A meeting of the Brick Township Planning Board

was held on August 26, 2020 in the Township of Brick Municipal Building, 401 Chambers Bridge Road, virtually through ZOOM

The meeting was called to order at 7:02 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 7:02 PM.

Chairman Cooke led the Pledge of Allegiance.

A moment of silence was called for Richard Gross a longtime board member who passed away.

**MEMBERS PRESENT**

Bernard Cooke

Kevin Aiello

Brad Clayton

JoAnne Lambusta

Councilman Mummolo

Cosmo Occhiogrosso

Eileen Della Volle

William Philipson – Alt #1

George Osipovitch – Alt #2

**ABSENT**

Kevin Nugent

**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 Ms. Lambusta to approve the vouchers.

VOTING IN THE AFFIRMATIVE

Councilman Mummolo, Mr. Occhiogrosso, Ms. Lambusta, Ms. Della Volle, Mr. Clayton, Mr. Aiello, Mr. Cooke

**MINUTES:**

**April 8th, 2020**

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

VOTING IN THE AFFIRMATIVE

Mr. Clayton, Councilman Mummolo, Ms. Lambusta, Ms. Della Volle, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

**April 22nd, 2020**

A motion was made by Councilman Mummolo and seconded by Mr. Aiello to approve the minutes.

VOTING IN THE AFFIRMATIVE

Mr. Clayton, Councilman Mummolo, Mr. Occhiogrosso, Ms. Lambusta, Ms. Della Volle, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

**RESOLUTIONS:**

**PB-2846-PSP-FSP-C 12/2019**

**Fine Arts Holdings, LLC**

**Block 645.01 Lot 107**

**346 Drum Point Road**

**Site Plan w/Variances**

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

VOTING IN THE AFFIRMATIVE

Mr. Clayton, Councilman Mummolo, Mr. Occhiogrosso, Ms. Lambusta, Ms. Della Volle, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

The motion was approved and Resolution R-21-2020 was adopted.

**NEW BUSINESS:**

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

**Dainius Sakavickas**

**Block 324.19 Lot 22**

**25 Royal Drive**

**Minor Subdivision w/Variance**

The Chairman stated this application will not be heard and will be carried to the September 23, 2020 meeting. The applicant will notice for that hearing.

**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 September 23, 2020 meeting. The applicant will notice for that hearing.

**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**

John Jackson, Esq. and Charles Lindstrom, PE, PP, appeared on behalf of the applicant. Mr. Lindstrom was sworn in. He stated the property is located on the Barnegat Bay in a R-5 Zone. The applicant is proposing to adjust the lot line and creating three lots which will meet bulk requirements except lot depth and rear yard setback. The applicant is seeking a variance ( c ) ( 1 ) and ( c ) ( 2) for the proposed lot 20.01 which would have a depth of 69.7 ft where 75 ft. is required and a rear yard setback of 0 ft where 15 ft is required, this will have a proposed deck installed to the bulkhead.

Exhibit A-1 a power point was moved into evidence.

The applicant agreed to Ms. Commins, Township Engineer’s report, that they would obtain a flood hazard permit required by the NJDEP. Mr. Lindstrom also added to his statement that they have already received approvals from Ocean County Planning Board and the Brick Township Municipal Authority. In addressing Mr. Wilkinson’s report, they seek waivers for street trees and shade trees as this area does not contain street or shade trees. Mr. Lindstrom agreed to extend the Belgian block to the limits of the proposed properties, he found this will benefit as a nice clean edge pavement to this area but seeks waivers for the sidewalks as they would not be connected to anything as there are no other sidewalks in the neighborhood.

Mr. Wilkinson asked if the applicant is granted the waiver for the sidewalks would they agree to contribute to the Pedestrian Safety fund.

The applicant agreed to this.

Mr. Wilkinson suggested a maximum of 80% impervious coverage on the new lots 24.01 and 22.01 as a condition as the 100% decking as there is no place for water to go. Mr. Wilkinson brought up the neighboring yards which is covered in decking and doesn’t allow anywhere for water to go and seeing this is on the water in a flood prone area he sees this as a problem in the future. He suggested a clause in this subdivision to allow some recharging.

Mr. Lindstrom stated because Brick is not a town that has impervious limits on residential lots he stated that you would be singling out these lots, as most lots in this area do not conform to this.

Ms. Paxton stated she agrees with Mr. Wilkinson’s recommendation, even though the Township of Brick does not have a limit of impervious coverage for single family residential dwellings, they do have one for the commercial properties which vary depending on the zone. She stated there is a stormwater and drainage issue especially in this area the recommendation to limit impervious coverage has been listed in the Floodplain Management Plan which is part of the Master Plan and she believes this will be consistent with the Master Plan even though it is absent in the fact that it is an ordinance requirement.

Ms. Della Volle commented that she frequents this area and she agrees to the suggestion from the board professionals especially how close it is to the water.

Ms. Lambusta stated she is in favor to limiting the impervious coverage also.

The chairman called to poll the board.

In favor:

Councilman Mummolo, Mr. Occhiogrosso, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

Mr. Clayton was not in favor he stated he was ok with the 100 % coverage as the ordinance didn’t require it.

Mr. Jackson stated they will abide by the board’s decision of this.

Ms. Paxton asked Mr. Lindstrom if there were any plans to add docks or piers on these lots. Mr. Lindstrom stated at this present time there is no plans. Ms. Paxton stated as there should be no accessory uses 15 ft from the bulkhead, which includes but not limited to pools, sheds, raised decks, or any accessory building structures will have to require future variances. It was requested this be noted on the plans that no accessory structure could be located within 15 ft of the bulkhead so potential buyers are aware of this.

The chairman opened for public comments or questions.

Cecilia Burisch of 84 Rochester Drive was sworn in. She has been a property owner of her residence since 1969. She stated that in 1990 Mr. Zimmerman made an application seeking a variance which was not permitted at the time. Ms. Burisch stated her opposition of the creation of three lots is too much for the area which already has limited parking on their street, and flooding during storms. She stated there is no access to get fire trucks down their street when cars are parked on Rochester Drive.

Margarate Mastrobattisto of 86 Rochester Drive was sworn in. Ms. Mastrobattisto stated her concerns for the parking as it is a small road and when people park on both sides of the road it becomes very narrow.

Vincent Grande of 86 Rochester Drive was sworn in. He stated that he felt this approval of this application would open up more houses being built in the area making it built up.

The public comment was closed by the Chairman.

Ms. Paxton confirmed there was no public comment emails.

In closing Mr. Jackson stated they have complied with RSI standards for parking, meets with all front and side yard setbacks and is conforming to the neighborhood.

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

VOTING IN THE AFFIRMATIVE

Mr. Clayton, Councilman Mummolo, Mr. Occhiogrosso, Ms. Lambusta, Ms. Della Volle, Mr. Philipson, Mr. Osipovitch, Mr. Aiello, Mr. Cooke

**ADJOURNMENT**

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

The meeting was adjourned at 8:23pm.

Respectfully submitted by:

Lauren J. Frank