

A **PUBLIC** meeting of the Brick Township Board of Adjustment
Was held on Wednesday, **October 16, 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
David Chadwick
Dawn White
Mike Jamnik
Louis Sorrentino
Michele Strassheim, Alt 1

MEMBERS ABSENT

Carl Anderson

ALSO PRESENT

John Miller, 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 Ms. White and seconded by Mr. Chadwick

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

RESOLUTIONS

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**

Vice Chairman Mizer called for a motion to approve the resolution.

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

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

The motion carried and Resolution R-45-19 was adopted.

NEW BUSINESS

**BA-3148-PMS-C, D 4/19
Hooper Avenue Development, LLC
Block 548, Lot 5
Hooper Avenue**

Chairman Langer announced the above referenced application will be carried at the applicant's request to December 18, 2019

No new notice will be required unless the applicant revises the application.

**BA-3162- 7/19
Anthony DeSantis
Block 383.21, Lot 103
345 Evergreen Drive**

Anthony DeSantis, applicant was sworn. He testified he is seeking a variance to construct a 5 foot by 10 foot, new front porch on his house. The new porch will have a front yard set- back of 20.08 feet whereas 25 feet is required in the R 7.5 zone.

Mr. Romano stated he had no objection to the application.

Mr. Boccanfuso noted the porch will have a positive architectural improvement.

Chairman Langer called for public comment or questions. Seeing none, he closed the public hearing.

Mr. Chadwick provided factual findings and all members concurred with his findings.

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

Voting in favor: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Mizer, Mr. Langer, Ms. Strassheim

BA-3159- 6/19

**Joe & Joan DiTrolio
Block 45.09, Lot 30 & 30.01
263 Curtis Point Drive
Bulk Variance**

Jillian McLeer appeared on behalf of the applicants.

Exhibit A-1-Power Point Presentation pages 1-12, was marked.

Dr. DiTrolio was sworn and he testified he was seeking variance approval to replace an existing pool and deck with a new smaller pool and lower deck. The pool and deck were constructed in the 1980's and need replacement. He testified the neighbors have pools and he does not believe the new pool will be of any detriment to the neighbors. He further stated the pool will be more attractive.

Zoning Officer, Mr. Romano said he has no objection to the application. The pool is more in conformance than the existing pool.

Mr. Boccanfuso noted there are 3 variances:

The deck is proposed at 2.3 feet from the rear whereas 15 feet is required.

The building coverage is proposed at 33.8 % whereas 30% is required.

The pool set back is proposed at 12.6 feet whereas 15 feet is required.

Chairman Langer called for public comment or questions. Seeing none, he closed the public hearing.

Mr. Chadwick provided factual findings and all members concurred with his findings.

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

Voting in favor: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Mizer, Mr. Langer, Ms. Strassheim

Chairman Langer called for a brief recess at 7:57 and called the meeting back to order at 8:01 PM

BA-3158 C-6/19

Juan and Diana Betancourth

Block 192, 91, Lot 8

9 Morey Lane

Bulk Variance

John J. Jackson, Esq. and Jillian McLeer, Esq. appeared on behalf of the applicants. Juan Betancourt, applicant, was sworn.

Matthew Wilder, P.E., Morgan Engineering was sworn and his credentials to testify were accepted by the Chairman.

Exhibit A-1-Power Point Presentation pages 1-16 were marked.

Exhibit A-2- Plot Plan with markup was marked

Exhibit A-3 Floor Plan with mark up of 5 foot section

Mr. Jackson stated he and Mr. Betancourth met with the neighbors and has come to some agreements.

1. There are a series of Arborvitae (shown on slide 14 of the Power Point presentation, that the applicant agrees to eliminate as a condition of Approval Mr. Romano said a Notice of Violation has been sent out. Removal of the row will abate the violation.
2. The applicant will agree to pull back 5 feet of the corner of the addition
3. The applicant will agree to relocate the A/C condenser unit from the front yard to the rear yard.
4. There is a neighbor who objects to the Kayak Rack. The applicant will not address this item as kayak racks are not prohibited by any ordinance.

Mr. Jackson addressed the issue of a cottage on the property. He submitted a letter from Sean Kinnevy dated July 31, 2009 stated the cottage is a legal use on the property.

The applicant has applied for a D-1 variance because they are expanding a non-conforming use with the improvements to the dwelling. The house is being modernized. There is a long standing historical use of 2 dwellings on one lot.

Mr. Miller agreed that the Board should consider the use variance.

Matthew Wilder, P.E. testified to the application for multiple additions to an existing dwelling with construction of a pool. The property is 13,083 SF and had two dwellings located on the Metedeconk River,

He said there are two variances, a front yard setback for 7.5 feet whereas 25 feet is required.

There is a use variance to have two dwellings on one lot.

Mr. Wilder testified he had researched tax records, old surveys and old google maps. He said it looks like the main dwelling was built about 1940 and the cottage about 1960.

He testified there is no detrimental impact on the neighborhood since the property has existed in its current state for six decades.

He testified the permitted lot coverage is 30% and they are proposing only 22 %. The applicant is basically squaring off the existing dwelling and improving the visual appearance of an old house.

He reviewed the report prepared by Mr. Boccanfuso dated August 8, 2019.

Mr. Wilder agreed there will be no changes to the drainage, no run off to the neighbors, they will comply with the FEMA regulations and will co-ordinate with the Municipal Engineer regarding flood requirements. They agreed to get a Permit by Rule or CAFRA permit as needed. They will comply with RSIS on parking. Four spaces are required and they will provide 5 spaces.

Mr. Boccanfuso said he believes there is an additional variance for the stairs for the porch stairs. Mr. Wilder agreed.

Regarding the fencing on the property, there was a discussion about the legality. The applicant will provide copies of the permits.

Mr. Wilder will provide the Board with copies of the Title work on the alley that is shown on the current survey.

It was agreed the Board does not have jurisdiction on the fencing shown in the ROW. The applicant has building permits for the fencing. The matter must be addressed with the Zoning Department. Mr. Jackson agreed to provide updated Title work to the Township.

Ms. Paxton noted the applicant had removed the pool from the application and removed 5 feet on the deck to reduce the variances.

Chairman Langer called for public questions

Joseph Borio, 6 Morey Lane, was sworn.

Mr. Borio asked what the hardship of the application is.

Mr. Wilder explained there is an existing front yard set back

Mr. Borio asked about parking issues.

He expressed concern about fire safety.

Mr. Langer note the Board has to make sure the applicant has the required parking.

Exhibit A-4 a google earth picture of the end of the road was marked.

Sharon Borio, 6 Morey Lane, was sworn.

She asked to have the floor plan described.

Steve Priola, 4 Morey Lane, asked Mr. Betancourth if he did not do due diligence and asked why did he buy a house that would need a variance.

Mr. Betancourth responded that he did not realize where the front yard property line was.

Mr. Jackson objected.

Chairman Langer called for public comment.

Mr. Borio commented that Mr. Betancourt should have done due diligence on his property. He said he objects to the kayak rack.

Mr. Romano said the Township does not regulate Kayak racks.

Mr. Borio said he complained to the zoning officer regarding the hedges. He asked the Board to carry the matter so they could get legal represent the objectors.

Amir Gerges, 12 Morey Lane, was sworn, and he said he sees only improvements and has not objection to the application.

Jami Priola, 4 Morey Lane, was sworn. She said she appreciates the improvements. She did not like the location of the Air Conditioning Unit.

Mr. Jackson said they already agreed that the unit will be located.

She expressed concern for the trees, construction vehicles, parking in the street.

Exhibit A-5, a google view of Morey Lane from 3 Morey Lane, was marked.

Seeing no other comments, Chairman Langer closed the Public.

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

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

Voting in favor: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Mizer, Mr. Langer, Ms. Strassheim

ADJOURNMENT

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

The meeting was adjourned at 9:44 PM.

Respectfully submitted by:
Judy Fox Nelson