

**PLANNING BOARD  
TOWNSHIP OF BARNEGAT – COUNTY OF OCEAN  
STATE OF NEW JERSEY**

**MINUTES OF MEETING**

**January 24, 2012**

**7:30 P.M.**

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MEMBERS PRESENT: Ralph Dawes, (Chair) Danielle Novak, (Vice Chair), Jack Leonardo, Albert Bille, Louis Fischer, Anthony Altomare, Jan Wicks, Robert Doherty, William Wiseman, Sara Winchester (Alternate II)

ALSO PRESENT: Cynthia Rahn, Secretary to the Board, John J. Hess, P.E., P.P., C.M.E., (Birdsall Engineering, Inc.), Board Engineer, Michael McKenna, Esq., (Hiring, Gannon & McKenna), Board Attorney, Scott D. Taylor, (Taylor Design Group), Board Landscape Architect

FLAG SALUTE

OPEN PUBLIC MEETINGS ACT

NOTICE OF CURFEW

FIRE EXITS

Mr. Dawes noted the size of the crowd and asked everyone to keep their talking to a minimum during the testimony or to step outside. Mr. McKenna stated there is a procedure that will be followed and everyone will have the opportunity to ask questions and make comments.

ROLL CALL OF MEMBERS AND CONSULTANTS

BUSINESS OF THE BOARD: NONE

MASTER PLAN/LAND USE ORDINANCES:

A. MASTER PLAN SUBCOMMITTEE REPORT

Mr. Dawes stated the Master Plan report would be moved to the end of the agenda.

APPROVAL OF MINUTES: September 27, 2011

Motion by Mr. Altomare to approve; second by Mr. Fischer.

Aye: Fischer, Altomare, Wicks, Novak, Dawes

Motion carried.

CORRESPONDENCE:

Ms. Rahn advised a copy of "*The New Jersey Planner*" was in the Board members packets this month.

RESOLUTIONS: NONE

INFORMALS: NONE

OLD BUSINESS: NONE

NEW BUSINESS:

- A. DOCKET No. PB 11-29  
SHERER'S BOAT BASIN  
BLOCK 207, LOTS 1, 2, 2.01, 3 & 4  
482 EAST BAY AVENUE  
MINOR SITE PLAN**

Mr. Fischer recused himself from the application.

Richard Visotcky, Esq., of Kelly & Visotcky, representing the Applicant.

Mr. Visotcky stated the application is for a minor site plan approval to remove an existing tent and replace with a pole barn for marina storage of supplies, parts and some minor repairs. The proposed pole barn meets the zoning requirements and no variances are being sought.

Mr. Hess summarized his December 20, 2011 review letter.

Frank J. Baer, Jr., P.E., WSB Engineering, sworn.

Mr. Baer placed his credentials on the record.

Motion by Mr. Altomare to accept as an expert witness; second by Mr. Doherty.

All voted aye. Motion carried.

- A-1 Area Map
- A-2 Photo
- A-3 Photo
- A-4 Photo

Mr. Baer identified exhibits A-1 through A-4 for the record. The proposed pole barn would be utilized for the storage of parts, maintenance supplies, and the performance of minor repairs. There will be no painting or fiberglass work done within the structure. Mr. Baer testified to the existing conditions of the site. There was discussion regarding the size of the proposed structure and the materials used in the construction. Mr. Baer testified to the waiver request the Applicant would be seeking for the size of the proposed structure and again reiterated the proposed uses of the structure. The Applicant will comply with FEMA requirements as well as any conditions of the permit. The county approval, which has already been received, was conditioned upon a five foot dedication of property across the entire front. A waiver is also being sought for the installation of curbing and sidewalk. Mr. Hess commented a waiver could be requested, but then there must be a contribution to the Pedestrian Safety Fund. There was a discussion regarding the calculation of the fee. There will be a deed of consolidation, no new signage, the location of the handicapped parking spot was addressed and agreed that an accessible path to the office would also be provided. The Applicant will pay the tax map assessment fee. Mr. Baer testified that all outside agency approvals would be obtained and complied with.

Mr. Taylor inquired regarding the other structure on the site and if the operations that occur on the site actually face away from the residential dwelling. Mr. Baer advised Mr. Scherer lives on site, and the two story house is his residence. There was discussion regarding the rear door, its use strictly as an emergency exit, and the possibility of relocating it, the side doors are for ingress and egress. No lighting is proposed on the building. Mr. Taylor suggested the building be a light tan or brown as opposed to white. The structure will be on a concrete pad, electric will be provided, but no heat, a deed restriction will be done for no habitation. There was clarification regarding the amount of the contribution to the Pedestrian Safety Fund.

Motion by Committeeman Bille to open to the public; second by Mr. Altomare.

All voted aye. Motion carried.

Mr. Dawes noted there was no public comment.

Motion by Mr. Doherty to close to the public; second by Committeeman Bille.

All voted aye. Motion carried.

Motion by Committeeman Bille to approve; second by Mr. Doherty.

Aye: Leonardo, Altomare, Wicks, Doherty, Wiseman, Bille, Novak, Dawes, Winchester

Motion carried.

(Whereupon the Board took a recess, proceedings then continued as follows)

**B. DOCKET No. PB 01-11  
FOUR SEASONS AT SEA CREST PINES  
(FORMERLY FIFTH AVENUE TRACT)  
VARIOUS BLOCKS & LOTS  
WEST BAY AVENUE  
CONVERSION OF PLANNED ADULT COMMUNITY  
TO NON-AGE RESTRICTED DEVELOPMENT**

Richard Hluchan, Esq., from Hyland Levin, LLP, representing the Applicant.

Carl W. Erler, Esq., in house counsel for the Applicant.

Mr. Hess summarized his December 2, 2011 review letter.

Mr. McKenna explained the conversion statute to the Board.

A-1 Exhibit package (reduced copies of select exhibits)

Mr. Hluchan stated the Applicant has six witnesses and believes that they can demonstrate that all the criteria of the conversion statute is met.

Timothy Holmes, sworn.

Mr. Holmes placed his credentials on the record.

Motion by Mr. Leonardo to accept as an expert witness; second by Committeeman Bille.

All voted aye. Motion carried.

A-2 Aerial Photo

A-3 Aerial Photo (enlargement of A-2)

Mr. Holmes identified the exhibits explaining what each was depicting. He testified to the size and location of the property and the zones in which it is located. The original approval was for 347 age-restricted units. Using exhibit A-3 Mr. Holmes testified to the land uses of the properties that surround the subject site. He testified the two adjacent communities provide a fifty foot buffer from the common property line, the Applicant will also be providing a 50 foot buffer. The Paramount Homes project to the south has a deed restricted Wild Life Corridor of approximately 1,000 feet.

A-4 Site Development Plan

A-5 Rendering of Concept Plan

Mr. Holmes identified exhibit A-4 and A-5 for the record. Mr. Holmes testified using exhibit A-4 describing the approved layout for the site. Exhibit A-5 depicts the proposed plan for the conversion. Mr. Holmes identified the differences between the approved and proposed plan. There was discussion regarding the affordable housing units on the approved plan having been spread throughout the community and the proposal being clustered.

Mr. Holmes testified approval for all four phases was obtained prior to July of 2009. No deposit is being held and no units in the community have been conveyed. The criteria for twenty percent of the homes being affordable units has been met. Mr. Holmes testified to the Applicant meeting all the site improvement and infrastructure requirements of the Conversion Act. He explained a direct comparison of the approved size of the units versus this proposal could not be done as architectural were not required to be submitted, but used the building footprints on the grading plan for comparison purposes. The open space and density points of the statute are also met.

Mark Toconita, AIA, sworn,

Mr. Toconita placed his credentials on the record.

Motion by Mr. Fischer to accept as an expert witness; second by Mr. Doherty.

All voted aye. Motion carried.

Mr. Toconita testified to the number of market rate units and affordable units in the approved development compared to this proposal. He addressed the size of the recreation area and its amenities as approved comparing to this proposal. Mr. Toconita explained, "age targeted" advising it is created by design in two ways, one is the design of the home itself the other being the amenities offered.

A-6 Photos of Age Targeted Models

A-7 Photos of Family Targeted Models

A-8 Photos of Affordable Housing Models

Mr. Toconita described each model depicted on exhibits A-6 and A-7. He described the affordable units using exhibit A-8, testifying all COAH requirements and accessible requirements for the State.

Barry McCarron, K. Hovnanian Division President, North East Division, sworn.

Mr. McCarron placed his credentials on the record.

Mr. McCarron testified the project as approved does not currently work the company. He explained the reasoning behind this application for the conversion is due to recession, stating the housing industry has been affected. Mr. McCarron testified the first time homebuyer market is relatively strong given the state of the economy; the dilemma is the homes are not out there. The Board questioned if putting single-family homes in an area of the township, which has been

designated as an age-restricted area is a good decision. Mr. McCarron stated there is a new single-family community in the area, and this proposal has the possibility for keeping different generations of families in the same community. There was a discussion regarding how Homeowner's Associations would work within this community and who would have access to the clubhouse.

Francis J. Wood, K. Hovnanian, Land Development Manager, North East Division.

Mr. Wood testified that K. Hovnanian has just converted a community in Monroe Township into two separate communities similarly to this proposal. The Board questioned if that project also had the affordable units separate. Mr. Wood stated they were, but in that instance, the units were deeded to the town.

(Whereupon the Board took a recess, proceedings then continued as follows:)

Mr. McCarron addressed the pricing of the units, stating it is difficult to say where prices will be when they go to market, but age targeted would be 240's to low 300's, and family targeted 250's to mid 300's. Mr. McCarron testified to the reasoning for the reduction in the size of the clubhouse. Mr. McCarron explained the conversion as presented was designed to appeal to the broadest segment of the market.

Scott Kennel, P.E., McDonough and Rea Associates, sworn

Mr. Kennel placed his qualifications on the record.

Motion by Mr. Leonardo to accept as an expert traffic engineer; second by Ms. Novak.

All voted aye. Motion carried.

Mr. Kennel testified to the dates and times for data gathered for the traffic report submitted. He advised when the peak hours occurred and stated to present a worse case analysis he treated all the single-family units as market rate. Mr. Kennel testified to the findings of the traffic study. The Board questioned if the traffic study took into account the 180 additional homes to be built in Heritage Point. Mr. Kennel stated the growth rate was taken into consideration. There was discussion regarding the road which would lead into the Horizons developments and that it would be gated and strictly for emergency purposes only. Mr. Hess inquired since the counts were done in October if a seasonal adjustment was applied for peak summer months. Mr. Kennel testified any fluctuations would not have effected the conclusions of the report.

Art Bernard, P.P., Art Bernard Associates, sworn,

Mr. Bernard placed his qualifications on the record.

Motion by Mr. Fischer to accept as an expert witness; second by Mr. Leonardo.

All voted aye. Motion carried.

Mr. Bernard testified he reviewed the conversion statute as well as the Barnegat Township Master Plan, Open Space Plan, Housing Element and Land Development Ordinance, the proposed plan for the property, the traffic report and review letters from the Board professionals as well as conducted site visits. He explained the legislative findings set forth in the Conversion Act.

Motion by Mr. Fischer to carry the application to the February 28, 2012 meeting; second by Mr. Wicks.

All voted aye. Motion carried.

(Whereupon the Board took a recess, proceedings then continued as follows:)

**APPROVAL OF VOUCHERS: RESOLUTION NO. P-2012**

Motion by Mr. Altomare to approve; second by Mr. Fischer.

Aye: Leonardo, Fischer, Altomare, Wicks, Doherty, Wiseman, Bille, Novak, Dawes

Motion carried.

**OPEN MEETING FOR GENERAL PUBLIC COMMENT:**

Motion by Mr. Fischer to open to the public; second by Ms. Novak.

All voted aye. Motion carried.

Mr. Dawes noted for the record there was no public comment.

Motion by Committeeman Bille to close to the public; second by Mr. Doherty.

All voted aye. Motion carried.

**MASTER PLAN/LAND USE ORDINANCES:**

**A. MASTER PLAN SUBCOMMITTEE REPORT**

Mr. Dawes stated a schedule needs to be established for the Master Plan meetings. Mr. Altomare inquired when the Subcommittee feels this will be wrapped up. Mr. Dawes advised he feels things should be done by the end of the year. There was discussion as to the next meeting and agreed they would meet Wednesday, February 1<sup>st</sup> at 7:00 p.m.

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LITIGATION/EXECUTIVE SESSION: NONE

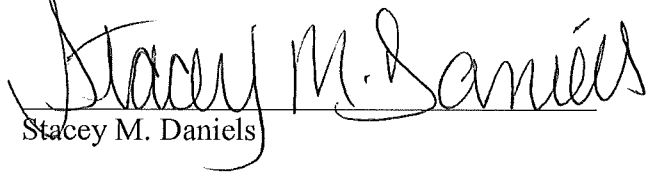
ADJOURN MEETING:

Motion by Mr. Wicks to adjourn the meeting; second by Mr. Fischer.

All voted aye. Motion carried.

Meeting adjourned 10:43 p.m.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Stacey M. Daniels". The signature is written in black ink and is positioned above a horizontal line.

Stacey M. Daniels