

Borough of Brielle

OCTOBER 9, 2018

December 05 2018

October 9th, 2018

BRIELLE PLANNING BOARD
TUESDAY, OCTOBER 9, 2018

The Regular meeting of the Brielle Planning Board was held on Tuesday, October 9, 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, Thomas Condon, James Langenberger, Eric Lapham, Glenn Miller, James Maclearie, Stacey Montalto, James Stenson

Absent - None

Also present were Alan Hilla, Jr., Board Engineer, David Clark, Attorney for the Board and Secretary of the Board Karen Brisben who recorded the Minutes. There were 15 people in the audience.

A motion was made by Councilman Garruzzo to approve the Minutes of the September 11, 2018 meeting, this seconded by Mr. Maclearie and approved all aye, with Mr. Stenson abstaining as he was not present in September.

CORRESPONDENCE:

The Board received a resignation email from Joseph Bonacci who had to resign from the Planning Board as he was moving out of town. The Board accepted his resignation with regret and felt he was a great asset to the Board.

Also received was the July/August issue of the NJ Planner.

NEW BUSINESS:

As there was no old business to discuss, the Board turned to the agenda and New Business. However, before starting the applications, Mr. Clark called Mr. Michael Mechler forward, Mr. Mechler had an application to be heard this evening but Mr. Clark explained that this will now have to be carried to the November 27th meeting of the Board as there was a problem with the public notice, Mr. Mechler had not noticed the utilities and this is necessary; they were on the list Mr. Mechler had received but he did not realize he had to actually notify them. Mr. Clark told Mr. Mechler he did not have to renotice all property owners, only had to send notice to the Utilities letting them know the date of the hearing for his property, it now is November 27th. Mr. Mechler understood and will come back at that time; it was then announced that there will be no further notice on this hearing, other than the utilities.

The Board then turned to an application for variance relief for Block 47.01, Lot 22, 332 Woodland Avenue, owned by Andrew & Caitlyn Marcus (Applicant – Robert Dooley), to allow construction of a detached garage. Minimum Lot Size – 11,250 square feet required, 6,825 square feet existing & proposed. Minimum Lot Width – 75 feet required, 45.5 feet existing & proposed. Side Yard Setback for Accessory Structure – 5.7 feet allowed, 5 feet proposed. Rear Yard Setback for Accessory Structure, 11.4 feet allowed, 5 feet proposed. Lot coverage – 20% maximum allowed, 24.1% proposed. Impervious coverage – 50% maximum allowed, 23.7% existing, 56.4% proposed. Paving Location Restrictions – 5 feet to the property line allowed, 2 feet proposed.

The correct fees were paid, taxes are paid to date and the property owners as well as the newspaper were properly notified. Mr. Andrew Marcus came forward and was sworn in, he is one of the owners. They are applying for a garage, this was something they had thought of for a while; they built a modest home and need room for storage.

Mr. Robert Dooley then came forward and was sworn in, he is the architect and applicant for this plan. He has his own business and has been licensed in NJ since 1994, he graduated from the NJ Institute of Technology and has been before Boards all around; he is also a member of the Zoning Board in Long Branch. The Board accepted him as an expert witness.

Mr. Clark then marked as Exhibit Marcus-1 the plan and Mr. Dooley went over all the variances requested for this undersized lot. When the existing home was built they put in a concrete driveway, they want to slide the driveway over to connect to a proposed garage and make it a gravel driveway, this will reduce the Impervious Coverage to 45.11%. There will be a building coverage of 24.1% as they want a two-car garage, the Marcus family needs this as there is no basement, the garage will be 5 feet off the property line and the ridge is at 18 feet measured from the crown of the road. He referred to Exhibit Marcus-1 where there is a yellow area on top of the garage and this is where the overage is. The rear of the garage will be 11 feet off the property line. He felt the setback and height of the garage are within reason and they are asking for these variances.

At this time the hearing was opened to the public for questions and, as there were none, that portion was closed. Mr. Langenberger asked why they couldn't downsize the garage to 1.5 cars, and move it forward. Mr. Dooley said this is an undersized lot and they need the backyard space for a patio, he can make the garage conform but Mr. Marcus wants a two-car garage. Mr. Langenberger noted this is the only garage on that side of the street and the Marcus home is not enclosed under the raised area, other homes are. Mr. Dooley said they tried to minimize this impact and then showed another yellow area on Exhibit Marcus-1, where the gravel driveway will be. Mr. Langenberger still felt if the garage were trimmed down it would stop some variances. He then asked if a screened-in porch is part of lot coverage and Mr. Dooley said it is included in his calculations and Mr. Hilla agreed.

Mr. Lapham questioned the location of the driveway for access, it might be okay to pull in but how about backing out? Mr. Marcus answered and said they will use the garage for storage only. Mr. Maclearie asked about considering a different slop on the garage and Mr. Dooley said yes, but they wanted to make the garage match the home with an 8 on 12 pitch, the porch is 4 on 12. Mr. Maclearie asked about changing the roof pitch to 4 on 12 or 6 on 12 and Mr. Dooley said they can do that but it won't match the home. Mr. Lapham commented the garage is not seen from the street so they can do this and bring it closer to the street. Mr. Dooley said he can reduce the plate height by a foot, the garage can be dropped back without lowering the pitch and asked if that would be okay; he then offered to change the pitch and he will work on this.

Mr. Hilla commented that, for an accessory structure, the building height is measured from the average grade, not the crown of the road, Mr. Dooley felt there can be adjustments made.

As there were no more questions from the Board the hearing was opened to the public for general comments and, as there were none, that portion was closed and the Board went into discussion. Mr. Langenberger said they are working with a clean slate and felt they can make the garage smaller, maybe put in a shed, he was not comfortable with the size of the garage. Mr. Stenson & Ms. Montalto agreed that making these changes would make the application more palpable, Ms. Montalto adding that she also lives on an undersized lot and can understand the problem they are having. Mr. Miller also was okay with the changes and agreed storage is needed. Mr. Lapham agreed with the comments made and would be for approval with changes. Mr. Maclearie asked if the gravel area driveway will be free flowing and Mr. Marcus said they plan on putting in a fence. Councilman Garruzzo noted no neighbors were here to object or have concerns and he did not think this was overly dramatic and was okay with the application, Mayor Nicol felt there was no problem. Mr. Condon commented that if the neighbors were here he made have had a different thought on this, he doesn't have a garage on his property and would love one.

Councilman Garruzzo then made a motion to approve the application, with the changes to the garage of reducing the height by one foot and changing the roof pitch, this was seconded by Mr. Lapham and then approved by the following roll call vote:

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

Noes: James Langenberger

The next item on the agenda was an application for variance relief for Block 22.01, Lot 7, 635 Agnes Avenue, owned by Estate of Carol Bennett (applicant – Joseph Carannante), to allow demolition of existing home & construction of a single-family dwelling. Minimum Lot Area – 11,250 squarer feet required, 7,500 square feet existing & proposed. Minimum Lot Width – 75 feet required, 50 feet existing & proposed. Minimum side Yard Setback – 10 feet allowed, 9 feet proposed (both sides). Maximum Building Height – 35 feet maximum allowed, 36.17 feet proposed.

The correct fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Let it be noted that Councilman Garruzzo recused himself from hearing this application as he is a relative of Mr. Carannante.

Mr. Michael Rubino, Esq. came forward to present this application and told the Board Mr. Carannante has now closed on this property and is the owner of record. He then asked to have a photo board marked, 7 photos; this was marked as Exhibit A-1. The Architectural plans were marked as Exhibit A-2 and the engineering plans, done by Burdick Engineering, were marked as Exhibit A-3.

Mr. Rubino explained this is an application for variance relief, they want to take down the existing home and put up a new one; this is an undersized lot and is 50x150 feet, irregular, they also need variances for side yard setbacks and height. He noted the lot slopes up as you go back so they need a height variance to be the proper pitch.

At this time Mr. Joseph Carannante came forward and was sworn in – he told the Board he has built homes in Brielle on Homestead Road and this one will be like them; he has also built homes in Brick, Point Pleasant Beach and Point Pleasant Borough. He said this is an older home and not much can be done with the foundation that is there, a new home will look better but they need side yard variance relief with an extra foot on either side so they won't have a long, skinny home, the new home will be 32 feet wide. The property slopes up about 5 feet in the back so they are asking for an extra foot of height, Mr. Carannante felt this will look better for curb appeal, the pitch will be pleasing to the eye.

At this time the hearing was opened to the public for questions to Mr. Carannante and Sean Wohltman of 639 Agnes Avenue came forward and was sworn in. He asked about the proposed drainage here and Mr. Rubino said the Engineer will address this. Marjorie Cho of 619 Agnes Avenue came forward, noting her in-laws own 633 Agnes Avenue. She felt the lots here are unique, some are small and some are big, she wanted to know if Mr. Carannante felt the homes here are ugly, he keeps saying he wanted to make the block better. When she built her home she had it done to code and felt a home can be built within the parameters of the zoning requirements; she again asked if he felt the existing homes were ugly. Mr. Carannante said if a home is skinny and narrow it will not look as nice. Ms. Cho then asked about the telephone pole in front of this home and will it be moved; Mr. Rubino answered and said that the pole is on the property line, they will put sod there but will not be touching it.

Next to be sworn in was Michael Bonk, 637 Agnes Avenue. He wanted to know why the home has to be made wider and making a very tall home with a large dormer will be overlooking 637 Agnes Avenue. Mr. Carannante said he is only asking for 12 inches but Mr. Bonk said that open area is a premium. The Ordinance said 10 feet for a sideline and this should be followed. He also asked about water runoff, water runs all over when it rains. Mr. Rubino told him this will be addressed by the Engineer.

Mr. Lapham asked about the existing side yard setback, it looks like only 7.3 existing on one side and Mr. Carannante said yes, this is to the right of the home as you are looking at it, they are improving it to 2 feet better on that side.

As there were no other questions to Mr. Carannante, that portion of the hearing was closed and Joseph Primiano of 26 Old Trenton Road, Windsor, N.J. came forward, he is a graduate of NJIT has been licensed in NJ as an architect since 2007 and has been before numerous Boards through the State, this is his first time before this Board. He was accepted as an expert witness.

He referred to Exhibit A-2, the architectural drawing showing a 1 ½ story dwelling, the first sheet is the floor plan for 1,137 square feet and the second floor will have 1,330 square feet, the lower level will have a single car garage, kitchen, dining room and great room that will be all one space. Bedrooms will be on the second floor with one bedroom on the 3rd floor attic space. The ceiling heights are 9 feet for the first floor, 8 feet for the second floor and the attic is 7 feet in the center with sloped ceilings; he noted the home itself is 31 feet tall. The intent here is to make something elegant for this street, there are a variety of dwellings from 1 story to 2 ½ stories with all kinds of roofs. They want a triple gable and tower element for a seashore look, there will be a stone veneer front and architectural shingles. The roof slope is a 7 ½ pitch for space in the attic, it's nice to keep roof pitches matching, they do not want a flat roof look and anything lower than 7 ½ would be detrimental to the look. Mr. Rubino asked if this can be reduced and Mr. Primiano said they want to make it look nice and a steeper roof looks better.

At this time the hearing was opened to the public for questions and Mr. Wohltman came forward again. He asked if they kept within the Ordinance width, would not that be proportional? Mr. Primiano said yes, the peak would come down and the 7 ½ pitch would become 7, and would be less on each side of the home. Next to come forward was Michael Macgowan of 637 Agnes Avenue, he questioned the proposed dormer and felt that someone could look down into his 8-year daughter's bedroom. Mr. Primiano showed, on Exhibit A-2, the stairwell that comes up from the basement to the attic, a higher headroom is needed for the attic, the dormer is added for this use, the bedroom itself is in the middle and the dormer window is very high, it is above the stairs. Mr. Macgowan also commented it was said every house on this street is different and, if this home is built it would be a castle as no other home looks like this.

Michael Bonk again came forward and felt the dormer was obscene and also could not see any reason for the extra width. Mr. Primiano said even if they pull the house the dormer could still stay. Mr. Bonk then asked why can't the house be moved in to keep within the Ordinance? If the roof height is lowered there will be plenty of room and there will be no problem with the width with no variances needed. He did not see any hardship, so his question was "why can't you move the house in"? Mr. Condon said that question was already answered, he thinks it will be more aesthetically pleasing.

As there were no other questions from the public, that portion of the hearing was closed. Mr. Stenson asked about the attic drawing on the plans, it is marked as Bedroom No. 4 and has a bathroom. Mr. Primiano said that is an error, it is a loft space and not a bedroom, it is sloped to 4 feet; it is more like a bonus room. Mr. Miller said he was trying to get a handle on the new home as opposed to the old home and Mr. Primiano said the Engineer's testimony may address this. Mayor Nicol asked if the window can be taken out and a skylight be put in and the answer was yes. Mr. Hilla reminded the Board they have to discuss the building height issue.

As there were no more questions from the Board to the Architect, the Engineer, Robert Burdick, came forward and was sworn in. As he is familiar to the Board he was accepted as an expert witness and Mr. Condon asked if he was here as Engineer and Planner and was told yes. Mr. Burdick stated that they are moving the side yard setback line of 7.3 feet on the westerly side to 9 feet, an increase; the east side will be going from 13 feet side yard setback to 9 feet. The driveway will be on the west side and the power pole that is there will remain; also, the building coverage now is 14% and it will be going up to 20%. This is an R-3 zone and is all single family, however, this is an undersized lot for this zone and the applicant can't buy more land. He noted that this lot is steeper than most lots in this area. He went on to say they would only be able to put in a 30-foot wide home if they follow the setback requirements for this zone and commented that, in the R-4 zone, the requirement is for an 8-foot sideline setback. He then addressed Mr. Hilla's letter and said they will be using the existing water/sewer line, the plan will be revised for drywells. He said they realize they are at the full 20% coverage and no future building can be done on this lot without coming back to the Planning/Zoning Board.

He referenced the building height requirement of 35 feet as they need a height variance, he said the height is measured from the crown of the road, the lot slopes up about 3%. He addressed the drainage and said it drains from south to north and it is critical in the back to keep the drainage on the property, going to the road. If they cut down the grading it will be a problem for the neighbors. He explained they need one foot between the ground and the wood, the joists will be at 26 for the first floor, the peak is at 29.2 and giving the elevations, the final home will be one foot over on height. This is a unique topographic situation and Mr. Burdick said their height is close to the neighbors to the west and felt that some homes in the area are even over but admitted they are pre-existing. He told the Board he knew they have to enforce the Ordinance but if there are unique conditions they can grant variances and this is how they came up with the height variance.

Mr. Burdick went back to the drainage and said there will be small swales on site and the drainage will go to the street; there will be stormwater recharge on the roof which will go to an underground recharge system so they will be reducing runoff. In regards to the side yard setbacks, one side will go from 7.3 feet to 9 feet, on the east side it will go from 13 feet to 9 feet but the next home is about 20 feet away. He looked at the widths of some homes and some of them have more of a width, a home to the west is also a 50-foot lot with a 33.4 foot width and then there is a 35 foot wide home farther down. He asked the Board to consider this and this home will be within the spirit of the Ordinance.

Mr. Burdick said the Board can consider if the advantages outweigh the disadvantages. They are increasing the west side line setback and moving the driveway and this will be an aesthetic improvement. If they go narrower it will affect the roof peaks and Mr. Burdick felt this home will fit in and provide light, air and open space at 20% coverage. There will be new drainage which will be better as this lot is a unique one as far as topography that can't be changed. He felt the variances can be granted as the variances outweigh the detriments.

As his testimony was finished the hearing was opened to the public for questions to Mr. Burdick and Mr. Wohltman came forward and asked if the sideline setback is going all the way back and Mr. Burdick said this applies to the home itself. Mr. Wohltman noted the lot goes down to only 44 feet wide in the rear width. Mr. Wohltman then asked about the drainage in regards to a 25-year storm and Mr. Burdick said the plan here is for a 10-year storm. Mr. Wohltman noted there is a standing water problem on Agnes here and did not think discharging water to Agnes Avenue is a good thing. Mr. Burdick commented they can put in a 100-year storm drainage system and that will be less drainage to the street. Mr. Wohltman then asked about the solar panels the next door neighbor has and will this proposed home affect the light to those panels? Mr. Burdick felt the impact will be minimal but he couldn't quantify this.

Mr. Macgowan, the next door neighbor with the solar panels, then came forward and said he was told by the installer that where they were put was the best place, he will have to call them again if this home is built, he felt he would lose 10 to 20% solar. Mr. Burdick said their height is 2 feet above his home, they may be able to reduce the height to have a minimal impact. Mr. Bonk again came forward and commented the application says the building coverage will be 20.4% and Mr. Rubino told him they reduced it to 20%. He then wanted to know why the comment was made about the R-4 zone and the side setbacks there, Mr. Rubino said he just made a comparison. Mr. Bonk felt that, as the sun comes up in the east, there will be more shade and every foot is an issue.

As there were no more questions to Mr. Burdick that portion of the hearing was closed. Mr. Lapham asked Mr. Hilla if the recharge system spoken about was acceptable to him and Mr. Hilla said that right now there is no recharge and this system will reduce the drainage to the street. Mr. Lapham then asked Mr. Burdick where this recharge will be and Mr. Burdick said there will be one in the front and one in the rear at the west sideline. Mr. Hilla noted that will have to be 5 feet from the rear. Mr. Lapham then asked how deep will the new driveway go and was told 25-30 feet.

Mr. Maclearie asked Mr. Hilla about the building height and Mr. Hilla said he could not replicate their figures, he could not jive with theirs but this can be straightened out and they asked for more of a height then he figured; Mr. Burdick admitted to changing the plans a little.

Mr. Condon reminded Mr. Hilla of the home at the end of Agnes that also had grading problems and Mr. Hilla said in this location they are stuck with the center line of the road, this is different. Mr. Hilla then asked Mr. Burdick about the driveway, he thought it was 10 feet wide and Mr. Burdick said yes, Mr. Hilla was correct. Mr. Hilla then asked about a sump pump and Mr. Burdick said yes and it will recharge into the system.

As there were no more Board questions the hearing was opened for general comments and Marjorie Cho again came forward. She said it is a beautiful home but she couldn't see why it can't be smaller, the builder is not going to live in it and it will upset the neighborhood. It was stated they could make a smaller home and if they did that it would fit. She lost a 1 ½ feet width when she had her home done to keep within code and she lives with it.

Mr. Michael Bonk again came forward and felt that granting variances should be based on a hardship; the courts have ruled this can't be self-created, such as making the home wider, he did not think hardship has been proven and this is not a unique situation. This home will alter the area with a larger square footage home that is being built for financial gain and it should not be done. He has read the Zoning Ordinance and felt the Board should abide by it. He said the builder has built homes in Brielle before and he should know what the codes are, there is no hardship here and this should be denied. The neighbors offered a solution to him and he does not want to do it, he just wants monetary gain. This home will not fit in the neighborhood, the dormer will block sunlight and they will suffer, this is not a reasonable use of the land; the builder knew what was there and bought the lot anyway. The application for height must be denied, if this is allowed the Zoning Ordinance should be changed.

Mr. Michael Magowan came forward and told the Board he grew up here and went to Manasquan High School and wanted to buy Carol Bennett's home. He had spoken to Mr. Carannante and was told all he wanted to do was go up in height, that was all, he felt he was lied to as Mr. Carannante came to the Board with other variances. Mr. Macgowan also had letters from some of the other neighbors but Mr. Rubino and Mr. Condon told him letters can't be accepted, they cannot be cross examined. Mr. Macgowan then said they will appeal this if is approved, Tim Middleton is their lawyer. Mr. Bonk asked if some of the people who wrote a letter are here can the letters be accepted and Mr. Condon again said no, it is not allowed.

Jennifer Macgowan of 637 Agnes Avenue then came forward and was sworn in. She, too, objected to this building being done. Jill Moore of 630 Agnes Avenue then came forward and was sworn in, she, too, said she was in support of this application being denied.

As there were no more comments, that portion of the hearing was closed and Mr. Rubino came forward to sum up the application. They gave testimony as to why this application can be granted on a C-1 and C-2 criteria. The client did not say he would make more money if the home is bigger and wider, he just feels 32 feet wide will be better. If this lot was 75 feet wide there can be a 55-foot wide home, but this is an undersized lot so there is a hardship, as well as the slope of the property as the back is 6-7 feet higher than the road, the deviations are minor. He felt the requests for variances are reasonable and this will be a better looking home and asked the Board to grant this application.

Mr. Langenberger was concerned about the drainage problem and he felt it has been addressed. Mr. Stenson was concerned about the width, he felt it can be moved back and reduce the height. Ms. Montalto agreed with the width & height concern, the applicant is not going to live in the home and she felt the Board has to

respect the neighbors' concerns. Mr. Miller also had concerns with the size and felt this can be brought into conformity, they can change the first floor from 9 feet to 8 feet. Mr. Lapham had similar sentiments, take the footprint in and reduce the height and there will be a little less unrest in the neighborhood. Mr. Maclearie said a bathroom on the third floor concerned him and he wanted to see them get rid of it. Mayor Nicol also had concerns about the third floor and the house width. Mr. Condon also felt the height and width were issues, he could understand why they want to do it but the size of the lot is the hardship. Also, the amount of people that are showing up needs to be taken into account by this Board.

Mr. Rubino asked for a few moments to speak with Mr. Carannante and this was allowed; Mr. Clark did say to the audience that if the application is denied, Mr. Carannante can build a home that complies. Mr. Rubino came back before the Board and appreciated the time to speak to his client, Mr. Carannante still wants to go with the original application.

At this time, in order to get a vote done by the Board, Mr. Langenberger made a motion to approve the application, this seconded by Mr. Condon and the application was then denied by the following roll call vote:

Ayes: None

Noes: Mayor Thomas Nicol, Thomas Condon, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto, James Stenson

As there was no other business to come before the Board Mrs. Brisben reminded all that the next meeting was changed and will be held on Tuesday, November 27th instead of Tuesday, November 13th. A motion for adjournment was then made by Mayor Nicol, seconded by Mr. Lapham and unanimously approved, all aye. The meeting was adjourned at 9:25 p.m.

Karen S. Brisben, Board Secretary
Approved: November 27, 2018