

BRICK, TOWNSHIP
OF
(PLANNING AND ZONING DEPT.)



LDS BR-PZ 10402203

CASE #464 - MAROUSIS Charles (J Henry)
~~pt 851-1 to 851-10, 11~~
7/21/64 BL 852 - pt 3 1 and 2
apts R1 850-2 1 to 17

Handwritten notes: "11-1-64" and "11-1-64"

RESOLUTION BOARD OF ADJUSTMENT TOWNSHIP OF BRICK

Dated *October 6,* 19*64*

Marousis

WHEREAS *Charles Marousis and Stathia* ~~/~~ has applied to the
(Appellant) (Applicant)

Board of Adjustment of the Township of Brick for permission to *vary the requirements of the Zoning Code to allow the erection of a commercial building with apartments in a B-2 Business area and R-10 Residential area*

at premises located at *Highway 88 Township of Brick and known as Block 852, pt Lot 3, Misc 2, Lot 1 Misc 2 Lot 2, Misc 2 and Block 850-2, lots 1 2 3 4 5 6 rear 25' lot 7 8, and*
~~the township of Brick and known as Block~~ part of Lot(s) *7, 8, 9, and 10* ~~and 11 12 13 14 15 16, and 17 on the Tax Map of the Township of Brick~~
Both a B-2 Business and

Which premises are in ~~x/~~ *R-10 res* 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 project would be compatible with general neighborhood*
- 2 Highway No 88 is a business area and apartments would not perceptibly increase traffic or congestion problems*
- 3 Project would be most practical use of the land and premises*
- 4 Proposed project would present and increased good and valuable ratable for the Community*

WHEREAS the Board has determined that the relief requested by applicant (can) ~~(cannot)~~ be granted without substantially impairing the interest 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 *6th*

day of *October* 19 *64* that approval of the application of *Charles Marousis & Stathia Marousis*...
be ~~(denied)~~ (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 the issuance of a building permit*
- 2 Approval of proper drainage system by the Board of Health*

~~That the application of~~

~~has (granted) (denied) subject however to the following conditions:~~

ROLL CALL VOTE

Moved By *Mr Buono*
Seconded By *Mr Osborne*
Those in Favor *Buono Osborne*
Those Opposed *Decker Weiss*
Those Absent *None*

Those Not Voting *Mr Winter*
There being a 2-2 vote, the applicant not having three affirmative votes in accordance with the Statute, the application is automatically denied since the applicant failed to secure three affirmative votes

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

WHEREAS Charles Marousis and Stathia Marousis
(APPELLANT)

HAS APPLIED TO THE ZONING BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRICK FOR PERMISSION TO vary the requirements of the zoning code to allow the erection of a commercial building with apartments in a B-2 Business area and R-10 Residential area

AT PREMISES LOCATED AT Highway 88

TOWNSHIP OF BRICK AND KNOWN AS BLOCK 852 LOT(S) At Lot 7 Mac 2, Lot 1 Mac 2, Lot 2 Mac 2, and Block 850-2, Lot 1, 2, 3, 4, 5, 6, 20, 25, Lot 7, 8, At Lot 7, 8, 9, Lots 10, 11, 12, 13, 14, 15, 16, 17 ON THE TAX MAP OF THE TOWNSHIP OF BRICK

WHICH PREMISES ARE IN Both a B-2 Business ~~area~~ and R-10 Residential ZONES, 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 project would be compatible with general neighborhood
- 2) Highway no 88 is a business area and apartments would not perceptibly increase traffic or congestion problems
- 3) Project would be most practical use of the land and premises
- 4) Proposed project would present an increased, good and valuable rateable for the community

WHEREAS, THE BOARD HAS DETERMINED THAT THE RELIEF REQUESTED BY APPLICANT (CAN) ~~(CANNOT)~~ 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

October 6, 1964

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

Members present Paul Weiss - A L Osborne Louis V Buono Agnes M Decker
Rudolph Winter

Members absent None

Others present Harold Feinberg Esq - Alexander George Z

Motion made by Mr Buono and seconded by Mrs Decker that the minutes of the meeting of September 11th, be accepted as written

AYES Buono, Decker, Osborne, Winter, Weiss

NAYS None

ABSTAINING None - ABSENT None - Motion carried

Mr Weiss announced that there were three decisions to be rendered, and two adjourned cases to be heard and then polled the Attornies or Applicants to see how long the cases would take He then announced that this Board has been sitting here past midnight and this has to be stopped He felt that three cases appear to warrant some time for the hearing 1 Earl Hulse,---Mr Lomell did not feel that it would take long and asked to proceed Mr E J Sterner, owner of the adjacent property stated that he has been trying to get to see the application and other papers all week, and that they were not filed until just before the meeting tonight and asked that this matter be held over until at least next week in order that he might study them to see if he does or does not have an objection Mr Lomell said that the plot plan was on file for almost two weeks and is the same as the ones filed with the Secretaru this evening

Mr Sterner asked again that this matter be held over until October 14th continued meeting

It was agreed by Mr Lomell, Mr Sterner and the Board that October 14th would be the date set down for the hearing and Mr Weiss announced that if there were any persons present in the audience either for or against the Earl Hulse Matter, they were hereby notified that this hearing would be held on October 14th

2 SEA BAY INN - Harold Murphy, represented by John Russo Esq

Mr Weiss announced that he had contacted Mr Russo and it was agreed that since this hearing would be quite lengthy, that it be adjourned until October 14th and announced that if anyone was present either for or against Sea Bay Inn that they were notified at this time that the hearing would not be held tonight, but on October 14th

3 PINELAND STATE BANK - Richard W Withington, Esq -

Mr Weiss discussed the postponing of this hearing until October 14th with Mr Withington who consented to the hearing date being changed to October 14th

Motion made by Mr Osborne and seconded by Mr Buono that the cases of Earl Hulse, Sea Bay Inn, and Pineland State Bank be adjourned to the continued meeting to be held on October 14th, 1964 at 8 00p m Ed Carecke 103 Dennis Drive and Salvatore Tagliarini, 202 Delaware Ave J C were present on the Pineland State Bank

AYES Osborne, Buono Decker Winter n 30

NAYS None - ABSTAINING - ABSENT None - motion carried

CASES 449 to 458, HOLLYWOOD MANOR, INC - James C Cenry Esq

The following resolution was read by Mr Feinberg

WHEREAS Hollywood Manor of Herbertsville, Inc has applied to the /oming Board of Adjustment of the Township of Brick for permission to erect a building on lot size of 6 000 square feet instead of 7,500 square feet on the following premises located in Hollywood Manor, Brick Township, New Jersey and now by the following designations on the Tax Map of the Township of Brick

Case #449 ----- Block 1396-21, Lots 8 9, 10

Case #450 ----- Block 1402-1 Lots 14, 15, 16

Case #451 ----- Block 1403-2, Lots 42, 43, 44
 Case #452 ----- Block 1404-3, Lots 4, 5, 6
 Case #453 ----- Block 1404-3, Lots 11, 12, 13
 Case #454 ----- Block 1404-3, Lots 31 32 33
 Case #455 ----- Block 1404-3, Lots 46, 47 48
 Case #456 ----- Block 1404-3 Lots 112 113, 114
 Case #457 ----- Block 1405-4, Lots 6, 7, 8
 Case #458 ----- Block 1406-5, Lots 5, 6, 7

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 finding

1 Documentary evidence and oral evidence produced shows that applicant held out to purchasers in its development and the general public that lots in the development were '80 x 100" and larger plots" and there was no proof that any 6,000 square foot lots were ever offered for sale or sold

2 Any hardship that applicant claims is self-created and self-imposed Sale pattern indicates that applicant sold from map at its own convenience - enlarging lots without regard to the overall plan

WHEREAS the Board has determined that the relief requested by applicant cannot be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinances of the Township of Brick

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Township of Brick on this 6th day of October, 1964, that the applications of Hollywood Manor of Herbertsville Inc in Cases 449, 450, 451 452, 453, 454, 455, 456, 457, 458 be denied

Motion made by Mr Osborne and seconded by Mrs Decker that the foregoing resolution be adopted

AYES Osborne, Decker, Buono, Weiss

NAYS None - ABSTAINING Winter - ABSENT None - Motion carried

CASE #469, FAMILY CIRCLE STORES - Edward Rothstein, Esq

The following resolution was read by Mr Feinberg

WHEREAS, Family Circle Stores has applied to the Zoning Board of Adjustment of the Township of Brick for permission to construct and occupy a home improvement center as part of the overall operation of the Family Circle Stores at premises located at Route #70 Township of Brick and know as Block 702, lot 30 on the Tax Map of the Township of Brick, which premises are in a B-2 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 Operation requested is actually a lumber yard not permitted in the zone

2 Building requested is not a true accessory building It is actually another principal building on the lot contrary to the zoning ordinance

3 Type of use here would increase traffic hazards on the premises and on the main road leading from the premises

4 Expansion requested would create a non-conforming use not compatible to the area

WHEREAS the Board has determined that the relief requested by applicant cannot 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 Zoning Board of Adjustment of the Township of Brick on this 6th day of October, 1964, that the application of Family Circle Stores be denied

Motion made by Mr Buono and seconded by Mr Winter that the foregoing resolution be adopted

AYES Buono, Decker, Weiss

NAYS None

ABSTAINING Winter, Osborne

ABSENT None

Motion carried

→ CASE #464 - MAROUSIS, CHARLES - Apartments and stores - Route 88 J G Henry Esq

The following resolution was read by Mr Feinberg

WHEREAS Charles Marousis and Stathia Marousis, has applied to the Board of Adjustment of the Township of Brick for permission to vary the requirements of the Zoning Code to allow the erection of a commercial building with apartments in a B-2 Business area and R-10 Residential area at premises located at Highway 88, Township of Brick and known as Block 852 pt of Lot 3 Misc 2 Lot 1 Misc, Lot 2 Misc 2, and Block 850-2, lots 1, 2, 3, 4, 5, 6, rear 25 ft of lots 7, 8, and part of lots 7, 8, 9, and lots 10, 11, 12, 13, 14, 15, and 17 on the Tax Map of the Township of Brick which premises are in both a B-2 business zone and R-10 residential 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 project would be compatible with general neighborhood
- 2 Highway No 88 is a business area and apartments would not perceptibly increase traffic or congestion problems
- 3 Project would be most practical use of the land and premises
- 4 Proposed project would present an increased, good and valuable ratable for the community

WHEREAS, the Board has determined that the relief requested by applicant can be granted without substantially impairing the interest 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 6th day of October, 1964, that approval of the application of Charles Marousis & Stathia Marousis 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 the issuance of a building permit
- 2 Approval of proper drainage system by Board of Health

Motion made by Mr Buono and seconded by Mr Osborne that this resolution be adopted

AYES Buono - Osborne

NAYS Decker Weiss ---Mr Weiss at this time stated he votes no, but felt that this could possibly be a matter for the Planning Board with regard to rezoning

ABSTAINING Winter

ABSENT None

There being a 2-2 vote, the applicant not having received three affirmative votes, according to the statute the application is hereby automatically denied since the applicant failed to secure three affirmative votes

Mr Buono wished to make objection to the remark by Mr Weiss and said if he felt that way, why wait until now to say so after the vote has been taken

Mrs Bennett wanted to know why the Board felt differently this year about this application than they did last year Mr Lomell asked her to come outside and he would explain what happened

CASE #469, McClorry, Joseph - Application for Gas Station, Hooper Avenue & Drum Pt Rd

Mr McClorry was sworn in and stated his name as Joseph McClorry and his address as 1 Bay Harbor Boulevard, Brick Town

On question by Mr Henry Mr McClorry identified the plans of the proposed gas station to be located at Hooper Avenue, and offered plans and layout consisting of 11 pages prepared by Ernest M Beschwitz, Professional Engineer and this was marked A-1 in evidence

On a question by Mr Henry Mr McClorry stated that the property is in the name of Joseph and Phyllis McClorry, his wife and then stated the dimensions that the building will have in setbacks driveways, etc i e the roadwidth on Drum Point Road, 249 feet, a depth of 95 feet, running west 100 feet then south 40 feet then 235 feet back to Hooper Avenue mor of less "L" shaped Mr McClorry then explained that some years back he and his wife owned the Red Lion Building and that Jim Allardice approached him and asked if he would give sufficient property from the other corner to eliminate the dangerous curve, and they did this was about 1949 and the county did not utilize or widen the road until this past summer, 1964 and that he originally promised to give 30 feet to the County but when the deed was made up, it was for 60 feet but they gave it anyway He stated that during that time since 1950 he had several companies that wanted this property for gas stations, but the contracts always fell through because they did not won the other 60 feet on the corner This property is in a B-1 zone but is not 1000 feet from the nearest gas station Mr McClorry felt that the pumps at the store which is 960 feet North of this proposed site, did not qualify as a gas station, as they only sell gas, it is not a gas station in the true sense just pumps for accommodation for grocery customers He stated that the south-east corner from this property is zoned residential and there are two houses on that property which were formerly the Haunted Lodge The distance between the property in question and the grocery store with the gasoline pumps is 960 feet The property is under contract of sale on the condition of the buyer being able to erect a service station

Mr Weiss asked how far from the residential zone is this property located

Mr McClorry replied the property directly opposite the lot is 60 feet wide

Mr Weiss asked what son is directly opposite of the Falkinburg property

Mr McClorry replied that first is Gadsinsky and then Jackson B-1 zone The first property is directly south, Residential, R-15 zones just on the line

Mr Henry stated that the pumps at the Grocery store are not considered a pre-existing gas station by applicant

On question by Mr Henry, Mr McClorry stated they will conform with lot size, width illumination and all aspects of the code

On a question by Mr Feinberg, Mr Henry stated this appeal is based on the requirements in Section B, Discussion between Mr Feinberg and Mr Henry with regard to what section this application is being made was held, and it was then decided it was under B and C

PETER J O'HARE, 472 Aurora Place, Brick Town was sworn in and stated that he is employed by the Gulf Oil Company as a construction coordinator and stated he is in charge of making these plans He stated that the lot size is in excess of 15,000 square feet and that the width of frontage on Hooper Avenue is 200 lineal feet stated that this application would conform in all respects to the requirements in the zoning ordinance i e lot sizes, setbacks driveways etc , and they are willing to meet any of the Boards wishes with regards to the use of this property

On a question by Mr Feinberg Mr O'Hare replied that the building is capable of housing two cars with one lift but it is primarily a work building not just a garage and he replied that the height of the building is approximately 13 feet

On a question by Mr Winter Mr O'Hare replied that the square foot area of the building is 30 feet by 48 8 feet and expressed the feeling that the plans could be adjusted to meet the required 1,500 square footage requirement

On a question by Mr Winter, Mr O'Hare replied that the lot was in excess of 34,000 square feet

On a question by Mr Buono regarding the building directly across the street which is a used car lot and service garage, Mr Henry said he felt that was not a pre-existing gas station and would not be considered he stated it is not even being used as a used car lot, it is in litigation right now and is only being used as a garage

JAY MILLER - 58 Marjorie Drive, Toms River, New Jersey

Mr Miller was sworn in and stated he is a Sales Representative Retail Sales for the Gulf Oil Company and said if this permit is allowed, an operator would be selected and there is a good chance that the purchaser would be the operator and in the event they would be putting in a new operator he would receive training before taking over the operation He stated the operation would cover minor repairs cars will be left at the station overnight, but not for any length of time It is not expected that they would store cars overnight but occasionally it will happen if the repairs are not completed on time There will be no cars stored for sale or for junk, it is anticipated there will be four employees The hours generally are 8 or 9 at night, in the summertime they generally increase the hour for closing, but there is no positive time schedule arrange for this station as they are not positive who the operator will be They generally open about 6 or 7 in the morning and keep open until midnight in the summer but he repeated he could not speak for this station since it is not determined who will operate it

On a question by Mr Weiss, Mr Miller replied there would be no used cars or junk that the oil companies have asked the state to work something out regarding wrecked cars especially where fatalities are involved, the State Police will insist that the car is towed to the nearest service station or garage and then the dealer has no power to release that car or dispose of it as he doesn't have registration He went on to say that in Dover Township this problem is being worked on to alleviate the situation of wrecked cars On a question by Mr Weiss, Mr Miller replied that he is not in possession of a traffic count tonight but that he could get one if needed

On a question by Mr Weiss, Mr Miller replied that in his opinion this gas station would be a successful operation and stated the Gulf Oil Company has not too much representation in this or adjoining townships He stated that he has not made a count in Brick but in Dover the count is 66 gas stations and of that the count for Gulf oil is 6

On question by Mr Feinberg Mr Miller replied that this is not under contract of purchase by the Gulf Oil Company it is a lease-back arrangement if this should go thru

To this Mr Henry replied that the owner who is here who would purchase it and work out a lease with Gulf Oil

Mr Miller stated that this lease with the prospective buyer would not be of that nature it would be what they call a commodity contract where they would furnish the product for "X" number of years

Mr Henry Stated that he had no other questions but in view of the question just proposed by Mr Feinberg he would have to put on Mr Hagenbach

Henry Hagenbach 1139 Canal Drive Point Pleasant was sworn in and stated he is a service station operator and has the property at corner of Drum Point Road and Hooper Avenue under contract of purchase and in the event the gas station is allowed he would operate this site as a gas station and he has a purchase contract with Mr McClorry and stated he is not operating any service station at the moment He has one in Point Pleasant on Bridge Avenue and the men that work for him, he sets up in business the business is running he rents to them He said he has the oil Company helping him with these plans and so forth but he has not leased to anybody, this gentleman Mr Miller does not know that he said he has made no deals, but will most likely open the station himself He said when he does a thing like this he has to have some help he bargains with these oil companies for help in the expense

On a question by Mr. Feinberg Mr. Hagenback replied that he is the contract purchaser of the land.

Mr. Feinberg asked Mr. Henry if he did not feel that Mr. Hagenback should be made a party to this matter?

Mr. Henry replied that he did not think it was necessary. He felt that Mr. McClorry is the owner of the property and is the proper one to make the application and if the permit is not allowed, Mr. Hagenback has no interest.

Mr. Feinberg stated this is a use application and that Mr. Henry has mentioned the fact that the use is individual and not assignable and suggested that this is a use application here for a use permit, Mr. McClorry is not going to build and operate this station this is going to be a station that is going to be operated by Gulf Oil Corp on a lease-back basis.

Mr. Feinberg said it is not a question as to who is going to get the variance for the use?

Mr. Henry contended that Mr. McClorry may lease it to this man too. Actually it is his application that is.

Mr. Feinberg: What Mr. McClorry is asking for is permission to build another gas station?

Mr. Henry: that is right.

Mr. Feinberg clarified: What Mr. McClorry is asking for, is under sub-section B to get a permit to construct and build a service station.

There were no objectors present.

Mr. Weiss suggested that this matter be referred to the Planning Board for a report on its effect on the comprehensive planning, and that decision in this matter be held under the December meeting in order that a reply may be received from the Planning Board.

Mr. Feinberg suggested that this be referred to the Planning Board and that the date for the decision be set for the first meeting in December to be sure that the Planning Board has time to study this and reply.

Motion made by Mrs. Decker and seconded by Mr. Winter that the matter be referred to the Planning Board for a report on the effect to the comprehensive plan of the Township.

AYES Decker, Winter, Osborne, Buono, Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion carried.

CASE #170, O'BRIEN, HANNAH R. Block 279-6, lots 32, 33, Shore Acres, Holly Dr.,
C. E. Starkey Esq.

Mr. Hannah O'Brien was sworn in and stated her address as 342 Overington Avenue Brooklyn 9 New York.

On question by Mr. Starkey Mrs. O'Brien stated that they were denied a building permit to add a proposed extension of 80 feet by 18.05 feet to square out the home they have on Holly Drive Shore Acres. The rejection by Mr. George did not show through on the plot plan submitted, however it is very light and can be seen. Mrs. O'Brien stated this property is in an R-5 zone which requires a side-line setback of 6 feet however the houses in the vicinity of this house are older homes, and were built using a setback much smaller. She stated that they have insufficient home in the cottage, and are planning to winterize it with plans for retirement in a few years and this addition would enable them to put closets in the bedrooms, etc, and this would square out the shape of the house as there is a recess at the north east corner.

Mr. Starkey produced a survey dated July 14, 1962 made by Sherman H. Mills land surveyor showing lots 32, 33 in Block 6, map of Shore Acres Brick Town and this was marked in evidence as exhibit A-1.

Mr Starkey then asked to substitute the original with a copy This request was granted

On a question by Mr Starkey Mrs O'Brien replied that the dotted line showed the proposed addition to square out the building and that the living room and the bedrooms will be enlarged and would give them closet space and would finalize the plans to winterize the home for their retirement in a few years The house was built prior to 1960 and other houses in the area are older homes too and the distances from the sidelines such as the Cook home in most cases is four feet

On a question by Mr Winter, Mrs O'Brien replied that only the east sideline is intended as four feet, the west sideline has a shower arrangement which is an outside shower and that no construction is intended on the west side of the building The main building on the west side has a setback of 6 feet, the shower is 2 feet

On a question by Mr Winter, Mrs O'Brien replied there are dwellings on each side and they have setbacks of four feet

There were no objectors present

The following resolution was read by Mr Feinberg

WHEREAS Hannah R O'Brien and John J O'Brien has applied to the Board of Adjustment of the Township of Brick for permission to construct an extension to their dwelling along the rear of said dwelling to a point even with the existing side of the dwelling (which extension will be approximately 18 05 feet in length and 8 feet in depth) at premises located at 2 Holly Drive, Shore Acres Township of Brick and known as Block 279-6, lots 32 and 33 on the Tax Map of the Township of Brick

Which premises are in a R-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 Extension is insubstantial in relation to the property
- 2 Applicant's project to winterize home will improve property
- 3 Adjacent homes and other premises in area have similar sidelines and extension not incompatible to area or neighborhood

WHEREAS the Board has determined that the relief requested by applicant can be granted without substantially impairing the interest and purpose of the Zone Plane 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 6th day of October, 1964 that the application of Hannah R O'Brien and John J O'Brien be granted subject however to the following conditions

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

Motion made by Mr Osborne and seconded by Mr Buono that the foregoing resolution be adopted

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

CASE #474 - GOETZ, GOERGE H Block 382-A, lots 45, 46, 47

M₁ Goetz asked if this matter could be postponed until the meeting on October 14 as the contract purchaser, Mr Germer was ill in the hospital and could not appear

Motion made by Mr Osborne and seconded by Mr Buono that this matter be held until the meeting of October 14th

AYES Osborne, Buono, Decker, Winter, Weiss

NAYS None

ABSTAINING None

ABSENT None

Motion carried

CASE #475 - GUARINO BUILDERS - (Kenneth Driscoll) rep by James G Henry Esq

Mr Driscoll was sworn in and gave his name and address as 427 North Lake Shore Drive Brick Town and said he is the owner of this property which is known as Block 383-24, lots 1, 2, 3 which is located at the corner of Lorraine and Cedar, in Lake Riviera

Mr Henry presented a survey made by George W Henn professional engineer and licensed surveyor, dated June, 1964, which was produced as an exhibit and marked A-1 in evidence

Mr Joseph Guarino was sworn in and stated his name and his address as 287 Granite Court, Brick Town He said the front is 25 feet from Lorraine and the side is Cedar with the garage set back 20 6 from the street He stated he got a building permit and submitted plans showing the setback of the garage and building and proceeded in accordance with the plans The garage is complete except for one piece of molding under the soffits, and the rest of the building was 3/4 completed at the time of the stop notice He said the owner advised him he would not accept the house only as it is now

Mr Guarino is seeking relief under the section for hardship on the basis the building permit was issued

Mr Feinberg challenged the application being made out in the name of the builder he contended that the only persons having a right to appear before this Board are the owner or a contract purchaser

On a question by Mr Osborne, Mr Guarino replied building is 70 ft

On a question by Mr Weiss, Mr Guarino replied it is 9 feet from the sideline

Mr Weiss stated that 70 and 9 is 79, and the lot is 100 feet, how come? He then asked Mr Guarino what the building permit stated for distances from the sideline

Mr Guarino replied that the building permit was taken out for 6 feet, but that the owner wanted the house moved away from the sideline, making it 9 feet

On question by Mr Weiss Mr Guarino said he originally produced the plans showing the house to be 69 feet, but the owner wanted it increased to 70 feet

Mr George stated that when the application was made, he wrote on the plans that the house had to be only 69 feet not 70 feet

Mr Feinberg "Do you mean to tell me that you took a building permit out for 6 feet and then changed it without the building inspectors approval?"

Mr Guarino replied yes

Discussion was held on the length of the building and it was determined that it was 70 feet rather than the 69 feet as previously testified to by Mr Guarino

Mr Guarino was asked to identify the print of the building which he did

Mr Weiss Can you identify this as the plan for the building you put up?

Mr Guarino Yes, this is it with minor changes

Mr Weiss What is the length of the building

Mr Guarino The length of the building is 69 feet, the length of the building now standing is 70 feet

ALEXANDER GEORGE - Sworn in

Mr Weiss You put the stop notice on this building

Mr George Yes I did, upon complaint of a neighbor down the street

Mr Weiss Give us the findings

Mr George I investigated, sent George Henn out and then determined to put the stop notice on because it was in violation

Mr Weiss What were the dimensions?

Mr George Nine feet on one side and 21 on the other side, the building is 70 feet long the zone requires 25 feet on intersections

Mr Winter On the prints, there are some red pencil figures, and when this was made and filed, it was 70 feet on the building and you changed it to 69 feet

Mr George I advised them that they would have to use a six ft setback and erect a 69 ft building in order to keep the setback of 25 feet from the road

Mr Weiss Is there any other practical reason why this could not have been built using six ft setback, was there any rocks in the way?

Mr George No it is flat ground

Mr Feinberg You were granted a building permit for six ft sideyard plus a 69 foot building, plus a 25 ft setback?

Mr Guarino The owner wanted the building a foot larger

Mr Feinberg You did not have power to do that why didn't you come in and get it changed before you did it?

Mr Guarino I did not recall Mr George saying this was oversized

Mr Feinberg You know Mr Guarino that once you have been issued a permit by a Municipality you cannot change it You know as well as I do, that you must be within the confines of the building and in order to make changes, you must come in and get approval

Mr Guarino I alone am not at fault, the owner the building inspector, the Engineer, and after seven inspections, I alone am not at fault This came about because a man and woman in the street came in while I was working as asked if I could build a garage on their house I said I could and would take a look at it when I did, I saw they did not have room for it and that is how it came about

Mr Weiss You said 'came about' do you mean that, or how it became uncovered?

Mr Guarino All right that is how it became uncovered if you want to put it that way

Mr Weiss You moved the building over three feet, made the building one foot longer and now you say you weren't at fault You said you went in with plans for 70 feet, the zoning officer changed it to 69 feet

Mr Osborne If the engineer staked out the house then the Town should make remedy against the engineer

Mr Henry The move from six to nine feet and the increase in the house size at whose request was that made

Mr Guarino The owner's

ELSIE K IRRE - 110 Beverly Boulevard, Brick Town - sworn in

Mrs Irre stated she is a Real Estate Broker and is familiar with Riviera Beach and Lake Riviera, and made an inspection of this particular house and other houses in the area in a broad sense

On a question by Mr Henry, Mrs Irre stated she heard the testimony about the setback of this particular house on Cedar Drive and she replied that it would not affect the area in which it is located in the sense of detracting and would not down grade it There are other homes that meet the previous ordinance of 20 feet setbacks it is difficult to determine because many of these streets are supposed to be 50 feet wide, many of the property lines are not at the proper property lines because of the streets not being wide enough This would not be an eyesore and would not downgrade the area

Mrs Charles Newman asked why Mr Driscoll did not apply for this variance himself the letter was signed by Mr Guarino

She was advised that this matter had been discussed earlier in the testimony

Mr Harry Guarron stated he did not object he just came out to listen and was finding it very interesting

Mrs Newman stated she has no real objections, she is not against the house just the manner of service

Mr Winter Mr Feinberg, there is a violation of law of ordinance, which this apparently is will it have any bearing on us granting a variance?

Mr Feinberg ruled that the owner will have to come in for special reasons, there is no unusual topo in the lot, and stated the builder has no standing for a variance he is not a land owner or contract purchaser

Mr Winter There is a violation of law, are we in any position to consider this at all?

The Board called a short recess to discuss this matter

The following resolution was read by Mr Feinberg

WHEREAS J Guarino Builders, Inc has applied to the Board of Adjustment of the Township of Brick for permission to have a 20 foot setback on home of Kenneth Driscoll at premises located at Lorraine Drive and Cedar Drive, Lake Riviera Township of Brick and known as Block 383-24 lots 1 2 3 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 Builder is not proper party to make application for variance and Board does not have jurisdiction to grant same on his application

2 Board finds builder and owner both disregarded dimensions and limitations of building permit and any hardship here is self-created and self-imposed

WHEREAS, the Board has determined that the relief requested by applicant cannot be granted without substantially impairing the interest 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 6th day of October, 1964 that approval of the application of J Guarino Builders, Inc be denied

Motion made by Mr Osborne and seconded by Mr Winter that the foregoing resolution be adopted

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

CASE #479, LOLLA, Dr Richard V - Block 471, lot professional building

Dr Lolla was sworn in and stated his name and his address as 101 Lewis Lane, Brick Town

Mr Feinberg check his application and called attention to the fact it was not completely filled out, he should have had the owner of the property sign on the back of the application

On a question by Mr Feinberg, Dr Lolla replied he is a contract purchaser

On a question by Mr Weiss, Dr Lolla replied that the owner of the property is Kathern Hurler

Mr Weiss stated this paper is not completely executed and asked Dr Lolla to have Mrs Hurler sign it Dr Lolla agreed

On a question by Mr Weiss, Dr Lolla stated that the purpose of the proposed building is for professional offices more specifically, a dental office containing 1000 square feet of space for the first stage and at a later date the second stage of construction to contain 600 square feet to be used for professional offices, the exact nature not as yet determined but to be completed in about two years Dr Lolla stated on questioning, that the lot is 80 feet in width and that he is just seeking to vary the width of the lot and an undersized building he said he could conform to all other requirements in the code

On a question by Mr Weiss, Dr Lolla replied the lots are laid out on a map He further stated that he has tried to purchase from the Speedy Car Wash but they did not want to sell and he said he tried to purchase an additional 80 feet on the left of this property but to no avail, and stated he is prepared to meet all other requirements

On a question by Mr Feinberg Dr Lolla replied that the first stage of the construction will contain 1 000 square feet, the second stage to contain 600 square feet, and the first stage to be used for himself the second stage for some professional use and he further stated that the use is one permitted in the zone

On a question by Mr Winter Dr Lolla replied that the zone is B-1

On a question by Mr Winter Dr Lolla stated that when the building becomes 1600 square feet it will be a permitted size in that zone and that the lot coverage will be about 40%

On a question by Mr Weiss Dr Lolla replied that the architectural design of the building will be modern veneered with either stone or brick

The following resolution was read by Mr Feinberg

WHEREAS Richard V Lolla Contract Purchaser has applied to the Board of Adjustment of the Township of Brick for permission to permit construction of a professional building in two stages having areas approximately 1 000 and 600 square feet respectively in a zone which requires buildings of 1,500 square feet in area and to permit construction on a lot 80 feet in width in a zone which requires 100 feet in width at premises located at Cedar Ridge Road (south side) Township of Brick and known as Block 471, lot 5 on the Tax Map of the Township of Brick

WHICH premises are in a B-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 Dr Lolla will construct a single professional building in two stages - the first portion of 1,000 feet for his own offices and the second section of 600 square feet for general professional offices

2 Use is one permitted in zone

3 Construction to be a masonry building veneered on outside of brick or stone and would enhance the neighborhood and to compatible with other uses in the area

4 Building is modernistic in design and will fit upon the land

WHEREAS, the Board has determined that the relief requested by applicant can be granted 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 6th day of October 1964, that approval of the application of Richard V Lolla Contract Purchaser 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 the issuance of a building permit

2 First stage to be commenced within six months after granting of variance and completed within two years

Motion made, by Mr Buono and seconded by Mrs Decker that the foregoing resolution be adopted

AYES Buono, Decker, Osborne, Weiss

NAYS Winter

ABSTAINING None

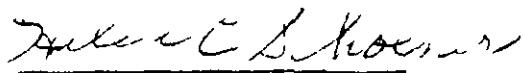
ABSENT None

Motion carried

Motion duly made, seconded and unanimously carried that this meeting be adjourned and continued on Wednesday October 14th 1964 at 8 00 p m

Meeting adjourned at 11 45 p m

Respectfully submitted,



Helen C Schoener, Secretary

September 11, 1964

Regular meeting of the Brick township Board of Adjustment was held at the Town Hall at 8 00 p m the meeting was called to order at 8 09 p m by Chairman Paul Weiss

Members present Paul Weiss
A L Osborne
Louis V Buono
Agnes M Decker

Members absent Rudolph Winter
Others present Harold Feinberg Esq
Alexander George Zoning
Officer

Mr Weiss opened the meeting by announcing that we have a large crowd present tonight, and that it is essential that everyone be as quiet as possible so that the recording device can record the proceedings, and also that in order to keep the fans going, it will be necessary to keep the noises as low as possible in order that all can be heard. Further, he apologized for not having the meeting on the regularly scheduled date, due to the illness of the Chair and the forced absence of several of the other members,

Motion made by Mr Buono and seconded by Mr Osborne that the minutes of the meeting of July 21 be accepted as written

AYES Buono Osborne, Decker, Weiss

NAYS None

ABSTAINING None

ABSENT Winter

Motion carried

HOLLYWOOD MANOR - 10 Cases, #449 to 458, heldover from last meeting

Request from Mr James G Henry Esq counsel for the above, to have these matters adjourned until the next meeting which will be held on October 6th

Mr Weiss announced to all persons interested in the Hollywood Manor matter, they are hereby notified that the decision in this matter is adjourned to October 6th

Nicholas Kuntz asked why the adjournment again, they had a full month

Mr Weiss replied that they state they were not able to get the information necessary, and reminded Mr Kuntz that this had been requested by the board at the last meeting

Motion made by Mr Buono and seconded by Mr Osborne that this request be granted

Mr Kuntz argued on that this is ridiculous if they are in possession of the property, they should have a deed, and it should not need three to four months to produce these deeds

Mr Henry stated that some of the deeds they were able to get but not all of them, but he assured them he will be able to produce all of them at the next meeting

Mr Feinberg suggested that Mr Henry have the deeds into the Board at least a week before the meeting so the board can review them

Mr Weiss asked Mr Henry if this would be possible and Mr Henry replied that if he does not have the metes and bounds description he will furnish the Board with the book and page numbers

VOTE ON MOTION Ayes Buono Decker Osborne Weiss
Nays None - Abst None, Absent Winter - Motion carried

→ CASE #464 - MAROUSIS, CHARLES - stores with apartments - Route 88, First St and W Princeton Av

This case was held over from the last meeting at the request of the objectors in order that they would have time to retain counsel to represent them

James G Henry Esq is representing the applicant and
Leonard G Lomell, Esq representing the objectors

Mr Henry requested permission to put on two "very short" witnesses who may be able to give testimony which he felt would be helpful to the Board

Mr Henry explained these two witnesses would be one, a real estate expert and two the engineer who examined the property

Paul D. Cohen, 1438 Centarbury Road, Lakewood was sworn in

On questions by Mr. Henry Mr. Cohen stated his business is real estate broker he was a marketing major University of Bridgeport, and took several courses in real estate, entered the real estate business in 1954 as a real estate salesman, took course at Rutgers State University principles of real estate and real estate appraising in 1955 and 1956 and in 1958, established his own agency, the Circle Agency in Brick Township, he has also done appraisal work for various attorneys on all sorts of matters including mortgage appraisal work tax appeal work inheritance tax appraising also done appraisal work for the past few years for the New Jersey Department Conservation and Economic Development for the Green Acres Program

On question by Mr. Henry, Mr. Cohen stated he is familiar with the property of Charles Marousis for which this application is being made. He described the area on the easterly side of the property is for the most part older homes commercial buildings and homes converted to commercial buildings. The westerly border of the property is residential in nature, and produced photographs of the various buildings and a key map which is available for inspection and offered it for evidence after showing it to Mr. Lomell who had no objections and it was marked in evidence 2-1.

Mr. Cohen continued on questions by Mr. Henry and stated that in his opinion any new construction in that area would be an improvement generally the commercial buildings on Route 88 are old and in poor condition. The exception being the firehouse on the corner of First Street and Route 88, it is his opinion that the plans proposed by Mr. Marousis would be a definite improvement. Mr. Cohen stated that under the present zoning, it would be possible to build private residences only in the residential area, however he feels that the needs of the community could best be satisfied through the plans as proposed by Charles Marousis. He produced two exhibits which will bear this out (in his opinion). The first exhibit compares ratables taxes to school taxes according to his calculations the proposal of 12 offices, 14 one-bedroom apartments and 12 two-bedroom apartments will present a ratable of approximately \$10,000 with taxes at \$10,000 there will be school age children as follows in 14 one-bedroom apartments there will be 05 children and in 12 2-bedroom apartments there will be 42 children per apartments or a total of 574 children. This information he stated is verified thru a planning consultant and the general figures used for the state of New Jersey. He stated that at an average of \$550.00 per child for education, the cost to the taxpayers, of the Township would be \$3,157.00, leaving a balance of \$6,843 for other purposes in the Town. He stated that he is sure we are all aware that the local purposes tax is much lower than the school tax. The alternative would be utilizing the zoning as it presently written in the ordinance, Mr. Marousis could build a commercial building on Route 88 which is permitted at an estimated value of \$100,000.00 and five three-bedroom homes meeting the minimum requirements and being high on his values he believed at \$14,000 each or \$70,000 or a total of \$170,000.00, this would be net income to the municipality of \$4,600 approximately. There would be (check of record) five three bedroom private residences at 19 children, per residence or 95 children at \$550.00 each or cost of education of \$5,225.00, therefore before any other municipal facilities and services provided there would immediately be a \$625.00 deficit. He made the chart available for perusal and stated that a recent planning survey made by Planning Associates in Princeton for the city of Rahway disclosed that Garden Apartments are the second best ratable that a municipality can have, second only to heavy industry therefore, they are rated before light industry, before commercial and naturally before residential property. He continued that another reason for his belief that garden apartments would be in the best interest to the community is based on figures obtained from the New Jersey Department of Conservation and Economic Development Research and Statistics Division which discloses that the medium income medium family income is \$5,937.00 per family. If five one-family homes were built, there would be a total income of available to be spent, we hope locally of \$29,685.00 whereas, with 26 families in apartments a \$5,937.00 each there would be \$154,162.00 income or more than five times of five single family residences. He stated he based his belief on the sound economic principle that you have to have more money coming in than you have going out or at least as much coming in as you have going out to run a sound business or run a sound municipality. And for these special reasons as set forth he bases his belief that this special permit should be granted.

On a question by Mr. Henry with regard to the traffic pattern Mr. Cohen replied that he did not make an actual study of the area. Mr. Lomell interjected with an objection at this point, wondering if Mr. Cohen in addition to being a real estate expert is also a traffic consultant expert he has only qualified as a real estate expert.

Mr. Feinberg said it is being offered the Board itself could put whatever weight it wants on his testimony. This in his opinion, the weight the Board wants to put on it is up to the Board itself, and the board will realize his background.

Mr Cohen said he would like to state that the previous information on taxes and income was not his opinion, but actual facts

Mr Feinberg reminded Mr Cohen to please answer the questions

Mr Weiss stated the board has no objections to the comments on traffic, etc

Mr Weis said he thinks the only reason the testimony is offered as part of his opinion as a real estate expert, and since this is for special reasons, he has a right to comment on the traffic after this apartment is buildt

Mr Cohen stated it is his opinion that a Garden Apartment building 26 garden apartments, 12 offices will have certainly no more in and out traffic than five or more stores located on Route 88

Mr Lomell Mr Cohen, you say you have a real estate business here? In Brick Township? Mr Cohen replied "yes sir"

Mr Lomell "You sell and rent property here in Brick Township?"

Mr Cohen "Yes Sir"

Mr Lomell "And in the course of your business in selling property you have to be, or are conversant with and have knowledge of the zoning laws of this Township?"

Mr Cohen "Yes"

Mr Lomell "Do you know if the zoning laws of Brick Township provide an area in this Township in which to build garden apartments?"

Mr Cohen "To the best of my knowledge, yes"

Mr Lomell "Now, if this Township has provided such an area for these garden apartments your figures here would equally apply, if this particular garden apartment were placed within the area allocated for apartments, is that not so?"

Mr Cohen "That is correct"

Mr Lomell "So it really doesn't matter where this garden apartment goes so far as your figures are concerned, the result to the Township would be the same is that not so?"

Mr Cohen The figures would be the same comparing five one-family homes

Mr Lomell If you are trying to tell these gentlemen here they are going to profit from this deal, they will profit from this dea, or if this garden apartment were placed in that particular area they allocated for garden apartments wouldn't they?

Mr Cohen "You are talking about ratables and income?"

Mr Lomell 'Yes it is six of one and a half-dozen of the other you are saying it is a good deal for this municipality over here on Route 88, it would be the same deal if you placed the same project in an area allocated for garden apartments isn't that right?"

Mr Cohen I say this is a better to use your word "deal"

Mr Lomell That is not the question I will ask it again This "deal" the 26 families you speak of, and these figures that at first seemed so impressive where the Township will profit if they approve a garden apartment, I am saying this to you if this same project is built or constructed in that area of this Township that is set aside for garden apartments this Township will receive the same profit that you have just expounded on, is that not so?"

Mr Cohen "Yes"

Mr Lomell I mean the Township does not get any benefit from this being over there on Route 88 and first street as opposed to it being in that area already set aside for garden apartments, isn't that so?

Mr Cohen Mr Lomell, my testimony wasn't that the Township would not receive as much income elsewhere, the testimony was that this would be preferable to what could be built there under the present zoning

Mr Lomell That is a matter of opinion, isn't it?

Mr Cohen This is a matter of black and white

Mr Lomell What you just said was a matter of opinion, not this In other words what I am saying to you is this you were using these figures to indicate to this Board how profitable this deal would be if this garden apartment were allowed to be constructed over here on Route 88, isn't that why you told the Board these figures?

Mr Cohen I would say that garden apartments wherever they are built

Mr Lomell I didn't ask that now would you please try to listen The question is Weren't you telling this Board these figures to impress upon them that this garden apartment project if permitted over here on Route 88, this Township will profit to the tune of these figures which you just gave isn't that

Mr Cohen I offered it as a comparison as to the income to the municipality with Mr Marcus's proposal, as compared to the alternate which would be to build a commercial building and five private residences I did not say they would not get as much income in any other part of the Town

Mr Lomell Well, I don't know whether you are just playing with words you say maybe I had better say it this way These figures you told the Board about indicating how the Township would benefit if this project were constructed over here on Route 88, you did not didn't you?

Mr Cohen Yes

Mr Lomell Well, we take the same set of figures and the same apartment house and put it right over here in this Township where apartments are allowed this Township will receive the same rates, and the same profit, won't it?

Mr Cohen The Township will receive the same rates sir but they will also have the same deficit

Mr Lomell I did not ask you about the deficit You understand me don't you, it is the same proposition, it is just a matter of location

Mr Cohen The people will have the same income no matter where the apartment house is

Mr Lomell Right, and you know that this Township has an area set aside for garden apartments, don't you?

Mr Cohen They have a zoning area that permits apartments

Mr Lomell Right and of course, the same argument hold forth about this chart about family income that you got from two voices here, can't make them out you mean to say the same families were to realize this average income this amount of money would be spent in this Township over here on Route 88, and it is the same argument if you put it over here in the area set aside for garden apartments the same thing would be true, wouldn't it?

Mr Cohen 26 families will have the same income, wherever they live

Mr Lomell Right, and you know we have an area in this Township for families who want to live in garden apartments, right?

Mr Cohen No sir, I do not know that we do we have an area where they could be built but I do not know that we have an area where people would want to live in it this I cannot say

Mr Lomell But you know that area on Route 88 is not an area that permits this sort garden apartments, you know that, don't you?

Mr Cohen I know that

Mr Lomell Now do you know any other highway business property in this Township that has on it apartments, or store with apartments overhead? Such as this one?

Mr Cohen Any other highway property?

Mr Lomell Yes with garden apartments? business property on the highway business property that has garden apartments?

Mr Cohen Your first question, do I know of any garden apartments on highway,

Mr Lomell Highway business zone is what I asked you Highway business zone now if you know of an apartment on a highway make sure it is in a business zone before you answer that question do you know of any garden apartments in a highway business zone in Brick Township?

Mr Cohen No I don't

Mr Lomell Do you know of any garden apartments in a residential zone? In this Township?

Mr Cohen Garden apartments as the common term no

Mr Lomell Now you made a statement, "any new construction would improve this area, sort of broad statement How about a brand new factory would that help it over there?"

Mr Cohen Maybe I should clarify that I believe that in either case whether the commercial buildings on the highway with five single family apartments or the 26 family apartments will improve the neighborhood

Mr Lomell Let me put it this way do you feel in your professional opinion that it is better to have garden apartments here and there around our highway frontage, in other words do you approve of that sort of zoning where you have on up here on Route 88 and if someone wanted one down by the shopping Plaza there could be one there, all over the place?

Mr Cohen It has been my experience in Lakewood where I have handled the rentals of some garden apartments that the majority of the tenants renting, are older people and prefer apartment that are near shopping centers therefore any location which would provide shopping in walking distance (tape 3 starting) or with transportation readily available, it would be best for a community

Mr Lomell Best for the community or best for the tenant?

Mr Cohen Best for the tenant and therefore as a citizen of the community best for the community

Mr Lomell You feel that the interest of the tenant or what is best for the tenant or best for the landlord is more important than what is best for the municipality?

Mr Cohen I don't understand what you mean sir

Mr Lomell Well this municipality has felt it best to have their garden apartments in a certain area of their Township and not along highway business zones that is what the present law of this Township is, and I assume this Township passed that zoning law because they believed that now you say because it would be more convenient to the tenant up there on Route 88 because he could get to some nearby store say the shoe store for instance because it is a benefit to him, and it may incidentally be a benefit to the landlord who owns the property, you say that benefit to the tenant and landlord, is more important than the benefit to the municipality

Mr Cohen No I did not say it was more important than the benefit to the municipality

Mr Lomell Well do you admit then, that what is for the best interest and benefit to the municipality is the controlling factor?

Mr Cohen Absolutely

Mr Lomell I have no further questions

Mr Henry (to Mr Cohen) Do you know what is allowed in the B-2 zone?

Mr Cohen Barber shops I don't have my zoning records with me, but general runs of business I believe including such things as a metal shop, carpenter shop and the thing that came into my mind, drive-in movie, I believe, and a particular occupancy that came to my attention once before a metalsmith shop

Mr Lomell By the way would you recommend another shopping center up in that area?

Mr Cohen No sir

Mr Lomell Why?

Mr Cohen I believe that the shopping center we have a Brick Plaza and plus the shopping center on Route 88 do mean do I recommend for a person to build one or do you mean to the municipality?

Mr Lomell You said that any new construction would be an improvement I am now saying, would a new shopping center up on this area would be an improvement to the area

Mr Cohen It would be an improvement sir, but I don't think anyone could make a living on it This is not based on opinion, but based on the vacant stores

Mr Lomell Do you think that such a little shopping center whatever it may be would be a benefit to this municipality?

Mr Cohen I believe that it would be a benefit as to what is already there, over the old residential houses that are already there

Mr Lomell Even with all the traffic congestion and everything it would bring?

Mr Cohen I believe that it would be better in the way of a ratable to the Municipality, however I do not believe that it would be better than an apartment house as it would bring more traffic than an apartment house

Mr Lomell As an expert, do you feel this question of ratables or the money that this Township would receive is the most important problem here or benefit to this Town or Municipality should be concerned about, should be the criteria here or what or how much money this Township is going to make?

Mr Cohen I believe any taxpayer in this Township or Municipality is interested in ratable that buildings will bring

Mr Lomell Then you feel that they should approve this project in this location?

Mr Cohen It is one of my reasons yes

Mr Lomell I have no further questions

Mr Feinberg Does the Board have any questions?

There being no reply Mr Feinberg asked Mr Henry for their next witness

George W Henn, 448 Princeton Avenue, Brick Township Sworn in and it was agreed by all concerned, that the qualifications of George Henn be admitted

On questions by Mr Henry, Mr Henn stated he prepared the plans for the swage disposal connected with this application and said he would like to look at the plans in order to describe them He said this was laid out in accordance with the Chapter #199 and based on soil logs and percolation tests replied to Mr Henry's question regarding the approval of the Board of Health, that he could not say Mr Henry asked for the copy of the letter from the Board of Health which had been admitted as exhibit A-2 (copy of letter from the Board of Health signed by William Cody, addressed to Charles Marousis, dated May 21, 1964 a photostat produced by Mr Henry, prepared by the Board of Health) The following was read by Mr Henn "Please be advised that at the Board of Health meeting held on May 10 1964, this Board after reviewing your preliminary plans for a Multiple dwelling approves these plans pending certification from your engineer, which is enclosed and must be sent back to this office with the report of the percolation test Very truly yours William Cody Chairman" Mr Henry produced certification by Mr Henn as an engineer, and offered same as evidence

Mr Feinberg read the following 'Certification of the Board of Health by George W Henn, Engineer' is marked A2-2

Mr Lomell Mr Henn I know of your qualifications, but I did not know you were an engineer with regard to sewage disposal plans, are you as such really?

Mr Henn A design such as this Mr Lomell this is a plan indicating what could be done in the way of providing sewage disposal for a setup such as this

Mr Lomell I see, but you are a Civil Engineer by profession

Mr Henn That's correct

Mr Lomell Now Mr Henn in assisting the applicant here did you prepare these plans and specifications or other data that was submitted to the Board of Health for approval?

Mr Henn I submitted a layout such as indicated on the plan as to how the apartments could be serviced

Mr Lomell Now this plan you are looking at, I don't know if it is marked but it is the plan that came with the

Mr Feinberg It is marked A-1

Mr Lomell Yes A-1 which is the plot plan of the layout of the building and it has on it the layout of the sewage system Now, did you prepare that for submission to the Board of Health or just a rough sketch of it

Mr Henn I made the layout primarily as I said before to indicate what could be done in accordance with Chapter #199

Mr Lomell Oh I see, well what I am trying find out Mr Henn is what actually, the Board of Health had before it to consider so what part did you play in it, what did you prepare for submission to the Board of Health A rough draft

Mr Henn This layout as to what or how this particular unit could be serviced, septic tanks and seepage pits

Mr Lomell In other words, you jotted down the areas in which you thought the septic tanks should be placed and where the seepage pits should be placed?

Mr Henn That's correct

Mr Lomell And that was the extent of your workup on it for the Board of Health?

Mr Henn That's correct

Mr Lomell You didn't submit in addition to that any specifications or requirements in regard to how deep the septic tanks should be or how deep the seepage pits should be or how long, or anything like that?

Mr Henn I did not prepare any formal application to the best of my knowledge

Mr Lomell I see Mr Henn, did you yourself make any test borings

Mr Henn Yes Sir

Mr Lomell And did you how deep did you go sir?

Mr Henn twenty feet

Mr Lomell Twenty feet and where did you find the water level?

Mr Henn We did not hit any water in the area

Mr Lomell I see well when you did this, did you prepare any report of the percolation test, do you recall?

Mr Henn We ran some tests over there and they complied but I do not remember off-hand the number of minutes but I would say it was less than five as required for one bedroom of fifty-five square feet as provided in Chapter #199

Mr Lomell At what depth were these tests made?

Mr Henn They were around six feet we had some borings and at that level, we ran into gravelly sand and I indicated on the plan that the liquid levels of the seepage pit should be three feet deep below the surface so that the entire depth of the seepage pit would be in a strata that would be conducive to good percolation

Mr Lomell What depth was that?

Mr Henn Below three feet

Mr Lomell Now Mr Henn, you are looking at a sketch here apparently where you have drawn up these tests, this white paper was that submitted to the Board of Health sir? What you have in your hand?

Mr Henn Mr. Lomell I can't answer that, I do not know I don't think it was, I don't know

Mr Lomell But is this paper you hold in your hand related to this transaction?

Mr Henn Yes

Mr Lomell And does it have a percolation test?

Mr Henn I have the record of the test but I don't have them on the sheet that I have

Mr Lomell So as far as you know, all the Board of Health had before it, is this diagram where you suggested where the septic tanks and the seepage pits should be put

Mr Henry I object to this line of questioning, if there is any question of what was presented before the Board of Health, you could suppose the records of the Board of Health and not bring it up at this particular hearing as a matter of fact I do not think this Board has any jurisdiction to consider any finding of the Board of Health I think all of this testimony is irrelevant, immaterial and not any issue before the Board

Mr Lomell Mr Chairman, I have supposed the records and the personnel of the Board of Health that I will produce in my case

Mr Henry argued that this testimony should be disregarded and a hearing should be held before the Board of Health

Mr Lomell contended that he intends to show that there really was not an approval of the Board of Health

Mr Feinberg reminded Mr Henry and exhibits A-2 and A-2-2 were opened up by him, and stated he felt it was proper cross-examining

Mr Henry objected

Mr Feinberg stated that Mr Lomell is asking Mr Henn if he knows whether the Board Mr Henn is a very capable engineer and is asking if he knows yes or no this is supposed to be a yes or no answer so there is no objection to it

Mr Henry felt it did not make any difference whether Mr Henn knows

Mr Feinberg The answer basically Mr Henn, do you what papers were before the Board of Health when they considered this?

Mr Henn No I don't

Mr Lomell Now Mr Henn did you personally appear before the Board and were you examined with regard to the accuracy of the sewage disposal plant

Mr Henn No sir

Mr Lomell No sir? Then let me ask you this in connection with these percolation tests you just spoke of a moment ago do you know if you wrote up the results of those tests in detail and submitted them to the board

Mr Henn I don't think I did

Mr Lomell I have no further questions

There were no further witnesses

Mr Lomell Mr Chairman, I feel like a football player who has come in on the second half and don't know what happened in the first half, all I have to go on is the minutes and I did not realize that we were going to open for further testimony but that doesn't really matter, the Board has the complete facts before them I prepared a memorandum of law, that I am handing to you now, before I call witnesses with the hope before you render a decision, you will have an opportunity to read that memo of law and offered a petition with over 176 names of citizens in this general area who are strenuously opposed to this garden apartment and said he hoped that all the people out in the audience are objectors and that they be heard from if they so choose The petition was marked o-1 and offered in evidence

Mr Lomell then called as his first witness Mr Bertrand

Mr Bertrand was sworn in and stated his full name as Phillip D Bertrand Cape Breton New Jersey

Mr Lomell asked Mr Bertrand if he had been subpoenaed, and he replied yes otherwise he would not be there

On questioning by Mr Lomell Mr Bertrand stated he refused to come on Mr Lomell's request until he was subpoenaed and that he and the records of the Board of Health had been, and Mr Lomell examined records of the Board of Health in relation to the matter that is before this Board Mr Bertrand said he is a member of the Board of Health of this Township and stated that at the meeting of May 19, 1964 these plans came into the Board of Health and there was quite a discussion along the members he for one did not want to approve them because they did not have sufficient evidence of the plan however with the advise of the attorney of the Board of Health these plans preliminary plans, must be accompanied by a certification which this Board will draw up from their respective engineers This in his opinion was only a preliminary plan, they did not have a percolation test they did not know exactly how the septic system was to be built, therefore they expected from the engineer, they would get the certification along with which would be accompanied a percolation test, the plans showing how the septic fields would be laid out and they waited for this Mr Cody sent the letter out, and he said he would like to read it to this Board

Mr Lomell I think it is in evidence is that the letter regarding the certification of percolation tests

Mr Bertrand Mr Cody wrote the letter May 21 1964 addressed to Mr Marousis 'please be advised that the Board of Health meeting held on May 19 this Board after reviewing your preliminary plans for two multiple dwelling, approves these plans pending certification from your engineer which is enclosed and must be sent back to this office with the report of the percolation test very truly yours William Cody Chairman

Mr Lomell Is this the certification form sent

Mr Bertrand We received a certification signed by Mr Henn I believe as follows "the undersigned hereby certifies to the Local Board of Health of the Township of Brick that the within plans conform in detail to the requirements and regulations of Chapter 199 P L 1952 as amended and supplemented Dated June 1 1964 signed by George W Henn" Mr Bertrand stated they did not get a percolation test, neither did they get the plans and specifications, therefore this is not an approval by the Board of Health in his opinion He said in other words we approved a plan preliminary subject to certain conditions and they have not received the percolation test, he looked thru the Board of Health records today with Mr the plumbing inspector and the secretary and could find no percolation test and could find no plans except these and these plans are not complete they are the plans they received

Mr Lomell And these gentlemen you will agree are the copies of the plans in evidence and marked A-1

Mr Lomell Mr Bertrand how long have you been on the Board of Health? In this Township?

Mr Bertrand Since it has been formed, I think it was 1960 1959 or 1960

Mr Lomell And since that time and at the present time can you recall from personal knowledge of any problems in the area of this particular project on Route 88 and First Street with regard to contamination of wells and all that?

Mr Bertrand Yes, we had a laundermat in the immediate vicinity that gave the Board a considerable amount of trouble by contaminating the wells in the entire neighborhood this laundermat was on the north side of Route 88 we had complaints from the east side of 88 and due to the detergents and the contamination we felt it was proper to close the laundermat and we requested that it be closed

Mr Lomell And was it closed sir?

Mr Bertrand Yes it was

Mr Lomell And did the contamination of these wells clear up sir?

Mr Bertrand We haven't had complaints since that time to my knowledge and that is in the immediate vicinity

Mr Lomell Let me ask you this Mr Bertrand, when your Board of Health investigated that situation there, did it find that the contamination actually came from the detergents and soapy water from the laundermat was pumping there?

Mr Bertrand It was very evident that it came from there, from that section

Mr Lomell I see, Mr Bertrand what are you by profession sir?

Mr Bertrand A real estate broker and a builder and developer

Mr Lomell And are you familiar with the sale and exchange of real estate and construction here in the Brick Township area?

Mr Bertrand I should be, I have been in real estate, this business, for twenty five or thirty years in Brick Township

Mr Lomell Now Mr Bertrand have you had occasion to review the plans such as they are here of this proposed garden apartment?

Mr Weiss had to admonish the audience as the noise was getting too loud

Mr Bertrand Yes sir, I have

Mr Lomell Are you familiar with the general area in particular?

Mr Bertrand I am

Mr Lomell And in your professional opinion, would the construction of that project in that area be of benefit to this Township?

Mr Bertrand Well, this Township would like to get all the ratables it can but I think this particular project being as close to Route 88, only 50 or 60 feet of Route 88 and Route 88 is a state highway and a very narrow one with the congestion in that neighborhood, with the number of apartments and the number of office buildings with the lack of play area I don't see how it can be a good ratable for Brick Township

Mr Lomell Or a benefit to this Township?

Mr Bertrand I don't see where it would be a benefit to this Township eventually it wouldn't be a benefit to this Township

Mr Lomell Why do you say that?

Mr Bertrand Because from my experience apartments that are combined with offices usually degenerate to a lower class of people And the lower class of people and when I say the lower class I mean the lower income bracket usually they bring in a school problem, and I am on the Board of Education I am familiar with school problems, very much so There are 24 apartments here and even if you only got ten children out of these apartments at \$630.00 it costs for a child in Brick Township, that is \$6 and some dollars that for school expense plus the expenses that the Township has for garbage and other items that they have to supply

Mr Lomell Mr Bertrand then are you of the opinion that the residential area in this particular area should be left residential and the highway business be

left highway business and there be no change at all in the zoning in that area? Are you of that opinion?

Mr Bertrand I think it should be reviewed

Mr Lomell I see and do you think it would be more of a benefit to the area to leave it as it is? A benefit to the municipality? That is the present zoning law?

Mr Bertrand I do think it should be reviewed

Mr Lomell In what way sir?

Mr Bertrand Well I think many of our zoning should be reviewed

Mr Lomell I know but in this particular area the residential area is in back of the highway business, in that area do you think that residential area should continue to be a residential area?

Mr Bertrand No, I do not Mr Lomell I don't think it should be entirely held to this, I think there should be a review of it I don't think the landowner should be help up for residential entirely the back part should be help up for residential but I don't think the front part should be help up for residential

Mr Lomell That is what I mean, the back part is already zoned for residential, and what you just said, you mean you think the back there should continue to be residential? But the land up on Route 88 should continue to be in highway business

Mr Bertrand That's right yes

Mr Lomell I have no further questions

Mr Henry Mr Bertrand, the first thing is you are speaking as a real estate expert you say this property ought to be used as a residential area isn't it a fact that in back of this there are sub-standard houses there at the present time, that do not conform to the zoning ordinance at the present time

Mr Lomell I would object to that I do not think it has any relevancy It is residential, it wouldn't matter what standard the houses are it is still residential It wouldn't change the residential area because a poor man has a poor house

Mr Henry Well then let me ask you this do you know what zone this is in residential

Mr Bertrand Its R-12 is it not

Mr Henry I don't think there is an R-12

Mr Lomell It is R-10

Mr Bertrand R-10 I mean

Mr Henry Do you know of any houses in that area that complies with R-10 ordinance?

Mr Lomell Well again Mr Chairman, I would object because I don't see what relevancy that has

Mr Henry I think the relevancy is that the witness has been testified that if you could build houses as residences in this area and I just want to show that in a R-10 zone where there are already three existing sub-standard houses there is nobody in their right mind that would ever build in the R-10 zone in that area Do you agree with that Mr Bertrand?

Mr Bertrand Mr Henry I think the zoning should be reviewed in all this section, here and in the other places in Brick Township, I am not going to commit myself whether it is good or whether it is bad I don't feel that this project however is good for the section

Mr Henry Well now quite a bit a part of this property backs on the B-2 zone on Route 88

Mr Bertrand Now what was your question Mr Henry?

Mr Henry In the B-2 zone, do you know what the business are that are allowed?

Mr Bertrand It is right here do you want to read it?

Mr Henry You are appearing as a witness and an expert, I want you to answer the question

Mr Bertrand I am not appearing as an expert I am appearing as a member of the Board of Health, I was asked a question as to what effect it would have on the Town, and from my experience, I feel it will not be a good rateable or be a benefit to Brick Township I said that this area in that section should be rezoned or it should be reviewed and I believe this is in the Planning Board's mind at the present time

Mr Henry Not to interrupt you Mr Bertrand, I thought that your counsel qualified you as a real estate expert and you have your real estate expert opinion in what this area should be and what it should not be in that area, is that not correct?

Mr Bertrand I said I have been in the real estate developing business, building for more than 25 years and I think I have quite a bit of experience, this has been a very controversial section up there and I said I think it ought to be reviewed the zoning should be reviewed and as an expert, if you want to say that I am an expert as an expert I think it should be reviewed, and the Planning Board should come up with something that is adaptable to each person that owns property there I don't think that this particular project is suitable for Brick Township I have always said this many years ago especially when these apartments came in and we are going to have trouble with all apartments in Brick Township and you know this as well as I do

Mr Henry Mr Bertrand, across the street from this particular plot is a used car lot is that not so?

Mr Bertrand That's right, it was there I believe before the zoning

Mr Henry And there is an old broken down building where the hardware store was and is now going to be a fish store, is that correct?

Mr Bertrand It is possible, you can't change what was there

Mr Henry Then actually the whole area is in a run down condition, is that not a fact?

Mr Bertrand I wouldn't say it is in a run down condition, you have a beautiful firehouse right near there which makes it another hazard

Mr Henry And the house on Route 88 is in a run down condition, is it not?

Mr Bertrand There are many houses in Brick Township that are in run down condition

Mr Henry We are not considering those houses, Mr Bertrand we are considering this particular tract of land, now is that not so?

Mr Bertrand There are many houses up in that section not what we like in Brick Township and they I think are on the way out

Mr Henry And also the Kinney shoes Store adjacent to this property, is it not?

Mr Bertrand Kinney shoe store is on the circle

Mr Henry Adjacent to this property, is it not?

Mr Bertrand It is close

Mr Henry The Circle Liquor store the two stores in that building are adjacent to this tract is that not right?

Mr Bertrand They are close

Mr Henry They are immediately adjacent are they not?

Mr Bertrand Yes, and I was not in favor of those when they went in

Mr Henry Well that is not the point Mr Bertrand, the point is that there are right next, and adjacent to this particular tract of land, commercial enterprises now in existence

Mr Bertrand why should we add more problems to our problems that we already have

Mr Henry Well that is not the question, Mr Bertrand I just asked you if this is not so I asked if they already exist

Mr Bertrand They're there, certainly they are there

Mr Henry And you feel that next to this already existing commercial enterprise that a residential area would be best? Better than this garden apartment with stores?

Mr Bertrand I said Mr Henry, that I do not feel that this garden apartment with offices is suitable for Brick Township at this location and to add to what problems we already have, is a false move in my estimation And I said we should review the zoning

Mr Henry Well then you think there should be a change in this area, is that correct?

Mr Bertrand I think there should be a review of the zoning, it should be before the Planning Board

Mr Henry Now Mr Bertrand, now to get back to your laundromat and the problem you had with the Board of Health with the laundromat, as a matter of fact, that is across the Laurelton Circle opposite the Cracker Barrel, and is not any where near this particular property,

Mr Bertrand No it is not sir, that laundromat is still in existence, the laundromat that I am talking about was on Route 88 just down from this proposed building

It was determined that the location referred to by Mr Bertrand was actually where the HiLo Market is now located on Route 88 just down from this proposed site owned by Mr Marousis

Mr Henry In this application that was made by Charles Marousis, in what aspects did it not comply with Chapter #199

Mr Bertrand This was the only application that we got, and that is not sufficient

Mr Henry Were there any aspects as to the layout of the sewer disposal that did not comply with chapter #199 as covered with your body

Mr Bertrand We do not know, because it was only a preliminary plan with no details whatever there are not details on it whatsoever and we never got the percolation test

Mr Henry The letter from William Cody says can I refer to that do you have it handy there? (he was handed the letter) Mr Henry then read the letter which has been set forth previously in these minutes Mr Henry asked who approved these plans

Mr Bertrand Preliminary plans

Mr Henry What did he mean by that, do you know? Were these plans to be submitted?

Mr Bertrand By all means they were to be submitted we were supposed to get the percolation test we were supposed to get a certification, the plans are supposed to meet the rules and regulations of section 15 of P L 1954, 199, and if you read it, it does not meet it

Mr Henry Did you not get the certification from the engineer

Mr Bertrand We got a letter, but we did not get the plans and we are still looking for the plans that is the final plans we are still looking for the percolation tests

Mr Henry Isn't it true that the certification from the engineer goes out from your office?

Mr Bertrand Usually it is not, and I don't know why in this particular case it was, because we had quite a discussion about approving these plans and as I read to you the attorney said we should send a certification out to him with the assumption, I assume, Mr Cody probably didn't realize it, that we did not get percolation tests, the plans and they were supposed to meet the certifications that are in the book from the State. We don't have them, and until we do have them we are not going to approve the final plans. At best, I as one Board member will not approve them. I don't know what the Board of Health will do, I don't think the Board of Health will either.

Mr Henry Now weren't there percolation tests made on this property on the prior application made for this property for garden apartments?

Mr Bertrand Not that I ever say, because I believe the original plan was to have a package plant there and we were against that.

Mr Henry Do you recall in any of the minutes of the Board of Health if any prior application was made on this plan?

Mr Bertrand No sir, I do not.

Mr Henry There were no percolation test given to you at that time?

Mr Bertrand I do not recall anything on that. It may be but I never saw them. And they would come before me, because the two members of the Committee of the Board look these plans over and approve them, or they recommend approval to the Board. I don't see how you can say that we, or any person would approve a plan such as this. It may be perfectly all right in the final stages, we get many plans in to the Board of Health that are just schematic plans, but they have to have the final plans drawn up.

Mr Henry So there is nothing in your records as far as you know of any final plan having been approved in this particular application, is that so?

Mr Bertrand As far as I know, and from the minutes and I asked for them today if they were, I was not present and I can't find any record of the final plan being approved.

Mr Henry Now in reference to this letter that was sent out by Bill Cody, would there have to have been anything further done other than what is in that letter directed to Marousis?

Mr Bertrand Mr Henry, the requirements for certification are many, and if you read it yourself, this is what the Board should have and this is what I would insist upon before it would be approved.

Mr Henry That is not what I asked you Mr Bertrand. I asked if there is anything further than what was in this letter that would have to be given to you to receive final approval of the Board of Health.

Mr Bertrand Well when the percolation test came and when the final plans came in it would have to be referred to the Board and we would look it over, and if it met all the requirements of the State we would have no alternative than to approve it.

Mr Henry That is all I have.

Mr Lomell I am wondering if it would be of help to you Mr Chairman, to read into the record, Section 15, the requirements of certification, Chapter #199, P. L. 1954. I don't think we should but I call the Board's attention to it and in its consideration and deliberation, wants to review the many things that must be submitted to the Board of Health.

Mr Henry I would object to that Mr Chairman, I don't think it has a relevancy here. I think the Board of Health can take care of its own items without having the Board of Adjustment pass on them.

Mr Weiss We have Chapter #199 available to us and I do think it is within the province of the Board of Health only to interpret it insofar as this approval or denial goes.

Mr Lomell Well the only reason I mentioned it, because of the questions that were asked by Mr Henry of Mr Bertrand who is on the Board. Of course, it came up whether or not the necessary requirements were submitted and I questioned Mr Henry and asked him what he submitted.

Mr Weiss ruled that Mr Bertrand testified that they were not, but if they were they would have no alternative but to approve them.

Discussion was held on the letter sent out by Mr Co by and Mr Bertrand stated that in his opinion, they expected to get whatever the letter which may be vague and may be incomplete, but they expected to get from the engineer the proper percolation tests the certification and therefore this in his opinion, and he felt in the Board's mind is not an approval until they have everything in their possession and as it stands right now he believes this is not an approved application.

RICHARD J. JESKE 5 Kuiper Drive Brick Town, New Jersey was sworn in and stated he is a consulting engineer and is a partner in the firm of Arnhimmer, Jeske and Arnhimmer consulting engineers located in Summit New Jersey and has been practicing sanitary engineering since graduation 1948 and is a Registered Professional Engineer in the State of New Jersey and Pennsylvania and Vermont. Their basic practice is in Hydraulic and sanitary engineering.

On question by Mr Lomell Mr Jeske stated he examined the application of Charles Frousis in connection with the sewage disposal plant and identified it as exhibit A-1 is placed in front of him at this time. He said he visited the scene or property where this project is to be built and made an inspection of the general area and tried to ascertain how the sewage disposal plant was to be worked out in relation to this project with regard to the placement of the various units in respect to the project itself. He stated that basically the normal information generally required for certification under Public Law 199 was not available but the information that is shown on these plans is impossible to determine whether this system is adequate or not. From what was available in the line of basic information as given on the plans there would be 12 office units 24 2-bedroom apartments and 14 one-bedroom apartments units. He has entertained that an expected flow of approximately 6980 gallons of per day could be expected as a sewage waste from this particular development. He stated he had no previous knowledge of the contamination from the laundromat until it was discussed here this evening. Mr Jeske stated that basically the location of the proposed sewage disposal system with respect to the area that was contaminated, the wells that were contaminated in that area and with respect to the location of the laundromat that was promoted in the stores very close to this area on the north side of Route 88, it can be readily assumed that with this size flow the contamination of the wells should be a possibility. One of the provisions of P. L. 199 1954 'locations and installations of individual disposal systems and every part thereof, shall be such that with reasonable maintenance they will function in a satisfactory manner and will not create a nuisance, a source of foulness or discharge into any water of the state in determining a suitable location, consideration should be given as to size shape of lot slope natural adjustment depth of ground water and potential pollution of existing or future water supply systems and a possible expansion of the system'.

Mr Lomell stated he had no further questions.

Mr Henry Will you give me the number of units you used in testifying, the computation.

Mr Jeske The numbers I obtained off exhibit A-1 office units 12 two bedroom units 12, and one bedroom units 14.

Mr Henry Did you compare with the possibility of stores being built on Route 88 say against 7 or 8 houses as to what the contamination would be?

Mr Jeske Basically as a matter of curiosity I did with the potential of seven houses being built in that area and occupancy of four persons per house will give us a total potential population of 28 people roughly at 100 gallons per day it would be 2800 gallons which is less than 1/2 the sewage that will be contributed from the apartment units.

Mr Henry What gallons did you count for the use of the stores?

Mr Jeske Based on the use of the stores we anticipated two occupants at a usage of 20 gallons a day or a total of 480 gallons contribution from the stores.

Mr Henry Now didn't you exclude in your computation the offices naturally it is a type of existence in that section that is allowed by the ordinance

Mr Jeske Basically, we didn't sir, we did not exclude anything from the total gallonage because these were the total number of units that were going to be built and that were going to be occupied

Mr Henry But didn't you take into consideration the fact that the office buildings are a allowable use in that area?

Mr Jeske That has nothing to do with people excreting during the daytime, in other words whether it is an allowable use or not an allowable use and they are occupied units people will use the toilets in those units sir

Mr Henry Wouldn't you consider that there would be really two separate units as far as the sewage disposal would be, one for the garden type apartments and one for the office buildings

Mr Jeske Sir we are still talking about a total gallonage that will eventually go from septic as outlined on this system to the seepage pits which will find its way into the ground

Mr Henry Wouldn't it been fairer to use comparison the number of garden apartment units as against the residential area?

Mr Jeske We did sir and I said the amount of sewage was less than 1/2 than in the residential area than for the usage proposed

Mr Henry Then the balance of it was for the commercial use?

Mr Jeske No sir you obviously don't understand that 1/2 of the gallonage of the commercial and proposed uses, 12 and 14 units would contribute 6980 whereas seven houses and a possible commercial use would contribute 2800 gallons say plus 480 gallons for the commercial use, approximately 1/2 of the gallonage

Mr Henry Did you take percolation tests here?

Mr Jeske Sir I did not take percolation tests

Mr Henry Do you know the condition of the ground?

Mr Jeske We examined basically the surface condition of the ground and that is basically what I expected to obtain from the Board of Health records which are a requirement of P L 199

Mr Henry How can you give an opinion if you did not take a percolation test in this area?

Mr Jeske Sir when you have been in the sanitary engineering business since 1948 and associated with this particular type problem you associate basic fundamentals of fact that we are given here to the amount of flow and what can be expected. When I went to examine this application, I expected that the necessary data for me to make an intelligent appraisal. I said it was not possible to determine whether this system was adequate, was not found in the department of Health records so I stated previously that I could not determine nor could anyone else determine whether this system is adequate unless that data is forthcoming

Mr Henry Do you have the findings of the Board of Health testimony that was just presented at this hearing?

Mr Jeske What testimony?

Mr Henry That these preliminary plans and the certification of the engineer and the percolation tests were needed to approve this sewage disposal plant?

Mr Jeske Certainly not sir

Mr Henry Then how can you in any way say what should be done in this area if you have not even taken percolation test

Mr Jeske I haven't said what should be done sir

Mr Henry You have said type of unit should be adequate for the sewage disposal

Mr. Jeske I have not said what type of unit

Mr. Henry You said it was inadequate

Mr. Jeske I did not say it was inadequate sir, I said it was impossible to determine whether it was adequate or inadequate

Mr. Henry Then you don't know

Mr. Jeske I do know with the proper data but the proper data has not been supplied

Mr. Henry You don't have the proper data then, do you?

Mr. Jeske We went to the Board of Health to obtain the proper data

Mr. Henry As an engineer you don't have the right to say whether this is proper or not

Mr. Jeske We can ascertain sir there is nobody that can ascertain this unless they have the proper data

Mr. Henry But do you have it?

Mr. Jeske No sir, nor does the Board of Health have it sir

Mr. Henry No further questions

Mr. Lomell Thank you Mr. Jeske

DAVID DOWGIN - 106 Central Avenue Island Heights New Jersey - sworn in and was questioned by Mr. Lomell

Under questioning Mr. Dowgin stated he is a traffic consultant and that he has served 31-1/2 years in the New Jersey State Police and thru the ranks rose to station Commander where he had supervision of traffic in areas and had been station commander supervising traffic in this area at one time, and continued on to his retirement in the State Police as a Captain. He checked many accident reports, wrote data on the prevention of accidents, for a year was the assistant operations manager on the Garden State Parkway where one of his responsibilities was the traffic control with the traffic engineer who came under him.

Mr. Lomell showed Captain Dowgin the zoning map and asked if he recalled any of the problem areas in Brick Township, and asked him if Route 88 has changed one bit since he was in command here.

Captain Dowgin replied "Not one bit" and still the narrow straight road that is always was, with narrow shoulders. He stated he has been in the area in question and has examined the property and the roadways and found that Route 88 is the same as it has been for a number of years, 30 feet with a narrow shoulder there are businesses on the north side of Route 88 now with cars in and out and it appeared to him to be a hazardous condition because of the closeness of the highway and he observed the traffic having backed up on Route 70 from the stores that are on Route 70 for example the Family Circle Store is approximately 4/10 of a mile from the circle and at times the traffic then backs up from the Family Circle up to the Circle back down Route 88. It is so congested on Route 70 that they must have the traffic moving in traffic at the approach to 70 to the Family Circle the circle is a hub that handles a lot of traffic. Route 88 in the area where the stores are going to a proposed offices buildings it is so narrow that there is a line down making it a no-passing zone without so that only one line of traffic can come into the circle in front of this particular line. The side street in back of the proposed building the people can get out in the back and out a side road which has a very bad curve and is about 2/10 of a mile from Route 70, First Street which is along side of this proposed building, comes out into a street that runs into Route 70 Forge Pond Road which has quite a bad curve in it, First Street would come out into Forge Pond Road and then the traffic could go out into Route 70. But many times it is so congested that the traffic cannot get out on Route 70 because of the congestion already existing. With regard to coming out of First Street onto Route 88 would also be a problem because you have the firehouse there right on the corner and you are coming onto a single lane State Highway. He stated that on exhibit A-1 there is a diagram of 12 stores on Route 88 with offices and there are 18 parking spaces parallel parking spaces facing into the store, into the office building. With regard to Mr. Lomell's question as to how much of a problem there would be

coming out onto Route 88, Captain Dawgin replied there doesn't appear to be enough space if those 18 spaces were filled, or anywhere near filled a person would have to back out at least the full length of the car before he would start to turn and with some drivers today, they need more than that and it appears that they would be backing onto Route 88 before they would stop to make the turn and continue on Route 88. He stated they have 26 parking spaces for 26 apartments and he believed that it should be at least one and one-half parking spaces for each family. Captain Dawgin said if these cars from this apartment area run out First Street into Forge Pond Road that are in there in back of Forge Pond Road his approximately 20 children in there who play around in the different areas cross back and forth, will mean that these cars will be creating a hazard with regards to these children about 10 or 12 will be going to school they would come up and meet a bus in this area that could create a problem with school children on this road. Captain Dawgin felt that with the number of cars at the proposed buildings on Route 88 there would be a dangerous condition congested condition insofar as traffic is concerned on Route 88 which would be similar to the Family Circle situation and make it hazardous in the residential areas, and the main problem would be the backing out onto Route 88 and there would also be the problem of backing out onto First Street with a firehouse as near by. It was Captain Dawgin's opinion that if this project were not placed here and this area were permitted to grow in a residential nature that this problem would not be created.

Mr. Henry proceeded to question Captain Dawgin with regard to the diagram showing the parking areas facing Route 88 and asked him if this was not more than sufficient and Captain Dawgin replied that it may be ideally set up on a diagram but in actual practice a person many times uses more than the space shown on the diagram a person may be forced to back onto Route 88 it could be a poor driver coming in there and in that case there would not be enough room on the lot for him to back up and turn and not have the possibility of backing onto Route 88.

Mr. Henry asked how long is the length of a car.

Mr. Dawgin It runs about 18 feet up to 19 feet and compacts are smaller.

Mr. Henry This diagram shows that if a car was up against the building and a car was 18 feet long they would have 32 feet to back up in the parking area before they even touched Route 88 isn't that right?

Captain Dawgin That is with a good driver.

Mr. Henry We assume that all people are good drivers otherwise they would not have licenses.

Captain Dawgin That is really what our problem is, all people are not good drivers and they are the ones that cause accidents and we hope that someday all people will be good drivers. If the spaces are anywhere nearly filled a person backing out there can't turn before he comes out beyond the first 18 feet and his observation is going to be so he will have to come out 6 or 8 feet further a poor driver maybe even more and then he will start to turn a good driver can do it. But with the numbers of poor drivers existing today I think this will become a hazard.

Mr. Henry You know the commercial building next door which has the Circle Liquors in it, do you know of any accidents in that area by reasons you say exist?

Captain Dawgin That has a large parking area there and I believe which place is this now?

Mr. Henry Circle Liquor Store.

Captain Dawgin No I don't I don't know of any accidents.

Mr. Henry If I told you that the setback is the same 50 feet to the road would you say that that condition would exist then at Circle Liquor Store parking lot?

Captain Dawgin I don't think that Circle Liquor parking would generate as much traffic as these 12 off cars.

Mr. Henry I don't think you know the drinking capacity of the residents of Brick Township.

Mr. Henry Captain Dawgin when did you make your observations as to the traffic conditions on Route 70?

Captain Dowgyn Well I live in this area I go thru it many times over the years and I have observed it many number of times

Mr Henry Would you say that condition exists September October and November? December January, February March April and May?

Captain Dowgyn I believe it would yes

Mr Henry Captain Dowgyn you know that the traffic conditions during the summer months are made five-fold what they are the balance of the year is that not right?

Captain Dowgyn I guess it is

Mr Henry During the months other than the summer months I believe that you will find that the traffic conditions you testified to, are not the same as the months go by are they?

Captain Dowgyn Well that could be true there could be less traffic in this area during the winter months

Mr Henry That's right so actually you are talking about the dangers to the school children the least amount of traffic in this area would be in the months when the school children are going to school, is that not so?

Captain Dowgyn No the traffic I referred to at that point was traffic that is generated from this building and that is going to be continuous the year 'round. These people will not do but be permanent residents and the office building will be occupied so the traffic generated by the proposed building will be the same 12 months a year, I believe

Mr Henry You think the traffic on 88 will be the same?

Captain Dowgyn No

Mr Henry On the back street West Princeton Avenue?

Captain Dowgyn No it would not be the same

Mr Henry Do you know whether West Princeton Avenue goes thru or is it a dead end?

Captain Dowgyn Which Way?

Mr Henry Going North

Captain Dowgyn It runs east and west doesn't it it runs parallel with 88

Mr Henry Oh did you know there is a dead end street back there

Captain Dowgyn Yes I know there is a dead end street back in there the other one goes thru

Mr Henry Route 88 is down quite a ways isn't it

Captain Dowgyn Yes it is down quite a ways it comes out in a very bad spot on Route 88 on a very bad curve West Princeton Avenue joins on Route 88

Mr Henry But there are several access roads to this area from Route 88, is that not right?

Captain Dowgyn Yes that is possible that is true However it is up to the person where he wants to go he is not going to go out to Route 88 by the way of West Princeton Avenue they are going out the shortest distance to where they want to go The ones that want to go toward Lakewood will take West Princeton Avenue out

Mr Henry Did you take into consideration that when these apartments are built that several of the units would be perhaps one bedroom apartments and would be occupied by older people with no children and would be within walking distance of the present stores that are available?

Captain Dowgyn Well of course that is problematical that may happen and it may not it is possible but general average is a good many children people with children will be in these apartments

Mr Henry Don't you believe that there will be more children in residential houses in that area than in one bedroom and two bedroom apartments in garden type of apartment that is contemplated here?

Captain Downin That is possible

Mr Henry Well then actually the number of children in this area would be less by reason of the fact that there are small one bedroom apartments rather than residential houses

Captain Downin Well that is a possibility but taking areas into consideration the number of apartments and the number of small houses that would be involved, it is possible that there would be less children

Mr Henry Do you know whether the parking lot as set forth in these plans complies with the ordinance?

Captain Downin No I don't

Mr Henry Did you ever take a traffic count of the number of cars using State Highway 88 at any time?

Captain Downin I never took a traffic count but I have observed it over a number of years and the first time back in the 30's and over the years considerable traffic uses Route 88

Mr Henry How many cars use 88 on a given day?

Captain Downin As I said I did not take traffic count

Mr Henry How many cars use First Street on a given day?

Captain Downin I did not take a traffic count on First Street

Mr Henry How many cars use West Princeton Avenue on a given day?

Captain Downin I did not take a traffic count

Mr Henry How many cars use Forge Pond Road on a given day?

Captain Downin I don't know

Mr Henry That's all I have

Mr Lomell That is all I have may I say this if you Mr Chairman and your constituents have read my law memorandum I promise I won't sum up

WILLIAM CODY, said he was here on another matter and was called cold even tho he is here on another matter he stated he will testify on behalf of the Board of Health. A copy was shown and was quite good but Mr Feinberg who stated the Board had asked him to call Mr Cody as Chairman of the Board of Health to question him on the letter Exhibit A-2 the photostat copy of the letter sent by Mr Cody + a Marousis was shown to Mr Cody and he explained that with regard to this letter, he was surprised to come in and here the testimony of a previous member at the inception here as he came here on another matter and was not prepared my notes or any testimony. However, he stated he remembers that meeting very vividly, as he was chairman of the Board of Health and at that meeting, and he just heard Mr Bertroni testify that he was speaking as a member of the Board of Health and Mr Cody said he was unaware that Mr Bertroni was going to appear here tonight as a member of the Board of Health. Mr Cody said as Chairman of the Board of Health he felt it was the obligation of a member to notify the Board of Health when he approached to appear on a subpoena he thinks it is an obligation as a member. Further Mr Bertroni voted for the approval of these preliminary plans at that time when they were brought in and Mr O'Connor their attorney upon being asked what procedure to take advised them they were at liberty to approve preliminary plans which they did, the preliminary plans which were submitted. Now under Chapter 199 the engineer who certifies must install this system according to 199 and there has been no follow up with the final plans as far as he knows.

Mr Feinberg produces exhibit A-2-2 and asked if that was the certification the Board received, and Mr Cody said yes that it would be installed according to 199

On question by Mr. Feinberg, Mr. Cody said the Board has not issued a certificate of final approval since they had no final plans to approve to the best of his knowledge. He said that every sanitary engineer in the state that comes before our Board knows that we are forced by the State as a Local Board to enforce 199 and he must conform and our Board can only approve things that conform to chapter 199 the same as any of our other ordinances. So as a Board we must follow that they conform to 199 and the engineer must certify to 199 he is responsible. Just like an architect is responsible for a building or a surveyor for a diagram of the land and an engineer is responsible for the certification under 199.

Mr. Feinberg: Chapter 199 concerns itself all over the State with sewage installation and disposal now it provides in there for certain plans for sewage disposal systems will be approved by the Local Board of Health. Mr. Feinberg asked Mr. Cody if this particular sewage system was approved to his knowledge.

Mr. Cody replied it was approved as to layout and the layout was to conform to distances of line well locations and the location in proximity to buildings and outlines. This is preliminary approval and the final approval would be based on percolation tests and a detailed layout but this has not been applied for as yet. This would have to come when the man applies for a building permit this is when he would file a final sewage plan layout. This is procedure to file the preliminary first so that he would not go to the expense of completed plans and then have them rejected. It is customary to file the preliminary first so that changes can be made.

On a question by Mr. Weiss, Mr. Cody replied that the Board of Health would check out the installations on the final plans.

Mr. Lomell: All that you gentlemen had then to consider is the one that is in evidence here to show where the layouts are, is that so?

Mr. Cody: Just the location that is right.

Mr. Lomell: Based upon the representation that the applicant would comply with 199 which he did you gave a preliminary approval? But not a final approval?

Mr. Cody: Not final. In other words it could not be final until it was actually installed and plotted and physically laid out.

Mr. Lomell: Wouldn't you require them to come forward with some specifications or do you leave that up to your honor Engineer to make sure that it was built right?

Mr. Cody: We have percolation test requirements we are familiar with them on the Board too with regard to millonage, the rate of flow percolation each area has a separate condition rates could possibly change from one section of the Township to another if it conforms in that particular area from the health standpoint we can only approach it from that angle whether we like the fact apartments are coming to town or not, we cannot look at it from that angle.

Mr. Lomell: I don't want you to look at it from that angle.

Mr. Cody: Well I know a man that does and he already testified and I want you to know that is not the policy of this Board.

Mr. Lomell: I would like to ask you this. I would assume your Board is concerned with whether or not this sewage may pollute the wells in the general area. You would be concerned with that wouldn't you?

Mr. Cody: If that happened, then we would have to abate the nuisance that has been done before in an area where we had a laundrymat which when it was proven but we cannot project and nobody else can really in all fairness project what might happen it may it is possible. You can walk across the street and get killed.

Mr Lomell My point is it would seem to me that you as a Board member would want to be very sure confident that if you approve this plan it would not contaminate nearby wells

Mr Cody We are, and we are concerned, and it is put into #199 and it still contaminates the wells even though we have followed #199 law to the letter we would be the first people to abate the nuisance This is part of the risk they take

Mr Lomell Part of the risk you take too,

Mr Cody Well that is right we can only approve the standards set up in #199 this is our only guard

Mr Lomell Who do you rely upon to see that those standards are met?

Mr Cody Who do we rely upon? We rely on right now our plumbing inspector he is a licensed sanitarian also and he is aware of the obligations of #199 he checks it out

Mr Lomell My point is how can you check something out without adequate information?

Mr Cody Well when it will be installed we probably have the proper and complete information you see this was a preliminary approval

Mr Lomell Based upon lot of 'ifs'

Mr Cody Well yes if it is going to be installed according to #199 that's right In other words it is sketched out to design right now It apparently looks all right distance locations of the tanks locations from your wells locations from your buildings, these are on preliminary this is customary in all Townships

Mr Lomell Well for instance, that particular exhibit before you, does not show the existence or locations of your adjoining property owners where their wells are suppose however there is a septic tank right across this boundary line

Mr Cody We will check it out of course on the ultimate but I would say this that the engineer who is certifying he knows #199 he knows the obligations under #199 and he is supposed to design accordingly

Mr Lomell Yes but as of this moment or the moment when you gentlemen gave this conditional approval you had nothing before you but this layout no percolation tests

Mr Cody I might say this, that even if this layout was incorrect and it was approved and we found when we checked it out later that it was incorrect we could make the owner change it you know that?

Mr Lomell Yes I know that like you did the laundermat that was one of those cases

Mr Lomell We don't want you to close down after

Mr Cody No I am not saying that I am saying about the laundermat being a nuisance I mean in distance

Mr Lomell In other words if something was going to become a nuisance it would be wise to prevent it in the beginning before it becomes one

Mr Cody Well I am not going to go on with you that way I am going to say you said your question was we don't know if this is a well in proximity to a septic tank if we don't know and there is one we will make them correct it

Mr Lomell Shouldn't you know that before

Mr Cody We will probably on the final

Mr Lomell I hope you have another laundermat here

Mr Cody I hope so too we don't want anymore trouble than anybody else but we still can only enforce the obligations under #199 and if he conforms we have no alternative

Mr Weiss From your testimony we are given to understand that this preliminary approval is given prior to my application for a permit to install either the building or the septic tanks you give further approval at that time?

Mr Cody That is right Yes we would and then again tentative approval is concurring that we will approve as long as they conform in other words if they conform final approval is just a followup

Mr Feinberg May I ask a question? I happen to be a member of the New Jersey Institute of Municipal Attorneys who is a member of the group that drew these standards and do I understand correctly that there is first preliminary plans drawn and you will permit the installation of the cesspool and sewerage pit and the building merely on the issuance of a building permit?

Mr Cody No before they get a building permit they must have filed a plan layout before they can issue a building permit

Mr Feinberg Oh before they can erect any portion of the building they must have filed approval of the plumbing and sewage disposal

Mr Cody That is correct

Mr Weiss asked if there were any objectors present not represented by Mr Lomell

JAMES BARNETT 1526 Tilford Boulevard Stated that the fact was brought up about the old houses that were here before even he came here they were originally owned by Tilford Whiskies nobody disagreed with the way they lived now all of a sudden, people moved out of the city built nice homes spent a lot of money to live the way they want and now all of a sudden they have to have courtrooms shoved in on them

Mr Barnett was sworn in at this point

Mr Lomell Sir you are a property owner and taxpayer in this municipality?

Mr Barnett Yes sir

Mr Lomell And you are opposed to this garden apartment being constructed?

Mr Barnett I am

Mr Lomell And would you specifically, one by one, give your reasons?

Mr Barnett One for the simple reason it may possibly contaminate my water Second I moved out of the city to come down here to live in the country I built my house according to specifications of Brick Township I like living here now all of a sudden we are going to have courtrooms moving in on us without even being asked, we don't even have anything to say about it

Mr Lomell Do you think that if this apartment project were to be erected it would create a traffic problem

Mr Barnett I think it would create a traffic problem plus a hazard

Mr Lomell Can you think of any other reasons? Why you are opposed to its being constructed there?

Mr Barnett Plus the water pollution traffic hazards plus its being near the firehouse with children going to school plus with the other many stores and what have you that they put on the main arteries

Mr Lomell Do you think sir that it would be of any benefit to this municipality to have the garden apartment over there?

Mr Barnett No it would not in fact I think it would later on it would cost the taxpayers more money as far as children going to school and what-have-you

Mr Lomell I think that about sums up all your proposition doesn't it?

Mr Barnett Well I think I am bitter about it, I'll admit it

Mr Henry Where do you live?

Mr Barnett 1626 Tilford Boulevard

Mr Henry Do you live there now?

Mr Barnett Yes I do

Mr Henry Do you own the house you live in?

Mr Barnett Yes I do all but about \$2 000 00 of it if that will help you

Mr Henry Do you object to the stores going in on Route 88?

Mr Barnett In certain areas yes where it is going to congest traffic or create problems where it is going to maybe make car accidents or fatalities for children on the road

Mr Henry You said that these were garden apartments but actually they are a combination of stores and apartments do you object to the apartments as such the stores as such or the combination

Mr Barnett I object to the combination

Mr Henry I see but do you know that the stores are allowed in that area in the R-2 Zone?

Mr Barnett They have allowed stores to be put up there I am not a member of the Board or any member of the town or gotten interested until they started getting in my area

Mr Henry Do you object to the Circle Liquor Stores building?

Mr Barnett I do not object to it because as I see it I do not patronize it and very few people do and as you brought up about the traffic problems I defy you to set up a camera and watch the traffic that goes in and out of there it is nil

Mr Henry How about Kinney Store Stores?

Mr Barnett The same with that they have traffic I think it is in a poor location for my point of view now I am only one citizen but it is on the circle and everybody takes their chances coming in and out of there I don't think it is good

Mr Henry How about the used car lot on Route 88 do you object to that?

Mr Barnett I am definitely against that too

Mr Henry That is all I have

Mr Weiss How far away do you live from this area?

Mr Barnett I live 9/10 of a mile measured by my automobile from the Circle on Tilford Boulevard other than that I would be guessing at anything I told you

On a question by Mr Weiss Mr Barnett replied that this was dropped like a bomb that they are just going to move in and that is it and that is why he is here tonight objecting He said he knew people who sold the property one word got around and the property was supposed to be sold for one thing the next thing you know they are going to put up apartments

On a question by Mr Weiss regarding the fact that all persons living within 200 feet having been given notice Mr Barnett said he was not given any notice

Mr Weiss said all living within 200 feet were notified and this could not have been dropped like a bomb he must have had notice otherwise he would not be here tonight

CLARENCE S CONOVER Jr 1718 Forge Pond Road - sworn in Said he is speaking for himself and the American people in general

Mr Lomell Mr Conover you object to the construction of this apartment project do you not?

Mr Conover Yes I do

Mr Lomell Would you tell us your reasons

Mr Conover Well for one thing Mr Cohen presented the argument May I suggest that Mr Cohen is not a resident of Brick Township

Mr Lomell Mr Conover For the sake of saving time, please state what your objections are

Mr Conover Well sir, I was getting to that

Mr Lomell It would not be any good to tear apart this man's testimony That man's testimony your opportunity is to tell this Board why you don't want those apartments there

Mr Conover All right well we are looking at this as an immediate thing rather than a long range thing and the problems inherent these garden apartments the proximity with which they are built are indicative of the rapidity they will decline And like I say my address is 1718 Forge Pond Road, now you spoke about 200 feet I think that is a rather arbitrary figure because how my lot is 150 feet so I'm two houses from the street and certainly will not have any effect on it but I certainly would be affected by what went on there Now we talk about being coming in there now we are not going to offer these people actually garden apartments we are offering these people apartments over stores

Mr Weiss Let me interrupt we can save a lot of time if you will just answer two questions Are you opposed to garden apartments?

Mr Conover As they are proposed yes

Mr Weiss And do you believe all your reasons are good ones?

Mr Conover I believe they have credence

Mr Weiss That's all -----Anybody else?

EDWIN LOHMEYER 1719 W Princeton Avenue-----Sworn in

Mr Lomell Sir you live in close proximity?

Mr Lohmeyer Yes I live within 500 feet

Mr Lomell You object to the construction of these apartments?

Mr Lohmeyer Yes I so For the simple reason the water connection and I am a plumber

Mr Lomell What about the water connection?

Mr Lohmeyer The water two years ago came out right across the way and that was only two years ago Another thing is the traffic there is terrible they go out 11 o'clock at night when they come out of Bingo it is impossible The fire house with the Pingo The cars are parked up to my block 500 feet Lord knows what will happen when the apartment houses go up Secondly we have on Wednesday we have the "over sixty" they are elderly people they must have at least 100 cars or more the cars are parked all around I think I am living there for 12 years, been down here since 1929 that man said about the old houses he had no right to say that I have an old house it is one of the oldest but I spent a lot of money on that house

Mr Lomell You feel there will be a lot of traffic there

Mr Lohmeyer Yes an' as he say it is not six months it is all year round It's not just up to 6 7 8 9 o'clock it is up to 1 00

Mr Lomell You don't feel this apartment project will benefit this municipality?

Mr Lohmeyer No I do not

Mr Feinberg Are you familiar with the water level in this land?

Mr Lohmeyer stated their water is at 32 feet all of the houses in that area wanted to know who is going to pay him to go down to fifty feet if his water is polluted He said the surface water is at 16 or 17 feet

There being no further questions the following motion was made

Motion made by Mr Buono and seconded by Mrs Decker that decision be reserved until the meeting of October 6 1964

AYES Buono Derrer Osborne Weiss

NAYS None

ABSTAINING None

ABSENT Hunt R

Motion carried

After a recess the meeting continued

CASF #471 - McClorry, Joseph, Block 549, lot 10, Special Use Permit, Gas Station

Mr James G Henry counsel for the applicant requested that this hearing be adjourned until the meeting of October 6 1964 since the hour was growing late and there were many more cases to be heard yet this evening

Request granted

CASE #470 O'BRIEN, JOHN AND HANNAH, B 279-6, LOTS 32, 33 SHORE ACRES

CHARLES E. STARKEY ESQ COUNSEL FOR THE APPLICANT, REQUESTED THAT THIS CASE BE ADJOURNED TO THE MEETING OF OCTOBER 6 FOR THE SAME REASONS AS SET FORTH IN MRS HENRY'S REQUEST

REQUEST GRANTED

CASE #465 VISCEGLIA, JOSEPH BL 42-A-2 LOT 12 - BELAIR VILLAGE, HELD OVER FROM 8/21/64

MR. WEISS OFFERED THE FOLLOWING RESOLUTION WHICH WAS READ BY MR. FEINBERG
WHEREAS JOSEPH VISCEGLIA HAS APPLIED TO THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRICK FOR PERMISSION TO VARY THE REQUIREMENTS OF THE ZONE TO ADD BREEZWAY BETWEEN HOUSE AND GARAGE AND CONVERT ENTIRE PREMISES INTO A SINGLE FAMILY DWELLING AT PREMISES LOCATED AT 12 BELAIR ROAD CORNER EDGEMONT TRACE, BELAIR VILLAGE TOWNSHIP OF BRICK AND KNOWN AS BLOCK 42-A-2 LOT 12 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 ACTUAL FINDINGS

- 1 APPLICANT HAS NEED FOR EXPANSION OF QUARTERS FOR FAMILY
- 2 ADDITIONS ARE IMPROVEMENT TO PROPERTY AND GENERAL AREA
- 3 PROPERTY CONFORMS TO SURROUNDING AREA AND ITS REQUIREMENTS

WHEREAS THE BOARD HAS DETERMINED THAT THE RELIEF REQUESTED BY APPLICANT CAN BE GRANTED WITHOUT SUBSTANTIALLY IMPAIRING THE INTEREST 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 11TH DAY OF SEPTEMBER 1964 THAT APPROVAL OF THE APPLICATION OF JOSEPH VISCEGLIA BE RECOMMENDED TO THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BRICK SUBJECT HOWEVER TO THE FOLLOWING CONDITIONS

- 1 BREEZWAY SHALL BE OPEN CONNECTION BETWEEN REAR OF HOUSE AND GARAGE AS CONVERTED
- 2 HOUSE IS ALWAYS TO BE USED AS A ONE-FAMILY DWELLING AND NO PORTION THEREOF SHALL BE SEPARATED OR SUB-LEASED FROM ANY OTHER
- 3 FILING OF PROPER PLANS AND SPECIFICATIONS AND PAYMENT OF PROPER BUILDING PERMIT FEES

MOTION MADE BY MR. BUONO AND SECONDED BY MRS. DECKER THAT THE FOREGOING RESOLUTION BE ADOPTED AS READ

AYES BUONO DECKER OSBORN, WEISS
NAYS NONE
ABSTAINING NONE
ABSENT WINTER
MOTION CARRIED

CASE #463 - LOLLA, DR. RICHARD V - BL 471, LOT 5 - PROFESSIONAL BUILDING

CHARLES E. STARKEY ESQ COUNSEL FOR THE APPLICANT WAS PRESENT

THE FOLLOWING RESOLUTION WAS READ BY MR. FEINBERG

WHEREAS, RICHARD V. LOLLA, CONTACT OWNER HAS APPLIED TO THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRICK FOR PERMISSION TO CONSTRUCT A PROFESSIONAL BUILDING 1000 SQ. FEET IN AREA ON A LOT OF 80 FEET IN WIDTH AT PREMISES LOCATED AT CEDAR BLIDGE ROAD, TOWNSHIP OF BRICK AND KNOWN AS BLOCK 471 LOT 5 ON THE TAX MAP OF THE TOWNSHIP OF BRICK WHICH PREMISES ARE IN A B-1 ZONE AND WHEREAS, THE BOARD AFTER CAREFULLY CONSIDERING THE EVIDENCE PRESENTED BY APPLICANT AND OF THE ADJOINING PROPERTY OWNERS AND PUBLIC HAS MADE THE FOLLOWING ACTUAL FINDINGS

- 1 DR LOLLA WILL CONSTRUCT SINGLE PROFESSIONAL BUILDING
- 2 USE IS ONE PERMITTED IN ZON
- 3 CONSTRUCTION TO BE MASONRY BUILDING WITH RED ON OUTSIDE AND BE COMPATIBLE WITH OTHER USES IN THE AREA
- 4 BUILDING WILL FIT UPON LAND AS DESIGNED

WHEREAS, THE BOARD HAS DETERMINED THAT THE RELIEF REQUESTED BY APPLICANT CAN BE GRANTED WITHOUT SUBSTANTIALLY IMPAIRING THE INTEREST AND PURPOSE OF THE ZONING 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 11TH DAY OF SEPTMBER 1964 THAT THE APPLICATION OF DR RICHARD V LOLLA 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 BUONO AND SECONDED BY MRS DECKER THAT THE FOREGOING RESOLUTION BE ADOPTED

AYES BUONO DECKER
 NAYS OSBORNE WISS
 ABSTAINING NONE
 ABSENT WINTER

VOTE AS GIVEN ON THE RESOLUTION HAS FAILED BECAUSE IT FAILED TO SECURE THREE AFFIRMATIVE VOTES (REQUIRED BY STATUTE) THEREFORE THE APPLICATION FOR VARIANCE IS AUTOMATICALLY DENIED

CASE #468 THIELE, ALAN C Block 869 LOTS 1 TO 7 - Route #88

MR THIELE WAS SWORN IN AND STATED HE IS THE OWNER OF THE PROPERTY KNOWN AS BLOCK 869 LOTS 1 TO 7 AND THAT HE HAS A TIRE SHOP USED FOR THE RETAIL SALE OF TIRES. HIS PROPERTY IS LOCATED PART IN B-3 ZONE (THE FRONT PORTION) AND THE REAR PORTION IS IN THE R-7.5 ZONE. THE FRONT PORTION IN THE B-3 ZONE IS LOCATED ON HIGHWAY 88 OPPOSITE THE ACME MARKET. HE DID NOT FEEL THAT THIS CHANGED VARIANCE WOULD CHANGE THE CHARACTER OF THE NEIGHBORHOOD SINCE THERE IS A DRIVE-IN MOVIE DIRECTLY ACROSS THE STREET AND SEVERAL OTHER BUSINESSES LOCATED IMMEDIATELY ADJACENT. THERE IS A PROFESSIONAL BUILDING DIRECTLY ACROSS THE STREET NEXT TO THE DRIVE-IN THEATRE AND ON ONE SIDE OF HIS PROPERTY THERE IS VACANT LAND AND ON THE OTHER SIDE A HOUSE, THEN NEXT TO THAT HOUSE IS A BUILDING CONVERTED INTO OFFICES WHICH HOUSES THE CHAMBER OF COMMERCE.

LETTER FROM HARRY W BUGH APPROVING OF THE GRANTING OF THIS VARIANCE AND STATING THAT IT IS HIS OPINION THAT ROUTE 88 PROPERTIES SHOULD BE IN COMMERCIAL USE AND RECOMMENDED ENCOURAGEMENT IN THAT DIRECTION.

ON A QUESTION BY MR FEINBERG MR THIELE STATED HE PREPARED THE DRAWINGS WHICH WERE SUBMITTED WITH THIS APPLICATION, AND STATED THAT THE FACING OF THE BUILDING ON 88 WILL HAVE TWO OVERHEAD DOORS, AND THE ADDITION WILL BE OF THE SAME TYPE STRUCTURE AS THE EXISTING PORTION OF THE BUILDING.

THE FOLLOWING RESOLUTION WAS OFFERED BY MR BUONO AND READ

WHEREAS, ALAN C THIELE HAS APPLIED TO THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRICK FOR PERMISSION TO ADD COMMERCIAL BUILDING TO PRESENT BUILDING IN RESIDENTIAL ZONE AT PREMISES LOCATED AT HIGHWAY 88 TOWNSHIP OF BRICK AND KNOWN AS BLOCK 869 LOTS 1 TO 7 ON THE TAX MAP OF THE TOWNSHIP OF BRICK WHICH PREMISES ARE IN A B-3 ZONE PARTIALLY AND OTHERWISE IN A R-7.5 ZONE AND WHEREAS, THE BOARD AFTER CAREFULLY CONSIDERING THE EVIDENCE PRESENTED BY APPLICANT OF THE ADJOINING PROPERTIES OWNERS AND GENERAL PUBLIC, HAS MADE THE FOLLOWING FACTUAL FINDINGS

- 1 USE IS COMPATIBLE WITH OTHER USES IN NEIGHBORHOOD
- 2 DESIGN WILL BE COMPATIBLE WITH PRESENT BUILDING
- 3 EXTENSION WILL NOT BE HARMFUL TO AN ADJACENT PROPERTY

WHEREAS, THE BOARD HAS DETERMINED THAT THE RELIEF REQUESTED BY APPLICANT CAN BE GRANTED WITHOUT SUBSTANTIALLY IMPAIRING THE INTEREST 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 11TH DAY OF SEPTEMBER, 1964 THAT APPROVAL OF THE APPLICATION OF ALAN C. THIELE BE RECOMMENDED TO THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BRICK SUBJECT HOWEVER TO THE FOLLOWING CONDITIONS

- 1 FILING OF PROPER PLANS AND SPECIFICATIONS AND ISSUANCE OF BUILDING PERMIT

MOTION MADE BY MRS. DECKER AND SECONDED BY M. BUONO THAT THE FOREGOING RESOLUTION BE ADOPTED

AYES: DECKER, BUONO, OSBORN, WEISS

NAYS: NONE

ABSTAINING: NONE

ABSENT: WINTER

MOTION CARRIED

CASE #469, FAMILY CIRCLE STORES - Block 702, LOT 30 - R.P. BY EDW. ROTHSTEIN, Esq.

MR. ROTHSTEIN STATED THAT THIS IS AN APPLICATION BY THE FAMILY CIRCLE STORES TO CONSTRUCT A "HOME IMPROVEMENT CENTER" ON THE PARCEL THAT THEY PRESENTLY OCCUPY KNOWN AS BLOCK 702 LOT 30 IN ACCORDANCE WITH THE PLANS THAT HAVE BEEN SUBMITTED. THE AREA IN QUESTION IS A B-2 ZONE. THE ZONING OFFICER REFUSED TO ISSUE A BUILDING PERMIT FOR THE REASON THAT HE CONSTRUCTED THE PRESENT ORDINANCE TO INDICATE THAT THERE CAN BE ONLY ONE PRINCIPAL BUILDING ON A SINGLE LOT. HIS CONTENTION BEING THAT THE BUILDING PROPOSED IS GOING TO BE DETACHED FROM THE PRESENT BUILDING THAT THEY WOULD NEED A VARIANCE FROM THE BOARD OF ADJUSTMENT IN ORDER TO HAVE TWO SEPARATE BUILDINGS ON ONE LOT. MR. ROTHSTEIN CONTINUED AND SAID THAT THE ZONING OFFICER HAS CONSTRUCTED THE USE FOR WHICH THEY WANT TO USE THE BUILDING, IN THE CATEGORY OF A LUMBER YARD. AND FOR THOSE TWO REASONS HE HAS REFUSED TO ISSUE A BUILDING PERMIT AS WELL AS A CERTIFICATE OF OCCUPANCY. MR. ROTHSTEIN STATED THAT IT IS THE APPLICANTS CONTENTION THAT THERE IS NOTHING IN THE ORDINANCE WHICH PROHIBITS HAVING MORE THAN ONE PRINCIPAL BUILDING ON A SINGLE LOT, AND THAT THE APPLICANT WOULD COMPLY WITH ALL SIZES, TRACKS, SIZE AND OTHER REQUIREMENTS AS SET FORTH IN THE ORDINANCE. AND SAID THAT IF YOU WANT TO TAKE THE VIEW THAT THIS WOULD BE A CASE OF TWO PRINCIPAL BUILDINGS, THE VIEW COULD BE TAKEN THAT THIS WOULD BE AN ACCESSORY BUILDING SINCE THE BUILDING IS TO BE USED AS AN ACCESSORY TO THE FAMILY CIRCLE STORE, BEING A PART OF THE OVERALL OPERATION OF FAMILY CIRCLE STORE, BE UNDER THE JURISDICTION OF THE FAMILY CIRCLE STORE, AND YOU WOULD BE ACTUALLY DEALING WITH FAMILY CIRCLE. HIS CONTENTION IS THAT THE ZONING OFFICER ERRED, AND THAT THIS IS NOT ACTUALLY A LUMBER YARD, BUT A HOME IMPROVEMENT CENTER, WITH NOTHING STORED ON THE OUTSIDE. EVERYTHING TO BE STORED WITHIN THE CONFINES OF THE BUILDING.

MR. FEINBERG STATED THAT IF YOU LOOK AT PARAGRAPH E PARTICULARLY AS TO USE, AND D TO COVER ACCESSORY BUILDING. THE PRIMARY BASIS ON WHICH HE IS COMING IN NOW IS TO HAVE THIS BOARD DETERMINE WHETHER OR NOT UNDER AN INTERPRETATION OF REVISED STATUTES SUBSECTION "A" IF THESE WOULD BE THE TYPE OF ARTICLES WHICH WOULD BE INCIDENTAL AND UNDER THE PRIMARY USE OF A DEPARTMENT STORE. THERE IS NO DEFINITION OF A DEPARTMENT STORE IN THE ORDINANCE.

MR. ROTHSTEIN FELT IT WAS A MATTER OF FACT. THE BOARD WOULD HAVE TO DETERMINE WHAT THE FACTS ARE AND DETERMINE ON THAT BASIS.

MR. FEINBERG REFERRED TO HIS LETTER REGARDING THIS AND BASED ON THIS MR. ROTHSTEIN WAS ASKED TO PROCEED WITH THE CASE.

RED SAFKA, 376 WEST END AVENUE, LONG BRANCH, NEW JERSEY WAS SWORN IN.

MR. SAFKA ON QUESTIONING BY MR. ROTHSTEIN, STATED THAT HE IS VICE PRESIDENT OF THE FAMILY CIRCLE STORES, AND HAS BEEN IN THAT POSITION FOR THE PAST SEVEN YEARS. HE STATED HE IS GENERAL MANAGER IN CHARGE OF OPERATIONS. HE IDENTIFIED THE PLANS FOR THE PROPOSED STRUCTURE AND OFFERED SET OF PLANS FOR EVIDENCE, MARKED "FOUNDATIONS PLANS SECTION IN DETAIL, HOME IMPROVEMENT CENTER, FAMILY CIRCLE STORES, MARTIN NOSFENCHUK, ARCHITECT, CONSISTING OF FOUR SHEETS, ONE FOUNDATION PLAN, ONE FLOOR PLAN, ONE ELEVATIONS, ONE PLOT PLAN, MARKED EXHIBIT A-1

ON QUESTIONING BY MR. ROTHSTEIN, MR. SAFKA STATED THEY ARE KNOWN AS A MULTIPLE DEPARTMENT DISCOUNT HOUSE AND TRADE UNDER THE NAME OF FAMILY CIRCLE STORES, HAVING THREE STORES, ONE IN LAURELTON, ONE IN KEYPORT AND THE NEWEST ONE AT EATONTOWN. THE MAIN PURPOSE OF THE FAMILY CIRCLE STORES, IS TO CARRY A

COMPLETE LINE OF MERCHANDISE FOR THE HOMEOWNER AT A LOWER-THAN-RETAIL OFFERING TO THE TRADE. HE STATED THAT WHEN FAMILY CIRCLE STORES BUILT HERE IN LAURELTON, DEALT MAINLY IN CERTAIN COMMODITIES, BUT AS TIME GOES ON, THERE IS A NEED TO CARRY A WIDER VARIETY OF MERCHANDISE, SO THEY HAVE EMBARKED ON A BRAND-NEW PROGRAM AND STATED THIS IS ONLY A PART OF THE ACTUAL PROPOSAL THAT THEY HAVE PLANNED, THEY INTEND TO CONSTRUCT, AN ADDITIONAL 20,000 SQUARE FEET ONTO THE PRESENT BUILDING THEY HAVE NOW, WHICH WILL ADJOIN THIS HOME IMPROVEMENT CENTER. THE REASON THE BUILDING IS REMOVED AS A SEPARATE UNIT IS STRICTLY TO CARRY A CERTAIN KIND OF MERCHANDISE, PLUS THEIR OWN MERCHANDISE IN THE STORE TODAY THAT HAS A TENDENCY OF BECOMING VERY DIFFICULT AND HAZARDOUS TO HANDLE IN THE PRESENT BUILDING. SOME OF THESE ITEMS OFFERING THE PROBLEM ARE PLAY PENS, ALUMINUM FURNITURE, AND ETC. WHEN THESE ARTICLES ARE PUT THROUGH THE REGISTERS, THEY HAVE PROBLEMS, SUCH AS TORN MERCHANDISE, ACCIDENTS BECAUSE OF THE LARGE SIZE OF THESE ITEMS. THE TREND TODAY, EVEN WITH THE LARGE DEPARTMENT STORES, IS TO HAVE A SEPARATE BUILDING FOR THESE THINGS, WITH SEPARATE REGISTERS AND EXITS. HE CALLED ATTENTION TO THE FACT THAT THE PLANS SHOW A COMPLETE DRIVE-THROUGH SO THE CUSTOMERS WILL HAVE THE CONVENIENCE OF DRIVING THROUGH AND HAVING THESE LARGE ITEMS LOADED INTO THEIR CARS, OR PLACED UPON CARRIERS WHICH THEY WILL SUPPLY FOR SELF-SERVICE DELIVERIES. HE THEN EMBARKED UPON A FULL EXPLANATION OF THE PET DEPARTMENT AND THE FACT THAT SPECIALIZED DEPARTMENTS SUCH AS PETS, SHOES, AND FOOD BEING ON THE "LEASE" BASIS AND RUN BY COMPETENTLY TRAINED HELP IN EACH FIELD. HE THEN EXPLAINED THAT THE BUILDING THEY INTEND TO CONSTRUCT WILL BE LEASED TO THE LINDEN LUMBER COMPANY BUT THAT FAMILY CIRCLE STORES ASSUMES ALL RESPONSIBILITIES OF THESE DEPARTMENTS, ALL DECISIONS ARE MADE AT THE DISCRETION OF FAMILY CIRCLE STORES, AND THESE STIPULATIONS ARE SET FORTH IN THE LEASE, GIVING FAMILY CIRCLE STORE THE RIGHTS TO REJECT OR ACCEPT. EVERY ITEM PURCHASED, WILL BE ON A FAMILY CIRCLE STORE TICKET. HE EXPLAINED THE EASE WITH WHICH A WOMAN CAN COME INTO THE STORE, PURCHASE A PAIR OF NYLON HOSIERY AND WALK NO MORE THAN 100 FEET AND PICK UP A PIECE OF MOLDING, SHEETROCK, AND WHAT HAVE YOU FOR HOME IMPROVEMENTS, AND THESE HEAVY ITEMS WILL BE PLACED ON TOP OF HER CAR WITHOUT ANY EFFORT ON HER PART.

MR. OSBORNE QUESTIONED IF ANY DELIVERIES WILL BE MADE BY FAMILY CIRCLE, OR LINDEN LUMBER COMPANY, TO WHICH MR. SAKKA REPLIED NO.

MR. OSBORNE THEN ASKED WHAT RIGHT PEOPLE HAVE TO COME IN THERE, CART SHEETROCK, PLYWOOD AND WHAT HAVE YOU WITHOUT A COMMERCIAL LICENSE?

MR. ROTHSTEIN EXPLAINED THAT IF THIS WERE TO BE DELIVERED TO OTHER PEOPLE, A COMMERCIAL LICENSE WOULD BE NEEDED, BUT NOT IF YOU ARE PICKING IT UP FOR YOURSELF.

MR. WEISS ASKED AT WHICH POINT DO THEY DIFFERENTIATE BETWEEN "HOME IMPROVEMENT AND BUILDING MATERIAL" IS THIS GOING TO BE RETAIL, OR WHOLESALE?

MR. SAKKA REPLIED ALL RETAIL, DISCOUNT PRICES, BUT NO WHOLESALE AT ALL.

MR. WEISS ASKED WHAT IS WHOLESALE?

MR. SAKKA REPLIED WHOLESALE WOULD BE CONSIDERED SOLD TO A CONTRACTOR WHO IS GOING TO PUT UP A GROUP OF HOMES OF A CERTAIN NATURE. FOR INSTANCE, TAKE A LOCAL CARPENTER WHO HAD COME INTO A STORE AND BOUGHT TWO PAIR OF HINGES AND A DOOR AND HE PUT UP A DOOR IN A PERSON'S HOUSE, IT CERTAINLY WOULD NOT BE NECESSARY TO HAVE A COMMERCIAL LICENSE FOR THAT.

ON A QUESTION BY MR. ROTHSTEIN, MR. SAKKA REPLIED THAT THE COST OF THE CONSTRUCTION WOULD BE SOMEWHERE BETWEEN \$25,000 AND \$35,000.

MRS. DECKER: YOU ARE CALLING THIS A HOME IMPROVEMENT CENTER?

MR. SAKKA: THAT IS RIGHT.

MRS. DECKER: A WOMAN WILL COME IN AND DO SOME WORK AROUND THE HOUSE HERSELF. WILL THERE BE A MAN THERE TO HELP HER FINISH HER ATTIC, WILL YOU SEND A MAN OUT TO FINISH THE ATTIC. LIKE A REGULAR BUILDER?

MR. SAKKA: THIS IS ONLY A PART OF THE OPERATION, WE ACTUALLY DO OUTSIDE HOME IMPROVEMENTS.

MRS. DECKER: THIS IS LINDEN LUMBER COMPANY RIGHT? WILL IT BE RUN AS A LUMBER YARD? WILL LUMBER COME OUT OF HERE FOR CONSTRUCTION OF OUTSIDE JOBS? THROUGH THE LEADS? WILL A MAN LOOK AT THE BUILDING?

MR. SAKKA: HE WILL BE A QUALIFIED INDIVIDUAL TO GIVE INSTRUCTIONS TO THE WOMAN. THERE WILL BE NO SIGNS FOR LINDEN LUMBER COMPANY, IT WILL ALL OPERATE UNDER FAMILY CIRCLE.

ON A QUESTION BY MR WEISS, MR SAFKA REPLIED THAT THIS OPERATION MIGHT INCREASE TRAFFIC, AT LEAST ANY ADDITION TO AN EXISTING BUSINESS, THEY WOULD CERTAINLY HOPE SO

ON A QUESTION BY MR WEISS REGARDING THE VOLUME OF ANTICIPATED BUSINESS, MR SAFKA REPLIED THAT THEY HAVE GIVEN NO ESTIMATE AS TO THE VOLUME BECAUSE THEIR ORIGINAL PROJECTIONS REGARDING THE STORE WHEN IT WAS LEASED WAS SO FAR OUT OF WHACK, THEY DON'T FEEL THEY COULD POSSIBLY GUESS AT THIS. HE SAID THEY ARE NOT LOOKING FOR NEW PEOPLE. IT IS JUST THAT THEY WANT TO GIVE THEM ANOTHER COMMODITY TO SHOP FOR WHILE THEY ARE THERE.

MR FEINBERG: YOU STATED THAT THIS WAS GOING TO BE A RETAIL DEPARTMENT OR CONCESSION. MR SAFKA REPLIED YES.

MR FEINBERG: IS THIS GOING TO BE A REGULAR CONCESSION LEASE WITH A CERTAIN PORTION PAID TO YOU AS RENT? BASED ON VOLUME?

MR SAFKA: YES, BASED UPON VOLUME, CONTROLLED BY OUR OWN REGISTERS.

MR FEINBERG: IN THIS PLACE, WILL ANYTHING BE SOLD THAT WILL NOT HAVE A COMPETITIVE SALES PRICE? IN OTHER WORDS, ARE YOU GOING TO SELL ANYTHING ON THE WHOLESALE LEVEL?

MR SAFKA: WE HAVEN'T UP TO NOW AND WE DON'T INTEND TO.

MR FEINBERG: SO THAT ALL THE GOODS THAT YOU ARE GOING TO SELL IN HERE IS GOING TO BE PREPACKAGED AND SOLD AT THE RETAIL LEVEL?

MR SAFKA: THAT IS CORRECT.

MR FEINBERG: AND THE CONTROL IS SIMPLY BY YOUR DEPARTMENT WITH YOUR OWN REGISTERS AND SALES FORCE?

MR SAFKA: YES.

MR FEINBERG: ABOUT THE CONTRACT WORK YOU MENTIONED?

MR SAFKA: THIS IS DONE BY LEADS WHICH WE FOLLOW UP.

MR FEINBERG: WHAT IS GOING TO BE DONE IN THE STORE?

MR SAFKA: NOTHING. WE HAVE THE AREA HERE WHERE A WOMAN CAN BUY THE HOME IMPROVEMENT TYPE OF MATERIALS WHICH SHE WOULD PICK UP BECAUSE SHE HAS A DEFINITE KNOWLEDGE OF WHAT HE OR SHE WANTS, BUT THERE ARE A LOT OF PEOPLE WHO DON'T HAVE THE TALENT OR THE TIME TO PARTAKE IN A HOME FIXING PROJECT, IN THE LONG RUN IT ENDS UP BY COSTING THEM MORE.

MR FEINBERG: YOU WERE ASKED IF YOU WERE GOING TO HAVE SOMEONE THERE WHO WILL ADVISE THESE PEOPLE ON THE MATERIAL. A WOMAN WILL COME IN WHO SAYS "I WANT TO REFINISH MY ATTIC, WHAT DO YOU THINK I OUGHT TO BUY?" NOW, WILL THIS MAN SAY TO HER WE HAVE A SPECIAL DEPARTMENT THAT WILL TAKE CARE OF IMPROVING YOUR ATTIC?

MR SAFKA: IT ALL DEPENDS ON WHO SHE WANTS TO DO IT. IF SHE SAYS "I WANT TO DO IT MYSELF, AND WHAT WILL I NEED?", WE WILL ADVISE HER, WE HAVE A COMPETENT INDIVIDUAL.

MR FEINBERG: YOU HAVE NOT ANSWERED MY QUESTION, WILL THERE BE A MAN THERE TO SAY WE HAVE A SPECIAL DEPARTMENT THAT DOES THAT?

MR SAFKA: ONE OF THE SALES PERSONNEL. THEY ARE TRAINED PEOPLE, IT WILL BE A LINDEN LUMBER EMPLOYEE WORKING UNDER FAMILY CIRCLE AS A CONCESSIONAIRE.

MR FEINBERG: WHERE WILL THIS PERSON BE?

MR SAFKA: IN THE SERVICE DIVISION, IN THE OUTSIDE BUILDING.

MR FEINBERG: WHERE WILL THERE BE CONSULTATIONS AND THE MAKING OF CONTRACTS FOR THE DOING OF OUTSIDE WORK?

MR SAFKA USUALLY AT THE HOME, BECAUSE OF THE CONSTRUCTION OF ADDITIONAL ATTIC SPACE BASEMENT AREAS, OR ANY HOME IMPROVEMENTS ARE USUALLY A HUSBAND AND WIFE COMBINATION AND USUALLY IT IS VERY DIFFICULT TO GET BOTH OF THEM TOGETHER AT THE SAME TIME IN A STORE SO WE TRY TO MAKE MOST OF THE APPOINTMENTS AT THE HOME, BOTH OF THEM ARE THERE, THEY ARE BOTH ADVISED, THEY ARE CHECKED FOR CREDIT AS FAR AS THEIR ACCEPTABILITY WHETHER THEY CAN PAY FOR IT, OR IF IT IS GOING TO BE TOO MUCH OF A BURDEN ON THEM

MR FEINBERG THIS BOARD IS TO UNDERSTAND THAT FROM THIS BUILDING, YOU WILL NOT DO ANY CONTRACTING WORK?

MR SAFKA NO, NOT FROM THIS BUILDING THE SUPPLIES OF THE OUTSIDE CONTRACTOR WILL NOT COME FROM HERE

MR FEINBERG I AM NOT TALKING ABOUT THAT FROM THIS BUILDING, YOU WILL NOT DO ANY CONTRACTING WORK, IN OTHER WORDS, YOU WILL NOT SAY "WE CAN HANDLE YOUR CONTRACT COME IN AND SIT DOWN HERE NOW AND WE WILL WORK UP A CONTRACT WITH YOU TO FINISH YOUR ATTIC"

MR SAFKA NO, WE DON'T DO THAT

MR FEINBERG IN OTHER WORDS YOU WOULD MAKE AN APPOINTMENT TO SEE HER AT HER HOME HOW WILL HOME IMPROVEMENT, OUTSIDE OF THE ACTUAL RETAIL SALE, WILL ANY MERCHANDISE YOU HAVE IN THE PLACE BE HANDLED?

MR SAFKA WE HAVE SEVERAL SIGNS ON THE INSIDE OF OUR STORE THAT ARE SELF-EXPLANATORY AS FAR AS THE ACTUAL THING IS CONCERNED PEOPLE COME IN WITH THE THOUGHT THAT THEY ARE GOING TO FINISH OFF, OR PUT AN ADDITIONAL WALL OR CREATE A NEW ROOM FOR ONE OF THEIR AREAS THEY HAVE IN THEIR HOUSE SO THE HUSBAND AND WIFE OR THE WIFE SHOPS AROUND AND THEY HAVE SUGGESTED PACKAGES THEY MAY OBTAIN, AN ATTIC MAY BE FINISHED A HOME CAN BE THIS A BASEMENT CAN BE DONE THIS WAY, SOMEONE WILL COME TO THEIR HOME AND SHOW THEM BROCHURES, A COMPLETE BREAKDOWN OF EXACTLY OF WHAT THEY ARE TO RECEIVE AND ALL THE CONTRACTS THAT ARE WRITTEN ARE SCREENED VERY THOROUGHLY IT IS UNFORTUNATE, BUT THE HOME IMPROVEMENT BUSINESS HAPPENS TO BE ONE OF THE ROUGHEST BUSINESSES TO BE IN, BECAUSE THE OUTSIDE SALESMAN IS USUALLY NOT CONNECTED WITH THE COMPANY IN ANY WAY, IT IS A STRICTLY LEAD MAN THERE ARE OUT TO SELL A JOB UNDER ANY CONDITIONS, THEY ARE JUST OUT TO PROMOTE IT WHEREAS WE CONTROL THIS, BECAUSE THESE MEN ARE OUR OWN THESE MEN GO OUT AND SPECIFY TO A WOMAN, IF SHE SAYS "I WOULD LIKE TO DO THIS MYSELF" HE WOULD TELL HER EXACTLY WHAT SHE WOULD NEED

MR FEINBERG MY QUESTION IS VERY SIMPLE TO ANSWER WILL THE PACKAGE DEAL BE SOLD IN THE STORE OR WILL IT BE SOLD OUTSIDE THE STORE?

MR SAFKA IT WILL BE SOLD OUTSIDE THE STORE BECAUSE THAT IS WHERE THE WORK WILL BE DONE WE WILL NOT DO THE WORK IN THE STORE

MR FEINBERG IN OTHER WORDS, NO PACKAGE DEAL WILL BE SOLD FROM THIS ACCESSORY BUILDING

MR SAFKA NO NONE WHATSOEVER

IN REPLY TO A QUESTION BY MRS DICKER MR SAFKA REPLIED THAT THERE IS NO PROVISION FOR THE SIGNING OF CONTRACTS AT THE STORE IT WOULD HAVE TO BE DONE IN THE HOME

MR FEINBERG YOU SAID BEFORE, IN ANSWER TO MR ROTHSTEIN'S QUESTION, THAT YOU WERE A DISCOUNT CENTER NOW WILL YOU TELL THE BOARD IF YOU CAN, DIFFERENTIATE OR ENLIGHTEN US IF YOU CAN BETWEEN A DEPARTMENT STORE THE SUPER MARKET THE HIGHWAY DISCOUNTER AS WE CALL THEM AND THE SETUP YOU HAVE AND HOW THIS BLENDS IN

MR SAFKA WELL, THE ONLY THING IS THIS ACTUALLY THE CONCEPT OF DISCOUNTING DEVELOPED APPROXIMATELY 15 OR 20 YEARS AGO, THE ADVENT OF MASTERS, OR KORVETTE'S, GOING BACK THAT FAR, WHICH ORIGINALLY STARTED UP IN ANHOPE MASSACHUSETTS, AND THE FIELD WAS EXPLORED THAT IF A PERSON WAS TO TAKE AN ITEM THAT SHE BOUGHT IN A REGULAR STORE AND SHE PAID \$10.00 FOR IT, AND SHE HAD THE OPPORTUNITY OF BUYING IT IN ANOTHER PLACE FOR \$8.00, THE SAME MERCHANDISE, SHE FELT THERE WAS A DEFINITE SAVING OF \$2.00, SO THE DISCOUNT STORE WAS THUSLY CREATED AT ONE POINT IT WAS ONLY DONE WITH TICKETS, YOU HAD TO HAVE A CARD TO GET INTO A CERTAIN TYPE OF ESTABLISHMENT AND THIS WOULD ENTITLE YOU TO A DISCOUNT, SINCE THEN THEY HAVE CLOSED DOOR OPERATIONS STILL IN EXISTENCE TODAY, THE GYM STORES WHICH IS A MULTI-MILLION DOLLAR OPERATION IS STILL A CLOSED DOOR OPERATION, YOU CANNOT WALK INTO

THE STORE YOU MUST BE A MEMBER AND PAY FOR A CARD BEFORE YOU ARE ABLE TO GO IN THERE. FAMILY CIRCLE STORES AND OTHER DISCOUNT STORES SUCH AS KORVETTES, 2-GUYS FROM HARRISON, GRAND-WAY, OR ANY OTHER DISCOUNT STORE ARE OPEN TO ANYONE. WE HAVE TAKEN THE SAME MERCHANDISE THAT HAS BEEN IN THE CONVENTIONAL RETAIL STORES, PUT IT UNDER ONE MAJOR ROOF AND WITH SINGLE OWNER OPERATION HAVE CUT THE OVERHEAD COSTS DOWN. THE INTERIORS OF OUR STORES ARE NOWH RE NEAR A DEPARTMENT STORE, WE DON'T HAVE MAJOR CARPETED AREAS, WE JUST INJECT A LITTLE BIT TO GIVE A SEMPLANCE OF THAT TYPE OF OPERATION. WE DID NOT EVEN FINISH OFF THE CEILING IN LAURELTON. OUR COUNTERS ARE PLAIN. BAMBERGERS SPENDS MORE FOR ONE SHOWCASE THAN WE DO FOR AN ENTIRE RUN OF TABLES.

MR FEINBERG ARE YOU ENTIRELY A RETAIL STORE?

MR SAFKA ENTIRELY RETAIL. IN EVERY DEPARTMENT, THERE IS NOTHING BUT RETAIL.

MR FEINBERG WITH THE USUAL MARK-UP DEPENDING UPON THE DISCOUNT. THIS BUILD-A-MAT LINDEN LUMBER, IS THIS GOING TO BE STRICTLY A RETAIL SETUP? MR SAFKA REPLIED "STRICTLY"

MR SAFKA STRICTLY RETAIL, AGAIN I HAVE TO QUALIFY THAT STATEMENT. I CAN'T POLICE THE INDIVIDUAL WHO COMES TO MY STORE, IF A MAN COMES IN, I CAN'T SAY "ARE YOU A UNION MEMBER", "ARE YOU A CARPENTER", "WHAT ARE YOU GOING TO USE THE LUMBER. IF HE BUYS TWO PIECES OF WOOD OR THREE PIECES OF CEILING TILE, OR HE IS LEAD GUTTER, HE COULD BE GOING ACROSS THE STREET AS A CONTRACTOR, AND I COULDN'T REALLY STOP HIM. AS FAR AS WE ARE CONCERNED, IT IS RETAIL.

MR FEINBERG THE PRICE YOU SELL IT TO HIM IS GOING TO BE THE SAME PRICE AS IF WOULD IN AS A RETAIL CUSTOMER.

MR SAFKA IDENTICAL.

MR FEINBERG IF I BUY ONE PIECE OF SIDING, OR 100 PIECES OF SIDING, YOU ARE NOT GOING TO QUOTE ME THE WHOLESALE PRICE.

MR SAFKA ONE PRICE. THE ONLY TIME FAMILY CIRCLE STORES HAS GONE BEYOND THIS IS WHEN WE MAKE SPECIAL CONCESSIONS FOR ORGANIZATIONS AND CHURCHES.

LESTER GOTTDENKER - 446 NEWMAN SPRINGS ROAD, LINCOLN NEW JERSEY SWORN IN

MR ROTHSTEIN MR GOTTDENKER, I SHOW YOU THE EXHIBIT MARKED A-1, WHICH CONSISTS OF THE PLANS AND SPECIFICATIONS OF THE PROPOSED ADDITION TO THE FAMILY CIRCLE STORES, IF THIS IS PERMITTED DO YOU INTEND TO ACTUALLY OPERATE THIS HOME IMPROVEMENT CENTER?

MR GOTTDENKER YES WE OPERATE SEVERAL LEASED DEPARTMENTS RIGHT NOW.

MR ROTHSTEIN WHAT CONNECTION, IF ANY, DO YOU HAVE WITH THE LINDEN LUMBER COMPANY?

MR GOTTDENKER I am the President and owner of Linden Lumber Company.

MR ROTHSTEIN And Linden Lumber Co has other establishments throughout the State.

MR GOTTDENKER Yes we have, We have four other establishments. This unit proposed at Laurelton Family Circle this type of unit is sort of an unselfish development that we come to, because we have been selling the consumer for a great number of years, we do very little business at any of our establishments with professional contractors whatsoever. He then explained in detail the effect pick-up and delivery system such as this operation has on the buyer and the savings entailed for the person who is able to do his own improvement work. He stated they have encouraged people over the last 28 years to do their own work, by holding training courses etc. In essence, he backed up Mr Safka's testimony.

On a question by Mr Rothstein regarding deliveries Mr Gottdenker replied that they do not make any deliveries they do however lend top carriers for convenience of the customer, and should a delivery be necessary for larger amounts of material it will not be made out of this unit it is delivered from a warehouse in Union. He stated there would be no building supplies such as concrete blocks, bricks etc.

On a question by Mr Weiss regarding carload shipments Mr Gottdenker replied that as a rule large shipments would not be ordered from a business house such as his, this is strictly a retail business and lots such as carload lots would be ordered from a large lumber yard. With regard to Mr Weiss' question regarding contracts Mr Gottdenker replied that he is in competition with the builder, why would

they buy from him?

On a question by Mr Rothstein, Mr Gottdenker said he would employ between five and eight persons in this unit

ON a question by Mr Weiss regarding the increase in traffic Mr Gottdenker replied that he felt in this particular instance the increase of road traffic would be very nominal. He felt that this material would be exposed to the persons already in the store and it would appeal to the woman in particular as she is the one who triggers the husband into improving the home. Mr Gottdenker said to the best of his knowledge, there will not be any separate ingress and egress to the Family Circle Property. He said there is considerable parking available on this land and generally the shopper will park as near as possible to whatever part of the building he or she is going into. He said the traffic in this building will be controlled, or it would jam up very quickly it will be controlled by electrically operated gates.

On a question by Mr Rothstein, Mr Safka stated there would be no separate parking lot or area, this would be a common parking lot and that when the original store was erected, the State of New Jersey advised there was only one exit/entrance allowed for the store, but they are not in the process of having two exits/entrances, and removing the one existing now, the new ones will be to either side of the present one. Mr Safka continued, and explained that when the original plans were made, they planned to have two side streets open for ingress and egress, but that was denied and they can never be opened. He said there is a buffer zone across there, blacktopped, with adequate buffer strip.

One of the objectors in the audience said the buffer is not there anymore, not since Wetsons Hamberger stand was built. Mr Safka said if there has been any infringement on the part of Family Circle Stores, he will see that it is put back to set forth at the time the agreement was made. If we have exceeded our limits, I will have that removed.

On a question by Mr Rothstein, Mr Safka stated that the construction of the new building is necessary for the advancement and progress of their business. He stated that changing times have actually forced them to this point of needing a facility of this sort.

MRS DECKER: DO YOU HAVE ANY OTHER HOME IMPROVEMENT CENTER IN ANY OTHER BUILDING?

MR GOTTDENKER REPLIED THEY HAVE A HOME IMPROVEMENT DEPARTMENT IN THE REPORT AND EATONTOWN STORES.

MRS DECKER: ARE THEY WITHIN THE STORE, OR ARE THEY SEPARATE?

MR GOTTDENKER: IN ONE CASE, IT IS WITHIN THE STORE WITH A SMALL DISPLAY AND THE OTHER PLACE IS A DEPARTMENT WHICH OCCUPIES A CORNER AND EXTENSION OF THE STORE TO AN OUTSIDE AREA.

MR FEINBERG: YOU HAVE A PLACE IN SEA GIRT, DON'T YOU?

MR GOTTDENKER: MANASQUAN.

MR FEINBERG: HOW IS THAT PLACE OPERATED? IS THAT OPERATED ON THE STYLE OF PROJECTION YOU WANT TO HAVE HERE?

MR GOTTDENKER: WELL, THAT PLACE IS ABOUT NINE YEARS OLD AND IT HAS A "U" SHAPED THING, ABOUT 28,000 SQUARE FEET OF BUILDING AND IT CARRIES A CONSIDERABLE AMOUNT MORE OF INVENTORY AND ALSO HAS A CERTAIN AMOUNT OF OUTDOOR STORAGE WHICH IS WITHIN THE REGULATIONS OF THAT AREA. BUT WE ARE PROGRESSING AND MOVING AWAY FROM THAT TYPE OF THING. WE ARE ESTABLISHING A VERY LARGE, STRICTLY INDUSTRIAL WAREHOUSE ARE IN NORTH JERSEY WHERE ALL OF OUR MATERIALS ARE SHIPPED AND BROKEN DOWN INTO SMALL UNITS AND PACKAGES AND JUST DELIVERED TO THESE LOCAL UNITS.

MR FEINBERG: IS THERE ANY UNIT AROUND HERE THAT THE BOARD CAN VIEW THE OPERATION AS TO THE TYPE OF OPERATION YOU DESIRE TO HAVE?

MR GOTTDENKER: NO I DON'T HAVE ANY OF THEM COMPLETED YET. I DON'T HAVE ANY OF THEM IN OPERATION EVEN THOUGH WE ARE IN THE PROCESS.

MR FEINBERG: IS THERE ANY OTHER DISCOUNT FIRM OR HIGHWAY OPERATOR, DEPARTMENT STORE TYPE OF UNIT IN OPERATION?

MR GOTTDENKER THIS HAPPENS TO BE A NEW DEVELOPMENT, OF A CONVENIENCE UNIT, IT HAPPENS THERE ARE A NUMBER OF THINGS, SUCH AS A DEPARTMENT INDOORS IN ANY NUMBER OF STORES THAT SELLS THIS PRODUCT, BUT IT DOES NOT OFFER THE CONVENIENCE THAT THIS DOES

MR WEISS SAID HE THOUGHT IT WAS TIME TO GIVE THE AUDIENCE A CHANCE TO BE HEARD AND CROSS EXAMINE

MR FEINBERG MAY I SUGGEST THAT FOR THE PURPOSE OF CROSS EXAMINATION, THAT WE PROCEED WITH THE CROSS EXAMINATION FIRST, AND THEN LET THE OBJECTORS TESTIFY HE SAID HE WOULD HELP THE INDIVIDUAL OBJECTORS TO FRAME THEIR QUESTIONS

MR WEISS ASKED IF THERE WAS A SPOKESMAN FOR THE OBJECTORS

THE REV ANTON R THUMHART JR PASTOR OF ST THOMAS CHURCH SAID HE HAD A PREPARED STATEMENT TO READ SUMMING UP THE FEELINGS OF THE CONGREGATION OF THE CHURCH

DICK MACINTYRE, 114 SALMON STREET REPRESENTING THE LAURELTON ACRES ASSOCIATION, ASKED WHAT TYPE OF BUILDING IS PROPOSED

MR WEISS READ FROM THE PLAN "BUILDING TO BE 30 FEET WIDE BY 100 FEET, IT WILL BE OF SHEET METAL STRUCTURE, COLORED BLUE, IT WILL HAVE LARGE END DOORS, AND THE CARS WILL BE ABLE TO DRIVE RIGHT THROUGH"

MR LUCCA, 111 TROUT STREET ASKED TO WHAT SIDE OF THE PRESENT BUILDING WILL THE NEW STRUCTURE BE LOCATED INSPECTION OF THE PLANS DISCLOSED THAT IT WOULD BE LOCATED TO THE WEST OF THE PRESENT BUILDING

DISCUSSION WAS HELD ON THE EASEMENT AND THE BUFFER STRIP PLANTED WITH TREES, AND IT WAS DISCLOSED THAT THE TREES HAVE BEEN SHED AND MR SAFKA STATED HE WOULD SEE TO IT THAT THIS WAS TAKEN CARE OF AND PUT IN THE CONDITION IT WAS SUPPOSED TO HAVE BEEN AT THE TIME THE RESTRICTIONS WERE PLACED ON THEM

ANTHONY LUCCA, 111 TROUT STREET, LAURELTON ACRES BRICK TOWNSHIP

SAID BOTH THESE GENTLEMEN HAVE STRESSED THAT TRAFFIC WILL NOT BE INCREASED AT ALL AND IF SO THE TRAFFIC INCREASE WOULD BE NOMINAL, AND IN THE VERY NEXT BREATH THEY SAY THIS IS JUST A BEGINNING OF A HUGE EXPANSION PLAN THESE TWO THINGS CONTRADICT THEMSELVES I FEEL IT WILL BE A BIG EXPANSION OF TRAFFIC HE SAID HE HAS SEEN MANY ACCIDENTS THERE AND THIS WILL GET WORSE AS TIME GOES ON, EVEN A FOUR LANE HIGHWAY COULD NOT TAKE CARE OF THE FAMILY CIRCLE TRAFFIC AS IT EXISTS NOW, MUCH LESS WITH AN EXPANSION HE MENTIONED THE DIFFICULTIES THE FIRST AID AMPULANCE HAS GETTING THROUGH THERE AS WELL AS THE FIRE DEPARTMENTS HE SAID THERE HAS BEEN CONSIDERABLE QUESTION RAISED HERE TONIGHT AS TO WHETHER OR NOT THIS IS A LUMBER YARD, WELL FROM THE PLANS THERE IS A BIG DOOR ON AN END, A BIG DOOR ON THE OTHER END THIS LOOKS JUST LIKE VANNOTE, BOND ANY LUMBER YARD IN HIS OPINION ALL THIS DISCUSSION HAS BEEN ACADEMIC HE SAID WITH REGARD TO THE MEETING BETWEEN FAMILY CIRCLE AND LAURELTON ACRES ASSOCIATION THEY AGREE TO KEEP IT BLACKTOPPED, WITH BUFFER STRIP AND WHAT HAVE YOU BUT THESE PROMISES THAT HAVE NOT BEEN KEPT YOU GENTLEMEN HAVE SPENT TIME SAYING OVER AND OVER AND OVER THAT NOTHING WILL BE STORED OUTSIDE, YOU DID NOT KEEP ANY OF YOUR PROMISES BEFORE, HOW DO WE KNOW THIS PROMISE WILL BE KEPT? IT WAS MR LUCCA'S OPINION THAT ZONING BY VARIANCE IS NO ZONING AT ALL THEY WERE ALSO PROMISED THAT THERE WOULD BE NO MORE STORES BUILT THERE UNTIL THE TRAFFIC PROBLEM WAS SOLVED

ONE GENTLEMAN IN THE AUDIENCE ASKED IF THIS OPERATION WILL BE SIMILAR TO THAT ON ROUTE 35, AND MR GOTTDENKER REPLIED NO THAT STORE HANDLES ABOUT 2 000 ITEMS THIS WILL HANDLE ABOUT 2,500 ITEMS

MR THUMHART READ HIS STATEMENT, AND IT WAS OFFERED IN EVIDENCE AS EXHIBIT O-1 IT READS AS FOLLOWS

FROM TIME TO TIME IN THE LIFE OF THIS COMMUNITY, IT BECOMES NECESSARY FOR THE CHURCH TO SPEAK OUT IN MATTERS WHICH ARE OF DIRECT CONCERN TO THE CHURCH AND TO THE COMMUNITY THIS MEETING BRINGS US TO ONE SUCH OCCASION *The St Thomas Evangelical Church of 760 Route #70 Brick Town New Jersey speaking through myself, the Pastor of the Congregation comes before you as a party directly concerned in your deliberations tonight*

By Registered letter, the Church has received a Notice to Property Owners, Form G, concerning the securing of a variance from the terms of Sections of the Zoning Ordinance so as to permit the construction and occupancy of a home improvement center as a part of the over all operation of the Family Circle Stores on Premises known as Block 702-4 Parcel 30, which is number 469, on the Clerk's Calendar

As a party being directly concerned in this matter we wish to bring the following matters to the Board's attention

1 While the Church's policy and theme is to complete the community and to be a part and help in the growth and successful life of the community we must nevertheless raise strenuous objections to this request for variance Why should a community even bother to have zoning rules and ordinances if its officials are continually going to grant variances to such ordinance on any other basis other than hardship

2 Every community, eager to attract both residences businesses and industries seeks to make its central sections both attractive and substantial and to make the routes leading through the community conducive to safe driving and traffic patterns By the addition of the substantially permanent and pleasant structures such as our Church building the Funeral Home and other community construction on our main roads we have light in our way to accomplish this We do not feel a home improvement center on the main highway in the heart of our community is such a structure

3 While we consider that any such enterprise certainly has tax ratable value to the community and perhaps the opportunity for employment of local labor we must question whether what is good for these few situations can truly be said to be good for this entire, growing community in this formative state of its development

4 We recognize that any such enterprise cannot help but adding to the already critical traffic problem which even the proposed widening of Highway might not remedy unless other exits to the area on to other main arteries are found and used

5 While aesthetics are purely a personal matter of taste we must will wonder what appearance our main highway will present if such construction and occupancy is permitted

6 If for no other reason, but for delay of this matter until other and perhaps more relevant objections can be raised, we request that we be properly served with notice of such intention Quoting Page 6 of the Rules and Regulations of the Board of Adjustment paragraph 5-A one finds that such a notice must be delivered in person to those who reside in the community Our notice was sent by registered mail to me at my home in the Parsonage of St Thomas Church As the resident Pastor of the Congregation I might have received this in hand as the rules require

In closing may I say we of the Church in no wise wish it to be construed that we stand in the way of progress for our community and for the growth of its economic and commercial life, but we wish this growth to be orderly proper in good taste with a clear understanding of the consequences of such variations in the Master Plan for our Community

Signed The Rev A R Thumhart, Jr , Pastor
St Thomas Ev Lutheran Church

MR ROTHSTEIN MAY I JUST ANSWER THE REVEREND ON ONE PARTICULAR POINT , ABOUT THE SERVICE OF THE NOTICE, I WAS OVER TO THE CHURCH ON THREE DIFFERENT OCCASIONS, A VERY NICE CHURCH, THE DOORS WERE OPENED, AND I WAS THERE ON THREE SEPARATE OCCASIONS AND THEY INDICATED THAT NOONE WAS IN THE CHURCH IT WAS ALWAYS LEFT OPEN, THAT IS A VERY NICE THING SO AFTER THE THIRD TRY, I FINALLY LEFT ONE ON THE BULLETIN BOARD OF THE CHURCH, TACKED IT UP I EVEN WENT OVER TO YOUR HOUSE, AND IRONICALLY WHEN I WENT OVER TO YOUR HOUSE, IT WAS THE MAILMAN DELIVERING THE NOTICE I SENT TO YOU BY MAIL SO THAT YOU WOULD RECEIVE IT BUT LEGALLY, ALL I AM REQUIRED TO DO IS LEAVE IT ON THE PREMISES, BUT I THOUGHT BY LEAVING IT ON THE BULLETIN BOARD, YOU MAY OVER LOOK IT SO I MAILED ONE TO BE SURE

MRS LILLIAN HERMAN BRICK TOWN WHEN YOU SAY THAT ONLY LOCAL PEOPLE WILL PATRONIZE YOU, THAT IS NOT TRUE, YOU ARE OPEN ON SUNDAYS, YOU GET THE PEOPLE FROM ALL OVER, THEY ARE GOING TO COME DOWN ON SUNDAY AND BUY THE LUMBER AND WE ARE GOING TO HAVE A WORSE TIME THAN WE HAVE NOW, WE CAN'T GET TO CHURCH I COME DOWN LAURELTON CIRCLE AND I AM TELLING YOU IT SOMETIMES TAKES 15 MINUTES FROM THE CIRCLE TO THE CHURCH BECAUSE OF THE LINE GOING INTO FAMILY CIRCLE

AL JORGENSEN OBJECTED BECAUSE HE FEELS IT IS NOT NECESSARY FAMILY CIRCLE NOW HANDLES ELECTRICAL EQUIPMENT, WIRE, FOR HOME IMPROVEMENTS, WE CAN GET THE REST AT THE LOCAL LUMBER YARD, WE DON'T NEED AN EXPANSION THERE

MR MACINTYRE WE ALSO HAVE A PROBLEM WHERE EVERYBODY TRIES TO CUT THROUGH OUR DEVELOPMENT COMING OUT OF FAMILY CIRCLE, THEY CUT THROUGH THE BUFFER STREETS WITH THEIR CARS, AND THIS IS THE TROUBLE ALL THE TIME WE DON'T FEEL IT IS RIGHT TO HAVE ANOTHER STORE THERE, THINGS ARE BAD ENOUGH

FRED JORGENSEN, SHORE ACRES I WANT TO ASK THE VICE PRESIDENT OF FAMILY CIRCLE STORES TO PLEASE KEEP THE PHONOGRAPH TURNED DOWN ON SUNDAY MORNINGS I DO NOT KNOW WHO YOU ARE TRYING TO ENTICE, BY PLAYING THOSE RECORDS WHILE I AM TRYING TO PACIFY MYSELF IN CHURCH

MR WEISS SAID THAT THERE WERE OTHERS PRESENT, BUT THEY WERE THERE IN SUPPORT OF THE PASTOR

MR ROTHSTEIN SUMMED UP

MR WEISS RECOMMENDED THAT DECISION BE RESERVED UNTIL OCTOBER 6, 1964

MOTION MADE BY MR BUONO AND SECONDED BY MRS DECKER THAT DECISION IN THIS MATTER BE HELD UNTIL THE MEETING OF OCTOBER 6, 1964

AYES BUONO, DECKER, OSBORNE, WEISS
NAYS NONE
ABSTAINING NONE
ABSENT: WINTER

MR HAROLD JANN ASKED HOW IN THE WORLD ~~THE~~ BOARD CAN WORK AT THIS LATE HOUR?

HE WAS ADVISED IT WAS STILL EARLY, WE HAD A WAY TO GO YET

CASE #472 - KELOGG, JAMES C. IV - Block 68, LOT 50

MR KELOGG APPEARED IN HIS OWN BEHALF TO REQUEST A VARIANCE TO ERECT AN UNDERSIZED CLUBHOUSE ON THE ABOVE TRACT OF 168 ACRES

UPON QUESTIONING BY MR FINBERG, IT WAS DISCLOSED THEY WERE NOT A LEGALLY CONSTITUTED CLUB AND COULD NOT REQUEST A CLUBHOUSE

AFTER LENGTHY DISCUSSION MR KELOGG REQUESTED THAT THIS MATTER BE WITHDRAWN WITHOUT PREJUDICE

MOTION MADE BY MRS DECKER AND SECONDED BY MR OSBORNE THAT THIS MATTER BE WITHDRAWN WITHOUT PREJUDICE

AYES DECKER OSBORNE BUONO WEISS
NAYS NONE
ABSTAINING NONE
ABSENT NONE
MOTION CARRIED

CASE #473 JEMISON, LEE P - Block 966-11, Lots 43 to 46

MR JEMISON APPEARED AND STATED UPON BEING SWORN IN THAT THE LOT IN QUESTION IS LOCATED AT THE NORTH SIDE OF HUNTER ROAD, MIDSTREAMS THAT HE HAS A CONTRACT OF SALE CONTINGENT UPON BEING ABLE TO OBTAIN A VARIANCE FOR THE LACK OF DEPTH MR JEMISON'S LOT IS 100 FEET WIDE, CONSISTING OF FOUR 25 FEET LOTS, AND ONLY 90 FEET DEEP AS ALL THE REST OF THE LOTS IN THAT BLOCK

MR JEMISON STATED HE RESIDES IN THE BROOKSIDE TRAILER COURT, NEW BRUNSWICK AND THAT HE IS ANXIOUS TO BUILD HIS HOME IN BRICK TOWN

RESOLUTION WAS OFFERED BY MR BUONO AND READ BY MR BUONO

WHEREAS, LEE P JEMISON, CONTRACT OWNER, HAS APPLIED TO THE BOARD OF ADJUSTMENT OF THE TOWNSHIP OF BRICK FOR PERMISSION TO BUILD UPON AN UNDERSIZED LOT OF 9,000 SQUARE FEET AND 90 FEET DEPTH AT PREMISES LOCATED AT NORTH SIDE OF HUNTER ROAD, MIDSTREAMS TOWNSHIP OF BRICK AND KNOWN AS BLOCK 966-11 LOTS 43 TO 46 ON THE TAX MAP OF THE TOWNSHIP OF BRICK WHICH PREMISES ARE IN A R-10 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 LOTS IN AREA ARE GENERALLY UNDERSIZED
- 2 APPLICANT HAS TAKEN TWO 50 X 90 LOTS OF FILED MAP
- 3 HARSH P TO APPLICANT TO ACQUIRE ADDITIONAL 10 FEET OF DEPTH

WHEREAS THE BOARD HAS DETERMINED THAT THE RELIEF REQUESTED BY APPLICANT CAN BE GRANTED WITHOUT SUBSTANTIALLY IMPAIRING THE INTEREST 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 11TH DAY OF SEPTEMBER, 1964 THAT THE APPLICATION OF LEE P JEMISON, CONTRACT OWNER, BE GRANTED SUBJECT, HOWEVER, TO THE FOLLOWING CONDITIONS

- 1 FILING OF PROPER PLANS AND SPECIFICATIONS AND BUILDING PERMIT ISSUANCE
- 2 APPLICANT MAINTAIN REQUIRED FRONT, REAR AND SIDYARD SETBACKS

MOTION MADE BY MR BUONO AND SECONDED BY MR OSBORNE THAT THE FOREGOING RESOLUTION BE ADOPTED

AYES BUONO, OSBORNE, DECKER, WEISS
NAYS NONE
ABSTAINING NONE
ABSENT WINTER

MOTION CARRIED

MOTION MADE, SECONDED, AND UNANIMOUSLY CARRIED THAT THIS MEETING BE ADJORNED

MEETING ADJOURNED AT 2 28 A M

RESPECTFULLY BUT WEARILY SUBMITTED,


Helen C Schoener - - Secretary

LAW OFFICE
JAMES G HENRY
2031 HIGHWAY 88
BRICK TOWN N J 08723
TELEPHONE 899 3337
(A A Co 201)

464

File #4 Marousis-
Application for
Variance & Special
Use Permit for
stores & apartments

July 7th, 1964

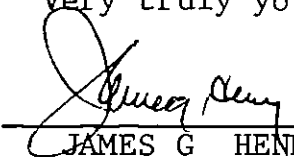
Mrs Helen Schoener
Secretary - Board of Adjustment
Township of Brick
609 Moore Road
Brick Town, N J

Dear Mrs Schoener

Enclosed please find the following

- 1 Petition on behalf of Charles & Stathia
Marousis for variance and Special Use
Permit
- 2 Check in the sum of \$10 00 to the order
of Township Clerk to cover application
fee

Very truly yours,



JAMES G HENRY

JGH ar
Encls

N O T I C E

This is to inform you that on Tuesday, July 21st, 1964, at 8 00 P M or as soon thereafter as we may be heard, we will apply to the Board of Adjustment of the Township of Brick at the Municipal Building at 609 Moore Road, Brick Town, New Jersey, for a Special Use Permit and Variance from the Requirements of the Zoning Ordinance of Brick Township

The premises for which this variance and Special Use Permit is being sought is located at Route 88, off the Laurelton Circle, and shown on the Tax Map of the Township of Brick as follows

Block 851-1	Lots 10,11	Sheet #45A
" 852	Pt Lot 3 Misc 2	" #45A
" 850-2	Lots 1,2,3,4,5,6	" #45A
" 850-2	Re 25' Lots 7,8,	" #45A
" 850-2	Pt Lots 7,8,9	" #45A
" 850-2	Lots 16,17	" #45A
" 850-2	Lots 14,15	" #45A
" 850-2	Lots 10,11,12,13	" #45A
" 852	Lot 1 Misc 2	" #45A
" 852	Lot 2 Misc 2	" #45A

The variance and Special Use Permit being sought is to build a commercial building with apartments in a Residential Area R-10 and B-2 Business Area

If you have any objection to the granting of this Variance and Special Use Permit, you should contact the said Board of Adjustment or be present at the above time and place

Dated July 7th, 1964

Very truly yours,

/s/ JAMES G HENRY

JAMES G HENRY

Attorney for Applicants
Charles & Stathia Marousis

JGH ar

N 7 1 C F

Redevelopment of the Town of Bick Township
New Jersey, for a Special Use Permit and Variance from the
Bick Township Municipal Building at 609 Moore Road, Bick Township,
we will apply to the Board of Adjustment of the Township of
1964 at 8:00 P. M. or as soon thereafter as we may be heard.
This is to inform you that on Tuesday, July 21st,

Below as follows
Location, Office, and shown on the Tax Map of the Township of
The premises for which this variance and special
use permit is being sought is located at Route 88, off the

821-1	Lot 13 11	Sheet 45A
822	Pt Lot 13 11	" 45A
820-2	Lot 13 11 12	" 45A
820-1	Re 77' note 7 8	" 45A
820-2	Pt Lot 13 11 12	" 45A
820-2	Lot 13 11 17	" 45A
820-2	Lot 13 11 17	" 45A
820-2	Lot 13 11 12 13	" 45A
822	Lot 13 11 12	" 45A
822	Lot 13 11 12	" 45A

Area R-10 and L-2 Zoned
to build a commercial building with apartments in a 10 story
The variance and special use permit being sought is

Board of Adjustment or be present at the above time and place
Variance and Special Use Permit, you should contact the said
If you have any objection to the granting of this

Dated July 21st 1964

Very truly yours,

CHARLES & LATHAM MARSHALL
Attorneys for Applicant
JAMES G. LATHAM
JAMES G. LATHAM

107-27

PROOF OF SERVICE

STATE OF NEW JERSEY)
) SS
COUNTY OF OCEAN)

JAMES G HENRY, of full age, being duly sworn according to law, deposes and says, that he resides in the Township of Brick, County of Ocean, and State of New Jersey

That he is the attorney for the applicant in a proceeding before the Zoning Board of Adjustment of the Township of Brick, being an applicant under the Zoning Ordinance and relates to premises

Block 851-1	Lots 10 11	Sheet #45A
" 852	Pt Lot 3 Misc 2	" #45A
" 850-2	Lots 1 2,3,4 5,6	" #45A
" 850-2	Re 25' Lots 7,8	" #45A
" 850-2	Pt Lots 7,8,9	" #45A
" 850-2	Lots 16, 17	" #45A
" 850-2	Lots 14, 15	" #45A
" 850-2	Lots 10,11 12,13	" #45A
" 852	Lot 1 Misc 2	" #45A
" 852	Lot 2 Misc 2	" #45A

That he gave notice of the proceeding to those owners of property within two hundred (200) feet of the property to be affected by said application in the manner provided by law, residing out of the Township of Brick, by Certified Mail, Return Receipt Requested Said return receipts are attached to this affidavit

The names and addresses of the ^{aforesaid} owners of property within two hundred (200) feet of the property affected by said application, are as follows

<u>NAME</u>	<u>ADDRESS</u>	<u>CERTIFIED MAIL RECEIPT NO</u>	<u>DATE MAILED</u>
VISTAS, INC	64 Hamilton Street Paterson 1 N J	884661	July 8, 1964
PAUL B & EILEEN STOUTER	1360 Lanes Mill Rd Lakewood, N J	884660	July 8, 1964
FEDERAL HOUSING COMMISSIONER	Washington, D C	884657	July 8, 1964
HERMINE MOJE	139 Congress Street Jersey City, N J	884659	July 8, 1964
PARAMOUS G R	221 Park Avenue South New York, N Y 10003	884658	July 8, 1964
KINNEY CO INC			

All of the above listed property owners have been duly notified according to requirements of the New Jersey R S 40 55-44 and are the owners of property within a distance of 200 feet from the exterior limits of the property involved in this proceeding, as shown by the latest assessment roll of Brick Township, residing out of the Township of Brick

Sworn and Subscribed to
before me this 9th
day of July, 1964

Alice W. Reilly
ALICE W REILLY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec 1 1965

JAMES G HENRY

<u>NAME</u>	<u>ADDRESS</u>	<u>HOW SERVED</u>	<u>DATE SERVED</u>
EDMUND H & MARY R GILES	1754 Forge Pond Rd Brick Town N J	Personally on E H Giles	July 7, 1964
EARL W BENNETT	1742 Forge Pond Rd Brick Town, N J	Personally on Henrietta Bennett	July 7, 1964
STERLING & JUNE F HULSE	1741 W Princeton Av Brick Town, N J	Personally on Sterling Hulse	July 9, 1964
MARGARET S DURRUA	1756 Route 88 Brick Town, N J	Personally on Margaret S Durrua	July 9, 1964
WM K & BERNADETTE M CHERICO	1738 Route 88 Brick Town, N J	Personally on Wm K & Bernadette M Cherico	July 8, 1964
JACK D McINTYRE	1734 Ocean Avenue Brick Town, N J	Personally on Helen J McIntyre	July 8, 1964
PAUL C & JANET RICHI	Rt 88 W Brick Town, N J	Personally on Paul C Richi	July 9, 1964
MASSACOIT CO	Rt 88 & 70 Brick Town N J	On Bill Kaufman	July 9, 1964
LAURELTON FIRE CO	Route 88 Brick Town, N J	Personally on Mrs E Kinsella	July 9, 1964
LAURELTON FIRE COMPANY #1 FRANKLIN GOBLE, Reas	Laurelton Brick Town, N J	Personally on Mary H Goble	July 9, 1964
LEALAND S WOOD	1730 First St Brick Town, N J	Personally on Lealand S Wood	July 7, 1964
JOHN H & DOROTHY BIRDSALL	1728 Forge Pond Rd Brick Town N J	Personally on Dorothy Birdsall	July 7, 1964
IRENE TANSEY	1729 W Princeton Ave Brick Town, N J	Personally on Irene Tansey	July 7, 1964

All of the above listed property owners have been duly notified according to requirements of the New Jersey R S 40 55-44,

and are the owners of property within a distance of 200 feet from the exterior limits of the property involved in this proceeding as shown by the latest assessment roll of Brick Township, residing in the Township of Brick

Charles Marousis
CHARLES MAROUSIS

Sworn and Subscribed to
before me this 9th
day of July, 1964

Alice W. Reilly

ALICE W. REILLY
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec 1 1965

ZONING BOARD OF ADJUSTMENT
TOWNSHIP OF BRICK

IN THE MATTER OF THE APPLICATION

OF

CHARLES MAROUSIS and STATHIA
MAROUSIS his wife

FOR A VARIANCE AND FOR A
SPECIAL USE PERMIT

PETITION & AFFIDAVITS OF SERVICE

File #4

JAMES G HENRY
Attorney for Petitioners
2031 Highway 88
Brick Town N J