

Borough of Brielle

MAY 9, 2017

June 14 2017

May 9th, 2017

BRIELLE PLANNING BOARD

TUESDAY, MAY 9, 2017

The Regular meeting of the Brielle Planning Board was held on Tuesday, May 9,, 2017 at 7:30 pm in the Brielle Borough Hall, 601 Union Lane. After a moment of silent prayer and a salute to the flag, roll call was taken:

Present – Mayor Thomas Nicol, Councilman Frank Garruzzo, Thomas Condon, James Langenberger, Charles Sarnasi, James Stenson, Eric Lapham, Stacey Montalto, James Maclearie

Absent –None

Also present was Carol McMenamy, Recording Secretary, Joe Clark, Esq., Board Attorney and Alan Hilla, Jr. Board Engineer. There were 4 people in the audience.

Mr. Condon called the meeting to order and declared a quorum. He announced that, in compliance with the Open Public Meetings Act, notice of this Body's meeting had been sent to the official newspapers of the Board fixing the time and place of all hearings.

The Minutes of the March 14, 2017 meeting were approved on a motion by Mr. Langenberger, seconded by Councilman Frank Garruzzo and approved by voice vote, all aye.

New Board member Jon Bonacci was sworn in at this time, becoming Alternate Member #2 to replace John O'Donnell who had resigned.

OLD BUSINESS:

The Board considered a Resolution for Site Plan approval for Block 77.01, Lot 3, 421 Higgins Avenue, owned by Lombardi Residential, LLC, to allow a professional engineer's office

WHEREAS, Lombardi Residential, LLC ("Applicant") has applied to the Planning and Zoning Board ("Board") of the Borough of Brielle for Site Plan approval to allow a professional engineer's office at Block 77.01, Lot 3, 421 Higgins Avenue (hereinafter "Property or Parcel"), on the tax map of the Borough of Brielle; and WHEREAS, this application specifically requires the following variances:

- a. Curb Cuts – no more than 30 feet in length – existing curb cut on Higgins Avenue is 50 feet & proposed curb cut on Gull Lane is 45 feet;
- b. Trash storage to be on paved surface & screened, not on plan;
- c. Front Yard Setback – 30 feet required, 20.8 feet existing;
- d. Side Yard Setback – 10 feet required, 4.8 feet existing (east) & 3.3 feet existing (west);
- e. Lot Coverage – 25% maximum allowed, 33.61% existing;
- f. Off-street parking – to be surfaced with properly bound pavement & drain, gravel surfaced driveway proposed;
- g. Driveway to be set back 5 feet from adjacent properties, 4 feet proposed;
- h. 17 parking spaces required, 14 proposed;
- i. Loading space is required, no loading space proposed;
- j. Landscaping – 20% of site required, less proposed; and

WHEREAS, The proper fees were paid, taxes were paid to date and the property owners within 200 feet as well as the newspaper were properly notified; and

WHEREAS the Board held a hearing on March 21, 2017, and considered the following documents presented at the hearing in connection with this application:

- a. Jurisdictional Packet;
- b. Exhibit A-1 - colored rendering of the site plan; and

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

Mr. Daniel Popovitch, Esq. came forward to present this hearing. He said this is an existing building with no site plan approval and they wish to use it for Midlantic Engineering.

Mr. Matthew Robinson, Engineer from Midlantic came forward, was sworn in, and was accepted as an expert

witness. He testified that Midlantic's main office is in Hamilton, N.J. and that the company wishes to start up a satellite office in the Property.

He then presented Exhibit A-1, a colored rendering of the site plan that was submitted with the application. Mr. Robinson explained that Lombardi Residential, LLC has renovated the space and have done a great job. He further testified that there are 5 parking spaces in front, with one handicapped and with one striped for a loading area. He went on to say they do work in this area and have worked on Clark's Landing and the Point Pleasant Hospital site; they do not have much walk-in traffic and all work is done through appointments, they may have one walk-in now and then so the 4 parking spaces in the front will be adequate.

Employee parking is in the rear lot which will be gravel with an infiltration pipe to collect drainage to Gull Lane. They will pitch the gravel to the middle of the area with a 4x4 foot stone trench with 24 inch perforated pipe to soak into the surrounding area. The area will be for employee parking, with no current plans for delineating spaces. Mr. Popovitch asked how many employees will be here at one time and Mr. Robinson said there will be 10-12 people in the building, because this is a satellite location for Midlantic. The lot in the rear is 52 feet wide and will have a concrete apron, the parking will be 45x48 feet deep and will be able to have 10 parking spaces here which will be bounded by the curbing which will be expanded.

Mr. Robinson then commented on Mr. Hilla's report and the concern therein about the stone in the back lot. Mr. Robinson stated that there are various underlays that can be used and they will work with the Board engineer to get a geo-textile fabric that pleases all. As far as landscaping, they are planning on doing some as per what is shown on Exhibit A-1.

Mr. Robinson testified that the Site Plan had not proposed a trash enclosure because Midlantic does not generate much trash; their work is primarily digital. He stated that Midlantic will put an enclosed 6' x 4' deck box in the rear for 3 trash cans.

In regards to the proposed lighting Mr. Robinson indicated that Midlantic's schedule is primarily 9:00 a.m. to 5:00 p.m. and that even without added lighting, the area is well lit - Gull Lane and Higgins Avenue have lighting, which is in addition to the lighting around the building itself. There will be .3 foot candles in the rear and 1.5 foot candles in the front; Midlantic does not want to be too intense with lighting because it is a residential area.

Mr. Robinson then addressed the loading space and says the law demands a space for loading, they may have a Federal Express or use the UPS store that is right down the street. There will be no problem with a delivery truck, they just drop off supplies and do not stay. There are no parking bumpers proposed as well.

Applicant's testimony ended, and the Board had questions. Mr. Maclearie asked how Applicant intended to keep water contained in the back lot. Mr. Robinson explained that the groundwater level is not high to begin with, that the apron on Gull Lane will be higher than anticipated runoff, which will keep it in the confines of the lot, and that there is piping underneath the lot designed for a 25-year storm. If it were to overflow, it would run down Gull Lane.

Mr. Langenberger noted that a tree in the lot is bigger than what is shown on Exhibit A-1. He asked if Applicant will be removing that tree. Mr. Robinson said that because of the way the cars will be parked, doors should clear the tree and it should not have to be removed.

Mr. Maclearie asked if there is a way to soften the edges of the building with landscaping such as arbor vitae. Mr. Robinson said that the slab & grade of the building are right next to each other so he did not think there is room for arbor vitae, but that Applicant would see whether beach grass would fit in the space. Applicant will submit plans to Mr. Hilla and work with him on this.

The hearing was then opened to the public for questions and, as there were none, that portion was closed.

Mr. Popovitch then summed up the application and stated that most of the variances noted already exist, and that Applicant is just changing the parking area in the rear. They will work with Mr. Hilla on the drainage and landscaping issues and he felt this will be an improvement to the area.

The hearing was again open to the public for comments; there were none and that portion of the hearing was closed.

The Board then went into discussion. Mr. Langenberger said he hated to see this building empty for so long and could understand the stacked parking they are proposing; he noted they have gotten rid of the oil tank and this property now has natural gas, he liked the application. Ms. Montalto felt this was well thought out and was a good application, as well. The rest of the Board agreed with the comments and Mr. Condon stated he felt they have done a wonderful job on this.

Ms. Montalto made a motion to approve the Site Plan application, as presented, this seconded by Mr. Lapham and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, James Langenberger, Eric Lapham, Stacey Montalto, James Maclearie, Thomas Condon

Noes: None

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 variance relates to specific pieces of property;
- b. The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirement because the variance encourages municipal action to guide the appropriate use or development of all lands in this State, in a manner which will promote the public health, safety, morals, and general

welfare; and promotes a desirable visual environment through creative development techniques and good civic design and arrangement;

c. The benefits of the deviation substantially outweigh any detriment; and

d. The variance will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

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

A. Applicant shall pay all taxes and other applicable assessments, costs and fees to date, as applicable.

B. Applicant shall comply with all requirements and outside approvals as may be required from the Borough of Brielle or any other governmental authority not otherwise disposed of by this application;

C. Applicant shall include a 6' x 4' deck box in the rear for 3 trash cans as per representations made on the record;

D. Applicant shall, pursuant to representations made on the record, work with the Board Engineer Alan Hilla regarding the fabric underlayment for the gravel back lot; and

E. Applicant shall, pursuant to representations made on the record, work with the Board Engineer Alan Hilla regarding appropriate landscaping for the building; and

A motion to approve the above Resolution was made by Mayor Nicol seconded by James Langenberger and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, James Langenberger, Eric Lapham, Stacey Montalto, James Maclearie, Thomas Condon

Noes: None

The Board then heard the continuing application for variance relief for Block 110, Lot 2 1025 Highway 70 owned by Alpha Property Management, LLC (site of Dance for Joy) to allow expansion of the dance studio. Mr. David Leone, Esq. came forward to continue testimony. Mr. Leone stated fourth appearance before the Board. He was asked for clarifications on some of the information regarding the authority of the Board to grant variance for expansion of non-conforming use and definition of the dance studio space occupied by Dance for Joy in the purposed area of 7511 square feet. Mr. Leone spoke of the lack of definition by the State of New Jersey or Borough of Brielle and defaulted to the Webster dictionary definition. He continued the space is used for practice and not for performance for an audience. Mr. Leone believes the parking require applies to a dance studio and not an auditorium. Applicable parking space requirement would be one space per 200 square feet as opposed to one space per 100 square feet of occupied space. The Engineer had previously testified they would be required to have 57.5 parking spaces, the deficiency would be 4.5. He further added most students were not of driving age and children were dropped off and picked up by parents who seldom used parking spaces during the hours of 4-9pm.

Mr. Leone believes the dance studio is uniquely suited for this C-3 highway zone. In neighboring municipalities (Brick and Wall), a dance studio would be permitted in highway commercial zone. He concluded by asking the Board to approve variance.

Al Hilla, Borough Engineer in original Omni application, the owner of the property consented to the established parking requirements. Mr. Hilla cited the parking different requirements for studio (retail store, personal service or custom shop) and/or auditorium (recreational establishment or other place of public assembly). Asking the Board to determine which they felt was a better description of the space. Mr. Hilla feels recreational establishment is the closest. The Zoning Officer, Board and a Judge agreed the dance studio is there through physical culture. Mr. Hilla is concerned of the future and what businesses could use this space for under physical culture.

Mr. Frank Garruzzo asked if the dance studio moved out, if there was a way to require the next tenant to come back before Board. Mr. Hilla responded no, the approval goes with the land. Mr. Clark interjected he might be able to word the approval resolution with certain language.

Mr. Frank Garruzzo asked Mr. Leone if the applicant would be open to restrictions. Mr. Leone replied as he stated in previous testimony, his client is willing to work with the Board.

Mr. Jim Langenberger asked the attorney to clarify the correct number of square footage. Mr. Leone responded going from 4269 square feet to 7511 square feet. Mr. Langenberger asked if the studio would be willing to cap their student count because he is troubled with drop off and pick up traffic flow. Mr. Leone described the new space would be a new lobby, storage and four individual rooms for music, also a different entrance.

Ms. Stacey Montalto asked what consequences the applicant foresees, if the Board did not approve the application. Mr. Leone replied that he would need to discuss that with his client. He was unsure if they would appeal. He continued they enjoy being a part of the community. Mr. Leone continued the dance studio did not anticipate a gross increase in students but instead a diversified business.

Mr. Eric Lapham asked Jim Langenberger what were the reasons for him to drive out to the property and in what time period. Mr. Langenberger responded in the last six months, he has driven out to the property to check on the back door being propped open. He stated that he did not witness the door open but was given the information by a resident.

Mr. Jim Maclearie told of an accident he witnessed due to the traffic flow at the dance studio. He asked the lawyer if he know how many accidents had happened there. Mr. Leone apologized for not doing a traffic study and answered he did not know the answer. Mr. Maclearie believes this application will add to the already existing traffic problem.

Mr. Charles Sarnasi spoke of the traffic flow problem. He stated the State had taken so much of the property along the highway and he wondered could it be widened. Mr. Al Hilla explained the property is as wide as possible since the State had taken the right of way. Mr. Hilla believes if the parents would use the parking spaces, it would help with the flow.

Mr. Frank Garruzzo was asked by the lawyer if his concern was what would happen after Dance for Joy should move out in the future. Mr. Frank Garruzzo answered yes he was thinking of the future and what the approval would allow in this space. Mr. Leone called attention to the ability of the Board to narrowly tailor and condition the resolution. Mr. Al Hilla added that he did not believe the Board could restrict it because of the wording "Physical Culture" which opened the property up to several different kinds of businesses.

At this time the meeting was to the public for questions to Mr. Leone. Mary Burke of 1013 Cedar Lane came forward and was sworn in. Mr. Condon reminded her that this portion was for questions not statements. Ms. Burke asked why she was not notified properly. Mr. Leone explained his office had addressed the letter incorrectly and they were unaware of it until that day. Her letter was personally hand delivered.

Ms. Burke added the information on square footage is incorrect. The letter stated 6705 square foot and not the 7511 square foot Mr. Leone testified to. When questioned by Mr. Condon and Mr. Clark, Mr. Leone clarified the notice is incorrect.

The Board agreed that the applicant would need to re-notify the residents with the proper information and come back in front of the Board again.

Mr. Condon asked Mr. Clark if Mr. Leone's testimony would need to be heard again or could a synopsis be prepared. Mr. Clark agreed a synopsis would be sufficient.

As there was no other business to come before the Board, a motion to adjourn was made by Mr. Stenson seconded by Councilman Garruzzo and unanimously approved, all aye. The meeting was adjourned at 8:25 p.m.

Carol McMenemy
Recording Secretary

Approved: June 13, 2017