there is adequate land where you do not have a situation where someone may have thirty acres, but only ten is buildable. If you had extra land, he believes it could be interpreted under the gross, but the intent is again to have a minimum of twenty buildable acres.

Mrs. Ballwanz stated there is a conflict as to how to deal with the wetlands and the overall historic definition of gross density.

Mr. Vogt answered it is not just this overlay. What he is saying pertains to the entire code. His understanding and with his experience on two boards is that residential density is based on gross acreage. It is no different if this Ordinance is or is not acted on; that is what is in place, and that is how density is enforced.

Mrs. Ballwanz stated that is a problem, particularly since the B-5 zone is specified, and perhaps it should be clarified, that it should be the net area that is buildable.

Mrs. Ballwanz also asked about the criteria of five percent for open space. How is that determined? In the Ordinance it is listed under the non-residential component.

Mr. Gertner responded that the reason it is an overlay zone to begin with is to some extent it is creating a conflict by definition. Because they are trying, in an Ordinance, to encourage mixed use which is part of the goal of the Master Plan, and both Governor Corzine's and Governor Christie's goals to encourage use of the corridor spaces, so by definition there is an inherent conflict. The purpose of this Ordinance is to encourage and ensure that while the municipality has the opportunity to provide sufficient residential housing, there is a demand to make sure there is commercial development as well to balance out the tax base. And that is the goal, so that in the concept of an overall planned unit development, or a mixed use plan, or GMP, the municipality and the Planning Board can look at this and work with the Developer to make certain that Developers don't just rush ahead and create too much residential density. They must provide a commercial component both to the public at large and to those individuals who may utilize the site itself. It is good planning; it creates an encouragement for a tax base within the municipality.

Mrs. Ballwanz repeated that her point was that fifteen percent non-residential is not sufficient to generate better economic health for the Township. She again asked about the open space. Why doesn't matter it matter that it is listed under non-residential, rather than residential.

Mr. Gertner answered it is because it is a concept plan over the entire twenty acres. And it is depending on the specific topography and condition of that property. In order to do the proper plan, the Developer must be encouraged and permitted to create the open space necessary to have both the separation between commercial and residential, as well as to have the open space for the protection of the property itself. If you don't allow them the opportunity for the give and take within the confines of the Ordinance, you encourage folks to then skip over the Planning Board, and go the Zoning Board, and get all the variances, etc. They want to make sure that folks have to go to the Planning Board, have to provide the commercial frontage, and commercial use on these properties so the tax base does not turn upside down.

Mrs. Ballwanz stated she was upset that the Planning Board did not have any questions on this Ordinance when it was presented to them.

Mr. Vogt advised that it was his understanding at the meeting that the Board members had looked at the Ordinance, and were comfortable with it. They had a full Agenda, and did not have a public hearing; and as this is a Township Ordinance, they knew a public hearing would be held at the Township Committee Meeting.

Mr. Gertner disagreed. He said the Planning Board had the opportunity to look at it, which they did. They studied it, and understood it, and they agreed with the concept. They did their due diligence.

Mrs. Ballwanz further questioned wording in Section D of the Ordinance;in administrative requirements which shall not be deemed as required conditions for the proposed use.....she suggested removing the word "not".

Mr. Vogt responded. The way it was written, the intent of the Ordinance, is absolutely that if someone comes in, and they want to be heard under this use, and they fit the definition of the use, which is in preceding sections, that the other requirements that relate to the townhome portion of the projects, are going to be bulk requirements. The intent of the language as currently written, although it may not be ideal, is that they will be required under bulk standards, but they will not be used as to the valuation of whether an application meets the actual use definition, which is in the preceding sections.

Mr. Gertner added, so as to try to not be a lawyer, and talking English, they want to make certain that it goes to the Planning Board, and not the Board of Adjustment.

Mrs. Ballwanz questioned language under Design Requirements, D-4.....land uses shall apply to townhouse units. I, including parking spaces.....she stated that is a run on sentence.....She stated it should be a small "I" with a comma, because it is a run on sentence. And, besides that point, this is a concept of shared parking, that the overall parking means that that "x" number of parking spaces for the residential will be "x" number of spaces, but they will not all be near the residential and the overflow will be part of the commercial parking, they way it is at Washington Square.

Mr. Vogt answered he believes there is a section of the Code that applies to at least one of the uses. The intent of the shared parking and the mixed use is to have the two compatible uses on one site, that the parking spaces will be available not only for the commercial, but also for overflow. Twenty acres, or twenty-two acres, is not big enough to have parking that is one hundred feet away. It is going to be close enough physically that it will be integrated as part of the plan and is going to be used for either residential overflow, or during the day for the non-residential portion.

Mrs. Ballwanz confirmed there will be four parking spaces required for each townhouse unit.

Mr. Vogt answered they will be required to have four parking spaces as part of the project for each townhouse unit.

Mrs. Ballwanz confirmed that the commercial part will also have their designated amount.

Mr. Vogt answered there will be shared parking.

Mrs. Ballwanz suggested that the Township Committee table this Ordinance, for further review.

Baruch Blaustein, 109 Seventh Street – Stated he is not sure why they continue approving more development of townhouses. He thinks they should work on the Master Plan because the town's infrastructure and roads are terrible. He also suggested this Ordinance be tabled. There is so much empty land, and much better locations. He does not see why this land has to be rezoned from commercial to residential mixed-use, because there is so much empty land.

Seeing on one else wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Committeeman Lichtenstein, second by Committeeman Akerman.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Committeeman Lichtenstein commented that whatever development goes in there will probably have to come back before the Planning Board, so there will be plenty time for a public hearing.

Mayor Miller added it will be advertised, and there will be plenty of time for public comment and input.

Ordinance No. 2011-17 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic), Section 11-35 "Handicapped Parking" of the Revised General Ordinances of the Township of Lakewood, 1999. (Chapter XI – Sec. 11-35 – Handicapped Parking/Fifth Street)

Read by title only for second reading.

Mayor Miller opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Committeeman Coles, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-18 adopted on second reading.

ORDINANCE FIRST READING (Second reading and Public Hearing 04/28/11)

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter VI (Alcoholic Beverage Control) of the Revised General Ordinances of the Township of Lakewood, 1999, so as to add New Section 6.6.5 entitled "Consumption by Underaged Persons on Private Property". (Consumption of Alcoholic Beverages by Underage Person on Private Property Prohibited.)

Read by title only for first reading.

The above Ordinance was offered by Committeeman Coles, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-19 adopted on first reading. Second reading and public hearing to be held on April 28, 2011.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Sale of an Undersized Parcel, Block 1028, Lot 3, in the Township of Lakewood, at a Private Sale pursuant to N.J.S.A. 40A:12-1, et seq.

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Committeeman Coles.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-20 adopted on first reading. Second reading and public hearing to be held on April 28, 2011.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Sale of Block 445, Lot 9, in the Township of Lakewood, County of Ocean, State of New Jersey, at Open Public Sale pursuant to N.J.S.A. 40A:12-1, et seq.

Read by title only for first reading.

The above Ordinance was offered by Committeeman Lichtenstein, second by Committeeman Coles.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Ordinance No. 2011-21 adopted on first reading. Second reading and public hearing to be held on April 28, 2011.

CORRESPONDENCE

PARKS AND EVENTS CORRESPONDENCE

Motion by Committeeman Lichtenstein, second by Committeeman Coles, and carried, to approve the above correspondence items.

MOTION TO APPROVE BILL LIST OF: 04/05/11

Motion by Committeeman Coles, second by Committeeman Lichtenstein.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Committeeman Akerman, Deputy Mayor Langert and Mayor Miller.

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mayor Miller announced that this month is Alcohol Prevention Month, and he will be presenting a Proclamation at the DARE meeting.

ADJOURNMENT

Motion by Deputy Mayor Langert, second by Committeeman Coles, and carried, to adjourn the meeting. Meeting adjourned at 5:30 PM.