

February 8th, 2022

BRIELLE PLANNING BOARD
TUESDAY, FEBRUARY 8th, 2022

The Regular Meeting of the Brielle Planning Board was held on Tuesday, February 8th, 2022, 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, Corinne Trainor, Jim Maclearie, Chris Siano, Karen Brisben, Stephanie Frith, Jay Jones, Charlie Tice

Absent – James Stenson

Also present were Mr. David Clark, Board Attorney, Mr. Alan Hilla, Board Engineer and Ms. Denise Murphy, Recording Secretary. There were 32 people in the audience.

A motion was made to approve the Minutes of January 11th, 2022, this done by Karen Brisben, seconded by Jim Maclearie, and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Corinne Trainor, Jim Maclearie, Chris Siano, Karen Brisben, Stephanie Frith, Jay Jones, Charlie Tice

Abstained: Councilman Frank Garruzzo

Noes: None

OLD BUSINESS:

Application for variance relief for Block 60, Lot 17, 9 Crescent Drive, owned by Peter & Katelynn Capiello, to allow renovations & addition to a single-family dwelling. Side Yard Setback —10 feet required, 5.67 feet existing to southerly side, 6 feet proposed; 9.58 feet existing & proposed to northerly side second story. Maximum Building Coverage — 20% allowed, 25.9% existing & 27.8% proposed. Existing Nonconforming Conditions: Lot Area — 11250 square feet minimum required, 7, 268 square feet existing; Lot Width —75 feet minimum required, 60 feet existing; Lot Depth — 125 feet minimum required, 111 feet existing; Rear Yard Setback — 35 feet required, 33.5 feet existing.

Mr. Siano stated it was necessary for him to abstain from this application.

Attorney John Giunco, Giordano, Halleran & Ciesla, announced he was here for the applicant and Attorney Edward Liston announced that he was here for Mr. Peter Petracco and several neighbors who were interested parties in this matter.

Mr. Giunco began by saying that they have modified the plans in response to comments made by the Planning Board and had the opportunity to meet with Mr. Liston's clients. Mr. Giunco stated that construction started in January 2021 and was halted in May of 2021 after a substantial portion of the work was underway and completed. Mr. Giunco stated the Borough allowed the applicant to wrap the building, add the roof and install windows to protect the interior.

Mr. Giunco stated they were seeking several variances and called Mr. Scott Nicholl, Tekton Architectural Studio, to testify. Mr. Nicholl was sworn in by Mr. Clark. Mr. Giunco asked Mr. Nicholl to list his licensing, education, and training. Mr. Nicholl replied that he had been licensed since 2016, had been practicing in the shore area, and prior to that received a master's degree in architecture from NJIT and his undergraduate at Rutgers University. Mr. Giunco asked if the Board accepted Mr. Nicholl as an expert in the field of architecture. Ms. Trainor stated the Board did recognize Mr. Nicholl as such. Mr. Giunco asked Mr. Nicholl if in preparing the plans, did he review the Ordinances, examine the existing site, along with the surrounding area. Mr. Nicholl answered that he had. Mr. Giunco asked Mr. Nicholl to describe to the Board the construction that is proposed. Mr. Nicholl described the home, an extension at the second level, a small addition that would be added to the back and the style, colors and materials that would be used on the exterior.

Mr. Giunco presented to the Board, Exhibit A-1, described as sheet A2.0, an updated elevation that was done in November in regard to some of the discussions they had with the surrounding neighbors. Mr. Clark reminded Mr. Giunco to send the Board a marked copy of any exhibits that they planned on using so they could be added to the Record. Mr. Nicholl described the front, rear, right and left side elevation, height, siding, colors, expansion of front porch with black antique metal roof and the expansion in the rear.

Mr. Giunco presented Exhibit A-2, described as sheet A 1.1, plans and elevations for the garage. Mr. Nicholl described the elevations, changes they proposed making to the garage and the siding they would use. Mr. Nicholl stated that the utilities and the second floor had been removed from the plans. Mr. Nicholl stated it was now a one car garage with electric but no plumbing. Mr. Nicholl stated the detached garage was now 331 square feet, previously near double that.

Mr. Giunco asked Mr. Nicholl to describe where the mechanical units would be located. Mr. Nicholl stated the mechanical units would be behind the house. Mr. Giunco asked Mr. Nicholl to describe, in terms of stormwater management, the existing condition of the driveway and the rear area. Mr. Nicholl answered that much of the yard is covered in paver stone, the entire rear going all the way up to the driveway. Mr. Nicholl stated they proposed to remove all of the paver stone and intend to use crushed stone on the driveway and grass in the back.

Mr. Giunco presented Exhibit A-3, described as sheet TS1.0, the existing and proposed condition. Mr. Giunco asked Mr. Nicholl to describe the proposed landscaping and perimeter plantings proposed for a further buffer between the site and the neighbors. Mr. Nicholl replied that they intend to add evergreen trees along the entire perimeter beginning at the front of the house continuing all the way to the back of the property and up to the rear at the base of the driveway. Mr. Giunco asked Mr. Nicholl where the interior mechanical equipment was located in the former existing property. Mr. Nicholl responded that it was located in the basement. Mr. Nicholl stated

that all the utility equipment would be lifted up above the first floor, more than a foot above base flood elevation. Mr. Giunco asked Mr. Nicholl if there were any plans to use the basement for anything besides storage. Mr. Nicholl answered no, there were no plans to do so.

Mr. Hilla referred to sheet TS1.0 and asked for the date on this document because it did not look like any site plan he received. Mr. Nicholl stated that this was part of the original plan at their last submission, and it shows the same idea with the proposed evergreens at the perimeter of the home but does not show the removal of the pavers at the driveway which was submitted in their last submission. Mr. Giunco stated with regard to the flood elevation certificate and asked Mr. Nicholl if he could state what the elevation is. Mr. Nicholl answered that he was not sure the exact number, but it was well over one foot above base flood elevation. Mr. Nicholl stated that as far as they knew from the owner, the existing home had never had any issues except for Super Storm Sandy where there was some water in the basement. Mr. Giunco asked Mr. Nicholl in his opinion, did he have any concerns about flooding on the property. Mr. Nicholl answered he did not have any concerns. Mr. Giunco stated he had no further questions for Mr. Nicholl.

Ms. Trainor asked Mr. Liston if he had any questions for Mr. Nicholl. Mr. Liston stated that the plans he received and shared with his clients were different from the ones that were being presented tonight, with respect to the garage. Mr. Liston said that the garage has had a dormer added to the garage and that was not on the plan he received. Mr. Nicholl answered that there were no dormers, they had been removed and the plan shown, part of their exhibit is what was being designed, dated November 30th, 2021. Mr. Nicholl stated the garage would look like an A-frame. Mr. Nicholl displayed another sheet labeled A1.1 which showed the garage without dormers and stated that this sheet was submitted with the plans dated November 30th, 2021. Mr. Giunco asked that this sheet be marked as Exhibit A-4, November 30th, 2021, elevation of garage. Mr. Clark said this document would be marked A-4, A1.1 from the November 30th, 2021, plans as opposed to the earlier set of plans. Mr. Liston stated he had no further questions. Ms. Trainor asked Mr. Giunco if he had any redirect based on Mr. Liston's cross examination. Mr. Giunco stated he did not.

Ms. Trainor asked Mr. Hilla if he had any questions for Mr. Nicholl. Mr. Hilla asked Mr. Giunco if he would be providing any testimony on the Flood Damage Ordinance. Mr. Hilla stated that Mr. Giunco had submitted a letter that discussed various points within the Ordinance and believed those things should be on the Record. Mr. Clark explained what that he thought Mr. Hilla was saying that he had received a letter regarding variance relief request from the Ordinance but the information in the letter had not really been testified about by a witness. Mr. Giunco stated that the letter would be addressed through their Planner testimony. Mr. Hilla stated to Mr. Nicholl that the roof is very shallow on the single story at the rear of the property. Mr. Nicholl responded that they only heard a portion of Mr. Hilla's comment and answered that if Mr. Hilla were talking about the back bump out part of the roof, it is sloped but would be above the 4 to 12 feet which is the minimum requirement for this type of roofing, so they see no concern for any issues. Mr. Hilla asked Mr. Nicholl if there would be any sort of deck or anything like that. Mr. Nicholl replied that it would not be. Mr. Hilla stated he had no further questions for Mr. Nicholl.

Ms. Trainor announced it was now time to hear questions from the Board for Mr. Nicholl. Councilman Garruzzo asked Mr. Nicholl if there was a full basement and if it would be a storage style basement. Mr. Nicholl replied that it would be an unfinished basement for storage. Mr. Nicholl

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stated that is only on the main portion of the house, the bump out on the back is a slab on grade. Mr. Maclearie asked if the new lot coverage would be with the smaller garage. Mr. Nicholl stated the previous was at 27.9% and they are proposing 28.5% coverage. Mr. Maclearie asked why the coverage increased. Mr. Nicholl stated that the pavers that they would be moving were never included in the original calculation per the Ordinance, the pavers are considered pervious so despite the fact that if they remove all the pavers, remove half of the garage, add a roof over the porch and add a small addition on the back, they still end up going up a small amount of coverage.

Ms. Brisben asked Mr. Nicholl what the front yard setback would be after adding the porch. Mr. Nicholl answered that there would be no change because they are only covering an existing porch that is there now.

Mr. Tice asked Mr. Nicholl where the increase in lot coverage was specifically coming from. Mr. Nichol replied that what is being added is the small room in the back corner and the extension of the roof over the front porch which makes that part of the building.

Councilman Garruzzo asked Mr. Nicholl for the calculation for the previous Lot coverage compared to now and if they would have enough drainage and dry wells on the property to handle all the water. Mr. Nicholl answered that the lot coverage calculation is really a building coverage calculation and with the removal of the pavers and some of the other existing hard tops, the site will be more pervious that it was previously. Mr. Nicholl stated they were proposing a stormwater infiltration system with dry wells.

Mayor Nicol, Ms. Trainor, Ms. Frith, Mr. Jones stated they had no questions for Mr. Nicholl.

Ms. Trainor announced it was time to hear questions from the public for Mr. Nicholl. Hearing none, Ms. Trainor reminded Mr. Giunco that the Board allows 45 minutes for applications and stated it was approaching that time. Mr. Giunco asked if he could use the remaining minutes to introduce and ask the Board to accept as an expert, Mr. Andrew Janiw, Professional Planner, Beacon Planning and Consulting Services, Colts Neck, NJ. Mr. Janiw was sworn in by Mr. Clark. Mr. Janiw stated he had a bachelor's and master's degree in civil engineering from the New Jersey Institute of Technology, is a Licensed Planner and a member of the American Institute of Certified Planners. Mr. Janiw stated he currently serves as the Planner for the Borough of Carteret, the Township of Livingston, Redevelopment Planner for Toms River, Plainsboro, and South Amboy and has testified for private clients throughout New Jersey and has been accepted as an expert in Land Use Planning by the Superior Court of New Jersey. Ms. Trainor stated that the Board accepted Mr. Janiw as an expert in the field of Professional Planning.

Ms. Trainor announced 45 minutes has passed and stated that this application would be carried to the next meeting on Tuesday, March 8th, 2022. Mr. Clark stated that the application was being carried without a requirement that it be re-noticed.

OLD BUSINESS:

Postponed from last month: Application for Minor Subdivision for Block 51, Lots 10.01 & 11, 319 & 401 Leslie Avenue, 319 Leslie Avenue owned by Robin & Kelly Delgado and 401 Leslie Avenue owned by Diana Hamilton, application to move lot lines.

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Mr. Clark began by stating that at the last meeting there had been a notice issue and asked if the notice issue was corrected. Ms. Brisben stated that she has received the proper information needed to correct the issue.

Mr. Robin Delgado and Ms. Diana Hamilton were sworn in by Mr. Clark. Mr. Delgado stated they were before the Board seeking a minor subdivision of the rear portion of the Hamilton property and relocating that pie shaped area onto the rear of our property. Mr. Clark asked Ms. Hamilton if she signed the application and if she agreed with what was being requested in this application. Ms. Hamilton answered she did agree with the request.

Ms. Trainor referred to a letter from Mr. Hilla, dated December 21st, 2021, and asked Mr. Delgado if he had received the letter. Mr. Delgado stated he had received the letter. Ms. Trainor asked Mr. Hilla to go through the issues and asked Mr. Delgado to respond to them. Mr. Hilla referred to a survey that was prepared by Morgan Engineering and Survey on August 17th, 2021, which shows the configuration of the two Lots and then stated that the geometry of the Lot that is on the survey does not coincide with the geometry of the Lot as set forth on the tax map. Mr. Hilla stated he was hoping for some testimony as to the discrepancy. Mr. Delgado responded that the discrepancy pertains to the area in the rear of their residence that is owned by Diana Hamilton, so anytime they want to access the water, they have to cross over her property and that is why they are requesting the subdivision. Mr. Delgado stated they are looking to add 300 square feet to their property.

Mr. Hilla stated that the Board takes surveys at face value but in the face of conflicting information it is hard to know which one is right. Mr. Hilla stated that it was a noticeable discrepancy and that he thinks it should be rectified before the Board can decide. Ms. Hamilton stated she did not know there was a discrepancy because all she has are the surveys that had been done. Mr. Delgado asked Mr. Hilla if he thought a surveyor could answer that question. Mr. Hilla answered that a surveyor could provide testimony or a report. Ms. Brisben stated that the Board has the original subdivision file from several years ago at the Borough Hall and asked Mr. Hilla if he thought those maps could help. Mr. Hilla replied that it may be a benefit, but he thought ultimately the burden of proof is on the applicant.

Ms. Brisben stated the signed subdivision map from 2014 will show what the Board approved at that time, which is at Borough Hall and stated to Ms. Trainor if the Board would carry the application, she could get those plans to Mr. Hilla. Ms. Trainor answered that she thought all the issues should be addressed so when the applicant comes back next month, they could answer all the questions at once and asked Mr. Hilla to go through the rest of his letter for the applicant.

Mr. Hilla addressed Lot 11 and said to his knowledge there is a new structure, there is a nonconforming condition on that lot, and he does not remember ever issuing any variance relief, so he was not sure how the Board would want to handle that because there are variance conditions that were never approved. Mr. Hilla asked Mr. Delgado what the setbacks are for the shed. Mr. Delgado replied that is under 70 square feet. Mr. Hilla responded that the shed still has to abide by the setback requirements. Mr. Hilla stated that the requirement is 5 feet. Ms. Hamilton said the shed is 4.7 feet. Mr. Delgado stated there was a great deal of shrubbery and that it is impossible to run a string line from the front of the property to the back so this may be an error on behalf of the

surveyor. Mr. Hilla addressed his concerns for the lot coverage for both lots. Mr. Delgado asked Mr. Hilla if there would be any resolution the Board would seek on behalf of the coverage issues. Mr. Clark stated that typically if Mr. Hilla identifies deviations from setback or coverage requirements then the applicant would need to show the Board why a variance should be granted. Mr. Clark stated that the last issue in Mr. Hilla's letter is when a subdivision is requested there are two different ways of filing the subdivision, one is by deed and the another by plat with certain procedures for doing it one way or the other. Ms. Brisben stated she could pull out the 2014 subdivision that was signed by the Board and could send it to Mr. Delgado so he could show it to his surveyor and maybe that could help. Mr. Delgado stated he felt that would be helpful. Mr. Clark suggested that it may be helpful for Mr. Delgado's surveyor to reach out to Mr. Hilla to discuss the issues presented. Ms. Trainor stated that it was her suggestion based on what had been discussed and before the Board or the public have questions and comments, it would make more sense to let Mr. Delgado finish putting together his affirmative proofs in support of the application and carry it to the next meeting. Ms. Trainor asked Mr. Delgado and Ms. Hamilton if that worked for them to which they replied that it did.

NEW BUSINESS:

Application for variance relief for Block 37.01, Lot 12, 615 Cedarcrest Drive, owned by Michael & Elizabeth Mehl, to allow demolition of an existing home & construction of a new home. Possible Use Variance as garage is not to be demolished, only the home, which leaves an accessory structure alone on the property, also the proposed half-story may require a Use Variance as well. Minimum Side Yard Setback (garage) — 5 feet required, 4.1 feet existing & proposed. Building Coverage — 20% required, 24.37% proposed.

Mr. Siano stated it was necessary for him to abstain from this application.

Mr. Clark stated that Mr. Hilla had identified a potential issue with a D variance in his technical review application which was that the applicants were proposing to knock down their house, replace it with a new house and leave an existing garage sitting on the property during the interim period of building the new house. Mr. Rubino had sent a research memo to Mr. Clark and Mr. Hilla which stated what the Board would consider when looking at what variances are required is the final relief being sought, not interim things and in this application the final relief being sought was not a D variance relief but C variance relief. Mr. Clark stated that the Board could put restrictions on its approval and say the house needs to be built in a certain period of time or the applicant would have to come before the Board again for D variance relief.

Mr. Clark stated that the other issue that was flagged in Mr. Hilla's letter was that there were no calculations provided in the application regarding the half story on the property which made it hard to tell if the FAR (Floor Area Ratio) would be exceeded and if exceeded could it trigger the need for a D variance. Mr. Clark stated that the applicant represented in some emails to Mr. Hilla that they checked with their professionals and the half story calculations would show that the house would be a conforming structure.

Mr. Clark stated that these were the preliminary issues that they worked on with Mr. Rubino and asked Mr. Rubino and Mr. Hilla if they had anything to add. Mr. Rubino stated he agreed with what Mr. Clark had said. Mr. Rubino stated that he believed his secretary, Lauren, had sent Ms.

Brisben a letter from Aquatecture stating that both the half story calculation and the FAR comply with the code and that no variances were necessary for either of them. Mr. Rubino stated he felt very comfortable going ahead and making the representations that except for the variances identified tonight there would be no variances or use variances necessary for the FAR, the half story or for keeping the garage.

Mr. Rubino stated that the Mehls have owned the property since 2019 and because the home has structural issues, they would like to take down the existing house and replace it with a new one and keep the garage on the premises. Mr. Rubino stated that they would like a bedroom and bath on the first floor because both Mr. and Mrs. Mehl have some physical issues. Mr. Rubino stated they had three children still living at the home so the upstairs would be used for them.

Mr. Rubino stated he wanted to go through Mr. Hilla's letter and said that Mr. Hilla identifies that there is an existing condition for the garage with a setback requirement of five feet where 4.1 exists. Mr. Rubino stated that the maximum building coverage allowed is 20% and said the applicant was asking for 24.37%. Mr. Rubino referenced the height of the garage and stated that the height of the garage was properly measured and was submitted to Mr. Hilla. Mr. Rubino referenced the driveway and stated that the applicant would like to keep the driveway in the same location. Mr. Rubino stated his client would agree to any condition of approval for a connection of any sump lines to a recharge system and agree to eliminate the discharge of sump water to the street. Mr. Rubino stated that the plans do not show a fence around the swimming pool, but the applicant would agree to provide, if approved, an amended plan with a fence around it.

Mr. Michael Mehl was sworn in by Mr. Clark. Mr. Rubino asked Mr. Mehl to tell the Board who currently resides in the house. Mr. Mehl answered that he, his wife, Elizabeth and three children live in the home. Mr. Rubino asked Mr. Mehl to describe the existing structural issues at the house. Mr. Mehl replied that there were issues with the main beam of the house, leaking roof, leaking windows, issues with the original subpanel, and the existing fireplace that is slowly pulling away in both foundation as well as separation from the permanent wall.

Mr. Rubino asked Mr. Mehl why he was proposing to keep the existing garage. Mr. Mehl answered that they like the layout of the garage and the foundation and structure are in good shape, and it is in a good location.

Mr. Rubino asked Mr. Mehl to describe the health issues he and his wife face. Mr. Mehl stated that his wife had been diagnosed with rheumatoid arthritis 10 years ago which has become more debilitating over the last few years and said that she recently had two discs replaced. Mr. Mehl stated he had a full hip replacement a year ago and has arthritis in his left hip. Mr. Mehl stated these are some of the major issues and this is why they were seeking this type of design.

Mr. Rubino stated that the first designs of the house were compliant and asked Mr. Mehl what he did not like about those compliant plans. Mr. Mehl answered that the plans could not accommodate the first-floor bedroom which was a big desire for them. Mr. Mehl stated that they wanted something a little more ADA compliant with wider hallways between the kitchen and a slightly wider circulation around the kitchen, kitchen island and into the family room.

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Mr. Rubino asked Mr. Mehl why he would like to keep the existing driveway where it is located. Mr. Mehl replied that the existing driveway has a great alignment to the existing garage. Mr. Mehl stated they were hoping to gain more room on the one side to get access to the garage and allow better access in and out of their vehicles.

Mr. Rubino stated that although the applicant is asking for variance for the size of the footprint of the house, the impervious coverage is well under the 60% allowed and asked Mr. Mehl if that was correct. Mr. Mehl answered that was correct. Mr. Rubino stated he did not have any other questions for Mr. Mehl.

Ms. Trainor asked Mr. Hilla, regarding his letter, if he needed any clarification from Mr. Mehl. Mr. Hilla answered that he did not have any questions at this time.

Ms. Trainor announced it was time to hear questions from the Board. Ms. Brisben asked Mr. Rubino what the building coverage for the house was. Mr. Rubino replied that it was 20.23%. Ms. Brisben asked Mr. Hilla if condensers must be at the rear of the house and pointed out that the proposed condensers were on the side of the house. Mr. Hilla replied that they must achieve the minimum side yard setback for accessory structures, it is encouraged that they be neighbor friendly and typically when placed on the sides of houses on smaller lots they end up being under someone's window somewhere. Mr. Hilla stated that condensers placed in the rear was preferred but there was not a specific Ordinance stating so. Mr. Mehl stated, if challenged, it could be moved to the backyard. Mr. Mehl stated if put on the side, they would put a fence to disguise it and would also put their garbage containers there as well. Mr. Mehl stated that a lot of units are put to the side in the area they live in.

Mayor Nicol, Councilman Garruzzo, Ms. Trainor, Mr. Maclearie, Ms. Frith, Mr. Jones, and Mr. Tice stated they did not have any questions. Ms. Trainor announced it was time to hear questions from the public for Mr. Mehl. Hearing none, Ms. Trainor asked Mr. Rubino if he had any other witnesses to present. Mr. Rubino stated he had no other witnesses.

Ms. Trainor announced it was time to hear comments from the public regarding the application.

Mr. Steven Heinz, 604 Brielle Avenue, was sworn in by Mr. Clark. Mr. Heinz stated his house was behind Mr. Mehl's garage and said he was concerned with the Lot coverage. Mr. Heinz stated that the Lots in this area are small and tight, and the neighbors are close together. Mr. Heinz stated that this was not a renovation, it is a new house that could meet the zoning requirements and said that his primary concern with the application was that it would be setting a precedent for getting a variance and exceeding lot coverage in this area. Mr. Heinz stated another concern was drainage from the garage and that it would be beneficial to have the garage included in the drainage plan. Mr. Rubino stated that the applicant would agree, if approved, as part of the overall drainage system, they would connect the garage and input whatever is needed on the existing garage. Ms. Trainor asked Mr. Heinz if that would satisfy his concern. Mr. Heinz answered yes if they were tied into the drainage system. Mr. Rubino stated the applicant would agree to tie it into the drainage system.

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Ms. Trainor stated the Board had received a comment submitted pursuant to the Covid 19 procedures in writing and read the comment from Mr. Paul McGinty, 403 Bennett Place, into the record.

“Subject line, 615 Cedarcrest Avenue

I received correspondence requesting feedback, we are away next week, so am taking the opportunity to email comment.

We actually rented 615 Cedarcrest 20 years ago. We liked the area so much we moved around the corner .

My issues with the development as described.

This is not an addition whereby the architect is trying to improve and add to an existing structure, so in designing a new house why did they not adhere to the max 20% lot coverage in the area???

I think there is a danger when and if this is approved, the doors are opened for and precedent given for the removal of more structures, and in their place larger dwellings which overwhelm the lot size, built and the character of the neighborhood changed in a detrimental way.

In this area , so close to the creek , I believe it’s important that green spaces allowing drainage are present. In 30 Years, thankfully our basement has not flooded. I would obviously like that to continue,

I thank you for the opportunity to provide my feedback”

Mr. Rubino stated he would like to address the concerns of the neighbors and said the Board acts independently on every application, so certainly, it is within the Board’s discretion and that is why there is a Planning Board, to grant relief when deemed appropriate, so there is really nothing set as a precedent. Mr. Rubino stated that he believed that the testimony that had been provided certainly gives the Board adequate reasons to grant the relief.

Mr. Rubino asked Mr. Mehl to confirm that as it exists, there is no organized drainage system at the property. Mr. Mehl stated that there was no drainage system at this time. Mr. Rubino stated that though the applicant may be exceeding the coverage allowed, he would be improving the drainage out to property. Mr. Mehl stated that was his opinion.

Ms. Trainor stated she did not see any other public comments and announced it was time to hear comments from the Board.

Mayor Nicol stated he did not have any major issues with the application and that coordinating the drainage system with the garage and the house would be an improvement. Mayor Nicol stated he felt the concerns for more space on the ground floor were legitimate and thought the Board ought to be sympathetic.

Councilman Garruzzo stated he agreed with Mayor Nicol, said that the applicant was not asking for a lot of relief besides the lot coverage, and the applicant had agreed to maintain all the water and runoff on their property. Councilman Garruzzo stated he did not feel it would be detrimental to the neighborhood whatsoever, felt optimistic that it would improvement to the area and had no problems with the application.

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Mr. Maclearie stated he thought it could be an asset to the community as long as they did the drainage as they described.

Ms. Brisben stated she was totally against going over that 20% of the lot coverage but after hearing the testimony that the home itself is only 20.23% and the reason for the calculation was due to the garage, she would approve it based on the testimony.

Mr. Jones stated he agreed with Ms. Brisben regarding the Lot coverage but said the home seemed reasonable in size and based on the testimony he felt it was a reasonable request.

Ms. Frith stated she agreed with everything the other Board members had to say.

Mr. Tice stated he agreed with the comments the Board members had made and felt that it was a reasonable request, good application and had no further comments.

Ms. Trainor stated she wanted to recognize that this is a R-4 Zone so the expectation is that the Lots are smaller as the testimony revealed and said she supported the application.

Ms. Trainor asked Mr. Clark if he could recite the stipulations that were agreed to and commented upon so far including those from Mr. Hilla's letter. Mr. Clark stated that the applicant had agreed to connect the sump lines to the recharge system. Mr. Clark stated the applicant agreed to hook the garage drains to the recharge system as proposed for the house and would put drains on the garage so that they would all go into the discharge system. Mr. Clark stated the applicant has agreed to start construction within a year with a replacement house to be completed in not more than three years.

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

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Corinne Trainor, Jim Maclearie, Stephanie Frith, Jay Jones, Charlie Tice,

Noes: Karen Brisben

Ms. Brisben asked Mr. Clark to add to the Resolution that the applicant would submit four sets of revised plans and if they could show some drainage on them, it would be helpful.

OLD BUSINESS: Continuation of hearing for Use Variance for Block 66.01, Lot 2, 628 Higgins Avenue, owned by Anthony & Catherine Grieco (Applicant – M & D Two, LLC) to allow Multi-Family Use, Townhouse Units (not allowed in C-1A Zone). Note: This is a two-part application, applicant is asking for Use Variance first, then will submit detailed site plan for townhouse units if Use Variance is granted.

Councilman Garruzzo announced that he and Mayor Nicol would need to recuse themselves from this application.

Mr. Clark asked Ms. Frith if she was able to catch up on the hearing that she missed. Ms. Frith replied that she did.

Mr. Posada began by recapping the prior meeting for the Board and announced that he would be presenting Mr. Daniel Condatore so the public could have an opportunity to ask questions and then he would present his last witness, Mr. Joseph Staigar. Mr. Posada stated that before starting he wanted to re-iterate that the application, before this Board is only for the D(1) Use Variance application for multi-family usage itself and that any proposed architectural plans, civil plans, stormwater, or landscape details, the proposed traffic study and planning testimony as it relates to both height and density are for conceptual purposes only. Mr. Posada stated that it was asked by the Board if the site would comply with the affordable housing requirements and said that if the units were for sale, 20% would be dedicated affordable housing and if they were for rent, it would be 15% dedicated to affordable housing.

Mr. Posada called Mr. Joseph Staigar to testify. Mr. Staigar, Dynamic Traffic, Lake Como, NJ, was sworn in by Mr. Clark. Mr. Clark asked Mr. Staigar if he held any licenses to which Mr. Staigar replied that he has a Professional Engineer License and a Professional Planners License and was appearing here as a Professional Traffic Engineer. Mr. Staigar stated he had a bachelor's and a Science Degree in Civil Engineering from New Jersey Institute of Technology, has been an adjunct Professor of Traffic Engineer courses at NJIT, has been testifying for over 35 years as a Professional Engineer specializing in traffic engineering and has appeared in about every municipality in the state of New Jersey on over 1000 occasions in that capacity. Mr. Posada asked Ms. Trainor if the Board accepted Mr. Staigar as a qualified expert Traffic Engineer. Ms. Trainor stated that the Board did accept Mr. Staigar as an expert.

Mr. Posada asked Mr. Staigar if he was familiar with the Gateway Zone and if the property was located in that zone. Mr. Staigar stated he was familiar, and the property was in that zone. Mr. Posada asked Mr. Staigar if he conducted the traffic impact study for this property. Mr. Staigar answered yes and then began to discuss his findings. Mr. Staigar stated that this was a rather simple traffic analysis because it is in comparison to what you have and what you would get if the proposed application was approved. Mr. Staigar stated that there would be 22 residential units that were being redeveloped for this property that had a liquor store and a garden type nursery. Mr. Staigar detailed the trip generation rates for the former use as compared to the proposed use at different times of day, night, weekday, and weekend hours and stated the differences in number of trips when compared to the former use. Mr. Staigar stated that this proposed redevelopment would generate much less traffic than the former use which would lead to the conclusion that it would have a lesser impact on traffic since it is a lesser trip generator. Mr. Staigar stated he did look at the site plan and said it is satisfactorily designed and would operate safer. Mr. Staigar stated the proposed use has two driveways and they would be eliminating one and would have a standard design geometry of the driveway, good sight visibility, particularly around the corner as cars come off of Route 35. Mr. Posada asked Mr. Staigar if it were his expert opinion that the conceptual site plan itself would actually improve sight visibility for the new proposed driveway and that it will also be a substantial reduction in intensive impact on traffic on municipal roads. Mr. Staigar replied

that a land use that generates less traffic would have a beneficial effect on at this location and said less traffic means less impact. Mr. Posada stated he had no further questions.

Ms. Trainor announced it was time to hear questions from the board for Mr. Staiger.

Mr. Maclearie stated he realized the plans were preliminary and asked if they had decided if there would be one or two entrances and then asked to confirm that the applicant was only looking for a Land Use decision now. Mr. Posada answered that Mr. Maclearie was correct.

Ms. Brisben asked when at the light at Route 35 and Higgins Avenue, would someone be able to see down to the proposed driveway. Mr. Staiger replied that you could not from the intersection but could see it for the required sight distance for the speed limit of the roadway which is 30 miles per hour which would equate to 250 feet of sight distance with the conceptual plan proposed.

Ms. Trainor asked Mr. Staigar if in his professional opinion, did he think there was enough parking proposed. Mr. Staigar answered that the standard that design needs to be based on is the residential site improvement standards, utilizing those parking generation or maximum parking rates that the RSIS implements, they would need 51 spaces and they were proposing 52 spaces.

Mr. Siano asked Mr. Staigar out of the 51 spaces, how many would be considered garages and if they were included in the parking calculations. Mr. Staigar replied that there is one garage for every unit, and they were included in the calculation.

Ms. Trainor, Ms. Frith, Mr. Jones, and Mr. Tice did not have questions for Mr. Staigar.

Mr. Hilla stated he did not know a lot about the IT trip generation, or the categories offered but said that what was there was not a traditional liquor store, and he did not know if that would make a difference. Mr. Hilla asked if there was an appreciable difference in the characterization that might change or modify the calculations. Mr. Staigar stated that they key is that it sells the same type of product that the majority of patrons may come into purchase and that the numbers are so far different, the 22 units versus the liquor store, even if it did half, or a third of the business it would generate more traffic than the 22 units. Mr. Hilla asked Mr. Staigar where the overflow parking would be. Mr. Staigar answered that the RSIS has a standard of .5 parking spaces for guests per unit and that would equate to 11 guests parking. Mr. Staigar stated that there were only 8 spaces proposed but said it is a minor deficiency that could be remedied in the overall redevelopment of the site if need be. Mr. Hilla stated he had no further questions.

Ms. Trainor announced it was time to hear questions from the public for Mr. Staiger. Hearing none, Ms. Trainor stated it was time to hear comments from the Board regarding the application.

Mr. Maclearie stated he was not against the change of use but stated he thought the plan needed to start fresh because of the height, deficiency of parking, and number of units. Mr. Maclearie stated he could see something more in the lines of the Brielle Commons.

Mr. Siano stated he is opposed to the Use Variance because the applicant is only proposing multi-family town houses and felt without including a retail professional component along with residential, the applicants proposal is too much of a deviation from the intent of the Zone which

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becomes a detriment to the Ordinance. Ms. Siano stated he would like to see more of a mixed-use component there that would work better with the Gateway Zone.

Ms. Brisben stated she did not have an issue with the D variance but did have a problem with the density and parking. Ms. Brisben stated she would like to see less density but would be in favor of allowing the D variance.

Mr. Jones stated he agreed with Mr. Siano and felt that a retail/commercial component is definitely needed at that site and that the density proposed is too much.

Ms. Frith stated she agree with Mr. Siano and stated there are a lot of residential areas there and thought it was a great reason to keep it multi-use and have some retail property there too.

Mr. Tice stated he agreed with Mr. Siano, Ms. Frith and Mr. Jones and said the Gateway Zone was originally created to maintain a Main Street theme when entering the Borough and felt the testimony did not illustrate anything specific to that outside the townhome type of theme. Mr. Tice stated he also had concerns with the density of 22 units per acre.

Ms. Trainor stated she agreed with the consensus that it was important to respect the purpose of the Gateway Zone and did not think she had heard any testimony that would meet the criteria for the type of variance that the applicant was seeking in this bifurcated application. Ms. Trainor stated to the extent that she would consider it, she could not consider it in a bifurcated way and thought most of the testimony that had been provided goes directly to the site plan and for what it is worth that is exactly what the Board members have pushed back upon. Ms. Trainor stated she took issue with the bifurcated nature to the extent that she would consider it in a single package.

Ms. Trainor announced it was time to hear comments from the public.

Ms. Linda Lembo, 10 Capt. Bailey Court, was sworn in Mr. Clark. Ms. Lembo stated she came to know of the application through the Coast Star, drives by the parcel often, said it is an eyesore in its current state and a poor representation of Brielle. Ms. Lembo stated she is in favor of the proposed development of the townhomes.

Mr. Bill Skala, 629 Higgins Avenue, was sworn in by Mr. Clark. Mr. Skala stated he is the owner of the Brielle Sports Club, across the street from the site. Mr. Skala stated he completely agreed with Ms. Lembo, the lot is a complete eyesore, the building is dilapidated, and the existing billboard looks like it is about to fall off the building and needs to be developed into something similar to what is being proposed. Mr. Skala stated he wanted to voice his support for the project.

Ms. Cynthia Farley, 16 Courtyard Lane, was sworn in by Mr. Clark. Ms. Farley stated she had been a resident of Brielle Commons for 15 years and is the president of the Homeowners Association, said she thought she could speak for the majority of the residents who are in favor of the proposed development of the townhouses. Ms. Farley stated she felt that adding anything commercial would create more of a traffic hazard on Higgins Avenue, which she said is bad enough already. Ms. Farley stated that the gateway to Brielle was very important and did not think it necessarily needed commercial and thought that people driving in would want to see diverse housing options to move into a beautiful residential town. Ms. Farley stated the residents of Brielle

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Commons would be very impacted by the decision of the Board and hoped the Board would give it serious consideration. Ms. Farley stated they have 16 units and 10 very tiny parking spaces which causes parking issues. Ms. Farley stated that she thinks the proposed townhomes would be beautiful for the entry into Brielle.

Mr. Tim Shaak, 512 Borrie Avenue, was sworn in by Mr. Clark. Mr. Shaak stated, for full disclosure, he is a Brielle Councilman, is the listing real estate agent for the property and a lifelong resident of Brielle dating back to 1969. Mr. Shaak stated he agreed that the site is an eyesore and has been for the last several years. Mr. Shaak stated he understood the Board's desire to maintain the Gateway Zone, however, the Gateway Zone was developed circa 2000 and has never lived up to its potential. Mr. Shaak stated they had not received any interest from commercial developers that wanted to purchase the property for residential properties. Mr. Shaak stated the desire to maintain the Gateway Zone is just not realistic. Mr. Shaak stated he is very impressed with what has been proposed and would certainly support it.

Mr. Stan Mazur, 12 Courtyard Lane, was sworn in by Mr. Clark. Mr. Mazur stated he spends a lot of time walking around town picking up garbage and recycling and said he agreed that the area is a total eyesore.

Ms. Heidi Wittenberg, 601 Higgins Avenue, was sworn in by Mr. Clark. Ms. Wittenberg stated she was the Broker at the Folk Agency in Brielle, feels that the site is an eyesore and that anything that could be done there to beautify the property would be good for Brielle. Ms. Wittenberg stated that she felt the rules and regulations for the Gateway Zone should be revised because they do not fit in with the Borough that is now. Ms. Wittenberg stated she felt what the applicant is proposing would definitely better the community.

Hearing no other comments from the Board, Ms. Trainor asked Mr. Posada if he had any closing remarks. Mr. Posada thanked the members and professionals of the Board and wanted to make sure the Board understood that part of the bifurcated application was the understanding that there was no way they would propose exactly what the Board would want to see, it was impossible because it was not a permitted use, so they would not have bulk standards to go off of or stormwater requirements or any other type of regulations. Mr. Posada stated their approach to doing the bifurcated application was to hear the comments and concerns of the Board so they could propose those types of plans which the Board would want to see.

Ms. Trainor announced it was time for the Board to vote and asked Mr. Clark to give some guidance on what the motion would look like. Mr. Clark stated the application is bifurcated, the applicant is seeking a D(1) Use Variance to allow residential townhomes to be developed on the site and there would need to be 5 affirmative votes from the Board to grant the Use Variance. Mr. Clark stated the motion to approve the D(1) Use Variance would mean that the applicant has met the positive and negative criteria to show that the Use Variance is warranted and that there was sufficient evidence for the Board to decide that. Mr. Clark stated the motion to approve the D(1) Variance would allow townhomes on the site with all site requirements to be addressed at a later time.

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Ms. Trainor asked for a motion to approve the application. Karen Brisben made a motion, seconded by Jim Maclearie, and followed by the roll call vote.

Ayes: Corinne Trainor, Jim Maclearie, Karen Brisben

Noes: Chris Siano, Stephanie Frith, Jay Jones, Charlie Tice

Ms. Trainor stated if there were 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 ayes. The meeting was adjourned at 8:48pm.

Denise Murphy, Recording Secretary

Approved: March 8th, 2022