

Borough of Brielle

AUGUST 13, 2019

September 13 2019

August 13th, 2019

BRIELLE PLANNING BOARD
TUESDAY, August 13, 2019

The Regular Meeting of the Brielle Planning Board was held on Tuesday, August 13th, 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, James Maclearie, James Stenson, Corinne Trainor, Francis Pierciey

Absent - Eric Lapham and Glenn Miller

David Clark, Board Attorney, Alan Hilla, Jr., Board Engineer and Carol Baran, Recording Secretary, were also present; there were approximately 13 people in the audience.

A motion was made to approve the Minutes of July 9th, 2019, this motion was made by James Langenberger seconded by Frank Garruzzo and approved by unanimous vote, all aye.

CORRESPONDENCE:

Receipt of the May/June issue of the NJ Planner.

OLD BUSINESS:

The Board turned to the approval of a resolution for Block 69.01, Lot 10, 605 Locust Road, owned by Joseph Jasaitis & Stephanie Totton, to allow construction of additions. As all Board members had received a draft copy and had no recommendations, the following was presented for approval:

RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF JOSEPH JASAITIS AND STEPHANIE TOTTON FOR VARIANCE RELIEF FOR PROPERTY LOCATED AT 605 LOCUST ROAD AND IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 69.01, LOT 10

WHEREAS, Joseph Jasaitis and Stephanie Totton (the "Applicants") have applied to the Planning Board of the Borough of Brielle (the "Board") for variance relief for the property located at 605 Locust Road and identified on the tax map of the Borough of Brielle as Block 69.01, Lot 10 (the "Property"); and

WHEREAS, the Property is located within the Borough's Residential Zone 2 (the "R-2 Zone") and currently contains a two (2) story single family dwelling, a 1 ½ story garage, and an in-ground swimming pool with attached deck and patio improvements; and

WHEREAS, the Applicants have filed an application for bulk variance relief to construct a screen porch addition, an attached deck, and a patio expansion in the rear yard of the Property, all as set forth more fully within the plans submitted with the Application; and

WHEREAS, the Property has the following existing non-conformities which are not being changed through the development proposed through this application;

- a. Minimum Lot Depth—125 feet required; 92.63 feet existing;
- b. Front Yard Setback—40 feet required; 20.8 feet existing;
- c. Accessory Rear Yard Setback—5 feet required; 2.2 feet existing to the existing garage;
- d. Rear Yard Setback—40 feet required; 30 feet existing to dwelling; and

WHEREAS, the Applicants are seeking Board approval for the following variances caused by the development proposed within this application (the variances being sought are in bold type):

- a. Rear Yard Setback—40 feet required; 8.3 feet proposed to the attached deck;
- b. Accessory Rear Yard Setback—5 feet required; 1.78 feet proposed to the patio expansion; and

WHEREAS, the Board held a hearing on this application on July 9, 2019 and considered the following documents presented at the hearings in connection with this application:

- a. Plans entitled "Jasaitis Grading Plan" consisting of one sheet dated 2/21/10 and last revised 3/19/10 prepared by RC Associates Consulting Inc.;
- b. Plans entitled "Covered Patio & Landscape Design" consisting of two sheets dated 3/18/19 prepared by Brendon T. McHugh Architecture;
- c. Letter of Denial dated March 18, 2019 from Borough Zoning Officer;
- d. Completed Planning Board application form and Jurisdictional Packet;
- e. Engineering Review Letter dated May 29, 2019 from Elissa Commins;
- f. Exhibit A-1 Floor Plan;
- g. Exhibit A-2 Elevations Plan;
- h. Exhibit A-3 Photos;
- i. Exhibit A-4 Photos;
- j. Exhibit A-5 Photos;
- k. Exhibit A-6 Jasaitis Grading Plan prepared by RC Associates Consulting Inc; and

WHEREAS, prior to the hearing on this application, Councilman Frank Garruzzo recused himself and left the dais because he owns a property within 200 feet of the Property; and

WHEREAS, the Applicants, Joseph Jasaitis and Stephanie Totton, were sworn in and presented this application; and

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

Mr. Jasaitis explained that the home was old, and the Applicants are planning to replace existing deck and change the position of the deck slightly and also to add a screened-in porch. The Applicants hope to let more light in their living space and add useful outdoor space.

The Applicants then presented testimony from Mr. Brendan McHugh who was accepted as an expert witness in professional architecture. Mr. McHugh stated that the Applicants need to replace the deck and add more natural light by means of a screened-in porch. The following exhibits were marked during Mr. McHugh's testimony: Exhibit A-1 Floor Plan; Exhibit A-2 Elevations and Exhibits A-3, A-4 and A-5 Photos. The Applicants created these plans with the intent of minimizing the setback variance needed and matching the slopes of the existing house. Mr. McHugh hoped to help the homeowners be able to use the space more often and have more outdoor living space.

Mr. Langenberger asked about the second floor above the garage. Mr. Jasaitis stated during the time that the Applicants have owned the Property that space has never been used as an apartment. Mr. Lapham asked if the Applicants planned to enclose and use the porch as a 3/4 of the year porch. Mr. McHugh responded it is not a part of the current plan. The Board had no other questions. Mr. Condon asked the public if they had any questions of Mr. McHugh, hearing none he closed the public portion.

Mr. Ray Carpenter, RC Associates, Planner Architect, then was sworn in and accepted as an expert planner. He stated he was hired to prepare a plot plan for the Applicants. This exhibit was marked as Exhibit A-6. Mr. Carpenter explained the depth of the lot was the reason that a variance is needed. The proposed plan would replace the old deck with a new deck which would be expanded to make more useable space around the pool for lounge chairs.

Mr. Carpenter addressed the concerns in Ms. Commis's review letter which references that the proposed setback of 8.5 feet to the existing deck should be scaled back slightly to 8.3 feet. Mr. Carpenter pointed out there is a fence along the entire rear of property, so they feel it is a hardship and no detriment to the neighbors.

Mr. Condon asked for questions of this witness from the Board. Ms. Trainor asked for Mr. Carpenter to address the existing patio encroaching on the adjacent lot 2. Mr. Carpenter responded that the Applicants would conform and scale back the deck to eliminate this encroachment. Ms. Trainor also asked Mr. Carpenter to clarify the setback change from 8.3 to 8.5, he responded it was for aesthetics. The Board had no more questions. Ms. Commis asked the Board to clarify the living space above the garage. Mayor Nicol responded that no living space primary or secondary would be permitted in the space above the garage.

The hearing was opened to the public for questions of Mr. Carpenter, hearing none, Mr. Condon closed that portion.

As there were no further comments from the Board, the hearing was opened to the public for comments, hearing no Mr. Condon closed that portion.

Mr. Clark clarified the conditions for approval of this application, which were that the space above the garage would not be used for living space primary or secondary and that the existing patio will be trimmed so as not to encroach on Lot 2.

WHEREAS, the Board after carefully considering the evidence presented by the Applicants 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 sought herein relate 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 is irregularly shaped and is exceptionally shallow in depth and the existing deck is in poor shape and needs to be replaced;
- d. The variances can be granted without substantial detriment to the public good;
- e. The benefits of the deviations substantially outweigh any detriment, and;
- f. The variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, Ms. Trainor moved to approve the applications with the conditions as described herein; this motion was seconded by Mr. Lapham. At that time the application was approved by the following roll call vote:
Ayes: Mayor Thomas Nicol, Thomas Condon, Eric Lapham, James Langenberger, James Maclearie, Glenn Miller, Corinne Trainor, Francis Pierciey

Noes: None

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Brielle, that the Applicants' application for variance relief 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. The Applicants shall remove the portion of the existing patio which encroaches onto the adjacent Lot 2 and shall provide proof of such removal to the Board Secretary and Board Engineer.
- d. The Applicants agree that the space above its garage shall not be used for primary or secondary living space.
- e. All representations made under oath by the Applicants or their agents shall be deemed conditions of this approval, and any misrepresentations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of this approval.

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

Ayes: Mayor Thomas Nicol, Frank Garruzzo, Thomas Condon, James Langenberger, James Maclearie, Corinne Trainor, Francis Pierciey

Noes: None

Not Eligible to Vote: James Stenson

Absent: Eric Lapham, Glenn Miller

The Board then turned to the approval of a Resolution for Block 7.01, Lot 21, 108 Lenape Trail, owned by Andrew & Kelly Baldino, to allow construction of additions. As all Board members had received a draft copy and had no recommendations, the following was presented for approval:

RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF ANDREW AND KELLY BALDINO FOR VARIANCE RELIEF FOR PROPERTY LOCATED AT 108 LENNI LENAPE TRAIL AND IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 7.01, LOT 21

WHEREAS, Andrew and Kelly Baldino (the "Applicants") have applied to the Planning Board of the Borough of Brielle (the "Board") for variance relief for the property located at 108 Lenni Lenape Trail and identified on the tax map of the Borough of Brielle as Block 7.01, Lot 21 (the "Property"); and

WHEREAS, the Property is located within the Borough's Residential Zone 3 (the "R-3 Zone") and currently contains a one-story single-family dwelling; and

WHEREAS, the Applicants have filed an application for bulk variance relief to construct a new front porch and a full second floor addition to the existing dwelling on the Property, all as set forth more fully within the plans submitted with the Application; and

WHEREAS, the Property has the following existing non-conformities which are not being changed through the development proposed through this application;

- a. Minimum Lot Area—11,250 square feet required; 6,190 square feet existing;
- b. Minimum Lot Width—75 feet required; 55 feet existing;
- c. Minimum Lot Depth—125 feet required; 114.9 feet existing;
- d. Minimum Side Yard Setback (accessory structure)—5 feet required; 0.9 feet existing; and

WHEREAS, the Applicants are seeking Board approval for the following variances caused by the development proposed within this application (the variances being sought are in bold type):

- a. Minimum Front Yard Setback—30 feet required; 24.5 feet existing; and 24.4 feet proposed;
- b. Minimum Side Yard Setback—10 feet required; 7.7 feet and 9.6 feet proposed;
- c. Maximum Lot Coverage—20% allowed; 23.04% existing; 24.62% proposed; and

WHEREAS, the Board held a hearing on this application on July 9, 2019 and considered the following documents presented at the hearings in connection with this application:

- l. An updated Survey of Property prepared by Control Layouts, Inc. dated July 1, 2019;
- m. Architectural plans (2 sheets) prepared by Kelly J. Nemergut, R.A. dated revised April 2, 2019;
- n. Zoning permit denial letter;
- o. Application package from Applicants;
- p. Review letter from Alan Hilla dated June 19, 2019;
- q. Exhibit A-1 revised plans;
- r. Exhibit A-2 plans showing exterior elevations;
- s. Exhibit A-3 four photos; and

WHEREAS, this application was presented by the Applicants' attorney, Bret Kaplan, Esq; and

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

The Applicants' only witness was Mr. Marc Nemergut from N2 Architecture, the architect for the Applicants. Mr. Nemergut testified about his credentials and was accepted as an expert witness in architecture. He testified that he prepared the following exhibits for this application: Exhibit A-1 proposed site plan, Exhibit A-2 exterior elevations, and Exhibit A-3 (4) photos. Mr. Kaplan explained these plans are slightly revised from the originals that were submitted with the application. Mr. Nemergut told the Board that the main change was an updated survey.

Mr. Nemergut testified that the subject lot is undersized in that it only has 6,190 square feet where 11,250 square feet is required and that the lot has a slightly irregular shape as it is approximately 50 feet wide where 75 feet in width is required and the depth of the lot is 115 feet where 125 feet is required. The updated survey was more accurate as it was done in cad and it revised the location of the building.

Mr. Nemergut further testified that the house was built in 1955 and that it is a one story, three-bedroom, one and half bath home which is approximately 1,300 square feet in size. The current height of the house (i.e. 22 feet) is modest. The Applicants are proposing a second-floor addition to the house with no expansion to the existing footprint. Once the addition is constructed, the house will have four bedroom and two baths. Additionally, the Applicants are proposing to add to the front porch to square off the front of the home. Currently, the porch is a 2-foot covered area.

Mr. Nemergut explained that the proposed plan is to remove one bedroom on the first floor due to need to construct access stairs to the proposed second floor, leaving the house with a master bedroom, three other bedrooms, a hall bath and a laundry room.

Mr. Kaplan asked Mr. Nemergut to describe Exhibit A-2 (exterior elevations). Mr. Nemergut explained that the structure would become two stories except where the porch and an addition from years before are located. Mr. Kaplan asked Mr. Nemergut to speak about Exhibit A-3 (photos) and how the proposed improvements would fit with the neighborhood. Mr. Nemergut testified that the residential structures surrounding the home are all two-story homes so this proposed addition would fit in with the character of the neighborhood. He also testified that there is a hardship due to the lot size of the property.

Mr. Kaplan asked Mr. Nemergut to address the issues referenced in the June 19 review letter from Mr. Hilla. In response to comment #1, Mr. Nemergut reminded the Board that the new survey was used to prepare Exhibit A-1 and that while the structure did not change, the lot size did, which impacted the impervious surface. In response to comment #2 Mr. Nemergut explained that after the new survey was done, his calculations had to be altered and that the new height calculation is around 33 feet. As to comment #3, the Applicants are under

contract to have the trees removed and are just waiting for the company to come remove them. In reference to comment #4, Mr. Nemergut indicated that there are no issues currently as the main structure roof area is staying the same, the porch roof would be added and will be diverting rainwater to the driveway down towards the road. Mr. Clark asked to clarify whether any variances being sought have changed. Mr. Nemergut confirmed the minimum lot area, width and depth did not change, the setbacks changed slightly, and the maximum lot coverage had changed to 24.62%.

Mr. Condon asked Mr. Hilla if he had any questions. Mr. Hilla asked about the encroachment on the adjoining property and Mr. Kaplan responded that it was a planter box or raised garden bed and that the Applicants would move it to their Property. Mr. Hilla asked about the drainage. Mr. Nemergut explained the rainwater would be diverted with a gutter and that he did not believe that the Property is currently experiencing any drainage issues. Mr. Condon asked Mr. Hilla if he had any further issues, and Mr. Hilla responded that he would like the Applicants to address the drainage more than down the driveway to the street. Mr. Hilla feels that this is not preferable. He continued there have problems with other properties in that area and he would like the Applicants to address the drainage more fully. Mr. Nemergut suggested they could address the additional 108 square feet of porch roof with a drywell system. Ms. Trainor asked Mr. Hilla if he was satisfied with the solution proposed. Mr. Hilla responded he would like the Applicants to address a little more than the additional porch roof, but that he did not expect them to address the entire house roof.

Mr. Condon opened the hearing to Board questions of Mr. Nemergut; Mr. Lapham questioned the location of the accessory structure. Mr. Nemergut answered that the shed is not being moved as a part of this application. Mr. Hilla interjected that the shed should have received a zoning permit and it was not located in a conforming location. He pointed out between the two surveys the shed had changed locations and the shed is being passed off as a historic condition. Mr. Kaplan added that the shed is on a concrete slab, they don't believe it is a detriment, that it is a relatively small shed and it has trees behind it to block the adjacent property. Mr. Clark asked Mr. Kaplan to clarify that the Applicants do not want to move the shed and he responded that they do not want to do so.

Mr. Maclearie asked about the pitch to the house and the direction that it runs. Mr. Nemergut replied the direction would be the same as it is now, just higher. With no further questions of the Board, Mr. Condon opened the hearing to questions for Mr. Nemergut from the public. Hearing no questions, Mr. Condon closed that portion and opened the hearing to comments of the Board. Ms. Trainor stated her understanding of the undersized lot and the need for variances. Mr. Miller, Mr. Pierciey, Councilman Garruzzo and Mayor Nicol had no problems with the application. Mr. Condon stated concerns with the lot coverage but understood that there is a hardship due to the lot size. Mr. Hilla and Mr. Condon agreed there should be more mitigation for the drainage runoff on the north side.

Mr. Clark clarified that the Applicants would address the northside corner runoff and the porch roof runoff as well as the removal of the trees as conditions to the approval of this application.

WHEREAS, the Board after carefully considering the evidence presented by the Applicants at the hearings and of the adjoining property owners and general public, if any, makes the following factual findings and conclusions of law:

- g. 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;
- h. The variances sought herein relate to a specific piece of property;
- i. The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement because the Property is irregularly shaped and is exceptionally shallow in depth, the second floor expansion is within the existing footprint of the house, and the existing deck is in poor shape and needs to be replaced;
- j. The variances can be granted without substantial detriment to the public good;
- k. The benefits of the deviations substantially outweigh any detriment, and;
- l. The variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

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

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

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

- g. 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;
- h. The Applicants shall install a properly sized recharge system (drywell), in a form and location as approved by the Board Engineer, to collect the stormwater from the north corner of the roof of the house on the Property as well as from the roof of the new porch authorized under this application;
- i. The Applicants shall remove the shade trees from the north side of the Property and shall thereafter provide written confirmation of such removal (such as the paid invoice for such work) to the Board Secretary and Board Engineer.
- j. All representations made under oath by the Applicants or their agents shall be deemed conditions of this approval, and any misrepresentations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of this approval.

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

Ayes: Mayor Thomas Nicol, Thomas Condon, James Langenberger, James Maclearie, Corinne Trainor, Francis Pierciey

Noes: None

Not Eligible to Vote: Frank Garruzzo, James Stenson

Absent: Eric Lapham, Glenn Miller

NEW BUSINESS:

The Board then heard the application for abridged site plan for Block 64.06, Lot 41, 823 Riverview Drive, owned by The Church in Brielle, to allow fencing around children's playground. Site Plan approval needed by Planning Board. Mr. Clark announced Mr. Pierciey and Mr. Langenberger would not be participating in this application due to their connections to the Church.

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. Richard Butz, from Schuman and Butz, PC, attorney representing the Church in Brielle came forward to present the application. Mr. Butz explained that his clients applied for a building permit and were denied. After talking to Mr. Hilla, the Church in Brielle decided to submit an abridged site plan application. Mr. Butz stated that the Church had submitted a site plan application back in 2001 with a survey and that the Church hoped that the Board would accept this previous survey in lieu of requiring a new survey.

Mr. Butz called Susan Butz to be sworn in and to testify on behalf of the Church. Ms. Butz explained that she is a member of the Church and that she serves on the property ministry which oversees the grounds and that she is authorized to represent the Church in this application. In reference to Mr. Hilla's letter, Mrs. Butz addressed statement #2 type of fencing, as being fencing on 3 sides, Southern, Eastern and Northern made of vinyl and wood. Mr. Butz asked to have a photo of the type of fences marked as Exhibit A-1. Mrs. Butz testified that the southern and eastern side would be a 4ft high white vinyl fence along Riverview. And the Northern side between the Church and the vacant lot would be wooden with wire between it. Mr. Butz asked Mrs. Butz to explain the setbacks. Mrs. Butz stated that the southern side is 5ft. off the property line and the Riverview side is 15ft off.

Mr. Butz asked Mrs. Butz to describe the use of the space as questioned in #3. She responded it would be a large space for motor play and the fenced area will keep the children safe. There is no equipment only grass. There will be no other construction in the fenced area.

Mr. Butz asked Mrs. Butz about the walkway which is depicted on the plans. Mrs. Butz explained that walkway is existing and consists of pavers which run along Riverview towards the red doors and the same pavers run towards the empty lot which leads to the fenced area.

Mr. Condon asked Mr. Hilla if he had any questions. Mr. Hilla asked about item #5 consolidation of the lots. Mr. Butz replied he is unable to speak on this issue at the current time, he is there on a simple application of a fence. The Church did not give him authorization to speak on this issue.

Mr. Condon asked the Board for questions. Mr. James Stenson asked Mrs. Butz to clarify the walkway. Mrs. Butz responded that is the existing walkway. No other Board member had any questions. Mr. Tom Condon asked about trees along the fence side of Riverview. Mrs. Butz explained trees are on the south side about a quarter of the way down the lot and there are sycamore trees and another row of trees are between the fence and street as well.

Mr. Condon opened the meeting to questions from the public. Hearing none, he closed that portion. Mr. Condon asked Mr. Hilla if he would like to discuss #5. Mr. Hilla expressed that this should have been taken

care of with the previous application 18 years ago. Mr. Hilla explained that since this lot is now becoming a part of Church operation proper, the consolidation should be addressed from a housekeeping prospective. Mr. Hilla expressed this did not affect the fence application. Ms. Corinne Trainor asked if the Church consolidated the three lots and then sold them in the future, could the new owner subdivide the lots again. Mr. Hilla said yes, the new owner could. Mr. Condon indicated that as the proposed fencing was not changing anything with regard to the lots, he did not think that it was appropriate for the Board to require the consolidation of the lots as a condition of the approval of the fencing.

Mr. Condon asked for comments from the Public and Board. Since Mr. Condon heard none, he closed that portion.

At this time Mayor Nicol made a motion for approval seconded by James Stenson and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Frank Garruzzo, Thomas Condon, James Maclearie, James Stenson Corinne Trainor

Noes: None

Not Eligible to Vote: James Langenberger and Francis Pierciey

Absent: Eric Lapham and Glenn Miller

The Board then heard an application for variance relief for Block 103, Lot 6, 1016 Riverview Drive, owned by Steve & Lisa Barthel, to allow demolition and construction of a new single-family dwelling. Minimum Lot Width — 125 feet required; 100 feet existing & proposed. Minimum Front Yard Setback — 40 feet required, 30.20 feet proposed to front porch and 37 feet proposed to two-story element to structure. Minimum Rear Yard Setback — 40 feet required, 18.25 feet proposed to garage, 20.33 feet proposed to covered patio roof and 15.40 feet proposed to deck. Significant Grade changes to property - needs Board approval. Fence Height — 6 feet maximum allowed, proposed retaining wall & safety railing will be above 6 feet.

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. Steve and Mrs. Lisa Barthel came forward and were sworn in. Mr. Barthel stated he and his wife purchased the property one year ago for an investment and instead decided to rebuild and live in it. Mr. Barthel added Mr. Dave Dupre previously owned the property since the 1940's, it is a challenging property and the existing house is non-conforming due to being located on corner of Riverview and Forrest on an exceptionally narrow lot.

Mr. Les Walker, Meridian Engineering, came forward gave his credentials, was sworn in and accepted as an engineering witness. Mr. Walker explained that the house would need to be a 20 ft wide house in order to be conforming due to the narrow width of the lot on Riverview which is 100 ft wide and the setback requirements of the Borough Code. Mr. Walker prepared a revised plan after receiving Mr. Hilla's letter and the Environmental Commission with their concerns. That revised plan was marked as Exhibit S-2. Mr. Walker agreed to highlight the differences which were made due to Mr. Hilla's suggestions. Mr. Walker started by saying one of the main comments was the retaining wall, and in the revised plans there would be a 3 to 1 grade max from the driveway towards the curb which would eliminate the need for the retaining wall or a safety fence along the top. By relocating the driveway slightly down towards Riverview to maintain the existing curb opening for the existing driveway helped with the revisions to the grades. He also added that they looked to create a small flat area, so they added a 3 ft high wall back 15ft from the house which will come up to a flat area and in the back an area roughly 4 ft high down to nothing in the corner. To address concerns with storm water runoff they have introduced a drywell at the bottom corner of the property which they will change configuration a little bit with same volume as construction begins. Additionally, the portion of the driveway will feed into a drywell. Mr. Walker referenced the question about the sump pump discharge, they can accommodate the discharge into their leader drain which will take it to their drywell with an overflow pipe which daylights out to the grass. He continued by stating that they would use the existing lateral from Riverview.

Mr. Clark asked who would address the standards for variance relief and why they are needed. Mr. Walker replied the applicant would address these standards.

Mr. Walker talked about the letter from the Environmental Commission, they will balance the site and minimize soil removal. He added the impervious coverage currently 0.05 to proposed .11 approximately 2600 ft, the reason being the new house is larger than existing house.

Mr. Condon asked the Board for questions. Mr. Langenberger asked about the size of the existing water line. Mr. Barthel replied that he believed it was a 1-inch line coming off Forrest. Mr. Langenberger asked Mr. Hilla if that would be enough for the new home and he responded yes. Mr. Stenson asked if the proposed retaining

wall had been removed from the plans and Mr. Walker replied yes. Ms. Trainor asked if the applicant would be installing a pool. Mr. Barthel replied it would be a future application if they decide to add one. Mr. Maclearie asked where the family would be entering and exiting, and Mr. Walker replied the driveway would be on Forrest. Mr. Hilla added the drywell is considered an accessory structure even though it is below grade, so variances are required.

Mr. Condon asked what the height of the fence would be should they apply for a pool application in the future. Mr. Walker responded the pool would match the same elevation and it would not require variances. Mr. Hilla asked if the water would go towards Riverview. Mr. Walker responded it is the nature of the grade towards Riverview. Mr. Barthel added there is vegetation there currently. Mr. Hilla asked about the rear yard setback. Mr. Walker said they would update the plans to reflect the differences. The variances requested would meet the rear setback requirements. Mr. Barthel added they have introduced a front door off the Riverview side to hopefully conform to definition of front yard. Mr. Barthel continued by saying several other homes on Riverview are similar. Mrs. Barthel introduced Exhibit S-3 pictures of similar houses in the neighborhood. Mr. Barthel spoke of the variances needed and already existing.

Mr. Condon asked the public for any questions. Hearing none he closed that portion.

Mr. Mark Nemergut from N2 architecture came forward and was sworn in. The Board accepted Mr. Nemergut as an architectural expert. Mr. Nemergut explained a lot of the questions have been answered already. Mr. Hilla's letter #6 basement and sump pump. Sump pump testimony had been given. He continued with two soil bores were done down to 16ft. He stated there will be a basement unfinished, in reference to the comment of half story (Exhibit A-6), the window allows light into the attic. They are compliant in both, building code and zoning metric. The attic pull-down stairs will be located closer to master suite at the end of hallway.

Mr. Condon opened to Board questions; no questions were asked from the Board. Mr. Condon opened to the public for questions or comments. Hearing none, he closed that portion.

Mr. Condon asked for comments from the Board; Ms. Trainor referenced the applicant coming back in future for the pool. No other comments were made.

Mr. Clark stated the approval would be conditioned upon the applicant's receipt of County Planning Board approval or a letter of no interest from the County.

Mr. Barthel asked Mr. Hilla about his curb comment. Mr. Hilla explained the Borough did not want to be responsible for any deterioration years from now.

At this time James Stenson made a motion for approval seconded by Frank Garruzzo and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Frank Garruzzo, Thomas Condon, James Langenberger, James Maclearie, James Stenson Corinne Trainor, Francis Pierciey

Noes: None

Absent: Eric Lapham and Glenn Miller

The last item for the evening was an Application for Site Plan approval for Block 90, Lot 1, 843 Riverview Drive, owned by Manasquan River Golf Club, to allow the construction of an 850 square foot addition to the clubhouse kitchen area. Parking spaces — 9 additional spaces required, no information proposed, possible variance relief needed. Stormwater Mitigation — needed for any work greater than 500 square feet.

Before this started, Councilman Garruzzo had to recuse himself from this hearing as he is a member of the golf club and he left the dais.

Mr. Robert Swain attorney for Manasquan River Golf Club came forward to present the application. Mr. Swain explained that the applicant would like to add 850 sq. ft. for solid waste storage area and freezer boxes to free up space in the kitchen. The addition is proposed to be made to the northwest corner of the clubhouse. Mr. Swain went on to add the proposed addition is for commercial development within the R-1 which approval of a site plan is a necessary requisite for authorization of the conforming structure. Mr. Swain stated 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. Swain asked the Board to accept him as the club's representative; they agreed. Mr. Swain introduced pictures of the existing stormwater mitigation system and area of development, marked A-1.

Mr. Swain asked Mr. Matthew Morrow, 1105 Sea Girt Ave Wall, NJ, golf course superintendent for 8 years to

come forward and be sworn in. Mr. Morrow testified to overseeing grounds maintenance and is familiar with the issues raised in comment #3 of Mr. Hilla's letter. He went on to say they currently have a drywell on the course. It is a 900-gallon drywell in the first fairway. Mr. Morrow testified that roughly 400 sq. ft of the 850 sq. ft. proposed addition is currently impervious. Mr. Morrow testified that he believes that the current system the which was already approved by this Planning Board is enough for the addition as well and that any overflow from existing drywell would be contained to the club's property.

Mr. Condon asked for comments from the Board and the public. Since Mr. Condon heard none, he closed that portion.

Mr. Swain asked Mr. Michael Zusack, 7 Silver White Road Little Silver, NJ, Chief Operating Officer who oversees the daily operations of the Club for the past 19 years to come forward and be sworn in. Mr. Zusack testified this addition would free up the kitchen area, for prepping foods and make it safe for the workers. Mr. Zusack added it would not result in additional employees. Mr. Zusack went on to reply to Mr. Hilla's letter #1 the project was affecting less than 1% of the property therefor, it seems to be an unnecessary expense. Mr. Swain added he had priced out the cost of a completed survey and it would cost \$20,000. Mr. Zusack responded to # 2 in Mr. Hilla's letter by stating that the Club didn't feel the parking would be affected due to their offered valet parking and other areas they have available to accommodate the overflow. Mr. Zusack stated he felt the paperwork submitted with the application depicted the proposed project better than a survey of the 99.3 acres would.

Mr. Condon asked for questions of this witness from the Public and Board. Since Mr. Condon heard none, he closed that portion. Mr. Condon asked for comments from public and Board, hearing none he closed that portion. Mr. Clark stated the approval would be conditioned upon the applicant's receipt of County Planning Board approval or a letter of no interest from the County.

At this time James Stenson made a motion for approval of the application subject to these conditions, seconded by Corinne Trainor and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Thomas Condon, James Langenberger, James Maclearie, James Stenson Corinne Trainor, Francis Pierciey

Noes: None

Absent: Eric Lapham and Glenn Miller

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

Carol Baran, Recording Secretary