

Borough of Brielle

FEBRUARY 12, 2019

June 10 2019

February 12th, 2019

BOROUGH OF BRIELLE
PLANNING/ZONING BOARD MEETING
TUESDAY, FEBRUARY 12th, 2019

The Regular meeting of the Brielle Planning/Zoning Board was held on Tuesday, February 12th, 2019 at 7:30 pm 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 B. Nicol, Councilman Frank A. Garruzzo, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto, John Pierciey, Corinne Trainor

Absent – Thomas Condon and James Stenson

Also present were David Clark, Board Attorney, Alan Hilla, Jr., Board Engineer and Carol Baran, Secretary of the Board. There were 8 people in the audience.

A motion was made by James Langenberger to approve the Minutes of the January 8th, 2019 meeting, this seconded by Councilman Garruzzo and unanimously approved, all aye.

CORRESPONDENCE:

The Board received a notice from the Insurance Company for the Borough regarding Security Threats.

The Board also received a copy of notice to NJDEP for Block 48.01, Lot 13.02, 308 Fisk Avenue, to allow construction of a home and in-ground pool.

OTHER BUSINESS:

The Board considered a request for Extension of time for recording approval of Minor Subdivision for Block 9.01, Lot 2, 504 Old Bridge Road, owned by River Point Properties, LLC.

Charles Shaw from The Rubino law office came forward representing Mike Rubino whom was sick this evening. Mr. Shaw stated the applicant's need for an extension on an approval for a minor subdivision application from the Board back in 2017. The Board attorney David Clark explained the applicant had been waiting on an approval through the County which had not been received until November 2018. Mr. Clark clarified the wording of the statute which allows for extensions under different circumstances including but not limited to waiting on an approval from another government entity.

The Mayor asked the Board for any questions or comments. The Board members had no comments. Mr. Clark asked Mr. Shaw if the applicant was looking for 120 days from February 12th, 2019. Mr. Shaw answered yes. The Mayor then turned to the audience for any questions or comments.

Councilman Frank Garruzzo made a motion to approve the extension, this was seconded by Mr. Eric Lapham.

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

Noes: None

Not Eligible to Vote: Corinne Trainor, Francis Pierciey

Absent: Thomas Condon, James Stenson

The Board then considered an amended Resolution of the approval of Block 47.02, Lot 22, 332 Woodland Avenue, owned by Andrew & Caitlyn Marcus, due to an error on the original Resolution. The Mayor turned it over to Mr. David Clark described the circumstances and corrections. Mr. Clark explained the resolution had been approved in October and memorialized in November 2018. There had been an error in the resolution. The "Be it resolved" section had been reworded. The Borough Engineer and Mr. Dooley, representing the applicant, had corrected and approved the changes.

RESOLUTION OF THE BRIELLE PLANNING BOARD AMENDING THE NOVEMBER 27, 2018 RESOLUTION OF

WHEREAS, Robert G. Dooley, Jr., R.A. (the "Applicant") filed an application (the "Application") with the Planning Board of the Borough of Brielle (the "Board") on behalf of property owners Andrew and Caitlyn Marcus (the "Property Owners") seeking approval and variance relief to construct a detached two (2) car garage on the property located at 332 Woodland Avenue and identified on the tax map of the Borough of Brielle as Block 47.01, Lot 22 (the "Property") in accordance with the plans submitted in support of the Application (the "Plans");

WHEREAS, the Board held a hearing on the Application on October 9, 2018 (the "Hearing"), and after carefully considering the evidence presented by the Applicant, the Board granted the variance relief sought by the Applicant subject to certain conditions as set forth more fully within a Resolution of Approval dated November 27, 2018 (the "November 27, 2018 Resolution"); and

WHEREAS, the Applicant subsequently contacted the Board's attorney and asked that the Board review the November 27, 2018 Resolution due to certain alleged inconsistencies between the language of the resolution and the Hearing record; and

WHEREAS, after reviewing the audio recording of the Hearing, the Board Attorney determined that there are inconsistencies between the language of the November 27, 2018 Resolution and the Hearing record; and

WHEREAS, specifically, (i) the November 27, 2018 Resolution incorrectly states that the Applicant agreed to reduce the height of the garage to 17.41 feet whereas the Hearing record indicates that the Applicant agreed to reduce the height of the garage to 15 feet, and (ii) the November 27, 2018 Resolution incorrectly states that the Applicant agreed to amend the Plans so that the lot coverage does not exceed twenty (20%) percent of the Property whereas the Hearing record indicates that the Applicant did not agree to any amendment to the lot coverage for the Property, and instead agreed to amend the Plans so that the impervious coverage does not exceed fifty (50%) percent; and

WHEREAS, the Board wishes to adopt this resolution in order to correct these errors and to more accurately reflect the Board's decision with regard to the Application.

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Brielle, that the November 27, 2018 Resolution is hereby amended as follows:

1. The Section on pages 2 and 3 of the November 27, 2018 Resolution identifying the variances sought by the Applicant is hereby rescinded and replaced by the following revised section:

- a. Lot Coverage – Pursuant to §21-13.2(a)(1)(h) of the Ordinance, the maximum allowable lot coverage for a property in the R-3 Zone is twenty (20%) percent. The existing lot coverage is 16.34%, and the proposed lot coverage is 24.1%;
- b. Setback of Driveway Paving - Pursuant to §21-31.22 of the Ordinance, paving for parking shall not be permitted within five (5') feet of the Property line. The Plans propose paving within two (2') feet of the Property line;
- c. Side Yard Setback for Accessory Structures greater than 15 feet in height – Pursuant to §21-13.2(a)(2)(a) of the Ordinance, the side yard setback for detached accessory structure greater than fifteen (15') feet in height shall be one-third (1/3) of the height from the side lot line. The Applicant's Plans proposed structure requires a side yard setback of 5.7 feet, where a five (5') foot side setback is proposed. This variance request was withdrawn by the Applicant at the Hearing as the need for this variance was eliminated due to the Applicant's agreement at the Hearing to reduce the height of the garage to 15 feet;
- d. Rear Yard Setback for Accessory Structures greater than 15 feet in height – Pursuant to §21-13.2(a)(2)(a) of the Ordinance, the rear yard setback for detached accessory structure greater than fifteen (15') feet in height shall be two-thirds (2/3) of the height from the rear lot line. The Applicant's Plans proposed structure requires a rear yard setback of 11.4 feet, where a five (5') foot rear setback is proposed. This variance request was withdrawn by the Applicant at the Hearing as the need for this variance was eliminated due to the Applicant's agreement at the Hearing to reduce the height of the garage to 15 feet;
- e. Impervious Coverage – Pursuant to the Ordinance, the maximum allowable impervious coverage is fifty (50%) percent. The existing impervious coverage is 23.7% and the impervious coverage that would result from the Plans is 56.4%. This variance request was withdrawn and the Applicant agreed at the Hearing to revise the Plans in order to meet the requirement for impervious coverage in the Borough Code; and

2. The Section on pages 5 and 6 of the November 27, 2018 Resolution providing the Board's findings of fact and conclusions of law is hereby rescinded and replaced by the following revised section:

- 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-3 Zone;
- c. The variances relate to a specific piece of property;
- d. The nonconforming lot size and nonconforming lot width are pre-existing conditions on the Property;
- e. The Applicant has agreed to amend the Plans so that the impervious coverage does not exceed fifty (50%) percent in conformance with the Ordinance;
- f. The Application initially proposed a two-car garage at 18.41 feet in height;

- g. The Applicant has agreed to amend the Plans by reducing the proposed height of the two-car garage to fifteen (15') feet;
 - h. Pursuant to the Ordinance, accessory structures less than or equal to fifteen (15') feet height have lesser setback requirements than accessory structures taller than fifteen (15') feet;
 - i. The height reduction for the proposed garage eliminates the need for side and rear yard setback variances initially sought by the Applicant through the Application;
 - j. The undersized lot creates a hardship as the house is built on piles and there is no basement, thus requiring relief to provide storage on the Property while maintaining backyard space;
 - k. 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;
 - l. The variances can be granted without substantial detriment to the public good;
 - m. The benefits of the deviations substantially outweigh any detriment; and
 - n. The variance relief will not substantially impair the intent and purpose of the zone plan and zoning ordinance; and
3. The Section on pages 6 and 7 of the November 27, 2018 Resolution listing the conditions of approval is hereby rescinded and replaced by the following revised section:
- A. Applicant shall pay all taxes and other applicable assessments, costs and fees to date, as applicable.
 - B. Applicant 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 Resolution.
 - C. Applicant shall amend the Plans to reflect that the Property's impervious coverage does not exceed fifty (50%) percent, in a manner to be approved by the Board Engineer.
 - D. Applicant shall amend the Plans to reflect that the height of the two-car garage is reduced to fifteen (15') feet, in a manner to be approved by the Board Engineer.
 - E. All required amendments to the Plans must be submitted to the Board Engineer for approval.
 - F. Once the Board Engineer approves these amendments, the Applicant shall submit five (5) sets of the revised Plans incorporating all revisions set forth herein to the Board Secretary within thirty (30) days.

The above amended Resolution was approved on a motion by Eric Lapham seconded by James Maclearie and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto

Noes: None

Not Eligible to Vote: Councilman Frank Garruzzo, James Langenberger, Corinne Trainor, Francis Piercey

Absent: Thomas Condon, James Stenson

NEW BUSINESS:

Application for variance relief for Block 31.01, Lot 21, 503 Woodland Avenue, owned by Dennis & Emily Beezley, to allow construction of a covered front porch. Side Yard Setback (east) — 8 feet required, 7.42 feet existing & proposed. Rear Yard Setback — 25 feet required, 24.22 feet existing & proposed. Building Coverage — 20% maximum, 21.9% existing, 25.32% 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. Mrs. Emily Beezley came forward to present her application and was sworn in by Mr. Clark.

Mrs. Beezley explained she was requesting variance relief for an open and airy porch which would improve the look of the house and keep it aligned with the look of the neighborhood. She continued from an aesthetic value it would be an improvement to the house, street and nearby properties. She added the house next door has a porch which sticks out further than her request. The house is currently under renovation, this is the only needed variance.

Mr. Clark added that other variances already exist. Mr. Garruzzo asked the dimensions of the porch. Mrs. Beezley responded 6ft. and described what her porch would look like.

The porch would have columns, the roof which would extend from the existing roof line, railing and two or three steps. She added it would be 28ft long sticking out six feet from the house.

Mr. Langenberger stated his concerns of pushing the coverage over the 25%, he feels the Board likes to stay in the 23 or 24%. Mrs. Beezley agreed that would not be a problem He reminded Mrs. Beezley that she could not enclosed the porch in the future.

Mr. Hilla asked for the coverage to be just below 25% at 24.9%. Mrs. Beezley said she did not see a problem with shortening the porch to about 25ft which would bring it under the 25%. Mrs. Montalto asked for confirmation that just the porch was adding to the coverage. Mrs. Beezley said yes just the porch.

Mr. Miller, Councilman Garruzzo, Mr. Lapham, Mr. Piercey, Ms. Trainor had no problems with the application.

Mr. Maclearie asked if the roofline would change, Mrs. Beezley responded that the roofline was staying the same.

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.

Mr. Langenberger made a motion to approve the application, with the changes to the coverage & revised plans to be turned in and the stipulation to never be enclosed, this was seconded by councilman Garruzzo and then approved by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto, Corinne Trainor, Francis Piercey

Noes: None

Absent: Thomas Condon, James Stenson

Mayor Nicol, Councilman Frank Garruzzo and Mr. Langenberger stepped down from the dais due to a conflict.

OLD BUSINESS:

Continuing the hearing for Block 77.01, Lot 5, 403 Higgins Avenue, Higgins Restaurant Group, LLC, to modify the parking area at Waterman's Grill.

Ms. Jillian McLeer, Esq. came forward and she said she was here on behalf of Mr. Grafas, the owner, and Tim Lurie of DW Smith also was here to testify with revised plans. Ms. McLeer asked for her revised power point presentation to be marked A-3 and Mr. Lurie presented a set of revised plans to be marked A-4.

Ms. McLeer stated they were presenting the revised plans with the recommendations from Mr. Kennedy's letter. The most notable one was for a 36" concrete walkway. Ms. McLeer asked Mr. Lurie to explain the changes. He stated the addition of the walkway, the size of the driveway from 13ft down to 10ft, addition of 2 more parking spaces and bollards, added circulation arrows and landscaping along Higgins Avenue to match the current landscaping. In reference to the lighting plans, they would maintain levels as they currently exist. Mr. Lurie referenced the items from Mr. Kennedy's letter including the drainage suggestions.

Mr. Clark asked if any of the requested variances had changed. Mr. Lurie said there is an undue hardship because of street frontage on three sides. The new variances were for the canopy set back 2.6 ft from Higgins avenue, 20% landscaping is required, and they are increasing from 7.2 to 7.7% and the parking spaces backing up into the driveway existing is 9ft ordinance allows 20ft they are proposing 15.2ft. Mr. Clark clarified with Mr. Lurie for the Board that the variances have changed slightly, closer to compliance. Parking configuration is safer and has no negative impact on the public.

Mr. Clark turned to the Board for questions. Mr. Lapham asked about the lighting. Ms. McLeer explained this is the lighting that has been in place for a long time and there have never been issues. The rest of the Board members had no questions.

Ms. McLeer closed her presentation with comments of Mr. Grafas' efforts to enhance the neighborhood and Brielle with the proposed improvements to Waterman's Grill and she thanked the Board for their time.

Mr. Keith McEligot 615 Brielle Avenue came forward and was sworn in. He asked if there were provisions for cameras in the parking lot for the safety of the customers. Ms. McLeer responded there were no cameras in the plans. She stated there was no customer access to the back of the building. Mr. Clark explained there are no codes requiring cameras.

Ms. Virginia Loftin 407 South Street came forward and was sworn in. She asked why the Board was allowing for the landscaping percentage to be 7.7% instead of the required amount. Mr. Clark explained the percentage could have stayed the same, instead they were improving it. Mr. Maclearie added the applicant is increasing it slightly which they did not have to do.

Ms. Trainor questioned if there are bollards in the middle of the parking lot. Mr. Lurie responded no. Then Ms. Trainor asked if the revised plans include the fence and Ms. McLeer answered with Mr. Grafas' confirmation that the fence would stay until the bollards are put in. Mr. Maclearie mentioned he appreciated Ms. Loftin's

concerns. All other Board members had no comments.

Mr. Clark reminded the Board of Mr. Kennedy's recommendation of a condition be put in the resolution in reference to the signage conforming to the zoning code. Mr. Clark advised he has spoken to the applicant's attorney and they consent to that being put in as a condition.

Mr. Maclearie made a motion to approve the application with the conditions stated by Mr. Clark, this was seconded by Mr. Piercey and then approved by the following roll call vote:

Ayes: Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto, Corinne Trainor, Francis Piercey

Noes: None

Absent: Thomas Condon, James Stenson

As there was no other business to come before the Board a motion to adjourn was made by Mr. Maclearie, seconded by Mr. Miller and unanimously approved by the Board, all aye. The meeting was adjourned at 8:14 p.m.

Carol Baran, Secretary of the Board

Approved: