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

Was held on Wednesday**, April 29, 2020 at** Brick Township Municipal Building

401 Chambers Bridge Road Virtually through Zoom.

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

Chairman Chadwick called the meeting to order. He 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.

Mr. Chadwick read a statement from the Insurance Company on proper meeting conduct.

The Roll was called

**MEMBERS PRESENT**

David Chadwick

Frank Mizer

Mike Jamnik

Dawn Marie White

Carl Anderson

Louis Sorrentino

Michele Strassheim

Darren Caffery, Alt 1

Mark Starr, Alt 2

**ALSO PRESENT**

John Miller, Esq.

Brian Boccanfuso, PE, CME Engineering

Christopher Romano, Zoning Officer

Denise Sweet, Court Reporter

Pam O’Neill, Secretary

The Board Professionals were sworn

**OLD BUSINESS:**

**VOUCHERS**

A motion to approve the Vouchers was made by Ms. White and seconded by Mr. Caffery.

In favor: Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Mizer, Mr. Anderson, Ms. Strassheim, Mr. Chadwick

**NEW BUSINESS:**

**BA-3174-10/19**

**Nicholas & Jennifer Netta**

**Block 44.21, Lot 3**

**287 Wherry Lane**

**Bulk Variance**

The applicant was represented by their attorney Joseph Paparo, Esq. Mr. Paparo stated the applicant is proposing a side yard setback variance the existing structure is an exterior kitchen that is setback 1.5 inches where code is required to be 15 ft. in the R-7.5 zone.

The applicant Nicholas J. Netta was sworn in. Mr. Netta, he stated the outdoor covered area was constructed in 2014 and he chose the side yard as it being the least intrusive area so it is not hindering any neighbors view. It’s an exterior area to sit in which includes a gas grill, no wet bar and is utilized in the summertime months. There have been no complaints from any neighbors. Mr. Netta testified that the contractor who built the outdoor area and assured him a permit was obtained is no where to be found at this time, Mr. Netta also explained that the outdoor kitchen is located six feet from the bulkhead which led him to believe that the structure complied with side yard setback requirements only to find out after he received a recent violation letter that it did not.

Brian Boccanfuso, Board Engineer, asked if any CAFRA permits were required for this improvement. Mr. Paparo stated there was not. Mr. Boccanfuso recommended that the applicant seek out after the approval if there are any DEP requirements.

Mr. Romano, Township Zoning Officer, stated the applicant is seeking approval of an already existing 12 ft x 12 ft outdoor kitchen with room cover and is seeking approval of a bulk variance approval for setbacks.

Chairman called for Public questions or comments, seeing none he closed the Public portion.

A motion was made by Mr. Mizer and seconded by Mr. Jamnik.

Voting in favor: Mr. Jamnik, Ms., White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Mizer and Mr. Chadwick

The application was approved.

**BA-3180-12/19**

**John & Susan Tekin**

**Block 44.02 Lot 5**

**215 Ketch Road**

**Bulk Variance**

John Tekin and Susan Tekin were both sworn in. The Tekin’s were represented by Marc D. Raymundo, Esq., he stated the applicants were proposing to construct an in-ground swimming pool and pergola in the rear yard of the property. Michael Newman, the pool contractor was also sworn in.

Mr. Raymundo stated the variances that were being requested by the applicant to construct an in-ground swimming pool with pool equipment. He stated that the applicants were requesting a bulk variance relief for the rear setback from the bulkhead whereas 15 feet is required and 4 feet is proposed. The side setback where 5 feet is required and 3 ft is proposed for the pool equipment and 4ft for the swimming pool.

Mr. Newman stated that with the location of the house they did not have the room to put the pool without encroaching on the setback. Helical pilings will be installed underneath the pool to support the structure so no weight will be on the bulkhead.

Mr. Jamnik asked how far the pool is from the house. It was stated by Mr. Raymundo that it is 4 ft. from the house. Mr. Jamnik expressed concern that someone would jump out of the window that is shown on the plans to the pool. It was put on record they are child safety windows.

Mr. Mizer asked Mr. Newman where the backwash from the pool heater would go, it was stated it would go out into the street.

Mr. Sorrentino stated that he finds it hard to approve a pergola that there are no architectural plans or renderings to view. With just a footprint and no dimensions for the structure it was found. Ms. Tekin stated they will be submitting a permit when the time comes.

The Chairman called for a ten-minute break so the applicant can speak with their attorney to address the pergola.

Break from 8:32pm to 8:40pm.

Mr. Raymundo stated he spoke with the Tekin’s and they would like to withdraw the proposed pergola from the application

Chairman called for Public questions or comments, seeing none he closed the Public portion.

A motion was made by Ms. Strassheim and seconded by Ms. White.

Voting in favor: Mr. Jamnik, Ms., White, Mr. Sorrentino, Mr. Anderson, Ms. Strassheim, Mr. Mizer and Mr. Chadwick

The application was approved.

**BA-3182-12/19**

**Diana DiSerio**

**Block 211.26 Lot 15**

**126 Monterey Drive**

**Bulk Variance**

Diana DiSerio, the applicant was sworn in along with her husband Nicholas DiSerio. Mr. DiSerio testified they are proposing a in-ground pool in the rear of their property that is in the R-5 zone. The setback requirement is 15 ft from the bulkhead and the applicant is proposing 5.5 ft. Mr. DiSerio stated they have replaced the bulkhead in 2019 and that helical anchors were installed and they plan on complying with all CAFRA requirements. Mr. DiSerio also stated there are numerous pools in their neighborhood so they will conform with the aesthetics.

Chairman called for Public questions or comments, seeing none he closed the Public portion.

A motion was made by Ms. Strassheim and seconded by Ms. White.

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

The application was approved.

**BA-3183-12/19**

**Kevin M. Sempkowski**

**Block 211.18, Lot 16**

**4 Toledo Drive**

**Bulk Variance**

Board Member Mr. Jamnik recused himself from this application.

The applicant Kevin Sempkowski was sworn in. He testified that he is proposing to construct an outdoor swim spa in the rear of his property. His property is located in an R-5 zone and the rear setback requirement is 15 ft whereas he is proposing a 6.6 setback. He has reached out to his neighbors and has found no objections to where he would like to put the spa. He does not see a negative impact on the neighborhood and he tried to move it closer to the house but due to sizing it did not fit. This will have a cover on it when it is not used and he finds no safety issues.

Chairman called for Public questions or comments, seeing none he closed the Public portion.

A motion was made by Mr. Mizer and seconded by Mr., Andersen.

Voting in favor: Ms. White, Mr. Sorrentino, Mr. Mizer, Mr. Anderson, Ms. Strassheim, Mr. Caffery and Mr. Chadwick

The application was approved.

**BA-3185-12/19**

**Arno & Florence Weber**

**Block 1277.01, Lot 4.01**

**1 Sweeney Ave**

**Bulk Variance**

The applicants Arno and Florence Weber were both sworn in. Mr. Weber stated they would like to replace their 4 ft chain-link with a 6ft wood stockade fence. Required setback is 12 ft from Burnt Tavern Road. They would like the fence on the same footprint that the chain-link fence currently sits on. Their property sits on a corner lot and the fence would not impact any neighbors or negative impact on traffic. Mr. Weber stated they are trying to sell their home and they negative impact from the sight of the road from their house has been a deterrent.

Board Engineer, Brian Boccanfuso stated it is represented well from the applicant’s photos that this fence will not obstruct sight distance.

Mr. Mizer asked if the proposed shed that is on the survey received permits. Mr. Weber stated they did.

Chairman called for Public questions or comments, seeing none he closed the Public portion.

A motion was made by Ms. Strassheim and seconded by Mr. Jamnik.

Voting in favor: Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Mizer, Mr. Anderson, Ms. Strassheim and Mr. Chadwick

The application was approved.

**BA-2912-RA-MS-C-D-12/19**

**Joseph Gass**

**Block 853 Lot 1**

**1765 Forge Pond Road**

**l Minor Subdivision with Bulk Variances**

John Jackson Esq. appeared on behalf of the applicant along with the applicants Engineer and Planner, Ray Carpenter, P.E., P.P. Mr. Carpenter testified the applicant is seeking a use variance with a minor subdivision approval to permit the creation of two residential lots. He stated that the applicant had previously obtained use variance relief and minor subdivision approval from this Board for a similar subdivision on the property in 2015 (Application No. BA-2912-C-D-11/14) but never perfected plans for approval. Mr. Carpenter explained the Property was located in the B-3 Highway Development Zone in 2015 but has since been re-zoned and is now located in the R-10 Single Family Residential Zone.

Mr. Carpenter stated they do not meet the lot width but they do meet the rest of the bulk requirements for the R-10 zone and are requesting relief for the width of the proposed lots where a minimum of 90 ft width is required and 79.51and 83.71 is proposed. Mr. Carpenter stated they were requesting a waiver for sidewalks to conform with the neighborhood that currently has no sidewalks.

Chairman called for Public questions or comments, seeing none he closed the Public portion.

A motion was made by Ms. White and seconded by Mr. Mizer.

Voting in favor: Mr. Jamnik, Ms. White, Mr. Sorrentino, Mr. Mizer, Mr. Anderson, Ms. Strassheim and Mr. Chadwick

The application was approved.

**ADJOURNMENT**

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

The meeting was adjourned at 10:12pm

Respectfully submitted by:

Lauren J. Frank