

A Special Meeting of the Brick Township Board of Adjustment was held on **April 25, 2018** in the Municipal Building. The meeting was called to order at 7:00 pm.

Notice of Special 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  
Dawn White  
Michele Strassheim, Alt 2

**MEMBERS ABSENT**

Stephen Leitner  
Carl Anderson, Alt 1.

**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-3040 PMS-D-6/17, RTS IV, LLC  
456 Route 35 North  
Block 36, Lot 12  
Preliminary Major Subdivision with Variance**

John J. Jackson, Esq., appeared on behalf of the applicant.

Witnesses for the applicant were sworn as follows:  
Jeff Carr, P.E., Lindstrom Diessner and Carr, PA, Engineer. His credentials were accepted by the Chairman

John D. Maczugar, PP, Planner  
Mark Ospojich, Architect with Mellillo Architecture

Robert Shea, Esq., appeared on behalf of JSTAR, LLC. As the Objector

Witnesses for the Objector were sworn as follows:  
Sean Delaney, P.E., Bowman Consulting, Engineer  
Brian McPeak, AICP/PP, PSS, LLC, Planner

Mr. Shea asked if there was a Resolution for the decision made on the matter of Res Judicata.

Mr. Miller responded that there would not be a resolution because there was no appeal and the Board made a determination on Res Judicata on March 14, 2018.

Mr. Shea was advised that it was his time to cross examine Mr. Carr from the engineering testimony of February 28, 2018.

Mr. Shea questioned Mr. Carr about his testimony from the application that took place in 2015. He stated he had testified at that time as the engineering and a planner. He did not review his testimony, but had a transcript from his testimony in 2015.

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There was a discussion regarding the BCC zone. Chairman Langer asked what the zone of the subject property is. Mr. Carr testified the application is in the R.75 zone.

Mr. Shea asked if the property is in the Tidal Flood area and Mr. Carr agreed it was

Mr. Shea asked Mr. Carr about the definition of density. A discussion followed.

Mr. Shea questioned the application.

He asked Mr. Carr if they were doing any development on lot 13 and 18. Mr. Carr said no development will be done on Lot 13 and 18. However there will be some grading on these lots which is a very common situation. It was not necessary to note on the application. He testified the grading is shown on the plan.

Mr. Shea asked the location of the utilities. Mr. Carr responded that some utilities are on Cummins Street and MUA on lot 13.

Mr. Shea asked about Mr. Carr's testimony that the subject application mirrors the development on Lyndhurst Dr.

Mr. Carr explained he did not know the history of the Lyndhurst subdivision, but he did visual inspections, reviewed tax maps, aerials and used various means to arrive at his conclusion. Mr. Carr stated he did not give all the lot sizes for Lyndhurst.

Mr. Jackson objected to Mr. Shea's questions.

Mr. Carr testified to the all of the variances on each lot.

Chairman Langer called for a brief recess at 8:27 Pm. He called the meeting back to order at 8:42 PM.

Mr. Shea continued his cross exam of Mr. Carr.

Mr. Shea suggested removing two lots, increasing the size of the remaining lots and reducing the building envelope could somewhat mitigate the variances.

Mr. Carr agreed that there were other examples of things that could be done to mitigate.

He testified the only way to be compliant would be to have only one lot.

Mr. Carr agreed that the common lot 12.09 and Cummins Street, Lot 12.08 are not buildable lots.

Mr. Carr agreed there is no impervious coverage requirement in Brick's ordinance, but CAFRA will have requirements. He stated they have had preliminary discussions, but have not had any requirements on impervious coverage.

Mr. Shea questioned Mr. Carr on the common beach area. Mr. Carr testified the common beach area does mitigate the lack of building coverage. Mr. Jackson objected.

Mr. Miller told Mr. Shea his question was better to be asked of the Planner.

Mr. Carr testified the plans have not been submitted to CAFRA and they do not need to get Army Corp. He further testified they are proposing to construct at higher standards for FEMA.

Chairman Langer said the Board will not hear testimony about the DEP regulations. Mr. Miller said any applicant has to comply with outside agencies.

Mr. Shea asked Mr. Carr about traffic and parking space issues.

There was some back and forth regarding Mr. Shea's question for Mr. Carr of the Master Plan. Mr. Carr said he did not recall.

Mr. Jackson asked some questions on redirect. Mr. Carr testified on Flood Hazard elements, tidal flooding. Mr. Carr indicated the definition of density. Mr. Shea objected.

Mr. Carr testified the site plan shows the mean high water line and this property is above that line.

Mr. Carr testified he shows the lot lines on Lyndhurst. He confirmed his opinion that the Lyndhurst subdivision mirrors the applicant's subdivision. They both show 5 lots and 2 common lots.

Mr. Shea recrossed Mr. Carr on the size of the lots on Lyndhurst.

Chairman Langer asked are the lots on Lyndhurst are smaller or larger than the lots on the Applicant.

Mr. Shea said the lots on Lyndhurst are larger.

Mr. Carr said they vary and the size of the road varies. Five of the lots on Lyndhurst do not make the requirements of the R 7.5 zone.

Chairman Langer called for questions from Board Members regarding Mr. Carr's testimony. Mr. Carr testified the road design was approved by the Bureau of Fire Safety.

He testified Lyndhurst Drive is a 20 foot road and Cummins will be 25 feet.

Chairman Langer said the testimony of Mr. Carr is completed.

The next available meeting is June 27, 2018 for a Special. There will be no Specials for July or August.

This is the notice. No further notice is required. Mr. Jackson agreed to a waiver of time to the end of June.

## **ADJOURNMENT**

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

The meeting was adjourned at 10:00 PM

Respectfully submitted by:  
Judy Fox Nelson