

A SPECIAL PUBLIC meeting of the Brick Township Board of Adjustment was held on **Tuesday, March 5, 2019** in the Municipal Building  
401 Chambers Bridge Road.

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

Notice of a Special 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  
Dawn White  
Louis Sorrentino  
Carl Anderson  
Michele Strassheim, Alt 1

**MEMBERS ABSENT**

Frank Mizer  
Mike Jamnik

**ALSO PRESENT**

John Miller, Esq.  
Brian Boccanfuso, PE  
Tara Paxton, AICP/PP, 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

**NEW BUSINESS**

**BA-3101-PSP-FSP-C-D-5/18-Lanes Mill Developers, LLC**  
**Block 1447.02, Lot 23, 24, 25**  
**10 Lanes Mill Lane**  
**Use Variance and Preliminary & Final Major Site Plan**

Board Member Michele Strassheim announced she is recusing herself from this application as she does business with Paramount Realty.

John J. Jackson, Esq. appeared on behalf of the applicants.

Chairman Langer advised Mr. Jackson that there are only five members to hear the case. Mr. Jackson said he would proceed with the hearing, but request the Board hold off on a vote until seven members were present.

Nemad Davis, Esq. appeared representing Wawa.

Edward Liston, Esq. appeared on behalf of Jalil Jallo. Mr. Jallo was not present.

Matthew Sharo, PE, Dynamic Engineering, was sworn. He testified they made some changes to the crosswalks for pedestrian access.

Mr. Jackson noted he had completed his case. The engineer and architect have made some tweaks to the plan and he would like to put that information on the record.

They also made some changes to the Architectural Plan in keeping with the recommendations of the Architectural Review Committee. Exhibit A-2, a color rendering of the Wawa elevations was marked. Mr. Sharo noted they added windows and red awnings.

Mr. Boccanfuso questioned Mr. Sharo on the following:  
Had they had further discussions with the Bureau of Fire Safety? NO  
What was the status of the County approvals? They are still working on it. (emails of progress will be sent to the Board Secretary.)  
Status of BTMUA- still pending  
Status of the monitoring wells-LSRP- They will report back.

Chairman Langer called on Mr. Liston to proceed with his cross examination.

Mr. Jackson referred to case law that require objector standing  
Mr. Jackson requested Mr. Liston provide information as to the ownership of a nearby gas station.  
Mr. Liston said he did not know if his client owned the gas station on Route 88 and Chambers Bridge Road.

Board Attorney, Mr. Miller said that Mr. Jackson is entitled to an answer to his question. Mr. Miller told Mr. Liston to respond to Mr. Jackson at the next hearing.

Mr. Liston asked questions regarding the Architectural Review Committee. He asked if Michele Strassheim recused herself from the review committee.

Ms. O'Neill responded she did recuse.

Mr. Miller continued to ask Mr. Liston to proceed, but, he continued to ask questions regarding the Architectural Committee.

Mr. Jackson continued to object to Mr. Liston's questions regarding the attendance of the Concept meeting and Architectural Review Committee.

Mr. Liston questioned Mr. Sharo on the variances.

He asked if he has done other Wawa's. Mr. Sharo said he has.

Mr. Sharo testified there are 11 variances.

Mr. Liston asked him to review each one.

Mr. Sharo went through each variance

Mr. Liston asked Mr. Sharo to go through all waivers.

Mr. Sharo reviewed all of the waivers.

Mr. Jackson objected and said that Mr. Liston was just wasting the Board's time. He said the MLUL states a nonresident objector who may be a competitor. He stated this is an actionable Objector who is obstructing this application. Mr. Liston has not even told the Board what his client's objection is.

Chairman Langer asked Mr. Liston where his client lives and is he on the 200 foot list.

Mr. Liston said Mr. Jallo is not on the 200 foot list. He put on the record 695 Summit Avenue, Brick.

John Rea, Traffic expert was reminded he is still under oath.

Mr. Liston cross examined Mr. Rea on his testimony.

He asked where and when the traffic counts were done.

Mr. Rea testified he did the traffic counts at the 3 signalized intersections during February and March of 2018. He did no counts in the summer or weekends.

Mr. Rea testified there will be no need to change the signal time. He further testified the Parkway did a good job on the design in this location. He also said the site is where Wawa wants to be because of the traffic.

Mr. Liston asked about traffic accidents. Mr. Rea said he did not check on the number of accidents, but his opinion is that this site is operating safely.

Chairman Langer called for a brief recess at 8:20 PM. He called the meeting back to order at 8:30 PM.

Christine Cafone, Planner for the applicant was called to testify. She was advised that she is still under oath.

Mr. Liston asked her why she testified that this site was particularly suitable because of the proximity to interchange at Exit 91 on the parkway. She testified she also referred to the resolution for the Shell Station nearby.

Ms. Cafone testified that there is a need for a Wawa at this site. She stated she did not have a study done on need.

Mr. Liston asked Ms. Cafone about Conditional Uses in the B-3 or B-4 zone.

Mr. Miller determined that that is not testimony on direct.  
Ms. Cafone noted this site is in the B-2 zone and needs a D-1 use variance.

Chairman Langer asked for questions from the Public.

Judith Gass, owner of 39 and 41 Burnt Tavern Road. She said she has complained about deliveries for years. It would be a plus for her that the deliveries will be further from her house. It is busiest from 4 PM to 7AM.

She asked about the location of the parking.

Mr. Sharo showed her the location of the parking spaces and truck deliveries.

Mr. Sharo stated Burnt Tavern Driveway will be closed. Ms. Gass said that was a big plus.

Mr. Sharo testified to the new lighting with shields. There will be screening with hedges on Burnt Tavern Road.

Mr. Miller advised her she will have an opportunity to make comments at a later time.

Mr. Liston introduced his witness:

Bahman Izadmehr, civil engineer, specializing in Traffic, self-employed, 550 Cornfax Road, Wayne, NJ was sworn.

Steven Nemad, Esq. asked to validate Mr. Izadmehr's qualifications to testify. Chairman Langer agreed. Mr. Nemad agreed that the witness could go ahead, but he would like to reserve the right to consider the weight that should be given to the testimony.

Mr. Izadmehr testified that the report of Mr. Rea relies on the County or Parkway studies and did not provide levels of service, did not perform gap studies on driveways, did not look at accident reports, did not consider the interconnection of all driveways in the area. Further, Mr. Izadmehr testified the eliminated the driveway on Burnt Tavern because they had to and did not see what happens when traffic backs up.

Mr. Nemad requested to cross examine the witness.

Chairman Langer said the cross exam will be after all of Mr. Liston's witnesses

Chairman Langer announced the application will be carried to Wednesday, May 15, 2019.

Steven Nemad, Esq. spoke to Chairman Langer regarding the opposition of Mr. Liston who is using Board's time throughout the State of NJ. He said this a bad faith objection.

Mr. Miller said the objector has to be here for the next hearing. He will be subpoenaed.

There will be no further notice for the hearing of May 15, 2019 at 7:00 PM

Mr. Jackson agreed that the applicant agrees to a waiver of time.

## **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