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July 10, 2020

Ms. Pamela O'Neill
Secretary of the Board of Adjustment
Township of Brick
Brick Municipal Building
401 Chambers Bridge Road
Brick, NJ 08723

Re: BA-3189-LOMBARDI RESIDENTIAL LLC
Conditional objection of nearby property owner to the proposed construction project:
Applicant: Lombardi Residential, LLC
Application: For Preliminary and Final Major Site plan approval and seeking variance relief
Property Address: 406 Mantoloking Road, Brick, New Jersey
Tax Map Lot Nos. 1, 2, 3, 4, and 5; Block 106
Public Meeting: Wednesday, July 15, 2020 at 7:00 PM EST via Zoom connection

Dear Ms. O'Neill,

This letter is submitted on behalf of Doreen A. DeStefano, the sole fee simple owner of property commonly known as 25 North Raleigh Road, Brick, New Jersey (being known and designated as Lot Nos. 13 and 13.01, Block 106, Township of Brick, County of Ocean). Said property is one of three residential properties located at the northern terminus of North Raleigh Road. I am Ms. DeStefano's husband, and she has requested my representation as her legal counsel in this matter.

My client is in receipt of the Public Notice prepared by John J. Jackson, III, Esquire, attorney for the Applicant, Lombardi Residential, LLC, which has applied to the Brick Township Zoning Board of Adjustment for Preliminary and Final Major Site Plan Approval and associated "D" use variance and "C" bulk variance relief in connection with the proposed construction of three 2-story, 3-bedroom townhouse units on the above captioned property, while leaving intact the existing office and warehouse space owned by the Applicant also located on said property.

When considering whether to grant an application for "C" bulk variance relief, which is necessary to make use of property exceeding the maximum bulk permitted by a municipality's zoning and code ordinances, the applicant must demonstrate to the satisfaction of the Board of Adjustment Board that he/she will suffer a "hardship" relating to the physical or topographical limitations of his/her property if the variance is not granted.

In addition to proving "hardship," the applicant must also satisfy the "negative criteria" test, which requires showing (i) that the variance can be granted without causing substantial detriment to the public good, and (ii) that the granting of a variance will not substantially impair the intent and purpose of the municipal zoning plan and ordinance. See N.J.S.A. 40:55D-70 and *Medici v. BPR Co.*, 107 N.J. 1, 4, 21 (1987).

The relevant statute embodying the definition of “negative criteria” [N.J.S.A. 40:55D-70(d)] states:

“No variance or other relief may be granted under the terms of this section, including a variance or other relief involving an inherently beneficial use, without a showing that such variance or other relief can be granted without substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan and zoning ordinance.”

When considering whether to grant an application for one or more of the “D” use variances, a Board of Adjustment may consider allowing non-permitted uses and/or non-permitted principal structures “in particular cases and for special reasons” [see N.J.S.A. 40:55D-70(1)]. These are referred to as the “positive criteria” of a “D” use variance.

New Jersey courts have held that the promotion of the general welfare is the zoning purpose that most clearly exemplifies the meaning of “special reasons.” *Medici v. BPR Co.*, 107 N.J. 1 (1987). Moreover, certain uses are deemed “inherently beneficial,” which essentially means that the use per se promotes the general welfare (e.g., hospitals, schools, child care centers). The benefit to the general welfare from a use that is not inherently beneficial, however, derives not from the use itself, but from the development of a site in the community that is particularly suited for the proposed use.

Thus, for use variance applications in connection with projects that are not inherently beneficial, such as that which the current Applicant proposes, the standard employed by the Board of Adjustment to determine whether special reasons have been proven is whether the proposed use will promote the general welfare and whether the development of the property is particularly suited for the proposed use. In establishing that a site is particularly suited for a proposed use, it is not necessary for the applicant to demonstrate that there are no viable alternative locations for the project. See *Price v. Himeji*, 214 N.J. 263, 292-293 (2013).

Importantly, however, as an additional limitation and condition to granting a “D” use variance, the “negative criteria” discussed above must also be satisfied. That is, the applicant must clearly demonstrate (i) that the variance can be granted without causing substantial detriment to the public good, including consideration of any detrimental impact on the neighborhood, and (ii) that the granting of a variance will not substantially impair the intent and purpose of the municipal zoning plan and ordinance.

Another way for an applicant to show that “special reasons” exist is by demonstrating the applicant will suffer “undue hardship” if compelled to use the property in conformity with the permitted uses in the zone. This is not the same as the hardship standard for a “C” bulk variance, and is a much harder standard to satisfy. The “undue hardship” for a “D” variance involves showing that the property cannot reasonably be adapted to a conforming use. A situation that exemplifies this higher standard of “undue hardship” is when an area is zoned exclusively for outdated uses, such as a downtown main street zoned for residential uses. However, the New Jersey courts have clearly opined that an inability to make the most profit is not a sufficient reason to justify a “D” variance based on “undue hardship” circumstances.

Regardless of whether the current Applicant seeks a c(1), c(2), or one or more of the six types of “D” use variances, the ultimate burden falls on the Applicant to prove to the satisfaction of the Board (i) that the relief sought can be granted without consequent substantial detriment to the public good, and (ii) that such relief will not substantially impair the intent and purpose of the zone plan and zoning ordinance. New Jersey courts have consistently adhered to a standard that when measuring “substantial detriment to the public good,” a principal focus of analysis must include the impact on nearby properties of granting the variances. Thus, the law places a heavy burden and responsibility on the Board of Adjustment to determine whether the variances sought can be allowed without causing substantial detriment to the surrounding properties.

When determining whether “C” bulk variances or “D” use variances, if allowed, will result in substantial detriment to a neighborhood, among the issues considered – and those most relevant to my client – include:

- Will granting the variance have the potential to adversely impact the health, safety and welfare of the neighborhood or community?
- Will granting the variance produce an undesirable change to the character of the neighborhood?
- Will granting the variance adversely affect the physical or environmental conditions in the neighborhood?

Objection to Application

My client does not object to allowing use of all or part of the Applicant’s property for residential purposes, nor does she necessarily object to the specific residential use proposed by the Applicant. The basis of her objection lies in the strong likelihood that granting the Applicant’s variances, without imposing certain conditions to protect the health, safety, and welfare of nearby residents, as detailed below, will result in an increased risk of personal injury and property loss or damage to such residents, and more particularly, to those property owners whose homes abut the right-of-way known as North Raleigh Road.

My client’s objection to the Applicant’s proposed Preliminary Site Plan lies in the reality that North Raleigh Road is simply not wide enough to safely support the proposed development, particularly if **on-street parking** is permitted to service the existing office/warehouse and proposed three townhouse units. Allowing on-street parking will leave minimal width clearance for many types of vehicles, including not only mail delivery trucks and sanitation collection trucks, but more critically, for emergency vehicles, including ambulances, fire trucks, and law enforcement vehicles, to pass safely – or pass at all – along North Raleigh Road.

Although other roads in Brick Township are relatively narrow and do not conform to the “New Jersey Residential Site Improvement Standards” (N.J.A.C. 5:21 et seq.) (RSIS), based on my inspection of the Brick Township Tax Maps, North Raleigh Road is among the narrowest.

The current Tax Map of the Township of Brick shows said right-of-way to be 20 feet wide along its entire length. Please refer to the two PDFs labeled “**Exhibit A1** - Brick Township Tax Map Excerpt Showing 406 Mantoloking Road and North Raleigh Road” and “**Exhibit A2** - Brick Township Tax Map Excerpt Showing 406 Mantoloking Road and North Raleigh Road.” In fact, the width of the currently improved (i.e., paved) right-of-way of North Raleigh Road is not uniformly twenty feet wide. At the request of my client, I measured the width of the paved portion of North Raleigh Road at various points, starting where North Raleigh Road intersects with Mantoloking Road, and running to its northerly terminus. The paved portion of the road varies considerably, generally narrowing from south to north. The paved area of roadway ranges from as wide as 21’ 8” near Mantoloking Road, to as narrow as 12’ 9” near its northerly terminus.

According to Mr. Kevin C. Batzel, Bureau Chief/Fire Marshall for the Brick Township Bureau of Fire Safety, in his letter to the Board of Adjustment dated February 3, 2020, “Current North Raleigh Road is only an 18’ wide paved area.” And although I am reluctant to open a proverbial “can of worms,” Mr. Brian Boccannuso, PE, CFM, with the Office of the Zoning Board Engineer, in his report dated June 15, 2020 to the Board of Adjustment, correctly questions the legal status of North Raleigh Road as a public right-of-way or private easement for ingress and egress. At Paragraph (9)(b) at page 6 of his aforementioned letter dated June 15, 2020, Mr. Boccannuso states:

“The Site Plan indicates that North Raleigh Road is a “20-foot wide access easement,” whereas the Tax Maps appear to indicate that same is a right-of-way. The Applicant should clarify, and identify the party that is responsible for the ownership and maintenance of this roadway.”

I do have personal knowledge of the state of title to North Raleigh Road, and quite frankly, its status is ambiguous. Technically, legally, the origin of North Raleigh Road was as a private easement for ingress and egress serving the owners of properties abutting same. In connection with a legal project I conducted for my client about 10 years ago, it was necessary for me to perform title searches of several lots abutting North Raleigh Road. In each of the deeds by which their predecessors in title acquired their ownership interests, access to what is now known as Mantoloking Road (formerly “Cedar Bridge – Adamston Road”) was by a 20 foot wide private easement abutting their westerly property lines and running southerly to same.

However, a cogent case can be made that North Raleigh Road has, through continuous public use for at least 20 years, become a public right-of-way. As is well-established, public roads are generally created by one of the following methods:

1. Depiction on filed map [see *Trustees of M.E. Church of Hoboken v. Mayor & Council of the City of Hoboken*, 33 N.J.L. 13 (Sup. Ct. 1868)].
2. Continuous public use for (at least) 20 years [see *Wood v. Hurd*, 34 N.J.L. 87 (Sup. Ct. 1869)].
3. Express grant (deed of dedication) [see *George Van Tassel's Inc. v. Town of Bloomfield*, 8 N.J. Super. 524 (Ch. Div. 1950)].
4. Laying out or condemnation per statute [see N.J.S.A. 20:3-1 et seq., and *Kligman v. Lautman*, 53 N.J. 517 (1969)].

Although Items 1, 3, and 4 have not served to establish North Raleigh Road as a public right-of-way, if tested in a Court of competent jurisdiction, Item No. 2 is arguably applicable.

And although, as in the instant circumstance, it is sometimes unclear whether a particular street is being treated by the municipality as a public street [see *Barile v. City of Port Republic*, 186 N.J. Super. 587 (L. Div. 1982); *Velasco v. Goldman Builders*, 93 N.J. Super. 123 (App. Div. 1966)], the following types of municipal conduct tend to show that a street is public (although these factors are not necessarily wholly dispositive of the issue):

1. Adoption of resolution approving subdivision and subdivision map on which street is depicted.
2. Depiction of street on tax assessment map or old atlases.
3. Letter from municipal engineer, municipal clerk, or municipal attorney.
4. Adoption of an official map (as distinguished from the tax assessment map).
5. Maintenance and repair by municipal employees.
6. Deeds of dedication or other instruments of record.

Item Nos. 2 and 5 are clearly applicable, though Item Nos. 1, 3, 4, and 6 are not.

I believe there exists sufficient evidence to support the claim that North Raleigh Road is now a public right-of-way, however, that is my own viewpoint. A different homeowner along North Raleigh Road could conceivably challenge the municipality’s authority to grant access to the three townhouses via said road without also obtaining the express consent of the homeowners whose deeds clearly granted them the use of what was at one time a private easement that came to be known as “North Raleigh Road.” Nevertheless, I will proceed under the presumption that North Raleigh Road has evolved into a public right-of-way, though as noted by Mr. Boccanfuso, and in my own inelegant words, it is not a “slam dunk.”

Running inside and along the westerly right-of-way line of North Raleigh Road for most of its length lies a grass buffer ranging in width from approximately 2' 6" to 3' 4." Please see the photographs of said grass buffer as shown in the two PDFs labeled "**Exhibit B1** - North Raleigh Road (looking south) - Grass Buffer Along Sideline" and "**Exhibit B2** - North Raleigh Road (looking south) - Grass Buffer Along Sideline."

The Preliminary Site Plan submitted by Applicant proposes to remove said grass buffer, and pave North Raleigh Road all the way to its westerly sideline. Concurrently, Applicant proposes to install sidewalks and curbs inside and along the westerly property line of Applicant's property, which sidewalks and curbs will run inside and along the easterly right-of-way line of North Raleigh Road, including outside the western exterior wall of the Applicant's existing office/warehouse.

Currently abutting the western exterior wall of Applicant's office/warehouse are a short concrete strip and a railroad tie planter containing shrubbery. Said concrete strip and railroad tie planter are shown in the attached PDF labeled "**Exhibit C** - North Raleigh Road (looking south) Showing Westerly Wall of Existing Office-Warehouse." It appears on the proposed Preliminary Site Plan that the four foot wide sidewalk and curbs proposed by Applicant to run inside and along the easterly sideline of this section of North Raleigh Road shall extend westerly from the western edge of said railroad tie planter. Please note that on the planter's northerly side, the outer edge of said planter already extends 37" westerly from the western exterior wall of Applicant's office/warehouse, and on the planter's southerly side, the outer edge of said planter extends 36" westerly.

As noted above, the paved portion of North Raleigh Road near its intersection with Mantoloking Road (in proximity to the western exterior wall of Applicant's office/warehouse) is approximately 21' 8" wide. Also as noted above, the grass buffer running inside and along the westerly right-of-way line of North Raleigh Road is approximately three feet wide. Allowing the Applicant to replace the three foot wide grass buffer with paved roadway, and install curbs and sidewalks that extend four feet westerly from the western edge of the aforementioned railroad tie planter, will eliminate one foot of paved roadway width from an already exceptionally narrow and barely traversable roadway.

In addition, applicant proposes to construct three 2-story, 3-bedroom townhouse units, leaving the Applicant's existing office/warehouse intact. Applicant seeks a variance to reduce the required number of parking spaces to service the contractor's office/warehouse from 17 spaces to 13 spaces. Applicant also seeks a variance to reduce the minimum parking space width of ten (10) feet to nine (9) feet. The Preliminary Site Plan shows that the proposed townhouse units will include a garage, however, it does not indicate how many vehicles can be accommodated by the proposed driveways servicing each townhouse unit.

Again directing the Board's attention to Mr. Brian Boccanfuso's report to the Board of Adjustment dated June 15, 2020, at page 6, Paragraph (9)(f) therein, Mr. Boccanfuso states, in part:

"The proposed driveways [servicing the townhouse units] have dimensions sufficient to provide two (2) RSIS-compliant parking spaces for each townhouse unit, and a garage is also proposed, but as noted above, **it is unclear whether the dimensions of the garage are sufficient to provide an additional RSIS compliant parking space.** (emphasis added)

Nevertheless, presuming the proposed townhouse garages are RSIS-compliant (and this should be clarified by the Applicant), thus providing each townhouse with three off-street parking spaces, it is not unreasonable to expect that at various times, and not infrequently, one or more of the townhouse owners will require additional parking spaces for the use of guests, invitees, licensees, and tenants.

Where, then, will “spillover” vehicles park when the driveways accommodating the townhouses, and the parking lot servicing the office/warehouse, are fully occupied? Likely, the drivers of such vehicles will park on the street within the right-of-way of North Raleigh Road.

My client encourages the members of the Board of Adjustment to undertake a site visit to gauge for themselves the hazards created by on-street parking along even one side of North Raleigh Road. A standard size sedan will have difficulty navigating past such parked vehicles, while emergency vehicles, mail delivery trucks, sanitation collection trucks, and other larger vehicles may find it impossible to pass vehicles parked on-street in an attempt to reach residents whose homes abut North Raleigh Road north of the Applicant’s proposed development. Although a site visit is requested, I have attached several photos that may help the Board envision the narrow width of North Raleigh Road with vehicles parked along one side of same. Please see the PDF labeled “**Exhibit D** - Five Photos Showing North Raleigh Road as Partially Obstructed.”

The vehicles shown in the photographs parked along North Raleigh Road west of the Applicant’s office/warehouse belong to my client. The purpose of these photos is to illustrate the substantial reduction in vehicular width clearance when one or more vehicles park along one side of the improved roadway. And this is **before** the improved roadway of the southerly end of North Raleigh Road would be reduced by an additional one foot in the event the Applicant is permitted to install a four foot wide sidewalk and curbs inside and along the easterly sideline of North Raleigh Road outside the western edge of the planter abutting the exterior wall of Applicant’s existing office/warehouse.

Mr. Kevin C. Batzel notes in his aforementioned report to the Board of Adjustment dated February 3, 2020, “...North Raleigh Road is a long dead-end street with numerous residential structures which is extremely narrow and will allow only one vehicle to travel at a time down said road.” Moreover, Mr. Batzel “recommends increasing road width in area of subdivision/improvements to Township standards.”

My client and I do not personally know every resident along North Raleigh Road, but we do know that residing toward the northerly portion of said road are a special needs adult, an elderly couple both of whom are afflicted with chronic heart disease, a Point Pleasant police officer, a Brick Township police dispatcher, and a hospital nurse on call 24 hours a day, seven days a week. It is not difficult to imagine circumstances under which any of these residents might require unobstructed ingress by an emergency vehicle or unimpeded egress to Mantoloking Road along North Raleigh Road.

Importantly, the Brick Township Police Department recognizes the heightened risks to public safety caused by on-street parking of vehicles along North Raleigh Road, acknowledging that said road is ill-suited to accommodate the passage of larger emergency vehicles. Shortly before a recent municipal road repaving project was begun, which included repaving North Raleigh Road, the Brick Township Police Department sent a letter to all homeowners along North Raleigh Road reminding them of the hazards created by parking vehicles on either side of said street. Please see the PDF labeled “**Exhibit E** - Letter to Residents of North Raleigh Road from Brick Township Police Department in Advance of Paving Project.” As noted in said letter, according to RSIS, the current width of North Raleigh Road does not safely support on-street parking.

In fact, the potential risk to public safety of granting the variances sought by the Applicant without requiring that the Applicant amend its Preliminary and Final Major Site Plan to incorporate specific measures to eliminate the potential safety risks to residents of North Raleigh Road – and particularly, those hazards created by impeding passage along North Raleigh Road with parked vehicles – may well result in the creation of a “**dangerous condition**” as defined by N.J.S.A. 59:4-2 (Title 59 – Claims Against Public Entities, Section 59:4-2 – Liability Generally).

N.J.S.A. 59:4-2 provides, in part, that a public entity will not be liable for injuries arising from a dangerous condition on public property unless the “public entity had **actual or constructive notice** of the dangerous condition under section 59:4-3 **a sufficient time prior to the injury** to have taken measures to protect against the dangerous condition.” (emphasis added). It is reasonable to suggest that receiving actual notice during the preliminary site plan approval phase of a proposed development affords the municipality “sufficient time prior to the injury” to require the developer to undertake “measures to protect against the dangerous condition.”

Proposed Alternative Solutions

My client offers several recommendations for the consideration of the Board of Adjustment that may enable the Board to conditionally approve the project and conditionally grant some or all of the variances sought by the Applicant. These proposed conditions seek to reduce or eliminate the risks to public safety detailed above which, if unresolved, will likely result in substantial detriment to the public good. The recommendations are mostly general in nature, and my client defers to the wisdom and experience of the Board in determining whether and to what extent they may be implemented to promote the interests of public safety as applies to the residents of North Raleigh Road.

1. North Raleigh Road runs approximately 550 feet northerly from its intersection with Mantoloking Road. One potential solution is to widen a portion of North Raleigh Road to a minimum of 33 feet, and more particularly, widen the first 450 feet of North Raleigh Road running from Mantoloking Road. Widened to a minimum of 33 feet for most of its length, North Raleigh Road could accommodate on-street parking along one side of the portion so widened. The additional 100 foot length of North Raleigh Road beyond the widened portion would remain narrow, and “No Parking” signs would be posted along that portion of said road in accordance with municipal signage regulations. This approach to eliminating the substantial detriment to public safety would entail significant cost to the municipality due to the necessity of condemning a portion of the privately owned properties abutting that portion of North Raleigh Road widened to a minimum of 33 feet, and due to relocating utility poles and wires.

2. Require as a condition to approving the Applicant’s Final Site Plan and associated variance requests, that an express deed restriction be included (i) in each of the deeds conveying title to the townhouse lots from the developer to the purchasers thereof, and (ii) in a special Deed Restriction encumbering only the office/warehouse lot, which restriction prohibits any owner, or any tenant, guest, invitee, or licensee of any owner, of said townhouse lots and of said office/warehouse, from on-street parking along either side of North Raleigh Road. Such a deed restriction would run with the land and inure to the benefit of all property owners abutting North Raleigh Road. This proposed solution presupposes that the developer intends to sell each of the townhouse units to bona fide purchasers, rather than retain ownership of all or some of the townhouse units for rental purposes. This solution does not, unfortunately, deter the current owners of lots abutting North Raleigh Road, or their tenants, guests, invitees, or licensees from parking on-street. Moreover, enforcement of such a deed restriction would likely be costly and cumbersome.

3. Do not widen any part of North Raleigh Road, but instead, install “No Parking” signage along the full length of North Raleigh Road at its current width in accordance with Brick Township’s signage regulations. Though not the most aesthetically pleasing solution to promoting the interests of public safety, this is perhaps the most effective, least costly, and most expeditious approach to preventing the obstruction of North Raleigh Road by vehicles parked on-street, and assuring unimpeded ingress to and egress from properties abutting North Raleigh Road by emergency vehicles, fire trucks, sanitation collection trucks, and other large vehicles.

Additional Questions and Concerns

In addition to the foregoing objections to the Applicant's Preliminary and Final Major Site Plan application and assorted variance relief requests, my client requests additional information from the Applicant regarding the scope and nature of the proposed development, and has also raised several concerns regarding same.

a. In the event the Board of Adjustment effectively addresses the safety risks to residents whose homes abut North Raleigh Road caused by an increase in on-street parking along a (probable) public right-of-way clearly intended not to support on-street parking, as well as any other concerns or objections raised by the Board or by other homeowners in the surrounding neighborhood, and then approves the proposed building project and one or more of the variances sought by the Applicant subject to appropriate conditions, how does the Applicant intend to address the temporary safety risks to residents along North Raleigh Road and other right-of-ways in the immediate vicinity of the subject property throughout the construction phase? Certainly, large construction equipment should not block, even partially, the already narrow roadway of North Raleigh Road. What specific protocols and procedures does the Applicant propose to employ in order to minimize or eliminate the safety risks caused by large construction equipment impeding the free flow of traffic along North Raleigh Road, which, together with Mantoloking Road, are the two public right-of-ways directly abutting the Applicant's property?

Relevant to my client's question is the report of Sergeant Keith Donnelly to the Board of Adjustment (undated) wherein he raises the following concern:

“2) Construction equipment entering and exiting the property of North Raleigh Road, creating a hazard to vehicles and pedestrians on Mantoloking Road and those residing on North Raleigh Road.”

b. The third paragraph on the first page of Mr. Jackson's Public Notice states, “Minimum setback for identification monument sign of 5 ft is required, whereas 0 ft is proposed; and Freestanding monument sign perpendicular to ROW is required, whereas it is not proposed.” Please provide full disclosure as to the size, location, and content of the aforementioned “monument sign” for which the Applicant requests a 0 foot setback.

c. My client has expressed serious concerns about the impact of the proposed development on what is already a nonexistent stormwater management infrastructure servicing North Raleigh Road. In truth, the ponding of water at various points along North Raleigh Road has been a chronic problem that has never been properly addressed. Please see the PDF labeled “**Exhibit F** – Three Photos Evidencing Nonexistent Stormwater Management Along North Raleigh Road.” These photographs were taken prior to the recent repaving of North Raleigh Road, however, similar ponding continues to plague the cartway even after the repaving project.

Referring again to Mr. Boccanfuso's comprehensive report dated June 15, 2020, at Paragraph (10) (Stormwater Management & Utilities), Subparagraph (f) therein (pages 7 – 8), he states:

“It appears that the stormwater management improvements in the northerly/residential portion of the project are designed such that a potential overflow of the system will surcharge the proposed “type ‘A’ bubbler inlet” along the northwesterly North Raleigh Road edge of pavement, creating an area of ponding water that would extend across the entire cartway before spilling out to the north. The Applicant should clarify whether this system can be connected to any existing drainage system in the area to provide a positive outfall ...”

Any development along North Raleigh Road that facilitates the pooling of stormwater in the cartway will exacerbate already hazardous flooding conditions that occur after any significant rainfall. The first and second photographs of Exhibit F depict North Raleigh Road near the northerly boundary of where the Applicant proposes to construct the three townhouses. Apparent from the photos, the North Raleigh Road cartway can ill afford to sustain the collection of additional stormwater, particularly at the location of the proposed construction.

At Paragraph 11 (Grading), Subparagraph (b) at page 9 of his report to the Board, Mr. Boccanfuso also recognizes the impact that Applicant's development could have on surface drainage along North Raleigh Road north of the proposed townhouses:

“Additional existing grading information should be provided along North Raleigh Road to the north, extending at least fifty (50) feet beyond the limit of disturbance and along the frontage of the properties on either side of the roadway, to demonstrate the topographic conditions and surface drainage patterns to the north.”

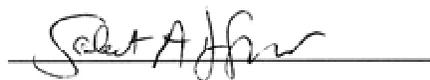
My client proposes that such a study extend well beyond fifty (50) feet north of the proposed development, in fact, to the northern terminus of North Raleigh Road. The third photograph of Exhibit F, taken near the northern terminus of North Raleigh Road looking south, shows several stormwater pools that occur after all major rainstorms. Increased stormwater runoff caused by development along the southerly portion of North Raleigh Road may worsen the pooling problems common at the northerly portion of North Raleigh Road, particularly because the topography of North Raleigh Road – falling in elevation from south to north – promotes the flow of water toward the northerly terminus of North Raleigh Road.

* * *

I greatly appreciate the time and consideration of each and every member of the Brick Township Board of Adjustment. My experience with Municipal Land Use Law is limited, which is why I am especially appreciative of the assistance provided to me by **Ms. Pamela O'Neill**, Planning Board Secretary, in helping me navigate the process and procedures for submitting the within objection and supporting exhibits.

Please do not hesitate to call or email me with any questions you may have pertaining to the foregoing matters.

Respectfully submitted,



Salvatore A. DeStefano
Attorney at Law