

A meeting of the Brick Township Board of Adjustment was held on **September 19, 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
Louis Sorrentino
Stephen Leitner
Mike Jamnik
Dawn White
Carl Anderson, Alt 1
Michele Strassheim, Alt 2

ALSO PRESENT

John Miller, Esq.
Brian Boccanfuso, PE
Tara Paxton, AICP/PP, Asst .Municipal Planner
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. Chadwick

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

OLD BUSINESS:

RESOLUTIONS

**BA-3090-C-3/18-Christoper & Mary Ann Chaneski
57 Vanard Drive
Block 277, Lot 25
Bulk Variance**

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

Ayes: Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Leitner, Mr. Miser, Mr. Langer

The motion passed and Resolution R-51-18 was adopted

BA-3094-4/18-Todd LaRue
602 Point Avenue
Block 928, Lot 25
Bulk Variance

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

Ayes: Mr. Jamnik, Ms. White, Mr. Leitner, Mr. Miser, Mr. Anderson, Mr. Langer

The motion passed and Resolution R-52-18 was adopted

BA -3095-4/18-James and Mary Ellen McMillan
40 Johnson Street
Block 875, Lot 2.03
Bulk Variance

A motion to approve the Resolution was made by Mr. Leitner and seconded by Ms. White

Ayes: Mr. Jamnik, Ms. White, Mr. Leitner, Mr. Miser, Mr. Anderson, Mr. Langer

The motion passed and Resolution R-53-18 was adopted

BA-3097 Alina Payne
377 Herbertsville Road
Block 1353.39, Lot 12
Bulk Variance

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

Ayes: Mr. Jamnik, Ms. White, Mr. Leitner, Mr. Miser, Mr. Anderson, Mr. Langer

The motion passed and Resolution R-54-18 was adopted

**BA- 3054-10/17-James and Kathryn VanBlarcom
216 Arizona Drive
Block 382.09, Lot 15
Bulk Variance**

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

Ayes: Mr. Jamnik, Ms. White, Mr. Leitner, Mr. Miser, Mr. Anderson, Mr. Langer

The motion passed and Resolution R-55-18 was adopted

NEW BUSINESS

**BA-3099-John Shaw
717 Harbor Road
Block 982, Lot 3805
Bulk Variance**

Chairman Langer announced the application will be carried to the hearing of December 5, 2018 due to deficient notice.

Mr. Miller explained the noticing requirements of the MLUL.

**BA-3096-4/18-Aron Watman
82 Driftwood Drive
Block 86.091
Bulk variance**

Aron Watman was sworn and he testified is seeking a variance to install a 16 X 20 foot in ground pool with a paver patio and 6 foot fencing in the rear yard of the property. After some discussion, Mr. Watman was advised that he needed a revised survey He will be rescheduled to the hearing of October 17, 2018. No new notice will be required.

**BA-3040-RTS IV, LLC,
546 Route 35 North
Block 36, Lot 12
Preliminary Major Subdivision w/Variance
Carried from August 1, 2018**

Chairman Langer called a brief recess at 7:22 PM and called the meeting back to order at 7:39 PM

John J. Jackson, Esq. appeared on behalf of the applicant. He stated he will call the Architect to testify.

Michael Mellillo, architect was sworn. He testified to his credentials and the Chairman accepted his credentials to testify as an architect.

Robert Shea, Esq. appeared on behalf of J Star, LLC.

Mr. Mellillo gave an overview of the homes he designed. Most of what he designs is waterfront and the Coastal Style. All of the homes will be designed with 2 car garages, entrances on the ground level. The houses will meet the standards of the A or V zone of the (BFE) flood elevation with 3 to 4 feet additional elevation. He said entering the house on the ground level eliminates the need for exterior stairs. Storage is permitted on the ground level. All homes will be constructed to the V zone requirements.

Mr. Mellillo testified the designs have considerable detail to get the Coastal style including overhangs, gable ends, boxed out windows, rounded windows porches, wide trim and interesting rooflines.

All 5 houses on Cummins are roughly the same size, 4,096 SF with 6 bedrooms. They will be similar, but, different. Of the two ocean front houses, one will have 7 bedrooms and the other 8 bedrooms.

Mr. Mellillo testified the density is appropriate to the neighborhood. The designs fit in with the other homes in the area.

He testified the level below the BFE is not considered a story.

Mr. Shea cross examined Mr. Mellillo. Mr. Mellillo testified there is a difference of 3 feet from the rendering to the plan because there may be a bay window or some other very minor feature.

He testified there is no living space on the first level per code. The AC units are outside in an alcove.

Mr. Shea asked how many cars can park in the garage. Mr. Mellillo testified two.

Mr. Shea asked how many cars can park in the driveway. Mr. Mellillo said two.

Mr. Mellillo said he did not know about street parking.

Mr. Miller noted that Mr. Mellillo is an architect not a traffic engineer.

Mr. Jackson asked Mr. Mellillo to verify Exhibits 1-20 showing floor plans after each model.

Chairman Langer opened the public for questions on the testimony of Mr. Mellillo. Seeing none he closed the public on this witness.

Mr. Jackson called his next witness, John Maczugar, Planner with JDM Associates. Mr. Maczugar was sworn and his credentials were reviewed by Mr. Jackson and accepted by the Chairman

Mr. Maczugar reviewed his preparation for the assessment of the application and he reviewed the site. Mr. Maczugar testified the site is located in the High Density residential zone as set forth in the 2007 Master Plan. He testified the RE-examination of the Master Plan of 2012 was silent on the barrier island density and both Master Plans were adopted before Superstorm Sandy.

He testified that the primary relief for this application was the D-5 density. He disagrees with the Township's determination of density.

Mr. Maczugar testified that there are bulk variances requested as follows:

Lot area 7,500 SF required	5 lots do not meet
Lot width 75 feet required	8 of the 9 do not meet
Lot depth 90 feet required	5 of the lots do not meet
Front yard setback 25 feet required	5 do not meet
Side yard setback 15 feet	2 do not meet
Building coverage 30% required	4 are at 45% and 3 are at 35%

In addition, 9 lots are not on street frontage

Mr. Maczugar testified the application meets both the positive and negative criteria He testified the site is particularly suited for the number of units proposed for the following reasons.

1. The site is historically used for 32 beach cottages and if not for Sandy would still be in use
2. The site is long and narrow being 100 feet wide and 620 feet deep. The only way to develop this site is to build one mansion which would be totally inconsistent with the high density indicated in the Master Plan.
3. The design of the common lot with the ocean orientation with a beach front setting more than offsets the fact that 5 lots have reduced area and is a superior plan.
4. The proposed design upgrades the character of the site and the previous use of beach cottages. The proposed plan is comparable to the Lyndhurst Drive development. In particular 4 of the 14 lots are smaller in area than the smallest lot proposed.
5. The goals of the Brick Neighborhood Barrier Island Plan of 2014 promoting integration of properties are met by the proposed private road which provides access to the property to the North.

Mr. Maczugar testified this application advances a number of the purposes of the MLUL.

Ms. Paxton had a few questions for Mr. Maczugar.

She questioned why the land could not be designed with 5 lots for example.

Mr. Maczugar said he had testified that the plan submitted was consistent with the area and the benefits outweighed the detriments.

Ms. Paxton asked if the larger common area was provided because the proposed lots do not have useable area.

Mr. Maczugar responded that the common lot with beach access substitutes for the lack of larger lot areas.

Ms. Paxton asked if it will be difficult to construct a pool, deck or shed on the lots.

Mr. Maczugar agreed it would be difficult. He further stated there is ample storage in the entry level of the house.

There was some discussion if there should be restrictions on accessory uses, but the Chairman expressed the opinion that a homeowner could come back to the Board to seek a variance in the future.

Ms. Paxton said she wanted the Board to be aware of the lack of space for sheds etc. She also wanted the Board to know they have to address the concerns of Mr. Boccanfuso regarding storm water and BFS on fire hazard.

Chairman Langer stated the hearing will be carried to October 3, 2018 with no new notice. Mr. Jackson will have all witnesses.

Mr. Shea stated he and Mr. Jackson will meet to prepare an exhibit list.

ADJOURNMENT

A motion to adjourn the meeting was made and all were in favor.
The meeting was adjourned at 10:03 PM

Respectfully submitted by:
Judy Fox Nelson