

A meeting of the Brick Township Board of Adjustment was held on **November 8, 2017** in the Municipal Building. The meeting was called to order at 7:05 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  
Louis Sorrentino  
Stephen Leitner  
Carl Anderson, Alt 2

**MEMBERS ABSENT**

Dawn Marie White

**ALSO PRESENT**

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

The Board Professionals were sworn.

**NEW BUSINESS:**

**BA-3041-6/17 Angela Di Giovanni  
Block 190.01, Lot 9,  
550 Susan Drive**

Angela Di Giovanni, Applicant was sworn. She testified she is seeking a variance to construct fencing on her property located on the corner of Susan Drive and Mark Court. She wants to replace 20 feet of 4 foot high open picket fence with a 6 foot high solid white vinyl fence having a 0 feet set back whereas 1.5 feet is proposed on her rear property line.

She wants to replace 48 feet of open picket fencing with a 6 foot high solid white vinyl fence along the side yard property line.

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She testified the proposed fencing is for privacy and safety of her disabled daughter.

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

Factual findings were presented by Mr. Mizer and all concurred.

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

In favor: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Mizer, Mr. Langer, Mr. Anderson

**BA-3045-7/17, Jason Gomez**  
**Block 90, Lot 2.06**  
**387 Route 35 North**

Jason Gomez, applicant, is a representative of Heatwave Pools. He has been authorized by the property owner's trustee, Lynn Cortese to submit this application to the Board. He was sworn

Robert Burdick, P.E., P.P., engineer and planner for the applicant was sworn and his credentials to testify were accepted by the Chairman.

He testified the applicant proposes to construct a 11 X 29 foot swimming pool in the northwestern portion of the lot. They are seeking a variance for the minimum rear yard setback whereas 25 feet is required and 5 feet is proposed for the pool and 2 feet is proposed for the deck. He stated the rear set back variance is consistent with other properties in the neighborhood. The pool equipment will be on the left side. The second floor deck is not near the pool.

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

Factual findings were presented by Mr. Mizer and all concurred.

A motion was made by Mr. Leitner and seconded by Mr. Jamnik.

In favor: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Mizer, Mr. Langer, Mr. Anderson

**BA—3052-8/17, Patrick M. Toal**  
**Block 26, Lot 39**  
**469 Route 35 North**

Patrick M. Toal, applicant was sworn. He testified he is seeking a variance to construct a 14 X 30 foot in ground swimming pool with paver decking in the rear yard of his property which has dual frontage. The pool set back is proposed at 10.15 feet whereas 25 feet is required. He testified the pool is for the use of his autistic daughter. He proposes to remove a wooden deck and construct a 5 foot wide paver deck to surround the pool. He noted these are aesthetic improvements to the property.

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

Factual findings were presented by Mr. Mizer and all concurred.

A motion was made by Mr. Sorrentino and seconded by Mr. Chadwick

In favor: Mr. Chadwick, Mr. Jamnik, Mr. Sorrentino, Mr. Leitner, Mr. Mizer, Mr. Langer, Mr. Anderson

Chairman Langer called for a brief recess at 7:29PM and the hearing was called back to order at 7:39 PM.

**BA-3028-PSO-FSP-C-D-3/17, PMG New Jersey, LLC**  
**1 Lanes Mills Road**  
**Block 1446.03, Lot 4**  
**Preliminary and Final Major Site Plan w Variance**

Jason Tuvel, Esq. appeared on behalf of the applicant. He stated the applicant proposes a fast food restaurant with a drive-thru and convenience store/.gas station on the subject site. He noted the gas station is not a permitted use in the B-2 zone and the applicant proposes to add two gas pumps for a total of 8 gas pumps. The applicant needs a "D" variance. The existing canopy shall remain. He further stated the car was will be demolished and a new building will be constructed for the convenience store and restaurant. He noted the applicant has been to Architectural Review and has approval from Ocean County Planning Board with conditions that the driveway furthest from the Parkway exit ramp will be a right turn in only and the driveway closest to the Parkway intersection will be a right out only. Mr. Tuvel noted there are no tenants for the fast food or convenience store at this time.

The following witnesses were sworn:

Jeffrey Martell, P.E., Site Engineer, Stonefield Engineering and Design  
Charles Olivo, P.E., Traffic Engineer, Stonefield Engineering and Design  
Jose Santos, Architect,

Mr. Tuvel stated he had made an agreement to have the planner come to a later meeting since the Board's Planner was not available this evening.

Chairman Langer accepted their credentials.

Jeffrey Martell, PE, Stonefield Engineering requested the following exhibits to be marked

Exhibit A-1- Arial Photo of the site dated 11-8-17

Exhibit A-2-Colorized Site plan page C-4 dated 11-7-17

Exhibit A-3-Color rendering of Architectural Plan dated 11-8-17

He testified to the location of the site and the existing conditions of the Shell Gas Station with 4 fuel pumps.

He testified the applicant is planning to construct a 3,010 SF convenience store, a 2,236 SF restaurant with a drive-thru with a cue of 9 vehicles. They propose a total of 24 -18' X 9' parking spaces with 2 ADA parking spaces. He testified loading and trash will be located at the rear of the store. He testified to the storm water management, deliveries.

He testified the fast food restaurant is proposing 28 seats.

Mr. Martell testified the applicant has BTMUA approval, they will comply with the Bureau of Fire Safety Report dated March 30, 2017, will comply with the Traffic Safety, Brick Police Dept., they will irrigate as requested by the Shade Tree Commission. They will provide a certified plan from Ocean County Soils.

Chairman Langer noted times of deliveries and garbage pickups are not important to the Board since there are no residential properties in the area. He testified they have made application to NJDOT.

There was some discussion regarding the number of seats in the restaurant and the parking spaces.

Mr. Tuval said they will look into the concerns and be back to the Board.

Mr. Martell testified the HVAC equipment on the roof will be shielded. The signs will be free standing and will be modified. The formerly approved sign at 54.8 SF will be enlarged to 71.9 SF. They will relocate the sign as required by Ocean County Planning Board with a larger base. It will be moved to accommodate the Parkway improvements.

Mr. Martell testified he has submitted revised plans to Mr. Boccanfuso for further review.

Mr. Boccanfuso said he has started his review and it seems the major concerns have been addressed concerning site safety. Further comments will be addressed at the next hearing.

Mr. Boccanfuso asked about deliveries.

Mr. Martell testified deliveries are every other day

Mr. Boccanfuso asked who the developer is.

Mr. Martell stated the company is PMG and based in Virginia. They redevelop gas stations and typically operate the fuel and lease out the convenience store and the fast food.

Mr. Boccanfuso asked if the employee parking stalls will be marked.

Mr. Martell said they will do whatever the Board wants.  
Mr. Martell agreed there is some site remediation ongoing.  
Mr. Mizer asked the number of new gas pumps.  
Mr. Martell stated 4 additional pumps.  
Mr. Mizer asked if the applicant will provide a Charging station for electric cars. Mr. Martell said he will find out and have information at the next hearing.

Charles Olivo, P.E., Traffic Engineer, Stonefield Engineering and Design testified to the site conditions including all of the new Parkway improvements.

He testified the redevelopment of this site will provide 24 parking stalls, 16 fueling positions, 9 positions in the cue to the drive thru restaurant for a total of 49 vehicles. He testified the site will have a right in and a right out. Employees are coming in by car-pooling or drop offs.

The applicant will work to avoid bad choices that drivers can make. Mr. Olivo will comply with all County requirements.

The application will be carried to the hearing of February 7, 2018

The applicant will have Mr. Martell to testify regarding any updates to the plan along with the Planning witness.  
They will consult with an environmental expert, speak with the Bureau of Fire Safety, check with the County regarding signage on the no left turn, and apply for a Jurisdictional Determination from CAFRA prior to the February 7, 2018 meeting.

## **OLD BUSINESS**

### **Resolution**

**BA-3025- (2388) DEC, USA, Inc.  
1118 Industrial Parkway  
Block 1068, Lot 30.01  
Amended Final Major Site Plan**

Chairman Langer announced the resolution will be carried to the meeting of December 6, 2017.

**BA-3042- Carmine Teta  
431 Mantoloking Road  
Block 188, Lot 1  
Site Plan & Use Variance**

Chairman Langer announced the resolution will be carried to the meeting of December 6, 2017.

**BA-3047-Steve Conception**  
**520 4<sup>th</sup> Avenue**  
**Block 1218, Lot 867**  
**Bulk Variance**

A motion to approve the resolution was made by Mr. Chadwick and seconded by Mr. Sorrentino

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

The motion carried and the resolution was adopted.

**BA-3053-Lawrence Calabro**  
**109 Osprey Lane**  
**Block 39, Lot 4.01**  
**Bulk Variance**

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

Ayes: Mr. Sorrentino, Mr. Chadwick, Mr. Langer, Mr. Jamnik, Mr. Leitner, Mr. Mizer,  
The motion carried and the resolution was adopted.

**ADJOURNMENT**

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

The meeting was adjourned at 9:45 PM

Respectfully submitted by:  
Judy Fox Nelson