



## **PUBLIC COMMENT**

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.

Joyce Blay, NJ News and Views, 311 Floral Way, Toms River – Questioned Committeeman Lichtenstein’s abstentions on renewal of liquor licenses.

Noreen Gill, 192 Coventry Drive – Commented on attendance at Master Plan Committee meetings.

Bill Hobday – Commented on Master Plan Committee meetings.

Moshe Lankry and Butch Epstein, Epstein Meats – Mr. Lankry advised he is accompanying Mr. Epstein, to speak on his behalf, who has a very successful business in town, located at Monmouth Avenue and Fourth Street. He has an expansion problem, and needs refrigeration or a freezer. He wrote a letter to the Mayor which explains his request in detail.

Mayor Miller advised they are in receipt of his letter and will review his request.

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

Committeeman Lichtenstein advised there will a Car Show at Pine Park, on Sunday, from 2 PM to 5 PM. The museum building will also be open 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 of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Insertion of a Special Item of Revenue into the 2016 Municipal Budget for Funding of 2015 Drive Sober or Get Pulled Over Year End Holiday Crackdown  
Resolution No. 2016-273**

- 2. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Insertion of a Special Item of Revenue into the 2016 Municipal Budget for Funding of NJDEP Solid Waste Administration Clean Communities Program  
Resolution No. 2016-274**
- 3. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing a Performance Guarantee Posted by Triple Z, LLC, in Connection with SD #1378A, Block 172, Lot 12  
Resolution No. 2016-275**
- 4. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing a Performance Guarantee Posted by Cushman Holdings, LLC, in Connection with SD #1844, Block 172.02, Lots 4 and 5  
Resolution No. 2016-276**
- 5. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing the Maintenance Guarantee Posted by Fairways East Associates, LLC, in Connection with SP #1718, The Enclave, Clubhouse, Block 533, Lot 184  
Resolution No. 2016-277**
- 6. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing the Maintenance Guarantee Posted by Fairways East, LLC, in Connection with SD #1383A, The Enclave, Phase 1, Blocks 533 and 534, Various Lots  
Resolution No. 2016-278**
- 7. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing the Maintenance Guarantee Posted by Fairways East Associates, LLC, in Connection with SD #1383, The Enclave, Section 2, Blocks 533 and 534, Various Lots  
Resolution No. 2016-279**
- 8. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing the Maintenance Guarantee Posted by Fairways East, LLC, in Connection with SD #1383A, The Enclave, Phase 3, Blocks 533 and 534, Various Lots  
Resolution No. 2016-280**
- 9. Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Releasing the Maintenance Guarantee Posted by Fairways East Associates, LLC, in Connection with SD #1383, The Enclave, Phase 4, Blocks 533 and 534, Various Lots  
Resolution No. 2016-281**

10. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Liquor License Renewal for 2016-2017 to Bacoli, Inc., T/A Bacoli Pizza Pasta and Grill, Liquor License No. 1514-33-033-003 Resolution No. 2016-282**
11. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing Person-to-Person Transfer of Liquor License No. 1514-33-031-007 from Lakewood Recreation Centers, LLC, to Finnigans Lanes, LLC Resolution No. 2016-283**
12. **Amended Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Designating Ave of the States, LLC, as Redeveloper of Proposed Block 961, Lot 2.03 in the Cedarbridge Redevelopment Area Resolution No. 2016-284**
13. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Rejecting All Bids for Snow Removal Services Pursuant to and in Accordance With N.J.S.A. 40A:11-1 Et Seq Resolution No. 2016-285**
14. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Appointing Angela Caldwell to the Lakewood Housing Authority Resolution No. 2016-286**
15. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Amending the 2016 Capital Budget. Resolution No. 2016-287**
16. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Accepting a Bid for Block 3 Lot 1 As a Result of the Private Land Sale in the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1Et Seq Resolution No. 2016-288**
17. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Accepting a Bid for Block 470 Lot 5 As a Result of the Private Land Sale in the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1Et Seq Resolution No. 2016-289**

18. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Accepting a Bid for Block 477 Lot 11 As a Result of the Private Land Sale in the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1Et Seq  
Resolution No. 2016-290**
19. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Accepting a Bid for Block 459 Lot 4 As a Result of the Private Land Sale in the Township of Lakewood, County of Ocean, State of New Jersey, Pursuant to N.J.S.A. 40A:12-1Et Seq  
Resolution No. 2016-291**
20. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing Acceptance of Grant-Cops in Shops  
Resolution No. 2016-292**
21. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Execution of an Amended Agreement With Ocean County for a Battery Backup System to be Provided for the Traffic Signal Located at the Intersection of Cedarbridge Avenue (County Road #5) and Oberlin Avenue.  
Resolution No. 2016-293**
22. **Resolution of the Township of Lakewood, County of Ocean, State of New Jersey, Refunding Remaining Balance of Funds Received Regarding the Bids for Five (5) Electronic Digital Billboard Permits  
Resolution No. 2016-294**

Motion by Committeeman D'Elia, second by Deputy Mayor Akerman, to approve Resolution Nos. 1 through 22 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein (Abstained on Resolution Nos. 4, 17, 18 and 19), Committeeman D'Elia, Deputy Mayor Akerman and Mayor Miller.

With regard to abstentions, Committeeman Lichtenstein explained that although he is not involved with these properties, he does do work for people who are involved with these properties, and therefore he is not voting on these Resolutions.

**Resolution Nos. 2016-273 through 2016-294 – Adopted.**

## **ORDINANCES SECOND READING**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter II (Administration) of the Revised General Ordinances of the Township of Lakewood, Specifically Section 2-20.9 (Off-Duty Assignments of Police Officers).**

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 D’Elia, Deputy Mayor Akerman and Mayor Miller.

**Ordinance No. 2016-28 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI Entitled “Traffic” of the Revised General Ordinances of the Township of Lakewood, Specifically Section 11-13 (Parking Prohibited At All Times On Certain Streets – Albert 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 D’Elia.

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

**Ordinance No. 2016-29 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 Revised General Ordinances of the Township of Lakewood, Entitled “Unified Development Ordinance”, Article VI, Entitled “Subdivision and Site Plans”, Section 18-601.02(C) Entitled “Site Plan Exceptions”**

Read by title only for second reading.

Mayor Miller opened the meeting to the public.

Edward Liston, Esq., representing Laurie Leeds – Advised that his concern with this Ordinance is that it makes a change in a place where it does not belong. The Ordinance talks about site plans, approved site plans, which is fine as it is. But when it adds uses, that creates a problem which he believes conflicts with the Municipal Land Use Law. Maybe if that was put somewhere else in the zoning ordinance it would not be offensive to the Municipal Land Use Law, but he believes including in the language, approved site plan or use, creates a problem.....it creates one problem because the issue of a non-permitted use which is approved by variance, and then they want to expand it. The question is, is it covered by this Ordinance, because now it is a permitted by variance use, or is it not. And is the expansion, the expansion of a non-permitted use, or is it not. This is a problem. And he thinks this Ordinance should not be adopted tonight. It ought to be rethought, and he does not see where you can mix in uses with site plans at all.

Mayor Miller confirmed that Mr. Liston is saying if a person has already an approved site plan....

Mr. Liston added.....or use.....so if he has a permitted use, or a non-permitted use, but is permitted by variance, this allows him to avoid the site plan, and add 1,500 square feet without any approval, which is going to create a problem with regard to public notice. If it is a non-permitted use which is permitted by variance, then you get into a situation where is it covered under this, or isn't it covered under this. It doesn't belong here. The discussion of uses does not belong buried in the site plan section of your Ordinance. He does not know why it was put in there. He does not know who suggested it. He does not know if the Planner even passed on it.

Mayor Miller advised he believes this came as a recommendation from the Planning Board. He does not know the background details on it.

Mr. Secare confirmed that it did come from the Planning Board, and Ally Morris, the Planning Board Administrator, suggested the change. He does not agree with Mr. Liston's interpretation.

Mayor Miller asked what is the intent of the Ordinance.

Mr. Secare explained that the only thing that changes is the word "use".

Mr. Liston stated that it opens up a "pandora's box" about uses, and whether uses are permitted uses, or permitted by variance, or an old use which is validated under a specific section.....

Deputy Mayor Akerman asked if the issue is that what if something was approved by variance, it may not be a permitted use in the zone?

Mr. Liston explained that once it is permitted by variance it is as if it's a permitted use.

Deputy Mayor Akerman asked if Mr. Liston has an issue with someone who wants to expand.

Mr. Liston stated that if someone wants to add 1,500 feet, they can say that under this Ordinance they are allowed without a site plan.

Deputy Mayor Akerman asked that even though they originally came in and got a variance?

Mr. Liston answered that is possible. That is the confusion that it causes.

Mayor Miller advised that all they are doing is adding the word "use".

Mr. Liston stated it does not belong there, because it opens up a whole other area of Land Use Law where you may have conflicts with the Municipal Land Use Law.

Mayor Miller read.....an addition of not more than 1,500 square feet to a previously approved site plan.....it is already the law.

Mr. Liston answered that is right, and he does not have a problem with that. Most towns have that. It is called a site plan waiver in many towns. However, once you include "uses", which also could include uses that never got a site plan because they are so old.

Deputy Mayor Akerman asked if he means a change of use.

Mr. Liston answered no, not a change of use....an existing use.

Mayor Miller asked so what is the problem then.

Mr. Liston answered that the problem is if they never got a site plan approval, they do not need one for the extra 1,500 square feet, the way he reads this.

Mayor Miller stated that if they do not have a site plan approval, and it is an illegal use, they will get in trouble, and if it is a legal use, then they are fine.

Mr. Liston stated that is the problem. It says, previously approved site plan, or use.

Mayor Miller stated so if it is a previously approved use, then they are fine, because they have previously been approved. But if it is not approved, then they are not fine.

Committeeman Coles questioned if he was saying it is a use, but they do not have a site plan for it.

Mr. Liston answered yes, that is possible. It doesn't belong there. He thinks it should be sent back to the Planning Board. At least you should know what their thinking is, and what problem they think this will solve. Because he thinks it just creates confusion, and he believes that it violates the Municipal Land Use Law, and it is going to make the Ordinance subject to challenge.

Seeing no one else wishing to be heard, the hearing on this Ordinance was closed to the public.

Mr. Secare asked to make a suggestion. He asked that the Minutes of Mr. Liston's comments be done verbatim, as soon as possible, and sent over to Ally Morris, for her review, as the expert for the Planning Board, and he will get back to Mr. Liston with Ms. Morris' comments. The Ordinance can be carried to a future meeting.

Mayor Miller asked for a Motion to carry this Ordinance to the first meeting in August. Motion by Committeeman Coles, second by Committeeman Lichtenstein, to carry the above Ordinance to August 4, 2016.

Mr. Liston added that perhaps they can get the Minutes of the Planning Board Meeting where it was discussed, and get a report from the Planner as to what problem he is trying to solve here.

Mayor Miller requested the Clerk to obtain the Planning Board Minutes as well.

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

**Second reading and public hearing on Ordinance No. 2016-30 carried to the meeting of August 4, 2016.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Public 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 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 Akerman, second by Committeeman Lichtenstein.

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

**Ordinance No. 2016-31 adopted on second reading.**

**ORDINANCES FIRST READING – Second Reading and Public Hearing to be held on July 21, 2016**

**A Capital Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Providing for the Acquisition of a New Chassis Mounted Spray Patch Truck, and Appropriating \$217,000 Therefor, Authorized in and by the Township of Lakewood, in the County of Ocean, New Jersey.**

Read by title only for first reading.

The above Ordinance was offered by Committeeman Coles, second by Committeeman D’Elia.

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

**Ordinance No. 2016-32 adopted on first reading. Second reading and public hearing to be held on July 21, 2016.**

**An Ordinance Amending Chapter XVIII, Zoning Districts (Unified Development Ordinance), Article IX (Zoning Districts and Regulations) Section 901(B)(1), Establishment Of Zoning Districts And Zoning Map Of The Code Of The Township Of Lakewood (Zoning Map Acceptance)**

Read by title only for first reading.

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

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

**Ordinance No. 2016-33 adopted on first reading. Second reading and public hearing to be held on July 21, 2016.**

## **CORRESPONDENCE**

Per list of one (1) correspondence item, attached hereto and made a part hereof.

Per schedule of seventeen (17) parks/events requests, attached hereto and made a part hereof.

Motion by Committeeman Coles, second by Committeeman D’Elia, and carried, to accept and process the above correspondence items.

## **MOTION TO APPROVE BILL LIST OF: July 6, 2016**

Motion by Committeeman Coles, second by Committeeman Lichtenstein.

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

**Bill List approved.**

## **COMMENTS FROM COMMITTEE MEMBERS - None**

## **ADJOURNMENT**

Motion by Committeeman Coles, second by Committeeman Lichtenstein, and carried, to adjourn the meeting. Meeting adjourned at 8:08 PM.