

**LAKWOOD DEVELOPMENT CORPORATION
MINUTES
OPEN SESSION
MEETING OF: NOVEMBER 14, 2006**

Adequate Notice of this meeting was provided in accordance with the Open Public Meetings Act, P.L. 1975, c. 231.

Meeting was called to order at 4:38 PM by Chairman Moshe Z. Weisberg. Reading of the Sunshine Law was performed by Mary Kay Berger and followed by Roll Call of members for attendance:

PRESIDING: R' Moshe Zev Weisberg

PRESENT: Trustees: Bertram Albert, Lynn Celli, Charles Cunliffe, Michael J. D'Elia (left at 5:35 PM), Mitch Dolobowsky, Ada Gonzalez, Abraham Muller (4:55 PM), James Waters.

ALSO PRESENT: Russell K. Corby, Executive Director; Kevin Starkey, Esq.;
LDC Staff: Douglas Doyle, Patricia Komsa, Gidalty G. Cruz, Mary Kay Berger, Anita B. Doyle

ABSENT: Trustees: Stanley Federowicz, Adam Lieberman, Robert Mohel, Sen. Robert W. Singer, Francis Edwards, Alt., James Savage, Alt.

APPROVAL OF MINUTES OF OCTOBER 3, 2006:

Charles Cunliffe/Ada Gonzalez - Motion to accept the transcribed minutes of October 3, 2006 as presented.
All in favor.

OLD BUSINESS:

None

NEW BUSINESS:

**Presentation on Strand-Heineman Property Matter (By Mr. Steven Pfeffer, Esq. and Mr. Ben Heineman)-
Strand-Heineman Property Matter**

Mr. Heineman has retained Mr. Graziano as appraiser for both properties (Block Lots 15 and 16 and the parking lot designated as Block 92 Lot 5). Mr. Graziano was approved by Mr. Secare, Esq. to perform the appraisals which are to be paid by Mr. Heineman and the allocation of costs would be negotiated at a later date. This is being done presently in terms of the proposed land swap. This project would require development using the prevailing wage rate, which would be an increase to the project of approximately 30%.

There is an estimate of \$7,000,000.00 for the construction of 3 floors. While they are proceeding with the land swap through state statute; Mr. Pfeffer and Mr. Heineman would like to know what is the next step. There is also a question of who would monitor the garage floors. Mr. Corby confirmed that they have a fairly accurate estimate of building costs and that someone from the Township committee, maybe Mr. Secare and himself, would have to determine what portion of this is physically going to be municipally owned. Pending the land swap, then a project proposal can be written.

Mr. Pfeffer stated that the figure represents 92,000 square feet, that a 5th floor is not included in this figure. Mr. Cunliffe requested a brief detail of how the building would be laid out. Mr. Pfeffer complied. Floors 2 thru 5 would be parking spaces totaling 207. Mr. Cunliffe asked what would we be replacing. Presently, there are 58 spaces, replied Mr. Heineman. Mr. Cunliffe requested that we take a look at possibly adding two floors to existing plans. Mr. Heineman is open to suggestions and stated that additional floors would require variances but, which would not likely be a problem. Discussion followed. It has been estimated to cost approximately \$86.00 per square foot. If the floors were to be added, (30,000 square feet) then they would have to request more money. From a construction point of view, it would be feasible. If the UEZ/LDC is a co-applicant, they wouldn't need an actual variance. The planning board would consider looking it over administratively. Mr. Cunliffe asked, "what would happen to the building"? This would be determined by owner (Twp. or UEZ/LDC) after land swap. The value of land needs to be determined. They are getting two certified MIA appraisals. Rabbi Weisberg asked, where would you put the buses dropping off Strand patrons? Discussion followed. Mr. Corby explained that the Police Department has rearranged the bus circumstance up to 5th street and the scheduling by the Strand has lessened the problem.

Mr. Cunliffe asked that research be done on the prevailing wage. Mr. Corby explained that the prevailing wage is a statutory matter and UEZ policy. Mr. Albert asked, when he is doing his part of the building, does he have to do it at prevailing wages or can he pay labor at regular wages? Discussion followed. This has to be researched. Mr. Waters said that according to the plan, the handicap spaces were not near the steps. Mr. Heineman stated, the plan is just a rough sketch and that the handicap spaces would be in the right places. Mr. Waters was concerned about the traffic emptying out on 4th street and he will support. Mr. Waters suggested having traffic empty out on two different streets. Discussion followed. Mr. Heineman stated that he performed an inventory and that there are 73 storefronts and 74 parking spaces on Clifton Ave. Discussion followed. Mr. Pfeffer stated that the jurisdiction of the parking garage floors would have to be determined. The process of the LDC project approval was discussed. Mr. Corby stated, now that we have some hard numbers that they can develop a project proposal and that would be voted on by the LDC. Then there would be a presentation made in Trenton. A project proposal can possibly be drawn up by December or January. Discussion followed. Mr. Albert asked, "what are they looking for from this committee besides approval"? Mr. Pfeffer stated, that in terms of grants, the amount of years, in exchange for x amount of years by giving free parking for the community seeking money for that portion of the building that deals with the garage. We need to negotiate the lease. Discussion followed.

Mr. Cunliffe asked the committee members how they felt about the parking problem in town (regarding building the additional floors). Mr. Dolobowsky agreed that it should be

considered. Mr. D'Elia stated, if we are going to do it, then do it now. Discussion followed. Mr. Corby stated that there is a certain limitation to the amount of money that is available through the UEZ. Ms. Celli thinks the project looks beautiful, but she has a few concerns; after the lease ends, who monitors the safety and the police ... afterward. Mr. Pfeffer stated that the terms would have to be negotiated, what is the initial term and are there any options for renewal. Ms. Celli asked, "could the municipality charge for parking just like Toms River does with meters?" Mr. Pfeffer stated that the parking would be given free as part of the negotiations. Discussion followed.

Rabbi Weisberg synopsisized that there are two phases, the first being the land swap, which is simply a fair market value swap. Both properties are appraised and if it is in the interest of the township to swap properties we simply get the fair market value of both properties and add and subtract whatever it has to be. The site has to be secured. Once the site is built, you are not interested in going into the parking business or making a profit on this. You live in the area as well and your business is right there in the area and you're basically doing this as a public service, you want to be held harmless in terms of the cost to make sure you recoup whatever the arrangements are in terms of the operation of it. Strictly you are coming to this board to build the parking lot and to possibly operate the parking lot, but you're not coming in terms for any assistance for your own private business. Mr. Heineman acknowledged that this was correct. Mr. Heineman stated that we can not decide later to add another floor, it would have to be built in as we go now. An additional floor would bring 69 parking spaces.

Mr. Muller asked if there was any provision made for parking during the term of the construction. Mr. Heineman said that it is something we can discuss. Mr. Heineman explained options for parking, such as valet parking, either all day or have them go to 2nd and Madison (parking area). He stated that if construction started in April, it would take one year. Discussion followed. Mr. Corby again stated that they would prepare a project for a formal vote. Discussion followed. Mr. Heineman asked that they let him know about the prevailing wage. Discussion followed.

CLOSED SESSION: 5:13 PM

Mr. D'Elia/Ms. Gonzalez motion to go into closed session. Carried
Mr. Waters/Ms. Celli motion to go into open session. Carried

OPEN SESSION: 5:24 PM

DIRECTOR'S REPORT:

Mr. Corby gave a brief report on matters listed on the agenda that will be discussed and for action by the Trustees:

- 2005 Audit
- Resolution for LDC Meetings for 2007
- LDC Bill List
- 2nd Generation Funds
- FTZ 235

- Blinds To Go – Resolution Lease Subsidy
- Remove 06-11-3 from Agenda, already established with our market project
- UEZ Ethics Compliance – Disclosure Form
- Amendment to Job Link (to maintain bus service)
- Contract award to Mark Pavliv
- Appraisal Franklin Street Redevelopment Area
- Master Plan
- Authorizing the Restructuring of the GourmetEssen, LLC Microloan

Mr. Corby reviewed the Map - Franklin Street - recommend we tell planning board that this area should not be exclusively midrise but instead a permitted use. Route 70 – recommend it be conditioned use not an exclusive use. Those are the two areas that the LDC/UEZ is affected by. Mr. Muller asked what Carluccio’s letter was about. (Mr. D’Elia left meeting at 5:35 PM) Mr. Corby gave a brief explanation that the letter urges the LDC not object to the designations. Suggests that it could be included as a permitted use instead of as exclusive use. Discussion followed.

Mr. Dolobowsky stated that (midrise zoning) was recommended to be an overlay on the existing zone, however, somewhere between master plan committee recommendation and being presented to the planning board that definition the word “overlay” was left out and it became a self standing zone. It was not intended to be only midrise there. Discussion followed. Ms. Celli asked, are both those areas to be mixed use? Mr. Corby, our recommendation is that they would be permitted as a conditional use; therefore, make those zones mixed use zones. Mr. Albert asked if the area is adjacent to the industrial park? Discussion continued. Mr. Albert stated that he couldn’t see putting housing in that area.

Mr. Cunliffe stated that we are not the ones who decide whether or not housing is or isn’t going to be there. We are saying don’t take our B5 away from us and let us continue developing the area. Let us continue with the B5 on Route 70. Discussion followed. It would not change the M1 area. Discussion continued. Ms. Celli stated that in the future, that if they want to put homes or apartments there, they can. Mr. Cunliffe stated that is not the decision of this board. That is up to the planning board. Discussion continued. Mr. Corby explained “Redevelopment Plan” and suggested not to make the property exclusive. Discussion continued.

COMMITTEE NONE: None

COMMENTS FROM THE PUBLIC:

Pat DeFilipis asked if midrise zoning decreases size of UEZ?

Mr. Cunliffe answered her regarding overlay instead of rezoning exclusively.

COMMENTS FROM TRUSTEES: None

CONSENT AGENDA: The following Resolution was presented for adoption.

Resolution for LDC Meetings Calendar Year 2007

Motion by Waters/Muller to adopt the resolution as presented.

ON ROLL CALL:

Trustee	Aye	Nay	Abstain
Bertram Albert	X		
Lynn Celli	X		
Charles Cunliffe	X		
Mitchel Dolobowsky	X		
Ada Gonzalez	X		
Abraham Muller	X		
James Waters	X		
Moshe Weisberg	X		

The above motion hereby being duly adopted by the Lakewood Development Corporation.

NON-CONSENT AGENDA: The following Resolutions were presented for adoption.

Blinds To Go – Lease Subsidy - \$50,500.00

Motion by Cunliffe/Dolobowsky to adopt the resolution as presented.

ON ROLL CALL:

Trustee	Aye	Nay	Abstain
Bertram Albert	X		
Lynn Celli	X		
Charles Cunliffe	X		
Mitchel Dolobowsky	X		
Ada Gonzalez	X		
Abraham Muller	X		
James Waters	X		
Moshe Weisberg	X		

The above Resolution hereby being duly adopted by the Lakewood Development Corporation.

**Resolution Awarding Professional Service Contract to Kathy Marmur Appraisals
Franklin Street Redevelopment Area - \$500.00 (Block 123, Lot 7)**

Motion by Cunliffe/Dolobowsky to adopt the resolution as presented.

ON ROLL CALL:

Trustee	Aye	Nay	Abstain
Bertram Albert	X		
Lynn Celli	X		
Charles Cunliffe	X		
Mitchel Dolobowsky	X		
Ada Gonzalez	X		
Abraham Muller	X		
James Waters	X		
Moshe Weisberg	X		

The above Resolution hereby being duly adopted by the Lakewood Development Corporation.

Resolution Authorizing the Restructuring of the GourmetEssen, LLC Microloan

Motion by Celli/Muller to adopt the resolution as presented.

ON ROLL CALL:

Trustee	Aye	Nay	Abstain
Bertram Albert	X		
Lynn Celli	X		
Charles Cunliffe	X		
Mitchel Dolobowsky	X		
Ada Gonzalez	X		
Abraham Muller	X		
James Waters	X		
Moshe Weisberg	X		

The above motion hereby being duly adopted by the Lakewood Development Corporation.

06-11-7 Resolution for UEZ 07-36 Job Link Project

Motion by Cunliffe/Dolobowsky to adopt the resolution as presented.

ON ROLL CALL:

Trustee	Aye	Nay	Abstain
Bertram Albert	X		
Lynn Celli	X		
Charles Cunliffe	X		
Mitchel Dolobowsky	X		
Ada Gonzalez			X
Abraham Muller	X		
James Waters	X		
Moshe Weisberg			X

The above motion hereby being duly adopted by the Lakewood Development Corporation.

06-11-8 Resolution to Award Professional Service Contract to Mark Pavliv, AIA – Strand Theater project (UEZ 03-05) not to exceed \$15,000.

Motion by Waters/Albert to adopt the resolution as presented.

ON ROLL CALL:

Trustee	Aye	Nay	Abstain
Bertram Albert	X		
Lynn Celli	X		
Charles Cunliffe	X		
Mitchel Dolobowsky			X
Ada Gonzalez	X		
Abraham Muller	X		
James Waters	X		
Moshe Weisberg	X		

The above motion hereby being duly adopted by the Lakewood Development Corporation.

Motion by Cunliffe/Dolobowsky

Motion: LDC to recommend to Lakewood Planning Board that the midrise zones not be exclusively midrise and we would still be able to have our urban enterprise zones B4 and B5 uses as the underlying zones for those areas and that the areas would not be exclusively residential midrise only. (This motion is to be memorialized at the next LDC meeting)

ON ROLL CALL:

Trustee	Aye	Nay	Abstain
Bertram Albert	X		
Lynn Celli	X		
Charles Cunliffe	X		
Mitchel Dolobowsky	X		
Ada Gonzalez	X		
Abraham Muller	X		
James Waters	X		
Moshe Weisberg			X

ADJOURNMENT:

Mr. Waters/Mr. Cunliffe: Motion to adjourn the meeting. Carried.

Meeting was adjourned at 5:54 PM

Dated: November 30, 2006

Mary Kay Berger, Executive Secretary