

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

**MINUTES OF MEETING
MAY 24, 2022
6:30 P.M.**

MEMBERS PRESENT: Al Bille – Mayor, Robert Doherty - Vice Chairman,
Louis Fischer – Class II, James Goldstein Jack Leonardo - Chairman, George Perez,
Fred Rubenstein, Glenn Swank, William Wiseman - Alternate I

MEMBERS ABSENT: Lou Scheidt , Phillip Grasso – Alternate II

ALSO PRESENT: Stacey M. Cole, Secretary to the Board, Michael J. McKenna, Esq., Hering,
Gannon & McKenna, Board Attorney, David Barry, P.E., CME Engineers, Board Engineer

FLAG SALUTE

Mr. Leonardo asked for a moment of silence to remember Tony Altomare who passed away and
was a long time member and former chairman of the Board.

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:

MASTER PLAN MINUTES AUGUST 11, 2021

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

Aye: Doherty, Perez

Motion carried.

APPROVAL OF MINUTES:

APRIL 26, 2022

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

Aye: Rubenstein, Fischer, Goldstein, Perez, Swank, Doherty, Leonardo, Bille

Motion carried.

RESOLUTIONS:

- A. RESOLUTION NO. P-2022-10
DOCKET NO. PB 22-05
BARNEGAT TOWNSHIP BOARD OF EDUCATION
ELIZABETH V. EDWARDS SCHOOL
382 NORTH MAIN STREET
BLOCK 250, LOT 13
DEMOLITION OF ELIZABETH V. EDWARDS SCHOOL
COURTESY REVIEW**

Mr. McKenna summarized the resolution.

Mr. Leonardo commented he would like for the Board to send a recommendation to the Board of Education suggesting they make a memorial plaque reflecting this as a historical site of the Edwards School. The Board agreed and Ms. Cole advised she will send a letter along with their resolution making this suggestion.

Mr. Rubenstein reiterated his concerns on health and safety. Mr. McKenna commented he could revise the resolution and add a paragraph expressing on behalf of the Board.

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

Aye: Goldstein, Fischer, Perez, Rubenstein, Swank, Doherty Leonardo, Bille

Motion carried.

- B. RESOLUTION NO. P-2022-11
DOCKET NO. PB 22-04
WALTERS DEVELOPMENT Co., LLC
13 & 15 STAYSAIL AVENUE
BLOCK 92.56, LOTS 1.01, 1.02 & 1.03
APPROVAL OF MINOR SUBDIVISION WITH VARIANCES**

Mr. McKenna summarized the resolution.

Motion by Mr. Rubenstein to adopt; second by Committeeman Bille.

Aye: Rubenstein, Bille, Fischer, Goldstein, Perez, Swank, Doherty, Leonardo

Motion carried.

OLD BUSINESS: NONE

NEW BUSINESS:

**A. DOCKET NO. PB 22-02
WILLIAM McLAY
BLOCK 161.09, LOT 7
19 ROSE HILL ROAD
MINOR SUBDIVISION WITH VARIANCE**

Jerry Dasti, Esq., Dasti, Murphy, McGuckin, Ulaky Koutsouris & Connors, representing the Applicant.

Mr. Dasti commented this is a three lot subdivision with a variance request for lot depth due to the curvature of the road.

William McLay, Applicant, sworn.

Jeff Daum, P.E., P.P., Nelke, Constantine and Associates, sworn.

Mr. Barry summarized his review letter.

Mr. McLay testified he is the contract purchaser of the property and he is looking to subdivide into three lots and keeping the existing house on the property. Mr. Leonardo expressed concerns with the location of the existing house being so close to the road, stating it would be more practical if the structure was centered on the lot and more in compliance with setbacks. Mr. Dasti commented this is a preexisting nonconformity, there is a value to the building and the Applicant would like to keep the structure on the lot. Mr. Leonardo commented regarding clearing of the property. Mr. McLay advised his intent is to clear most of the property and leave a buffer to the side and rear of the property allowing for amenities such as a pool. Mr. Dasti agreed to comply with the comments in the review letter.

Motion by Mr. Doherty to accept Mr. Daum as an expert witness second by Mr. Goldstein.

All voted aye. Motion carried.

Mr. Daum testified this is a proposed three lot minor subdivision where all lots meet or exceed the minimum area requirements as well as all the bulk requirements of the zone except for lot depth on lot 7.03. The lot depth is measured in the mean direction of the two side property lines, so it is at an angle. In order to create a lot that is conforming the other two property lines would need to be twisted in order to give the lot depth and this would only accomplish adding land in the right rear corner. This is a C1 variance due to the unusual shape of the property but also a C2 variance because it is creating better lots, which is a benefit. Mr. Daum testified they are

attempting to create lots that are normal in size and shape as opposed to fully complying with the intent of the ordinance. This is a residential use in a residential zone the basic bulk and areas requirements for the zone are being met and in his opinion it is in compliance with the zoning map and the zoning plan. Mr. Daum commented there are many items within the review letter that will be addressed as part of the plot plan and grading plan submission at the time of a building permit.

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

All voted aye. Motion carried.

Mr. Leonardo noted for the record there was no public comments.

Motion by Mr. Fischer to close to the public; second by Committee Bille.

All voted aye. Motion carried.

Mr. McKenna charged the Board.

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

Aye: Bille, Rubenstein, Fischer, Goldstein, Perez, Swank, Wiseman, Doherty, Leonardo

Motion carried.

NEW BUSINESS: NONE

APPROVAL OF VOUCHERS: **RESOLUTION NO. P-2022-12**

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

Aye: Bille, Wiseman, Fischer, Goldstein, Perez, Rubenstein, Swank, Doherty, Leonardo

Motion carried.

OPEN MEETING FOR GENERAL PUBLIC COMMENT:

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

All voted aye. Motion carried.

Mr. Leonardo noted for the record there was no public comments.

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

All voted aye. Motion carried.

Mr. Leonardo commented he would really miss Mr. Altomare, they served together for many years. He was a great guy and did a great job working with everyone.

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LITIGATION/EXECUTIVE SESSION: NONE

ADJOURN MEETING:

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

All voted aye. Motion carried.

Meeting adjourned 7:02 p.m.

Respectfully Submitted,



Stacey M. Cole

Stacey M. Cole, Board Secretary