

June 1, 2016

A regular Board of Adjustment meeting was held in the Municipal Complex at 7:00 p.m.

Present

Harvey Langer
Dennis Raftery
Eileen Della Volle
Frank Mizer
Dawn Marie White
Stephen Leitner
Louis Sorrentino
Jeffrey Schneider

Also Present

John Miller, Esq.
Brian Boccanfuso
Tara Paxton
Sean Kinnevy
Denise Sweet

Absent

Carl Anderson

Mr. Langer led the salute to the flag, and the roll was called.

The Board Professionals were sworn in.

BA-2713- Joint Board of Fire Commissioners Township of Brick

Jay Sendzik was present to represent the attorney.

The applicant is requesting a First One-Year Extension of a Preliminary and Final Site Plan and Use Variance. The original approval date was July 7, 2010. The application never came into compliance, no bonds were ever posted and no maps were signed. The applicant is not changing any aspect of the application. The applicant must report any physical changes which may have occurred on the site since the prior approvals.

Mr. Sendzik stated that the need for the Extension is due to a complicated bidding process in which successful vendors have been negatively impacted by a depressed cell tower and cell user industry and are unable to move forward with the project.

Public portion closed.

Factual Findings

Mr. Mizer- The original approval date was July 7, 2010. No objection to granting the one year extension.

Ms. White- Concurred

Mr. Sorrentino- Concurred

Mr. Leitner- Concurred

Mr. Raftery- Concurred

Ms. Della Volle- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2713- Joint Board of Fire Commissioners Township of Brick. It was moved by Mr. Raftery and seconded by Ms. White. Mr. Mizer, Ms. White, Mr. Sorrentino, Mr. Leitner, Mr. Raftery, Ms. Della Volle and Mr. Langer voted AYE. Mr. Schneider was present but not voting. Mr. Anderson was absent.

BA-2973- Christine Loh

Christine Loh, Brian Carol and Mark Gaubious were sworn in.

The applicant is proposing to construct an in-ground pool about 10' x 24 ' between the house and the bulkhead. The ordinance requires a minimum setback of 15 ft. from the waterward side of the bulkhead and a setback of only 8 ft. is proposed. The applicant must meet all conditions to be eligible for CAFRA, Permit-By-Rule. The applicant installed a vinyl bulkhead. It was stated that the backwash will not drain into the street. The pool equipment will be placed on a 3' x 7' pad and will be 4' off the property line. Ms. Loh stated she would like the pool for her children to be able to swim.

Public portion closed

Factual Findings

Mr. Raftery- The property is located in the R-5 zone. A 2 story home is located on the site. The applicant installed a new bulkhead and dock. The pool will measure 10ft. x 24 ft. and will be located 8 ft. from the bulkhead. The side yard equipment will be located at 4 ft. from the property line where 5 ft. is required. The applicant must meet the requirements for Permit-By Rule. The applicant must submit a revised plan for review.

Ms. Della Volle- Concurred

Mr. Mizer- Concurred

Mr. Leitner- Concurred

Mr. Sorrentino- Concurred

Ms. White- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2973- Christine Loh. It was moved by Mr. Leitner and seconded by Mr. Mizer. Mr. Raftery, Ms. Della Volle, Mr. Mizer, Mr. Leitner, Mr. Sorrentino, Ms. White and Mr. Langer voted AYE. Mr. Schneider was present but not voting. Mr. Anderson was absent.

Recess: 7:30 Meeting resumed: 7:40 p.m.

BA-2908- Lukoil North America

John Jackson was present to represent the applicant.

Jeffrey Carr was sworn in.

This site was originally approved for a McDonalds, a gas station and a car wash. The applicant would like to keep the approval for the car wash. The applicant is also seeking a Minor Site Plan approval and D variance to replace the 8 existing fuel dispensers on the site with 6 new dispensers and convert the existing building on site to a convenience store. Diesel fuel dispensers are proposed. The existing concrete walkway area in front of the building is proposed to be modified and expanded, and 1 of the existing kiosks on the site is proposed to be removed. New parking space striping is proposed adjacent to the expanded concrete walkway area, while 2 existing directional pavement arrows and a portion of the existing pavement hatching in the vicinity of the building are proposed to be eliminated.

The applicant has requested the following variance relief:

Item	Permitted	Existing	Proposed
Minimum Floor Area	2,000 s.f.	1,869 s.f.	1,869 s.f.

It was noted that a “NO LEFT TURN” sign should be installed at the easterly Route 88 egress drive should be considered. The proposed mini mart will be open 24 hours and will have 1 to 2 employees. The applicant is proposing to keep the sign the same size but would like it to be digital to change gas prices one a day. The car wash was originally approved as hand washed but will now be changed to machine wash. Sidewalks will be installed on Jordan Road. Mr. Carr stated there is no known contamination on the site. Ms. Paxton requested a Detail Sheet of all signs on the site, including the car wash be submitted for review. A landscaping plan will be submitted and the applicant will comply with the ordinance. The site will be brought up to standards and will comply with the Township Engineer’s repair site. There are no plans to change the circulation on the site. Arrows will be placed for directionals. The applicant agreed

to comply with Mr. Batzel's report. Any mechanicals on the roof will be shielded. There will be 6 pumps on the site and 2 will be diesel.

Public portion closed

Mr. Mizer- The car wash is to remain. The original approval date is May 5, 1993. The McDonalds will be converted to a mini-mart. The mechanicals on the roof will be shielded. There will be no left turn signs installed on route 88. The site will have minimal upgrading. The changes to the site will promote health and safety. No questions were asked from the audience.

Ms. Della Volle-Concurred

Mr. Raftery- Concurred

Mr. Leitner- Concurred

Ms. White- Concurred

Mr. Sorrentino- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2968- Lukoil North America. It was moved by Ms. White and seconded by Mr. Raftery. Mr. Mizer, Ms. Della Volle, Mr. Raftery, Mr. Leitner, Ms. White, Mr. Sorrentino and Mr. Langer voted AYE. Mr. Schneider was present but not voting. Mr. Anderson was absent.

BA-2972- Stephen R. Malley

Mr. Leitner stated that he lives within 200 ft. of this application and recused himself.

John Jackson was present to represent the applicant.

Charles Lindstrom (engineer & planner) was sworn in.
Michael Melillo (architect) was sworn in.

The applicant is proposing to construct a 4 level, 3 story, 5 bedroom single family dwelling. The ground level is proposed to contain a 2 car garage and a storage area and will also provide access to an elevator, while 3 upper levels will be used as living space. An attached 2 level rear deck is proposed off of the first and second living levels while a 40 s.f. foot balcony is proposed off the rear of the top level. A gravel driveway is proposed to provide parking and access to the ground level garage. The proposed home will be constructed on an undersized ocean front undersized lot. The residence to the north of this proposed home is 4 to 5 ft. higher. The

driveway will be off of Ocean View and will not be shared. A new easement will be created and 4 parking spaces will be provided. The easement is to be approved by the Board Attorney.

James Prestifilippo was sworn in. He is the owner of the proposed home. The property is located in the flood zone. The access easement is located on Block- 60 Lot- 20. The finished floor is at level 18. Parking will be underneath the home.

The air conditioning unit platform and electric meter will be located 6.77 ft. from the property line. They will be screened and the air conditioning unit will be is designed to be extremely quiet.

The following variances are requested:

Item	Permitted	Existing	Proposed
Minimum Lot Width	75 ft.	46.95 ft. (1)	46.95 ft. (1)
Minimum front Setback	25 ft.	N/A	18.0 ft.
Minimum Side Setback	6 ft.	N/A	5.0 ft.
Minimum Side Setback (combined)	15 ft.	N/A	11.77 ft.
Maximum Building Peak Height	38.5 ft. (2)		45.0 ft. (2)
	OR	N/A	AND
	Elev. 45(NAVD-88)	N/A	Elev. 53.0

(1) Existing condition: no change proposed

(2) As measured from the established average adjacent grade plane of 8.0, in accordance with the current Township definition for building height.

The applicant has obtained a CAFRA permit. Six parking spaces on the site meet RSIS requirements. OCSCD approval is required.

This application will be no detriment to the area and will complement the neighborhood and beach front area. The proposed home will meet all building codes and will be FEMA compliant.

EVIDENCE

A-1- Architectural rendering of proposed home

The home will have cedar siding. The lower level will have a break away wall. The utilities will be located above the flood elevation.

Jeffrey Coch was sworn in. He lives approximately 150 ft. from the proposed home. He stated the access easement was located at the south end of lot 3. He was concerned that additional homes in the area will be built too high and oversized homes will be built on undersized lots.

John Braun was sworn in. He was very impressed with the application. He has no problem with the height of the home. He stated that most of the homes in the area are the same size as the proposed home.

James Reichek was sworn in. Mr. Reichek also received a variance to construct his home. He was very happy with the proposed home and thanked the applicant for screening his air conditioning units.

Public portion closed

Mr. Raftery- The applicant will be constructing a FEMA compliant home with 4 bedrooms, a storage area, elevator and 2 decks. The garage will be ground level. The variances requested are listed above as well as the CME report dated March 30, 2016. Three residents from the audience had questions and comments. The lot is undersized which creates a hardship for the applicant. This application will cause no hardship to the area or zoning plan.

Ms. White- Concurred

Mr. Sorrentino- Concurred

Mr. Mizer- Concurred

Ms. Della Volle- Concurred

Mr. Schneider- Concurred

Mr. Langer- Concurred

A motion was made to approve case BA-2972- Stephen R. Malley. It was moved by Mr. Mizer and seconded by Mr. Raftery. Mr. Raftery, Ms. White, Mr. Sorrentino, Mr. Mizer, Ms. Della Volle, Mr. Schneider and Mr. Langer voted AYE. Mr. Leitner recused himself. Mr. Anderson was absent.

A motion was made to approve the Resolution as posted for case BA-2970- Barbara Schunke and Fred Williams. It was moved by Mr. Mizer and seconded by Mr. Leitner. Ms. White, Mr. Raftery, Ms. Della Volle, Mr. Mizer, Mr. Leitner, Mr. Sorrentino and Mr. Langer voted AYE. Mr. Schneider was ineligible. Mr. Anderson was absent.

A motion was made to approve the Resolution as posted for case BA-2951- Kathleen Johnson. It was moved by Ms. White and seconded by Mr. Mizer. Mr. Raftery, Ms. Della Volle, Mr. Mizer, Ms. White, Mr. Sorrentino, Mr. Leitner and Mr. Langer voted AYE. Mr. Schneider was ineligible. Mr. Anderson was absent.

A motion was made to approve the Resolution as posted for case BA-2959-Brigitte Van Note. It was moved by Ms. White and seconded by Mr. Mizer. Ms. White, Mr. Mizer, Mr. Sorrentino, Mr. Leitner, Ms. Della Volle, Mr. Raftery and Mr. Langer voted AYE. Mr. Schneider was ineligible. Mr. Anderson was absent.

A motion was made to adjourn the meeting at 9:10 p.m. All Board members voted AYE.

Respectfully submitted,

Christine Papa, Secretary
Planning Board/Board of Adjustment