A meeting of the Brick Township Planning Board

was held on May 13th 2020 in the Township of Brick Municipal Building, 401 Chambers Bridge Road, virtually through ZOOM

The meeting was called to order at 7:13 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 8, 2020. 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 7:13 PM.

Chairman Cooke led the Pledge of Allegiance.

**MEMBERS PRESENT**

Bernard Cooke

Kevin Aiello

Brad Clayton

JoAnne Lambusta

Councilman Mummolo

Cosmo Occhiogrosso

Kevin Nugent

Eileen Della Volle

William Philipson – Alt #1

George Osipovitch – Alt #2

**ABSENT**

Richard Gross

**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

Lauren Helmstetter, Acting Secretary

**ORDINANCE RESOLUTION:**

Ordinance Amending Chapter 245-33 of the Township Code Entitled “Fences”- Presented by Tara Paxton, Municipal Planner

The ordinance was amended whereas the definition for any fence which includes a hedge or other vegetation that may not exceed 4ft in height from any 200 ft of a body of water. The revision of the ordinance permits 15 ft from a body of water and is held to 4 ft height.

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

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

Present but not voting: Mr. Osipovitch

Absent: Mr. Gross

A motion was made by Councilman Mummolo and seconded by Ms. Lambusta to approve resolution R-13-2020.

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

The motion was approved and Resolution R-13-2020 was approved.

**NEW BUSINESS:**

**PB-2844-MSP-C-12/19**

**Duquesne Holdings, LLC**

**Block 446.19 Lot 7**

**635 Duquesne Blvd.**

**Minor Site Plan w/Variance**

Chairman Cooke announced the applicant will not be heard and they will be carried to the June 10, 2020 meeting.

**PB-2850-MS-2/2020**

**David Merritt**

**Block 939 Lot 22.02 & 22.03**

**731 Bay Ave**

**Minor Subdivision**

David Merritt, the applicant, represented himself. Mr. Merritt is proposing a conforming minor subdivision for existing two single family lots. Dividing lots 22.02 & 22.03 which are family owned and he would like to restore them to their intended state before there was a change in 2005. Mr. Wilkinson, Planning Board Engineer, and the board found no issues and no objections to the proposed re-alignment because it does not create any new building lots, nor affect any pedestrian traffic.

A motion was made by Mr. Occhiogrosso, and seconded by Ms. Della Volle to approve the application.

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

**PB-2842-PSP-FSP-8/19**

**Osborn Sea-Bay Condo Assoc.**

**Block 36 Lots 13,18 22 &24**

**Cummins Street/Elder Road/Shell Road**

**Preliminary & Final Site Plan**

The applicant’s attorney, Mark. Bellin, Esq., opened the testimony to were they left off at the last hearing at the last hearing on February 26, 2020 with Sean Savage, P.E., to testify on Ted Wilkinson’s review letter dated May 6, 2020. Mr. Savage indicated that the construction materials will be upgraded to a 5-A construction for fire resistance. Mr. Savage addressed the issues concerning RSIS parking requirements, they propose 138 parking spaces with 134 assigned spots to the 67 units and 4 additional spaces for overflow parking.

Barbara Ehlen, the applicant’s professional planner was sworn in and testified. She addressed the Beach Cottage Community plan to and stated the street trees and shade trees will not efficiently grow in this beach community due to the sandy soils by the ocean. As for the sidewalk waivers she pointed out flush curbing will be throughout the development and these proposed streets are not meant for through traffic at the shore there would be sidewalk access to the public beach, but there were never sidewalks in this community and they ask for a waiver for this. She stated the parking requirements met the municipal zoning ordinance but did not comply with RSIS, but does meet the exception of de minimis due to it being a hardship.

Township Planner, Tara Paxton, questioned if all 67 original homeowners were coming back. As this is a very dense site that is currently vacant the amount of parking for RSIS standards are not met because this is a very dense development that they are allowing on a currently vacant site. They have made exceptions because of the history of Camp Osborn and the intent was to bring back every resident of the community. Her question is how many of the original 67 homeowners are coming back is because of the density is there any opportunity to reduce the units to provide more parking. Mr. Bellin said there is no room to reduce the number as per the Master Deed it is required that 67 units are rebuilt.

Sean Delany, professional engineer with Bowman Consulting was called as a witness by the objector, JSTAR. He was sworn in. He testified that he had reviewed the stormwater management plan, introduced evidence Exhibits O-1 through O-6 to the board.

O-1 Code excepts.

O-2 Marked up portion of Matrix plans.

O-3 Portion of engineering plans showing Unit 32

O-4 Portion of engineering plans showing Unit 16B

O-5 Portion of engineering plans showing Unit 31B

O-6 Definitions of setback and front yard.

He stated these structures mentioned above did not meet the setback requirements of the Ordinance. Mr. Savage responded that as noted in the legal memorandum, arguments that the internal roadways are not streets and the are located along private streets and not bound to setback requirements of the Ordinance.

The Chairman opened for public comment. Seeing there was none, he closed the public comment. It was directed that they can use the raise hand icon on the Zoom website.

Councilman Mummolo asked Mr. Batzel in reference to the parking if it was eliminated between the units. Mr. Batzel, stated they would feel better knowing there was nothing inbetween those units.

Mr. Occhiogrosso brought up questions; if there is concern for a car on fire between two buildings why isn’t it a concern for it being under the building and on fire. And the density pre-sandy did it contribute to the obliteration to the entire site in the engineer’s opinions?

Mr. Batzel stated that the proposal of fire rating under the unit is required but between the units it is not because of the ten-foot separations. The staircases and egress are combustible the way they are proposed the difficulty of getting in-between the units if there was a fire is a concern. The second question is the entire site was wiped out during the storm and there is nothing there at the moment.

Mrs. Paxton answered Cape Osborn suffered two natural disasters during Sandy including the high winds causing power lines to ignite and cause a fire and then the breach causing the waves to wash the structures away. Many of the original structures were actually touching. There were roofs fences, porches, decks that all were touching each other so when one fire started it spread uncontrollably especially during the very windy conditions.

Mr. Batzel stated of which came first as far as the cause of the fire he will not be commenting on, but the closeness of the units contributed to the spread of the fire.

Ms. Paxton said they drafted the ordinance so there are no decks, sheds, fences; no accessory structures between these buildings. Accessory uses are not permitted in this zone.

Mrs. Lambusta brought concern that if her or one of her family members were in one of these buildings and a vehicle impeded their exit from a building that was on fire she does not agree that a vehicle should not be allowed to be parked there as it could possibly be a barricade for getting out safely and blocking an entrance for the firefighters.

The chairman allowed for one more question seeing that there was only one, and it was Wayne Diana the associations president. He was sworn in and commented that these houses are no longer gutter to gutter they are ten feet apart, he also states that the storm that destroyed camp Osborn was more of a thousand-year storm rather than a hundred-year storm. This was a storm of biblical proportion and the fact that the gas company failed to turned off the gas before the storm and it wasn’t only Camp Osborn houses that burned down where also houses on Lyndhurst Ave that also burned to the ground.

Councilman Mummolo made a motion to eliminate the parking in-between the buildings. Ms. Lambusta second the motion.

Roll Call

In favor: Mr. Clayton, Councilman Mummolo, Mr. Occhiogrosso. Ms. Lambusta, Mr. Nugent, Ms. Della Volle, Mr. Aiello, Mr. Philipson, Mr. Cook.

Mr. Hensel, Board Attorney, clarified for the board that the vote to grant the de minimis exception for the total parking requirements as required by the Residential Site Improvement Standards in the Administrative Code bringing it to have a shortage of twenty-seven parking spaces where it will not have parking in-between the buildings.

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

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

**ADJOURNMENT**

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

The meeting was adjourned at 10:34pm.

Respectfully submitted by:

Lauren J. Frank