

Borough of Brielle

AUGUST 14, 2018

October 26 2018

August 14th, 2018

BRIELLE PLANNING BOARD
TUESDAY, AUGUST 14, 2018

The Regular meeting of the Brielle Planning Board was held on Tuesday, August 14, 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 7 people in the audience.

A motion was made by Mr. Langenberger to approve the Minutes of the July 10, 2018 meeting, this seconded by Mr. Lapham and unanimously approved, all aye.

A motion was made to appoint Glenn Miller as Liaison to the Brielle Environmental Commission, this was made by Mayor Nicol, seconded by Councilman Garruzzo and unanimously approved by voice vote, all aye.

CORRESPONDENCE:

The May/June issue of the NJ Planner was received and distributed.

OLD BUSINESS:

Consideration was given for approval of a Resolution for variance relief for Block 64.03, Lot 10, 644 Susan Lane, owned by David & Laura Leone, to allow construction of a rear-yard deck extension.

As all had received a draft copy and there were no changes or recommendations to be made, the following was presented for approval:

WHEREAS, David and Susan Leone (the "Applicants") have applied to the Planning Board of the Borough of Brielle (the "Board") for a Variance Approval for the property located at 644 Susan Lane and identified on the tax map of the Borough of Brielle as Block 64.03, Lot 10 (the "Property"); and

WHEREAS, the Property is located on the northeastern corner of Susan Lane at the intersection with Rathjen Road, in the Borough's Residential Zone 2 (the "R-2 Zone") on a 19,247 square foot lot that contains a one (1) story frame dwelling; and

WHEREAS, the Applicants are seeking variance relief for the proposed expansion to an existing deck located on the Property's rear yard; and

WHEREAS, the Applicants' existing and proposed use conform to the R-2 Zone, however the existing deck and proposed addition thereto are both non-conforming; and

WHEREAS, the Property contains the following pre-existing nonconforming conditions:

a. Minimum Rear Yard– Pursuant to §21-12.2(a)(1)(f) of the Ordinance, the minimum rear yard setback permitted for this Property is 40 feet; the Property's existing rear yard setback is 26 feet;

WHEREAS, this Application specifically requires relief for the following variances:

a. Minimum Rear Yard– Pursuant to §21-12.2(a)(1)(f) of the Ordinance, the minimum rear yard setback permitted for this Property is 40 feet; the proposed rear yard setback for the proposed deck addition is 26 feet;

WHEREAS, the Board held a hearing on July 10, 2018, and considered the following documents presented at the hearing in connection with this application:

a. Jurisdictional Packet;

WHEREAS, Applicant David Leone testified on behalf of the Application and was accepted as a fact witness; and

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

application:

David Leone came forward and was sworn in. He gave a general statement regarding the nature of his application. There is 41 feet from the rear yard to the home but a deck was built which created a 26 foot rear yard setback from the deck to the property line. He testified that there was a previous Zoning Board approval in 1986 granting variance relief to allow for the expansion of the dining room and rear deck to create the 26 foot setback from the rear property line. The Applicants are now proposing to expand the existing deck toward the side. The proposed expansion does not expand the deck any further toward the rear of the property and does not encroach on the side yard setback.

Mr. Leone said this is a part of the yard they do not use and he felt it will be beneficial to be able to have a larger deck; this will not disturb any of the neighbors.

The hearing was opened to the public for questions to Mr. Leone, and Jennifer Maguire of 642 Susan Lane came forward and was sworn in. Ms. Maguire asked about the existing air conditioning units and where they will be going. Mr. Leone said they will be under the deck. Ms. Maguire asked if there would be a hedge or some sort of screen for privacy for them as they are the neighbors most affected by this extension; Mr. Leone said yes, they will install some sort of shield for privacy.

As there were no other questions from the public, that portion of the hearing was closed. Mr. Langenberger asked if the deck addition will be covered, and Mr. Leone responded that it would not be covered. Mr. Lapham asked about planting hedges for the privacy of the neighbors, and Mr. Leone responded that the area is currently overgrown with Mountain Laurel and Euonymus plants. He does not have a plan right now, but he will install something to provide privacy between his yard and the Maguire's yard next door. Mr. Miller commented that the plan looks like the deck will be expanded so that it is even with the length of the house and Mr. Leone confirmed this and added that the proposed deck addition will be no closer to Rathjen Road than the house is.

Mr. Hilla asked if there were going to be additional steps and Mr. Leone responded that there may be two additional steps, depending on the grade. Mr. Hilla commented that if they are encroaching, it would be a problem; if they are not, there is no problem.

As there were no other Board questions, the hearing was opened to the public for general comments; and as there were none, that portion of the hearing was closed and the Board went into discussion. All of the Board members agreed on approval of this application and did not have any objections.

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 Property is located in the R-2 Zone;
- c. The Property's rear yard setback of 26 feet is an existing non-conformity;
- d. The proposed addition to the rear-yard deck does not exacerbate the non-conforming rear yard setback.
- e. The proposed addition is to be built in line with the house and does not violate the Borough's side yard setback requirements;
- f. The variances relate to a specific piece of property;
- g. The variances can be granted without substantial detriment to the public good;
- h. The benefits of the deviations substantially outweigh any detriment; and
- i. The variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

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

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

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. Any additional steps added to the deck shall not encroach farther back into the rear of the yard or reduce the rear yard setback in any location.
- D. Any additional steps added to the deck shall not encroach less than 12 feet from the side property line or

reduce the side yard setback to less than 12 feet.

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

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

Noes: None

The next Resolution for variance relief was for Block 51, Lot 14, 313 Leslie Avenue, owned by Thomas & Catherine Langan, to allow construction of a new single-family home. As all Board members had received a draft copy and there were no changes or recommendations, the following was presented for approval:

WHEREAS, Thomas and Catherine Langan (the "Applicants") have applied to the Planning Board of the Borough of Brielle (the "Board") for variance relief for the property located at 313 Leslie Avenue and identified on the tax map of the Borough of Brielle as Block 51, Lot 14 (the "Property"); and WHEREAS, the Property is located within the Borough's Residential Zone 4 (the "R-4 Zone") and contains a one (1) story residential dwelling; and

WHEREAS, the Applicants are seeking approval to demolish the existing structure and to construct a new two (2) story residential dwelling in accordance with plans submitted in support of the Application (the "Plans"); and

WHEREAS, the Property's existing and proposed use conforms to the R-4 Zone, however portions of the Plans are non-conforming to the R-4 Zone;; and

WHEREAS, the Property contains the following pre-existing nonconforming conditions:

b. Lot Depth – Pursuant to §21-14.2(a)(1)(c) of the Ordinance, a property in the R-4 Zone requires that the minimum lot depth must be 100 feet. The Property has an existing and proposed depth of 80 feet;

WHEREAS, this Application specifically requires the following variances for the Property:

c. Minimum Front Yard Setback – Pursuant to §21-14.2(a)(1)(d) of the Ordinance, a minimum front yard setback for a property in the R-4 Zone must be 25 feet. The property has an existing setback of 11.8 feet and a proposed setback of 1 foot;

d. Minimum Rear Yard Setback – Pursuant to §21-14.2(a)(1)(f) of the Ordinance, the minimum rear yard setback for a property in the R-4 Zone must be 25 feet. The property has an existing setback of 9.6 feet and a proposed setback of 13.1 feet;

e. Maximum Lot Coverage – Pursuant to §21-14.2(a)(1)(h) of the Ordinance, the maximum lot coverage permitted for a property in the R-4 Zone is twenty (20) percent. The property has proposed lot coverage of 20.6%;

f. Maximum Building Height – Pursuant to §21-14.2(a)(1)(i) of the Ordinance, the maximum building height for a property in the R-4 Zone is the lesser of 2 ½ stories or 35 feet. The property has a proposed height of 38 feet;

WHEREAS, the Board held a hearing on July 10, 2018, and considered the following documents presented at the hearing in connection with this Application:

a. Application Packet;

WHEREAS, the following individuals were sworn in and testified on behalf of the Applicants: Thomas Langan, Catherine Langan, and Anthony Condouris of Anthony M. Condouris Architect, Inc., all of whom were accepted as either experts in their field or as fact witnesses; and

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

Thomas Langan came forward and provided a general statement regarding the nature of his application.

Anthony Condouris testified that this property is on the water and contains a bulkhead. The original home is right on the setback line and the Applicants require five variances. The Plans show the home will be raised up and will allow parking under one side of it. The Plans do not contain a finished attic, but the Plans do contain an unfinished area with pull-down stairs. The Plans proposes an eight (8') foot high garage in addition to a two-story home.

Applicants are seeking variance relief to build the structure three (3') feet taller than is permitted by the Ordinance for aesthetic reasons so as to avoid having too flat a roof. The first floor will be a garage and storage area, the second floor is the proposed living area and the third floor will have 3 bedrooms, 2 bathrooms and a laundry room.

Mr. Condouris added that part of the deck on the right side of the Property could be eliminated to reduce the proximity to the neighbors. Mr. Hilla asked if this is an open deck and Mr. Condouris said it will be an open deck but the second story deck will be fiberglass and covered.

Mr. Langenberger said he was familiar with the property. He was concerned with the proposed structure's 38 foot height as it will be taller than the other properties in the area. Chairman Condon asked about the flood elevation in this location. Mr. Hilla said it is at nine (9') feet. Mr. Condouris noted the Applicants are going four (4') feet above flood elevation for the garage.

Mr. Stenson said he would like the proposed structure's height to be more like 35 feet and Mr. Bonacci agreed this is a valid concern as it would be the only property that tall. Mr. Lapham asked about the ceiling height and was told the proposed ceilings are eight (8') feet for the garage and storage area, nine (9') feet on the first floor and eight (8') feet on the second floor.

Mr. Maclearie and Mr. Miller did not like that Plans propose the steps in the front yard to begin one foot from the property line. Chairman Condon agreed that the steps may have to be moved. Mr. Condouris offered to reconfigure the steps to be at least three (3') feet from the property line rather than one (1') foot. Mr. Condouris added that there are other ways to configure the steps that lead to the first floor. Mr. Maclearie stated that maybe the Applicants can move the door and then can move the steps.

Mr. Lapham asked if the proposed chimney is taller than the roof and Mr. Hilla answered yes, but the chimney is not subject to the 35 foot limit and can be taller than 35 feet.

Mr. Hilla asked where the parking spaces would be, as the driveway is only twelve (12') feet long. Mr. Condouris said they can park on the right side of the home, under the raised deck and they can widen the driveway; Mr. Langenberger thought that would be fine.

Mr. Hilla then asked about the status of the Applicants' CAFRA application and Mrs. Langan said she spoke to CAFRA two weeks ago and she was waiting for a response. Mr. Hilla noted that if CAFRA requires changes to the Plans that could force the Applicants to come back before this Board and that this should be stated in the Resolution. Councilman Garruzzo asked if people usually get the CAFRA approval before they come before the Board and Mr. Hilla said that is encouraged by the Board but not required. Chairman Condon asked about the 20.6% coverage and if that goes to the bulkhead or beyond into the water. Mr. Condouris said he used the lot area and this includes the area on the water.

As there were no other Board questions at this time, Chairman Condon opened the Hearing to the public for questions of Mr. Condouris.

Robert Houseal of 608 Rankin Road came forward and was sworn in. Mr. Houseal stated that he serves on the Borough's Environmental Commission. He asked for verification that the plans that he had, which were dated December 11, 2017, were the plans being referenced here and was told they were.

Mr. Houseal noted that the Property is in the R-4 zone and asked Mr. Condouris what makes the R-4 zone special. Mr. Condouris did not know and Mr. Houseal asked Mr. Condouris to read the Zoning definition and purpose of the R-4 zone. The R-4 Zone states that the purpose is to provide smaller lots and least cost housing. Mr. Houseal then went on to say there are certain requirements that apply to all zones, Section 21-9.7 stating that yards shall be free of buildings and the front set of stairs proposed in the Plans should not be there. Chairman Condon noted that the Applicants can seek relief due to the flood zone area. Mr. Hilla stated it is allowable for an existing structure but a new structure is restricted, State law and the Zoning Ordinance apply.

Mr. Houseal then turned to the definition of a basement and Mr. Condouris read that it has to be less than 4 feet above grade, if 7 feet or more it is considered a story. Mr. Houseal then read that such shall be considered habitable and both Chairman Condon and Mr. Hilla said this is in a Flood Zone so it is not habitable; Mr. Hilla added this is stated in the Flood Hazard Ordinance and established the building in a flood elevation.

Mr. Bonacci asked Mr. Houseal if there is something in this application that is erroneous and Mr. Houseal said yes, there are stairs in the front and rear. Condouris said they know they are not compliant on the stairs and have asked for variance relief for it.

Mr. Houseal then asked how they measured for FAR (floor area ratio), they cannot exceed 50% as per the Ordinance. He did not think there was any legal precedent to use the part of the property that is under water. Mr. Condouris said it was used for lot coverage and the dimensions of the property.

As there were no other questions for Mr. Condouris from the public, that portion was closed and Chairman Condon opened the hearing for general comments regarding the Application.

Tom Pair of 314 Leslie Avenue came forward and was sworn in, he lives across the street from this property and purchased his property in 2001. He said this lot has been flooded numerous times and he would love to see something better put in, the lot is disgusting right now and it needs to be fixed, he asked the Board to let them put up a new home. Mr. Condon asked what is the height of his home and was told 35 feet.

Ed Feaster of Leslie Avenue came forward and was sworn in, he has lived across from this rat-infested eyesore for 10 years and it was even worse after Superstorm Sandy; he asked that the variances please be granted as the home is a mess now. Mr. Houseal came forward again and agreed it is an eyesore and it needs to go but Brielle has a Zoning Ordinance and this proposed home is not in compliance. The stairs can be pulled back into the home. The property can be tucked tighter, the purpose of the R-4 zone is for smaller lots with least cost housing and this home will not be that. There can be a very nice home here without taking up so much of the yard. Mr. Houseal opined the front yard is a blatant violation.

As there were no more comments, that portion of the hearing was closed and the Board went into discussion.

Mr. Maclearie opined that something has to be done with the front steps, recess them or do something. Mr. Condouris said they can reconfigure the front steps to provide at least a 3-foot setback and will set it back more than three (3) feet if he can.

Mr. Lapham asked Mr. Clark if the Board can give them a target for this and Mr. Clark said the Board can ask for 3 feet if they want. Mr. Langenberger said this property has been a nightmare for the Borough and, after Superstorm Sandy, there are only two homes not refurbished, this home and the one next door. With respect to the R-4 zone, people are not building little homes anymore; he would like to see closer to 35 feet in height but he did not have a problem with the Application as this property is in bad condition from Superstorm Sandy. The whole street here is changing as well as other streets in this area, he felt the home will fit in and would like the 3 foot setback for the steps. Mr. Stenson agreed with what has been said and Mr. Bonacci was okay with the 3 foot setback for the stairs but asked about the height and asked Mr. Condouris if there is anything that can be done about the proposed 38-foot height. Mr. Condouris said he could maybe reduce the height by a foot and do an 11 or 12 pitch. Mr. Miller felt all comments were covered on the steps and the height, he felt it would be a vast improvement and would be in favor of it.

Councilman Garruzzo opined that the proposed home will be a huge complement to the neighborhood; the neighbors are in favor of it and he was willing to be more lenient toward the 38 foot height but would like to see the 3 foot setback for the stairs. Chairman Condon opined that he would support the approval if the proposed height was reduced to 37 feet, the stairs were setback 3 feet. and the Applicants obtained CAFRA approval.

Mr. Clark noted that Mr. Hilla had indicated in his report that there needs to be a grading plan and this can be a condition of approval as well as CAFRA. The Board will need revised plans to show 37 feet in height and to show the three foot front yard setback, the vote will be subject to those changes; 37 feet high, 3 foot setback for the steps, create a second parking space along with the deck change. 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:

- j. 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;
- k. The Property is located in the R-4 Zone;
- l. The Applicants have agreed to amend the Plans so the maximum building height is 37 feet;
- m. The Applicants have agreed to amend the plans so the front yard setback is at least three (3') feet from the property line;
- n. The variances relate to a specific piece of property;
- o. Pursuant to section 21-9.7 and 21-9.11 of the Borough Code, the front steps in the Plans are considered part of the principal building;
- p. The Property is located in a flood zone and is subject to additional state and local flood zone regulations;
- q. The Applicants have submitted a General Permit 4 application to the New Jersey Department of Environmental Protection ("NJDEP") for permit approval pursuant to regulations including wetlands, CAFRA, and flood hazard regulations and this application is still pending before the NJDEP.
- r. The Property's flood elevation level is nine (9') feet.
- s. The Application and Plans comply with Chapter 19 "Flood Damage Prevention" of the Borough Code
- t. The structure currently on the Property is uninhabitable, has been in a state of disrepair for many years, and was further damaged by Superstorm Sandy in 2012;
- u. The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements 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;

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

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

x. 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 Subdivision Plan with conditions as described herein, this motion was seconded by Mr. Stenson. At that time, the following roll call was taken:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Joseph

Bonacci, Thomas Condon, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, James Stenson

Noes: None

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

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

F. 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.

G. A Plot/Grading/Plan prepared by a licensed professional engineer shall be submitted and approved by the Board Engineer. The Plot/Grading/Plan shall include minimum existing and proposed grading, location of mechanical equipment and screening, driveway information, onsite storm drainage disposal system, calculation of impervious coverage and all other information required by the code.

H. All applicable NJDEP permits shall be obtained and complied with.

I. Any substantial conditions or changes to the Plans imposed by the NJDEP shall be subject to a new hearing before the Board.

J. The Applicants shall amend the Plans so that the proposed structure does not exceed 37 feet in height in a manner to be approved by the Board Engineer.

K. The Applicants shall amend the Plans so that there is a three (3') three foot setback from the front property line to the stairs in the front yard in a manner to be approved by the Board Engineer.

L. The Applicants shall amend the Plans so that part of the ground floor deck is removed and two parking spaces are provided in a manner to be approved by the Board Engineer.

M. All required amendments to the Plans must be submitted to the Board Engineer for approval.

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

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

Noes: None

NEW BUSINESS:

The first item for consideration was an application for variance relief for Block 30.01, Lot 11, 523 Borrie Avenue, owned by Jason & Laura York, to construct a second story bedroom and a 5-foot wide front porch to an existing dwelling. Minimum Lot Width – 75 feet required, 60 feet existing & proposed. Minimum Lot area – 11,250 square feet required, 6,150 square feet existing & proposed. Minimum Front Yard Setback – 30 feet required, 26 feet existing & proposed to the dwelling, 21 feet proposed to the new front porch. Minimum Side Yard Setback – 10 feet required, 7.1 feet existing & proposed.

The proper fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Jason York of 523 Borrie Avenue came forward and was sworn in; he explained they want to put in a second story bedroom, they don't have enough for their family, as well as put a front porch on to stop the home looking like one large rectangle. They are going straight up edge to edge. Mr. Condon asked how far out they are going with the porch and was told it will be an 8-foot wide front porch, the original plans said 5 feet.

There was then a brief discussion on the denial letter as opposed to the plans submitted and it was determined that it will be 18 feet to the new front porch; the notice that was sent out had the correct figures. 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 named some, he said there are a few.

As there were no other Board questions the hearing was opened to the public for general comments and, again, there was no response so that portion was closed. Mr. Clark mentioned that the plans should be revised to show the garage being removed and Mr. York said that has already been done.

At this time a motion for approval was made by Councilman Garruzzo, seconded by Mrs. Montalto and then by the following roll call vote:

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

Noes: None

The Board then turned to an application for variance relief for Block 62.02, Lot 8, 803 Schoolhouse Road, owned by Sheila Wall, to construct additions to an existing single-family dwelling: demolition of the existing garage, construction of a new attached garage & rear addition, a rear covered screened porch and a covered front entry porch. Front Yard Setback – 40 feet required, 32.6 feet proposed. Side Yard Setback – 12 feet required, 10 feet proposed. Building coverage – 20% maximum allowed, 21.9% proposed.

The proper fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Mr. Richard Butz, Esq. came forward to represent the Walls in this application, he told the Board he is also the brother-in-law of this family. They have owned this property since 1998 and the structure is the same as it was in 1998, it is in the name of Sheila Wall only but her husband is listed as one of the applicants.

They wish to remove the existing garage that is in the rear of the property, behind the home, move it to the front as an attached garage and put in an office in the back; they need variances to do this. Mr. Butz said this is a unique lot as it is irregular and narrows down which is why they need setback relief, 12 feet is required and they are proposing 10 feet. The garage is noncompliant now and will be one more foot noncompliant.

At this time the Architect, Robert Weinstein, came forward and was sworn in. He has an office in Spring Lake, has had a practice here for 18 years and has been in all different communities. He was accepted as an expert witness by the Board. Mr. Weinstein said the existing home does have an office and the driveway is narrow and curves to the back of the home, it is a one-car garage with problems with parking in the winter. They want to make a two-car garage in the front and move the office to the rear as well as move some rooms around. This will make better access to the garage and will be in the same style as the home. They are also proposing to put in a small screened porch, what is there now is a deck that will be made into a 11x11.4 foot screened porch. There also will be a covered front porch entry which will be 5 feet x 10 feet and will be in line with the garage; this will protect them from the elements going into the home as well as give the home some curb appeal.

The North side of the property has the setback need, it is 13.5 feet now but the addition will bring it to 10 feet on that side and they will adhere as close to possible to get to the 12 foot requirement. The home next door is 70-80 feet away and instead of looking at a driveway they will be looking at an addition; he commented there will be no more fumes. The back area is all wooded and the new office will have windows looking at this area. Mr. Weinstein also said there will be no effect to the south side neighbors.

As his testimony was done the hearing was opened to the public for questions and, hearing none, that portion was closed. Mr. Langenberger asked what the new two-car wide driveway will be composed of and Mr. Weinstein felt that question can be answered by Mrs. Wall.

At this time Sheila Wall came forward and was sworn in. She said right now what they intend to do to is have the driveway come out where she showed on the map on the easel, there is a line of pavers and it will be a little more. 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 commented if the driveway is widened 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 said it will be close. Mr. Hilla said the driveway opening will be 25 feet and will conform. Mr. Maclearie asked if the proposed screened porch in the back 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 felt 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.

As there were no other comments that portion of the hearing was closed and the Board went into discussion. Mr. Langenberger was familiar with this home and said if he lived there the driveway would have driven him crazy, he 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.

At this time Councilman Garruzzo made a motion for approval, as presented, this 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, Glenn Miller, James Maclearie, Stacey Montalto

Noes: None

Before adjourning, Mrs. Brisben reminded everyone that next month, September, the Board will be having a power-point presentation by Mr. Clark and to please make sure they are in attendance as this is mandatory that Planning Board members hear this. Mr. Clark noted this is from our Insurance Company and extra coverage will be given to Board members if there is litigation if the Board members get trained. Mayor Nicol wanted to know if he and Councilman Garruzzo are included and Mr. Clark said he will confirm this for them.

As there was no other business to come before the Board, a motion for adjournment was made by Mr. Lapham, seconded by Mr. Miller and unanimously approved by voice vote, all aye. The meeting was adjourned at 8:03 p.m.

Karen S. Brisben
Planning Board Secretary

Approved: September 11, 2018