

A meeting of the Brick Township Planning Board
was held on **November 4, 2015** in the Municipal Building.
The meeting was called to order at 7:00pm.

Chairman Michael Tronccone read the following notice: Let the minutes reflect that adequate notice of this public meeting was made by public Resolution of the Brick Township Planning Board at a regular meeting on January 14, 2015. The notice was posted on the bulletin board in the Brick Township Municipal Building, forwarded to the official newspapers and filed with the Township Clerk as required in the Open Public Meetings Law. Mr. Tronccone led the Pledge of Allegiance.

MEMBERS PRESENT

John Catalano
Bernard Cooke
Art Halloran
Joseph Marra
Councilman Mummolo
Michael Tronccone
Richard Gross
Cosmo Occhiogrosso

MEMBERS ABSENT

Brad Clayton
John Menshon

ALSO PRESENT

Michael Fowler, AICP/PP, Municipal Planner
Harold Hensel, Esq., Planning Board Attorney
Ted Wilkinson, PE, Planning Board Engineer
Denise Sweet, Court Recorder
Christine Papa, Secretary

VOUCHERS

A motion to approve the vouchers was made by Mr. Halloran and seconded by Mr. Cooke.

VOTING IN THE AFFIRMATIVE: Mr. Catalano, Mr. Cooke, Mr. Halloran, Mr. Marra, Councilman Mummolo, Mr. Tronccone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Clayton, Mr. Menshon

The motion passed and the vouchers were approved.

NEW BUSINESS

PB 2770-TC-8/15, Block 1427, Lot 54, Harry Hernandez, Jr. 914 Columbus Drive

Mr. Hernandez was sworn in to testify as the applicant. Mr. Fowler presented the application to the Board.

Any property owner who wants to remove more than nine (9) trees that are nine (9) inches or more in diameter must come before the Planning Board for approval. Mr. Hernandez has a property that is several hundred feet deep. Mr. Hernandez began clearing trees beyond the fence line. He was not aware that he needed a permit to do so until he was notified by Mr. Shafer of the Engineering Department. Roughly 50 trees would be coming down – a combination of live, dead and fallen/falling trees. There will still be many trees left on the property.

There is no public comment for a tree clearing permit. Chairman Troncone called for

A motion to approve the application was made by Mr. Catalano and seconded by Mr. Gross.

VOTING IN THE AFFIRMATIVE: Mr. Catalano, Mr. Cooke, Mr. Halloran, Mr. Marra, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Clayton, Mr. Menshon

The motion passed and the application was approved.

RESOLUTIONS

PB 2770-TC-8/15, Block 1427, Lot 54, Harry Hernandez, Jr. 914 Columbus Drive

Harold Hensel, Planning Board Attorney, had prepared a resolution and read the resolution of approval to the Board members.

A motion to approve the resolution of approval was made by Mr. Gross and seconded by Mr. Halloran.

VOTING IN THE AFFIRMATIVE: Mr. Catalano, Mr. Cooke, Mr. Halloran, Mr. Marra, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Clayton, Mr. Menshon

The motion passed and the resolution was approved.

**PB 2742-MSP-V-3/15, Block 589, Lots 1 & 9, RMR Realty, LLC/Denino's
869 Mantoloking Road**

A motion to approve the resolution of approval was made by Mr. Catalano and seconded by Mr. Halloran.

VOTING IN THE AFFIRMATIVE: Mr. Catalano, Mr. Cooke, Mr. Halloran, Mr. Marra, Councilman Mummolo, Mr. Troncone, Mr. Gross

ABSENT: Mr. Clayton, Mr. Menshon

INELIGIBLE: Mr. Occhiogrosso

The motion passed and the resolution was approved.

SITE PLANS

**PB 2771(2354)-A-FSP-V-9/15, Block 670, Lot 9.01, Carrabba's Italian Grill, LLC,
Cedar Bridge Avenue**

John Jackson of King, Kitrick, Jackson and McWeeney was present to represent the applicant. The applicant is seeking approval to create an outdoor seating area as well as some interior renovations.

Joseph Yannucci, Langan Engineering, was sworn and accepted in to testify as the engineer.

Carrabba's Italian Grille proposing an interior remodel as well as the outdoor seating:

- Proposing seven (7) patio tables for additional seating for twenty-six (26) people
- Interior remodel will provide for eight (8) additional seats for a total of thirty-four (34) additional seats.
- Patio will also have a canopy for coverage but will be open air seating.
- Drainage – the canopy will have a new downspout to a catch basin area for runoff

PB Engineer Report: dated October 30, 2015

Section B: Variances:

- Parking variance needed because of the additional seating that will in turn require additional parking. There was a parking variance granted several years ago. They are requesting an amendment to that parking variance for an additional nine (9) spaces.
 - Used the site plan provided to the Board to provide overview of what parking is there and what is required. There are 506 existing parking spaces. Proposed improvements do not impact any current parking.
 - Required parking was based upon the summation of the parking requirements for all tenants for the entire shopping center. There a several different mixed uses on the site.

- Parking will not be an issue due to the different peak hours of the tenants.
- There are no residential areas nearby that would be impacted by overflow parking.
- No additional variances were requested.

Sections C - H:

- Building area will increase by 500 sq. ft. which is the area of the patio.
- There are no current issues or parking deficiencies and none anticipated with this application.
- There will be no adverse impact on pedestrian circulation in the shopping center due to the location of the patio seating.
- Stormwater management will not be impacted in any way.
- There is sufficient lighting. The proposed canopy will provide recessed lighting underneath the canopy for patrons dining on the canopy.
- Patio surface will be stained concrete slab and the railings and gate will be aluminum material painted black and will meet ADA standards.

Municipal Planner Report: dated November 2, 2015 (civil engineer comments)

- Reasons for variances for parking – they have adequate parking and don't need to add any spaces.
- Ted Wilkinson noted a request from the Fire Marshall regarding changing the mulch area around the patio to decorative stone. The applicant's engineer agreed on behalf of the applicant to replace the mulch with a river rock/decorative stone.

Municipal Engineer had No Comment in her report.

The Architectural Review Committee was satisfied with the application.

Municipal Planner Report: dated November 2, 2015 (planner and traffic expert comments)

Alan Lothian, Langan Engineering, was sworn in and accepted as the traffic engineer/expert.

- Parking analysis (June 26 & 27, 2015; July 29, 2015) – during the peak occupancy hours in the area directly in front of Carrabba's, there was 84% occupancy with 22 spaces left over. In the center as a whole, the occupancy was 39% with 309 spaces available. This was during peak times that Carrabba's would be open. This is sufficient parking.
- Several different businesses in the center operate at different peak hours than Carrabba's.
- Hedge row next to fence will be extended toward the driveway in the back so it is continuous and people can't cut through to the patio. Mr. Fowler will speak with the Fire Marshall to verify that he does not have a fire hazard issue with the live hedge near the patio.
- Mr. Fowler requested a couple bollards to provide lighting and add vegetation in the back for safety reasons and to give people dining looking in that direction something more to look at.

Exhibit A-1: 8 ½ inch rendering

Exhibit A-2: Architectural Rendering (explained by Mr. Lothian to the Board)

Chairman Troncone opened the meeting to Board comments.

Mr. Occhiogrosso asked if there are people waiting for tables on a busy night. He is concerned about people waiting for tables outside interfering with diners on the patio. There is a seating area and bar inside as well as a bench outside to for people to wait. The outdoor dining area will be fenced off. This should alleviate Mr. Occhiogrosso's concern about children running around the outdoor tables while waiting for seating.

Mr. Gross asked what the canopy would be made of and if there are any plans to put a plastic shield around it during bad weather. The canopy will be made of metal and there is no plan for plastic shielding but Mr. Jackson requested that the flexibility to add the plastic shield during bad weather be added to the resolution. Will there be any heaters on the patio during cooler weather? No.

They are not changing the gate location, but will add planters near the gates at the request of the Board.

Per Mr. Jackson, the applicant will apply with the Township Clerk to expand the service area of the current liquor license to include the outdoor seating.

Chairman Troncone opened the meeting to public comment. Seeing none, he closed the meeting to public comment.

A motion to approve the resolution of approval with the conditions as stated was made by Mr. Gross and seconded by Mr. Marra.

VOTING IN THE AFFIRMATIVE: Mr. Catalano, Mr. Cooke, Mr. Halloran, Mr. Marra, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Clayton, Mr. Menshon

The motion passed and the application was approved.

Chairman Troncone called for a short break at 7:51pm. The meeting resumed at 8:04pm.

**PB 2766-PSP-FSP-7/15, Block 645, Lots 1.01 & 1.02, Pioneer Hose Company
312 Drum Point Road**

John Jackson of King, Kitrick, Jackson and McWeeney represented the applicant, Pioneer Hose Company.

The applicant has new trucks and equipment. They are renovating/adding to the current fire house to house the new trucks in a more convenient manner. The fire house is also an election polling place. The applicant has requested reserved parking for firefighters near the truck bays so that if a fire call comes in during an election, they will be able to park as close as possible to respond as quickly as possible.

Chris Rosati, FWH Associates, was sworn in and accepted to testify as the engineer. He provided a general overview of the proposed project.

Exhibit A-1: Aerial View of Existing Conditions

Exhibit A-2: Color Rendering of the Site Development Plan, Sheet 3 of 9.

- The property is in the B-2 zone and the proposed application is compliant with that zone.
- They are adding on to the building with additional garage truck bays to accommodate the larger/taller trucks. The current situation forces firefighters to stop traffic on Drum Point Road so the trucks can back into the bays and be facing forward to respond to the next call.
- The new plan will allow them to pull the trucks into the bays from behind the building and pull through the front for the next response.
- Demolishing 2,500 sq. ft. of the existing structure and adding 5,000 sq. ft. of garage area and reconfiguring some of the existing hall space to accommodate locker rooms, compressor rooms, etc.
- Proposing firefighter parking only for specific spaces.
- Impervious area decreased

As per Mr. Fowler's letter, there is a sidewalk easement along the right of way of Johnson Road. They are going to move the parking spaces out of the sidewalk easement closer to the exit driveway so they are not across the easement.

The proposed site plan requests several variances, however they will be improving existing non-conformities.

- Existing area of 2,500 sq. ft. being removed is alleviating an existing non-conformity where a front yard setback for the building is 26ft. where 50ft. is required.
- Introducing new variance along Johnson Road frontage with a front setback of 20.8ft. Johnson Road is a dead end street with only one home on it.
- Curb and sidewalks will be added to Drum Point Road (County Road requirement)
- No curbing or sidewalks on Johnson Road
- Firefighter parking stalls require a variance due to their location that is technically in a buffer zone.

Planning Board Engineer's Report:

All comments were already addressed with the exception of the following:

- ADA Compliance spaces – they will comply with ADA by adding the two additional required spaces.
- Eight (8) - 9ft x 18ft parking spaces proposed to reduce impervious coverage.
- Exhibit A-2 shows a revised plan for landscaping as per the Engineer's report.
- The reason for the position of the driveway as opposed to aligning it with Sky Manor Boulevard is that the two lower bays are going to house the two largest trucks. They want to be able to get those trucks in and drive straight out without

doing any turn maneuvers to get them onto Drum Point Road as quickly as possible.

- Requesting a waiver on roads and sidewalks on Johnson Road and Firehouse Road. There is no real pedestrian traffic there and they are already adding curbs and sidewalks on Drum Point Road.
- Applicant agrees to comply with stormwater management, comments about landscape and irrigation as well as outside agency approvals.
- Mr. Wilkinson addressed the Traffic Safety report with regard to the condition of Firehouse Road pavement. Asked that the applicant overlay two inches of asphalt on Firehouse Road in lieu of sidewalks and curbs. However, it would require milling and an extensive amount of work. Chairman Troncone suggested patching potholes as opposed to resurfacing which would be more financially possible.
- The Fire Marshall's report had a concern with the trash enclosure being too close to the building and asked for it to be pulled away. There was discussion about adding striping to the area.
- Mr. Wilkinson regarding Firehouse Road: the new use of that road for fire trucks maneuvering to main driveway may be too much traffic for the road to handle in its current condition.

Mr. Slowinski, Trustee at the firehouse and is on the Committee for the new building. He explained that every day, every single truck, every call drives down Firehouse Road now. The new plan will decrease traffic on Johnson Road but will not increase traffic on Firehouse Road. They are not the only ones using that road and they have put in a request for repairs to the road.

Joseph Licandro, Chief of Pioneer Fire Company was sworn in.

- How many firemen are members of the company? Approximately 40. Roughly 25-30 would respond to a fire when needed.
- They have enough room to maneuver the trucks with the planned parking spaces for the proposed application.
- The cars/parking spaces have never been in the way.

Chairman Troncone asked about parking. Mr. Rosati responded.

- How many parking spaces are you over? The required amount for the hall is 51 and they have 82 spaces. Mr. Troncone suggested removing some of those parking stalls, use the grass when needed and push the stormwater management towards the rear of that area.

Mr. Catalano asked if the concrete apron in front of the bays could be kept an even width instead of bottlenecking. They are trying to save some impervious cover and make it more aesthetically pleasing with some vegetation along Drum Point Road. The vehicles that are going to park in those bays are smaller and can maneuver easily.

Mr. Occhiogrosso:

- Fire Marshall's report - #7 – they will clarify the typo on the application.

- The new addition is 61 feet long. How long is the aerial truck? It is 48 feet.

Councilman Mummolo asked if public meetings are held at the firehouse. Yes they are and they are posted in several manners.

Vincent “Jim” Matarazzo, VJM Architects, was sworn in and accepted to testify as an architect.

Lighting (as noted by the Architectural Review Committee)

- There is recessed lighting under soffits. There are no projection lights on the building. There were some on the front of the building facing Drum Point Road but they were removed.
- There is pole lighting for the parking lots. It will be new lighting.
- Sign lighting will stay as is and is backlit.

Exhibit A-3: Lighting Rendering

- There won't be any up lighting for landscaping.
- There is no digital writing on the sign, only letters that are added by hand.

The building will be materially compatible with the existing building.

Mr. Marra – are they considering new mechanicals on the building? They are on the roof right now. They are not heating/air conditioning the new truck bays so there are no mechanicals for that. The mechanicals for the exhaust are inside the building.

The kitchen area of the hall will be reduced in size to accommodate other facilities.

Mr. Gross asked if there was any consideration to adding solar panels to the building. They have looked into that for all four buildings. They have a committee reviewing the possibility for all of the houses and once the plans are finalized for Pioneer, they plan to add that house into the mix for solar as well.

Mr. Wilkinson revisited the Firehouse Road concern and the importance of the concerns. Chairman Troncone voiced his opinion that the fire company should contribute to the repair of the road in lieu of sidewalks and curbs as a goodwill gesture. Mr. Jackson stated that Firehouse Road is a public road that is used by people other than the firehouse. The condition of the road is not the fault of the fire company. They are a volunteer organization. He submitted that it is the municipality's responsibility. He suggested that the Commissioner speak with the Governing body to come to an agreement. He also added that it is an offsite improvement. Mr. Jackson was not willing to agree to commit to Pioneer Hose Company providing funds towards road repair.

Mr. Wilkinson noted that the Municipal Engineer made comment in her report. Her comments were regarding backing out on Johnson and Firehouse roads. Mr. Wilkinson suggested that the firehouse pay for half of the repairs, the municipality would do the work and pay for half the cost. Mr. Jackson stated that he would work with the Town as best he could but does not think it is fiscally possible or fair for the volunteer organization who raised the money for this project through their own efforts on their own time when this is a public road. They provide a public service.

An unidentified Board member stated that he agrees with Mr. Jackson in that it is a public road and would love to say that the Town would pay for it, but he doesn't know if the Town has the money. He does know that the firehouse does not have the money. He does not know what the happy medium is.

Mr. Gross stated that he believes that the Town has contingency funds that may be used for the road repair.

Mr. Troncone stated that he believes that there should be some kind of fair share contribution.

Another Board member stated that he agrees with Mr. Jackson and stated that the firemen volunteer their lives; we (the Township) should volunteer the money. They actually raised the money to build the building; "we" should pave the roads around it.

Chairman Troncone opened the meeting up to public comment. Seeing none, the Chairman closed the meeting to public comment.

A motion to approve the resolution of approval with the conditions as stated was made by Mr. Gross and seconded by Mr. Cooke.

VOTING IN THE AFFIRMATIVE: Mr. Catalano, Mr. Cooke, Mr. Halloran, Mr. Marra, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Clayton, Mr. Menshon

The motion passed and the application was approved.

DISCUSSION

Harold Hensel spoke with regard to the Kamson Corp/Ocean Pointe application and the lawsuit that was filed against the applicant and the Brick Planning Board challenging the jurisdiction of the Board to continue to hear the application. The applicant's attorney, Mr. Policastro, authored a letter dated November 2, 2015 to Mr. Gasiorowski, the attorney for the objector who filed the lawsuit. Mr. Policastro indicated that he would be submitted to the Brick Zoning Board of Adjustment for an interpretation as to the appropriate Board that should continue to hear the application. He requested that Mr. Gasiorowski dismiss the complaint and allow the Zoning Board to do that. It is Mr. Hensel's understanding that Mr. Gasiorowski verbally refused to dismiss the complaint. Mr. Policastro is going to proceed with the application before the Zoning Board, and ask for an interpretation as to the appropriate Board that he should be in front of. The Planning Board ("we") does not have to act yet on the complaint that has been filed. The Board has 35 days to file an answer from the date of service. "We" have not been served yet. He has filed it with the Court. He has not received a docket number, or effectuated service over the Board or the applicant. Mr. Hensel stated that the Planning Board will await the interpretation from the Zoning Board but will ask Mr. Policastro for

an extension of time. The time period has been tolled for the duration of time that it takes to get the interpretation, but he will still get the time extension.

Mr. Troncone announced that at the December 9, 2015 meeting there will be a presentation and asked Mr. Fowler to provide a brief summary of what that presentation will entail.

- The Town has been working for approximately five (5) months with three (3) different consultants on the Sandy Planning Grant.
- Flood Plain Management and Flood Water Response plans are being prepared as well as plans for Hazard Mitigation, four Neighborhood plans, a building element and a number of revisions to the Towns Master Plan and Ordinances.
- On December 9th, the furthest progress has been made with the Flood Plain Management Plan, Flood Water Response and the Hazard Mitigation Plan, so the Board would hear at least two (2) of those presentations from one of the consultants.
- Mr. Halloran is on the Flood Plain Management Committee which has had several meetings and received feedback from the public.
- Prior to the December 9th meeting, the Board members will receive some information on the presentation.
- This will be a presentation not to be adopted.
- The presentations are drafts but a lot of the information has been made available to the public.
- The Planning Board will eventually be adopting all of the 8 or 9 plans that come before the Board, but on December 9th it will only be a presentation.

Mr. Gross stated that he would like to receive the reports for the applications sooner in order to visit the sites if necessary. Chairman Troncone voiced that the policy is to release the reports the Friday prior to the meeting, however, there were unusual circumstances this week with vacations and two meetings on one night. He stated that the files are always available for viewing at the office.

Mr. Occhiogrosso asked when they would be voting on the Flood Management presentations due to the amount of information they are likely to receive on the 9th. Mr. Fowler responded that the votes will be conducted in January.

Mr. Occhiogrosso also stated that he believes they should have more time to view reports. It is not fair to the Board members or the applicants to vote blindly. Chairman Troncone stated he would speak with the Board Secretary about possibly producing a list of pending applications so that members know what is coming up at the hearings. However, the reports will continue to go out on the Friday before the meeting.

ADJOURNMENT

Chairman Troncone made a motion to adjourn the meeting. All present were in favor via a voice vote. None opposed.

The meeting was adjourned at 9:38pm.

Respectfully Submitted by,

Jennifer Rother
Planning Board