

A meeting of the Brick Township Board of Adjustment was held on **October 18, 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
Dawn Marie White
Louis Sorrentino
Stephen Leitner
Carl Anderson, Alt 2

MEMBERS ABSENT

ALSO PRESENT

John Miller, 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:

BA-3029-C-5/17
Timothy and LeeAnne Luing
Block 42.04, Lot 14
14 Ocean Front Terrace

Richard C. Butz, Esq., appeared on behalf of the applicants. He said the applicants are seeking approval of a variance to construct an elevated 5 foot by 3.8 foot shower attached to the southeasterly corner of the existing 2 ½ story dwelling on the property.. An open landing with steps is also proposed to provide access to the new outdoor shower and existing rear deck.

Ray Carpenter, P.E., P.P., engineer and planner for the applicant was sworn.

The following exhibits were marked by the court reporter.

Exhibit A-1 Photo of the adjoining neighbors shed and materials

Exhibit A-2 Photo of the existing house

Exhibit A-3 Photo of south side yard with neighbors shed

Exhibit A-4 Photo of air conditioners

Mr. Carpenter testified that the ordinance requires a minimum side yard setback of 6 feet and a variance was needed for the 1 foot side setback encroachment. He further testified the minimum combined setback for the outdoor shower also requires relief. He said they have a CAFRA permit which does not allow expansion on the ocean side of the house. He said the lot is undersized which constitutes a hardship. Mr. Carpenter noted the outdoor shower is located next to a windowless shed within the side set back of the adjoining neighbor.

Mr. Carpenter testified the variances will not be a detriment to the zone plan because the installation of the outdoor shower within the set back is consistent with the other properties in the neighborhood.

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

Dawn Marie White gave factual findings. All members present concurred with her findings.

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

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

BA-3046-7/17

John Adam

Block 43.08, Lot 01

1 Caspian Sea Drive

The applicant John Adam was sworn. He stated he wanted to install fencing on the property that was damaged from Superstorm Sandy.

His property is a 4,500 SF corner lot fronting on Caspian Sea Drive in the R-7.5 zone. Mr. Adam said he wants to replace the existing front yard, 30 foot long, 4 foot high chain link fence with a 4 foot high solid vinyl white fence.

He also requests a variance to replace 90 feet of 4 foot open picket fence with a 4 foot high solid white vinyl fence on the westerly side line.

Mr. Adam wants to replace 50 feet of 4 foot high open picket fence on the westerly property line with the 4 foot high solid vinyl fence and install a 4 foot high solid vinyl fence on the northerly property line.

He testified the proposed fencing is needed for privacy and safety and to mitigate the noise from nearby Used-To-Be's nightclub.

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

Mr. Mizer gave factual findings. All members present concurred with her findings.

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

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

Chairman Langer called for a brief recess at 7:36. The meeting was called back to order at 7:41PM.

**BA-3042-MSP-C-D-7/18-
Carmine Teta
Block 188, Lot 1
431 Mantoloking Road**

John J. Jackson, Esq. appeared on behalf of the applicant. He stated the applicant is before the Board seeking approval of a minor site plan to convert and existing 1,700 SF, single story masonry building into an office building with outdoor storage for construction vehicles and equipment and parking for commercial vehicles. The site plan will require a use variance.

The following individuals were sworn:

Carmine Teta, applicant,

James Giordano, P.E., P.P., TEC Engineering, Engineer for the applicant

Jose C. Santos, R.A., Architrave Group, PC, Architect for the applicant

The following Exhibits were marked:

A-1 Photos of the existing building-former gas station

A-2- Photo-excavator

A-3- Photo-construction trailer

A-4 Photo Construction equipment

A-5 Photo trailer

A-6 Photo CAT

A-7 Photo CAT 257B

A-8 Color rendering- architectural plans-

A-9 Color rendering- proposed signs

A-10 Reduced minor site plans

Mr. Giordano, gave an overview of the proposed project. The site has been a gas service station for decades. It is in "dire" condition. He said the proposed use is low intensity and suitable for the site. The gas station use would see 360 to 370 trips per day whereas the proposed use would generate 15 trips. The applicant plans to remove the gas tanks and canopy and use the site for his home construction company office. He has a couple of employees and wants to park some of his construction equipment on site. Exhibit A-8 depicts gray vinyl 6 foot high fencing to be installed at the rear of the site and along the easterly side of Bretonian Drive and a gate between East Bretonian Drive and Bretonian Drive to move equipment in and out of the site. He testified no construction material will be stored on site. All repairs and maintenance to the construction vehicles will be done at Joe's Service Station.

Mr. Giordano stated the applicant is seeking a d. variance for the office space use which is not permitted in the R 7.5 zone.

The existing wood fence is proposed to be replaced with a wood fence. The five parking spaces on the site are to be maintained. He said two signs are proposed, one façade sign and one pylon sign which will meet the setback requirements.

He further testified the bulk variances will beautify the property and constitute an aesthetic upgrade. The site will be improved.

Mr. Teta testified that he proposed landscaping in front of the property and moved the fence back a few feet to accommodate the landscaping. He agreed all plantings will be in ground not in pots.

Mr. Teta testified underground tanks have been removed from the site and NJDEP has approved the remedial plan. He will provide a No Further Action letter to the Board. He testified the entire site will be enclosed with a gray vinyl fence except for the 2 gates which will be chain link with slats. He also said the existing tree and grass buffer form East Briarcliff Drive is 27 feet wide. There will be no propane storage or refueling on site and no construction equipment will be parked on the street.

Mr. Giordano reviewed the report prepared by Board Engineer, Mr. Bocanfusco dated September 21, 2017. He stated hours of operation will be 9:00 AM to 5:00 PM Monday through Friday. Employees may arrive at the site between 7:30 and 8:00 AM to pick up tools. All tools are to be stored inside the building. He agreed no garage doors are proposed and no vehicles will be parked inside the building. The office staff will consist of 2 employees. He agreed there will be no storage of left over construction materials on the site. And the applicant will not provide snow removal services, will comply with all recycling regulations and will arrange for private waste pick up.

Mr. Giordano stated there will be 2 gates constructed in the vehicle storage area. The gates will be locked every evening.

The applicant will contribute to the sidewalk fund in lieu of constructing sidewalks on the site.

Tara Paxton, Planner noted there shall be no storage of trash cans outside. Mr. Giordano agreed to enclose all garbage and recycling containers.

Jose C. Santos, R.A., architect for the applicant, testified the existing building will contain metal blue panel and the 3 garage doors will be removed. He added the footprint of the building will remain. A handicap bathroom will be provided. The building will include an office and a show room.

Chairman Langer opened the hearing to the public.

Maria Pilipski, 35 Bretonian Drive expressed concern about the school bus stop. She also was concerned about the vehicles to be stored on site and traffic.

Mr. Teta noted the bus stop is actually in front of another site. Only six of vehicles would be on site at any time.

Richie Campbell, 48 Bretonian Drive expressed concern about the environmental impact on the Metedeconk River. Mr. Jackson said the site is under remediation and has been approved by the Township Environmental Commission.

Raymond Topoleski, 121 Bretonian Drive stated he is glad the gas station is being cleaned up.

Frank Sovinec, 158 Bretonian Drive, stated the application is an improvement to the area.

Douglas Cummings, 138 Bretonian Drive objects to parking of commercial vehicles, in particular the storage of vehicles on trailers.

Mr. Teta said there will be no storage of vehicles on trailers.

Kenneth Duncan, 108 Valencia Drive, stated he favors the application.

Seeing no other members of the public to be heard, Chairman Langer closed the Public Hearing.

Mr. Mizer gave Factual Findings. All members concurred.

A motion to approve the application was made by Ms. White and seconded by Mr. Sorrentino

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

OLD BUSINESS

Resolution BA 3026

Jesus Sande

423 16th Avenue

Block 1083.84, Lot 17

Bulk Variance

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

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

The motion carried and the resolution was adopted.

Resolution-BA 3031-Joseph and Mary Ranieri
325 South Bay Drive
Block 43.03, Lot 12
Variance

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

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

The motion carried and the resolution was adopted.

Resolution BA-3044- Robyn and Gary Porter
255 Prospect Drive
Block 1082.94, Lot 21
Bulk Variance

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

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

The motion carried and the resolution was adopted.

Resolution BA-2997-PSP-FSP-C-D-6/16 Brick 70 Developers
Route 70 & North Lake Shore Drive
Block 446/466.22. Lot 3,3.01,3.02,4/12 & 15
Preliminary & Final Major Site Plan

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

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

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 9:45PM

Respectfully submitted by:
Judy Fox Nelson