

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

**MINUTES OF MEETING  
JUNE 28, 2022  
6:30 P.M.**

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MEMBERS PRESENT: Al Bille – Committeeman Robert Doherty - Vice Chairman, James Goldstein, Jack Leonardo - Chairman, George Perez, Fred Rubenstein – Mayor’s Designee, Lou Scheidt, William Wiseman - Alternate I, Phillip Grasso – Alternate II

MEMBERS ABSENT: Louis Fischer – Class II, Glenn Swank

ALSO PRESENT: Stacey M. Cole, Secretary to the Board, Joanne Gelato, Assistant Board Secretary, Michael J. McKenna, Esq., Hiering, Gannon & McKenna, Board Attorney, David Barry, P.E., CME Engineers, Board Engineer, Scott D. Taylor, AICP, PPC, Taylor Design Group, Board Planner/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: **May 24, 2022**

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

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

Motion carried.

RESOLUTIONS:

**A. RESOLUTION NO. P-2022-13  
DOCKET NO. PB 22-02  
WILLIAM McLAY  
BLOCK 161.09, LOT 7  
19 ROSE HILL ROAD  
APPROVAL OF MINOR SUBDIVISION WITH VARIANCE**

Mr. McKenna summarized the resolution.

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

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

Motion carried.

OLD BUSINESS: NONE

NEW BUSINESS:

**A. DOCKET NO. PB 22-06  
BARNEGAT PROPERTY PARTNERS, LLC  
BLOCK 170, LOT 3.01  
329 SOUTH MAIN STREET  
MINOR SITE PLAN**

Michael Herbert, Esq., Parker McCay, P.A., representing the Applicant.

John Frattellone, sworn.

Joseph Kociuba, P.E., P.P., KBA Engineering Services, sworn.

Mr. Kociuba placed his credentials on the record.

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

All voted aye. Motion carried.

Mr. Herbert advised this site was approved for a dental office in 2010. The Applicant is seeking to change the second floor to office use; whereas previously it was strictly for dentist offices associated with the practice. Testimony will be provided to show how the site complies and the Applicant's willingness to comply with both review letters.

Mr. Barry summarized his review letter.

Mr. Taylor summarized his report.

A-1 Survey (Dated March 18, 2022, Revised June 3, 2022)

Mr. Kociuba testified using exhibit A-1 describing the site layout and circulation. There was a discussion regarding potential driveway expansion and the need for DOT approval as well as the proposed location and the Applicant's desire to save trees. Dr. Frattellone testified he has occupied the property for twelve years and there are no problems. Mr. Taylor commented it was recommended in his report that the existing driveway be widened with the understanding that this would require the losing of a tree. There was a discussion regarding widening the existing drive or potentially adding another. Dr. Frattellone explained he is an oral surgeon and does not have the extra staff typically associated with a dental office. Mr. Taylor asked the Applicant for clarification for the proposal before the Board. Dr. Frattellone advised the Board post COVID he is looking to make the upstairs general administrative offices with a tenant that does not have clients coming and going.

A-2 Minor Subdivision and Consolidation Plan  
A-3 Parking Plan

Mr. Kociuba used exhibit A-2 to demonstrate to the Board the width of the easement and the gravel drive onto Memorial Drive. There was a discussion regarding the ingress and egress for the site and the fact that any change to right-of-way or within a certain distance of the right-of-way to an access point could trigger a new access permit from DOT. Mr. Taylor commented the Board has to look at the fact that there is potential for something more significant to occupy the site. Mr. Kociuba testified using exhibit A-1 explaining all the parking north of the site matches the original approval and shows some additional parking around the rear. Using exhibit A-3 Mr. Kociuba testified to site circulation and parking; explaining this is compliant with the original approval providing 29 total parking spaces. He advised although the approval specified the upstairs offices were administrative offices to Dr. Frattellone's practice the parking standard for a dental office was still applied; this proposal for office space actually reduces the parking requirements. The Board further expressed concerns with site ingress, egress and circulation. There was a discussion on resolution conditions to help ensure site suitability and potential driveway realignment.

(Whereupon a recess was taken; proceedings then continued as follows)

Mr. Herbert advised the Board the Applicant would agree to the wide driveway. Mr. Kociuba testified the DOT has jurisdiction and will dictate the movements and the width. Mr. Taylor commented the Board should allow for some flexibility during resolution compliance to accommodate the DOT stipulations.

(Whereupon Committeeman Bille left the meeting)

Mr. Kociuba testified that a waiver is being requested for the gravel parking lot in its current condition; the parking lot has existed in this way since the time of the realty office. The handicapped stalls are on concrete and will be restriped to be compliant with the current requirements and signage can be added if necessary. Mr. Kociuba testified to the existing lighting on the site and stated the Applicant would be willing to add additional building mounted lights. He noted the lighting is not compliant with ordinance requirements, adding there are no evening hours. The Board expressed concerns that a future occupant could have hours in the evening. Mr. Taylor suggested removal of the existing flood light and replacement with a full cutoff fixture to provide appropriate levels of lighting. A loading area is proposed for UPS and FedEx deliveries. Four parking stalls will be greenbanked for future use if necessary. There was a discussion regarding ADA compliance for the handicapped parking, access aisle and ramps.

Motion by Mr. Scheidt to open to the public; second by Mr. Wiseman.

All voted no. Motion carried.

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

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

All voted aye. Motion carried.

Mr. McKenna charged the Board.

Motion by Goldstein to approve; second by Scheidt.

Aye: Goldstein, Scheidt, Grasso, Perez, Rubenstein, Wiseman, Doherty, Leonardo

Motion carried.

**APPROVAL OF VOUCHERS: RESOLUTION NO. P-2022-14**

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

Aye: Doherty, Goldstein, Grasso, Perez, Rubenstein, Scheidt, Wiseman, Leonardo

Motion carried.

**OPEN MEETING FOR GENERAL PUBLIC COMMENT:**

Motion by Mr. Rubenstein to open for public comments; second by Mr. Perez.

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

Motion by Mr. Scheidt to close to the public; second by Mr. Goldstein.

LITIGATION/EXECUTIVE SESSION: NONE.

**ADJOURN MEETING:**

Motion by Mr. Scheidt to adjourn; second by Mr. Goldstein.

All voted aye. Motion carried.

Meeting adjourned 7:53 p.m.

Respectfully Submitted,

  
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Stacey M. Cole, Board Secretary