A meeting of the Brick Township Planning Board

was held on **December 11, 2019** in the Municipal Building,

401 Chambers Bridge Road.

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.

Vice Chairman Aiello called the meeting to order at 7:00 PM.

Vice Chairman Aiello led the Pledge of Allegiance.

**MEMBERS PRESENT**

Kevin Aiello

JoAnne Lambusta

Councilman Mummolo

Brad Clayton

Kevin Nugent

Richard Gross

William Philipson – Alt #1

George Osipovitch – Alt #2

**MEMBERS ABSENT**

Bernard Cooke

Eileen Della Volle

Cosmo Occhiogrosso

**ALSO PRESENT**

Harold Hensel, Esq., Board Attorney

Ted Wilkinson, P.E., ARH Associates, Board Engineer

Denise Sweet, Court Reporter

Tara Paxton, PP/AICP, Township Planner

Pamela O’Neill, Secretary

**VOUCHERS**

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

In favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Ms. Lambusta, Mr. Nugent, Mr. Philipson, Mr. Osipovitch, Mr. Aiello

**MINUTES**

**Minutes- September 25, 2019**

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

In favor, Mr. Clayton, Councilman Mummolo, Mr. Gross, Ms. Lambusta, Mr. Nugent, Mr. Philipson, Mr. Osipovitch, Mr.Aiello

**Minutes- October 23, 2019**

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

In favor, Mr. Clayton, Councilman Mummolo, Mr. Gross, Ms. Lambusta, Mr. Nugent, Mr. Philipson, Mr. Osipovitch, Mr. Aiello

**OLD BUSINESS:**

**RESOLUTIONS**

**PB-2332-Bravo Realty & Development**

**Block 318, Lot 6.01**

**505 Drum Point Road**

**Preliminary & Final Major 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, Mr. Nugent,

Mr. Philipson, Mr. Osipovitch

The motion passed and resolution R-44-19 was adopted

**PB-2835-MSP C-4/19**

**Shorrock Propco, LLC**

**Hovcare of Brick, Inc.**

**Block 380, Lot 11**

**Minor Site Plan with Variance**

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

Voting in favor: Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Nugent,

Mr. Philipson, Mr. Osipovitch

The motion passed and resolution R-45-19 was adopted

**NEW BUSINESS:**

**PB-2840-MS-C-8/19**

**Robert K. Sherman, III**

**Block 910.03, Lot 6 & 8- 446 Princeton Avenue**

**Block 914, Lot 27-811 Midstreams Road**

**Minor Subdivision**

Michael York, Esq., appeared on behalf of the applicant.

Robert K. Sherman, applicant was sworn.

Exhibit A-1 Survey showing existing lot lines, dated September 6, 2019, prepared by Lindstrom, Diessner & Carr, for the subject property, was marked.

Exhibit A-2, Colored Proposed Minor Subdivision, showing Mr. Sherman’s lot in red and the property in his father’s trust in green was marked.

Mr. Sherman testified the property is located on the corner of Princeton Avenue and Midstreams Road. His lot is currently land locked and the subdivision proposes a change in lot lines to provide road access for lot 27 on Midstreams Road.

Charles Lindstrom, PE, PP, was sworn and his credentials to testify as engineer and planner were accepted by the Chairman.

Mr. Lindstrom testified both lots are waterfront. The purpose of the subdivision is to provide egress and ingress for both lots. He stated the subdivision will provide a more conforming parcel.

He reviewed the report prepared by Mr. Wilkinson dated October 9, 2019.

A variance will be required for front yard set back where 8.8 feet is provided and 20 feet is required. Ocean County Planning Board has required a dedication which will create another variance where 5 feet will be provided for the rear yard set back and 15 feet is required.

Mr. Lindstrom testified there is existing curbing, but they will seek a waiver and agree to contribute to the pedestrian safety fund for the sidewalks.

He further testified the fence on the newly created lot will be removed, but the fence on the easterly property line will remain as it belongs to the neighbor.

Mr. Lindstrom addressed the comments in Ms. Paxton’s report dated October 15, 2019. He agreed to coordinate efforts with the County regarding the curb depression and guard rail at the corner of Princeton Avenue and Midstreams Road.

Vice Chairman Aiello opened the hearing for Public comment.

Dr. Jean Nichols testified she is the neighbor on Princeton Avenue and expressed concern about the close proximity of the house 5 feet from her property.

Ms. Paxton stated it is an existing condition, but should they want to rebuild, they would have to comply with the 15 foot set back or seek a new variance.

Mr. Wilkinson asked Mr. Sherman if he would agree to grant an easement to the BTMUA for the water main that exists on his property. He agreed.

Seeing no other members of the public to speak, the Vice Chairman closed the Public.

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

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

**PB-2481-MS-C-8/19**

**Joseph J. Gass, III**

**Block 493, Lot 22**

**912 Linden Avenue**

John J. Jackson, Esq. appeared on behalf of the applicant. Mr. Jackson gave a brief overview of the application. He stated Mr. Gass purchased a property that has documented violations for many years and he demolished it and is building one new home and hoping to get approval to subdivide and construct a second home on the site.

Mr. Jackson asked to have the following exhibits marked:

Exhibit A-1, a Power Point Presentation pages 1 to 13

Exhibit A-2, a Power Point Presentation of the OPRA request for all the previous violations.

Exhibit A-3, a series of 8 photos, showing the original house, the house under construction, the area proposed to be the new lot and a photo of another house built by Mr. Gass on a 40 foot lot in the area

Exhibit A-4, a colored Zoning map, prepared by Mr. Carpente, to replace page 4 and 5 in the Power Point Presentation.

Mr. Jackson reviewed page 1 through 13 of the Power Point Presentation and reviewed all the violations from the past.

Ray Carpenter, PE, PP, was sworn and his credentials to testify as engineer and planner were accepted by the Vice Chairman.

Mr. Carpenter testified the property is in the R-7.5 zone with 10 lots in the area. Of the 10 lots, 3 are non- conforming and 2 of them are 40 X 100 foot. He said they designed the subdivision to have one conforming lot and one non- conforming lot. They will comply with all the set- backs and provide the required parking.

Exhibit A-5, a revised as-built of the house under construction, showing a 13 foot side yard set -back.

He testified there will be 28 feet between the two houses and they will comply with the grading and drainage. Mr. Carpenter presented testimony showing a number of houses built on undersized lots.

He further testified the proposed dwelling will fit in with the houses in the area.

Ms. Paxton asked Mr. Carpenter if it was a better planning scenario to have 1 conforming lot and one significantly undersized lot.

Mr. Carpenter noted there a sufficient number of 40 foot lots in the area and it is good planning to have a mix of lot sizes in this area. It is consistent with the character of this area.

He further testified they are not seeking relief under the hardship criteria.

Joseph Gass, applicant and builder, was sworn,

The following exhibits ( all photos taken by Mr. Gass) were marked:

He testified to the content of each photo.

Exhibit A-6, A-7, A-8- photographs of a duplex house located on Myrtle and Linden

Exhibit A-9, A-10 and A-11 -two houses on one lot on Mercer

Exhibit A-12, A-13- two houses on one lot on Linden Place

Exhibit A-14, A-15- two houses on one 100 foot parcel adjoining the subject property

Mr. Gass testified he has built several houses in the area on 40 foot lots. He has previously purchased old properties and demolished an old house to build a nice new house. It was his intention to subdivide when he made the purchase.

Mr. Wilkinson suggested moving the lot line to create 2 more conforming lots.

Mr. Gass said he would be willing to do that.

He testified he provided gravel in the right of way to provide extra parking.

Vice Chairman Aiello opened the hearing for public comment.

Frederick Cuff, 913 Linden Ave, was sworn. He stated he has two concerns:

The treed lot has been cleared. The streets are narrow and parking is a problem. He said Mr. Gass builds a nice house.

Luigi Sciorilli, 906 Linden Avenue, was sworn He stated he does not think the town should create undersized lots.

George Olski, 913 Linden Avenue, was sworn. He thanked Mr. Gass for removing the unsightly house from the neighborhood, but he said the streets are narrow for first responders and he does not want to have another house on that property.

He complained that the lot was fully cleared.

Georgette Olski, 913 Linden Avenue was sworn. She testified to the tree clearing and objects to a second lot on the property. She said she thought Mr. Gass provided a service to the community by removing a substandard house and replacing it with a new one, but was providing a disservice by constructing a second house on the site.

Jessie Paxton, 484 Magnolia Avenue, was sworn. And he testified he was against the subdivision as it would create overcrowding.

Gino Sciorelli, 2121 Saks Avenue, Toms River testified he was the son of Luigi Sciorelli and had grown up in the neighborhood and agreed they should not approve a subdivision.

Seeing no other Public, Vice Chairman Aiello closed the public.

He asked the Board if they would consider having the applicant reconfigure the lot. Seeing none he suggested a motion be made to approve or deny the application.

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

In favor Mr. Clayton, Councilman Mummolo, Mr. Gross, Mr. Nugent, Mr. Philipson, Mr. Osipovitch, Mr. Aiello

A motion to adjourn was made at 9:39 PM.

Respectfully submitted by:

Judy Fox Nelson