

**LAKWOOD PLANNING BOARD
MINUTES
SPECIAL MEETING
MEETING OF: NOVEMBER 28, 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. Neiman, Mr. Banas, Mr. Akerman, Mr. Gatton,

3. SWEARING IN OF PROFESSIONALS

4. NEW BUSINESS

1. Discussion/Adoption of the Re-examination report of the Master Plan & Unified Development Ordinances

Items #25 & #26 – Re-zone the portion of the R-12 zone between Oak Street and the John Patrick Recreation Center to the R-10 zone to be compatible with the existing road pattern. On the westerly side of the corridor, re-zone the isolated B-3 zone along with the portion of the R-12 zone to the north of this B-3 zone to the HD-7 zone to provide a uniform depth to the HD-7 corridor along Route 9.

Mr. Gatton asked Mr. Slachetka what the meaning of compatible with existing road pattern? Mr. Slachetka said it is compatible with the block pattern that is in the area.

Mr. Akerman asked if it was the B-3 district, and was told that was item #26. Mr. Akerman asked if it allowed townhouses because he thought it was going to be an issue. Mr. Slachetka said he would have to check.

Mr. Neiman asked if any of the area is built up yet or is it wooded area at this point, and Mr. Slachetka said it is undeveloped.

Mr. Banas opened the microphone to the public.

Brian, Flannery, previously sworn in. He stated the proposal on #26 the HD-7 zone on the map is a uniformed width most of the way, and in that area it jogs around a lot and there is a B-3 in there (which townhouses are allowed in). The #26 portion just makes the Route 9 corridor uniform (squares it off) and it is in an undeveloped area. #25 is the area between that HD-7 corridor where the Chateau Grande is on the westerly side, the easterly side is the R-40 zone where the affordable housing projects are being built, northerly is the property that was sold by the township to schools and the southerly side is the recreation complex. This is kind of like an island of undeveloped land. The roads are 200 ft. apart, there is numerous ownership in there, and this was property that was given away in the early 1900's in 20 x 100 lots. This the what the pattern is and some have been consolidated so it fits in with the R-10 if you have a 100 ft. x 100 ft. deep that is a 10,000 sf lot.

Mr. Slachetka clarified the uses: townhouses are permitted as a condition use in the B-3 but multi family is not permitted in the B-3. Mr. Neiman stated townhouses were not allowed in the R-10 zone.

Bill Hobday, previously sworn in. He said here again we are looking at re-zoning an area based on something that has never been seen by him in a zoning proposal; compatible with existing road pattern. He heard the explanation, but agreed with Mr. Gatton, what would the roadway have to do with zoning, and in that area, zoning should be what it is. If there is a preponderance of R-12 residences in that area it should be R-12. If it has R-10 then it should be R-10. He thinks that changing the zones just for the sake of changing them is a wrong concept. He believes you need to go to the 70% rule on this also. He opposes this zoning change.

Gerri Ballwanz, previously sworn in. She said we keep seeing Mr. Flannery come up and it is like he is the spokesperson to explain these zones, and she would like to know who else was on this subcommittee. Mr. Banas said it was in the book, but she said in the background studies, many of those subcommittees gave names of who the chairperson was, except for this zoning subcommittee. There is just that report, but it does not list who was on it besides Mr. Flannery and whether or not he was the chairman. Mr. Banas said that was not anything that was being hidden and she asked for other names. Mr. Banas asked her to continue and they will answer her question when she was done. She stated she is against the re-zoning, because it is this wooded area with beautiful trees, and in 10 years there will be no trees. She has been doing research and has some maps from the DEP that show all the purple land which is empty and that is important because it is the recharge area for our drinking water. As all of this land gets built up, the impervious coverage is going to affect our aquifers. She is concerned if there is going to be enough water for drinking if the building continues. The DEP also shows this area has threatened and endangered species living there. There is also an area of well heads and Lakewood has not adopted a well head zone. A study was done by JCA regarding stormwater, and it talks about the importance of the impervious coverage and how it affects the aquifers. There was a table in one report that said if when there is impervious coverage, how much of it becomes run off, and in its' natural state it is 10% (undisturbed land), when you go into 35-50% coverage, then only 30% becomes run off. With R-10 it might be 55% run offs. It definitely will impact the future of Lakewood with these trees being taken down. Her suggestion is to re-zone to a R-15 clustered to a R-10. (For item #25)

Mr. Banas asked Mr. Flannery to answer her question about the members. He said it was himself, Mike Sernotti, Mitch Dolobowsky, Adam Buchwald, and Ralph Zucker.

Mr. Banas said she brought up the study of the stormwater study that was done. That was approved by the Planning Board, done by Birdsall Engineering and he believes it will be on the next agenda for re-adoption.

Mr. Slachetka pointed out that the maps referred to are part of the natural resource inventory that was adopted by the Environmental Commission of the township, and is posted on the web site.

Christine Abrams, previously sworn in. She is opposed for the same reasons as Mr. Hobday and Mrs. Ballwanz stated. Her question is how much of this land is township owned because she has a map she has been working with for years, and she has highlighted township owned land. Mr. Banas said he did not know who owns the property, and feels that in a position of not knowing, he can deal with the situation without recusing himself if needed, and could not make any judgments, and that is much fairer for the citizens of Lakewood.

Mr. Sernotti answered Mrs. Abrams question, there is a lot of property that was sold to schools along Oak Street that was township property. This was along the southerly side of Oak Street. The property to the easterly side of Vine, north of Oak Street, where SCHI school and Bais Tova is being built, that property is where the NJ Hand property which was township owned property was sold for affordable housing. To the south of Oak Street, east of Vine, across the street from Bais Tova was township property, sold for affordable housing. The whole makeup for that section of town is going to change, and knowing that, we recommended that size density rather than the R-12 of R-15 because those portions of property are pieces that can be assembled to make the road pattern the way it is.

Mrs. Abrams said the committee should still know how much is township owned even a percentage. Also just because the area is changing doesn't mean that it has to change. This area that is currently undeveloped there is a need for passive recreation and corridors between developments and the sports field. She also said there are a number of NJAWCO wells in that area.

John Doyle, Esq. appearing on behalf of Eta Kaufmann. He wanted to separate #25 from #26. He is dealing with #25 which is historically a 28 block area (tax blocks). These are tax blocks that are basically vacant property, but they have evolved over history into these 28 blocks. They are separated by tax lines and grid patterns for street patterns, into blocks that are 200 ft. wide. So 100 x 100 (R-10) makes much sense. Almost every parcel in that area is in a number divisible by 100. There is only one lot that is 100 x 120, so the statement that it will affect density or to use the 70% rule, it does not apply here. There is a number of township owned lots, and if they were to sell them, they would be undersized, and would get nothing for it. Not to do this zoning, doesn't stop development, it makes it more expensive for the owners, because they would have to go to the zoning board. There are dozens and dozens of property owners of 100 x 100 ft. lots. It deprives the township of revenues and deprives the individual land owners the opportunity to build a house. The recommendation on #25 makes sense.

Seeing no one else approach, Mr. Banas closed this portion to the public.

Mr. Neiman said he heard what Mr. Doyle was saying about #25 and said he wanted to do a separate vote on each one. Mr. Banas agreed.

A motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve item #25 to go from an R-12 zone to an R-10 zone.

Mr. Gatton asked Mr. Slachetka his opinion and he said it is reasonable planning rational to rezone it based on the road pattern.

Mr. Franklin asked if they are going to build on that size lot, or are they going to come in and buy up tracts and put in a completely new road pattern. If they build up that area and putting in roads that are undersized with this type of small lot it will be hard to service the area. Mr. Slachetka said you can be as clear as you want to the committee on the decision being made because of the block pattern and make a statement saying even if someone comes in with a large tract of land, they have to recognize the block pattern based on the existing map.

Mr. Franklin said why can't we leave this zone alone until there are ordinances in place to protect the grids. Mr. Banas said if they were not vocal about it at this point in time, anything could be written. But if we indicate that we want this grid pattern be enforced, that ordinance needs to be written in accordance with that. Mr. Franklin said the idea of having full sized road is so important.

**Mr. Neiman amended his motion to add "to keep the existing road pattern."
Seconded by Mr. Herzl.**

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

Item #26

Mr. Neiman said the reason for this is to square off the section, and he made a motion to change that zone to be consistent with the area to that to an HD-7 zone, seconded by Mr. Akerman

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

Item #27 – Re-zone the portion of the R-20/12 cluster zone at the northwest corner of Massachusetts Avenue and Cross Street to a B-1 zone.

Mr. Neiman wanted to know what the rationale behind this is. If the whole area is R-20/12 why do we want that little corner change to B-1? Mr. Klein said this zone allows for retail space.

Mr. Flannery stated the intention was to have neighborhood commercial which is in the vicinity of the Fairways and the Enclave. Those communities having to go out to Route 9 or Route 70 to get a gallon of milk, there would be the availability. The property owner had approached the township requesting to be able to build neighborhood commercial there. The request from the township was forwarded to the committee along with requests from other property owners. The committee felt it would be a good use there. A lot of the smart growth objectives coming from the state provide for those shopping opportunities in short proximity to major residential areas.

Mr. Slachetks agreed.

Mr. Neiman questioned Mr. Flannery what the approximate acreage was and he said 9 acres. Mr. Neiman asked what could be built in this B-1 zone, and if townhouses were a permitted use and Mr. Flannery said they are as a conditional use, but said the board could do what they did to another item and call it B-1a and not allow town homes. The permitted uses would include retail activity, service activities, combined business and residential uses, etc.

Mr. Gatton said he did not have a B-1A and was told that that was because it would be called a new zone, not yet existing.

Mr. Slachetka said they could take out all of the conditional uses if they wanted along with asking for adequate buffering between residential and non-residential uses.

Mr. Banas opened the microphone to the public.

Mike Sernotti wanted to use this time to ask for respect for the committee who made the recommendations to improve the town. When a member of the committee stands before you and states their reasoning why, the audience should respect that individual for trying to explain the rationale.

Bill Hobday said the intention is right on this, but this needs to be a B-1A where we strike A, all uses permitted in the R-M zone district. There are too many residential uses that would be acceptable here, but he agrees that this commercial area for grocery stores, drug stores, etc. would be a service to that community. We have to get rid of that permitted use for the R-M zone because we don't want this to become a residential area. Therefore, if the committee would be predisposed to determine that this new zone, possibly B-1A, to restrict it to just these retail outlets or services, that would be a good use, because there is nothing like that in the area. He would be in favor of this providing that the planning board made that conditional type of scenario.

Emelia Squeo, 406 Monticello Lane, was sworn in. She asked what happens to that piece of property that coded commercial when that commercial establishment falls on its face. What gets put there, a strip mall? A gas station that does repairs with oil on the floor? What does it do the property in the Enclave and the Fairways? You are not going to have the prettiness of both the Fairways and Enclave, the amenities that are given to us because now across the road there is a strip mall of some sort. We purchased here in Lakewood because we thought it was a nice place for us to retire, not with an abandoned strip mall.

Mr. Banas responded that he doesn't deal with hyperboles, there are too many "ifs, ands, or buts" and he doesn't know how to answer that question. He lives in a retirement village, and it is basically the same thing. What if the industrial buildings fold up? Hopefully it will be done with some kind of system that will keep the same thing going. As to what will be planned in that specific area, he has no idea. She said where is the guarantee for the voters of Lakewood? She said it needs to be looked out.

Mr. Slachetka wanted to answer the statement about the gas stations, and this is one of the uses that he suggests is not appropriate for this zone. As far as design, there are always board members who focus on design on the facilities. Any application in front of the board is open to the public for comments. That is all you can guarantee at this point.

Mr. Neiman had a question for Mr. Sernotti. He likes this idea with the B-1A but does that stop the developer from coming to the Board of Adjustment and asking for townhouses? Mr. Slachetka said it does not stop anyone from coming in to the zoning board for a use variance, in any property. They are confined in terms of the types of proofs both positive as well as negative criteria. In that regard, if they are asking for a use variance, they have to reconcile what they are requesting to what is permitted in the zone and what the master plan says about that zone. Therefore, if you put in very specific statements as part of your recommendations as to what you want is the zone and why you only want these things, if somebody comes in front of the zoning board they must prove and reconcile what they are asking for to what you as the planning board stated is appropriate for this area. The stronger and more specific you are as to the nature and types of uses you want here, the harder it becomes for someone to give positive proofs that are necessary as part of the zoning board application.

Larry Simons, previously sworn in. He is vehemently opposed to this. His reasoning is that the planning board is not here to change the character of an existing neighborhood. Why would you come along and put a business area in the midst of an entire residential adult community? The only reasoning he can come up with is for profit, profit, profit, which is what is driving so many of this re-zoning. What we have is a proposal to put in a commercial zone, possibly CVS, WAWA, anything of that nature. If you look at existing strip malls, they are not the best looking areas, garbage, litter, crowds of people, possibly undesirables, all hanging around there. This is midst of single family homes, \$200, \$400, \$500,000 homes. You will destroy a neighborhood. We have invested hard earned money, not for a life in the middle of a commercial area. We don't want this and if you took a vote from the seniors you would get a consensus of opinion that this does nothing.

Gerri Ballwanz spoke about Mr. Sernotti getting respect for the advisory committee members who spent hours, well, what about the other of use are not on any committee, who have also spent hours going over the computer and downloading this information, and for him to say they are the only ones who spent hours, and the rest of us should be less respected. Mr. Banas stated he respected her and thanked her for coming, and he has asked repeatedly for an audience to come to a planning board and learn what is going on in town.

Mrs. Ballwanz said in one of the hours that she has spent she found an error on this schedule located in the back of the UDO regarding the synopsis of all of the zones and what is required and in the B-1 zone, under maximum height we have 35 ft. in the B-1 ordinance, it shows multi-family can go up to 65 ft. and at a density of 22 units per acre. One of those things is incorrect, either the chart or the ordinance. Mr. Slachetka said it was not a mistake, but because of the reference to the R-M district, the standards for multi-family dwelling units in the district are different than the standards that are set in the overall schedule. The schedule talked about the principle uses, it is 35 ft. and he would not recommend a 65 ft. height limitation.

Mrs. Ballwanz said she thinks the B zone is business but also has a residential component which makes it confusing. Perhaps a B-1A for the rest of town would be the best, so it should only be for business, not high residential use. Mr. Banas said he thought the feeling was to keep the idea of restricting it.

Janet Payne said she is against it. She says it is a great area and sees no need to bring in more stores, there are plenty already on Rout 70, Route 9, and it is not that far. This 9 acres is primo land, and we should be selective in what gets built.

Joe DeFalco, previously sworn in. The fate of Lakewood is in your hands. Urbanization or sharing of green space. Today we are reliving a page from history; cattle barons vs. sheep herders. Lakewood is controlled by cattle barons; the committeemen tow the line or movement is started to remove them. The zoning board ignores the ordinances in favor of developers. The police director is appointed and contained or removed. Inspectors site violations only to see judges turn their head the other way. The seniors, sheep herders, were promised green space. The message is clear; seniors were sold a coveted bill of goods. The cattle barons are making their move but the sheep herders will stand their ground. Urbanization sends a message; seniors are not wanted and would be suckers to seek out their retirement dream in Lakewood. It is your hands, look at it and make it comfortable for everybody so that we can share the green space and not take it away from us.

John Bellingham, 707 Michael Court, was sworn in. He said a few moments ago, Mr. Banas stated he did not answer hyperbole, but that is exactly what you have to do here, because you are opening a door and the people of Lakewood are trusting you to use your best judgment. If you think a mall can't go out of business, look down Hooper Avenue and Yorktown Village. You are building something for people who don't want it. It is doomed to failure before it begins. Mr. Banas responded and said when he said he did not answer hyperboles, it didn't mean they didn't go through his head, but to discuss what those are, he doesn't.

Jerry Tchir, 132 Enclave Boulevard was sworn in. He has been asked to act as spokesman for 110 people who are in objection not only to the regional center, but what is going on in our township. Most of us moved here to retire, and we thought that Lakewood was the place to come. What they would like to do is preserve what we perceive to be a really great community.

Connie Doddo, 254 Enclave Boulevard was sworn in. She is upset, and is not used to speaking in front of a crowd. She is a senior citizen who retired in Lakewood and she is running scared. This meeting is scaring her, because she doesn't see any out. That one parcel in question, that 9 acres, that you are going to put stores; the people who retired in Lakewood didn't care if there was a corner store, every bit of money she had went into her house, and she feels it is going down hill. She doesn't see anything happening in Lakewood to make her feel proud. She doesn't like the idea of having any store there, the way it is now is fine. No one will use them, then they will be vacant, and then they will be back in front of the Planning Board wanting to do something else with them. The bottom line is it will end up with townhouses. Take it into consideration, there are a lot of people who moved in and see everything falling apart in front of them. We have this beautiful home and now we will be surrounded with things we didn't want surrounding us.

Lawrence Lazzaro, 426 Monticello Lane, was sworn in. He referred the board to page 2 of the draft for the re-examination, under B land use – encourage historic Lakewood Township to develop as a primarily suburban municipality, hosting a regional center with a balanced mix of institutional, commercial and industrial land uses in housing types along with ample community facilities and recreational amenities as well as preserving the rural landscapes and significant natural resources of the township. He had a question, what has this board done or contemplated to fulfill this goal? Where are the plans to preserve the rural landscapes? He would like to know if there is such an answer to his question.

Mr. Banas said he read from the statement of the 1999 Master Plan. Mr. Slachetka said it was noted that the proposed master plan changed the goals and objectives to but there was no reference to that goal or objective, those would remain. Mr. Lazzaro said based on that, what will be done and when will this goal be accomplished. Mr. Banas said they are working on that now, they are looking for regional centers, we have a balance of instructional, commercial and industrial land uses, we have various types of housing units, and our John Patrick recreational field is another example, maybe not as rapidly as people would like, but we are doing it.

Mr. Lazzaro has been in Lakewood for 40 years and now lives in Enclave. He sat on the environmental commission when the Co-Gen was being built, and the demand for the great amount of water use that was required, that was resolved by recycling water. When we build in the intensive way that is going on in our town now, how are we recycling water? What is happening to our water sources? He is concerned as a long time resident that we are not doing enough to conserve the natural resources and to save some of the land for rural landscape purposes. We will end up with an asphalt jungle or concrete jungle. We came from that. He suggests that the board form a subcommittee to study the ways to conserve land for rural landscape purposes, and he would be happy to serve on that committee.

Eugene Ferretti, 92 Foxwood Road was sworn in. He said that he lives in the Fairways. His comments were that he has seen things being approved in town that shouldn't have, and buildings going up where they shouldn't be. Before we start building more maybe we should spend a little time to improve our infrastructure, it needs to be done. We all want to keep some greenery in Lakewood. He sees that this committee does listen, and the voices tonight and listen to them. His question is that the master plan advisory committee suggested these changes, and the names mentioned are lawyers, planners etc. His point is that maybe the people on the committee do not have the best interest of Lakewood at heart, just looking to show a profit.

Christine Abrams agreed with all the people speaking tonight, and feels bad for them. They are the ones who can travel, but what about the ones who can't. They couldn't walk to get milk at the corner store, there are no sidewalks, and it is on a busy road with no pedestrian crossing.

Nathan J. Weber, previously sworn in. He is making an assumption that this board listens to the people. He referred to other zoning changes they denied, and has heard again tonight about another plan B-1 to B-1A, and we are here tonight asking the same question, why are you doing this? It is obvious that the people here tonight have concerns, and in your wisdom you have tabled the R-OP zone for the moment, he believes you should to exactly the same thing with this until you come up with something that makes more sense.

Ann Richardson, previously sworn in. She objects to what is being proposed. She remembers when that corner was a 4 way stop. Now we have a traffic light, but to build in this manner on a very busy street would be unsafe. A woman was killed on Route 70 last week, walking. She would like to see it remain the way it is, or a different proposal. They have a WAWA on Route 70 and Massachusetts to get whatever they need.

Seeing no one else approach, Mr. Banas closed this portion to the public.

Mr. Akerman said he hears the concerns and agrees with what the master plan committee had in mind but hearing the concerns, maybe we should consider restricting it further and enforcing whoever owns land there to go in front of the zoning board and leave the zone the way it is, and if they want to put shopping there, they should have to present it to the zoning board and we should not open doors for them to be able to do things, and we should not approve this. Mr. Banas said he believes it is the boards' job to make the changes, rather than leave it in the condition it is now. It's better to have conditions and stipulations here, then to have variances granted for a variety of things.

Mr. Neiman agreed there are areas that the B-1A zone would be beneficial. He doesn't think this is an area for that. This area is established people don't want this in the area. B-1 is not appropriate for this area.

Mr. Gatton lives in this area but the need for this change, he does not see it. Just a mile down the street they are completing another strip mall.

Mr. Franklin said one of the reasons for the B-1 zone is for people to walk up to it, and none of these people are crazy enough to walk to it.

Mr. Banas said he remembers the board fighting for 3 years for a traffic light at that corner, and he feels they need to build something other than houses. The state is really stressing this kind of development and is pushing for it all over the state.

Mr. Slachetka said the board is at a point where it has to decide and establish what it feels is the appropriate land use policy for the community and the state uses may not be appropriate for certain areas.

Mr. Neiman understands the state wanting to move forward with zones like this, but this is a sensitive area that he won't feel comfortable with a B-1 and not even a B-1A until we know what it is and what the restrictions are. Mr. Banas said you permit what you permit. You can say what can't be done. You can eliminate items that do not belong. He feels that if this type of zone is permitted the means that are necessary would be developed and inserted into that area so the problems, not all of them, might be eliminated.

Mr. Franklin said the only reason they got the light is because of the development that went in there. The state says you have to put into these areas, but you don't see it done. You have to watch where you put them. Mr. Banas said it has been done in other areas, and Mr. Slachetka said they have them all around the country, with strict rules and stipulations, smart codes, and other controls that clearly define the development form. He stressed that the state plan has talked about the concept of communities that place developing shopping and service uses approximate to residential clustering development, rather than extending infrastructure out into other developed areas. It is a broader concept, ultimately they are broad planning policies, and townships should develop them according to their individual needs. These decisions are yours to make.

Mr. Klein said it was the estimation so the advisory committee that this is to the benefit of the people of that area or community, but the feeling of the community is that it is just not so.

A motion was made by Mr. Neiman, seconded by Mr. Klein, to keep the zone the way it is now, or to deny the change.

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

Item #28 – Re-zone a portion of the B-5 zone northwest of the Garden State Parkway interchange 88 to allow mid-rise buildings.

Mr. Corby spoke about this item and some of the members were not present when he spoke, and Mr. Banas suggested they table this item until the members listen to the disc. Mr. Neiman and Mr. Herzl need to listen to the disc from 11/2/06 and this item will be heard December 12th.

Items # 29 & # 30 - Re-zone the R-20 zone area on the northerly side of Chestnut Street to the R-M zone at the corner of New Hampshire Avenue and the area of Andrew's Corner apartments and to the R-15 zone from the westerly line consistent with the approved development pattern in the area.

Mr. Flannery said item #29 is an area that is presently undeveloped but there are approvals that have been granted by the zoning board on both the easterly side and the westerly side of that leaving only the undeveloped portion in the middle and it would make sense to make it R-15 to make it consistent with what is on each side of it.

Mr. Gatton asked if the R-M is the apartments and all they were doing was conforming, and was told yes.

Mr. Banas opened the microphone to the public.

Christine Abrams had visuals and asked to get them. Mr. Jackson marked the exhibits Abrams 1 (large 1) and Abrams 2 (small 1), and they become part of the record. They are charts and diagrams with a paragraph on the back of them. She said proposing changing item #29 from an R-20 to an R-15 might seem like a good idea, especially for those who have investment properties in the area as large parcels rezoned smaller to build upon is more profitable. This tract should not be considered for further building. Area #29 falls under the DEP's definition of forested wetlands, and considered this area to be at least state threatened or possibly endangered. Regardless of how it is classified, it is classified. The 1999 master plan advisory committee acknowledged the environmental and greenways commission's identification of Kettle Creek as a watershed for preservation. It is environmental sensitive land and they were identified for preservation and included suggestions by the greenways commission. Today's commission doesn't have the vision it once had, it seems to have ignored everything it said about the Kettle Creek even though nothing has changed with the land. What changed was the make up of the committee itself. What real estate investors own land in that area? The only other study was commissioned by the township committee in December 2004. Blocks 1103 & 1104, and Blocks 1110 – 1118 were delineated and found to contain wetlands. These blocks are included in the section labeled #29. They are located in the upper left portion of the zone that extends parallel to Salem Street. The findings are identified on the large map that was obtained by the township. He and her husband walked the southern arm of the creek and noted the trees in the area, among them is the Atlantic white cedar. These trees are known to have their hollows under the roots to be used as winter dens for the Pine Barrens rattlesnake which is labeled as an endangered species in New Jersey. These trees also provide the specialize acidic habitat necessary for the threatened pine barren tree frog. The tree frog also makes it habitat in lowlands that are carpeted with dense mats of sphagnum moss. Other than the large lots of single family homes, the rest of the area is undeveloped and owned by the township, a few individuals and real estate investors. Other than possibly what Somerset Development wants to do, there are no R-15 lots in the area. She doesn't think much can be done with the land not owned by the township, but what about the land that is? If the 1999 advisory committee's recommendation are upheld, this would be a perfect area for passive recreation, bike and walking paths, connecting the neighborhoods and the sport complex. You can be the heroes and do

what is right with this parcel, do not allow the zone to change. Set aside the vacant land as open space, this board must show good faith to the residents that not all is for naught. You have the authority to recommend parts of this area be used as open space. She asked the board if they had any questions. She pointed to the maps to show how the creek runs through and it is the headwaters of the Kettle Creek and run into Barnegat Bay, and we need to protect this area.

Mr. Banas asked Mr. Slachetka if these lands were already protected with the passage of the C-1 streams. Mr. Slachetka said they are not C-1 streams, C-1 is designated for the Metedeconk.

Michael Gross, 247 Zachary Court was sworn in. He is a biologist and has a PhD in marine studies and wanted to second what Mrs. Abrams had suggested. He said we have flooding problems lately in Lakewood and this is due to overdevelopment and these wetland areas are very sensitive to the stress of development and increasing building area. More development in the area will mean more runoff, which will threaten where there might be endangered species that we don't know about right now. They are the headwaters of the Kettle Creek which runs into the Barnegat Bay which is suffering from an overuse of pesticides and fertilizers that are getting into the water. This water flows through Leisure Village who has had problems with its lake, aquatic vegetation in the lake, Carasaljo has the same problem all due to runoff from pesticides and fertilizers getting into the water and causing the nuisance of this vegetation. This would affect the people downstream and the township has the opportunity to show its stewardship of this natural resource and set it aside as open space.

Bill Hobday said this was the most outrageous of all the recommendations. The idea is this area needs to be protected, and he doesn't understand why it is not. This recommendation is to take this from a R-20 zone, to multi family which includes 2 family duplex housing, multi family housing at 65 ft. high, townhouses, etc. and even townhouses with basements that would probably be underwater. We can't do these things in this area. The pictures show this area is wet and it should be protected. You can't go from pristine wooded area to multi family housing, duplex, multi family housing etc. You can't do that to that environment.

Mr. Neiman asked about #30 but was told the people were talking about #29 now.

Janet Payne said she opposes this.

Emelia Squeo, previously sworn in. She had a question, she thought we had to wait until the regional center was approved before we changed zoning and Mr. Slachetka said no. She is also against this zoning change.

Joe DeFalco, previously sworn in. He congratulated Mrs. Abrams for her very detailed and informative presentation and would like the board to recommend that this area be designated C-1 or something more than what it is. Mr. Jackson said he could contact the DEP and suggest they look into it.

Gerri Ballwanz said Chris and her husband really did a monumental job. She took a walk in that area and didn't dare walk by the creek because there were bushes, vines, ticks, etc., but she did count at least 15 white cedars, which is a vanishing species of trees in the coastal area. They grow where there is wetlands, proving there are wetlands. One of the deficiencies of the 1999 master plan not being followed through was the designation of that block right off of Salem Street, which has not been done. Where Somerset Development cleared cut off Vermont Ave. there is now standing water, which is where this zone begins. If you approve this as R-15 the developer can come in and do more than what he has been approved for. This would be a violation of that Kettle Creek and the standing water will be in somebody's basement. This should have been done in 1999 and should be done now. She suggests denying this and protecting this whole area.

Jay Murphy, 46 Crescent Court was sworn in. He said there is an item called green acres, where they can never build on it and wondered if that would be an answer to preservation of such property which we are talking. You can use it as recreational with bike paths and walkways, and you could not drive through it. Mr. Banas said there are some areas in the township that are green acres, and the land required is a lot larger than this, a lot is privately owned, and some is developed. He suggested looking at the map and see if it fits into the criteria.

Seeing no one else approach, Mr. Banas closed this portion to the public.

Mr. Gatton commented that the words written here don't appear to be as complex and the situation evidently is. We are being asked to vote on some very restricted words, and the situation is more difficult to vote on something so complex, and it is beyond his ability to jump. He asked Mr. Slachetka to clear this up.

Mr. Banas said to split the area up and one is basically without question, it is pretty much developed and stands on its own (item #30). He suggested the board dispose of that number first.

A motion was made by Mr. Klein, seconded by Mr. Akerman, to approve item #30 to be conforming to the current situation

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

Item #29

Mr. Slachetka agreed with Mr. Gatton that this area is more complex than the simple yes or no. The Kettle Creek corridor is an important environmental resource for the township and has been recognized as such in prior master planning documents. It is also recognized as an important open space corridor in the proposed center concept plan. As such, the development form that occurs has to be extremely sensitive to the corridor and that corridor should remain as an open space. A very detailed evaluation assessment of the extent of that corridor and what the municipal properties are in that area are well warranted. It warrants further study and evaluation. This area is zoned R-20 which allows different

development forms, including adult communities. What is important to the township is a comprehensive evaluation of this area and a delineation of the areas that should be protected and warranted for open space protection. He agrees with Mr. Gatton that the planning issues are more complex than might be presented in a simple re-zoning, but we have to evaluate what the current zoning is and how it may impact this area.

Mr. Gatton said he would be pleased to make a motion that we ask for a comprehensive evaluation of this area described in item #29, and to review the existing ordinance, seconded by Mr. Akerman. Mr. Kielt questioned what was meant by future study? Mr. Banas said when the study was completed by the planner, that be presented to the board and action taken at that time. It would be part of the examination report, as we have some unsolved items. Mr. Franklin said wouldn't it be better to make a motion to deny, then make a motion to have the township engineer an area to save, they would have to budget for it. (To possibly purchase parcels for open space.)

Mr. Franklin also said that Mrs. Abrams did a great job.

Mr. Gatton withdrew his application in favor of Mr. Franklin's motion to deny the recommendation for item #29, seconded by Mr. Gatton.

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

A motion was made by Mr. Franklin that this area be referred to the township committee for future study for the possibility of a land save area, seconded by Mr. Herzl

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

Item #31 – Re-zone a portion of the B-5 zone on the northerly side of Route 70 and west of New Hampshire Avenue, the portion along Chestnut Street which is north of the wetlands corridor which crosses Chestnut Street is recommended to be R-12 zone, consistent with the existing development pattern.

Mr. Flannery said this is a small section of Chestnut Street that is in the B-5A , there are homes built in it on 12,000 sf lots, and this makes those homes a permitted use instead of a non conforming use. Mr. Banas asked if this entire area is fully developed and Mr. Flannery said yes, and that there is a wetlands corridor that separates that from the B-5 that is along Route 70, and nothing is vacant.

Mr. Banas opened the microphone to the public.

Warden Gudel, 71C Winchester Drive was sworn in. He would recommend that we keep that zone the way it is. He believes that Finnegan's, Charlie Brown's, and the bank and offices are in that zone. Mr. Flannery said #31 does not include that, but #32 did. Mr. Flannery said it is east of Vermont, on the south side of Chestnut Street. Mr. Gudel said he would be back.

Seeing no one else approach, Mr. Banas closed this portion to the public.

A motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve item # 31 and re-zone this from a B-5 to a R-12 zone to be consistent with the development patterns

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

Item #32 – Retain a balance of the B-5 zone on the northerly side of Route 70 and west of New Hampshire Avenue. This area is viewed as an important gateway to Lakewood Township. Detailed review of the subject area by the Township Committee is recommended. A citizen advisory committee may be appropriate to perform a planning analysis of the B-5 zone and make recommendations to the governing body addressing future land uses.

Mr. Klein said on his map it is marked to be proposed as HD-7, and Mr. Banas said that was changed.

Mr. Gatton said what they would be asked to vote one is to recommend a detailed review of the subject by the Township Committee. Mr. Kielt said the verbiage may be off again, retain the balance of the B-5 highway development zone, there is confusion. Highway development is not true.

Mr. Banas asked what it was and was told they wanted to keep this a B-5 zone. It should say highway business zone. Mr. Slachetka said to avoid confusion, take out the parenthesis.

Mr. Banas opened the microphone to the public.

Warden Gudel, previously sworn in. He said that was the reason he came to the mike, because of the confusion. He recommends they keep the Highway Development zone and get rid of the B-5 zone. Mr. Banas said the B-5 zone is highway business zone. The HD zone allows townhouses, and the B-5 zone is the only zone that doesn't allow townhouses. Mr. Gudel asked if it allowed mid rises and Mr. Sernotti said originally the committee wanted to recommend an HD-7 zone but don't want townhouses, and to have a citizen group to research to see what the neighbors want.

Gerri Ballwanz said maybe multi family is allowed; Section 2 letter D- age restricted multi-family housing which may include 2 family and duplex housing. So it is not just businesses allowed in this zone.

Bill Hobday said this is left up to a recommendation to the township committee with no time line. There is no provision for stopping any proposed construction in the meantime until that study is done. By the time the township committee got around to it, this could be developed. Mr. Banas said he envisioned that after it is approved by this board things will move at a fast mode to get things done. Mr. Hobday said it would involve dollars, and that puts it off at least a year, if not 2 or 3. Mr. Slachetka said the township would not be allowed to put up a building moratorium in any one specific zone or area, and Mr. Jackson said he would have to confer with Mr. Secare to see what the committee can or cannot do. Mr. Hobday just worries what happens in the meantime while the study is conducted.

Seeing no one else approach, Mr. Banas closed this portion to the public.

A motion was made by Mr. Herzl, seconded by Mr. Franklin, to approve item #32 and leave it B-5 and make an advisory committee

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

Item # 33 – Re-zone the R-20 zone area along New Hampshire Avenue between the B-5 zone corridor along Route 70 and the R-12A zone at the Pine Acres development to R-7.5 zone to provide a transitional use between the Route 70 corridor and the residential use at Pine Acres.

Mr. Franklin asked if there already was a project approved there, senior citizen housing. Mr. Banas agreed. It was for assisted living multi story. Mr. Franklin asked if changing the zone foul that plan up.

Mr. Flannery said the project they are speaking about is in the B-5 zone along Route 70 immediately to the north of this #33. Mr. Franklin disagreed and said it is off New Hampshire. Mr. Flannery said the board could not have approved it if it were in the R-20 zone, but it is in the B-5 zone. Mr. Banas asked if this was the Boodleman property and Mr. Flannery said yes. Mr. Flannery said part of the reason for this is because the Boodleman property which is the northerly portion of this was recently approved by the zoning board for mixed use, a combination of multi-family townhouses and single family homes at approximately 5 per acre. You have on the westerly side of New Hampshire the apartment complex, the apartments on the other side, the adult community next to it, and that is why the R-7.5 is proposed. Most of it is undeveloped property with the exception of the Boodleman property which is approved more dense than the R-7.5

Mr. Gatton questioned the book where is said R-7.5 zone residential office professional and Mr. Slachetka said it was a typo, and it should just say residential.

Mr. Banas opened the microphone to the public.

Gerri Ballwanz said that parenthesis, residential office professional, said it was taken from an old map. What is curious is that the zoning board did approve it, the developer has it's plan approved so it should not be changed. Just leave the zone alone, and after the development is built, then change the zone.

Bill Hobay said Mrs. Ballwanz is right on that. He has gotten phone calls saying that the plans are shifting as we speak from what was approved to nearly doubling the number of dwelling units proposed for that area. They went to the zoning board and was approved for x number of dwelling units, therefore, the proposal to change the zone would allow the density to be raised, and the people of Leisure Village will get a lot more homes on their boundary than they agreed to. New Hampshire Avenue is a terrible spot to maneuver to make a left onto that development.

Warden Gudel said he believed they got a site plan approval from the zoning board for that development and if they come back for a re-design, they can come out to complain about it. He is against it and in another he is for it because he owns 4 lots there and that would make it 8.

John Doyle appearing on behalf of Mark Properties. He said the facts are the approvals were granted for senior housing 8 units per acre, the next piece is the Boodleman which was approved for mixed, detached and townhouse total dwelling count 49. This is tiered zoning. The applicant that got approval for 5 units would not come back and ask for 4. This is all about the vacant area, making it a transition area, and it would be less dense than the surrounding properties. The recommendation makes sense, with no duplexes. Mr. Jackson marked Mr. Doyle's exhibit Mark Properties #33-1.

Seeing no one else approach, Mr. Banas closed this portion to the public.

A motion was made by Mr. Herzl, seconded by Mr. Neiman, to approve item #33 and change the zone to R-7.5A with restrictions of no duplexes allowed in this zone.

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

Item #34 – Re-zone a portion of the R-20 zone west of Vermont Avenue and north of the Dover Township border to the B-5A zone adjacent to the B-5A zone to follow existing lot lines

Mr. Flannery said it is in the vicinity of the Lakewood Driving Range, next to the driving range and the zone line runs right through the middle of a piece of property. The majority of the piece of property is in the B-5A zone, a portion of it is the R-20 zone, and the logic was that zone lines should not go through the middle of a piece of property.

Mr. Neiman asked Brian if this was just one lot and he said yes. Mr. Gatton asked if there was building on it and Mr. Flannery said he didn't think so. Mr. Flannery said he thinks it is the driving range property and a small piece of the range is not in the B-5A zone.

Mr. Kielt indicated that several years ago, maybe 2002 there was a rezone and they eliminated all of the B-5A's except to keep them where there were existing developments such as Lafayette Greens. Mr. Flannery said there was an appeal and a judge reversed it and the township didn't revise the ordinance. Mr. Kielt asked if that zone (B-5A) allowed

apartments, and Mr. Flannery said yes, and Kevin thought that was the reason the rezone was done. Mr. Flannery said it was reversed by a judge and the B-5A zone is what is in existence today. Mr. Kielt said he thought the others were reverted to B-5, because the committee did not want anymore apartments along that corridor.

Mr. Banas opened the microphone to the public.

Seeing no one else approach, Mr. Banas closed this portion to the public.

A motion was made by Mr. Neiman, seconded by Mr. Herzl, to approve item #34 to change from the R-20 to the B-5A to follow the existing lot lines.

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

Item #35 – Re-zone the O-T zone on Lanes Mill Road to B-1 zone

Mr. Flannery said there is a small piece of property on the corner of Lanes Mill and Lanes Mill near the Brick Town border. The proposal to change it to a B-1 to be a neighborhood consistent with state's smart growth criteria.

Mr. Banas opened the microphone to the public.

Bill Hobday said it has been discussed that multi-family and townhouses are an approved use in that zone. You were going to have a session wherein you discuss the possibly removing that and that hasn't been conducted yet. This area would not be acceptable for multi-family and townhouses, it should be convenient stores. Mr. Slachetka corrected the report yet again and said it should read the B-1 neighborhood business rather than the residential office professional; that was a typo. But there is multi-family and townhouses allowed in the B-1 zone.

Mr. Slacheta recommended the board maybe make this a B-1A which would restrict the townhouse and multi family from this zone. Mr. Banas said the planning board does not want to see any residential there.

Ann Richardson said she lives on Lanes Mill Road and this was an R-20 zone which was changed to O-T at some point. Now you are trying to change it to a B-1. She would like the board to know that in this particular area there is wetlands, and she has a map showing where the stream is and an artesian well on one of the lots. In the 1800's this whole area was underwater. It was a flood plane with a working wood mill, but there are many underground streams which flow to the Metedeconk which is a C-1 stream. There have been problems there before where they tried to build in that area and was denied because of the underground streams. If you destroy the underground streams you will destroy everything. There is a creek there and it will flood out several areas, Lanes Mill Road floods, and the water goes into the creek which fills up and goes under the road directly to the Metedeconk. She would like the board to reconsider this area from any building and the DEP investigated behind her house and said the habitat of animals and

vegetation were evident and they moved the sewer line as to not disturb it. She advises discussing this with the DEP and CAFRA because this area is very environmentally sensitive. She opposes changing this zone.

Gerri Ballwanz agreed with Ann Richardson and the wetlands and to have this zone extend to the north side of Lanes Mill and County Line Road and include it where the river goes is foolish. To say the DEP will protect it doesn't always happen, permits are given then people have problems later on. It is along the C- 1 stream and should not be touched. She said to deny this.

Janet Payne said she is not for this and it should remain unchanged.

Sam Brown appeared on behalf of Moskowitz family. This is a transition area between Lakewood and Brick and this is the most appropriate area for the B-1 zone. It entices the owner to do something nice for that property. The Leifer family who own this property for over 40 years has never been able to do anything here for the reasons that the comments from the public were on point. There are environmental issues on this property, wetlands are on this property, so to do something with this property is a stretch. Changing the zone would give some flexibility to develop and give the owner an incentive to do something with the lot except leave it as mud.

Mr. Neiman asked Mr. Brown since this is near the environmental sensitive area near the C-1 stream, a good portion would not be able to be built upon, and Mr. Brown said yes.

Mr. Akerman asked Mr. Brown how much of the property is wet, and he could not answer it.

Ann Richardson said where he is talking about, the water lays there constantly, she has a chart which shows where everything is. She pointed to show where all the ponds, wells and streams are. If he wants to fix up the property, the blue house that is a rental is in need of repair. Mr. Banas suggested going to code enforcement. She wants the board to return it to R-20.

Mike Sernotti said the zone is a transitional zone and the regulations the state is putting into effect, you are not going to be able to build within 300 ft. of the zone. It is up to the state to make sure the property owner does not overdevelop it.

Christine Abrams said it should be taken care of at the local level. Why wait for the state, so it won't get missed. She doesn't feel it is transitional until you get to Route 88.

Seeing no one else approach, Mr. Banas closed this portion to the public.

Mr. Klein understands the concerns about the wetlands and the sensitivity but they are state protected. He said the area is a mud hole and a turn around for trucks. He doesn't see it as a bad concept.

Mr. Banas said they discussed putting some limits on this like a B-1A or something like that. They thought a business would be good, like a WAWA, but not homes and a not a gas station, so those should be eliminated from the description.

Mr. Neiman said the area there now would have to go through the state and C-1, and to limit it to a just a certain use. Mr. Slachetka said if they are creating a new district, (B-1A) you might want to consider the option of doing some type of residential form, the R-15 is consistent with adjoining residential areas. Mr. Neiman said to restrict a zone to strictly business without residential in a residential area, we should allow some type of residential.

Mr. Flannery said the advisory committee thought a B-1 zone gives the flexibility and the modification would be to remove the R-M as a permitted use and move it to a conditional use and have the Township Committee look at the conditions, and that would be a compromise.

Mr. Akerman said 7,500 sf lots are allowed in the B-1 zone and it should not be taken out, especially since there are wetlands. Mr. Slachetka stated there is another residential form that is permitted in the B-1 is a combined business and residential uses. If you remove the R-M from the provision, then the other residential uses permitted are permissible.

Mr. Franklin said why not leave it the way it is, because we can't even come up with something, and can't find anything sufficient. That is one of the worst places in Lakewood.

Mr. Klein said maybe some type of hybrid recommendation (B-1A) that would restrict R-M type .

A motion was made by Mr. Klein, seconded by Mr. Akerman, to approve item #35 to change from the O-T zone to the B-1A with the restriction on R-M type uses and gasoline stations.

Mr. Neiman said all uses excluded in the R-M zone what are they? Mr. Banas said townhouses, 2 family, multi-family.

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

Mr. Banas stated the next meeting for master plan discussion is December 12, 2006.

5. CORRESPONDENCE

None at this time.

6. PUBLIC PORTION

Ann Richardson asked Mr. Akerman what he was referring to when he said 14 or 15 acres? He said he thought the area was approximately 15 acres, and she said it is one lot 182x284, 100x209, 116x172, 133x324, 1.4 acres, totaling less than 14 acres, unless you are including the wetlands. He said he was including the wetlands. She said we really don't need any stores there.

Gerri Ballwanz said we have spent 15-16 hours going over these 35 zones and was wondering how many hours the master plan advisory committee devoted to the subcommittee report. Did they spend this amount of time. Mr. Banas said they did very diligently and many many hours.

Christine Abrams just wanted to say thank you on behalf of Kettle Creek.

Jerry Tchir wanted to confirm the proposal SD 1550 Seymour Investments, Calgo Gardens Nursery will be held on December 19, 2006 and was confirmed by Mr. Kielt.

Janet Payne wanted to know when will the board talk about saving the trees in the master plan, and was told it could be December 12, 2006.

Warden Gudel wanted to know what is considered a mid-rise and Mr. Slachetka said considered 4-6 stories in height. What is what is on Cedar Bridge, and that was a zoning board application, which would be mid rise (65 ft).

Bill Hobday said earlier on there was a suggestion from Mr. Flannery that said I survived the review and he agrees with that, and thinks Mr. Flannery's firm should provide that.

Seeing no one else approach, Mr. Banas closed this portion to the public.

7. APPROVAL OF BILLS

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

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

8. APPROVAL OF MINUTES

Minutes from November 8, 2006

Minutes from November 14, 2006

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

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

11. ADJOURNMENT

The meeting was hereby adjourned. All were in favor.

Respectfully submitted
Chris Johnson, Planning Board Recording Secretary