

MINUTES OF MEETING OF THE BOROUGH OF
OCEAN GATE LAND USE BOARD HELD ON OCTOBER 24, 2017

** Note – This meeting was recorded at the Municipal Building under “Ocean Gate Court “

OPENED WITH PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

ATTENDANCE:

THE FOLLOWING WERE PRESENT: BUTOW, COX, FRY, HANUSEY, HOLSHUE, MIHALKOVITZ, CHERNEGO, AND SHEPPARD MR. DISTEFANO AND MAYOR KENNEDY WERE NOT PRESENT.

THE BOARD ATTORNEY AND ENGINEER WERE ALSO PRESENT.

STATEMENT OF COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, INCLUDING PUBLICATION OF THE MEETING IN THE ASBURY PARK PRESS AND STAR LEDGER AND STATEMENT THAT A QUORUM WAS PRESENT WERE MADE BY CHAIRMAN FRY. ON A MOTION BY HANUSEY, SECONDED BY MIHALKOVITZ, THE MINUTES OF THE MEETING HELD JULY 25, 2017 WERE APPROVED WITH “YES” VOTES FROM THOSE MEMBERS WHO WERE THOSE PRESENT ON JULY 25, 2017.

THERE WAS NO CORRESPONDENCE, NOR WAS THERE OLD BUSINESS.

NEW BUSINESS:

APPLICATION BY GLEN NEWMAN REGARDING PREMISES AT: BLOCK 19, LOT 16, EAST CAPE MAY AVENUE. THE APPLICATION WAS A REQUEST FOR A VARIANCE ALLOWING A SINGLE-FAMILY HOME TO BE CONSTRUCTED ON THIS 40' BY 100' LOT WITH 40' FRONTAGE, WHEN THE MINIMUM LOT SIZE FOR CONSTRUCTION IS 60' BY 100' WITH 60' FRONTAGE.

APPLICANT GLEN NEWMAN WAS SWORN IN, AS WERE ALL WITNESSES. HE STATED HIS ADDRESS AS 3 DOLPHIN COURT, FORKED RIVER, NJ. MR. NEWMAN STATED THAT HE HAD BUILT OTHER HOMES IN OCEAN GATE. HE ALSO STATED THAT NO LAND ADJACENT TO THE SUBJECT LOT WAS AVAILABLE FOR PURCHASE. ALL WERE IMPROVED LOTS.

BOARD ENGINEER JOHN MALLON QUESTIONED MR. NEWMAN AS FOLLOWS: (1) WOULD ANY WATER RUNOFF FROM THE LOT BE DIRECTED TO THE STREET BY RAIN GARDENS OR OTHER MEANS? MR. NEWMAN REPLIED “YES.” (2) WOULD THE HOME BE BUILT MAINTAINING THE SAME DISTANCE FROM THE BUILDING TO THE STREET AS THE NEIGHBORING HOMES? MR. NEWMAN’S ANSWER WAS “YES.”

MR. MALLON NOTED THAT THIS WAS A PROPOSED ONE STORY HOME AND TWO OFF STREET PARKING SPACES WERE BEING PROVIDED. A LETTER OF NO INTEREST MUST BE OBTAINED FROM OCEAN COUNTY. (THIS HAD ALREADY BEEN OBTAINED AND WAS PRESENTED DURING THE MEETING).

MR. HANUSEY ASKED IF THE OWNERS OF ADJACENT PROPERTY HAD BEEN CONTACTED TO ASK IF THEY HAD AN INTEREST IN BUYING THE PROPERTY OR COULD PROVIDE ADDITIONAL LAND TO MR. NEWMAN. MR. NEWMAN REPLIED THAT THEY HAD BEEN CONTACTED BY CERTIFIED MAIL, AND NO ONE HAD SHOWN AN INTEREST IN EITHER POSSIBILITY. THE ADJACENT LOTS WERE ALSO UNDERSIZED.

MS. VICARI MARKED THE APPLICANT’S PLOT PLAN AS A-1. THERE WAS DEEMED TO BE NO DETRIMENT TO THE TOWN’S ZONING PLAN BY THIS APPLICATION.

MR. BUTOW NOTED THAT NO SEWER OR WATER LATERAL WAS SHOWN ON THE PLOT PLAN, ALTHOUGH MR. NEWMAN THOUGHT THAT THESE HAD ALREADY BEEN INSTALLED. MR. NEWMAN STATED THAT HE WOULD AGREE TO HAVING THE LATERALS INSTALLED IF THIS HAD NOT BEEN DONE.

THE PUBLIC PORTION WAS OPENED BY A MOTION BY HOLSHUE, SECONDED BY HANUSEY, AND UNANIMOUSLY AGREED BY VOICE VOTE. MRS. MARIE SAVOY, OF 606 HILLSIDE AVENUE, PINE BEACH, NJ, CAME FORWARD WITH A QUESTION. SHE HAD UNDERSTOOD THAT THERE COULD BE NO NEW WATER HOOK-UPS IN THE TOWN UNTIL THE WATER SYSTEM HAD BEEN IMPROVED. MR. BUTOW REPLIED THAT THE MORATORIUM HAD BEEN LIFTED 9 MONTHS PREVIOUSLY, AND MR. BUTOW HAD RECEIVED DOCUMENTATION FROM THE STATE OF THIS. A CAPITAL IMPROVEMENT PLAN TO IMPROVE THE WATER SYSTEM WAS IN PROCESS. MRS. SAVOY NOTED THAT HER REAL ESTATE ASSESSMENT FOR HER LOTS HAD BEEN LOWERED DUE TO THE MORATORIUM. MR. BUTOW NOTED THAT, SINCE MRS. SAVOY'S LOTS WERE THE RESULT OF SUBDIVISION, NEW LATERALS WOULD HAVE TO BE INSTALLED TO EACH LOT.

MRS. SAVOY STATED THAT SHE HAD NO OBJECTION TO THE PROPOSED APPLICATION.

THE PUBLIC PORTION WAS CLOSED BY MOTION BY HOLSHUE, SECONDED BY HANUSEY, AND UNANIMOUSLY PASSED BY VOICE VOTE.

MR. HANUSEY MOVED TO GRANT THE VARIANCE WITH STIPULATIONS THAT CONSTRUCTION ISSUES WITH THE DEPRESSED CURB AND RAIN WATER RUNOFF BE ADDRESSED IN THE RESOLUTION. MR. MIHALKOVITZ SECONDED, AND THE VOTE WAS AS FOLLOWS: "YES" BUTOW, COX, FRY, HANUSEY, HOLSHUE, MIHALKOVITZ, CHERNEGO; "NO" MRS. SHEPPARD. THE MOTION THUS PASSED ON A VOTE OF 8 IN FAVOR AND 1 OPPOSED.

THE MEETING WAS OPENED FOR GENERAL COMMENT ON A MOTION BY HOLSHUE, SECONDED BY MIHALKOVITZ, AND UNANIMOUSLY PASSED BY VOICE VOTE. MR. BUTOW NOTED THAT THE BOARD WOULD SOON BE RECEIVING, BY CERTIFIED MAIL, A COPY OF THE UPDATED ZONING ORDINANCES AND PLAN. THE BOARD WOULD THEN NEED TO REVIEW THESE, WITHIN 45 DAYS, TO DETERMINE COMPATIBILITY WITH THE BOROUGH'S MASTER PLAN. MR. BUTOW FELT THAT THIS REVIEW SHOULD BE DONE AT THE NOVEMBER 28 MEETING.

THERE WAS DISCUSSION AND SOME DISAGREEMENT AMONG MESSRS. FRY, BUTOW, AND MALLON, AND MS. VICARI AS TO WHETHER THE ORDINANCES MUST HAVE HAD A FIRST READING BEFORE THE BOARD COULD REVIEW THEM. MS. VICARI ASKED IF THE ORDINANCES HAD BEEN INTRODUCED, AND MR. BUTOW REPLIED THAT THEY HAD NOT. MR. FRY ASKED IF THE PROCESS WAS FOR AN ORDINANCE TO BE INTRODUCED BEFORE A BOARD REVIEWED IT, AND MR. MALLON STATED THAT THIS WAS THE USUAL PROCESS. MS. VICARI STATED THAT SHE WOULD CONSULT WITH BOROUGH ATTORNEY JAMES GLUCK'S OFFICE AS TO THE PROCEDURE. SHE NOTED THAT THERE HAD TO BE NOTIFICATION TO THE PUBLIC AND THEN A PUBLIC HEARING FOR REVIEW.

THE SECRETARY STATED THAT THE TWO MEETINGS SCHEDULED BEFORE THE END OF 2017 WERE FOR NOVEMBER 28 AND DECEMBER 19 RESPECTIVELY. MR. BUTOW EXPRESSED HIS DESIRE TO HAVE THIS COMPLETED BY THE END OF THE YEAR AND STATED HIS FRUSTRATION WITH HOW LONG THE PROCESS HAD TAKEN TO THIS TIME. MR. MALLON AND THE UNDERSIGNED AGREED THAT A SPECIAL MEETING MIGHT HAVE TO BE SCHEDULED.

MESSRS. FRY AND CHERNEGO STATED THAT THEY HAD ATTENDED A "BRIEFING" ON THIS MATTER, BUT NOT ALL SECTIONS OF THE ZONING ORDINANCE HAD BEEN DISCUSSED IN THAT MEETING.

SINCE THERE WERE NO OTHER COMMENTS, MESSRS. HOLSHUE AND COX, RESPECTIVELY, MOVED TO CLOSE THE PUBLIC PORTION, AND THIS PASSED UNANIMOUSLY AS DID THE MOTION TO ADJOURN, WHICH WAS BY HOLSHUE, WITH MIHALKOVITZ SECONDED.

RESPECTFULLY SUBMITTED,

JEANNE TELLER, BOARD SECRETARY