

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

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

The Regular Meeting of the Brielle Planning Board was held on Tuesday, April 13<sup>th</sup>, 2021 at 6:00 p.m., virtually. Ms. Trainor read the OPMA compliance statement, after which a moment of silent prayer and a Salute to the Flag.

Stephanie Oakes-Firth was sworn as Alternate #1 Planning Board Member, through 12/31/2021 and Jay Jones was sworn as Alternate #2 Planning Board Member, through 12/31/2022.

Roll call was taken:

Present – Mayor Thomas Nicol, Corinne Trainor, Glenn Miller, Chris Siano, Karen Brisben, Stephanie Oakes-Frith, Jay Jones

Absent – Councilman Frank Garruzzo, James Stenson, Jim Maclearie, Madeline Ferraro

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 March 9<sup>th</sup>, 2021, this done by Glenn Miller, seconded by Karen Brisben, and approved by unanimous vote, all aye. Stephanie Oakes-Frith and Jay Jones abstained.

CORRESPONDENCE:

Notice from State of N.J., Waterfront Development Permit is submitted to DEP for dredging in the Manasquan River.

January/February issue of the NJ Planner.

Copy of notice to DEP for Block 48.01, Lots 13.02 & 13.03, 308 Fisk Avenue, owned by Kristina Visceglia, to allow construction of a residential pier, dock & boat lift.

Letter of Resignation from Board member Andrew Chermak.

OLD BUSINESS:

Approval of Resolution for variance relief for Block 66.03, Lot 11,704 Howell Drive, owned by Brian & Karin Finnegan, to allow extension to an existing front porch.

**RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF BRIAN AND KARIN FINNEGAN SEEKING VARIANCE RELIEF FOR CONSTRUCTION OF AN ADDITION TO A RESIDENTIAL DWELLING ON THE**

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

**PROPERTY LOCATED AT 704 HOWELL DRIVE IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 66.03, LOT 11**

**WHEREAS, Brian and Karin Finnegan** (the “**Applicants**”) filed an application with the Planning Board of the Borough of Brielle (the “**Board**”) seeking variance relief to construct an addition to an existing single-family dwelling on the property owned by the Applicants located at 704 Howell Drive and identified on the tax map of the Borough of Brielle as Block 66.03, Lot 11 (the “**Property**”); and

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

**WHEREAS**, the Property is currently developed with a single-family dwelling, an in-ground pool, and various other accessories; and

**WHEREAS**, the Applicants are proposing to construct a 13’-4” x 3’-4” extension to the existing covered porch as described more fully within the plans submitted with this application; and

**WHEREAS**, the proposed use and the existing lot are conforming to the zone, but the existing and proposed principal structure are both non-conforming to the zone; and

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

(a) Minimum front yard setback—30 feet required; 29 feet existing; **25’-10” feet proposed**; and

and

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

(a) site plan prepared by Brian M. Collis, R.A. dated December 4, 2020;

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

- (b) architectural plan prepared by Brian M. Collis, R.A. dated October 20, 2020;
- (c) an application package signed by the Applicants; and
- (d) a Zoning Permit denial letter from the Zoning Officer dated October 26, 2020; and

**WHEREAS**, the Planning Board held a hearing on this application on March 9, 2021; and

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

Mr. Thomas Brennan announced that he was representing Brian and Karin Finnegan and that the Finnegans were in also in attendance. Mr. Brennan stated that basically the applicants would like to extend the existing masonry porch 3.4 feet. Mr. Brennan stated that there is a very, very small violation of the 30-foot setback. Mr. Brennan stated that the Board should have frontals from the Architect which would show the new front porch with its roof.

Mr. Brennan then called Mr. Finnegan to testify. Mr. Finnegan, 704 Howell Drive, Brielle, was sworn in by Mr. Clark. Mr. Brennan asked Mr. Finnegan how long he had lived in this home. Mr. Finnegan replied, approximately 15 years. Mr. Brennan asked Mr. Finnegan if he knew how old this house was. Mr. Finnegan responded that he believed that the house was built sometime in the early 1960's. Mr. Brennan asked Mr. Finnegan if what was being proposed is to only extend the existing front porch. Mr. Finnegan replied, correct. Mr. Brennan asked Mr. Finnegan to explain the door configuration on the proposed new construction. Mr. Finnegan responded that the door that is currently there is off centered and kind of on the side of the porch. Mr. Finnegan continued by saying the door would be moved to the center, facing the street. Mr. Finnegan stated that there is one door currently and that once the proposed work is done, there will still be one entrance. Mr. Brennan asked Mr. Finnegan if he has had the opportunity to discuss this application with his neighbors. Mr. Finnegan answered that he had discussed this with several of the neighbors, including both next door neighbors and that they have all indicated support. Mr. Brennan asked Mr. Finnegan if his house's setback is consistent with the two houses on either side of the street. Mr. Finnegan replied that the current setback of 29 feet is consistent along the whole street.

Mr. Brennan stated that this application is more of a cosmetic amenity to the existing structure, an enhanced look from the curb and it is very nice. Mr. Brennan stated that this is not really a structure but more of a covered entryway, there is no extension or addition to the existing foundation of structure. Mr. Brennan stated that he did not think it violates the Zoning Ordinance except for the 3.4 feet which he suggested is a very de minimis intrusion into the 30-foot setback. Mr. Brennan stated that from the conversations that he had with his clients, there does not seem to be any objection to this and that the neighbors are in favor of it.

Ms. Trainor announced that it was time to hear questions from the Board for Mr. Finnegan. Mayor Thomas Nicol, Councilman Frank Garruzzo, Mr. Stenson. Mr. Miller, Mr. Maclearie and Mr. Siano stated they did not have any questions but did not have any issues with this application. Ms. Brisben asked Mr. Brennan on the architectural plans, where it states, "existing to remain", is

this an existing window because it was the door. Mr. Finnegan answered where it says, “existing to remain”, this is referencing the outer wall, that is going to stay. Ms. Brisben stated that she thought the porch is lovely. Mr. Chermak stated that he had no questions but stated that he thought this will be an enhancement to the community.

Ms. Trainor stated she had no questions and then asked if there was anyone from the public that had questions for Mr. Finnegan. Ms. Trainor stated if there was anyone from the public that wished to participate, to please type their name in the chat box, and they would be taken in the order in which they entered their appearance. Ms. Trainor stated there was no one from the public that had questions for Mr. Finnegan.

Ms. Trainor stated that it was time to hear comments from the Board about this application. Hearing none, Ms. Trainor asked if anyone from the public had any comments about the application. Hearing none, Ms. Trainor asked Mr. Brennan if he had any final words or could she put this to the Board for a vote. Mr. Brennan responded that he thought a vote would be nice and stated that the applicants appreciate the time spent by the Board on the application.

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

- a. The correct fees were paid, taxes are paid to date and the property owners within two hundred (200’) feet, as well as the newspaper, were properly notified.
- b. The Property is located within the Borough’s R-3 residential zone.
- c. The Property is currently developed with a single-family dwelling, an in-ground pool, and various accessories.
- d. The Applicants are proposing to construct a 13’-4” x 3’-4” extension to the existing covered porch as described more fully within the plans submitted with this application.
- e. The Applicants clarified during their testimony that the porch will only have one entry door.
- f. The only variance relief is a variance because the proposed extension to the porch will extend 3’-4” into the 30-foot front yard setback.
- g. Thus, the variance sought by the Applicants is as follows: Minimum front yard setback—30 feet required; 29 feet existing; **25’-10” feet proposed**.

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

- h. This is a minor change to the existing porch that will improve the aesthetic appearance of the house and of the neighborhood and is consistent with other development located within the neighborhood.
- i. 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.
- j. The purposes of the Borough Code would be advanced by this proposed development and the benefits of the variance sought outweigh any detriments.
- k. 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.
- l. Additionally, the purposes of the Municipal Land Use Law would be advanced by the variance proposed herein as it will improve the aesthetics of the area and the benefits of such deviation would substantially outweigh any detriment and the variance will not substantially impair the intent of the zone plan and zoning ordinance.

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

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Stenson, Glenn Miller, Corinne Trainor, James Maclearie, Christian Siano, Karen Brisben, Andrew Chermark

Noes: None

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

- a. The Applicant shall pay all taxes and other applicable assessments, costs, and fees to date, as applicable;
- b. The Applicants shall comply with all requirements and outside approvals as may be required from the Borough of Brielle or any other governmental authority not otherwise disposed of by this application;
- c. 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.

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

A motion to approve the above Resolution was made by Chris Siano, seconded by Glenn Miller and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Corinne Trainor, Glenn Miller, Chris Siano, Karen Brisben

Noes: None

Absent: Councilman Frank Garruzzo, James Stenson, Jim Maclearie

Not eligible to vote: Madeline Ferraro, Stephanie Oakes-Frith, Jay Jones

OTHER OLD BUSINESS:

Approval of Resolution for variance relief for Block 92.01, Lot 2, 868 Riverview Drive, owned by Lorraine Lamb (Applicant — Robert McGirr) to allow construction of a new home.

**RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF ROBERT MCGIRR AND LORRAINE LAMB MCGIRR SEEKING VARIANCE RELIEF FOR CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENTIAL DWELLING ON THE PROPERTY LOCATED AT 868 RIVERVIEW ROAD IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 92.01, LOT 2**

**WHEREAS, Robert McGirr and Lorraine Lamb McGirr** (the “**Applicants**”) filed an application with the Planning Board of the Borough of Brielle (the “**Board**”) seeking variance relief to demolish the existing structures and to construct a new dwelling on the property owned by the Applicants located at 868 Riverview Road and identified on the tax map of the Borough of Brielle as Block 92.01, Lot 2 (the “**Property**”); and

**WHEREAS,** the Property is located within the Borough’s R-2 Residential Zone (the “**R-2 Zone**”); and

**WHEREAS,** the Property is currently developed with a two-story single-family dwelling, driveway, and patio; and

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

**WHEREAS**, the Applicants are proposing to demolish the existing structures on the Property and to construct a new two-story single-family dwelling with bituminous driveway, attached and detached garages, and future pool, all as described more fully within the plans submitted with this application; and

**WHEREAS**, the proposed use and the existing lot are conforming to the zone, but the principal structure is non-conforming to the zone; and

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

- (a) Minimum side yard setback—12 feet required; **9 feet proposed**;
- (b) Minimum lot coverage—twenty (20%) maximum allowable; **twenty-five point five (25.5%) proposed**;
- (c) Minimum setback for driveways—five (5) feet required; **zero (0) proposed**; and

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

- (a) boundary and topographic survey of the Property prepared by William M. Kurtz, P.E., L.S., P.P., dated August 20, 2019;
- (b) plot plan (2 sheets) prepared by William M. Kurtz, P.E., L.S., P.P., dated August 20, 2019, last revision October 29, 2020;
- (c) architectural plans (17 sheets) prepared by Wayne W. Vanderhoof dated October 30, 2018, last revised date June 18, 2019 and July 17, 2019;
- (d) an application package signed by the Applicants; and
- (e) a Zoning Permit denial letter from the Zoning Officer dated June 22, 2020; and

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

**WHEREAS**, the Board was also provided with letters dated August 1, 2020, October 8, 2020, and February 16, 2021 prepared by the Board's Engineer and Planner Alan Hilla of H2M Associates, Inc. providing a technical review of the application and all amendments thereto; and

**WHEREAS**, the Planning Board held a hearing on this application on March 9, 2021 and considered the following documents presented at the hearing in connection with this application:

- a. Exhibit A-1 ten (10) photos of site;
- b. Exhibit A-2 title search documents;
- c. Exhibit A-3 architectural drawings;
- d. Exhibit A-4 engineering drawings; and

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

Attorney Michael Rubino announced he is appearing for the applicant and stated that Mr. Robert McGirr is with him. Mr. Rubino stated that he wanted to note for the record that Mr. McGirr and Ms. Lamb are married, are both applicants and own the home. Mr. Rubino stated that they did receive a letter of no interest from the County because this is a single-family residence. Mr. Rubino stated that he thought the letter had been sent to the Board. Mr. Rubino continued by saying that this is an application to allow his clients to take down the existing house and put a new 2-story house on the premises. Mr. Rubino stated that the existing house is old and has had several different additions added making the house somewhat disjointed.

Mr. Rubino stated that the applicant is requesting two variances. Mr. Rubino stated that the first is for building coverage, 25% proposed where 20% is allowed. Mr. Rubino continued by saying this is driven by two items, his client collects cars and wants to have a two-car garage attached to the house and would also like to have a detached garage that he will use to store cars as well as some pool equipment. Mr. Rubino stated that there is a rear patio on the premises that is covered that does count towards coverage so between the two, that is what drives the 25% number. Mr. Rubino stated that the other variance the applicant is requesting is a 9-foot side yard on the north side of the premises, off the 12th hole of the Golf Course. Mr. Rubino stated the applicant would like to build 9-feet rather than the permitted 12-feet to help balance out the look of the house.

Mr. Rubino stated that there was a question in Mr. Hilla's report about the driveway easement. Mr. Rubino stated that this is an easement that at one time was dedicated to go all the way back to one of the last lots along the 12th hole and that only his clients lots uses this easement, the rest of the houses that were developed use a side street to the south of the applicant's house. Mr. Rubino stated there will be testimony that if the easement area is included the application meets the coverage in the setbacks.

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

Mr. Rubino asked Mr. Clark if all the items submitted had been formerly marked. Mr. Clark stated that they had not been yet but that he was aware that Mr. Rubino had sent an email with some photos. Ms. Trainor said the Board did have the title search and the photos and that Mr. Rubino could mark them as he goes if he would like. Mr. Clark stated that all of the photos would be Exhibit A-1, the Title Search, Exhibit A-2, Architectural Drawings, Exhibit A-3 and the Engineering Drawing by Mr. William Kurtz, Exhibit A-4.

Mr. Rubino stated that Mr. Kurtz is on vacation, and not available tonight, so Mr. Joseph Kociuba would be testifying as an Engineer and Planner on this project.

Mr. Rubino called Mr. McGirr to testify. Mr. Robert Charles McGirr, 100 Elton Adelphia Road, Freehold, NJ was sworn in by Mr. Clark. Mr. Rubino asked Mr. McGirr how long he and his wife had owned this property. Mr. McGirr replied, approximately three years. Mr. Rubino asked Mr. McGirr to describe what is currently on the property. Mr. McGirr responded that there is a single-family home with a detached, three car garages. Mr. McGirr stated that the home had been added on to and is not in very good shape.

Mr. Rubino asked Mr. McGirr if he could explain to the Board why he was asking the for an extra 5% and extra 3-feet. Mr. McGirr responded that the side yard setback is for a chimney and a small balcony off one of the upstairs bedrooms. Mr. McGirr stated that as far as the impervious coverage is concerned, half of it has to do with the covered back patio. Mr. McGirr stated that the roof for the back patio will act as a deck for the second floor. Mr. McGirr stated that the remaining percentage has to do with a detached 2-car garage.

Mr. Rubino asked Mr. McGirr if the garage that is attached to the house would be used for his and his wife's personal cars. Mr. McGirr replied, yes. Mr. Rubino asked Mr. McGirr if he would like an area to store the cars he collects. Mr. McGirr answered he has a small collection of cars that he would like to keep on the premises.

Mr. Rubino stated there was an issue raised in Mr. Hilla's report regarding drainage on the back of the property. Mr. McGirr replied that he met numerous times with his neighbor, Marianne Ward, and they have agreed to work out these issues together. Mr. Rubino stated he had no further questions for Mr. McGirr.

Ms. Trainor announced it was time for questions from the Board for Mr. McGirr. Mayor Thomas Nicol stated he had no questions but commented that he thought it was a good project and would be an enhancement to the neighborhood. Councilman Frank Garruzzo stated he had no questions but commented that he did like the proposal and that it looked like a very attractive new home. Mr. Maclearie stated he had no questions but commented that he thought it would be a nice improvement to the neighborhood and to the house.

Ms. Brisben stated that Mr. Hilla had made a comment in his report that there is going to be a full bath in the basement with a private exterior entrance. Ms. Brisben asked Mr. Hilla if it was correct and stated that there could not be a living space in a basement. Mr. McGirr responded that there would not be a living space nor a full bath in the basement. Ms. Brisben asked Mr. Clark if it could be stated in the Resolution that the basement could not be separate living quarters. Mr.

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

Clark replied, yes. Ms. Brisben asked Mr. McGirr how many cars he was planning to have on this property. Mr. McGirr replied that he intended to have two personal cars and one or two cars that he collects. Ms. Brisben asked Mr. McGirr what his disposition was regarding the trees on Riverview Drive. Mr. McGirr stated that their intent was to save everything that they could. Ms. Brisben stated she would like this to be in the Resolution also.

Mr. Chermark asked Mr. McGirr if they are knocking down the house, why could they not make it conform and asked what the 9-foot setback for the balance of the house meant. Mr. McGirr answered that the side yard setback with the 9-feet means there is a plan for a fireplace in the bedroom and the chimney would encroach into the 12-foot setback. Mr. McGirr stated that this side of the house is 42-feet from the property line because of the private road that runs along the driveway. Mr. McGirr stated that they are 39-feet from the side yard on the golf course side. Mr. McGirr stated that they did angle the house a little towards the river.

Mr. Hilla asked Mr. McGirr if it is correct that he did not own the northern end of the easement, just the southern side of the easement. Mr. McGirr replied, correct. Mr. Rubino stated that there is one driveway that is part of the easement and that is the driveway that serves this house.

Mr. Miller asked if the existing driveway is coming out. Mr. McGirr answered that the driveway would remain. Mr. Hilla stated that now that the garage is going to be removed in the back, is there a purpose for it to remain beyond the first 30 or 40 feet. Mr. McGirr answered that it is going to be removed when it gets to the side of the house and that it is going to be a circular drive.

Mr. Hilla stated that on page A-1 of Architectural Plan, it shows a full bath in the basement. Mr. McGirr stated that this was not the intention. Mr. Rubino stated that would be amended. Mr. Clark asked Mr. McGirr if it is supposed to be a half-bath. Mr. McGirr responded, yes, a half-bath.

Mr. Chermark asked Mr. McGirr why they did not keep the house parallel to the road. Mr. McGirr stated it might be a foot or two angled.

Ms. Brisben asked Mr. Rubino if he had testified that if the easement were included, it would be with a 20% lot coverage. Mr. Rubino responded that Mr. Kociuba would testify to that.

Ms. Trainor asked if there were any other questions from the Board. Hearing none, Ms. Trainor asked if there were any questions from the public either by chat or phone. Hearing none, Ms. Trainor thanked Mr. McGirr for his testimony and asked Mr. Rubino to call his next witness.

Mr. Joseph Kociuba, KPA Engineering Services, Manasquan, NJ, was sworn in by Mr. Clark. Mr. Rubino asked Mr. Kociuba if he was here to testify as a Planner and an Engineer. Mr. Kociuba replied, yes. Mr. Rubino asked Mr. Kociuba if he was licensed in both and if his credentials had been accepted by this Board and other Boards. Mr. Kociuba answered, yes. Mr. Rubino asked the Board to accept Mr. Kociuba's credentials as a Planner and an Engineer. Ms. Trainor replied that the Board accepts them.

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

Mr. Rubino asked Mr. Kociuba if Mr. Willian Kurtz did the engineering on this project. Mr. Kociuba replied, yes. Mr. Rubino stated that Mr. Kurtz was not available tonight and asked Mr. Kociuba if he had been asked to fill in as a Planner and Engineer. Mr. Kociuba responded, correct. Mr. Rubino asked Mr. Kociuba if he had gone over some of the issues with Mr. Kurtz, and if he had looked at the plans and if he was familiar with the plans from an engineer standpoint. Mr. Kociuba replied, yes.

Mr. Rubino asked Mr. Kociuba to discuss the existing drainage problem and what is going to be done to correct that. Mr. Kociuba stated that currently there are no drainage facilities on the property, so, as a result, there has been a drywell designed for the back of the property. Mr. Kociuba continued by saying that the intention is to address stormwater. Mr. Kociuba stated it will collect the runoff from the roof portion of the dwelling and put it into the drywell in the back left north-east corner of the property. Mr. Kociuba stated that Mr. Kurtz had prepared engineering calculations, which he had looked at, which demonstrate that the system is designed to store the 100-year storm from the roof area. Mr. Kociuba stated this will result in substantial improvement to the drainage conditions on this lot. Mr. Kociuba stated that currently all the runoff blows off the site and now with the addition of this drywell, it will reduce the amount of runoff leaving the site through all desirable storms, 2, 10, 100-year storms. Mr. Rubino asked Mr. Kociuba if he believed that this would help eliminate the proposed condition Mr. Hilla listed as item 5 of his report. Mr. Kociuba responded that his opinion was that the proposed system will certainly improve the stormwater conditions and will certainly reduce the amount of runoff leaving the site. Mr. Kociuba stated that they would certainly agree that any sump pump would be connected and from an engineering standpoint this would not be difficult to do.

Mr. Rubino addressed item number 6 and asked Mr. Kociuba if he agrees that there would be no problem amending the plans to show the sewer pipe, et cetera. Mr. Kociuba answered that if a cleanout is required in the driveway, they would have no problem with the DC4 Box or equal.

Mr. Rubino stated that the applicant agrees to item number 7 and that the plans would be amended to show that. Mr. Kociuba responded that the corporation stop and water service would be appropriately sized and will match inside, once determined by the Architect and Plumbing Subcode Official.

Mr. Rubino addressed item number 8 by stating that the Board was shown the letter from the County which showed they had no interest in the application.

Mr. Rubino asked Mr. Kociuba if they would agree to show landscaping plans and to save as many trees as possible. Mr. Kociuba stated there would be some disturbance but as the applicant had testified, they would limit the disturbance as much as they could.

Mr. Rubino asked Mr. Kociuba if he would give some Planning testimony. Mr. Kociuba began by saying that there had been some discussion about the easement on the north side of the property and that the easement was created when the subdivision was created. Mr. Kociuba stated that the only property that benefits from the easement is the applicant's property. Mr. Kociuba stated that they had looked at the impact of this property but inclusive of this land that has been utilized and maintained by the applicant, this land has acted as part of the applicant's property. Mr.

Kociuba stated they are not contending that the applicant owns this land, but it has operated, kind of, as a portion of his property, maintained by him for a substantial amount of time. Mr. Kociuba stated that if this area were included, that 30-foot wide by the length of the lot, the coverage there reduces from 25.5% to 19.9%, so there is a 30-foot by 191-foot area that if it were included in the land area, the applicant would be commensurate with the required coverages.

Mr. Kociuba stated that the setback that the applicant identified as 9-feet off the property line, which is adjacent to the easement, but 39-feet from the golf course and that obviously there are no structures anywhere north of the property for a substantial distance. Mr. Kociuba continued by saying that although there is a side setback variance required, it is really de minimis, given the benefit of that adjacent area. Mr. Kociuba stated that the lot is not square so Riverview Drive and the side property lines are not perpendicular to each other and if the home was placed parallel with the side lines the home would be skewed to the road. Mr. Kociuba stated the side setback would be substantially less, the house itself at 89-feet wide, the buildable envelope is 88.68, so it would be approximately 4 inches into the side setback. Mr. Kociuba stated that because the road is not square to the side lines, they tried to make it as parallel as possible, which is appropriate for the area, a more desirable visual environment looks better, presents better to the street and this causes this to kind of skew over that line a little more, so as a result, they have more relief required than if perfectly parallel. Mr. Kociuba stated that in his professional opinion, this is proper planning to do it this way, rotated slightly and request the relief. Mr. Kociuba stated there is no impact to open space, no impact to adjacent property, it is proper planning to do this rather than have it not be parallel to the street. Mr. Kociuba stated if the proposed house were not parallel with the street, he thought it would look odd for the area and have more of a detrimental impact. Mr. Kociuba stated that based upon this, he believed that variances can be granted to allow the side yard setback as well as the coverage that is being requested.

Mr. Rubino stated he had no further questions for Mr. Kociuba. Ms. Trainor asked Mr. Hilla if he any questions for Mr. Kociuba. Mr. Hilla asked Mr. Kociuba if he could address the drainage in the south-east corner. Mr. Kociuba stated that they have a roof drain that is proposed in this area and could extend a yard drain from the roof drain in the corner and put drains in the back two corners, so they are capturing as much runoff as possible. Mr. Rubino stated that Mr. McGirr has indicated in conversations that even after construction, he would be willing to meet with Mr. Hilla to resolve any problems if they should arise.

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

Mr. Miller asked Mr. Kociuba asked for some clarification on the existing driveway. Mr. Kociuba responded that there is a substantial amount of driveway that is coming out, which is hard to see on the Plot Plan, but the driveway does extend and traverse the property line and extend into the property up to the existing 2 car garage. Mr. Miller asked Mr. Kociuba to confirm that the driveway is not coming around the back of the house from the left side. Mr. Kociuba responded, correct, they are pulling that back.

Mr. Maclearie asked Mr. Hilla and Mr. Clark if the Planning Board allows the property to be built on the easement, are they okay with this. Mr. Hilla asked Mr. Rubino if the applicant has legal access to use the easement if the Planning Board consents to a new driveway. Mr. Rubino

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

responded the Title Company stated that the applicant has a right to use that easement. Mr. Rubino stated they are not building any buildings on it; they are using it as a driveway. Mr. Maclearie asked Mr. Hilla and Mr. Clark if they are okay with this. Mr. Hilla responded that the Board is taking it at face value that they have legal access to use it. Mr. Clark stated he did not read the title information himself but if that is the representation, and if the easement is there for that purpose, then that is fine. Mr. Clark continued by saying that it would be a problem if something that would block the easement was built, a house, shed or something like that, but this is not happening, it is being used for the purpose that the easement is there for.

Ms. Brisben asked Mr. Kociuba to clarify a statement made by Mr. Rubino in which he stated, if they were to include the easement, then they would not need the 25% lot coverage. Mr. Kociuba replied that he indicated that the easement is 30-foot wide and if you were to include the depth of the lot, 191.52 feet, the area of that section, if you calculate coverage across that area, the additional area is 5,745 square feet and you did the math, you will come up with a coverage of 19.9%. Mr. Kociuba continued by saying that by virtue of that, the existence of that and when looking at it from the street, any lay person would look at it and believe that this is a part of the property, so it is his testimony that from a visible standpoint, it does not appear to be excessive in coverage because that area is currently being used by this property as their access.

Ms. Trainor asked if there were any questions from the public either by chat or phone. Hearing none, Ms. Trainor thanked Mr. Kociuba for his testimony and asked Mr. Rubino to call his next witness.

Mr. Rubino stated that Mr. Vanderhoof, the Architect for the application was present to testify if the Board had any questions. Ms. Trainor stated that if there were any architectural question for Mr. Vanderhoof, he would be sworn in. Ms. Trainor asked the Board if there were any questions.

Ms. Brisben asked Mr. Hilla, regarding the testimony in which it was stated that the bathroom in the basement was a half bath and not a full bath, should the Board get revised plans and revised architectural plans. Mr. Rubino stated that they would provide those. Ms. Brisben stated to Mr. Rubino that she would need revisions for the Plot Plan and Architectural Plans.

Ms. Trainor asked if there was any other architectural business to address from the Board. Hearing none, Ms. Trainor asked if there were any questions from the public. Ms. Trainor announced she did not hear or see any questions from the public and then asked Mr. Rubino if he had any closing comments to make before receiving any comments from the Board.

Mr. Rubino stated that he believed that they had covered all the questions that were raised by the Board Members and Mr. Hilla's report. Mr. Rubino stated that it seemed to him that this would be a very nice house and replacement of what is there and thinks it will be a credit to the community once it is done. Mr. Rubino stated that he thought the requests are actually small considering the nature of the law, so he would ask the Board to look favorably on the project.

Ms. Trainor thanked Mr. Rubino and asked if anyone from the Board had any final comments before any motion with respect to the application.

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

Mayor Thomas Nicol stated that he felt it was a good application, a great improvement and that he would be in favor of it.

Councilman Frank Garruzzo stated that he agreed with Mayor Thomas Nicol and thought it would be a wonderful home there, a great improvement and that McGirr had addressed the water runoff issue and has a Resolution to that, so he had no objections to this application at all.

Mr. Stenson stated that he had no objection to this project, all the questions in Mr. Hilla's report had been answered and he was satisfied with it.

Mr. Miller stated that he thought everything looked good and that his only question was whether there had been any discussion or contact with the golf course. Mr. McGirr responded that he spoke with the golf course and that he is a member of the golf course. Mr. Miller stated it all looked good to him.

Mr. Maclearie stated that he thought it was a nice improvement to the property.

Mr. Siano stated he agreed with the rest of the Boards comments.

Ms. Brisben stated that in the beginning she was not for this, it is an oversized lot and going over the coverage on an oversized lot but after hearing the testimony that includes the easement, which does look like part of the property, it is actually under 20%, so she would be in favor of this application.

Mr. Chermark stated he had no comment and thinks it is fine.

Ms. Trainor stated she accepted Mr. Kociuba's testimony and opinion with respect to the planning and the not perfectly perpendicular placement of the new structure based on the angle of the road and the not perfect straight property line on Riverview Drive. Ms. Trainor continued by saying that this looks like a big improvement and a good application.

Ms. Trainor stated that there were several conditions and stipulations that have been discussed so far and asked Mr. Clark to read through them.

Mr. Clark announced that he would go through the list of what he thought the conditions were and if anyone had any others, he could add them. Mr. Clark began by stating there will be a prohibition, in terms of the basement, that it will not be a separate apartment or separate living area, the drainage will be done in a way that is acceptable to the Mr. Hilla, Board Engineer, the sump pumps in the basement will be connected to the drywell system so that everything is connected to the stormwater discharge systems, number 6 in Mr. Hilla's letter which will show the DC4 box, or equal, on the driveway on the amended plans, the water surface detail will be amended in the plans and will be appropriately sized in a way that is consistent, the applicant has agreed that they will preserve trees to the extent possible and if needed will submit a landscape plan is to the satisfaction of Mr. Hilla, Board Engineer, maintain and keep safe the access easement in the area next to their property, make the half bath in the basement shown on amended plans, provide four sets of amended plans within 30 days to Ms. Brisben, Board Secretary.

Ms. Trainor asked if anyone from the Board had any other conditions to add and make part of this application. Hearing none, Ms. Trainor asked for a motion to approve the application with the conditions Mr. Clark had just listed.

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

- m. 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.
- n. The Property is located within the Borough's R-2 residential zone.
- o. The Property is currently developed with a two-story single-family dwelling, driveway, and patio.
- p. The Applicants are proposing to demolish the existing structures on the Property and to construct a new two-story single-family dwelling with bituminous driveway, attached and detached garages, and future pool as described more fully within the plans submitted with this application.
- q. The Applicants are seeking the following variance relief through this application (the variances sought are highlighted in bold type): (i) Minimum side yard setback—12 feet required; 9 feet proposed; (ii) Minimum lot coverage—twenty (20%) maximum allowable; twenty-five point five (25.5%) proposed; and (iii) Minimum setback for driveways—five (5) feet required; zero (0) proposed.
- r. The Applicants have presented evidence from a title company demonstrating that they have easement rights in an easement area adjoining the Property (the "easement area") to provide them with ingress and egress to their Property.
- s. Although the easement area is not owned by the Applicants, they currently maintain it and have agreed to continue to do so as a condition of the approval of this application, and it provides a buffer area between the Property and neighboring properties.
- t. Thus, while the Applicants concede that they do not own the easement area, if it were included in the maximum lot coverage area calculations and in calculating the minimum side yard setback, variance relief would not be required. Since these Borough Code requirements are intended to prevent over-development of a lot and to provide an adequate buffer area between the lot and

neighboring properties, the Board finds that the presence of this easement area is significant as it ameliorates these deviations from the code requirements.

- u. The Applicants also presented testimony indicating that the Property is irregularly shaped so if the proposed dwelling on the Property were placed parallel with the side lines of the lot, although the variances sought would be reduced, the house would not be parallel with the road and would appear to be skewed. The Applicants contend, and the Board finds, that placing the house parallel with the road provides a more desirable visual environment which is consistent with the other development in the neighborhood and that requiring the house to be parallel with the side lines, and therefore not parallel with the road, would have more of a detrimental impact.
- v. 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.
- w. The purposes of the Borough Code would be advanced by this proposed development and the benefits of the variances sought outweigh any detriments.
- x. 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.
- y. Additionally, the purposes of the Municipal Land Use Law would be advanced by the variances proposed herein as it will improve the aesthetics of the area and the benefits of such deviation would substantially outweigh any detriment and the variance will not substantially impair the intent of the zone plan and zoning ordinance.

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

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

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:

- d. The Applicants shall pay all taxes and other applicable assessments, costs, and fees to date, as applicable;
- e. 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;
- f. The Applicants shall provide the Board Secretary with a copy of the letter of no interest which they represent that they have received from the County Planning Board.
- g. The Applicants shall amend their plans for this application to show that a ½ bathroom will be installed in the basement of the proposed dwelling in place of the full bathroom which is currently shown on the plans.
- h. The Applicants have represented and stipulated that the basement of the proposed dwelling shall not be used as a separate living area (such as a basement apartment). The use of the basement as a separate living area or apartment is expressly prohibited.
- i. The Applicants shall construct and install a grading and drainage system for the Property in a form acceptable to and approved by the Board Engineer. Such system shall address all drainage issues with the Property, including the potential drainage issue in the southeast corner of the Property identified by the Board Engineer.
- j. All sump pumps in the basement of the proposed dwelling will be connected to the drywell system.
- k. The Applicants represent and agree that they shall be responsible to maintain the easement area adjoining and providing access to their Property.
- l. The proposed sanitary sewer cleanout in the driveway shall be equipped with a CC4 box (or equal) to protect the screw cap.
- m. The Applicants shall amend their plans for this application to show the class of PVC sewer pipe that they will use.
- n. The size of the corporation stops and of the copper tubing in the water service detail in the plans submitted by the Applicants do not match. The Applicants shall ensure that the sizes of this equipment are compliant with applicable standards and match each other and shall amend their plans for this application to show these matching sizes.

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

- o. The Applicants shall use commercially reasonable efforts to preserve the trees on the Property and, if directed to do so by the Board Engineer, will submit a landscaping plan for the Board Engineer's review and approval.
- p. Within thirty (30) days of the date of the adoption of this Resolution, the Applicants shall provide four sets of amended plans to the Board Secretary memorializing all of the final changes to the project described during the hearings on the application and within this Resolution.
- q. All representations made under oath by the Applicants or their agents shall be deemed conditions of this approval, and any misrepresentations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of this approval.

A motion to approve the above Resolution was made by Chris Siano, seconded by Glenn Miller and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Corinne Trainor, Glenn Miller, Chris Siano, Karen Brisben

Noes: None

Absent: Councilman Frank Garruzzo, James Stenson, Jim Maclearie

Not eligible to vote: Madeline Ferraro, Stephanie Oakes-Firth, Jay Jones

#### OTHER OLD BUSINESS:

Corrective Resolution for 836 Riverview Drive to change Block & Lot number on Original Resolution that is incorrect.

A motion to approve the above corrective Resolution was made by Karen Brisben, seconded by Corinne Trainor and then by the following roll call vote:

Ayes: Corinne Trainor and Karen Brisben

Noes: None

Absent: James Stenson, Jim Maclearie, Madeline Ferraro

Not eligible to vote: Mayor Thomas Nicol, Councilman Frank Garruzzo, Glenn Miller, Chris Siano

#### NEW BUSINESS:

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

Application for variance relief for Block 125, Lot 1, 626 Spruce Place, owned by Michael & Christine Hartnett, to allow construction of a pool house. Minimum Front Setback - 40 ft. required, 40 ft. existing, 27.7 ft. proposed.

Mr. Michael Hartnett begin by thanking the Board for looking at his application. Mr. Hartnett stated that he would like to build a pool house structure that will be aesthetically pleasing, done in good taste and provide a good opportunity for some family gatherings.

Ms. Trainor asked Mr. Hartnett if he had any witnesses. Mr. Hartnett replied that he did not.

Ms. Trainor stated that with respect to this application there is a letter from Mr. Hilla and asked Mr. Hilla if he would discuss this. Mr. Hilla began by saying the proposal is to construct a significant covered area in what is the front yard, along Teaberry Lane. Mr. Hilla stated that this property is a corner property so it has two front yards, and it is on the Teaberry Lane side that the proposed covered area would encroach in the front yard. Mr. Hilla stated that 40-feet is required for the setback and 27.7-feet is proposed. Mr. Hilla stated that it should be noted that in the photographs that were provided by the applicant, the structure would be inside the white vinyl fence, so it would be away from the street on the side, inside of the interior of the lot. Mr. Hilla continued by saying that the variance is required for that item and in addition to 400 or 440-foot square foot structure, there is a fair-sized patio which would increase the amount of impervious coverage up to around 1,000 square feet of patio and building structure that would generate stormwater. Mr. Hilla stated that item number two in his letter suggests that there be some accommodation for drainage, so the street does not get inundated with more stormwater. Mr. Hilla stated that the groundwater is fairly shallow in that area and drainage has always been an issue.

Ms. Trainor announced it was now time to hear questions from the Board regarding this application.

Mr. Miller asked if the picture with the tree in front of the vinyl fence was taken on Teaberry Lane and if the structure would be behind this part of the fence. Mr. Hartnett replied that that was correct and noted that the tree in the picture had been removed. Mr. Hartnett stated that he recently planted 11 giant arborvitaes to create a hedge line on the outside of the white fence to give a natural barrier. Mr. Miller asked Mr. Hartnett if when there is a storm if there is flooding on this street and if there is a potential drainage problem there. Mr. Hartnett stated that there are some issues as far as ground water collecting, not necessarily on his property because he sits a little higher than the other homes. Mr. Hartnett stated that after he received Mr. Hilla's report, he immediately hired InSite Engineering. Mr. Hartnett stated that InSite Engineering is doing a topography report, a plot plan, a grading report and designing a drywell. Mr. Hartnett stated he does not want any drainage issues and is prepared to fully comply with the Board and any requests made by the Board engineer to eliminate any possible issues. Mr. Miller asked Mr. Hartnett if the row of arborvitaes were planted on the inside or outside of the fence. Mr. Hartnett replied that he planted them on the outside of the fence. Mr. Hartnett stated he planted 11- 9-foot arborvitaes along Teaberry Lane and 25 standard 7-foot arborvitaes around the rear of his property. Mr. Miller stated that by planting all the shrubs, this could help the situation by absorbing some moisture. Mr. Hilla stated he is acquainted with InSite Engineering and had no doubt that what they would propose would be more than adequate for what is being proposed here.

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

Ms. Brisben asked Mr. Clark if he could add into the Resolution that a drywell would be put in as Mr. Hartnett stated he would put it in. Mr. Clark responded that he would put that as one of the conditions if that were what the Board wanted him to do.

As there were no other questions from the Board, Ms. Trainor asked if there were any questions from the public. Hearing none, Ms. Trainor announced it was time for comments from the Board.

Mr. Nicol commented that he thought it would be an improvement and hoped that the Board would approve the application.

Mr. Miller stated he agreed with Mayor Thomas Nicol, thought that everything looked in order and that he saw no issues.

Mr. Siano stated that he thought it was a nice addition to the property and the neighborhood.

Ms. Brisben commented that she thought it would be a lovely addition and stated that she was a little concerned with the height of the structure, but thinks is it far enough back, and does not think it going to bother any neighbors. Ms. Brisben stated that no one had come in to see the plans so she would be for approval.

Ms. Trainor stated that the only comments that she had relate to the certain standards that the Board considers when considering variances. Ms. Trainor continued by saying that this is a corner lot and that this technically means under the Ordinance, there are two frontages, so based on that, this could be considered in respect to the application. Ms. Trainor stated that she would be in favor of the application with the two conditions previously spoken about, the mitigation of the setback from the street with the giant arborvitaes, provided they are maintained and a drywell that is installed by InSite Engineering with appropriate drainage and to the satisfaction of Mr. Hilla. Ms. Trainor stated she would want Mr. Hilla to approve the dry well first.

Ms. Trainor announced it was time for comments from the public. Hearing none, Ms. Trainor asked for a motion to approve the application, with the conditions that had been described.

A motion to approve the application was made by Mayor Thomas Nicol, seconded by Chris Siano and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Corinne Trainor, Glenn Miller, Chris Siano, Karen Brisben, Stephanie Oakes-Frith, Jay Jones

Noes: None

Absent: Councilman Frank Garruzzo, James Stenson, James Maclearie and Madeline Ferraro.

Ms. Trainor congratulated Mr. Hartnett. Mr. Hartnett thanked the Board and stated that this was a great process and that it had been a pleasure to work with Karen Brisben and the Board.

OTHER NEW BUSINESS:

Application for variance relief for Block 63.01, Lot 15, 701 Union Lane, owned by Daniel & Barbara Kiley, to allow construction of an L-shaped covered porch. Minimum Lot Area —15,625 square feet required, 13,621 square feet existing. Minimum Lot Width —125 feet required, 74 feet existing. Minimum Rear Yard Setback —40 feet required, 25.45 feet existing. New Variance — Minimum Front Setback —40 feet required, 21.20 feet existing, 19.47 feet proposed.

Chris Siano recused himself from the hearing on this application.

Mr. Daniel and Mrs. Barbara Kiley were sworn in by Mr. Clark. Mrs. Kiley stated they were representing themselves and had no witnesses.

Mrs. Kiley began by thanking the Board for hearing their application. Mrs. Kiley stated that her and her husband had purchased their home on Union Lane three years ago but had not moved in until this past November. Mrs. Kiley continued by saying that when they saw the size of the property, they thought it would be great in their retirement years because they would love to put a wraparound porch on the property so that they could sit and enjoy Brielle Park and the neighbors. Mrs. Kiley stated that she then realized the setback was not enough because the house was built back in 1852 when setbacks did not matter.

Mrs. Kiley stated that they are not going out any further, just going over the existing stoop and wrap along to the side. Mrs. Kiley stated that she was told that the problem is not the wrap around part it is the connecting that front to the porch, so they are requesting a variance.

Ms. Trainor asked Mr. Hilla to discuss the various issues that were raised in his March 16, 2021 letter. Mr. Hilla began by saying that this property is a corner lot, which has two front setbacks, corner lots, by definition, have two fronts, a rear, and a side. Mr. Hilla continued by saying, in this instance, the applicant is proposing a porch in both front yards but the front yard along Union Lane frontage is not within the requisite setback, front setback is 40-feet required, 21.2-feet existing and 19.47 feet proposed. Mr. Hilla stated there are a couple of pre-existing nonconformities, the lot is deficient for lot area, lot width, and the setback to the principal structure. Mr. Hilla stated those three pre-existing conditions are just provided for the Board's information and that the Board would not weigh in on those. Mr. Hilla stated that the only item that is being requested in terms in variance relief is the front setback for the proposed porch. Mr. Hilla stated the only other item that relates to this application is that the survey did not show a shed located in the front yard on Schoolhouse Road. Mr. Hilla continued by saying that ordinarily that would not matter but he would want to make sure that the minimum setbacks were adhered to, both in the placement of the shed and there is also a minimum setback from principal structures to accessory structures within the Borough. Mrs. Kiley stated that she did have a new survey that showed the shed and a copy of the permit the Zoning Department had given her. Ms. Brisben stated it was on file at the Borough Hall. Mr. Clark asked Mr. Hilla if the Zoning Officer issued the permit and if there were a setback issue, wouldn't the Zoning Officer have flagged it and stated that the applicant needed to come to the Planning Board for a variance. Mr. Hilla replied, yes but that this goes to whether the shed was placed properly.

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

Ms. Trainor stated that since the Board members did not have the new survey or the copy of the permit from the Zoning Department it would make sense to move forward with the application and ask the Board if they had any questions.

Mayor Thomas Nicol stated the only question he had was about the shed.

Ms. Brisben stated she had no questions but did apologize for sending the incorrect survey to the Board members. Mr. Brisben stated that Mrs. Kiley did bring in the new survey and that when she sent everything out, she must have sent the old one by mistake. Ms. Brisben said she will get everything in order and straighten it out. Mr. Brisben stated she had no problem with the application and has no questions.

As there were no other questions from the Board, Ms. Trainor asked if there were any questions from the public. Hearing none, Ms. Trainor announced it was time for comments from the Board.

Mayor Thomas Nicol stated that the Board heard two wonderful applications that were represented by the applicants themselves and that they went very smoothly.

Mr. Miller stated that it looked like a nice addition to the house and does not see any issues. Mr. Miller stated that the shed should be reviewed but does not know if that would have any bearing on approving the application.

Ms. Brisben stated that she drove past the property and that the shed does not even look like it is permanently in the ground. Ms. Brisben stated that the shed looks like it is on blocks and is nice. Ms. Brisben stated that she had no problems at all.

Ms. Frith stated that the porch sounds lovely.

Ms. Trainor stated that the wraparound porch would look beautiful and wished the Kiley's a wonderful retirement. Ms. Trainor stated that the side of the porch that the Kiley's are proposing along Schoolhouse Road is quite a long way from Schoolhouse Road so really it is just the oddities of the property that brings them before the Board. Ms. Trainor asked Mrs. Kiley if she would agree if the shed were not conforming, she would bring it back before the Board or would fix it. Mrs. Kiley replied, yes. Ms. Trainor stated that if it were alright with the Board, she would ask for a condition in the Resolution that the shed is conforming and to the extent that it is not, the Kiley's will either fix it or come back before the Board with that issue.

Ms. Trainor announced it was time for comments from the public. Hearing none, Ms. Trainor asked for a motion to approve the application, with the conditions that had been described.

A motion to approve the application was made by Glenn Miller seconded by Mayor Thomas Nicol and then by the following roll call vote:

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

Ayes: Mayor Thomas Nicol, Corinne Trainor, Glenn Miller, Karen Brisben, Stephanie Oakes-Frith, Jay Jones

Noes: None

Absent: Councilman Frank Garruzzo, James Stenson, James Maclearie and Madeline Ferraro.

Not eligible to vote: Chris Siano

#### OTHER BUSINESS:

Informal Hearing for Block 109, Lot 2, 1007-1009 Route 70, Dunkin Donuts, to allow renovation to existing building for the construction of a drive-through site.

Mr. Henderson stated for the record that he was here on behalf of the applicants and that they opted to do this as an informal for a variety of reasons. Mr. Henderson stated that Mr. Kociuba, KPA Engineering Services, Manasquan, NJ, the project planner, was here tonight as well. Mr. Henderson states that essentially, there is a Dunkin Donuts with a parking problem where the building sits at the present time and in the post pandemic world, a lot of people prefer to get food at a takeout window rather than entering a facility. Mr. Henderson stated that the facility is very small to begin with and that they believe that the traffic pattern they are proposing would be a big improvement and by adding the curb island, it would prevent people from cutting through. Mr. Henderson stated that they are here to get some input from the Board as to whether this overall concept would be acceptable. Mr. Henderson stated that there would be some NJDOT insight into this and that they also have a traffic engineer. Mr. Henderson then asked Mr. Kociuba to file share the Concept Plan A and point out to the Board what changes they are proposing.

Mr. Kociuba started by saying that the Concept Plan was prepared by his office. Mr. Kociuba then began identifying the property in question, the Lukoil Site with access to Route 70 and the Dunkin Donuts building, which exists today. Mr. Kociuba stated that the process is, as indicated by Mr. Henderson, that the drive-through experience is preferred today, especially in the Dunkin world and having a stand-alone store without a drive-through is not really beneficial. Mr. Kociuba stated that this site has a lot of unique characteristics and some that are kind of difficult, specifically, behind the building, there are 5 or 6 parking stalls that are right up against the Old Bridge Road jug handle which currently back out into the jug handle. Mr. Kociuba stated that this was an existing condition that has been there for a substantial amount of time, but it is also not the best location, not the safest operation there either, so the thought was that while they were trying to create a drive-through scenario, they would reduce the size of the building and fix that safety issue. Mr. Kociuba stated that the thought process was to create a large curb or grass island in the rear of the property, buffering it from the adjacent residential areas, allowing an access point off the Old Bridge Road jug handle but would be expanded to allow for an easier turning movement into the site. Mr. Kociuba continued by stating that they would then provide a drive-through aisle around the rear of the building, reduce the size of the building, shorten it by about 14-feet to allow for a drive aisle on the southern side of the building and then cars can navigate away either out the entrance to Route 70, as done today, or at the entrance to the Old Bridge Road jug handle, which provides access to head north on Route 70. Mr. Kociuba stated this provides the ease and

convenience to utilize the drive-through and would eliminate any interior use. Mr. Kociuba stated that the building would be for employees only and orders would be handled through the drive-through. Mr. Kociuba stated that the layout promotes safety, provides parking stalls around the building, and reducing the number of parking stalls but stated that there would be no need for parking for restaurant use. Mr. Kociuba stated that this would require a parking variance in that the Borough Ordinance does not really quantify a drive-through only type facility, so by definition they would have to request relief from the parking requirement, defined by the square footage of the building. Mr. Kociuba stated that, the only parking needed is for the employees, which they anticipate would be 4 employees for the drive-through only and 2 employees for Lukoil, so they would anticipate 6 parking stalls around the building and that there is still the benefit of the pre-existing parking stalls along the northern side of the site. Mr. Kociuba stated again that this was a unique site and really wanted the Board's input. Mr. Kociuba expressed that they think it is a better layout for the site and a better operation, having the benefit of the drive-through.

Mr. Clark asked Mr. Kociuba if there were any other variances anticipated besides the parking variance. Mr. Kociuba replied that he believed that there was a pre-existing front yard setback variance for the canopy for the gas station which they would maintain but the only proposed variance that he was aware of was for the parking.

Mr. Hilla stated that he could see that there is 30 or 50 some odd feet from the canopy to the Dunkin Donuts building but the way the canopy works is that there are cars that protrude beyond the canopy to have adequate back up space behind the spaces with cars protruding out from under the canopy while getting gas at the southernmost pumps. Mr. Kociuba stated that they would be shortening the building in two directions, the total width of the building would be 42-feet to give more space around the canopy.

Mr. Hilla stated that some of the turns seem pretty tight, especially the ones upon entry toward the building. Mr. Hilla asked Mr. Kociuba if there was a way to soften those turns. Mr. Kociuba answered that they could soften them. Mr. Hilla stated that the turn closer to the building is pretty severe turn around the back of the building. Mr. Kociuba stated that the turn has an internal radius of 15-feet, which is typical for a passenger vehicle, 29 on the exterior radii, which is in accordance with the Dunkin Donuts typical standards. Mr. Kociuba replied that they could have the aisle swing in a little more and stated they were trying to maximize the greenery behind the building but could soften the radii a little bit.

Mr. Hilla asked Mr. Kociuba if ultimately, they would be reducing impervious coverage. Mr. Kociuba replied that yes but by very little. Mr. Kociuba stated that the site is bisected by a right-of-way so much of the impervious coverage that would be removed would be a benefit to the application but not necessarily on the property, mostly in the right-of-way. Mr. Hilla asked Mr. Kociuba if the right-of-way had been abandoned. Mr. Kociuba stated that he is assuming it was not abandoned because there is a sewer main there but for the simplicity of it, they kept it the Old Bridge Road as the Old, Old Bridge Road right-of-way prior to the jug handle.

Mr. Hilla asked Mr. Kociuba if some green space be picked up in the "s" curve leaving the site. Mr. Hilla stated that there is a corner of pavement there that would probably collect rainwater.

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

Mr. Kociuba replied that they could certainly increase the green space there, maybe provide a nice tree, beautify the space a little bit.

Mr. Hilla asked Mr. Kociuba to explain the reconfigured driveway entrance. Mr. Kociuba stated that the NJDOT just reconfigured it two days prior. Mr. Kociuba stated that his thought process was that it is a very wide driveway and that they would narrow it some but that would obviously be subject to NJDOT approval.

Mr. Hilla asked Mr. Kociuba if there is a trash enclosure at the back of the building and will it remain. Mr. Kociuba answered that there is an existing trash enclosure that will remain but may have to be relocated.

Ms. Trainor announced it was time for questions or comments from the Board. Mayor Thomas Nicol asked if there would be any foot traffic into the building. Mr. Kociuba stated that there would only be employees in the building and that this would only be a drive-through facility. Mr. Siano stated he liked the proposal. Ms. Brisben asked Mr. Kociuba to explain the two entrances on Route 70. Mr. Kociuba stated the southern entrance is really designed as an exit only and the northern entrance an entrance only. Mr. Kociuba stated that the NJDOT has aligned the curve there for that so they would anticipate all access coming in that northerly entrance. Ms. Brisben asked if that would have to be approved by NJDOT. Mr. Kociuba responded, yes. Ms. Brisben stated that Mr. Hilla had mentioned the green area in the corner and suggested to Mr. Kociuba that perhaps they could put in a rain garden in that area. Ms. Frith stated that she had not been inside a Dunkin Donuts in quite some time and thought the drive-through would be fantastic.

Mr. Jones asked Mr. Kociuba if a car coming into the first entrance would be expected to navigate in front of Lukoil along with the traffic going to the drive-through as well. Mr. Kociuba responded that this was correct and stated that at that entrance a car would enter and either continue across to the access aisle or just continue to the gas pumps.

Ms. Trainor stated her biggest concerns lie in the in and out in front of Dunkin Donuts where Mr. Kociuba indicated people would be exiting the drive-through onto Route 70. Ms. Trainor stated her concern is that if someone missed the first entrance, they may then make a right into the exit. Ms. Trainor stated that another concern she had was traffic may be increased on Ramshorn Drive and Old Bridge Road with the new drive-through configuration. Ms. Trainor stated it may be a problem for the owner if the line of traffic for the drive-through reached back onto Old Bridge Road or disturbed people who would be trying to get fuel. Ms. Trainor stated that the owner would have to educate people as there would not be the ability to walk into Dunkin Donuts for service. Mr. Kociuba stated he expected that would be addressed through signage as well as sight cues and that they would look to the franchise for direction. Mr. Kociuba stated that he believed that a drive-through only Dunkin Donuts is called by a different name so there would be an indication that it would only be a drive-through product.

Ms. Trainor asked Mr. Henderson if he had any other questions for the Board.

Mr. Henderson answered no and then stated that they are here before the Board to get an overview as to whether the switch from a sit-down operation to a drive-through operation would

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

present any special problems. Mr. Henderson stated they would provide professional traffic testimony, a Planning Engineer, would work on some of the issues raised by Mr. Hilla and would work with the franchise to see how to go about educating the public.

Ms. Trainor asked Mr. Henderson if the applicant had the support of Lukoil. Mr. Kociuba replied that the applicant had indicated that he does have that approval and could offer that information if the Board wanted it. Ms. Trainor asked Mr. Kociuba regarding the deli and the other commercial buildings that are on the corner, is there a way for people to make a right or does that not go through. Mr. Kociuba answered that currently, there is no driveway to that neighboring property. Mr. Hilla stated that he thought there was a small retaining wall there.

Mr. Henderson thanked the Board for giving them the opportunity for the informal presentation.

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

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Ms. Denise Murphy, Recording Secretary  
Approved: May 11<sup>th</sup>, 2021