

BARNEGAT TOWNSHIP
OCEAN COUNTY, NJ
900 WEST BAY AVENUE
BARNEGAT, NJ 08005

TOWNSHIP COMMITTEE MEETING AGENDA
May 8, 2020, 10:00 a.m.

Call to Order the May 8, 2020 Township Committee Meeting:

Provisions of the Open Public Meetings Law:

Pursuant to the requirements of the Open Public Meetings Law, adequate 48 hour Public Notice of this meeting has been given: by publication of the date, time and location in the official newspapers, and by posting on the Municipal website for public inspection.

Pledge of Allegiance:

Roll Call of Officials:

Committeeman Bille -
Committeeman Cirulli -
Committeewoman Kropf -
Deputy Mayor Pipi -
Mayor Novak -

Public Session Comment as advertised:

If you wish to comment on the agenda or other matters or to have your comment read into the record of this meeting, please provide your comment to Clerk@barnegat.net before 8:00 a.m. Friday, May 8, 2020. Please include in the subject line: "Public Comment May 8, 2020", include name and address for the record.

Motion to Open Public Session:

Second:

Motion to Close Public Session:

Second:

Old Business:

Ordinance 2020 – 5 (Second Reading)

An Ordinance amending and supplementing Chapter 55.57 of the Land Use Code entitled “C-N Neighborhood Commercial Zone”

Motion to open Public Comment: Second:
Motion to close Public Comment: Second:

Motion to adopt ordinance: Second:
Roll Call: Committeeman Bille: Committeeman Cirulli:
Committeewoman Kropf:
Deputy Mayor Pipi: Mayor Novak:

New Business:

Approval of the minutes from the May 5, 2020 meeting

Motion to adopt minutes: Second:
Roll Call: Committeeman Bille: Committeeman Cirulli:
Committeewoman Kropf:
Deputy Mayor Pipi: Mayor Novak:

Ordinance 2020 – 7

An Ordinance authorizing the public sale of township property known as Block 250 Lot 23, 686 E. Bay Avenue

Motion to introduce ordinance: Second:
Roll Call: Committeeman Bille: Committeeman Cirulli:
Committeewoman Kropf:
Deputy Mayor Pipi: Mayor Novak:

Motion to Adjourn: Second:

**Next scheduled meeting
June 4, 2020 at 10:00 A.M.**

ORDINANCE NO. 2020-5

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING CHAPTER 55 OF THE TOWNSHIP CODE ENTITLED "LAND USE" AND SUBSECTION 57 THEREOF ENTITLED "C-N – NEIGHBORHOOD COMMERCIAL ZONE".

NOW THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

SECTION 1. Chapter 55 of the Township Code entitled "Land Use" and Subsection 57 thereof entitled "C-N - Neighborhood Commercial Zone" is hereby amended and supplemented in Sections set forth below to read as follows:

- (d) All units shall be age-restricted and limited to one-and two-bedroom units. One-bedroom units shall be no less than 800 square feet. Two-bedroom units shall be no less than 950 square feet with a minimum of 70% of the two-bedroom units having no less than 1,100 square feet.

- (e) The maximum permitted density for age-restricted occupied condominium units shall be fifteen (15) units per acre. A maximum of 20% affordable housing set-aside may be provided as set forth in the Fair Housing Act, N.J.S.A. 52:27D-329.9. Not more than 10 of the affordable units may be low-income and the remaining shall be moderate income. Pinelands Development Credits shall be purchased and redeemed for twenty-five percent (25%) of all units in the condominium development. Redemption of Pinelands Development Credits shall not be required for affordable housing units provided to meet the requirements of the Fair Housing Act, N.J.S.A. 52:27D-329.9, provided such affordable units do not exceed 20% of the total number of proposed units. All affordable units shall comply with the New Jersey Uniform Housing Affordability Controls and shall be managed by the Township's Administrative Agent for Affordable Housing. The Developer shall be required to enter into a Developer's Agreement with the Township to effectuate same.

LAW OFFICES OF
CHRISTOPHER J. DASTI
COUNSELLOR AT LAW
900 NEWARK AVENUE
P.O. BOX 779
FORKED RIVER, N.J. 08731

- (f) The condominium development shall include a clubhouse and other outdoor recreation amenities to be approved by the Planning Board, which may include amenities such as picnic pavilions, tables benches, grills, bocce, horseshoe pits, fire pits, and the like, for sole use by the residents of the development and their guests. A clubhouse shall be provided for all projects having 50 or more units and shall provide 17 SF of indoor area per unit, but shall not be less than 1,000 SF in area.
- (g) The proposed condominium development shall comply with the minimum parking requirements set forth in Section 55-173 of the Barnegat Township Land Use Code. No additional parking above what is required for the condominium units shall be required for the clubhouse and outdoor recreation area.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 4. This ordinance shall take effect after second reading and publication as required by law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 3rd day of March, 2020, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 8th day of May, 2020, at 10:00 AM/PM at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.



MICHELE RIVERS, RMC, Clerk
Township of Barnegat

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Township of Barnegat

COUNTY OF OCEAN



900 WEST BAY AVENUE
BARNEGAT, NEW JERSEY 08005-1298
Email: clerk@barnegat.net

MUNICIPAL OFFICES: (609) 698-0080
FAX #: (609) 698-7980
Visit Our Website: www.barnegat.net

April 29, 2020

Hon. John J. Novak, Mayor and Township Committee
Township of Barnegat
900 West Bay Avenue
Barnegat, NJ 08005

RE: ***REFERRAL ORDINANCE 2020-5, An Ordinance Amending and Supplementing Chapter 55, Section 57 entitled C-N Neighborhood Commercial Zone***

Dear Mayor Novak and Township Committee:

In accordance with N.J.S.A. §C.40:55D-26, on April 28, 2020 the Barnegat Township Planning Board reviewed the above referenced ordinance for consistency with the Master Plan. The Planning Board finds the Ordinance to be consistent with the Master Plan and recommends adoption.

There were eight affirmative votes for the proposed ordinance being adopted, with no one voting in opposition of the ordinance.

Respectfully,

Stacey M. Cole, Board Secretary
Barnegat Township Planning Board

cc: Martin Lisella, Township Administrator
Michele Rivers, Municipal Clerk

ORDINANCE NO. 2020- 7

AN ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE PUBLIC SALE OF PROPERTY KNOWN AS BLOCK 250, LOT 23 (686 EAST BAY AVENUE) OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY, PURSUANT TO N.J.S.A. 40A:12-13 ET SEQ.

WHEREAS, the Township of Barnegat, is the owner of real property and capital improvements known as Block 250, Lot 23 otherwise known as 686 East Bay Avenue in the Township of Barnegat (the "Property"); and

WHEREAS, the Property is an undersized lot located in the Village Commercial Zone; and

WHEREAS, the Property has improvements on it which is the previous Office of Emergency Management Headquarters; and

WHEREAS, the Township Committee of the Township of Barnegat previously determined that the Property is no longer needed for public use; and

WHEREAS, a sale of the Property will return the Property to the tax rolls of the Township of Barnegat; and

WHEREAS, the Township Committee previously advertised for the solicitation of bids to purchase the Property to Resolution 2020-154; and

WHEREAS, the minimum bid was \$50,000.00; and

WHEREAS, the Township received the highest responsive bid of H. Kenneth Matthews, ¹⁰⁰¹~~1001~~ Hawaii Drive, Forked River, New Jersey 08731 in the amount of \$56,551.00.

WHEREAS, N.J.S.A. 40A:12-13(a) authorizes the Township to sell municipally owned property with capital improvements at a public sale after the Township sets the minimum bid.

DASTI & ASSOCIATES
ATTORNEYS AT LAW

310 Lacey Road
P.O. Box 779
Forked River, N.J. 08753

NOW THEREFORE BE IT ORDAINED on this 8th day of May, 2020 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

SECTION 1. The Township is the owner of the land and improvements located in the Township of Barnegat known as Block 250, Lot 23 otherwise known as 686 East Bay Avenue, Barnegat Township, New Jersey (the "Property") and is located in the CVH Village Commercial Zone and is subject to all easements and restrictions of record and not of record.

SECTION 2. The Township Committee has determined it to be in the public interest to sell said Property at a public sale to the highest bidder in accordance with N.J.S.A. 40A:12-13(a).

SECTION 3. The Township Committee declares the Property to be surplus and not needed for public use.

SECTION 4. The following conditions for the sale of the Property shall apply:

- (a) The minimum bid for the Property was \$50,000.00 as determined to be the value of the Property by the Tax Assessor.
- (b) Full payment of the purchase price shall be received within 30 days of the date of the acceptance of the bid. The successful bidder will be required to pay, either by cash or bank check, the deposit in the amount of ten percent (10%) of the minimum price of the bid at the close of bidding with the balance to be paid by either cash or bank check. The successful bidder shall pay all legal expenses including, but not limited to, Township legal fees, the pro rata cost of advertisement, recording fees, realty transfer fee and all other reasonable fees and costs incurred as part of the consideration on the date of closing.

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(c) The Property is being sold in an “as is” condition. The successful bidder is responsible for conducting any and all inspections and testing of the Property at its own cost and expense. The Property is sold subject to any and all conditions, including but not limited to, title issues, environmental issues, existing encumbrances, liens, easements, zoning ordinances, other restrictions of record, such facts as an accurate survey would reveal, any future or present assessment for the construction of improvements benefiting the Property. A survey of the Property may be conducted by any prospective bidder at its discretion, as part of its due diligence.

(d) Should the Property be developed, it shall be done in accordance with all applicable Township ordinances as well as County and State laws, rules, and regulations. No representation, express or implied, is made that the successful bidder on an undersized lot will be able to secure a variance to develop, construct, or otherwise utilize any undersized lots hereby being sold.

(e) The Deed must be recorded within 30 days of closing or title to the Property shall automatically revert back to the Township of Barnegat without the necessity of entry or re-entry.

(f) With respect to the sale of the Property herein, no real estate commission is owed.

(g) The Deed given by the Township for the property will be a Quit Claim Deed. No title contingencies or conditions are permitted.

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(h) The Township reserves the right to accept the highest responsive bid if equal to or greater than the minimum bid price or to reject all bids and not to award to the highest bidder. The Township reserves the right to waive any and all defects in formalities in any proposal, and to accept or reject the highest responsive bid deemed to be in the best interest of the Township.

(i) In the event the Township cannot convey marketable title to said premises its sole liability shall be to return without interest all monies paid by the purchaser to the Township. This obligation will not survive the closing of title. It is suggested and recommended that the potential bidders perform title searches and/or last owner and lien searches on the properties they are interested in bidding upon prior to the date of bid submission so that the potential bidder may be adequately apprised of any encumbrances or restrictions of record effecting the use and germane of property. The Township of Barnegat shall not be responsible for the cost associates with such searches in the event the Township of Barnegat is unable to convey title and/or if a bid is rejected.

5. This Ordinance shall be advertised in the official newspaper of the Township by two insertions, at least once a week during two consecutive weeks, the last publication to be no later than seven (7) days prior to the sale.

6. A certified copy of this Resolution shall be forwarded by the Township Clerk to the following:

- (a) Martin J. Lisella, Administrator; and
- (b) Kristin Peel, Tax Assessor

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(c) H. Kenneth Matthews

(d) Christopher J. Dasti

(e) Thomas Lombarski

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Barnegat on the 8th day of May, **2020**, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 4th day of June, **2020**, at 10:00 AM/~~PM~~ at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

MICHELE RIVERS, RMC, Clerk
Township of Barnegat

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