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

Was held on Wednesday**, May 20, 2020 at** Brick Township Municipal Building

401 Chambers Bridge Road Virtually through Zoom.

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

Chairman Chadwick called the meeting to order. He 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.

Mr. Chadwick read a statement from the Insurance Company on proper meeting conduct.

The Roll was called

**MEMBERS PRESENT**

David Chadwick

Frank Mizer

Mike Jamnik

Dawn Marie White

Carl Anderson

Louis Sorrentino

Michele Strassheim

Darren Caffery, Alt 1

Mark Starr, Alt 2

**MEMBERS ABSENT**

**ALSO PRESENT**

John Miller, Esq.

Brian Boccanfuso, PE, CME Engineering

Christopher Romano, Zoning Officer

Denise Sweet, Court Reporter

Pam O’Neill, Secretary

The Board Professionals were sworn

**OLD BUSINESS**

**VOUCHERS**

A motion to approve the Vouchers was made by Mr. Mizer and seconded by

Mr. Caffery

**OLD BUSINESS:**

**RESOLUTIONS:**

**BA-3170-10/19**

**Brian & Eileen Mullen**

**Block 211.06 Lot 13**

**5 Obispo Dr**

**Bulk Variance**

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

Voting in favor: Ms. White, Mr. Sorrentino, Ms. Strassheim, Mr. Anderson, Mr. Caffery,

 Mr. Mizer, Mr. Chadwick

The motion was approved and Resolution R-25-20 was adopted

**BA-3175-C-11/19**

**Lee Childers**

**Block 27 Lot 62**

**519 Sunset Blvd**

**Bulk Variance**

Mr. Thomas Stover of 3 Cuttyhunk Rd, was sworn and was not at the previous hearing in which this application was approved, but wanted to voice his concerns and comments. Mr. Stover stated his objection to the approval due to his opinion, that the home would obstruct the view to the ocean and power lines would go over the rear of his property .

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

Voting in favor: Ms. White, Mr. Sorrentino, Ms. Strassheim, Mr. Anderson, Mr. Jamnik,

 Mr. Mizer, Mr. Chadwick

The motion was approved and Resolution R-26-20 was adopted

**BA-3177-11/19**

**Ruta Slepetys**

**Block 887 Lot 8**

**351 Iroquois Dr**

**Bulk Variance**

A motion was made by Mr. Mizer and seconded by Ms. White

Voting in favor: Ms. White, Mr. Sorrentino, Ms. Strassheim, Mr. Anderson, Mr. Jamnik,

 Mr. Mizer, Mr. Chadwick

The motion was approved and Resolution R-27-20 was adopted

**BA-3184-C-12/19**

**Robert & Maryrose Grimbilas**

**Block 42.04 Lot 7**

**7 Cuttyhunk Road**

**Bulk Variance**

A motion was made by Mr. Mizer and seconded by Mr. Jamnik

Voting in favor: Ms. White, Mr. Sorrentino, Ms. Strassheim, Mr. Anderson, Mr. Jamnik,

 Mr. Mizer, Mr. Chadwick

The motion was approved and Resolution R-28-20 was adopted

**BA-2912-RA-MS-C-D-12/19**

**Joseph Gass**

**Block 853 Lot 1**

**1765 Forge Pond Road**

**l Minor Subdivision with Bulk Variances**

A motion was made by Mr. Sorrentino and seconded by Mr. Mizer

Voting in favor: Ms. White, Mr. Sorrentino, Ms. Strassheim, Mr. Anderson, Mr. Jamnik,

 Mr. Mizer, Mr. Chadwick

The motion was approved and Resolution R-29-20 was adopted

**NEW BUSINESS:**

**BA-3186-PSP-FSP-D-1/20**

**Cellco Partnership d/b/a Verizon Wireless**

**Block 43.01 Lot 9**

**321 Route 35 North**

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

Mr. Miller advised the Board, per his conversation today at 1:36pm with the applicant’s attorney, the request was made to adjourn the hearing as they prefer an in-person hearing. The applicant will renotice when it is determined live meeting can commence and are scheduled.

**BA-3191-1/20**

**John Scheibelhoffer**

**Block 44.21 Lot 6**

**312 Tide Pond**

**Bulk Variance**

The applicant, Mr. Scheibelhoffer was sworn and was represented by John Jackson, Esq. and Charles Lindstrom, PE, who was sworn. Mr. Jackson testified this was a matter from an previous application. This NJ Superior Court-Appellate Division previously held the size, shape and topography of the property was a hardship Mr. Jackson submitted Exhibit A-1, Power Point presentation containing all submitted application documentation. The applicant is requesting bulk variances to install a 15.58’ x 11.08’ inground pool with surrounding paver patio in the front yard of the property and locate the pool equipment in the side yard. Mr. Lindstrom testified a vegetative screening and fencing to be install to shield the pool. The applicant is requesting variances for rear setback from the waterward side of the bulkhead, permission to locate inground pool in the front yard of property, front yard and rear yard setbacks for the pool. Mr. Mizer asked if the applicant would be relocating the hot tub on the property and Mr. Scheibelhoffer testified the hot tub is being removed and he agree to keep the huge hedge that shields the pool in place.

Mr. Romano gave a summary of the application listing the bulk variance.

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

A motion was made by Ms. White and seconded by Ms. Strassheim

Voting in favor: Ms. White, Mr. Sorrentino, Ms. Strassheim, Mr. Anderson, Mr. Jamnik,

 Mr. Mizer, Mr. Chadwick

The application was approved.

**BA-3148-PMS-C-D-4/19**

**Hooper Avenue Development LLC**

**Block 548 Lot 1**

**Hooper Avenue**

**Conditional Use Variance and Preliminary Major Subdivision**

The applicant was represented by Ben Montenegro, Esq and James Giordano, PE PP. Mr. Giordano was sworn. Mr. Montenegro testified the application is for 5 lot Preliminary Major Subdivision with conditional use variances and that the lot is irregularly shaped, with frontage along westerly side Hooper Ave and frontage along the northerly side of unnamed partially improved public right-a-way between Lighthouse Ct & Sailors Quay drive. Mr. Montenegro stated the applicant has satisfied all R-10 bulk standards, except for lot widths Mr. Giordano testified the original proposal was for 7 lots, but due to the environmental concerns, reduced to 5 lots and architecturals submitted with the application are perceptual and the final designs to be determined. He also stated the building currently on the lots to be demolished with approval. Mr. Giordano testified that one lot would be 85’ wide, where 100’ is required and 4 others would be 70’ wide, where 90’is required. Mr. Montenegro stated all the proposed lots would be compliant with lot depths and front setbacks. Mr. Giordano explained that single family residential uses are conditional use in the R-R-2 zone and the proposed satisfies all conditions except width. Mr. Giordano stated recharge system originally proposed to address drainage, but now standard inlet system is being proposed without recharge to the road and bio treatment system with no water concerns associated. He also stated permeable pavement for driveways proposed with bed to hold water with only conceptional approval from Ocean County. Mr. Montenegro added the slope on Avery Lane would be design to direct the water flow away from other homes. Mr. Giordano testified that the applicant is seeking a de minimis exception for the no-parking requirement on either side of the roadway, because the proposed development doesn’t meet the RSIS definition of high intensity development of more than 8 homes per acre. Mr. Giordano also testified that the applicant would submit the necessary documentation to NJ Dept. of Community Affairs and that no parking signs would be provided for both sides of the roadway. He also advised each residential lot would have 3 off-site parking spaces, which complies with both RSIS and Township parking requirements. Mr. Giordano then testified that concrete sidewalks would be installed along Hooper Ave. frontage and along the northerly side of Avery Court and also handicapped accessible curb ramp installed on the northerly corner of the intersection of Hooper Ave. and Avery Court. & southerly side of Avery Court with crosswalks. Mr. Giordano then testified the plans would be amended to include the details of the proposed ramps. Mr. Giordano stated he has conducted a detailed study of the stream to assess the tidal flood plain or fluvial plain and stated he has no concerns about the water quality for the property. He added that recharge structures would be constructed on each residential lot and confirmed the applicant would also apply to the NJDEP for Flood Hazard Area Permit. Mr. Giordano stated the applicant would complete the Major Development Stormwater Summary as per the latest Tier A Municipal Stormwater General Permit Requirements. Mr. Giordano testified the applicant would provide a deed restriction for all residential lots to protect the pervious driveways in order to prevent future neglect, adverse alteration or removal by future homeowners , subject to review & approval of the Board Engineer and Attorney. Mr. Giordano then testified the applicant had received conditional approval from Brick Township Municipal Utilities Authority.

Mr. Giordano then addressed the findings & conclusions of the Applicant’s Environmental Impact Statement. He testified that all environmentally sensitive areas on the property would include 50’ buffer with signage identifying the environmentally sensitive areas would be provided. Mr. Giordano then stated the wetlands & wetlands transition areas would be protected with Conservation Easement. He also testified the Applicant had obtained an NJDEP Letter of Interpretation establishing the limits of Freshwater Wetlands and Wetlands transition areas impacting the property . Mr. Giordano then testified per his study of the Flood zone for the property was controlled by tidal flood level events and the buffer for the tributary of Kettle Creek would be 50’. Mr. Giordano testified the Applicant would apply for NJDEP for approval of the proposed. Mr. Giordano testified the applicant had now complied with the comments of the Board’s Engineer ‘s report regarding the installation of street trees. He added that the limit of disturbance in any trees-vegetation proposed to remain would clearly be identified on the plans. Mr. Giordano testified the Applicant didn’t propose street lighting on the property. He then stated the Applicant would comply with the comments from Township Engineer, Bureau of Fire Safety, Police Department , Environmental Commission , Shade Tree Commission and Architectural Review Committee.

Mr. Giordano explained that residential dwellings are conditional use in the RR-2Zone and that all residential uses must comply with all bulk standards applicable to R-10 Zone., then added the development complied with all R-10 bulk standards except for lot width. Mr. Giordano stated the purpose of the non-compliant lot width condition was to provide adequate spacing & dimensioning on each lot.

Ms. Paxton, Municipal Planner, asked if the Applicant could comply with the required lot widths and Mr. Giordano responded the Applicant had originally proposed 7 lots , but reduced to 5 lots which eliminated additional variance relief & better spacing between the proposed homes, resulting in better water quality. Ms. Paxton next stated although the Applicant identified 50’ buffer in the environmental impact statement, the NJDEP could require the buffer to be increased to 300’, which would significantly impact the proposed layout. Mr. Montenegro then stated that if the buffer is revised by NJDEP , the Applicant would address those buffer issues with the Board professionals. Ms. Paxton asked Mr. Giordano, if an compliant 5 lot subdivision plan was possible and Mr. Giordano stated he had attempted to design a compliant plan, but subsequently abandoned the effort and his opinion was the proposed plan was the best alternative.

Mr. Boccanfuso stated concerns that the proposed grading with disturbed yard areas had not been revised to provide a minimum of 2% slope in unpaved yard areas and noted the proposed grading was significantly less than 1% in most areas, which he stated could lead to standing and stagnant water conditions. Mr. Boccanfuso also stated that Chapter 168 of Township Code requires minimum slope of 1.5%-yard areas to which Mr. Giordano testified that increasing the minimum slope of 1.5% wasn’t practical. Mr. Boccanfuso reiterated that the additional spot elevations should be added to the plans. Mr. Boccanfuso then express concerned about the lack of street lighting on Avery Court that could result in safety and security on the street and recommended that the Board not waive the requirement.

Chairman called for Public questions or comments and the following Residents made comments:

Michael Kleissler, 2456 Hooper Ave, stated the water flows in an easterly direction across Avery Court from the property to Hooper Ave and the proposed new structures would exacerbate the falling tree problem on his property and might continue the squeeze ground water to his property. He also stated concerns on the environmental impact of the development and the maintenance of open space on Lot. Mr. Giordano stated that the eventual owner of Lot would be responsible, which includes the existing pond. Mr. Kleissler also asked if soil boring had been performed and Mr. Giordano stated borings were conducted once previously.

Rando Longo,11 Lighthouse Ct, expressed concerns about flooding on her property, which occurs during very large storms.

Paul Longo, 11 Lighthouse Ct., expressed concerns about the narrowness of Avery Ct. and that there won’t be enough room for fire trucks or snow plows to operate. He stated this is an safety concern.

Ian Westervelt, 2414 Hooper Ave., asked if the Applicant had done any case study on the existence of migrant birds on the property. Mr. Giordano stated, no study was done. Mr. Westervelt then asked if the proposed culvert would intercept water from his property, and

Mr. Giordano stated the culvert would intercept water from his property, but he wasn’t sure if the culvert would intercept all the water from entering his property.

Chairman closed the Public portion.

A motion was made for denial by Ms. White and seconded by Mr. Jamnik

Voting in favor of the denial : Mr. Sorrentino, , Mr. Anderson, Mr. Jamnik, Mr. Mizer,

 Mr. Chadwick

Voting in opposition to the denial : Ms. White, Ms. Strassheim

**ADJOURNMENT**

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

The meeting was adjourned at 11:50pm

Respectfully submitted by:

Pamela O’Neill