

Borough of Brielle

SEPTEMBER 11, 2018

October 26 2018

September 11th, 2018

BRIELLE PLANNING BOARD
TUESDAY, SEPTEMBER 11, 2018

The Regular meeting of the Brielle Planning Board was held on Tuesday, September 11, 2018 at 7:30 p.m. in the Brielle Borough Hall, 601 Union Lane. After a moment of Silent Prayer and a Salute to the Flag roll call was taken:

Present – Mayor Thomas Nicol, Councilman Frank Garruzzo, Joseph Bonacci, Thomas Condon, James Langenberger, Eric Lapham, Glenn Miller, James Maclearie, Stacey Montalto

Absent - James Stenson

Also present was Alan Hilla, Jr., Board Engineer, David Clark, Attorney for the Board and Secretary of the Board Karen Brisben who recorded the Minutes. There were no people in the audience.

A motion was made by Mr. Langenberger to approve the Minutes of the August 14, 2018 meeting, this seconded by Councilman Garruzzo and unanimously approved, all aye.

CORRESPONDENCE:

Notice was received from NJ Natural Gas Co. on Submission of Waterfront Development & CAFRA permit for Route 35 Manasquan River crossing. Also received as a notice of application to the DEP for 32 Crescent Drive, owned by Thomas Young, to allow removal of existing docks, construct a new access gangway, new floating docks including two boatlifts, maintain existing rip-rap, reconstruction of a portion of existing bulkhead & replace portions with new gabion baskets.

OLD BUSINESS:

The Board turned to the approval of a Resolution for Block 30.01, Lot 11, 523 Borrie Avenue, owned by Jason & Laura York, to allow variance for construction of an addition & porch. As all Board members had received a draft copy and there were no changes or recommendation the following was presented:

WHEREAS, Jason C. York (the "Applicant") has applied to the Planning Board of the Borough of Brielle (the "Board") for a Variance Approval for the property located at 523 Borrie Avenue and identified on the tax map of the Borough of Brielle as Block 30.01, Lot 11 (the "Property"); and
WHEREAS, the Property is located within the Borough's Residential Zone 4 (the "R-4 Zone") and consists of a two-story residential dwelling; and
WHEREAS, the Applicants are seeking variance relief for the construction of a second story addition for a third bedroom and a new eight (8') foot wide front porch; and
WHEREAS, this Application specifically requires the following variances:
a. Front Yard Setback – Pursuant to §21-14.2(a)(1)(d) of the Ordinance, the minimum front yard setback required for this Property is twenty-five (25') feet; the Property has an existing front yard setback of twenty-six (26') feet and has proposed a setback of eighteen (18) feet;
b. Side Yard Setback – Pursuant to §21-14.2(a)(1)(e) of the Ordinance the minimum side yard setback required for this Property is eight (8') feet; the Property has an existing side yard setback of 7.1 feet and has proposed a setback of 7.1 feet to the porch and second story addition;
WHEREAS, the Board held a hearing on August 14, 2018 and considered the following documents presented at the hearing in connection with this application:
a. Jurisdictional Packet;

WHEREAS, the Applicant, Jason C. York, of 523 Borrie Avenue was sworn in and presented this Application;
and

WHEREAS, no additional individuals testified on behalf of the Application; and

WHEREAS, the Board considered the following testimony presented at the hearing in connection with this application:

Jason York explained he wants to put in a second story bedroom. He does not have enough room for his family. Mr. York also seeks to install a front porch to improve the visual appeal of the home. Mr. Condon asked

how far out they are going with the porch and was told it will be an 8-foot wide front porch. There was a brief discussion regarding whether the plans submitted with the application showed an 8 foot porch or a 5 foot porch; it was ultimately determined that the plans submitted with the notices for this application had the proper figures and showed an 8 foot porch.

As there was no more testimony from Mr. York, the hearing was opened to the public for questions and, as there were none, that portion was closed.

The Board went into discussion and all agreed the application should be approved. There were no problems with it. Mr. Lapham asked if there are any other porches on this street, and Mr. York said yes and provided examples; he said there are a few.

Mr. Clark mentioned that the plans should be revised to show the garage being removed, and Mr. York said that has already been done. This revised plan has not, however, been filed with the Board Secretary.

WHEREAS, Chairman Condon opened the hearing to the Board for general comments and no comments were provided; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicants at the hearing and of the adjoining property owners and general public, if any, makes the following factual findings and conclusions of law:

- a. The correct fees were paid, taxes are paid to date and the property owners within two hundred (200') feet, as well as the newspaper, were properly notified;
- b. The variances relate to a specific piece of property;
- c. The proposed plans will improve the visual appeal of the neighborhood;
- d. The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement because the variances encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; and promotes a desirable visual environment through creative development techniques and good civic design and arrangement, which benefit the entire neighborhood by creating an enhanced aesthetic and concomitant sense of community;
- e. The variances can be granted without substantial detriment to the public good;
- f. The benefits of the deviations substantially outweigh any detriment; and
- g. The variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, Councilman Garruzzo made a motion to approve the Application for the Variance Plan with conditions as described herein; this was seconded by Ms. Montalto. At that time, the following roll call was taken:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Joseph Bonacci, Thomas Condon, James Langenberger, Eric Lapham, Glenn Miller, James Maclearie, Stacey Montalto

Noes: None

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Brielle, that the Applicants' Application for Variance Approval is hereby approved and granted subject to the following conditions:

- A. The Applicants shall pay all taxes and other applicable assessments, costs and fees to date, as applicable.
- B. The Applicants shall comply with all requirements and outside approvals as may be required from the Borough of Brielle or any other governmental authority not otherwise disposed of by this application.
- C. The Applicant shall revise the plans to show the removal of the garage and shall file Five (5) sets of the revised plans with the Board Secretary within sixty (60) days.

A motion to approve the above Resolution was made by Councilman Garruzzo, seconded by Ms. Montalto and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Joseph Bonacci, Thomas Condon, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto

Noes: None

The Board then considered approval of a Resolution for Block 62.02, Lot 8, 803 Schoolhouse Road, owned by Jeffrey and Sheila Wall, to allow additions & reconfiguration of garage. As all Board members and the applicants have received a draft and there were no changes or recommendations, the following was presented for approval:

WHEREAS, Jeffrey Wall and Sheila Wall (the "Applicants") have applied to the Planning Board of the Borough of Brielle (the "Board") for a Variance Approval for the property located at 803 Schoolhouse Road and

identified on the tax map of the Borough of Brielle as Block 62.02, Lot 8 (the "Property"); and WHEREAS, the Property is located within the Borough's Residential Zone 2 (the "R-2 Zone") and consists of a one-story residential dwelling; and WHEREAS, the Applicants are seeking variance relief for the construction of multiple front, side, and rear one-story additions, and to modify the interior layout to construct a 2-car garage, an office and a few new utility areas; and WHEREAS, this Application specifically requires the following variances:

- a. Front Yard Setback – Pursuant to §21-12.2(a)(1)(d) of the Ordinance, the minimum front yard setback required for this Property is forty (40') feet; the Property has an existing front yard setback of 33.7 feet and has proposed a setback of 32.6 feet;
- b. Side Yard Setback – Pursuant to §21-12.2(a)(1)(e) of the Ordinance, the minimum side yard setback required for this Property is twelve (12') feet; the Property has an existing side yard setback of 13.5 feet and has proposed a setback of ten (10') feet in two locations;
- c. Lot Coverage – Pursuant to §21-12.2(a)(1)(h) of the Ordinance, the maximum lot coverage allowable is 20%; the Property has an existing lot coverage of 17.94% and a proposed lot coverage of 21.9%;

WHEREAS, the Board held a hearing on August 14, 2018, and considered the following documents presented at the hearing in connection with this application:

- b. Jurisdictional Packet;

WHEREAS, the Applicants' Attorney, Richard C. Butz, Esq., presented this Application; and WHEREAS, the following individuals testified on behalf of the Applicants: Robert H. Weinstein, R.A. of RW Architecture, LLC and Sheila Wall, both of whom were accepted as either experts in their field or fact witnesses; and WHEREAS, the Board considered the following testimony presented at the hearing in connection with this application:

Attorney Richard C. Butz, Esq. provided a general overview of the Application. The Applicants are seeking to demolish the Property's existing one-car garage which is only accessible from the rear of the Property. The Applicants want to construct a new two-car garage and rear addition to the Property.

Mr. Butz explained that the Property is situated on an irregularly shaped lot that narrows down in the back which is why the variance relief is necessary.

Architect, Robert Weinstein, came forward to testify. Mr. Weinstein said the Property's current driveway is narrow and curves to the back of the home. The Property's current one-car garage causes problems with parking in the winter. He stated that Applicants' plans propose to demolish the existing one-car garage and construct a two-car garage in the front and move the office to the rear-addition as well as move some rooms around. This will improve access to the garage and will be constructed to mirror the style of the home.

The Applicants' plans also propose to convert the Property's current rear deck into a 11 feet x 11.4 feet screened-in porch. Additionally, the Applicants' plans propose a 5 feet x 10 feet covered front porch. The plans propose that the front covered porch extend out to be in line with the new garage. The covered front porch will protect the front-entryway from the elements, as well as give the home some curb appeal.

The North side of the property requires a setback variance. The current setback is 13.5 feet but the proposed addition would reduce the setback to 10 feet on that side. The home next door to the Property is 70-80 feet away and instead of looking at a driveway they will be looking at an addition. Mr. Weinstein commented the neighbors will not be exposed to anymore fumes from the vehicles. The rear of the Property is all wooded and the office to be built in the addition will have windows overlooking the rear of the Property. Mr. Weinstein also said there will be no impact to the neighbors on the southern side of the Property.

The hearing was opened to the public for questions to Mr. Weinstein, hearing none, that portion of the hearing was closed. Mr. Langenberger asked what material the new two-car wide driveway will be composed of and Mr. Weinstein stated that the question could be answered by Ms. Wall.

Sheila Wall came forward and was sworn in. Ms. Wall identified on a map of the Property where they intend the driveway to extend. Mr. Weinstein noted the garage is 21 feet wide and said the Belgian Block will remain as it helps drainage and the driveway is now blacktop.

Mr. Langenberger was concerned with the fire hydrant and asked if the driveway is widened, would the hydrant will be in the middle of it, but Mr. Weinstein showed, on the plans, that the fire hydrant is in front of the garage wall and will not be in the driveway. Mr. Langenberger responded that it will be close. Mr. Hilla said the driveway opening will be 25 feet and will conform. Mr. Maclearie asked if the proposed back screened-in porch will be on the existing deck and Mrs. Wall said yes, she thought so, she did not know if there may be a recommendation to do something else. Mr. Weinstein said the decking surface is Azek and, if they want to, they can put in screening under the deck or go with tongue and groove at the same elevation.

Mr. Lapham commented that the setback now will be a foot less than what it has been but a few of the other homes in this area seem to be closer to the street. Mr. Miller felt using the curbing that there is good, there is no encroachment. Mr. Bonacci opined that, given the configuration of the lot, they did a good job. As there were no other questions or comments from the Board the hearing was opened to the public for general comments and Beth Savage of 801 Schoolhouse Road came forward and was sworn in. They are the lot next door to the Walls and they had no objections to this application.

Mr. Langenberger was familiar with this home and felt this was a good plan. Ms. Montalto agreed as well as the other Board members, they had no problem with this application, it made a lot of sense to do this. Mr. Clark noted there is no drainage plan and that will have to be submitted for permit approvals to the Zoning Officer.

WHEREAS, Chairman Condon opened the hearing to the Board for general comments and Beth Savage of 801 Schoolhouse Road stated that she lived next door to the Applicants and that she did not object to the Application; and

WHEREAS, the Board after carefully considering the evidence presented by the Applicants at the hearing and of the adjoining property owners and general public, if any, makes the following factual findings and conclusions of law:

h. The correct fees were paid, taxes are paid to date and the property owners within two hundred (200') feet, as well as the newspaper, were properly notified;

i. The variances relate to a specific piece of property;

j. The Property is located on an irregularly shaped lot and width of the Property becomes narrower in the rear.

k. The Property's front yard setback of 33.7 feet is an existing non-conformity.

l. The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement because the variances encourage municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general welfare; and promotes a desirable visual environment through creative development techniques and good civic design and arrangement, which benefit the entire neighborhood by creating an enhanced aesthetic and concomitant sense of community;

m. The variances can be granted without substantial detriment to the public good;

n. The benefits of the deviations substantially outweigh any detriment; and

o. The variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, Councilman Garruzzo made a motion to approve the Application for the Variance Plan with conditions as described herein, this was seconded by Mr. Lapham. At that time, the following roll call was taken:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Joseph Bonacci, Thomas Condon, James Langenberger, Eric Lapham, Glenn Miller, James Maclearie, Stacey Montalto

Noes: None

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Brielle, that the Applicants' Application for Variance Approval is hereby approved and granted subject to the following conditions:

D. The Applicants shall pay all taxes and other applicable assessments, costs and fees to date, as applicable.

E. The Applicants shall comply with all requirements and outside approvals as may be required from the Borough of Brielle or any other governmental authority not otherwise disposed of by this application.

F. No Zoning Permit shall be issued until the Applicants file a Plot/Grading/Drainage Plan prepared by a Licensed Professional Engineer with the Zoning Officer for review and approval.

A motion to approve the above Resolution was made by Councilman Garruzzo, seconded by Mr. Lapham and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Joseph Bonacci, Thomas Condon, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto

Noes: None

NEW BUSINESS:

The Board then heard a Power Point Presentation, given by Mr. Clark, regarding the Statutes of Law and Insurance, this is required by the MEL Insurance as they will give additional insurance to the Borough if they get sued for a civil rights violation and they have heard this presentation. Mr. Clark proceeded to present this for the next half hour with questions and answers at the end.

Before adjourning, the Board had a brief discussion on a meeting date for November as the second week is the League of Municipalities Convention and several members will not be in Brielle to attend a meeting. Mrs. Brisben said she will take a poll of dates available and get back to the members with a November date.

As there was no further business to come before the Board a motion for adjournment was made by Mr. Lapham, seconded by Councilman Garruzzo and unanimously approved, all aye. The meeting was adjourned at 8:07 p.m.

Karen S. Brisben,
Secretary of the Board

Approved: October 9, 2018