

**The Lakewood Township Committee held a Meeting on Wednesday, February 20, 2013, in the Lakewood Municipal Building, at 6:30 PM for the Workshop/Executive Session and 7:30 PM for the Public Meeting, with the following present:**

**Mayor..... Albert D. Akerman**  
**Deputy Mayor..... Steven Langert**  
**Committee Members..... Raymond Coles**  
**Meir Lichtenstein**  
**Absent..... Menashe Miller**  
**Municipal Manager.....Absent.....Michael Muscillo**  
**Deputy Municipal Manager..... Steven Reinman**  
**Municipal Attorney..... Jan L. 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, 2013 and published in the Asbury Park Press on January 4, 2013.**

**ROLL CALL**

**CLOSED SESSION - None**

**ROLL CALL**

**SALUTE TO THE FLAG AND PRAYER**

**OPEN SESSION**

Motion by Committeeman Coles, second by Committeeman Lichtenstein, and carried, to open the meeting.

**MOTION TO APPROVE MINUTES OF: 02/07/13**

Motion by Deputy Mayor Langert, second by Committeeman Lichtenstein, and carried, to approve the above Minutes.  
Committeeman Coles did not vote.

**MOTION TO APPROVE CLOSED SESSION MINUTES: 02/07/13**

Motion by Deputy Mayor Langert, second by Committeeman Lichtenstein, and carried, to approve the above Closed Session Minutes.  
Committeeman Coles did not vote.

## **PRESENTATIONS**

Chief Lawson introduced newly hired Police Officers and Special Officers, and announced Police Department Promotions.

## **ORDINANCES FOR DISCUSSION - None**

## **QUALITY OF LIFE**

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

With regard to the issue of striping for a turning lane on Washington Street, heading into Pine Street, and Spruce Street heading into Route 9, Mr. Staiger responded that he did look at these two intersections. As to the intersection of Washington and Pine Street, he found that within the existing asphalt area there does not appear to be sufficient room for an additional turning lane. It is possible that the pavement could be widened, but depending on how much it is widened, there is a utility pole very close to the edge of the pavement which may have to be relocated. As to Spruce and Route 9, there only appears to be thirty feet between curb to curb, which is insufficient room to add a turning lane. Should a turning lane be desired, it would have to be coordinated with the DOT. If the Committee wishes, he could send a letter to the DOT, but he does not think there will be sufficient room.

Mayor Akerman stated that if there is insufficient room, there is no point in sending a letter.

Deputy Mayor Akerman asked Mr. Staiger to look into Marc Drive, heading into Pine Street, and Williams Street, heading into James Street, for restriping for a turning lane.

**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 Akerman opened the meeting to the public.

Bill Hobday, 30 Schoolhouse Lane – Commented on this evening's Police Department presentation. He commended the Police Officers, and spoke in favor of the hiring of additional officers as the population rises.

Seeing no one else wishing to be heard, Mayor Akerman 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 the cancellation of Old Outstanding Checks appearing on the Records of the Township of Lakewood.  
Resolution No. 2013-105**
- 2. Resolution exchanging Letter of Credit No. 2010-013 for Official Check No. 004014, posted by 1078 Times Square LLC, in connection with application SD# 1710 (Times Square), Block 435, Lot 1.  
Resolution No. 2013-106**
- 3. Resolution reducing the Performance Guarantee, (First Reduction), posted by Cottage Place LLC, in connection with ZB# 3682 (Cottage Place) for Block 247, Lots 28.01, and 28.02.  
Resolution No. 2013-107**
- 4. Resolution releasing the Performance Guarantee posted by 415 1<sup>st</sup> Street LLC, in connection with application ZB# 3460, (First Street), Block 73, Lot 10.  
Resolution No. 2013-108**
- 5. Resolution authorizing the issuance of Plenary Retail Consumption Liquor License 1514-33-048-001, to Lake Terrace Manager LLC.  
Resolution No. 2013-109**
- 6. Resolution releasing the Maintenance Guarantee posted by 323-325 Realty LLC, in connection with ZB# 3704 (Ridge Ave.), Block 237, Lots 1, 2.01, 2.02, 3, 26 and 27.  
Resolution No. 2013-110**
- 7. Resolution authorizing the Amendment of the Shared Services Agreement with the County of Ocean for Debris Removal, Monitoring and Related Services.  
Resolution No. 2013-111**
- 8. Resolution authorizing Temporary Traffic and Parking restrictions for Private Way between 7<sup>th</sup> Street, and 8<sup>th</sup> Street.  
Resolution No. 2013-112**

- 9. Resolution authorizing the Award of a Professional Services Contract to Remington, Vernick & Vena Engineers for 2013 Annual Post-Closure Professional Services and Title V Air Permit Compliance.  
Resolution No. 2013-113**
  
- 10. Resolution authorizing the Award of a Professional Services Contract to Remington, Vernick & Vena Engineers for 2013 Municipal (MS4) Stormwater Permitting Services.  
Resolution No. 2013-114**

Motion by Committeeman Coles, second by Deputy Mayor Langert, to approve Resolution Nos. 1 through 10 on the Consent Agenda.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein (abstained on Resolution No. 5), Deputy Mayor Langert and Mayor Akerman.

**Resolution Nos. 2013-105 through 2013-114 – Adopted.**

## **ORDINANCE SECOND READING**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter II, (Administration), by Repealing Section 2-18, (Department of the Lakewood Community Center), and Amending Section 2-15.4, (Duties of the Department of Public Works), of the Revised General Ordinances of the Township of Lakewood, 1999. (Chapter II, Sec. 2-18 & Sec. 2-15.4)**

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Gerry Ballwanz, Governors Road – Stated the Ordinance says....construction of a Community Center....does that mean there will be a new building going up, and if so, where is this to be located?

Mr. Wouters explained that is only the current Ordinance wording, and that there is no construction.

Mrs. Ballwanz asked what is the change?

Mayor Akerman responded that until now, there were separate departments, and now they are being combined under Parks & Recreation – Public Works.

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

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-3 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, authorizing the Exchange of certain Lands within the Township of Lakewood, in particular, authorizing the Township of Lakewood to acquire Block 524.28, Lot 73.01, plus additional consideration, and authorizing the Township of Lakewood to convey Block 824, Lot 1, Block 824.01, Lot 1, Block 825, Lot 1, Block 828, Lot 1, Block 829, Lot 1, Block 830, Lot 1.05 and Block 853, Lot 1, as part of an Exchange of Lands pursuant to N.J.S.A. 40A:12-16 et seq. (Land Exchange)**

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Bill Hobday, 30 Schoolhouse Lane – Stated this is a fair and balanced Ordinance, and he encouraged the Township Committee to approve it.

Gerry Ballwanz, Governors Road – This Ordinance is for an exchange of land, and there is something about how many units are going to be constructed on the land that is exchanged. She asked how did the amount of seventy-four dwelling units come up, and how does that compare to the planned educational campus that is going to be built there. And with each extra unit, there will be \$39,200, and that has to be done before or at closing. She asked how does this all fit in? She is concerned about what is going to happen with the Township owned land that won't be Township owned anymore, and what is going to be built there, as well as with the new property that the Township will own on Massachusetts Avenue. She asked what is going to happen with that land?

Mr. Wouters responded that as of right now, he knows of no plan for the Massachusetts Avenue property, other than to acquire it. That is something that will be considered by the Township Committee in the future. As to the property to be conveyed to the Developer, the seventy-four units is an approval condition that the Developer will be seeking approval for. If they receive approval for more than seventy-four units, they will pay additional money to the Township. In order to get that approval, they will have to go to the Planning Board, and there will be some Ordinances that need to be changed.

Mrs. Ballwanz stated she is curious that this is fourteen acres in the R40 Zone where you need 40,000 square feet for one unit. So technically, there should only be fourteen to sixteen houses to be built. Yet there is a current Ordinance that has it as R40 clustering down to twenty, yet they are being given carte blanche....

Mr. Wouters responded that is absolutely not true. There is no carte blanche. The property was valued as to the ability to build according to the current Ordinance. The Developer will have to get approvals for whatever they want to put up. That may require additional Ordinance modifications.

Mrs. Ballwanz stated that right now they will probably have to get a variance to get seventy-four units built.

Mr. Wouters responded that is correct. They have to get municipal approvals for whatever is involved, which may include a variance or a change in the Ordinance. He is not the Developer, and he is not sure how they will approach it.

Mrs. Ballwanz stated it seems to be confusing, and the Township is going above and beyond the current zoning, and is saying that someone will be able to put seventy-four units there.

Mayor Akerman responded that the Developer indicated that is his intention.

Mr. Wouters added that no one has said that this Ordinance does not permit them to put up any number of units other than what is currently permitted under the Ordinance. If they want to put up seventy-four units, as the Ordinance before you says, then they will have to get the approvals to do that.

Mrs. Ballwanz stated that the way it is written, it seems that there will be seventy-four units as well as educational buildings and dormitories. So that is going to be very crowded and dense. But yet you are saying it will have to go before the Zoning Board who will have to approve it or reject it.

Mayor Akerman responded that based on the characteristics of the neighborhood, and other issues, the Township is not guaranteeing anything.

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

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

Deputy Mayor Langert advised of the Township plans for the Massachusetts Avenue property. In the past when this issue has come before the Committee, they had discussed utilizing this property for the Heritage Commission and the historical museum. Perhaps the Township Committee would further entertain that at a later date.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-4 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter II, (Administration), by repealing a portion of Section 2-76.1 (Fees for Miscellaneous Services) of the Revised General Ordinances of the Township of Lakewood, 1999. (Chapter II, Sec. 2-76.1)**

Read by title only for second reading.

Mayor Akerman 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 Committeeman Coles.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-5 adopted on second reading.**

**Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Public Sale of Block 1146, Lot 1; Block 1147, Lot 1; Block 1156, Lot 1; Block 1154, Lot 1; Block 1155, Lot 1, in the Township of Lakewood, County of Ocean, State of New Jersey, at Open Public Sale pursuant to N.J.S.A. 40A:12-1, et seq. (Public Land Sale)**

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Gerry Ballwanz, Governors Road – Asked why Homes for All does not intend to continue to develop the property for affordable housing. Asked what happened with their previous plans? Asked if there are any plans to give them other land or is that whole concept of that portion of affordable housing gone, and will they be involved with anything in Lakewood? Also, there was an appraisal on the land for the Massachusetts Avenue exchange, but there has been no appraisal of this land. She stated that the Township just came with a certain amount of money, \$450,000.00, yet it is just three acres short of the land that is off of Towers Street.

Mr. Wouters responded there was an appraisal. The Township always has appraisals done before they put up properties for sale. The difference between this property and the other property is this property has many restrictions on it as to use. It is limited as to what it can be used for, the time period it can be used, when construction is to commence, and all of those conditions have an effect on the value of the property, as opposed to other properties that have no such restrictions. But it was appraised, by an appraiser, and this value is based on that appraisal.

Mrs. Ballwanz stated there is usually a comment about the appraisal being done.

Mr. Wouters responded, that it is not a correct statement for public sale Ordinances.

Mrs. Ballwanz stated that the property is off Oak Street and Vine Street, so there are existing streets that are well traveled. The other is off of Towers Street where there is little access onto Pine Street. What happens if you only get the \$450,000.00. It seems this land would be more valuable than \$450,000.00 compared to the other property, even though this is going to be for a school. Also, is this just going to be for a school, or will they be able to put an educational campus on it with housing?

Mr. Wouters responded they can put up a school and whatever is involved with the school. It could possibly include dormitories, if the Township had a dormitory Ordinance, but they don't. It could possibly include housing if it is part of an educational campus, but that is only for an institution of higher learning.

Mrs. Ballwanz stated so that makes that land much more valuable if you do not have that restriction. If you just have a school building, that is one thing. But if there is also housing, she feels there are shortcomings that are involved with this particular land sale. She is also curious as to what happened with the Homes For All concept. Did they pay for the sewer to go in there, or was that another project?

Committeeman Coles responded that the bottom line is that Homes For All made this decision based on a lot of different reasons, not all of which he is privy to because he did not attend their board meetings. He did have a lot of meetings with them and what people have to understand is that, as to housing, especially affordable housing, the whole world has been turned inside out in the last few years. There is no longer any such thing as a subsidy from the State of New Jersey. COAH went away. When these projects were first put on the books, there were millions of dollars in subsidies lined up to help get these houses put in at an affordable price. Those subsidies are gone. There are very few programs from the federal government that give any type of subsidy for this. A lot of the people that were targeted for this are low and moderate income people. Those people are not qualifying for mortgages anymore. The mortgage industry is not functioning the way it did five or ten years ago. A lot of people who would have lined up for these houses no longer can afford them. That was the majority of the reasoning behind why Homes For All decided that rather than go forward with a project they were not sure was going to be as successful as thought a few years ago, that is might be best.....and as there were other people expressing interest in doing things, and having been on this Committee for the past eleven years, he can say that the biggest challenge in this town right now is finding places to properly educate the private school population that is growing by leaps and bounds. So, while he hates to see the idea of Homes For All going away, he understands it. And he told the Committee that the only thing he would support for that property, if they did not put Homes For All there, would be some kind of an educational use, preferably schools, not housing. But he does not think that is what they are looking at. They are looking at high schools and grammar schools, which would not necessarily be putting that kind of infrastructure in. That being said, they talked a little bit earlier today....the Housing Authority is starting on a new project that will be bringing in quite a few new rental

units, as well as completely rehabilitating the existing JFK complex. While Homes For All will not be participating in that, there is a very good possibility that the Lakewood Affordable Housing Corporation will. So hopefully, in the next week or two, there will be some presentations about that, and that is very exciting because through a combination of tax credits and federal and state programs, those units will be targeted for people so that they are affordable units, not these two and three thousand dollars a month units that a lot of people are finding today. He spent years trying to see this project come to fruition. He does not like the fact that it is not. But just given the fact that the entire housing industry has changed so radically in the last few years, he understands why they can not move forward with it, and he supports their decision, and he is glad there is a way that the town can help them through this and see them be able to build affordable housing, possibly in town, but he does not think there are any open parcels that are available for it right now.

Mrs. Ballwanz asked if there was another third aspect of this affordable housing, one to be built as rentals for the Housing Authority.

Committeeman Coles responded that is what he just mentioned. That is the Lakewood Affordable Housing Corporation. There are some good things going with that as well, that are exciting, and they will be able to see units built for people who need them a lot sooner than they may have otherwise seen while they are waiting for the real estate market to rebound and for the mortgage industry to get back into some semblance of normalcy. There has been a lot of time and effort put into this.

Paul Dwyer, 324 Damiano Way, The Enclave – He is new to Lakewood, and he has been listening to the discussion as to the value of the property at \$450,000.00, where they are going to be building a school. And he also heard they might build the expanded campus and housing. Where he came from, housing was a ratable. But every time he turns around in Lakewood, in the short time he has been here, someone is building a school, someone is converting a house into a school, or a shul, and now you are talking about property being valued at \$450,000.00, and maybe they are going to be putting up housing, which he assumes will not be taxable because it is on a school and a non-profit property. He asked at what point do we say we can't keep doing this?

Mayor Akerman responded that Mr. Dwyer is correct, but for clarification, the only schools that can do this campus Ordinance, and build housing, is a school that has higher than twelve grades, any school of higher education. And he highly doubts that any school of higher education will be buying there right now. There are very few schools, and they typically need much smaller lots, and they would not go through the expense. He would imagine it would be bought for either elementary schools or maybe a high school, or a combination thereof. But he highly doubts there will be a school of higher education. There are not schools of higher education in Lakewood right now, other than Beth Medrash Govoha and Georgian Court, who would not be interested in buying the property. They have had land requests for many schools and they are all, for

the most part, for elementary schools. He doubts that the campus Ordinance will be utilized here. They can look into restricting it for housing. But he was not planning on going that route.

Mr. Dwyer advised of the comments made earlier when the question was posed, and he believes that the response was that it was going to be a school, and could be an expanded campus, and possibly housing. So you are leaving it wide open. But if you are putting a value on it of \$450,000.00, he thinks you should put the value of \$450,000.00 for the school, and not for the potential of expanding and putting up housing.

Mayor Akerman responded that one of the reasons why they are happy to have schools in these areas, not that they do not care about the value, but there is a value of having them move to a private street as opposed to in the Industrial Park where they take down a ten million dollar ratable, which has happened in the past. And the Committee has been trying to encourage as many schools as possible to stay out of the Industrial Park. So that is why they try to find properties to put up for sale. They are not always successful, but they try to keep as many people out as possible.

Mr. Dwyer stated that is wonderful, but they should also state specifically what the value is, and what the purpose of the land is, so that the ratables do not get reduced even further. Because if they expand and put housing there, as opposed to not using the land that could be used for something else that is a ratable, it is a good thing for the community.

Mayor Akerman thanked Mr. Dwyer for the good suggestion, and they will look into it.

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

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-6 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XVIII, (Unified Development Ordinance), Article IX, (Zoning Districts and Regulations), Section 18-903 R, (Corporate Campus/Stadium Support Zone B-6), of the Revised General Ordinances of the Township of Lakewood, 1999. (Chapter XVIII, Sec. 18-903)**

Read by title only for second reading.

Mayor Akerman 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 Committeeman Coles.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-7 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI, (Traffic), by repealing a portion of Section 11-10.2, (Stopping or Standing Prohibited during Certain Hours or Certain days on Certain Streets) and Amending Section 11-26 B, (School Bus Loading and Unloading zone), of the Revised General Ordinances of the Township of Lakewood, 1999. (Chapter XI, Sec. 11-10.2 & 11-26 B)**

Read by title only for second reading.

Mayor Akerman opened the meeting to the public.

Bernard Riley, from the Law Office of Ronald Gasiorowski, who represents the congregation, and the day school that is operated by that congregation, and they are here to oppose this Ordinance. He will briefly make a few comments and he does have an Engineer present who is going to briefly discuss the technical reason for their objection. Before he gets into that, he wants to clarify as to if any of the Committee members should step down and recuse themselves. He inquired if anyone is a member of the Congregation Sons of Israel, or is an active board member of that congregation.

Deputy Mayor Langert advised he is a member of the congregation. He asked if that would disqualify him?

Mr. Riley responded that he would respectfully submit that it does.

Mr. Wouters added that Mr. Riley seems to think it does. Since the congregation would be affected by this Ordinance also, because it is in front of the property, the answer probably is yes. There could be a conflict.

Mr. Riley added there was a case in Marlboro, where there were members of a particular church in that particular case who voted on an application that affected the church. There were a couple of other cases that have indicated that if a board member or a governing body member is an active member of a particular congregation, church or synagogue....

Deputy Mayor Langert asked Mr. Wouters if he should recuse himself.

Mr. Wouters responded, yes.

Deputy Mayor Langert left the dais and recused himself from the discussion and action on this Ordinance.

Mr. Riley responded that it is better, so there would not be any arguments later as to who should have voted, and who should not have voted.

Mr. Riley further commented that his client operates a day school that has approximately one thousand students. They are here really because his client feels, and it is the opinion of his Traffic Engineer, that this change will cause a severe potential impact to the safety of those children. They are prepared to sit down with the town professionals to discuss and work out a compromise on any concerns they might have relative to straightening out or addressing the traffic and/or parking situation in that area. But they feel strongly that this should not be put through without having a careful discussion with the affected property owners and trying to work out something that will be suitable and agreeable to all concerned, as opposed to merely pushing through this, which again, they feel will have a definite and adverse impact on the safety of a thousand children.

Mayor Akerman pointed out that this was previously pulled from the Agenda, because Mr. Gasiorowski had reached out to their Attorney, and he assumed they would have had this discussion a month and a half ago. It was pulled once, and after first reading, you were always welcome to come. It was never the Committee's intention to push anything down anyone's throat. But no one was stepping forward. That is why they are here today. That is why they have a public hearing.

Mr. Riley stated that maybe there was a miscommunication. And maybe they should have initiated some contact with the town administrator or something like that.

Mayor Akerman responded that the Committee was told to pull it for further discussion.

Mr. Riley stated that his side expected a communication from a town official. He does not necessarily mean having a discussion here with the governing body. It seems to him it would be a more appropriate discussion with perhaps the Police Department Safety Officer, the Town Engineer....that sort of thing, and obviously Congregation Sons of Israel is interested and has a concern here.

Mayor Akerman responded that in the letter, he believes it stated that Mr. Gasiorowski would reach out to the Committee.

Mr. Riley stated that he believes there was a miscommunication as to who would reach out to whom. They are prepared, assuming it is not passed tonight, to sit down with the appropriate people from the town, and/or other interested parties to try to work out something that is acceptable to all.

Mr. Riley asked Mr. Freeman, who is an Engineer, a few questions to present what they feel are the traffic reasons and the safety reasons why this should not be put forward in its present form.

James Freeman, associated with \_\_\_\_\_ Associates, Medford, New Jersey, advised he is a civil engineer with approximately twenty-seven years experience in site development, land development plans, and also highway and transportation design. His firm was asked to take a look at this situation. He assumes everyone is somewhat familiar with the location, on Sixth Street, of this school adjacent to the synagogue and the traffic issues associated with that.

Mr. Riley asked Mr. Freeman if his firm was initially involved with this particular site with regard to some other litigation concerning parking, etc., a few months ago.

Mr. Freeman responded it was his understanding there was some. At that time, the president of his firm was involved and made two site visits, on November 21<sup>st</sup>, and again in December, in the morning hours, 8 AM to 10 AM, to observe the bus unloading and the traffic activity in the area. He reviewed the reports and photographs of the site, and he also visited the site himself to observe the basic configuration of the two properties and surrounding area.

Mr. Freeman described the type of traffic, just west of Madison Avenue, on Sixth Street, where the synagogue is on the corner and the school is adjacent to it to the west. The bus traffic delivering the students to the school will stop along Sixth Street, discharge the students, who are then walking in across the sidewalk and into the school. And at the same time, there may well be traffic coming in or exiting the small parking area, and the driveway, that appears to have been recently modified, the driveway apron adjacent to the synagogue again, creating a very hazardous condition where you have pedestrian traffic, and not only pedestrian, but young children exiting the bus, and then in the afternoon hours existing the school and loading onto the bus. At the same time you have vehicle traffic both coming up and down Sixth Street, but also entering and exiting and backing out of the parking area, creating a hazardous situation.

Mr. Riley asked Mr. Freeman if the buses that are presently used are used by approximately eight hundred to one thousand children.

Mr. Freeman replied that is his understanding.

Mr. Riley asked where they discharge and load.

Mr. Freeman responded that they discharge approximately in the area in front of the school and for some distance, fifty to one hundred feet to the east.

Mr. Riley asked if the present situation operates adequately.

Mr. Freeman responded no, that it appears to him, and it is his opinion and that of his associate, and as indicated in the reports, that it is a very hazardous situation. The existing conditions are very congested. Random movement of the children coming off the buses, random movement of the vehicles in and out of the parking area, and it is a conflict between vehicles and pedestrians. At best, it needs to be really looked at closely to see if there is any way to reduce the conflicts there, and reduce the unfortunate possibility that there could be an accident where a child is injured.

Mr. Riley asked that if by reducing the area that is accessible to the buses, by allowing stopping or standing or parking in the area in front of the synagogue, will that aggravate the situation that now exists?

Mr. Freeman responded that it has a potential because it will concentrate the traffic more right near the entrance to the parking area.

Mr. Riley asked if it would leave adequate room for the buses to load and pick up the children.

Mr. Freeman responded that in his opinion, it would not reduce it from the existing conditions and do nothing to improve it, and may well exacerbate the problem, with the vehicles coming in and out. The one critical aspect of that parking area is that it is fairly narrow and small, and it does not appear that there is an opportunity for vehicles to properly execute turning movements so many of the vehicles will back out of it, back across the sidewalk, and back out into traffic onto Sixth Street, and even be potentially backing out when there is a school bus stopped in Sixth Street itself.

Mr. Riley asked that by eliminating, or decreasing the area where the school buses can pull up to either discharge or pick up the children that attend the school into this area, would that cause buses to back up onto Sixth Street, and therefore be required to discharge the children actually in the street, as opposed to pulling up to the curb.

Mr. Freeman responded that there is a potential for that.

Mr. Riley asked if that would cause a safety problem or a hazard to the thousand children that actually attend the school.

Mr. Freeman answered, definitely.

Mr. Riley asked is there was anything else that he felt appropriate to bring to the attention of the governing body.

Mr. Freeman responded that it is a difficult situation, a congested area, a very small area. There is a lot of traffic, both pedestrian and vehicular, and it is a situation that needs some thorough evaluation of any changes made there, and what in fact may be the potential changes to the safety aspect of that area.

Mayor Akerman advised that the school property was yellow-lined, and he believes the Ordinance calls for no parking further back along the residence next door.

Mr. Riley responded that he was not able to measure but he was under the impression that it basically decreases substantially the area where the school buses would be able to stop, limits it from right here to right here.....(pointing to exhibits...). Instead of having the entire area, which is now the present use, which is roughly from here to here (pointing to exhibits) where the school buses are.....and as he understands it there are approximately five school buses there pretty much around the same time. School starts at about 8:00 AM and the school buses pull up pretty much together, and they utilize this area, (referring to exhibits). As he understands it, it would limit that area to approximately here to here (pointing to exhibits), which is significantly less, and really where you can not fit that number of buses. So, you don't have to be a Traffic Engineer to figure out that the buses would either have to stop out here (pointing to exhibits), or actually discharge the children in the street. And that does not seem to him to be a logical or safe thing to do when you are dealing with a thousand children. And obviously, you all know that children of a tender age don't think before they do things sometimes, and they might run in front of cars, or any manner of different possible accidents. The area has functioned reasonably well for the past fifteen years without causing any significant problem. And they are at a loss as to why the town would want to change the situation particularly without sitting down with everyone and working it out. He understands that the offer was made, and somehow was not accepted, or they did not follow up, or whatever, but they are prepared to follow up, and will do whatever is reasonable to address the situation. He would also note that the congregants of the synagogue....this parking back here (pointing to exhibits) is presently available and has been used for many years by the synagogue attendees, and there is room back there, and they can just walk into the....

Committeeman Lichtenstein asked....he see the school buses there....did you mean the synagogue or the school?

Mr. Riley responded that it is used by the school. But as he understands it, there was an agreement that is still in place, although there are some issues, where the congregants of the synagogue can park there and go in. There was a disagreement that went to Court, between the school and the synagogue, relative to members of the synagogue parking in front of the school. Their position was that it was unsafe for the children. And the Judge agreed. And they think this is unsafe for the children, and

should not be put through in its present form. He also understands there is a question with regard to a disabled individual who is a resident of the area. They are prepared to sit down and try to work out something to deal with that. But allowing parking, and eliminating this area from the ability of the school buses to utilize, in the hours they are typically required to do it, is certainly not the answer. And he would respectfully request that the Ordinance is tabled, or voted down, so that the matter can be addressed, and perhaps in some sort of more logical or reasonable way without putting the safety of the children in jeopardy, for the limited convenience of a few individuals. As he said, there is alternate parking. You might have to walk a little further, but to jeopardize the safety of the children, they respectfully submit that it does not make any sense. And consequently, without belaboring the point any further, unless there are any questions for the Engineer, or him, he respectfully request that this be voted down at the moment. They are prepared to discuss it with the appropriate officials or other parties.

Mayor Akerman asked Chief Lawson if he had any comments.

Chief Lawson responded that he had directed Sgt. Work to review the area, who has been a Police Officer for twenty-seven years, twenty-five of which have been in Traffic & Safety, over half that time as a supervisor. Sgt. Work did go out and take measurements and based on his recommendation to him, this Ordinance was proposed to the Township Committee.

Mr. Akerman asked Mr. Wouters for comment.

Mr. Wouters responded that if the Committee has any questions of Mr. Riley or the Traffic Engineer, or the Chief, now is the time to ask them. Then the Committee needs to decide whether they have enough information to make a decision based on what they have heard, or whether they need additional information.

Question from unidentified individual.....(inaudible)

Chief Lawson responded that Sgt. Work went out and did measurements, observed the area, and is aware of all of Lakewood, and specifically that area, as he was directed to observe it on several days, with buses loading and unloading in the morning and afternoon, and based on that, the proposed Ordinance was drafted.

(Inaudible comments from Mr. Riley).....that something as important as this when you are dealing with children's safety, does not see why you would not hold off, and they would be happy to meet with the sergeant, and hopefully clarify their concerns, if that is appropriate. They have serious concerns and they do not think this is the forum to debate the concerns in any great cross examination, but they do have serious concerns. He is sure everyone is familiar with the area, and the uses that are going on there, and he does not see why they would go forward with it, while those concerns are on the table. So he would again respectfully request that the Ordinance be tabled or voted

down, and they would be happy to meet. If there was a communication issue that was not dealt with properly, they will address it. He again requested that the Committee not approve this Ordinance in its present form. He feels it would be a very serious mistake. If there is an accident, he feels that everyone will regret that they moved forward while there is a concern that has been put forward. He is sure that everyone is familiar with the site, and he does not see how they could not agree there is a significant issue there of safety, and if those buses can not get into the site, it is going to back traffic up, and result in the children being put into jeopardy. He again requested that they not go forward with this Ordinance.

Mayor Akerman responded he wanted to hear from members of the public. The reason he questioned the yellow line is because it was his understanding that as compensation, they were moving it over..... they were giving no parking as compensation to the area that was in front of the synagogue, but it seems it is a very small area. He was unaware of that....how small the area is.

Mr. Riley stated it is inadequate from their point of view. Obviously, if you just move the area up the street, in the same area, they would not necessarily be here.

Mayor Akerman asked for comments from the public.

Raphael Berdugo, 401 Sixth Street – Has been living in the area for eighteen years. He sees where the buses drop off the children, and he sees how the children go straight into the school, and he is concerned about the four homes that were barely mentioned in this presentation, 401, 403, 405 and 406 Sixth Street, which are the four townhouses that are across from the synagogue. The residents are to be severely inconvenienced by the fact that they will not be able to park in front of their homes. For the past eighteen years, it has not been an issue. There has never been a safety issue. They have never had any accidents, of any kind, not even the slightest. The latest accident was on Madison Avenue, not on Sixth Street itself. The area that is in front of the synagogue, and in front of the four townhouses in question, there never have been any school buses dropping off children in that area. He can say that under oath. For the eighteen years that he has been there, there have never been school buses parked there, or dropping off children. They always park them right in front of the doors where the school is. There is absolutely no reason to take away the residents parking. There is no safety issue. He respectfully disagrees with that. He agrees, in front of the school itself, yes, but not in front of the area that is between the residents and the synagogue. He would like them to take that into consideration as well.

Rabbi Shmuel Tendler, Sons of Israel, 590 Madison Avenue – The Engineer and Attorney mentioned on numerous occasions there are a thousand children in the school. That is not true. There are no more than two hundred and fifty. Even though there are five school buses, there are two hundred fifty children. There are only three school buses that drop children off in front of the school. That is one hundred fifty children. It is not

close to a thousand. They are just trying to add fuel to the flames here. The Attorney also mentioned the Fifth Street parking lot. At this point in time, the school is taking the synagogue to Court to block them from parking there. They have also put their working men in the school to block the entrance from them coming to pray there. They have no place to park. They all know the issue here is not safety. They do not have to get into what the real issue is, but it is not safety. They also have a Chief of Police who made a recommendation, along with Traffic & Safety, that it is perfectly safe. They have no agenda. They run this town, they help this town, and they take no sides, and they have come back saying it is perfectly safe for the children to be dropped off directly in front of the school, the way that they are. They do not come near the synagogue. They stay on their border. Anything adjacent to the synagogue, across from the townhouses, is not an issue here. The children do not come near that place. The issue here has nothing to do with safety. Also, he represents over three hundred and fifty members of the synagogue. He has two hundred fifty signatures who are not members of the synagogue, which were garnered in two hours alone, requesting the Township Committee to rescind the Ordinance for No Parking on Sixth Street in front of the synagogue property. They are not here to invade the school property. They are not here to hurt them, and he asked not to be hurt in return. He has two hundred fifty signatures, besides the three hundred fifty members, and another four to five hundred people who come to the synagogue each week, who need the parking desperately. It is not a safety issue whatsoever. The synagogue has been there since 1963. The prior school had a larger enrollment. There has never been an incident. He has been in the synagogue since 1988. He has never received a phone call about any incident. Also, for fifty years, the children were dropped off at the Fifth Street entrance, not on Sixth Street. They decided to go on Sixth Street. They were asked not to do it, as it would interfere with the parking, but they did not listen. But he let them do it. There is no parking on Fifth Street, and now there will be no parking on Sixth Street. He asked where were they going to park. They need parking. The Chief of Police and Traffic & Safety have the recommendation, and have given them a clean bill of health. They ask that the Committee keep the Ordinance as proposed by the Chief, and let them park, let the members come without being fearful as was done in the past. Also, he asked who proposed to change the Ordinance. It was not the synagogue. The school came to change the Ordinance. And when the Ordinance came back, and they did not like it, now they are asking to procrastinate. There is no reason to procrastinate the decision. The children are only dropped off in front of the school, not in front of the synagogue. That is fine. Let them stay there. But don't invade their property. The property that is adjacent to their synagogue....they are asking to leave it open for everyone, for the synagogue and neighbors. Also, there is plenty of parking for the buses. There are two parking spaces right in front of the school, and the third parks in front of a residents' home, with her permission. There is plenty of room for three buses.

Yaakov Wenger, 224 Lincoln Street – Stated that Rabbi Tandler said there are not one thousand students in the school. But he mentioned he has three hundred fifty members, plus two hundred fifty signatures. (inaudible comments).....He begs people to come down there. He does know where he has two hundred fifty non-members signatures that come to the place. Also, Rabbi Tandler talks about Traffic & Safety making a recommendation. Sgt. Frank Work was instructed by the Chief of Police not to speak to the school before making a recommendation. They requested this Ordinance change probably close to a year ago. Traffic & Safety has not been in touch with the school. It does not accommodate the school hours. If you look back at the letter they sent last March. It does not accommodate the times of the school. It is the wrong times, wrong places, and he would recommend that before the Committee makes an Ordinance, to speak with the neighbors, as has always been the policy of this governing body. This is pushing something on a school that was not consulted. There are hundreds of children in the school. He has videos of near accidents in the area, when the congregants back out of an illegal sidewalk, and there are cars parked in the bus loading lane, so you have the bus stopped in the middle of the street, and you have a third car coming in the wrong way of traffic, down from Forest to Madison, so you have three lanes facing Madison, and you have cars trying to back out of a sidewalk. He does not think it is a safe condition. He asked that the Committee sit down with the school, and talk to them, and hear what they want.

Shabsi Ganzweig, 1404 Monmouth Avenue – Wanted to address two issues besides the whole issue that is going on here. The neighbor did mention that he has been parking there for eighteen years without a problem. There has been no parking there for at least fifteen years. Why has he been parking illegally. And why hasn't the Police Department been enforcing the law there. Also, with all due respect to Rabbi Tandler, he did say that he needs parking for the synagogue. He owns a parking lot on Fifth Street where people could park. He rents it out for profit. He wants parking, let his congregants park there. He made an illegal parking lot which the Township refuses to do anything about, which was just fixed, and no one is saying anything about it. It is a safety issue, and the Police Department is not enforcing it, and the Township is not enforcing the law. He is worried about the law. Everyone is willing to make compromise in a safe and a fair way. The Police Department did not speak to the school, and he believes for that reason, this Ordinance should not be voted on, and should in fact be voted down.

Israel Burstein, 228 Sixth Street – Wanted to make comments based on Rabbi Tandler's accusations. First he wants to start with Chaplain Berdugo, and he definitely wants to accommodate his parking space, which is needed. He was given the assurance that whatever they could do, in their power, to accommodate his parking space on the corner, they will do. It is important to mention that Rabbi Tandler has a catering hall underneath the shul, which occupies a lot of spots. They do utilize the parking lot on Fifth Street which belongs to the school, and is debatable in Court. However, the gravel

parking lot belongs to the synagogue, and they all have access to that. He believes it is being utilized by \_\_\_\_\_ during the years it is rented out. Pertaining to the four residents who live across the street, one being Chaplain Berdugo, the second one belongs to the shul, they are not going to discuss what is being done there, and why there should be a need for parking, but the second one belongs to the shul. And the other two have no objections whatsoever. Pertaining to the eighteen years, he wanted to reiterate there was a no parking zone for as long as he could remember. That is something to take into consideration that it has been a hazard. They are requesting the Township Committee to do what is fair. Like every other school in town, they have seventy six schools in town, grant the school the proper.....during school hours, whether it is 8AM to 5 PM, grant the proper needs of parking for school administration, for school busing, and for safe loading and unloading.

Mayor Akerman closed the hearing to the public.

Committeeman Lichtenstein had a question for Mr. Wouters before they move ahead. He wanted to put it out there, and is saying up front, and he not looking to recuse himself from this issue, he is asking a question, because it was mentioned to him. He has prayed in that shul a couple of times. He is very comfortable to sit up there, but wanted to hear from both sides that they are comfortable with him continuing to sit up on the dais before he engages any further discussion. He is not a member of the congregation, although when it is convenient and he can find parking, he has actually stopped once or twice to pray there. Someone raised that issue to him, and he wants to make sure before he does anything that both sides are comfortable.

Mr. Wouters responded it is fine with him.

Mr. Riley responded that just because he has gone there to pray, it does not disqualify him. The Court decision pertains if he was an active member of the congregation then that would disqualify him.

Mayor Akerman asked Mr. Wouters if he has anything to say or any advice. He does not want to vote on something that not everyone is comfortable with, or has not had the opportunity to discuss. He does not to do anything rash. He respects both sides.

Committeeman Coles wanted to say, that as being an outsider, he feels that there is a lot more going on around here than just parking disputes. He really wishes there was a way that people could get together and resolve that because it disturbs him as a Township Committeeman when they have organizations that they respect, people that they respect, who do wonderful things for the community, when they can not get on the same page. He is not an expert in traffic and safety, but he did spend about an hour outside the school and shul yesterday. There are a lot of positive things that have been said on both sides that he agrees with. He does not think that this Ordinance is perfect. He thinks that if they do pass it tonight, it still needs some tweaking, and some things

that need to be adjusted. When he looked out there, the five parking spots that are in front of the shul.....coming from someone that has been involved with Lakewood politics for going on fifteen years now, to have a synagogue come to him to say that they need parking, is something he thought he would never hear in his entire life. He respects that decision and he understands why. He saw how tight it was for those cars to get in and out. And he is concerned about how they back out. And to have a school bus that would be parking in one of those five spots and having those children walk on the sidewalk when people may be coming out of the parking lot worries him. He would much prefer to see the school buses begin their unloading zone at that driveway where they currently pull up now, and maybe extend it back further. He knows there were some discussions he had with the Rabbi yesterday, about talking to the homeowner to the west of the synagogue, and extending the school no parking zone further down the street to allow buses room to come in. The nine o'clock parking restriction does not work because the buses were coming in about a quarter to nine and there were still cars parked there, and that is why the three buses that pulled up while he was there had trouble because one car had not pulled out. It was still sitting right in front of the school so that one bus got in front of it, and one bus slid in behind it, and the other pulled up on Sixth Street to discharge the children all the way in. He does not know if the 8:30 time is good, and maybe they need to push that back to 8 o'clock, and maybe to 5 o'clock so that there is adequate time for the buses to come in, and adequate time for people who may be running a little bit late in the morning. I don't want to see people get ticketed because they got stuck taking care of a child, and getting a child ready to go out to school, and they weren't able to get outside to move the car by 8:30 or 9 o'clock. He thinks that while this Ordinance is not perfect, it is a beginning point. And if they do vote on it this evening, and if it passes tonight, he would do it only under the restriction that there is a lot more work to be done. Everyone has admitted that they should sit down and talk to each other. And he would like to see that happen regardless of whether they pass this tonight, or whether it does not pass tonight. Because, in his opinion, it is not a perfect Ordinance, there is still some work that needs to be done, but he respects the fact that the property owners and the homeowners are looking for a place to park. Again, as to the school, getting those children in and out safely is as important as anything that they can possibly do in this town. So as there is still work that needs to be done, he still hopes that there is a way that both parties can sit down and work out their differences, whatever they may be. If they can start by fixing the parking situation to their satisfaction, maybe some of the other stuff can work itself out too. It is a start, but by no means, an answer to this situation. They do need to look at making a little more space for the buses. But he does not think that getting them closer to Route 9 is the issue, especially, whether they agree or disagree that the driveway is supposed to be there, it is there now, and if those children are walking across it, he wants to know that they are going to be safe. They need to look at it a little bit more, it does need some tweaking if they go forward tonight, so he would like the Committee to consider that and to agree with it before they do pass anything.

Mr. Wouters responded that considering Committeeman Coles' comments, he would suggest that at this point that the matter be carried, and that they sit down with the Police and have further conversation. If there are questions regarding their feelings that the Ordinance does need tweaking, then they should do that before they proceed any further with it. He is not saying defeat it, he is saying it should be carried and referred back to the Police.

Committeeman Coles added that he wasn't indicating that they should not vote on it, because he thinks that at nine o'clock it is still too late for those cars to be able to park there, and that is one of the things that the Ordinance would address, even if it is only pushing it back a half an hour. But it is the will of the Committee.

Mayor Akerman asked Committeeman Coles if he was indicating they should vote on it?

Committeeman Coles responded that if they vote on it, again, they have done this on numerous occasions over the years, that when something is passed they are not admitting that it is perfect solution. It is a beginning point, and that they may have to look at it further. He personally would still be comfortable casting a vote tonight, but he knows there are some issues that need to be addressed.

Committeeman Lichtenstein stated that he hears what Committeeman Coles is saying, and he is not sure.....he agrees that there are issues here that need to be tweaked, and he also thinks there should be discussion between all the parties. He attempted to go out and talk to the parties, and at that point, he was unsuccessful. Perhaps, at this time, he would say that, while he does know if he is ready to vote tonight, he is certainly in favor of the Ordinance as it stands, unless there is a resolution, and they see that there was a true attempt between the parties in the extremely near future, even before their next meeting, would come together. That is how he would feel. He thinks that what will happen is as Committeeman Coles correctly stated, this is not an issue of parking. There are a lot of deeper issues that are running here. He has said this before, he does not think this is something that the Township Committee or its professionals should be dragged into. He does not think that this is something that they should be dealing with. He thinks that if they pass the Ordinance tonight, and then they would say they were going to tweak it, this is just going to continue to drag the Township into it. He thinks that they will probably end up having someone go to Court and challenge the Ordinance, and then it will get suspended, and they will be back here who knows how many times. He does have to say that, before he continues on the Ordinance, he wanted to address the Attorney for a minute. He stated that he does not always agree with Deputy Mayor Langert on everything. But he thinks that it is not fair if you think that someone is not qualified to sit on something, and that you should go up to him before the meeting and talk to him. He does not think that the way it was done is the way it should have been done. He does not know if that has been done at other meetings, but they try not to have a contemptuous political atmosphere at the meetings, and he does not think that was the way to ask the Deputy Mayor to excuse himself. But

regardless of that, he has prayed at the shul, and he knows Rabbi Tendler very well over his twenty years in Lakewood. The shul absolutely needs to survive, and needs to have some parking, and he does not know that it is really.....maybe it is a bit disingenuous to say that they are offering parking to the shul, but at the same time taking away that same lot, so he is not exactly sure what the Attorney is referring to. On the other hand, he did watch the children getting off the school buses. And the reason he is saying this is because he was out there, and he really thinks they can come to a resolution. The reason they have not come to a resolution is because of other underlying issues. So, he would suggest and he does not know if Committeeman Coles, and Mayor Akerman, agree with him, he is sort of following what Mr. Wouters said, is that they can carry this for one meeting, to March 7<sup>th</sup>, and on March 7<sup>th</sup>, this Ordinance goes on the way it is, unless he is convinced there was a true attempt to work things out, he would intend to vote for the Ordinance exactly the way it is. If he is convinced there was a true attempt, and he believes there was a true attempt, it can absolutely be worked out with a little bit of tweaking as Committeeman Coles discussed, he thinks that at least this portion of the discussion between the shul and the school can be put to rest. So that is how he would feel. They have always allowed the Police Chief a little latitude in relaxing Ordinances as he sees fit for an emergency, or for a week or two, they have done that by Ordinance in the past. The Chief certainly, until that time, could allow the shul and the school to both have the parking spots that they need, even though there may be an Ordinance in place, he thinks you can, if he is correct, allow the people to park where they need to in order to get into the shul.

Chief Lawson responded that is correct.

Committeeman Lichtenstein continued that perhaps that is the way they should handle it, until the next meeting. That would be his thought on it.

Mayor Akerman thanked Committeeman Lichtenstein. He said to Rabbi Tendler and the congregants of Sons of Israel, he is human and he would appreciate if they would give him that much, that they can think about it for another two weeks. He is sorry to delay it any further.

From the audience, someone stated that he agrees one hundred percent.

The hearing on this Ordinance was closed to the public.

Mayor Akerman stated that they will table this for the next Committee meeting, and he asked for a Motion to carry the Ordinance to March 7<sup>th</sup>.

Committeeman Lichtenstein offered the Motion to carry the Ordinance for the purpose of another quick discussion.

Committeeman Lichtenstein stated that, to him, working something out would mean here, in town hall, both sides sitting in a room, with the professionals, with the Police Chief, with at least one of the three Township Committee members that are on the dais tonight, sitting in that room. That is what it means to him. And the Mayor's Office will help to schedule it, through Mrs. Kay. In his opinion, it would mean a representative of the school who can speak for the school, a representative of the shul who can speak for the shul, Attorneys, Engineers, and whoever else is going to come into the room, the Police Department, Township Attorney, and at least one of the three Township Committeeman sitting on the dais, and have a real attempt to try to work something out. That, to him, would be a real attempt.

(Inaudible comments from audience...)

Committeeman Lichtenstein continued that certainly he knows there are four townhomes that are represented by Chaplain Berdugo, and they are absolutely invited to attend the meeting.

Motion by Committeeman Lichtenstein, second by Committeeman Coles, that the above Ordinance be carried to March 7, 2013.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein and Mayor Akerman.

**Second reading and public hearing on Ordinance No. 2013-8 carried to the meeting of March 7, 2013.**

Committeeman Coles volunteered to sit in on the meeting.

At this time, the Committee took a quick break.

The meeting reconvened, continuing with Ordinances for second reading. Deputy Mayor Langert returned to the dais.

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Vacating and Releasing a Deed Restriction contained in Deed Dated October 27, 2004, between the Township of Lakewood and Yeshiva Keter Torah, Inc.**

Read by title only for second reading.

Mayor Akerman opened the meeting to the public

Gerry Ballwanz, Governors Road – Stated she did a lot of homework on this, and all of these Ordinances are being passed on this unusual day of Wednesday, and she thought, who is going to come to a meeting on a Wednesday. They are not going to know about.

Mayor Akerman advised that there is a Jewish fast day tomorrow.

Mrs. Ballwanz responded that she did not know.

Mayor Akerman continued that he set up this meeting schedule, with Menashe Miller, prior to January 1<sup>st</sup>. And they checked all the Thursdays in the coming year to make sure that the meetings do not fall on holiday. And that is when they set up the twenty-four meeting days for the year.

Mrs. Ballwanz continued that this was a Deed restricted for a school, and now of course this Deed is going to be reversed. Again, we don't have a crystal ball and the Township will do something, and then the people who own the property change their minds, and then things need to be undone by the Committee. This property is near Coventry Square. You don't really realize it when you come down Squankum that Appolo Road goes up against Coventry Square, in particular, Governors Road, where she lives. However, she does not live on that part of Governors Road that abuts part of this property. There are numerous lots in here, and it is not the lot on which the Township is removing the restriction. She has a concern that it is being said that it is 48,437 square feet. According to the records, that lot is really only one acre. An Acre is approximately 43,000 square feet. This is five thousand square feet larger than what the records indicate. The person can say if it is less..... that maybe you should give me less money.....you don't have to pay for it. There are wetlands, and that only 25,000 square feet is buildable. She questions that, because, when you look at the map, there are fourteen acres of Lot 74 which is right against the Metedeconk. And that of course is wetlands, and that Lot 74 actually belongs to Somerset Meadows. But it was part of a land deal that was sold with houses on the other side of the Metedeconk, in Howell, in Monmouth County. There are big houses there off of Squankum Road, but they are next to the Metedeconk, in Howell Township. But another part of the land that was purchased or sold, or bought by Somerset Meadows is in Lakewood. That is where a lot of the wetlands are. That is where they have to be restricted, by three hundred feet. Lot 60 must really go up against that. So she questions as to if really any of that land that is Lot 60 is really not buildable. She thinks that the whole thing is buildable. She does not think there are any wetlands are. She has not been able to go there obviously. And it is landlocked because it is behind Lot 66 which is off Mars Avenue, which is a cul-de-sac. The school was there. It is no longer there. But Lot 47, which is going to be part of the subdivision on which there is an approval for houses, is right up against the thirteen acres of Coventry Square. That is right along the Metedeconk. It is a confusing picture as to where this is, and how it impacts Coventry. That is why she is knowledgeable about this, and really what is going to go up there now if that land gets to be built on, and that whole plan will be scuttled, and a new plan will be brought in by Appolo Homes, or Appolo Estates. It is confusing as to who owns what. Definitely, the yeshiva sold it in March 2011, two years ago, and they sold two lots for \$700,000.00, and now Appolo Homes can not build on there until the Township reverts the clause. She wants the Township to verify whether part of lot is really and truly wetlands, and if it is really all buildable then maybe it is worth much more money than the \$45,000.00 that the Township is asking for reverting the deed restriction.

Mayor Akerman responded that he does not think it was a sale; he believes it was a Deed in lieu of foreclosure. And the school went under. The person who owns it now intends, and the professionals told the Township, that all he can do is build a single family home.

Mrs. Ballwanz stated that it could be a townhouse. That is considered single family.

Mayor Akerman repeated, it is one single-family home; it is one buildable lot. They paid for the property, and they are asking that the restriction be lifted, and in compensation, they will pay the Township \$45,000.00. For one single house. They can build a townhouse, but it will not be an attached townhouse. Mayor Akerman repeated it will be one, single-family home.

Mrs. Ballwanz argued that it does not say it in the Ordinance.

Mr. Wouters confirmed it does not. The plan was presented to the Township, and reviewed by the professionals, and this is what they have recommended.

Mayor Akerman asked if it is limited to what was presented to the Township.

Mr. Wouters responded that there is nothing that conditions the release of the Deed restriction on that. So they would be able to use the property for whatever is permissible under the existing Ordinances. The question that was presented to this Committee, and what was decided, is whether this property....you could lift the restriction so it could be used for purposes other than schools, and the proposal that the Developer came with was that it was going to be used for single family housing, and that is what the Township based their decision on. Even if a single family house is built, it could be sold and ripped down tomorrow, and something could be put up, and the Township would have no control over that. They are not going to deed restrict it to single family.

Mrs. Ballwanz continued that you are now in the situation where they can put in townhouses. That is single family attached, not detached.

Mayor Akerman stated that townhouses are multi-family.

Mrs. Ballwanz continued that maybe \$45,000 is not enough money.

Mayor Akerman responded that when they do these sales, or lift a deed restriction, they go based on their professionals, the Engineer, the Tax Assessor, and that is how they come up with these values. They do not pick a number out of a hat. It is based on how much they paid for it originally, etc. It comes based on professional recommendation.

Mrs. Ballwanz continued that part of the professionals are saying that only 25,000 square feet is buildable, when she is not sure that is correct. She does not know where they came up with that number. Maybe someone went out there and really found out. That land is confusing because the Metedeconk meanders, and at different points, there is a greater distance.

Mayor Akerman stated that is what they do. That is what the professionals are there for.

Mrs. Ballwanz argued that they are saying it is 48,000 square feet, but on other records it is only an acre....meaning 45,000 square feet.

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

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-9 adopted on second reading.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Authorizing the Conveyance and Execution of a Deed of Utility Easement with respect to a Portion of Lot 1, Block 549.01.**

Read by title only for second reading.

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

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No.2 013-10 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 2007; Specifically Section 200, entitled Definitions of Terms, to Add the Definition of Mixed Use Developments, and Section 903 entitled Non-Residential Zoning Districts; Subsection entitled Highway Development Zone (B-5), to Add a Conditional use entitled Mixed Use Development and to add under Conditional Use Requirement, Section 1012 entitled Mixed Use Townhouse Development. (Chapter XVIII – Definitions of Terms)**

Read by title only for second reading.

Mr. Wouters advised that this Ordinance was referred to the Planning Board, as required by the Municipal Land Use Law. The Planning Board has responded that they have reviewed it, and they have raised some questions regarding the Ordinance which would require the Township to refer it to the Planner for further review. So he would ask that no further action be taken at this time with regard to the Ordinance, and that it be carried to the next meeting, including the public hearing.

Motion by Committeeman Coles, second by Committeeman Lichtenstein, that the above Ordinance be carried to March 7, 2013.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Second reading and public hearing on Ordinance No. 2013-11 carried to the meeting of March 7, 2013.**

### **ORDINANCES FIRST READING (Second reading and Public Hearing 03/07/13)**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter XI, (Traffic), of the Revised General Ordinances of the Township of Lakewood 1999, Amending Section 11-10 (Stopping or Standing), specifically, Section 11-10.1 (Stopping or Standing Prohibited). (Chapter XI, Sec. 11-10.1 – Stopping or Standing Prohibited)**

Read by title only for first reading.

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-12 adopted on first reading. Second reading and public hearing to be held on March 7, 2013.**

**An Ordinance of the Township of Lakewood, County of Ocean, State of New Jersey, Amending and Supplementing Chapter II (Administration) of the Revised General Ordinances of the Township of Lakewood 1999, Section 2-20.9 (Off-Duty Assignments of Police Officers). (Chapter II, Sec. 2-20.9 – Off-Duty Police Officers)**

Read by title only for first reading.

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

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-13 adopted on first reading. Second reading and public hearing to be held on March 7, 2013.**

**An Ordinance Amending and Supplementing an Ordinance entitled "An Ordinance Establishing the Annual Minimum and Maximum Salary Ranges for the Offices and Positions of Persons Employed by the Township of Lakewood in the County of Ocean and State of New Jersey and providing for an effective date 20 Days after Publication after Final Adoption. (Salary Ordinance 2013)**

Read by title only for first reading.

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

Committeeman Lichtenstein advised he plans to vote on this for first reading, but he is not one hundred percent sure what it is that they are accomplishing here. So he would reserve it for second, but will support it on first reading.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Ordinance No. 2013-14 adopted on first reading. Second reading and public hearing to be held on March 7, 2013.**

**CORRESPONDENCE**

Per list of one (2) correspondence item, attached hereto and made a part hereof.

**PARKS AND EVENTS CORRESPONDENCE**

Per schedule of eleven (11) requests, attached hereto and made a part hereof.

Motion by Committeeman Lichtenstein, second by Deputy Mayor Langert, and carried, to approve the above correspondence items.

**MOTION TO APPROVE BILL LIST OF: 02/18/13**

Motion by Committeeman Coles, second by Deputy Mayor Langert.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein, Deputy Mayor Langert and Mayor Akerman.

**Bill List approved.**

**COMMENTS FROM COMMITTEE MEMBERS**

Committeeman Lichtenstein advised he wanted to offer a Resolution from the floor, which he previously discussed with Mayor Akerman. They have helped with so many of the volunteer agencies in town, and this was a capital request from the LCSW, the Civilian Watch, to apply for a UEZ grant, which obviously the LDC would have to approve and then come back to the Township Committee for support for \$20,000.00 to be able to get vehicles to help with their volunteer patrolling of the town, working with the Police Department. So he wanted to offer that Resolution from the floor, and if the Committee would be agreeable to it, send it to the LDC and let them know that this is

something that the Township Committee would be in agreement with, or at least would like them to consider.

Deputy Mayor Langert clarified that historically, when the LDC wants to spend money, normally what they would do is they would pass a Resolution first, and then it would come to the Township Committee. He is not sure why Committeeman Lichtenstein would want to do it the other way around. And also he understands that recently the director of that organization has resigned and the organization has not put someone new in charge, and the organization may be in a little bit of a state of flux. So, he would rather they hold off until the LDC recommends that the Committee do the \$20,000.00. If they come back with a recommendation, certainly this Committee has always supported what they have done, and he would look upon that favorably. But he would certainly rather it come from the LDC first, then to the Committee, as opposed to from the Committee to the LDC, especially since, again, there is no director there, and he has heard that the organization is in a little bit of state of flux.

Committeeman Lichtenstein responded that the reason that he did it this way, he thought he was going to see it on tonight, and because having worked with them, he referred them to the LDC and spoke to one or two of the LDC board members, and asked them if they would be in favor of them, and they said....sure, if that is something that the Township Committee thought was important, that they would bring it to their board. He did not see it on the Agenda, and he asked the Mayor, why not, and he thought that maybe we could bring it up from the floor. So, they do not have to say, support it, they want it, and to let them know that they would like them to consider it, and to make sure it is going to a qualified organization that has leadership.

Deputy Mayor Langert repeated that they certainly have spoken to some of the members of the LDC, and he knows that they will know how the Committee feels about it, he just feels that coming from the other way around, when historically it has been from the LDC to the Committee, he feels this may be setting a bad precedent.

Committeeman Coles stated that both he and the Mayor can bring that word to the LDC at the next meeting in March. He thinks it is just as important though that the LCSW submit a request to the LDC so that they have it there, so they have something they can actually act on at the next meeting, rather than having to put it off until April.

Committeeman Lichtenstein stated he believes they are working with the staff there.

Mayor Akerman advised they did put in a request. That is why the LDC already has a Resolution prepared.

Deputy Mayor Langert stated then there should not be a problem. This is not going to happen until the LDC approves it, and the Township Committee approves it again. It is not like the Committee is delaying the process at all. He would just like them to consider seeing it done the way it has historically been done, and not backwards.

Committeeman Lichtenstein continued that if no one seconds his Motion, it will die on the floor.

Mayor Akerman advised he has been a little involved with the organization and they are still strong.

Committeeman Coles offered a second to the Motion, and added that they are going to take it to the LDC anyway.

On Roll Call – Affirmative: Committeeman Coles, Committeeman Lichtenstein and Mayor Akerman.

Negative: Deputy Mayor Langert, for the reasons stated above, not because he has anything against the LCSW. He just feels they are doing it backwards.

**Resolution No. 2013-115 – Adopted.**

**ADJOURNMENT**

Motion by Deputy Mayor Langert, second by Committeeman Coles, and carried, to adjourn the meeting. Meeting adjourned at 9:50 PM.