A meeting of the Brick Township Planning Board

was held on September 23, 2020 in the Township of Brick Municipal Building, 401 Chambers Bridge Road, virtually through ZOOM

The meeting was called to order at 7:06 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 7:06 PM.

Chairman Cooke led the Pledge of Allegiance.

**MEMBERS PRESENT**

Bernard Cooke

Kevin Aiello

Brad Clayton

JoAnne Lambusta

Cosmo Occhiogrosso

Kevin Nugent

William Philipson

George Osipovitch – Alt #1

Daniel Ward – Alt #2

**ABSENT**

Councilman Mummolo

Eileen Della Volle

**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 Ms. Lambusta and seconded by Mr. Occhiogrosso to approve the vouchers.

VOTING IN THE AFFIRMATIVE

Mr. Clayton Mr. Occhiogrosso, Mr. Philipson, Ms. Lambusta, Mr. Nugent, Mr. Osipovitch, Mr. Ward, Mr. Aiello, Mr. Cooke

**RESOLUTIONS:**

**PB-2855-MS-C-6/2020**

**DSZ, LLC & David and Lisa Zimmerman**

**71 & 77 Rochester Drive**

**Block 211.02 Lot 20 & 22**

**Minor Subdivision with Variance**

A motion to approve the resolution was made by Mr. Aiello and seconded by Mr. Occhiogrosso.

VOTING IN THE AFFIRMATIVE

Mr. Clayton, Mr. Occhiogrosso, Mr. Philipson, Ms. Lambusta, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

The motion was approved and Resolution R-22-2020 was adopted.

**NEW BUSINESS:**

**PB-2852-PSP-FSP-2/2020**

**Old Silverton Rd, LLC**

**427 Old Silverton Road**

**Block 549 Lot 7**

**Preliminary and Final Site Plan w/Variances**

The Chairman stated this application will not be heard and will also be carried to the November 4, 2020 meeting. The applicant will notice for that hearing.

**PB-2848-MS- 2/2020**

**Dainius Sakavickas**

**Block 324.19 Lot 22**

**25 Royal Drive**

**Minor Subdivision w/Variance**

John Jackson, Esq. and Joseph Kociuba, PE, PP, of KBA Engineering Services, LLC, appeared on behalf on the applicant. Mr. Kociuba was sworn in.

Exhibit: A-1 PowerPoint was moved into evidence which contained photographs, aerials, and subdivision maps.

Mr. Kociuba testified that the applicant is proposing a two-lot subdivision of 25 Royal Drive, Block 324.19 Lot 22. The lot is located in an R-5 zone and the variances being sought include lot area; whereas 5,000 sq. ft is required. The proposed Lot 22.01 will have a lot area of 4,228.38 sq. ft and proposed Lot 22.02 will have a lot area of 4,722.50 sq. ft. Both lots will conform to setbacks requirements of the zone which include lot width, lot depth, front and side yard setbacks, rear yard setbacks, building coverage, height and impervious coverage. Mr. Kociuba added to his testimony that both lots will conform to the requirements of the waterfront developments. Mr. Kociuba stated that sufficient parking will be provided and the proposed structures would have a garage and two-car driveway, meeting the RSIS parking requirements.

Mr. Kociuba addressed Mr. Wilkinson’s report, while there is no existing curbs and sidewalks in this neighborhood the applicant has agree to contribute to the Pedestrian Safety Fun in lieu of the placement of sidewalks. The applicant also agreed to Belgian block or a similar type of “curbing” as approved by the Board’s engineer along Royal Drive. Mr. Wilkinson agreed to granting waivers for shade trees and street trees as there are no other shade trees along Royal Drive.

Ms. Paxton asked Mr. Kociuba if the lot coverage would comply to the 35% maximum lot coverage on the upland portion of the property. She also asked if the stairway on the front of the property as shown on the plans, will encroach on the front yard setback, he stated that they will comply to have the front stairs fit within the front yard setback. Also Ms. Paxton asked that the air conditioners could be cantilevered rather than a raised platform in respect to the side yard setback, which the applicant agreed. Ms. Paxton also asked that it be noted on the plans that there is a 15 ft setback in the rear of the property and no accessory structures could be located within these setbacks without obtaining a variance. The applicant agreed to note this on the plans.

The Chairman asked for comments or questions from the Board. Seeing there was none he closed the comments from the Board.

The Chairman opened for public comment.

Bob Czekaj of 127 Royal Drive was sworn in. He stated that there is no hardship based on the applicant creating two undersized lots. He found it was not necessary to stuff two large houses on undersized lots, the lots were originally developed larger on the Perch Creek side of Royal Drive.

Edward J. Fialkowski of 17 Royal Drive was sworn in. Mr. Fialkowski asked if the applicant/developer was going to be a full-time resident at one of these properties. He stated he did not agree on two houses being built as it does not benefit for anyone in the neighborhood and it would lower their house value.

Christa Manning of 7 Royal Drive was sworn in. She stated that the land underwater was not owned by the applicant. She also stated that she did not see this as an issue of hardship rather than greed.

Frank Dubrowski of 19 Royal Drive was sworn in. He found this as a negative effect for the neighborhood and strongly opposed the application. Mr. Dubrowski sees a fire hazard as there was a fire at 17 Royal Drive and if not for the large buffers between the properties, his residence would have caught on fire also.

Ann Fialkowski of 17 Royal Drive was sworn in. She stated she did not find this as a hardship but rather then greed for the request for variances.

Tom Yaeger of 16 Royal Drive was sworn in. He objected to the proposed subdivision and found that the any hardship argument by the applicant was a self-created hardship. He believes the density is too high based on these two lots.

Ms. Paxton stated two emails came in from a Ms. Bomber and a Ms. Ferino. Neither objectors were present in the Zoom meeting so their objections were read by Ms. Paxton.

Ms. Bomber’s stated she is not in favor of the variances, found concern on the real estate impact of the neighborhood and concerns that Perch Creek is a natural waterway and there is a shellfish replenishment because of the natural waterway.

Ms. Ferino’s statement was read that she did not find it in the best interest to squeeze in two homes on nonconforming residential lots.

Ms. Paxton stated there were no other emails that had come in from the public.

Mr. Jackson in closing stated that any comments on negative impact on property values is not relevant by any expert testimony. He stated that this property is consistent with the rest of the neighborhood. Mr. Kociuba went out and physically surveyed this property and because the building footprint there was no detriment to the zone plan, as the evidence shows. He also stated that the applicant agreed to restrict impervious coverage to 80%, and that the mechanicals would be out of the setbacks.

Mr. Wilkinson added that he would like to add to the testimony that he agrees with Mr. Yaeger about the curbing and Belgium block to continue the appropriate drainage along Royal Drive. Mr. Jackson agreed to this.

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

VOTING IN THE AFFIRMATIVE

Mr. Clayton, Mr. Occhiogrosso, Mr. Philipson, Ms. Lambusta, Mr. Nugent, Mr. Osipovitch Mr. Ward, Mr. Aiello, Mr. Cooke

**ADJOURNMENT**

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

The meeting was adjourned at 9:27pm.

Respectfully submitted by:

Lauren J. Frank