

# MEETING MINUTES

TOWNSHIP OF OCEAN  
COUNTY OF OCEAN  
BUSINESS MEETING/WORKSHOP  
February 3, 2022  
10:00 am

Call to Order

Flag Salute

ROLL CALL: DODD   X   BAULDERSTONE   X   LOPARO   X  

**STATEMENT:** Pursuant to the provisions of the New Jersey Open Public Meeting Act, adequate notice of this meeting was properly provided by sending a copy of the Notice of Meeting to two newspapers, The Asbury Park Press and the Press of Atlantic City. The Notice was posted at the office of the Township Clerk

## Committee Discussion

### #1. Towing Ordinance

Township Administrator/Clerk Ambrosio discussed the Chief of Police met with the towing companies licensed with the Township. There have been issues with the towing ordinance and posting the bond. The bond requirements have changed. The ordinance was written ten years ago. The ordinance is going to be amended to remove the bond. The towing companies still have to be licensed every two years with vetted background checks. There are companies that have two licenses. The question was does it matter to the Township Committee if the two licenses are on the list or should it just be one owner, one spot on the list. As long as the tow trucks are sent in a timely fashion and do the job, if they want to pay to have two State licenses and all drivers vetted. The two towing companies with the same owner are legitimately two different companies with two different State licenses.

Mayor LoParo discussed he approved the ordinance amendment.

Committeewoman Dodd discussed she approved the ordinance amendment.

Deputy Mayor Baulderstone discussed he approved the ordinance amendment.

Township Attorney Dasti discussed one of the items the Chief of Police wanted was for the towing companies to be located within a 10 minute radius, so if the vehicle is towed, it is not far to retrieve it.

Committeewoman Dodd inquired about amending the bond requirement.

Township Administrator/Clerk Ambrosio discussed there used to be a \$100,000.00 bond requirement. It is very expensive for the towing companies to obtain a bond. The Township stopped requiring the bond, as did all the other towns. It is still listed in the ordinance. The ordinance will be amended to remove the bond requirement. The towing companies have to submit a Certificate of Insurance, naming the Township of Ocean as additionally insured, which protects the Township and the vehicle.

## #2. Zoning Items

Township Administrator/Clerk Ambrosio discussed residential generators. Township Attorney Dasti has drafted a generator ordinance.

Ray Savacool, T&M Associates, discussed T&M has submitted a review of all the as-builts that were done in one of the senior communities to get an understanding of where the existing setbacks are. A lot of them are tapered and in excess of the limit, which is five feet. In some cases it should not be an issue. It is generally not highly restrictive for the area that is of concern. Most were at least seven feet and sometimes more. Usually a generator has either 18 inches to 2 feet from combustible materials.

Most of the side yard setbacks existing are already seven feet greater. The generator has to be five feet just like an air conditioning unit. With regard to how much consideration you want to give to that exception, it does not appear you need a whole lot to make them available to place in that side yard.

Deputy Mayor Baulderstone discussed the issue is the calls that he has received from residents where they cannot fit into the five feet. The Township Committee cannot give an opinion of what the Zoning Board is going to do.

There are some properties in Greenbriar where the builder has not allowed enough space between the properties to allow the five-foot setback for a generator. In some cases, by moving the generator to the rear of the property, they are able to get the space. In other cases, the properties are totally parallel. A lot of people know about this problem and are not applying. One person needed it because her husband was on life support.

Another person who is in a health situation has not applied for a variance because of the fact that she has not left her house because of her health conditions since COVID. She personally would not appear at the Zoning Board meeting and would have to pay for an attorney to represent her.

Deputy Mayor Baulderstone discussed the Township possibly allowing it for a Planned Residential Development (PRD) zone rather than zoning in general because of the fact that under the normal zoning, typically the size of the lots would address this. Because of the community being a PRD, the builder has been able to do things that could not necessarily be done in a normal suburban environment.

Committeewoman Dodd inquired how many homes are in this situation.

Deputy Mayor Baulderstone discussed there are 1,425 homes in Greenbriar. In terms of those that would have this issue, there is probably a minimum of 25. The homeowners had an option when they bought that they could pay more to have more space between their house. As time went on, that was not offered anymore.

Mr. Savacool discussed if someone goes to the Zoning Board and gets a variance, that is a continuance rubber stamp. It is really appropriate that the Governing Body considers altering the ordinance.

Variances are supposed to be the exception, not the rule. Secondly, with regard to someone on life support, while it is a personal consideration, variances are supposed to be granted based on the condition of the land and the property not necessarily on the occupant of that land. Mr. Savacool inquired if the Governing Body wants to consider it, then what is the exception the Governing Body wants to grant for the generator and is it the same for an air conditioning unit.

Mayor LoParo discussed he has driven by homes and taken pictures. The problem is the Township passed an ordinance in 2020 that made a generator an accessory structure. It had to be five feet from the property line. Before 2020, there were many generators approved with a four-foot setback. One particular house was 4½ feet, which would make it protrude no more than its air conditioner. This person should be allowed to do that because the Township has been approving them for many years at four feet until we passed the ordinance.

The Greenbriar rules and regulations state five feet as a setback. Mayor LoParo spoke to the Chairman of the Architectural Committee and they have been granting people HOA letters saying it is okay to be under five feet when it contradicts their rules. The Township should let people carry forward and install their generators based on where their air conditioners are. The Township could write an ordinance stating the generator can protrude no more than the air conditioner to the property line, just for Greenbriar Planned Residential Development (PRD).

Mayor LoParo discussed his street has a 30 foot setback. A family applied and was told they have to put the generator in the back yard.

Zoning Officer Laurie Clune inquired if you factor in the other requirements that are needed, then the generator is pushed beyond the air conditioning unit itself, what is the next step. If the rule is the generator does not go beyond the border of the air conditioning unit, that still brings them beyond the air conditioning unit having to place it so many feet away from a gas meter. Zoning Officer Clune discussed the ordinance should include if the requirements bring the generator outside what the ordinance states.

Committeewoman Dodd discussed generators coming into combustible areas.

Mayor LoParo discussed they can't. The generator would have to be installed in front or behind the air conditioner.

Zoning Officer Clune discussed Mayor LoParo stated after speaking to the Chairman of the Architectural Committee, HOA letters were issued stating otherwise. Zoning Officer Clune discussed she has never seen that HOA letter.

Mayor LoParo discussed he has a copy the letter where the survey is 4½ feet.

Committeeman Boulderstone discussed the HOA letter is a standard letter.

Mayor LoParo discussed the 5 feet clause should be changed in accordance with the new Township ordinance.

Committeeman Boulderstone discussed currently the letter states the generator has to be placed forward of the air conditioning units. The Board is changing the letter to go behind the air conditioning unit.

Township Attorney Dasti inquired if there would be a reason that the generator would not be able to be placed adjacent to the air conditioning unit.

Mr. Savacool discussed no, the air conditioning condenser is not an air exchanger. There is no issue with the exhaust.

Zoning Officer Clune discussed the last sentence states in the event the gas generator is being proposed, the applicant shall obtain a letter from the utility company confirming there is adequate gas pressure supplied to the property to handle the generator. The gas company will never issue that letter. The Township has had problems regarding that. The gas company does not want to be responsible if someone is measuring inadequately and a house blows up.

Mayor LoParo discussed the ordinance should also include solar powered generators.

Committeeman Boulderstone discussed the State of New Jersey is trying to get people to convert from gas to electric. There has been discussion about solar panels driving a bank of batteries. It could power the generator as well as a car.

Zoning Officer Clune inquired if the code is correct. It states 410-4.34.

Township Attorney Dasti discussed this is going to be a new section of the ordinance, which will now change because now it will go into the PRD zoning district.

Township Administrator/Clerk Ambrosio inquired if Zoning Officer Clune sees a problem throughout the Township with other generators.

Zoning Officer Clune discussed there are two properties, one on Carteret and one on Sands Point, with small lots. Sands Point is an issue at 45'x80'. A lot of properties in Sands Point have lost some of their land to the water. The bulkheads are in further than the property line.

Mr. Savacool inquired if there is a separate rear setback for accessory structures.

Zoning Officer Clune discussed, no, they have to meet the setbacks required for the principal structure in the zone.

Mr. Savacool discussed that generator would have to be in the air to meet flood requirements. It is much more intrusive than Greenbriar.

Zoning Officer Clune discussed there are other properties in town with issues. The other option would only be a variance.

Mayor LoParo discussed if they have an air conditioner on the side of the house, they have already encroached on the setback. That is what is going on in Greenbriar.

Township Administrator/Clerk Ambrosio discussed a generator should be considered separately. More and more people are getting generators. The ones that are stationary are much safer than the portable ones that are being hooked up to a home.

Mayor LoParo discussed he has 30 feet on the side of his house but his neighbor had 27 feet and would have preferred to put it on the side.

Committeeman Boulderstone discussed the difference between the PRD and the regular neighborhood is that in the PRD, to be able to put the generator in at all, they have to get approval from the neighbors. Whereas in the regular neighborhood, there is no such requirement. The gas generators typically have noise for about 10 minutes every two weeks, where it has to be exercised. There are units that have noise

dampening inside them. The homeowner who gets that noise had agreed to it in the case of the PRD. If it is outside the PRD, there is no such requirement for a neighbor to agree to this beforehand.

Township Attorney Dasti discussed properties outside of Greenbriar could be handled zone by zone. Adjacent to the air conditioning unit has to be the right setback. If there is not an air conditioning unit, it must be no greater than a certain amount of feet.

Zoning Officer Clune discussed it is difficult, from a zoning standpoint, to weed out the larger lots. In Holiday Harbor, the majority of the lots are small. There are also larger lots mixed within the smaller lots. No matter what is written, someone is going to need a variance. Zoning is black and white. The gray area is going to be heard by the Zoning Board of Adjustment.

Mayor LoParo discussed the Greenbriar PRD ordinance should be written. More research could be done for the rest of the town.

Township Administrator/Clerk Ambrosio discussed most people want it by their air conditioners.

Township Attorney Dasti discussed the PRD ordinance will be ready for the Township Committee agenda on February 15<sup>th</sup>, then it will be reviewed by the Planning Board on March 3<sup>rd</sup>. The town wide ordinance will need more time.

### **#3. Public Access DEP Requirement**

Township Administrator/Clerk Ambrosio discussed a gentleman is buying 6 Pirate Drive, which is Block 97/Lot 3. In order for this gentleman to build, the NJ Department of Environmental Protection (NJDEP) is requiring, since he cannot provide public access, that he donate to the Township an estimate of \$8,000 to the Township but it has to be used to provide additional public access or to improve public access. It will have to be one of our parks that are on or near the water. That could be Sands Point Park or end of Tuscarora or Bryant Road. The Township has to provide a letter detailing what the \$8,000 will be used for. It could be for handicap access, picnic tables, benches or a handicap path at Crystal Point Peninsula.

Currently at Crystal Point Peninsula, there are two benches that were donated and two picnic tables. Before Superstorm Sandy there was a beautiful path that went almost halfway down. A path could be built all the way down to obtain additional access to that property.

Mayor LoParo suggested putting a couple more picnic tables down there.

Township Administrator/Clerk Ambrosio discussed she will obtain a cost on the items discussed so the Township can include it in the letter to the NJDEP.

### **#4. Waretown Bayfront Park & Pier – Rentals**

Township Administrator/Clerk Ambrosio discussed last year the Township went out to bid to get food trucks at the park and no one responded. Big Barlow's BBQ closed their storefront and inquired with the Township if they could be down there. The Township is trying to get people to use the park, so it worked out well. The ordinance that allows food trucks at the park does not match what the Township is doing. That ordinance needs to be amended. The food trucks like to go to the festivals on the weekend and make

three times more money than they would sitting at the park. Maybe there should be a daily or weekly rate, where they come in and pay before they go to the park. The Township could assist with letting people know the food truck schedule.

Two people have contacted the Clerk's Office for permission to get married at the park. The Waretown Lake Pavilion is rented for \$200.00 for five hours. The applicant can add \$20 per additional hour and a certificate of liability insurance is required. There is a liability issue. The applicant would be inviting people to a Township park and placing chairs on the grass. The Township could let them rent the space or just allow people to use the park for weddings.

Deputy Mayor Boulderstone discussed the benefit of renting is the park is reserved specifically for that wedding.

Township Administrator/Clerk Ambrosio discussed she does not think the pier should not be rented. People will want to crab or fish. The Waretown Lake Pavilion is rented but people still have the right to use the rest of the lake area and bathrooms. Renters clean up the Pavilion after their event, bag up the garbage and leave it by the bathrooms.

The biggest concern at Waretown Bayfront Park and Pier is there is not a lot of parking. The fees would be the same as the Community Center and Lake Pavilion, \$200.00 for five hours and \$20.00 for every hour thereafter. It is the renter's responsibility to clean up. No alcohol is allowed on Township properties.

Township Attorney Dasti discussed food trucks will have to pay an application fee to the Township.

Township Administrator/Clerk Ambrosio discussed the park is rented to anyone, not just Waretown residents, due to the Green Acres funding.

Mayor LoParo inquired if ReClam the Bay will work with the Township. Every now and then, ReClam the Bay shows up and takes all the parking spots.

Township Administrator/Clerk Ambrosio discussed the Township is not regulating ReClam the Bay. ReClam the Bay goes through the County for everything. If there is an approved event, the Township can block it off.

## **#5. Shared Service Agreements**

Township Administrator/Clerk Ambrosio discussed the Shared Service Agreements on the agenda today are strictly for renewing what is already in place. The Township's Recreation Director, Construction Official, Building Subcode and Inspector, Plumbing Subcode and Inspector are all shared with Barnegat Township.

Charlie Hood has given his resignation and Barnegat Township would like a shared service for Electrical Subcode and Inspector. Barnegat can start March 1, 2022. Lacey Township will continue to cover until March 1, 2022. It will be nice to have those inspections back during the daytime hours.

## #6. Community Center

Township Administrator/Clerk Ambrosio discussed there has been damage at the Community Center during this past snowstorm. There was a leak in the gutters, which are not commercial grade. The Township filed an insurance claim. All Risk Insurance is going to put commercial grade gutters on the building to alleviate this problem. When the wall is opened to inspect the attic we will have more information. The Community Center is definitely going to be closed for at least two weeks. All Risk will provide their work schedule by today or tomorrow.

The Township will still hold the Rabies Clinic at the Community Center. The Waretown Volunteer Fire Company is allowing the senior exercise classes to use their space.

### **PUBLIC COMMENT:**

**Motion to open Public Comment** was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

No comment from the public.

**Motion to close Public Comment** was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

**Resolution 2022-99** Payment of Claims – as presented to the Township Committee for payment thereof in the amount of \$1,780,099.12

Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

### **Resolution 2022-100**

Resolution of the Township of Ocean, County of Ocean, State of New Jersey accepting and approving a Shared Service Agreement with the Township of Barnegat, County of Ocean, State of New Jersey for Recreation Director Services

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

### **Resolution 2022- 101**

Resolution of the Township of Ocean, County of Ocean, State of New Jersey accepting and approving a Shared Service Agreement with the Township of Barnegat, County of Ocean, State of New Jersey for Construction Official Services

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

### **Resolution 2022- 102**

Resolution of the Township of Ocean, County of Ocean, State of New Jersey accepting and approving a Shared Service Agreement with the Township of Barnegat, County of Ocean, State of New Jersey for Plumbing Subcode Official Services

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

**Resolution 2022- 103**

Resolution of the Township of Ocean, County of Ocean, State of New Jersey accepting and approving a Shared Service Agreement with the Township of Barnegat, County of Ocean, State of New Jersey for Uniform Construction Subcode and Inspection Official Services

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

**Consent Agenda**

**The below listed items are considered to be routine by the Township Committee of the Township of Ocean and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the consent agenda and will be considered separately.**

- 2022-104 Resolution authorizing a refence to the lien holder in the amount of \$3,929.47
- 2022-105 Resolution authorizing the hiring of Amanda Bonfonti as Administrative Assistant and Environmental Commission Secretary for the year 2022 at \$30,000 per year
- 2022-106 Resolution authorizing refund for over payment in the amount \$126.94
- 2022-107 Resolution accepting the resignation of Charles Hood as Electrical Sub-Code Official

**Motion to approve Resolutions 2022-104 through 2022-107**

Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

**Resolution 2021-108**

Resolution authorizing the Township Committee to go into Executive Session for the reasons: personnel matters and contracts

Mayor LoParo inquired if formal action will be taken.

Township Attorney Dasti discussed he does not believe formal action is expected to be taken.

**Motion to approve Resolution 2022-108** was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

**Motion to move into Executive Session:**

Motion to approve was moved by Committeewoman Dodd, seconded by Deputy Mayor Baulderstone

Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

**Next Scheduled Business Meetings**

February 15, 2022 6:00pm

March 15, 2022 6:00pm



**Adjournment**

Motion to approve was moved by Deputy Mayor Baulderstone, seconded by Committeewoman Dodd.  
Roll Call: Dodd: Yes, Baulderstone: Yes, LoParo: Yes

Signed and Submitted:

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Diane B. Ambrosio, RMC  
Municipal Clerk

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Date