

# ***Borough of Brielle***

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**APRIL 9, 2019**

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June 10 2019

***April 9th, 2019***

BOROUGH OF BRIELLE  
PLANNING/ZONING BOARD MEETING  
TUESDAY, APRIL 9th, 2019

The Regular meeting of the Brielle Planning/Zoning Board was held on Tuesday, April 9th, 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 - Councilman Frank A. Garruzzo, Thomas Condon, James Stenson, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto, John Pierciey, Corinne Trainor

Absent – Mayor Thomas B. Nicol

Also present were David Clark, Board Attorney, Alan Hilla, Jr., Board Engineer and Carol Baran, Secretary of the Board. There were 9 people in the audience.

A motion was made by James Langenberger to approve the Minutes of the March 12th, 2019 meeting, this seconded by Councilman Garruzzo and unanimously approved, all aye.

## **CORRESPONDENCE:**

The January/February issue of the NJ Planner was received and distributed.

Mr. David Clark Board attorney announced the postponement of the application for appeal and/or variance relief for Block 72, Lot 1, 836 Riverview Drive, owned by 836 Riverview Drive, LLC, to allow barrier-netting fencing to remain on the property. Maximum Fence Height —6 feet high 'allowed, Tennis Court Fence —12 feet high allowed, current fencing is over the maximum height at 65 feet high until June 11th, 2019 Planning Board meeting.

## **OLD BUSINESS:**

The Board heard the continuation of the application for variance relief for Block 66.02, Lot 8, 706 Schoolhouse Road, owned by Gregory & Kathleen Mooney, to allow construction of a 20x20 foot deck at the rear of the existing home. Lot area — 11,250 square feet required; 10,000 square feet existing. Lot Depth — 125 feet required; 100 feet existing. Rear Yard Setback — 35 feet required; 15 feet proposed.

Mr. Mooney came forward and was sworn in again. Mr. Mooney said he is seeking a variance for a 20 x 20 deck in the rear of his home. This deck will give him a place to enjoy his back yard. He stated after the March 12th meeting, he met with the neighbors to understand and address their concerns. The neighbors had three concerns 1. Height, 2. Privacy and 3. Drainage. Mr. Mooney continued his testimony with his solutions to the three areas of concern. First, he explained the deck would be one foot lower than the first floor of his home. It will be 23 inches above the ground which is less than three feet. Mr. Mooney referenced the pictures he had submitted to the Planning Board.

Mr. Mooney proceeded by addressing the privacy issue. He stated his backyard had a natural privacy barrier from the neighbor's house behind with 18 cypress trees 20 ft. tall approximately 45 ft wide. Less than four feet apart. Mr. Mooney added you could not see into the neighbor's yard from any level inside his house.

Mr. Mooney finished up with the drainage issues. Mr. Mooney stated he reached out to Mr. Hilla to get a little background of what took place during the building of the home two years ago. The builder had implemented a solution with Mr. Hilla overseeing. Two additional drywells (hold 318 gallons of water each) were installed making a total of three along the backyard. In addition, a berm was built along the back of the property and 30 feet up east side of the property. They monitored them for over a year. No calls were received by the Borough or builder. Mr. Mooney referenced the above average stats for the rainfall in Monmouth County. Mr. Mooney closed with the drainage system was approved by the Borough, additional soil and perennial grasses to be added to the berm and he believes the drainage system is working. Mr. Mooney thanked the Board for their time.

Mr. Condon asked Mr. Hilla if he had any questions. Mr. Hilla asked about the under decking. Mr. Mooney responded he intends to put landscape fabric with pebbles on it.

As there was no more testimony from Mr. Mooney the hearing was opened for questions from the public and Mr. Dettlinger 707 Howell Drive came forward and asked what the deck material would be, the answer was new composite material. Mr. Dettlinger then asked about the gaping between the pieces. Mr. Mooney responded it is not tongue and groove, there are gaps between.

As there were no other questions from the public, that portion of the hearing was closed. The Hearing was opened to the Board for questions to Mr. Mooney. The Board members had no questions for Mr. Mooney.

At this time the hearing was opened to the public for comments. Mr. Dettlinger came forward and shared his concerns for the drainage issues that still exist on his property due to the building of Mr. Mooney's house.

Hearing no more comments from the public, Mr. Condon turned to the Board for comments. Mr. Langenberger and Mr. Stenson commented on the grading came with the house and shouldn't stop Mr. Mooney from adding a deck. Mr. Miller and Councilman Garruzzo both agreed that there should be some requirements to maintain the barrier.

Ms. Trainor was appreciative of the efforts to answer the questions from March's meeting and work directly with the neighbor. Mr. Condon stated his concern was with the setback.

Mr. Stenson made a motion to approve the application with the stipulation to maintain the tree barrier for the privacy and perennial grasses on the berm, this was seconded by Ms. Trainor and then approved by the following roll call vote:

Ayes: Councilman Frank Garruzzo, James Langenberger, James Maclearie, Glenn Miller, James Stenson and Corinne Trainor

Noes: Thomas Condon

Absent: Mayor Nicol

Not Eligible to Vote: Eric Lapham, Stacey Montalto and John Pierciey

Councilman Garruzzo stepped down from the dais due to a conflict.

NEW BUSINESS:

The Board then heard application for variance relief for Block 48.02, Lot 13.02, 308 Fisk Avenue, owned by Kristina Visceglia, to allow construction of a new home. Maximum Building Height — 35 feet allowed; 37.95 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. Ms. Kristina Visceglia came forward and was sworn in, giving her address as 308 Fisk Avenue.

Mr. Michael Henderson Attorney for Ms. Visceglia proceeded to ask Ms. Visceglia questions. Ms. Visceglia stated she has owned the property since September 18th, 2018 and intends to move back to Brielle where she grew up. Ms. Visceglia stated she received a copy of the original resolution from the previous owner. Mr. Henderson asked to submit copy of 2018 Planning Board resolution as A1. Ms. Visceglia stated she intends on building a 2 ½ story home with a pool. No questions from the public or Board. Public portion was closed.

Mr. Marc Nemergut, architect came forward to give testimony and was sworn in. A2 – architectural picture and A-3 architectural plans were submitted. Mr. Nemergut testified there were previous plans submitted to the Board and the reason for the new application was because of the difference in height. Mr. Nemergut stated the original elevation was 11 and they were at 14. This allows the duct work to be above flood elevation. This proposed structure will be similar height to others in neighborhood. Mr. Nemergut explained they had remained around 8 ft ceiling height on all levels to help with the total height of the structure. The base level was originally a bit lower than Mr. Nemergut would like. Mr. Nemergut testified this would be an improvement to the neighborhood.

Mr. Condon opened to the public for questions, Ms. Virginia Lofton 407 South Street came forward and was sworn in. Ms. Lofton asked if the testimony was that this house is similar in height to the neighborhood. Mr. Nemergut responded not the same as all surrounding home. She shared her concern of allowing residents to continually build large homes. Mr. Condon closed the public portion after hearing no more questions.

Mr. William Jensen engineer came forward to give testimony and was sworn in. A-4 the engineer rendering was submitted into evidence. Mr. Jensen identified the variances being sought were due to the zoning being 35ft or less. Originally the Board had approved 38 ft and the new height proposed is 37.95 ft. Mr. Henderson asked Mr. Jensen if he had an opportunity to read Mr. Hilla's letter, he responded yes. Mr. Henderson stated they had received the CAFRA letter on Monday, he submitted it as A-5. Mr. Jensen confirmed the new CAFRA permit addresses the concerns in Mr. Hilla's letter. The water will drain towards the river and the front half towards the street. Further, Mr. Hilla's concerns were typical requirements which must be addressed for a CAFRA permit and have been in their application. Mr. Henderson asked Mr. Jensen if the applicant had indicated what she planned for the curb and driveway he responded yes; the applicant will replace the extra

20ft. Mr. Henderson asked if Mr. Jensen was familiar with the criteria under a C-1 variance and he responded yes. Mr. Jensen believes the benefits would be an improvement to the area while complying to the FEMA elevation requirements. Mr. Henderson asked if Mr. Jensen was familiar with C-2 variance, he responded yes, and he feels there is no detriment and it is consistent with other properties and the master plan. Mr. Jensen testimony was completed, and Mr. Condon opened to questions of the Board, Mr. Hilla and then to the audience.

Ms. Virginia Lofton came forward and asked if they were seeking a variance for the height of 37.95ft different from the original approval of 38ft. Mr. Jensen responded yes. Ms. Lofton continued to question the FEMA requirement of starting at 11ft. Mr. Hilla explained that what is proposed is common not usual.

Mr. Condon hearing no more questions, closed that portion. Mr. Condon opened to public comment, hearing none, he closed that portion.

Mr. Condon asked the Board for their comments, Mr. Maclearie asked if a pool and fence would be installed. Ms. Visceglia responded yes. The rest of the board agreed on the enhancement to the area.

Mr. Maclearie made a motion to approve the application with the stipulation of the sidewalk improvement and the compliance of the CAFRA permit seconded by Mr. Stenson and then approved by the following roll call vote:

Ayes: Thomas Condon, James Stenson, James Langenberger, Eric Lapham, James Maclearie, Glenn Miller, Stacey Montalto, Corinne Trainor, Francis Piercey

Noes: None

Absent: Mayor Nicol

#### EXECUTIVE SESSION:

This was approved on a motion by Mr. Maclearie, seconded by Mr. Lapham and approved unanimously by voice vote, all aye and the Board went into Executive Session.

The Board came out of Executive Session at 8:48 p.m. on a motion by Mr. Condon, seconded by Mr. Stenson and approved unanimously by voice vote, all aye.

As there was no other business to come before the Board a motion to adjourn was made by Mr. Mr. Miller seconded by Mr. Lapham and unanimously approved by the Board, all aye. The meeting was adjourned at 8:50 p.m.

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Carol Baran, Secretary of the Board

Approved: May 14th, 2019