

PLANNING BOARD BOROUGH OF BARNEGAT LIGHT FEBRUARY 26, 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.

THE OATH OF OFFICE WAS ADMINISTERED to GKUTOWSKI AND OROS by Gail Wetmore before the meeting began.

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

**THE CHAIR** asked for a motion to approve the minutes of January 22, 2013 meeting. Oros so moved, seconded by Gutowski.

**MOTION: WELLINGTON**

**SECOND: MANOOKIAN**

**VOTE: AYES: WELLINGTON AND MANOOKIAN**

**NAYS: NONE ABSTAIN: OROS AND GUTOWSKI**

**ABSENT: LARSON, PRESIER, MIKULETZKY, BRINDLEY AND PATTERSON**

Mr. Cox and his nephew came to the meeting because they were unaware that their application had been postponed to next month. His attorney had never informed him.

**The Council** referred an Ordinance to the Planning Board for their opinion.

**ORDINANCE 2013-002**

AN ORDINANCE OF THE BOROUGH OF BARNEGAT LIGHT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 215 OF THE BOROUGH CODE, ENTITLED "ZONING," TO PROVIDE FOR A REVISION OF THE PROHIBITED USES IN THE G-B GENERAL BUSINESS ZONE.

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Barnegat Light, County of Ocean, State of New Jersey, as follows:

**SECTION 1.** Section 215-9 of the Borough Code of the Borough of Barnegat Light, entitled "G-B General Business Zone," is hereby amended and supplemented to provide a revised subsection B to read as follows:

CHAPTER 215

ZONING

§ 215-9. G-B General Business Zone.

B. Prohibited uses and buildings.

(1) The following buildings, structures and uses, except such of them as may have been in existence on November 1, 1968, are specifically prohibited in the business district:

(a) Shipbuilding yards or ways; marine railways; fish packing, shipping, canning, processing or storage; bottling plants; junkyards; air fields; landing bases; automobile wrecking yards; or any process of manufacture or treatment which is not clearly incidental to the retail business conducted on the premises.

(b) Carousels, roller coasters, merry-go-rounds, ferris wheels or other mechanical rides; pony tracks, golf driving ranges, trampolines, wild animal exhibits; any type of business using jukeboxes or record players with external speakers to attract attention to the business being conducted within the premises; and trailers and trailer parks, and used car lots.

(2) Any process of assembly, manufacturing or treatment using power in excess of 25 total horsepower or constituting a nuisance by reason of odor, smoke or noise is also prohibited.

(3) In addition to the above prohibited uses and buildings, adult bookstores, adult boutiques and stores catering to sexually-oriented materials are expressly prohibited.

All other subsections, paragraphs and provisions of Section 215-9 shall remain in full force and effect.

**SECTION 2.** This zoning regulation amendment will be referred to the Barnegat Light Planning Board for approval, as required by N.J.S.A. 40:55D-23.

**SECTION 3.** This ordinance shall be filed in the office of Ocean County Planning Board.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** All ordinances of parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 6.** This ordinance shall take effect immediately upon its enactment after second reading and publication as required by law.

**NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Borough Council of the Borough of Barnegat Light, in the County of Ocean, State of New Jersey, on the 20<sup>th</sup> day of February, 2013, and will be considered for final passage at a regular meeting of said governing body to be held at the Municipal Building, 10 East 7th Street, Barnegat Light, New Jersey, on the 20<sup>th</sup> day of March, 2013, at 5:00 p.m., at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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GAIL J. WETMORE, Borough Clerk

**Passage on First Reading:** date: February 20, 2013 moved by Bossi seconded by Sharpless  
VOTE:

Spark aye Mikuletzky aye Sharpless aye Reynolds aye Bossi aye Warr aye

Attest:

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GAIL J. WETMORE, Borough Clerk

There has been interest in town from someone who wanted to build a miniature golf course. Under Chapter 215 of our ordinances this was not a permitted use in the G-B GENERAL BUSINESS ZONE. If council passes this ordinance on second reading at their meeting of March 27 it will know be an allowed use. The Board discussed this and on a motion by Oros, seconded by Gutowski and carried by all the board had no objections to the revised ordinance.

**MOTION: ORSO**

**SECOND: GUTOWSKI**

**VOTE: AYES: WELLINGTON, OROS, MANOOKIAN AND GOTOWSKI**

**NAYS: NONE ABSENT: LARSON, PATTERSON, MIKULETZKY, BRINDLEY**

Manookian moved to open a public session, no one had any comments so he closed the session.

Gail Wetmore announced that the Cox application would be heard next month as they did not get there paperwork in on time. There will be no further notice.

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

**GAIL J. WETMORE  
PLANNING BOARD SECRETARY**