

A meeting of the Brick Township Board of Adjustment was held on **December 13, 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
Louis Sorrentino
Stephen Leitner
Carl Anderson, Alt 2

MEMBERS ABSENT

Dawn Marie White
David Chadwick
Mike Jamnik

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.

NEW BUSINESS:

**BA-3049-A-8/17- John De Rosa
Block 88.01, Lot 13
74 Brower Drive**

**BA-3049-8/17- John De Rosa
Block 88.01, Lot 13
74 Brower Drive**

Delores Kelly, Esq., appeared on behalf of the applicant. She stated the applicant had applied for an Appeal of the Zoning Officer's opinion and an application for a bulk variance under N.J.S.A. 40:55D-70c.

The applicant is withdrawing the application for the Appeal and moving forward on the application for the bulk variance.

Exhibit A-1 a colored marked up survey was marked.

Exhibit A-2- a set of 8 colored photos and a survey by William Doolittle, PLS dated 7/12/17 was marked

Mr. De Rosa was sworn and he testified he constructed a six foot high vinyl fence 79.1 feet in length along the westerly side of the property line extending to the rear bulkhead to prevent sand and gravel from blowing onto his property from the adjacent vacant lot.

Sean Kinnevy, Zoning Officer was sworn. He testified that Mr. De Rosa installed a 79.1 foot long fence without a permit. He noted the applicant requires bulk variance relief for a 20 foot setback from the rear bulkhead and for a 15 foot rear setback from the rear property line.

Paul Szymanski, P.P., Planner for the applicant, testified the six foot high fence was installed to eliminate the impact of the blowing sand form the vacant adjacent lot 12. He stated the vacant lot 12 caused an undue hardship for the applicant. He testified the existing fence has no impact on the light, air and open space on the property and 99 percent of the views are maintained.

The Chairman opened the hearing to the public.

Luke Hilson, Harrington Park, NJ , was sworn. He stated he is the owner of the adjacent lot 12. He said he objected to the fence because it is difficult to see someone, particularly children, who may be in trouble in the area. He said he occasionally sprays his property to avoid weed growth.

George Scott, 16 Queen Ann Road, was sworn. He said the fence must stop 20 feet from the bulkhead. He said the applicant's testimony is an excuse for the fence and "nonsense".

Walter Scott, 68 Brower Drive, stated he owns the lot adjacent to the subject property on the other side, lot 14. He disagreed with the Planner's testimony regarding the views. He said the fence was a safety issue for the neighborhood.

Seeing no other members of the Public to be heard, Chairman Langer closed the hearing to the Public

Board member Mizer made factual findings as follows:

The applicant seeks bulk variance relief to allow a 6 foot high solid vinyl fence on the westerly side of the property line on Block 88.01, Lot 13 & 13.01.

A permit was issued to allow construction of a 6 foot high fence along the westerly side property line.

The permit was issued for the limited length of 28.1 feet.
The applicant intentionally ignored the limitations of the permit and constructed a 6 foot high solid vinyl fence 79.1 feet in length to the bulkhead.
The applicant has not satisfied the criteria in order for the Board to grant a variance relief.

A motion was made by Mr. Leitner and seconded by Mr. Sorrentino to deny the application.

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

ADJOURNMENT

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

The meeting was adjourned at 8:15 PM

Respectfully submitted by:
Pamela O'Neill