

Borough of Brielle

JUNE 13, 2017

October 20 2017

June 13th, 2017

BRIELLE PLANNING BOARD

TUESDAY, JUNE 13, 2017

The Regular meeting of the Brielle Planning Board was held on Tuesday, June 13, 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 – Councilman Frank Garruzzo, Joseph Bonacci, Thomas Condon, James Langenberger, James Maclearie, Stacey Montalto, Charles Sarnasi, Jim Stenson

Absent – Mayor Thomas Nicol, Eric Lapham

Also present was Karen S. Brisben, Recording Secretary, Joe Clark, Esq., Board Attorney, Alan Hilla, Jr. Board Engineer and Elissa Commins, Zoning Officer. There were 20 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 May 9, 2017 meeting were approved on a motion by Mr. Langenberger, seconded by Councilman Garruzzo and approved by voice vote, all aye.

CORRESPONDENCE:

The Board had received a copy of an application to the DEP for a new home at 523 Harris Avenue, Block 29.01, Lot 4, owned by Charles & Deborah Kauffman.

OLD BUSINESS:

The Board then considered a request from the Manasquan River Yacht Club for an extension of time for Use Variance compliance. Mr. Clark had written a memo to the Board explaining the need for this extension and that the Yacht Club originally asked for a 5 year extension, which he did not recommend doing as the Permit Extension Act is about to expire. He advised to permit a one year extension and the Board can address this again next year if need be. As there was no discussion among the Board members on this and Mr. Hilla had no further comments, a motion was made by Councilman Garruzzo, seconded by Mr. Stenson, to grant a one year extension of time for perfecting the Use Variance application submitted by the Yacht Club. The following roll call vote was then taken:

Ayes: Councilman Frank Garruzzo, Joe Bonacci, Tom Condon, Jim Langenberger, Jim Maclearie, Jim Stenson

Noes: None

Abstain: Stacey Montalto, Charles Sarnasi

The Board then turned to the continuation of a hearing for Variance Relief for Block 110, Lot 23, 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. once again came forward to speak to what he hoped was the final hearing; he asked to summarize the application. Based on the calculation by their Planner, there are 53 parking spaces at the property and this became an issue due to a discrepancy on this being a studio or auditorium. If this is considered a studio, then they need 37.5 spaces, Alpha Management has 13 spaces and the contractor that has his office in this building has 7 spaces (the monopole needs none). This makes a total of 57.5 spaces and there are 53 spaces for they need a variance for 4.5 spaces. This is a dance studio for children and is less intrusive than other uses.

There are concerns on the traffic backing up when picking up the children and, in order to address that they will be using a new policy; they will use the new entrance by Route 70, turn into the lot and park there, this will avoid traffic on Old Bridge Road as well as honking of horns & backing up. He asked for a vote tonight on this matter.

He then asked if Ms. Houli, the Dance Studio owner, to once again come forward and be sworn in; this was done. She said there are 8 teachers & 2 administrative staff and she said she has enough help to implement the new traffic plan. She is sending out an email and notice to all parents and they are not going to allow drop-off, parents can park and pick up their child; older children can walk to the car. There will be a staff member to help move the traffic along outside.

Mr. Clark then marked as Exhibit A-4 8 copies of the parking plan and narrative. Ms. Houli went on to say they don't start all classes at the same time so there is enough parking for all, even with the expanded space. As far as the new teaching area there will be one area for voice lessons & an area to teach acapella and maybe instrument lessons.

Mr. Maclearie questioned the new parking plan and Ms. Houli said the parents will be instructed to move to the parking lot, they can't stop and wait. Mr. Maclearie couldn't see the self-policing all the time.

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

Mr. Leone felt that most of the issues have been addressed; he read from the 2008 Resolution which said if there is any change in the building parking requirements, they need to come back before the Planning Board. He said they can't increase the size of the building itself, it is right on the Highway and he felt the parking variance is warranted and the new parking management will help. He then referred to the 2007 Resolution that allowed the Dance Studio and he felt any changes would be applied to this dance studio only.

At this time the hearing was open to the public for general comments and Keith Wolfjohn came forward and was sworn in. He has two children that attend Dance for Joy and could understand the variance need for the parking. His children have benefited from this dance studio attendance, his daughter had bullying issues at school and in dancing school it is gone and the school has helped both of them. They do more charity work than competitions and it is a place for them to go. He said he has never seen a traffic issue here and hoped the Board can approve this, it is not a puppy mill dancing school, they learn here.

Next to come forward was Michael Ping who was sworn in. He lives across the street and the dance school has affected the homes in this area, the way it is laid out is not good; the neighbors have all heard, in the past, that the parking problems will be taken care of but nothing has ever been done. He showed pictures of the traffic problem, which Mr. Clark marked as Exhibit O-1, O-2 and O-3. Mr. Ping sees cars in the Fire Lane with parents waiting for the kids, they do not want to park in the lot and they circle around all the time. He said the neighbors were assured, after the monopole was put in, that this would stop and nothing was done, why can't there be some sort of enforcement, he is a concerned neighbor here.

Next to speak was Susan Olman who was sworn in. She works in the office at Dance for Joy and said the Fire Lane was changed when the bridge construction was done, it is not really a Fire Lane any more. She then went on to say that one day she saw a truck and trailer taking up space in the employee parking lot and then saw Mr. Ping come out of his house and go in the truck. She has seen pictures being taken of cars and they are not cars for the dancing school; she was not going to deny a problem with parents and kids but not all the cars there are for the school.

As there were no further comments, that portion of the hearing was closed. Mr. Leone said the Board has heard a lot here a number of times, he felt the dance studio here was unique in this space and they are asking for 2 more rooms with a total of maybe 10-12 more students in each studio with 1 or 2 more teachers being hired. He said a reference was made to the monopole application but that had nothing to do with Dance for Joy. He again requested the Board approve this application.

Mr. Langenberger asked Mr. Hilla and Mr. Clark if the Resolution can be tailored to protect the town from future businesses that may be here. Mr. Clark said all the conditions will be in the Resolution and if there is a new use they will have to come before the Board; the Board has the old Resolutions as backup as well. Mr. Stenson felt there should be restrictions in the Resolution and there should be self-policing every time. Mr. Sarnasi agreed with the restrictions and he liked the new parking plan. Mr. Maclearie still had a parking plan issue and was concerned the Board will be back here in 5-7 years. He was glad she is doing well and maybe she will grow out of this space. Mr. Clark said the current owner is the applicant and Dance for Joy is the tenant, if a new business comes in they may have different parking requirements and they will have to come before the Board.

Ms. Montalto agreed with all that was said, Councilman Garruzzo felt they had a great program but Council hears this all over town as all the businesses in Brielle abut Residential areas and there are noise and parking issues all around with commercial/residential areas. He felt this new plan will help and he felt Dance for Joy is a great business that is run here, he hoped the restrictions can be put in the Resolution. Mr. Condon agreed also with all that has been said and felt this was a pro-active step to a new parking plan but felt there needs to be some kind of enforcement in the Resolution. Mr. Clark said enforcement can be done through the Code Enforcement Officer or they can come back before the Board.

At this it was asked for a motion to approve this application with all the stipulations that were discussed, parking will be policed and handled by the dance studio, expansion limited to what was proposed, etc. This motion was made by Councilman Garruzzo, seconded by Mr. Stenson and then by the following roll call vote:

Ayes: Councilman Frank Garruzzo, Tom Condon, Jim Langenberger, Stacey Montalto, Charles Sarnasi, Jim Stenson

Noes: Jim Maclearie

Not Eligible to Vote: Joe Bonacci

NEW BUSINESS:

The Board then turned to an application for Variance relief for Block 70.01, Lot 5, 610 Locust Road, owned by Kenneth & Karen O'Donnell, to allow construction of a front porch addition. Front Yard Setback – 40 feet required, 31.5 feet existing, 23.5 feet proposed. Side Yard Setback – 5 feet for existing shed, 1.5 feet existing & proposed. Rear Yard Setback – 5 feet for existing shed, 2 feet existing & proposed. Before this hearing started, Councilman Garruzzo left the dais as he lives within 200 feet of this property; Mr. Hilla did the same as his parents live within 200 feet of this property as well and Zoning Officer Elissa Commins took over his position.

The proper fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. At this time Mr. Kenneth O'Donnell came forward and was sworn in. He told the Board he had been before them back in 2000 and he asked them to look at old pictures that were submitted. Since then they have had the front windows tinted as they have a southern exposure; they have had two front doors, the first blistered from the paint on the door, the second one they have stained twice due to the sun glare. They are in need of a front porch and he had submitted, with the application, the kind of porch they wish to construct - it is not a large one.

They have a front yard setback of 31.5 feet from the variance approval back in 2000, it is 39 feet to the actual street so they need the variance for the porch. If they had known something like this would occur they would have asked for this porch back in 2000.

At this time Mr. Mark Chadwick, a home improvement contractor, came forward and was sworn in. He told the Board he is basically building a covering over the front porch to shade it from the sun, he will continue the dental molding, there will be 10 inch columns and the masonry will be the same as is there now; this will be a pretty basic porch. Mr. Condon asked about the height and was told the porch will come out 44 inches with a height of 72 inches, there will be one step up as is there now. The width of the porch will be 10.8 feet, increasing the existing size by 4 feet on each side. Mr. Langenberger asked how many risers there will be and was told one.

Ms. Commins commented that they are staying within the lot coverage. Mr. Bonacci wanted confirmation that the front yard setback will be 8 feet less and Mr. Chadwick said it will be more like 6 feet.

As there were no more Board comments or questions the hearing was opened to the public for questions; as there were none that portion was closed and the hearing was once again open, this time for comments. There was no response so that part of the hearing was closed and the Board went into discussion.

The Board was all in agreement with approving this application and Mr. Bonacci noted it appeared like all the surrounding neighbors were also within the 40 foot front yard setback.

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

Ayes: Joe Bonacci, Tom Condon, Jim Langenberger, Jim Maclearie, Stacey Montalto, Charles Sarnasi, Jim Stenson

Noes: None

The last item on the agenda was an application for Site Plan/Use Variance for Block 78.02, Lot 8, 413 Euclid Avenue, owned by Robert & Jil Soriano (applicant – Rocon Construction Group, Inc.) to allow the construction of a mixed-use building with a 3-car garage & 517 square foot office on the first floor & two 2-bedroom apartments on the second floor in the C-1 Commercial Zone. Minimum Lot Depth – 150 feet required, existing & proposed depth is 110 feet. Rear Yard Setback – 30 feet required, 20 feet proposed. Parking Aisle Width – 24 feet minimum required, 18 feet proposed. Driveways – 15 foot width required, driveway dimension not provided. Parking in Front Yard area, 5 foot landscaped buffer required, none proposed. Loading Zone – 14'x55' required, none proposed. Let it be noted in the Minutes that Councilman Garruzzo did not come back on the dais as he is not eligible to hear this application and Ms. Commins also stayed on as Mr. Hilla had a conflict as his brother lives within 200 feet of the property.

The proper fees were paid, taxes are paid to date and the property owners within 200 feet as well as the newspaper were properly notified. Mr. William Wenzel, Esq. came forward to present this application. He explained that this is an application to construct a mixed-use building with commercial use on the first floor and apartments on the second floor, they felt this will be in conformance with the Master Plan.

Dennis Roberts, owner of Rocon Construction Group, Inc. came forward and was sworn in. He said he is under contract to purchase 413 Euclid Avenue and he had an overhead view to present to the Board, which was marked as Exhibit A-1. Exhibit A-2 was a photo of the corner lot and off-ramp from Highway 35. Exhibit A-3 shows the property in its current state and Exhibit A-4 is a rendering of the proposed building which will be 29.7 feet high. Presented next was an architectural rendering and that was marked as Exhibit A-5.

Mr. Roberts said they are hoping to move into the building and occupy it; they will use the garage to park vehicles, maybe 6 of them and some of these vehicles go home with employees. To the right of the property is a residence and across the street on the off-ramp is a home and a business, this is a Commercial Zone. Mr. Maclearie asked if the State has a say here as this is on the corner of Euclid Avenue and the off-ramp from the State Highway. Mr. Roberts said yes and this will be addressed. Mr. Bonacci asked if the garage will be used for storage and parking and Mr. Roberts said yes, they will store saws and other hand tools there. He said he has one part-time employee, one full time employee, maybe there are three people there at one time, most employees are on the job site.

The hearing was opened for questions to Mr. Roberts and Susan Montgomery came forward and was sworn in. She asked about vehicles such a dump truck, back hoes, etc. will they be stored here? Mr. Roberts answered this will be an office and there will not be those type of vehicles stored here, he has a place in Farmingdale where they are kept.

John Hilla was next to be sworn in and wanted to know where the tenants of the apartments will park. Mr. Roberts said this, too, will be addressed within the next 15 minutes. As there were no other questions that portion of the hearing was closed and Ray Carpenter came forward and was sworn in, he is a Certified Planner in the State of NJ and was very familiar to the Board; he was accepted as an expert witness. He had a set of the plans, which were marked as Exhibit A-6 and went through the sheets. The first sheet shows the location of the property, sheet two shows the conditions on the vacant lot and the curbing, they have applied to the State for an access permit and a cutout does exist on the ramp. There also is a driveway on Euclid Avenue that is owned by the town; the State has requested that the "Yield" sign that is there now at the end of Euclid be changed to a "Stop" sign. Sheet three is a layout of the building, Lot #7 is a residence as well as Lot #11, Lot #10 is commercial.

They have proposed 4 parking spaces on one side and 4 spaces on the other side of the lot with 1 in the middle. They may be able to eliminate one space if they move the handicapped space which they now think is a good idea. Mr. Carpenter said this is an unusual site and well suited for this mixed use as there is enough parking. They do need the variances as noted on the application and by the Zoning Officer, the rear portion of the lot is a smaller portion and there is no entrance back there. They will put in landscaping in the back as well as along the side of the residential property; he noted they are not asking for any parking or height variances.

He testified that this whole design is to come in off of Euclid Avenue and then exit to the ramp, it will be one way only; they have a 17 foot curb to the roadway and RSIS says they need 16 feet so they are okay in that regard. The impervious surface coverage is approximately 8,000 square feet or a little over 72.7%. Ms. Commins spoke on this and said the Master Plan says to keep the impervious surface coverage to less than 50%. Mr. Carpenter said the property will have a slot trench drain, when the system fills up it will go to the Route 35 catch basins and there will be no problems to the other properties. He then went on to Sheet six which was the lighting plan and said the lighting will be back shielded. He went back to Sheet five which was the landscape plan and showed plantings of cypress and deciduous trees; they also plan to put in landscaping in the front to soften the parking lot.

He felt a mixed use here will work, there already is a mixture of commercial and residential use in this area; he also commented there will be separate stairs for each apartment and they will have use of storage upstairs as well. The garbage will be taken to a dumpster to the right front of the site so garbage trucks can service it properly and it will be shielded. He went on to say that any commercial use can go here other than medical offices; this is an odd piece of property and he thought it may have come along as a piece broken off of the ramp area when it was put in. He commented that an office here will have less traffic than a retail store.

Mr. Wenzel asked about the Loading Zone and Mr. Carpenter said this office does not need a Loading Zone so they are not putting one in, no materials will be delivered here; any building materials will be delivered to the building site. It was then stated there is no negative criteria here and this will not be a detriment to the public good or zone plan.

Mr. Langenberger asked about tying into the sewer system and Mr. Carpenter said they would like to tie into Euclid Avenue and not have to go to the State, there is both sewer & water on Euclid Avenue. Mr. Condon asked about the Yield sign the State mentioned and Mr. Carpenter showed him where it is, right by the beginning of the curb beyond the driveway. Ms. Commins told Mr. Roberts he will have to pay for this Stop sign and Mr. Roberts was agreeable to that. Ms. Commins then went back to the drainage testimony and asked if the tanks fill up there may have puddling in front of the garage, if it rains hard and fast the tanks won't be able to handle it. Mr. Carpenter said they took that into consideration and felt the system they plan can handle it.

At this time the hearing was opened for questions, hearing none that portion was closed.

Mr. Scott Kennell, a Senior Associate with Traffic Planning Experts came forward and was sworn in. He is a NJ Licensed Technician, not a Licensed Engineer, he is a Traffic Expert; the Board accepted him as an expert witness. He said he was hired to navigate the NJ DOT for this property, he started by meeting with NJDOT, there are existing curb cuts so they have a means of access. He submitted their application to the NJDOT and came up with comments on traffic control. On May 10th they learned that in order to get the permits they have to put in a Stop sign and remove the Yield sign. The State is asking for traffic counts on Euclid Avenue, which has little use, but Mr. Kennell is going to have to give them a traffic report as well as a police report on accidents here. Mr. Sarnasi asked about the final location of the stop sign and Mr. Kennell said the final location will be from the NJDOT; Mr. Sarnasi then asked about the ramp speed and Mr. Kennell said it is not posted. Mr. Roberts spoke and felt the Yield sign was not really good anyway and the Stop sign will be better and Mr. Kennell said it is a short ramp from the Highway to Higgins Avenue, most people use the other ramp in this area.

Mr. Condon asked about cars stopping at the Stop sign and does that inhibit traffic coming off the highway onto the ramp. Mr. Kennell said yes, it could be a problem but it's all right turns here and giving the low volume of traffic this may be a rare occurrence. Mr. Condon noted they have to do what the State says and Mr. Kennell said the State will have the better plan.

The hearing was then opened for questions to Mr. Kennell and, as there none, that portion was closed. The hearing was then opened for public comments on the application and, again, there was no comment so that portion was also closed and the Board went into discussion.

Mr. Langenberger felt it will be an improvement, Mr. Stenson agreed with him. Mr. Sarnasi was concerned with the impervious coverage being so high, but it will be a nice building even though there will be a lot going on in a small space. Mr. Maclearie agreed with Mr. Sarnasi but commented this has been vacant for a long time. Ms. Montalto felt it was a great application and all the Zoning Officer's concerns had been addressed, she was okay with it. Mr. Bonacci was also concerned with the scope and size of the variances requested & setbacks. He didn't care about the lack of a loading zone and commented about the impervious surface of almost 75% where less than 50% is required.

Mr. Wenzel said not a whole lot can be built here and they did try to scale it down. Mr. Bonacci also added he was not concerned about the traffic here. Mr. Condon understood all that has been said but he did not think there is much that can be done here, Mr. Roberts has been in town a long time and the building he is in now is kept well and in quality condition.

At this time a motion was made by Mr. Stenson to approve the application, as presented, this seconded by Mr. Bonacci and then by the following roll call vote:

Ayes: Joe Bonacci, Tom Condon, Jim Langenberger, Jim Maclearie, Stacey Montalto, Charles Sarnasi, Jim Stenson

Noes: None

As there was no other business to come before the Board, a motion was made by Mr. Stenson to adjourn, this seconded by Mr. Bonacci and approved unanimously by the Board, all aye. The meeting was adjourned at 9:15 pm.

Karen S. Brisben, Recording Secretary

Approved: July 11, 2017