

July 13<sup>th</sup>, 2021

BRIELLE PLANNING BOARD  
TUESDAY, JULY 13<sup>th</sup>, 2021

The Regular Meeting of the Brielle Planning Board was held on Tuesday, July 13<sup>th</sup>, 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.

Roll call was taken:

Present: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Stenson, Corinne Trainor, Chris Siano, Karen Brisben, Stephanie Frith, Jay Jones, Charlie Tice

Absent: Jim Maclearie

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

A motion was made to approve the Minutes of June 8<sup>th</sup>, 2021, this done by Karen Brisben, seconded by Councilman Frank Garruzzo, and approved by unanimous vote, all ayes.

OLD BUSINESS:

**RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF PAUL AND GAIL HARREN SEEKING VARIANCE RELIEF FOR CONSTRUCTION OF AN ADDITION TO THE EXISTING SINGLE-FAMILY DWELLING ON THE PROPERTY LOCATED AT 602 MORGAN PARKWAY IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 16.01, LOT 1**

**WHEREAS, Paul and Gail Harren** (the “**Applicants**”) filed an application with the Planning Board of the Borough of Brielle (the “**Board**”) seeking variance relief to construct an addition to the existing single-family dwelling on the property owned by the Applicants located at 602 Morgan Parkway and identified on the tax map of the Borough of Brielle as Block 16.01, Lot 1 (the “**Property**”); and

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

July 13<sup>th</sup>, 2021

**WHEREAS**, the Property is currently developed with a single-family dwelling with a wood deck, various walks, and a paver driveway; and

**WHEREAS**, the Applicants are proposing to construct an approximately 416 square foot addition on the eastern side of the existing dwelling on the Property as described more fully within the plans submitted with this application; and

**WHEREAS**, the existing lot and the existing/proposed use are conforming, but the existing principal structure and the proposed addition are not conforming to the zone, and this application therefore requires variance relief; 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 non-conformities which are not being impacted by the development proposed through this application: (i) Minimum Front Yard Setback (Morgan Parkway)—30 feet required; 29.4 feet existing; (ii) Minimum Front Yard Setback (Bradley Avenue)—30 feet required; 29.3 feet existing; (iii) Minimum Rear Setback (east side)—35 feet required, 21 feet existing (to deck); and

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

(a) Minimum Rear Setback (east side)—35 feet required; 21 feet existing (to deck); **23 feet proposed (to new addition)**;

(b) Maximum Lot Coverage—maximum permitted 20%; **22.96% proposed**; and

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

July 13<sup>th</sup>, 2021

- (a) a boundary survey prepared by John J. Dziemian, P.L.S. dated March 30, 2021;
- (b) architectural plans (4 sheets) prepared by Tad Huymoc, A.I.A. dated December 16, 2020;
- (c) an application package signed by the Applicants; and
- (e) a Zoning Permit denial letter from the Zoning Officer dated January 18, 2021; and

**WHEREAS**, the Board was also provided with a letter dated May 26, 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 June 8, 2021; and

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

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 26<sup>th</sup>, 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. 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 16<sup>th</sup>, 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-

July 13<sup>th</sup>, 2021

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 22.96%.

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.

Ms. Trainor stated she agree with Mr. Siano that this is a corner lot and because of that it has special considerations, and that she wished that 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.

**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 with a wood deck, various walks, and a paver driveway.
- d. The Applicants are proposing to construct an approximately 416 square foot addition on the eastern side of the existing dwelling on the Property as described more fully within the plans submitted with this application.
- e. The existing lot and the existing/proposed use are conforming, but the existing principal structure and the proposed addition are not conforming to the zone and this application requires variance relief.

- 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 non-conformities which are not being impacted by the development proposed through this application: (i) Minimum Front Yard Setback (Morgan Parkway)—30 feet required; 29.4 feet existing; (ii) Minimum Front Yard Setback (Bradley Avenue)—30 feet required; 29.3 feet existing; (iii) Minimum Rear Setback (east side)—35 feet required, 21 feet existing (to deck).
- h. The Applicants are seeking the following variance relief through this application (the variances sought are highlighted in bold type below): (i) Minimum Rear Setback (east side)—35 feet required; 21 feet existing (to deck); **23 feet proposed (to new addition)**; (ii) Maximum Lot Coverage—maximum permitted 20%; **22.96% proposed**.
- i. The Applicants submitted the following documents in support of this application: (i) a boundary survey prepared by John J. Dziemian, P.L.S. dated March 30, 2021; (ii) architectural plans (4 sheets) prepared by Tad Huymoc, A.I.A. dated December 16, 2020; (iii) an application package signed by the Applicants; and (iv) a Zoning Permit denial letter from the Zoning Officer dated January 18, 2021.
- j. The Board was also provided with a letter dated May 26, 2021, prepared by the Board's Engineer and Planner Alan Hilla of H2M Associates, Inc. providing a technical review of the application.
- k. During the testimony presented on behalf of the Applicants, it became apparent to the Board that the information provided by the Applicants within their architectural plans and boundary survey was incorrect as to the dimensions of the proposed addition.
- l. Specifically, rather than seeking a variance for a rear yard setback of 21 feet from the east side of the Property line (which was the existing setback to the deck), the Applicants are actually seeking a lesser setback of 23 feet from the east side of the Property line for the proposed addition. In other words, the proposed development is improving the current non-compliant condition on the Property by removing the deck which is 21 feet from the rear yard setback (east side) and replacing it with an addition that is 23 feet from the rear yard setback (east side).
- m. Additionally, rather than seeking a variance for lot coverage of 23.43% (which is 3.43% over the maximum allowable lot coverage), the Applicants testified that due to these revised dimensions the variance that they are seeking is for a lot coverage of 22.96% (which is 2.96% over the maximum allowable lot coverage).

- n. The Board elected to proceed with the hearing on the application even though the architectural plans and boundary survey had incorrect dimensions for the proposed addition to the structure on the Property but conditioned its agreement to proceed upon the Applicants agreement to submit revised and corrected versions of the architectural plans and boundary survey to make them consistent with the Applicants' testimony at the hearing. The Applicants agreed to submit these revised and corrected plans as a condition of any approval of their application.
- o. The improvements proposed through this application are located to the side of the house in an area that would be considered the side yard but for the fact that the Property is a corner lot with two front yards and two rear yards for purposes of calculating setback requirements.
- p. The improvements proposed through this application are improving an existing non-conforming condition by removing the deck which is 21 feet from the east side of the Property line and replacing it with an addition which is 23 feet from the east side of the Property line.
- q. 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.
- r. The purposes of the Borough Code would be advanced by this proposed development and the benefits of the variance sought outweigh any detriments.
- s. 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**, Councilman Garruzzo moved to approve the application; this motion was seconded by Mayor Thomas Nicol. At that time, the application was approved by the following roll call vote:

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

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:

July 13<sup>th</sup>, 2021

- a. Within thirty (30) days of the date of adoption of this Resolution, the Applicants shall file five (5) sets of (i) revised architectural plans and (ii) a revised Boundary Survey with the Board Secretary in order to correct the dimensions of the addition on these plans so that the information on the plans is consistent with the testimony provided by the Applicants at the hearing on this application. The revised plans shall be reviewed by the Board Engineer/Planner Alan Hilla for compliance with these requirements and shall be subject to his approval and the Applicants agree to make any further changes or revisions to these plans as may be directed by the Board Engineer/Planner.
- b. The Applicants shall be required to provide a revised site plan through the Zoning Permit process that accurately provides set back information and the bulk requirements for the zone.
- 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.

After some discussion among the Board members regarding the wording of the above Resolution, Mr. Clark made the change suggested and the final Resolution was approved.

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

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

Noes: None

Absent: James Stenson, Stephanie Frith

NEW BUSINESS: Application for variance relief for Block 43.01, Lot 17, 623 Green Avenue, owned by Ryan Burlew, to allow construction of a new home. Minimum Lot Width – 75 feet required, 58 feet existing. Front Setback (principal to Homestead Road) – 25 feet required, 15 feet proposed. Front Setback (accessory garage to Green Avenue) – 25 Feet required, 12.1 feet proposed. Front Setback (accessory pool to Green Avenue) – 25 feet required, 14.1 feet proposed. Front Setback (principal/deck to Green Avenue) –25 feet required, 16.25 feet proposed. Rear

July 13<sup>th</sup>, 2021

Setback (accessory Garage) – 16 feet required, 10.3 feet proposed. Accessory Building Height (garage) – 18 feet maximum allowed, 24 feet proposed. Two-car garage – normally 600 square feet, 1,500 square feet proposed, Variance required. Lot Coverage – 20% maximum allowed, 21.8% proposed. Separation of 10 feet from structure to pool, 6.4 feet proposed. Non-conforming driveway access along Green Avenue. At intersection of two or more streets, no fencing, etc. above 3 feet allowed, 4-foot-high fence proposed.

Mr. John Giunco from the Giordano, Halleran and Ciesla Law Firm announced he was appearing on behalf of the applicant who was seeking approval to develop a single-family home at 623 Green Avenue, Lot 17, Block 43.01. Mr. Giunco stated that there were a set of plans that had been resubmitted since the last hearing and some of the variances that Ms. Trainor had just read through had already been modified. Mr. Giunco stated that item number 3, the accessory garage to the front yard setback was now 12.1 feet instead of 14 feet and that the swimming pool listed in variance number 4 is now in compliance with the 10-foot separation. Mr. Giunco stated that variance number 6, the setback for the garage is now 10.3 feet, the driveway at Green Avenue is shown as a one-way access and that the fence area at the intersection for the site triangle protective area is now 3 feet.

Mr. Giunco introduced the project architect, Mr. Michael Millemann of Tokarski & Millemann Architects. Mr. Millemann was sworn in by Mr. Clark.

Mr. Giunco asked Mr. Millemann to describe his credentials, education, and licensing to the Board. Mr. Millemann stated he graduated New Jersey Institute of Technology School of Architecture in 1992 and had been practicing in New Jersey since 1999. Mr. Millemann stated he had presented testimony in front of the Board as well as other Boards in Monmouth County, Ocean County and throughout the state. Mr. Giunco asked that Mr. Millemann be accepted by the Board as an expert in Architecture. Ms. Trainor replied that Mr. Millemann was approved.

Mr. Millemann began by stating that he had prepared the Architectural Plans for this property and stated that the property was vacant but previously had a single-family home that was demolished about 7 years ago.

Mr. Millemann shared an exhibit, marked A-1, and explained that it was a Location Survey dated, July 2012 that showed the prior home located on the Lot facing Green Avenue.

Mr. Giunco asked Mr. Millemann to describe the Lot and Zone that the property is in. Mr. Millemann stated that the Lot is Zoned R-4, which permits single-family residences. Mr. Millemann stated that the Lot is significantly oversized for an R-4 Zone and is approximately three times what is required. Mr. Millemann stated that due to the site being bound by 3 roads, the corresponding setbacks reduced the building envelope and restricted the developable land.

Mr. Giunco asked Mr. Millemann if he was familiar with the Ordinances and asked him to discuss the overall design of the home. Mr. Millemann stated he was familiar with the Ordinances and that the owner's objective was to design a home that was consistent with the style, aesthetics, and character of the surrounding homes.

July 13<sup>th</sup>, 2021

Mr. Millemann displayed an exhibit, marked A-2, and explained that it was the elevations of the home viewed from Homestead Road. Mr. Giunco then stated that he would like the view from Green Avenue marked as Exhibit A-3.

Mr. Millemann stated that the home itself was modest, the footprint a little less than 2000 square feet. Mr. Millemann stated they tried to incorporate materials that would typically be seen in a coastal area, real cedar shake siding, cultured stone base, some standing seam cooper roofing, patios, and decks surrounding the home. Mr. Millemann stated that the objective was to make this house look like it had been there for many years. Mr. Giunco asked Mr. Millemann to explain Exhibit A-3. Mr. Millemann explained the material used, the masonry chimney and the porte cochere which extends out towards Homestead Road.

Mr. Giunco asked Mr. Millemann to describe the Plot Plan to the Board. Mr. Millemann stated that they would like the front of the home to face Homestead Road facing another residence. Mr. Millemann stated they created a drive from Green Avenue, parallel to Homestead Road to allow access onto the site which would allow the owners to keep their cars close to the home and not on Homestead Road. Mr. Millemann stated that there was a freeform pool and an accessory structure for storage of the owner's vehicles, boat, and personal watercraft. Mr. Millemann displayed an exhibit he referred to as the elevation of the proposed garage. Mr. Millemann stated they were looking to use the same materials as the home, so it would look like the two structures were cohesive in their design.

Mr. Giunco asked Mr. Millemann to explain the deck and the swimming pool to the Board. Mr. Millemann stated that the main structure would be pushed a little bit west, and the garage would be nestled as far back to the west as possible. Mr. Millemann stated that the geometry of the site was a little challenging due to the fact that it is bound by 3 streets which is why they had some de minimis setback issues that they were asking relief from. Mr. Millemann stated that in the interstitial space between the home and the garage is where they were proposing to put the freeform pool. Mr. Millemann stated that there would be decks that surround the house, for view, aesthetics and for supervision of the pool.

Mr. Millemann again displayed the Exhibit that he described as the elevation of the proposed garage and explained that there would be a boat on a trailer stored in the off season and other vehicles parked in front and on the side of the boat.

Mr. Giunco asked Mr. Millemann if in his opinion as an Architect, were the buildings in scale and asked if the buildings were consistent with each other to present a nice, esthetic, pleasing and visual appearance. Mr. Millemann responded that they were and that the home itself was modest in size and the scale was consistent with the other homes in the neighborhood. Mr. Millemann stated that the development of the home, garage and the landscaping would actually buffer any sound that might come off from the marina to the rest of the surrounding homes, so it would be a benefit to the other homes.

Mr. Giunco asked Mr. Millemann if there would be enough setback and space between the buildings. Mr. Millemann answered yes that there would be ample room between the buildings. Mr. Giunco stated he had no further questions for Mr. Millemann.

Ms. Trainor stated this was an amended application and that the Board did have a letter from the Board Engineer, Al Hilla, dated July 6<sup>th</sup>. Ms. Trainor asked Mr. Hilla if he had any questions for Mr. Millemann. Mr. Hilla stated that there is an appendage off the deck which actually encroaches further into the front yard of Green Avenue and asked Mr. Millemann to explain what that is. Mr. Millemann stated that because the geometry of the deck comes past the setback line, there was a small little screen privacy wall. Mr. Millemann stated that they could reduce the little appendage that comes past the edge of the deck. Mr. Millemann stated that the height would be at rail height, 36 inches above the deck. Mr. Hilla asked Mr. Millemann how it related to the ground below. Mr. Millemann responded that it would be between 5 and 5 ½ feet total. Mr. Millemann stated he believed that the base would be stone material and some wood screening.

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

Mayor Nicol asked Mr. Millemann what the heights were for the home and the accessory structure for the boats and cars. Mr. Millemann responded that the peak of the home is 34 feet above grade and the peak of the roof of the garage is 24 feet above grade.

Mr. Siano asked Mr. Millemann if a second floor was being proposed in the garage. Mr. Millemann replied that it is a single level structure. Mr. Siano asked Mr. Millemann why the height of the garage is proposed as 24 feet. Mr. Millemann responded that they defined the height of the garage door based on a boat on a trailer and stated that they wanted the roof pitch to be similar to the home. Mr. Siano stated that on the Green Avenue side of the property, he could see that they were kind of closing in the pool area with a pool fence and asked Mr. Millemann how they anticipated keeping the pool separated with the safety fence on Green Avenue side. Mr. Millemann replied that it would have to be separated as defined by Ordinance and Safety Code, and that there would be a fence that goes around the entire area that would be open to the pool and they would have to maintain whatever the required height is for safety.

Ms. Brisben asked Mr. Millemann what would be under the house. Mr. Millemann replied that there would be a crawl space.

Mr. Jones stated on the Plot Plan, it identified an area of possible ROW acquisition and asked Mr. Millemann to clarify what that means. Mr. Giunco responded that this was an area that was sought to be dedicated to the Borough for the road widening and that they would like it to be a dedication by easement so that it would not further diminish the size of the Lot.

Ms. Trainor stated that Mr. Hilla's letter, dated July 6<sup>th</sup>, states that the accessory building height proposal was 23 feet but that she had heard 24 feet and asked Mr. Millemann to clarify. Mr. Millemann responded that it was 24 feet. Ms. Trainor stated that in Mr. Hilla's letter that the location of the proposed pool equipment is within the Green Avenue front yard setback and asked Mr. Millemann if he could explain the different options they considered regarding the pool equipment and why they settled on this position. Mr. Giunco displayed the Engineer Site Plan, marked as Exhibit A-5. Mr. Millemann stated that the pool equipment was not shown on the document that was displayed but pointed to an area near the pool where they proposed the pool

July 13<sup>th</sup>, 2021

equipment would go. Mr. Millemann continued by saying they were planning to have screening around the pool equipment so it would not be seen from the pool side, Green Avenue or Union Lane side.

Mr. Clark asked Mr. Millemann to explain what the screening would be. Mr. Millemann replied that the fence that would match the house.

Ms. Trainor announced it was now time for questions from the public.

Courtney Volpe, 304 Union Lane, was sworn in by Mr. Clark. Ms. Volpe asked Mr. Millemann what the square foot difference between the house and the accessory structure was. Mr. Millemann responded that the house was 3360 square feet, and the garage was 1400 square feet. Ms. Volpe stated to Mr. Millemann that she had heard 2000 square feet, and she was confused. Mr. Millemann replied that was the footprint of the house, just under 2000 square feet and the gross area of the home was the 3360 number.

Jay Madison, 206 Homestead Road, was sworn in by Mr. Clark. Mr. Madison asked Mr. Millemann if he were aware that the Waypoint driveway comes out in the exact same direction as the driveway that would come out onto Green Avenue and asked how they would address the enforcement of cars not coming out onto Green Avenue from the driveway. Mr. Millemann responded by saying that the roadway going into the site is a one-way road. Mr. Madison stated that they would be crossing a double yellow line to go in that one direction and asked why they would not go all the way around Homestead Road like everyone else. Mr. Giunco replied that there was no prohibition to cross a double yellow line to make a left or right turn under the New Jersey Traffic Code and that the driveway was designed to be accessed in one way. Mr. Millemann stated that this was a single-family home and that they brought the roadway into the site to eliminate or alleviate the possibility of parking cars on the roadway. Mr. Millemann stated that it would be a benefit that they moved the parking of the owner's vehicles onto their property and that they made that concession intentionally. Mr. Madison asked Mr. Millemann if the cars would be coming out on Homestead Road. Mr. Millemann replied yes, that was correct.

Ms. Trainor asked if there were any other questions for Mr. Millemann from the public. Hearing none, Ms. Trainor asked if there were follow up questions from the Board to which no one replied.

Mr. Jason Burneyko, Engineer of Record, employed by PS & S and DW Smith Associates in Wall Township, NJ, was sworn in by Mr. Clark.

Mr. Giunco asked Mr. Burneyko to describe to the Board his training, licensing, and credentials. Mr. Burneyko replied that he had a Bachelor of Science degree in Civil Engineering from New Jersey Institute of Technology in 1996, a Licensed Professional Engineer in New Jersey since 2005, and has appeared before several Municipal Planning Boards throughout Monmouth and Ocean Counties. Mr. Giunco asked Mr. Burneyko if it was under his direction that the plans were submitted to the Board. Mr. Burneyko responded that it was. Mr. Giunco asked the Board to accept Mr. Burneyko as an expert in this application. Ms. Trainor stated that the Board would recognize Mr. Burneyko as an expert.

July 13<sup>th</sup>, 2021

Ms. Trainor then announced that 45 minutes had passed and stated that the application would be carried to the next month.

OTHER NEW BUSINESS: Application for variance relief for Block 61, Lots 1, 1.01, 2, 2.01, 32 Crescent Drive, owned by Thomas & Susan Young, to allow construction of a 2 ½ story dwelling, detached garage, and in-ground swimming pool. Rear Yard Setback – 35 feet required, 10.33 feet proposed. Building Height – 35 feet maximum allowed, 37 feet proposed.

Mr. Michael Henderson from the law firm Henderson & Henderson, Manasquan, NJ, announced he was the Attorney appearing on behalf of the applicant.

Mr. Henderson began by calling Mr. Thomas Young who was sworn in by Mr. Clark. Mr. Henderson asked Mr. Young how long he had owned the property and what his plans were for the property. Mr. Young replied that he owned the property since 2017 and he would like to demolish the existing structure and build a new one with a detached garage, paver driveway and inground swimming pool. Mr. Henderson stated he had no further questions for Mr. Young.

Ms. Trainor announced it was time to hear questions for Mr. Young from the Board. Ms. Brisben asked Mr. Young if the proposed garage would be put in the same place as the existing garage. Mr. Young replied that it would be very close. Ms. Brisben asked if the sheds in the rear yard would be removed. Mr. Young stated he did not plan on removing them. Ms. Brisben asked Mr. Young if he had plans to save the trees, especially along Green Avenue. Mr. Young replied that he would try to save the trees. Ms. Brisben stated that Mr. Hilla had mentioned the erosion and curb replacement on the Green Avenue and asked Mr. Young if he would be fixing that. Mr. Young stated that he would be fixing that. Ms. Brisben asked Mr. Henderson if they had any DEP information because the property is on the water and stated that she was not even sure they would need approval. Mr. Henderson answered that they did not currently but would stipulate that his client would, to the extent necessary, comply with any permit requirements.

Mr. Henderson asked Mr. Young if the goal of saving and preserving some of the existing trees on the property was considered when designing the configuration of the structures on the Lot. Mr. Young responded yes.

Ms. Trainor announced that it was now time to hear questions for Mr. Young from the public. Hearing none, Ms. Trainor asked Mr. Henderson if he had another witness to present.

Mr. Michael Melillo, Melillo Architecture, 402 Higgins Avenue, Brielle, NJ was sworn in by Mr. Clark. Mr. Henderson asked Mr. Melillo to explain to the Board what professional licenses he held in New Jersey. Mr. Melillo replied that he held a New Jersey State Licensure in architecture and had been licensed since 1990 and had testified before this Board and others in the county. Mr. Henderson asked the Board if they were satisfied with Mr. Melillo's credentials. Ms. Trainor stated that the Board would recognize Mr. Melillo as an Architecture Expert.

Mr. Henderson asked Mr. Melillo to describe the proposed project. Mr. Melillo stated that they were proposing demolishing the existing structure, existing garage, principal structure and

July 13<sup>th</sup>, 2021

building a 2 ½ story residence, 5- bedroom home, approximate 3600 square feet, a paver driveway, paver patio and inground swimming pool.

Mr. Henderson asked Mr. Melillo if the existing Lot, the proposed use, and the proposed accessory structure were conforming. Mr. Melillo replied that the Lot was conforming, the use does conform as a single family, the proposed accessory structure conforms but the principle structure does not. Mr. Henderson asked Mr. Melillo in what way it did not conform. Mr. Melillo responded that according to the Borough of Brielle's Ordinance, since this is a corner lot, the yard which borders the neighboring property is considered a rear yard where 35-feet is required, and they were proposing 10.3 feet. Mr. Henderson asked Mr. Melillo about the building height. Mr. Melillo replied that the building height from the centerline of the road is 37-feet where 35-feet is required. Mr. Melillo stated that the existing house is 64 years old, and their intension was to try to keep the same orientation. Mr. Melillo stated that if they were to comply with the 35-foot rear setback, that this would push the house 25-feet closer to Green Avenue which would bring into question keeping the trees along Green Avenue and would bring the house closer to a fairly busy road. Mr. Melillo stated that the house would move minimally from the existing footprint, that it was 7-feet off the rear property line and would now be 10.3 feet. Mr. Melillo stated that if it were deemed a side yard, it would comply.

Mr. Melillo stated that the new garage would be just a little off the existing footprint and that is to comply with the CAFRA Permit by rule since the existing structures and what is proposed is actually smaller than what is existing. Mr. Melillo stated that it is no closer to the water so it would be a permit by rule which is an exempt application from the state.

Mr. Melillo stated that they were not really requesting any more relief from what is typically constructed in the Borough. Mr. Henderson asked Mr. Melillo if based on his opinion, would the base flood elevation in this Zone create a hardship on the applicant. Mr. Melillo answered yes, it would increase the height from the center line of the road and that they would lose 5 ½ feet in height before they even started. Mr. Henderson asked Mr. Melillo if the rear yard setback created a hardship based on the Lot being on a corner. Mr. Melillo replied yes, a hardship was created because of the orientation. Mr. Henderson asked Mr. Melillo if in his opinion, would he see any detriment created by the deviation from the bulk requirements. Mr. Melillo stated he saw no detriment.

Mr. Henderson asked Mr. Melillo if he had an opportunity to review Mr. Hilla's Engineering Review Letter, dated June 21<sup>st</sup>, 2021. Mr. Melillo stated that he had reviewed the letter. Mr. Henderson asked Mr. Melillo if based on Paragraph 1, if he could confirm the correct Lot numbers. Mr. Melillo answered that they had been changed to the correct Lot numbers. Mr. Henderson stated that when referring to Paragraph 2, were the inconsistencies on the original submitted plans corrected on the plans. Mr. Melillo answered that it was corrected on the Engineer's Plan. Mr. Henderson stated that when referring to Paragraph 4, would the applicant comply with the replacement of curbing. Mr. Young replied that he would. Mr. Henderson stated when referring to Paragraph 5, would the applicant agree to some sort of screening for the mechanicals. Mr. Melillo responded yes and that they would prefer to use landscaping. Mr. Henderson stated by referring to Paragraphs 6 and 7, would the applicant submit the stormwater management plan to Mr. Hilla. Mr. Melillo replied that the plan would be revised. Mr. Henderson

July 13<sup>th</sup>, 2021

asked Mr. Melillo if based on Mr. Hilla's letter, Paragraph 8, would the applicant comply with any DEP permitting, as necessary. Mr. Young answered that he would. Mr. Henderson stated he had no further questions for Mr. Melillo.

Ms. Trainor asked Mr. Hilla if he had any questions for Mr. Melillo. Mr. Hilla replied that he did not. Ms. Trainor announced that it was time to hear questions from the Board.

Mr. Clark asked Mr. Henderson if the corrected plans had been submitted to the Board. Mr. Henderson replied that they had not been. Mr. Clark asked Mr. Henderson if the Board made a condition that the applicant would provide 5 copies of the corrected plans to the Board Secretary would that be acceptable to the applicant. Mr. Henderson replied yes, that would be acceptable.

Councilman Garruzzo asked Mr. Melillo if the rear of the existing home sits 7 feet from the line where they were proposing 10 feet. Mr. Melillo replied yes, they are moving it away from the Lot line.

Mr. Siano asked Mr. Melillo what the ridge height of the existing home was. Mr. Melillo stated he would have to guess and said the existing home may be 32 feet. Mr. Siano asked Mr. Melillo if they could look into pushing it a little further away than the rear yard line to give enough buffer possible to the adjacent property to the southeast. After some discussion between Mr. Siano and Mr. Melillo, Mr. Melillo stated that they would certainly listen or entertain any suggestions from the Board. Mr. Siano stated to Mr. Melillo that 15 feet would satisfy it but anything more than 10 feet would be good. Mr. Melillo stated that he wanted the Board to know that there would be only windows on the back and that it would not be an accessible or usable rear yard.

Ms. Brisben stated that in Mr. Hilla's report, page 2, item 3, it states that the Grading Plan does not indicate the position of the existing sheds, that if the sheds would remain revised plans would have to reflect the building coverage calculation including the sheds. Mr. Melillo stated that they would revise the plans. Ms. Brisben asked Mr. Melillo if it was correct that the house itself, not including the grading, is 31 ½ feet high. Mr. Melillo replied that from the finished floor to the ridge is 31 ½ feet.

Ms. Trainor announced it was now time to hear questions for Mr. Melillo from the public. Hearing none, Mr. Henderson called his next witness. Mr. William Merunka, RC Associates, was sworn in by Mr. Clark. Mr. Merunka stated he graduated from Steven's Institute of Technology in 2006 and has been a Licensed Professional Engineer in New Jersey since 2018. Mr. Merunka stated he had testified before several Boards in Monmouth and Ocean Counties. Ms. Trainor stated that the Board would recognize Mr. Merunka as an expert Engineer. Mr. Henderson stated he did not have any questions for the witness.

Ms. Trainor announced it was time for questions for Mr. Merunka from the Board. Ms. Trainor asked Mr. Merunka if he would address the issues that Mr. Hilla raised in his letter, dated June 21<sup>st</sup>, 2021, Paragraphs 5 & 6 about the Grading Plan and runoff. Mr. Merunka responded that the area of erosion is at the inlet on Green Avenue. Mr. Merunka stated that the survey did not pick it up because it is fully covered by debris, but they would have the survey updated to identify it on the plans. Mr. Merunka stated that right between there and the slope, the ground is eroding

July 13<sup>th</sup>, 2021

and that they would restabilize the area according to New Jersey Erosion Road Standards. Ms. Trainor stated that Mr. Merunka's answer referred to Paragraph 7 and that her question had to do with the Grading Plan and runoff, Paragraphs 5 & 6, which state there would be pool equipment placed near the rear of the garage within the setbacks, questions screening, stormwater mitigation and the grading plan. Mr. Merunka answered that the applicant would provide a landscape screening for the pool equipment which would be shown on the revised plans. Mr. Merunka stated that there is currently no Ordinance in Brielle for recharge in a single-family home and that they had looked at the existing coverage and the proposed coverage and proposed impervious coverage is slightly lower than what is existing now. Mr. Merunka stated they would use downspouts and would direct the majority of the runoff in the backyard to Debbie's Creek. Mr. Merunka stated they would provide the revised grading plan showing that the water would not go onto the neighbor's property. Ms. Trainor asked Mr. Merunka is the coverage he was speaking about include the shed. Mr. Merunka replied that it did.

Mr. Hilla stated to Mr. Merunka that the Borough of Brielle does have a Recharge Ordinance. Mr. Hilla stated that there was significantly more impervious coverage on this lot then in the proposed form then there was in the existing. Mr. Hilla stated that his concern is any runoff that would end up going to Crescent Drive and on Green Avenue, which is easily overwhelmed, so picking up the downspouts from the structures and being able to recharge them on-site would be preferred. Mr. Merunka stated they would look at them and show that on their revised plans to Mr. Hilla's satisfaction.

Ms. Trainor announced it was now time to hear questions for Mr. Merunka from the public. Hearing none, Ms. Trainor asked Mr. Henderson if he had any other witnesses. Mr. Henderson stated he did not.

Ms. Trainor announced it was time for comments from the Board regarding the application.

Mayor Nicol stated that he felt it would definitely be an improvement and if they could move it further away from the property line on Crescent Drive, it would be more palatable.

Councilman Garruzzo stated he agreed that it would be a great improvement to the area, stated that Mr. Siano brought up a good point about the rear yard buffer and that thought it would be a worthwhile benefit to the town.

Mr. Stenson agreed it would be a good improvement for the town and stated that he would like to see it moved another 5-feet from the rear property line.

Mr. Siano stated that he felt it would be a very nice project that would add much value and benefit to the area and stated he would be satisfied with 15-feet from the rear yard property line. Mr. Siano stated that would help the site not look as crowded as the rest of the street gets developed in the future.

Ms. Brisben stated she felt it would be a great improvement and would make the whole area a lot nicer. Ms. Brisben stated that she was very glad to hear that they were going to try to save the trees and that she was for the application. Ms. Brisben stated that she felt Mr. Siano

July 13<sup>th</sup>, 2021

brought out some good points and stated that she would be satisfied with 13-feet from the rear property line.

Mr. Jones stated that he thought the plans looked really nice and he wanted to make sure that the concrete curb would be replaced along Green Avenue up to the adjacent guard rail.

Ms. Frith stated she thought it would be a lovely home.

Mr. Tice stated he agreed with the other Board members, felt that a 15-foot setback would make a lot of sense and that he would support that.

Ms. Trainor stated she accepted Mr. Melillo's opinion in regard to the hardships of the unique aspects of the property. Ms. Trainor stated that she felt that the property would permit the structure to be moved closer to Green Avenue and agreed with a 15 feet setback in this particular case. Ms. Trainor stated she would support the application if the applicant agreed to that stipulation as well as all the other stipulations.

At this point in the meeting, Mr. Henderson asked the Board if he could consult with his client in regard to the 15-foot setback stipulation. Mr. Henderson stated that his client's concern with shifting the whole structure over is that the foundation of the home would be cutting into tree roots and that his client would prefer not to lose the trees that are there. Mr. Henderson continued by saying that his client would agree to a setback of 13-feet.

Ms. Trainor asked Mr. Clark to review the items that the applicant agreed to as stipulated conditions to any approval. Mr. Clark began by saying that in addition to moving the rear yard setback to 13-feet, the applicant had agreed to amend the application to reflect the correct Lot numbers, the applicant agreed to amend the Grading Plan to reflect the correct proper orientation and would submit 5 copies of revised plans to the Board Secretary, the applicant would amend all plans to refer to the height as 37-feet and would revise the building coverage calculation on the plans due to sheds being kept. Mr. Clark continued by saying that the applicant agreed to replace the concrete curb along the frontage of Green Avenue and Crescent Drive and that the curb along Green Avenue should be extended to the existing inlet, adjacent to the guard rail. Mr. Clark stated that in regard to the mechanical equipment, the applicant stipulated that they would put landscaping to screen the equipment that would be to the satisfaction of the Board Engineer, the applicant would prepare a discharge, recharge system and add it to the plans and there would be erosion repair in the front yard to stabilize the area to industry standards and to the satisfaction of the Board Engineer, the applicant had agreed to obtain any permits or approvals needed from outside agencies such as the DEP and the applicant agreed to make their best efforts to retain trees to the extent possible.

Ms. Trainor asked Mr. Henderson if the stipulations were to his satisfaction. Mr. Henderson replied that they were.

Ms. Trainor asked for a motion to approve the application with the conditions Mr. Clark had listed. James Stenson made a motion, seconded by Chris Siano, and followed by the roll call vote.

July 13<sup>th</sup>, 2021

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Stenson, Corinne Trainor, Chris Siano, Karen Brisben, Stephanie Frith, Jay Jones, Charlie Tice

Noes: None

Absent: Jim Maclearie

Ms. Trainor stated if there was no other business, she would ask for a motion to adjourn. Councilman Frank Garruzzo made the motion, seconded by James Stenson, and unanimously approved by the Board, all aye.

---

Denise Murphy, Recording Secretary  
Approved: August 10<sup>th</sup>, 2021