

A meeting of the Brick Township Board of Adjustment was held on **August 16, 2017** in the Municipal Building. The meeting was called to order at 7:00 pm.

Notice of Public Meeting was read by Chairman Langer. He led the Salute to the flag and the roll was called.

MEMBERS PRESENT

Harvey Langer
Frank Mizer
David Chadwick
Mike Jamnik
Louis Sorrentino
Stephen Leitner (7:05)

MEMBERS ABSENT

Raymond Claudio, Alternate 1
Carl Anderson, Alt 2
Dawn Marie White

ALSO PRESENT

John Miller, Esq.
Ronald Cucchiaro, Esq.
Brian Boccanfuso, PE
Tara Paxton, AICP/PP, Assistant Planner
Sean Kinnevy, Zoning Officer
Denise Sweet, Court Reporter
Pamela O'Neill, Secretary

The Board Professionals were sworn.

NEW BUSINESS:

**Case BA 3038-5/17-Debra Jaques
41 Island Drive
Block 878.01, Lot 23**

Debra Jaques was sworn. She testified she is seeking a bulk variance to legitimize an existing rear deck on her property. Her home is on the easterly side of Island Drive in the R 7.5 zone. She further testified that her home was elevated to comply with FEMA requirements. The contractors removed the existing rear deck and constructed a new

deck in error which now encroaches onto the rear yard setback. The deck is constructed on the property line. She testified there will be no swimming pool constructed.

Chairman Langer called for Public comment, seeing none; he closed the hearing to the Public.

Mr. Mizer gave factual findings. All members concurred with the findings.

A motion to approve the application was made by Mr. Mizer and seconded by Mr. Jamnik.

Ayes: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Langer
Nays: Mr. Mizer

BA-2804-MS-D-6/17
BA-2804-PSP-FSP-C-D-6/17
JSM @ Martin Boulevard, LLC
1920 Route 88
Block 868.01, Lot 15 & 16

Douglas Wolfson, Esq., appeared on behalf of the applicant. He noted that this hearing has been carried from June 7, 2017. The only new witness this evening will be the Planner. He requested that she be sworn. All other witnesses have been previously sworn and are present this evening just in case there are any questions for them.

Christine Nazzaro Cafone, was sworn and her credentials were accepted to testify as a professional planner.

Mr. Wolfson asked Ronald Aulenbach, P.E., engineer for the applicant to give a brief overall summary of the project from the previous meetings.

Mr. Aulenbach described the proposed application to construct a Wawa convenience store with a gas station, a standalone bank with drive through, a restaurant, and a day care facility with a playground with driveway access on Jack Martin Boulevard and Route 88 through the existing Mobil Home Park.
New exhibits- A-4- and A-5 were marked.

Exhibit A-4 -Site and Geometry Plan-Laurelton Plaza Page 3 of 23, revision dated 6-12-17. This exhibit shows the realignment of the Jack Martin driveway to meet up with the driveway of the shopping center across the street as recommended by the County and Board Professionals. The sign has been relocated to the south side of the driveway. He said the plan assumes that Askin Road is not vacated.

Exhibit A-5 -Photos of Route 88 taken from Google Maps and prepared on August 15, 2017.

Mr. Aulenbach stated the applicant will comply with the Shade Tree request for irrigation and will comply with the Municipal Engineer's requirement to provide CAFRA approval when obtained.

Mr. Wolfson asked that the record show Mr. Leitner arrived to the meeting late, but is present for the entire testimony tonight and will be eligible to vote. Also Mr. Sorrentino has signed a certification and will be eligible to vote this evening.

There was a discussion between Mr. Wolfson and Mr. Cucchiaro regarding the need for d variances. After some discussion the Chairman polled the Board.

Mr. Mizer made a motion to adopt the recommendation of the Board attorney to adopt his position on the required variances. Mr. Cucchiaro noted they are all listed in the Board Engineer's report.

The motion was seconded by Mr. Sorrentino

Ayes: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Mizer, Mr. Langer

The following reports were added to the record.

Bureau of Fire Safety 8/9/17 and 8/15/17

Bureau of Traffic Safety-Brick Police Department 7/29/17

Shade Tree Commission -8/10/17 –applicant agreed to provide irrigation

Municipal Engineer- applicant agrees to provide CAFRA

Mr. Deane, previously sworn, traffic expert, testified a NJDOT application has been filed, There was some concern by Ms. Paxton regarding turns on Route 88 and Mr. Boccanfuso regarding internal circulation. Mr. Aulenbach agreed to prohibit left turns out of the site.

Mr. Deane confirmed that tractor trailers entering the site will only enter and circulate around the Wawa.

DOT requested a greater shoulder on the applicant's side of the road. The applicant will widen the road.

Chairman Langer called a brief recess at 8:25 PM... He called the meeting back to order at 8:35 PM.

Christine Cafone, Planner for the applicant testified that she did not agree that the applicant requires d (1) use variance relief for the continued use of the mobile home park, but she would proceed to offer proofs in support of the variance. She testified the site is particularly suited for the mobile home park use and the applicant proposes to move some of the homes and make improvements to the interior road and utilities and install additional landscaping within the park. In addition, she said the density of the park will comply with the density required in the 2008 approval granted to the applicant.

Mr. Wolfson advised the Board that the density level is not part of this application; Ms. Cofone testified that the mobile home park will comply with all bulk requirements except for the 6 homes which straddle Askin Road. She testified most of the site will contain permitted uses. The improvements proposed will bring the site into further conformance to the B-3 and Overlay Zone requirements...

Regarding the proposed sign on Lot 15, Ms. Cofone testified the lot provides sufficient space for the sign for identification providing the free flow of traffic and is attractive with a brick base. The sign will not have negative impact on the neighborhood. Ms. Cofone further testified regarding the conditional use variance for the gas station noting it does not comply with 8 requirements set forth in the Board Engineers letter. She noted the gas station use is appropriate for the area.

She testified the proposed pylon sign on Route 88 is 15 feet high where most signs in the area are 20 feet high. She said the proposed sign is attractive and appropriate for turning radiuses.

Ms. Cofone discussed the buffer between the mobile home park and that the applicant is proposing 3 staggered rows of high shrubs 10 feet apart which will provide more privacy than an open 60 foot buffer.

Mr. Wolfson noted the applicant shall deed restrict the buffer.

Ms. Cofone testified that all the bulk variance relief sought will result in no detriment to the Zone Plan or the Zone Ordinances.

Chairman Langer opened the hearing to the Public.

Dennis Dayburgh, 110 Mowie Drive was sworn. He said that 300,000 cars per year use Route 88.

Mr. Deane said that number could not be verified as to his traffic studies.

Cindy Shay, 64 Lewis Lane, was sworn. She presented photos which she took at random on the highway between April and May 2017.

They were marked Public P-1 to P-46.

She also made a poster showing the curve on the highway which was marked P-47.

She expressed concern because the highway has dangerous curves and the driveways are unsafe dangerous to children. She was concerned about construction on the highway.

Steve Kane, 120 Richard Street, stated traffic delays in and around Kendall Place can be as much as 4 minutes.

He expressed concern for safety.

Cheryl Geisler, 202 Georges Road, stated the project will negatively affect the quality of life in the area. She said the 24 hour operation will ruin other businesses.

Mr. Cucchiaro said the Court has instructed Boards not to consider business competition issues.

Laura Dougherty, 91 Kenneth Place, was sworn, She expressed concern about left turns in the area and that the project will cause more pollution and noise which will affect the quality of life.

Mr. Deane stated the wait for left turns will exist for about 1 hour per day.

Mr. Wolfson summarized his case and asked the Board to approve.

Mr. Cucchiaro requested the factual findings be presented by the firm.

He summarized the applicant is seeking Preliminary and Final Major Site Plan, Minor Subdivision, Use variances for lot 15 for the sign, changing the mobile home park and the fact that the gas station does not meet all the conditions and ancillary bulk variances..

A motion to approve Preliminary and Final Major Site Plan, Minor Subdivision, Use variances for lot 15 for the sign, changing the mobile home park and the fact that the gas station does not meet all the conditions and ancillary bulk variances was made by Mr. Mizer and seconded by Mr. Jamnik.

Ayes .Mr. Sorrentino, Mr. Chadwick, Mr. Mizer, Mr. Langer

Nayes: Mr. Jamnik, Mr. Leitner

The motion was not approved and the application was denied.

OLD BUSINESS

BA-3011-MSP-C-D-10/16 Daniel and Mary Redmond West Marion Street Block 25, Lot 4C0014

A motion was made by Mr. Chadwick and seconded by Mr. Leitner to approve the resolution.

Ayes: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Miser, Mr. Langer

The motion carried and the resolution was approved.

BA-3021-Specialized Contracting Services, Inc. 341 South Bay Boulevard Block 43.03, Lot 18

A motion was made by Mr. Mizer and seconded by Mr. Chadwick to approve the resolution.

Ayes: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Miser, Mr. Langer

The motion carried and the resolution was approved.

BA-3032-Jake Williams 337 Shawnee Drive Block 897, Lot 8

A motion was made by Mr. Jamnik and seconded by Mr. Sorrentino to approve the resolution.

Ayes: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Miser, Mr. Langer

BA-3036-5/17-Siobhan Suckling
620 Illinois Avenue
Block 1420.10, Lot 20

A motion was made by Mr. Sorrentino and seconded by Mr. Leitner to approve the resolution.

Ayes: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Miser, Mr. Langer

The motion carried and the resolution was approved.

BA-3037-5/17- Alfredo DaSilva, Jr.
1604 Burrsville Road
Block 1192.37, Lot 11

A motion was made by Mr. Chadwick and seconded by Mr. Jamnik to approve the resolution.

Ayes: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Miser, Mr. Langer

The motion carried and the resolution was approved.

A motion was made by Mr. Sorrentino and seconded by Mr. Chadwick to go into Executive Session to discussion Litigation at 10:20 PM. The litigation was the matter- John and Mary Scheibelhoffer v Township of Brick.

The Board returned from Executive Session at 10:50 PM

ADJOURNMENT

A motion to adjourn the meeting was made and all were in favor.

The meeting was adjourned at 10:50 PM

Respectfully submitted by:
Judy Fox Nelson