

A **SPECIAL PUBLIC** meeting of the Brick Township Board of Adjustment was held on Wednesday, **May 29, 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

MEMBERS ABSENT

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
Tara Paxton, Municipal Planner

The Board Professionals were sworn

NEW BUSINESS

**BA-3101- PSP-FSP-C-D-5/18 (carried from May 15, 2019)
Lanes Mills Developers, LLC
Block 1447.02, Lot 23, 24, & 25
10 Lanes Mills Road**

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

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

Edward Liston, Esq. appeared for an Objector, his client Michael Jallo. He explained that his traffic expert is delayed and will arrive.

Mr. Liston explained that Jai Jallo is not here tonight as he is in Brazil. He further stated that Michael Jallo was present and he had been the original person to contact Mr. Liston and sign an engagement agreement. He does not live in Brick Township.

Mr. Nemad continued his cross examination of Mr. Thomas, Planner, who is still under oath.

He questioned the uses on the site and the definition of a gas station.

Mr. Nemad asked to have Exhibit W-2, Resolution of Approval for the Shell gas station across the street from the subject site marked for the record.

Mr. Liston redirected with questions of Mr. Thomas for permitted uses.

Chairman Langer called for a brief recess to await the arrival of the traffic witness for the Objector at 7:31 PM. He called the hearing back to order at 7:41 PM.

Mr. Nemad cross examined Bauman Izadmehr, traffic witness. He asked him his methods and times he was at the site.

Mr. Nemad asked Mr. Izadmehr if he did his own traffic study. He replied that he did not.

Mr. Izadmehr said Mr. Rea's report did not consider crash data or the levels of service at the intersections. He also stated the site is tight.

Mr. Izadmehr agreed that the reduction in driveways from 4 to 2 and the driveway on Lanes Mills Road is a right in right out.

Chairman Langer asked if there were any other witnesses. Mr. Liston said he was finished.

Chairman Langer called for Public questions.

Judith Gass, 39 Burnt Tavern Road, was sworn.

She asked if the Board was aware the Rice King Take Out restaurant was only a take-out and generated very little traffic.

She asked what the lot coverage of the proposed development was.

Matt Sharo, PE, engineer for the applicant, previously sworn, responded that the Building coverage was reduced from 30% required to 18.6%, and the maximum impervious went from 65% required to 86.4%.

Chairman Langer called for public comment.

Judith Gass, 39 Burnt Tavern Road was sworn.

She testified she had lived at 39 Burnt Tavern Road for 58 years. She also owns 41 Burnt Tavern Road.

She said she had hoped to sell her property to a gas station.

She said she was aware of traffic issues and accidents at the Wawa location.

She objected to the 9 foot parking spaces and said they could provide 10 foot spaces per the ordinance.

She said this development reduces her ability to sell her property.

Seeing no other comments, Mr. Langer closed the Public.

Mr. Liston summed up. He said the proposed Wawa was a gross overdevelopment of the site. Most Wawa sites with this type of development were at least 2 acres; it does not belong in the B-2 zone, and doesn't conform to the Master Plan.

He said there is no need for this development, the site is not particularly suited for this use and it is suited for permitted uses in the B-2 zone.

He further stated the proposed use is detrimental to the public good, causing traffic issues and is too much for the site. It stated it is spot zoning.

Mr. Jackson thanked the Board for all the time spent on the application.

He noted that the proposal is particularly suitable to the use because of the parkway access and a site surrounded by roads. Mr. Jackson talked about a Super Convenience Store with gas which is very different from the old gas station.

He stated the betterments in upgrading the site which is in a state of disrepair with a new building, storm water management, and landscaping.

Mr. Jackson said the Objector was not a resident, but a competitor who had a gas station on Route 88.

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

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

ADJOURNMENT

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

The meeting was adjourned at 8:47 PM.

Respectfully submitted by:
Judy Fox Nelson