

**BOROUGH OF LAKEHURST LAND USE BOARD  
REGULAR MEETING  
FEBRUARY 22, 2021  
MINUTES**

MEETING OPENED AT 7:30 P.M. BY CHAIRMAN DAVID BURTON.

ALL STOOD FOR THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE.

PUBLIC MEETINGS STATEMENT READ INTO RECORD BY BOARD SECRETARY CAPASSO:

"IN COMPLIANCE WITH N.J.S.A. 10:4, OPEN PUBLIC MEETINGS ACT, NOTICE WAS GIVEN TO TWO NEWSPAPERS, AND POSTED, THAT THE REGULAR MEETING OF THE LAKEHURST LAND USE BOARD IS SCHEDULED FOR THE TWENTY-SECOND DAY OF FEBRUARY 2021 AT THE HOUR OF 7:30 P.M. TO BE HELD IN THE LAKEHURST COMMUNITY CENTER, 207 CENTER STREET, AT WHICH TIME THE BUSINESS OF THE BOARD WILL BE CONDUCTED."

ROLL CALL:

\*Alternate Member

MAYOR ROBBINS: PRESENT  
COUNCILMAN OGLESBY: PRESENT  
CHAIRMAN BURTON: PRESENT  
BRYAN LEVANCE: PRESENT

ANDREW HODGES: ABSENT  
SIDNEY HOOPER: PRESENT  
MARANDA SALAS: PRESENT  
DAVID SUMNER: ABSENT  
\*#1 PATRICK McPARTLIN: PRESENT  
\*#2 ERIC ROBBINS: PRESENT

LAND USE BOARD ATTORNEY ADAM PFEFFER ADMINISTERED THE OATH OF OFFICE TO:

STEVEN OGLESBY

BRYAN LEVANCE

APPROVAL OF MINUTES:

Motion by: Sid Hooper

Seconded by: Eric Robbins

To approve minutes of January 25, 2021 Reorganization Meeting. Roll call vote held. All votes affirmative with the exception of Mayor Robbins, Councilman Oglesby, and Bryan LeVance who abstained due to their absence at the January 25<sup>th</sup> meeting.

CORRESPONDENCE:

Letter of resignation from Board Member Kevin Ford.

Motion by: Sid Hooper

Seconded by: Steven Oglesby

To accept resignation from Board Member Kevin Ford. Roll call vote held. All votes affirmative.

**OLD BUSINESS:**

**MEMORIALIZATION OF RESOLUTION APPROVING THE APPLICATION FOR THE INTERPRETATION THAT THE PROPOSED USE OF THE PROPERTY TO LOCATE A LICENSED MEDICAL FACILITY PROVIDING SERVICES TO PARTICIPANTS INCLUDING, BUT NOT LIMITED TO, MEDICAL DAY CARE PROGRAMS, OCCUPATIONAL THERAPY, PHYSICAL THERAPY, WITH DOCTORS, NURSES, AND THERAPISTS ON SITE IN THE B-2 ZONE, AND REQUEST FOR A SITE PLAN EXEMPTION DENIED AT THE PROPERTY DESIGNATED AS 800 ROUTE 70, BLOCK 15; LOT 1:**

Motion by: Steven Oglesby

Seconded by: Mayor Robbins

To memorialize the resolution approving the proposed use outlined in the testimony before the Land Use Board, can be interpreted to be a professional office which is a permitted use in the B-2 zone and request for a site plan exemption is denied at the property designated as Block 15, Lot 1. Roll call vote held. All votes affirmative.

**REVIEW OF MUNICIPAL STORMWATER MANAGEMENT PLAN AS PREPARED BY REMINGTON AND VERNICK ENGINEERS:**

All in agreement.

**NEW BUSINESS:**

**APPLICATION OF DONNA SLOAN FOR HARDSHIP VARIANCE RELIEF FOR LOT WIDTH, LOT DEPTH, AND COMBINED SIDE YARD SETBACK AT THE PROPERTY DESIGNATED AS BLOCK 62, LOT 20:**

Donna Sloan, 8 Center Street, was sworn to give testimony at 7:40 p.m. by Board Attorney Adam Pfeffer.

Mr. Pfeffer stated an application was made proposing a two-story single-family dwelling in the R-2 zone replacing the resident's home that was destroyed by a fire. Mr. Pfeffer asked when did the fire take place.

Ms. Sloan stated March 24, 2020.

Mr. Pfeffer asked if the lot was an undersized lot.

Ms. Sloan answered yes.

Mr. Pfeffer asked that the copy of the survey be introduced as exhibit A-1

Mr. Pfeffer stated that the applicant is requesting five variances, one for lot area, one for lot width, one for lot frontage, one for lot depth, and one for combined side yard setback. Mr. Pfeffer asked if the applicant is proposing to put the new home on the footprint of the prior home.

Keith Sloan, 8 Center Street, was sworn to give testimony at 7:43 by Board Attorney Adam Pfeffer.

Mr. Sloan responded the former home was 18 feet wide and 70 feet in length and added the proposed home is 19.10 feet wide and 58 feet in length.

Mr. Pfeffer questioned the side yard setbacks.

Mr. Sloan responded the proposed home will have a setback of 5 feet on each side.

Mr. Pfeffer stated the ordinance states a minimum combined side yard setback required is 12 feet and asked if the applicant would agree to have the house conform to the combined setback of 12 feet.

Mr. Sloan stated he will talk to the engineer.

Mr. Pfeffer asked the lot size of the properties located on each side.

Mr. Sloan answered the lot of the left side is 30 feet wide and the lot to the right is 60 feet wide.

Mr. Pfeffer asked the use of both properties.

Mr. Sloan responded both are residential dwellings.

Mr. Pfeffer made the board aware that there is a court ruling that requires owners of undersize lots to send a buy-sell letter to the adjoining lot owners. Mr. Pfeffer added the letters asks the adjoining owners if they have excess land that they are willing to sell to the buyer so that the buyer's lot is conforming. Mr. Pfeffer further stated this is required before the hearing but if the board wants to move forward and proceed with the application, they can approve the application with the condition that the applicant mails the buy-sell letters to the adjoining owners.

Board Engineer Pamela Hilla stated there are two design waivers, one is in regard to the driveway adding driveways shall be at least 10 feet from the property line, whereas the proposed driveway is 1.5 from both side property lines. Ms. Hilla also stated the second waiver is in regard to a paved driveway whereas the applicant is proposing a gravel driveway. Ms. Hilla asked if the applicant plans to put a gravel driveway at some point.

Mr. Sloan responded he plans to have a cement driveway sometime in the future.

Ms. Hilla stated that the applicant is requesting relief from the driveway.

Board Member Sid Hooper questioned the applicant's engineer not appearing in front of the board.

Board Chairman Burton stated it is recommended that the applicant's engineer testifies on behalf of the applicant.

Mr. Sloan responded he was not made aware that his engineer needed to be present.

Mr. Pfeffer asked the applicant if he would like an opportunity to reschedule.

Mr. Sloan answered that he is "short on time" adding the insurance money for the rent will expire the beginning of March.

Mr. Pfeffer stated that even if the board was to approve the application tonight, the resolution will not be memorialized until the March 22<sup>nd</sup> meeting.

Mayor Robbins stated the board would consider holding a special meeting for the application.

Mr. Pfeffer stated he could draft a resolution for the next meeting so that resolution can be approved at the same meeting the application is approved.

Mr. Burton questioned the dimensions of the original home.

Mr. Sloan answered 18 feet by 70 feet and added the proposed home will be 20 feet by 58 feet.

Mr. Pfeffer asked if the proposed home will be on a slab.

Mr. Sloan responded it will have a crawlspace.

Ms. Hilla questioned the shed that is currently encroaching on the adjoining lot.

Mr. Sloan answered the shed will be made smaller or moved to conform with the zoning ordinance.

Mr. Pfeffer asked if architect plans were submitted.

Board Secretary Capasso stated she only received a plot plan and a site plan.

Mr. Burton stated the board has very limited information to review the application.

Councilman Oglesby stated the plot plan shows the shed and the site plan shows the shed to be removed and added the applicant testified that the shed will be removed.

Mr. Sloan stated he could remove the shed or relocate the shed so that is conforming.

Mr. Oglesby stated the board needs to know exactly the plans for the shed adding the applicant has to conform to the plans that are approved.

Mr. Sloan stated he will remove the shed if that will “help” approve the proposed application.

Mr. Pfeffer stated no additional notice is required because the board has waived the period of time to make a decision on the application so that the applicant can have their engineer testify on their behalf.

Mr. Burton reiterated the importance of the applicant’s engineer testifying in front of the board.

**PUBLIC COMMENTS ON APPLICATION:**

Time opened: 7:25 p.m.

**NO PUBLIC COMMENTS**

Time closed: 7:25 p.m.

Motion by: Mayor Robbins

Seconded by: Sid Hooper

To approve to move the application of Donna Sloan to a special meeting to be held on March 8, 2021. Roll call vote held. All votes affirmative.

**PUBLIC COMMENTS:**

Time opened: 7:26 p.m.

**NO PUBLIC COMMENTS**

Time closed: 7:26 p.m.

Resolution to go into closed session read:

## RESOLUTION

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P. L. 1975, permits the exclusion of the public from a meeting in certain circumstances, **and**

**WHEREAS**, this public body is of the opinion that such circumstances presently exist.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Lakehurst, County of Ocean, State of New Jersey, as follows:

The public shall be excluded from discussion of and action upon the hereinafter specified subject matter.

The general nature of the subject matters to be discussed is as follows:

### LITIGATION

It is anticipated at this time that the above stated subject matter will be made public.

This resolution shall take effect immediately.

Motion by: Steven Oglesby

Seconded by: Mayor Robbins

To approve resolution to go into closed session. Roll call vote held. All votes affirmative.

Time into closed session: 7:26 p.m.

Time out of closed session: 7:51 p.m.

Motion by: Miranda Salas

Seconded by: Sid Hooper

To end closed session. Roll call vote held. All votes affirmative.

### ADJOURNMENT:

Motion by: Miranda Salas

Seconded by: Sid Hooper

To adjourn meeting. Roll call vote held. All votes affirmative. Time: 7:51 p.m.

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Maryanne Capasso, Secretary  
Lakehurst Land Use Board