

**LAKWOOD PLANNING BOARD
PLAN REVIEW MEETING
MINUTES
NOVEMBER 14, 2006**

I. CERTIFICATION OF COMPLIANCE

Chairman Banas called the meeting to order at 6:00 p.m. with the Pledge of Allegiance and Mr. Kielt read the Certification of Compliance with the NJ Open Public Meetings Act:

“The time, date and location of this meeting was published in the Ocean County Observer and posted on the bulletin board in the office of the Township of Lakewood. Advance written Notice has been filed with the Township Clerk for purpose of public inspection and, a copy of this Agenda has been mailed, faxed or delivered to the following newspapers: The Ocean County Observer, or The Tri-Town News at least 48 hours in advance. This meeting meets all the criteria of the Open Public Meetings Act.”

2. ROLL CALL

Mr. Herzl, Mr. Franklin, Mr. Banas, Mrs. Wise, Mr. Akerman, Mr. Klein, Mr. Gatton, Mr. Percal

3. SWEARING IN OF PROFESSIONALS

4. NEW BUSINESS

Mr. Banas asked if there were any changes to the agenda and Mr. Kielt responded that items # 2 through items #5 (4 applications) are tabled to the meeting of Tuesday, November 21, 2006 at 6pm.

Motion made by Mr. Franklin, seconded by Mrs. Wise to table the 4 applications until November 21, 2006 at 6pm.

Mr. Cormack approached as a representative of an objector on application SD 1559. Mr. Alfieri requested it be shifted after that meeting. Mr. Alfieri asked when the first available meeting was, and asked whether they could be put on the December agenda.

Mr. Banas asked for an amendment to Mr. Franklin’s motion, every item but item #3, which was agreeable to both Mr. Franklin and Mrs. Wise.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

Mr. Alfieri asked to be placed on the next available meeting and was told that it would have to be February and he said if that was the case they would rather be heard next week.

Mr. Franklin suggested they be put on the Agenda for December and if they are not reached, they don't get reached.

A motion was made by Mr. Franklin, seconded by Mr. Herzl, for item #3 SD 1559 Volodimir & Alla Kurteev being tabled until December 19, 2006 at 6p.m

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

2. **SD # 1509A** (Variance requested)
APPLICANT: MAJESTIC CONTRACTING LLC
Location: Massachusetts Avenue, south of Prospect Street
Block 445 Lot 18
Preliminary & Final Major Subdivision – 17 one family townhouses

Tabled to November 21, 2006 at 6pm.

3. **SD # 1559** (No variance requested)
APPLICANT: VOLODIMIR & ALLA KURTEEV
Location: Albert Avenue, south of Oak Street
Block 1159 Lot 73
Minor Subdivision to create two lots

Tabled until December 19, 2006 at 6p.m

4. **SD # 1549** (Variance requested)
APPLICANT: MORRIS WEINBERG
Location: Spruce Street, between Funston Avenue and Caryl Avenue
Block 842 Lot 3
Minor Subdivision to create two lots

Tabled to November 21, 2006 at 6pm.

5. **SD # 1550** (No variance requested)
APPLICANT: SEYMOUR INVESTMENTS LLC
Location: Cross Street, west of River Avenue (Calgo Gardens Nursery)
Block 533 Lots 3 & 10
Preliminary & Final Major Subdivision-74 townhouse units, community center and tot lot

Tabled to November 21, 2006 at 6pm.

DISCUSSION – ORDINANCE FOR REVIEW AND RECOMMENDATION RE: TO DELETE MULTI-FAMILY AND TOWNHOUSE USES IN R-OP ZONE

Mr. Banas stated it was still tabled to a later date

7. ADOPTION OF 2007 PLANNING BOARD SCHEDULE

Motion by Mr. Franklin to approve, seconded by Mr. Akerman

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

1. DISCUSSION/ADOPTION OF THE RE-EXAMINATION REPORT OF THE MASTER PLAN & UNIFIED DEVELOPMENT ORDINANCES

Mr. Banas asked the public to stick to details; he said they have heard in detail the problems with the trees, transportation, traffic, etc. There is no way we can correct those problems at this level and he is appealing to their good judgment. There is a lot of work remaining on the Master Plan and he would ask the public to follow that simple rule. Tell the board whether you object or in favor, the reason why, and let's move on.

ITEM # 4 – Re-zone both R-10 zones which are single family residential zones, east of the downtown area to R-7.5 zone to provide additional housing opportunities compatible with the redevelopment of that area.

Mr. Banas stated that these recommendations came about because there was enough of this type constructed that would be built on an R-7.5 zone. It is to just bring the zone in compliance with the property in existence.

Mr. Gatton asked if there was part of the zone they talked about, and was told yes.

Mr. Banas opened the microphone to the public

Brian Flannery, previously sworn in. This particular zone is in the 50% margin, but the zoning board would routinely approve something for an R-7.5 zone. His feeling from a planning perspective is let's not throw all that on the zoning board. He thinks this area needs some redevelopment, there are older homes, 2 family homes on lots, and homes with basement rentals. He doesn't think 70% is a good percentage to work with.

Bill Hobday, previously sworn in. He said if it doesn't meet the 70% criteria, then at least the zoning board has some discretion. But if you make it R-7.5 to begin with, it is over for the people whose neighborhood is R-10. He doesn't think the board will approve every one, but consider each one on a case by case basis.

Gerry Ballwanz, previously sworn in. She disapproves of this zoning change because this is where the Cabinfield Stream goes through, and if there is already overdevelopment, it will negatively impact that stream, which is a C-1 stream. Do we really want to continue to stress this area by the stream? Another reason is because the R-7.5 allows for duplexes, and there a requirement of 10,000 sf. and in the R-10 you need 12,000 sf. The possibility is that you created a quad plex, and townhouses have more land than a duplex does. The townhouse can have requirement for a playground and duplexes do not. She has a suggestion that if you do put in a duplex that you have it as a standard of how much land is required and instead of 10,000 in this zone and 12,000 in another zone, that you settle on a minimum of maybe 14,000 sf and that would make each of those 4 units have more land.

Ben Heinemann, previously sworn in. He is upset by what is going on. There was a lot of work that went into this. He thinks most of the board members have not even seen the area, and are relying on the little bit of what they hear here. He wants to remind the board that there are 75,000 people in Lakewood only 200-300 here complaining, the rest of them are fine with it. Things mentioned under oath, he is shocked, they are not presented as they should be. He thinks 70% is way high, if that is the reason they are changing it. He urges the board vote for all the zoning changes recommended by the subcommittee. Many of the reasons for the zoning that were not put down on that sheet were not understood by the planning board. He thinks the knowledge from the members of the zoning subcommittee was not present when the decisions were made.

Mr. Banas stated that Mr. Flannery stated the reasons for changing this parcel along with the other parcels voted on.

Christine Abrams, previously sworn in. If there is a C-1 protected stream in this area, than she is opposed to rezoning this because if it does have the density there, they must correct a wrong that has already been done to the C-1 stream. Also page 24 & page 35 of the master plan recommends this protection for these highly sensitive areas.

Mike Sernotti, previously sworn in. He said a lot of the applications that come in front of the zoning board in this particular area of town are townhouse developments as well. The assemble properties which are single family homes and they are many families. Some of the houses need to be replaced. With regards to the C-1 stream, these applications would fall under CAFRA and that would protect the stream. He is in agreement with the recommendation to change this to R-7.5. There is no definition of the quad-plex. A quad-plex is our termination that basements would be finished and rented out. A duplex is 2 single family homes side by side, under one ownership. It is up to the enforcement dept. to make sure it doesn't turn into a quad-plex.

James Waters, 1275 Old County Line Road, was sworn in. In 1999 the master plan was last done, and that committee was a transparent committee. This master plan has not been as transparent. He intends to look at the parcel tomorrow. If there is a C-1 stream in that area, are the board members aware of that and has the board taken a position on that yet? Mr. Banas stated no position has yet been taken. Mr. Waters' problem has been the enforcement of violations, with questions raised about illegal basements. If we don't have a master plan with teeth in it, then it doesn't make any difference how many discussions we have, when we leave this room nothing is going to happen. A lot of people believe that is the way it is here.

Mr. Banas closed this portion to the public.

Mr. Gatton heard what Mr. Flannery said. He is not sure why it is so significantly different. Mr. Banas said the subcommittee looked at each zone, and determined how many homes were given a variance to build with R-7.5 requirements in an R-10 zone. This would take the burden off the applicant to come and request a variance.

Mr. Percal made a motion to forward this to the Township Committee with instructions that if 70% or more of the lots conform to R-7.5 zone we should grant this otherwise not. Mr. Akerman seconded the motion.

Mr. Akerman had a question for Mr. Jackson, about what if there is a split vote, and Mr. Jackson said if there was a split vote, it would not carry. You need a vote of majority for a motion to pass.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM #5 – Rezone the R-10 zone east of the railroad tracks, between 4th Street and 8th Street to R-7.5 zone

Mr. Banas opened the microphone to the public

Gerry Ballwanz wanted to comment from the Master Plan in 1999, when people were considering that area, the board did not endorse the proliferation of 2 family or multi family structures being built in blocks or neighborhoods characterized by single family housing. Obviously with the new Master Plan you are going to be discarding those recommendations. This area does not have the C-1 stream like the other area, but you are opening up the door for greater density.

Bill Hobday said it is such a slim area and asked if it would have the same 70% test and Mr. Banas said yes.

Mr. Banas closed this portion to the public.

Motion was made by Mr. Akerman to forward this to the Township Committee with instructions that if 70% or more of the lots conform to R-7.5 zone we should grant this otherwise not. Mr. Herzl seconded the motion.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 7 – Re-zone a portion of the R-20 zone between Joe Parker Road and New Hampshire Avenue to R-7.5, consistent with development patterns as indicated on the proposed rezoning plan.

There was a question whether they already did item #7 and Mr. Slachetka said he pointed out that the text should have broken it down into 2 separate sections. Area #6 was discussed and area #7 was recommended to be an R-M, and during the discussion of that area, it was indicated that they needed to look at the specific development pattern in that area, one existing townhouse area that was approved and additional lots that had development approvals for that lot. The discussion on that part of the recommendation was whether or not to change the whole area to R-M or split a portion of that tract being R-M and the remainder being R-7.5. His office did not have a chance to investigate that.

Mr. Banas asked Mr. Flannery to fill the board in. There are 2 property owners in that area, one is the Golf View Townhouses and the discussion by the board was leaving that to R-M and adjoining that was an approved duplex subdivision and Mr. Slachetka suggested changing that to R-7.5. That is not 100% consistent with what is there, but at least you don't have a non permitted use and the zone would be consistent with what is being built. Mr. Banas questioned the location on Joe Parker Road. Mr. Slachetka stated the board did not take formal action on that.

Mr. Gatton said what they are doing is make it consistent with what that is being done now. He thought Mr. Slachetka was going to do some research on it. Mr. Slachetka said he did do the research, but Mr. Flannery spoke about the approvals granted. Basically the recommendation is to recognize the existing development form by having a portion R-M and a portion R-7.5 the portion of duplex is as shown on tax map is Lot #s 184 & 188 and the remainder is the townhouse development, he believes it is lot #184

Mr. Banas opened the microphone to the public

Gerry Ballwanz was the one to raise the question of that approval, and if you go ahead and make this a R-7.5, the minimum that the people need is a 10,000 sf lot for that duplex. It would create a greater density. She recommends not approving it until after those units are built according to what has been approved by resolution.

Bill Hobday is still trying to figure where this one is in regards to the Kara Homes. Kevin said Golfview is on one side and Kara is on the other. There is a tree save area not in the proposed area. The people in the Kara development have been beat up enough, the builder went bankrupt, the township will not plow the snow because the roads were not topped, and the last thing they need is a R-7.5 zone right next to them. We have to take into consideration what is there but it abuts that adult community. He asked the committee to deny this.

Mike Sernotti said the application sits between Kara Homes and the Golfview. The Kara homes, although it is a single family development, is on lots less than 7500 sf probably closer to 5500 sf lots. There is a buffer between Kara and the new development as a tree save area, and the applicant came in for duplexes but he doesn't have 10,000 sf so he can't do more than what he was approved.

Mr. Banas closed this portion to the public.

Mr. Banas stated this also provides a transition between the senior development and the rest of the homes on Joe Parker Road.

Motion was made by Mr. Klein to approve this recommendation based on what Mr. Slachetka's delineation, seconded by Mr. Akerman.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; no, Mr. Banas; yes, Mrs. Wise; no, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; abstain, Mr. Percal; yes

ITEM # 8 – Re-zone both R-10 zones east of the downtown area to the R-7.5 zone to provide additional housing opportunities compatible with the redevelopment of that area.

Mr. Banas opened the microphone to the public

Mr. Flannery wanted to bring to the board's attention on the 70% rule, that the people who don't make it in the 70% and have to go the zoning board, it uses up the zoning board calendar and those people will probably spend \$20,000.00- \$25,000.00 each. That money could have been spent on redevelopment. A lot of that money will go to his office, but he is speaking as a resident, he doesn't think they should spend the money needlessly. He thinks 70% is too high.

Mr. Hobday said he thinks the board has thought wisely to look at the 70% rule. That is a good boundary as to what is discretionary and what is not. People will have to come to the Zoning Board, but that is what they are there to do, make those decisions.

Mrs. Ballwanz said on the current zone map it shows it as R-10, but some people have been paying taxes as an R-7.5 zone. Mr. Banas said that is right, properties have received variances for a R-7.5. Mrs. Ballwanz said there is a mistake somewhere.

Mr. Banas closed this portion to the public.

Mr. Klein said he heard from Mr. Flannery that 70% is too high, and he would like to ask the professionals their opinion. Mr. Banas stated he didn't think they should answer that question, it is for the board. Mr. Flannery wanted to give his opinion but it should be noted that his opinion is as a resident, and he thinks it should be more like 40-50%. Mr. Slachetka said there is no bright line description but the board should make a determination based on the character of the area. There is no standard, just the board's best judgment that is used.

Mr. Gatton said that if an area where 70% of an area is already changed, then change the rest.

Mr. Jackson said Mr. Gatton made a point and that the criteria of the reexamination of the master plan is to consider the changes that have occurred and recommend rezoning.

Motion was made by Mr. Herzl to recommend item #8 with the 70% rule, seconded by Mrs. Wise

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 9 – Re-zone a portion of the B-4 zone, south of Main Street, between South Clifton Avenue and Congress Street to use for mid rise buildings.

Mr. Banas reminded the board that Mr. Corby was in front of this board and spoke about this zone.

Mr. Banas told Mr. Jackson that there were 2 board members indicating that they did not hear the comments made by Mr. Corby. Mr. Jackson said they would have to listen to the tape or get the transcripts on that particular portion. They could listen to the testimony and then vote on it later. Mr. Banas said the best thing is to reclus themselves.

Jeff Golub was in the audience as chairman of the Lakewood Industrial Commission. He was sworn in. It is the cumulative opinion of the Industrial Commission pertaining to this one particular parcel that it should be redeveloped with an emphasis on retail office, because our UEZ zone is a jewel to our community. After the commission heard the feelings of the master plan reexamination committee was to change the outcome of the development, it was of grave concern to them. It is not congruent to what they envisioned, and the LDC and the Township Committee going on there. That particular area synonymous to the Franklin Street Redevelopment should be developed in the same character.

Mr. Slachetka said the portion of this area includes the Franklin Street Redevelopment area, and a redevelopment plan that governs that area. That plan would supercede the land use development of the area. Another portion of this area was identified in the township's application for plan endorsement in front of the state planning commission as a multi-modal mixed use core associated with any potential train station and the MOM rail line. Also the intent here was not to supercede but an overlay option.

Mr. Klein said he is not familiar with mid rise. What does it mean and what is its intent?

Mr. Slachetka said mid rise is typically in the 4-6 story range. The idea here was not to identify a type of use but an overall development form of intensity use. There were no density standards given. The township would set the standards and ask for proposals.

Mr. Banas said this area is one that would be up to a developer to determine what zones would be involved and the town would ask them to come up with a plan.

Mr. Klein asked if level parking be included and was told it would probably be included.

Mr. Gatton said the words on the page sounding nothing like what is being proposed. He is being asked to vote on the things on the page. He likes the idea of what Mr. Slachetka has said, but the statement says one line. Mr. Gatton asked if there was a way to change the language, so it sounds like what they are talking about. Mr. Banas said they have been doing this all along. Mr. Slachetka said they could change the wording.

Mr. Jackson said the board would vote, yes, no, and then Mr. Slachetka would prepare another draft that would have the modifications.

Mr. Banas opened the microphone to the public

Mr. Flannery said Mr. Banas stated the instructions correctly.

David Quinn, previously sworn in. He has a concern and objects to this zoning change. Mid rise is housing. B-2 is to the north of it, and it is multi housing. Every zone change so far this evening is adding density. If you look at the map and see the rectangle #9-due north is R-OP, east is R-7.5 all downgrading smaller areas and higher density, and to change the heart of Lakewood which is already dense, just south of B-2 mid rise. The potential is up to 22 units per acre. He urged the board to look at this not as an isolated area, but as a whole. His recommendation is to vote no.

Mr. Hobday agreed with Mr. Gatton's statement. This doesn't tell us enough. If this were rezoned to mid-rise that area what else could go in there. Once the building begins, it will be there, right on the railroad tracks. Downtown Lakewood is so crowded now, and no one can get into there stores. This will allow the downtown to expand to allow merchants to bring their stores there and get off Clifton Ave. If we put residential there, where would the businesses expand to? One high rises start, it will go very quickly, and then what do we do? We will have all dwelling units, nowhere for the downtown to go. It should be rejected or at least some sort of a plan done.

Mr. Ballwanz said west of the railroad tracks is the Franklin Street redevelopment and that is a whole entity unto itself. But to say this whole area should go to Congress Street to the east of the railroad tracks is being too extensive of an area, particularly with Rte.88 only being a 2 lane highway. If there is a train station, there will be too much density with the mid rise.

Jeff Golub said that building in town, there is a shortage of retail space. Rte. 9 has houses where there should be businesses. Every other township up and down Rte. 9 use our town as what not do. We have enough housing situations that are clustering of traffic, but you could not sustain the traffic that mid rises will generate into the center of town. We don't have the land and the roadway to do this wish list.

Mr. Sernotti said the area was picked because they probably put parking garages below street level and being close to the colleges was another reason. It is a redevelopment area and the request for proposal to go out that is what the committee had in mind. They did not know the industrial commission had something else in mind to go there.

Mr. Banas closed this portion to the public.

Mr. Banas had a comment to make. The professionals have indicated that this area be looked into to study the feasibility of having a multi-use kind of development of the entire unit along with the Franklin Street Redevelopment so that many of the problems discussed could be eliminated. It is a transition between the downtown and the outskirts.

Mr. Akerman had a question for Mr. Slachetka. Right now it is a B-2 zone, which allows 65 ft in height, and allows multi family. What is the difference if they put an overlay of mid-rise or don't, mid-rise is already allowed. Why even discuss this. Mr. Slachetka said it establishes a comprehensive plan for this area with the Franklin Street Redevelopment Plan. This area is probably a misnomer and the board needs further clarification and specific languages for the intent of that is here. Mr. Akerman said they were recommending that this become some sort of redevelopment area different from what it is now. Mr. Slachetka would rewrite the item with whatever recommendations the board has.

Mr. Gatton said supposed this didn't say rezone the area but to establish a comprehensive plan for the area. Mr. Banas said that was another way to say it.

Motion was made by Mr. Akerman to move this to the Township Committee to work on a development plan for this area, containing mixed uses of retail/office/residential and parking as well. Seconded by Mr. Percal

ROLL CALL: Mr. Franklin; yes, Mr. Banas; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 10 & #12 (written together) – Re-zone the R-20 Zone area at the northwest corner of Route 88 and New Hampshire Avenue to be one zone where the commercial retail use exists (#10) the remainder should be zoned to an R-OPM mixed use district (#12) The zone district should permit residential uses office and retail/commercial uses. In addition, the mix use zone should allow residential apartments on the second story above commercial establishments. The density of the residential uses should be consistent with the density of the R-OP zone district. Ordinance provisions for the mixes use zone should include incentives, or a bonus to develop mixed use projects. Zoning amendments for mix use should also include design standards addressing architectural and street-scape requirements. The recommended maximum building height for the mix use zone is 45 ft.

Mr. Slachetka had a correction, saying the parenthesis should be reversed, because the #12 refers to the B-1 and #10 is the R-OPM recommendation.

Mr. Slachetka said the reason #10 & #12 were written together is because they are adjoining but they could be separated.

Mr. Banas felt they could deal with both together. It is in the northwest corner of Rte. 88 and New Hampshire Avenue (CVS pharmacy) and the other area deals with a completely different zone in a completely different area.

Mr. Percal, said regarding zone #12, he thinks it is fitting that it should be B-1 zone. (CVS) Mr. Percal does not like the concept of R-OPM simply because he lacks enough knowledge of what that is. (The limitations, specifics, what it entails etc.) He is opposed to the R-OPM in concept.

Mr. Slachetka was to write a description of what the R-OPM was. He said it was denied in an earlier item (#22) and the township was told that there was need for further study and public input. He was not instructed to do so. The board could also call on the township committee to establish standards to bring back to the board in the future.

Mr. Akerman said they could always entertain the idea of turning it into R-M if it is consistent with the area and once standards are written, it could be put into the language to be revisited later.

Mr. Banas opened the microphone to the public

Mr. Flannery said that item #12 is pretty self explanatory and item #10 is explained that the R-M across the street and the other side and this it tucked in between the park and Route 88 and possibly along the lines with #9 where it goes back to Stan to write something up that clarifies things so the board understands.

Mrs. Ballwanz said she is speaking about #10, because of the townhouses, perhaps it would be slightly less dense if it were an R-M zone. We do have the park and we do have a lot of water to be percolated into the aquifers and with so much building there might be better. You already have a mixed use with the established stores. There are too many questions about the R-OPM zone. You need more stores perhaps.

Mr. Banas closed this portion to the public.

He stated the board should deal with each section separately. #12 was first.

Mr. Percal made a motion to approve the change in item #12 to a B-1 zone, and seconded by Mrs. Wise.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

#10 – Mr. Akerman made a motion to move the zone change to R-M zone and have it looked at for more information to study and change it to R-OPM zone at a later date. Seconded by both Mr. Neiman & Percal.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; no, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 11 – Re-zone a portion of the R-20 zone between Joe Parker Road and New Hampshire Avenue to R-M zone consistent with the development patterns as indicated on the proposed rezoning map.

Mr. Slachetka stated the area was to the northeast of the other area just voted on. Mr. Banas asked for the Block & Lot numbers.

Mr. Banas opened the microphone to the public

Mr. Flannery stated the intention is all the area where the existing townhouses are, The Tivoli and the Woodlake development. This is on the westerly side by New Hampshire.

Mr. Banas closed this portion to the public.

Motion was made by Mrs. Wise to approve the zoning to an R-M zone and seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 13 – Revise the boundary of the Crystal Lake Preserve per the Township Ordinance dated May 4, 2006.

Mr. Neiman asked for a copy of the ordinance. Mr. Banas said the board approved it. It expanded the CLP boundaries.

Mr. Banas opened the microphone to the public

Mr. Hobday said the way it was written, and we don't have the ordinance, the board does not know what is being voted on. Mr. Banas said when the master plan is revised again, all this information will be included. Mr. Hobday questioned the differences in different maps. Mr. Slachetka explained that the large scale map was with the prior boundary, and was told they needed to correct, and they can include lot and blocks. Mr. Kiert has a revised map in his office and Mr. Slachetka said that was the one they used to correct theirs. Mr. Hobday stated this is a public meeting for public discourse on this and a statement such as "per the ordinance" does not offer the public enough information to judge whether they want to say something about this or protest or support it. He thinks these kinds of things are ambiguous and the board does not have sufficient information on this. Mr. Banas stated the board voted on the ordinance is what it is.

Mr. Banas closed this portion to the public.

Mr. Franklin made a motion to approve item #13, seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 14 – Re-zone the A-1 zone on Sunset Avenue to O-T zone, office transitional, to provide a transitional use between the Township recreation area and the existing R-10 residential development.

Mr. Neiman asked if this was the area where the water company was and was told yes. It was noted that NJAWCO already has buildings there, this was just to keep them from coming back in front of boards.

Mr. Banas opened the microphone to the public

None

Mr. Banas closed this portion to the public.

Mr. Neiman made a motion to recommend the zone change from A-1 to O-T zone, seconded by Mr. Akerman

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 15 – Re-zone the portion of the R-10 zone north of James Street and east of the railroad to R-7.5 to be compatible with the existing development pattern.

Mr. Percal said it should be treated like the other ones with the 70% rule added.

Mr. Akerman said he thought this area was undeveloped so the 70% rule can't apply. It is surrounded by R-10 so there were questions.

Mr. Flannery said this one consists of the area by Edgewood Court, a lot of it is undeveloped, but that is because of wetland and wetland buffers, it's more the homes along Edgewood that the committee was looking at and they were more compatible with the R-7.5. This is before James Street and Edgewood Court. (A little triangle area)

Mr. Banas opened the microphone to the public

Joseph Lipschitz, 59 Arosa Hill, was sworn in. He owns a piece of property on Edgewood Court. This triangle consists of Edgewood Court and Manetta Court and opens up to the Route 9 and the other side is a dead end street, blocked by the Railroad. Most of the houses conform to the R-7.5 zoning but 3, his and 2 others (they are 50x100). He thinks it makes sense and asks the board to look on it in a favorable manner.

Mr. Hobday said here again they are surrounded by R-10 zone. There is no R-7.5 in that area, why would we consider having a higher dense area. He is sure there were variances given and asked to go back to the 70% rule.

She owns property on Manetta and she thinks it should remain the name it was (no name given, but she had a cold).

Mr. Banas closed this portion to the public.

Motion was made Mr. Percal to apply the 70% rule and send it down to the committees and change the zone if it applies, Mr. Akerman seconded.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 16 – Re-zone the strip of R-12 on the easterly side of Williams Street adjoining the R-10 zone to the east. Re-zone to the R-10 zone to provide development compatible with the existing lot sizes.

Mr. Klein had a comment that there has been some elements of crime in the area, and suggested that encouraging development into the area it would be what is going on here.

Mr. Percal said this area seemed to be bounded in 3 directions by R-10's, and one direction by a cluster, so he wonders whether this is the natural way to go.

Mr. Banas said there were a lot of things to consider on this.

Mr. Banas opened the microphone to the public

Mr. Flannery said this is a small strip of land between the easterly side of Williams Street and the adjoining property is R-10 so it seemed logical to follow the street line rather than have that small strip next to the street.

Mr. Banas closed this portion to the public.

Mr. Neiman made a motion to rezone to an R-10 zone, seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 17 – Re-zone a portion of the R-10 zone on the north side of Pine Street and Route 9 to R-7.5

Mr. Flannery said the description should say from Vine Street to Martin Luther King, and this is a strip zoned R-10 where the surrounding land is R-7.5 and the zoning board approved lots on the corner of Martin Luther King as R-7.5

Mordechai Sternstein, 127 Shady Lane, was sworn in. Along Pine Street on the south side is all R-7.5, Forest Park, Pine River Estates. Also north of this strip is R-7.5 and on Warren Street it is R-7.5. From Vine Street the 1st 5 or 6 lots fall half in R-7.5 and half in R-10. It would make sense to have the entire strip conform to the surrounding area.

Mr. Banas opened the microphone to the public

Mr. Banas closed this portion to the public.

Mr. Akerman made a motion to rezone to an R-7.5 zone, seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 18 – Re-zone the A-1 zone at the intersection of Pine Street and Vine Avenue to the R-7.5 zone to be compatible with the surrounding areas.

Mr. Neiman questioned the location that is being changed. Mr. Banas said it is right next to the senior development.

Mr. Gatton questioned the size of the area, or approximate acreage. Mr. Slachetka was asked the check.

Mr. Banas opened the microphone to the public

Bill Hobday said that property is surrounded by R-10, proposed R-20, and there is no R-7.5 except on the other side of the street and up further north. It is in a pocket of all R-10 next to an R-20. How could be determine that that should be a R-7.5? He recommends to deny this.

Gerry Ballwanz agreed that it should be denied. The area to the south is really R-12, all of the area is much larger than R-7.5. This area has been approved for duplexes and they have not been built yet, and she does not think they should be changed until the duplexes are there because they could make it more dense. It should also not be changed to R-7.5 but to an R-12 to be compatible with the adjacent property.

Chris Abrams agrees with the speakers to deny this. It is too big of a jump to go from an A-1 to R-7.5. There are R-12 to the south, approved an R-20 recently, and there is a lot of traffic there. It would be crazy to have that much density in that area.

Brian Flannery said the application approved by the Zoning Board was for 2 family homes on 10,000 sf lots which conform to the R-7.5. By recommending this zone change, it makes the homes conforming.

Mr. Banas closed this portion to the public.

Mr. Akerman commented that the only one that made any difference was item #17, they are not allowing anything more than what is existing, and item #17 only has 5 -10 more houses built there, so he does not feel it is too much.

Mr. Akerman made a motion to approve this zone change, seconded by Mr. Percal.

Mr. Gatton said A-1 zone allows 1 house per 2 acres. Are there any houses with 2 acre lots here? How many units has the zoning board already approved? He was told the whole area.

Mike Sernotti said it was 11 homes on R-10 lots consistent with the R-7.5 requirements.

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; yes, Mr. Percal; yes

ITEM # 23 & #24 – Re-zone the portion of the R-12 zone on the easterly side of Massachusetts Avenue between Prospect Street and the Hearthstone Development rezone to R-M zone. The northerly portion of this area to include the High Point and Wyndham Developments rezone to R-7.5 the remaining area between the Wyndham Development and the Hearthstone Development to be consistent with the approved development pattern.

Mr. Banas asked if this was the area that they had to act for a court decision. Mr. Slachetka said he thought a portion of the R-M portion was.

Mr. Gatton asked for clarification.

Brian Flannery said #23 is the R-M which is the existing High Point Development and the Wyndham Development which are townhouses and apartments. #24 is the remainder of that area between Hearthstone and the HD-7 which is all the townhouses along the Route 9 corridor. The portion in the #24 along Massachusetts Avenue which was a zoning board application that was denied and went to court and the court mandated R-7.5 on that 10 acres along Massachusetts Avenue; that leaves a little whole in the donut which this recommendation is to make that all R-7.5 which is consistent.

Mr. Banas opened the microphone to the public

Mr. Hobday said yet again Massachusetts Avenue is a old county road. The density there by adding R-7.5 is ridiculous. The county is going to improve the road, but they are not going to widen it, they are going to add shoulders to the road. Massachusetts Avenue is now so dense, as to be ridiculous. High Point has the option of going down Prospect Street. Massachusetts Avenue is also a thoroughfare for ambulances from the southwest sector, as well as Lakehurst and Manchester Townships, and northern Toms River. They will not be able to get through there. You need room in a home to be livable and this is cramming a lot of people into a little space. He asked the chairman to deny this.

Gregg Stafford-Smith, 1200 West Cross Street, was sworn in. He said that particular area of Prospect Street and Massachusetts Avenue is a mixed bag. You have Excel Wood, with tremendous amount of truck traffic especially when the school buses are out, and it needs a second look. He also wanted to hear what the court order was. Mr. Sernotti was asked to help answer that. Mr. Sernotti said there was an application by Marble Arch 3-4 years ago, that was for townhouses between Wyndham Place and Hearthstone. The zoning board denied the application based on a map, they went to court, appealed it, and got an R-7.5 single family home development which they are now building today. Part of the reason we want to do this is if the zone does not get changed, then everything someone wants to do in their backyard they need to go to the zoning board. If they change the zone to what it is, because it has been approved that way, those changes don't have to come to the zoning board. Mr. Stafford-Smith requested they think again, and to look at the traffic at that intersection.

Gerry Ballwanz said with the single family that is approved, can those houses then become duplexes? Mr. Banas said he didn't see how they could, it would have to be reconstructed. If C'Os have not been given or construction has not been started, it could go back to the board, and ask for a duplex. Mr. Sernotti said you need 10,000 sf for duplexes and these homes have been assigned an R-7.5 lot, they would have to go back and subdivide to make it bigger than they already have.

Mario Palmieri, previously sworn in. He has the same concern that everybody else has. He does not have a problem with the R-7.5 if it is limited to single family dwellings. As a general rule, it is single family dwellings and we need to maintain single family dwellings. He also asked that anything that they can do to improve the infrastructure would be appreciated in that area because it is choking with automobiles now.

Janet Payne, previously sworn in. She doesn't want anything changed. A lot of traffic like everyone else said. She wants single family homes. It has changed so much with everything else going on and it is not fair. She asked if High Point would be able to build higher with this zoning. She was told probably not. She wanted to know when then save the tree ordinance is coming up and was told way after 35 and the UDO. Mr. Kielt said it would be part of the Master Plan, but not specifically addressed on the agenda.

John Doyle, attorney representing the Krupnick Family Trust. There is words about traffic and trees, and this is basically a hole in the donut. There are about 20 acres up for re-zoning, half of those are guided by the court order that is the least dense zoning in the area. He pointed to a map to describe the portion of land. As compared with the other units in the area (High Point, Wyndham, Brentwood Apts.) this is a modest proposal to stay single family housing. It makes a lot of sense.

Mr. Banas closed this portion to the public.

Mr. Neiman said he heard what people are saying as far as single family units, and he asked if the homes in the area were built on slabs, but was told there were basements.

Mr. Gatton is familiar with the area. There is a northern and a southern part. He questioned where the court order was. Mr. Doyle said the western portion is the court order, the eastern portion by the apartments is currently vacant.

Mr. Slachetka further clarified that Mr. Doyle was referring to area #24 the R-7.5 portion of that.

Mr. Percal asked if it was within their boundary to suggest a zoning change to R-7.5 with the recommendation that it be maintained as a single family residence. Mr. Banas said they could recommend that but then the UDO comes in to effect and if it falls into a R-7.5 it would have to be uniform to the entire zone.

Mrs. Wise said looking at the surrounding area, seeing what's already there, we are compelled to have a conforming area. We might be torn about the 70% rule that we have invented, but looking at the area it is surrounded by R-7.5. She said we are between a rock and a hard place here.

Mr. Banas said section #23 is already developed and fits into the pattern as it is, and he sees nothing wrong with it personally. As it relates to #24, we are caught between that rock that Mrs. Wise is talking about and he feels 7.5 would be a suitable zone.

A motion was made by Mr. Herzl to approve #23 and #24, #23 to change to R-M and #24 to change to R-7.5, seconded by Mr. Klein.

Mr. Neiman questioned R-7.5 and if it was single family residential, and Mr. Gatton said that when you approve R-7.5 you open the door for all that R-7.5 allows.

Mr. Jackson asked if it was within the boards discretion to make a recommendation that the master plan should provide for only single family homes there, and not duplexes and that should be amended and tailored so that it not allow duplexes.

Mr. Slachetka said it is within the board's prerogative to make any recommendations it sees appropriate given its charge and sound planning principles. If there are specific reasons that suggest that this area be treated differently than other R-7.5 areas then the board has the right to make that recommendation.

Mr. Jackson said it certainly would be reasonable to have a zone for only single family houses, not duplexes. It is just the way the zoning ordinances are written here that duplexes are a permitted use.

Mr. Neiman said the reason they are recommending rezoning is to be consistent with the area, and part of that consistency is single family homes.

Mr. Jackson said you could make that recommendation.

Mr. Banas said that there are laws that need to be followed, that the municipal government need to follow. The municipal government will just turn around and say it is an R-7.5 and we don't see anything else. Mr. Slachetka said you could recommend a hybrid zone, or some other zone like R-7.5a etc. but to describe the intent, and develop a land use plan. You can be as detailed as appropriate.

Mr. Klein said it does seem like there is place for a hybrid zone.

Mr. Banas said they could amend the motion that was made and seconded.

Mr. Percal asked to amend the motion (#24)as follows, we do go to a R-7.5 with a condition that is should be single family residence and if it had to be called R-7.5a so be it, seconded by Mr. Neiman

A vote on the amendment

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes, Mr. Klein; yes, Mr. Gatton; abstain, Mr. Percal; yes

Now the vote on the amended motion

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mrs. Wise; yes, Mr. Akerman; yes to #23 no to #24-changed to abstain, Mr. Klein; yes, Mr. Gatton; no, Mr. Percal; yes

Mr. Slachetka said that they are currently waiting on a formal answer to extend the deadline for the submission to the Office of Smart Growth

Mr. Banas moved up the public portion.

7. PUBLIC PORTION

Gerry Ballwanz said the discussion that the board had regarding #24 and the problem with the single family in the R-7.5 zone, she wishes to remind the board that she raised this question when the duplexes were being done on Harvard St. This board never approved duplex use in the R-7.5 zone and the R-10 zone. She showed the board those documents that said, now you see it now you don't. The things you say when you reviewed the UDO in May of '05 at that point the duplex was only in the R-15 zone requiring 18,000 sf. When it got to the Township Committee that disappeared and up popped duplex use in the R-7.5 zone and R-10 zone. You never made any comments on it, right now you see what that has done, it has put in into this position where you want to create an R-7.5a zone where only single family and not duplexes is allowed. Now is the time to scrap that use from the zone or maybe have greater amount of land.

Mr. Jackson said she has every right to raise that, but what she is suggesting is a flaw in the process that could have an impact on the validity of that ordinance. His recommendation to the board is if that process wasn't done properly, it could lead to litigation, but it is not the board's place to question that the proper procedure was followed by the governing body. He recommends the board not answer that specific charge.

Mr. Hobday said these are long hard meetings for both sides of the bench, and it is imperative that we all understand how important this is for our community. If we should decide with some of these very very extreme high density areas, we will change the nature of Lakewood Township so significantly for the residents that are here it will become overbearing. Our infrastructure cannot support what we have now. Ocean County doesn't seem very aggressive in their plan to add infrastructure as we build Ocean County. The state doesn't seem so interested in helping us either. That means we have to help ourselves, and we have to try to plan what we can comfortably add to Lakewood in a long term plan to make those new residents comfortable. We have to preserve natural resources. A large watershed goes from Lakewood Township to Brick, and that is their drinking water. We have to have a more intelligent approach.

Ann Richardson said earlier there were questions about the zoning changes and the taxes paid. She suggested someone from the Tax office attend these meetings to answer the questions so the public can understand, because it was said whatever is on the map is law, and people did not get notified of zoning changes on their property. Some of the people are paying double.

Gregg Stafford-Smith said if recommendations were to be given to the board, maybe this board could implement overhead projectors where you could introduce the area as it is now, and the perspective plans overlaid so the people could see what it would look like. A picture is worth a thousand words, and maybe you could cut some of these comments down.

Mr. Banas closed the public portion of the meeting.

5. MEMORIALIZATION OF RESOLUTIONS

1. **SD # 1533** (Variance requested)
APPLICANT: **HARVARD STREET DEVELOPMENT**
Location: Harvard Street, between Apple Street & Park Place
Block 171 Lots 11, 19 & 21 Preliminary & Final Major Subdivision -
9 lots

Motion to approve was made by Mr. Neiman, seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; Mr. Gatton; yes, Mr. Percal; yes

2. **SD # 1529** (No variance requested)
APPLICANT: MATHIAS DEUTSCH
Location: East Harvard Street, east of Park Place
Block 170 Lots 7, 8 & 9
Minor Subdivision to create 2 duplex buildings (4 lots total)

Motion to approve was made by Mr. Neiman, seconded by Mr. Herzl

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; Mr. Gatton; yes, Mr. Percal; yes

3. **SP # 1850** (No variance requested)
APPLICANT: 212 SECOND STREET HOLDINGS LLC
Location: Second Street, west of Lexington Avenue
Block 121 Lots 12 & 13
Preliminary and Final Site Plan for proposed retail and office building

Motion to approve was made by Mr. Neiman, seconded by Mr. Gatton

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; Mr. Gatton; yes, Mr. Percal; yes

4. **SP # 1763A** (No variance requested)
APPLICANT: CLAYTON BLOCK CO. LLC
Location: Havenwood Court & Prospect Street
Block 386 Lots 1.01, 1.03 & 1.04
Amended Site Plan for additional concrete areas and detention basin

Motion to approve was made by Mr. Neiman, seconded by Mr. Gatton

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman; Mr. Gatton; yes, Mr. Percal; yes

6. CORRESPONDENCE

None at this time.

8. APPROVAL OF BILLS

Motion to approve was made by Mr. Neiman seconded by Mr. Akerman

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman;; Mr. Gatton; yes, Mr. Percal; yes

9. APPROVAL OF MINUTES

- **Minutes from 09/26/06 Special Planning Board Meeting**

Motion to approve was made by Mr., Herzl and seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman;; Mr. Gatton; yes, Mr. Percal; yes

- **Minutes from 10/03/06 Plan Review Meeting**

Motion to approve was made by Mr., Herzl and seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; abstain Mr. Banas; yes, Mr. Akerman;; Mr. Gatton; yes, Mr. Percal; yes

- **Minutes from 10/17/06 Planning Board Meeting**

Motion to approve was made by Mr., Herzl and seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman;; Mr. Gatton; yes, Mr. Percal; yes

- **Minutes from 10/24/06 Special Planning Board Meeting**

Motion to approve was made by Mr., Herzl and seconded by Mr. Percal

ROLL CALL: Mr. Herzl; yes, Mr. Franklin; yes, Mr. Neiman; yes, Mr. Banas; yes, Mr. Akerman;abstain, Mr. Gatton; yes, Mr. Percal; yes

10. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson
Planning Board Recording Secretary