

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10503637

10407 1537 - 11 11 11 (Cementella)
Rloc 95 lots 12 to 33LP
1/19/86

APPLICATION FOR VARIANCE OR EXCEPTION BOARD OF ADJUSTMENT TOWNSHIP OF BRICK

Cal No

537

Filed

12-11-65

Disposition

Approved

Hearing

1-19-66

To the Board of Adjustment

An appeal is hereby made for a variance from or an exception according to the terms of ~~Sections~~ Article VII of the Zoning Ordinance so as to permit the erection of a 24 unit garden apartment in a R 7 5 Zone

This appeal is based on the (decision rendered) (~~order issued~~) by the Building Official dated Sept 21 19 65 and reading as follows - a copy of which is attached hereto

Section of Revised Statutes Upon Which Appeal Is Based N J S A. 40 55-39 (d)

DESCRIPTION OF PROPOSED STRUCTURE OR USE

PREMISES AFFECTED known as Lot NoS 12-33 Block No 25 on the Tax Map of Township of Brick Located at intersection of Ocean Ave (Rte 88) W Princeton Ave & Forge Pond Road

Applicant LEWIS B KENT

Address 23 Fulton Street Newark, 2, N J

Owner same

Address same

Leasee None

Address -----

Zone R 7 5

Last previous occupancy Vacant Land

Size of lot	30,265,	square feet		
Front	332 0	feet	Depth	242 12
	16 unit Bldg	169 0		
Size of Building (at street level)			feet front	32 6
	8 unit Bldg	113		feet deep
Percentage of lot occupied by buildings	approx	30	%	
Height of Building	2	stories	28	feet
Set back from rear property line	16 Unit Bldg	25 feet	8 Unit Bldg	50 feet
Set back from front property line	16 Unit Bldg	from 45-140ft	8 Unit Bldg	60-220 feet
Set back from side property line	16 Unit Bldg	90 ft on left	40 on right	feet
	8 Unit Bldg	30-45 on left	35 on right	feet
Prevailing set back of adjoining buildings within block	no prevailing set-back			feet

Has there been any previous appeal involving these premises? Yes

If so state character of appeal and date of disposition Previous application May 3, 1963 seeking same relief as herein requested - relief denied by Resolution dated September 3, 1963

The reasons for the present application or appeal are as follows

The reasons for which the previous application was denied are no longer valid in light of the construction of apartments in Brick Township since the date of denial of the application

ATTACHED HERETO
AND MADE A PART OF THIS APPLICATION
I SUBMIT THE FOLLOWING

(Note All these papers must be submitted with application)

- (a) Copy of Building Application and/or a true copy of the Official Order issued by the Building Official together with plans of proposed building and Form L—Denial by Zoning Officer
- (b) FOUR (4) Copies of a certified survey of the property if a present building exists the survey shall be a certified location survey and clearly indicate such building thereon with all front side and rear yard dimensions together with prevailing set back dimensions
- (c) FOUR Copies of a Plot Plan (if a new building) and clearly indicate such building thereon with all front side and rear yard dimensions together with prevailing set back dimensions

AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY }
COUNTY OF OCEAN } ss

LEWIS B KENT of full age being duly sworn according to law on oath deposes and says that all of the above statements and the statements contained in the papers submitted herewith are true Sworn and subscribed to

before me this 18 day
of Nov 19 65

Elaine Maticas - DeCosta
A Notary Public of the State
of New Jersey
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 8, 1967

Lewis B Kent
Lewis B Kent
Applicant to sign here

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY }
COUNTY OF OCEAN } ss

LEWIS B KENT of full age being duly sworn according to law on oath deposes and says that deponent resides at 23 Fulton St in the (City) (Town) (Township) (Borough) of Newark in the County of Essex and State of New Jersey that he is the owner in fee of all that certain lot piece or parcel of land situated lying and being in the Township of Brick aforesaid and known and designated as Numbered Lots 12-33 Block 25 on the Tax Map of the Township of Brick

Sworn and subscribed to

before me this 18 day
of Nov 19 65

Elaine Maticas - DeCosta
A Notary Public of the
State of New Jersey
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 3, 1967

Lewis B Kent
LEWIS B KENT
(Owner to sign here)

AUTHORIZATION — FOR CONTRACT PURCHASER

(If Contract Purchaser is making this application the following authorization must be executed)
To the Board of Adjustment

is hereby authorized to make the within application

Dated

(Owner to sign here)

(Note Contract Purchaser must produce a signed copy of the contract for the Board of Adjustment at the hearing)

APPLICATION FOR VARIANCE OR EXCEPTION BOARD OF ADJUSTMENT TOWNSHIP OF BRICK

Cal No Filed 19 ..
Disposition Hearing 19 ..
To the Board of Adjustment

An appeal is hereby made for a variance from or an exception according to the terms of ~~Sections~~ **Article VII** of the Zoning Ordinance so as to permit **the erection of a 24 unit garden apartment in a 7 5 Zone**

This appeal is based on the (decision rendered) (~~order issued~~) by the Building Official dated **Sept. 21 19 65** and reading as follows **a copy of which is attached hereto**

Section of Revised Statutes Upon Which Appeal Is Based **N.J.S.A. 40:55-39(d)**

DESCRIPTION OF PROPOSED STRUCTURE OR USE

PREMISES AFFECTED known as Lot, No **12-33** Block No **25** on the Tax Map of Township of Brick
Located at **intersection of Ocean Ave (Rte 88) W Princeton Ave. & Forge Pond Road.**
Applicant **LEWIS B KENT** Address **23 Fulton Street, Newark, 2, N J.**
Owner **same** Address **same**
Leasee **None** Address **----**
Zone **R 7 5**
Last previous occupancy **Vacant Land**

Size of lot **30, 265** square feet
Front **332 0** feet Depth **242 12** feet Width **250 00** feet
Size of Building (at street level) **16 unit Bldg 169.0** feet front **32.6** feet deep **113.0**
Percentage of lot occupied by buildings **approx 30** %
Height of Building **2** stories **28**
Set back from rear property line **16 Unit Bldg. 25 feet; 8 Unit Bldg. 50** feet
Set back from front property line **16 Unit Bldg from 45-140ft; 8 Unit Bldg 60-220** feet
Set back from side property line **16 Unit Bldg 90 ft on left 40 on right** feet
8 Unit Bldg 30-45 on left, 35 on right feet
Prevailing set back of adjoining buildings within block **no prevailing set-back** feet
Has there been any previous appeal involving these premises? **Yes**

If so state character of appeal and date of disposition **Previous application, May 3, 1963 seeking same relief as herein requested - relief denied by Resolution dated September 3 1963.**

The reasons for the present application or appeal are as follows

The reasons for which the previous application was denied are no longer valid in light of the construction of apartments in Brick Township since the date of denial of the application

ATTACHED HERETO
AND MADE A PART OF THIS APPLICATION
I SUBMIT THE FOLLOWING

(Note All these papers must be submitted with application)

- (a) Copy of Building Application and/or a true copy of the Official Order issued by the Building Official together with plans of proposed building and Form L—Denial by Zoning Officer
- (b) FOUR (4) Copies of a certified survey of the property if a present building exists the survey shall be a certified location survey and clearly indicate such building thereon with all front side and rear yard dimensions together with prevailing set back dimensions
- (c) FOUR Copies of a Plot Plan (if a new building) and clearly indicate such building thereon with all front side and rear yard dimensions together with prevailing set back dimensions

AFFIDAVIT OF APPLICANT

STATE OF NEW JERSEY }
COUNTY OF OCEAN } ss

LEWIS B KENT

of full age being duly sworn according to law on oath deposes and says
that all of the above statements and the statements contained in the papers submitted herewith are true
Sworn and subscribed to

before me this, 18 day
of Nov 19 65

Elaine Matos-DaCosta

A Notary Public of the State

of New Jersey
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 3 1967

Lewis B Kent

LEWIS B KENT
Applicant to sign here

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY }
COUNTY OF OCEAN } ss

LEWIS B KENT

of full age being duly sworn according to law on oath deposes and says

that deponent resides at **23 Fulton St** in the (City) (Town) (Township) (Borough) of **Newark**
in the County of **Essex** and State of **New Jersey**

that **he** is the owner in fee of all that certain lot piece or parcel of
land situated lying and being in the Township of Brick aforesaid and known and designated as Number **Lots ed 12-33**
Block 25 on the Tax Map of the Township of Brick.

Sworn and subscribed to

before me this 18 day

of Nov 19 65

Elaine Matos-DaCosta

A Notary Public of the
State of New Jersey

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires May 3 1967

Lewis B Kent

LEWIS B. KENT

(Owner to sign here)

AUTHORIZATION — FOR CONTRACT PURCHASER

(If Contract Purchaser is making this application the following authorization must be executed)
To the Board of Adjustment

is hereby authorized to make the within application

Dated

(Owner to sign here)

(Note Contract Purchaser must produce a signed copy of the contract for the Board of Adjustment at the hearing)

RESOLUTION

BOARD OF ADJUSTMENT ----- TOWNSHIP OF BRICK

Ocean County, New Jersey

WHEREAS, Lewis B Kent has applied to the Board of Adjustment of the Township of Brick for permission to erect an Eighteen (18) Unit Garden Apartment at premises located at Ocean Avenue (Rt 88), West Princeton Avenue and Forge Pond Road, Township of Brick and known as Block 818-25, lots 12 to 33 inclusive, on the Tax Map of the Township of Brick

Which premises are in a R-7.5 zone, and WHEREAS, the Board after carefully considering the evidence presented by applicant and the adjoining property owners and general public, has made the following factual findings

1. Area is mixed commercial, business and residential along the Highway
2. Proposed use will be compatible with other uses in the area
3. Traffic scheme in area will not be unduly increased

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick on this 23rd day of March, 1966, that approval of the application of Lewis B Kent be recommended to the Township Committee of the Township of Brick, subject, however, to the following conditions

- 1 Applicant files proper application for building permit and secures same
- 2 Applicant secures permit from the Board of Health for sewage disposal plant
- 3 Egress and ingress to premises to be only from West Princeton Avenue, at least 35' wide
- 4 Setback from West Princeton Avenue to be a minimum of Fifty (50) feet at all points
- 5 Applicant shall provide two (2) adequate parking spaces for each apartment

6. Applicant shall install sidewalks and curbs around the entire premises where the same borders on any road

7. Applicant may have a maximum of fourteen (14) one-bedroom apartments and four (4) two-bedroom apartments in accordance with plans by William C Martucci, A I A , 40 Walnut Street, Newark, N J dated January, 1966, Dwg. No. 1A of 1A, drawn by De Massi, and entitled "Site Plan, Amended Plan" for proposed 18 family apart bldg, Ocean Avenue and West Princeton Avenue Lauralton Park, New Jersey for Mr Louis B. Kent, Owner, which plans are hereby approved

ROLL CALL VOTE

Moved by: W Harrison Osborn

Seconded by: A LeRoy Osborne

Those In Favor: Osborn, Winter, Osborne, Weiss

Those Opposed: Decker

Those Absent: None

Those Not Voting: None

RESOLUTION

BE IT RESOLVED by the TOWNSHIP COMMITTEE of the TOWNSHIP OF BRICK in the COUNTY OF OCLAN and STATE OF NEW JERSEY, as follows

1 That the application of Lewis B Kent to the Board of Adjustment of the Township of Brick for permission to erect an Eighteen (18) Unit Garden Apartment at premises located at Ocean Avenue (Rt #88), West Princeton Avenue and Forge Pond Road, in the Township of Brick and known as Block 818-25, Lots 12 to 33 inclusive, on the Tax Map of the Township of Brick, which premises are in a R-75 zone, be and is hereby approved upon recommendation of the said Board of Adjustment of said Township to this Township Committee

2 That the findings of fact heretofore made by the said Board of Adjustment be and are hereby adopted as the findings of fact of this Committee

3 That the approval and consent hereby granted by the Township Committee be and is hereby made subject to any and all conditions and restrictions imposed by said Board of Adjustment

4 That the Township Clerk be and is hereby directed to transmit to the Board of Adjustment and to the applicant herein named certified true copies of this Resolution

CERTIFICATION

1, WILLIAM JOHNSON, Clerk of the Township of Brick, do hereby certify that the foregoing Resolution was duly passed by the Township Committee of said Township at a ^{continued} regular meeting of said Township Committee held on the 30th day of March, 1966

IN WITNESS WHEREOF, I have hereunto affixed my hand and the seal of this Township on this 29th day of April, 1966


WILLIAM E JOHNSON
Township Clerk

R E S O L U T I O N

BOARD OF ADJUSTMENT ----- TOWNSHIP OF BRICK

Ocean County, New Jersey

WHEREAS, Lewis B Kent has applied to the Board of Adjustment of the Township of Brick for permission to erect an Eighteen (18) Unit Garden Apartment at premises located at Ocean Avenue (Rt #88), West Princeton Avenue and Forge Pond Road, Township of Brick and known as Block 818-25, lots 12 to 33 inclusive, on the Tax Map of the Township of Brick

Which premises are in a R-7 S zone, and WHEREAS, the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, has made the following factual findings

- 1 Area is mixed commercial, business and residential along the Highway
- 2 Proposed use will be compatible with other uses in the area
- 3 Traffic scheme in area will not be unduly increased

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick on this 23rd day of March 1966, that approval of the application of Lewis B Kent be recommended to the Township Committee of the Township of Brick, subject, however, to the following conditions:

- 1 Applicant files proper application for building permit and secures same
- 2 Applicant secures permit from the Board of Health for sewage disposal plant
- 3 Egress and Ingress to premises to be only from West Princeton Avenue, at least 35' wide
- 4 Setback from West Princeton Avenue to be a minimum of Fifty (50) feet at all points
- 5 Applicant shall provide two (2) adequate parking spaces for each apartment

6 Applicant shall install sidewalks and curbs around the entire premises where the same borders on any road.

7. Applicant may have a maximum of fourteen (14) one-bedroom apartments and four (4) two-bedroom apartments in accordance with plans by William C Martucci, A.I.A., 40 Walnut Street, Newark, N J dated January, 1966, Dwg No 1A of 1A, drawn by De Massi, and entitled "Site Plan, Amended Plan" for proposed 18 family apart bldg, Ocean Avenue and West Princeton Avenue Laureilton Park, New Jersey for Mr Louis B Kent, Owner, which plans are hereby approved

ROLL CALL VOTE

Moved by W Harrison Osborn

Seconded by: A LeRoy Osborne

Those In Favor: Osborn, Winter, Osborne, Weiss

Those Opposed: Decker

Those Absent: None

Those Not Voting None

R E S O L U T I O N

BOARD OF ADJUSTMENT ----- TOWNSHIP OF BRICK

OCEAN COUNTY ---- NEW JERSEY

(Insert)

WHEREAS Lewis B Kent has applied to the Board of Adjustment of the Township of Brick for permission to erect an Eighteen (18) Unit Garden Apartment at premises located at Ocean Avenue (Rt 88) West Princeton Avenue and Forge Pond Road Township of Brick and known as Block 818-25 lots 12 to 33 inclusive, on the Tax Map of the Township of Brick which premises are in a R-7.5 zone and

WHEREAS the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, has made the following factual findings

1 Area is mixed commercial business and residential along the Highway

2 Proposed use will be compatible with other uses in the area

3 Traffic scheme in area will not be unduly increased

WHEREAS the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Brick on this 23rd day of March 1966 that approval of the application of Lewis B Kent be recommended to the Township Committee of the Township of Brick subject however to the following conditions

1 Applicant files proper application for building permit and secures same

2 Applicant secures permit from the Board of Health for sewage disposal system

3 Egress and ingress to premises to be only from West Princeton Avenue at least 35' wide

4 Setback of buildings from West Princeton Avenue to be a minimum of Fifty (50) feet at all points

5 Applicant shall provide two (2) adequate parking spaces for each apartment

6 Applicant shall install sidewalks and curbs around the entire premises where the same borders on any road

7 Applicant may have a maximum of fourteen (14) one-bedroom apartments and for (4) two-bedroom apartments in accordance with plans by William C Martucci A I A 40 Walnut Street Newark New Jersey dated January 1966 Dwg No 1A of 1A drawn by DeMassi and entitled Site Plan amended Plan for proposed 18 family apartment bldg Ocean Avenue and West Princeton Avenue Laureilton Park new Jersey for Mr Louis B Kent owner which plans are hereby approved

ROLL CALL VOTE

MOVED BY W Harrison Osborn
SECONDED BY A LeRoy Osborn
THOSE IN FAVOR Osborn Winter Osborne Weiss
THOSE OPPOSED Decker
THOSE ABSENT None
THOSE NOT VOTING None

C E R T I F I C A T I O

I HELEN C SCHOENER Secretary of the Board of Adjustment of the Township of Brick in the County of Ocean do hereby certify that the foregoing resolution was duly passed by the Zoning Board of Adjustment of the said Township at a regular meeting of said Board of Adjustment held on the 23rd day of March 1966

IN WITNESS WHEREOF I have hereunto set my hand on this 24th day of March 1966

Helen C Schoener Secretary
BOARD OF ADJUSTMENT TOWNSHIP OF
BRICK

R E S O L U T I O N

BOARD OF ADJUSTMENT ----- TOWNSHIP OF BRICK
OCEAN COUNTY ----- NEW JERSEY

File
Copy

WHEREAS Lewis B Kent has applied to the Board of Adjustment of the Township of Brick for permission to erect an Eighteen (18) Unit Garden Apartment at premises located at Ocean Avenue (Rt 88) West Princeton Avenue and Forge Pond Road Township of Brick and known as Block 818-25 lots 12 to 33 inclusive on the Tax Map of the Township of Brick Which premises are in a R-7 5 zone and

WHEREAS the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public has made the following factual findings

1 Area is mixed commercial business and residential along the Highway

2 Proposed use will be compatible with other uses in the area

3 Traffic scheme in area will not be unduly increased

WHEREAS the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Township of Brick on this 23rd day of March 1966 that approval of the application of Lewis B Kent be recommended to the Township Committee of the Township of Brick subject however to the following conditions

1 Applicant files proper application for building permit and secures same

2 Applicant secures permit from the Board of Health for sewage disposal system

3 Egress and ingress to premises to be only from West Princeton Avenue at least 35' wide

4 Setback of buildings from West Princeton Avenue to be a minimum of Fifty (50) feet at all points

5 Applicant shall provide two (2) adequate parking spaces for each apartment

6 Applicant shall install sidewalks and curbs around the entire premises where the same borders on any road

7 Applicant may have a maximum of fourteen (14) one-bedroom apartments and four (4) two-bedroom apartments in accordance with plans by William C Martucci A I A 40 Walnut Street, Newark New Jersey dated January 1966 Dwg No 1A of 1A drawn by DeMassi and entitled "Site Plan amended Plan" for proposed 18 family apartment bldg Ocean Avenue and West Princeton Avenue Laurelton Park new Jersey for Mr Louis B Kent Owner which plans are hereby approved

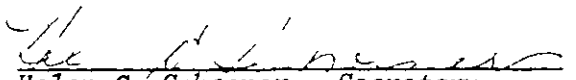
ROLL CALL VOTE

MOVED BY W Harrison Osborn
SECONDED BY A LeRoy Osborn
THOSE IN FAVOR Osborn Winter Osborne Weiss
THOSE OPPOSED Decker
THOSE ABSENT None
THOSE NOT VOTING None

C E R T I F I C A T I O N

I HELEN C SCHOENER Secretary of the Board of Adjustment of the Township of Brick in the County of Ocean, do hereby certify that the foregoing resolution was duly passed by the Zoning Board of Adjustment of the said Township at a regular meeting of said Board of Adjustment held on the 23rd day of March 1966

IN WITNESS WHEREOF I have hereunto set my hand on this 24th day of March 1966


Helen C Schoener Secretary
BOARD OF ADJUSTMENT TOWNSHIP OF
BRICK

ZONING OFFICER DENIAL

To Be Submitted with Variance Application

BRICK TOWNSHIP ZONING OFFICER

BRICK TOWNSHIP N J

Name Lewis B KentAddress and Location Ocean Ave (route 88) Brick Town, N JBlock 818-25 Lot 12/33 Zone R- 75Variance Required by Reason of Use not a permitted use in R-75 Zone, namely
Garden ApartmentsFront Set Back 25 Side Lines 6 Corner Lot YesRear Yard 15 Bldg Size Odd Shaped Lots YesLot Area Lot Frontage 332 ft Other 250 FtUse Not Allowed In Zone yesSpecial Use Permit Required yesRemarks Standards as shown in Highway Development Zone

Required by Zoning Ordinance

Zone Not a permitted use in R-75 ZoneLot Area Lot Frontage Combination Sidelines Right Left Set Back Front Rear Section Zoning Ordinance Variance Form No Issued Date Remarks Denial Date 9/21/65

Alexander George, Jr.
 Alexander George, Jr. Zoning Officer or Agent

ZONING OFFICER DENIAL

To Be Submitted with Variance Application

BRICK TOWNSHIP ZONING OFFICER

BRICK TOWNSHIP N J

Name **Lewis B Kent**
Address and Location **Ocean Ave (route 88) Brick Town, N J**
Block **818-25** Lot **12/33** Zone **R- 75**
Variance Required by Reason of **Use not a permitted use in R-75 Zone, namely
Garden Apartments**

Front Set Back **25** Side Lines **6** Corner Lot **Yes**
Rear Yard **15** Bldg Size **Odd Shaped Lots Yes**
Lot Area **Lot Frontage 332 ft** Other **250 Ft**
Use Not Allowed In Zone **yes**
Special Use Permit Required **yes**

Remarks **Standards as shown in Highway Development Zone**

Required by Zoning Ordinance

Zone **Not a permitted use in R-75 Zone**

Lot Area Lot Frontage
Combination Sidelines Right Left
Set Back Front Rear
Section Zoning Ordinance
Variance Form No Issued Date
Remarks

Denial Date **9/21/65**


Alexander George, Jr. Zoning Officer or Agent

May 31, 1966

Regular meeting of the Brick Township Board of Adjustment, postponed from the 18th of May, was held at the Town Hall at 8 00 p m with Chairman Paul Weiss presiding

Members Present Paul Weiss
A.L Osborne
Agnes M Decker
W. H. Osborn

Members Absent Rudolph Winter
**with the exception of the matters
of Kent and Reitmeyer for which he
was present***

Others present Harold Feinberg, Esq.
Alex George, Zoning
Officer

The meeting was called to order at 8 19 p m and Mr Weiss explained the delay was caused by the fact we were waiting for the other two members, Mrs Decker and Mr Winter since we did not want to have happen what happened on the 18th, have only three members present and explained the problems that would arise with voting with a short board.

CASE #562 - BARLOW, LENA - Block 504-8 lots 14,15 - Cedarwood Park

Mr Weiss read the following resolution

WHEREAS Lena Barlow has applied to the Board of Adjustment of the Township of Brick for permission to add a porch to existing premises with a setback line of eight (8) feet on the side yard, parallel to Linden Avenue, rather than twenty five (25) feet required in the R-7 5 zone, at premises located at Magnolia and Linden Avenues (Cedarwood Park) Township of Brick and known as Block 504-8 lots 14,15 on the Tax Map of the Township of Brick

Which premises are in a R-7 5 zone, and

WHEREAS, the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, and has made the following factual findings

1 House is twenty-two (22) years old and applicant has owned property for past three and one-half (3-1/2) years

2 She presently resides in Bayonne, New Jersey and is contemplating the porch on the back to create a permanent residence for year round living

3 The lines of the porch continue the lines of the house

4 The houses in the immediate area are similar to applicant's

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick, on this 31st day of May 1966 that the application of Lena Barlow be granted subject, however, to the following conditions

1 Filing of proper plans and specifications and issuance of a building permit

Motion made by Mrs Decker and seconded by Mr W H Osborn that the foregoing resolution be adopted as read

AYES Osborn, Decker, Weiss

NAYS None

ABSTAINING Osborne (because he owns adjacent property)

ABSENT Winter

Motion carried

CASE #564 - DVORAK, VINCENT & IRENE, & VINCENT & JOAN-Block 381 lot 3

Mr Weiss read the following resolution

WHEREAS, Vincent Dvorak 3rd, Joan Dvorak, Vincent Dvorak Jr and Irene Dvorak applied to the Board of Adjustment of the Township of Brick for permission to erect an undersized building at premises located at Brick Boulevard Township of Brick and known as Block 381 lot 3 on the Tax Map of the Township of Brick Which premises are in a M-1 zone, and

WHEREAS, the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, has made the following factual findings,

1 Proposed building will be 90 x 28 feet, or approximately 2,500 square feet, and is being erected for the purpose of future enlargement

2 Building will be used as a home and garden center and greenhouse and is a permissible use in the zone

3 Total acreage is 5 17 acres and future expansion will be in line with the present application

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick on this 31st day of May, 1966, That the application of Vincent Dvorak 3rd, Joan Dvorak, Vincent Dvorak Jr and Irene Dvorak be granted subject, however to the following conditions

1 Filing of proper plans and specifications and issuance of a building permit

Motion made by Mr A L Osborne and seconded by Mrs Decker that the foregoing resolution be adopted as read

AYES Osborne, Decker, Osborn, Weiss

NAYS None

ABSTAINING None

ABSENT Winter

Motion carried

CASE #570 - BERTRAND, DONALD P - Block 642 lots 1 to 5 and 646A 1 to 10

Mr Weiss read the following resolution

WHEREAS, Donald P Bertrand has applied to the Board of Adjustment of the Township of Brick for permission to continue a one-story stucco gas station within five (5) feet of a proposed subdivision line and a one-story frame building on the East line of certain property he desires to subdivide and which will have a frontage of 196 feet and a depth of 120 feet at premises located at Cedar Bridge-Adamston Road and South Dock Road, Township of Brick and known as Block 642 lots 1 to 5 and partially Block 646A, lots 1 to 10 on the Tax Map of the Township of Brick Which premises are in a H D zone, and

WHEREAS, the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, has made the following factual findings

1 Applicant's Gas Station has been on the premises over sixteen years

2 Applicant with a frontage of 196 feet and a depth of 120 feet, is legal within the H D Zone

3 Applicant's business, even if property is subdivided is compatible with other uses in the zone

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick, on this 31st day of May 1966, the application of Donald P Bertrand be granted subject, however, to the following conditions

1 Granting of a subdivision by the Planning Board of the Township of Brick, as per filed plans

Motion made by Mr. W H Osborn and seconded by Mr A L Osborne that the foregoing resolution be adopted as read

AYES Osborn, Osborne, Decker, Weiss
NAYS None
ABSTAINING None
ABSENT Winter
Motion carried

CASE #537 - KENT, LEWIS B - Block 818-25 lots 12 to 33 -CORRECTED RES

Mr Weiss read the following resolution

BE IT RESOLVED that the following resolution is substituted in place of Resolution adopted on the 23rd day of March, 1966

WHEREAS, Lewis B Kent has applied to the Board of Adjustment of the Township of Brick for permission to erect an eighteen (18) Unite Garden Apartment at premises located at Ocean Avenue (Route 88), West Princeton Avenue and Forge Pond Road, Township of Brick and known as Block 818-25, lots 12 to 33 inclusive, on the Tax Map of The Township of Brick, Which premises are in an R-7 5 zone, and

WHEREAS, the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, has made the following factual findings

- 1 Area is mixed commercial, business and residential along the highway
- 2 Proposed use will be compatible with other uses in the area
- 3 Traffic scheme in area will not be unduly increased

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick on this 31st day of May, 1966 that approval of the application of Lewis B Kent be recommended to the Township Committee of the Township of Brick, subject however, to the following conditions

- 1 Applicant files proper application for building permit and secures same
- 2 Applicant secures permit from the Board of Health for sewage disposal system
- 3 Egress and ingress to premises to be only from West Princeton Avenue, at least 35' wide
- 4 Setback of buildings from West Princeton Avenue to be a minimum of twenty five (25) feet at all points

5 Applicant shall provide two (2) adequate parking spaces for each apartment

6 Applicant shall install sidewalks and curbs around the entire premises where the same borders on any road road

7 Applicant may have a maximum of fourteen (14) one-bedroom apartments and four (4) two-bedroom apartments in accordance with plans by William C Martucci, A I A , 40 Walnut Street, Newark, New Jersey, dated January, 1966 Dwg No 1A of 1A, drawn by DeMassi, and entitled "Site Plan" amended Plan, for proposed 18 family apartment building, Ocean Avenue and West Princeton Avenue Laurelton Park, New Jersey for Mr Louis B Kent, owner which plans are hereby approved

Motion made by Mr A L Osborne and seconded by Mr W H Osborn that the foregoing corrected resolution be adopted as read

AYES Osborn, Osborne, Weiss
NAYS Decker
ABSTAINING Winter
ABSENT None
Motion carried

CASE #569 - REITMEYER, DR F T - Block 446-D1 lots 13 to 15

Mr Osborne, Vice-Chairman, assumed the chair since Mr Weiss had disqualified himself from this hearing because he was an owner notified within 200 feet of this property

Mrs Decker also disqualified herself from voting because she had disqualified herself from the hearing last month on the basis of being a patient of Dr Reitmeyers

Mr Feinberg read the following resolution

WHEREAS Frank T Reitmeyer has applied to the Board of Adjustment of the Township of Brick for permission to erect a second principal free-standing building - one story high - consisting of two (2) stores at premises located at 512-510 Brick Boulevard, Township of Brick and known as Block 446-D1 lots 13 to 15 on the Tax Map of the Township of Brick Which premises are in a B-3 zone, and

WHEREAS, the Board after carefully considering the evidence presented by applicant and of the adjoining property owners and general public, has made the following factual findings

1 Connecting proposed structure to existing structure would create a condition which is neither architecturally sound or esthetically proper

2 Unusual size and contour of lot creates a hardship if second principal building is not permitted

3 The proposed use is compatible to the zone

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Board of Adjustment of the Township of Brick, on this 31st day of May, 1966 that approval of the application of Frank T Reitmeyer be recommended to the Township Committee of the Township of Brick subject however to the following conditions

1 Filing of proper plans and specifications with the building inspector and issuance of building permit

2 New structure shall be architecturally similar to existing building

3 Applicant shall install a buffer strip along the rear lot lines where the new building is to be erected

Motion made by Mr W H Osborn and seconded by Mr Winter that the foregoing resolution be adopted as read

AYES Osborn, Winter, Osborne
NAYS None
ABSTAINING None
DISQUALIFIED Weiss, Decker
ABSENT None
Motion carried

(after this hearing, Mr Winter left the meeting Mr Weiss resumed position of Chairman)

CASE #565 - DON PARISE, INC -Laurelhurst Block 869-K lot 2 (also 1-12 in Block K, lots 1 to 7 Block J, lots 1 to 5 in Block L
E Serpentelli, Esquire

Mr Feinberg reminded Mr Serpentelli that he is proceeding before a four-member board and asked if he were willing to proceed under that basis and Mr Serpentelli agreed

Mr Serpentelli stated that this is an application on behalf of Don Parise, Inc to permit the use of 7500 foot lots for those lots as shown in Block J K H and L as well as those lots fronting on Glen Ridge Court as shown on the Map of Laurelhurst to use the map as shown on that map rather than comply with the 10,000 square foot requirement that now exists under the zoning ordinance The application as originally filed was made under "C" and "D" contemplating a hardship or use situation I should note to the Board, not for making it any more involved, that there are also, insofar as the applicant is concerned, grounds under section "A", and we would like this board to consider this application as also being made under "A" we consider that we are entitled to use the lots as shown on the map as a matter of law, if that is the case, then of course, the ruling of the zoning officer is appealed from under Section "A" We will present the evidence of the prior owner who had the property subdivided and the present owner for the purposes of showing that we are entitled to this use

On a question by Mr Weiss, Mr Serpentelli replied that the Blocks involved are K, J, and H and L or a total of 32 lots and is presently in the R-10 zone and has been since 1960 when the zoning ordinance was adopted, but at one time was zoned for 7,500 square feet and is still shown as such on the filed map, and tax map of the Township of Brick

Mr Weiss explained the procedures with the hearing as to how the counsel will question the witnesses and stated that after this testimony, the witness will be put to cross-examination, on only his testimony, after all testimony has been heard, and cross-examination, completed, then any member of the audience may testify under oath and give their testimony as they see fit

A Map was marked out, showing the lots involved, and placed on the outer table for the objectors to study

Mr Serpentelli wished to state that for the information of the board, the remainder of the Laurelhurst tract is still in the R-7 5 zone and the only portion which was changed under the new zoning, is this single block which is still connected to the R-7 5 zone but was zoned R-10

A NOEL WILSON, 107 Niblich Street, Point Pleasant Beach, New Jersey Sworn in and under questioning by Mr Serpentelli, stated that he was one of the prior owners and has seen the map offered to the board

and that it depicts the property which he previously owned off Princeton Avenue, in Brick Township. He stated he purchased this property in 1953 at which time it was all in acreage and subsequently applied to the Brick Township Committee for approval to subdivide and this was done in 1954, and the map indicated by Mr. Serpentelli is the same map which was approved by the Township Committee of Brick Township in 1954 on July 7th. A copy of this map was offered in evidence and marked A-1. Mr. Wilson stated that after approval of this map, they started construction of Laurelhurst Drive, one Street was cut in there November, 1954 and started two houses, and that they did not build a model at that time, as they were not actually builders, they were just selling land to prospective builders, they were just creating building sites for development by builders. He said from 1954 on, they started to develop the section containing Woodland Road, Forest Road and Salem Road, as they were doing this section by section, he stated it was necessary for them to sell property in order to get sufficient funds to go ahead with the next section because of the high cost of road installation, and connection. He stated they had to use a portion of the profit from the sale of the first sections to finance the further development and improvement of the lots in other sections.

Mr. Wilson, on questioning by Mr. Serpentelli, stated that there were between 12 and 15 custom houses being built in about a year's time and some years less than 12 were erected in a year's time, but never more than 15. He stated that the plans were based upon custom development rather than mass development and had never projected a rapid development of this area. The cost of the lots were determined at the very beginning when they subdivided into 75 x 100 foot lots, and the entire sales basis was on this cost determination based on cost of streets improvements, grading, fill etc. Regarding Sunny Crest and Edgewood Drive this was mainly built upon by Ed VanSchoick and in 1958 most of this section was developed. In 1958, 1959 and 1960, Homestead Drive, Fieldcrest Drive and Wayside Drive were developed, and Green Hill Drive was cut in and blacktopped about a year prior to the sale of these lots to the new owner, and a few lots remaining the balance of the area already were included. Mr. Wilson said last year another builder purchased 18 or 19 lots in the original section which were still undeveloped at that time and has since built houses on some of them, Walter Pijak was the builder and is now using those lots. Mr. Wilson stated that in November 1961, they sold 58 lots to Don Parise, Inc. and all the lots were 75 x 100 feet.

On a question by Mr. Feinberg, Mr. Serpentelli stated this map is filed with the Ocean County Clerk prior to 1960, and there was no planning board at the time this map was approved.

Mr. George stated that when the Planning Board was enacted an "Escape" wherein all maps could be filed within a specified time, was granted to all unfiled maps at that time.

Mr. Serpentelli stated he was not sure whether this was filed under the Old Map Act, or not, but however, it was sure that it was filed in 1957.

On a question by Mr. Weiss, Mr. Wilson replied that all the lots shown on the map of Laurelhurst were 75 x 100 but a few were a little larger, possibly 100 x 100. He replied that all lots that have been sold prior to 1960 and since, have all been zoned as R-7 5.

On a question by Mrs. Decker, Mr. Wilson replied that it was always his understanding that this zone for the entire tract was 7,500 square feet.

Mr. George stated that the 32 lots in question on this application were zoned R-10 at the time of the original zoning ordinance adoption, and the reasoning for that was that this portion of the land was undeveloped at that time, and for that reason it was set aside and upgraded. He referred to the section of Laurelhurst on Homestead Lane and Fieldcrest Lane where the lots have all been resubdivided into larger plots, but this was done at the discretion of the builders at the time the houses were built.

Mr. Feinberg asked if this is the same building map approved in 1954 by the Township Committee of the Township of Brick, to which Mr. Wilson stated it was, as these size lots and this map was filed with the Ocean County Clerk, Mr. Wilson agreed, Mr. Feinberg continued, and is this the official plan approved for this area in these sizes. Mr. Wilson said this is correct. Mr. Feinberg said our Zoning Ordinance and the map in his possession was not passed until July 6, 1960 which was six years later and at that time the zoning ordinance implementing the master plan, attempted to upgrade the area in question. At the time this map was filed, there was no zoning ordinance in existence. Mr. George replied that was correct, no zoning ordinance was in effect. Mr. Feinberg stated this will be important under the Goldstein case as determined by our Courts.

Mr. Weiss asked for any objectors who would like to question Mr. Wilson on what he testified to and only what he testified to.

GERALD FRIMML - Wayside Drive-----Who testified that you sold this property to Mr. Parise, did not sell it to a corporation?

Mr. Wilson said "I said Don Parise Inc

Mr. Frimml, so you did sell it to a Corporation, not an individual

Mr. Wilson That is correct

Mr. F. J. Cortright Jr - 12 Wayside Drive Questioned what would have happened if he had sold this in a package for development purposes

Mr. Weiss advised that what he did and what he might have done are two very different matters

DOMINICK E. PARISE - R D #2 Box 313 Manchester Township, Toms River New Jersey was sworn in and replied under questioning by Mr. Serpentelli that he is an officer in the Corporation of Don Parise, Inc. He stated he is not sure what position he holds as of now, but was at the time of the purchase, Vice-President. He explained that he is still an officer but there has been a very recent reorganization of the Corporation and he has not received word as to what position he holds currently. He agreed with the testimony of Mr. Wilson that Don Parise, Inc. purchased the lots in question from the former owners in November of 1961 as well as the lots located on Green Hill Drive, which lead into the block under discussion this evening. Mr. Parise summarized the activity since 1961 regarding this property and stated that there is one lot on Wayside Drive on which a Model House was erected and sold from it, and began developing the property as the sales came and continued building more houses and developed it at that pace. He stated that the homes built were custom homes, not all copies after the Model, there are only two identical houses in that area. He said there were no sales in 1961, and in 1962 there were three or four and in 1963 another three or four. Mr. Parise stated that there was no building or sale of lots on the rear portion of the property on which this application tonight is based. He said it was necessary for him to develop the front section in order to acquire money to continue back into the rear section and put in the road which had already been cut and pre-formed according to the map which had been approved and after they had sold in the front, they felt they could go right on in the back and develop it as it was shown on the map.

On questions by Mr. Serpentelli, Mr. Parise said it was necessary to make sufficient profit from the homes on the front portion in order to enable them to proceed and put in the roads in the rear portion, and he stated on questioning, that they are now, and were then, already to proceed, but when they applied for a building permit, were advised that they could not build on 75 x 100 lots because of the change in zoning. He stated that they propose to continue the style of building which they started to build in the front and have the homes conform with the homes in the area, nothing less than what is there now on the front portion, and it is their desire to build on the lots as shown on the map here tonight wherever it is possible. He stated that some of those lots

are larger than 7500 square feet. He stated that the lots were purchased in good faith and had checked to be sure it had been approved and under those conditions purchased the property. It was not purchased with any intent to circumvent the ordinance and was aware of the approval and filing of the map. He said at the time of purchase, he was a member of the Planning Board in Manchester Township and looked this map over very carefully, and also stated that the seller represented to him that the property could be built on. He said that the building on Green Hill Drive has been a constant and continuous thing up until 1965 when sales on this type of house dropped off, they sold some property to another person who erected a model house and then they applied for the permit in the back and that is what stopped them.

Mr. Weiss questioned Mr. Parise as to the date of purchase and said he, (Mr. Parise) had purchased this property after the adoption of the new Zoning Ordinance in 1960, and Mr. Parise agreed.

Mr. Weiss asked Mr. Parise what he did about his obligation to himself to check into the title and other matters as well as the zoning.

Mr. Parise replied with the knowledge they had about planning board and zoning board matter, and since this map had been approved and properly filed with the exchequer act they felt they were covered and had the right to build on these lots as shown on the map, and now are denied the right to build on these lots by virtue of the fact the Zoning Officer refused to issue a permit.

Mr. Frimml asked if Mr. Parise purchased this land by package price or unit price?

Mr. Parise replied it was sold by unit price, so much per lot.

Mr. Frimml: Has Mr. Alesso any part of your corporation?

Mr. Parise: Yes, he is the main shareholder.

Thelmas Fleming, Wayside Drive: "These gentlemen said they were sold on a unit basis, what size unit are you talking about, 75 x 100?"

Mr. Parise: "As the map is shown, we bought it as it was represented on the map which had been approved."

Mr. Weiss: In other words, the unit price was for "X" number of lots in Block No. "X"?

Mr. Parise: That is correct, the overall price was determined for each unit as it is.

Mr. Feinberg: In other words, the unit price was based on this filed map? or as the lots are shown on this filed map?

Mr. Parise: That is right.

FRANK J. FARLEY - 9 Wayside Drive, (He had to be corrected and told he lives on Green Hill Drive) According to the 1960 Ordinance. He was not very thorough in their investigation, having bought in 1961.

Mr. Weiss had to rebuke Mr. Farley for the interruptions, this group was very disorderly and disrespectful, calling out when they pleased and they acted more as though they were at a ball game than a hearing.

Mr. Weiss (to Mr. Farley): He testified that he had reason to believe and that he could rely on his knowledge of the map act, being a member of a Planning Board in his own Municipality.

Mr. Farley interrupted again, and Mr. Weiss had to caution him.

Mr Weiss continued He also felt that this would give him the right to use the lots as they were shown

Mr Parise Mr Chairman, I also consulted an attorney, I did not just rely on my own knowledge

On question by Mr Serpentelli Mr Parise stated that his attorney approved this matter and certified title to him

Mr Farley interrupted again and said he did not think it was a very thorough investigation

Mr Weiss had to explain again to him, it was a matter of criticism and not a matter of evidence

Florence Campbell, 28 Green Hill Drive Questioned Mr Parise why he told her when he sold this property all the lots were 100 feet or better

Mr Weiss advised her that Mr Parise did not testify to that now, you can make a statement later, but now you must question him on his testimony only

Mr Feinberg I think the question could be answered (to Mr Parise, "Did you tell the Lady when you sold her the lot that all of the lots would be 100 feet or more?

Mr Parise She said "Are" and I could not possibly tell her that with the map as it is there

Arthur J Connolly, 134 Laurelwood Road Who is the builder who is going to build there now?

Mr Serpentelli That has no bearing on this matter, I do not think the question is relative

Mr Weiss What difference does it make who the builder is?

Mr Connolly Is this Alesso supposed to

Mr Weiss He is applying for Don Parise, Inc A Corporation and Mr Parise is an officer of the Corporation and the Corporation is represented properly by an Attorney He has testified that there are other members of this corporation are you challenging their right to be a member or what? What is your point?

Mr Connolly I was just wondering if they owned the land, or could they lease out to another builder?

The Audience was getting very raucous again and Mr Feinberg picked up the gavel

Mr Feinberg May I advise the audience here, a point of Law here that I think that nobody has clarified with due respect to Mr Serpentelli This 1954 map is a map that was filed under what we call the "Old Map Act" under the Planning Act in 1953 we had a new planning act adopted in this State, now these were the lots as set forth on here filed with the County, The ordinance which was adopted in 1960, provided in Article 17, that all maps previously approved for filing by the Planning Board are to be in no way affected by this ordinance with respect to lot sizes, and the provision with respect to lot sizes shall not apply to any map which has tentative or preliminary approval The old map act provided that if there was no Planning Board, I presume that in 1954 there was no Planning Board, because the Township Committee approved this, this was properly adopted under the Title 40 55-14 and law has been that the subdivision was legal today but the question of building on a sub-sized lot when the zoning ordinance raises the requirements of the area, is another problem I understand it now, you con-

tention Mr Serpentelli, your application here is for a variance to build on the lots in accordance with the lot sizes as set down on the filed building map

Mr Serpentelli The application is twofold, As I stated, we are entitled as a matter of law, to build on them, that we do not need a variance and secondly, that if the board overrules this contention, that we are entitled under Section "C" to deny us this right, would cause a hardship

Mr Feinberg Under the first point, under the Goldstein Case, you are not entitled to it as a matter of law, but I do say that you have a right to apply for a variance and show a hardship or special reason under "C" or "D" which you are doing before this board, otherwise if you are coming in here for an interpretation under "A", the question of the board to interpret it, that again will be for the Board Mr Feinberg again referred to the case of Goldstein vs Planning Board of Borough of Lincoln Park, 53 N J Super 44, 144 Land Acceptance 7/24 I think that is the situation the Board has to consider here

Mr Weiss again had to caution Mr Farley and stated that he did not need any help from him

Anthony Nappi, 20 Green Hill Drive Wanted to ask Mr Parise about this Hardship Case, "Did you buy that land, or does it belong to Mr Alesso?"

Mr Serpentelli stated that the testimony has already been given that the property was purchased by Dom Parise, Inc , A Corporation

Mr Alesso's brother wished to advise of the problem being questioned as to what Title Mr Parise holds in the Corporation and Mr Weiss said he could tell the Board later, that he would be given a chance to testify

Mr Farley said if Don Parise does not know what member of the corporation he is, maybe he is no member

Mr Weiss had to remind Mr Farley that he was out of order and that we are not looking for an argument with Mr Parise or anyone else

Mr Serpentelli stated that a variance is not granted to people in a corporation it is something granted to the land, so it would not make any difference who is a member or who owns the property at this point

The meeting was now thrown open to the objectors who wished to be sworn and wished to testify

Anthony Nappi, 20 Green Hill Drive Sworn in (The audience is raucous again, and Mr Weiss had to quiet them down) When we bought our house from Mr Parise, it is on a 125 foot lot, originally it was supposed to be 100, all the lots from our lot down are 100 foot but all of a sudden they were changed to 125 feet and we paid for the extra 25 feet and he told me that all of the houses from where we were down to that place he is talking about now that he wants to build on 75 foot lots, would be 125 lots as a matter of fact, the two between me and the corner, are supposed to be both 125 foot lots and there is a house built down the corner (at this point he was asked to indicate on the map where his house was located) He said that Mr Parise told him at the time all the lots around there would be 100 feet or better

Mr Feinberg asked Mr Nappi how far he was located from Glen Ridge Court and he described on the map, and it was determined that his house was 250 feet from Glen Ridge Court (by checking by the Secretary, subsequent to the meeting, the map indicates that there are two lots of 112 50 between Mr Nappi's house and the Campbell house on the corner, the Campbell lot is 97 02, making the distance between Mr Nappi's house and Glen Ridge Court 422 02) Mr Nappi continued and said that the builder who is currently building on Green Hill Drive, told him that the two lots on which he is building are both 125 00 feet and that will fill

that side of the street right up to the corner

Mr. Serpentelli Mr Nappi are you aware of the fact that the property you own is still in the R-7 5 Zone?

Mr Nappi I am not aware of anything, only what Don Parise told me

Mr Serpentelli You are not aware of the fact it is still shown as R-7 5 on the zoning map?

Mr Nappi, No I am not

Mr Serpentelli Did you examine the zoning map when you bought the property?

Mr Nappi No sir, I did not, I just believed what I was told

Mr Feinberg Mr Nappi, how long have you owned the property?

Mr Nappi I believe it was 1963, we moved in in November

Florence Campbell, 28 Green Hill Drive Sworn in When we purchased our house in 1954 he told us all the lots were 100 feet or better (She referred to Mr Parise) We own lot #15 and half of #14, we have 125 feet by 100 the other way He told us that all the homes there were going to be from \$20 000 and naturally Mr Alesso would keep the property and that was the way the entire property was going to be, and my husband is here as a witness

Mr Serpentelli Mrs Campbell, when you purchased your property, did you examine the map of the Township of Brick?

Mrs Campbell I took Mr Parises word

Mr Serpentelli Where you represented by an attorney?

Mrs Campbell Yes we were

Mr Serpentelli Who did you have?

Mrs Campbell Rogers, Sim and Sinn

Mr Serpentelli I was very much aware of that, and the previous witness was a client of mine and to save them embarrassment, I will repeat the question, "You did employ an attorney? Did you ask him to examine the zoning map for you?"

Mrs Campbell I assume that when you pay that kind of money I left it all in his hands

Mr Serpentelli Thank you

Mr Weiss Mr Parise, has your corporation requested any resub-division of these lots along Green Hill Drive, upgrading them?

Mr Parise As a matter of fact, Mr Weiss, we did that from the very beginning, we did not build on the small lots as the map appears here, we subdivided this entire piece up to Glen Ridge Court, in order that we could put a better home on them

Mr Serpentelli Would you do the same thing if you are requested to on the rear portion?

Mr Parise Definitely, we would definitely go ahead and upgrade

Mr Serpentelli If I wanted to build a house and lots 1 and 2, you would sell me both lots, wouldn't you?

Mr Parise Definitely

Mr Serpentelli Would you sell me half of lot 2 and all of lot 1 in Block H?

Mr Parise Yes

Mr Parise stated for the record, to clear the air, he was the President of the Corporation and is presently the Vice-President of the Corporation

Remarks were coming from the audience which were not courteous and Mr Weiss again had to caution this group to watch their manners and had to reprimand a gentlemen who insisted upon arguing about Mr Parise's position in the Corporation

Mr Serpentelli For the record, I would like to say that I persist in my opinion that in this matter we are entitled to relief as a matter of law, that our zoning ordinance itself under article ly contemplates that we will have an absolute right to build on this property and the zoning ordinance says very clearly that any map which has been approved prior to the adoption of this ordinance can be used and those lots can be built upon I think that if Mr George were put on the stand, he would testify to the fact that we are going to have a wholesale development in Cedarcroft of 50 foot lots because that map is approved as filed and this has happened all through the Township On the basis of article and for a very good reason, it is a non-conforming use, under J J 40 55-48, on the question of absolute right, I would be glad to submit a brief, on the question of Hardship, I would like to say this my reading of the cases indicate that there are three essential elements which we have proved, #1 is a good faith purchase of the property and reliance of stated facts as shown, these are two elements, good faith and reliance, and the third is the continuance and conscientious construction based upon the map as it is filed Now these cases coming down from the Ardolino Case which I discussed with Mr Feinberg and the Case in Spring Lake right down to Planning In Good Faith, I assume (more than one voice here) previous construction, would be entitled as a matter of hardship, For legal contemplation, we have to consider Don Parise Inc , and the previous owners to be one and the same because he did nothing more than pick up their plan if they had not sold it we would not have the issue of Don Parise in this case and if Noel Wilson and the remainder of his group wanted to continue construction it would not make any difference, so we are not concerned with who we are granting it to, we are concerned with whether there is a legal right to finish the plan as started I think this is in essence, is our argument

Mr Feinberg May I ask one question? Mr Serpentelli, am I to assume that this elliptical area, there are no homes at present?

Mr Serpentelli That is correct

Mr Weiss expressed the opinion that Mr Serpentelli should submit a brief covering the map filing act, cover by dates a few of the things that have happened, so we have them for our records You might wish to cover the hardship as well It may well be, that this is a matter that the Planning Board should look at and wondered if they rightly zoned this R-10 or did they not? Or should it have remained R-7 5? This might well be a question for this August body to answer The Township Committee took the recommendation and rezoned it, it was not then developed, although the map was in existence It seemed to Mr Weiss that this matter should be cleared up in the zoning rather than by variance So we may have to make a study on zone

Mr Serpentelli asked if it would be possible to submit this question to the Planning Board while he is preparing his brief, he stated that his client has no desire to submit to the Planning Board, it is up to the Board of Adjustment if they do desire Mr Serpentelli stated that they have applied to the Planning Board, not he, but other attorneys and feels that they have gotten nowhere, and the longer they wait, the less chance they have of proving hardship This is about as long as his client can hold out without relief

Mr. Feinberg asked Mr. Serpentelli to include in his brief the facts from the Goldstein case as cited by him earlier.

Motion made by Mr. A. L. Osborne and Seconded by Mrs. Decker that the decision in this matter be reserved until the meeting of July 20th to give ample time to the Attorney to file his brief and give the Board time to study it.

AYES Osborne, Decker, Osborn, Weiss
NAYS NONE
ABSTAINING None
ABSENT Winter
Motion carried

Mr. Serpentelli stated there may be someone else appearing as counsel since he has accepted a position within the municipal family of Brick and will not be able to appear, unless counsel feels it will not constitute a conflict of interest.

Recess called from 9 10 p m to 9 20 p m

CASE #566 MROZEK, EDWARD-Block 672 part of lot 10 Burger Chef
#567 MROZEK, BROTHERS-Block 672 part of lot 10 Carvel

Mr. Serpentelli is representing Mr. Mrozek who could not be present this evening, but who is being represented by his son Edward A. Mrozek. Mr. Serpentelli stated that he would like to have these two cases heard as one since they are both on the same property which is currently before the Planning Board for a subdivision and which he felt were closely related. He stated that the map submitted is the same map for the two applications.

Mr. Feinberg asked that it be made part of the record and cases 566 and 567 are being heard together, but that the decisions will be separate and that they are proceeding with a three member board, consisting of Mr. W. H. Osborn, Mrs. A. Decker and Mr. Weiss inasmuch as Mr. Winter is absent and Mr. A. L. Osborne has disqualified himself. Mr. Edward M. Rothstein, Esquire of Lakewood, Counsel for an objector, Mr. Thomas H. Harris will appear.

Mr. Serpentelli said that with regard to the testimony of the owner these cases will be heard together, and the witnesses for each of the cases will be heard as separate cases. Mr. Serpentelli said that the subdivision map submitted will apply to both cases, but there will be separate maps submitted for the use of each application.

Mr. Serpentelli stated that the Board has before it, a map showing three parcels of land, parcel 1, 2, and the remainder of parcel #3. Parcel 1 is the application of Burger Chef, Parcel 2 is for the application of Carvel and Parcel 3 is not involved in the application. Mr. Serpentelli stated that it is his understanding that this map for a subdivision has not as yet been approved by the Planning Board and any variance obtained would be conditioned upon approval of this minor subdivision. He said that the testimony of Mr. Mrozek will be the same for both applications so therefore that portion of the hearing can be handled jointly.

Edward A. Mrozek, 18 Riverside Drive, Cranford, New Jersey -
Sworn in

On questioning by Mr. Serpentelli, Mr. Mrozek stated he is one of the owners and the applicant in both of these matters and that they made application to the Board of Adjustment separately on behalf of Burger Chef and Carvel Stores to erect a Burger Chef Store at parcel 1 as shown on subdivision map submitted and a Carvel Store on parcel 2 of the map, for subdivision. Mr. Mrozek stated that the property in question was purchased sometime in 1960 or 1961 all in one piece, it was not subdivided but in October of 1965, it was however, granted a subdivision into three parcels on October 9, 1965. The property has a depth of

105 feet plus, Mr Mrozek stated that the property was not always that depth, when it was purchased it was 200 feet but the state purchased approximately 100 feet, because they were advised that if they did not sell it to the State, it would be condemned for road widening. Upon advice of their attorney, they sold this portion of the property to the State for the widening of State Highway Route #70 because they had the power of condemnation. He stated that Route #70 is currently being widened immediately adjacent to this property. He stated on questioning that neither he, nor anyone else connected with this property or application have any connection with any other piece of property adjacent other than parcel 3 as shown on the subdivision map, and the property is located in a B-2 zone.

Mr. Feinberg asked Mr. Mrozek if he received a letter from the State Highway Department advising that this property was being considered by the State for State Highway purposes?

Mr. Mrozek replied not to the best of his knowledge, he stated that his Dad did most of the purchasing and took care of most of the details on this.

On question by Mr. Feinberg, Mr. Mrozek stated that he could not definitely state whether or not the state made a definite offer.

Mr. Mrozek on questioning by Mr. Serpentelli, stated that if the State had not purchased this 95 feet in question, they would be able to erect both of these structures without a variance.

Mr. Rothstein asked Mr. Mrozek if the portion sold to the State has been widened yet, and Mr. Mrozek replied that they are working on it now.

On question by Mr. Rothstein, Mr. Mrozek replied that when they sold it to the State, consideration was not given to the damage that it might do to the remaining portion and did not know whether the property was appraised by a Real Estate Appraiser.

Mr. Feinberg: I don't think that question is relative, since this property is owned by Mr. Mrozek's father, and asked Mr. Mrozek his father's name.

Mr. Mrozek replied "A. Edward Mrozek"

Mr. Serpentelli explained that Mr. Mrozek Sr. is with his wife in the hospital this evening and that is why Mr. Mrozek's son is present this evening.

Mr. Rothstein: On parcel one, what do you intend to construct there?

Mr. Mrozek: A Burger Chef.

Mr. Rothstein: Parcel 2 is going to be what?

Mr. Mrozek: Carvel Ice Cream Stand.

Mr. Rothstein: How would there be ingress and egress?

Mr. Serpentelli stated it is shown on the map submitted.

Mr. Rothstein: You are not going to operate this, are you? It is going to be leased?

Mr. Mrozek: That is correct.

Mr. Rothstein: What is this remaining parcel-----is that going to be an egress?

Mr. Mrozek: I personally do not know.

Mr. Rothstein: Can you tell me why you are before this board, what will not be in accordance with the Ordinance?

Mr. Serpentelli: Mr. Mrozek is not capable of interpreting the zoning ordinance, we have submitted the application and have been denied a building permit, and the reasons for denial are a matter of record, this applicant only knows that he has been denied and he is telling the boards the stated facts as they exist.

Mr. Rothstein: What stated facts are you talking about?

Mr. Feinberg handed Mr. Rothstein a copy of the application to study.

Mr. Rothstein said "all right."

Mr. Weiss: "The applicant here is asking for an undersized building on an undersized lot, he has additional grounds here, why can't he make a proper sized lot?"

Mr. Serpentelli: This is expanding which one are you talking about?

Mr. Weiss: This is your own voluntary subdivision, you have your eight hundred and some feet, you have 105 feet.

Mr. Serpentelli: I see what you are talking about because no increase at all in the length of the lot would give us what is required and there is absolutely no need to increase the length, we have ample length and we comply with the ordinance in length.

Mr. Weiss: Mr. Serpentelli, what I am asking is, why can't you increase it when you need the area?

Mr. Serpentelli: We meet the square footage completely in parcel 1, we more than meet it.

Mr. Weiss: Then I must be looking at parcel 2.

Mr. Serpentelli: On parcel 2, we have what looks to me like 15,000 square feet.

Mr. Weiss: Why can't you increase that lot to 25,000 which is required?

Mr. Serpentelli: It could be, in width, it could be increased. I might point out to you, because of this fact the undersized building on this second parcel is undersized. I don't see any need for the increase, we are talking about a substantially reduced building on parcel 2 as opposed to parcel 1, the one on 1 I don't believe to be undersized, but Mr. George does not include the "apron" and states it to be undersized, but on 2, we have a building that is substantially undersized and I think you have to take into account that fact when dealing with the size of the lot. We in every other way, conform on lot sizes except for setback and square footage and we are providing compliance with the ordinance other than the square footage. If the Board will insist upon it, I think that we will work out the added footage to provide the square footage for parcel 2 but I do not think it will be that important.

Mr. Serpentelli: I repeat, that lot is undersized because of the 95 feet that were taken away and what you are forcing the applicant to do, in effect is take more of his property which could be utilized for other purposes, if you require him to use more of the length of the property because the depth has been taken away by the State under power of condemnation.

Mr. Weiss: You say power of condemnation, that is not what the testimony was, for one thing and the second thing I am sure that the damage to the lot was taken into consideration.

Mr Serpentelli I beg to differ with your Mr Weiss, I think that is completely contrary to what the fact is

Mr Serpentelli It does not make any difference, we are aware of the fact that the State of New Jersey could have acquired this property regardless of what the applicant wanted to do, now they may have been paid for it, but where the power of condemnation exists and the property is taken, it is immaterial whether they have been paid for it, it has decreased his economic value of the land because of this fact and that is why we are here tonight

Harry Ball, atlantic Avenue, Allenwood, New Jersey ---Sworn in
Mr Ball stated on questioning by Mr Serpentelli that he is employed by "Chain Locations of America" Yonkers, New York whose business is locating real estate sites for the location of Carvel Stores and that he is their New Jersey representative Upon being shown a set of plans designated BD standard foundation plan with a total of seven pages, Mr Ball stated he was familiar with the plan which is a copy of the plans submitted with the application for a Carvel Store and this copy was submitted in evidence as exhibit A-2 Mr Ball stated this is what they call their "3660" type store operation, this store will handle soft ice cream, two flavors, will be a walk-in type store, not a window service store, there will be two display cases in front which will deal out 36 different flavors of hard ice cream, plus out of the two freezers behind that, will dispense soft ice cream It will be an all glass front store with four doors in and out, there will be no seating in the building, strictly a service operation, the people are served and they leave The exterior appearance will be exactly the same as the one located on Route #88 in Point Pleasant Borough that just opened up it is a package building, all the buildings are the same The building is 30 foot wide by 35 8 feet exterior dimensions and he identified the parking layout which they intend to use, this plan was offered in evidence and marked exhibit A-3

Mr Rothstein This assumes a driveway to Route #70 and you don't know whether you have one or not, you have not obtained approval

On questions by Mr Serpentelli, Mr Ball stated that there are 21 parking spaces provided for, and he stated that he understands that any driveways or curbcuts will have to be approved by the State of New Jersey He stated the entire area will be hardsurfaced and will be marked out by a regular marking company and each space will be at least 10 by 20 feet Garbage collection will be taken care of by Carvel, as each store is under strict supervision, the owner of the franchise makes the arrangements or they make them for them, by private contract that the garbage must be picked up on a regular basis and this area kept clean at all times This matter is "policed" with supervisors who stop at the stores at a regular basis to be sure these things are done If cleanliness is not maintained, they will be disenfranchised Lighting is provided on the outside by spots on the building and inside by fluorescent tubes which also light up the entire area surrounding the building The franchise stated that the store will be operated 11 months of the year and the recommended hours at 11 to 11 at night and 12 at night depending upon the area There will be positively no car-hop services all service will be indoors The buildings are constructed under the supervision of Carvel, but constructed by a local builder or contractor and are leased on a long-term basis

In answer to Mr Serpentelli's question, Mr Ball stated that it would not serve any purpose to require Carvel to conform to the zoning ordinance and erect a building in accordance with the square footage requirements, and that they place the equipment the same way in all the sotres and it is laid out for an efficient operation to save steps, it were larger it would entail more steps and slow down the service, but they do not need a larger building, everything is laid out according to plans, the size of the freezers, etc , and this larger building would decrease the parking area

Mr Rothstein This driveway area you have here, that goes over the existing right of way

Mr Ball That is right, because Route #70 is being widened, and that will take care of itself

Mr Rothstein The parking areas will be 10 x 20 is that right? Then the parking area here on the west side will be 20 feet is that right?

Mr Ball Yes, just as it is shown on the plans

Mr Rothstein The distance between the buildings and your westerly line then will be about 60 feet?

Mr Ball We have here about 30 feet for a building, that leaves us 30 off of here leaving 60 feet on each side, it will be completely centered

Mr Rothstein Your parking will take up about 40 feet, and you have 20 feet for your back space?

Mr Ball That is right

Mr Rothstein This right of way, do you know anything about that?

Mr Ball We have a right of way in our lease agreement, it is expected to come in off of this road here

Mr Rothstein You will have to take one of your parking spaces off of here making it one less

Mr Ball No, we change put it over here instead, there will be the same number of spaces

Mr Rothstein That means that ingress and egress will be to Route #70

Mr Ball That is right, there will be a 20 foot right of way to Cedar Bridge Road, on a question by Mr Rothstein, Mr Ball stated that he will have no connection with the Hamburger place, and that they will not be used in conjunction together

Mr Feinberg excused himself and left at 11 00 p m

Question was raised by Mr W H Osborn with regard to the "jug-handle" now being put in by the State close to this property It was determined that it was approximately 817 feet away, but it did not show the map submitted to the Board Mr Serpentelli stated they would deduct the difference

On a question by Mrs Decker, it was determined that this will be 375 feet from the traffic light

CASE #567 - Burger Chef

Richard Pieritz, Willowbrook Drive, Huntington Valley, Penna-Sworn In On questioning by Mr Serpentelli, Mr Pieretz stated he is employed by Burger Chef Systems, Inc as area representative for Pennsylvania and New Jersey and he identified plans by Abraham B Eastwood, Architect, Abington, Penna, containing seven sheets entitled building for Burger Chef, 435 Princeton Avenue, Brick Town, which is the address of Mr Mrozek, the applicant, these were marked in evidence as exhibit A-4 Mr Pieritz described the interior of the building as containing 62 seats for customers, the narrow portion facing Route #70 is where the customers are served, and the wide portion is where the food is prepared The building is placed on a slap 40 x 70 and enclosed except for the walkway area at the rear, and will be similar to the Burger Chef in Toms River on Route #37 just West of Hooper Avenue, similar to the one in Oakhurst and there are 13 of them in New Jersey, all of the same design

Parking will be as shown on the plan submitted assuming the approval of the State if granted for the curbcuts as shown, and parking is provided for 36 cars, and the entire area will be hardtopped with all parking spaces marked and will be at least 10 x 20, the parking area will be lighted by floodlights at the rear of the building, pointed down to the macadem the rest of the building is well lighted with lights under the eaves on both sides, back, low fixtures in front. The building will be used 12 months of the year and the hours are 11 to 11, weekends 11 to midnight. Burger Chef stores all maintain a private scavenger service with daily pickup service and they require closed containers, and this operation is supervised by Burger Chef and they can defranchise a dealer if they do not meet the standards. The building is locally owned, leased to Burger Chef on a long term lease.

Mr. Rothstein Ingress and egress will also be under the New Jersey State Highway Route #70

Mr. Pieritz They always are Sir

Mr. Rothstein I see a 20 or 30 foot-----where does that go?

Mr. Pieritz Chambers Bridge Road

Discussion ensued about the right of way shown, and it was decided that Mr. Pieritz would be agreeable to move the building in order not to cover the right of way.

Mr. Rothstein questioned the parking area and the fact that part of the front setback was to be used for parking, and it was decided that this could be eliminated and Mr. Serpentelli stated there was more than ample space in the rear that could be used.

On question by Mr. Rothstein, Mr. Pieritz stated that they served food, such as hot dogs, hamburgers, apple turnovers, milk shakes, etc., all fast food service.

After discussion it was stipulated by Mr. Serpentelli and Mr. Pieritz that it was not an undersized building, in that the cement slab was covered by a roof and enclosed.

On a question by Mr. Weiss, Mr. Pieritz replied it was 30 x 8

Mr. Serpentelli stated that these plans were prepared by two separate people and Burger Chef assumed it was 30 x 8 feet when in reality it is only 20. We are willing to either accept from the board either a recommendation or a condition as to the width of that entrance or it not exist at all.

Mr. Serpentelli said regardless of how clouded the issue may get, this property was reduced in effect by action of the State, whether they did it by condemnation or purchase, it does not make any difference, they took it. It having been reduced in depth, we have to work with what we have, we comply with respect to parking with the exception of square footage, and I think that complies. Mr. George sees it differently, but it is a question of interpretation, if it does not comply, it is within 100 feet so I think that there is very little violation on parcel one, and on parcel two, I think it was justifiably reduced because of the reduction of the building, but should the Board feel differently, we would be willing to accept the condition that a revised subdivision map be filed giving 25,000 square feet as required. I feel this would be a hardship in light of the fact the property was taken away and in light of fact the lot is reduced only because we lost the property.

Mr. Rothstein I would like, on behalf of Mr. Harris, indicate to the Board that the Board should first of all represent Mr. Harris who owns the property, more particularly parcel #5 as shown on the map of the Township of Brick, Mr. Harris' property adjoins the property that we are talking about, and I assume the application is based on hardship or special reasons, I indicate to the Board that there can be no hardship

here because even tho the State did in fact, condemn it, I think the knowledge of condemnation proceedings is that the state must pay for the value of the land that they take, not only must they pay a fair and reasonable damage that they do to the remaining property So Mr Mrozek is left with a parcel that is not sufficient in depth and I am sure that he must have been paid for it and if he wasn't he should have been Secondly, you have a situation here where you are on a busy highway, Route 70 at the intersection of Chambers Bridge Road and Moore Road down further, it is supposed to make four separate driveways into Route 70 subject of course to their being able to get that, so what you have in this area, four driveways, or exits and entrances, it seems to me that this is not the type of operation that you would want in this particular area, especially when the area is probably your prime commercial area, you have some experience with the hamburger place near the Family Circle that creates a great deal of traffic problem Regardless of supervision, there will be problems, if they do not supervise it there is nothing you can do about it He thinks too, that it would be incumbent upon the property owner to make some reasonable effort to see if he cannot obtain the adjacent lands (Note They are owned by Mr Rothstein and Mr Hiering) to see whether or not one big commercial piece can be established, to be more in keeping with the area, And for these reasons, I think it should be denied

Mr Serpentelli asked the board to consider the fact that there is sufficient depth only for the fact there has been some taken away He asked the board to look at the Tax Map and they will see that Mr Rothsteins property is virtully landlocked, but the fact that they cannot afford to purchase is something beyond their control

On a question by Mrs Decker, Mr Pieritz replied that the building will be opened all year round will be heated in the winter and airconditioned in the summer

Mr Weiss stated to Mr Serpentelli that there are certain inconsistencies in the drawings, and we do have objections here from Mr Rothstein and requested that correct drawings be filed with the Board and Mr Serpentelli agreed

CASE #568 - KIRCHNER, ROY AND MARY- Block 324-B12 lot 9 Cherry Quay

Mr Kirchner was sworn in and Mr Weiss stated that from the prints he could see that they proposed to build a garage 13 feet back from Captains Drive and 6 3 inches from the sideline On a question by Mr Weiss as to why he wishes to build a garage, Mr Kirchner stated because he lives down here now and has no other place for storage and that there is one across the street from his and at the end of his street, using the same setback that is is requesting Mr Kirchner stated that the reason he cannot build his garage in the back, is that there is a lagoon at the front of his house, and in essence this is the rear lot line facing the street

Mr George verified this fact and said that this is the pattern in that area, and in fact, this board granted a variance for one for 8 feet about a year ago

On question by Mr Weiss, Mr Kirchner stated they moved down all year round early in March of 1966 Mr Kirchner stated that at the time they purchased the house, they inquired about this and Mr Tilton of Cherry Quay assured them that they could, but the building inspector advised them they needed a variance

Motion made by Mr A L Osborne and seconded by Mr W H Osborn that decision in this matter be reserved until the meeting of June 15th 1966

AYES Osborne, Osborn, Decker, Weiss
NAYS None
ABSTAINING None
ABSENT Winter
Motion carried

CASE #571 - JAWORSKI, GUS- Block 282-71 lots 18,19 - Shore Acres

Mr Jaworski was sworn in and stated he is purchasing these lots from Mr Jadelis who appeared with him, as the seller and who will be living next doot, if this variance is granted, and that he wishes to build a complete new house, not an addition

Mr Jaworski stated that this lot has been in existence since 1939 and that there is a house on either side and that the map was filed in 1924 All the lots in that area are of same lot size, and the parcels measure 40 x 95

On a question by Mr Weiss, Mr Jaworski stated the reason he is building the house the full 960 square feet is that he was informed that was the current building code and that he could not build a smaller house He stated the building permit was denied by Mr George on the basis the lot only contained 3900 square feet and the zone is now upgraded to 5000 square feet At the time the map was filed, the zone was 4000 square feet

Mr George stated that this is the old section of Shore Acres and it completely built up, and most of the houses are small in this area since they were built many years ago Mr George stated that this is a lagoon lot and they are all the same size in that area

Mr Weiss commented that the setbacks were in compliance and the matter before us now is just a matter of undersized lot

Motion made by Mr A L Osborne and seconded by Mr W H Osborn that decision in this matter be reserved until the meeting of June 15, 1966

AYES Osborne, Osborn, Decker, Weiss
NAYS None
ABSTAINING None
ABSENT Winter
Motion carried

CASE #573 - PFEIFFER, WILLIAM E - Block 273-72 lots 38 to 40 Shore Acres

Mr William Miller, builder for Mr Pfeiffer appeared for Mr Pfeiffer as he is ill and could not return for this postponed meeting

Mr Miller was sworn in and stated his name and that he resides at 558 Adamston Road Osborne and he are the builders for Mr Pfeiffer who wants to build a garage at the rear of his property, which faces on the water, with a setback off Shore Drive of eight (8) feet, and cannot put it to the side because of the well and cesspool

Mr George upon questioning, stated that all the houses in this area have garages close to the street, some even closer than this request and this is about the only house on the street without a garage at this point Mr George pointed out that this, just like the previous case, is an old map, and that the area is completely built up

Mr Weiss called for objectors, there being none, the following motion was made,

Motion made by Mrs Decker and Seconded by Mr W H Osborn that decision in this matter be reserved until the meeting of June 15, 1966

AYES Decker, Osborn, Osborne, Weiss
NAYS None
ABSTAINING None
ABSENT Winter
Motion carried

CASE # 574 - DeCAPUA, SAMUEL - Block 1256 lot 1-represented by Mr
Serpentelli

Mr Serpentelli stated that Mrs DeCapua owns lot 1, block 1256 and stated that the property does not have road frontage it is adjacent to Maple Avenue, there is a frame dwelling on the property and they wish to erect another dwelling on the property which would be a contingent variance if it were granted upon obtaining a subdivision Mr Serpentelli stated that in accordance with our ordinance which states a house cannot be built without a road in front of it, they are therefore making this application since the zoning officer does not consider that road sufficient to issue a permit for a house

Discussion ensued on what constitutes an improved road and Mr Weiss suggested that maybe this should be referred to the Planning Board because of the "unimproved" street problem

On a suggestion of Mr Weiss, Mr Serpentelli agreed to expedite a memo to this board

On a question by Mr Serpentelli, Mrs DeCapua testified that they are now living in the house existing, and that it is not large enough for her family which consists of five children and that they want to build a larger house next door, and move into that and sell the house they are presently living in

Mr Serpentelli upon question by Mr Weiss regarding a memorandum, stated that he could probably prepare one, but did not think that he would find anything in the cases which would cover this

Discussion ensued as to whether or not there is access to the street and also its location, and it was determined that this property is adjacent to Hulse Manor

Mr Serpentelli stated he would try to get the memorandum to the Board for its next meeting in two weeks

Motion made by Mrs Decker and seconded by Mr W H Osborn that decision in this matter be reserved until the meeting of June 15, 1966

AYES Decker, Osborn, Osborne, Weiss
NAYS None
ABSTAINING None
ABSENT Winter
Motion carried

Motion made by Mr A L Osborne and seconded by Mrs Decker that the minutes of last months meeting be approved as written

AYES Osborn, Osborne, Decker, Weiss
NAYS None
ABSTAINING None
ABSENT Winter
Motion carried

Motion made by Mr W H Osborn and seconded by Mrs Decker that this meeting be adjourned

AYES Osborn, Decker, Osborne, Weiss
NAYS None
ABSTAINING None
ABSENT Winter
Motion carried

Meeting adjourned at 12 05 a m

Respectfully submitted,


HELEN C SCHOENER, Secretary

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BRICK, NEW JERSEY,
RESOLUTION

WHEREAS Lewis B Kent
(APPELLANT)

HAS APPLIED TO THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRICK FOR
PERMISSION TO erect an 18 unit garden apartments

AT PREMISES LOCATED AT Ocean Ave (Rt. 88) West Princeton Ave & Ferry Road Rd
TOWNSHIP OF BRICK AND KNOWN AS BLOCK 818' 25 LOT(S) 12 to 33, inclusive
ON THE TAX MAP OF THE TOWNSHIP OF BRICK

WHICH PREMISES ARE IN A R-7.5
ZONE, AND

WHEREAS, THE BOARD AFTER CAREFULLY CONSIDERING THE EVIDENCE PRESENTED BY
APPLICANT AND OF THE ADJOINING PROPERTY OWNERS AND GENERAL PUBLIC, HAS MADE
THE FOLLOWING FACTUAL FINDINGS

- 1) Area is mixed commercial, businesses
and residential along the highway
- 2) Proposed use will be compatible with
other uses in the area
- 3) Traffic volume in area will not
unduly increased

WHEREAS, THE BOARD HAS DETERMINED THAT THE RELIEF REQUESTED BY APPLICANT (CAN)
(~~CANNOT~~) BE GRANTED WITHOUT SUBSTANTIAL DETRIMENT TO THE PUBLIC GOOD AND WITH-
OUT SUBSTANTIALLY IMPAIRING THE INTENT AND PURPOSE OF THE ZONE PLAN AND ZONING
ORDINANCE OF THE TOWNSHIP OF BRICK

NOW, THEREFORE, BE IT RESOLVED BY THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRICK, ON THIS 23rd DAY OF March, 1968 THAT APPROVAL OF THE APPLICATION OF Leura B. Kent

BE ~~(DENIED)~~ (RECOMMENDED) TO THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BRICK, SUBJECT, HOWEVER TO THE FOLLOWING CONDITIONS

- 1) Applicant files proper application for building permit and secures same
 - 2) Applicant secure permit from Board of Health for sewage disposal ~~plant~~ system
 - 3) Egress and ingress to premises to be only from West Princeton Ave
 - 4) Set back from West Princeton Ave to be a minimum of 50 feet at all points
 - 5) Applicant shall provide 2 adequate parking spaces for each apartment
 - 6) Applicant shall install sidewalks and curbs around the entire premises where the same borders on any road
- THAT THE APPLICATION OF _____

BE (GRANTED) ~~(DENIED)~~, SUBJECT, HOWEVER, TO THE FOLLOWING CONDITIONS:

- 7) Applicant may have a maximum of 14 one-bedroom apartments and 4 two-bedroom apartments in accord with plans by _____ dated _____ which plans are hereby approved.

Attest, -

Pls fill in
PJK

ROLL CALL VOTE

THOSE IN FAVOR

THOSE OPPOSED

THOSE ABSENT

THOSE NOT VOTING

February 16 1966

Regular meeting of the Brick Township Board of Adjustment was held at the Town Hall at 8 00 p m with Chairman Paul Weiss presiding

Members present	Paul Weiss A L Osborne Agnes M Decker W H Osborn Rudolph Winter	Members absent	None
		Others present	Eugene Serpentelli Esq for Harold Feinberg Alexander George, Zoning Officer

Mr Weiss held a conference with the Counsols for the three cases on the agenda Lewis B Kent Frank Majorie and Drum Point Arms and advised them that Mr Feinberg had asked if they would be willing to have Mr Serpentelli represent him in his absence Mr Borden agreed on behalf of Drum point Arms and Mr Doherty agreed on behalf of Frank Majorie and the matter of Lewis B Kent was held over until the next meeting Both Mr Borden and Mr Doherty agreed and Mr Serpentelli stated he agreed to see these matters through to the conclusion in the event of a holdover

CASE #537 - LEWIS B KENT, Garden Apts, Route #88 and W Princeton Avenue

Mr Weiss advised that a revised plot plan had been received in accordance with the discussion at the last meeting and asked if there were any objectors present there being none he recommended that this matter be laid over to our next regular meeting which will be held on March 16 1966

Motion made by Mr W H Osborn and seconded by Mrs Decker that the decision in the Lewis B Kent case be laid over until March 16 1966
AYES Osborn Decker, Osborne Winter Weiss
NAYS None
ABSTAINING None
ABSENT None
Motion unanimously carried

MINUTES OF MEETING OF JANUARY 19, 1966

Motion made by Mr A L Osborne and seconded by Mr W H Osborn that the minutes of the last meeting be approved as written
AYES Osborne Osborn, Decker Winter, Weiss
NAYS None
ABSTAINING None
ABSENT None
Motion unanimously carried

CASE #356, MAJORIE, FRANCIS - Gas Station, Lake Riviera, Block 382A, Lots 1 to 9

This case is being recorded by a Certified Shorthand Reporter Mr Fred Johnson who was sworn in by Mr Serpentelli

The Attorney for Mr Majorie the applicant is Mr Robert Doherty of Point Pleasant Beach who gave a summary of the situation before questioning the witness

Mr Serpentelli as agreed prior to the start of the meeting presided in Mr Feinberg's absence

Witnesses for the applicant were Mr John Bright and Mr Louis A Mayer

Mr Doherty stated for the record that he had no objection to Mr Serpentelli sitting in for Mr Feinberg and that the original transcript would be furnished to the Board as the official record of the proceedings at no cost to the Board

Motion made by Mr W H Osborn and seconded by Mr A L Osborne that this matter be laid over until the next meeting which will be March 16 1966
AYES Osborn Osborne Decker Winter Weiss
NAYS None
ABSTAINING None
ABSENT None
Motion unanimously carried

CASE #356, DRUM POINT ARMS - L. Goral, owner and Howard Borden, Esq.

Mr. Borden offered a layout of the Studio Apartments proposed by Mr. Goral to be constructed adjacent to the existing Garden Apartment setup located at Brick Boulevard near Drum Point Road extension which was marked exhibit A-1.

The new units will be located at Brick Boulevard and the northeast corner of Drum Point Road on property known as Block 547 lot #14 which was purchased from the Humble Oil Company nearly two years ago.

The plans submitted by Mr. Borden were drawn by Anthony D'Elia Jr and the property is located partly in the B-3 Zone and the balance at the rear of the tract is in the P-15 zone. Mr. Borden called attention to the job in the B-3 zone narrowing it down to approximately 200 feet whereas north of this the B-3 Zone is much deeper. Apartments are not allowed in the B-3 Zone. The Drum Point Arms which is owned by the same owner, is completed and occupied. Mr. Borden stated that the same condition existed there, requiring a variance, meaning that there was the double zone condition there too. This property is 155 feet by 500 feet more or less. Mr. Borden then introduced Mr. Robert Ricciuti who will be sworn in and testify.

Mr. Serpentelli swore in Mr. Ricciuti who stated he is the president of Drum Point Arms, Inc. who is requesting permission to build 36 studio apartments with 500 square feet each 25 x 20.

On a question by Mr. Borden, Mr. Ricciuti replied they have a complex of 90 apartments on the property immediately adjoining this proposed setup and that Drum Point Arms contains 42 one bedroom apartments and 48 two bedroom apartments a total of 90. He further stated that they found they had a lot of calls for studio apartments for newlyweds and sometimes widows or elderly people who might want to come into the area but who cannot afford a \$120.00 per month rental and in order to meet the needs, they feel that this studio apartment setup is definitely going to be the answer.

On a question by Mr. Borden, Mr. Ricciuti replied that the rental would be approximately \$90.00 per month. The terms of leasing will be a minimum of one year. There will be no children allowed in the studio apartments and he said the new building which they are proposing will face Drum Point Road. The exist of the Parking area will also be on Drum Point Road. Entrances will be on to Drum which will not add on to any more traffic on Brick Boulevard. They have placed the first exist approximately 100 feet away from Brick Boulevard. They have complied with the Brick zoning ordinance requiring 72 parking spaces or two per unit and have additional space at the rear of the apartments which they intend to use for recreational purposes or a park area and will be of identical architecture of the apartments they have now.

Mr. Borden stated he had no further questions of Mr. Ricciuti and asked if anyone on the board had any questions.

Mr. Winter: Mr. Borden, can you give us a percentage of the rented apartments and unrented apartments in the existing units?

Mr. Ricciuti: We now have a vacancy of 14 apartments. 7 two bedrooms and 7 one bedrooms which would be about 15% vacancy.

Mr. Winter: In these studio apartments there is no fixed bedroom is that right? It is a convertible type of thing?

Mr. Ricciuti: That is correct.

Mr. Winter: The ownership of this property is that presently in the Drum Point Arms name?

Mr. Ricciuti: Drum Point Arms, Inc. that is right.

Mr. Winter: Has any improvement been made on the property at all?

Mr. Ricciuti: Non whatsoever. Only the clearing of the land mainly for the beautification of the existing apartments of Drum Point Arms, Inc.

Mr. Winter: The facilities would be tied in with the same sewer system that you are presently using?

Mr. Ricciuti: Yes, it would.

Mr. Winter: And you feel that this is definitely an advantage?

Mr. Ricciuti: Definitely.

Mr. Borden: When did you or Drum Point Arms acquire this property?

Mr. Ricciuti: Approximately 18 months ago.

Mr. Borden: From whom did you buy it?

Mr. Ricciuti: Humble Oil Company.

Mr. Borden: What was your reason?

Mr. Ricciuti: For the simple reason I did not want a gas station next to my investment. The Township has assessed us at approximately \$576,000.00 and that is quite an investment. We pay somewhere around \$21,000 in taxes and we have not hurt the school problem at all. As I noticed tonight as we were coming to the meeting, there are exactly 24 children in Drum Point Arms going to school, but what is more important is of the 24, 14 of them were going to Brick Township Schools prior to moving into Drum Point Arms. In other words, moved from other homes in Brick Town to Drum Point Arms, and of these ten children that are left, 6 of them are going to Parochial Schools outside of the area, so consequently we have a \$20,000 rateable to the Town and have only four children in the entire Board of Education system, which I think is good.

Mr. Weiss: This sewerage system that you spoke about, is that private or owned by the Town?

Mr. Ricciuti: It is now owned by the Brick Township which the Shore Sewer System donated to the Township, of which 50% was owned by Drum Point Arms, Inc. I am still Secretary to Shore Sewer System.

Mr. Borden: I have a copy of the resolution here. If any of the Board would like to see it.

Mr. Weiss: Another question I have, what is the size of the studio apartments?

Mr. Ricciuti: 25 x 20.

Mr. Weiss: This is a 500 square foot apartment which is the minimum permitted in the ordinance?

Mr. Ricciuti: That is correct.

Mr. Weiss: Have you made any surveys in connection with the proposed plan?

Mr. Ricciuti: As I mentioned before, Mr. Weiss, in renting apartments in Drum Point Arms, we have had calls for studio apartments. We have had cases where I can't say they are elderly people exactly, but they are widows or maybe newly married couples who are just starting out and want this type of apartment, plus with the future of the Ocean County College in the area, we thought of the possibility we might also receive some trade from that College that is planned. I think there is a definite need for it here.

Mr. Winter: In connection with the resolution, what is the financial arrangement? Is this drawn by the Brick Township?

Mr. Borden: This was drawn by Mr. O'Connor as were the resolutions of Lake Riviera, Inc. and Shore Sewer Systems, Inc.

Mr. Winter: What is the financial arrangement insofar as rental or the donation of the sewer system?

Mr. Borden: We are paying a fee to the Township which is based upon the cost of operation. There are no restrictions on the charges made to us on the plant.

Mr. Ricciuti: The agreement that we have with the Town is that we will pay them \$48.00 per year per apartment for use of the sewerage system. The lines we have already donated.

Mr. Winter: That fee is \$48.00 per apartment? Does that fee provide for any future construction?

Mr. Borden: Mr. Winter, it does. The resolutions that were drawn stated that there was presently an application or this use contemplated. These apartments and the resolution itself incorporates the giving of this sewer plant to the Town in its resolution. In particular, the resolution of the Shore Sewer System states: "also Lake Riviera, Inc. resolution states that the conveyance of the said lands and premises by this corporation be made a condition and conditioned upon the execution by the Township an agreement to permit the connecting to the said package sewer disposal plant without cost to the Township of 56 apartment units to be constructed by this (Lake Riviera, Inc.) Corporation or its successor and further to permit the connection to the said package sewerage disposal plant without cost to the Township of the proposed residential, commercial enterprise or other permitted uses to be constructed on Lot 14, Block 547 which is the property we are discussing about now."

Mr. Winter: There is no mention in there about the \$48.00 fee?

Mr. Borden: No, sir. That would not be found here. That would be found in the Sewer Ordinance which is a separate ordinance for fees. This is a blanket acceptance. The reason for two resolutions for Lake Riviera, Inc. and Shore Sewer Systems, Inc. was Lake Riviera gave a 99-year lease to Shore Sewer Systems of the land so Lake Riviera had to deed the property to the Township and Shore Sewer Systems who owned the package plant and the leases released the leased premises to the Township and gave the Sewer Plant and that is the reason for the double resolutions. It was discussed and everyone knew what the setup was and it has not varied one unit one way or the other from what we were discussing that day.

Mr. Winter: This is what I am driving at. Now Drum Point Arms is paying roughly \$4200.00 for the privilege of using the sewerage system. The proposal here is to add 36 more units and we have testimony that this sewer plant is adequate to take care of this additional load. It could possibly be that by the time we get Riviera and these additional units we are going to get over the limit of this sewer plant and then Brick Township gets involved and the return is \$48.00 and you cannot maintain much of a sewer plant for \$48.00 per unit.

Mr. Ricciuti: The \$18.00 is naturally per apartment and secondly the Board of Education proposed sewer plant for the new school is going to be added on to the existing sewer plant that is there now. This is what I am told.

Mr. Winter: Well that is going to take care of their problem. I am speaking now of your problem.

Mr. Ricciuti: Our sewer plant now is capable of handling 30,000 gallons of sewage per day. I don't think they handle that much in a month. The problem with the sewage plant right now it does not have enough flow (I think Mr. Weiss knows and can correct me if I am wrong) does not have enough flow to make it operate properly. Consequently we are looking for more sewage. Believe it or not.

Mr. Weiss: I did want to clear up one point that the rate of \$48.00 is set by ordinance.

Mr. Borden: I might add that the gallonage was discussed at length. The day this was finally drawn up and signed by the parties of course the Township Committee had to do this at a meeting but at the meeting we had the drawing up and signing the resolution and approving them. The gallonage was discussed and I have been in this with the sewage plant from the very beginning when Drum Point Arms pur-

chased into it and the problem has been up to the present time there is not enough sewage going through it they want more to make it more efficient because it is 'way below its capacity and the resolution itself states that the plant in the resolution to the Township Committee that there is sufficient capacity to the sewer plant to encompass all the uses contemplated

Mr. Borden asked if these resolutions were going to be kept by the Board and he was informed that they would be. They were marked A-2.

Mr. Weiss: One more question as to the capacity of this plant whose responsibility is this now the previous owners' or the Townships'?

Mr. Borden: The Townships'.

Mr. Weiss asked if there were any other questions.

Mr. Borden: Mr. Ricciuti, what is the density of these apartments?

Mr. Ricciuti: 18 per acre.

Mr. Borden: I have no other questions.

Mr. Serpentelli: This area you referred to which would be used for parks, would this be perpetually used for recreation you don't anticipate any other use of this in the future?

Mr. Borden: None whatsoever.

Mr. Serpentelli: In fact you would be willing to accept this as a condition of the variance?

Mr. Ricciuti: More than happy to.

Mr. Serpentelli: And would Drum Point Arms be responsible for the upkeep of that area?

Mr. Ricciuti: Yes.

Mr. Serpentelli: Now the application makes a reference to a previous appeal which was withdrawn what was the nature of that appeal?

Mr. Borden: The same application identical to this present application.

Mr. Serpentelli: It was withdrawn without prejudice or without any decision being made?

Mr. Borden: That is right.

Mr. Weiss: On the other part of Drum Point Arms, is there a sidewalk on Brick Boulevard?

Mr. Ricciuti: No, there is none.

Mr. Weiss: Do you contemplate any sidewalk there?

Mr. Ricciuti: You mean along Brick Boulevard?

Mr. Weiss: Would you be willing to put sidewalks on Brick Blvd?

Mr. Ricciuti: Yes. I would be willing the only thing I would like is for someone to get an answer from the County as to where I should put them because if I could I would put curbing in. I have been trying to get the County to let me or if they would put in curbing. You see the County is proposing now for next year to widen the Boulevard from Drum Point Road to the Borough Hall and they have yet to set the curb lines and I don't know where to put my sidewalks. But I think it would be good with sidewalks. I have no objection to it.

Mr. Weiss: Would you be willing to modify this setback to place this whole thing away from Brick Boulevard? Say 75 feet instead of 50 feet?

Mr. Ricciuti: I would not object to it the only thing this would offset the existing buildings of Drum Point Arms which are now set back 50 feet

Mr. Weiss: It might increase the visibility for coming out of Drum Point Road

Mr. Ricciuti: I have no objection to it

Mr. Weiss: Would you be willing to put sidewalk and curb on Drum Point Road?

Mr. Ricciuti: I would have no objection to it because of the fact we are blacktopping that portion of it anyway. I would probably have it done anyway and as far as Brick Boulevard I would have no objection but as I say I would have to have some sort of an answer from the County where to place the curb

FRANK J. CITTA: 8 Central Avenue, Toms River, New Jersey was sworn in and stated he has been in the Real Estate business since 1939 and he has done many appraisals and has testified many times before boards such as this

On a question by Mr. Borden, Mr. Citta replied that with regard to Block 547, lot 14 on Brick Boulevard that he is familiar with the application before this board and that he has examined the site and its surrounding area

On a question by Mr. Borden, Mr. Citta gave the following as his opinion of the site and its surrounding area

He stated he looked the situation over and it appears to him that in Brick Township the main complex of Garden Apartment units are centered in this particular area. From his observation the Drum Point Arms present setup adjoining the parcel where these studio apartments are proposed to be placed and it would actually be a continuation of the present complement and would have no detrimental effect on the surrounding area. In fact with the apartments going across the street it seems to him as though it is a much nicer arrangement than other communities have because it is pretty much concentrated in a particular area rather than over every inch of a community as he has seen in other townships. He supposed that the population of Brick Township would now exceed 20,000 very easily and from the information that he has, there is existing or will be after this 36 units of studio apartments are added to the present number that we have in Brick Township he did not feel that it would exceed 200 units in the entire Township.

Mr. Citta further expressed the opinion that 200 units in a Township the size of this one is if anything far less than the actual required number for the population. He stated that in Dover, they have gone in his opinion a little the other way they have 1600 and their population is reasonably equal and even in the Dover Township area their occupancy is somewhere close to 75% even with the 1600 units. In his opinion the plan proposed for Brick is not an over expansion of units and in examining the present setup the 90 units that presently exist with 48 two bedroom and 42 one bedroom apartments certainly the completed complement would be much more rounded out with the 36 proposed studio apartments. He feels that there would be a demand for them since this would be only 36 up to this time in the whole Township. Insofar as the general area is concerned there are none south of these apartments all the way to the Dover Township line and everything north of these apartments is a commercial enterprise and he wonders why the B-3 zone has a depth of 600 feet with the exception of the couple of hundred feet at Drum Point Road and then it narrows down to 200 feet at this particular point. It does not seem to be logical to him so that the Drum Point Apartments are presently in the same situation the zone is only 200 feet deep and also encompasses the present apartments. He cannot see where this would affect the area one bit in a detrimental effect and in his opinion this addition of 36 studio apartments would be beneficial to the Community.

On a question by Mr. Borden Mr. Citta explained his feelings on zoning seeking it own levels. He said from what he understands this Township does have an area which has been zoned for multiple dwellings but apparently the will of the advancement of progress and business has seen fit to be different. He understands that one particular area had been zoned for multiple dwellings and built up as a shopping center instead and another area, not zoned for business has complemented itself and fit in very nicely in the community so that actually the area has created its own zone virtually and we started in that area and it does not seem to be objectionable they are all very nicely kept Drum Point Arms as well as the Riviera apartments on the other side. He feels it is a much nicer picture coming into this community than a lot of other communities and he felt this was very nice and he likes it.

Mr. Weiss asked if anyone had any questions.

Mr. Winter: Yes I have Mr. Citta of the 1600 apartments you have in Dover Township do you have any studio apartments?

Mr. Citta: Yes we do but not near enough of them in comparison to the others we have one on Lakehurst Road, 10 of which are studio and 10 of which are one-bedroom units. There are too many to pinpoint and so many different sections of the Township it would be difficult to pinpoint. There are quite a few of the studios the Surf apartments which are on Washington Street close to the Court House they are basically one-bedroom units all of them.

Mr. Winter: What percentage would you say were this type?

Mr. Citta: We have a percentage, but what percentage I could not tell you. Incidentally there seems to be quite a demand for it you very often have people in the community who have lost a husband or a wife and still want to live in the area and they only require minimum living space and perhaps have a limited income social security pension etc and it has made a very attractive setup for people of that type.

Mr. Winter: From a valuation standpoint say you have an area with houses worth \$16,000 and then suddenly you find that \$10,000 or \$12,000 homes might be an appropriate thing to get into, if you do this with homes whatever the lower price homes are in that area it will bring the higher priced homes down to that level. In other words, you can't build a \$20,000 house alongside a \$15,000 house now in your opinion would this have a similar bearing?

Mr. Citta: You mean lower priced apartments as opposed to the higher priced ones?

Mr. Winter: Yes.

Mr. Citta: No I will tell you why not. In a home it is different than if you have an area and I was trapped in an area like that some 15 years ago I owned a home for twenty some odd thousand and a developer bought everything around me and stuck up these 203-1's all around me and I got out of there but fast because immediately the valuation of my house went down. Nobody wants to live in a \$7,000 neighborhood in a \$20,000 house. But this situation is different because the accommodations here are to suit the customer in other words the very man who was paying \$130.00 per month last month may have lost his wife or his wife may have lost her husband she want want to live in the neighborhood so she moves in a little smaller area the quality is the same the area is the same the square foot is smaller to accommodate fewer people.

Mr. Weiss: What are the sizes of the parking spaces?

Mr. Borden: Look at parking spot no. 23 the size is 10 x 20.

Mr. Weiss: What is your reaction to two parking spaces per unit? More particularly in this type of apartment?

Mr. Citta: This type of apartment two parking spaces per unit is in my opinion a little in excess of what you need. I think in a one bedroom or more particularly a two bedroom it would be in accord but in a studio setup I think that two spaces to the unit is in excess of what the actual need would be. He stated that in Dover they used to require one then they increased it to one and one-half and he felt that that was a little under because with a two-bedroom unit one and one half parking spaces is not sufficient.

Mr. Weiss: You believe then that the type of apartments would be a controlling factor.

Mr. Citta: Definitely the more people that live in the apartment the more parking area needed.

Mr. Borden: You are familiar with the zones affecting this property are you not?

Mr. Citta: I explained my thinking in my opening remarks that I could not understand why it was 600 feet up to a point and then it drops to 200 ft deep for the rest of the area which is only a distance which I think just covers the area that Drum Point Arms are on and the subject property is on. It is the only parcel as I can see it on this zoning map for a great distance that is less than 600 feet deep. They must have done it for a reason but it does not make sense to me because there was no development in the area at the time.

Mr. Borden: It is then your opinion that the R-15 zone part of the property is affected adversely by the presence of the B-3 zone?

Mr. Citta: No, I feel that portion which is up to 600 feet deep that is in the R-15 zone should definitely be in the B-3 zone the same as the adjoining.

Mr. Borden: What about the portion of the R-15 zone that protrudes into the B-3 Zone?

Mr. Citta: I don't think it will have any effect on it because actually though it is on paper as an R-15 the adjoining property is still in the B-3 zone and it should have the same complex.

Mr. Serpentelli: I think the Board might take recognition of that in the event this should be granted this is one of those situations where an inch gives a foot unless it is clearly understood. The zoning is considered unsound here, because there is not a depth of 600 feet it should not mean that it is unsound all the way back in the R-15 zone. I think perhaps it might be in order to ask the witness whether the zoning to the rear of this 600 feet in your judgement is comprehensive and sound.

Mr. Citta: Well I think the area beyond the 600 ft is taken care of by your ordinance because I think that entire area is in the R-15 zone and I think it is a normal thing to have a highway business or a B-3 zone for a certain depth and then everything beyond that be a different zone.

Mr. Serpentelli: So if your applicant came back in here to the Board and wanted to build more apartments in the R-15 zone it would be a different story.

Mr. Citta: If so happens that in this instance the property ends at that point the lot is only that size.

Mr. Serpentelli: Let us assume the applicant acquired property to the rear.

Mr. Citta: You mean to continue beyond that point?

Mr. Serpentelli: Yes.

Mr. Citta: Then I would say that he was stepping out of line and it would have to be given different consideration.

Mr. Borden: There is one thing I did not mention on opening. I wanted to wait until now if the board will note from the plans the square footage of the land area and the building area comprises somewhat less than 12% of lot coverage whereas this zone allows for 25% in the R-15 zone and the B-3 zone is 30% so we are well under the maximum lot coverage for this area.

Mr. Weiss asked for any objectors in the audience on this matter to step forward. There were none.

Mr Borden stated that we might say there was an interested party the Brother of an adjoining land owner by the name of Mr Heinege and his wife who were present and in favor of this they were not here as objectors Mr Heinege had indicated his approval of this matter to Mr Borden

Motion made by Mr Winter and seconded by Mr W H Osborn that this matter be laid over for decision until the meeting of March 16 1966

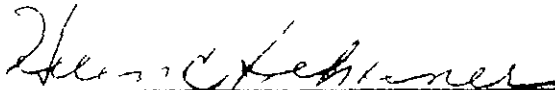
AYES Winter Osborn Osborne Decker Weiss
NAYS None
ABSTAINING None
ABSENT None
Motion unanimously carried

Motion made by Mr W H Osborn and seconded by Mrs Decker that this meeting be adjourned

AYES Osborn Decker Osborne Winter Weiss
NAYS None
ABSTAINING None
ABSENT None
Motion unanimously carried

Meeting adjourned at 10 59 p m

Respectfully submitted


Helen C Schoener ---- Secretary

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January 19 1966

Regular meeting of the Brick Townships Board of Adjustment was held at the Town Hall at 8 00 p m with Chairman Paul Weiss presiding

Members present	Paul Weiss A L Osborne Agnes M Decker W H Osborn Rudolph Winter	Members absent	None
		Others present	Harold Feinberg Esq Alexander George, Zoning Officer

The meeting was called to order at 8 08 p m by Chairman Weiss

REORGANIZATION

The gavel was turned over to the Secretary to conduct the election of a Chairman and Vice Chairman for the ensuing year

Motion made by Mr Winter and seconded by Mrs Decker that Paul Weiss be nominated for the office of Chairman for the ensuing year and Mr A L Osborne be nominated for the office of Vice-Chairman for the ensuing year

Motion made by Mr Winter and seconded by Mr W H Osborn that the nominations be closed

AYES Winter, Decker, Osborn Osborne, Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion unanimously carried

Motion made by Mr W H Osborn and seconded by Mr Winter that Mr Harold Feinberg be retained as our solicitor for the year 1966 on the same basis as on previous years

AYES Osborn Osborne, Winter Decker, Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion unanimously carried

FAMILY CIRCLE STORES/STOP AND SHOP - decision

Mr Feinberg suggested that a motion be passed holding the decision in this matter until the next meeting in order to give him time to notify Mr Rothstein that he is checking the law with regard to the definition of a lumber yard and that he will advise when the research is done

Motion made by Mr Winter and seconded by Mrs Decker that Mr Feinberg's recommendation be accepted and the decision in this matter be held to our next meeting which is regularly scheduled to be held on February 16, 1966

AYES Winter, Decker, Osborne Osborn, Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion unanimously carried

CASE #536 - MAJORIE, FRANCIS - represented by Robert H Doherty

This application for a gas station on Block 382-A lots 1 to 9 inclusive and Mr Doherty has advised that his secretary inadvertently used the wrong date in notifying the owners within 200 feet and he asked to withdraw this application and renotify for the next meeting

This matter will be heard at the meeting of February 16 1966

CASE #537 - KENT, LEWIS B - Garden Apartments, Block 25, lots 12 to 33

This property is located in an R-7 5 zone at the intersection of Highway 88 West Princeton Avenue and Forge Pond Road and is triangular in shape The map is known as "Laurelton Park"

Mr Robert Sokol Certified Shorthand Reporter was present to take the testimony in this case and was sworn in

Witnesses heard for the defense were

Arnold R Kent, 22 Connel Drive, West Orange who is an attorney and also the son of the applicant, Lewis B Kent

William C Martucci, 507 Conant Street Hillside New Jersey, a licensed practising Architect and also the applicant's architect for the proposed project

Joan D Lazarus Real Estate Broker and appraiser

Two petitions were presented by Mr Struening an objector and Mrs Crano who objected were also heard as well as Mr John Berminger of Brielle who owns property in this vicinity was also heard

Motion made by Mr Osborne and seconded by Mr Osborn that this matter be adjourned until the meeting of February 16, 1966

AYES Osborne Osborn Winter, Decker, Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion unanimously carried

DISCUSSION PERIOD

Letter sent by Mr George to Mr Feinberg for interpretation and reply from Mr Feinberg to Mr George were read by Mr Weiss with regard to L and H Plumbing and the use of a vacant lot for storage of supplies

The secretary was directed to reply to Mr George and advised that the letter from Mr Feinberg was his authority and he should be guided accordingly

BUDGET

The following budget was sent to the Township Committee for the year 1966 and the board at this meeting approved same

Attorney retainer	\$ \$1,400 00
Secretary salary	\$3 000 00
Legal fees Miscellaneous	\$3 000 00
Rent, Office space	600 00
Phone	120 00
Lease of Municipalities	450 00
N J Fed of Planning Off	32 50
Supplies	250 00
Printing	350 00
Contingencies	750 00
	<u>\$9,752 50</u>

The request was made for the sum of \$10 000 00 to be set aside for this year for the Board of Adjustment

U S HOME AND DEVELOPMENT APPEAL OF DECISION BY COURT

Mr Feinberg advised that this matter is again being appealed with regard to our denial for the erection of a gas station

Motion made by Mr Osborne and seconded by Mrs Decker that Mr Feinberg be retained to defend this appeal

AYES Osborne, Decker Winter, Weiss

NAYS None

ABSTAINING Osborn

ABSENT None

Motion carried

EARL HULSE CASE (Pleasure Cove)

Mr Weiss announced that the Court has sustained our decision in the Earl Hulse case which Mr Sterner (Pleasure Cove) appealed

Motion made by Mr Osborn and seconded by Mrs Decker that this voucher from Mr Fernberg in the amount of \$500 00 be paid

AYES Osborn, Decker, Winter, Osborne, Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion carried

NICHOLAS DE GRUCCIO - appeal

Mr Weiss announced that the Court has sustained our decision in the DeGruccio case which was appealed

Motion made by Mr Winter and seconded by Mr Osborn that the bill from Mr Fernberg in the amount of \$500 00 be paid

AYES Winter Osborn Osborn Decker Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion carried

FAMILY CIRCLE' - rehearing - bill from Mr Luma

Voucher from Peter A Luma Certified Shortland Reporter was received in the amount of \$66 88 for one half the amount of the rehearing transcript as ordered by Judge Elvin Summell This agreement to pay half of the bill was made at the time the case was remanded by the Courts

Motion made by Mrs Decker and seconded by Mr Osborn that this bill from Mr Luma in the amount of \$66 99 be paid

AYES Decker Osborn Winter, Osborne Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion carried

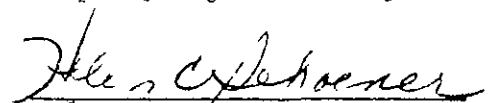
ADJOURNMENT

Motion made by Mrs Decker and seconded by Mr Winter that this meeting be adjourned

Motion unanimously carried

Meeting adjourned at 11 35 p m

Respectfully submitted,


Helen C Schoener Secy

**On soundscreeber record

0-3 MAILED 11
Jan 19 1966
R.S

STATE OF NEW JERSEY)
COUNTY OF OCEAN)^{SS}

JACK ROTHSCHILD and IDA ROTHSCHILD, being duly sworn
according to law upon their oaths depose and say

1 We are property owners and reside on premises within
200 feet of Lot 12-33 Block 25 in the Township of Brick

2 That we have been given notice of an application by
Lewis B Kent to erect a 24 unit garden apartment in a 7 5
zone on the lot and block aforesaid

3 We do hereby object to the approval of said application
and the erection and construction of the garden apartment as
applied for, for the following reasons

- A That the addition of a 24 unit garden apartment
will materially and substantially increase the
traffic hazard on Route 88, Princeton Avenue
and the intersection thereof which are presently
main arteries of traffic and heavily traveled
- B That said garden apartment will create a health
and safety hazard to the inhabitants of the area
and to the public in general by creating a sewage
problem due to the lack of proper drainage in the
area, no city sewage or water presently being supplied
to the area and the increase of sewage from the
added units would be a hazard to the numerous
wells which supply drinking water to private home
owners
- C A 24 unit garden apartment would materially and
substantially change the present nature of the area
which presently consists of one family homes to a

degree that would be detrimental to the home owners and the
value of the surrounding properties

Jack Rothschild
JACK ROTHSCHILD
Ida Rothschild
IDA ROTHSCHILD

SWORN TO AND SUBSCRIBED
BEFORE ME THIS 4th DAY
OF JANUARY, 1966

Marie Cant

MARIE CANT

✓ NOTARY PUBLIC OF NEW JERSEY
My Comm e p pt 29 1970