

A meeting of the Brick Township Planning Board was held on **August 26, 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

Skott Burkland
Brad Clayton
Bernard Cooke
Art Halloran
John Menshon
Councilman Paul Mummolo
Michael Tronccone
Richard Gross
Cosmo Occhiogrosso

MEMBERS ABSENT

John Catalano
Joe Marra

ALSO PRESENT

Michael Fowler, AICP/PP, Municipal Planner
Harold Hensel, Esq., Planning Board Attorney
Bill England, PE, (sitting in) Planning Board Engineer
Denise Sweet, Court Recorder
Christine Papa, Secretary

APPROVAL OF MINUTES – August 12, 2015

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

VOTING IN THE AFFIRMATIVE: Mr. Burkland, Mr. Clayton, Mr. Cooke, Mr. Halloran, Mr. Menshon, Councilman Mummolo, Mr. Tronccone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Catalano, Mr. Marra

The motion passed and the minutes were approved.

VOUCHERS

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

VOTING IN THE AFFIRMATIVE: Mr. Burkland, Mr. Clayton, Mr. Cooke, Mr. Halloran, Mr. Menshon, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Catalano, Mr. Marra

The motion passed and the vouchers were approved.

STREET VACATION

#270-V Lorraine Place, Ordinance Vacating a Portion of Lorraine Place

Michael Fowler explained the details of the request for the street vacation.

- Application is for the vacation of a paved street.
- When the Sawmill Road application came in years ago, residents on the south side of Lorraine Place did not want the road to go through for fear of what it would do to traffic in that area.
- Looking to vacate a 15ft section for lot 15.
- Lorraine Place has not been well maintained.
- There is no detriment to the Town
- This will add some additional yard area that will become ratable for the Town.
- They are keeping 20 feet for emergency access
- There will still be a minimum 20 foot wide connection between the two streets will remain.

A motion to approve the street vacation was made by Mr. Burkland and seconded by Councilman Mummolo.

VOTING IN THE AFFIRMATIVE: Mr. Burkland, Mr. Clayton, Mr. Cooke, Mr. Halloran, Mr. Menshon, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Catalano, Mr. Marra

The motion was passed and the street vacation was approved.

RESOLUTIONS

#270-V Lorraine Place, Ordinance Vacating a Portion of Lorraine Place

A motion to approve the resolution for the street vacation was made by Mr. Burkland and seconded by Mr. Occhiogrosso.

VOTING IN THE AFFIRMATIVE: Mr. Burkland, Mr. Clayton, Mr. Cooke, Mr. Halloran, Mr. Menshon, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Catalano, Mr. Marra

The motion was passed and the resolution was approved.

PB 2755-MS-10/14, Block 22.01, Lot 168, Russell Hewit, 497 Ellison Drive

A motion to approve the resolution was made by Mr. Burkland and seconded by Mr. Halloran.

VOTING IN THE AFFIRMATIVE: Mr. Clayton, Mr. Cooke, Mr. Halloran, Councilman Mummolo, Mr. Troncone, Mr. Occhiogrosso

ABSENT: Mr. Catalano, Mr. Marra

INELIGIBLE: Mr. Burkland, Mr. Menshon, Mr. Gross

The motion passed and the resolution was approved.

MINOR SUBDIVISIONS

PB# 2765-MS-V-6/15, Block 60, Lot 21, Thomas & Patricia Hadler, 207 Dune Avenue

Ben Montenegro of Montenegro, Thompson, Montenegro and Genz represented the applicants, Thomas and Patricia Hadler, who are requesting approval for a minor subdivision of one lot into two lots. The corner property fronts on both Dune Avenue and Route 35. They are seeking variance relief for lot area in width and front yard setback for Lot 21 only (existing condition with their existing dwelling) and rear setback for Lot 21 only and for frontage on a street (Dune Avenue) less than 50 feet in width.

Chuck Lindstrom was also present as the professional engineer and planner as well as the applicant, Thomas Hadler. Mr. Lindstrom was sworn in and accepted as a Professional Engineer and Professional Planner.

Michael Fowler and Chairman Troncone acknowledged the absence of Board Engineer, Ted Wilkinson. Bill England of ARH Associates was present to take his place.

The development is a beach development on the barrier island. The subdivision map board mounted (marked as Exhibit A-1). Route 35 is at the top of the page and Dune Avenue comes off of Route 35 toward the East. The lot in question is a corner lot on Dune Avenue and Route 35. It was originally planned as two lots and was developed as one lot with one house on the Eastern portion. The Western portion is vacant. The existing home is across the common lot line. They are proposing to remove the garage

area of the house and subdivide the lot in half leaving a buildable lot on Western half and the existing house would remain on the East side.

Board Engineer's report dated August 6, 2015:

Section A – Informational

Section B – requests a review of the historical tax map. Map is provided and marked as Exhibit A-2: Original filed map showing subdivision of property. The map was filed in 1953 and the development was called Mantoloking Dunes at the time. The one lot now is shown as being originally two (2) lots.

- The lot is 14,599 sq. ft. They want to create two (2) lots that are 7,300 sq. ft. and 7,299 sq. ft. The proposed Lot 21 fronts on Dune Avenue is 7,299 sq. ft. and the lot fronting on Route 35 and Dune Avenue (corner lot) is 7,300 sq. ft.
- Lot width is not in conformance with the ordinance. 75ft is required. The existing lot width is 71.79ft for both newly created lots.
- Proposing to remove a portion of a two-car garage leaving room for it to remain as a one-car garage. Requesting a setback of 12.8ft where 15 is required.

Thomas Hadler was sworn in as the applicant/homeowner to answer a question that Chairman Troncone asked of Mr. Montenegro regarding Sandy damage. Mr. Hadler purchased the property in November 2014. The structure was not affected by Superstorm Sandy. They did have a lot of residual sand on the front and side yards. Chairman Troncone asked if the property is in a flood zone. The Engineer's report notes that the property elevation is 13.66 (paragraph D, ARH report) – Flood zone AE-8. So the home is above the flood zone. Mr. Hadler verified that there is no intention to raise the house when asked of Chairman Troncone.

Variances continued:

- Front yard setback for house from Dune Avenue because of the bay window. The setback is 18.2ft where 25ft is required.

Section C – Zoning Requirements

Lot area required is 9,000sq ft. The proposed square footage is 7,300 sf and 7,299 sf. There are three road frontages which makes it difficult to meet the requirements. There is no detrimental impact to approving the variance. It is

Subsection 3: Design Waivers

- a. Based upon existing vegetation, there are existing shade trees on the property that would comply with the ordinance. If any of them are not in the right place or cannot be saved, they will supplement to replace the trees.
- b. Curbing and sidewalks – the curbs and sidewalks were not done at the time of the survey. Due to the ongoing project on Route 35, the curbs and sidewalks are now completed by the State. The rest of the site already has curbs. No sidewalks exist elsewhere on the street.

General Review

1. Off-street parking. Three spaces will be required and provided on both the existing lot and the newly formed lot.

2. The applicant concurs via Mr. Montenegro with items 2-4.
3. Item #5 – There are no plans for a grade change at this time but will be addressed at the time of development to accommodate the house depending upon its design.
4. Item #6 – Sight Triangle Easement – The applicant would like to follow the Ashville standard as opposed to the Brick standard. The Brick standard will go through the house but they meet the AASHTO requirements which are national standards.
5. Item #7 – applicant concurs

Section C. Water and Sewer

1. The current sewer lateral for the house off of Route 35. The applicant proposes to cut that and re-tap the sewer from Dune Avenue (BTMUA sewer). Will need a new tap of the water through NJ American Water.

Sections D & E. The applicant agrees via their Engineer to comply with all of the items in these sections.

Section F. Outside Approvals - The applicant has the necessary approvals. The County was approved July 15th and the BTMUA was approved July 28th.

Chairman Tronccone asked if there would be any NJDOT access permits. Chuck Lindstrom said no because they are not requesting any access from the State highway. The access for this property will be from Dune Avenue for the new lot.

Chairman Tronccone stated that they would move on to the Planner's report and he will ask the Board for their questions of the Board professionals all at once afterward.

Municipal Planner Report

Sections I, II and III are informational.

Section IV – Comments

- A. Street and Shade Trees – this was addressed earlier
- B. Attached garage – it will be reduced to a one car garage which will create a rear yard setback.
- C. Disposition of the existing improvements on new Lot 34 other than the garage – The engineer indicated the removal or relocation of the existing retaining wall and fencing. Any other improvements on the lot would be done to Code.
- D. NJDOT Permit for Access to Route 35 for new Lot 34 – All access will be from Dune Avenue, therefore an access permit to Route 35 is not necessary.
- E. Off-street parking – was addressed in earlier testimony
- F. Variances – were addressed in earlier testimony

Other reports:

Fire Safety – plan was reviewed and accepted.

There were no reports required from the Shade Tree or Environmental Commission however Mr. Lindstrom noted that they request a waiver for the trees on the existing lot and will address the trees as part of the plot plan for the new house on the new lot.

Chairman Troncone asked for comments from the Professionals:

Bill England: Their report was dated August 6, 2015 for the record. They are okay with the access standard and site triangles.

Michael Fowler: No Comment.

Chairman Troncone opened meeting to Board members and Counsel:

Harold Hensel directed his question to the applicant's Counsel and Engineer regarding the variance request. It is noted as a C-1 and C-2 hardship. He asked them to address the self-created hardship of a C-1 for resolution purposes. Mr. Lindstrom addressed his request in that there are three (3) frontages on the lot which is conforming and it is being subdivided into two (2) lots. The shape and frontage of the lot offers a situation where in order to do any development that conforms to the neighborhood, they need the variances. Under the C-2, it is more harmonious with the neighborhood. They do not see any detriment to granting the variances.

Ben Montenegro noted that he indicated during his opening remarks that according to Ms. Commins' Land Development Application Review that there is one additional variance or possible waiver that lots must front on an approved street of at least 50 feet in width. He stated that Dune Avenue is less than 50 feet in width which is an existing condition and there is nothing they can do to change it. It should be identified as a variance or waiver as listed in Ms. Commins' report.

Chairman Troncone opened the meeting to the Board members:

Mr. Burkland: How wide is Dune Avenue?

It is a 40 foot right of way with 28 feet of pavement. There is very little likelihood that Brick Township will widen the streets and put in sidewalks to make the additional right of way, and that is why the applicant requested the waiver. It is an area that does not have sidewalks and they request a waiver to leave Dune Avenue and the right of way the way it is.

Mr. Burkland addressed Board Counsel stating that this variance seems to be a C-2.

Mr. Hensel stated that he tended to agree. They are also asking for a rear yard setback variance which they may be able to avoid if they cut it back farther. They are seeking not to do that which would be conforming to the neighborhood and other properties that encroach upon the rear yard setback, thus creating the variance. Mr. Hensel stated that the testimony from Mr. Lindstrom indicates that it meets a C-2; C-1 is arguable in his view. Mr. Burkland stated that he would have difficulty in approving a C-1 for this property. He also doesn't have any reservation in approving the application as presented but wanted to be on the record that he does not see a C-1.

Councilman Mummolo (?):

- Does the applicant plan on selling the lot or building on the lot? Applicant has not decided at this point.
- Was Dune Avenue recently paved? No.
- Toward Mr. Lindstrom: What side of the road are the utility/telephone poles on? Mr. Lindstrom was not sure.

- The lots the way they are proposed would be conforming to the lots across the street? Yes.

Chairman Troncone closed the comments from the Board and opened the meeting to comments from the public. Seeing none, the Chairman closed public comment.

A motion to approve the application was made by Mr. Burkland with the request that Counsel remove the C-1 variance request and seconded by Mr. Gross.

VOTING IN THE AFFIRMATIVE: Mr. Burkland, Mr. Clayton, Mr. Cooke, Mr. Halloran, Mr. Menshon, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Catalano, Mr. Marra

The motion passed and the application was approved.

Chairman Troncone called for a short break at 7:47pm. The meeting restarted at 7:57pm.

SITE PLANS

PB# 2763-PSP-V-FSP-CU-5/15, Block 672, Lots 6 & 10, D&J Realty/QuickChek w/ Gas Station, 715 Route 70

Harvey York of Novins, York and Jacobus represented the applicant.

- This application is a redevelopment application as opposed to one that is developing vacant land. The site currently has Ideal Tile and Crown Bank on the lots.
- The entire site is virtually paved over. QuickChek's design development isn't looking to use 100% of the paved area. They want to develop it with 24,000 square feet of open area, landscape, trees, grass, etc. which will make it more aesthetically pleasing as well as more environmentally friendly.

John Carafello, Real Estate Relocation Manager for QuickChek Corporation, stationed in Whitehouse Station, NJ.

- The applicant wants to redevelop the site into one of its prototype stores similar to one that was just opened on Route 35 in Eatontown.
- QuickChek is a privately owned by the QuickChek Corporation, not franchised, so they themselves will be responsible for the maintenance of the site.
- They would prefer to build a smaller building with a more pleasing landscape design and open space than to build a larger building with more pumping stations.

Mr. Troncone opened the meeting to questions from the Board.

Mr. Gross: Verified the location of the site.

Councilman Mummolo confirmed that this is a prototype store and that the details of it would come out during testimony.

Garret Jordan, Bohler Engineering, Warren, NJ was present to testify as a professional Engineer.

- Exhibit A-1 – Aerial Photo of the Site
- Exhibit A-2 – Color Rendering of the Site Plan
- Mr. Jordan used Exhibit A-1 to describe the location of the site. It is on the corner of Brick Boulevard and Route 70 just north of Bed Bath and Beyond and the Sleep Number Store.
- The existing bank and tile store will be demolished.
- The existing site has about 80% impervious coverage. The proposed site plan reduces that to approximately 60%.
- Proposing a QuickChek convenience store and gas station island. Two accesses on Route 70 will be right in, right out.
- Brick Boulevard accesses will be right in, and right out only.
- There is an existing cross access to the adjoining parking lot in the back that will remain.
- The variance for the fuel station canopy is requested where 66.5ft is proposed and 75ft is required. However, the existing setback with Crown Bank is closer so the new setback would be an improvement. That specific variance is requested because of the shape of the property and the jughandle cuts through the property. There is no negative impact cause by that variance.
- Mr. Troncone asked Mr. York if access permits have been submitted with the NJDOT and County Planning Board. Yes, the DOT is still under review and the County has provided initial comments. The County's main concern was regarding the southern radius to Brick Boulevard.
- There was considerable discussion regarding access to/from the site from both roads as well as cross access with the adjoining property.
- The monument sign is located on the Route 70 frontage. Due to the location of the sign, they request a variance to have it closer to the highway than the required setback. There is also a monument sign proposed on Brick Boulevard. That one meets the ordinance requirements for height and setback. The applicant is seeking a variance for sign area and requesting an oversized sign in order to improve visibility and for the contents of the sign since it is a fueling station and needs to show pricing.
- With regard to the design waivers noted in the Board Engineer's report, the applicant agreed to comply via their engineer.
- CAFRA – Mr. Jordan noted that they have already received the CAFRA jurisdictional determination letter.
- Technical Review: The applicant agreed to comply with the bulk of the comments via their engineer with the exception of:
 - Item 5.i. They would like to keep the three (3) parking stalls and not strike them out.
 - Item 11 Grading. They will work with the engineer to smooth the grading out.
 - Landscaping. They will work with the Planner as noted in the report.
 - Environmental Impact Statement – The applicant will provide an amended report as it specifically addresses stormwater management as noted by the engineer.

- Hours of Operation: 24/7

Municipal Planner's Report:

- Three (3) foot high berm – was not on the plan, but the applicant via their engineer agreed to provide the berm along Brick Boulevard.
- Pedestrian access – access will be provided where possible. Other areas will not be conducive due to grading. There will be sidewalks along Brick Boulevard.
- A bike rack will be provided
- Sidewalk width – applicant requesting that it remain as is.
- Applicant complies with other items.

Exhibit A-3 – Architecturals

Exhibit A-4 – Rendering of the Proposed Site

Exhibit A-5 and A-6 – Photographic Renderings of the Proposed Site

A-4 through A-6 – Landscaping, building, canopy, etc. are superimposed onto photos of the site. A-5 shows the monument sign.

Architectural Review Committee Report: The report was reviewed and reiterated and the applicant's professionals gave adequate testimony to address the comments in the report.

Reports from the Municipal Engineer and Environmental Commission offered No Comment. The Bureau of Fire Safety requested striping and the Traffic Safety report had a comment regarding signage. The applicant will comply with the requests from both reports.

Chairman Troncone opened the meeting to Board Members' questions.

Mr. Menshon inquired about the stormwater drainage and where it drains out to from the State and County system. Answer was eventually it goes to the Metedeconk River and Forge Pond.

Mr. Gross inquired about adding an entryway from the ramp. That is not allowable as per the DOT.

Councilman Mummolo asked about recreating the shoulder on Route 70 in order to allow drivers to move over into the shoulder as they turn into the site from Route 70.

Someone asked where the tanks will be and what the water table is where the tanks are being planted. The tanks will be to the north of the canopy. The water table info was not available at this time.

Mr. Burkland asked why 16 pumps? There are 8 pumps, not 16, but there are 16 places to fuel a car. It is adequate for the property. Who owns the company? It is privately owned. Is the privately owned company the developer? No, the developer owns the land and has a long term lease with QuickChek, the applicant. Where will the fuel go in the event of a fuel spill? There are several redundant systems in place to

prevent that from happening. If it were to happen, there are systems and protocols in place to monitor and control it. If fuel spills while dispensing to a vehicle, then there are protocols to soak it up and prevent it from getting into the water table.

What is considered a “small spill”? Anything under five (5) gallons.

Will a generator be installed to be able to pump gas in the event of a power outage?

The applicant does not propose to install a generator at this time. QuickChek has entered into a contract with an outside company to deliver generators to the store ahead of the storm hitting when a weather event is anticipated.

Chairman Troncone inquired about the deliveries of both gas and supplies.

Exhibits A-7 Truck Turning Exhibit Fuel, and A-8 Truck Turning Exhibit Load were submitted to explain the answer to that question.

Mr. Fowler referred back to his report:

- Regarding the number of employees per shift. There are 3 shifts with 7-9 employees per shift. There will be 35-50 employees total which includes part time employees.
- Fuel deliveries will be on demand. Other box truck deliveries for the store will occur 6-7 days per week.
- Item D. Unidentified strip of land – the applicant agreed to increase the width of the land.
- Air and vacuum station – should have two spaces oversized and designated for air/vacuum use.
- Item Q. Clarification: The 6 foot fence belongs to Best Buy.
- Digital sign will only change once a day for fuel price changes. Nothing else moves.

Chairman Troncone call a short break at 9:08pm. The meeting resumed at 9:16pm.

John Harter, Atlantic Traffic and Design Engineers, was sworn in to testify as the Traffic Engineer.

Mr. Harter prepared the traffic analysis for this application as well as for the County and State DOT. They submitted their application to the DOT in May and are just getting their first response back from them now in August.

- The existing shoulder is not as wide as it was in the past. It was about 8ft but to get a truck into a shoulder lane to turn you need 10-12ft. so it wasn't wide enough before either but they make up for it with the wide turning radius.
- Brick Boulevard – they received comments from the County and met with them on July 16th. They have no issue with the driveways except to design it as per their current standards: Have a raised island and have more separation from the Best Buy driveway just to the South. This change would still allow for the 25ft. separation from the QuickChek driveway on Brick Boulevard.
- There was lengthy discussion as to whether or not combining driveways on Brick Boulevard would make the traffic ingress/egress safer. The County is not calling for it and Mr. Harter did not believe it was necessary.

Exhibit A-9 Rendering of Monument Sign

The sign is 120 sq. ft. (10ft. x 12ft.). The only part of the sign that is moving or changing is the fuel price. It is in the DOT right of way and is part of the submission to the DOT. Placement of the sign is due to the need to have it be seen from far away in order for drivers to see the price and move to the appropriate lane in time to turn into the station. The ordinance requires a 15ft maximum height which is satisfied. The setback on Brick Boulevard is satisfied but will have a zero setback on Route 70 as mentioned. The maximum area for a B-3 zone would be 50 sq. ft. Everything regarding the sign meets the ordinance except for the size of the sign and the set back on Route 70. The number of signs proposed meets the ordinance requirements. There will be signage on the building as well as per the ordinance.

Mr. Fowler noted that there are other signs for businesses along Route 70 that are 100 square feet. The applicant agreed to reduce the square footage of the monument sign to 100 square feet.

The dispensing of fuel is a conditional use that is permitted in the zone and therefore, per Harold Hensel, Board Attorney, it is not a variance situation.

A motion to approve the application with the conditions as discussed (size of the monument sign, additional internal circulation signs, to request of the DOT a turn off lane on Route 70, submission of environmental impact) was made by Mr. Gross and seconded by Mr. Cooke.

VOTING IN THE AFFIRMATIVE: Mr. Burkland, Mr. Clayton, Mr. Cooke, Mr. Halloran, Mr. Menshon, Councilman Mummolo, Mr. Troncone, Mr. Gross, Mr. Occhiogrosso

ABSENT: Mr. Catalano, Mr. Marra

The motion passed and the application was approved.

ADJOURNMENT

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

The meeting was adjourned at 10:12pm.

Respectfully Submitted by,

Jennifer Rother
Planning Board