

A **PUBLIC** meeting of the Brick Township Board of Adjustment
Was held on Wednesday, **October 2, 2019** at Brick Township 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
Dawn White
Mike Jamnik
Louis Sorrentino
Carl Anderson
Michele Strassheim, Alt 1

MEMBERS ABSENT

David Chadwick

ALSO PRESENT

Ronald Cucchiaro, Esq.
Brian Boccanfuso, PE
Tara Paxton, AICP/PP, Municipal Planner
Christopher Romano, Zoning Officer
Denise Sweet, Court Reporter
Pamela O'Neill, Secretary

The Board Professionals were sworn

OLD BUSINESS

VOUCHERS

A motion to approve the Vouchers was made by Mr. Mizer and seconded by Mr. Anderson

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

RESOLUTIONS

**BA-3156- C-C-6/19 Stephen & Cynthia Biddle
157 Everest Drive South
Block 1210.08, Lot 2
Bulk Variance**

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

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

The motion carried and Resolution R-42-19 was adopted.

**BA-3149-C-3149-4/19
DRM Construction, LLP.
Block 990.02, Lot 5
137 Jordan Road**

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

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

The motion carried and Resolution R-43-19 was adopted.

**BA-3144MSP-C-D-2/19 William & Sharon Reick
18 West Marion Street
Block 24, Lot 4
Bulk & Use Variance**

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

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

The motion carried and Resolution R-44-19 was adopted.

BA—3157
Brian Dreher
Block 870.22, Lot 29.20
11 Brushy Neck Court
Bulk Variance

Chairman Langer announced the application will not be heard tonight because the notice was defective. The applicant will be required to renote for December 18, 2019.

BA-3152-
DMT Enterprises, LLC
Block 612, Lot 1.01
670 Mantoloking Road
Use Variance with Minor Site Plan

Chairman Langer announced the application will be carried to the meeting of November 13, 2019. This is the notice. No additional notice is required.

NEW BUSINESS

BA-3155
Russell P. Guagenti
Block 36, Lot 10.01
116 Lyndhurst Drive
Bulk Variance

Russell P. Guagenti was sworn. He testified he is seeking a variance to install a 6 foot high fence on a corner lot at Route 35 and Lyndhurst Drive. . A set back of 12.5 feet is required and he proposes 0 feet. He said the 6 foot fence will drop to a four foot fence at the corner of the garage.

Mr. Boccanfuso said it is about 57 lineal feet along the Route 35 side then the fence makes a right turn about 18 feet long.

Christopher Romano noted there are two variances:
On Route 35, the applicant is proposing 0 feet set back whereas 12 ½ feet are required.
On Lyndhurst 21.4 feet is proposed whereas 25 feet is required.

Mr. Boccanfuso said there is an ordinance requiring a 10 foot set back from pavement. He recommends a 1 foot setback for the six foot fence and the four foot fence should be eliminated. In addition Mr. Boccanfuso expressed concern the fence may be in the site triangle and there is a sewer main on the property line.

Chairman Langer announced the case will be carried to the meeting of November 13, 2019. No further notice will be required. Mr. Guagenti will consult with his wife and advise the Board.

Chairman Langer called for a five minute recess at 7:38 PM. He called the meeting back to order at 7:42

**BA-3161 –MSP-D-8/19
Cello Partnership d/b/a/ Verizon Wireless
Block 671, Lot 1.01
Conditional Use Variance with Minor Site Plan**

Chairman Langer recused himself because his son works for Verizon.

Vice Chairman Frank Mizer took over the Chair.

Mr. Cucchiaro stated the applicant has been advised there are only 6 members eligible to hear the application.

Debra A. Shulski, Esq, Riley, Riper, Hollin, & Colegreco appeared for the applicant. She stated they were prepared to go forward with the application with the understanding they need five affirmative votes for a D variance.

The following witnesses were sworn and Vice Chairman Mizer accepted their qualifications to testify:

John Herriott, Advantage Engineering, Site Acquisition Consultant
Andrew Peterson, P.E. applicants engineer
Jody DeMarco, P.E. applicant's special consultant
Brian Seidel, PP/AICP, Applicant's Planner

The following Exhibits were marked for the record:

Exhibit A-1- application dated June 14, 2019 and amended August 2, 2019
Exhibit A-2 Confirmation of NO Outstanding Taxes
Exhibit A-3 Affidavit of Notice
Exhibit A-4 Letter of Authorization from Property Owners
Exhibit A-5 Relevant pages of Lease Agreement
Exhibit A-6 Aerial View of subject property
Exhibit A-7 C.V of Andrew M. Peterson, P.E.

Exhibit A-8 FCC License
Exhibit A-9 RF Propagation plans prepared by dBm Engineering, PC
Exhibit A-10 FCC Compliance Analysis prepared by dBm Engineering, PC
Exhibit A-11 C.V of Jody F. DeMarco, PE
Exhibit A-12 Site Plans prepared by Advantage Engineers dated October 26, 2015, last revised August 8, 2019
Exhibit A-13 C.V. of Brian Seidel, PP/AICP
Exhibit A-14 Photo Simulations showing existing and proposed conditions prepared by Advantage Engineers
Exhibit A-15 Brick Utilities letter dated August 26, 2019
Exhibit A-16 Township Engineer Review Letter dated August 26, 2019
Exhibit A-17 Bureau of Fire Safety Review letter dated August 30, 2019
Exhibit A-18 Planner letter dated September 11, 2019
Exhibit A-19 Zoning Board Engineer letter dated September 19, 2019
Exhibit A-20 Ocean County Planning Board approval
Exhibit A-21 Structural Certification prepared by Advantage Engineers dated October 1, 2019
Exhibit A-22 Revised plans showing alternate location for cell site #1 dated October 25, 2016 and revised October 2, 2019

John Herriott, Advantage Engineering, testified to the factors that are used to select a property to install a “small cell site”

First the site must be within the search ring and then they must find a willing landlord. Mr. Herriott stated he is involved through the selection, lease, zoning and permitting phases of the process. He testified the subject site is the Brick Plaza Shopping Center shown on Exhibit A-6, and Ariel view of the property. He testified the owner of the property Federal Realty has signed the authorization letter A-4. Exhibit A-5 is the lease with Federal Realty. Mr. Herriott gave an overview of a small cell site. He said they are located as a high data usage site using existing lighting poles or traffic signals. They have small equipment cabinets.

Andrew Peterson, PE, provided his credentials as a Radio Frequency Design Expert and they were accepted by Vice Chairman Mizer. He testified that Verizon is licensed by the FCC and is required to provide reliable service to its wireless customers. He testified the proposed 800 foot radius for each antennas was typical of a small cell installation and the proposed antennas will relieve an overburdened macro network and free up space on the larger cell towers in the area. He testified the proposed antennas will not provide 5G technology at this time. Mr. Boccanfuso addressed his report dated September 19, 2019.

Jody DeMarco, P.E., Advantage Engineers, Applicant’s Special Consultant, provided his qualifications and they were accepted by the Board. He testified that the application proposed the removal and replacement of three existing light poles on the Brick Plaza site. The proposed light poles will be shorter than the

existing poles. Small site #1 will be located near the Auto Zone, #2 will be located near the Auto Image Store and #3 will be located near the Atlanta Bread store. The antenna box will be located at the top of each light pole and a 6 foot by 6 foot H-frame would be contained in a metal cabinet which will be locked at all times. The poles will look similar to the other existing poles at the Brick Plaza.

The pole located at the Auto Image Store requires a setback variance.

The required set back is 39 feet whereas the applicant is providing 19 feet 1 inch.

Maintenance will be provided once monthly, serviced by a small van.

Mr. Boccanfuso asked the height of the cabinet height and how they will protect them from vandalism.

Mr. Demarco stated the cabinet is less than 6 feet high and there will be metal locked cabinets.

Mr. Romano stated he has no concerns about the application.

Ms. Paxton asked what the cabinets will look like. Mr. DeMarco stated they will appear to be similar to an electrical panel with a meter.

Brian Seidel, PP/AICP, Seidel Planning & Design, Applicant's Planner, provided his credentials and he was accepted by the Chairman.

He described the site using Exhibit A-6-Ariel Photograph of the site and stated cell towers are permitted as a conditional use. He stated the proposal is for Small Cell site and the Township Ordinance was likely meant to regulate macro tower sites. He testified the proposed light poles will be 31 feet 2 inches and will not be highly visible by adjacent residential uses. He said there are more than 100 light poles on the site and the three poles in the application will replace three of the existing poles. There will be no detrimental impact on the zone plan or ordinance, so additional traffic, fumes, odors or inhibit traffic circulation

Mr. Mizer asked about the illumination and the applicant agreed to provide the same illumination as currently exists.

Vice Chairman Mizer opened the hearing to the public. Seeing no one, he closed the public.

Mr. Mizer gave factual findings and all members concurred.

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

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

ADJOURNMENT

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

The meeting was adjourned at 9:00 PM.

Respectfully submitted by:
Judy Fox Nelson