

August 10<sup>th</sup>, 2021

BRIELLE PLANNING BOARD  
TUESDAY, AUGUST 10<sup>th</sup>, 2021

The Regular Meeting of the Brielle Planning Board was held on Tuesday, August 10<sup>th</sup>, 2021, at 6:00 p.m., virtually. Ms. Trainor read the OPMA compliance statement. Ms. Trainor announced it was time for the Salute to the Flag and a moment of silent prayer.

Roll call was taken:

Present: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Stenson. Corinne Trainor, Jim Maclearie, Chris Siano, Karen Brisben, Stephanie Frith (arrived at 6:40pm), Charlie Tice

Absent: Jay Jones

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 July 13<sup>th</sup>, 2021, this done by Karen Brisben, seconded by Councilman Garruzzo, and approved by unanimous vote, all ayes.

CORRESPONDENCE: May/June issue of the NJ Planner.

Ms. Brisben asked for an opportunity to address an issue on the agenda. Ms. Brisben stated she was informed by Mr. Hilla that the Board would not be able to hear the informal request, 424 Euclid Avenue, scheduled because the property is in a commercial zone and would be a use variance that would require a review from the Zoning Department.

Mr. Clark then stated that he had received a phone call a few minutes before the meeting from Attorney Michael Henderson regarding the last item on the agenda, 22 Crescent Drive. Mr. Clark stated that Michael Henderson said he had something unexpected come up and would not be able to appear at the meeting and then asked that it be carried. Mr. Clark stated that it would be carried to the September meeting.

OLD BUSINESS:

Approval of Resolution for Block 61, Lot 1, 1.01, 2, 2.01 32 Crescent Drive, owned by Thomas & Susan Young, to allow construction of a new dwelling.

**RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE APPLICATION OF THOMAS AND SUSAN YOUNG SEEKING VARIANCE RELIEF FOR CONSTRUCTION OF A NEW SINGLE-FAMILY DWELLING ON THE PROPERTY LOCATED AT 32 CRESCENT DRIVE IDENTIFIED ON THE TAX MAP OF THE BOROUGH OF BRIELLE AS BLOCK 61, LOTS 1, 1.01, 2 AND 2.01**

**WHEREAS, Thomas and Susan Young** (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 single-family dwelling on the property owned by the Applicants located at 32 Crescent Drive and identified on the tax map of the Borough of Brielle as Block 61, Lots 1, 1.01, 2, and 2.01 (collectively, 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 two-story dwelling with a wood deck, asphalt driveway, detached garage, and a shed; and

**WHEREAS**, the Applicants are proposing to demolish the existing structures and to construct a 2 ½ story single-family dwelling with detached garage and paver driveway, paver patio, and in-ground swimming pool on the Property as described more fully within the plans submitted with this application; and

**WHEREAS**, the Property is a corner lot which, pursuant to the Borough Code, is considered to have two front yards and where the rear yard is considered to be the yard opposite the primary access to the house for purposes of calculating setback and other code requirements; and

**WHEREAS**, the existing lot, the existing and proposed use, and the proposed accessory structures are all conforming with the zone, but the proposed principal structure is not conforming to the zone and requires variance relief; and

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

- (a) Rear yard setback—35 feet required; **10.33 feet proposed**;

- (b) Building height—35 feet maximum allowable; **37 feet proposed;**

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

- (a) grading plan prepared by Ray Carpenter, P.E., dated revised February 15, 2021;
- (b) architectural plans (7 reduced sheets) prepared by Michael Melillo, A.I.A., dated revised February 5, 2021;
- (c) boundary and topographic survey prepared by Justin J. Hedges, P.L.S. dated December 12, 2020;
- (d) an application package signed by the Applicants; and
- (e) a Zoning Permit denial letter from the Zoning Officer dated March 1, 2021; and

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

**WHEREAS**, the Planning Board held a hearing on this application on July 13, 2021; and

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

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

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

Ms. Trainor announced it was time to hear questions for Mr. Young from the Board. Ms. Brisben asked Mr. Young if the proposed garage would be put in the same place as the existing garage. Mr. Young replied that it would be very close. Ms. Brisben asked if the sheds in the rear yard would be removed. Mr. Young stated he did not plan on removing them. Ms. Brisben asked Mr. Young if he had plans to save the trees, especially along Green Avenue. Mr. Young replied

that he would try to save the trees. Ms. Brisben stated that Mr. Hilla had mentioned the erosion and curb replacement on the Green Avenue and asked Mr. Young if he would be fixing that. Mr. Young stated that he would be fixing that. Ms. Brisben asked Mr. Henderson if they had any DEP information because the property is on the water and stated that she was not even sure they would need approval. Mr. Henderson answered that they did not currently but would stipulate that his client would, to the extent necessary, comply with any permit requirements.

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

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

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

Mr. Henderson asked Mr. Melillo to describe the proposed project. Mr. Melillo stated that they were proposing demolishing the existing structure, existing garage, principal structure and building a 2 ½ story residence, 5- bedroom home, approximate 3600 square feet, a paver driveway, paver patio and inground swimming pool.

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

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

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

Mr. Henderson asked Mr. Melillo if he had an opportunity to review Mr. Hilla's Engineering Review Letter, dated June 21<sup>st</sup>, 2021. Mr. Melillo stated that he had reviewed the letter. Mr. Henderson asked Mr. Melillo if based on Paragraph 1, if he could confirm the correct Lot numbers. Mr. Melillo answered that they had been changed to the correct Lot numbers. Mr. Henderson stated that when referring to Paragraph 2, were the inconsistencies on the original submitted plans corrected on the plans. Mr. Melillo answered that it was corrected on the Engineer's Plan. Mr. Henderson stated that when referring to Paragraph 4, would the applicant comply with the replacement of curbing. Mr. Young replied that he would. Mr. Henderson stated when referring to Paragraph 5, would the applicant agree to some sort of screening for the mechanicals. Mr. Melillo responded yes and that they would prefer to use landscaping. Mr. Henderson stated by referring to Paragraphs 6 and 7, would the applicant submit the stormwater management plan to Mr. Hilla. Mr. Melillo replied that the plan would be revised. Mr. Henderson asked Mr. Melillo if based on Mr. Hilla's letter, Paragraph 8, would the applicant comply with any DEP permitting, as necessary. Mr. Young answered that he would. Mr. Henderson stated he had no further questions for Mr. Melillo.

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

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

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

Mr. Siano asked Mr. Melillo what the ridge height of the existing home was. Mr. Melillo stated he would have to guess and said the existing home may be 32 feet. Mr. Siano asked Mr. Melillo if they could look into pushing it a little further away than the rear yard line to give enough buffer possible to the adjacent property to the southeast. After some discussion between Mr. Siano and Mr. Melillo, Mr. Melillo stated that they would certainly listen or entertain any suggestions from the Board. Mr. Siano stated to Mr. Melillo that 15 feet would satisfy it but anything more

than 10 feet would be good. Mr. Melillo stated that he wanted the Board to know that there would be only windows on the back and that it would not be an accessible or usable rear yard.

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

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

Ms. Trainor announced it was time for questions for Mr. Merunka from the Board. Ms. Trainor asked Mr. Merunka if he would address the issues that Mr. Hilla raised in his letter, dated June 21<sup>st</sup>, 2021, Paragraphs 5 & 6 about the Grading Plan and runoff. Mr. Merunka responded that the area of erosion is at the inlet on Green Avenue. Mr. Merunka stated that the survey did not pick it up because it is fully covered by debris, but they would have the survey updated to identify it on the plans. Mr. Merunka stated that right between there and the slope, the ground is eroding and that they would restabilize the area according to New Jersey Erosion Road Standards. Ms. Trainor stated that Mr. Merunka's answer referred to Paragraph 7 and that her question had to do with the Grading Plan and runoff, Paragraphs 5 & 6, which state there would be pool equipment placed near the rear of the garage within the setbacks, questions screening, stormwater mitigation and the grading plan. Mr. Merunka answered that the applicant would provide a landscape screening for the pool equipment which would be shown on the revised plans. Mr. Merunka stated that there is currently no Ordinance in Brielle for recharge in a single-family home and that they had looked at the existing coverage and the proposed coverage and proposed impervious coverage is slightly lower than what is existing now. Mr. Merunka stated they would use downspouts and would direct the majority of the runoff in the backyard to Debbie's Creek. Mr. Merunka stated they would provide the revised grading plan showing that the water would not go onto the neighbor's property. Ms. Trainor asked Mr. Merunka is the coverage he was speaking about include the shed. Mr. Merunka replied that it did.

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

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

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

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

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

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

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

Ms. Brisben stated she felt it would be a great improvement and would make the whole area a lot nicer. Ms. Brisben stated that she was very glad to hear that they were going to try to save the trees and that she was for the application. Ms. Brisben stated that she felt Mr. Siano brought out some good points and stated that she would be satisfied with 13-feet from the rear yard property line.

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

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

Mr. Tice stated he agreed with what the other Board members had said and felt that 15-foot setback makes a lot of sense to him so he would support that.

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

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

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

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

Ms. Trainor asked for a motion to approve the application with the conditions Mr. Clark had listed.

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

- a. The correct fees were paid, taxes are paid to date and the property owners within two hundred (200') feet, as well as the newspaper, were properly notified.
- b. The Property is located within the Borough's R-3 residential zone.
- c. The Property is currently developed with a single-family two-story dwelling with a wood deck, asphalt driveway, detached garage, and a shed.
- d. The Applicants are proposing to demolish the existing structures and to construct a 2 ½ story single-family dwelling with detached garage and paver driveway, paver patio, and in-ground swimming pool on the Property as described more fully within the plans submitted with this application.
- e. The existing lot, the existing and proposed use, and the proposed accessory structures are all conforming with the zone, but the proposed principal structure is not conforming to the zone and requires variance relief.



- f. The Applicants are seeking the following variance relief through this application (the variances sought are highlighted in bold type below): (i) Rear yard setback—35 feet required; **10.33 feet proposed**; (ii) Building height—35 feet maximum allowable; **37 feet proposed**.
- g. The Property is a corner lot which, pursuant to the Borough Code, is considered to have two front yards and where the rear yard is considered to be the yard opposite the primary access to the house for purposes of calculating setback and other code requirements.
- h. Based upon the orientation of the proposed dwelling on the Property and its primary access point, the rear yard would be the yard along the common property boundary with Lot 3, while the side yard would be the yard adjacent to the waterway and dockage.
- i. The Applicants' proposed improvements would satisfy the setback requirements for side yards, but do not satisfy the setback requirements for rear yards since the yard facing the common property boundary with Lot 3 is considered to be a rear yard due to the Property being a corner lot.
- j. The fact that the Property is on a corner lot creates a hardship on the Applicants' development of their Property.
- k. At the hearing, certain Board members acknowledged that it was not possible for the Property to have a 35 foot rear yard setback as required by the Borough Code, but asked the Applicants if the proposed house could be moved to provide a greater setback for the rear yard than the 10.33 foot setback proposed by the Applicants.
- l. The Applicants and their professionals testified that the existing house on the Property currently has a 7 foot setback for the rear yard and that the development proposed through this application is actually improving the conditions on the Property by reducing the scope of the deviation from the Borough's setback requirements.
- m. The Applicants and their professionals also testified that there are numerous mature trees on the Property and that they are attempting to preserve as many of these trees as possible and to develop the Property in a manner which is consistent with the layout and landscaping of the current structures existing on the Property.
- n. In order to accommodate and to address the Board members' concerns, however, the Applicants testified that they would be willing to move the proposed house so that it will have a 13 foot setback from the rear yard rather than the 10.33 foot setback that they originally proposed.

- o. With regard to the variance for the height of the house, the Applicants and their professionals presented testimony that due to the topography of the Property and the required flood plain elevations, the house is already starting out with an elevation of 5 ½ feet from the center line of the roadway before measuring from the first floor of the proposed house, and that the proposed house itself is consistent with the height of other homes in the neighborhood and with the generally accepted industry standards for a 2 ½ story home.
- p. The base flood elevation in this zone creates a hardship on the Applicants' development of their Property.
- q. By reason of the size, shape, and topography of the Property, it would be a hardship to the Applicants to comply with the requirements of the Borough Code, and the development being proposed by the Applicants is consistent with other development in the neighborhood.
- r. The purposes of the Borough Code would be advanced by this proposed development and the benefits of the variances sought outweigh any detriments.
- s. This application and the variance relief sought therein advances the purposes of the Municipal Land Use Law, does not cause any substantial detriment to the public good, and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.
- t. The Board has therefore determined that it is appropriate to approve this application and to grant the Applicants' revised request made during the hearing for a variance allowing a 13 foot rear yard setback, and the Applicants' request for a variance allowing a height of 37 feet for the proposed house to be constructed on the Property.

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

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

Noes: None

Absent: Jim Maclearie

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

- a. Within forty-five (45) days of the date of adoption of this Resolution, the Applicants shall file five (5) sets of revised plans with the Planning Board Secretary in order to reflect all of the changes to the application discussed at the hearing and identified within the June 21, 2021 technical review letter prepared by the Board's Engineer and Planner Alan Hilla of H2M Associates, Inc., including but not necessarily limited to the following:
  - (i) to move the proposed house so that there is a 13 foot rear yard setback;
  - (ii) to revise all application documents to eliminate any inconsistencies regarding the lot numbers comprising the Property and to consistently indicate that the Property is collectively comprised of Block 61, Lots 1, 1.01, 2, and 2.01;
  - (iii) to amend the Grading Plan and any other relevant plans to show that the rear yard of the Property is the yard adjacent to the common property boundary with Lot 3 and that the side yard of the Property is the yard adjacent to the waterway and dockage;
  - (iv) to amend the Grading Plan and any other relevant plans to eliminate any inconsistencies regarding the proposed building height and to consistently indicate that the proposed building height is 37 feet;
  - (v) to amend the Grading Plan and any other relevant plans to indicate that the two existing sheds will remain on the Property and to revise the plans to reflect the building coverage calculation resulting from the inclusion of these sheds;
  - (vi) to amend the Grading Plan and any other relevant plans to show the landscaping that will be provided to screen the proposed mechanical equipment (i.e. generator, pool, and A/C) on the Property; and
  - (vii) to amend the Grading plan and any other relevant plans to show the on-site recharge system that will be provided by the Applicants in order to mitigate or eliminate runoff to the adjoining property and Crescent Drive while maximizing discharge to Debbie's Creek.
- b. The Applicants shall replace the concrete curb along the frontage of Green Avenue and Crescent Drive and shall extend the curb along Green Avenue to the existing inlet adjacent to the guiderail. All such work shall be made to the satisfaction of the Board Engineer who may review the plans (if any) for this work, inspect the work as it is performed and/or after it is completed, and may direct the Applicants to make any changes to it that he deems necessary and appropriate.
- c. The Applicants shall provide screening for the proposed mechanical equipment (i.e. generator, pool, and A/C) on the Property through landscaping or other

equivalent screening. Such screening shall be reviewed and approved by the Board Engineer and the Applicant shall make any changes to such screening as directed by the Board Engineer.

- d. The Applicants shall design and install a stormwater recharge system in order to mitigate or eliminate runoff to the adjoining property and Crescent Drive while maximizing discharge to Debbie's Creek. Prior to its installation, the plans for this on-site stormwater recharge system shall submitted be to the Board Engineer for his review and approval, and the Applicants agree to comply with any revisions to the system proposed by the Board Engineer.
- e. The Applicants shall restabilize the portion of the front yard along the Green Avenue frontage which has suffered significant erosion. Such stabilization work shall be performed according to New Jersey Erosion Road Standards. All such work shall be made to the satisfaction of the Board Engineer who may review the plans (if any) for this work, inspect the work as it is performed and/or after it is completed, and may direct the Applicants to make any changes to it that he deems necessary and appropriate.
- f. The Applicants shall use good faith efforts to preserve the trees that are currently located on the Property.
- g. The Applicants shall obtain all approvals required from outside agencies, including but not limited to the New Jersey Department of Environmental Protection, for the construction of the improvements described herein on the Property.
- h. The Applicants shall pay all taxes and other applicable assessments, costs and fees to date, as applicable;
- i. 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;
- j. 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 James Stenson, seconded by Karen Brisben and then by the following roll call vote:

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

Noes: None

Not eligible to vote: Jim Maclearie

Absent: Stephanie Frith, Jay Jones

#### OTHER OLD BUSINESS:

Continuation of variance relief hearing for Block 43.01, Lot 17, 623 Green Avenue, owned by Ryan Burlew, to allow construction of a new home. Minimum Lot Width — 75 feet required, 58 feet existing. Front Setback (principal to Homestead Road) — 25 feet required, 15 feet proposed. Front Setback (accessory garage to Green Avenue) — 25 feet required, 14.0 feet proposed. Front Setback (accessory pool to Green Avenue) — 25 feet required, 13.2 feet proposed. Front Setback (principal/deck to Green Avenue) — 25 feet required, 16.3 feet proposed. Rear Setback (accessory garage) 16 feet required, 12.1 feet proposed. Accessory Building Height (garage) — 18 feet maximum allowable, 24 feet proposed. Lot Coverage — 20% maximum allowed, 20.9% proposed. Two-car Garage — 600 square feet allowable, 1,500 square feet proposed.

Attorney John Giunco from Giordano Halleran & Ciesla Law Firm announced he was appearing on behalf of the applicant. Mr. Giunco began by saying at the last meeting they had presented the testimony of the architect, Michael Millemann. Mr. Giunco stated that Mr. Millemann had completed his testimony and cross examination. Mr. Giunco stated that he had introduced Jason Burneyko as the Civil Engineer for the project but announced that Mr. Burneyko was not available to attend this hearing. Mr. Giunco then called Mr. Jason Schooling, Civil Engineer, PS&S & DW Smith Engineering. Mr. Schooling was sworn in by Mr. Clark.

Mr. Giunco asked Mr. Schooling to present to the Board his credentials as a Licensed Professional Engineer. Mr. Schooling stated he graduated with a BS in Civil Engineering from NJIT in 2006, had a license as a Professional Engineer in NJ, a Professional Planner in NJ, a Certified Flood Plain Manager and Vision Sustainability Professional. Mr. Schooling stated he had appeared before several Boards in New Jersey. Mr. Giunco asked that Mr. Schooling be accepted by the Board in the field of Civil Engineering. Ms. Trainor replied that Mr. Schooling was accepted as an expert.

Mr. Giunco displayed an exhibit, marked A-5, and stated that this was the Site Plan. Mr. Giunco asked Mr. Schooling if this was an exhibit that he and others under his direction had worked on and asked if he would describe the design. Mr. Schooling replied that it was and began describing Exhibit A-5. Mr. Schooling stated that the site is known as 623 Green Avenue, is a corner lot that had frontage along 3 roads, triangular in nature, had an existing non-conforming lot width of 58 feet where 75 feet is required and was in the R-4 zone.

Mr. Schooling stated that applicant is proposing to construct a 2-story dwelling with an associated garage and pool in the backyard. Mr. Schooling stated the proposed dwelling would be 3,360 square feet with a porte cochere along the frontage on Homestead Road, wrap around porch and a wooden deck in the rear. Mr. Schooling stated that associated with that were different variances, a front yard variance off of Homestead Road and a setback variance off of Green Avenue. Mr.

Schooling stated that the dwelling was completely within the approved building envelope and that only the porte cochere and wood deck would intrude into the setbacks.

Mr. Schooling stated that based on the Board's recommendation, the pool has been re-orientated so that it would meet the building code of being more than 10 feet away from any structures. Mr. Schooling stated that the pool would be 10 feet away from the deck and the proposed garage. Mr. Schooling stated they were proposing a 4-foot vinyl fence and landscaping along the entire back yard to maintain a visual barrier from the street to the pool.

Mr. Schooling said they were proposing a 1500 square foot garage which would be utilized for boat storage and commercial vehicles. Mr. Schooling stated that the Borough had a requirement in an Ordinance that stated no outdoor storage of boats or commercial vehicles is permitted within the R-4 zone. Mr. Schooling did not specify the number of that Ordinance. Mr. Schooling stated because of that, the garage was designed for that purpose. Mr. Schooling stated that there were setback variances requested associated with the garage.

Mr. Schooling stated that there was a proposed driveway on the site. Mr. Schooling stated that in a Borough Ordinance it stated that only one driveway is permitted on a corner property and must be provided on the street that has lower traffic volume. Mr. Schooling stated that in this case it would be Homestead Road. Mr. Schooling did not specify the number of that Ordinance. Mr. Schooling stated the applicant was requesting 2 curb cuts, one along Homestead Road and one along Green Avenue. Mr. Schooling stated that they had recently received a letter from the Chief of Police stating that they determined that entering and exiting off Green Avenue would not cause an adverse impact to traffic and was not a concern. Mr. Schooling stated that the Green Avenue driveway would be a one-way entrance and an exit off of Homestead Road.

Mr. Schooling stated they were proposing a fence that would run along the rear property line and would have frontage along Green Avenue, Union Lane, and the residential lot to the northwest. Mr. Schooling stated it would be a 4-foot-high fence in most cases, except for along Union Lane within the sight triangle at the intersection of Union Lane and Green Avenue where it would be reduced to 3-feet. Mr. Schooling stated that the applicant had agreed to work with the Borough Engineer in order to design any landscaping along Union Lane.

Mr. Schooling stated there were 3 drywells proposed, one adjacent to the proposed dwelling, one along Union Lane, behind the garage, and one next to the garage closer to Green Avenue in between the garage and pool. Mr. Schooling stated they were also proposing a swale going along the residential lot line.

Mr. Schooling stated that the applicant would agree to an easement to the Borough along Union Lane in order to maintain the sidewalk and public improvements.

Mr. Giunco asked Mr. Schooling to describe to the Board how, at the Union Lane intersection, the 4-foot section of fence would become 3 feet and asked if there would be a fence section to enclose the pool. Mr. Schooling answered that at Union Lane and a portion of the southwest corner of Green Avenue, within the sight triangle at the intersection, it would lower to 3 feet and the remainder of the enclosed backyard area, around the pool and around the garage would be 4 feet.

Mr. Giunco asked Mr. Schooling to describe the screening proposed for the pool equipment. Mr. Schooling replied that it would be an evergreen planting screening as well as a 4-foot vinyl fence that would go around the entire backyard.

Mr. Giunco asked Mr. Schooling if he had the opportunity to consider variances that were requested from an engineering perspective and if he had drawn any conclusions. Mr. Schooling reviewed and described the variances proposed by the applicant. Mr. Giunco asked Mr. Schooling if, from an engineering perspective, the variances would be justified based on the testimony and the conditions proposed to date. Mr. Schooling answered that he believed that the Board could provide relief because there were a lot of positives, no negatives, the screening would adequately provide blocking from the garage, pool or deck that are closer to the setbacks, the building itself would be lying within the building envelope and only the porte cochere and deck would be intruding into the setback itself. Mr. Schooling continued by saying that any increase in impervious coverage on the site beyond what is permitted is de minimis and would be handled by the proposed stormwater system. Mr. Giunco asked Mr. Schooling if, from an engineering perspective, he thought that this would upset the zoning scheme or health and safety of the community if the variances were granted. Mr. Schooling replied that he did not see any negative impact to those things.

Mr. Giunco announced that he had no further direct questions for Mr. Schooling. Ms. Trainor announced that it was now time for questions from the Board for Mr. Schooling.

Councilman Garruzzo stated he understood the applicant's intent for the garage and asked Mr. Schooling if it was necessary for it to be 23 feet tall. Mr. Giunco replied that he would ask the architect to consider that, discuss it with the applicant and come back to address if there was the ability to lower the height. Mr. Giunco stated that the height was proposed to follow the same slope line as the roofline on the main house and then asked to have that question deferred.

Mr. Maclearie asked Mr. Schooling what kind of commercial vehicle or equipment would be stored in the garage. Mr. Giunco answered that the vehicle is a commercial Dodge pickup truck that is used in the applicant's business. Mr. Giunco stated that there would also be two boats. Mr. Maclearie asked if the garage would be used as a work shed to work or if it would be the applicant's personal garage. Mr. Giunco answered that it would be used as the applicant's personal garage.

Mr. Clark stated that he believed that last month the architect had testified that they were looking for an approval for a 24-foot garage and now the engineer stated 23-feet and asked Mr. Giunco to clarify that. Mr. Giunco stated that the application did state 24-feet. Mr. Giunco stated they would come back and clarify that.

Ms. Brisben asked why the applicant would need to keep a boat in a garage when there is a dock a block away. Ms. Brisben then asked Mr. Clark if it were correct that the Municipal Land Use Law states that variances should only be approved if they benefit the town and not just the applicant. Mr. Clark replied that there are two kinds of variances, C-1 variances that relate to the topography of a property and whether a hardship is created because of the property and C-2 talks about a benefit not to just to the applicant but to the public at large. Ms. Brisben asked Mr.

Schooling if he would clarify which variance they were seeking for the garage. Mr. Schooling stated he would defer to the planner for the answer. Ms. Brisben stated to Mr. Schooling that on the plot plan it shows a car exiting onto Green Avenue and asked Mr. Schooling if it were possible to make the driveway a L shape driveway instead. Mr. Schooling stated that the plan Ms. Brisben was referring to had been revised to show only a one-way ingress off of Green Avenue. Mr. Giunco stated that the original plan did show a full-service driveway but based on Mr. Hilla's recommendation, it became a one-way entry. Ms. Brisben asked Mr. Schooling how wide the driveway at Green Avenue is. Mr. Schooling replied that it was 14 feet.

Ms. Trainor asked Mr. Schooling if it was correct that they were proposing a setback of 9.6 feet on Green Avenue to the pool. Mr. Schooling answered that the 9.6 feet is a spot elevation and that it would be set back 13.2 feet off Green Avenue.

Mr. Hilla asked Mr. Schooling how large the boats were that would be stored in the garage. Mr. Schooling answered that the boats were 34 foot and 21 foot long.

Ms. Trainor announced it was the time for questions for Mr. Schooling from the public. Hearing none, Mr. Giunco called Mr. Andrew Janiw, Licensed Professional Planner. Mr. Giunco stated he would be offering him as an expert in the field of Professional Planning. Mr. Janiw was sworn in by Mr. Clark. Mr. Janiw stated he was a principal in Beacon Planning and Consulting Services located in Colts Neck, New Jersey.

Mr. Giunco asked Mr. Janiw to present his licensing and credentials to the Board. Mr. Janiw replied that he had a bachelor's and master's degree in Civil Engineering from NJIT, a Professional Planners License and was a member of the American Institute of Certified Planners. Mr. Janiw stated he is currently serving as the Planner for the Borough of Carteret, Middlesex County, the Township of Livingston, Essex County and as a redevelopment advisor to Toms River, South Amboy, Flemington, Plainsboro, and Neptune City. Mr. Janiw stated he had appeared before this Board previously as well as others throughout and had been qualified as an expert in Land Use Planning by the Superior Court of New Jersey.

Mr. Giunco asked the Board to accept Mr. Janiw as an expert in the field of Professional Planning. Ms. Trainor stated Mr. Janiw was approved.

Mr. Janiw stated he had reviewed the Borough's Ordinances, the Borough's Master Plan, Mr. Hilla's review letter, visited the site and the surrounding neighborhood and then formulated the opinions relative to the variances being sought.

Mr. Janiw stated the lot was significantly oversized. Mr. Janiw stated the lot was in the R-4 single family zone which requires 5000 square foot minimum lot area for an interior lot and 7500 square foot lot area for a corner lot. Mr. Janiw stated that this lot was 23,237 square feet, which is more than three times the maximum lot size required within the zone.

Mr. Janiw stated that the garage is proposed to house Mr. Burlew's pickup truck and provide winter storage of two boats. Mr. Janiw stated he wanted the Board to remember that the Borough



Ordinance stated that boats are permitted to be stored in driveways so storing the boats outside would be the alternative.

Mr. Janiw stated that this property was in a transitional district and that Green Avenue acted as a buffer between the residential community and the commercial neighborhood. Mr. Janiw stated that Mr. Burlew carefully considered the property to buffer the residential neighborhood from the commercial users.

Mr. Janiw displayed an Exhibit A-6 and described it as an aerial photograph prepared by his office from the ESRI website, which was essentially a GIS database. Mr. Janiw pointed out the property, a parking lot, the marina, multi-family housing and single-family homes. Mr. Janiw pointed out other lots in the area that had two driveway access points similar to the configuration proposed.

Mr. Janiw stated that he had looked at the Borough's Master Plan and its objectives. Mr. Janiw stated the Master Plan was very protective of residential neighborhoods and asked if he could read into the record that it includes principles and points that require an application to promote and enhance a visually desirable environment, to encourage the coordination of numerous public and private regulations and activities which influence land development towards a goal of producing efficient use of land with the appropriate type of development and scale, encouraging residential development at densities that were compatible with existing developmental patterns and to consider and evaluate innovative developmental proposals that would enhance and protect the features of a property.

Mr. Janiw stated that when looking at this property on a gross density basis as would be in Master Planning, the property was 3 to 3 1/2 times the size that would typically be proposed in the R-4 Zone so they tried to create consistent with the zone pattern of the single-family homes nearby. Mr. Janiw stated that the configuration of the lot was unique in terms of protecting the character of the neighborhood.

Mr. Janiw stated that the property has no rear yard, only 3 front yards and a side yard which created difficulties in terms of properly locating accessories, such as the garage or pool. Mr. Janiw stated what Mr. Burlew was trying to do with the oversized garage was to create a buffer to the pool so any noise associated with the pool is screened to the neighbors while creating an interior storage area for boats and a commercial vehicle. Mr. Janiw stated that they felt this was a superior alternative than leaving them in the driveway which would be permitted. Mr. Janiw stated that the garage would also serve as a buffer to the properties from the commercial uses further south. Mr. Janiw stated that his impression as a planner was that this was a very thoughtful layout of the property in terms of the orientation of the home, garage and pool and would not have any type of detrimental impact or visual intrusion.

Mr. Janiw referred to Municipal Land Use Law 40:55D-2, 40:55D-2(g) and 40:55D-2(i), 40:55D-2(m) and read them into the record. Mr. Janiw stated he believed that the application promotes three of the purposes of zoning, thereby providing a public benefit. Mr. Janiw stated that a lot of thought was given into the orientation of the home, the elements of the home, and the port cochere, Mr. Janiw stated that the home would not be modern looking but would blend with the architecture and style of the community. Mr. Janiw stated that he believed the application would provide a

desirable environment and would be efficient and that the traffic pattern proposed would have minimal impact on Homestead Road and the community.

Mr. Janiw stated that the Borough's Ordinance does allow boats to be stored within the driveway, but that Mr. Burlew would prefer to screen those from the neighbors and thought the better alternative would be to store them within an enclosed area which meant they would have to configure the garage to accommodate that.

Mr. Janiw stated that all the variances requested could be justified under the C-2 or balanced criteria. Mr. Janiw stated that the balance test is essentially a five-pronged test, three to the positive and began explaining those to the Board. Mr. Janiw stated the first is that the application relates to a specific piece of property which Mr. Janiw stated it did. Mr. Janiw stated the second is that the purpose of the Municipal Land Use Law would be advanced and stated that he had already read them to the Board. Mr. Janiw stated that the third was that the variance could be granted without detriment to the public good and stated that the engineer had previously gone through the variances and had concluded that there would be no detriment to the public. Mr. Janiw stated he believed that there would be no detriment with respect to traffic, trash, noise and would be developed as anticipated in the zone plan, at a lesser intensity.

Mr. Janiw stated he believed that the Board had the ability to grant the variances based on the evidence and testimony presented.

Ms. Trainor announced that there was a 45-minute cap on applications but then stated that since two of the applications had been carried and if there were no objections from the Board, they could finish up with Mr. Janiw. Ms. Trainor stated she did not hear any objections and announced it was time to hear questions for Mr. Janiw from the Board.

Ms. Brisben asked Mr. Janiw if he could justify an oversized garage being visually desirable right on the corner of Green Avenue and Union Lane. Mr. Janiw stated that it came down to a better zoning alternative because the alternative would be to store the boats in the open and that the garage would be designed to be compatible with the house. Mr. Brisben asked why the driveway going out to Green Avenue would be 14-feet wide if it is intended to be an ingress only. Mr. Janiw answered that he would have to defer to the engineer. Ms. Brisben stated that she would like to hear the answer to her question from the engineer if he was available. Mr. Schooling answered that the driveway could be reduced to 12-foot if needed. Mr. Schooling stated that the 14 feet was on the plan when it was proposed as a 2-way driveway and had not been reduced when it was changed to a one-way driveway.

Ms. Brisben asked Mr. Hilla if there was anything in the Zoning Ordinances that spoke about a boat being a certain size to be allowed in a driveway. Mr. Hilla referred to Code Section 21-9.22 and read that the maximum length of a boat that can be stored outside on a residential lot would be 26-feet. Ms. Brisben stated that the applicant would not be able to leave his boat in the driveway as they had testified, they would have to store it at a dock. Mr. Janiw stated the applicant did have a boat that was 21-foot long. Ms. Brisben stated she was referring to the boat that they said was 34-foot long. Mr. Janiw replied that the garage was configured to store both boats.

Ms. Trainor read into the record Ordinance 21-9.22. Ms. Trainor and stated that it appeared that she and the Board were concerned with the garage and did not appreciate the proposal that the applicant would just leave the boat in the driveway if the garage were not approved. Ms. Trainor stated she had heard the testimony about the unique shape of the lot would affect the setback and asked Mr. Janiw how that would affect the size or height of the garage. Mr. Janiw replied that the size and height of the garage was configured in order to store the vehicles that were entered into testimony.

There were no other questions from the Board, but several other members expressed concern over the size of the garage and felt it should be reduced.

Mr. Giunco stated that based on what the Board members had stated, his client and architect would like to have the opportunity to try to design a garage that would be more acceptable and asked if the application could be carried to the next meeting. Ms. Brisben stated that the September meeting was full and did not think that there would be room to carry this application to September. Mr. Giunco asked the Board if the application could be added to September with a clear understanding that only if there was room, they would be heard. Ms. Brisben suggested that the Board carry this application to September and that the Board could announce at that meeting if the application would be heard or carried. Mr. Giunco thanked the Board and stated that they would work hard to design a garage that everyone would be happy with and still meet Mr. Burlew's requirements.

NEW BUSINESS: Application for variance relief for Block 56, Lot 8, 105 Lake Avenue, owned by Michael & Lorraine Zimmermann, to allow construction of a garage and in-ground pool. Maximum Lot Coverage — 20% allowed, 21.5% existing, 25.4% proposed. Structure to Pool — minimum separation of 10 feet required, 5 feet proposed (from garage). Driveway — not conforming to the zone.

Mr. Siano stated to the Board that he would need to abstain from this application.

Attorney Mark Aikins announced he would be appearing on behalf of applicants, Michael, and Lorraine Zimmermann. Mr. Aikins asked Mr. Clark to confirm the Board jurisdiction by accepting his service package. Mr. Clark answered that the Board would accept jurisdiction. Mr. Aikins stated that this was an application for the Zimmermann family home, 105 Lake Avenue, purchased in January 2021. Mr. Aikins stated that the Zimmermanns had obtained a building permit, number 21-0099, from Brielle on April 20<sup>th</sup>, 2021, and then received an email from Brielle's Zoning Officer that she had made an error in her Zoning Permit Authorization in regard to the calculation of the lot coverage.

Mr. Aikins stated the applicant was here primarily for the lot coverage and approval of a detached garage. Mr. Aikins stated the proposed garage would be 18 x 22 foot, would meet the height requirement of 15 foot and would meet side and rear yard setbacks for the accessory structures in the R-4 Zone.

Mr. Aikins asked that Mr. Peter Burdick be sworn in. Mr. Burdick was sworn in by Mr. Clark. Mr. Burdick stated he was a principle at RC Burdick P.E-, P.P-, P.C in Point Pleasant, New Jersey, a

Professional Engineer since 1979, Professional Planner since 1989, and had been before this Board before.

Ms. Trainor stated that the Board accepted Mr. Burdick's qualifications and recognized him as an expert planner and engineer.

Mr. Aikins asked Mr. Burdick if he were familiar with the Zimmermann residence and if he would tell the Board what the applicant was seeking to do. Mr. Burdick replied that he was familiar with the residence and that the project was for the construction of an 18 x 22-foot garage and a 12 x 24-foot inground swimming pool. Mr. Burdick stated that the applicant was requesting a variance for additional building coverage for a garage and that the building coverage would be 25.4% where 20% is required.

Mr. Burdick referred to Mr. Hilla's letter and stated that Mr. Hilla's had questioned the door entry into the garage. Mr. Burdick stated that the door would be a side entry door which would not be used often, would be within 5-foot of the pool and that the pool coping, and sidewalk would provide access to that. Mr. Burdick stated that the main access to the garage would be through the main garage doors. Mr. Burdick stated that since they were at 50% maximum of impervious coverage, they would be taking up some paving stones to make sure that they did not exceed that coverage characteristic.

Mr. Burdick stated that in regard to the setbacks for the pool, Mr. Burdick stated that the pool complies with the Borough's Ordinance. Mr. Burdick stated they were 35-feet from the principal building. Mr. Burdick stated that the applicant had received approval from the Construction Code Official for the plan of the pool in that location.

Mr. Burdick stated that the other issue Mr. Hilla brought up in his letter was in regard to stormwater. Mr. Burdick stated that stormwater goes to the rear left, southwest corner of the property and that they were proposing a recharge facility there to capture and recharge stormwater, principally from the garage but added that the pool would also hold stormwater. Mr. Burdick stated that there were some periodic flooding and stated that the proposed recharge structure would mitigate that, and that the property was in the 100-year floodplain.

Mr. Burdick stated that the proposed plan does comply with impervious coverage. Mr. Burdick stated that they believed garages were a desirable amenity for single-family homes and that many of the adjacent homes in the area had garages in the rear yard, so the proposed structure would not be unusual for the area. Mr. Burdick stated the plan was designed to comply with the Borough's standards for impervious coverage so he felt the Board could be assured adequate air, light and open space would be provided. Mr. Burdick stated that the lot was surrounded by a 6-foot vinyl fence. Mr. Burdick stated that they believed that the proposed plan would be an appropriate use in an appropriate location and a significant aesthetic improvement to the property. Mr. Burdick stated they believed that the variances could be granted without substantial detriment to the Zoning Ordinance, the Borough's Master Plan or the public good.

Mr. Aikins stated that he had no further questions for Mr. Burdick. Ms. Trainor announced that it was now time to hear questions for Mr. Burdick from the Board.

Councilman Garruzzo asked Mr. Burdick if there were a way to make the bulk variance less than 25.4%. Mr. Burdick stated that it would be extremely difficult, that the existing home was 21.5, the proposed garage was 18 x 22 foot, which Mr. Burdick stated was relatively small for a garage. Mr. Burdick stated that he felt it was appropriate for the site.

Mr. Maclearie asked Mr. Hilla if the garage was too close to the pool. Mr. Hilla answered that he believed that Mr. Burdick characterized properly that it was 10-feet from the principal structure. Mr. Hilla stated that the real issue is the close proximity of a building to a pool which could lend itself to people jumping off the roof into the pool. Mr. Hilla stated it was a safety thing that the former Building Official used to stress. Mr. Aikins stated that this would be a one store structure with no windows, no loft, and no access to the roof.

Ms. Brisben asked Mr. Burdick if the garage would be 15-foot high and what the purpose of the side door was. Mr. Burdick responded that the applicant would consider removing the side door. Ms. Brisben asked Mr. Hilla why he stated in his report that the driveway was not conforming. Mr. Hilla answered that the driveway is an existing condition but that there is a setback requirement for all accessory structures including driveways. Mr. Hilla stated that it appeared to be virtually right on the line.

Mr. Tice asked Mr. Burdick if there would be a fence tie in on the front, left side of the garage to the current fence to preclude people from walking around the garage to the pool. Mr. Burdick answered that the fences were from the porch back to the garage on the north side of the driveway and also at the rear of the house.

Ms. Trainor stated her question involved lot coverage and the recharge system that the applicant is proposing. Ms. Trainor asked Mr. Burdick why they chose that particular one and why they thought it would be adequate. Mr. Burdick replied that the 1 in 12 capacity was commonly used but that they could expand the system to the north side of the house to provide additional stormwater storage and then stated that the property was well below flood elevation. Ms. Trainor asked Mr. Hilla if he had any recommendations. Mr. Hilla answered that they could make the recharge system larger to accommodate additional water, so it was not maximized every time it rained given the proximity to the groundwater and the grading of the lot. Mr. Hilla stated enhancing it a little bit would not hurt and could help alleviate further discharge or overflow onto the neighboring property. Mr. Burdick stated that they would expand it throughout the rear yards and continued by saying that the existing roof leaders to the existing house would go to the front total recharge pit so the home would be taken care of as well.

Mr. Aikins asked Mr. Burdick if he would stipulate to working with Mr. Hilla to enhance the proposed recharged system so that the concerns as to the exceeding the current 21.5% lot coverage to the proposed 25.4% would be more adequately covered. Mr. Burdick stated that they would agree to work with Mr. Hilla.

Mr. Aikins stated that he was hopeful that if the applicant moved the door from the west side to the east side and stipulated to not having a pedestrian access door on the west side, that hopefully that would address the Board's concern. Mr. Hilla stated that having that door out of harm's way

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near the pool would achieve what he envisioned. Mr. Aikins thanked Mr. Hilla and stated that he thought that would be a good resolution to the issue.

Ms. Trainor announced it was now time to hear question for Mr. Burdick from the public. Hearing none, Ms. Trainor asked the Board if they had any comments with respect to the application.

Mayor Nicol stated he was happy with the application and the changes discussed between Mr. Hilla and Mr. Burdick and thought it would work out fine.

Councilman Garruzzo stated that it appeared there were no residents from the area that had any objections and although he thought the lot coverage was a little bit high, he did not see any issues with the application.

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

Mr. Maclearie stated that he felt moving the door to the other side was a great option.

Ms. Brisben stated she thought the garage was a little big, but it would be behind the house and would not be seen from the street. Ms. Brisben continued by saying that she felt moving the doorway was an excellent idea and liked that they had agreed to work on the recharge system. Ms. Brisben stated she was for the application.

Ms. Frith stated she though it looked great.

Mr. Tice stated he would support the application.

Ms. Trainor stated she appreciated the applicant's willingness to work to mitigate any issues that might be the cause of maximum lot coverage and that no member of the public had come and voiced any concerns or had questions.

Ms. Trainor announced it was now time to hear comments from the public. Hearing none, Ms. Trainor asked Mr. Clark to go through any stipulations that had been made during the application. Mr. Clark stated that the applicant had agreed to move the door from the west side to the east side of the garage and that the applicant had agreed to work with the Board Engineer to increase the recharge system in a manner acceptable by the Board Engineer. Mr. Clark stated that once those two things occurred, the applicant would need to submit revised plans showing those changes to the Board Secretary. Mr. Clark stated those were the only stipulations besides the standard conditions that would apply to any application.

Ms. Trainor asked for a motion to approve the application with the conditions Mr. Clark had listed. Mayor Thomas Nicol made a motion, seconded by Councilman Frank Garruzzo, and followed by the roll call vote.

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Stenson, Corinne Trainor, Jim Maclearie, Karen Brisben, Stephanie Frith, Charlie Tice

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Noes: None

Not eligible to vote: Chris Siano

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

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Denise Murphy, Recording Secretary  
Approved: September 14<sup>th</sup>, 2021