

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

**MINUTES OF MEETING
MAY 22, 2012
7:30 P.M.**

MEMBERS PRESENT: Ralph Dawes, (Chair), Jerry Harper, Albert Bille (7:56), Jack Leonardo, Jan Wicks, Robert Doherty (8:06), William Wiseman, Dorothy Ryan (Alternate I), Sara Winchester (Alternate II)

MEMBERS ABSENT: Anthony Altomare (Vice Chair), Louis Fischer

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:

- A. PUBLIC HEARING ON GUNNING RIVER ROAD REDEVELOPMENT STUDY
BLOCK 174, LOTS 13, 36,37,47,47.01 AND 48; BLOCK 175, LOTS 1 AND 2;
BLOCK 176, LOT 1; BLOCK 177, LOT 1; BLOCK 178, LOT 1; BLOCK
179, LOTS 1 AND 2; BLOCK 180, LOTS 1 THROUGH 5 INCLUSIVE;
BLOCK 181, LOT 1; BLOCK 182, LOT 1; BLOCK 183, LOT 1; BLOCK
184, LOTS 1, 2 AND 3

Mr. Dawes announced that the Board would hear the pending applications first, then move on to the public hearing on the Redevelopment Study.

APPROVAL OF MINUTES: NONE

CORRESPONDENCE: NONE

RESOLUTIONS:

- A. RESOLUTION NO. P-2012-12
DOCKET NO. PB 11-32
R. STONE & COMPANY, INC.
STONE HILL @ BARNEGAT
VARIOUS BLOCKS & LOTS
CHERRY STREET & MEMORIAL DRIVE
APPROVAL OF PRELIMINARY & FINAL MAJOR SUBDIVISION**

Mr. McKenna summarized the resolution.

Motion by Mr. Harper to adopt; second by Ms. Ryan.

Aye: Harper, Ryan, Wicks, Wiseman

Motion carried.

- B. RESOLUTION NO. P-2012-13
DOCKET NO. PB 12-5
LEFTOR'S, LLC
LEFTY'S TAVERN
BL 146.02, L 10.01
547 NORTH MAIN STREET
APPROVAL OF WAIVER OF SITE PLAN**

Mr. McKenna summarized the resolution.

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

Aye: Harper, Wicks, Leonardo, Ryan, Wiseman, Dawes

Motion carried.

13. INFORMALS:

- A. DOCKET NO. PB 12-07
OCEAN COUNTY HEALTH DEPARTMENT
BLOCK 262, LOT 27
20 COLLINSTOWN ROAD
COURTESY REVIEW**

Felipe Contreras, Remington, Vernick & Vena, sworn.

A-1 Alteration to the Ocean County Board of Health Southern Office Building (3/13/12)

Mr. Contreras testified the Ocean County Board of Health purchased an existing kennel facility and are requesting to renovate the inside of the dwelling and create office space. Mr. Hess informed the Board twenty years ago site plan approval was granted for the kennel at an existing residence. The county is just looking to create handicap accessibility and convert the house into office space. Mr. Contreras testified to the size shape and location of the property and the surrounding area. Mr. Taylor commented to check with the Building Department regarding the need for proper stripping and signage for the handicapped accessibility to the office facility. He also inquired regarding lighting for nighttime usage. Mr. Contreras advised that lighting for the entrance is part of their Phase II plan, along with renovation to the kennel facility itself and that they would return to the Board prior to that taking place. The office hours would be from 8:00 a.m. through 5 p.m.

Motion by Mr. Harper to open to the public; second by Ms. Ryan.

All voted aye. Motion carried.

Carol Matuszewicz, sworn.

Ms. Matuszewicz stated she just wanted to know what was going on with the property and if it was going to negatively affect her property.

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

All voted aye. Motion carried.

OLD BUSINESS: NONE

NEW BUSINESS:

- A. DOCKET NO. PB 03-31
TEDESCO HOMES, INC.
GUNNING HILL ESTATES
BL 114.54, LOT 15.04
REVISED PHASING SCHEDULE AFFORDABLE HOUSING UNITS**

Craig M. Gianetti, Esq., Giordano, Halleran & Ciesla, representing the Applicant.

A-1 Subdivision Plat
A-2 Phasing Schedule

Mr. Gianetti explained to the Board according to Barnegat Township Ordinance there is a phasing schedule as to how many market rate units have to be completed to how many affordable units have to be completed. A-1 shows the layout of the subdivision and its current status; presently there are four market rate units with CO's and four units presently under construction. The building permit has been received for the affordable unit and construction has begun. A-2 shows the phasing schedule as per township ordinance. Mr. Gianetti explained there was a delay in construction of the affordable unit in part because

the township does not have an Affordable Housing Administrator. The Applicant would like to allow the ninth and tenth market rate unit to obtain CO's while he continues to build the first affordable unit, then temporary CO's until the affordable unit is completed. That would also apply to the next phase, allowing the 15th unit to receive a CO with temporary CO's thereafter until the second unit is complete. Mr. Hess stated he would prefer to have a fixed number set even if they increased the market rate CO's issued before the affordable unit was completed; instead of temporary CO's.

John Tedesco, Tedesco Homes, sworn.

Mr. Tedesco testified the first affordable unit is under construction. He explained the issue is that Ryan homes can build a lot quicker than he can, and due to contractual obligations, he wants to ensure that they can continue to build. Mr. Tedesco stated his intention is to meet the schedule and finish this house before Ryan finished their number nine.

Motion by Mr. Harper to open to the public; second by Ms. Ryan.

All voted aye. Motion carried.

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

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

All voted aye. Motion carried.

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

Aye: Harper, Wiseman, Leonardo, Ryan, Wicks, Winchester, Wiseman, Dawes

Motion carried.

**B. DOCKET NO. PB 09-18
FOUR SEASONS @ MIRAGE HOMEOWNERS ASSOCIATION
BLOCK 95.24, LOT 43
RECREATIONAL FACILITIES
FIELD CHANGE – SHADE STRUCTURE**

Mr. Leonardo recused himself from the application.

Linda Kropf, President of the HOA sworn.

Ms. Kropf explained they are asking for a field change to install a gazebo type structure to provide shade by the tennis court. She advised in 2010 the HOA received a field change for installation of four gazebos on the bocce courts. They are looking for an 8x16 slab with an 8x16 gazebo. Mr. Hess commented he has no concerns with the application.

A-1 Application Packet

Motion by Mr. Harper to open to the public; second by Ms. Ryan.

All voted aye. Motion carried.

Mr. Dawes noted for the record there was no public comments on the application.

Motion by Ms. Ryan to close to the public; second by Committeeman Bille.

All voted aye. Motion carried.

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

Aye: Bille, Harper, Ryan, Wicks, Winchester, Wiseman, Dawes

Motion carried.

**C. DOCKET NO. PB 02-54
HAMPTON RIDGE, LLC
HAMPTON RIDGE
BLOCK 114.66, LOTS 1-36
BLOCK 114.67, LOTS 1-10
FIELD CHANGE – ELIMINATION OF SOD**

Marion Knowles, sworn.

Ms. Knowles testified she was looking for relief of the installation of sod in the rear of the remaining properties. Mr. Hess advised the Board that the Applicant is here because there is an ordinance that requires all disturbed areas to be sodded. Ms. Knowles stated she has had a few homeowners who did not want the sod and the Building Department required her to obtain a letter from them waiving the sod installation. Mr. Hess suggested that being a condition of the approval, the sod is required unless the owner signs a waiver. Ms. Knowles explained that is the procedure they are currently following and she submits that to the Building Department. Mr. Hess suggested granting a field change to allow that process, as it is an ordinance requirement and that is not an official process.

Motion by Mr. Harper to open for public comment; second by Ms. Ryan.

All voted aye. Motion carried.

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

Motion by Mr. Harper to close; second by Committeeman Bille.

All voted aye. Motion carried.

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

Aye: Bille, Harper, Ryan, Wicks, Winchester, Wiseman, Dawes

Motion carried.

MASTER PLAN/LAND USE ORDINANCES:

- A. PUBLIC HEARING ON GUNNING RIVER ROAD REDEVELOPMENT STUDY
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184, LOTS 1, 2 AND 3

Peter VanDenKooy, P.E., AICP, Birdsall Services Group, sworn

Mr. VanDenKooy places his credentials on the record.

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

All voted aye. Motion carried.

Mr. McKenna explained that the purpose of this procedure is for the Planning Board to make a determination regarding whether or not the area is in need of redevelopment and report their findings back to the Township Committee. Mr. Hess stated this report was prepared for both the Tanner's pit and also the property that was just approved for Stone Hill at Barnegat. Since Stone Hill at Barnegat has received approval, he would recommend if the property is deemed in need of redevelopment, it should not include those properties.

A-1 Memorandum 5/22/12

A-2 Map Two Zoning Map

A-3 Redevelopment Study

Mr. VanDenKooy testified to the location of the property identifying the blocks, lots, zones and size of the properties included in the investigation. He testified to the current land use of the properties. Mr. VanDenKooy went through exhibit A-1 testifying to the criteria that properties contained in the study area had met. He advised there had been numerous violations issued by the DEP.

Motion by Committeeman Bille to open for public comment; second by Mr. Wiseman.

All voted aye. Motion carried.

Denise Pilovsky, 26 Aphrodite Drive, sworn

Ms. Pilovsky inquired if what this study is saying is that it is safe to build on the property. Mr. Dawes explained the purpose of this is to recognize that this is property that could not be readily developed; it is in need of redevelopment and remediation. The study will determine what needs to get done specifically and what type of development would make sense and be appropriate in addition to what actions need to be taken prior to even considering developing the property. Ms. Pilovsky commented she feels the property should be tested; she has witnessed a lot of illegal dumping and believes there is contamination.

Mr. Hess explained the first step in the process is the Township Committee authorized the Planning Board to undertake a study to determine if the property is in need of redevelopment. If the Planning Board makes that determination then the Township Committee moves to the second step of developing a redevelopment plan. First by endorsing the findings of the Planning Board and then they would undertake a study to determine the highest and best use of the property. By declaring, the property in need of redevelopment opens up certain avenues of funding.

Kelly Irizarry, 24 Hannah Lee Road, sworn.

Ms. Irizarry inquired how the study was funded. Mr. Hess informed her the Township Committee funds both the initial study to determine if the property is in need of redevelopment as well as the additional study to determine what would best be done with the property. Ms. Irizarry inquired what the study costs. Mr. VanDenKooy stated this study was \$7,500.

Frank Passenti, 41 Hannah Lee Road, sworn.

Mr. Passenti inquired how the application for Mr. Stone could be approved prior to this redevelopment process if those blocks and lots were included in the study. Mr. Hess clarified when the Township Committee authorized the study to be performed in 2010 the property had sat inactive for more than 10 years. At the end of the study process Mr. Stone had come forward with an application; which had subsequently been approved. Therefore, the recommendation tonight was that any recommendation excludes the property that encompasses Stone Hill at Barnegat.

Joe Supor, 433 Bergen Avenue, Carnie, New Jersey, sworn.

Mr. Supor stated the property was a landfill and they are in the process of cleaning it up. He informed the Board the property was purchased as is and there was suppose to be Brown Field money to clean it up, but when they went to get the money, it was not there as the prior owner had taken the money.

Kelly Irizarry, 24 Hannah Lee Road, previously sworn.

Ms. Irizzary asked for clarification on the fallow property and the ten years. Mr. VanDenKooy referred to exhibit A-1 reiterating Criteria C.

Motion by Mr. Leonardo to close public comment; second by Ms. Ryan.

All voted aye. Motion carried.

Motion by Mr. Doherty to recommend the area be deemed to be in need of redevelopment; second by Mr. Harper

Aye: Doherty, Harper, Leonardo, Ryan, Wicks, Winchester, Wiseman, Dawes

Abstain: Bille

Motion carried.

APPROVAL OF VOUCHERS: P-2012-14

Motion by Mr. Harper to approve; second by Mr. Leonardo.

Aye: Harper, Leonardo, Bille, Doherty, Ryan, Wicks, Winchester, Wiseman, Dawes

Motion carried.

OPEN MEETING FOR GENERAL PUBLIC COMMENT:

Motion by Ms. Ryan to open the meeting for public comment; second by Mr. Wiseman.

All voted aye. Motion carried.

Frank Passenti, 41 Hannah Lee Road, previously sworn.

Mr. Passenti inquired if the Stone Hill at Barnegat development needs CAFRA approval. Mr. Hess advised they do not, explaining that CAFRA regulates more than twenty-four buildable lots and they only proposed nineteen.

Denise Pilovsky, 26 Aphrodite Drive, previously sworn.

Ms. Pilovsky inquired how the Board could vote on the final approval for the Stone application without the minutes. Mr. Dawes explained it is a matter of process and the resolution is what memorializes the approval. Ms. Pilovsky questioned if any soil testing performed for that project, commenting there is runoff from Tanner's pit. Mr. Hess advised there is no requirement in the ordinance and the property is undisturbed. Soil borings were presented as part of the application and the information provided met all the ordinance requirements as well as the state statutes demonstrating that the storm water management system would function. Ms. Pilovsky inquired if Ms. Ryan should have abstained from the application since she previously worked for Mr. Leone. Ms. Ryan stated it was over ten years ago. Mr. McKenna commented there would be no reason for her not to vote on the application. Ms. Pilovsky asked for clarification of ownership of the blocks and lots in the redevelopment property.

Robert Stone, sworn.

Mr. Stone asked that Mr. Hess and Mr. McKenna double check the ownership of the block and lots because his notes reflect differently.

Joe Supor, 433 Bergen Avenue, Carnie, New Jersey, sworn.

Mr. Supor wanted the record to be clear that the Tanner's pit property was never a garbage dump.

Denise Pilovsky, 26 Aphrodite Drive, previously sworn.

Ms. Pilovsky commented that her two daughters have a rare disease and she thinks it may have something to do with the land.

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

All voted aye. Motion carried.

LITIGATION/EXECUTIVE SESSION: P-2012-15

Motion by Committeeman Bille to go into executive session; second by Mr. Harper.

All voted aye. Motion carried.

(Whereupon the Board went into executive session; proceedings then continued as follows:)

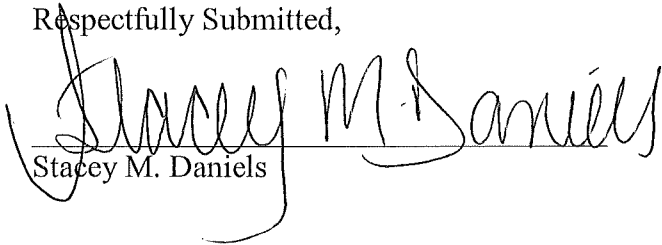
ADJOURN MEETING:

Motion by Mr. Leonardo to adjourn the meeting; second by Ms. Ryan.

All voted aye. Motion carried.

(Meeting adjourned 9:15p.m.)

Respectfully Submitted,


Stacey M. Daniels