



**Historic Preservation Commission
WORKSHOP MEETING MINUTES**

Tuesday, May 26, 2020

Municipal Complex, 25 Neptune Blvd, Twp Committee Room (2nd Fl), Neptune NJ 07753

Opening Statement and Flag Salute:

The meeting was called to order by the HPC, Chairperson, Deborah Osepchuk at 6:03 pm. Mrs. Osepchuk read the notice of compliance with the New Jersey Open Public Meetings Act and indicated that appropriate notice was forwarded to the officially designated newspaper Asbury Park Press and the New Coaster, filing a copy of the notice with the Municipal Clerk, and posting a copy of the notice on the board in the Municipal Complex, and the Township website www.neptunetownship.org. This meeting was held virtually via ZOOM.

Roll Call:

Heinlein, Lucinda	<u>P</u>	McKeon, Douglas	<u>P</u>	Shaffer, Jenny	<u>P</u>
Henderson, Linda	<u>P</u>	Osepchuk, Deborah	<u>P</u>	Steen, Leonard	<u>P</u>
MacMorris, Douglas	<u>A</u>	Rudell, Jeffery	<u>P</u>	Wierzbinsky, Joseph	<u>P</u>

Also Present:

- Ronald D. Cucchiaro, HPC Attorney
- Steve Tombalakian, ESQ, HPC Attorney
- Bernard Haney, Land Use Administrator

Opening of Workshop

Mr. Cucchiaro and Mr. Tombalakian provided a brief review of how Historic Preservation Commission were created, the different classes that make up the Commission and the HPC functions and responsibilities.

Discussions

- Historic Preservation Commissions were created as a function of the municipal land use law, which allowed each municipal the option to create Historic Preservation Commissions in order to protect the historic portions within their municipality;
- Documents that the HPC uses to assess applications: Ocean Grove Historic District Guidelines for Residential Structures, Ocean Grove Historic District Architectural Design Guidelines for Commercial; Historic Preservation Element of the Master Plan, Redevelopment Plan, where applicable; and Land Development Ordinance;
- The three (3) roles of the HPC: The Commission acts as an Advisory Board to the Planning and Zoning Boards, The Commission can grant or deny applications, and Redevelopment Plan Projects (if applicable);
- Mr. Cucchiaro advised the Commission that they have the right to send an advisory report to the Planning Board in regards to redevelopment plans and that the HPC participation is mentioned in the most recent resolution for a specific property.
- Mrs. Osepchuk asked, is the HPC’s job to interpret certain “umbrella” sections found within the Design Guidelines? Mr. Cucchiaro advised Mr. Osepchuk that when doing so it is important to be consistent and care has to be taken that the “umbrella” section is interpreting the same way from application to application.

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- Mr. Haney advised the Commission that the Design Guidelines are still in development stages and the Township has made application to become a CLG (Certified Local Government). The HPC will be involved in the process when the time comes.
- Mr. Cucchiaro advised the Commission that if the HPC delegates a member of the Commission to testify orally at a Zoning Board of Adjustments or Planning Board hearing on an application to explain their written report that was submitted, the Zoning Board of Adjustment does require that the member be accompanied by the HPC Attorney. He will get a decision from the Planning Board's Attorney.
- Mr. Cucchiaro briefly reminded the Commission that they have to be careful about what they doing and saying in public. When a member does choose to attend another Board's meeting it is important that they make it clear that they are not representing the Commission although it could cause conflict. Family members or spouses of the Commission members have the right to exercise their constitutional rights. However, depending on the situation, the member should decide if they need to recuse themselves or not.
- Mr. Cucchiaro suggested that the entire Commission should not show up at the same place at the same time, but if they do, it is important to make it known that they are not there as a Commission but as individual property owners or residents.
- Mr. Cucchiaro advised the Commission that if an application is denied by the HPC, the applicant has the option to appeal the HPC's decision to the Zoning Board of Adjustment. The Applicant cannot appeal to the Township Committee or Township Administration, neither of them can pull a vote or overturned a vote.
- Mr. Cucchiaro advised that Boards normally determine their own jurisdiction. The Commission cannot deny someone a hearing if they want one, the applicant has the right to be heard. If an applicant wishes to withdraw their application, the Commission cannot compel the applicant to appear before the Commission.
- Mr. Cucchiaro advised the Commission that if there are documented violations for a property it just becomes something that they need approval for and they would need to apply for some type of relief. Something that implicates the Design Guidelines can be taken into account when they appear before the Commission. If a member of the Commission believes work is being performed without the proper approvals they should notify the enforcement officer (Zoning Officer) that work is being performed. The Commission must hear whatever application in front of them regardless of any outstanding violations. If it is an administratively approval, it should be mentioned that the property is in violation and that the approval is not endorsing the item in violation. The Commission can also give a partial approval for the work before the Commission and note in the resolution that the violation item was not part of the approval. If no violation was issued by the enforcement officer, then it is not an issue and cannot be consider it at all. The sole jurisdiction for enforcement is with the enforcement agent as designated by the ordinance. The HPC cannot enforce, they can only grant or deny an application. The inaction of the Zoning Officer can be appealed to the Zoning Board of Adjustments. If a member of the Commission lodges a complaint they then become prejudice against the applicant. A member of the Commission should recuse themselves if they called in a possible violation, because they are now adversarial to that property owner. Mr. Cucchiaro provided other examples of when a member should recuse themselves such as financial stake



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in the property or if the applicant is a close family member. Members should contact the HPC attorney's if they have any questions about conflict of interest.

Public Comments/Questions:

Questions/Comments from Nancy Clark Property Owner/Resident

Ms. Clark inquired about the updated/revised Design Guidelines, the HPC membership involvement, the budget for the consultant and when public she can expect to see the revised guidelines. Mr. Tombalakian advised Ms. Clark that Mr. Haney already addressed part of her questions in regards to the updated Design Guidelines. He reiterated that the updated documents are being worked on without HPC involvement up to this point, however when the draft is further along it will be reviewed by the HPC for questions and comments. The HPC will be part of the process but it is not at this stage. Mr. Tombalakian went over the process of having the document passed through the necessary Committees/Boards and that the public can get involved once the document is available and can speak to the document when it is before the Commission. The HPC members will receive a copy for comments before the formal presentation comes before the entire Commission. In regards to the budget for the consultant, Mr. Haney advised Ms. Clark that it was budgeted last year, it was a one-time budgeted amount which covers the entire project and his contract will be up once all of the objectives have been met.

Adjournment:

With no further business before the Commission a motion to adjourn the regular meeting at 07:48 PM was offered by Mrs. Heinlein. The motion was seconded by Mr. Rudell. All present members were in favor. Minutes respectfully submitted by Dawn Crozier, Administrative Officer.