

1. FLAG SALUTE & CERTIFICATION OF COMPLIANCE

Chairman Yechiel Herzl called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Ally Morris read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the *Asbury Park Press* and posted on the bulletin board in the office of the Township of Lakewood at least 48 hours in advance. The public has the right to attend this meeting, and reasonable comprehensive minutes of this meeting will be available for public inspection. This meeting meets the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Franklin, Mr. Flancbaum, Mr. Herzl, Mr. Follman, Mr. Rennert, Mr. Garfield

3. SWEARING IN OF PROFESSIONALS

Mr. Martin Truscott, PP, AICP, LEED-GA and Stan Slachetka, PP, AICP of T&M Associates were sworn.

4. 2017 DRAFT MASTER PLAN REVIEW

Mr. Jackson said the Planning Board has a lot of responsibilities and one of them is that they must rule on applications in a timely manner under the MLUL. If the board does not act within prescribed time periods there can be an automatic approval so they have a big responsibility to handle their very large case law and have to be judicious where they allocate the time. It is a volunteer board and they have had multiple meetings so he asked that everyone respect the four minute rule and the comments are limited to the changes that were made. They had public comment based upon the Master Plan on file, the board deliberated in response to those public comments on that plan and as a result, there were revisions and since there are revisions they are continuing the public comment solely to those revisions. He asked if changes were made to the document in accordance with the directives of the Planning Board at the last meeting.

Mr. Truscott confirmed.

Mr. Jackson believes there are a few items the board wants to clarify but they would hear public comment at this time.

Mr. Herzl opened to the public.

Ms. Michelle Donato, Esq. on behalf of Fairways Homeowners Association at Eagle Ridge. The September 22nd draft of the Master Plan deviates significantly from what has been considered throughout the course of these proceedings with respect to the Eagle Ridge Golf Course specifically. She sent a letter to the board addressing very significant issues with respect to what would be allowed in the Eagle Ridge Golf Course as a matter of law and as a matter of sound public policy and planning. She has provided evidence to the board of the original proposal in 1997 that included the entire tract of land, that was the Eagle Ridge Golf Course and the Fairways residential development that currently exists. It was developed under planned development provisions, it was a cluster development and open space that resulted from the creation of the higher density housing in the Fairways development equals the golf course. Under the MLUL, that open space should have been protected by permanent reservations and restrictions and apparently it was not. Now they are getting a double dipping into the density which is completely contrary to the law and she thinks they have an obligation to investigate that. After a complete

analysis of the September 22nd Master Plan and a careful look of the map which is available on the Township website, Eagle Ridge is labeled R-40. R-40 was never allowed for cluster development. It was back in these old planned development revisions in 1997 and then it was zoned R-40. It is not R-40/20 which allows clusters in the R-40, it is just R-40. Eagle Ridge is now being proposed because of some comment from the Density Subcommittee for development with no age restriction on tracts of 100 acres or more and at a density of 3.6 units per acre. This board is here to do what the law requires and all of a sudden they have this committee and something was done behind closed doors with a committee that did not present its position before this board. At the least, this board should make it R-40 subject to confirmation as to the amount of the open space that must be deed restricted in order to comply with the 1997 approval. If the board approves this change to the Eagle Ridge Golf Course then it is contrary to what their planners have said which is as is, as built. She asked they look into what open space on Eagle Ridge is mandatorily restricted as it should have been when this development was approved in 1997. She doesn't think anyone here realizes how much more density would come of this tract if they put this change through.

Mr. Gordon Gemma, P.P. representing Fairways Homeowners Association. The Master Plan on page 17 identifies the R-40 zone as only permitting single-family detached housing on 40,000 sf lots along with places of worship and schools. The only residential cluster the Township permits currently is in the R-20/12 and the R-40/20. The existing land use map identified as 'LU2' in the Master Plan as well as the proposed land use map 'LU4' both identify and recommend that for his client's property, the R-40 remains. So it seems to imply it is staying in the R-40 but when you then go to page 29 of the Master Plan, it goes to the initial definition for the Master Plan for single family in the R-40 but then it says 'in addition, this land use element proposes that planned communities on parcels of 100 acres or more, with a maximum density of 4.5 units per acre and without age-restriction requirements, should be permitted as a conditional use.' Essentially, this recommends changing only certain parcels in the R-40 zone, one of which being Eagle Ridge Golf Course, to allow houses on lots as small as 9,680 sf without any age restriction. This would directly impact his client's property. On the memo dated October 12, 2017, it was recommended by T&M that the density be reduced from 4.5 acres per unit to 3.6 acres per unit, essentially lots no smaller than 12,000 sf consistent with testimony heard from the board. But again, it is done in the context of the R-40 zone. It doesn't say they are changing the zone but the reality they have changed the R-40 zone substantially without calling it out. This is not consistent with the 2013 Smart Growth Plan, they identify on the REC plat on page 75 as identified as private recreation space. On page 163, in the CE1 plat, it doesn't specify threatened, endangered species or environmentally sensitive properties, however, Ms. Donato sent a letter dated October 19, 2017 to this board referencing a DEP denial dated August 3, 2017 of a CAFRA permit. Oddly enough, it was a CAFRA permit for approval on the Eagle Ridge Golf Course of a density similar to the 4.5 units per acre. The reason they were denied is because the NJDEP in August of this year had a finding of threatened and endangered species on this property. The Township should change the CE1 plat to reflect those findings by the NJDEP. This also goes to the PR-1 plat which is the state planning plat. In Lakewood, they have two state planned designations. One designation is for PA2, suburban development. The other designation is for PA5, environmentally sensitive land. According to the Township's Master Plan, unless they have identified property as environmentally sensitive then the rest of the town should be developed pursuant to suburban densities. That is what they are saying on the PR1 plat. There is no other place in the Master Plan that in any way justifies rezoning 100 acre parcels in the R-40 zone in excess from R-40 down to higher density. The only place that exists is in Appendix 1 of the Master Plan which contains a report identified as the Lakewood Township Housing Density Subcommittee dated July 17, 2017. It contains a section entitled 'Other Requests' and it says 'for A-1 Adult Communities' block 524.23 lot 1 that they should change the R-40 standards to allow on parcels of excess of 100 acres or more with a density of 4.5 units per acre by deleting the persons of age fifty-five years and over restriction.' Then it goes on to say in adult communities they recommend to 'create a new zone district R-40C that allows for new planned communities on parcels of 100 acres or more at a density of 4.5 units per acre without any age restriction.' They are actually calling out to create a new zone but they aren't doing that. They are keeping it in the R-40 so anybody looking at the plan or plats doesn't know it is being changed. Other than this recommendation on page 265, there are no other recommendations or justifications for changing the R-40 zone. He is unsure whether the Lakewood Township Density Subcommittee had any public

hearings or made any other recommendations. He is sure if they did, their clients would have been there and given their thought about changing the definition of the R-40 zone as it seemingly only impacts them. The original approval was given in 1997 for the community as well as the golf course. There is no question that what was approved in 1997 in the R-40 zone, the only way it could have been approved if the density from one area was used to accommodate the open space in the other. By changing it now, what they are essentially doing, is doubling the density without any justification. The proposed reclassification of the zone which for the R-40 zone says that if it is a tract of 100 acres or more, it doesn't say whether developed or undeveloped, conceivably someone could put together in the R-40, a tract of 100 acres even if it is built and get a higher density out of it. He doesn't think that is their intent or purpose and believes it is a mistake. The other thing they do is make it a conditional use but they don't know what the conditions are. So as drafted, they have to at least spell out these conditions that would potentially allow such higher density and allowing basically the R-40 to go to R-12 without anybody really knowing about it. Finally, as to this tract, the Eagle Ridge Golf Course was approved as part of the senior community. The senior community drains into the Eagle Ridge Golf Course and the original resolution shows they were approved together. The NJDEP has identified the property to have threatened and endangered species. There is no justification in planning and in zoning as to why the Township would do this other than for a recommendation made from a subcommittee that no one ever heard of. As a planner it doesn't make sense. He understands the need that Lakewood has to try and accommodate growth and understands the concerns to try and understand the impacts of growth. Respectfully, they would do much better for the Township and for the public that if they want to change the golf course not to put it in the back door and to advise the public they want to rezone that area. In the zone plan, it talks about how they talk about how they impact the region, what they have done and have they reached out to surrounding neighborhoods. The Township of Toms River sent Lakewood a resolution and it talked about the impacts of rezoning this property. The impacts on traffic, the impacts on the environment.

Ms. Donato asked if the land use plats he referred to showed the Eagle Ridge Golf Course.

Mr. Gemma said LU4 and LU1. LU1 is the existing zoning which is on the Township's website and it shows Eagle Ridge and the senior community as R-40. LU4 is the proposed zoning map which shows Eagle Ridge Golf course and the senior community as R-40.

Ms. Donato said he mentioned an October 17, 2017 memo reducing the density so that would result in 12,000 sf. She asked if he heard that at a meeting as well.

Mr. Gemma said what he heard at the meeting was in other areas, the concern about having property that was zoned R-10 should be at R-12 at the very least.

Ms. Donato said with respect with the recommendations of the density committee, she asked if it also says in the A-1 Adult Communities to have an option to have the 100 acres or more with a density of 4.5 units per acre or change the R-40 to the R-10 zone.

Mr. Gemma confirmed and his advice to the board is if they want to do that then say it. They shouldn't try to do it this way by changing how they classify a zone.

Mr. Rennert asked if there are any other properties in Lakewood which are 100 acres or more.

Mr. Slachetka confirmed.

Mr. Rennert said then this does affect other properties and not just Eagle Ridge. He asked if there is a way to include a condition that property owners cannot get together with 100 acres of property or 100 acres of undeveloped land.

Mr. Herzl agrees with that.

Mr. Moshe Zeines, 112 Elmhurst Boulevard, was sworn. He is happy he suggested to the Master Plan Committee several months back that they have a parks and open space commission so that when properties are deeded for open space, there is someone in town actually looking at that. The board said they want the zone changes to only go in to effect if the infrastructure is there. For example, for Cross Street, the members spoke about having it either be dualized or widened to three lanes. He was at a County meeting and they think within 18 to 24 months they can really get working on that. On the document posted on the website, it says to dualize or widen Cross Street but it doesn't say to widen into three lanes. Now that the board changed the R-7.5 and R-10 to R-12, he wants to point out that on page 7 of the Master Plan, it still talks about the need for housing and the planners are going to go to the boards and try to get variances because the Master Plan recommends they need housing and to him, you can't have it both ways. It was brought up that shuls with catering halls should be a conditional use. They all know the issues with parking. He lives down the block from a catering hall and people are always parking on his block. He understands it is just a recommendation but he would like to know the board's vision as to how they can handle this issue. The ordinance doesn't require parking for a catering hall which is an issue.

Mr. Herzl thinks they need to find out how they can have adequate parking. The ordinance would come before this board for review.

Mr. Fred Huege, 24 Morning Glory Lane, was sworn. He has previously presented data which showed that the current growth rate would turn Lakewood into the third or fourth most populated city in New Jersey. He explained that these changes will result in a much denser city and the poverty level will likely increase. The board's responsibility is to the current residents of Lakewood, not to the developers.

Mr. Caplan, 205 Powderhorn Drive, was sworn. By redeveloping the areas of James/Cross Street, the only way to get out of those areas is to come down James Street. About seventy duplexes were recently built in that area and those additional cars are going to be coming down James Street either making a left onto Sunset to come down to Central, which is already a mess, or they will take James Street to Route 9 which is backed up. Any further development in that Cross/Drake area, unless they can get through to Cross Street and continue from there, the only option is James Street. He has heard that Prospect is going to go through to James Street as well so he questioned where all of this traffic is going to flow out to. He said there needs to be something done to help alleviate that traffic.

Mr. Walter Lucas, Newport Avenue, was sworn. The September 22nd plan had R-10 and it was changed to R-12. He has been to the Township Committee meetings and have spoken with the Density Subcommittee and they both thought his comments were worthy. He is addressing Cross/James and the Jackson border which is only half a mile away. He has lived on Cross Street since 1979 and about 20 years later, Fairways was built and there was no noticeable increase in traffic. The golf course was built a few years later and again, there was no noticeable increase in traffic. The zoning laws changed about 5 years later and now it is a disaster because of the schools. He urged the board to make the zoning more attractive to builders to limit the amount of schools being built.

Mr. Harold Herskowitz, 1496 Cedar Row, was sworn. He said unfortunately, along with housing there is a need for schools. So if he doesn't like schools then they should limit the amount of housing. He asked if the changes made were made for the better of people of Lakewood or were they made for specific people who need specific favors done for them.

Mr. Jim Campbell, 6 Rosewood Court, was sworn. The board clearly knows the density problems but he is unsure whether they know the housing problems. He urged the board to vote no on this plan.

Mr. Thomas Riley, 662 Plymouth Avenue, was sworn. He said the revised plan doesn't address traffic on Route 70. He lives by the Parkway and it is a nightmare day and night as there are serious safety issues. At the last meeting, they were trying to discern the difference between a townhouse and a multi-family and he suggested that it was fire protection and to take a look at the remains of the structures located behind the park on New Hampshire Avenue which suffered that great fire. He thinks that should be cleared so that when permits are issued, they are not endangering people's lives.

Ms. Susan Baehny, 167 Skyline Drive, was sworn. She complained about traffic, density and the overall quality of life in Lakewood. She urged the board to leave the Eagle Ridge Golf Course as it is.

Mr. Ken Baehny, 167 Skyline Drive, was sworn. He has lived with his wife in Lakewood for over 50 years. They moved to the Fairways in 2012 as it was a nice environment and safe area. They have never had drainage problems in the past but he asked where all the water will go if over 1,800 homes and a shopping center are built in his backyard. It should be carefully considered as there will be health issues which will ultimately go to litigation.

Ms. Carol Suckno, 59 Foxwood Road, was sworn. She said the planner spoke about the need for stores so people wouldn't have to walk. She has watched the Super Stop store on Route 9 and the new stores which have gone up on Chestnut/Route 9 and the only walking done is people getting out of their cars and walking into the store. Cars are now parking on Route 9 and the idea that people will be walking to stores is ridiculous.

Mr. Joe Violante, 65 Sunrise Court, was sworn. He is concerned about the proposed changes to the Eagle Ridge Golf Course zoning. He believes this will greatly affect Lakewood's quality of life.

Mike McLaughlin, Eldorado Drive, was sworn. He asked the board to reconsider any decisions in developing Eagle Ridge as well as approving higher density. The governor recently approved funds to clean up Barnegat Bay but developing this property would do the opposite of that as it drains into Barnegat Bay.

Mr. Frederick Robison, 70 Eagle Ridge Circle, was sworn. The definition of the R-40 zone was discussed and there was a question as to how many properties were in excess of 100 acres that may be affected by this. If the board looks at the proposed zoning map, assuming the R-40 zones are changed to R-12, there appear to be only three R-40 zones remaining. One of them is shown on the environmental map as a stream bed area and couldn't be developed as described. The other two is Leisure Village East and Eagle Ridge Golf Course. It seems to him, that when they define a zone in a manner with an execution that can only defines one or two properties, it has the distinct probability to be declared spot zoning. He suggested they eliminate the second paragraph which states if it is over 100 acres, they can do a cluster zone as it will be a massive problem waiting to occur.

Mr. Ed Sabel, 22 Skylark Lane, was sworn. He worked in construction for many years and has seen for himself the impacts of disturbing environmentally sensitive lands. He urged the board to be careful concerning Eagle Ridge.

Mr. Aaron Hirsch, 146 Mountain View Drive, was sworn. It was previously discussed to not approve anything under R-12. He went through the changes and technically there is nothing under R-12 but there are different names for them which falls far below that. There is a B-5 zone that permits lots at a minimum size of 2 acres and it is being proposed to go to a B-5A which would allow more units. Another zone is R-M which allows a minimum lot size of 7,500 sf which is below R-12. It is a massive change, it should not be included and they should do more research as to exactly what is going on here.

Mr. Rennert asked if it was recommended to change the R-7.5 to R-7.5A (#4) off Chestnut in the last Master Plan.

Mr. Michael Eisenstadt, 24 Esti Circle, was sworn. There is a recommendation to change A-1 to residential. He wants to confirm that change doesn't apply to any deed restricted areas. There is an issue with the Cross Street dualization. According to the Master Plan, it is only proposed to be up to Massachusetts Avenue but he asked about the last stretch between Massachusetts and Route 9. There is an R-M zone on Cross Street adjoining Prospect and when the discussion concerning the R-12 and R-7.5 was raised, that area wasn't included.

Mr. Isaac Goldsmith, 87 Finchley Boulevard, was sworn. The R-M in the Cross/Prospect triangle was mentioned. Besides the Prospect side, it also goes onto Cross and it sort of blends all over so he asked if they can focus on that. He also commented on dualization of roads and the planned educational campus.

Mr. Paul Schneider, Esq. on behalf of Yeshiva Gedolah of South Jersey. They have the planned educational campus approval approaching 300 units, school and dormitory. Just a few months ago, this board recognized an extension of that approval which takes them through June 3, 2020 so no matter how the Master Plan or zoning ordinances are changed, those approvals are vesting. They have heard concerns from neighbors who are unhappy about that approval and are concerned about density and traffic and they had proposed as an alternative, the R-7.5 zoning. The Yeshiva would then be willing to abandon the planned campus and go with the R-7.5 zoning. They think the neighbors would prefer that as opposed to the 4-story apartment buildings. He understands the board decided to make the change where things were being re-proposed as R-7.5 and to instead go back to R-12 and here he thinks is a case of unintended consequences. The R-12 zoning is not financially viable for this site. His client won't give up its vested approval for the 4-story apartments buildings but they are suggesting, as a way to avoid an unintended consequence with this site, is that the Master Plan have a provision that where there is an approved planned educational development that the Master Plan would encourage and recommend that the uniform development ordinance section 18-902 be amended to allow and in fact to encourage the developer to amend the existing approval to have the housing consistent with the R-7.5 zone requirements. Those fee simple lots would also be taxable and would be a substantial reduction in density.

Mr. Jackson asked if they can have a subsequent meeting at any time and address issues like the one just raised concerning the educational campus.

Mr. Truscott confirmed, they can always amend the Master Plan as it is a living document.

Mr. Michael Gross, Esq. on behalf of the Eagle Ridge Golf Course. He is before the board to correct some of the statements made. The impression that some of the speakers have given this board is that somehow the zoning for the Eagle Ridge Golf Course has been proposed in secret with no input from the public. The only change they are talking about this evening is to allow non-age restricted development at a lesser density than what is permitted now for age-restricted development. That concept has been discussed for months by the Advisory Master Plan Committee and the Density Committee which was alluded to previously had at least three public hearings. The public was invited and it was noticed. A comment was made that the open space for the golf course was used for the Fairways development but they believe that isn't true. However, the 50% requirement for open space will be met by the Eagle Ridge development and hopefully before the Planning Board soon. They believe the proposal is consistent with the Smart Growth plan because it does not in fact increase density, it increases density. The threatened and endangered species issue raised is a NJDEP issue, not a Planning Board issue but he can say being involved in that process, the threatened and endangered species area is only a small portion of the site and the site can be developed without impacting any threatened endangered species. The change from 4.5 to 3.6 would in fact be less dense than the existing Fairways adjacent development. They are not building on the landfill, they have conducted testing to ensure they are not constructing on a landfill. The stormwater does not drain to Barnegat Bay and it in fact does not leave the site through any surface runoff at all. They have taken hundreds of tests and there is no contamination on the site they are proposing to develop.

Mr. Brian Flannery, P.E., P.P. was sworn. The board as heard testimony concerning the zone change for Eagle Ridge. First of all, concerning the environmental sensitivity. Most every application in Lakewood, if you look at the DEP maps, it says there are barred owls or wetlands but that doesn't make a whole property unbuildable. It is a property which will require a NJDEP approval, a County approval and Planning Board approval. All the issues brought up that they are not complying with need to be documented that they are doing it the right way before any of those approvals are granted. It almost seems like this meeting tonight is for the Eagle Ridge Golf Course project which of course it's not. There were comments that they were building on a landfill but the DEP would not allow that. They are not going to pollute the Barnegat Bay and the ordinance already allows for the R-40, a planned development with age restrictions. This process which has gone on a long time and a lot of people have gotten up to complain so there was no secret about it. The only thing being changed is the conditional use that allows planned development in accordance with the recommendations was to do that without the age restriction. At the last meeting, the board in fact lowered the density. His understanding was the board didn't want anything lower than the R-12 on roads that had congestion problems. The issues Mr. Hirsch mentioned were in accordance with the Smart Growth plan and the Township has adopted a Smart Growth plan where there were public hearings and most of the changes indicated were in accordance with that.

Mr. McLaughlin said he attended the Density Subcommittee meetings and there was public comment concerning the Eagle Ridge Golf Course.

Mr. Vic Melillo, 131 Skyline Drive, was sworn. He said there are a few environmentally sensitive areas on Eagle Ridge Golf Course. There are four lakes on Eagle Ridge with a variety of birds. He said the testing done was not deep enough into the ground.

Ms. Pauline Sciarretta, 33 Oakmont Road, was sworn. She is sick of all of the development and congestion going on in Lakewood. She questioned where all of the cars are going to go once the Golf Course is built up. The responsibility of this board is to the current residents, not future residents or developers.

Mr. Hirsch wanted to clarify that there are a number of zone changes on Chestnut

Mr. Jerry Horn, 8 Pine Valley Court, was sworn. He said the sale of the golf course was done in secret. No one was informed who lives in Eagle Ridge or the Fairways and it is a disgrace as people paid extra to live on a golf course.

Ms. Patty Robison, 79 Eagle Ridge Circle, was sworn. It was discussed at the last meeting that no duplexes or triplexes would be built along Cross Street until the roads were upgraded. Then it was changed at the end of the meeting that it would be west of Faraday but they didn't include the very crucial part of Cross Street that includes Eagle Ridge Golf Course. All of that traffic will empty out to Cross Street. She said that no duplexes or triplexes should be built along all of Cross Street.

Thomas Rosenberg was sworn. He respects the seniors but there also needs to be a place for his kids to live and he believes there is enough space for everyone. He thinks the age restrictions should be lifted as this town greatly needs housing.

Mr. Gershon Zilbr, 42 Yerek Drive, was sworn. He has no issue with Eagle Ridge being developed but he saw in the Master Plan that the roads will be dualized or widened which means they will probably widen it one foot which isn't enough. They have to ensure the roads are dualized all the way through to help alleviate traffic.

Ms. Donato said several people have stated that Eagle Ridge is already zoned for adult housing or senior citizens which it is not. Under the R-40 provisions of the UDO, clustered development is permitted only if it is designated on the zoning map as R-40/20 and Eagle Ridge is not. Secondly, there is only planned affordable residential

development that is also permitted. There is no provision to allow senior housing there and it is not designated as R-20.

Mr. Grunberger said at the last meeting he believes the motion was for Eagle Ridge that if the age restriction was lifted then make it R-12 which he understood to mean no duplexes. He asked if this would allow duplexes in Eagle Ridge.

Mr. Bob Miller, 117 Skyline Drive, was sworn. He is concerned about the safety of the people of Lakewood if higher density is approved.

Mr. Emelio DeRisso was sworn. New Jersey has the biggest infrastructure problem, he asked where that is addressed in the Master Plan.

Mr. Eli Goldring, 17 Arosa Hill, was sworn. He has lived in Lakewood for 18 years. Many of the seniors have said they moved to the senior developments for the quality of life but they are also looking for that same quality of life for their children for years to come. The building is necessary but it has to be done smartly.

Mr. Herzl closed to the public.

Mr. Truscott said the Eagle Ridge development is zoned R-40 which permits single family detached housing, places of worship, public/private schools and planned affordable residential developments and then there are conditional uses.

Mr. Jackson asked if he can summarize the revisions proposed as a result of the board's deliberations from the last meeting.

Mr. Truscott said the recommendation of the prior version was the amendment of the R-40 residential zone to permit planned communities on parcels of 100 acres or more with a maximum density, previously it was 4.5 units per acre, the board asked that it be changed in accordance with the R-12 which is equivalent of 3.6 units per acre.

Mr. Jackson asked if his report specifically references 3.6 units per acre.

Mr. Truscott confirmed.

Mr. Jackson believes there is a concern that the 3.6 units per acre could possibly result in a greater density than the R-12. They want to make sure that verbiage is clarified so that in accordance with the R-12 zoning, that 3.6 is based on usable acreage so that environmentally constrained property, wetlands, the roads are not included. The MLUL talks about density in terms of the original parcel so it should be the net usable density.

Mr. Truscott said it is based on gross acres of the adult community tract exclusive of commercial areas.

Mr. Herzl said the 4.5 currently allowed is on the gross area.

Mr. Truscott confirmed.

Mr. Jackson said there were concerns from the board that it was the usable acreage.

Mr. Flancbaum asked if currently the zone allows for the density to be calculated by the gross area, not by the net available area.

Mr. Slachetka said adult communities are under the conditional use requirements so it is a permitted conditional use within the district and one of those conditions being the density which is established at 4.5 units of gross density. The board and the Township has a certain flexibility to be able to define the way density is calculated on a tract basis and within sub areas within the tract. The board can define various sub areas to be developed versus preserved areas so they can have a distribution of densities that vary differently from the overall gross area of the tract. If the board is recommending it and the Township Committee agrees, there is nothing wrong with providing for that density being applied through the developable portions of the tract.

Mr. Follman asked if there is an estimated number of units which this new density would allow.

Mr. Slachetka said they began doing an evaluation of that looking at all of the different zone changes, those areas that were changed to have lower densities and those changed to have higher densities. He believes it is about 500 houses in total when you look at it in terms of the net change and if you're looking at just the areas where the Master Plan proposes changes. In some areas, there are no changes because it only recognizes what is there already, in other cases it is a change but it's not really affecting the number of residential uses in that area. There are some areas where they are increasing densities going from R-40 to R-12 and there are other areas where they are actually reducing densities that were previously within the R-40/20 area that are outside of the sewer service area. They only looked at where the changes are being made, not the entire Township.

Mr. Follman asked how many more houses would there be in only the areas where density is increasing.

Mr. Slachetka said they can provide that.

Mr. Follman said it was mentioned not to allow anything under R-12 but other zones including the R-M and B-5A allow much higher density.

Mr. Slachetka didn't think it was the direction of the board to change all of those zones to R-12. It is a pretty substantial change.

Mr. Follman questioned the 3.6 unit per acre density.

Mr. Slachetka said their understanding was to cap the density and reduce it from the 4.5 to 3.6 which was in equivalence to R-12 standards.

Mr. Follman said the motion was for R-12 single family houses only.

Mr. Slachetka said specifically there was a change in the density to an equivalent density of the R-12.

Mr. Jackson asked if it can be changed to single family only.

Mr. Slachetka confirmed. He wants to make it very clear that they are following the direction of the board. If they misunderstood then they can make that change.

Mr. Follman said there was a motion made for R-12 single family homes only and also the dualization and widening of Cross Street. No ordinance should go into effect until the roads are widened.

Mr. Herzl said he has spoken with the Mayor and he said the Township will not adopt any ordinances...

Mr. Jackson said the Master Plan is a recommendation to the governing body. The governing body can override it and there are enhanced requirements when an ordinance is enacted that is not consistent with the Master Plan. When that happens, the governing body has to acknowledge it is not consistent with the Master Plan and has to give reasons and then he believes there are enhanced voting requirements in that it must be the majority of the governing body's quorum. It makes it more of a stringent process so whether they adopt or don't adopt the Master Plan, the governing body is still the one with the ultimate responsibility to enact the ordinances. If the Township doesn't have a Master Plan, then anyone can go to court and say the zoning is not reasonable because there is no current Master Plan. This process is required and there are significant consequences if it is not adopted and there are significant consequences once it is adopted. The best this board can do is make a recommendation but the governing body still has the ability to go beyond it and ideally they will not and will take into account what the Master Plan provides.

Mr. Follman wants it known that it is not the Planning Board who allowed it.

Mr. Herzl said the impact fee must also be Township wide.

Mr. Follman said that was part of the motion as well.

Mr. Slachetka confirmed. It was their strong recommendation as well. The board is welcome to amend any of the changes made including the dualization of the roads.

Mr. Follman said Cross Street needs to be dualized all the way to the Jackson border. It should not stop at Massachusetts.

Mr. Jackson said the R-12 and the 3.6 units per acre should be corrected so that it's R-12 single family only. The dualization and widening of Cross Street all the way through to Route 9, the impact fees will be applicable to every zone.

Mr. Grunberger thought they spoke about Prospect Street being dualized as well but it is not listed.

Mr. Herzl doesn't believe so, they said Pine Street.

Mr. Flancbaum said they need to keep in mind when you have tracts of 100 acres or more, it doesn't just pertain to the Eagle Ridge Golf Course. He believes there are two other golf courses it pertains to and possibly some other areas. They are not talking about Eagle Ridge specifically but other areas as well. He thinks that whatever they do for one, they should do for all of them.

Mr. Rennert thinks the Master Plan only recommends that for the R-40 zone.

Mr. Truscott confirmed.

Mr. Flancbaum said as far as he knows the Woodlake Golf Course is R-40 as well.

Mr. Truscott said it is not.

Mr. Herzl said the question is whether to have R-12 single family or to have the density of R-12 which would allow duplexes. If they allow duplexes, they cannot allow any more housing. If it is 3.6 then a duplex is considered 2.

Mr. Flancbaum said under the current ordinance and the conditional uses it allows for a mix of residential uses, not just detached.

Mr. Slachetka confirmed.

Mr. Flancbaum said the current ordinance allows for multi-family housing but only 55 and over.

Mr. Truscott confirmed.

Mr. Herzl said at a higher density than what is being proposed.

Mr. Jackson said where they allow single family homes, you are allowed to have a basement apartment so that doesn't get calculated into the density for some reason.

Mr. Flancbaum said he meant attached housing.

Ms. Morris believes the issue is if they are going with the 3.6 units per acre, if they are building one single family house they would need 12,000 sf and if you are not restricting the use types and duplexes were permitted, to build one duplex building you would need 24,000 sf.

Mr. Herzl said it is the same amount of basements for a single family and a duplex as long as they don't go over the density of 3.6.

Mr. Flancbaum said the overall yield is not going to be more than 3.6 units per acre.

Mr. Follman asked what the current density is for senior housing.

Mr. Slachetka said 4.5 in the R-40.

Mr. Rennert wants to make sure that language will be added and that people can't get together to form 100 acres of land. It should either be owned by one entity or it has to be undeveloped. He doesn't want five blocks of people getting together, for example.

Mr. Flancbaum said undeveloped property.

Mr. Rennert is concerned as he is unsure if a golf course is considered undeveloped. There was also a mistake in the R-40 for a certain block as it was shown as R-10.

Mr. Slachetka believes it is recommendation #23.

Mr. Rennert said if it is within the sewer service area then the zoning should remain as is.

Mr. Slachetka said this is an area in proximity to Kettle Creek and the recreation facility. As a clarification, it is currently zoned R-10 and it is his understanding that it is within the existing sewer service area then it should remain as R-10 and if not, it would be changed to R-40.

Mr. Rennert said an attorney spoke about an approved planned educational campus and the request to allow R-7.5 zoning which would approximately cut the density in half and going along with what his motion was last time and trying to decrease the density off Cross Street, he would really like some language that something that currently

has a campus designation, if the person wants to come for R-7.5 which would decrease the density tremendously then they should allow it. He wants to ensure that people don't come in with new applications to get campus approval and then turn around and say they want R-7.5 zoning so it would have to be as of the date of this Master Plan and just those blocks that have the campus zoning.

Mr. Slachetka said he is suggesting that any area within the Cross Street core.

Mr. Herzl said it should be Township wide.

Mr. Slachetka said so any area where it is currently approved prior to the adoption of the Master Plan.

Mr. Rennert said you have to be careful because there are some people who already started building on part of their campus approval. It really should be anyone that did not start building yet but has an approval and they want R-7.5 zoning then it would be allowed. By his calculations, after the basements, it is cutting down about 100 units.

Mr. Grunberger asked if it that campus approval was subject to any vacation of roads.

Mr. Rennert doesn't know.

Mr. Follman said the board has been very adamant in the past that there should be no road vacations approved.

Mr. Rennert asked if that is in the Master Plan.

Mr. Slachetka confirmed that it is.

Mr. Rennert said when they talk about widening and dualizing streets, he thinks they need to come up with a traffic level service they would like to see. For example, for Cross Street, they want to see a level 'C' so the town will know which way to go, either to dualize or widen.

Mr. Herzl wants to clarify that widening does not mean a foot.

Mr. Rennert said adding a turning lane. That has to be clarified as well.

Mr. Slachetka is not a traffic engineer but the idea of a level of service is kind of complex because a level of service could be different things at different locations on different roads and different levels of service for different turning movements on different intersections. They need to be careful when they say you can't adopt an ordinance until they get to a certain level of service on the road.

Mr. Rennert said they can let it come from the Township, not the developer.

Mr. Herzl said they need to bring it down even one level than what's there currently. They can't make it worse.

Mr. Rennert said they are building up, they want to see traffic move and they should see a 'C'.

Mr. Herzl said they could get that by just adding turning lanes.

Mr. Rennert said if they don't get turning lanes then it needs to be dualized.

Mr. Truscott said he would leave that to the drafting of the ordinance by the Township Committee and those ordinances come back to the Planning Board for review.

Mr. Rennert said they don't really listen to this board.

Mr. Slachetka said another approach because he knows the board is concerned about the Township Committee acting in a relatively quick manner with regards to the increase of the transportation improvement district across the Township. One of the things that would be part of the crafting of a TID would be specifically looking at the nature of the improvements necessary to support the level of development anticipated pursuant to what would be proposed in the Master Plan. That could be road widening and improvements, that could be traffic lights. The idea is you want to have a very comprehensive and detailed identification of those improvements necessary to support the level of development that is being proposed in the Master Plan. What you then have is you can create your phasing pursuant to zoning and certain improvements that are made and then you have in place the provisions to have developers pay their fair share of those improvements Township wide. So if someone is developing in the northeast of the Township, they will actually have to support the improvements necessary in the southwestern part of the Township. Right now, they have two TIDs which cover the southwestern and southcentral portions of the Township which is very important because that is where a lot of the development activity is taking place. This then rationalizes it and it puts in Township wide and everybody would be contributing. More importantly, they have the plans so they know exactly what improvements are going to be necessary to support the level of growth and development. Then they can have in the ordinance the phasing requirements necessary so certain things get implemented once these improvements are put in place. So the board has incentivized the Township Committee to take relatively quick action, they have incentivized the development community to provide for their fair share of improvements but do it in a manner that the trust fund gets built up and then they can prioritize where those investments take place. For example, if developers are contributing around the Township and the board thinks the southwestern improvements have to take place first then they can target the money into that area.

Mr. Rennert asked if the recommendation for the B-5 to go to a B-5A was part of any previous Master Plan recommendations.

Mr. Flancbaum said it is along Route 70 and it backs up to Chestnut Street. That's one of the development notes in the Smart Growth Plan which the Township approved.

Mr. Slachetka said it was part of the prior Master Plan recommendations and it was also identified as a node in the 2013 Smart Growth Plan.

Mr. Rennert asked if B-5 or B-5A was recommended.

Mr. Flancbaum doesn't remember the specific zoning but in the Smart Growth Plan it calls for a mix of high density, residential, retail, commercial. The Smart Growth Plan doesn't talk about a specific amount of units. The same things was called out in the Smart Growth Plan for the corner of Massachusetts and Cross Street and that was squashed.

Mr. Rennert said before these ordinances go into effect, the Township should have the impact fees in place.

Mr. Flancbaum said the impact fees should be in place before anything is considered.

The board is in agreement with that.

Mr. Rennert said he would like to see a recommendation to see a level service 'C'.

Mr. Flancbaum thinks it is a good idea.

Mr. Follman thinks dualizing the streets could help alleviate the school traffic so the buses can stay in a certain lane.

Mr. Herzl said the Township should look into creating a special school zone.

Mr. Follman said there are schools on Cross Street currently that are not moving.

Mr. Herzl said they need to bring the traffic level to a 'C'.

Mr. Garfield questioned the need for additional hospitals when adding this much density as they are strained as it is.

Mr. Flancbaum asked if there is a recommendation if there is 100 acres of contiguous property, to allow R-12 single family or to lift the age restriction and reduce the density from 4.5 to 3.6 units per acre.

Mr. Herzl said it would be the same amount of units whether it is single or duplex.

Mr. Slachetka there was also a question with regards to the application of net developable areas verses the total gross area of the tracts.

Mr. Flancbaum said that can be part of this consensus as to what they will do with the 100 acres or more.

Mr. Grunberger believes it should be net and R-12 with single family only.

Mr. Flancbaum thinks they should reduce the density from 4.5 to 3.6 and permit whatever is allowed under the current conditional use provisions.

Mr. Jackson said he is saying the current provisions but the current 4.5 is gross.

Mr. Flancbaum said whatever the current conditional uses allows for but it should be reduced from 4.5 to 3.6.

Mr. Jackson said that is also the way the MLUL is set up. The MLUL bases the density on the gross acreage.

Mr. Herzl said originally the recommendation was to do R-7.5 and there should be a density of R-12. He would feel comfortable if its 3.6 per acre and whatever is allowed currently as long as they don't go over 3.6.

Mr. Jackson polled the board, three members are comfortable limiting the density regarding of the type of use and three members want to limit the density and allow single family only.

Mr. Follman asked if it is the same amount of units either way.

Mr. Slachetka confirmed.

Mr. Rennert said when you are dealing with so many houses, he thinks a community could use a mix of uses. Most people would like single family but not everybody can afford it.

Mr. Flancbaum agrees.

Mr. Follman asked what else could be possibly going in there.

Mr. Truscott said multi-family.

Mr. Follman asked about community centers.

Mr. Herzl said they would have to come in with an application but if there are more than 25 houses then they should require a community center.

Mr. Slachetka said if they did have some multi-family then essentially they would actually be using less developable acreage which would give more opportunities for open space.

Mr. Follman asked if the setbacks would be the same.

Mr. Slachetka hasn't heard any recommendations from the Planning Board that suggests changing the current standards that are in the conditional use requirements. If they did the single family under the design standards of an R-12 then you would modify the setback requirements to be consistent with the R-12 requirements. The board can say the density is 3.6 and if they are doing the single families, they are being done pursuant to the R-12 standards and if you're doing a duplex, you're doing it pursuant to the R-12 standards and if you're doing multi-family you are doing it based on the standards in the district.

Mr. Follman wants to make sure that if, for example, a single family has to be 100 ft off of the property line to the senior development and they build something else it they could be 50 ft or it would have to be minimum.

Mr. Herzl said they would have to keep to the same standards, a duplex or a single family.

Mr. Slachetka said the ordinances can provide for those buffers and the tract. If the board wants to make a recommendation for the plan that there should be sufficient buffers or certain setbacks, the board can make these general recommendations and to make sure that the ordinance that comes back before this board for review addresses that adequately.

Mr. Flancbaum said those types of things are already included in the Master Plan including more setbacks, wider streets, more open space. They are talking about nicer type of developments similar to the senior communities.

Mr. Slachetka said they are blanket recommendations that would apply to any new residential development. There were also recommendations for open space and community facilities. By the way, in the existing adult community standards, there are requirements for recreational facilities.

Mr. Herzl said there was also a recommendation for the planned educational campus to change it to R-7.5.

Mr. Grunberger believes they should leave it as is.

Mr. Franklin, Mr. Flancbaum and Mr. Herzl agreed that they should lower the density to R-7.5.

Mr. Rennert thinks in the recommendation it has to be clear that it is only for what is currently approved and not developed.

Mr. Garfield agrees.

The majority of the board agreed to lower the density to R-7.5 for any planned educational campus which has approval and is not developed or under construction.

Mr. Slachetka wants to define currently approved. He asked if they must have a valid approval as of the date of the adoption of the Master Plan.

The board confirmed.

Mr. Herzl said going back to Cross Street, there was a recommendation to widen or add a turning lane. They should try to bring the level up to a 'C' whether it is dualized or add a turning lane.

Mr. Follman thinks they should dualize and widen.

Mr. Grunberger said dualization.

Mr. Franklin said turning lanes.

Mr. Flancbaum said it needs to be a level 'C' either with the turning lanes or dualization, whatever makes the most sense.

Mr. Herzl agrees as long they bring it up to a level 'C' whatever it takes.

Mr. Rennert would like to see a level 'C' service.

Mr. Garfield said Cross, Prospect and Massachusetts are all County roads. He agrees to do whatever it takes to bring those roads up to a level 'C'.

Ms. Morris asked if Prospect and Pine are included as well.

The majority of the board agreed.

Mr. Rennert said Massachusetts as well. They were talking about widening Route 9 which means adding a turning lane.

Mr. Herzl said the Mayor has been in contact with the State and they are repaving everything from County Line to Toms River and there will be a turning lane added.

Mr. Rennert thinks their motion has to include that they don't want to allow any additional density until there is a turning lane from Lake Carasaljo to the Toms River border.

Mr. Follman said there should be a recommendation to add crosswalks on Route 9.

Mr. Flancbaum questioned how you put a crosswalk on a highway without a traffic light.

Mr. Follman said there needs to be large signs.

Mr. Jackson said that is not something which is going to be influenced by Planning Board recommendations as it is a NJDOT road. The board can make a recommendation but he wouldn't make the zoning based on that.

Mr. Rennert said the widening and turning lanes on Route 9, they were discussing that the increase in density is going to be subject to that happening. That means they can control it because the Township won't adopt the ordinances until that is done.

Mr. Herzl knows the turning lanes will be implemented but he doesn't think they can include crosswalks.

Mr. Rennert said they can recommend it.

Mr. Follman said Cross Street needs sidewalks.

Mr. Herzl agrees, there should be sidewalks everywhere. The mayor said he doesn't want any more development without sidewalks.

Mr. Franklin said they should recommend at least 5 ft wide sidewalks on major roads.

Mr. Rennert asked if they are recommending the area currently zoned R-10 to stay R-10 only if it is within the sewer service area. If it is not, then it would be R-40.

The majority of the board agreed.

Mr. Rennert asked how the board feels about Prospect and James being included in the streets to be widened.

Mr. Herzl said Prospect is already included.

Mr. Rennert asked about James.

Mr. Flancbaum said James flows nicely until you get up to Cross. James and the corner of Route 9 is another story.

Mr. Rennert said Sunset to Route 9 does not flow well.

Mr. Herzl said there are railroad tracks there. He is unsure whether it can be widened.

Mr. Grunberger said there are tracks on Route 9 as well.

Mr. Flancbaum thinks James should be included.

Mr. Follman thinks there should be more parking for schools.

Mr. Herzl believes part of their recommendation included additional parking requirements for schools with dormitories and catering halls. The current requirement for parking is not enough.

Mr. Rennert recommends that as part of this Master Plan, the Township form a circulation committee to look to see how they can make the town work better and what kind of improvements should be put in. He volunteered to be on this committee.

Mr. Herzl said they did recommend that the governing body, Planning and Zoning Boards should get together a few times a year to go over any issues the Township is facing.

Mr. Rennert said someone should be designated to work on traffic improvements.

Mr. Flancbaum agrees.

Mr. Slachetka knows when they had done a couple of transportation circulation and downtown parking studies a few years ago, they actually did have to present to a township transportation committee so there was one at one point in time. It is certainly a reasonable recommendation.

Mr. Flancbaum said someone had made a comment from Esti Circle who talked about his deed restricted property as A-1 and the board spoke about not changing that designation at all. He wants to clarify the board is not recommending any changes at all.

Mr. Rennert questioned how they can ensure people do not get together to form 100 acres of property.

Mr. Jackson said the properties should be undeveloped meaning no homes.

Ms. Morris said it needs to be clarified which roads the board would like widened or dualized.

Mr. Herzl think everything besides Route 9 which will get turning lanes soon, everything else should be brought up to a level 'C'.

Ms. Morris said she has Cross, Pine, Prospect, Massachusetts and James to be brought up to a level 'C' and Route 9 turning lanes only. The other items agreed to are impact fees would be Township wide, sidewalks will be required everywhere and block 1139 area will not be rezoned to R-40 if it is within the sewer service area.

Mr. Rennert said concerning James Street, from Sunset going west it moves fine but from Sunset going east it does not. He has a hard time recommending widening it because there are areas that were just built up. If there is sufficient room to widen or dualize then that is recommended.

Mr. Slachetka thinks the board needs to be careful about the level of detail being suggested. His understand is that the board wants to see the zoning go into effect to make the changes. The board needs to be careful about what direction they are going, pre or post development in terms of levels and what specific improvements they want to see in specific areas. That is way too much detail from the standpoint of what the board is going to be dealing with in the Master Plan.

Mr. Rennert recommends that James be dualized from Sunset going east.

Mr. Herzl doesn't think it should be contingent on that.

Mr. Rennert agrees.

Mr. Jackson said with the golf course property at 3.6 units per acre, he said that would be gross based on the way density is defined in the MLUL. He asked if a basement apartment is counted as a unit.

Ms. Morris thinks the ordinance is currently silent on that and she thinks if they try to make a determination on one section of the ordinance it's going to complicate things.

Mr. Jackson understands so it would be subject to what is currently allowed.

Mr. Rennert questioned the B-5A change.

Mr. Flancbaum thinks the B-5A should stay but they should restrict ingress and egress to Route 70 and not allow access on Chestnut Street.

Mr. Rennert agrees.

A motion was made by Mr. Rennert, seconded by Mr. Flancbaum to adopt the Master Plan including any provisions made by the board.

Affirmative: Mr. Grunberger, Mr. Franklin, Mr. Flancbaum, Mr. Herzl, Mr. Rennert, Mr. Garfield

No: Mr. Follman

5. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted,
Sarah L. Forsyth
Planning Board Recording Secretary