



# COASTER

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## In Ocean

# Deal Road Case Moves Forward

By DON STINE

A formal complaint charging that Ocean Township is not living up to its Master Plan by allowing development of a 32-acre tract at Route 35 and Deal Road can move forward, a state Appellate Court judge has ruled.

Peter Jungkunst and his wife, Jacqui Wenzel, filed the complaint on behalf of the Save 32-Acres grassroots movement to preserve the site. Judge Dennis R. O'Brien, seated in Freehold, denied the original complaint and the couple challenged the judge's decision in the Appellate Court.

"I feel the (Appellate) judge thought that the previous (Superior Court) judge made an arbitrary and capricious finding and the judge is letting the case move forward," Jungkunst said.

"I always felt we had a good case on the merit that the (current) land use ordinance is inconsistent with the old one."

Part of the Save 32-Acres complaint states that "Ocean Township, through its Mayor, City Council and Planning Board, have been rezoning the remaining 32 acres of the Terner Tract for over two decades with perfunctory regard for the procedural requirements of the Municipal Land Use Law (MLUL) and minimal regard for the desires of the residents living adjacent to the site and within the broader community."

The complaint was filed to hold the township accountable and demand that they follow the procedures required by the MLUL and principles of funda-

mental fairness, and ultimately, to compel the defendants to rezone the property in a manner that is consistent with the vision set forth in the 1990 Master Plan.

The original master plan called for 13 acres of low-impact commercial development, such as a professional office building, and 40 single-family homes along Deal Road.

A current development proposal, by Paramount Realty, wants to build a 112-room Marriott Hotel, a Wawa gas station and convenience store, a fitness center, and a Turning Points restaurant along the Route 35 corridor with 70 upscale townhouses on the eastern portion of the site.

"There is a big difference between 40 single-family homes

Continued on page 51