

Borough of Brielle

JUNE 11, 2019

July 12 2019

June 11th, 2019

BRIELLE PLANNING BOARD
TUESDAY, JUNE 11, 2019

The Regular Meeting of the Brielle Planning Board was held on Tuesday, June 11, 2019 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, James Maclearie, Glenn Miller, James Stenson, Francis Pierciey

Absent - Stacey Montalto, Corinne Trainor

David Clark, Board Attorney, Alan Hilla, Jr., Board Engineer and Karen S. Brisben, Board Secretary, were also present; there were approximately 50 people in the audience.

A motion was made to approve the Minutes of May 14, 2019, this done by Mr. Stenson, seconded by Councilman Garruzzo and approved by unanimous vote, all aye.

CORRESPONDENCE:

All Board members received the March/April issue of the NJ Planner.

OTHER BUSINESS:

The first item was consideration of a Resolution for Secretaries of the Board for the remainder of the year 2019. Mrs. Brisben asked to speak and explained that the Planning Board Administrative Secretary, Colleen Castronova, has retired; she handled the Planning Board applications when they came in and sent out same for the reviews by the professionals. Mrs. Brisben was now going to take this on as well as being Secretary of the Board, continuing to arrange the agendas and prepare for the meetings. Carol Baran, who covered for her for the last two months, was going to come to the meetings and take the Minutes and her title will be Recording Secretary.

At this time the following Resolution was presented:

WHEREAS, there is a need for a Secretary of the Planning/Zoning Board and a Recording Secretary, and

WHEREAS, the Board has money in the Salary Ordinance to cover the expenses associate with these positions,

NOW, THEREFORE, BE IT RESOLVED that Karen S. Brisben be appointed Secretary of the Board for the remainder of the year 2019 at a salary of \$5,000 annually and Carol Baran be appointed as Recording Secretary for the remainder of the year 2019 at a salary of \$5,000 annually.

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

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

Noes: None

OLD BUSINESS:

The Board then turned to a Resolution for Block 66.03, Lot 5, 716 Howell Drive, owned by Paul Felt, to allow additions and renovations to an existing dwelling. As all Board members had received a draft copy and had no recommendations, the following was presented for approval:

WHEREAS, Paul Henry Felt (the "Applicant") has applied to the Planning Board of the Borough of Brielle (the "Board") for variance relief for the property located at 716 Howell Drive and identified on the tax map of the Borough of Brielle as Block 66.03, Lot 5 (the "Property"); and

WHEREAS, the Property is located within the Borough's Residential Zone 2 (the "R-2 Zone") and currently contains a one (1) story frame residential dwelling; and

WHEREAS, the Applicant is seeking to construct (i) a new rear addition, and (ii) a front covered porch, in accordance with the plans submitted in support of this application (the "Plans"), which will expand the existing structure to a 2,279 square foot single family dwelling; and

WHEREAS, although the existing and proposed uses are conforming to the zone, the proposed front porch is non-conforming to the zone and requires variance relief as a 30 foot front yard setback is required and a 23 foot front yard setback is proposed; and

WHEREAS, this application specifically requires the following variances:

- a. Front Yard Setback (principal, Howell Drive)– 30 feet required; 23 feet proposed;
- b. Front Yard Setback (principal, unnamed ROW) – 30 feet required; 29.9 feet existing [pre-existing non-conformity that is not being changed through the development proposed within this application];
- c. Side Yard Setback (accessory)– 5 feet required; 4.5 feet existing [pre-existing non-conformity that is not being changed through the development proposed within this application].

WHEREAS, the Board held a hearings on this application on May 14, 2019 and considered the following documents presented at the hearing in connection with this application:

- a. Jurisdictional Packet and Plans (including Plan of Survey prepared by Steven M. Edwards, PLS, dated November 28, 2018 and Architectural Plans prepared by A. Vincent Minkler, R.A.); and

WHEREAS, the Applicant, Paul Henry Felt, was sworn in and presented this application; and

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

Mr. Felt testified he would be doing a comprehensive renovation to the family home. The covered porch they hope to build requires a variance. The home would be expanding on the bedroom side, Mr. Felt believes the larger scale would look better with a covered porch instead of the slant roof over the front door. His family hoped to improve the curb appeal and give the home a better presentation. He stated most of the renovation work is being done in the rear of the home where there was a lot of disrepair. Mr. Felt hopes to build the covered porch to add to the beauty of the front of the house.

Mr. Condon asked if the only variance relief was for the front porch. Mr. Felt responded that is correct. Mr. Condon asked if Mr. Felt had any intentions of enclosing the porch and if he had a problem if the Board put a condition in the resolution prohibiting the front porch from being used as living space. Mr. Felt responded that he had no objection to imposing that condition. That finished Mr. Felt's testimony.

Mr. Condon then opened the meeting to any questions from the Board members. Mr. Langenberger asked if the house was coming down. Mr. Felt responded no. Mr. Stenson asked if the footprint would remain the same. Mr. Felt stated that the footprint would change but that this would not impact the variance being sought. Mrs. Montalto asked about Mr. Hilla's letter. Mr. Felt responded that the construction plans were not complete yet. They were waiting until the porch issue was resolved. Mr. Felt said he did not feel the drainage was an issue since the porch was about 500 feet and there was not much concrete in the area. Mr. Maclearie asked Mr. Felt to clarify they had no set plans to go forward yet. Mr. Felt said they do have plans, but no construction documents. The architect has gone as far as he can go without the construction documents and is waiting on the outcome of this application. Mr. Langenberger stated Mr. Felt would need to go to zoning with the final plans. The other members of the Board had no questions. Mr. Hilla had no questions of the applicant.

The meeting was opened to the public for questions. The public had no questions.

Mr. Condon reminded the applicant that he would need to submit the plans to the engineer and zoning department before proceeding. Mr. Clark reiterated the Board's conditions of never enclosing the porch and returning to the Zoning department with the final plans. Mr. Condon asked the Board for comments, hearing none he opened the meeting to public comments regarding the application. There were no public comments and this portion of the meeting was closed.

WHEREAS, the Board after carefully considering the evidence presented by the Applicant at the hearings 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 variance sought relates to a specific piece of property;

- c. The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement because the Property has exceptional topographic conditions (specifically, the front yard is irregularly shaped and gets more narrow as it approaches the street);
- d. The variance can be granted without substantial detriment to the public good;
- e. The benefits of the deviations substantially outweigh any detriment, and;
- f. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, Mr. Maclearie moved to approve the applications with the conditions as described herein; this motion was seconded by Mr. Stenson. At that time the application was approved by the following roll call vote:

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

Noes: None

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Brielle, that the Applicant's application for variance relief is hereby approved and granted subject to the following conditions:

- a. The Applicant shall pay all taxes and other applicable assessments, costs and fees to date, as applicable;
- b. The 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 application;
- c. The front porch shall not be used for living or sleeping space and shall not be enclosed or improved with permanent heating or cooling; provided, however, that the porch may be enclosed with a screen and may have ceiling fans;
- d. All representations made under oath by the Applicant or his agents shall be deemed conditions of this approval, and any misrepresentations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of this approval.

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

Ayes: Thomas Condon, James Langenberger, James Maclearie, Glenn Miller, James Stenson, Francis Pierciey

Noes: None

Not Eligible to Vote: Mayor Thomas Nicol, Councilman Frank Garruzzo, Eric Lapham

NEW BUSINESS:

Mr. Condon announced that the agenda was being moved around and now the first item to be heard was an application for a Minor Subdivision for Block 22.01, Lot 4, 643 Agnes Avenue, owned by Marion Hadley (applicant – Craig Hadley), to create two buildable lots. Lot Area – 11,250 square feet required, 11,238.5 square feet proposed for each lot. Front Yard Setback (proposed Lot 4.01), 25 feet required, 24.7 feet existing & proposed. Building Height (proposed Lot 4.01) – 35 feet maximum allowed, 35.8 feet existing & proposed. Rear Yard Setback (proposed Lot 4.02), 35 feet required, 3.1 feet proposed. Gravel Driveway – 5 foot setback required, -0- setback existing & proposed. Rock wall on west side of Park Avenue frontage encroaches on adjacent lot 36. Before starting this hearing, Councilman Garruzzo recused himself as his sister lives within 200 feet of this property and left the dais.

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. Mr. Craig Hadley came forward and was sworn in. He said this is a 75x300 foot lot that goes from Agnes Avenue to Park Avenue and the existing carriage home will require variance relief once this subdivision is done as they don't want to take down this home, his sister lives there now. Mr. Stenson asked for confirmation that both buildings are staying, the original house and the carriage house and the answer was yes. Mr. Lapham asked if this is where the 3.1 foot setback applies and Mr. Hadley said yes, he promised his mother his sister can remain in the carriage house, they are not planning on selling this lot right now.

Mr. Miller was also concerned with only a 3 foot setback, Mr. Pierciey agreed. Mr. Maclearie asked about

drainage and Mr. Condon said Mr. Hilla will address that. He also offered the idea of putting a restriction that should the dwelling ever be razed and a new building built, the new one will conform with the zoning requirements. Mr. Clark agreed this can be done, if the home gets replaced it will have to meet the restrictions. Mr. Hadley agreed to this stipulation and said the Zoning Officer had told him the same thing. Mr. Clark asked him if he was willing to have a deed restriction which will state this so there is no question of the requirements in the future and Mr. Hadley felt that made sense and was agreeable to a deed restriction.

Mr. Hilla spoke and said one of the things the Board should consider is a non-conforming use as they have two homes on one lot. Also there is a rock wall that encroaches on Lot 36 and this should be addressed and the area cleaned up. The gravel driveway for both properties casts out aggregate onto the street; maybe an apron can help the stone and the Board should consider this. The Park Avenue lot is higher than the Agnes Avenue side, maybe by 6 feet and the Park Avenue home is so close to the property line. If water passes now there is no problem but if there are two new owners of these lots there may be a problem. He would like to see a condition on this, particularly for the Park Avenue lot, that there are drywells installed so the drainage does not affect the Agnes Avenue lot.

He went on to say that once the subdivision is filed it is done, the drywells should be either installed now or bonding be done. Mr. Condon felt it should be done before the subdivision is perfected. Mr. Clark asked Mr. Hilla if this can be done in 190 days as that is the time period to perfect a subdivision and the answer was yes, this can be done as a Resolution compliance item and he did not see a problem. Mr. Clark asked Mr. Hadley if he was going to file by deed or map and Mr. Hadley said by deed and noted the Assessor has already okayed the new lot numbers and gave new addresses.

Mrs. Brisben had a question on the lot sizes, the property size if 75 feet by 100 feet, which conforms, but the figures inside the lots say the lot size is 11,238.5 square feet and not 11,250 square feet. Mr. Hilla agreed this is what is says, there is not an explanation. Mr. Condon and Mr. Clark felt this is de-minimis but it should be addressed. Mrs. Brisben asked Mr. Hadley for an explanation but he had none so Mrs. Brisben said she would contact Mr. Burdick, the engineer who did the plan for the reason for the difference in square footage. If this is an error she will need revised plans.

At this time the hearing was opened to the public and Virginia Lofton of 407 South Street came forward and was sworn in. She was confused with the driveway and configurations, Mr. Condon explained this lot goes from Park Avenue to Agnes Avenue and will be two identical lots, one with a frontage on Park Avenue and one with a frontage on Agnes Avenue, they will have their own driveways.

As there were no other questions or comments that portion was closed and the Board went into discussion. Mr. Langenberger said if this were his property he would do the same thing, Mr. Lapham was for approval with the changes and restrictions; Mr. Miller felt this application makes sense and he would approve it, Mr. Pierciey agreed with all that was said. Mr. Maclearie said he wants to see the driveway cleaned up and the drainage work done.

At this point Mr. Clark went over the conditions: 1) the rock wall that encroaches will be removed, 2) some type of drainage capture system, approved by the Board Engineer, needs to be installed before the subdivision is perfected, this done so stormwater can be captured, 3) installation of driveway aprons, 4) lot will be subject to the Assessor's approval, 5) the subdivision will be filed by deed within 190 days and 6) there will be a deed restriction for the Park Avenue property that if the existing home is removed it will be required that any rebuilding of a new home will have to conform with the zoning requirements.

At this time Mr. Langenberger made a motion for approval, this seconded by Mr. Stenson and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Thomas Condon, Eric Lapham, James Langenberger, James Maclearie, Glenn Miller, Francis Pierciey, James Stenson

Noes: None

The last item for the evening was an 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 I over the maximum height at 65 feet high and 130 feet long.

Before this started, Mayor Nicol, Mr. Langenberger and Mr. Miller had to recuse themselves from this hearing and left the dais; Councilman Garruzzo had already left as he was not eligible to hear the last application either.

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. C. Keith Henderson, Esq. came forward to present this application and told the Board the only member of the LLC is Ron Dana, who lives at this property. He referenced a letter from 8/13/18 from Zoning Officer Elissa Commins and asked that the Board accept all the paperwork that was submitted, Mr. Condon said the Board does.

Mr. Clark brought up the issue of the appeal for the Zoning Officer's determination and, if that is upheld, then there is a variance request. Mr. Henderson said the applicant concedes he is within the Zoning Officer's definition; Mr. Clark asked if that meant they are withdrawing the appeal and Mr. Henderson said yes, they are asking for variance relief.

At this time Mr. Thomas Hirsch, Esq. came forward representing the Manasquan River Golf Club and he wanted to put their position on the record, the Board allowed this. Mr. Hirsch said they are dealing with a large netting to stop errant golf balls and he anticipated the testimony will be about golf balls; there is a myriad of case law on this and it is not a zoning issue, it is irrelevant that because something is happening on someone else's land it affects his land. He did not think this should be before this Board.

Mr. Condon felt there should be testimony given, Mr. Hirsch understood this but the point is that the Golf Club should not be at fault, the variance is on the Dana property. Mr. Henderson disagreed with Mr. Hirsch's opinion and said the Board has the right to hear this case.

At this time Mr. Ron Dana came forward and was sworn in, he gave his address as 836 Riverview Drive and said he is the sole owner of the LLC. He acquired this property 3 years ago from the Wesson family which used this as a summer home and did a lot of work on the property. This parcel has been approved for a subdivision but they did not want to do that. Mr. Dana said his focus was to create a full-time living home and restore this dwelling which was built in the 1920s; the restoration took 2 ½ years and they were finally able to move from the Manasquan beach area. Mr. Dana said he owns homes and has quite a few rentals but his wife has MS and this motivated him to move as she couldn't use the beach and steps or walk on the beach. This home in Brielle has an elevator and has 3 levels as well as a deck so now his wife can get around. There are two pools here, one is on land and one is not used as it is now underwater at high tide, it is down by the river. Mr. Dana testified that, right from the beginning, they had golf balls coming over into their property and not just 10, many more. He had damage done to a 100 year old stained glass window, he has had balls go right into his home.

His wife was not able to go into the pool as a majority of the golf balls went in there. Last week there was a golf ball in the jacuzzi right where his grandkids play and said his one-year granddaughter could have been hit. Mr. Dana said he had made calls to the Manasquan River Golf Club and spoke to the General Manager, Mike Zuzak and also spoke to Matt Morrow; they were very cooperative and told him there was a 45-foot net there but there wasn't enough left after Hurricane Sandy to use.

He talked to them about putting up a safety net, it is not a fence and he was talking about bringing in 40-foot trees. He had a trajectory study done and bought wooden poles from North Carolina, he purchased 6; again he stated he had spoken to the Golf Club and they were cooperative on this and Mr. Dana felt the General Manager was speaking for the Golf Club. He was also told not to bring in trees as the Golf Club was moving a lot of trees and they gave Mr. Dana the name of the Landscaper. The carrier from North Carolina came up Route 70 with the poles, they are 75 feet high and they are in the ground 10 feet so they are showing 65 feet high. He explained the Golf Club kept them on their property and helped him move them to his property, they had a machine and he had a machine. Mr. Condon asked who helped him and Mr. Dana said there were two employees from the Golf Club, it was a joint thing. Mr. Condon asked if this was Mike and Matt and Mr. Dana said yes and said he couldn't believe no one knew this, the landscaper cleared the area (Mr. Dana paid him) but the Golf Club never did offer the trees, they said they would but did not.

Mr. Dana said he has spent over \$100,000 on this and he paid for everything; now 98% of the balls have stopped getting into his yard. He also noted his front yard is still getting golf balls as he only has protection around his pool, but now his wife can use the pool.

At this point Mr. Henderson produced a piece of the netting that they took from the trees that was left after Hurricane Sandy and this was marked as Exhibit A-1. Mr. Dana said he saw the poles that were there, took them out and put in his new poles along with new netting and it works. Mr. Henderson asked Mr. Dana if he offered again to put in trees and the answer was yes, but he never heard back from the Golf Club on the trees they offered, he has tried to work with them.

Mr. Henderson asked Mr. Dana about hiring a Golf Club architect from North Carolina to mediate this to eliminate this problem and Mr. Dana said he did but the Golf Club was not interested, they said they could

modify the tee. Mr. Dana added that Mr. Johnston, the architect he hired, asked the Golf Club if he could go on their property and take pictures and was not permitted to do so. Mr. Stenson asked Mr. Dana if he spoke to anyone else at the Club; Mr. Dana said he thought Mr. Zuzak was the General Manager and he thought he was the one to handle this.

Mr. Lapham asked how Mr. Dana got the number for the height of the poles at 75 feet and Mr. Dana said it was from the Trajectory report he had done; he was told he was in the worst position by the golf course. Mr. Lapham asked if they were the tallest poles he could get and the answer was yes, they don't make wooden ones any higher. Mr. Maclearie asked if the net is higher than the trees and Mr. Dana said no, he has some large trees there. Mr. Condon asked Mr. Dana if he had gone to the town to see about permits, Mr. Dana said no. Mr. Condon then commented to Mr. Dana that he had purchased a home next to a golf club and Mr. Dana said he did not expect over 400 golf balls coming onto his property.

As there were no other Board questions the hearing was opened to the public for questions to Mr. Dana and Mr. Hirsch again came forward and asked when he had purchased the home, the answer was 2015 from the Wesson family who had owned it since 1998. Mr. Hirsch asked if he had been told about the risks of living here and the answer was no. Mr. Hirsch asked about the two pools at the property and Mr. Dana said the pool by the river is under water at high tide, it can be seen but is underwater; you can almost walk in it at low tide. Mr. Hirsch asked about them living there and Mr. Dana said he travels a lot, his wife would come over the use the pool so they eventually moved in. It got so bad his wife couldn't use the pool anymore as golf balls were coming in. The trees there and an existing net stopped about 10-15% of the balls. Mr. Hirsch asked about those trees and Mr. Dana said he removed them as the golf course was going to get new ones. Mr. Hirsch asked how Mr. Dana knew about the 45 foot high net that was there, Mr. Dana said the Golf Course told him. Mr. Hirsch asked Mr. Dana if he told the Golf Club he was going to put up a 65 foot high net, Mr. Dana didn't remember. In answer to more questions on trees, Mr. Dana added you can't stop a golf ball with a tree, he planned on putting them in front of the netting.

Mr. Hirsch then asked if Mr. Dana had considered putting a lanai over the pool and Mr. Dana did not feel that is aesthetically pleasing, if he puts up trees on the property it will hide the net. Mr. Hirsch asked if the trees would be on his property, Mr. Dana said no, the trees will be in line with the other trees on the course. Mr. Hirsch then asked if the golf course architect Mr. Dana hired ever submitted a proposal to the golf club, he had not seen one. Mr. Dana said if the club would move the 17th tee box it can remedy this and he was willing to put up trees but Mr. Hirsch said the trees would be on the golf course property. He then asked about the statement made about the poles being stored in a golf course shed and then they helped him move them, Mr. Dana said Matt and someone else helped him do this.

Mr. Hirsch asked if Mr. Dana's wife now uses the pool and the answer was yes and he was willing to put up a camera to show the balls there. Mr. Dana also said the company he used gave him the parameters for the poles, they did a study and told him the type of poles to use. Mr. Hirsch asked if he had shown this study to the golf club and was told Mr. Dana had tried to contact them for two months but just got a run-around, finally got the General Manager. Mr. Dana finished by stating his wife has a right to a quality of life and he will give her that.

As there were no other public questions that portion of the hearing was closed and Mr. Michael Johnstone came forward and was sworn in; he is an architect and works under his own name and is a forensic golf club expert, he inspects accidents and issues on golf courses, has a BS in architecture from the University of Cincinnati and became a golf course architect back in 1985. He was accepted by the Board as an expert witness. He went on to say he was retained as a design consultant regarding the golf ball entries on the property and noted he has 4 other cases right now on this problem. Golf Digest says over 40,000 accidents happen per year and 60% are from golf balls.

Mr. Johnstone said that Mr. Dana's home is at "ground Zero" for golf balls, the majority of the balls go right when a ball is sliced, the worse one is by the right white tee for hole 17. Mr. Lapham asked how far it was from the 17th tee to his property and was told 240 yards. Mr. Johnstone said a proposal from the golf course from 2018 would not be effective. Mr. Henderson commented that the golf club and home were built around the same time; Mr. Johnstone added that today's clubs and balls go a longer distance. Mr. Johnstone said he had provided a menu of potential solutions and had asked to speak to a golf club officer but he did not get to speak to anyone. He had also asked permission to take photos and was denied. He tried to avoid nets and had recommended changes for the golf club to help the situation but could not propose a proper solution without being allowed on the golf course; he still needs permission from the club to do his proposal.

Mr. Henderson asked about lanai that was mentioned and Mr. Johnstone said it can have a roof and it will protect the pool. Mr. Henderson asked him what were kinds of things that can be done to get the golf balls in the right place and Mr. Johnstone said there could be a narrower fairway and they can move the hole as well as putting in a penal bunker. They can put in an aiming pole and signage educating golfers about accidents.

They can move all tees forward and away from the Dana property so balls get hit in the other direction and that would eliminate the need for a net.

As there were no further Board questions the hearing was opened to the public for questions to Mr. Johnstone and Mr. Hirsch came forward. Mr. Hirsch asked how does one get to be a "Golf Course Architect" and Mr. Johnstone said there is no legal definition, he has designed gold courses, golf ranges and over 180 holes for safety concerns. Mr. Hirsch then asked about him contacting the Club and Mr. Johnstone said he asked who the architect was and was not given this information, he received this information from phone calls Mr. Henderson made to the Club. Mr. Hirsch asked him about getting on the golf course and Mr. Johnstone said he could not provide specific designs for the hole as he couldn't get on the course, he picked 7 things to improve the hole. Mr. Hirsch commented about him not stating what could be done there and Mr. Johnston said he thought that he had done that. Mr. Hirsch kept on the fact of not presenting an actual plan and Mr. Johnston again said he couldn't without getting on the course, he gave 7 options in the letter he did send. Mr. Hirsch then asked how often Mr. Johnstone has been on this property and the answer was once, today; he had not been there before and had to use photos and maps, he gave his opinions on what to do based on aerial photos as he was not allowed on the property.

Mr. Hirsch went back to the lanai that would stop balls and asked about other areas, Mr. Johnstone said he was hired to give information on the pool area only. He said a lanai can be used if the screening is strong enough. Mr. Stenson asked if there is a trajectory chart and Mr. Henderson said he had one but it was not shown to the Board. Mr. Johnstone said this will not show what the Board wants to see and he did not have the aerial photos. Mr. Lapham asked if a graph was done to show where the balls go and Mr. Johnson said he did not do this. Mr. Maclearie asked how much it would cost to move a tee box and was told about \$20,000 to \$25,000.

Mr. Condon asked about using a lanai, Mr. Johnstone said it can be done but it would need to have a roof. Mr. Condon said they have lanais in Florida all over and they are all screened, there are pools all over Florida; Mr. Johnstone said this could be effective. Mr. Condon then asked for clarification that all recommendations were done by aerial photos and the answer was yes and he was there today for over 2 ½ hours.

At this time there were no more Board questions so the hearing was opened to the public and Andrew Kelly of 636 Oceanview Road came forward and was sworn in. He asked when Mr. Johnstone was first consulted, the answer was 6-8 months ago. Mr. Kelly asked when the aerial photos were done and was told 2016, the golf course was built in 1922. Mr. Kelly asked if he had done a comparison with the golf course of the 1920s and compared it with today's course? Mr. Johnstone answered no.

As there were no other questions from the public that portion of the hearing was closed. There was then a discussion on carrying this matter as time was getting on; Mr. Henderson said he was not available in July as he had a large hearing before the Manasquan Planning Board and he was on vacation in August, he asked this matter be carried to September and noted they are still trying to work with the Golf Course; Mr. Condon said the Board would appreciate that attempt.

Mr. Clark asked how many more witnesses there were, Mr. Henderson had 3 more, a Professional Planner, the Restorer of the Dana property and an assistant. Mr. Hirsch also had a Planner as well as at least 3 other witnesses involved with the Club and said they should be brief, he may also have someone from the Club who is familiar with the history of the Dana home as well as a golf course architect. He again went back to his first statement about the Planning Board not having jurisdiction and commented there also is a Municipal Court violation waiting. At this point Mr. Condon made the announcement to all present that this hearing is being carried to the Tuesday, September 10th meeting of the Planning Board without further notice.

As there was no other business to come before the Board a motion was made by Mr. Maclearie to adjourn, this seconded by Mr. Lapham and unanimously approved, all aye. The meeting was adjourned at 9:20 p.m.

Karen S. Brisben, Secretary of the Board

Approved: July 9th, 2019