Atlanticville

SPECIAL SECTION

Long Branch, NJ

Copyright© 2000 - 2007 GMN All Rights Reserved

Web services by nor-hudson.com
Newspaper web site content management software and services

RSS

Council ups limits on seasonal housing

Some residents protest stricter CO ordinance

BY CHRISTINE VARNO
Staff Writer

LONG BRANCH - The City Council amended its zoning ordinances last week to limit single-family homes throughout the entire city to one certificate of occupancy (CO) per year.

The original measure, which strictly applied to single-family zones, is currently being challenged in Superior Court by several Long Branch homeowners.

Despite protests by some homeowners, the council voted unanimously 5-0 at the June 12 meeting to adopt ordinance 24-07, which amends ordinance 26-04.

"The city was given advice by litigation counsel that it would put the city in a better position if the city made the ordinance more inclusive of all residential zones as well as some commercial zones," said City Attorney James Aaron after the meeting.

"Now, it applies to all residential units that are single-family units in any zone," he said.

The intended purpose of the original and amended ordinances is to stabilize the quality of life of residential neighborhoods in Long Branch, according to ordinance 24-07.

"It appeared to the council of the city of Long Branch that investors would buy property in a residential zone and treat it as a commercial instrumentality by simply renting it out on a continuous basis to a revolving flood of tenants without any permanency, without any caring for the neighborhood, without regard for the upkeep and maintenance of the home, and without regard to the family nature of the tenancies which would result," the ordinance states.

Councilman Brian Unger said at the meeting that the ordinance is necessary.

"This ordinance is extremely important to sections of Elberon," Unger said. "As far as I am concerned, this ordinance is essential.

"Our neighborhood is in a steep decline and it is because of college [and] summer rentals," he said. "The owners are never there."

But several residents said at the meeting that they are opposed to the CO limitation, and an attorney present at the meeting told council that zoning is not the answer to poor conduct in residential neighborhoods.

"There is a technical defect," said Gary Fox of Ocean Township, who is representing several Long Branch residents protesting the initial ordinance.

"The prior ordinance said only one CO a year, and limited it to four particular zones. You now decided that every home in Long Branch is only permitted one CO," he said.

"Not one of my clients condone any anti-social conduct," he said. "Zoning is not the answer. You discriminate between whether people own the property or not."

Fox also stated the city should be enforcing the single CO per year rule in any zone while the matter is still in litigation.

Aaron agreed that the measure is not enforceable at this time and added that the ordinance was adopted to benefit the entire city.

"This matter has been in litigation," Aaron said. "The amendment made here will help enforce the rules.

"[The ordinance] came about years ago when residents of various areas of the city came to us and said please help us do something," he said.

One resident questioned whether amending the ordinance is legal.

"This is in litigation and you are asking the City Council to amend something," Harold Bobrow of Ocean Boulevard said at the meeting.

"That is legal? You can change an ordinance to make a point in court?" he asked.

Aaron responded that the action is legal.

The amended ordinance also provides for appeal by individuals who feel they want an exception to the ordinance, according to Aaron.

"Any other circumstances in which the fire official makes a determination on the particular factual scenario presented that issuance of an additional certificate of occupancy would not unduly frustrate the purpose of this ordinance and would cause undue hardship to the applicant not granted," the ordinance states.

Resident Kevin Brown of Broadway said he did not agree with allowing a single city official to determine when or if the law should be applied.

"To put that type of power is a temptation," Brown said at the meeting. "Possibly you would want a few people, council or an agency to make that decision.

"We have had a councilman get booted for bad moral judgment," Brown added.

The amended ordinance also contains exceptions, including allowing additional COs if a permanent city resident is traveling and wants to rent the property owned on a seasonal basis or if a homeowner dies.

"It does not apply to multifamily units that are zoned that way or to apartment buildings that are designed to that flexible use," Aaron said.

Lori Ann Vendetti, who owns two homes on Ocean Terrace, said she has a rental home and enforcing limitations on how many times she can rent it throughout the year is an infringement on her rights.

"I have a rental home and I rent it year-round," Vendetti said. "To take that away from people, it is unconstitutional.

"I think there should be something to hold the homeowner responsible," she said. "That is the homeowner's responsibility. Fine them, zillions of dollars if you have to."

Click ads below for larger version

Greater Media Newspapers

your ad could be HERE
...as low as $40/week
732-358-5200

MALEK MEDICAL
Dr. Sherif Malek, Board Certified Internal Medicine and Geriatrics, Celebrating 12 years of practice, providing Excellent Family Care.
phone: 732.222.6637
232 Norwood Avenue • West Long Branch 07764
www.malekmedical.com
Most Insurances Accepted

Numbness/Tingling?
MONMOUTH SPINE AND REHABILITATION CENTER
732.345.1377

SCHWARTZ PHYSICAL THERAPY AND LASER CENTER
(732) 228.7900

Got Pain?
Let Us Help
Sports Care Physical Rehabilitation
PHYSICAL THERAPY and On Site Fitness Center
732-756-0002
www.sportscarept.com

Conquering Cancer. Close to Home.
The Cancer Institute of New Jersey Network

System and Method for Display Ads have a Patent Pending. Click Here for More Information