

**Lakewood Township Committee
Minutes
August 7, 2008**

There was no recording of this meeting, due to a power outage in the Auditorium, until 8:25 PM.

The Lakewood Township Committee held a Meeting on Thursday, August 7, 2008, in the Lakewood Municipal Building, at 6:30 PM for the Executive Session and 7:30 PM for the Public Meeting, with the following present:

Mayor.....	Raymond Coles
Deputy Mayor.....	Meir Lichtenstein
Committee Members.....	Senator Robert Singer
	Menashe Miller
	Charles Cunliffe
Municipal Manager.....	Frank Edwards
Municipal Attorney.....	Steven Secare
Municipal Clerk.....	Bernadette Standowski

CLOSED SESSION

Motion by Senator Singer, second by Mr. Miller
Resolution No. 2008-293 - Adopted

SALUTE TO THE FLAG AND PRAYER

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, by Resolution of the Township Committee adopted January 1, 2008 and published in the Asbury Park Press on January 8, 2008.

ROLL CALL

OPEN SESSION

Motion by Senator Singer, second by Mr. Miller, and carried, to open the meeting.

MOTION TO APPROVE MINUTES OF: 07/24/08

Motion by Senator Singer, second by Mr. Miller, and carried, to approve the above Minutes.

MOTION TO APPROVE CLOSED SESSION MINUTES: 07/24/08

Motion by Senator Singer, second by Mr. Miller, and carried, to approve the above Closed Session Minutes.

Michael Kaufman, 98 Nottingham Way, Jackson, advised he is lobbying for the DOT to place turning arrows (green) at the intersection of County Line Road and Route 9. He thanked the Committee for their proposed Resolution on the Consent Agenda. He further advised that he will not stop until a green light is installed at the subject location.

PRESENTATIONS

CME – Parking Garage

A presentation was given by Trevor J. Taylor, P.E., of CME Associates, Consulting and Municipal Engineers, with regard to the proposed Parking Garage in downtown Lakewood.

Moshe Lankry, Case Road – Questioned various aspects of the project.

David Drukaroff, Laurelwood Avenue – Asked where the Township employees will park during construction of this project.

Bert Albert – Commented on traffic conditions during construction of this project.

Mr. Miller suggested they invite all local store owners in the downtown area to hear a presentation with regard to this proposed project.

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 Coles opened the meeting to the public.

Mr. Pollack, North Crest Place – Commented that the Developer is putting up a building in his neighborhood, without proper safety precautions.

Barbara Eisenberg, Morris Avenue – Asked for an explanation of the Ordinance regarding Animal Control.

Deputy Mayor Lichtenstein explained that the amendment to the Ordinance provides more strength and penalties to be enforced for violations.

Mrs. Eisenberg also complained about a barking dog at 830 Morris Avenue.

Seeing no one else wishing to be heard, Mayor Coles 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 Approving a Corrective Action Plan as part of the 2007 Annual Audit Process
Resolution No. 2008-294**
- 2. Resolution Authorizing submission of application to New Jersey Urban Enterprise Zone Authority for Enterprise Zone Assistance Funds for the year 2009, in the amount of \$200,000.00 (UEZ Downtown Parking Development Phase 2 – Property Acquisitions)
Resolution No. 2008-295**
- 3. Resolution Reducing a Performance Guarantee posted by MAZ Builders, LLC in association with Block 11.01, Lots 4-6, 7.01, 7.02, 15, 18, and 19
Resolution No. 2008-296**
- 4. Resolution Amending the 2008 Capital Budget, in the amount of \$100,000.00
Resolution No. 2008-297**
- 5. Resolution Awarding a Contract to Lucas Construction Group, for the construction of road improvements for Raintree Phase IV, pursuant to and in accordance with N.J.S.A. 40A:11-1 Et. Seq. in the amount of \$146,566.00 (Raintree Phase IV)
Resolution No. 2008-298**
- 6. Resolution Authorizing the execution of a Change Order in connection with a project known as 4th. Street Roadway Improvements, in the amount of \$6,566.05 (4th. Street)
Resolution No. 2008-299**
- 7. Resolution Authorizing the insertion of a special item of revenue into the 2008 Municipal Budget for the New Jersey Urban Enterprise Zone Authority, in the amount of \$27,500.00 (Chapter 159)
Resolution No. 2008-300**

8. **Resolution Authorizing the execution of an amended Traffic Signal agreement with the County of Ocean for the intersection of Shorrock Street and Town and Country Plaza Driveway
Resolution No. 2008-301**
9. **Resolution Requesting turn signal arrows on Route 9 and County Line Road
Resolution No.2008-302**
10. **Resolution authorizing Lakewood Township to hire T & M Associates to complete a housing element and fair share plan in accordance with COAH, Round 3 revised rules, in the amount of \$25,000.00
Resolution No. 2008-303**
11. **Resolution Authorizing a Leave of Absence, without pay, for Pattidawn Cicala, from August 5, 2008 to September 1, 2008
Resolution No. 2008-304**
12. **Resolution Appointing a member to the Lakewood Township Heritage Commission
Resolution No. 2008-305**

Motion by Deputy Mayor Lichtenstein, second by Senator Singer, to approve Resolution Nos. 1 through 12 on the Consent Agenda.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Resolution Nos. 2008-294 through 2008-305 – Adopted.

ORDINANCE SECOND READING

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Prohibiting the use of Private Containers on Township Property

Read by title only for second reading.

Mayor Coles 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 Mr. Cunliffe, second by Mr. Miller.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Ordinance No. 2008-37 adopted on second reading.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter 5 of the Code of the Township of Lakewood Entitled Animal Control

Read by title only for second reading.

Mayor Coles 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 Mr. Cunliffe, second by Deputy Mayor Lichtenstein.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Ordinance No. 2008-38 adopted on second reading.

Recording of the meeting commenced at this time. (8:25 PM)

ORDINANCE FIRST READING (Second reading and Public Hearing 08/28/08)

Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Regulating Basement Apartments

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Lichtenstein, second by Mr. Miller.

Mr. Cunliffe commented that he noticed there has been a change in Section 9, and age restricted communities will not have basement apartments. He wanted to ask the Committee to consider one more change in that they exclude basement apartments in the A-1, R-40 and R-20 zones. That still leaves over eleven residential zones that will allow basement apartments and really makes up the majority of the town, but leaves the A-1, the two acre and the one acre, and the half acre zones out of the mix at least for now so that those people who own homes over there, some for generations, will not have their quality of life changed. The other question he had was that if the house is a two-family house or a townhome that exists by an approval of the Zoning Ordinance....if you have two units or three units where one unit would be, if each of those units were separated by a firewall, do they each get to have a basement also.

Mayor Coles answered they would have to meet all the state criteria for an apartment, that would require egress windows in every bedroom, as well as in and out of the unit. He feels there will be many cases where you may have someone who would like to finish off their basement as an apartment but will not be able to because the state laws are going to supersede anything that the town would like to do.

Mr. Cunliffe confirmed that if they were to add them, and you had two townhomes, and they did everything up to code, then you would have four living units where two

used to be.

Mayor Coles answered that would be correct.

Mr. Cunliffe asked the Committee to think about that, and also to think about excluding just the A-1, R-40 and R-20 zones. Again that leaves at least ten or eleven other residential zones that the basement apartments would apply to.

Senator Singer advised that his concern was there are basement apartments in every zone presently. They want to create the situation that anyone that has a basement apartment in any zone has to bring them up to code. That is the issue they are talking about. Secondly, he does not believe that people are going to rush out to have their basements made into apartments. Most people who have a single family house want a single family house. People are not going to rush and change it for additional income. First of all it is very expensive. He wants to make sure that people who have a basement apartment bring it up to code. He does not know how many are in these areas, but if they eliminate them from certain zones, those basement apartments are still going to exist. He wants to make them all come up to code for life safety factors that affect anyone living in a basement apartment in any zone.

Deputy Mayor Lichtenstein agreed with Senator Singer's comments. That is basically along the lines that he was thinking. When they created this Ordinance, it was not to pick a specific zone. But for the people that were going to put the basement in anyway, he wanted it to be safe. So, rather than amending his Motion, he will keep it as is.

Mr. Cunliffe asked if you think about it really, how many basement apartments do you think exist in the A-1 zone right now....he does not think there are any. He does think there are any located in the R-40 zone either. He asked why should you introduce it where it does not exist.

Deputy Mayor Lichtenstein stated that he thought about that also.

Mr. Cunliffe further advised that he would even change his recommendation; to keep the R-20, but at least protect the A-1 and the R-40. He thinks that is reasonable. That probably leaves ninety percent of the town, and he feels that is a very reasonable recommendation.

Mayor Coles agreed.

Deputy Mayor Lichtenstein stated he would amend his Motion to exclude the one acre and two acre zoning, as he wants this to be passed tonight. He is making his decision based on Mr. Cunliffe's comments, that there are very few, if any, basements in one or two acre lots. However, he wanted to publicly say that if there is a change, that he will want to bring it back to the Committee for another first reading in the future, for

whatever reason.

Mr. Miller agreed to amend his second to the Motion as well.

Mr. Cunliffe confirmed for the Clerk that basement apartments are to be prohibited in the A-1 and R-40 zones, as well as in age restricted zones.

Deputy Mayor Lichtenstein added that includes one and two acre zoning.

Mr. Cunliffe thanked the Committee for their consideration.

As to the Amended Motion:

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Ordinance No. 2008-39, as amended, adopted on first reading. Second reading and public hearing to be held on August 28, 2008.

An Ordinance of the Township of Lakewood, in the County of Ocean, New Jersey, amending Ordinance No. 06-58 of the Township finally adopted September 7, 2006 as heretofore amended on November 1, 2007 to provide for an amendment of the purpose set forth in Section 3(C) thereof. (Bond Ordinance)

Read by title only for first reading.

The above Ordinance was offered by Mr. Miller, second by Mr. Cunliffe.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Ordinance No. 2008-40 adopted on first reading. Second reading and public hearing to be held on August 28, 2008.

An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, vacating all right, title and interest of and to portions of Wakefield Avenue, in the Township of Lakewood, pursuant to and in accordance with N.J.S.A. 40:67-1, Et. Seq. (Wakefield Ave.)

Read by title only for first reading.

The above Ordinance was offered by Mr. Cunliffe, second by Mr. Miller.

On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Ordinance No. 2008-41 adopted on first reading. Second reading and public hearing to be held on August 28, 2008.

CORRESPONDENCE

Per list of five (5) correspondence items, attached hereto and made a part hereof.

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, that Item 1 be accepted and filed, and that a copy be sent to Engineering, the Planner, and to the Attorney for possibly amending the Ordinance.

Motion by Mr. Cunliffe, second by Mr. Miller, to approve Items 2, 3, 4 and 5.
On Roll Call – Affirmative: Senator Singer, Mr. Miller, Mr. Cunliffe (Abstained on Item 5), Deputy Mayor Lichtenstein, and Mayor Coles.

PARKS AND EVENTS CORRESPONDENCE

Per schedule of six (6) items, attached hereto and made a part hereof.

Motion by Mr. Cunliffe, second by Mr. Miller, and carried, to approve the above requests.

MOTION TO APPROVE BILL LIST OF: 08/05/08

Motion by Cunliffe, second by Mr. Miller, to approve the above Bill List.

On Roll Call – Affirmative: Mr. Miller, Mr. Cunliffe, Deputy Mayor Lichtenstein and Mayor Coles.

Negative: Senator Singer

Bill List approved.

COMMENTS FROM COMMITTEE MEMBERS

Mr. Miller thanked Deputy Coordinator Moshe Ehrmon for bringing over extension cords to get the computer up and running.

ADJOURNMENT

Motion by Mr. Cunliffe, second by Deputy Mayor Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 8:30 PM.