A **PUBLIC** meeting of the Brick Township Board of Adjustment

Was held on Wednesday**, January 15, 2020** at Brick Township Municipal Building

401 Chambers Bridge Road.

The meeting was called to order at 7:00 PM.

Tara Paxton, Administrative Officer called the meeting to order. She 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.

Ms. Paxton read a statement from the Insurance Company on proper meeting conduct.

The Roll was called

**MEMBERS PRESENT**

Harvey Langer

David Chadwick

Dawn Marie White

Louis Sorrentino

Carl Anderson

Mike Jamnik

Michele Strassheim, Alt 1

Darren Caffery, Alt 2

**MEMBERS ABSENT**

Frank Mizer

**ALSO PRESENT**

John P. Miller, Esq.

Brian Bocanfusco, PE, CME Engineering

Tara Paxton, AICP/PP, Municipal Planner

Christopher Romano, Zoning Officer

Denise Sweet, Court Reporter

Pamela O’Neill, Secretary

The Board Professionals were sworn

**RE-ORGANIZATION**

Ms. Paxton called for nominations for Chairman.

A motion was made by Ms. White and seconded Mr. Anderson to nominate Harvey Langer as Chairman.

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Caffrey

The motion passed and Ms. Paxton gave the gavel to Chairman Langer.

Chairman Langer called for nominations for Vice-Chairman.

A motion was made by Mr. Sorrentino and seconded by Mr. Jamnik to nominate Mr. Mizer as Vice Chairman.

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Caffrey, Mr. Langer

Chairman Langer called for nominations for Secretary of the Board.

A motion was made by Ms. Strassheim and seconded by Mr. Chadwick to nominate Pamela O’Neill.

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Anderson, Mr. Sorrentino, Ms. Strassheim, Mr. Caffrey, Mr. Langer

The motion carried and Resolution R-1-2020 was adopted.

Chairman Langer announced the schedule will be corrected to show the November 9, 2020 meeting will be held on a Monday.

A motion was made by Ms. White and seconded by Mr. Sorrentino to adopt the 2020 Meeting Schedule

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Caffrey, Mr. Langer

The motion carried and Resolution R-5-2020 was adopted

Chairman Langer called for a motion to appoint the Board of Adjustment Attorney.

A motion was made by Mr. Jamnik and seconded by Mr. Anderson to appoint the Weiner Law firm.

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Caffrey, Mr. Langer

The motion carried and Resolution R-2-2020 was adopted

Chairman Langer called for a motion to appoint the Board of Adjustment Engineer.

A motion was made by Mr. Anderson and seconded by Ms. Strassheim to appoint CME Associates

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson,Ms. Strassheim, Mr. Caffrey, Mr. Langer

The motion carried and Resolution R-3-2020 was adopted

Chairman Langer called for a motion to appoint the Court Reporter

A motion was made by Mr. Anderson and seconded by Ms. Strassheim to appoint Denise Sweet and Associates, LLC as Court Reporter

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Caffrey, Mr. Langer

The motion carried and Resolution R-4-2020 was adopted

Chairman Langer called for a motion to appoint a Conflict Planner from the list as provided in the packet.

A motion was made by Ms. Strassheim and seconded by Ms. White to appoint a conflict planner

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Caffrey, Mr. Langer

The motion carried and Resolution R-6-2020 was adopted

Chairman Langer made a motion to appoint Tara Paxton as Municipal Planner and Administrative Officer. The motion was seconded by Ms. White.

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, ,Mr. Sorrentino, Mr. Anderson Ms. Strassheim, Mr. Caffrey, Mr. Langer

The motion carried and Resolution R-7-2020 was adopted

Chairman Langer announced the full membership of the Board.

Chairman Langer announced the Legal Notices are to be published in the Ocean Star and the Asbury Park Press

 The Board professionals were sworn.

**NEW BUSINESS**

**BA-3040-FMS-RTS IV, LLC**

**456 Route 35 North**

**Block 36, Lot 12**

**Final Major Subdivision**

John J. Jackson, Esq., appeared on behalf of the applicant.

 Mr. Miller stated the Objectors attorney had sent a letter to the Board asking for an adjournment because he is recovering from surgery. His associate is unable to attend tonight due to a conflict.

Mr. Jackson outlined his two year effort on behalf of this applicant. He suggested Mr. Shea could have another member of his firm tonight and this is just one more delay tactic along with all of the litigation from Mr. Shea’s Office.

He further stated the Board has not met the statutory hearing time.

Mr. Miller recommended the Board carry the application to the next meeting date of January 29, 2020.

Mr. Jackson disagreed with Mr. Miller’s recommendation. He will apply for a Statuary Approval because of the time.

A motion was made by Mr. Chadwick and seconded to Mr. Jamnik to carry the application to Wednesday, January 29, 2020. No further notice will be required. This is the notice.

Voting in favor: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Ms Strassheim, Mr. Caffrey, Mr. Langer

**BA-3163-MSP-D-8/19**

**Brick Petroleum, LLC**

**380 Herbertsville Road**

**Block 1309.103, Lot 4**

John J. Jackson, Esq., appeared on behalf of the applicant.

Ms. Strassheim recused herself and left the room.

Mr. Jackson described the application for the gas station which has been on the site for many years for a minor site plan with to convert the 1,646 SF single story building to a restaurant with 33 seats and an office. A 70 SF addition is proposed. The gas station will remain. He stated the change will bring the site more into conformance with the Village Zone.

Exhibit A-1- a Power Point Presentation, pages 1 to 28 was marked by the court reporter.

Greg Wage, Architect was sworn and his credentials to testify were accepted by the Chairman.

Jeffrey J. Carr, PE, PP, was sworn and his credentials to testify as Engineer and Planner at were accepted by the Chairman.

Sohail Abbas, who will be the tenant, was sworn.

A-4 Rendering of the Building was marked by the court reporter

Exhibit A-2, an updated color rendering if the site plan (sheet 3 of 8) was marked.

The current site has no landscaping. The tow trucks will be relocated to another site. The auto repair use is being eliminated. The restaurant is a conforming use.

Mr. Carr noted the proposed site improvements including curbs, improving the intersection, adding landscape islands, sidewalks along the front, providing a formal enclosed and landscaped trash enclosure.

A use variance is required for the existing gas station.

Jeffrey J. Carr, PE, testified cross access does not make sense at this location.

He testified to the traffic movements on the site.

Mr. Miller opined the applicant requires a D-2 variance for the expansion of a non-conforming use.

Mr. Carr agreed and he testified to the positive and negative criteria,

Chairman Langer called for a short recess at 8:40 PM and called the hearing back to order.

Mr. Carr testified to the comments in the CME report, prepared by Mr. Bocanfusco and dated October 15, 2019 and the Planner’s report dated January 9, 2020, prepared by Tara Paxton.

Regarding the overlay zone, Mr. Carr reviewed the ways the applicant is complying with the Herbertsville Road Corridor Streetscape zone.

He agreed the landscape areas will be irrigated.

Mr. Jackson noted the architecturals have been approved by the Architectural Review Committee, The Bureau of Fire Safety Report, Traffic report, Environmental Committee and Municipal Engineer’s reports were included in the record..

Ms. Paxton asked the applicant to dress up the pole for the sign. Mr. Carr agreed to work with the Board Professionals. A bike rack will be provided.

Mr. Bocanfusco noted the proposed application is an improvement to the site. He asked the applicant to supplement the 5 foot buffer with a 6 foot high fence, located 10 feet from the pavement. The applicant agreed.

Chairman Langer called for Public questions or comments.

Tara Rodgriegez, 336 Lincoln Court was sworn and she asked about the proposed fence.

Mr. Carr responded that a 6 foot high solid fence will be installed except the last 10 feet where the fence will be 4 feet high.

Factual findings were provided by Mr. Chadwick and all members concurred.

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

Voting in the affirmative: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Anderson, Mr. Caffrey, Mr. Langer

ADJOURNMENT

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

The meeting was adjourned at 9:36 PM.

Respectfully submitted by:

Judy Fox Nelson