

A PUBLIC meeting of the Brick Township Board of Adjustment was held on Wednesday, **May 15, 2019** in the Municipal Building
401 Chambers Bridge Road.

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

Chairman Langer called the meeting to order. He led the Salute to the flag and read the following Open Public Meetings Act Statement.

Pursuant to Section 10 of the Open Public Meetings Act, notice of this meeting was sent and advertised in the Asbury Park Press and the Ocean Star. A copy of that notice was posted on the bulletin board, where public notices are displayed, in the municipal building. In addition, a copy of that notice is, and has been available to the public, and is on file in the office of the municipal clerk. Accordingly, this meeting is deemed to be in compliance with the Open Public Meetings Act.

Mr. Langer read a statement from the Insurance Company on proper meeting conduct.

The Roll was called

MEMBERS PRESENT

Harvey Langer
Frank Mizer
David Chadwick
Dawn White
Carl Anderson
Mike Jamnik
Frank Mizer
Louis Sorrentino
Michele Strassheim, Alt 1

ALSO PRESENT

John Miller, Esq.
Brian Boccanfuso, PE
Christopher Romano, Zoning Officer
Denise Sweet, Court Reporter
Pamela O'Neill, Secretary

The Board Professionals were sworn

VOUCHERS

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

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

OLD BUSINESS

Resolutions

BA-2556-PSP-FSP-C-D
Jade Investment Association, LLC
2775 Hooper Ave
Block 673, Lot 6
Re-approval

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

In favor: Ms. Strassheim, Mr. Chadwick, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Langer

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

BA-3131-C-11/18
RTS IV, LLC
99 Oceanview Ave
Block 60, Lot 20
Bulk Variance

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

In favor: Mr. Chadwick, Ms. White, Mr. Jamnik, Mr. Anderson, Ms. Strassheim, Mr. Langer

The motion carried and Resolution R-28-19 was adopted.

BA-3135-PSP-FSP-D-C
Legacy Property Associates, LLC
1697 Route 88
Block 842. Lot 16
Use variance and Preliminary and Final Site Plan

Chairman Langer announced the resolution will be carried to the meeting of June 5, 2019

**BA-2140 Brian McCrossan
740 Midstreams Road
Block 958.22, Lot 1
Bulk Variance**

Brian McCrossan was sworn. He testified he started to construct a front porch, 16 ft., 9 inches wide and 6ft, 4 inches deep to replace a front stoop. He wants the porch for safety and enjoyment of the front yard. He is requesting a variance for front yard setback, 30 feet is required and he will provide 25 feet.

Chairman Langer called for public comment, seeing none, he closed the public.

Mr. Chadwick gave factual finding and all members concurred with the findings.

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

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

**BA-3124-A-
Jill Kovalsky
371 Iroquois Drive
Block 891, Lot 3
Appeal**

Jill Kovalsky, 371 Iroquois Drive, applicant, was sworn

Joseph S. Lalka, PE, PP, Yorkshire Dr, East Windsor, engineer, planner and zoning officer, was sworn

Barbara Allen Wooley Dillan, 125 Main Street, Tuckerton, planner and zoning officer was sworn

Jill Kovalsky was re-sworn as licensed Landscape Architect.

Mr. Miller explained the process to the Board. He said the applicant will present her case and then the Brick Zoning Officer will present his case.

Mr. Lalka, testified that he has 40 years' experience as an engineer and 30 years as a consulting engineer. He is also the Zoning Officer in East Windsor.. He said they were here to talk about a 20 foot section of Leland Cypress planted in a staggered way that will grow to be 50 feet high and very wide forming a dense visual barrier. He said that is a fence.

Exhibit ZO-1-survey of the property at 373 Iroquois Drive. The property is the subject of the Appeal, submitted for a split rail fence.

Ms. Kovalsky asked Mr. Romano how he could issue a permit for a split rail fence without dimensions.

Mr. Miller stated that is not the subject of Ms. Kovalevsky's appeal.

Barbara Allen Wooley Dillan. testified the subject property is within the 200 foot as noted in the ordinance.

Ms. Kovalsky asked to have 6 photos of fence types marked as Exhibit A-3. She said the photos represent a staggered fence.

Exhibit A-4- 5 pictures pf the subject property were marked.

Mr. Lalka stated fences do not have to be a straight line because they are a visual barrier.

Ms. Kovalsky stated the Leland Cypress formed a living fence that blocks her view of the Public Right of View.

Ms. Dillan argued that there are four reasons that the appeal should be granted:

1. The trees form a fence
2. This is a solid mass within 200 feet of the water
3. Exhibit A—3 shows a typical fence
4. There is a safety factor to the detriment of Ms. Kovalsky due to lack of visibility

Mr. Romano stated it is his determination that you are allowed to plant within 200 feet of the water and this is not a living fence. He stated the Leland's are not in a straight line.

Chairman Langer called for public comment..

Judy Gass, 39 Burnt Tavern Road, was sworn. She testified she was an employee of the Township in the past and the idea was to prevent obstruction of the water views.

Julia McGrath, 373 Iroquois Dr, was sworn. She stated she lived across the street and hired Ms. Kovalsky as a landscape architect, however, when she moved to 373 Iroquois, she did not use her. She stated she has respected all of the requests that have been made by Mr. Romano. Her plantings do not obstruct her view and her property does not front on the water.

Ms. Kovalsky summed up her appeal.

Mr. Miller stated Ms. Kovalsky and Mr. Romano both agree the trees are not on the public right of way.

A motion was made by Mr. Mizer and seconded by Mr. Jamnik that the Leland trees are not planted as a fence. The Board confirms the decision of the Zoning Officer.

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

Chairman Langer called for a brief recess at 9:06 PM. The meeting was called back to order.

NEW BUSINESS

**BA-3101- PSP-FSP-C-D-5/18
Lanes Mills Developers, LLC
Block 1447.02, Lot 23, 24, & 25
10 Lanes Mills Road**

Board Member Strassheim recused herself and left the meeting.

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

Steven Nemad, Esq. appeared as co- Counsel representing Wawa.

Edward Liston, Esq. appeared as an Objector for his client Jai Jallo

Andy Thomas, PP, Planner for the Objector, was sworn and his qualifications to testify were accepted by the Chairman.

Exhibit O-1, an Ariel map from NJDEP prepared by Mr. Thomas on 10-16-18 was marked.

Mr. Thomas testified to the surrounding uses. He testified the proposed use for filling station and convenience store is not permitted in the B-2 zone. He testified the proposed development is an overdevelopment of the 1.24 acre parcel. He testified other Wawa stores in the area were constructed on larger parcels. He testified there is not enough land for proper buffering. He stated there are 15 C variances as well as a use variance.

Mr. Thomas testified he had reviewed the 2007 Master Plan and the re-exam dated August 2018 and there was no mention a combined gas station and convenience store.

He testified the proposed construction has more variances than what was there.

Steven Nemad, Esq., asked Mr. Thomas if he was familiar with the AICP-Code of Ethics Exhibit W-1-LL1. Mr. Thomas said he is.

Mr. Nemad asked Mr. Thomas who his client was. He stated it is Jai Jallo, 635 Summit Av., Brick.

Mr. Nemad asked how Mr. Jallo' s property would be affected by the proposed Wawa. Mr. Thomas stated he has not seen Mr. Jallo' s house and could not answer the question of his client's interest in the application.

Mr. Thomas agreed with Mr. Nemad that there are improvements to the site in storm water management, landscaping, trash enclosure, 2 drives rather than four, and a new building,

Mr. Nemad asked to retain the right to continue cross examination. Chairman Langer agreed.

chairman Langer announced the hearing will be carried to a Special meeting on Wednesday, May 29, 2019 at 7:00 PM.

Mr. Miller announced this is the notice. No new notice is required.

ADJOURNMENT

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

The meeting was adjourned at 10:06 PM..

Respectfully submitted by:

Judy Fox Nelson