

**BRICK,
TOWNSHIP
OF**
(Planning/Zoning)

Approved 5/12/71

352 - Marousis, Peter
Site Plan
Bl. 830-14, Lots 21-28

**SITE PLAN APPLICATION
TOWNSHIP OF BRICK**

MUST BE FILED WITH THE CLERK TO THE PLANNING BOARD OF BRICK TOWNSHIP AT LEAST FIFTEEN (15) DAYS PRIOR TO THE SCHEDULED MEETING, WITH FILING FEES (MINOR SITE PLANS - \$25.00; MAJOR SITE PLANS - \$25.00 PER ACRE, WITH A MINIMUM FEE OF \$100.00) ALL FEES IN CASH OR CERTIFIED CHECK.

APPLICATION NO. 352 FILED 11/20, 1970

APPLICATION FOR SITE PLAN APPROVAL

To: BRICK TOWNSHIP PLANNING BOARD:

Application is hereby made for Site Plan Approval, in accordance with the provisions of Article XIX, Ordinance 62-70 (200-R) of the Brick Township Zoning Ordinance.

1. Location: State Highway Rt. #88, & Hoffman St.

830-14

21-28

(Block)

(Lot Nos.)

2. Area of tract (in acres): 200 x 150

3. Are road or other improvements to be constructed? no

4. Proposed use and/or development plans: commercial stores & apartments over

If Apartments: Total Units 6 No. of 1 Bedroom 16 No. of 2 Bedroom 0

5. Applicant's Name: Peter Marousis
(If a Corporation - State of Incorporation & Registered Agent)

Address: 1621 Edge St., Bricktown, N.J.

Phone: 899-8294

6. Name and address of present owner (if other than applicant):

Name: n/a see above

Address: _____

7. Name and address of persons preparing plans:

Architect Morgan M. Davis, 326 Third St., Lakewood, N.J.

367-1100

Phone: 363-8433

Engineer _____

Phone: _____

8. Signature of applicant:

John F. Russo 349-2800 341-4510 - Martone
JOHN F. RUSSO, Attorney for applicant, Peter Marousis

Received by: Jane B. Canale, Clerk

Date: 11/20/70

Action Taken: Waiver of time 1/22/71

Approval or rejection: _____

Date: _____

*Arpenti
Pulgarino*

\$100.00 fee

Subdivision in County

gbr

RESOLUTION R - 52

May 12, 1971

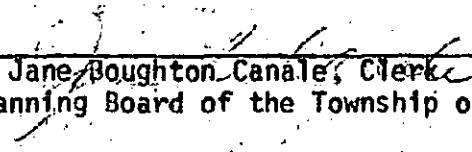
Planning Board
of the
Township of Brick

BE IT RESOLVED by the Planning Board of the Township of Brick on this 12th day of May, 1971, that the application of Peter Marousis for Site Plan approval of a site known as Block 830-14, new consolidated lot (formerly known as Lots 21-28, inclusive) as shown on the Tax Map of Brick Township and presented on a map which is dated revised April 29, 1971, drawn by Morgan Davis, architect, be granted approval.

CERTIFICATION

I, Jane Boughton Canale, Clerk to the Planning Board of the Township of Brick, County of Ocean, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the twelfth day of May, 1971.

IN WITNESS WHEREOF, I have set my hand this twenty-first day of May, 1971.


Jane Boughton Canale, Clerk
Planning Board of the Township of Brick

R E S O L U T I O N R - 4 5

April 28, 1971

Planning Board
of the
Township of Brick

BE IT RESOLVED that Case No. 352 be carried to the regular meeting of May 26, 1971, at 8 p.m. and that the applicant appear with his attorney at that time for review of the application and requirements of the Planning Board and a possible decision on this matter.

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

I, Jane Boughton Canale, Clerk to the Planning Board of the Township of Brick, County of Ocean, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the twenty-eighth day of April, 1971.

IN WITNESS WHEREOF, I have set my hand this twenty-ninth day of April, 1971.


Jane Boughton Canale, Clerk
Planning Board of the Township of Brick.

RESOLUTION R - 2

January 13, 1971

Planning Board
of the
Township of Brick

BE IT RESOLVED by the Planning Board of the Township of Brick that the motion of the applicant for the following items be granted relative to application Nos. 362 and 352:

1. As far as the Minor Subdivision application is concerned, the applicant desires to withdraw without prejudice and may do so and the motion of dismissal is hereby granted.

2. As far as Site Plan application is concerned, the applicant has asked the Board to hold this under jurisdiction pending amendment of same and applicant has waived any time limitation thereon, and the Board grants the motion and holds the matter under advisement until further action by applicant or subdivision.

3. That the Chairman of the Planning Board will write to the Township Attorney and request an interpretation of Section B of Article VIII of Ordinance No. 200, as whether thereby residential units are permitted over retail stores since the interpretation of this Board and its attorney, Harold Feinberg, because of the ambiguity of the ordinance, have ruled that it is not permissible.

CERTIFICATION

I, Jane Boughton Canale, Clerk to the Planning Board of the Township of Brick, County of Ocean, do hereby certify that the foregoing Resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the thirteenth day of January, 1971.

IN WITNESS WHEREOF, I have set my hand this fourteenth day of January, 1971.


Jane Boughton Canale, Clerk
Planning Board of the Township of Brick

MEMORANDUM #77

TO: *Brick Township Planning Board*

FROM: *E. Eugene Oross, Professional Planner*
E. Eugene Oross Associates, Planning Consultants

SUBJECT: *Site Plan 352: Peter Marousis*

DATE: *January 4, 1971*

I have reviewed the above site plan and have the following comments:

- 1. The cars parked on the northern property line will have their bumper overhang on the adjacent property (Lot 29, Harry W. Maynes).*
- 2. Site plans should be made on an engineer's scale, not an architect's. This seems as if it is a minor point but can lead to serious errors and miscalculation. Architect's scale is basically for structural purposes, not site design.*
- 3. Southerly lot facing Route 88 does not comply with the 25-foot setback from Hoffman Street as required in the Ordinance.*
- 4. The plan does not indicate the number of apartments contemplated over the stores. Therefore, the final parking count is difficult to calculate.*
- 5. I do not see in the ordinance where residences are permitted over stores. Besides, residences over stores went out with high button shoes and is contrary to the master plan, also.*

110440

ROBERT B. POWERS
PROFESSIONAL ENGINEER AND LAND SURVEYOR
1182 OCEAN AVENUE
LAKEWOOD, N. J.

—
AREA CODE 201
TELEPHONE 364-2030

December 2, 1970

Brick Township Planning Board
Town Hall
Brick Town, New Jersey

Re: #352 Peter Marousis

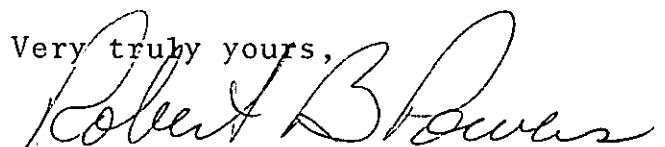
Gentlemen:

I have reviewed this plan with the following comments: 83

1. Apartments of the type proposed are not mentioned in the existing zoning ordinance which is of a permissive nature. Therefore this use would not be allowed without a variance.
2. The requirements of the site plan ordinance should be complied with in general and specifically with the following:
 - A. Depressed curb rather than curb returns on Hoffman Street.
 - B. Parking aisles of 24' minimum width.
 - C. Type of pavement for parking area.
 - D. The site should drain into Rt. 88 rather than Hoffman Street since there are no storm drainage facilities on Hoffman Street and the water will just form a pond.
3. The property should be made into a single parcel. 8

I would not make a favorable recommendation until the above comments have been properly resolved.

Very truly yours,



ROBERT B. POWERS
Brick Township Engineer

RBP:h

THE TOWNSHIP OF BRICK

609 BRICK BOULEVARD, LAURELTON
BRICK TOWN, NEW JERSEY

Robert B. Powers

TO.....

ADDRESS 1182 Ocean Avenue, Lakewood, New Jersey

Date of Delivery or Service	Purchase Order No.	Description of Goods or Service Rendered, Itemize Fully	Amount	Total
		Brick Township Planning Board		
		For Professional Services:		\$540 00
		Attend meeting 12-9-70	\$ 35 00	
		Review plans		
		Subdivisions		
		#339 Schuler minor	20 00	
		#344 Majo Estates major	275 00	
		#348 Mantoloking Shores		
		Section 8 major	75 00	
		#349 Szumaski minor	20 00	
		#350 Sea Bay Inn minor	20 00	
		#351 Streeter minor	20 00	
		Site Plans		
		#345 O.C. Health Club	25 00	
		#347 Penn Furniture	25 00	
		#352 Marousis	25 00	

CLAIMANT'S CERTIFICATION AND DECLARATION

I do solemnly declare and certify under the penalties of the Law that the within bill is correct in all its particulars; that the articles have been furnished or services rendered as stated therein; that no bonus has been given or received by any person or persons within the knowledge of this claimant in connection with the above claim; that the amount therein stated is justly due and owing; and that the amount charged is a reasonable one.

9 December 1970

(Date)

Robert B. Powers

(Signature)

Planning Board Engineer

(Official Position)

CERTIFICATION BY MUNICIPAL OFFICIALS

Delivery slips received and checked.

12/9/70

(Date)

Allen T. Myers

(Signature)

APPROPRIATION OR ACCOUNT CHARGED

Planning Board		
Other Expenses		

APPROVED BY

Mayor or Business Administrator

PAYMENT RECORD

DATE PAID..... CHECK NO.....

JOHN F. RUSSO
COUNSELLOR AT LAW
PROFESSIONAL ARTS BUILDING
616 WASHINGTON STREET
TOMS RIVER, N. J. 08753

JAMES P. COURTNEY, JR.

2860
349-2900
AREA CODE 201

November 23, 1970

New Jersey State Department of Transportation
1035 Parkway Avenue
Trenton, New Jersey 08625

RE: Peter Marousis, application Brick Township Planning Board

Gentlemen:

Enclosed herewith please find copy of site plan in the
above for your approval.

Very truly yours,

John F. Russo

jfr/pg
enc

cc: Secy, Brick Township Planning Board

C
O
P
Y

BERRY, SUMMERILL, RINCK & BERRY
A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

FRANKLIN H. BERRY
JOSEPH J. SUMMERILL III
JANE RINCK
FRANKLIN H. BERRY, JR.
FRANCIS P. PISCAL
SEYMOUR J. KAGAN
JOSEPH PRIVETERA

34 WASHINGTON STREET

TOMS RIVER, N. J. 08753

AREA CODE 201: 349-4800

P. O. BOX 757

WILLIAM W. WHITSON, 1941-1967
MAJA LEON BERRY, 1949-1961

LONG BEACH ISLAND OFFICE:
BEACH HAVEN NATIONAL BANK BLDG.
BEACH HAVEN, N. J. 08008

AREA CODE 609: 492-4656

February 12, 1971

Mrs. Jane Canale, Clerk
Brick Township Planning Board
609 Brick Boulevard
Brick Town, New Jersey 08723

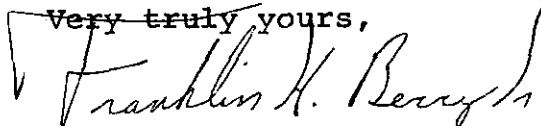
Re: TOWNSHIP OF BRICK
FILE NO. 10,602
CASE NO. 352 - MAROUSIS SITE PLAN
BLOCK 830-14, LOTS 21 to 28

Dear Mrs. Canale:

You have inquired with respect to whether the Zoning Ordinance of the Township of Brick permits a combination of apartments and stores within the B-3 Zone. I have reviewed the Resolution forwarded under cover of your letter dated February 5, 1971, together with the relevant sections of the Zoning Ordinance. While I have some definite thoughts with respect to this issue, the statutory duty to interpret a Zoning Ordinance has been placed upon the Board of Adjustment, pursuant to N.J.S.A. 40:55-39(a). I do not feel it within the province of the Township Attorney's position, to circumvent the appropriate Boards within the Township which are represented by independent counsel.

If this situation has presented numerous problems in the past, I would suggest that the Planning Board recommend that the Council amend same to provide that combinations of the various uses permitted in the B-3 Zone are specifically prohibited.

Very truly yours,


FRANKLIN H. BERRY, JR.

FHBJR: vyc

*Rec'd
2/16/71
Plan. Bd.
Copy sent
to Steinberg
2/16/71*

February 5, 1971

Franklin Berry, Jr.
Berry, Summerill, Rinck & Berry
34 Washington Street
Toms River, New Jersey 08753

Re: Our Case #352, Marousis, Peter, Site Plan, Bl. 830-14, Lots 21-28

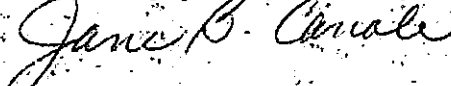
Dear Mr. Berry:

Mr. Feinberg has given me your letter of January 25, 1971, relative to the above captioned matter. I enclose herewith a copy of the approved minutes of January 13, 1971, relative to this case which also includes the Resolution.

The prime point of interpretation was whether or not in Zone B-3 an applicant may have apartments over stores. In the Ordinance both stores and apartments are permitted but not in combination of same. Mr. Feinberg has felt that interpretation of this ordinance should come from either the Board of Adjustment under R.S. 40:55-39 (a) or from the Township Attorney. His opinion was similar to the Board's that the ordinance is permissive and does not permit a combination of apartments over stores. That is why the Planning Board has requested your interpretation of Section B of Article 8 of Ordinance No. 200 in this regard.

Thank you for your early response.

Very truly yours,



Jane Boughton Canale, Clerk
Brick Township Planning Board

jbc
cc. Messrs. Feinberg & Myers
Enclosure

C
O
P
Y

BERRY, SUMMERILL, RINCK & BERRY

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

34 WASHINGTON STREET

TOMS RIVER, N. J. 08753

P.O. BOX 757
AREA CODE 201: 349-4800

FRANKLIN H. BERRY
JOSEPH J. SUMMERILL III
JANE RINCK
FRANKLIN H. BERRY, JR.
FRANCIS P. PISCAL
SEYMOUR J. KAGAN
JOSEPH PRIVETERA

WILLIAM W. WHITSON, 1941-1967
MAJA LEON BERRY, 1949-1961

LONG BEACH ISLAND OFFICE:
BEACH HAVEN NATIONAL BANK BLDG.
BEACH HAVEN, N. J. 08008
AREA CODE 609: 492-4686

January 25, 1971

Harold Feinberg, Esq.
600 Arnold Avenue
Point Pleasant Beach, N. J.

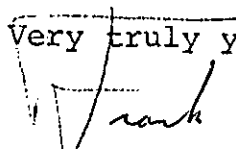
Re: 10,602 - Brick Township 1971

Dear Harold:

I received a Resolution from the Brick Township Planning Board requesting a Legal Opinion with respect to a pending application for a minor subdivision. I am enclosing a copy of this Resolution for your reference.

Inasmuch as this appears to be a legal matter within the purview of the Planning Board, I would appreciate receiving your thoughts prior to further investigation of the matter.

Very truly yours,


FRANKLIN H. BERRY, JR.

fhhjr/dlf

Enclosure

*Hold for reply
Maranus S.P.*

January 19, 1971

Franklin H. Berry, Esq.
Township Attorney
34 Washington Street
Toms River, New Jersey 08753

Dear Mr. Berry:

Attached is a copy of a Resolution which the Planning Board passed at its last meeting, January 13, 1971.

We are requesting your opinion of Item No. 3. Will you please forward to us your legal opinion as soon as possible so we may be guided accordingly.

Very truly yours,

Allen L. Myers JBC

Allen L. Myers, Chairman
Brick Township Planning Board.

ALM:JBC
Enclosure

C
O
P
Y

ROBERT B. POWERS
PROFESSIONAL ENGINEER AND LAND SURVEYOR
1182 OCEAN AVENUE
LAKEWOOD, N. J.
—
AREA CODE 201
TELEPHONE 364-2030

March 1, 1971

Brick Township Planning Board
Town Hall
Brick Town, New Jersey

Re: #352 Marousis
Site Plan

Gentlemen:

I have reviewed this plan with the following comments:

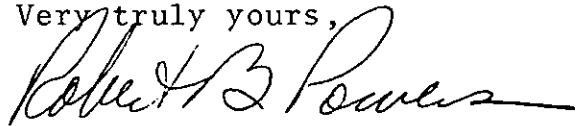
1. Any approval should be conditional upon the granting of a subdivision for the site.
2. The plan should indicate that no lighting will fall directly on adjacent property.
3. Parking and traffic
 - A. The driveway opening on Hoffman Street should be a curb cut rather than a curb return and the sidewalk should continue across the opening.
 - B. The type of pavement for the parking lot should be indicated on the plan.
 - C. The parking area should be curbed.
 - D. The six parking spaces to the rear of the building should be eliminated to provide better traffic circulation.
 - E. Three parking spaces facing the southern most driveway on Route 88 and one parking space facing the northern most driveway should be eliminated as vehicles attempting to leave these spaces would be in conflict with traffic entering from Route 88.

#352 Marousis Site Plan
March 1, 1971

I would recommend approval of this plan providing the above comments are incorporated into the plan and the pavement design for the parking area is found to be satisfactory.

Further, it is felt that the applicant should be reminded that state approval is required for the curb openings on Route 88 and that the sidewalks and curbs on Hoffman Street should not be constructed until the Township Engineer checks the proposed line and grade of those improvements in the field.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Robert B. Powers", written in dark ink.

ROBERT B. POWERS
Brick Township Engineer

RBP:h

ROGERS, SIM, SINN, GUNNING & SERPENTELLI

Counsellors at Law

CHARLES E. ROGERS 1918-1965

RICHARD W. SIM

JACK F. SINN

THOMAS J. GUNNING

EUGENE D. SERPENTELLI

KENNETH B. FITZSIMMONS

720 Brick Boulevard

BRICK TOWN, NEW JERSEY 08723

TELEPHONE 477-2900
AREA CODE 201

April 30, 1971
M 71/206 F

Brick Township Planning Board
Town Hall
Brick Town, New Jersey 08723

Attention: Mrs. Jane Boughton Canale, Clerk

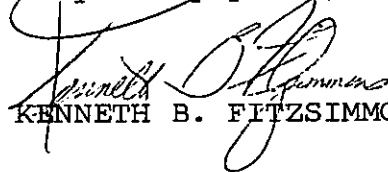
Re: No. 352 - Marousis Site Plan

Dear Mrs. Canale:

This letter is being forwarded to you together with a revised site plan in the above matter.

It is my understanding this matter has been carried until May 26th. If it would be more convenient to the Board, the applicant will be ready to appear and would request to appear on May 12th. I would appreciate your advising me as to the date upon which my client and I should appear.

Very truly yours,


KENNETH B. FITZSIMMONS

KBF/mt
Enc.

cc Sent 4/30/71
Brick
Twp

ROBERT B. POWERS
PROFESSIONAL ENGINEER AND LAND SURVEYOR
1182 OCEAN AVENUE
LAKEWOOD, N. J.
—
AREA CODE 201
TELEPHONE 364-2030

May 5, 1971

Brick Township Planning Board
Town Hall
Brick Town, New Jersey

Re: #352 Marousis
Site Plan

Gentlemen:

I have reviewed this plan and I find that with the exception of parking, the plan is in conformance with the applicable ordinances.

The zoning ordinance requires a minimum of one parking space for each 150' square feet of floor area making no distinction between finished or unfinished floor area. Literally interpreted this means that 68 parking spaces are required where the plan indicates 36 spaces.

Furthermore, it is felt that there is a strong possibility that the second floor would be utilized at some time in the future if not immediately. Therefore it should be insured that the required amount of parking is provided for the proper use rather than have the applicant state at some later time that he has a hardship caused by this tacit approval of the unfinished area.

In light of the above I could not recommend approval of this plan.

Very truly yours,



ROBERT B. POWERS
Brick Township Engineer

RBP:h

OK for 5/12/77
A. E. M.

"O. R. v. B. L. v. M."

B- K TOWN N JE CY 06723

TELEPHONE CODE

Brick Township Planning Board
Town Hall
Brick Town, New Jersey 08723

Re: No. 352 - Marousis Site Plan

Dear Mrs. Canale:

This letter is being forwarded to you together with a revised site plan in the above matter.

It is my understanding this matter has been carried until May 26th. If it would be more convenient to the Board, the applicant will be ready to appear and would request to appear on May 12th. I would appreciate your advising me as to the date upon which my client and I should appear.

Very truly yours,

KBF/mt
Enc.

ROBERT B. POWERS
PROFESSIONAL ENGINEER AND LAND SURVEYOR
1182 OCEAN AVENUE
LAKEWOOD, N. J.
—
AREA CODE 201
TELEPHONE 364-2030

April 20, 1971

Brick Township Planning Board
Town Hall
Brick Town, New Jersey

Re: #352 Marousis
Site Plan

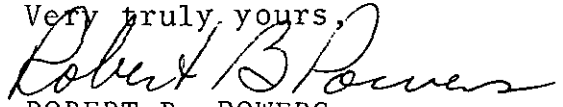
Gentlemen:

I have reviewed this revised plan with the following comments:

1. The proposed building contains approximately 10,800 square feet of floor area counting the unfinished area which requires parking be provided for 72 vehicles. The plan shows only 46 parking spaces. If the unfinished area is discounted then the parking spaces are adequate in number.
2. The twenty foot aisle width on the north side of the building should be increased to a minimum of 24 feet to allow room for the vehicles to park and unpark.
3. The westerly edge of the parking area should be curbed.
4. The plan should bear a revised date and a note stating that all curbs, sidewalks, and pavement are to be constructed in accordance with Brick Township standards.
5. The plan should indicate that no lighting will fall directly on adjacent property.
6. Any approval should be contingent upon the site being consolidated into one parcel.

Because of the above I cannot recommend approval of this plan.

Very truly yours,



ROBERT B. POWERS
Brick Township Engineer

RBP:h

November 20, 1970

Mr. William E. Johnson,
Township Clerk
609 Brick Boulevard
Brick Town, New Jersey

Re: Case No. 352 - Marousis, Peter
Site Plan \$100.00
Bl. 830-14, Lots 21-28

Dear Mr. Johnson:

Please accept the attached certified check No. 52294 drawn
on the First National Bank of Toms River by Malama Marousis in the
amount of \$100.00 for the above application.

Very truly yours,

Jane B. Canale
Jane Boughton Canale, Clerk
Brick Township Planning Board

jbc
Enclosure

RECEIVED:

W. E. Johnson
William E. Johnson, Township Clerk

11/20/70
Date

C
O
P
Y

TOWNSHIP OF BRICK

OCEAN COUNTY, NEW JERSEY

491 CHAMBERS BRIDGE ROAD • BRICK, NJ 08723

Joseph C. Scarpelli, Mayor

Township Council:

Steven M. Cucci — President

Stephen C. Acropolis

Kimberley S. Gasten

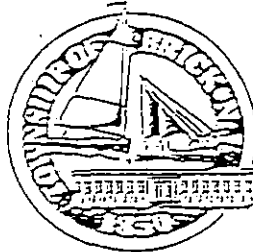
Gregory S. Kavanagh

Kathy M. Russell

Tony G. Shuglin

Frederick J. Underwood, Sr.

Municipal Clerk



Planning Board

(732) 252-1045

Fax: (732) 252-8954

<http://www.town.brick.nj.us>

NEW FOLDER _____

From - Judith Fox Nelson

Date:

-8/9/02

Re:

Archive and reorganization of Planning Board Files

Case # 352 Marousis

Date of Approval 5/12/71

Block 830-14 Lot 21-28

The above referenced file has been cleaned out as and is ready to be re-filed.

The following files are turned over to Jeff Fabach for disposal

Affidavits _____

Notice of decision _____

Copies _____

Correspondence _____

Copies of checks and receipts _____

Reports, drainage, environmental, traffic _____

Other _____

April 28, 1971

A regular meeting of the Brick Township Planning Board was held this date with Chairman, Allen L. Myers, presiding. The meeting convened at 8:00 p.m.

THOSE PRESENT

Daniel Greenberg
Edmund Hibbard
Fred C. Lohr
Allen L. Myers
Salvatore Petoia
Charles D. Smith, Jr.

THOSE ABSENT

Councilman D'Elia
Thomas J. Judge
Mayor McGuckin

Mr. Smith made a motion, seconded by Mr. Lohr, that the minutes of the meeting of April 14, 1971, be accepted as written and recorded.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia, Smith
ABSENT: Messrs. D'Elia, Judge, McGuckin

Motion carried and minutes approved.

SUBDIVISIONS

Case #388 - Marousis, Peter - Major Final - Bl. 830, Lots 21-28

Kenneth Fitzsimmons, attorney for the applicant, appeared before the Board. Mr. Myers explained that this subdivision was for consolidation of lots in connection with site plan approval. Everything being in order, Mr. Petoia offered Resolution R-43, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Block 830, Lots 21-28, submitted by Peter Marousis be granted Final Major Subdivision approval for consolidation purposes.

Seconded by Mr. Lohr.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia, Smith
ABSENT: Messrs. D'Elia, Judge, McGuckin

Motion carried and Resolution R-43, adopted.

At this point the Board reversed the agenda to hear Site Plans since Chairman of Site Plan Committee Charles Smith had another meeting to attend later on this evening.

SITE PLANS

Case #363 - Meyer, Jack - Bl. 1170, Lot 5

Mr. Smith reported that we have heard this case before and held it until a variance was granted. Everything being in good order, Mr. Smith offered Resolution R-44, below, and moved its approval:

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Township of Brick that the application of Jack Meyer for site approval for site known as Block 1170, Lot 5, as shown on the Tax Map of Brick Township and presented on a map which is dated 1/4/71, drawn by Samuel Abate, architect, and entitled Proposed Addition, L & H Plumbing, is hereby approved.

Seconded by Mr. Lohr.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia, Smith
ABSENT: Messrs. D'Elia, Judge, McGuckin
Motion carried and Resolution R-44 adopted.

Case #384 - "1 Piel Road, Inc." - Bl. 584, Lots 6-10,24,25

Mr. Daniel Newman, owner, 214 Essex Drive, Lake Riviera, appeared before the Board. Mr. Smith reported the following:

1. Parking spaces less than required for this zone. Relief must be sought from another Board. Also rear yard setback is inadequate.
2. One or more parking spaces must be eliminated for ready access to garage.
3. Several parking spaces need to be eliminated to avoid backing out onto Mantoloking Road.
4. Sidewalk on Mantoloking Road should be continuous across curb openings.
5. A notation on the plat that the lighting will not fall on adjacent properties.
6. A notation that the pavement, curbing and sidewalks will be constructed in accordance with the Brick Township standards should be added to plat.
7. Zone designation to be placed on plat.

Mr. Newman stated that he is aware that he must go to the Board of Adjustment for parking. He asked if the plat is otherwise acceptable. Mr. Smith stated that other than the above stated problems, the map is acceptable. Mr. Newman discussed reducing the size of the building to avoid the need for a variance for setback.

A waiver of time limitations was granted by Mr. Newman. Revised maps should be submitted to the Planning Board after being heard by the Board of Adjustment.

Mr. Myers asked about the topography of the land and its relation to this building. Mr. Newman stated that the building will have 2 stories on Piel Road and one story on Mantoloking Road.

Mr. Smith made a motion that the Board hold Case No. 384 in abeyance pending Mr. Newman's application for "1 Piel Road, Inc." before the Board of Adjustment and presentation of revised plans to be submitted to the Planning Board in accordance with the recommendations of the Board's engineer and the appropriate resolution from the Board of Adjustment and Mayor and Council, as the case may be, and note that Waiver of Time Limitations was given by the applicant.

Seconded by Mr. Petoia.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia, Smith

ABSENT: Messrs. D'Elia, Judge, McGuckin

Motion carried.

Case #352 - Marousis, Peter - Bl. 830, Lots 21-28

Kenneth Fitzsimmons, Esq. represented the applicant. Mr. Myers stated that this matter had been heard on March 10th. The maps have not been revised to our requirements. Mr. Myers went over the report from our engineer with the attorney. Discussion of the second floor followed. The parking evaluation is calculated on the use upstairs as well.

Mrs. Canale was directed to give Mr. Fitzsimmons a copy of the March 10th minutes in order for him to be more familiar with what had been discussed previously.

After further discussion of the parking, Mr. Myers offered Resolution R-45, below, and moved its approval:

BE IT RESOLVED that Case No. 352 be carried to the regular meeting of May 26, 1971, at 8 p.m. and that the applicant appear with his attorney at that time for review of the application and requirements of the Planning Board and a possible decision on this matter.

Seconded by Mr. Smith

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia, Smith
ABSENT: Messrs. D'Elia, Judge, McGuckin

Motion carried and Resolution R-45 adopted.

A recess was called at this time in order to study the next case.

Case #385 - Pineland State Bank - Bl. 1086, Lot 24

Mr. Feinberg asked to be excused because he is in conflict. He removed himself from the room.

Mr. Robert Novins, attorney, came forward to represent the applicant. Mr. Novins stated he had a court stenographer with him and asked that he be sworn in. Mr. Myers swore in Mr. Joseph Albenese.

Mr. Myers stated that revisions had just been received today which were reviewed tonight in caucus. It is noted that the Board of Adjustment granted a variance to allow this use in a residential zone. He stated that there were some revisions needed on the plat as follows:

1. Plantings are asked for running from the front of the bank, laterally. Suggested Evergreens rather than fencing. Mr. Novins agreed for the purpose of a buffer zone.
2. Boundary line, most Southerly, a 200-foot buffer zone is asked for.
3. Another dry well is asked for north of the 5 parking spaces.
4. Mr. Smith asked that the driveway exit on Burnt Tavern Road be marked "Exit, No Left Turn".

Mr. Smith then offered Resolution R-46 below and moved its approval:

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Township of Brick that the application of Pineland State Bank for Site Plan approval of a site known as Block 1086-2, Lot 24, as shown on the Tax Map of Brick Township and presented on a map which is dated 4/22/71, drawn by Carl Post, Architect and entitled Site Plan Pineland State Bank is hereby approved subject to the following conditions and that the Chairman and Secretary withhold their signatures until these conditions are met:

1. A-tight planting system to buffer the adjacent properties on the Easterly property line.
2. A-tight planting system be installed for 200 feet in a Northwesterly direction along the East property line.
3. That an additional dry well be placed at the end of the 5 Northerly parking spaces.

Seconded by Mr. Lohr

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia, Smith
ABSENT: Messrs. D'Elia, Judge, McGuckin

Motion carried and Resolution R-46 adopted.

Mr. Novins asked to be given a building permit prior to the signatures on the maps. Mr. Myers stated that the maps will be signed immediately upon receipt of the revised copies. Mr. Novins stated that this Board has been very cooperative.

Minutes of the Planning Board

Page Three - April 28, 1971

SUBDIVISIONS

Mr. Smith was excused from the meeting to attend a political meeting. The Board still has a quorum.

Case #389 - Sindlinger, Frank - Major Preliminary - Public Hearing = Bl. 901, Lots 5 & 7

There was a large group of people in attendance to hear this case. Mr. Clifford Glassen was present to represent the applicant, Pine Shores. A copy of the subdivision had been placed on the easel for the audience.

Mr. Myers stated that the applicant is creating 5 new lots from an existing 2 lot parcel. Mr. Glassen proceeded to explain to the Board and the audience the application. He made the presentation a question and answer time. The smallest lot is 80 X 100 feet which is in conformance with the R-75 zone. Each lot will be reviewed by the building department before a building permit can be issued. There is no subdivision contemplated at this time for the rest of lot 5 and 7, at least not until a Township sewer system is installed. Notification will be given at that time for any future subdivision. No lots can be created without road frontage.

At this time Mr. Frank Grischbowsky asked why he was denied a subdivision last year. Mr. Myers stated that the Board will review his case folder and let him know why he was denied.

At this point the audience was satisfied. Mr. Powers stated that as the map is presented Lot 7 is landlocked. He asked that the lot line between Lots 5 and 7 be eliminated. Mr. Glassen agreed to remove the lot line.

The audience then again wanted to ask further questions. Several people expressed concern over the septic system problems on Lenape Trail and wanted to know where they can get help. It was suggested that they contact Mr. Burnett, Business Administrator, who will in turn contact the building department and Board of Health. Mr. Glassen explained that the lot area of the smallest newly created lot is in excess of 2,000 sq. ft. in comparison with Lenape Trail lots. The percolation tests have been good in the area of this subdivision.

Mr. Myers explained to the audience what the Board's function is, namely the granting of subdivision approval. The Board of Health, building department and others have jurisdiction over the construction of a home on the property and its septic system.

Mr. Feinberg explained that objections to the subdivision have to be legal ones, not opinions. The objectors must study the land laws.

Mr. Myers then offered Resolution R-47, below, and moved its approval:

BE IT RESOLVED that the application of Frank Sindlinger for Major Preliminary Subdivision for Block 901, Lots 5 & 7, Case #389, be taken under advisement for study and decision at the regular meeting of May 12, 1971.

Seconded by Mr. Greenberg

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-47 adopted.

Case #391 - Sindlinger, Frank - Minor (Consolidation) - Bl. 252-18, Lots 18, 19, 20

Everything being in order, Mr. Hibbard offered Resolution R-48, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Block 252-18, Lots 18-20, submitted by Shore Acres Corp., Frank Sindlinger, president, be granted Minor Subdivision approval subject to the following corrections:

1. Indicate on plat lot and block numbers and names of adjacent property owners.
2. Show Tax Map sheet number
3. Show bulkhead line

Seconded by Mr. Myers

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, McGuckin, Smith, Judge

Motion carried and Resolution R-48 adopted.

Case #392 - Sindlinger, Frank - Minor (Consolidation)
Bl. 45-4, Lots 58,59,60

Everything being in good order, Mr. Hibbard offered Resolution R-49, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Block 454, Lots 58-60, submitted by Peninsula Corp, Frank Sindlinger, president, be granted Minor Subdivision approval subject to the following corrections:

1. Indicate on plat lot and block numbers and names of adjacent property owners.
2. Show tax map sheet number
3. Show zone
4. Graphic Scale
5. Show bulkhead line

Seconded by Mr. Myers

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-49 adopted.

VOUCHERS

Robert Powers - 7 reviews, 1 report, mtg. 4/28	\$365.00
3 M Business Products - supplies	19.81
" " " " - return & credit - balance	1.32
Charneys of Toms River - office supplies	25.20

Mr. Petoia made a motion seconded by Mr. Hibbard that the vouchers be submitted for payment.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and vouchers will be submitted for payment.

CORRESPONDENCE

Mr. Myers asked Mrs. Canale to send photo of map in connection with a road vacation request to all members and give a copy of reports to Mr. Feinberg.

The Board is in receipt of a letter asking for an extension of time in the Case of MacLean and Chapman, Minor Subdivision, which was approved subject to the granting of a variance.

WHEREAS the Planning Board by Resolution R-13, dated February 10, 1971, granted Minor Subdivision approval on plat entitled Block 36-11, Lot 5, subject to certain conditions,

AND it appears one of the conditions was that the applicant secure a variance from the Board of Adjustment of the Township of Brick and it appearing that the Board of Adjustment has been unable to hear this matter,

NOW, THEREFORE, BE IT RESOLVED on this 28th day of April, 1971, that the approval period is extended for plat filing for a period not to exceed 90 days from this date.

Seconded by Mr. Lohr

AYEs; Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-50 adopted.

A motion was made by Mr. Petoia and seconded by Mr. Hibbard that the meeting be adjourned. All voted yes. Meeting adjourned at 10 p.m.

Respectfully submitted,



Jane Boughton Canale, Clerk
Brick Township Planning Board

jbc

May 12, 1971

A regular meeting of the Brick Township Planning Board was held this date with Chairman, Allen L. Myers, presiding. The meeting convened at 8:00 p.m.

THOSE PRESENT

Daniel Greenberg
Edmund Hibbard
Fred C. Lohr
Allen L. Myers
Salvatore Petoia

THOSE ABSENT

Councilman D'Elia
Thomas J. Judge
Mayor McGuckin
Charles D. Smith, Jr.

Mr. Myers announced that the Board does have a quorum.

Mr. Petoia made a motion, seconded by Mr. Greenberg, that the minutes of the meeting of April 28, 1971, be accepted as written and recorded.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia

ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and minutes approved.

Case #395 for Rose Kuhn has been postponed. The subdivision has been classified as a Major, rather than a Minor. A letter has been sent to the attorney for the applicant. It also came to the Board's attention that the applicant, Rose Kuhn, has just died.

SUBDIVISIONS

Case #389 - Sindlinger, Frank - Major Preliminary - Bl. 901, Lots 5 & 7 (Carried from meeting of 4/28/71)

Mr. Myers asked if anyone was present to hear this case. No one was present. The case has been reviewed and corrections have been made. Mr. Myers then offered Resolution R-51, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick on this 12th day of May, 1971, that the plat entitled Block 901, Lots 5 & 7, submitted by Pine Shores Corp., Frank Sindlinger, president, be granted Major Preliminary Subdivision approval subject to the following corrections:

1. That a revised date be shown on the revised map
2. That Block and Lot numbers of adjacent property owners be shown
3. That the Chairman and the Secretary of the Planning Board withhold their signatures until conditions 1 and 2 are satisfied.

Seconded by Mr. Lohr.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia

ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-51 adopted.

Case #396 - Cucci, Albert - Major Preliminary - Public Hearing - Bl. 321, Lots 11 & 12

Mr. Myers asked if anyone was present to hear this case since by law a public hearing is required. Several people were present.

Joseph Martone, attorney, 616 Washington Street, Toms River, represented the applicant. Mr. Cucci and Walter Scharfenberg, engineer, were also present. Mr. Martone stated that the applicant wishes to subdivide Lots 11 and 12 into 4 lots. The front two lots are in the B-3 Zone and the larger remaining two lots are in the R-10 Zone. In the middle of the present Lots 11 and 12 a road is proposed with a cul-de-sac at the end. At this time a copy of the map was placed on the easel so that the public could see the map and ask questions.

Mr. Myers read from the County minutes of the meeting of April 7th. The County agreement was that the developer install the pipes supplied by the County from Drum Point Road to the cul-de-sac and the County will build four catch basins at the intersection on Drum Point Road, with the required connecting pipe.

Mr. Myers stated that we have reviewed this case with Mr. Powers. He stated: (1) There is a problem with the drainage at Drum Point Road that will require a solution to be agreed upon among the County, the Township and the developer. As it stands now, the developer has agreed to take the storm water from Drum Point Road and connect it with existing municipal drainage facilities in Sky Manor which are of a marginal nature. The County has agreed to supply a given quantity of pipe for a portion of the system. It is felt that the above agreement is satisfactory except that the municipality should not take the full responsibility for maintaining a system that accepts water from a County road and that will be greatly overloaded when the road is improved. The situation that we foresee is that when Drum Point Road is improved, the water from the County road will probably overload this proposed system and cause flooding downstream in an area that would be in the municipal collection system. Because of this, an agreement should be reached prior to approval of this plan, between the County and the municipality as to establishing the future responsibility for the maintenance and adequacy of the system. This should eliminate future controversies over the situation.

- (2) The proposed roadway should have a 100 foot tangent distance between curves.
- (3) The proposed road should be extended to Lot 22 of Block 321 to allow development of that lot and other adjacent properties in the future and to provide for a system of inter-connected streets rather than a series of long cul-de-sacs.
- (4) The existing locations of Lots 11 and 12 should be delineated on the plan.
- (5) The sidewalk detail should show that the edge of the sidewalks are to be one foot from the property line and a note should be added indicating that all pavement, curbs and sidewalks are to be constructed in accordance with Brick Township standards.
- (6) All drainage easements should be twenty feet wide.

The engineer stated that he would try to obtain a wider easement. Discussion followed regarding the proposed road. Mr. Ed Brower, 377 Drum Point Road came forward and told the public the owners of the properties in back of this proposed subdivision. Mr. Michael Palistina came forward to represent William Palistina, an adjacent property owner. He was concerned about Brower Lane and its possibility of becoming a commercially travelled road. Mr. Scharfenberg explained that Brower Lane would remain as it is. Further discussion followed. Mr. Powers explained that the drainage problem in this case is similar to the Mayo Estates problem we had previously. A meeting with the Freeholders is being arranged. Mr. Myers stated that a solution of the drainage situation will be worked out with Mr. Powers, the applicant's engineer and the County engineer.

Mr. Myers offered a motion that Mr. Martone, on behalf of the applicant, indicated a waiver of time limitation and therefore the motion should be that this matter be carried for further study and consideration and changes to be made by the applicant with the further hearing to be at the first meeting in June, 1971, to wit, June 9, 1971 at 8 p.m.

Seconded by Mr. Petoia

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried.

SITE PLANS

Case #353 - Marousis, Peter - Bl. 830, Lots 21-28

Kenneth Fitzsimmons, attorney, represented the applicant. Mr. Marousis was also present. Mr. Myers stated that this case has been before us several times and has been thoroughly studied and is now in conformance with the ordinances. Mr. Myers noted that if the second story is later developed, there will be a shortage of parking spaces. Mr. Fitzsimmons stated that he hoped there would be a change in the parking ordinance and the applicant realizes that he has created a self-imposed plan.

Mr. Myers then offered Resolution R-52, below and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick on this 12th day of May, 1971, that the application of Peter Marousis for Site Plan approval of a site known as Block 830-14, new consolidated lot (formerly known as Lots 21-28, inclusive) as shown on the Tax Map of Brick Township and presented on a map which is dated revised April 29, 1971, drawn by Morgan Davis, architect, be granted approval.

Seconded by Mr. Lohr

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-52 adopted.

Mr. Fitzsimmons thanked the Board for scheduling the case on tonight's agenda.

Case #349 - Szumaski, John - Bl. 10-16, Lot 4

Mr. Myers stated that this case has been carried to tonight and offered Resolution R-53, below, and moved its approval:

Since the applicant and his attorney with reference to the above matter is carried past the time for decision of the Board of Adjustment, now, therefore,

BE IT RESOLVED that their request be granted and carried to the meeting of June 9, 1971, and the applicant's attorney be so notified.

Seconded by Mr. Hibbard.

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-53 adopted.

A recess was taken at this time.

Case #398 - Ocean Federal Savings & Loan Assn. - Bl. 672, Lots 2 & 3

Kenneth Fitzsimmons, attorney for the applicant, was present. Mr. Myers reported that (1) The application states the area involved to be as Lots 2 & 3, Block 672. If the 2 lots are to be considered one site, a subdivision would be required. (2) The plan is not correct which indicates 3 driveways existing. The Eastern most driveway does not exist. Mr. Fitzsimmons affirmed that to be true. Mr. Fitzsimmons told the Board that he just had been told to represent the applicant and had not seen the map. Mr. Myers went on further to state that it is strongly recommended that any additional driveways not be permitted and the existing parking layout and traffic circulation be maintained. (3) The existing curb opening and driveway connecting Lots 2 and 3 should be shown and it should be indicated whether or not it is to remain.

Mr. Fitzsimmons at this time stated that there is a subdivision of Lots 2 and 3 and Lot 2 is not part of this bank project.

Mr. Myers continued as follows: (4) The proposed new curbing at approximate location F-1.5 on the map would not permit adequate two-way traffic flow; therefore, the existing distance between curbs at the most narrow point should be maintained as a minimum. (5) The distances given for the Northern and Western most property lines do not agree with the scale of the map. (6) The following items should be shown on the plan: a. Zoning b. Block and lot numbers of the site and of adjacent properties. c. Names of adjacent property owners d. existing and proposed building areas. e. The rights of way of adjacent streets f. Date of plan g. Architect did not sign plan or indicate that he is licensed to practice in New Jersey (7) Landscaping should be shown.

Page Four

At this point Mr. Petoia offered Resolution R-54, below and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the applicant be permitted to resubmit a revised plan in accordance with the instructions of the Chairman and that the Board will hold this matter under its jurisdiction and carry the hearing to the meeting of June 23, 1971, noting that the applicant has granted any waiver of time limitation.

Seconded by Mr. Hibbard

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-54 adopted.

Case #393 - Meco Oil Co. - Bl. 755, Lot 29

Mr. Fred Monfiletto, applicant, appeared before the Board. Mr. Myers asked the applicant what he intends to do. He intends to raise a roof and build a carport. The proposed carport would be 33 feet off the boundary line, a 20 ft. ingress and egress will be maintained. Mr. Myers stated that it would appear that the size of the proposed alteration makes this a major site plan which requires a minimum of \$100 fee. The following should be shown on the plan: 1. Ingress and egress 2. Parking 3. Drainage 4. Fuel pumps and other permanent structures or installation in the rear of the property. 5. Well & septic tanks located. Landscaping would be desirable to act as a buffer for adjacent properties. After further discussion, Mr. Myers offered Resolution R-55, below and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the application of Meco Oil Company be kept under jurisdiction of the Board and the hearing carried until the regular meeting of June 9, 1971, since the applicant has waived all time limitations and will make the necessary plat changes as discussed with the Board.

Seconded by Mr. Greenberg

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-55 adopted.

Case #390 - Ocean Early Childhood Center - Bl. 869, Lot 15

Mr. Anthony Ferrara, owner, came before the Board. Mr. Ferrara stated that he would like to add to the existing structure another building to be used as a Day Care Center for working mothers. Mr. Myers read the letter from the County Planning Board secretary which stated that this application was approved subject to receipt of \$100 for drainage and a 5 foot road dedication along Princeton Avenue. The applicant stated that the requirement of the road dedication was waived. He further stated that the County would hold the requirement of the drainage money until he had received approval from the Brick Township Planning Board. After discussion of the report of the engineer, Mr. Ferrara asked if he changed the proposal to enclose the existing patio would this be more satisfactory. Mr. Powers stated that the applicant may have a problem of furthering a non-conforming use.

Mr. Myers then offered Resolution R-56 below and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick on this 12th day of May, 1971, that the application of Ocean Early Childhood Center for Site Plan approval of a site known as Block 865, Lot 5, as shown on the Tax Map of Brick Township and presented on a map which is dated March 16, 1971, drawn by M. Herbert Staruch, architect, be denied without prejudice for the following reasons:

Resolution R-56 continued

1. Names of all owners of record of all adjacent properties and Block and parcel numbers of the property are not shown
2. Existing Zone is not shown
3. Key Map is not included
4. Landscaping plan and fencing to be used are not shown
5. Location of all structures, streets, entrances and exits onto streets within 200 feet of property are not shown
6. 3 Parking spaces indicated on the plan are inadequate
7. The existing and proposed setbacks are inadequate
8. Church Street as shown on the plat is Post Road
9. 8.5 foot strip of land along Post Road should be indicated for future widening.
10. The ground floor area is in excess of 2,500 sq. ft. Therefore the classification must be a Major Site Plan, not a Minor, and proper fee to be made
11. Location of utilities, well, septic tanks, must be shown
12. Drainage plan must be shown

Seconded by Mr. Hibbard

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion Carried and Resolution R-56 adopted.

Case #397 - Milza, Joseph - Bl. 670, Lot 4

It was reported by Mr. Myers that Mr. Powers is in conflict and will have to withdraw from the room for this case.. Due to no representation for the applicant, Mr. Greenberg offered Resolution R-57, below and moved its approval:

In the Case #397 involving Joseph Milza on Block 670, Lot 4, since no one appeared for the applicant and he made no appearance himself,

BE IT RESOLVED that this matter be carried to May 26, 1971, and that the Clerk of this Board is hereby directed to notify Mr. Milza that he should appear and present testimony to support his application on May 26th, with his necessary witnesses and upon his failure to appear, the matter will be dismissed.

Seconded by Mr. Lohr

AYES: Messrs Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

Motion carried and Resolution R-57 adopted.

VOUCHERS

R. Powers - Mtg. 5/12/71 - 7 reviews	\$335.00
H. Feinberg - Mtgs. 4/14/71 & 4/28/71	200.00
Dictaphone Corp. Maintenance Contract, shared with Bd.ofAdj.	109.00
Allen L. Myers - Mileage from March 17th to April 30th	29.30
Jane Boughton Canale - Mileage from 1/5/71-4/30/71	8.30
Duplicating Products of Trenton	5.65
Eugene Oross - Month of April	583.33

Motion made by Mr. Hibbard, seconded by Mr. Petoia, that the vouchers be submitted for payment.

Minutes of the Planning Board

Page Five - May 12, 1971

Page Six

AYES: Messrs. Greenberg, Hibbard, Lohr, Myers, Petoia
ABSENT: Messrs. D'Elia, Judge, McGuckin, Smith

CORRESPONDENCE

A letter from the County Planning Board attorney dated March 4, 1971, asking for a joint meeting regarding drainage in the Herbertsville area was re-read. Our letter to Mayor McGuckin dated March 5, 1971, was also re-read. To date we have had not answer. Mrs. Canale is to check with the Mayor's secretary regarding a reply.

A letter dated May 10, 1971, was read which Mr. Myers sent to Seymour Kagan, attorney, regarding the amended Hospital Zoning proposal. The Board finds the amended ordinance satisfactory.

The request for a street vacation was tabled until the next meeting of the Board.

Two letters were read regarding the Supermarkets General Corp. referral to this Board for the Goodyear use on the site. One letter was from the attorney for Supermarkets General and one letter was from Sutton, Ward, Sutton, Heim & O'Malley, attorneys representing objectors to this use.

Mr. Becker was present and came forward to ask for the Board to send an answer to the Board of Adjustment regarding the referral for the Goodyear use. It was explained that the Board has just received the referral and has not had a chance to review the transcript. Mr. Oross was asked if he was prepared to give this Board his opinion tonight. He stated that he was not prepared. The transcript was turned over to Mr. Oross, who will forward it on to Mr. Feinberg after he has reviewed same. Mr. Myers explained to Mr. Becker that our answer to the Board of Adjustment is based on the reports of our Planner, Mr. Oross, and our attorney, Mr. Feinberg. Mr. Myers told Mr. Becker that if the Board authorizes him, in order to save time as soon as these reports are received, he will forward the Board's answer at that time to the Board of Adjustment.

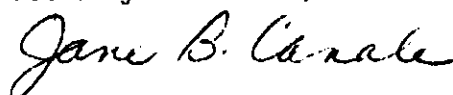
Mr. Feinberg told Mr. Becker that the reports from Mr. Oross and Mr. Feinberg are for the Board's information, not Supermarkets General. He further stated that both Mr. Becker and Mr. Loughran were in error in writing to this Board. This is a matter referred by statute from the Board of Adjustment to the Planning Board. There is no provial for hearings on anything. He felt it was unfair of both of these attorneys to press this Board and their professional help. This Board studies matters, does not give off-the-cuff decisions or show favoritism.

GENERAL DISCUSSION

Mr. Oross brought to the Board's attention that there is a printing error regarding the parking requirements in the HB Zone and the B-2 Zone. This is a very serious mistake and should be corrected immediately. The governing body should be informed so that an amendment(correction) can be made.

A motion was made by Mr. Petoia, and seconded by Mr. Hibbard, that the meeting be adjourned. All voted yes. Meeting adjourned at 11 p.m.

Respectfully submitted,



Jane Boughton Canale, Clerk
Brick Township Planning Board

jbc

March 10, 1971

A regular meeting of the Brick Township Planning Board was held this date with Chairman, Allen L. Myers, presiding. The meeting was convened at 8:10 p.m.

THOSE PRESENT

Thomas J. Judge
Fred C. Lohr
Allen L. Myers
Salvatore Petoia
Charles D. Smith, Jr.
Daniel Greenberg

THOSE ABSENT

Councilman D'Elia
Mayor McGuckin

ALSO PRESENT

Harold Feinberg, Esq.
Robert B. Powers
E. Eugene Oross

Mr. Myers announced the resignation of Mr. James H. Scott. Mr. Edward Hibbard has been appointed to replace Mr. Scott but is not present tonight because he has not yet been sworn in by the Township Clerk.

A motion was made by Mr. Petoia and seconded by Mr. Judge that the minutes of the meeting of February 24, 1971, be accepted as written and recorded.

AYES: Messrs. Judge, Lohr, Petoia, Smith

NAYS: None

ABSTAINED: Messrs. Myers (absent at last mtg), Greenberg (did not receive a copy until tonight)

ABSENT: Messrs. D'Elia, McGuckin

Motion carried and minutes approved.

Mr. Myers stated that there are three cases for Major Subdivision requiring Public Hearing tonight. He asked in each case whether there were any people in the audience present to hear one of these cases. Several people were present for each of the Public Hearings. Mr. Myers stated that any questions or remarks they had could be brought up during the hearing of the case.

SUBDIVISIONS

Case #371 - Kull, Richard - Minor - B1. 400L, Lots 1-3,V

Mr. John Barr, Riviera Realty was present to represent the applicant. Mr. Judge reported that there were several questions regarding this application. He said that the intention was not clear with regard to the subdivision. Lot 2 is to be retained, Lot V is owned by Mr. Kull. New Lot 3 discussed. Spelling of "Groppe" to be corrected. Lot V is to be eliminated and to become a part of New Lot 2.

After going over the necessary revisions, Mr. Judge offered Resolution R-23, below and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Block 400-L, Lots 1-3 & V, submitted by Richard Kull be granted Minor Subdivision approval.

Prior to signatures of the Chairman and Secretary being affixed to this plat, applicant will conform with the following items: 1. Area of Lots 2. Graphic scale 3. Names of adjacent property owners including the owners of Lot 2 and V 4. Lot and Block numbers of adjacent properties. 5. Tax map sheet number. 6. The correct spelling of Groppe 7. Disposition of Lot V (the area to be conveyed to New Lot 3) 8. Original lot dimensions should be shown.

Seconded by Mr. Myers.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Smith, Greenberg

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, McGuckin

Motion carried and Resolution R-23 adopted.

Minutes of the Planning Board

Page One

March 10, 1971

Case #373 - Supermarkets General Corp. - Major - Public
Hearing, Bl. 672, Lots 5-1, 9 & 8

Frederic Becker, Esq., represented the applicant. Mr. Judge reported that the Subdivision Map does not have the signature of the owners. Mr. Becker stated that the proper people to sign the map are in Spain. He stated that he has been authorized to make this application, the owner is prepared to sign the map and also noted that his client has an application before the Board of Adjustment. Mr. Judge stated that the Board does not wish to give an approval without the signatures on the plat. Discussion followed regarding whether to give an approval subject to the signatures or holding the plat until the Site Plan has been reviewed by the Board of Adjustment.

Mr. Judge reported the following items: 1. Tax Map sheet number to be on the plat 2. Graphic Scale 3. Lot and Block numbers to be assigned to the new lot 4. Filed application with the Municipal Utilities Authority 5. Fees to be checked on Preliminary and Final with Mrs. Canale.

Mr. Myers noted that the County had given Preliminary and Final approval on this subdivision. Mr. Feinberg explained that this is just an amalgamation of lots. The improvements asked for under Major Subdivision, Mr. Judge stated, will be covered under the requirements of the Site Plan.

Mrs. Lillian Lockwood came forward as an adjacent property owner. She was interested in the Site Plan. The Board told her that the Site Plan is before the Board of Adjustment and will be on a later agenda of the Planning Board. Mrs. Canale was asked if she would try to let Mrs. Lockwood know when the Site Plan is again before this Board.

Mr. Judge offered a motion that the plat submitted by Supermarkets General Corp. for Major Preliminary and Final Subdivision be held under our jurisdiction, accepting the waiver of time limitation by the applicant, until the items indicated to the applicant have been complied with and submitted to this Board and until the results of the Board of Adjustment hearing has been determined, the time to be expired 90 days from this date for the completion of the conditions.

Seconded by Mr. Petoia.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Smith, Greenberg
NAYS: None
ABSTAINED: None
ABSENT: Messrs. D'Elia, McGuckin

Motion carried.

Case #367 - J. C. Kellogg - Major - Public Hearing - Bl. 84,
Lots 12 & 13

Samuel Morris, Esq. represented the applicant. Mr. Judge reported that the drainage ditch at the rear of Lot 12 which was filled and then partially opened during clearing operations be opened completely and maintained. The 3 ft. drainage ditch should be indicated by two lines on the plat and worded as such. Mr. Morris stated that on the Site Plan a pipe is indicated to take care of the drainage, 15" in width. It was suggested that this should be indicated on the Subdivision - to be installed. Mr. Powers stated that on his report for the Site Plan, he objected to the size of the proposed pipe.

An adjacent property owner, Mr. Spence, came forward and told the Board of the flooding conditions of his property as a result of the run-off being filled in. He asked that the drainage be straightened out and asked that the adjacent property owners be protected.

A lengthy discussion continued regarding the size of the pipe. Mr. Myers stated that the Board will abide by the Planning Board's engineer's advice. A recess was called so that Mr. Powers could talk to the representative of the applicant. Following the recess Mr. Morris stated that they are agreeable with the recommendation of Mr. Powers.

Mr. Judge offered Resolution R-24, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Block 84, Lots 12 & 13, submitted by J. C. Kellogg and Sons be granted Major Preliminary Subdivision approval subject to the following conditions:

1. That the applicant shall conform and so designate on the plat the drainage requirements as stipulated by the Township Engineer.

2. The Board accepted the waiver of time limitation by the applicant.

3. That the Secretary and Chairman of the Planning Board be directed to withhold their signatures until the above conditions have been met.

Motion seconded by Mr. Myers.

Mr. Petoia referred to section 801 of the Subdivision Ordinance which deals with swampy areas. He asked whether this section applied in this case. Discussion followed. Mr. Powers stated that this section is not applicable. There are no sanitary facilities in the rear of the lot. This is actually a consolidation subdivision. The swampy conditions would be of concern if a number of lots were being created.

AYES: Messrs. Judge, Lohr, Myers, Smith

NAYS: None

ABSTAINED: Messrs. Petoia and Greenberg - Not certain of applicant's compliance with Sec. 801 of the Sub. Ord.

ABSENT: Messrs. D'Elia, McGuckin

Motion carried and Resolution R-24, adopted.

Case #369 - J. C. Kellogg - (Carried from meeting of 2/24/71)
Bl. 86, Lot 7

Samuel Morris, Esq., represented the applicant. Mr. Judge asked if Mr. Morris had contacted the applicant for consideration of this tract as a Major as a Major Subdivision. The applicant would rather not at this time for two reasons: 1. Does not want a preliminary. He wishes to convey the lots immediately. 2. Would file a restriction on the property that no building could be done on these two lots or the remaining property until sidewalks and curbs were installed.

Mr. Judge asked for the opinion of Mr. Feinberg. We cannot put these restrictions on a Minor Subdivision. Mr. Morris said these would be deed restrictions. Discussion followed. Mr. Morris asked for another 2 weeks to study the situation further and talk with Mr. Feinberg and the Township Attorney.

Mr. Judge made a motion that in the case of J. C. Kellogg the matter be held under the Board's jurisdiction and the time waiver be continued until the meeting of March 24, 1971.

Seconded by Mr. Smith

AYES: Messrs. Judge, Lohr, Myers, Petoia, Smith, Greenberg

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, McGuckin

Motion carried.

Case #374 - Peter Marousis - Major - Public Hearing -
Bl. 830, Lots 21-28

Joseph Martone, Esq., Toms River, represented the applicant. Mr. Judge stated that the Subdivision was in good order. There were no questions from the audience. The Board went on to review the Site Plan and then Mr. Judge offered Resolution R-25, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Block 830, Lots 21-28, submitted by Peter Marousis be granted Preliminary Major Subdivision approval for consolidation purposes.

Seconded by Mr. Myers.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Smith, Greenberg
NAYS: None
ABSTAINED: None
ABSENT: Messrs. D'Elia, McGuckin

Motion carried and Resolution R-25 adopted.

SITE PBANS

Case #352 - Marousis, Peter - Bl. 830, Lots 21-28

Mr. Smith reported a number of items to be discussed. The primary problem is parking. By ordinance there should be 68 parking spaces. Four parking spaces, 3 on Southern most driveway and one space facing the Northern most driveway should be eliminated for safety in traffic flow. Six parking spaces to the rear of the building should be eliminated to provide better traffic circulation. Type and grade of pavement in the parking lot should be indicated. Driveway on Hoffman Street should be a curb cut rather than a curb return and sidewalk continued across the opening. Parking area should be curbed. State approval of curb openings on Route 88 is necessary. Refuse area to be enclosed with 6 foot high fence, stockade-type. Lighting should not fall on adjacent property and noted on plat.

Mr. Martone spoke with his client and stated that with the amount of revisions to be done time would be needed to revise the plat. A waiver of time was given. The Board will extend the case to the meeting of April 14, 1971.

Mr. Weiboldt administrator for the property at 1657 W. Princeton Avenue came forward. He was concerned whether there would be access to this site on West Princeton Avenue. There will not. A 6 foot fence and shrubs as a buffer will be on the rear line. These were the two concerns for the residents of adjacent property. A discussion of the widening of Route 88 followed. The traffic problems of this area that already exist was mentioned and the proposed site would further aggravate the situation. The Board cannot do anything about this condition because the State has not even started working on the drawing board for the widening of the highway. The thoughts are well taken by the Board.

After Mr. Judge's Resolution for the Subdivision, Mr. Smith offered a motion that the Site Plan for Peter Marousis entitled Site Plan Stores by Peter Marousis, Block 830, Lots 21-28 be held under our jurisdiction until the meeting of April 14, 1971.

Seconded by Mr. Greenberg.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Smith, Greenberg
NAYS: None
ABSTAINED: None
ABSENT: Messrs. D'Elia, McGuckin

Motion carried.

Case #314 - J. C. Kellogg (Golf Driving Range) - Bl. 84,
Lots 12 & 13

Samuel Morris, Esq., represented the applicant. This is a case which has been held by this Board for submission of the subdivision. The Committee finds this site plan in good order with the exception being the drainage question, stated Mr. Smith, Site Plan Chairman. The plat is to be revised to agree with the Township Engineer's recommendation and returned with a revision date also noted on plat. No approval of the Site Plan will be given until this has been corrected and until the revised Preliminary has been returned and the Final Subdivision has been submitted.

Case #372 - Camp Realty Corp. - Bl. 869, Lots 4-7, 14-17

Mortimer Rogers, Esq., represented the applicant. The applicant has made application with the Board of Adjustment, hearing scheduled for March 17th. The subdivision for consolidation has been approved by the County. Variances are being asked for because the site is in both a residential zone and a business zone, parking deficiency and sideyard and set-back deficiencies.

Mr. Smith stated that a Major subdivision is required. A 6 foot fence, stockade type, is required around the perimeter of the property. The driveways should be designated one "In" and one "Out" for traffic flow. No curbing on Route 88. Openings do need State approval. The type and grade to be used in the parking lot. The existing and proposed contours in the area of Lot 3 and Lot 18 brought up to date. Drainage to be discussed with Mr. Powers. Mr. Rogers asked for a waiver of time limitation.

Mr. Smith offered a motion that the Board hold the Site Plan, Block 869, Lots 4-7, 14-17 under jurisdiction until relief is sought from the Board of Adjustment and resolved by the Township Council and Major Subdivision submitted and approved by this Board.

Seconded by Mr. Judge.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Smith, Greenberg
NAYS: None
ABSTAINED: None
ABSENT: Messrs. D'Elia, McGuckin

Motion carried.

Mr. Myers discussed the problems further with the applicant. The Board will not proceed until the results of the hearing before the Board of Adjustment have been received.

VOUCHERS

Motion made by Mr. Smith, seconded by Mr. Lohr, that the following vouchers be submitted for payment.

Robert B. Powers - 6 reviews & mtg 3/10	\$320.00
Brick Stationers - name plate	4.95
E. Eugene Oross - Services for 2/71	583.33
Harold Feinberg - mtg 2/24/71	100.00
Allen L. Myers - Mileage	20.10

All voted yes. Vouchers will be submitted for payment.

DISCUSSION - GENERAL

The Board discussed the Thunderbird law suit which involves certain past and present Board members.

Mr. Smith submitted an amendment to the Site Plan Ordinance regarding the size of the parking spaces. Discussion of parking spaces requirement followed.

Mr. Smith offered Resolution R-26, below, and moved its approval:

BE IT RESOLVED that the Planning Board recommend to the Mayor and Council adoption of a change in Ordinance 200, Section 1, Article II, Sub. Section 24, to increase the size of parking spaces in parking areas from 9 x 20 feet to 10 x 20 feet.

Seconded by Mr. Lohr.

AYES: Messrs. Judge, Lohr, Myers, Petola, Smith, Greenberg

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, McGuckin

Motion carried and Resolution R-26, adopted.

Mr. Judge stated that there is a Council meeting next week and suggested someone from the Board to be present.

Mr. Smith made a motion, seconded by Mr. Judge, that the meeting be adjourned. All voted yes. Meeting adjourned at 11:05 p.m.

Respectfully submitted,



Jane Boughton Canale, Clerk
Brick Township Planning Board

jbc

January 13, 1971

A regular meeting of the Brick Township Planning Board was held this date with Chairman Allen L. Myers, presiding. The meeting was convened at 8:10 p.m.

THOSE PRESENT

Fred Lohr
Allen L. Myers
Salvatore Petoia
Arthur Powell
Charles D. Smith, Jr.

THOSE ABSENT

Councilman D'Elia
Thomas J. Judge (arrived 9:10 p.m.)
James H. Scott
John F. McGuckin

ALSO PRESENT

Harold Feinberg
Robert Powers
E. Eugene Oross (arrived 9:10 p.m.)

Note: Mr. Myers stated that Mr. Judge is attending a meeting but will be here as soon as possible.

It was moved by Mr. Smith and seconded by Mr. Powell that the minutes of the meeting of December 9, 1970, be accepted as written and recorded with the memo from Mrs. Canale to include Fred Lohr being present on roll call.

AYES: Messrs. Lohr, Myers, Petoia, Powell, Smith

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, Judge, Scott, McGuckin

Motion carried and minutes approved.

NOTE: Mr. Myers thanked Mrs. Canale for her efforts in recording the minutes of the previous meeting, December 9, 1970.

Case #352 - Marousis, Peter - Site Plan - Bl. 830, Lots 21-28

John F. Russo, Esq., 616 Washington Street, Toms River, was present to represent the applicant. Mr. Smith, Chairman of Site Plan Committee, was called upon to give a report. The first question on reviewing this site plan is apartments over stores. It does state in the ordinance that both stores and apartments are permitted. This is a permissive ordinance. It does not state permitting the combination of the two together. This question was referred to Mr. Feinberg, the Board's attorney, for his opinion. Is this combination permitted in a B-3 zone? While Mr. Feinberg was reviewing the ordinance, Mr. Myers stated that the Board has been in a dilemma over this and it is the Board's interpretation that this ordinance is a permissive ordinance, stating what may be built. The Board's feeling is that apartments over stores are not permitted. In the past before the Site Plan ordinance came into being this combination has been permitted.

Mr. Russo pointed out sites throughout the Township of Brick where this combination was built. It was brought to his attention that these were built prior to the adoption of the Site Plan ordinance. Discussion followed. Mr. Myers stated that what was done before Site Plan ordinance was incorrect, which is the opinion of the Planning Board, Engineer and attorney. This matter was then held in abeyance so that Mr. Smith could continue his report.

Before continuing Mr. Smith stated that there is a suggestion that the Board would like to make regarding this question. If above the stores was office space rather than living space, this might solve the problem. Then again there would be a problem of the parking facilities. Mr. Russo would take this up with his client. More discussion followed.

Mr. Smith continued. The property has to be made into a single lot which by ordinance is classified as a Major Subdivision. Mr. Russo stated that in the past the subdivisions for consolidation of lots in connection with Site Plan approval have been classified as Minor. Discussion followed regarding the subdivision. The Board feels that they must follow subdivision ordinance which requires a Major subdivision for this zone. Mr. Myers referred to the Subdivision Ordinance directly quoting Sec. 413(pg.3), No. 4. Mr. Feinberg

continued reading through the Subdivision Ordinance. Mr. Russo stated: 1. That a subdivision is not necessary and 2. If it is necessary, he feels that if classified as a Major Subdivision, the procedure should not require the necessity of notices and public hearing, higher fees, etc.

Mr. Myers stated that several lots contained in the proposed site plan application will require a consolidation subdivision and the question of Major or Minor seems to be the dilemma. Mr. Myers referred to Mr. Feinberg for an answer. Mr. Feinberg stated that the Board must abide by the subdivision ordinance. The Major subdivision will have to be submitted to the County first for their approval before applying to this Board.

Returning to the question of apartments over stores it was suggested that this question be referred to the Township Attorney for his opinion. The applicant granted a waiver of time limitation. Mr. Feinberg interrupted to bring to the Board's attention that Mr. Russo should discuss the subdivision aspect with his client first before making any further decision regarding the site plan.

Mr. Smith stated that parking aisles of 24 feet to be minimum width. The site should drain into Route 88 rather than Hoffman Street since there are no storm drainage facilities on Hoffman Street and the water will just form a pond. After further discussion, Mr. Myers offered Resolution R-2, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the motion of the applicant for the following items be granted relative to application Nos. 362 and 352:

1. As far as the Minor Subdivision application is concerned, the applicant desires to withdraw without prejudice and may do so and the motion of dismissal is hereby granted.

2. As far as Site Plan application is concerned, the applicant has asked the Board to hold this under jurisdiction pending amendment of same and applicant has waived any time limitation thereon, and the Board grants the motion and holds the matter under advisement until further action by applicant or subdivision.

3. That the Chairman of the Planning Board will write to the Township Attorney and request an interpretation of Section 8 of Article VIII of Ordinance No. 200, as whether thereby residential units are permitted over retail stores since the interpretation of this Board and its attorney, Harold Feinberg, because of the ambiguity of the ordinance, have ruled that it is not permissible.

Motion seconded by Mr. Smith.

AYES: Messrs. Lohr, Myers, Petoia, Powell, Smith

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, Judge, Scott, McGuckin

Motion carried and Resolution R-2 adopted.

Case #328 - Ballis, Robert - Site Plan - Bl. 109-B-6, Lots 1&2

Robert Ballis, 39 Fairview Drive, Hanover, and 79 Sandy Point Drive, Brick Town, appeared before the Board. Mr. Smith reported the following: 1. A Major Subdivision (by ordinance) for the purpose of consolidating lot lines is required. 2. We have a letter from Michael Milano, President of the Township Council asking for the elimination of parking on Adamston Drive, which Mr. Ballis has agreed to. Grass and shrubs to be placed where the parking has been eliminated.

As a result of this reduction of parking, a question was raised whether the variance which Mr. Ballis has is still acceptable. At this time (9:10 p.m.) Messrs. Judge and Oross arrived. Mr. Feinberg reviewed the papers from the Board of Adjustment. Due to the Council's request for a further reduction of parking, Mr. Feinberg suggested that a letter should be sent from the Council to the Board of Adjustment explaining the situation. A copy of the revised map should be forwarded to the Board of Adjustment. Further discussion followed.

Mr. Smith continued with his report: 3. Bumper curbing in parking lot 4. Lighting plan. Mr. Ballis stated that there will be no lighting other than a lamp post in front. 5. Show location of lamp post 6. Curbs and sidewalks on Mantoloking Road and Adamston Drive. 7. Existing and proposed grades 8. Depressed curb. 9 Type and grade of macadam.

Case #321 - Phillips, Franklin & William - Bl. 195, Lot 11-1

Eugene Serpentelli, Esq. represented the applicant. Mr. Smith reported the following revisions to be made: 1. Names of adjacent property owners. 2. Landscape plan and buffer zone to be shown. Since the property is to remain wooded, a notation "To be Reserved for Natural Buffer Area" is to be shown on plat. 3. Sidewalk on Adamston Drive 5 ft. instead of 4 ft.

Mr. Smith then offered Resolution R-3, below and moved its approval:

WHEREAS application has been made by Franklin and William Phillips for a Site Plan approval of the site known as Block 195, Lot 11-1, as shown on the Tax Map of Brick Township, and presented on a map which is dated Revision 1,2,3 October 23, 1970 drawn by George W. Henn and entitled Proposed Computer Center

AND The Planning Board having heard the matter on the 13th day of January, 1971, and considered the testimony and exhibits offered and the reports of the Planning and Engineering Consultants and being of the opinion that said site plan should be approved:

NOW, THEREFORE, BE IT RESOLVED that the application of Franklin and William Phillips for a site plan approval for the site known as Block 195, Lot 11-1 as shown on the Tax Map of Brick Township and presented on a map which is dated Revision 1,2,3, October 23, 1970, drawn by George W. Henn and entitled Proposed Computer Center is hereby approved and the Chairman and Secretary are directed to withhold their signatures until the following conditions are complied with:

1. A note indicating that any lighting will not fall directly on adjacent properties.

2. A landscape plan to include an adequate Buffer Zone with adjacent properties.

3. Sidewalk on Adamston Drive to be 5 ft. wide.

Motion seconded by Mr. Myers.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Powell, Smith

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, McGuckin, Scott

Motion carried and resolution R-3 adopted.

Mr. Serpentelli asked to interrupt a moment. He asked if there will be any discussion on the Glen Rock matter. He noted that it was scheduled on the agenda for tonight. Has the Board ruled on this case. Mr. Myers stated that the Board had ruled on this case and this ruling was to have been relayed to Mr. Serpentelli.. Mr. Myers stated that under our ordinance this property being zoned for business, the Subdivision has been classified Major. Also locate the septic tanks and well to be sure they are located within the site. Mr. Serpentelli stated that he presumed it would be a waste of time to disagree with the Board but he thinks the Ordinance as it stands is illegal. He does not think the Board has to enforce it in that capacity. As he sees it, it is discriminatory. Mr. Russo did not raise the argument regrettably, and to some extent Mr. Russo was arguing the case for Mr. Serpentelli. Mr. Serpentelli stated that he did not see any distinction from his standpoint. He can see the reason for eliminating the Minor classification based on the Princeton Research case but he does not see any justification for saying that a Subdivision should be classified in a different manner. Where are we drawing the line? Simply because it is commercial and that this Board has the right to collect a higher fee simply because it is commercial. He does not see

any justification for that discrimination. He does not see any consideration being given. He does not see any distinction that when Glen Rock Lumber moves a line, they are acting in any different manner than if any residential property owner moves a line. He feels that the Board can disregard an ordinance if it is ruled by its attorney. Mr. Feinberg stated that this Board cannot overrule an ordinance. Mr. Serpentelli feels that the attorney for the Planning Board can rule an ordinance illegal. The Board has as much authority to apply the law justly as unjustly. He believes that if that section of the ordinance was tested, (And he has no intention of doing so and will comply with the Board's request because it is expeditious manner), would be found to be illegal because there is no basis for the discrimination.

Case #354 - Raabe, Arthur - Minor - B1. 8-21, Lots 1,3,5,7,9,
11,13,15,17

Mr. Judge was called upon to report, as Subdivision Chairman, on this case. In reviewing this case there are certain features of the plan that are not in conformance. However, being an old property, there is not much that can be done about these discrepancies. Therefore, Mr. Judge offered Resolution R-4, below and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Block 8-21, Lots 1,3,5,7,9,11,13,15 and 17 submitted by Arthur Raabe be granted Minor Subdivision approval for the purpose of consolidation of 9 lots into 3.

Motion seconded by Mr. Lohr.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Powell, Smith

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, McGuckin, Scott

Motion carried and Resolution R-4 adopted.

Case #268 - Duquesne Builders - (New Resolution for Extension
of Time)

Mr. Myers offered Resolution R-1, below and moved its approval:

WHEREAS approval of a Minor Subdivision was granted by the Planning Board of the Township of Brick to Duquesne Builders, Inc. covering the plat entitled Block 340, Lots 1 through 32, 34 through 39 and 80 inclusive; Block 337, Lots 27 through 42, inclusive; Block 338, Lots 450 through 487, inclusive; Block 339, all lots included, on July 22, 1970, by Resolution dated that day;

AND WHEREAS it appears that Robert B. Powers, Engineer for the Township of Brick and the Planning Board of the same township, would not approve the maps until October 22, 1970;

AND WHEREAS Duquesne Builders, Inc., has applied for an additional 90 days with which to file said maps as required by R.S. 40:55-1.18;

NOW, THEREFORE, BE IT RESOLVED on this 13th day of January, 1971, as follows:

1. Duquesne Builders, Inc., is given until January 22, 1971, to file said subdivision map as aforesaid.

2. Said Duquesne Builders, Inc., shall immediately submit to the Chairman of the Planning Board and the Planning Board Engineer, the necessary plats for signature and that prior to January 22, 1971, if the plat is in order, the Chairman, Secretary and Planning Board Engineer affix their signatures thereto.

Motion seconded by Mr. Smith

AYES: Messrs. Judge, Lohr, Myers, Petoia, Powell, Smith

NAYS: None

ABSTAINED: None

ABSENT: Messrs. D'Elia, McGuckin, Scott

Motion carried and Resolution R-1 adopted.
Maps were signed at this time.

Mr. Scharfenberg of George Henn, Inc. came forward and asked if Case #358, Henry Halbuer will be heard. Mr. Myers stated that this case has been reviewed and it has been classified as a Major Subdivision. Can, asked Mr. Scharfenberg, the change be made and the fee already submitted be applied towards the additional fee? The Board agreed.

Case #356 - U. S. Home and Development Corp. - Utility Site -
Major Final

The Board had asked the applicant to submit this parcel of land for Subdivision approval. Everything being in order, Mr. Judge offered Resolution R-5, below, and moved its approval:

BE IT RESOLVED by the Planning Board of the Township of Brick that the plat entitled Skylark Village, Utilities Site, Lot 5, Block 1151, submitted by U. S. Home and Development Corp. be granted Final Major Subdivision approval.

Motion seconded by Mr. Lohr.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Powell, Smith
NAYS: None
ABSTAINED: None
ABSENT: Messrs. D'Elia, McGuckin, Scott

Motion carried and Resolution R-5 adopted.

Case #350 - Sea Bay Inn - Minor Subdivision - Bl. 23, Lots 1&1A

There being no one present to answer several questions which the Board had, Mr. Judge made a motion that being there were legal questions to be determined, the Board will hold this case under their jurisdiction until February 10th and directs the clerk to the Planning Board to inform the applicant to be present.

Motion seconded by Mr. Myers.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Powell, Smith
NAYS: None
ABSTAINED: None
ABSENT: Messrs. D'Elia, McGuckin, Scott

Motion carried.

Mrs. Canale was directed to forward all documents, maps and application to Mr. Feinberg for his review.

VOUCHERS

Charles D. Smith, Jr. - Mileage 7/1/70 - 12/31/70	\$ 28.45
Robert B. Powers- Mtg. 1/13, County Mtgs(2), 5 reviews	315.00
Allen L. Myers - Mileage 12/70	11.40
E. Eugene Oross - Serv. December 1970	583.37
Daily Observer - Public Notice (2 Times)	11.50
Duplicating Prod. of Trenton - Mimeo Ink	35.90
James P. Kovacs - Mtg. 12/9/70	35.00
Harold Feinberg - Mtg 12/9/70	100.00

Note: Hold voucher for dues to N.J. Federation of Planning Officials. Check to see if dues should be combined with Bd. of Adjustment.

Mr. Smith made a motion that the above vouchers be submitted for payment. Seconded by Mr. Powell.

Discussion followed regarding submission of vouchers for mileage. Every member is entitled to mileage in connection with site inspection and extra trips to Town Hall and also for attending courses relative to Planning.

AYES: Messrs. Judge, Lohr, Myers, Petoia, Powell, Smith
NAYS: None
ABSTAINED: None
ABSENT: Messrs. D'Elia, McGuckin, Scott

Motion carried and vouchers will be submitted for payment.

CORRESPONDENCE

A letter dated January 11, 1971, to the Planning Board from Edward M. Rothstein was read regarding a joint meeting of the County Planning Board, County Engineer and the Township Engineer to discuss drainage on Sally Ike Road. (Our Case #344, Mayo Estates).

Mr. Powers reported on the drainage discussion to date with the County. The County requested a joint meeting of the Township Engineer, County Engineer and Freeholders. Mr. Powers met with them and stated his viewpoint. County to donate pipe and developer to install. The developer agreed. Another meeting has been called. It is up to these people to now work out a solution together. Mayo Estates published a notice in the paper for a hearing on January 27th so we will hear this case on that date. Mr. Myers asked if we could approve the subdivision if everything else is in order, subject to the County drainage situation. Mr. Powers said we could because the subdivision stands on its own.

Copy of letter of January 12, 1971, to the Township Council from Mayor McGuckin regarding the Housing Authority was read.

Mr. Feinberg stated that he had received correspondence regarding Group Rental. He suggests that we hold up answering this for the time being. Mr. Feinberg also stated that he has held up completing the zoning ordinance until the proposed land use law comes out of Trenton.

On February 2nd in Trenton there is a Planning Conference which will introduce to Planning Board members a synopsis of what they are contemplating in this new law. It is an all-day meeting. Flyers available. Mr. Oross will send copies to the Board.

We have a referral from the Board of Adjustment on Kings Grant Inn for permission to use a heliport. Mr. Myers stated that he has consulted with Mr. Oross. If the Board agrees, Mr. Myers would like to answer in the negative. We have a very extensive report. Mr. Petoia asked to be heard. Due the lateness of the evening, Mr. Myers gave Mr. Petoia a copy of the report to read.

GENERAL DISCUSSION

Mr. Bertrand came before the Board. He felt that reimbursement to the members of the Board for mileage was proper. The members are dedicated without any remuneration. Regarding Mayo Estates, the County Planning Board is very much interested in straightening this situation out.

Mr. Ed Mueller, 526 Jackson Avenue asked about land removal activity on adjacent property. The property is commercial and he is concerned about his own residential property in relationship to this. The Board has no control over removal of trees, land, etc. If a site is proposed, we will review it and ask for a buffer zone for his protection.

Mr. Smith made a motion that the meeting be adjourned. Mr. Petoia seconded the motion. Meeting adjourned at 11:20 p.m.

Caucas followed.

Respectfully submitted,

Jane B. Canale
Jane Boughton Canale, Clerk
Brick Township Planning Board