

June 8th, 2021

BRIELLE PLANNING BOARD
TUESDAY, JUNE 8th, 2021

The Regular Meeting of the Brielle Planning Board was held on Tuesday, June 8th, 2021, at 6:00 p.m., virtually. Ms. Trainor read the OPMA compliance statement. Ms. Trainor announced it was time for the Salute to the Flag and a moment of silent prayer.

MEMBER CHANGES:

Accept resignation of Madeline Ferraro & Glenn Miller, effective 6/1/21. Stephanie Frith moves up to Regular Member taking over Glenn's term to 12/31/22 and Jay Jones moves up to Regular Member taking over Madeline's term to 12/31/22. Swear in New Alternate #1 Member Charlie Tice who takes over Stephanie's term to 12/31/21.

Ms. Trainor announced it was time for the roll call:

Present: Mayor Thomas Nicol, Councilman Frank Garruzzo, Corinne Trainor, Jim Maclearie, Chris Siano, Karen Brisben, Jay Jones, Charlie Tice

Absent: James Stenson, Stephanie Frith

Also present were David Clark, Board Attorney, Alan Hilla, Board Engineer, and Denise Murphy, Recording Secretary.

CORRESPONDENCE:

Receipt of March-April issue of NJ Planner.

A motion was made to approve the Minutes of May 11th, 2021, this done by Councilman Frank Garruzzo, seconded by Jay Jones, and approved by unanimous vote, all ayes.

OLD BUSINESS:

Approval of Resolution for Block 66.03, Lot 4, 718 Howell Drive, owned by Thomas Weatherall, to construct additions to existing home.

RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF THOMAS WEATHERALL SEEKING VARIANCE RELIEF FOR CONSTRUCTION OF AN ADDITION TO A RESIDENTIAL DWELLING ON THE PROPERTY LOCATED AT 718 HOWELL DRIVEN IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 66.03, LOT 4

June 8th, 2021

WHEREAS, Thomas Weatherall (the “**Applicant**”) filed an application with the Planning Board of the Borough of Brielle (the “**Board**”) seeking variance relief to construct an addition to an existing single-family dwelling on the property owned by the Applicant located at 718 Howell Drive and identified on the tax map of the Borough of Brielle as Block 66.03, Lot 4 (the “**Property**”); and

WHEREAS, the Property is located within the Borough’s R-3 Residential Zone (the “R-3 Zone”); and

WHEREAS, the Property is currently developed with a one-story single-family dwelling with a concrete driveway, pool, shed, and attached garage; and

WHEREAS, the Applicant is proposing to construct front, side, and rear additions to create a two-story principal structure along with a driveway expansion as an addition to the dwelling on the Property as described more fully within the plans submitted with this application;

WHEREAS, the existing and proposed use and the existing accessory structures are conforming to the zone, but the existing and proposed principal structures are not conforming to the zone; and

WHEREAS, the Property is a corner lot which, pursuant to the Borough Code, is considered to have two front yards for purposes of calculating setback and other code requirements; and

WHEREAS, the Property has the following pre-existing non-conformities that are not being changed by the development proposed by the Applicant within his application:

- (a) Minimum Lot Depth—125 feet required; 100 feet existing; and

WHEREAS, the Applicant is seeking the following variance relief through this application (the variances sought are highlighted in bold type below):

June 8th, 2021

(a) Front Setback (Howell Lane)—30 feet required; 37.8 feet existing, **25.4 feet proposed;**

(b) Front Setback (Unnamed)—30 feet required; 30.1 feet existing; **27.2 feet proposed;**

(c) Rear Setback: 35 feet required; 28.9 feet existing; **14.8 feet proposed;** and

WHEREAS, the Applicant was also seeking a variance from the minimum lot coverage requirements within his application, but he amended the application during his testimony at the hearing to eliminate the need for this variance by agreeing to remove the shed located on his Property, and he further agreed that if he re-installs a shed in the future he will obtain a zoning permit before installing it and will seek variance relief if the size of the shed necessitates such variance relief; and

WHEREAS, the Applicants submitted the following documents in support of this application:

(a) the survey of the Property prepared by Gary P. Yuro, P.L.S. dated December 31, 2019;

(b) architectural plans (4 sheets) prepared by Dario L. Pasquariello, R.A. dated February 11, 2021;

(c) plot plan prepared by Michael D. Intile, P.E., P.P., dated revised March 9, 2021;

(d) an application package signed by the Applicants; and

(e) a Zoning Permit denial letter from the Zoning Officer dated November 23, 2020;

and

June 8th, 2021

WHEREAS, the Board was also provided with a letter dated April 21, 2021, prepared by the Board's Engineer and Planner Alan Hilla of H2M Associates, Inc. providing a technical review of the application; and

WHEREAS, the Planning Board held a hearing on this application on May 11, 2021; and

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

Mr. Keith Henderson stated that he was representing the Weatheralls in this application. Mr. Henderson stated that they had previously submitted the Zoning letter of denial from Elissa Commins, dated November 23rd, 2020, a certified list of the property owners, a copy of the notice to the property owners and public utilities, a copy of the certified mail receipts and an affidavit of publication and a copy of the public notice. Mr. Henderson requested that the Planning Board accept jurisdiction of the application. Ms. Trainor responded, so accepted. Mr. Henderson stated he had two witnesses to be sworn. Mr. Thomas Weatherall and Mr. Joseph Kociuba were sworn in by Mr. Clark.

Mr. Henderson began by asking Mr. Weatherall if the property was owned by him and if this is his permanent year-round residence. Mr. Weatherall responded yes. Mr. Henderson asked Mr. Weatherall if he had reviewed Mr. Hilla's report regarding the presence of bamboo on the site. Mr. Weatherall replied yes. Mr. Henderson asked Mr. Weatherall if he planted the bamboo. Mr. Weatherall stated that he did not, it was there when he purchased the property. Mr. Henderson asked if the bamboo is solely on his property. Mr. Weatherall stated that the bamboo is almost entirely on his property. Mr. Henderson asked if Mr. Weatherall maintains the bamboo in a way that it has not spread any further. Mr. Weatherall responded that he does maintain the bamboo. Mr. Henderson asked Mr. Weatherall why he is asking the Board to permit him to maintain the bamboo. Mr. Weatherall replied that his residence backs up to Route 35 and the bamboo provides a tremendous screening effect for noise and sight of Route 35, enhances what is already there along the easement and provides wonderful privacy. Mr. Henderson asked Mr. Weatherall if he has had the bamboo looked at professionally. Mr. Weatherall responded that he does when his landscapers are there weekly and by a professional tree service once a year.

Mr. Henderson stated that in Mr. Hilla's report, he indicated that they were over on Lot coverage and asked Mr. Weatherall if he determined the reason. Mr. Weatherall stated that he understood it to be his shed in the back yard and that he would be happy to remove it. Mr. Henderson asked Mr. Weatherall if he removed the shed, would he be below the 20%. Mr. Weatherall replied, yes. Mr. Weatherall stated that he would like to have a much smaller shed and stated he was confident he would still be under 20%. Mr. Henderson asked Mr. Weatherall if he would apply for a Zoning Permit for the new shed and if he were representing to the Board that he would stay under the 20%. Mr. Weatherall replied, absolutely. Mr. Henderson stated he had no further questions.

June 8th, 2021

Ms. Trainor announced it was time to hear questions from the Board.

Mayor Nicol asked Mr. Weatherall what he does with any bamboo that is removed or cut. Mr. Weatherall replied that he believed that the landscapers have taken it with them in the past. Mayor Nicol stated to Mr. Weatherall that he wanted him to know Brielle does not collect bamboo from the curb because it has not been able to find a place to take it.

Mr. Maclearie asked Mr. Weatherall to confirm that he is only putting the screened porch on the front. Mr. Weatherall replied that the screened porch will be in the back. Mr. Maclearie asked Mr. Weatherall if it is 300 or so square feet. Mr. Kociuba answered that the entire rear addition is 335 square-feet, it is an expansion of the dwelling plus the screened porch. Mr. Kociuba stated that he did not have exact dimension for the screened porch but believed it was probably closer to 160-180 square-feet.

Ms. Brisben stated that in the last paragraph of Mr. Hilla's report, it talks about replacement of deteriorating curb sections and asked if that would be done. Mr. Henderson replied that would be done.

Ms. Trainor announced it was time for questions from the public. Hearing none, Ms. Trainor asked Mr. Henderson to call his next witness.

Mr. Henderson called Mr. Joseph Kociuba. Mr. Henderson asked Mr. Kociuba what he did for a living. Mr. Kociuba responded that he is a professional Engineer and Planner in the state of New Jersey and has been qualified and testified as an expert before this Planning Board multiple times. Mr. Henderson asked Ms. Trainor to accept Mr. Kociuba as an expert in this petition. Ms. Trainor stated that the Board does accept Mr. Kociuba.

Mr. Henderson asked Mr. Kociuba if he was retained by the applicant in this matter. Mr. Kociuba replied yes. Mr. Henderson asked Mr. Kociuba to describe to the Board the property and the adjacent uses. Mr. Kociuba began by stating that this is an existing single-family dwelling in the R-3 Zone looking to expand on an existing lot that has a reduced depth. Mr. Kociuba stated that it is conforming in area, 14,780 square-feet, however, the lot depth is 100 feet where 125 feet is required. Mr. Kociuba stated that the applicant is proposing to construct an addition in the front, side, and rear to create a two-story structure, but it would look like a one-story structure together with a driveway expansion. Mr. Kociuba stated that one of the primary benefits is that the applicant wants a two-car garage which is in the front yard setback request on both the main front as well as the unnamed street and the rear yard setback request is for the rear screened porch which is on the corner of Howell Drive and the unnamed right-of-way. Mr. Kociuba stated that the right-of-way leads into the back of the Brielle Elementary School where the sports courts are in the field. Mr. Kociuba stated that between this property and the elementary school exists a 6-foot drainage easement on the property as well as a 20-foot utility easement on the elementary school property. Mr. Kociuba stated that that 26-foot area is currently wooded and intended to stay that way, providing a buffer between the property and the school, and as indicated on the right-hand side is the existing bamboo which the applicant wishes to maintain.

Mr. Kociuba stated that the property is a unique property being on the outside of the bend in the road, as well as the intersection and that it backs up to the school. Mr. Kociuba stated that currently the front yard setback is 37.8 feet, and that applicant is proposing a front yard setback of 25.4 feet which is just to the front corner of the property, at the closest point. Mr. Kociuba stated that this is kind of at an angle so there is not a substantial amount of the proposed dwelling that is at that setback. Mr. Kociuba stated that the front yard setback north towards the existing right-of-way is pretty de minimis, 40-feet required, 27.2 is proposed. Mr. Kociuba stated that this right-of-way is a dead end, only utilized by this home, there is a driveway on it for this dwelling. Mr. Kociuba stated the front-yard setback to Howell Drive at 25.4-feet would be commensurate with the area. Mr. Kociuba stated that the applicant is not proposing a substantially tall dwelling and stated that he believed that the height was less than 28-feet where 35-feet is permitted. Mr. Kociuba stated that this has been designed to look like a ranch with some dormers. Mr. Kociuba stated that the architectural features would certainly brighten up the home and promote a desirable visual environment there.

Mr. Kociuba stated that the two front yard setback variances and the rear yard setback variance to the enclosed screened porch that are being requested are limited by the fact that the house exists in its current location and is shallow in depth, so by being a kind of a pie shaped lot, only 100-feet deep, it does limit the ability to work within the setback.

Mr. Kociuba stated that he did not believe the small reduction in setback to the small, screened porch would have any visual impact on the neighborhood or on the elementary school. Mr. Kociuba stated that the lot coverage variance as testified is being eliminated as the applicant is going to remove the shed and by removing the shed the lot coverage is closer to 18 or 18.2%. Mr. Kociuba stated that the applicant intends to re-install a shed at some point and will submit a Zoning Application. Mr. Kociuba stated that the applicant intends on complying with the 20% requirement, which would be permitted so that variance is being eliminated and not requested tonight.

Mr. Kociuba stated that believed the variances can be granted under both the C-1 and C-2 criteria, C-1, by reason of exceptional narrowness, shallowness, or shape of a property or by reason of extraordinary exceptional situation uniquely affecting a specific piece of property or the structures lawfully existing thereon and would result in peculiar and exceptional practical difficulties or exceptional or undue hardship. Mr. Kociuba stated that this is a shallow lot on a pie shaped piece of property, very difficult to conform with the setbacks. Mr. Kociuba stated it was his opinion that what is being proposed does not exceed building coverage, does not create a substantial detriment to air, light and open space, but by virtue of that depth, where the existing home is today, and specifically where the garage is at the front left corner, it is necessary to request some relief in order to expand the garage forward, provide the architectural benefits and provide a small screened in porch at the rear of the structure.

Mr. Kociuba stated under the C-2 criteria, which is the benefit criteria where the benefits outweigh any detriments, this application does promote a number of purposes of Zoning found in Municipal Land Use law, specifically purpose I, promotion of a desirable visual environment. Mr. Kociuba stated that when looking at the elevations, you can see the existing home is somewhat plain, whereas the proposed architectural improvement will certainly provide a better look and a

June 8th, 2021

more contemporary structure that will fit into the neighborhood. Mr. Kociuba stated that purpose B, safety from fire, the additions will conform with all the building codes. Mr. Kociuba stated that purpose C, to provide adequate air, light, and open space, the design was intentional to provide something that looks more like a one-story structure, not exceeding the height and in fact, much lower than the height would permit. Mr. Kociuba stated that it does promote the purposes of Zoning and will have no detriment on the public good. Mr. Kociuba finished by saying he would answer any questions that the Board may have.

Mr. Henderson stated he had no further questions of this witness. Ms. Trainor announced it was time to hear questions from the Board.

Ms. Trainor asked Mr. Kociuba about the location of the bamboo. Mr. Kociuba replied that it is primarily on the right-hand side and does not believe it traverses over the property line, kind of in the dead corner behind the shed and forward. Ms. Trainor asked Mr. Kociuba if it is the kind of bamboo that runs. Mr. Kociuba replied that it is, but it is kind of confined on the north side and that the applicant has provided some landscaping to block it from expanding. Ms. Trainor stated she is concerned that the bamboo would run onto the Borough's property. Mr. Kociuba replied that he understood her concern and stated he did not see it running on to the Borough's property when he visited.

Ms. Trainor announced it was time to hear questions from the public. Hearing none, Ms. Trainor announced it was time to hear comments from the Board.

Mayor Nicol stated that this would be a great improvement, believes a corner lot deserves some empathy and has no problems with this application.

Councilman Garruzzo stated he agreed with Mayor Nicol and thinks it is going to be a very nice improvement and has no issues with this application.

Mr. Stenson stated he has no problems with the application.

Mr. Miller stated he thought it would be a great addition, a nice improvement and is familiar with bamboo. Mr. Miller stated that if maintained properly, bamboo does provide great screening.

Mr. Maclearie stated he had no problems with the addition and stated it would add depth to the house and make it look more handsome.

Mr. Siano stated that he agreed with all the Board members and stated that they did a nice job putting the application together.

Ms. Brisben stated that the improvements will make the house look better, is on a side street that she does not think a lot of people travel and that the property backs up to the school. Ms. Brisben stated she thought this was a well-done application and would have no problem approving it.

June 8th, 2021

Ms. Frith stated she thought the application was very thorough and impressive and had no issues with it.

Ms. Trainor stated she agreed with Mr. Kociuba's assessment regarding the application of the variance criteria. Ms. Trainor stated with the shed concession and the unique issues to the property and its shape and thought the application was great.

Ms. Trainor stated there was no one from the public with comments. Mr. Clark stated he would like to summarize what the conditions would be for this application. Mr. Clark stated the first condition would be that the applicant would remove the shed and that some sort of timeframe would be included in the resolution by which they will remove the shed and therefore, they would be complying with lot coverage. Mr. Clark stated that the applicant would agree if they replaced the shed, they would apply for a Zoning Permit and would not exceed the 20% lot coverage requirement. Mr. Clark stated another condition, which he thought Mr. Henderson agreed to, was the curb improvements that Mr. Hilla identified in his letter would be made to the satisfaction of the Board Engineer. Mr. Clark stated that a third condition would have to do with the bamboo and asked the Board for some guidance regarding this. Ms. Trainor stated she thought the motion should go through without comment about the bamboo, if there is an ordinance or an issue that Code Enforcement had in town, it would be referred to the town. Ms. Trainor stated she did not think the Board should be setting precedents allowing bamboo. Mr. Clark asked Ms. Trainor if she was saying that there should not be a condition about bamboo at all and let it be enforced if there were an enforcement issue. Ms. Trainor replied yes, it would be up to the town to enforce or not enforce it and continued by saying her thought was that the Board should not deal with it. Mr. Clark stated then there would be two conditions, the shed, and the curb improvements. Mr. Henderson stated that they would stipulate to those two conditions.

Ms. Trainor asked for a motion in the matter and with the conditions that Mr. Clark just articulated.

WHEREAS, the Board after carefully considering the evidence presented by the Applicants at the hearing 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 Property is located within the Borough's R-3 Residential Zone (the "R-3 Zone").
- c. The Property is currently developed with a one-story single-family dwelling with a concrete driveway, pool, shed, and attached garage.
- d. The Applicant is proposing to construct front, side, and rear additions to create a two-story principal structure along with a driveway expansion as an addition

to the dwelling on the Property as described more fully within the plans submitted with this application.

- e. The existing lot and the principal structure are not conforming to the zone and the proposed addition likewise is not conforming to the zone.
- f. The Property is a corner lot which, pursuant to the Borough Code, is considered to have two front yards for purposes of calculating setback and other code requirements.
- g. The Property has the following pre-existing non-conformities that are not being changed by the development proposed by the Applicant within his application:
 - (i) Minimum Lot Depth—125 feet required; 100 feet existing.
- h. The Applicant is seeking the following variance relief through this application (the variances sought are highlighted in bold type below): (i) Front Setback (Howell Lane)—30 feet required; 37.8 feet existing, **25.4 feet proposed**; (ii) Front Setback (Unnamed)—30 feet required; 30.1 feet existing; **27.2 feet proposed**; (iii) Rear Setback: 35 feet required; 28.9 feet existing; **14.8 feet proposed**.
- i. The Applicant was also seeking a variance from the minimum lot coverage requirements within his application, but he amended the application during his testimony at the hearing to eliminate the need for this variance by agreeing to remove the shed located on his Property, and he further agreed that if he re-installs a shed in the future he will obtain a zoning permit before installing it and will seek variance relief if the size of the shed necessitates such variance relief.
- j. The Property is a shallow lot on a pie shaped piece of property and is a corner lot with two front yards.
- k. The development proposed by the Applicant does not exceed building coverage and does not create a substantial detriment to air, light and open space.
- l. By reason of the size, shape, and topography of the Property, it would be a hardship to the Applicant to comply with the requirements of the Borough Code, and the development being proposed by the Applicant is consistent with other development in the neighborhood.
- m. The purposes of the Borough Code would be advanced by this proposed development and the benefits of the variance sought outweigh any detriments.
- n. This application and the variance relief sought therein advances the purposes of the Municipal Land Use Law, does not cause any substantial detriment to the

public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

- o. Additionally, under the C-2 criteria, which is the benefit criteria where the benefits outweigh any detriments, this application does promote a number of purposes of Zoning found in Municipal Land Use law, specifically (i) purpose I, promotion of a desirable visual environment, because the proposed architectural improvement will provide a better look and a more contemporary structure that will fit into the neighborhood, (ii) purpose B, safety from fire, because the additions will conform with all the building codes, (iii) purpose C, to provide adequate air, light, and open space, because the design of the improvements provide something that looks more like a one-story structure, not exceeding the height and in fact, much lower than the height would permit, and the benefits of the improvements outweigh any detriments.

WHEREAS, Mr. Siano moved to approve the application; this motion was seconded by

Mr. Miller. At that time, the application was approved by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Stenson, Corinne Trainor, Jim Maclearie, Glenn Miller, Chris Siano, Karen Brisben, Stephanie Frith

Noes: None

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of

Brielle, that the application is hereby approved and granted subject to the following conditions:

- a. Within forty-five (45) days of the date of the adoption of this Resolution, the Applicant shall remove the shed on its Property. The Applicant further warrants and agrees that if he decides to install a new shed on the Property, he will obtain a zoning permit before installing it and will seek variance relief if the size of the shed necessitates such variance relief.
- b. The Applicant shall replace all deteriorated curb sections adjoining the Property and shall perform this work to the satisfaction of the Board Engineer.
- c. The Applicant shall pay all taxes and other applicable assessments, costs, and fees to date, as applicable;
- d. 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;
- e. All representations made under oath by the Applicant, or their agents shall be deemed conditions of this approval, and any misrepresentations or actions by

June 8th, 2021

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 Jim Maclearie, seconded by Councilman Frank Garruzzo and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Corinne Trainor, Jim Maclearie, Chris Siano, Karen Brisben, Jay Jones

Noes: None

OTHER OLD BUSINESS:

Approval of Resolution for Block 66.02, Lot 21, 719 Howell Drive owned by William & Jennifer Folker, to allow Installation of in-ground pool.

RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF WILLIAM AND JENNIFER FOLKER SEEKING VARIANCE RELIEF FOR CONSTRUCTION OF AN IN-GROUND POOL ON THE PROPERTY LOCATED AT 719 HOWELL DRIVE IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 66.02, LOT 21

WHEREAS, William and Jennifer Folker (the “**Applicants**”) filed an application with the Planning Board of the Borough of Brielle (the “**Board**”) seeking variance relief to construct an in-ground pool and fence on the property owned by the Applicants located at 719 Howell Drive and identified on the tax map of the Borough of Brielle as Block 66.02, Lot 21 (the “**Property**”); and

WHEREAS, the Property is located within the Borough’s R-3 Residential Zone (the “R-3 Zone”); and

WHEREAS, the Property is currently developed with a single-family dwelling; and

WHEREAS, the Applicants are proposing to construct an in-ground pool and fence on the Property as described more fully within the plans submitted with this application; and

WHEREAS, the existing lot and the principal structure are not conforming to the zone because the Property already has the following non-conformities:

June 8th, 2021

- (a) Minimum Lot Depth—125 feet required; 92 feet existing
- (b) Minimum Front Yard Setback—30 feet required; 29.6 feet existing;
- (c) Minimum Rear Yard Setback—35 feet required; 27 feet existing; and

WHEREAS, the Property is located on the westerly side of Howell Drive at the main curve in the road approximately 500 feet from its intersection with Route 35; and

WHEREAS, due to the location of the Property at the bend in the road, the lot has approximately 290 feet of frontage on Howell Drive and three sides of the Property are considered to be front yards under the Borough Code for purposes of calculating setback and other code requirements; and

WHEREAS, the Applicants are seeking to construct and install an in-ground pool and fence within its front yard area to one side of the existing house;

WHEREAS, the Applicants are seeking the following variance relief through this application (the variances sought are highlighted in bold type below):

- (a) Minimum Front Yard Setback (Howell Drive)—30 feet required; **20 feet proposed to pool;**
- (b) Grading plan required for disturbances greater than 500 square feet—**applicants seek waiver from requirement to submit grading plan;** and

WHEREAS, the Applicant submitted the following documents in support of this application:

- (a) survey of Property (1 sheet) prepared by Michael S. Lynch P.L.S. dated September 23, 2020;
- (b) copy of Property survey showing the proposed pool location with dimensions and setbacks;

June 8th, 2021

- (c) photo of similar pool for reference;
- (d) an application package signed by the Applicants; and
- (e) a Zoning Permit denial letter from the Zoning Officer dated January 4, 2021; and

WHEREAS, the Board was also provided with a letter dated April 6, 2021, prepared by the Board's Alternate Engineer and Planner Elissa C. Commins providing a technical review of the application; and

WHEREAS, the Board held a hearing on this application on May 11, 2021; and

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

Ms. Trainor asked Mr. William and Mrs. Jennifer Folker if they had representation or would they be presenting on their own. Mr. Folker replied that they would be presenting on their own behalf. Mr. and Mrs. Folker were sworn in by Mr. Clark.

Mr. Folker stated they purchased the property in October, this was their primary residence and that they were looking forward to spending quality time in Brielle. Mr. Folker stated that they were seeking to put a pool in the location noted on the site plan submitted. Mr. Folker stated they have about 192-feet of frontage but due to Zoning issues, it is all considered front yard and that technically they do not a side yard on either side of the house. Mr. Folker said the request is for the relief as to the front yard variance which he stated is merely a circumstantial thing because of the way the property is situated. Mr. Folker stated that the pool in question would not be rectangular which he thought would fit into the contour as well as the bend of the property. Mr. Folker stated he believed it is in line with similar property developments in the area. Mr. Folker stated there are three very large trees which buffer the neighbor to the immediate west and continued by saying that they are not going to be removing any of the trees on the property. Mr. Folker stated he believed that the sight lines as far as the pool is concerned, with fencing or otherwise, would not be an issue. Mr. Folker stated the pool would be tucked into the corner and would be well inside the Borough right-of-way. Mr. Folker stated that there are no visual impairments for people going either direction on the street that would be compromised by a fence or the pool and that the trees provide a buffer for that, and the fencing would be inside of the existing trees. Mr. Folker stated they did not have any Lot coverage issues with the existing residents, it is merely because he does not have a side yard. Mr. Folker stated he thought this is in line with improvements made to this property as well as improvements in the neighborhood.

Ms. Trainor asked Ms. Commins if she had anything to add or questions for the applicant.

Ms. Commins asked Mr. Folker if he would be willing to repair any damage that was a result of the construction of the pool. Mr. Folker replied, yes. Ms. Commins asked Mr. Folker if

June 8th, 2021

as stated in his application, his Lot is irregular in shape, with no side yard, all front and rear yard. Mr. Folker replied, correct.

Ms. Trainor announced it was time for questions from the Board.

Councilman Frank Garruzzo asked Mr. Folker if he would be putting fencing around the whole pool. Mr. Folker answered yes and stated that this would be required. Mr. Folker stated that they had received a permit last fall for fencing, which they put in and plan to continue adding more fence in the back and add more fencing for the pool.

Mr. Maclearie stated that his question is regarding the fence because the property is on a total curve and it is all frontage of the house, there is a sight line when people are driving down Howell Drive, so the fence must be kept away, and even at 25 miles per hour, the fence would have to be held back 20 feet and it looks like the pool is at 20 feet. Mr. Folker responded that heading down the curve off Route 35 you can see three very large trees which he believed would be more of a visual impairment. Mr. Folker stated that the proposal would be to jut off the edge of the house, and along the property line there are three or four odd trees on the edge of the Borough right-of-way. Mr. Folker stated that the fencing would be inside those trees. Mr. Maclearie asked Mr. Folker if he had spoken to his contractor about what type of fence he would use. Mr. Folker replied yes, and Mrs. Folker stated she hoped it would be a 6-foot PVC fence with the last 2-foot trellis opening. Mr. Maclearie asked Mr. Folker if he knew how far the fence would be from the street. Mr. Folker replied, 20-feet but where it illustrates the 20-feet, it is on an angle to the point of the Borough right-of-way. Mr. Folker said that it is going to be coming basically straight off the edge of the house so it would not be square, there will be a quarter turn to the fence. Mr. Folker stated that all fencing will be inside the property line inside the three trees.

Ms. Trainor asked Ms. Commins if she had a comment with respect to the exchange that is going on. Ms. Commins replied that if the pool were taken out of the equation, the Folkers would be permitted to put a 6-foot solid fence on their property line on the entire property as long as the finished side faces outward. Ms. Commins continued by saying that typically in a situation like this, they would ask for a minimum of 10-feet off the edge of pavement, because they do not quite have 10-feet from the curb line into the property, the right-of-way buffer is closer to 8 or 9-feet, so she felt 10-foot would be a nice compromise to make sure there is adequate sight distance for anyone turning the corner. Ms. Trainor asked Mr. Folker if he would consider this with respect to the placement of the fence. Mr. Folker responded that he thought that was reasonable.

Mr. Siano referred to where Mr. Folker had 20-foot written on the survey and asked Mr. Folker how far the fence would be off the pool coping. Mr. Folker answered, he needed 6-feet maximum off the edge of the pool to provide some walkway on the outside of the pool, maybe some grass and stated it could be less but no more than that. Mr. Siano asked Mr. Folker if he were saying at least 6-feet off the coping, which would bring it down to 14-feet plus a 10-foot right-of-way, you would have 24-feet to the street. Mr. Folker replied, yes that was correct.

Ms. Brisben asked Mr. Folker if there was any room to put the pool in the back. Mr. Folker replied that they had some room, but they did not want to put in a rectangular pool and moving the pool around would have required them to remove the big trees which they did not want to do. Ms.

June 8th, 2021

Brisben asked Mr. Folker if they would be removing any trees. Mr. Folker responded that there would be no trees removed. Ms. Brisben asked Mr. Folker if he would address any kind of grading change that Ms. Commins referred to in her report. Mr. Folker stated that that there is not a lot of variation, not very hilly, in the topo plan and he would be engaging an engineer to do the topographical report for that part of the property. Ms. Brisben asked Mr. Folker if he was saying there would not be much of a grading change. Mr. Folker replied that there would not be a change.

Mr. Jones asked Mr. Folker where he proposed to put the pool equipment. Mr. Folker responded that there were two options, in the corner where the deck is or in the back. Mr. Folker stated that he thought the ideal scenario would be just where the deck is, where the power connects.

Ms. Trainor asked Mr. Folker to clarify where he had indicated putting the pool equipment. Mr. Folker replied in the front of the house, where the power lines come into the house, inside of the fence.

Ms. Trainor asked Mr. and Mrs. Folker if they had any other witnesses to present. Mr. Folker replied he did not. Ms. Trainor announced it was time for comment period for the application.

Mr. John and Mrs. June Jasman, 723 Howell Drive, Brielle, NJ were sworn in by Mr. Clark. Mr. Jasman began by saying he has lived in this area since 1998 and stated he knew the area well. Mr. Jasman stated he understood the Folkers wanting a pool but wanted to express some safety concerns he had. Mr. Jasman stated there is no sidewalk and stated there are school children that walk on the side of the road, across the street from this property, and stated that there would be a substantial visual impact coming around the bend. Mr. Jasman stated by having a 6-foot fence, cars would not be able to see small children walking around the bend. Mr. Jasman stated that cars coming off Route 35 go 55-60 miles per hour into a residential zone and as they are coming down, their line of sight will be blocked. Mr. Jasman stated that big trucks, bulldozers, snowplows, and very large Borough equipment would have to veer away from the property and then almost be in the center of the road.

Mr. Jasman stated that there were also Zoning issues. Mr. Jasman stated that he looked at the notice that was sent to him and stated there are Zoning Standards and Setbacks that have been determined by professionals that were hired to uphold the safety and the quality of life and the living standards and from what he could see they are not conforming for the R-3 residential zone. Mr. Jasman stated that as far as the property goes, it is one big front yard and there will be a pool in someone's front yard and that visual impact would be detrimental for the neighborhood, for property values, and would destroy the neighborhood fabric.

Mr. Jasman stated that there would be noise and pools have spotlights that people would see and something like that is meant for a backyard, meant to be private, not in a front yard.

Ms. Trainor stated to Mr. and Mrs. Jasman that she thought that earlier the applicants said they were willing to have the fence 10-feet in from the street line and asked if that changed their thoughts or comments at all. Mr. and Mrs. Jasman replied, no. Mrs. Jasman stated she thought it

June 8th, 2021

would impact the sight line too much. Mr. Jasman stated that the police and emergency vehicles use the road as a cut through to Route 35 and that they are in a hurry.

Ms. Trainor stated based on Mr. and Mrs. Jasman's comments, she had a question for the applicants. Ms. Trainor stated to Mr. and Mrs. Folker that there is a concern about the lights that may or not be added to their property because of the pool and asked if they intended to add any lights to their property to illuminate the pool area. Mr. Folker answered no, the pool has a light in it, and there are three lights on the decks that are existing.

Ms. Trainor asked the Board and Ms. Commins if, based on Mr. and Mrs. Jasman's comments, they had any questions for the applicants.

Mr. Siano asked the applicant if the existing wood decks had been refurbished recently and asked what condition these decks were in. Mr. Folker answered that the decks had not been refurbished and were in decent shape when they purchased the house. Mr. Siano asked Mr. Folker what the second-floor deck comes off. Mr. Folker replied that it comes off one of the bedrooms upstairs, right above it, centered in the middle of the existing downstairs deck. Mr. Siano asked Mr. Folker if the deck was supported from the ground or if the deck is cantilevered. Mr. Folker responded that it is cantilevered. Mr. Siano asked Ms. Commins if it was true that the applicant can have a 6-foot fence on their property line in the front yard. Ms. Commins answered that the Borough of Brielle permits a fence not to exceed 6-feet in height anywhere on the property provided it is within the confines of the property. Mr. Siano suggested that if Mr. Folker removed the wooden deck on the first floor, they could pull the pool back farther away from the road and create a patio up to the house that would not affect the second-floor deck. Mr. Folker replied that they would prefer to leave the deck as it stands.

Ms. Brisben asked Mr. Folker to confirm that he said the fencing would be behind the trees. Mr. Folker replied, yes, the fencing would be inside of the trees. Ms. Brisben asked Mr. Folker if there was fencing along the back of the property line. Mr. Folker replied, yes there would be fencing in the back.

Mayor Nicol stated he would like the Record to reflect that the Planning Board had received a letter from the Brielle Police Department, Traffic Safety Unit that stated they have no issues with this application. Mayor Nicol stated the Board had also received a letter from the fire department that stated they had no objections.

Ms. Trainor asked if there were any comments from the public. Hearing none, Ms. Trainor announced it was time to hear comments from the Board.

Councilman Garruzzo stated that he had read the letter from Lieutenant Boyd, Traffic Safety Officer for the Brielle Police Department and thought that it did impact the application.

Mr. Maclearie stated he was not a big fan of this application. Mr. Maclearie stated he agreed with the suggestion Mr. Siano made about moving the deck towards the house and picking up 15 or 20-feet would be a great idea.

Ms. Brisben stated that she agreed with Mr. Siano and said it was an excellent suggestion. Ms. Brisben stated it is nice to have a builder on the Board that could see things that some on the Board could not. Ms. Brisben stated she is kind of struggling with the application and thought that if it moved back a little, it would be great.

Ms. Trainor began by stating that this property, not built by the Folkers, is a uniquely shaped property, is the on the curve with three Borough streets on three sides of the property and the parcel itself is not that big. Ms. Trainor stated that this is one of the reasons why variance relief is appropriate for people when they have a house that does not fit the way the town has subsequently planned its zoning rules. Ms. Trainor stated that given that the Borough does allow fencing to be placed anywhere on the property, the applicant is willing to set the fencing back away from the street far enough and that the sight lines have been addressed to the satisfaction of the person that would know best, Lieutenant Boyd, she thought the applicants met the requirement for the variances they were seeking. Ms. Trainor stated that she thought the pool equipment should not be in the front yard proper even with a fence.

Mr. Trainor asked Mr. Clark if he would review the specific conditions that were discussed. Mr. Clark stated that the applicant had agreed to make improvements to the curbing to the satisfaction of, in this case, the Substitute Board Engineer. Mr. Clark stated the applicant agreed that the fence that would be installed around the pool area would be at least 10-feet off the street line.

Ms. Trainor asked for a motion to approve the application with the conditions that Mr. Clark just referenced.

WHEREAS, the Board after carefully considering the evidence presented by the Applicant at the hearing 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 Property is located within the Borough's R-3 residential zone.
- c. The Property is currently developed with a single-family dwelling.
- d. The Applicants are proposing to construct an in-ground pool and fence on the Property as described more fully within the plans submitted with this application.
- e. The existing lot and the principal structure are not conforming to the zone because the Property already has the following non-conformities: (i) Minimum Lot Depth—125 feet required; 92 feet existing; (ii) Minimum

Front Yard Setback—30 feet required; 29.6 feet existing; and (iii) Minimum Rear Yard Setback—35 feet required; 27 feet existing.

- f. The Property is located on the westerly side of Howell Drive at the main curve in the road approximately 500 feet from its intersection with Route 35.
- g. Due to the location of the Property at the bend in the road, the lot has approximately 290 feet of frontage on Howell Drive and three sides of the Property are considered to be front yards under the Borough Code for purposes of calculating setback and other code requirements.
- h. The Applicants are seeking to construct and install an in-ground pool and fence within its front yard area to one side of the existing house.
- i. The Applicants are seeking the following variance relief through this application (the variances sought are highlighted in bold type below): (i) Minimum Front Yard Setback (Howell Drive)—30 feet required; **20 feet proposed to pool**, and (ii) Grading plan required for disturbances greater than 500 square feet—**Applicants seek waiver from requirement to submit grading plan.**
- j. Due to the unique size and shape of the Property, the Applicants would have difficulty in constructing a pool on their Property without using some portion of their front yard since three sides of the Property are considered to be front yards under the Borough Code.
- k. The proposed pool is on one side of the house on the Property and will be surrounded by a fence which will reduce any negative impact upon the neighboring properties.
- l. The Board's Alternate Engineer and Planner Elissa C. Commins provided testimony indicating that a property owner has the right to install a fence anywhere within the boundaries of its property so long as the fence meets the Borough's height requirements and, therefore, the fence proposed by the Applicants could be constructed regardless of whether they constructed a pool or not.
- m. The Borough's Police Department, Traffic Safety Unit reviewed this application and indicated that it had no issues or objections to the application.
- n. The Applicants have agreed as a condition of the approval of their application that the fence that they install around their pool will be set back at least ten (10) feet from the Borough's right of way.
- o. By reason of the size, shape, and topography of the Property, it would be a hardship to the Applicants to comply with the requirements of the Borough

Code, and the development being proposed by the Applicants is consistent with other development in the neighborhood.

- p. The purposes of the Borough Code would be advanced by this proposed development and the benefits of the variance sought outweigh any detriments.
- q. This application and the variance relief sought therein advances the purposes of the Municipal Land Use Law, does not cause any substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, Mr. Miller moved to approve the application; this motion was seconded by Mr. Siano. At that time, the application was approved by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Stenson, Corinne Trainor, Glenn Miller, Stephanie Frith

Noes: Jim Maclearie, Chris Siano, Karen Brisben

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

- a. The Applicants have ensure that the fence that they install around their pool will be set back at least ten (10) feet from the Borough's right of way;
- b. The Applicants shall make any improvements to the curb along their Property that are necessary to repair any damaged curbing to the satisfaction of the Board's Alternate Engineer/Planner;
- c. The Applicants shall pay all taxes and other applicable assessments, costs, and fees to date, as applicable;
- d. 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;
- 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.

A motion to approve the above Resolution was made by Councilman Frank Garruzzo, seconded by Jay Jones and then by the following roll call vote:

June 8th, 2021

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Corinne Trainor, Jay Jones

Noes: None

NEW BUSINESS:

Application for variance relief for Block 16.01, Lot 1, 602 Morgan Parkway, owned by Paul & Gail Harren, to allow an addition to an existing home. Minimum Front Setback (Morgan Parkway) – 30 feet required, 29.4 feet existing. Minimum Front Setback (Bradley Avenue) – 30 feet required, 29.3 feet existing. Minimum Rear Setback (east side) – 35 feet required, 35.5 feet existing (to house), 21 feet existing (to deck), 21 feet proposed (to new addition). Lot Coverage – 20% maximum allowed, 23.43% proposed.

Ms. Trainor asked Mr. and Mrs. Harren if they had any professionals or witnesses that would be testifying. Mrs. Harren stated that Mr. Ron Wiledynski, a representative from Coventry Additions would be testifying.

Mr. and Mrs. Harren and Mr. Wiledynski were sworn in by Mr. Clark.

Mr. Harren stated that the application is for the construction of a room that would occupy the space that is presently occupied by the rear deck. Mr. Harren stated the room would be slightly smaller than the rear deck. Ms. Trainor asked Mr. and Mrs. Harren if they wanted to add anything else or if they wanted their builder to speak on their behalf. Mr. Harren replied that the builder could speak and stated that they would also answer questions if there were any.

Mr. Wiledynski began by stating that they were trying to add an addition where the deck is, that they would not exceed the ridge height, and that the siding will match the existing siding. Mr. Wiledynski stated that the addition would not be an eye sore and would not take away from the property or the neighborhood.

Ms. Trainor asked Mr. and Mrs. Harren if they had received a copy of Mr. Hilla's letter dated May 26th, 2021. Ms. Harren replied that they had. Ms. Trainor stated that there were a number of issues raised in that letter that the Board would need to consider with respect to the application and stated she thought it would be helpful if Mr. and Mrs. Harren would go through these issues themselves and then the Board could ask questions. Ms. Harren stated that the issues written in bold addressed the rear setback on the east side as 21 feet proposed. Ms. Harren stated that the addition is not as wide as the deck and that the deck is 16 feet wide, and the addition would be 14 feet wide. Ms. Harren stated that those measurements would affect the measurements in the letter.

Ms. Trainor asked Mr. Hilla if he any other questions for Mr. and Mrs. Harren. Mr. Hilla stated that the Plot Plan does identify the existing setback to the deck and the proposed setback. Mr. Hilla stated that for the addition, the rear setback would be 21 feet. Mr. Hilla stated that there is a boundary survey that identifies the addition that would be a 14-foot encroachment into the 35-foot setback, but the remainder would be a 21-foot setback to the easterly property line. Mrs.

June 8th, 2021

Harren replied she thought Mr. Hilla used a measurement that the addition would be the same size as the deck but stated that the deck is 2-feet wider than the addition. Mrs. Harren stated that would make it 16-feet instead of 14-feet. Mr. Hilla responded that both the Plot Plan and Architectural Plans, dated December 16th, 2020, identify the addition as 16-feet wide by 26-feet long. Mrs. Harren responded that the addition that had contracted is 14-feet wide. Councilman Garruzzo asked Mrs. Harren if the measurement of 14-feet was depicted on any of the plans that she had submitted. Mrs. Harren stated that there were but then stated that she was incorrect.

Mr. Wiledynski stated that the addition would be 14-feet by 26-feet and if the plans are incorrect, he would have the architect revise the plans to show that if that would be sufficient to the Board. Mr. Wiledynski stated that if the Board would approve 14-feet he would take care of it on his end with the architect.

There was discussion among several Board members, Mr. Hilla, Mr. Clark, and the applicant in regard to the confusion over the size of the addition. Ms. Trainor stated to Mr. and Mrs. Harren that there is some confusion about their application and suggested that what could potentially help is to give the Board an opportunity to ask questions and perhaps clarify the issues through their questions.

Councilman Garruzzo asked Mr. and Mrs. Harren if the addition that is proposed would be 14-feet instead of 16-feet, if the entire addition would go to the edge of the existing deck, which is 21-feet from the rear yard setback. Mr. Wiledynski and Mrs. Harren replied yes. Councilman Garruzzo asked if that remained the same and if you remove the deck where the addition is going, is it accurate that the rear yard setback would still be maintained at 21-feet. Mrs. Harren responded that she believed it would be like 23-feet, like the addition. Councilman Garruzzo asked Mrs. Harren if they are actually coming before the Board with less than what they originally asked for. Mrs. Harren replied yes.

Mr. Maclearie asked Mr. and Mrs. Harren if the 14-feet is from the bump out or is it from the major part of the house. Mrs. Harren replied that it is from the major part of the house and that the addition ends at the bump out. Mr. Maclearie asked Mrs. Harren if there was a basement or crawl space, how it would be finished, if it would it be suspended like a three-season room or on stilts. Mr. Wiledynski responded that it was a crawl space with a slab.

Mr. Siano asked Mr. and Mrs. Harren if there was a hedge row that runs the rear property line by the wooden fence or just a fence. Mrs. Harren answered that it was just a fence that only goes roughly 45-50-feet. Mr. Siano asked Mrs. Harren if the new proposed setback would be 23-feet from the rear and if they are still maintaining 34 because the addition is only 14-feet. Mr. Wiledynski responded yes, correct.

Ms. Brisben asked Mr. and Mrs. Harren what they intended to do with the large trees. Mrs. Harren replied that there is one red maple and one white pine that would remain. Ms. Brisben asked Mr. Hilla if it were possible for him to tell the Board what the new lot coverage would be. Mr. Hilla replied that it would bring it down from 23.43% to like 22.96%.

June 8th, 2021

Ms. Trainor announced it was time for questions from the public. Hearing none, Ms. Trainor stated it was time for the comments from the Board.

Mayor Nicol stated he did not have any issues with the application but felt it should be mandatory that the Board require a new set of plans and layout.

Councilman Garruzzo stated he did not have any issues with the application and that with the 22.96% of lot coverage that Mr. Hilla had stated, he did not think it would be a detriment to the area or community.

Mr. Maclearie stated he agreed with Mayor Nicol and Councilman Garruzzo and that as long as the Board received new plans, he was okay with a little bit over 20%.

Mr. Siano stated he agreed with the rest of the Board and seeing no objection so far from the neighbors with the rear yard setback, he had no issue with the application.

Ms. Brisben began by discussing whether she would need 15 new sets of plans to distribute to the Board members and if Mr. Hilla would need to submit another report to the Board. Ms. Trainor stated that as the Board had done in other applications, provided that the plans are updated and with a conditional approval, the Board could proceed and vote and as long as the applicant makes their plans and file their plans in a conforming manner to their application that they are amending or clarifying. Ms. Brisben stated that if the Board wanted to see the revised plans, she would need 15 sets but if the Board is willing to let Mr. Hilla make the decision than she would just need 5 sets. Councilman Garruzzo stated that if the application were approved and applicant agreed to the conditional approval, he did not see the reason for the applicant to provide 15 additional plans for that condition. Councilman Garruzzo stated that as long as the condition is set as part of the approval process, he did not see a reason to postpone the application to next month.

Mr. Clark stated that the legal issue was to make sure that the Board understands what they were voting for since the plans are not reflecting what the applicant is actually asking for and what variances are actually being sought. Mr. Clark stated that he felt that the Board understood based on all the questions that had been asked and that the Board could vote if they wanted to with an added condition that the applicant must submit the revised accurate plans.

Ms. Brisben stated to Mr. and Mrs. Harren that she would need 5 sets of revised plans that show the correct footages. Mr. Wiledynski stated that he would take care of that. Mayor Nicol asked Mr. Wiledynski how soon he could have the revised plans to Mr. Hilla. Mr. Wiledynski responded that he could have them by early next week.

Mr. Jones stated that he was fine with the application, felt it was more palatable when it came to lot coverage.

Mr. Tice stated he understood the plans as originally proposed and now understood the difference in two feet and what that would ultimately look like when it came to fruition.

June 8th, 2021

Ms. Trainor stated she agree with Mr. Siano that this is a corner lot and because of that it has special considerations, and that wished the plans were not so confusing for the Board. Ms. Trainor stated she was happy that the Board had a chance to ask questions and clarify the application. Ms. Trainor stated to the extent that nobody from the Board needed to see revised plans, she would be happy to support the conditional approval of the application, provided that the newly submitted plans have no other changes and are to Mr. Hilla's satisfaction.

Ms. Trainor asked if there was anyone from the public that had any comments. Hearing none, Mr. Clark was asked if he would go through the variances and the proposed conditions. Mr. Clark stated that there were two variances, minimum rear yard setback to the east side and Lot coverage. Mr. Clark stated that the proposed condition is to require the applicant to submit 5 sets of revised plans and a revised boundary survey to reflect the correct dimensions to Ms. Brisben for the file and for Mr. Hilla's approval.

Ms. Trainor asked for a motion for the conditional approval of the application. Councilman Frank Garruzzo made a motion, seconded by Mayor Thomas Nicol, and followed by the roll call vote.

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Corinne Trainor, Jim Maclearie, Chris Siano, Karen Brisben, Jay Jones, Charlie Tice

Noes: None

Ms. Trainor stated if there was no other business, she would ask for a motion to adjourn. Jim Maclearie made the motion, seconded by Karen Brisben, and unanimously approved by the Board, all aye.

Denise Murphy, Recording Secretary
Approved: July 13th, 2021