

A meeting of the Brick Township Board of Adjustment
was held on **February 13, 2019** in the Municipal Building
401 Chambers Bridge Road.

The meeting was called to order at 7:00 PM.

Notice of a Regular Public Meeting was read by Chairman Langer. He led the Salute to the flag and the roll was called.

MEMBERS PRESENT

Harvey Langer
David Chadwick
Mike Jamnik
Dawn White
Carl Anderson
Louis Sorrentino
Michele Strassheim, Alt 1
Lori Burns, Alternate 2

MEMBERS ABSENT

Frank Mizer

ALSO PRESENT

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

Chairman Langer called the meeting to order.
The Board Professionals were sworn

OLD BUSINESS

Resolutions

**BA-3123-C-9/18 Michael Erdman
74 Burton Parkway
Block 651, Lot 8.01, 9 & 10
Bulk Variance**

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

Ayes: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Langer, Ms. Strassheim.

The motion carried and Resolution R-10-19 was adopted

**BA 3113-C-7/18-Robert and Adele Ball
207 Helm Road
Mantoloking
Block 44.01, Lot 16
Bulk variance**

A motion was made by Mr. Chadwick to approve the resolution. The motion was seconded by Mr. Jamnik

Ayes: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Langer, Ms. Strassheim.

The motion carried and Resolution R-11-19 was adopted.

VOUCHERS

A motion was made by Mr. Anderson and seconded by Mr. Chadwick to pay the vouchers

Ayes: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Langer, Ms. Strassheim.

NEW BUSINESS

**BA-3099 John Shaw
717 Harbor Road
Block 982, Lot 38.05
Bulk Variance**

John Shaw, applicant was sworn. He testified he is seeking a variance for the retaining wall that was constructed higher than permitted. He said about 8 feet of wall is above 18 inches high and triggers a variance for a side yard setback of 5 feet because it is considered an accessory structure. The retaining wall is in the rear of the house. Mr. Romano stated the retaining wall is 2 ½ feet high. Ms. Paxton stated he is trying to get relief for 17 inches within the 5 foot rear yard setback.

Chairman Langer opened the hearing for public comment. Seeing none he closed the hearing.

Factual findings were made by Mr. Chadwick. All were in agreement with the findings.

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

Ayes: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Langer, Ms. Strassheim

**BA-3109-7/18, Patricia McGowan
25 West Granada Drive
Block 211.11, Lot 12
Bulk Variance**

Patricia McGowan was sworn. She stated they installed a 18" X 12" above ground pool without permits after their pool was destroyed from Superstorm Sandy. She is seeking a variance for a 4 foot rear yard setback where 15 feet is required and 8.9 feet from the water ward side of the bulkhead.

Mr. Boccanfuso said they will not need a CAFRA permit.

Chairman Langer opened the hearing for public comment. Seeing none he closed the hearing.

Factual findings were made by Mr. Chadwick. All were in agreement with the findings.

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

Ayes: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Langer, Ms. Strassheim

**BA-3126-C-10/18-Jayne Frye
13 Keats Road
Block 1192.27, Lot 64
Bulk Variance**

John J. Jackson, Esq., appeared on behalf of the applicant.
Exhibit A-1 Power Point Presentation was marked.

Jane Frye, 13 Keats Road, was sworn. She testified she has approval from the Greenbriar I Association. She is seeking approval to construct a three season room at the rear of her home. She will be replacing an old sunroom.

Matthew Wilder, PE, PP, Morgan Engineering was sworn and his credentials to testify were accepted by the Chairman. He described the open space lot to the rear of the property. The property is in the RR-2 zone and back up to an open space area with a drainage easement, never to be developed.

The applicant is seeking a variance for rear yard setback for 15 feet whereas 20 feet is required. Additionally she is seeking a variance for lot coverage for 46% whereas 35 feet is required.

Zoning Officer, Christopher Romano noted this is an addition not a sunroom because it is heated and Air Conditioned and considered living area.

Chairman Langer opened the hearing to the public, seeing none, he closed the public.

Factual findings were made by Mr. Chadwick. All were in agreement with the findings.

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

Ayes: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Langer, Ms. Strassheim

Chairman Langer called for a brief Recess.
Chairman Langer called the meeting back to order.

BA-3040-RTS IV, LLC
BA-3079-J-Star, LLC
456 Route 35 North
Block 36, Lot 22
Preliminary Major Subdivision w. Variance

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 November 28, 2018

Mr. Shea offered a witness, Sean Delany, P.E., Bohler Engineering. He was sworn and his credentials to testify were accepted by the Chairman.
Mr. Delaney testified he has been present at all of the hearings on this matter. He stated he has reviewed all of the maps and reports submitted to the Board and he has read all of the transcripts and exhibits.

He gave a brief overview of the application.

Mr. Delany testified that in his opinion when you extend improvements to other properties such as the water extension, the fire hydrant and the signage, lot 13 should have been included in the application.

He said the Deed of Dedication for the maintenance of the dunes on the beachfront dated January 6, 2016 should have been included on the application.

The Deed of Dedication was marked Exhibit O-21.

Mr. Delany testified using Exhibit O-12 dated 10-2-18, showing lot dimensions for Lyndhurst. He said it was his opinion that the standards from the approval are not relevant to the applicant's subdivision because that approval was prior to the current zoning. The applicant proposes 10 foot front yard set-backs whereas the Lyndhurst subdivision has 25 foot set-backs.

The Lyndhurst subdivision has 3 and 4 bedroom homes where the applicant has 5, 6 and 8 bedrooms.

The Lyndhurst subdivision has homes ranging from 1,300 SF to 3,600 SF.

The applicants' proposed subdivision has 4,100 SF to 4,900 SF

Mr. Shea introduced Exhibit O-22- a picture board of each of the homes both sides of the street on Lyndhurst. The majority of the homes have been reconstructed since Super Storm Sandy.

Mr. Delany testified to a comment from a previous application. Mr. Jackson objected. Mr. Miller advised the Board they can determine the weight to apply.

He further testified to parking and noted the applicant did meet the RSIS standards. He said the RSIS does not have standards for 6 and 8 bedroom homes, Mr. Jackson objected. Mr. Shea said the applicant requires a use variance and Mr. Miller noted the applicant needs a density variance not a use variance and the standards are different for the density.

Chairman Langer asked Mr. Delany if the parking met the RSIS standards.

Mr. Delany answered they do meet the standards.

Mr. Delany showed O-16-18 and O-17-18 Aerial exhibits showing many cars. It is his opinion there may be an issue with parking on the applicants site.

Mr. Delany read from Exhibit O-21 the limits of the activity on the dunes on the common lot. He said they do not have full use of the 11,200 SF.

He further read from O-14-18 on the intent to restrict use of dunes.

Mr. Delany testified a design with less houses would be a better design.

Mr. Jackson objected. He said he had agreed that fewer homes could be designed, but their application is for 7 lots.

Mr. Delany testified the applicant does not conform to the flood zone regulations for the design of the private road.

Mr. Delany summarized his opinion as follows:

The site design does not meet the RSIS standards

The parking while meets RSIS standards is short

There could be a 14 lot subdivision on the adjoining property that would impact this site

There is not sufficient information on the beach recreation area

The applicant could design a better plan with 4 lots

The site doesn't comply with the flood hazard requirements

Mr. Jackson cross examined Mr. Delany.

Mr. Delany said his client is JSTAR IV. His house is on the SE corner of Lyndhurst.

Mr. Jackson said JSTAR IV is objecting because he is concerned about his view. Mr. Delany agreed.

Mr. Delany testified he did not know the DEP granted a waiver on the road.

Mr. Delany testified he knows that Route 35 is built at a lower elevation than the proposed street on Cummins.

Mr. Jackson asked Mr. Delany if he agreed with statements he read from Exhibit 0-21 the filed Deed of Dedication. He agreed.

Exhibit AA-1- 8 X 11 color photo of Ocean Beach Club, taken by Mr. Jackson was marked, and Exhibit AA-2-8 X 11 color photo of the Dune Revestment Wall, taken by Mr. Jackson was marked.

Mr. Delany agreed that the photos in AA-1 and AA-2 shows the location of the water in a different location from 0-22. he agreed the water line is static.

He agreed that a beach amenity is available to the homeowners although it may vary in size.

Mr. Jackson stated he plans to cross examine Mr. Shea's witnesses from the Mr. Shea's original objection.

There was a discussion about the next meeting. The applicant agreed to pay for a special meeting. Chairman Langer announced the hearing will be carried to the meeting of April 10, 2019 at 7 PM with no further notice.

Regarding a time waiver Mr. Jackson stipulated he will not seek an automatic approval through the next meeting.

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