

**PLANNING BOARD      BOROUGH OF BARNEGAT LIGHT JUNE 25, 2013**

**Chairman Dick 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.

**ROLL CALL: WELLINGTON, OROS, PATTERSON, MANOOKIAN, PREISER, GUTOWSKI**  
**ABSENT: LARSON, MIKULETZKY, BRINDLEY**

**THE CHAIR** asked for a motion to approve the minutes of April 23, 2013 meeting. Oros so moved, seconded by Wellington.

**MOTION: OROS**

**SECOND: PREISER**

**VOTE: AYES: WELLINGTON, OROS, PATTERSON, MANOOKIAN, PREISER, GUTOWSKI**

**NAYS: NONE      ABSTAIN: NONE**

**ABSENT: LARSON, BRINDLEY AND MIKULETZKY**

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH  
OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW  
JERSEY, MEMORIALIZING THE DENIAL OF AN APPLICATION FOR PRELIMINARY  
AND FINAL MAJOR SITE PLAN APPROVAL TO ARTHUR COX, APPLICANT, FOR  
PROPERTY KNOWN AS BLOCK 26.01, LOTS 1 & 1.01  
BAYVIEW AVENUE,  
BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY**

**RESOLUTION 2013-001**

**WHEREAS**, the applicant is the owner of property identified as Block 26.01, Lots 1 & 1.01, Borough of Barnegat Light; and

**WHEREAS**, the applicant has applied to the Planning Board of the Borough of Barnegat Light, County of Ocean and State of New Jersey (hereinafter referred to as "the Board") for Preliminary and Final Major Site Plan approval for the continued use of the subject property as a marina; and

**WHEREAS**, the applicant was represented by Agnes Antonian, Esq., of Connell Foley, LLP; and

**WHEREAS**, a public hearing was conducted on the application on April 23, 2013; and

**WHEREAS**, the application is complete and the Board has jurisdiction; and

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Barnegat

Light, County of Ocean, State of New Jersey, that the Board makes the following findings of fact and conclusions of law:

1. The applicant is the owner and has the requisite proprietary interest in the property;
2. The applicant has applied to the Board in order to confirm that the marina meets the requirements of the Borough Ordinances. The Board's Resolution 2011-001 granted preliminary major subdivision approval to the applicant for the subject property, at which time the Board withheld final approval until such time as the applicant returned to the Board with a site plan application for the marina.
3. The subject site lies within the MC-Marine Commercial Zone and the existing marina use is a permitted use in the zone.
4. The applicant submitted as "A-1" a site plan prepared by Horn, Tyson & Yoder, Inc., signed by James D. Brzozowski, P.E., and Robert G. DeBlois, P.L.S., dated March 3, 2011, and last revised February 20, 2013.
5. The applicant's engineer, James D. Brzozowski, P.E., of Horn, Tyson & Yoder, Inc., testified that there will be no structural changes to the existing marina. There are 48 boat slips and 72 parking spaces are provided, in accordance with the requirements of the Borough ordinances.
6. Mr. Brzozowski reviewed the letter of Owen, Little & Associates, Inc., dated March 14, 2013, and testified that the applicant will comply with any required terms and conditions of the letter, which was marked as Exhibit "A-2".
7. Mr. Brzozowski also testified with regard to the Fire Marshall's letter July 23, 2012, which was marked as "A-3". Mr. Brzozowski testified that the site plan had been revised to comply with the requests of the Fire Marshall. Mr. Brzozowski further testified that the site plan fully complies with all zoning requirements and the revised parking layout is an improvement over the existing site.

8. In response to questions from the Board, Mr. Brzozowski agreed that the existing shed on the site as well as storage materials will be relocated out of the parking space area and the freezer door will be relocated to avoid conflict with parked cars. In addition, the marina operations, including the use of the fork lift, will be adjusted to avoid conflict with the parking spaces. Furthermore, a trash dumpster will be shown on the site plan.

9. An issue arose with regard to ingress and egress to the 14 parking spaces along Fourteenth Street, entering the parking lot from Fourteenth Street. The applicant agreed to install a fence along the Fourteenth Street frontage to prevent vehicles from entering the parking lot from Fourteenth Street. In addition, the applicant agreed that he would be responsible for “stacked” parking of the two aisles of “stacked” parking along Fourteenth Street. Mr. Cox testified that in his years of operating the marina he has never seen the parking lot filled with parked cars.

10. The meeting was opened to the public. Timothy Brindley was sworn in and he questioned whether there was sufficient parking for employee and customer parking. He also questioned the use of the parking lot for servicing of large boats.

11. Tom Stiles was sworn in and he commented that he wanted the public to be able to continue to have access on Fourteenth Street.

12. Dick Malaka was sworn and he commented that the streets in the Borough are public property for the use of the taxpayers of the Borough.

13. The applicant indicated at the conclusion of the public hearing that he would comply with the comments and requirements of the Board and the Board Engineer.

14. A Board Member made a Motion to approve the preliminary and final major site plan application with the conditions requested by the Board and the Motion was seconded. The Board voted on the Motion and three Members voted yes and three Members voted no, resulting in the denial of the

preliminary and final major site application.

### CERTIFICATION

I hereby certify that I, the undersigned, am the Secretary of the Planning Board of the Borough of Barnegat Light and am duly authorized to certify Resolutions. I certify that this Resolution was adopted by the Planning Board of the Borough of Barnegat Light at its regular meeting held on the 25th day of June, 2013.

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GAIL J. WETMORE, RMC  
Secretary, Planning Board, Borough of Barnegat Light

MOTION: OROS  
SECOND: WELLINGTON  
VOTE: AYES: PATTERSON, MANOOKIAN, GUTOWSKI  
NAYS: OROS, WELLINGTON, PREISER  
ABSENT: NONE ABSTAIN: NONE

There being no further business before the board at this time, on a motion by Wellington the meeting was adjourned.

**GAIL J. WETMORE**  
**PLANNING BOARD SECRETARY**