

A meeting of the Brick Township Planning Board  
was held on **May 22, 2019** in the Municipal Building.  
The meeting was called to order at 7:13 pm.

Notice of Public Meeting

Let the minutes reflect that adequate notice for holding this meeting was provided in the following manner:

By resolution of the Brick Township Planning Board on January 23, 2019. The notice was posted on the Bulletin Board in the Municipal Building, forwarded to the official newspaper, filed with the Township Clerk as required by the Open Public Meetings Law. Chairman Cooke called the meeting to order at 7:05 PM.

Chairman Cooke led the Pledge of Allegiance.

**MEMBERS PRESENT**

Bernard Cooke  
Kevin Aiello  
Councilman Mummolo  
Brad Clayton  
Richard Gross  
William Philipson – Alt #1  
George Osipovitch – Alt #2

**MEMBERS ABSENT**

JoAnne Lambusta  
Eileen Della Volle  
Cosmo Occhiogrosso  
Kevin Nugent

**ALSO PRESENT**

Harold Hensel, Esq., Board Attorney  
Ted Wilkinson, P.E., Board Engineer  
Tara Paxton, AICP/PP, Municipal Planner  
Denise Sweet, Court Reporter  
Pamela O'Neill, Planning Board Secretary

**VOUCHERS**

A motion was made by Councilman Mummolo and seconded by Mr. Aiello to approve the vouchers.

In favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

**OLD BUSINESS:**

**Resolution**

**PB-2810-MS-C-Ext  
Sandiloo Properties, LLC  
459 Route 35  
Extension and Amendment of Minor Subdivision Approval**

A motion to memorialize the resolution was made by Councilman Mummolo and seconded by Mr. Aiello

**VOTING IN THE AFFIRMATIVE**

Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

The motion carried and Resolution R-25-19 was adopted.

**PB-2821-MSP-11/18-William Volk, JR.  
244 Drum Point Road, LLP  
Block 646, Lot 48  
Preliminary & Final Major Site Plan**

A motion to memorialize the resolution was made by Councilman Mummolo and seconded by Mr. Philipson

**VOTING IN THE AFFIRMATIVE**

Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

The motion carried and Resolution R-26-19 was adopted.

**NEW BUSINESS:**

**Street Vacation Ordinance**

**Ordinance of the Township of Brick, Vacating a portion of The Right of Way known as Iroquois Drive**

Ms. Paxton presented the Ordinance to the Board and explained the process of street vacation.

A motion was made by Councilman Mummolo and seconded by Mr. Gross to approve the Ordinance vacating a portion of the right of way known as Iroquois Way.

In favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

A motion to memorialize the resolution was made by Councilman Mummolo and seconded by Mr. Gross

VOTING IN THE AFFIRMATIVE

Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

The motion carried and Resolution R-24-19 was adopted.

**PB-2823-PSP-FSP-V-11/18**  
**2026 Route 88, LLC**  
**Block 1029, Lot 20, 21, 22**  
**2026 Route 88**

Jilian Mc Lear, Esq., and John Jackson, Esq., King Kittrick, Jackson, appeared on behalf of the applicant.

She stated the application is for a Preliminary and Final Major Site Plan to construct a Dunkin Donuts Store with a drive thru, parking lot and landscaping at the property located on Route 88.

Atul Patel, owner and applicant, was sworn. He testified that he owns five other Dunkin Donuts stores, one at 2138 Route 88 which he has owned for 19 years, 2 in Point Pleasant, 1 in Wall and 1 in Brielle. He said he will keep the store on Route 88 in Brick. He said his hours of operation are from 4 AM to 10 PM, Monday to Friday, he will have 4 employees per shift, Saturday and Sunday 5 employees, and holidays 6 employees. Mr. Patel testified he will have private garbage collection and the delivery trucks will not exceed 24 feet. He said there will be no baking of donuts. They are baked off site and delivered to the store.

Exhibit A-1 Power Point Presentation was marked into evidence.

Richard DiFolco, PE, PP, JKR Engineering and Planning, LLC, was sworn. His credentials to testify were accepted by the Chairman.

Mr. DiFolco gave an overview of the site. He testified they were challenged by the ½ acre site and it took 9 months to meet the DOT requirements. They designed a right in right out for Route 88 and 2 way access for Folsom. The drive up window will face Route 88 with the order board 5 cars back. They will provide a double row of evergreens and a fence to buffer from the residential. They made changes to increase the buffer from 10 feet to 25 feet.

Mr. DiFolco described the storm water management system which features a bio retention basin with landscaping and an underground infiltration system. He said there will be no run off to the street. They will provide curb and sidewalk for the entire perimeter of the site. There will be an access aisle with a sidewalk to the door. They just agreed to add a bicycle rack and have added a bi pass lane on the dentist side of the site.

They can accommodate more than 9 cars to stack. Most of the traffic will come from Route 88.

Mr. DiFolco testified to the variances required.

Variance for minimum building size is 2,000 SF whereas the proposed building is 1,775 SF.

Variance for storm water facilities not permitted in the front yard.

Variance from the requirement that no driveway be within 100 feet of an intersection whereas the proposed driveway is 51.8 feet

Variance from parking stall size where 10 X 18 is required and 2 of the proposed spaces are 9 X 18 feet

Mr. DiFolco referred to the letter from ARH Associates dated May 13, 2019 and prepared by Ted Wilkinson, Board Engineer.

He said he has discussed the report in detail with Mr. Wilkinson and will agree to work to comply with all of his comments.

Mr. Wilkinson expressed concern about the safety of the sidewalk. Mr. DiFolco said he will work with Mr. Wilkinson.

He further testified to the positive and negative criteria.

Mr. DiFolco reviewed Ms. Paxton's letter dated February 20, 2019. He described the trash collection process. No trash collection will take place before 10 AM  
He described the landscape and the screening of the mechanicals. Irrigation will be provided. A bike rack will be provided.

Mr. DiFolco addressed the following reports:

Traffic Safety, January 7, 2019 they agree to the no left turns

Shade Tree Commission, December 12, 2018 agree

Bureau of Fire Safety December 5, 2018 They made the changes

Environmental Commission, May 17, 2019-no comment

Zoning Office December 11, 2018, sidewalks and curbs will be provided

Architectural Review, April 10, 2019, will comply

Municipal Engineer, no comment

Chairman Cooke called for public questions of Mr. DiFolco and or Mr. Patel.

Robert Biro, 210 Folsom Road, was sworn. He questioned the traffic. Chairman Cooke said he will be called up to ask his question after the Traffic Expert.

Jennifer Biro, 210 Folsom Road, was sworn. She questioned the storm water and asked if her basement will get wet. Mr. DiFolco said her property is higher than the subject. She will have no effect on her basement.

Scott Kennel, Traffic expert with McDonough & Rea, was sworn and his credentials to testify were accepted by the Chairman. He testified they prepared a traffic report dated October 10, 2017. He testified the Dunkin Donuts store does most of its business early in the day. He testified the project would not create any greater traffic impact on Route 88 than any other proposed development of the parcel. Due to the fact that the property is a corner lot, he opined that the current design is the best layout for vehicle ingress and egress from the site.

Chairman Cooke called for public questions of Mr. Kennel

Robert Biro, still sworn asked questions about additional traffic on Folsom. Mr. Kennel advised him that the NJDOT has approved the application.

Seeing no other questions, the Chairman closed the public for Traffic questions.

Gary Kleisch, AIA, GKA Architects, Rutherford NJ, was sworn and his credentials to testify as an Architect were accepted by the Chairman. He referred to page R-1, Color Elevations and described the building and materials.

Mr. Kliesch said this plan is a brand new prototype for Dunkin Donuts. All the materials are metal or fiber cement. There are 2 signs, the one on Folsom will say "Dunkin" and the one on Route 88 will say "DD". There will be signage at the drive thru window. All lighting will be LED with down lights and small goose necks. A panel will screen the roof mechanicals. He further testified the floor plan will be ADA accessible with 11 seats and some soft sofa type seating, 2 bathrooms and a small office.

Ms. Paxton stated the applicant will need relief from the sign ordinance for the third sign.

Mr. Kliesch testified the signage increases the aesthetic and creates a more desirable visual environment.

Chairman Cooke opened the hearing for public comments.

Robert Biro testified he thought the site was too small for a drive thru, the area is often backed up with St. Dominic's traffic, and there are children who play in the street and school bus stops which make for a more dangerous condition. He felt there was not sufficient parking and tight turns on the site and the Dunkin Donuts will bring more traffic on to Folsom Drive

Mr. Jackson asked questions of Mr. Biro who agreed the property was zoned commercial.

Susan Fischer, 209 Folsom Drive, was sworn. She testified she was concerned for the safety of the neighborhood and introduced Exhibit O-1 through O-4, photos depicting general areas of the neighborhood.

Mrs. Biro, 210 Folsom Drive, introduce Exhibits O-5, O-6, O-7, O-8, O-9, more photos of the residential area behind the proposed Dunkin Donuts. She said she thinks this is the worst possible use of this property.

Calvin Thompson, 219 Folsom Drive, was sworn, a 20 year resident of Brick, objected to the Dunkin Donuts noting there are stores on Bridge Ave and another on Herbertsville Road.

The applicant agreed to provide a "No Left Turn" sign at the egress from the site onto Folsom Drive to eliminate traffic flowing back into the residential neighborhood.

Mr. Jackson summarized his application. He said the application has been two years of planning and many changes were made to the plan from the input of the township staff.

A motion was made by Mr. Gross and seconded by Mr. Clayton to approve the application

In favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

Chairman Cooke called for a brief recess at 9:24 PM and called the meeting back to order at 9:38 PM

He said the applicant noticed for this hearing at 7:30 PM, it is now 9:38 PM.

**PB 2816-PSP-C-  
Osborn Sea Bay Condo Association  
Block 26, Lot 4  
1-6 West Main Street  
Preliminary Major Site Plan with Variance**

Chairman Cooke announced there was 20 minutes remaining for the meeting. This application will be started tonight and will then be carried to the meeting of June 12, 2019. No further notice will be required.

Mark Bellin, Esq., appeared on behalf of the applicant. He said this is an application for a preliminary major site plan. It is the first application to come to the Board from the new ordinance creating redevelopment of the Camp Osborn Median strip on Route 35 post Sandy.

Barbara Ehlen, AICP/PP, Beacon Planning, was sworn and her credentials to testify as Planner were accepted by the Chairman.

She testified the property is subject to the overlay zone known as Beach Cottage Community Overlay. Five homes are proposed where seven were demolished from Sandy. She testified the ordinance did not consider lot coverage and they need a lot coverage variance.

She referred to sheet 4 of 11 of the submitted plan prepared by Matrix and last revised April 16, 2019. Exhibit A-1 –a Google E image was marked showing the community before Sandy.

She testified the houses will be modest in size with the smallest footprint at 623 SF and the largest footprint is 890 SF with two story houses ranging from 1200 to 1800 SF. She quoted from the Master Plan and noted granting variances would be permissible pursuant to the provisions of the MLUL.

Chairman Cooke opened the hearing to the Public for questions of the witness only. Seeing none, he closed the Public.

The Chairman announced the hearing will be carried to 7 PM on June 12, 2019. No further notice is required.

## **ADJOURNMENT**

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

The meeting was adjourned at 10:05 PM

Respectfully submitted by:

Judy Fox Nelson