

A meeting of the Brick Township Board of Adjustment
was held on **November 28, 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
Dawn White
Mike Jamnik
Stephen Leitner
Louis Sorrentino
Michele Strassheim, Alt 2

MEMBERS ABSENT

Carl Anderson, Alt 1

ALSO PRESENT

John Miller, Esq.
Brian Boccanfuso, PE
Christopher Romano, Zoning Officer
Tara Paxton, AICP/PP, Municipal Planner
Denise Sweet, Court Reporter
Pamela O'Neill, Secretary

The Board Professionals were sworn.

OLD BUSINESS:

RESOLUTIONS

BA-3112-Alfred Yervasi
129 Courtshire Drive
Block 382.33, Lot 64
Bulk variance

A motion to approve the resolution was made by Mr. Mizer and seconded by Mr. Leitner

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

The motion carried and Resolution R-61-18 was adopted.

**BA-3102-Royal Farms, Inc.
Block 1170, Lot 3.01, 3.03 & 3.05
1748 Route 88
Conditional Use and Preliminary and Final Major Site Plan**

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

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

The motion carried and Resolution R-62-18 was adopted.

NEW BUSINESS:

**BA-3111-7/18 Ashley and Adam Mewherter
502 Dorothy Place
Block 190.07, Lot 1
Bulk variance**

Ashley Mewherter, applicant, was sworn. She testified she would like to replace the existing 4 foot high fencing from the northwest corner of the existing dwelling to the westerly side property line with a 6 foot high white vinyl fence.

They are proposing a one foot side yard setback whereas 12.5 feet is permitted. She testified the proposed fence will be similar to other fences in the neighborhood. She stated the fence will not have a negative impact on the neighbors.

Chairman Langer called for public comments. Seeing none, he closed the hearing to the public.

Factual findings were presented by Ms. White. All members concurred.

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

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

BA-3108-Mark and Tricia Mastrojohn

**1424 Princess Avenue
Block 796, Lot 21
Bulk variance**

Tricia and Mark Mastrojohn, applicants, were sworn. Mrs. Mastrojohn testified she is the owner of the property and is seeking approval of a variance for an existing shed which has a .42 foot set back whereas 4.75 feet is required. The shed is attractive and the will not have an impact on neighbors.

They need a variance for maximum lot coverage. They have 31.6 % lot coverage where 30 % is permitted.

The applicant agreed to consolidate the lots.

Chairman Langer called for public comments. Seeing none, he closed the hearing to the public.

Factual findings were presented by Mr. Mizer. All members concurred.

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

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

**BA-3113 Robert and Adele Ball
207 Helm Road
Block 44.01, Lot 16
Bulk Variance**

Robert and Adele Ball applicants, were sworn
Stuart Challoner, Planner, was sworn

Mr. Ball testified they are seeking variance relief to construct a new 505 SF second floor addition above the existing garage and enclose a portion of the breezeway between the existing home and garage to expand the interior living area. The addition will have a master bedroom and a full bath. They are proposing to construct a new front porch along with exterior staircases to access the house. Mr. Ball testified they need the following variances:

Minimum front yard setback 17.13 feet is proposed whereas 25 feet is required

Minimum side yard setback 5.56 Feet is proposed whereas 6 feet is required

Maximum lot coverage 38 % is proposed whereas 30% is required

The set backs are not changing from the pre- existing footprint. The house was Sandy damaged.

Mr. Ball says the house will complement the existing neighborhood.

Mr. Challoner testified the house is being raised to comply with FEMA regulations. They are under the height requirements. They are seeking a diminutive variance. They meet the C-1 requirements. Other homes in the neighborhood have deficient front yard setbacks.

Exhibit A-1- color architectural rendering of the proposed dwelling was marked

Mr. Boccanfuso asked what would happen to the rear deck. Mr. Ball said it will be removed and replaced with a patio.

Mr. Challoner testified there will be parking in two garages and 2 spaces on the driveway. There will be a deficiency of 9 inches in length on the 2 parking spaces. Mr. Ball agreed that the addition is for family use only and will not be a rental unit.

Chairman Langer called for public comments. Seeing none, he closed the hearing to the public.

Factual findings were presented by Mr. Chadwick. All members concurred.

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

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

**BA-3040-PMS-D-6/17- RTS IV, LLC Osborn Estates
Block 36, Lot 12
456 Route 35 North**

John J. Jackson, Esq. appeared on behalf of the applicant.
Robert C. Shea, Esq. appeared on behalf of J Star, LLC, the Objector.

Chairman Langer announced the application had been carried from October 17, 2018 and the witnesses are still under oath.

Mr. Shea continued his cross exam of the witness John MacZugar, Planner for the applicant. Mr. Shea gave him a copy of the transcript from the hearing of September 19th, 2018.

Mr. MacZugar testified that there were 8 findings that came to his conclusion. He reviewed his findings that the site was historically developed with 32 beach cottages, that the property was 100 feet wide and 620 feet deep, unique to the R 7.5 high density zone, that you could develop the property with one conforming dwelling, but that would be out of character with a high density zone, that the beach access amenity was unique to the zone and an upgrade to the area, that the layout was

consistent with the property immediately to the south and the proposed development was consistent with the Brick Neighborhood plan for the Barrier Island adopted by the Township of Brick in 2014 and provided increased connectivity between the sites.

Mr. Shea questioned Mr. MacZugar about other configurations. Mr. Jackson objected to the question. He agreed there could be other configurations, but, this is what is before the Board.

Mr. Shea raised questions regarding the dunes. Mr. Jackson objected. Mr. MacZugar agreed there are restrictions to the use of dunes. He testified the dune is part of the property and it provides a cross over to the beach.

Chairman Langer advised Mr. Shea that the questions should be based on what the applicant is proposing not on other possible developments.

Mr. Shea asked Mr. MacZugar if some of the proposed lot sizes were smaller than the R-5 zone. Mr. MacZugar agreed.

Mr. Shea asked if the developer benefits from the approval. Mr. Jackson said "of course the developer benefits".

Mr. Shea questioned the bulk variances for depth. Mr. MacZugar testified there are C-1 and C-2 variances.

Mr. Shea questioned the bulk variances for front yard set back. Mr. MacZugar testified there are C-1 and C-2 variances. Mr. MacZugar testified this is not a self-created variance.

Mr. Miller told Mr. Shea that the Board understands the applicant chose the design of this plan.

Mr. Jackson objected to the repeated questions from Mr. Shea as a waste of time.

Mr. Shea questioned the comparison of the Lyndhurst subdivision. Mr. Jackson objected. Mr. Miller

Mr. Jackson asked to submit additional Exhibits to the Board on the CAFRA Dune Easement.

Mr. Shea objected as he has not reviewed the documents. Mr. Miller agreed that Mr. Jackson should get copies to Mr. Shea and the exhibits can be submitted at the next meeting.

Mr. Jackson suggested the Board should review the zoning changes that were made in 2014 post Sandy regarding the Barrier Island.

Ms. Paxton agreed to prepare a memo on the process of the zoning changes for the Board to review.

Mr. Miller stated the application will be carried to the meeting of February 13, 2109. He asked Mr. Jackson to grant a waiver of time.

Mr. Jackson stated he will not grant the waiver as the application has been going on for nearly a year and a half.

Mr. Jackson said he will agree that he will not file for an automatic approval through February 13, 2019.

Mr. Miller announced the application is carried to February 13, 2019 with no further notice required.

ADJOURNMENT

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

The meeting was adjourned at 9:57 PM

Respectfully submitted by:
Judy Fox Nelson