

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

MINUTES OF MEETING

April 24, 2012

7:30 P.M.

MEMBERS PRESENT: Ralph Dawes, (Chair), Anthony Altomare (Vice Chair), Jerry Harper, Louis Fischer, Jack Leonardo, Jan Wicks, Robert Doherty, William Wiseman, Dorothy Ryan (Alternate I), Sara Winchester (Alternate II)

MEMBERS ABSENT: Albert Bille

ALSO PRESENT: Stacey M. Daniels, Acting 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

ROLL CALL OF MEMBERS AND CONSULTANTS

BUSINESS OF THE BOARD: NONE

MASTER PLAN/LAND USE ORDINANCES: NONE

APPROVAL OF MINUTES: NONE

CORRESPONDENCE:

Mr. Dawes asked the Board Members to look at the flyer, which was included in their packets.

RESOLUTIONS:

- A. RESOLUTION NO. P-2012-9
DOCKET NO. PB 12-03
K & T WARETOWN, INC.
BLOCK 262, LOT 39.04
OLD LOWER SHORE ROAD & ESTELOW ROAD
APPROVAL OF WAIVER OF SITE PLAN**

Mr. McKenna summarized the resolution.

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

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

Motion carried.

- B. RESOLUTION NO. P-2012-10
SHORELINE SAND AND GRAVEL
VARIOUS BLOCK AND LOTS
RECOMMENDATION OF PROPERTY IN NEED OF REDEVELOPMENT**

Mr. McKenna summarized the resolution.

Motion by Mr. Harper to adopt; second by Mr. Fischer.

Aye: Harper, Fischer, Altomare, Doherty, Leonardo, Ryan, Wicks, Wiseman, Dawes

Motion carried.

INFORMALS: NONE

OLD BUSINESS:

- A. DOCKET NO. PB 11-32
R. STONE & COMPANY, INC.
STONE HILL @ BARNEGAT
VARIOUS BLOCKS & LOTS
CHERRY STREET & MEMORIAL DRIVE
PRELIMINARY & FINAL MAJOR SUBDIVISION**

Stephan R. Leone, Esq., Carluccio, Leone, Dimon, Doyle & Sacks, LLC, representing the Applicant.

John J. Novak, Esq., representing the Objectors, Oak Hill and Holly Oaks Homeowners Associations.

Stuart Challoner, Challoner & Associates, previously sworn.

Mr. Novak questioned if Mr. Challoner was the person who designed this project in compliance with the RSIS standards, applicable laws and safety. He asked for clarification regarding the safety standards for the intersection at Hanna Lee Road. Mr. Challoner testified the vertical alignment was designed by his office in compliance with the RSIS; the horizontal alignment was approved and designed with the Hanna Lee project. Mr. Novak inquired regarding the distance between the existing driveway and the Cherry Street intersection questioning the site triangle and if any other points of egress and ingress for the property were considered. Mr. Challoner advised this is a controlled stop intersection and the 45 feet provided is adequate. The only two access points to this property are from Cherry Street. There are no existing roadways on the Tanner pit property nor does it belong to the Applicant. The three lots were withdrawn due to the inability of the paper streets being vacated. There was a discussion regarding the remainder of the property owned by the Applicant and what the intent might be for future development.

A-3 Sheet 3 of 18

A-4 Overall Plan 2 of 18

Mr. Challoner addressed the two variances being sought using exhibit A-3. The topography of the property was testified to explaining all the drainage and run off would be contained on site. Mr. Challoner testified regarding the basin and the maintenance plan, advising ultimately the basin would be turned over to the township.

Scott Kennel, McDonough and Rae Associates, sworn.

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

All voted aye. Motion carried.

Mr. Kennel testified that he performed a traffic study, examining all the intersections on Route 9, Hannah Lee Road, Aphrodite Road and Memorial Drive. He also reviewed the subdivision plan and the Circulation Element of the Master Plan. Mr. Kennel testified to the dates and times of the study. Memorial Drive and Hannah Lee Road intersections are operating at an A level of service; Aphrodite and Route 9 intersection are operating at a C level of service.

Mr. Novak inquired since the study was conducted in December was there any contemplation of the summer traffic. Mr. Kennel testified he had contacted the DOT explaining that they classify for seasonal adjustments, therefore there would be an approximate five to seven percent adjustment for Route 9 in the summer months. He stated that even if there was a 20% adjustment the intersection of Route 9 would still perform at a D level of service, which is well within the acceptable range recognized by the DOT and Ocean County. Mr. Kennel testified there would be on average ten trips per day per home with the trips split between Hannah Lee and Aphrodite.

Junetta Dix, Environmental Consultant, previously sworn.

Mr. Novak questioned what environmental investigation was performed to determine the presence or absence of a Pine Barron Tree Frog. Ms. Dix testified she performed the investigation pursuant to the Barnegat Township Ordinance, the DEP landscape maps were reviewed for any documented or potential siting of threatened and endangered species on the property. The Pine Barron Tree Frog does come up on the landscape maps as a possible occurrence in the area; however they are dependent on wetlands for their breeding habitat, this property contains no wetlands nor are there any wetlands within 150 feet of the property. Therefore, the property is not viable breeding habitat for the Pine Barron Tree Frog. Ms. Dix testified she visited the site twice conducting thorough site investigations taking the environmental parameters on the site into consideration to determine the habitat characteristics of the site, concluding the site does not contain suitable breeding habitat for that species.

Robert Stone, previously sworn.

Mr. Novak inquired what the size of the proposed homes would be; and if he would be willing to make 1,900 square feet a condition of the approval or deed restrict the property. Mr. Stone testified the homes will range from 1,900 to 2,500 square feet, but he would not be willing to agree to the 1,900 square feet being a condition of approval.

(Whereupon the Board took a recess; proceeding then continue as follows:)

Mr. McKenna noted for the record that Mr. Harper has listened to the tapes from the previous meeting and is eligible to vote on this application.

Mr. Dawes opened the meeting for questions of the witnesses.

Phil Checcia

Mr. Checcia expressed concerns with when the environmental study was performed and inquired what other type of area the tree frog would breed. Ms. Dix reiterated that they only breed in wetlands or an aquatic habitat. Mr. Checcia commented he obtained information from the DEP and there is a possibility they could be breeding in roadside ditches, adding there are also snakes on the property. Mr. Checcia commented about the location of the school bus stop, expressing safety concerns. He also stated he feels these homes could negatively affect the value of the existing homes. The proposed sidewalk, roadway, basin and retaining wall were inquired about. Mr. Checcia spoke about safety during construction and inspection of the asphalt batches.

Mr. McKenna interrupted noting the time and the fact that the Board still had other business to attend to; he asked the remaining applicants if they would like to carry to the May meeting.

NEW BUSINESS:

- B. DOCKET NO. PB 03-31
TEDESCO HOMES, INC.
GUNNING HILL ESTATES
BL 114.54, LOT 15.04
EXTENSION OF TIME**

Mr. McKenna stated this application would be carried to the May meeting with no further notice being required.

OLD BUSINESS:

- A. DOCKET NO. PB 11-32
R. STONE & COMPANY, INC.
STONE HILL @ BARNEGAT
VARIOUS BLOCKS & LOTS
CHERRY STREET & MEMORIAL DRIVE
PRELIMINARY & FINAL MAJOR SUBDIVISION**

Mr. Checcia again questioned if this proposal would enhance or devalue the existing two developments. He inquired regarding the grade of concrete, the location of the handicapped access and the inconvenience that will be caused to the existing residence during construction. Again, the issue of safety was raised. Mr. Challoner testified the Applicant would comply with all Ocean County Soil Conservation District requirements for soil stabilization, all Barnegat Township safety requirements, and land use ordinances. Mr. Dawes interjected stating the same question has been asked and answered several times and the Applicant has agreed to comply with all requirements. Mr. Hess explained there are inspectors at the site everyday who monitor for tracking of dirt off the site and his office directs the contractor's when necessary to come in with street sweepers and repair the tracking pads as necessary.

(Whereupon Mr. Checcia became argumentative and was asked to leave the meeting)

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

Jacqueline Mazza

Ms. Mazza questioned the depth of the retention basin and expressed concerns with it functioning properly. Mr. Challoner explained there were six borings taken prior to the design of the basin and advised each home will have several dry wells. Ms. Mazza inquired if there was an alternative way to access the site and if this proposal conforms to what is permitted in the zone. She was informed that the proposal as presented is the only access, using exhibit A-1 the prior approved subdivision was shown, explaining what is presented is more in character to what currently exists in the Hannah Lee Road and Aphrodite Drive developments.

Carolyn Zic

Ms. Zic questioned if there would be an increase in runoff and if the storm drains were adequate. Mr. Challoner advised there would be no runoff discharged into the other developments.

Motion by Mr. Fischer to open the application for public comment; second by Mr. Harper.

All voted aye. Motion carried.

Mr. McKenna stated this is the time for comments and opinions.

Meaghan Irizarry, 24 Hannah Lee Road, sworn.

Ms. Irizarry read a prepared statement in opposition to the application and opening up Hannah Lee Road.

Nick Spitz, 28 Hannah Lee Road, sworn.

Nick Spitz read a prepared statement opposing the opening of Cherry Street.

Karen Kustek, 12 Hannah Lee Road, sworn.

P-1 Letter

Ms. Kustek read a letter into the record and stated she would like to give the Board a petition to stop the Cherry Street access onto Hannah Lee Road. Mr. McKenna advised the letter could be accepted, but not the petition.

Frank Passenti, 41 Hannah Lee Road, sworn.

Mr. Passenti inquired about land use criteria for new developments expressing concerns with site triangles and street widths. Mr. Hess explained when the RSIS was adopted it superseded all local land use regulations; the RSIS requires that site triangles be established based on ASHTO standards. Mr. Passenti commented tree frogs are located on the property. He stated he felt Mr. Stone should purchase additional property to have access to Route 9.

John Germano, 46 Hannah Lee Road, sworn.

Mr. Germano commented the Board's role is to represent the residents, and just because something made sense 25 years ago does not mean it does today. He also stated he has snakes on his property and commented he is concerned that there were documented sightings of tree frogs. Ms. Dix stated there are potential or historic sightings based the landscape maps.

Tom Silinsky, 15 Hannah Lee Road, sworn.

Mr. Silinsky stated he feels the property value is going to decrease once this goes through

Paul Telisszewski, 31 Hannah Lee Road, sworn.

Mr. Teliszewski commented during snowstorms only one lane is plowed down the center of Hannah Lee. The ground is all clay in that area and they have drainage issues.

John Humbert, 6 Aphrodite Drive, sworn.

Mr. Humbert stated he too has issues with drainage. He also commented that the environmental study should be conducted again and expressed concerns with the failure of dry wells.

Paul Gac, 17 Aphrodite Drive, sworn .

Mr. Gac informed the Board that several former mayors advised him that these paper streets would never go through. He agreed with other residents that this is going to change the character of their neighborhood.

Joann Dungo, 1 Cherry Street, sworn.

Ms. Dungo advised the Board there is a blind spot making the left from Route 9 onto Aphrodite Drive. She asked for clarification that Cherry Street would be cut through eliminating the cul-de-sac. Mr. Hess explained when the subdivision map was filed for her development a temporary easement was on each side for the cul-de-sac bulb and that when Cherry Street was extended the easement extinguishes.

Patty Patches, 39 Hannah Lee Road, sworn.

Ms. Patches expressed her concerns regarding safety

Paul Gac, 17 Aphrodite Drive, previously sworn.

Mr. Gac explained he has a concern with the visibility with the fencing and the corner property. Mr. Hess informed him in Barnegat Township you are allowed to have a four foot fence in the front yard, however once you get behind the front building line you are allowed to have a six foot fence.

Patty Patches, 39 Hannah Lee Road, previously sworn.

Ms. Patches questioned who owns the parcel of property next to her house and why the Applicant cannot purchase it and make a road coming out to Gunning River Road. Mr. Hess commented the town could not force any applicant to purchase more property and change the access.

Marie Steele, 21 Aphrodite Drive, sworn.

Ms. Steele inquired why is it okay to force the traffic through their neighborhood, but not make the Applicant create a new road to Gunning River.

Motion by Mr. Harper to close to the public; second by Mr. Doherty

All voted aye. Motion carried.

Mr. Novak gave his closing statement.

Mr. Leone gave his closing statement.

Mr. McKenna charged the Board.

Motion by Mr. Doherty to approve; second by Mr. Wiseman.

Aye: Doherty, Wiseman Fischer, Harper, Leonardo, Ryan, Wicks

Nay: Altomare, Dawes

Motion carried.

NEW BUSINESS

- A. DOCKET NO. PB 12-5
LEFTOR'S, LLC
LEFTY'S TAVERN
BL 146.02, L 10.01
547 NORTH MAIN STREET
WAIVER OF SITE PLAN**

Howard Butensky, Esq., representing the Applicant.

Lefteddy Saropoulos, owner, sworn.

Mr. Saropoulos testified he is the owner of Lefty's Tavern and is seeking a waiver from site plan requirements to have an outdoor seating area. The area would be 60 x 12 and consist of seating for approximately 50 people, a tiki bar, and a grill. There will be no impact on the existing drainage or traffic flow. There would be a separate application to the ABC for an expansion of the liquor license if this application were approved. There was a discussion regarding outdoor entertainment and agreed that any music or live entertainment would cease at 11:00 p.m.

Motion by Mr. Harper to open to the public; second by Mr. Fischer.

All voted aye. Motion carried.

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

Motion by Mr. Harper to close to the public; second by Mr. Fischer.

All voted aye. Motion carried.

Motion by Mr. Harper to approve the application; second by Mr. Altomare.

Aye: Harper, Altomare, Doherty, Fischer, Leonardo, Ryan, Wicks, Wiseman, Dawes

Motion carried.

APPROVAL OF VOUCHERS: P-2012-11

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

Aye: Altomare, Doherty, Fischer, Harper, Leonardo, Ryan, Wicks, Wiseman, Dawes

Motion carried.

OPEN MEETING FOR GENERAL PUBLIC COMMENT:

Motion by Mr. Fischer to open to the public; second by Mr. Harper.

All voted aye. Motion carried.

Motion by Mr. Fischer to close to the public; second by Mr. Harper.

All voted aye. Motion carried.

LITIGATION/EXECUTIVE SESSION: NONE

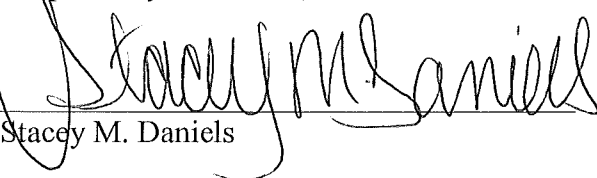
ADJOURN MEETING:

Motion by Mr. Leonardo to close to the public; second by Mr. Fischer.

All voted aye. Motion carried.

(Meeting adjourned 11:35 p.m.)

Respectfully Submitted,


Stacey M. Daniels