

A meeting of the Brick Township Board of Adjustment was held on **May 30, 2018** in the Municipal Building. The meeting was called to order at 7:03 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
Stephen Leitner
Mike Jamnik
Louis Sorrentino
Dawn White
Michele Strassheim, Alt 2

MEMBERS ABSENT

Carl Anderson, Alt 1

ALSO PRESENT

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

The Board Professionals were sworn.

NEW BUSINESS:

BA-3091-PSP-FSP-C-D-3/18- JSM @ Martin Blvd, LLC
BA-3092-MS-C-D-3/18-JSM @ Martin Blvd, LLC

**Use Variance relief, Conditional Use Variance relief,
Preliminary & Final Major Site Plan**

Douglas Wolfson, Esq. appeared on behalf of the applicant.

Mr. Cucchiaro, Esq. attorney for the Board, made a statement for the record.

He advised the members of the Public in attendance that they will get an opportunity to be heard on this application, however, it is important to make a record of the proceedings and they need the public to cooperate so that a clear record can be made. He noted that the applicant had made a previous application on this site, but this is not a case of Res Judicata as there are significant changes to the application.

Chairman Langer asked to have all the witnesses for the applicant sworn as follows:

Ron Aulenbach, on behalf of the developer, JSM @ Martin Blvd, LLC
Christine Cafone, PP, Planner
Carl Pehnke, of Langan Engineering, Traffic
Paul Laham, P.E., Engineer on drainage
Bradford Aller, P.E., Chief Engineer for Edgewood Properties (JSM @ Martin, LLC)

All were sworn and their credentials to testify were accepted.

Mr. Wolfson, stated the new application has a significant reduction in space. The previous application denied in August of 2017 had 29,000 SF of space. The revised plan has 17,000 SF. Mr. Wolfson said the applicant has requested variances as noted by the Township.

Mr. Cucchiaro said the notice was found to be in order and the Board has jurisdiction to hear the application.

Exhibit A-1, Print out of the Power Point Presentation, was marked.

Ron Aulenbach, Director of Engineering and Planning for Edgewood Properties, parent company of JSM @ Martin Boulevard stated he has been with the company for over 20 years and he oversaw the making of the Power Point presentation.

He described the aerial showing the Mobile Home Park, the shaded retail center, the Bank. He pointed out the proposed development has an access drive out the back of Jack Martin Blvd, the Proposed Wawa, gas canopy, underground fuel tanks, 4,500 SF bank, 7182 SF retail building and entrance drive to the east on Route 88.

Mr. Aulenbach note the Day Care center has been removed from the plan which eliminated a number of variances(impervious coverage, signage) from the plan Next Mr. Aulenbach showed Building Elevations as follows:

- Wawa-4 sides
- Floor plan
- 7 foot Monument Sign
- Retail building- service including some type of restaurant
- Bank building

That completed the overview.

Mr. Langer asked how many bulk variances were on the previous application and how many are on this one.

Mr. Aulenbach said they had 14 variances on the previous plan and 5 variances on the current plan, not counting the use variances.

Mr. Aulenbach reviewed the report of Elissa Commins, Municipal Engineer, dated April 23, 2018 on the minor subdivision..

Regarding the 8 ½ foot road dedication, the applicant will agree to apply for the road dedication in the event the Township does not approve the vacation of Askin Road.

He advised there was another report from Elissa Commins dated April 26, 2018 on the site plan with no comment.

Mr. Aulenbach noted the Bureau of Fire Safety report dated March 21, 2018 on the Minor Subdivision stating the application was reviewed and accepted and a report dated April 4, 2018 with a comment from Mr. Batzel requesting the applicant apply for Title 39. Mr. Aulenbach agreed to comply.

Mr. Aulenbach reviewed the report of CME Associates, prepared by Brian Boccanfuso, PE, dated May 25, 2018 for the subdivision..

Mr. Aulenbach testified the setback violations on the Mobile Home Park are pre-existing.

He agreed to provide the 8.5 foot road widening easement if needed, to provide any cross access or other easements to revised the plan to show the front yard setback on Askin Road. He further agreed to comply with the Map Filing Law.

Mr. Aulenbach stated the applicant has DOT approvals and Ocean County Planning Board approval on the site plan. There is a pending approval on the subdivision.

Exhibit A-2- DOT permit dated March 29, 2018, was marked.

Mr. Aulenbach reviewed the CME report dated May 29, 2018 for the site plan.

He testified the previous cell tower approval has been abandoned by this applicant.

Regarding the operations of the site, another witness will testify to the Wawa operation.

They do not have a tenant for the retail area or the bank at the present time.

The Mobile Home Park will require a Use Variance and will come under the ordinances.

Mr. Aulenbach stated they will have a Traffic expert to testify on the traffic issues and a separate witness for storm water management.

Mr. Aulenbach agreed that tractor trailers will not refuel at the gas station.

He agreed there is a utility pole that they will relocate.

Regarding the BTMUA, Mr. Aulenbach will forward all BTMUA status information to the Board Engineer and they will show the easements on the subdivision map.

He stated the planner will testify regarding the variances

Mr. Aulenbach testified the applicant does not need CAFRA permits and environmental remediation of the site has been completed.

He said they agreed to provide three rows of trees on the northern side of the basin to comply with the buffer requirement and they will provide street trees. They will comply with the LED display for fuel prices only

Mr. Boccanfuso said the revised plans had addressed many previous comments..

Bradford Aller, P.E., testified to the storm water plan. There will be several underground basins located in between the buildings, in front of the site and an above ground basin in the rear. All of the basins are infiltration systems. The plan was approved by the DOT. JSM will handle all of the storm water maintenance. JSM will agree to maintain the basin. The applicant will agree to all of the storm water conditions in the CME report dated May 29, 2018.

Chairman Langer called for a brief recess at 8:03 PM. He called the meeting back to order at 8:15 PM.

Carl Pehnke, PE, Langan Engineering, Traffic Engineer, testified he did not prepare the Traffic Report dated January 23, 2018. It was prepared by Dolan and Dolan and he has reviewed it.

He testified the traffic on Route 88 can be characterized as 2 way heavy traffic. The traffic is heavier in mornings and Saturdays. The DOT has approved the plan. There is a small shoulder at present. The improvements will include an 8 foot widening with curbs and 5 foot sidewalks and the utility poles will be relocated. The trees, shrubs will be cleared and provide better site lines.

The most difficult movement will be the left turn onto Route 88. Motorists will be able to choose between exiting onto Route 88 and going out onto Jack Martin. Traffic should move easily on Jack Martin Blvd.

He testified the application provides for 25 foot circulation lanes and parking spaces at 9' X 18'. The number of spaces will exceed the requirements.

Loading of the fuel will be once daily, but the peak could be twice daily in the front of the building.

Food will be loaded to the rear of the Wawa 3 to 4 times weekly. They try to schedule off peak hours.

Diesel fuel is for car service only.

Mr. Pehnke testified one to three cars could que to Route 88.

Ms. White asked about the report of the Brick Police Department dated April 10, 2018, which recommended no left turn.

Mr. Pehnke responded that the road is being widened and trees are being cleared.

They will reconfirm safe site lines on the plan.

Mr. Aulenbach agreed to a No Left Turn out of the most easterly drive on Route 88. It would be right turn in and out.

Mr. Pehnke testified the traffic report information was gathered in 2016. In his opinion conditions have not changed that much on Route 88.

He testified there is no retiming on the traffic light by NJDOT.

Mr. Boccanfuso recommends the easterly drive be shifted to the west. He is concerned with the site line.

His other concern is the westerly drive on Route 88.

Mr. Pehnke said there are stop bars that help provide a gap. The cars entering the site will not be conflicted.

Chairman Langer called for a brief recess so that the applicant could consider changes to the easterly driveway at 9:17 PM. The Chairman called the hearing back to order at 9:34 PM.

Mr. Pehnke said they decided to move the east driveway about 70 feet to the west.

This would require eliminating 10 parking spaces.

Mr. Boccanfuso said this would go a long way to addressing his concerns.

Christine Cafone, Licensed Planner, was called to testify.

It was noted by Mr. Wolfson that a number of variances have been eliminated by changes to the plan.

She testified on the D-3 variance for having more than one principal structure per lot. Ms. Cafone noted the reason Wawa wants to be on this site was the amount of traffic already on the highway. The bank and the retail and the restaurant are all permitted uses in the B-3 zone. The total square footage of the 3 buildings is less than the applicant would be allowed for one building.

Regarding the D-1 variance, the mobile home park site is suitable for the mobile home park use because the governing body made provisions for the mobile home park to continue. The applicant is seeking approval to reduce the size of the lot that the mobile home park is on. The front portion of the site is coming closer to the Master Plan of the B-3 commercial use. Great improvements have been made to the site. The site is consistent with the Master Plan goal.

The applicant has agreed to provide berms eliminating another variance.

Ms. Paxton requested some testimony for the D-1 variance for the driveway access onto Jack Martin Blvd.

Mr. Wolfson stated he did not believe there was a variance needed for a roadway.

Ms. Cafone testified on another D-1 variance, the proposed driveway to the mobile home park is a better alternative

Ms. Paxton raised the question of whether the applicant needs to provide a site plan for improvements to the Mobile Home Park.

Mr. Wolfson said they are not proposing any improvements to the park at this time.

Everything will stay as is except the size of the lot is smaller.

Mr. Cucchiario said he will research to determine if a site plan needs to be submitted..

Ms. Paxton questioned if a waiver needs to be granted for sidewalks on the paper road, Askin Drive. Mr. Cucchiario will do some research.

The Chairman announced the hearing will be carried to the meeting of August 8, 2018.
There will be no further notice.

ADJOURNMENT

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

The meeting was adjourned at 10:16 PM

Respectfully submitted by:
Judy Fox Nelson