

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

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

MEMBERS PRESENT

Harvey Langer
Frank Mizer
Mike Jamnik
Dawn White
Louis Sorrentino
David Chadwick
Stephen Leitner
Raymond Claudio, Alt 1
Carl Anderson, Alt 2

MEMBERS ABSENT

ALSO PRESENT

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

All Board Professionals were sworn.

NEW BUSINESS:

1. BA-3023-Charles Schaafsma

Block 44.12 Lot 10

The Applicant Mr. Schaafsma was present and represented by Matthew Hockenbury of MCH Engineering . Mr. Hockenbury testified the applicant purchased an existing dwelling which was demolished and is proposing a 2 story, 5 bedroom elevated home. He also stated the following facts on the property:

- Undersized lot
- 5,600 sq. ft. where 7,500 sq. ft. is required
- has 70ft of frontage, where 75ft is required
- 80ft is depth where 90ft is required in R-7.5 zone

The Board of Adjustment Engineer, Brian Boccanfuso commented the Applicant will be eligible for CAFRA permit by rule and the fence proposed would follow the Township Ordinance. Mr. Hockenbury testified the applicant would comply with CAFRA and the fence will comply with the ordinance..

Chairman Langer called for Public comment and seeing no Public comment the Chairman closed Public comment

Chairman Langer called upon Ms. White to give factual findings.
All members concurred with Ms. White

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

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

Chairman Langer called for a 10 min recess at 7:25pm
Chairman Langer called the meeting back to order at 7:35pm

2. BA-2804 - JSM at Martin Blvd., LLC

Block 868.01 Lot 15 & 16

Mr. Cucchiaro advised the Board, this matter is carried from the April 24, 2017 meeting and there were formal meeting with the Applicant's professionals, where a review of the plans and discussion of issues with the site plan were discussed. The applicant had prior approval for 3 lots Minor Subdivision and is now seeking a new approval to supersede prior. The new application is seeking Minor Subdivision of 3 lots and Site Plan approval to construct 2 commercial buildings and one daycare requiring a Conditional Use Variance. The construction of a Gas/Convenience store (Wawa) is a D3 variance requirement. The sign is on Lot 15 is the only thing proposed on this lot and the sign as a principle use is not permitted. The trailer park area was permitted in a B-4 zone, but is now prohibited. The Applicant feels this falls under the Conditional Use ordinance, but Mr. Cucchiaro advised the Board's attorney interprets ordinance. A D1 variance is required because Askin Road is not vacated.

All professionals were sworn and approved.

The Applicant was represented by Mr. Douglas Wolfson and he believes the Board lacks the authority to make the Applicant widen the road as this is a pre-existing condition.

Chairman Langer called for a 5 min. recess at 7:50pm
Chairman Langer called the meeting back to order at 7:55pm

Mr. Ronald Aulenbach, Engineer was sworn in for testimony for the Applicant. Mr. Aulenbach referred to Exhibit A-1 and testified in response to the updated BOA Engineer report dated June 2, 2017 and submitted the following Exhibits:

- A-1 10 pages –reduced plan with color aerial and renderings with proposed and existing conditions
- A-2 Environmental report dated 2-9-15
- A-3 Shade Tree report dated 8-9-16
- A-4 page 3 of 23 site plan revision date 6-12-17
- A-5 Photos of Rt. 88

Mr. Aulenbach stated the request for street vacation for Askin Rd had been submitted to the Township Clerk and stated if granted, some of the variances requested would be eliminated, but noted the application was not dependent on the street vacation.

Mr. Aulenbach testified to the operations of the site:

- Wawa, convenience store and gas station open 24 hrs. /7 days a week.
- The proposed Bank would be open Monday thru Friday, 9am -6pm and Saturday 9am -12 noon.
- The Retail/Restaurant portion would be open daily, between 7am - 10pm
- The Daycare would operate Monday – Friday, between 7am - 6pm

Mr. Aulenbach testified except for Wawa, no other prospective tenants are known at this time. He then testified the number of expected employees is:

- Bank, 13 employees
- Wawa, 50 employees
- Restaurant, 10 employees
- Retail, 7 employees
- Daycare, 21 employees with approximately 179 children expected to attend

Mr. Aulenbach stated if the State widens Route 88, there would be no effects on the site but the applicant might be required to change its canopy variance request, by decreasing it by 7'.

Mr. Aulenbach testified the existing mobile home trailers will remain in place, except the trailers located on the commercial section of the site. He also stated the applicant will be widening the access drive to 20' within the mobile home park, as well as improvements to both the utilities and lightning, but disagrees that the stone road surface proposed does not comply with the RSIS standards. Mr. Aulenbach stated Design waivers had been requested for relief from Township of Brick design standards for streets, which require paved roadways and curbing. The applicant also requested waiver for the requirement of 50' turnaround radius for cul-de sac bulb and proposed 30' +/-.

Mr. Aulenbach confirmed the abandonment of the 2013 Minor Subdivision approval, which include an approval for a cell tower application.

Sean Kinnevy, Zoning Officer stated, several children were observed living in the Mobile park, but Mr. Aulenbach testified the age-restriction requirement for the Mobile home was recorded prior to April meeting and he was unaware of any children living in the

Mobile home park. Mr. Aulenbach also testified there is a 24-hr phone service on site to address emergencies and by-laws for the Mobile park are posted.

Mr. Aulenbach stated 36 homes are proposed to remain on the site and the applicant will prepare and submit to the BOA attorney and engineer for approval of a cross-easement for shared parking and utilities for the commercial portion of the site.

Mr. Aulenbach testified the applicant has no plans to further develop the Mobile Trailer Park for any other use at this time.

Mr. Aulenbach testified the applicant met with and will comply to the comments of the Bureau of Fire Safety by hooking into the existing pump station located next to Askin Road and advised an application for approval has been submitted to the BTMUA. Mr. Aulenbach testified the applicant is conducting a search for existing force main and test pits will be dug. Mr. Aulenbach also stated the applicant has received a letter of compliance from the NJDEP for flood hazard, but has not received the Response to Action Outcome.

Mr. Aulenbach testified the applicant has advised the Environmental Commission via a letter, that they would comply with their recommendations in response to their letter dated Feb. 3, 2017 and only utilizing LED lighting.

Mr. Aulenbach testified the required 60'buffer will be in the form of an easement and be subject to the approval of the BOA Planner and Engineer.

Mr. Aulenbach stated, the applicant has revised their plans to be in line with the Shade Tree Commission's comments and all proposed façade signs will be compliant to Township of Brick Zoning requirements or come back to the Board for further approvals.

Mr. Aulenbach testified the applicant proposes to slide the driveway 55' north to line up with the driveway for Walgreens on the Jack Martin Blvd side of the site, per the recommendations of the Ocean County Planning Board. Mr. Aulenbach stated the driveway movement is not subject to the County's 5-year moratorium, because the applicant is not opening the road in response to the comments by the Township's Municipal Engineer, Elissa Commins report dated June 2, 2017.

Mr. Aulenbach responded to comments from Tara Paxton, Asst. Municipal Planner In reference to installation of sidewalks on the site and stated the applicant will be requesting a waiver and in lieu, make a payment into the Pedestrian Safety Fund.

Mr. Cucchiaro advised the applicant, if in Zoning ordinance, sidewalks are required, but Mr. Wolfson disagreed.

Chairman Langer called for a 10 min. recess at 8:55pm

Chairman Langer called the meeting back to order at 9:05pm

Mr. Michael Gallagher, Wawa representative, testified on the Wawa operations on the site:

- Gas levels are electronically monitored and refill once they reach a certain level, which will generate approximately 1 delivery per day and sometimes 2 depending on consumption.
- Approximately 3-4 grocery deliveries per week, with the maximum truck size of WD-50 with no current delivery restrictions.
- Small vendors utilize smaller trucks and they have limited control over the vendors, but request deliveries between 9:00-11:00am and 1:00-4:00pm

- Only Low flow diesel for passenger car usage only and no propane fueling station
- Oversized drive aisles

Mr. Cucchiaro asked Mr. Gallagher if Wawa stored a generator on site and he advised not at the store locations, but numerous portable generated available to bring to the site if needed.

The Chairman opened the meeting to the Public for comments:

- Bob Biederman, 95 Aiser Blvd., commented he was concerned about the added traffic volume and overbuilding to an already busy Route 88.
- Louis Beato, 137 Lillian St., stated the property slopes down Route 88 and is concerned he run off from the site will be drain into his street/neighborhood. He Also stated his concerns for the trees on the site and the increase in concrete which he believes would generate additional heat.

Mr. Aller, Applicant's engineer, replied to Mr. Beato by advising the drainage will run on site to an infiltration basins and will not drain onto the adjacent streets. He also testified the drainage from the roofs will be designed to satisfy recharge requirements and the majority of the infiltration basins are located underground.

Mr. Boccanfuso, BOA Engineer, inquired if underground system proposed has been used before and Mr. Aller stated the system has been approved and used by other Wawa sites.

The Chairman closed the Public comment.

Mr. Gary Deane, the applicant's traffic engineer, was sworn and gave the following testimony:

- He has been involved in the proposed project for 7 years, prepared the Traffic Impact Assessment Report in Nov. 21,2013 and supplemental report on April 5, 2016
- Stated his analysis is projected 10yrs in the future for long term traffic impact, as each use on the site has different traffic concerns.
- He focused on morning and afternoon rush hour and conditions on Saturdays.
- Advised highway access application has been filed with the NJDOT and Route 88 will have to be widened.
- The proposed daycare would not have any weekend traffic
- The bank would have afternoon peak hours and the daycare would have morning peak hours
- The Wawa will attract rush hour traffic and some lunch time traffic
- He stated in his opinion, 85% of the traffic during rush hour already exist on Route 88 and that Wawa would be capturing what traffic was already there.
- Traffic levels between 2013 and 2016 have been steady or decreased slightly, but he assumes the traffic will grow.
- He stated the peak driving hours would be:
 - 54 cars per hour for Daycare
 - 50-60 cars for Bank
 - 50-60 cars for retail store

- 130 cars for Wawa
- 180-225 vehicles generated per hour during peak afternoon rush hour
- Testified the grading for movement to and from Jack Martin Blvd would be level “A” or “B”
- Stated 1,400 vehicles per peak hour utilize Route 88 in the morning rush and 1,800 vehicles per hour in the afternoon rush, resulting in a “D” service level on the Jack Martin Blvd. approach for peak hours, but noted the widening of Route 88 would improve service level to “B”.
- Testified the movement leaving the site via the 2 driveways on Route 88 will generate a service level of “E”, which the applicant realizing there will be long delays involving Route 88
- Stated working out traffic timing with the NJDOT
- In response to the BOA engineer report dated June 2, 2017, Mr. Deane stated the applicant proposes 2 driveways for ingress and egress from Route 88. The 1st driveway will be located 260’ from the intersection of Jack Martin Blvd. and Route 88 and the 2nd will be located approximately 20’ from the right of way of Askin Way, possibly resulting in 3-4 vehicle stacking. No major issues for stacking because each of the entrances will be two-way and most vehicles will turn left and face the Wawa building upon entry to the site.
- Stated there will be 360 degree circulation around the gas canopy, which permits 2 way traffic flow and delivery on tractor trailers entering the site will only enter and circulate around the Wawa.

Comments were made by the Board and Professionals, stating the easterly driveway should be restricted to egress only, to which Mr. Deane stated he didn’t believe the driveway should be restricted. Mr. Boccanfuso then stated the applicant should have ingress only because of sight distance and address the vegetation in the adjacent sight triangle. Mr. Aulenbach testified the applicant will provide a survey of the vegetation to show exactly what is there to resolve any sight distance issues Mr. Boccanfuso is questioning and this was agreeable to Mr. Boccanfuso.

This portion of the agenda was closed and the applicant was advise the application would be carried to the Aug.16, 2017meeting with no further notice required.

VOUCHERS:

A motion was made to approved the Vouchers by Mr. Leitner and seconded by Mr. Jamnik

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

OLD BUSINESS

Resolution:

BA-3012-Thomas Ambrosino

306 Brigantine Lane

Block 10.04 Lot 4

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

Ayes Mr. Sorrentino, Mr. Chadwick, Mr. Jamnik, Mr. Leitner, Mr. Mizer, Ms. White, Mr. Langer

The motion carried and the resolution was adopted.

Resolution:

BA-3024-John Perez

78 Sandy Island Drive

Block 87.02 Lot 1

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

Ayes Mr. Sorrentino, Mr. Chadwick, Mr. Jamnik, Mr. Leitner, Mr. Mizer, Ms. White, Mr. Langer

The motion carried and the resolution was adopted.

A motion was made for the Board to go into Executive Session at 10:15pm by Mr. Langer and Seconded by Ms. White

ADJOURNMENT

A motion to adjourn the meeting was made by Mr. Langer and seconded by Mr. Mizer and all were in favor.

The meeting was adjourned at 10:45 PM

Respectfully submitted by:

Pamela O'Neill