

A meeting of the Brick Township Planning Board
was held on **October 23, 2019** in the Municipal Building.
The meeting was called to order at 7:00 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 7:09 PM.

Chairman Cooke led the Pledge of Allegiance.

MEMBERS PRESENT

Bernard Cooke
Councilman Mummolo
Brad Clayton
JoAnne Lambusta
Kevin Aiello
Eileen Della Volle
Kevin Nugent
Richard Gross
William Philipson – Alt #1
George Osipovitch – Alt #2

MEMBERS ABSENT

Cosmo Occhiogrosso

ALSO PRESENT

Harold Hensel, Esq., Board Attorney
Bill England, P.E., ARH Associates, Board Engineer
Denise Sweet, Court Reporter
Stuart Wiser, PP/AICP, ARH Associates
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. Aiello, Mr. Gross, Ms. Della Volle, Mr. Nugent, Ms. Lambusta., Mr. Philipson, Mr. Cooke

MINUTES

Minutes- August 14, 2019

A motion to approve the Minutes was made by Councilman Mummolo and seconded by Mr. Philipson

In favor, Mr. Clayton, Councilman Mummolo, Mr. Aiello, Mr. Gross, Ms. Della Volle, Ms. Lambusta, Mr. Nugent, Mr. Philipson, Mr. Cooke

OLD BUSINESS:

RESOLUTIONS

PB 2834-MSP-CU-C-4/19
New Jersey Natural Gas Company
Block 84, Lot 14.04
255 Mantoloking Road
Minor Site Plan with Variance

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

Voting in favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Ms. Lambusta, Mr. Nugent, Mr. Aiello, Mr. Philipson, Mr. Osopovitch, Mr. Cooke

The motion passed and resolution R-37-19 was adopted

PB 2839-PSP-C-8/19
The Kamson Corporation
Block 1171, Lot 2
1568 Route 88
Preliminary Major Site Plan

A motion was made by Councilman Mummolo and seconded by Ms. Lambusta to approve the resolution.

Voting in favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Nugent, Mr. Aiello, Mr. Philipson, Mr. Osipovitch, Mr. Cooke

The motion passed and resolution R-38-19 was adopted

NEW BUSINESS:

**ABR-272-8/19 Playa Bowls, LLC
Block 646.02, Lot 1
645-655 Mantoloking Road
Abridged Site Plan**

Anthony Rosenthal, Esq. appeared on behalf of the applicant. They are seeking abridged site plan approval for an addition under 1,000 SF to install a menu board for the existing drive thru.

Stuart Wiser, Planner, filling in for Ms. Paxton reviewed the report prepared by Ms. Paxton. He noted there was a report from Bureau of Fire Safety with no comment.

A motion to approve the abridged site plan was made by Mr. Aiello and seconded by Councilman Mummolo.

Voting in favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Nugent, Ms. Lambusta, Ms. Della Volle, Mr. Aiello, Mr. Philipson, Mr. Osipovitch, Mr. Cooke

**PB-2837-MS-C-6/19-71 Princeton Avenue, LLC/Cara Malek
Block 672.01, Lot 1
71 Princeton Avenue
Minor Subdivision with Variance**

John Paul Doyle, Esq. appeared on behalf of the applicant.

He referred to Mr. Wiser who gave a review of the Planning Report prepared by Ms. Paxton and dated October 9, 2019. He noted there is a violation on the site for tree clearing.

Mr. Doyle described the application for a two lot minor subdivision on the corner of Princeton Avenue and Callaghan Road. Mr. Doyle noted the applicant had removed trees without a permit. Most of the trees would have been removed for the construction of the new home should the application be approved. They were requesting the Board consider the application for tree removal together with the application for the minor subdivision.

Mr. Hensel advised the Board it could decide not to hear the application until the violation was corrected. He advised Chairman Cooke to poll the Board on whether they would hear the matter.

Chairman Cooke called for a straw poll and all agreed to hear the application.

Frank Baer, PE, PP, was sworn and his qualifications to testify as engineer and planner for the applicant were accepted by the Chairman.

Exhibit A-1- Development Plan revised October 23, 2019 was marked
Exhibit A-2-Minor Subdivision Plan revised October, 23, 2019 was marked

Mr. Baer testified to the location of the proposed minor subdivision for two conforming lots. There is no house plan at this time. Callaghan is a 40 foot right of way where a 50 foot ROW is required. They propose a 5 foot road dedication easement. He testified the application will be fully compliant with the exception of the front yard setback which is an existing condition for the dwelling. He noted there is curbing on Princeton Avenue and they will agree to install sidewalks on Princeton Avenue, but seek a waiver on Callaghan and will pay into the Pedestrian Safety fund as required. He further testified the applicant will provide 5 street trees on Callaghan and 7 additional shade trees on the property.

Mr. Baer addressed the comments in the ARH letter dated August 20, 2019. He addressed the drainage and agreed to show the roof recharge drains on the plan. Mr. Baer addressed the comments in the report from Ms. Paxton dated October 9, 2019 and he agreed to work with her on the tree planting plan. He agreed to a 5 foot wide easement for a road widening dedication on Callaghan Road. He testified they have County approval. They will get all county permits.

Chairman Cooke noted the following reports to be included in the record:

1. Bureau of Fire Safety dated 7/24/19- accepted
2. Township Engineer dated 9/6/19 –re ROW width

Chairman Cooke called comments or questions from the public. Seeing none, he closed the public.

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

Voting in favor: Mr. Clayton, Councilman Mummolo, Ms. Lambusta, Ms. Della Volle, Mr. Gross, Mr. Nugent, Mr. Aiello, Mr. Philipson, Mr. Osipovitch, Mr. Cooke

PB-2836-MS-C-6/19
James and Terry Lacey
Block 870, Lot 31.05 & 31.06
113-117 Elizabeth Avenue
Minor Subdivision with variance

John J. Jackson, Esq. appeared on behalf of the applicant. The applicant is seeking approval to subdivide two lots into three by eliminating lot lines and create new lot lines. The property is located at Elizabeth Avenue and Brushy Neck Dr. An old house will be demolished.

Exhibit A-1-Power Point Presentation, pages 1-13 was marked.

John J. Walsh, PE, PP, T & M Associates, Butler, NJ engineer for the applicants was sworn and his credentials to testify were accepted by the Chairman.

Exhibit A-2 Rendering of the lot lines was marked

Exhibit A-3 Highlighted area of BTMUA service-sheet 3 of 3

Exhibit A-4 Ariel photograph of the site

Mr. Walsh testified the property is located in the R-10 zone and the lots exceed the required bulk area. He testified the neighborhood is rural country setting with a nine foot driveway. They cannot provide a 50 foot right of way. They are seeking a variance for the lack of proper road width.

They are asking for a waiver of providing curbs and sidewalks as there are none in the area. The parcel has double frontage from Elizabeth and Brushy Neck. They are seeking a variance for accessory uses in the front yard such as a swimming pool or shed due to the double frontage.

Mr. Walsh testified regarding the Bureau of Fire Safety report dated July 16, 2019. He noted that the BFS requested full road improvements on Elizabeth Avenue. He said there is not enough land to construct road improvements and the applicants do not own to the end so it cannot make a turn around. He asked for a waiver on the tree ordinance as they will work with the Township to save appropriate trees. He testified fire equipment can get in and they will provide an emergency fire gate onto Brushy Neck. They agreed to post a note on the plan that all storm water will be managed on site. He agreed that they will provide a note that the houses will not be cookie cutter designs.

Mr. England requested the applicants coordinate with the Fire Marshal concerning the emergency gate. The applicant agreed there will be no construction in the MUA easement.

Mr. Wisner requested the applicant agree to a 15 foot set back from Brush Neck for the variance relief to have accessory uses in the front yard. The applicant agreed.

Chairman Cooke opened the hearing to the public.

Lisa Dimino, 226 Princeton Ave, was sworn. She said she was concerned about flooding as the result of new construction. Mr. Walsh testified all storm water will be retained on the property.

Michele Lomeyer, 123 Elizabeth Avenue, was sworn. She said she did not want to have Elizabeth Avenue widened.

Rahmin Ghaffari, 238 Princeton Avenue, was sworn. He asked about access of the property from Brushy Neck

Richard Rippon, 234 Princeton Avenue, was sworn. He said he felt the application was overdevelopment.

Edith Tobia, 230 Princeton Avenue, was sworn. She asked for further information about the restrictions on the easement.

Chairman Cooke closed the public.

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

Voting in favor: Mr. Clayton, Councilman Mummolo, Ms. Lambusta, Ms. Della Volle, Mr. Gross, Mr. Nugent, Mr. Aiello, Mr. Philipson, Mr. Osopovitch, Mr. Cooke

Chairman Cooke called for a brief recess at 9:00 PM. He called the meeting back to order at 9:18 PM.

PB- 2828-A-FSP-C-9/17 Home Depot, USA, Inc
Block 1170, Lot 5
1722 Route 88
Amended Final Site Plan

John A. Giunco, Esq., appeared on behalf of the applicant. Mr. Giunco gave a brief overview of the application. The applicant is seeking amended final site plan approval for the outdoor display area. They are making a more orderly site with defined areas for seasonal merchandise. They do need a variance for the reduction in parking spaces.

Richard Procanik, P.E., Greenberg Farrow, engineer for the applicant was sworn and his credentials to testify as Chairman were accepted by the Chairman.

Mr. Procanik testified to the location and existing conditions on the Home Depot site.

Exhibit A-1, 00192-Proposed Outdoor Exhibits, a 5 page exhibit showing the proposed outdoor sales areas. Eight areas are to be improved in the plan. The expansion of the outdoor display areas will result in a reduction of parking spaces. The ordinance requires 636 parking spaces. This number was reduced by previous variances to 549 spaces. With the proposed plan for outdoor display areas, this will be reduced to 456 spaces. The proposal requires no new lot coverage, but they need a lumber staging area where the lumber will be delivered and sorted for placement inside the store. He further testified all product will be bagged.

In addition to the variance for deficient parking spaces, a variance for outdoor sales and storage is required and a variance for outdoor sales and storage in parking areas.

Exhibit A-2, EX-01, showing the specific areas and details of the garden center with additional striping per BFS, was marked. Additional striping for pedestrian safety is also being proposed. He stated they will comply with the Bureau of Fire Safety Report dated August 30, 2019.

Exhibit A-3, modified landscape plan was marked. The plan addresses additional buffer requirements from the back of the store to Allaire Road.

Mr. Procanik testified the applicant can agree with all of the comments in the ARH report dated June 20, 2019. He stated the applicant has depicted the additional striping as required by the Bureau of Fire Safety.

Chairman Cooke noted the report of the Municipal Engineer dated August 30, 2019 had no comment.

Jay Troutman, PE, traffic expert, McDonough & Rea Associates, was sworn. He testified that a study of the parking was done by his firm. The peak number of parking was 260 in the study and determined that at the peak season for the store was 350. They have 100 plus extra spaces in the peak season (April, May, June).

Christine Nazzaro Cofone, PP, was sworn and her qualifications to testify as planner were accepted by Chairman Cooke.

She testified the variances should be granted as subparagraphs a, b, c, d, and g would be advanced by granting the variance and there is no detriment to the zone or the zone

Chairman Cooke called for comments or questions from the public, seeing none, he closed the public.

A motion to approve the application was made by Councilman Mummolo and seconded by Ms. Lambusta.

Voting in favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Ms. Lambusta, Mr. Nugent, Ms. Della Volle, Mr. Aiello, Mr. Philipson, Mr. Cooke

A motion to adjourn was made at 9:55 PM.

Respectfully submitted by:

Judy Fox Nelson