

**The Lakewood Township Committee held a Meeting on Thursday, September 24, 2009 in the Lakewood Municipal Building, at 6:30 PM for the Executive Session, and 7:30 PM for the Public Meeting, with the following present:**

**Mayor.....Robert Singer**  
**Deputy Mayor.....Steven Langert**  
**Committee Members..... Menashe Miller**  
**Raymond Coles**  
**Meir Lichtenstein**  
**Municipal Manager..... Frank Edwards**  
**Municipal Attorney..... Lawrence E. Bathgate, II, Esq.**  
**Jan Wouters, Esq.**  
**Municipal Clerk.....Mary Ann Del Mastro**

**Adequate notice of this meeting has been provided in accordance with the provisions of the Open Public Meetings Act, N.J.S.A. 10:4-6, by Resolution of the Township Committee adopted January 1, 2009 and published in the Asbury Park Press on January 8, 2009.**

**ROLL CALL**

**CLOSED SESSION**  
**Resolution No. 2009-309 – Adopted.**

**ROLL CALL**

**SALUTE TO THE FLAG AND PRAYER**

**OPEN SESSION**

**MOTION TO APPROVE MINUTES OF: 09/03/00**  
Motion by Mr. Coles, second by Mr. Miller, and carried, to approve the above Minutes.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 09/03/09**  
Motion by Mr. Coles, second by Mr. Lichtenstein, and carried, to approve the above Closed Session Minutes.

Mayor Singer advised that the two officers that were injured have been released from the hospital; one other officer underwent surgery today for the injury to his foot, and is doing very well; the fourth officer is under care at the UMDNJ. All Committee members have visited the injured officers.

Mayor Singer further advised that as they have all been up for many hours, and all are very tired, that they will move the meeting along very quickly this evening, and to please keep that in mind during the public portion of the meeting.

**PRESENTATIONS – None**

**ORDINANCES FOR DISCUSSION - None**

**QUALITY OF LIFE**

Mayor Singer reviewed quality of life items from the previous meeting.

As to the review of crash data for County Line Road and Laurelwood Avenue, Mr. Day advised that he received the information from the Police Department, and he has forwarded that information to the County requesting a left turn signal at that intersection.

Mr. Lichtenstein requested a response at the next meeting.

As to the traffic signalization at Route 88 and Route 9, Mr. Day advised that the NJDOT will make a presentation to offer certain modifications.

As to the traffic intersection issues at Somerset Avenue and County Line Road, Mr. Day advised that the County went out to the site and did not find anything wrong at Somerset; the lights were all in synch; they checked East End to Twin Oaks, and there was one light at Twin Oaks that has been reset.

As to the issue at Fourth Street and Park Avenue, Mr. Franklin advised this matter has been resolved.

As to the overgrowth of bushes at Jay Street and Warren Street, Mr. Franklin advised that the weeds have been cut.

As to the light pole down on Avenue of the Americas, Mr. Franklin advised that they are waiting for the insurance company to pay for the damages.

As to gang graffiti in the Chestnut Street area, Mr. Saccamanno advised that there are six poles affected, and he has sent the information to Mr. Dineros. There may be a problem concerning who is responsible for the poles.

Mayor Singer suggested that if there are any problems, to please let him know, and he will follow up.

As to the issue of the bicycle lane on Pine Street, this matter has been resolved.

As to the issue on Seminole Drive, Chief Lawson advised that he contacted the Chief of Police in Jackson, and he will advise his officers that it is a public road, and can be utilized.

Comments from Committee members:

Mayor Singer advised that the lights are still out at the exit coming off the Parkway on Airport Road, as well as along Airport Road; there are a total of twenty-six lights that are not working.

Mr. Day advised he will call the utility company.

Mayor Singer advised they have been receiving telephone calls with regard to the new school on Massachusetts Avenue, as to the location of the dumpster. It is in clear view of the neighbors and residents. It should be moved to an area where the residents do not have to look at it, and to where Public Works will have access to it. He asked Mr. Franklin to look at the site. The location of the trailer is in question. The school had no problem with placing the trailer behind the building, but they claim they were told to put it at the location to block the noise from the children playing on the basketball court. Mayor Singer stated he did not know who it was who told them where to put the dumpster and trailer, but he would like the professionals to look at the site, so as not to offend the neighbors, so they do not have to look at a dumpster, and where it would make sense to relocate the trailer.

Mr. Kielt added there was no site plan approval for this project. There was no site plan approval required; it fell under the administrative approval of a site plan because it met the parameters. There was no board approval required, neither zoning or planning; it strictly went through the zoning office.

Mayor Singer requested that the Township Attorney look at modifying the Ordinance to require that a site plan is necessary.

Mr. Miller and Mr. Saccamanno advised that the trailer has been located within the required set backs.

Mr. Miller advised that he was notified about three pit bulls on a property where the fence is broken; the dogs seem to sleep all day and bark all night. He provided the information to the Chief of Police and Public Works.

Mr. Lichtenstein advised he will not sign the bill for JCPL. They take forever to respond to the Township's requests for repairs to lights, and to install additional lights.

Mayor Singer advised he will follow up with JCPL.

Comments from the public will be heard for a limit of one (1) hour. Each speaker will have four (4) minutes and shall be limited to one time at the podium.

Mayor Singer opened the meeting to the public

Bill Hobday, 30 Schoolhouse Lane – Commented with regard to the new school on Massachusetts Avenue, and the placement of the trailer and dumpster, and the lack of site plan approval.

Noreen Gill, 192 Coventry Drive – Commented with regard to the new school on Massachusetts Avenue, and the lack of site plan approval.

Chris Abrams, Coral Avenue – Offered prayers for the recovery of the injured police officers. Commented with regard to the overgrowth of bushes on County Line Road, in the area of Holy Family School; it is causing a safety hazard.

Mayor Singer advised they will take care of it.

Alice Kelsey – Offered thoughts and prayers for the recovery of the injured police officers. Commented on issues of the homeless. Asked if the Township has given any thought to how the homeless people in the woods will be kept warm during the winter.

Mayor Singer answered they will be removed from the woods to available housing.

Diane Iannarone, Leisure Hack Taxi and Laurel Transportation – Commented with regard to illegal taxi companies.

Deputy Mayor Langert responded with regard to the Ordinance on the Agenda this evening.

Chief Lawson responded that the Police Department has done periodic enforcement and summonses have been issued, and they will continue to do so.

Mr. Edwards asked that the information be provided to Deputy Mayor Langert, the Liaison to the Transportation Board, regarding the illegal taxi companies, and also as to her request for a rate increase.

Joseph \_\_\_\_\_, Lakewood Transportation - Commented with regard to the illegal taxi companies.

Mayor Singer suggested that all the owners of the taxi companies meet with the Transportation Board and a representative from the Police Department to discuss the issues.

Larry Simons, 7 Schoolhouse Court – Commented for Mr. Cunliffe with regard to today's shooting incident, and expressed thoughts and prayers for the recovery of the injured police officers.

Mayor Singer advised that the incident was not gang related; it was trafficking of illegal weapons, and has been under surveillance by ATF and the Prosecutor's Office for a long time.

Ann Richardson, 1870 Lanes Mill Road - Offered thoughts and prayers for the recovery of the injured police officers. Advised of the street light outages at Clover Street and Cedarbridge Avenue.

Mr. Lichtenstein asked Mr. Edwards to forward that information to Mr. Dineros.

Ms. Richardson also commented with regard to the incomplete project on Massachusetts Avenue, it is now in disrepair with broken windows; the entire area has been vandalized, and there is garbage strewn all over the site.

Mr. Edwards advised that the Township is aware of this project. They looked into it, and found that the property taxes are up to date; they have determined who the bank is who has funded the taxes; and the Inspection Department is working with the bank to get them to bring the project into compliance, to either board it up, or be issued a demolition notice.

Mayor Singer stated that if the owners or bank are not willing to bring the project into compliance, he suggested the property should be condemned. The buildings will be demolished, and a lien will be placed on the property.

David Richardson, 441 Monticello Court – Commented with regard to the new school on Massachusetts Avenue, and the placement of the trailer, and the lack of site plan approval.

Gerry Ballwanz, Governors Road – Commented with regard to the new school on Massachusetts Avenue, and the Ordinance on the Agenda this evening for Planned Educational Campus requirements.

Dan Bogish, 82 Enclave Boulevard – Offered thoughts and prayers to the injured police officers and their families. Commented with regard to the new school on Massachusetts Avenue, and the placement of the trailer and the dumpster.

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

## **CONSENT AGENDA**

The items listed below are considered to be routine by the Township of Lakewood and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

- 1. Resolution authorizing submission of application to New Jersey Urban Enterprise Zone authority for Enterprise Zone Assistance Funds for the year 2010, in the amount of \$690,575. (UEZ – Police Officers)  
Resolution No. 2009-310**
- 2. Resolution approving a Leave of Absence, without pay, Mamie Morgan, from September 14, 2009 to September 20, 2009.  
Resolution No. 2009-311**
- 3. Resolution authorizing the Insertion of a Special Item of Revenue into the 2009 Municipal Budget, for final Bond Payment of the Baseball Stadium, in the amount of \$1,839,402.00. (Chapter 159 – UEZ – Final Bond Pmt./Baseball Stadium)  
Resolution No. 2009-312**
- 4. Resolution authorizing the Insertion of a Special Item of Revenue into the 2009 Municipal Budget, for Obey the Signs or Pay the Fines Grant, in the amount of \$4,000.00. (Chapter 159 – “Obey the Signs or Pay the Fines”)  
Resolution No. 2009-313**
- 5. Resolution authorizing the Insertion of a Special Item of Revenue into the 2009 Municipal Budget, for Click it or Ticket Grant, in the amount of \$4,000.00. (Chapter 159 – Click it or Ticket)  
Resolution No. 2009-314**
- 6. Resolution authorizing the Insertion of a Special Item of Revenue into the 2009 Municipal Budget, for CDBG Grant Assistance, in the amount of \$210,840.00. (Chapter 159 – CDBG – American Recovery & Reinvestment Act of 2009)  
Resolution No.2009-315**
- 7. Resolution approving a Leave of Absence, without pay, for Christine Lappas, from August 31, 2009, to November 30, 2009.  
Resolution No. 2009-316**
- 8. Resolution awarding a contract to Quality Communications for the purchase of a Digital Mobile Video Recorder System pursuant to and in accordance with N.J.S.A. 40A:11-1 et. seq., in the amount of \$228,555.00. (Police – In Car Video System)  
Resolution No. 2009-317**
- 9. Resolution authorizing a State Contract Purchase of Eight (8) Laptop Computers, Accessories and Services, in the amount of \$40,247.12. (Police Computers)  
Resolution No. 2009-318**

- 10. Resolution authorizing Renewal of Participation in the Central Jersey Health Insurance Fund.  
Resolution No. 2009-319**
- 11. Resolution releasing a Performance Guarantee, posted by South Clear, LLC, in connection with Application SD#1551a, Block 11, Lots 5, 16, 21-23, 35, 97 and 101, and Block 5, Lot 1.0 and 5, in the amount of \$399,485.00.  
Resolution No. 2009-320**
- 12. Resolution reducing the Performance Guarantee (First Reduction) posted by Somerset Vine, LLC, in connection with ZB#3609aaa, Block 778.02, Lots 20 & 21, Block 779, Lots 1 & 2, Block 780, Lots 1 and 2, and Block 781, Lot 1, in the amount of \$272,770.00.  
Resolution No. 2009-321**
- 13. Resolution authorizing the Tax Collector to conduct a Tax Lien Sale.  
Resolution No. 2009-322**
- 14. Resolution authorizing the Lakewood Tax Collector to cancel any and all Property Taxes on Block 1449, Lot 3.32 due to Disabled Veteran Exemption, in the amount of \$5,618.67.  
Resolution No. 2009-323**
- 15. Resolution authorizing entering into a Contract with an Administrative Agent for the Administration of Affordable Units in Lakewood Township. (Rehabco)  
Mr. Coles removed the above Resolution from the Consent Agenda.**
- 16. Resolution authorizing the Lakewood Tax Collector to cancel any and all Property Taxes on Block 278, Lot 3 due to Disabled Veteran Exemption, in the amount of \$4,096.32.  
Resolution No. 2009-324**
- 17. Resolution Commending Responders for their actions in responding to the fatal fire at the Capitol Hotel.  
Resolution No. 2009-325**

Motion by Mr. Coles, second by Mr. Miller, to approve Resolution Nos. 1 through 14, 16 and 17 on the Consent Agenda.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Ordinance Nos. 2009-310 through 2009-325 – Adopted.**

The following Resolution that was removed from the Consent Agenda was not addressed, and therefore died.

**15. Resolution authorizing entering into a Contract with an Administrative Agent for the Administration of Affordable Units in Lakewood Township. (Rehabco)**

**ORDINANCE SECOND READING**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter IX (Taxicabs), Section 9-6.2 (Fee) of the Revised General Ordinances of the Township of Lakewood. (Section 9-6.2 - Taxicabs)**

Read by title only for second reading.

Motion by Deputy Mayor Langert, second by Mr. Coles, to carry this Ordinance to a meeting date to be determined.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Deputy Mayor Langert amended his Motion to reflect that second reading and public hearing on Ordinance No. 2009-34 is carried to the meeting of December 3, 2009.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, vacating a portion of a Public Right of Way located along Case Road adjoining Block 21, Lot 4. (Vacation portion Case Road)**

Read by title only for second reading.

Mayor Singer opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Miller.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Ordinance No. 2009-47 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:21-1, et seq., granting Abatement to local property taxes to Site Consultants, L.P., for facilities located at Block 386, Lot 17.02, Prospect Street Industrial Zone, and authorizing the Mayor and Township Clerk to execute any and all documents necessary and proper to enter into a Tax Abatement Agreement. (Abatement – Site Consultants, L.P.)**

Read by title only for second reading.

Abraham Penzer, Esq., representing the applicant, and Chuck Ferguson, were present. Also present was the principal of Site Consultants.

Mayor Singer asked Mr. Penzer to give a brief synopsis on the project. Mr. Penzer offered thoughts and prayers for the recovery of the injured police officers. Advised that his client, Mr. Ferguson, has been in Lakewood since 1987. This is a small business park on Prospect Street; it is two buildings consisting of 25,000 square feet, and basically he proposes to rent warehouse, workshop, and offices. There will be approximately ten to twelve businesses, which should generate about forty jobs. Without the abatement, in this economy, they do not think they would be able to get tenants. They feel they need this abatement so they can pass on the savings to the tenants.

Mayor Singer opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Mr. Coles, second by Mr. Lichtenstein.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller and Mayor Singer.

Not Voting: Deputy Mayor Langert

**Ordinance No. 2009-48 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:21-1, et seq., granting Abatement to local property taxes to Cedar Holdings, LLC, for facilities located at Block 536, Lot 75.04, and authorizing the Mayor and Township Clerk to execute any and all documents necessary and proper to enter into a Tax Abatement Agreement. (Abatement – Cedar Holdings, LLC)**

Read by title only for second reading.

The applicant, Moses Shvarzblat, 1501 North Lake Drive, was present.

Mayor Singer asked Mr. Shvarzblat to give a brief description of the application.

Mr. Shvarzblat advised that the project consists of a shopping center, with warehouse space in the basement. It is the fourth project that he has developed in the area of Cedarbridge Avenue, within two blocks. They are negotiating with businesses from Howell to bring them back to Lakewood. The building has been designed to be green, with solar panels, in order to conserve energy.

Mayor Singer opened the meeting to the public.

Joseph Kahn, 407 Ashley Avenue – Stated that the additional stores have been very helpful in the area. It is a positive thing for the neighborhood.

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

Mr. Lichtenstein stated that in the past, when Mr. Shvarzblat came to the Committee for a similar project, he voted against the tax abatement, and that was because he felt that the downtown was beginning to suffer, and he thought he was pulling business out of the downtown area. He is hearing something different this time. He asked what is happening that is different this time.

Mr. Shvarzblat answered that the businesses have approached him, and the reason they moved is because they needed larger stores and parking, and they came to him. He is now working with stores in Howell, that left Lakewood, and they are considering coming back to Lakewood.

Deputy Mayor Langert asked about the square footage of the strip center. Mr. Shvarzblat answered that the strip center is 15,000 square feet; and the basement is 15,000 square feet. There are nine storefronts in the center. This is a new center, under construction, with two leases signed so far.

The above Ordinance was offered by Mr. Coles, second by Deputy Mayor Langert. On Roll Call – Affirmative: Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

Not Vote was recorded: Mr. Lichtenstein

**Ordinance No. 2009-49 adopted on second reading.**

**At this time, the professionals left the meeting.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, pursuant to N.J.S.A. 40A:21-1 et seq., granting Abatement to local property taxes to 418 Clifton Ave., LLC, for facilities located at Block 93, Lot 12, and authorizing the Mayor and Township Clerk to execute any and all documents necessary and proper to enter into a Tax Abatement Agreement. (Abatement – 418 Clifton Ave., LLC)**

Read by title only for second reading.

Abraham Penzer, Esq., representing the applicant. The principal is Thomas Rosenberg. He is proud of this application. This is his second major move in the downtown area; he has lived here all his life, and he is happy that they have done something. There was a fire in the building, and his client completely gutted the building, and made it a state-of-the-art building, for offices and stores. The property consists of a three-story commercial structure; on the first floor are two retail stores with approximately four employees; on the third and fourth floors they anticipate twenty employees per floor. They have received interest from property management companies, insurance agencies, staffing agencies, professional services, lawyers, accounting agencies and engineering companies. He strongly urged the Committee to pass this abatement so as to give a signal and get people to come back to the downtown area.

Mayor Singer opened the meeting to the public.

Noreen Gill, 192 Coventry Drive – Stated that the building is beautiful. She asked about parking facilities.

Mr. Penzer answered there will be adequate parking behind the building.

Joyce Blay, NJ New and Views, 1594 Crimson Road, Toms River – Asked if there will be any parking available at the building.

Mr. Penzer answered that by Ordinance there is zero parking in that area. The footprint of the building has not been changed.

Mr. Lichtenstein state he will support this application, as it is in the downtown area.

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

The above Ordinance was offered by Mr. Coles, second by Mr. Miller.  
On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller and Mayor Singer.  
Not Voting: Deputy Mayor Langert.

**Ordinance No. 2009-50 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, repealing Section 18-805 G (Flag Lots) of the Revised General Ordinances of the Township of Lakewood and adopting new Section 18-805 G (Flag Lots). (Chapter XVIII – Section 18-805 G)**

Read by title only for second reading.

Mayor Singer opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Coles.

Mayor Singer thanked Deputy Mayor Langert for his work on this Ordinance.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Ordinance No. 2009-51 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XX (Streets and Sidewalks), Section 20-1.5 (Permit Fees) of the Revised General Ordinances of the Township of Lakewood. (Chapter XX – Section 20-1.5 Permit Fees)**

Read by title only for second reading.

Mayor Singer opened the meeting to the public. Seeing no one wishing to be heard, the hearing on this Ordinance was closed to the public.

The above Ordinance was offered by Mr. Coles, second by Deputy Mayor Langert.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Ordinance No. 2009-52 adopted on second reading.**

**An Ordinance of the Township of Lakewood County of Ocean, State of New Jersey, amending and supplementing Chapter XVIII of the Code of the Township of Lakewood entitled The Lakewood Township Unified Development Ordinance of 2006. (Chapter XVIII – 18-902.H)**

Read by title only for second reading.

Stan Slachetka, T & M Associates, the Township Planner, offered his prayers to the injured police officers.

Mr. Slachetka advised this Ordinance is long overdue. It is important to point out that this Ordinance regulates college level institutions, educational institutions; it does not regulate all educational institutions in the township. This moves the process of approving such institutions from an ad hoc process. Many of these are being approved by variance, and this provides an opportunity through Ordinance by regulating in a very rational and organized way the proposed college level educational institutions. This Ordinance has been vetted with existing colleges, BMG has had input, Georgian Court has made specific recommendations for language changes that have been incorporated in the Ordinance. This Ordinance has been referred to the Planning Board and

recommendations that were made have been incorporated into the Ordinance. He pointed out that the provisions of the Ordinance are based on existing provisions in the current Ordinance. You are not reinventing the wheel in terms as to how these facilities would be regulated. It is fully founded upon the existing provisions in the Ordinance, specifically as it relates to buffering, parking, based on the needs for both the residential component of the campus as well as the educational components of the campus. There are also very specific regulations with regard to building design. The ultimate intent is to have a well designed and coordinated campus. It limits these facilities to ones in which the educational institution is the primary use within the facility. That institution has to be an accredited institution, or having similar credentials assigned to it, so it is a true and valid educational institution. The residents will be limited to students, faculty, staff, their immediate families, and persons directly associated with the educational institution. It is very specifically defined, and very well structured. As they stated in their letter to the Mayor and Township Committee, this is something that is needed, and is long overdue, and it provides a good planning framework for regulating these institutions moving forward.

Mayor Singer advised that the school on Massachusetts Avenue, which is a high school, does not fit into the parameters of this Ordinance.

Mr. Slachetka added this is specifically defined as college level institutions.

Deputy Mayor Langert confirmed that there is no site plan waiver connected to this Ordinance.

Mr. Slachetka answered that was correct. It clearly requires a site application before the Planning Board.

Deputy Mayor Langert further commented with regard to details of the Ordinance concerning setbacks.

Mayor Singer opened the meeting to the public.

Bill Hobday, 30 Schoolhouse Lane – He read the previous version of this proposed Ordinance. He had asked the Committee to protect adult communities by adding a provision that says it can not be a proper use to have it adjacent to a boundary of an adult community. The reason for that is they are getting their fair share of schools, but a campus is different. He does not think it belongs adjacent to, or bordering on, an adult community.

Gerry Ballwanz, Governors Road – Her first objection is that there is no description on the Agenda as to what this Ordinance is about. You would have no idea what this is about without searching through the UDO.

Ms. Ballwanz further commented that this item was originally on the Planning Board Meeting Agenda, at the end of the meeting, but was moved to earlier in the meeting. She was unable to be there for the discussion, and had to reserve her comments for the public portion. She wanted amendments to the Agenda made available to the public.

Ms. Ballwanz further commented on the amendments to the Ordinance. She hopes that this Ordinance will not be approved this evening and held until the next meeting, so that

members of the public can review the Ordinance to see if it should be adopted by the Township.

Ms. Ballwanz further commented on the details of the Ordinance.

Mayor Singer advised that as he is on the Board of Trustees of Georgian Court University, he is in conflict on this Ordinance, and therefore passed the gavel to Deputy Mayor Langert.

Deputy Mayor Langert asked Mr. Slachetka to make a note of Ms. Ballwanz' questions so that he can give her the answers to her questions.

Mr. Slachetka explained certain details of the Ordinance.

Chris Abrams, Coral Avenue – Asked about the development of the educational campus in accordance with the provisions and requirements and terms of the Township's Planned Endorsement approval that may be in effect at the time of the application.

Mr. Slachetka answered that his concern was that moving forward once the Township achieves plan endorsement, and specific plans are put in place for areas of the Township that would require a Smart Growth planning approach, that whenever the campuses are developed in the future, once that plan endorsement approval is granted, and those plans were fully adopted by the Township, then one of the findings would have to be made by the Planning Board that in fact the campus is consistent with the Township's Plan Endorsement. That obviously does not exist yet, but this is a provision that is looking forward to ultimately the approval of the Plan Endorsement application.

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

The above Ordinance was offered by Mr. Coles, second by Mr. Lichtenstein.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller and Deputy Mayor Langert.

Not Voting: Mayor Singer

Mr. Wouters explained to Mr. Hobday why this Ordinance could not be restricted next to adult communities. New Jersey law provides that towns can not zone schools out of their towns. In New Jersey, schools are permitted in all zones. They can be limited to certain degrees, but the town is somewhat limited as to its limitations. Also, the Ordinance is very clear that the campus can only be owned by an educational institution specifically an institution of higher learning that offers a regular educational program substantially equivalent to that of an accredited institution, and that definition is right out of New Jersey statutes. This campus can not be developed by a developer; it can not be developed by anyone other than a bonafide, verified, educational institution, and that is a higher level institution, not secondary. Any interpretation otherwise, is incorrect.

Deputy Mayor Langert confirmed that this means they can not exempt it right next door to a senior development.

Mr. Wouters answered that is correct.

**Ordinance No. 2009-53 adopted, as amended, on second reading.**

The gavel was passed back to Mayor Singer.

**ORDINANCE FIRST READING (Second reading and Public Hearing 10/15/09)**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending Ordinance #2009-42. (Teamsters Local #97 - Salary)**

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Miller.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

No present for vote: Mr. Coles.

**Ordinance No. 2009-54 adopted on first reading. Second reading and public hearing to be held on October 15, 2009.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) of the Code of the Township of Lakewood. (Chapter XI Sec. 11-14 – Stop Intersections)**

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Miller.

Deputy Mayor Langert thanked the Engineers and Mr. Kielt for their work on this Ordinance, and the following Traffic Ordinances, with regard to the Traffic Circulation Study.

Mr. Lichtenstein stated that he noticed that Second Street and Lexington Avenue is not being considered for a four-way stop sign. He suggested that it should be considered because a four-way stop sign is being installed on Fourth Street and Lexington Avenue, as it is proposed, which means that people driving down Lexington are going to expect cars to stop at every single street besides Second Street, and he thinks that will be a cause for accidents.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Ordinance No. 2009-55 adopted on first reading. Second reading and public hearing to be held on October 15, 2009.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) of the Code of the Township of Lakewood. (Chapter XI Sec. 11-8 – Turn Prohibitions)**

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Coles.

Mr. Miller stated that when they discussed this previously, he clearly requested that all turn prohibitions should be from 7:00 AM to 7:00 PM. Looking at the back-up documentation, he does not see that prohibition.

Mayor Singer answered that the State would not permit them to do that.

Deputy Mayor Langert advised that the State wants to look at this Ordinance, as well as the following Ordinances. The Engineer has asked that the Ordinances be adopted on first reading. They will receive comments from the State, and there may be some modifications.

Mr. Miller asked why don't they pass them the way they want to.

Deputy Mayor Langert, Mr. Day and Mayor Singer stated they did not recall the restriction being 7:00 AM to 7:00 PM.

Mr. Miller repeated this is for Lexington Avenue and Route 88, where they are requesting a right turn only, but that should only be 7:00 AM to 7:00 PM. Why would you inconvenience someone at 11:00 PM, who is trying to turn left; they would have to go all the way around the block.

Mr. Day stated they are trying to push people to go up to Monmouth and make that left.

Deputy Mayor Langert stated he did not recall the 7:00 AM to 7:00 PM restriction for Lexington Avenue and Route 88; he does recall it for Route 9. He does not remember the discussion on the corner of Lexington Avenue and Route 88. He would like to leave it as is, and hear what the State has to say.

Mr. Miller suggested they put it the way they want it, and then see if the State will change it.

Deputy Mayor Langert amended his Motion to have it entitled right-turn only from 7:00 AM to 7:00 PM.

Mr. Coles amended his second to the Motion.

Mr. Miller thanked the Committee.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller and Deputy Mayor Langert.

Negative: Mayor Singer

**Ordinance No. 2009-56 adopted, as amended, on first reading. Second reading and public hearing to be held on October 15, 2009.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) of the Code of the Township of Lakewood. (Chapter XI Sec. 11-6 – One-Way Streets)**

Read by title only for first reading.

The above Ordinance was offered by Deputy Mayor Langert, second by Mr. Miller.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller and Deputy Mayor Langert.

Negative: Mayor Singer

**Ordinance No. 2009-57 adopted on first reading. Second reading and public hearing to be held on October 15, 2009.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, amending and supplementing Chapter XI (Traffic) of the Code of the Township of Lakewood. (Chapter XI Sec. 11-8.4 – Right Turn Only)**

Read by title only for first reading.

Mr. Miller advised he will make the Motion on this Ordinance, but he would like to implement that this also should be from 7:00 AM to 7:00 PM.

Deputy Mayor Langert confirmed that it would be right turn only weekdays.

Mr. Coles offered a second to Motion, with that amendment.

Mr. Lichtenstein confirmed that where the Ordinance presently says "no limits", it will change to "right turn only weekdays from 7:00 AM to 7:00 PM.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles and Mr. Miller.

Negative: Deputy Mayor Langert and Mayor Singer

**Ordinance No. 2009-58 adopted, as amended, on first reading. Second reading and public hearing to be held on October 15, 2009.**

## **CORRESPONDENCE**

Per list of three (3) correspondence items, attached hereto and made a part hereof.

## **PARKS AND EVENTS CORRESPONDENCE**

Per schedule of three (3) items, attached hereto and made a part hereof.

Motion by Mr. Coles, second by Mr. Miller, and carried, to approve Correspondence Items Nos. 1 through 3, Parks requests Nos. 1 through 3.

Deputy Mayor Langert did not vote on Correspondence Item No. 2.

Mr. Edwards advised that there is an item of correspondence where a resident has requested that the Township adopt a policy of not having Planning Board or Zoning Board meetings or other meetings on Election Day.

Mayor Singer asked for a Motion that they suggest to the Boards that they prefer that they not hold their meetings on days on which the Municipal Building is closed, as it creates an overtime situation for the Township, as well as the fact, that in this particular case, this person is a poll worker and finds it extremely inconvenient when they would like to come and talk to the Planning Board because the meeting is on Election Day. He knows that they can not make them do that, but they can request that they not do that, and that the Township will not authorize the overtime to do so. Motion by Deputy Mayor Langert, second by Mr. Miller, and carried.

## **MOTION TO APPROVE BILL LIST OF: 09/22/09**

Motion by Mr. Coles, second by Mr. Miller, to approve the above Bill List.

On Roll Call – Affirmative: Mr. Lichtenstein, Mr. Coles, Mr. Miller, Deputy Mayor Langert and Mayor Singer.

**Bill List approved.**

Mayor Singer also advised that they would like to make a room available in the Municipal Building for Project Porch Light, from 9:00 AM to 1:00 PM on November 1, 2009, and on November 8, 2009. And further that the fee is waived. Motion by Deputy Mayor Langert, second by Mr. Miller, and carried.

Mayor Singer advised this is a project with thirty volunteers from the Girl Scouts, with thanks to Fran Kirschner, where they are going to give out light bulbs throughout the Township, in designated areas of the community, to keep a light lit for security.

## **COMMENTS FROM COMMITTEE MEMBERS**

Mr. Lichtenstein stated they had a very difficult day in Lakewood, and members of the Committee all visited with the injured police officers, to encourage and support them and their families. He thanked Mayor Singer and Deputy Mayor Langert for helping with the press conference and letting everyone know that they stand behind the police officers, and support them, and wish them well.

Mr. Miller echoed Committeeman Lichtenstein's words. Their support, thoughts and prayers are with the injured officers, and he visited them last night and they stand with them through this entire ordeal.

Mr. Miller further reported that at the last Committee meeting, during Committeemen's comments, he was instructed to meet with the digital mapping company to further the idea of moving away from the antiquated paper street maps and go with digital mapping. They met with the company, and have moved forward, and they have received a grant to assist them, and they will move forward. He will report further at the next meeting.

Mayor Singer asked that they ask the Attorney to redraft the Ordinance to require, on any school, that they have to have a site plan approval presented.

Mr. Lichtenstein asked....administrative or board.

Mayor Singer answered....administrative.

The Motion was offered by Mr. Coles.

Mr. Kielt asked if it is an administrative approval, who is it being approved and reviewed by.

Mr. Lichtenstein answered....the Engineering Department.

Mayor Singer answered.....Engineering.

Mr. Kielt stated that he wanted to make sure they understood.

Mr. Wouters asked if this was for any school.

Mayor Singer answered....that does not require a site plan.

Mr. Wouters asked....of any size?

Mayor Singer answered yes.

Deputy Mayor Langert confirmed that if it does not require Planning Board or Zoning Board approval, and they have a site plan waiver....

Mr. Kielt explained that typically what happens now is if it falls under site plan exemption, they basically do not have to submit anything. And that is something that really needs to be looked at. They usually come to the Zoning Officer with a hand drawn sketch of some sort, but he believes they need something better than that to eliminate the problems that are being presently discussed.

Mr. Wouters wanted to clarify that under the present Ordinance, anytime you have a change of use within a zone, from one permitted use to another, whether it is a school, a grocery store, a garage, whatever the use is, if it is permitted, there is no site plan required, unless there is a variance required for parking or some other associated aspect of it. So, this is just not for schools. This is for any use, any change of use, within a zone. And that is the way the Ordinance is set up on exemptions to site plan requirements. And it is not a problem to change the Ordinance. But he wanted to make sure everyone understands they are not targeting schools. If you are going to do it correctly, this should apply that anytime you change a permitted use from one use to another within a zone, it is going to require a site plan, at least on an administrative level.

Mayor Singer stated that if a person is changing a use, but not changing anything in the building, why do they need a site plan.

Mr. Wouters answered that is a very good question. Interior changes do not give rise to site plan requirements.

Mayor Singer stated he is talking about a non-permitted use in that zone.

Deputy Mayor Langert stated that schools are permitted in all zones.

Mr. Wouters added that schools are a permitted use in all zones. No matter what zone you are in, if you change from a residential use to a school, that is a change of a permitted use, and is specifically exempted from a site plan. The same way they have had incidences out on County Line Road.

Mayor Singer stated he thinks they need an administrative site plan of all of them.

Mr. Lichtenstein suggested that perhaps they tie it into the change of the construction use. So, here, it is not a change in the use under the construction code, and if you are not doing anything to the site, then why are going for any type of site plan approval. However, if it is a permitted use with no variance, and what you are doing to the building is a different construction code use, for example, residential/retail, retail/school, educational/day care, then it would have to go for administrative review.

Mayor Singer asked if the Attorneys agree with that.

Mr. Lichtenstein repeated that perhaps a trigger could be a change in the use under the construction code.

Mr. Wouters answered....not necessarily. He will look into it.

Mayor Singer asked that the Attorneys look into it.

**ADJOURNMENT**

Motion by Mr. Lichtenstein, second by Mr. Miller, and carried, to adjourn the meeting.  
Meeting adjourned at 9:37 PM.