

A meeting of the Brick Township Board of Adjustment was held on **October 3, 2018** 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  
Stephen Leitner  
Louis Sorrentino  
Dawn White

**MEMBERS ABSENT**

Carl Anderson, Alt 1  
Michele Strassheim, Alt 2

**ALSO PRESENT**

John Miller, Esq.  
Brian Boccanfuso, PE  
Tara Paxton, AICP/PP, Assistant Municipal Planner (8:00 PM)  
Denise Sweet, Court Reporter  
Pamela O'Neill, Secretary

The Board Professionals were sworn.

**VOUCHERS**

A motion to approve the vouchers was made by Mr. Mizer and seconded by Mr. Jamnik

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

**NEW BUSINESS:**

**BA-2076-1/18-David Gibbs**  
**439 Osborn Avenue**  
**Block 540.05, Lot 11**  
**(carried from August 15, 2018)**

David Gibbs was sworn and he testified the Board had requested he get a revised survey. He presented his survey and it was marked by the court reporter as, Exhibit A-1, survey, dated September 7, 2018

There are two sheds on the property. He is requesting a variance for 2.3 feet.

Exhibit A-2 and A-3, photographs of the 8 to 10 inch footings for the shed

Mr. Gibbs is seeking variance relief to allow the 2 sheds to remain on the property. The proposed side yard set-back requirement is 3.9 feet whereas 1.6 feet is provided.

The application was revised to include a variance for the rear shed for 4.6 feet whereas 4.3 feet are provided.

A neighbor Carol Garlinger, 897 Gregory, was present in support of the variance application

Chairman Langer opened the application to the Public. Seeing no one, he closed the public.

Factual findings were provided by Ms. White and all members concurred.

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

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

**BA- 3100- Helen McDermott**  
**156 Berkley Drive**  
**Block 903.28, Lot 1**

Chairman Langer announced the application would be rescheduled due to lack of notice to December 5, 2018. The applicant will be required to notice.

**BA-3081-2/18, Robert and Carol Taffaro**  
**206 McKinley Court**  
**Block 1361.43, Lot 23**

Chairman Langer announced the application would be rescheduled due to lack of notice to December 5, 2018. The applicant will be required to notice.

**BA-3104-6/18 Richard Petrocelli  
218 Cartagena Drive  
Block 211.32, Lot 20 & 21**

Mr. Petrocelli was sworn and he testified he is seeking a variance to construct a 750 SF deck with an elevation of 3 feet to surround an existing above ground pool. The deck would be 8 feet from the bulkhead at the rear property line whereas 15 feet is required. He said the deck will be attached to the existing deck.  
Mr. Petrocelli agreed to consolidate his two lots.

Chairman Langer opened the application to the Public. Seeing no one, he closed the public.

Factual findings were provided by Mr. Chadwick and all members concurred.

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

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

**BA 3105 6/18-Anne and Glenn Hedde  
785 South Drive  
Block 945, Lot 15**

Glenn and Anne Hedde, applicants, were sworn. Mr. Hedde testified they are seeking a variance for a stone pizza oven that was installed without permits. They constructed the oven 2 feet from the side yard whereas 5 feet are required and 12 feet, 2 inches from the rear yard whereas 15 feet is required.  
Mr. Hedde said he consulted his neighbors and they did not have any objection to the pizza oven.

Chairman Langer opened the application to the Public. Seeing no one, he closed the public.

Factual findings were provided by Mr. Mizer and all members concurred.

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

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

Chairman Langer called for a break at 7:47 PM and he called the meeting back to order at 8:09 PM.

**BA- 3040-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 RTS IV, LLC  
Robert C. Shea, Esq. appeared on behalf of the objector, JSTAR, LLC

Mr. Miller asked Ms. Paxton, Municipal Planner to comment on the suggestion that the applicant reduce the subdivision by one lot.

She responded that if one lot were eliminated there will be a happy medium in that some of the variances will be eliminated, in particular, the density and the need for the D-5 variance. Currently seven lots are proposed, 5 on the street and 2 on the ocean. Post Sandy MLUL would permit replacing the 32 original structures.

At the last meeting Mr. MacZugar had completed his planning testimony.

Mr. Shea cross examined Mr. MacZugar.

Exhibit O-7, a copy of the Neighborhood Plan for the Barrier Island was marked  
Exhibit O-8, Beach Overlay Zone, adopted March 2018, was marked

Ms. Paxton noted there were four neighborhood plans adopted as elements of the Master Plan in 2015.

Mr., MacZugar testified the subject property is in the R 7.5 zone and the Beach Cottage Zone did not include Lot 12.

Exhibit A-9 a subdivision of Block 36, Lot11 dated 3-30-63 and filed 6-27-67, Lyndhurst Drive, was marked.

Mr. MacZugar testified he had no knowledge of the map.

Exhibit A-10 filed map 5-24-72 was marked. Notation of R-10 was shown on the map.

Mr. Mac Zugar testified he had no knowledge of the map.

Mr. Shea questioned Mr. MacZugar on the size of the lots in the adjoining properties.

Mr. MacZugar testified he does not know the sizes of the individual houses on Lyndhurst Drive. He testified the two streets are very comparable in lot sizes and configuration.

Mr. MacZugar testified that there is a unique situation with a large beachfront common area that justifies the building lot coverage for the enjoyment of the individual homes.

Mr. Shea asked about the CAFRA application. Mr. Jackson objected to the question.

Mr. Miller noted Mr. MacZugar did not give testimony about the CAFRA permit.

Mr. Shea indicated he has not completed his examination of Mr. MacZugar.

Chairman Langer announced the hearing will be carried to Wednesday October 17, 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 9:52 PM

Respectfully submitted by:  
Judy Fox Nelson