

A meeting of the Brick Township Board of Adjustment was held on **December 6, 2017** in the Municipal Building. The meeting was called to order at 7:05 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
Carl Anderson, Alt 2

MEMBERS ABSENT

Dawn Marie White

ALSO PRESENT

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

The Board Professionals were sworn.

VOUCHERS

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

VOTING IN THE AFFIRMATIVE:

Mr. Mizer, Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Langer, Mr. Anderson

NEW BUSINESS:

**BA-3051-A-Mar-T Development, Corp
Block 190.88, Lot 18, 581 Mantoloking Road**

The Chairman announced the application will be carried to February 21, 2018 at the request of the applicant. The applicant granted a waiver of time.

**BA-3056-8/17, Jack Luckhowec
Block 324.35, Lot 9
135 Royal Drive**

Jack Luckhowec, applicant, and Charles Lindstrom, P.E., P.P., Engineer and Planner were sworn.

Exhibit A-1 photos of the completed project were marked.

Exhibit A-2 Final As-Built Survey, dated July 5, 2017 was marked.

Exhibit A-3 marked up resolution dated September 16, 2015 was marked.

Mr. Luckhowec testified he received a variance from the Board to construct his rear elevated deck in 2015 when the existing home was elevated to comply with the FEMA regulations. He added an additional 237.9 SF in error during construction.

Mr. Lindstrom testified the additional deck would have no impact on neighboring properties. He added the access staircase at the rear had been relocated which created an encroachment to the rear setback.

The Chairman called for comments from the public. Seeing none he closed the public portion of the hearing.

Mr. Leitner gave factual findings. All members concurred with Mr. Leitner.

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

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

**BA-3043—C-7/17, Michael & Lenore Webb
Block 321.16, Lot 14
332 Northrup Drive**

Lenore Webb, applicant, was sworn.

Exhibit A-1, letter from Lenore and Michael Webb, Hardship letter addressing Variance application dated November 25, 2017 was marked.

Mrs. Webb testified she was seeking variance relief to install a 490 SF one story addition to include a family room and master bedroom for use by her son's family. She stated the existing rear yard and concrete patio would be removed and replaced with a 392 SF elevated deck. She testified the shed in the rear yard has been removed. She testified the combined side yard setback requirement is 20 feet where the proposed set back is 10.96 feet. Also, the side set back is 5.17 feet whereas 6 feet is required.

She testified the variances are needed due to the undersized lot. The applicant will be consistent with the neighborhood.

She further agreed to comply with the Flood Hazard area requirements.

The Chairman called for comments from the public. Seeing none he closed the public portion of the hearing.

Mr. Leitner gave factual findings. All members concurred with Mr. Leitner.

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

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

Chairman Langer called for a brief recess at 7:55 PM He called the meeting back to order at 8:05 PM

BA-3051-PSP-FSP-C-D-8/17, Brick 70 Developers, LLC
Block 446, Lots 3, 3.01, 3.02, & 4
Block 446.22, Lots 12 & 13
535 & 545 Route 70

John J. Jackson, Esq., appeared on behalf of the applicant. He noted the property was the subject of a previous application which was denied by the Board March 22, 2017. The applicant is seeking a use. Variance, conditional use variance and preliminary and final major site plan to construct a 5,585 SF Wawa convenience store, a 12 fuel pump gas station with an overhead canopy and a 4,362 SF quick service restaurant with a drive through. The site is located on Route 70 and North Lake Shore Drive.

Exhibit A-1, a power point presentation was marked.

Jerome Lange, P.E., Maser Consulting, engineer for the applicant was sworn. He testified the project will complete the Route 70 commercial corridor and the applicant proposes to install a third lane on the eastbound side of the highway subject to NJDOT approval.

Mr. Lange testified the project includes the B-4 zone, OP zone and R.75 zone; most of the improvements are in the B-4 zone. He testified access will be provided by a right-in access-way on Lot 3. There will be cross access similar to the cross access for Lowes, Chick-fil A and Raymour & Flanagan.

Mr. Jackson agreed the applicant will consolidate all lots on the site. Lot 3 will not be consolidated.

Mr. Lange testified that a 20 foot high freestanding sign is proposed where 11.25 foot high is permitted along with 4 façade signs on the roof of the gas station and 4 façade signs on the QSR. Six gas pumps are to be installed on 3 concrete islands. Each pump shall contain one 2 sided id sign. There are proposed entry and exit signs.

Mr. Lange noted they have eliminated a number of variances and waivers sought in the previous application.

He testified that vehicles entering the site from Route 70 could go right into the gas station or to the convenience store or QSR. The drive through will provide for queuing of 7 vehicles. The drive through is not the primary revenue generator for the QSR. He testified the site will comply with all NJDEP Stormwater Management and Township Ordinances for water quality.

He testified that the applicant is also seeking a d(3) conditional use variance relief for the gas station because they did not satisfy all zone requirements including the size which is slightly deficient and he would considerate to be de minimis.

He noted sewer and water mains are located in the easement that connects to the office building and shopping center west of the site. The applicant proposes new onsite service connections and will install grease traps for both uses on site.

The applicant proposes 104 parking spaces where 82 spaces are required. The applicant shall install an 8 foot high and 270 foot long AIL-brand-tongue and groove sound wall along the entire length of the shared property line on North Lake Shore Drive. The construction of the sound wall is to be approved by the Board Engineer. He further stated all lighting on the property will be LED and that pole lights will have a 20 foot mounting height. He added the canopy lights will be recessed mounted to the underside of the canopy to reduce light spillage.

Mr. Lange testified there will be a maximum of 12 employees per shift for the convenience store with a total of 50 employees for the store on a 24/7/365 operation with 2 customer entrances at the front and back of the store.

Regarding the QSR, Mr. Lange testified they do not have a tenant at this time, but it shall contain about 80 seats including outdoor seating at the northeast corner. They propose a single drive through lane to que 7 vehicles, a menu board, covered order station, and height clearance bar. Ten to twelve employees will be on site for the busiest shifts.

He testified about the underground storage tanks and the safety record. He testified to the trash and recycle enclosure.

Tara Paxton, AICP, PP, asked about sidewalks and curbs. Mr. Lange testified the applicant will install curbs and sidewalks on the site to the Board Planners approval.

Mr. Lange agreed the applicant will install a crosswalk with the adjacent Medical Professional Building and the Route 70/Duquesne Boulevard Center.

He agreed the applicant will comply with the Noise level requirements and they will install two oversized parking spaces at the southerly end of the convenience store

Mr. Lange reviewed the report of Brian Boccanfuso, PE, CFM, CME Associated dated October 23, 2017. He stated the project will not be phased. The application is in the application process for the NJDOT permit for the third travel lane on Route 70. He agreed the applicant will comply with all CAFRA regulations and if a CAFRA permit is required, the applicant will obtain said permit.

John Rea, P.E., McDonough & Rea Associates, Inc., Traffic expert, was sworn. He stated the access has been changed from the previous application and the site has been reconfigured to a straight in and out on Route 70 and he noted the third lane on Route 70. He said they met with NJDOT and were positive about the proposal.

Mr. Jackson reviewed the Bureau of Fire Safety report dated September 5, 2017 requesting an emergency access drive. He said he will meet with the BFS hoping to retain the existing plan, but will comply with the BFS requirements.

Christine Cofone, AICP/PP, planner for the applicant was sworn. She testified the lots are located in the B-4-Zone, OP Zone and R.75 Zone. All the buildings are located in the B-4 Zone. She testified to the positive proofs and the negative criteria. She testified the benefits of the project outweighed any detriments and the O-P and R.75 parcels are the fringe of the proposed project.

Mr. Lange testified to the sign variances.

Mrs. Paxton stated the variance relief for lot width is actually a d (1) use variance request and noted a portion of the property located in the O-P zone is bordered by property owned by NJDOT which is adjacent to Rte. 70 and the proposed use on the O-P Zone is less intense than the permitted uses and will have less impact on the adjacent residential property.

She further noted the d (3) variance relief is required for the convenience store and gas station which are conditional uses in the B-4 zone. In addition a d (1) variance was required for the access drive leading from the medical office adjacent to the property.

Mr., Lange was questioned about the delivery trucks. He said they will not interfere with the traffic flow. The fuel trucks will deliver at off-peak times and the maximum distance of backup required for the fuel trucks will be 50 to 75 feet.

Mr. Jackson was questioned about access from lot 3. He provided a written agreement which will be recorded.

Mr. Lange testified grocery deliveries will be 3 times per week on off peak hours and gasoline deliveries may be 4 to 5 times per week.

Chairman Langer called for Public comment:

Ken Fielder, 525 Birch Bark Drive, was sworn. He said he is not in favor of the application and the Board has no authority to change the zoning.

Ralph Harrison, 447 Aurora Drive, was sworn. He said the applicant must satisfy the Bureau of Fire Safety request for emergency access.

Tony Zurica, 447 Aurora Drive, was sworn. He said the traffic will increase in the area. He expressed concern for security and possible vandalism in Lake Riviera due to undesirables which may access the site.

Frank Osmer, 449 Sloping Hill Terrace, was sworn. He said the proposed third traffic lane will not benefit the area.

Sharon Russomanno, 301 Birch Bark Drive, was sworn. She expressed concern about gas leaks and removal of trees on the site. Mr. Jackson said the applicant will comply with all safety regulations.

Alice Osmer, 449 Slopping Hill Terrace, was sworn. She stated 3 businesses are too much. Mr. Jackson said he received permission from the owner of Lot 3 to make this application.

Andrea Booker, 393 Tennessee Drive, was sworn. She expressed concern for pollution generated by the site, safety of children living nearby, the outdoor seating for the QSR, and against all variance for the site.

Tim Sharkey, 550 Rutgers Drive, was sworn. He stated the emergency fire lane is important and should be installed. He requested an additional lane on Duquesne Blvd. Mrs. Paxton said the road is a County Road and the Town has no control on it, but she will ask the Township Engineer to take his concerns to the County.

Alfred Clayton, 8 Altier Avenue, was sworn. He said the project will be a substantial detriment and should not be built.

Henry Murray, 625 North Lake Shore Drive, stated the variances should not be granted for this project.

Seeing no other members of the Public wanting to comment, Chairman Langer closed the public.

Chairman Langer called upon Mr. Miser to give factual findings.
Mr. Miser gave factual findings. All members concurred with Mr. Miser.

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

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

OLD BUSINESS

Resolution

**BA-3041-6/17- Angela DiGiovanni
Block 190.01, Lot 9
550 Susan Drive**

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

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

The motion carried and the resolution was adopted.

Resolution

**BA-30456-7/17, Jason Gomez
Block 90, Lot 2.06
387 Route 35 North**

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

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

The motion carried and the resolution was adopted.

Resolution

**BA—3052-8/17, Patrick M. Toal
Block 26, Lot 39
469 Route 35 North**

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

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

The motion carried and the resolution was adopted.

ADJOURNMENT

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

The meeting was adjourned at 11 PM

Respectfully submitted by:
Judy Fox Nelson