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

Was held on Wednesday**, February 5, 2020** at Brick Township Municipal Building

401 Chambers Bridge Road.

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

Tara Paxton, Municipal Planner and Land Use Administrator called the meeting to order and 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.

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

The Roll was called

Mrs. Paxton called a vote and the new Chairman David Chadwick was approved, then took over the meeting from the diesis

**MEMBERS PRESENT**

David Chadwick

Dawn Marie White

Louis Sorrentino

Mike Jamnik

Carl Anderson

Michele Strassheim, Alt 1

Darren Caffery, Alt 2

**MEMBERS ABSENT**

Frank Mizer

**ALSO PRESENT**

John Miller, Esq.

Brian Bocanfusco, PE, CME Engineering

Christopher Romano, Zoning Officer

Denise Sweet, Court Reporter

Pamela 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. Jamnik

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

**OLD BUSINESS**

**RESOLUTIONS**

**BA-3152-DMT Enterprises, LLC**

**Block 612, Lot 1.01**

**670 Mantoloking Road**

**Use, Minor Site Plan**

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

Voting in Favor: Mr. Chadwick, Mr. Jamnik, Ms. White, Mr. Sorrentino,

Ms. Strassheim, Mr. Langer

The motion carried and Resolution R-48-19 was adopted.

Chairman Langer announced the following case will be carried:

**BA-3148-Hooper Ave Development, LLC**

**Block 548, Lot 5**

**Hooper Avenue**

**Conditional Use Variance and Preliminary Major Subdivision**

Mr. Langer stated the application is being carried at the applicant’s request. The new date will be Wednesday, April 1, 2020 at 7 PM. This is the notice and there will be no further notice.

**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.

Dina Vicari, Esq. appeared as objecting attorney for J Star.

Ms. Vicari objected to the notice.

Mr. Jackson stated he did not believe that notice was required, but he noticed on the advise of Mr. Cucchiaro and reserves his opinion that notice is not required.

Mr. Cucchiaro noted he found the notice to be acceptable and the Board should move forward with the hearing.

Jeffrey Carr, PE, PP, was sworn and he testified to the latest revision of the final plat dated August 2, 2019, a one page plan.

Mr. Carr testified there were no changes to the Final Major Subdivision for seven residential lots, with the exception of the pipe size change to 8 inches, required by the BTMUA and BFS, and no new variances are required on the final. They will agree to come back for any material changes to the plan. He further agreed to all the conditions in Mr. Bocanfusco’s report.

Ms. Paxton stated she does not do a review of a Final Major Subdivisions.

Mr. Bocanfusco said he had no concerns.

Ms. Vicari asked if there were any changes to the plan. Mr. Carr stated there are none.

John MacZugar, Planner was sworn. He testified there were no changes that would any way alter his previous testimony.

Ms. Vicari objected to the lack of ability of her client to comment on landscaping, utilities, sewer and water.

Mr. Carr responded that all of the items were covered by the preliminary plan.

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

Factual Findings were presented by Mr. Chadwick and all members concurred.

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

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

Chairman Langer called for a brief recess at 7:54 PM and called the hearing back to order at 8:00 PM.

**BA-3157 Brian Dreher**

**Block 870.22, Lot 29.20**

**11 Brushy Neck Court**

**Bulk Variance-(carried from October 2, 2020)**

Mr. Jamnik recused himself and left the room.

Chairman Langer noted the applicant had been heard on October 2, 2019 and was carried to this date to get more information on the conservation easement.

Mr. Cucchiaro noted letters from former Planning Board Attorney, John Doyle and former Municipal Planner, Michael Fowler that a chain link fence was permitted in the easement area.

Brian Dreher and Marissa Dreher were sworn. They testified they were seeking a variance to construct a 6 foot high stockade fence in a conservation easement where a 4 foot chain link fence is permitted. There is an existing 4 foot chain link fence. They had a permit to clear out dead vegetation in the easement. They said they were looking for safety, noise reduction and privacy as reasons to seek the variance.

Chairman Langer called public comment.

Don Carballo, 9 Brushy Neck Road, was sworn. He testified he was in favor of the application and thought it would provide privacy and security.

Donna Conover, 266 Davids Road, was sworn. She stated she was opposed to the granting of the variance. She said she does not want a solid fence in the conservation easement. She would rather see a back yard than a fence.

Seeing no other members of the Public, the Chairman closed the Public.

Factual Findings were presented by Ms. Strassheim and all members concurred.

A motion to approve was made by Ms. White and seconded by Mr. Sorrentino to approve the variance.

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

A motion was made by Ms. White and seconded by Ms. Strassheim to recind the previous motion and move to approve the application and findings of fact.

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

Chairman Langer called for a brief recess at 8:40 Pm and he called the meeting back to order at 8:46 PM.

Chairman Langer announced this is his last meeting as a Board member. He will resign as of January 31, 2020.

**BA-3117-PSP-FSP-D**

**728 Princeton Avenue**

**Block 937, Lot 44, 44.01**

**Use Variance and Preliminary and Final Major Site Plan**

**(carried from November 6, 2019)**

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

Michelle Donato, Esq., appeared as an objector on behalf of the following residents:

Constantino, 21 Princeton Avenue

Turo, 747 Bay Avenue

Taylor, Princeton Avenue

Kearns, 745 Bay Avenue

Scherler, 796 South Drive

Langanio, 741 South Drive

Kelly, 18 South Drive

Merritt, 751 Princeton Avenue

Ms. Donato stated the notice is very stale. She had no case law on an old notice, but has no objection to the Board having jurisdiction.

Mr. Jackson said he will have Mr. Carr and Mr. Governale testify tonight. He said there was one change from the previous hearing. The DEP required them to change from one building with 4 townhouses to 2 buildings with 2 townhouses.

After some discussion, Mr. Jackson asked to proceed with the original request for one building with 4 townhouses to avoid any notice problems.

Jeffrey Carr, PE, PE, Lindstrom, Diessner and Carr, was sworn and his credentials to testify as engineer and planner were accepted by the Chairman.

Dan Governale, AIA, BArlo and Governale, was sworn and his credentials to testify as an Architect were accepted by the Chairman.

Mr. Carr described the location of the site and the Marina.

Mr. Jackson asked the Board to accept the Power Point exhibit as Exhibit A-2 through A-40.

Exhibit A-2- Cover sheet for Power Point Exhibit

Exhibit A-3- Ariel photo of area looking toward Beaver Dam Creek

Exhibit A-4- Ariel photo of marina area

Exhibit A-5-Google map photo of the site

Exhibit A-6-Google map photo of the site

Exhibit A-7-Ariel photo

Exhibit A-8 Ariel photo

In response to a question from Ms. Donato, Mr. Carr stated all photos were taken at the time the application was filed and all are post Sandy.

Exhibit A-9 through A-23 are architecturals.

Ms. Donato said she had no objection.

Exhibit A-24 through A-40 are Board review reports.

Ms. Donato said she had no objection.

Mr. Carr went on to described the site with Starks Landing, a Marina, a Boat House and a single-family dwelling. He then described the area surrounding the site.

Mr. Carr further testified to the variances.

He testified to the existing site conditions and to the layout of the proposed plan.

Mr. Carr testified the proposed new building would meet the set backs as required for a single family dwelling.

Regarding drainage, Mr. Carr noted they have designed the site according to the Best Practices manual including a rain garden and provide parking on crushed shell surface.

Mr. Cucchiaro announced the application will be carried to April 15, 2020. No new notice is required. This is the notice. He stated Mr. Carr will continue his testimony and the new Chairman will determine the cross- examination time line.

Mr. Cucchiaro presented a Resolution honoring Chairman Langer’s many years of service on the Board of Adjustment. All members wished him well and he thanked the Board.

ADJOURNMENT

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

The meeting was adjourned at 9:50 PM.

Respectfully submitted by:

Judy Fox Nelson