

**MEETING MINUTES
BARNEGAT LIGHT PLANNING BOARD
JULY 15, 2020**

Chairman Richard Manookian called the meeting to order and said that adequate notice of this meeting has been published and posted in accordance with requirements set forth in the New Jersey Open Public Meetings Act. The meeting was held at the Barnegat Light Fire Company Meeting Hall, 907 Central Avenue, Barnegat Light, NJ. The meeting location was changed and published in the Asbury Park Press and The Beach Haven Times.

Pledge of Allegiance

Roll Call: Larson, Washburn, Mikuletzky, Gutowski, Sulock, Manookian, Mescolotto
Due to a conflict, Patterson did not stay for the meeting
Absent: Patterson
Due to absences, Mescolotto sat on the board
Also present: Joseph Coronato, Sr, Esq. & Elaine Tollison

Approve Minutes February 19, 2020

A motion made by Washburn to approve the minutes and seconded by Mikuletzky

Motion: Washburn

Second: Mikuletzky

Roll Call

Ayes: Larson, Washburn, Mikuletzky, Sulock, Mescolotto

Nays: None

Abstain: Gutowski, Manookian

Absent: Patterson

Application PB-2020-02, Carried over from February 19, 2020, Minor Subdivision, John Brennan, Block 36 Lots 1 & 2

Barry Mescolotto took over as Acting Chairman for this application. Chairman Manookian sat in the audience

Mr. James Raban, Esq. represented Mr. Brennan.

Mr. Coronato said that this matter was carried over from the meeting held on February 19, 2020. This was so that the applicant could provide additional information to the board with regard to the DEP and the environmental impact statement. This information was supplied for the board to review. Mr. Coronato wants to have the Remedial Action Report that was prepared by Brilliant Environmental Report marked as B1, and the Environment report and attachments issued by the State of New Jersey and the letter signed by Lynne Mitchell, Acting Assistant Director marked as B2. Mr. Coronato summarized the reports. Mr. Brennan will have to comply until October 10, 2029 and that every two years submit samples for evaluation from the wells. If the property is transferred there has to be a permit transfer with the DEP as shown on page five. Mr. Coronato wanted to address the concerns of the board that was brought up in February and have it in our records concerning anyone who buys that property. Mr. Mescolotto asked about disclosure if the property is sold or leased. Mr. Raban said that as discussed with Mr. Coronato, there will be a provision in the deed stating that there is a DEP permit and that all future property owners are aware of it and understand that they have to comply with it.

On a motion by Mikuletzky and seconded by Larson, all in favor, the meeting was open to the public.

Mr. Terrance Smith, 1805 Central Avenue, was sworn in. He was present at the February meeting. He has no objection to the plan. His issue is when the when the demolition will take place since has rentals until September 15, 2020. He talked about the fences, retaining walls and the tank removal on the property. Mr. Coronato said that the retaining wall was to remain on the property and to be repaired. Mr. Smith wants the fence to remain until the construction starts. Mr. Coronato said that the board does not have the power to tell Mr. Brennan when he can do demolition, he is here only for the subdivision of the property. Mr. Smith disagreed. Mr. Washburn told Mr. Smith the rules for swimming pools and for building in the summer.

Mr. John Brennan was sworn in. Mr. Brennan said that he thinks he will be able to demolish by August 15, 2020 and that it is a 4 day demolition time. A discussion followed with Mr. Brennan, Mr. Smith and board members. Mr. Brennan said that dewatering the tanks means running it through a filtering system and put in through the sanitary system and a permit from the town has to be issued and that there is no water in the ground. Mr. Brennan said that the retaining wall needs to be torn down and replaced with a paver wall and that will be done before building. Mr. Smith continued with his concerns.

No other public comment.

On a motion by Larson and seconded by Gutowski, all in favor, the meeting was closed to the public.

Mr. Raban stated that Mr. Brennan is subject to any conditions imposed by the building and zoning department of Barnegat Light but he does not think it is appropriate for the board to put any conditions on the approval in regard to demolition or construction.

Acting Chairman Mescolotto asked for a motion to approve or deny the application. Larson made a motion to approve the application and seconded by Washburn.

Motion: Larson

Second: Washburn

Roll Call

Ayes: Larson, Washburn, Mikuletzky, Sulock, Mescolotto

Nays: None

Abstain: Gutowski

Absent: Patterson

Mr. Coronato said that he has a resolution for this application that was requested by the applicant when it was carried over. Mayor Larson commented that the board vote was not correct on the resolution. The secretary said that it would be corrected.

Mr. Mescolotto asked for a motion to adopt Resolution 2020-02 for John Brennan, Application PB-2020-02. Mikuletzky made a motion to approve and seconded by Washburn

Motion: Mikuletzky

Second: Washburn

Roll Call

Ayes: Larson, Washburn, Mikuletzky, Sulock, Mescolotto

Nays: None

Abstain: Gutowski

Absent: Patterson

Application PB-2020-03, Barnegat Light Landscaping, LLC, Block 15, Lot 1, Minor Site Plan
James Gutowski took over as Acting Chairman for this application. Chairman Manookian recused himself due to a conflict and sat in the audience.

Mr. Philip Kahn, Esq. is representing Barnegat Light Landscaping LLC. The application is for 802 Central Avenue. He said that according to the review letter from Owen Little and Associates, this should be a major site plan. Mr. Steven Fall is the owner of the business and that he operated out of 506 Broadway for 12 years which had a retail and landscaping business. Mr. Kahn stated that 802 Central Avenue would be limited to the retail operation and that the landscaping component of the business including vehicles, materials and dumpsters has been relocated to a site in Manahawkin.

Mr. James Brzozowski was sworn in. He is a licensed professional engineer and planner in the state of New Jersey and is employed by Horn, Tyson & Yoder and he prepared the site plan. He said that the property is on Central Avenue and 8th Street in the general business zone. It is developed with a two story mixed use building. The first floor is commercial retail and the second floor is one apartment and has parking and driveways on the south and east side of the building. There are nonconformities with the front yard setback which is 4.9 feet where 25 feet is required and the 8th Avenue side yard setback is 5 feet where 25 feet is required. The rear yard setback is 37.7 feet where 40 feet is required. The apartment requires 2 parking spaces and the commercial use requires 8 spaces for a total of 10. They are providing 9 spaces on site. There are 7 on the south side and 2 diagonal spaces on the northeast corner and that additional parking is available off of 8th Street and Central Avenue but are not included in the calculation. There is no loading zone and a 10 foot by 25 foot loading zone is required. Mayor Larson asked about a handicapped parking space. Mr. Brzozowski said a handicapped space is required and Mr. Coronato said that it has to be the closest to the building entrance for ADA compliance and that it has to be paved and marked. Mr. Brzozowski thinks that there will be enough room where the 2 parking spaces are located to provide for the handicapped space. Mr. Coronato said that the 2 spaces for the apartment have to be marked.

Mr. Steven Fall was sworn in. He said that the business is open 9:00 to 5:00, seven days a week and closes in November for several months. There are 2 entrances to the store, one facing Central and one at the back of the building. Mr. Fall showed on the map where the back entrance is located and will comply with the requirements for handicapped parking. Mr. Fall said that he leases property in Manahawkin to keep soil, stones ect. He has 2 dumpsters there, one for brush and one for construction debris so he is not asking for the town to take anything away. He has been there for 2 months during his busiest season and there will not be any dumpsters on site. He has a standard size garbage bin on 8th Street for residential garbage and recycling. Mr. Fall said that since they have been open there has been a total of five truck deliveries that backs up to Central Avenue to unload. The merchandise that is sold in the store is delivered by UPS and FedEx. He is asking for a waiver for the loading dock since there isn't many truck deliveries. There will be no change in the outside lighting and he will have the sign approved by the zoning officer.

Open to the Public

A motion made by Larson and seconded by Mescolotto the meeting was open to the public

Madeline Pantzer, 4 East 8th Street was sworn in. She said that the sheds need a variance and wants to know what the setback should be. Sponge said that it is 5 feet from the property line so he did not need a variance for it. She feels that there is a parking issue and sees trucks there all the time. She sees the trucks loading plants during the day and says that landscaping work is being done there. She is troubled that the trucks are at the exit and that people park on the side of Central Avenue and that it is a very bad intersection. She feels that Mr. Fall has lost parking since he has increased his outside retail space. She said that there wasn't any issues in the past with businesses in that location until Dreammakers brought in bikes and they lost parking spaces and that made 8th Street full of cars. She thinks it should be indoor retail only.

Mr. Peter Hupp, 1 East 8th Street was sworn in. He shares a property line with the applicant. His issue is that he feels landscaping is being conducted there with a truck arriving on Central and leaving on 8th Street. Mr. Hupp submitted photos that he took. Mr. Coronato marked the photos 01, consisting of six photos that were taken last week. Mr. Hupp described the photographs, showing different views of the property, showed them to Mr. Fall and Mr. Kahn and they were passed on to the board. Mr. Hupp would like the landscaping moved off site. Mr. Fall said that most of his work is landscaping and his workers go there for lunch and he thinks the pictures are from lunchtime.

Dennis Pantzer, 4 East 8th Street was sworn in. He feels that Mr. Hupp's pictures represent what happens every day at the site. He sees cars parked on Central and that it is a bad corner with a lot of traffic.

Barbara Scammell, 2 East 8th Street was sworn in. She agrees with the neighbors that the landscaping is being run out of the premises.

Mr. Fall said that he thinks the pictures are from lunchtime and this has been a learning experience for him. He said that he can be accommodating and have his workers not take their lunch at the property.

Mrs. Pantzer said that trucks are parked in the drive through area all day long not just at lunchtime. Mr. Fall said that they do come by at the end of the day in trucks to turn in time sheets for about 5 minutes then they leave. They do come and go from the property and the store does make deliveries.

Mr. Kahn said that Mr. Fall is sensitive to the neighbors and ran a landscaping business out of his previous location and this has been a big adjustment for him. He feels that he should be able to stop by the store to pick up plants and there is no rule against it. Mr. Fall said he does not keep a lot of product there and that his trees, shrubs, ect. are kept in Manahawkin.

Mr. Hupp said that trucks and trailers are kept on the property. Mr. Fall said that he has a personal truck that is kept in the residential parking spots and that is when the business is closed.

Mr. Pantzer said that he thinks there were complaints when Mr. Fall was on 5th Street.

Mr. Gutowski asked how many trucks were parked there during the day. Mr. Fall said there are eight employees for the landscaping business and two for the store and they are not there at the same time. Five landscapers meet in Manahawkin and load up for the day. He has one or two that park there for the day and typically park by the side of the building on 8th Street.

Mr. Gutowski asked for a motion to reopen to the public. A motion was made by Larson and seconded by Mescolotto

Mrs. Scammell asked if this was only supposed to be retail. Mr. Coronato said that Mr. Fall was given a temporary permit to open and his application before the board is to determine what will be permitted.

Mr. Mikuletzky asked if the concrete wheel stops are still on Central Avenue. Mr. Fall said that they are there and that it would stop a car from coming into the store. He said that he put them there because his window was hit by a car.

Mayor Larson said that he has been watching the area and that no one has been parking in front of houses and has been keeping everything on his property. He does have concerns about the handicapped spot and that perhaps a shed has to go. Mr. Fall said that in the time that he has been open he has not had anyone parked on 8th Street. Mr. Fall said that he realized he could not put a dumpster on the property.

Mr. Gutowski asked the board if they wanted to vote on the application now or wait to see an improved site plan with the proper handicapped parking. Mr. Coronato said that if the matter was carried, a resolution could be done so that he would not lose any time.

Mr. Mescolotto said that the application does not have anything on it about a landscaping operation. Mr. Fall said that he is not landscaping off of this property. There was a discussion about employees that park on site and off site.

Mr. Gutowski asked for a motion to carry over until next months meeting with a revised site plan. Mr. Coronato said that details should be included.

Acting Chairman Gutowski asked for a motion to carryover the application until August 19, 2020 meeting. Mescolotto made a motion to carryover and seconded by Mikuletzky

Motion: Mescolotto

Second: Mikuletzky

Roll Call

Ayes: Larson, Washburn, Mikuletzky, Gutowski, Sulock, Mescolotto

Nays: None

Abstain: None

Absent: Patterson

The application and site plan is due ten days prior to the meeting. No further notice is required

Open to the public

Acting Chairman Gutowski asked for a motion to open to the public. Washburn made a motion and seconded by Mescolotto

Mrs. Pantzer asked if there were regulations regarding tree removal. Washburn said that there are no restrictions. Nancy Manookian, 14 E 10th Street said that she did not think tree removal was an ordinance that is was a recommendation.

Mr. Washburn said that there is someone here for an informal change of use for a retail space.

Mr. Joseph Clymer, 708 Broadway was sworn in. Mr. Clymer said that previously the location was a consignment shop. He is a kitchen and bath remodeler and has made it into a showroom and sales office. He is based out of Southhampton and this is a satellite location. He will not have any heavy equipment, machinery or dumpsters on the site. The board said they did not have any objections with the use of this property.

Acting Chairman Gutowski asked for a motion adjourn the meeting. Larson made a motion and seconded by Washburn

**ELAINE TOLLISON
SECRETARY**