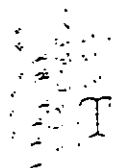


**BRICK,
TOWNSHIP
OF**
(Planning/Zoning)

EBNER, GILBERT SR. - Block 842, Lot 27
B.T. TAX MAP



TOWNSHIP OF BRICK

OCEAN COUNTY, NEW JERSEY

401 CHAMBERS BRIDGE ROAD • BRICK, NJ 08723

Joseph C. Scarpelli, Mayor

Township Council:

Steven M. Cucci — President

Stephen C. Acropolis

Kimberley S. Casan

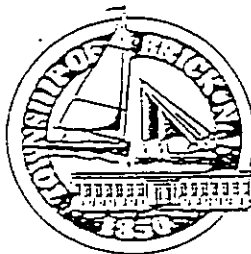
Gregory S. Kavanagh

Kathy M. Russell

Tom Shupin

Frederick J. Underwood, Sr.

Municipal Clerk



Planning Board

(732) 262-1045

Fax: (732) 262-2934

<http://www.twp.brick.nj.us>

NEW FOLDER _____

From - Judith Fox Nelson

Date:

7-19-02

Re:

Archive and reorganization of Planning Board Files

Case #

7

Date of Approval

1-8-60

Block

842

Lot

27

The above referenced file has been cleaned out as and is ready to be re-filed.

The following files are turned over to Jeff Fabach for disposal

Affidavits _____

Notice of decision _____

Copies _____

Correspondence _____

Copies of checks and receipts _____

Reports, drainage, environmental, traffic _____

Other _____

PLANNING BOARD

FEBRUARY 2, 1960

RE: PROPERTY OWNED BY GILBERT EBNER SR.
KNOWN AS LOT #27, BLOCK 842,
BRICK TOWNSHIP TAX MAP

MR. WILLIAM E. JOHNSON
BRICK TOWNSHIP CLERK
LAURELTON, NEW JERSEY

DEAR MR. JOHNSON:

AT THE MEETING OF THE PLANNING BOARD HELD ON
JANUARY 8, 1960, THE ABOVE SUBDIVISION WAS APPROVED.

PLEASE FIND ATTACHED, SEVEN (7) COPIES OF MAP,
THE EIGHTH (8) COPY HAS BEEN RETAINED FOR THE FILES
OF THE PLANNING BOARD.

ALSO ATTACHED, PLEASE FIND \$25.00 CASH FROM MR.
EBNER TO COVER THE FILING FEE FOR SAID SUBDIVISION.

VERY TRULY YOURS,

BRICK TOWNSHIP PLANNING BOARD,

HELEN C. SCHAEFER - SECRETARY.

ENCL. 7 MAPS
\$25.00 CASH.

January 8, 1960.

Regular Meeting of the Brick Township Planning Board was held at 8:00 P.M. at the Town Hall with Chairman Joseph I. Farley, Sr. presiding.

Members Present: Joseph I. Farley, Sr. Others Present:
Arthur F. Brown Charles F. Carter, Jr.,
J. George Schoener Albert Cucci
Edwin F. Skinner Harold Schuman
Claude D. Gant Robert Powers
Paul Weiss
Martin B. Anton (9:00)

Scheibe and Moritz (Mersita Manor)....Mr. Farley read excerpts from a letter from Mr. Schuman regarding above.

Mr. Withington had a copy of a map on which certification was attested having been prepared in October 1955 by John M. Abbott, for the purpose of selling lots from same. Mr. Withington stated that Mr. Novello had retained three lots from the above and sold thirteen lots to Scheibe and Moritz. The contract of sale between above shows sale of 13 lots and Messrs. Scheibe and Moritz relied on this map when endeavoring to sell lots. Mr. Withington stated that lots were sold prior to 1956 from this map, and Messrs. Scheibe and Moritz conveyed to each other in October 1958. Mr. Withington based his request for approval of subdivisions on the zoning ordinance and stated that map was used for identification and sales purposes. The date of ordinance was January 18, 1956 and was adopted February 16, 1956. Mr. Withington also stated that the lots were 75x125 in depth with the exception of two lots which were slightly smaller.

Mr. Schuman stated that the ordinance was adopted in January of 1956 and the provisions provided that those lots which were sold prior were excluded from the provisions of the ordinance. In sales prior to January 1956 they were made out of the 3.09 acres. Also, that the other sales which were relied upon to establish a pattern were illegal sales as the Township had established a Planning Board. Mr. Schuman also stated these sales were in conflict with our Municipal Ordinance and are illegal sales according to statute.

Mr. Farley stated that a decision should be made tonight as the matter has been hanging long enough.

Mr. Skinner stated that he felt the buyers purchased this property in good faith according to a map furnished them and believed that subdivisions should be approved.

Mr. Schoener stated that he felt that as we had legal advice on this matter we should go along with that legal advice.

Mr. Carter stated that if this approval goes thru tonight it might be establishing precedent for future cases.

Motion made by Mr. Schoener and seconded by Mr. Brown that the request be rejected as it legally does not fall within the confines of the paragraph of exceptions as listed in Ordinance #142, Section 6, Paragraph 2, and that application was made pursuant to that paragraph.

AYES: Brown, Gant, Schoener and Farley

NAYS: Skinner

ABSTAINING: Weiss

Motion carried

Mr. Brown questioned Mr. Schuman if he understood him correctly that under this particular sale from Novello to Scheibe and Moritz same was after the Ordinance was adopted and therefore sales by them from this map were illegal. Mr. Schuman stated such was the case.

Mr. Schoener wanted Messrs. Scheibe and Moritz to know that the Board has nothing against the particular map but it appears that Messrs. Scheibe and Moritz feel strongly that the Board is prejudiced against them, which is not the case but we do have to abide by the Ordinance.

PATSY L. BOTTAZZI AND JAMES B. JOHNSON....Presented map showing subdivision of Lots 8 and 9, Block 210-D of Baywood, located on East Lagoona Drive, which subdivision upgraded lot #9.

Motion made by Mr. Brown and seconded by Mr. Schoener that the subdivision be approved subject to the payment of the usual filing fee.

AYES: Brown, Schoener, Skinner, Gant, Anton and Weiss

NAYS: None

Motion unanimously carried.

January 8, 1960

Page 2.

JAMES CLAYTON, BURNT BRIDGE GROVE....Presented map and Mr. Powers was asked to find out what roads must be paved and what action on drainage is necessary. The drainage easement must be shown on the map, as Mr. Farley stated that the profiles showed same but it does not appear on the map. Mr. Farley also stated it would seem all of these lots had plenty of depth to bring the roads up to required width.

Mr. Schoener questioned if we are requiring Mr. Clayton to do more than we generally have required any one to do.

Mr. Clayton advised that he had brought the lots up to size as requested.

Mr. Schoener questioned why Mr. Clayton should pave all the road when he only owns on one side of the road.

Mr. Anton suggested that we get a legal opinion on widening the road so that in the future we would know where we are going from now on when a map is submitted. Mr. Anton also suggested a legal opinion on whether Mr. Clayton is to pave the roads where prior sales have been made.

Mr. Farley stated that the engineer has to go over this matter of roads and an opinion should be obtained from Mr. O'Connor for the next meeting regarding whether Mr. Clayton will be required to pave the road when he only owns lots on one side of the road.

Map was turned over to Mr. Powers to check map and drainage.

GILBERT EBNER, SR., Block 842, lot 27, map was presented increasing setback to correspond with our ordinance.

Motion made by Mr. Brown and seconded by Mr. Schoener that this subdivision be approved subject to the payment of the usual filing fee.

AYES: Brown, Gant, Schoener, Skinner, Anton and Weiss.

NAYS: None

Motion unanimously carried.

SANDY POINT, Block 87-B 5, lot 22. Letter from C. W. Glassen, Engineer, requesting approval of subdivision of lot 22, so that 1/2 of lot 22 be added to lot 23. Apparently the other 1/2 of lot 22 will go with lot 21.

Motion made by Mr. Schoener and seconded by Mr. Brown that minor subdivision be approved subject to the presentation of clearer prints of same and payment of the usual filing fee.

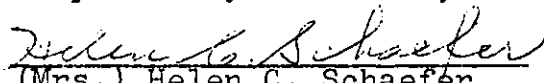
Mr. Schoener withdrew his motion, and Mr. Brown his second with the request that map be returned for clarification.

Mr. Farley read letters from Judge Albert S. Larrabee and Frank Z Sindlinger expressing their opposition to the size of waterfront lots as covered by the Master Plan. Mr. Farley stated he received a letter from Mr. Schuman pertaining to Esto Development suit but did not read same.

Motion made by Mr. Schoener and seconded by Mr. Brown to adjourn.

Meeting adjourned at 10:00 P.M.

Respectfully submitted,


(Mrs.) Helen C. Schaefer,
Acting Secretary.