

Borough of Brielle

AUGUST 29, 2017

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August 29th, 2017

BRIELLE PLANNING BOARD
TUESDAY, AUGUST 29, 2017

The Brielle Planning Board held a special meeting on Tuesday, August 29, 2017 to continue the hearing for Block 52, Lots 1 through 8.01, Waypoint 622, 622 Green Avenue.

After a moment of silent prayer and a Salute to the Flag roll call was taken:

Present – Joseph Bonacci, Thomas Condon, Eric Lapham, Stacey Montalto,
James Maclearie, Charles Sarnasi

Absent – Mayor Thomas Nicol, Councilman Frank Garruzzo, James
Langenberger, James Stenson

Also present were Joe Clark, Board Attorney, Alan Hilla, Jr., Board Engineer and Karen Brisben, Board Secretary who recorded the Minutes, as well as Court Reporter Denise Sweet, a Transcriber. There were approximately 20 people in the audience and the Coast Star reporter recorded the meeting.

Before starting this hearing, Mrs. Brisben asked that it be put on the record that Board Member Eric Lapham, who was absent at the last meeting, had listened to a taped CD of that meeting and was eligible to vote. Mr. John Jackson, Esq., attorney for Waypoint 622, came forward and presented his next witness John Rea of McDonough & Rea, Manasquan, a Traffic Engineer Specialist. Mr. Rea gave his history and said he has been a Licensed Engineer since 1979 and has a total of 43 years in traffic engineering, he has spent the last 33 years doing consulting work. He has a Master's Degree and has appeared before many Boards in the State; he was before Brielle many years ago. The Board accepted him as an expert witness.

Mr. Rea said that, in addition to be hired to do this, he is a resident of the area and used to have to park far away from where he wanted to go here. He has been to the new site 4 separate times this summer, 3 in July and 1 in August, he walked around and studied the area with a focus on looking at Hoffman's to see if it gives adequate parking; Mr. Jackson referred the Board to the circulation and layout of Exhibit A-15.

Mr. Rea said the existing driveway to Green will be an exit driveway, it is hard to see cars coming from the left so this will be safer; there will be a two-way driveway on Union Lane and there are 42 spaces in this lot with better circulation. It is set up properly and the drop-off area is right by the front door, if passengers are dropped off it then is an easy way to the Hoffman's lot; he noted that if people know they are going to park in Hoffman's they will drop the passengers off first. Everything is designed for traffic principles and meets traffic engineering standards.

Mr. Jackson referred to Exhibit A-16, the aerial photo which shows the pool at Hoffman's and the parking that surrounds this area. Mr. Jackson then brought up Exhibit A-17 which is the layout of the parking lines showing how many spaces they could obtain; Mr. Jackson said they are not going to pave the whole lot and Mr. Rea commented part is gravel and part is paved. He wanted to focus on Hoffman's and said this was available when it was Union Landing Restaurant, the parking was not signed or known, they now want to make it known and that it operates the right way with signage and lighting. He did go into the Hoffman's lot and found 35 to 70 vehicles in the lot on the days he was there and stated this shows it is being used by other people along with the people using the boatslips, but he admitted he did not know where people were going, they could be walking to other places. His analysis was focused on Mr. Lurie's plan and felt there could be 137 spaces if it were striped and there was no boat yard. There is an area for boat storage so 15 spaces have to be eliminated which takes it down to 122 spaces and they would lose one more in front of the entrance, so there could be 121 spaces if it was all done for parking. Waypoint requires 91 spaces and there are 42 in their lot so they only need 50 more from Hoffman's.

When Waypoint is at its maximum, on weekends, the other facilities are not being used, so there is boat use parking during the day and restaurant use during the evening. Mr. Jackson read part of the Ordinance that the Planning Board can approve the use for parking for off-hours use, Mr. Rea agreed and said this is what he is talking about, there are different uses for different times of day.

Mr. Jackson then asked him about the visits he had at Waypoint and Mr. Rea said he saw the Waypoint lot full

with cars parked on Green Avenue, Homestead Road and Leslie Avenue as well as about 25-30 bikes at the Waypoint bike rack; the Hoffman's lot had 35 to 70 cars depending on the times he visited. There is enough parking at Hoffman's to satisfy the demand for Waypoint; he noted Mr. Kenderian, in his testimony, felt that 50 to 90 spaces could be available at Hoffman's and he felt that was a conservative figure. Mr. Lurie's plan is done very well and he felt 90-100 cars could easily be parked on that lot, the parking is certainly adequate. There will always be boat owners there but not at night. He then referred to Mr. Hilla's letter about lighting that needs to be reviewed and he felt this can be achieved. There is a flood light on one of the poles that faces the Marina and this needs to be upgraded; there is another pole at the east end of the driveway and another flood light can go there. He thought Mr. Lurie and Mr. Hilla could get together, maybe himself as well, and come up with a lighting plan.

He then addressed signage and felt there should be signs directing the traffic. There is a walkway but it needs to be well lit and maybe portable signs can be put in directing people to that area, this is the way he would handle it. He passes Belmar Marina every day and they use a gravel lot, it is chock full and seems to be working appropriately; they have employees out there and Waypoint will have this as well.

A series of photos was then presented showing surrounding restaurants that use gravel lots, the first was marked as Exhibit A-23 and was the Belmar Marina and their gravel lot. Mr. Jackson asked if this is common and Mr. Rea said it is in this area, gravel seems to be better for runoff, etc. Exhibit A-24 was Clark's Landing which has a paved area for parking as well a gravel lot, used for parking in the summer and boat storage in the winter. Exhibit A-25 was Shipwreck Grill in Brielle which also has a stone and gravel lot. Mr. Lapham asked about the Manasquan River Yacht Club and was told people park on the grass there, that was noted in Exhibit A-26. Exhibit A-27 was the Bay Head Yacht Club which has a gravel lot and Exhibit A-28 was Martell's which also has a gravel lot. Exhibit A-29 was River Rock across the Route 70 bridge which has a gravel lot. Mr. Rea said that as long as there is lighting and signage it is okay and, as far as Hoffman's, the NJDEP says .06 parking spaces for Marina use and Brielle says one space for Marina Use, most towns go in line with the State. The .06 parking space is the one used by the DEP in their applications.

Mr. Jackson asked if Mr. Rea thought less people are driving these days to go to a restaurant and Mr. Rea said he saw a lot of bikes there, people today use taxis or Uber, they want to go and have a drink and not drive. Mr. Rea felt this was a good plan for parking with proper circulation, it just needs better lighting and signage; people will still use the street parking as it is legal and convenient, the town can restrict the parking here if they want to. Mr. Jackson commented about the valet service and that a golf cart will be used to have people follow to a parking spot and then they can be driven back there again to get their car. Mr. Rea did not feel this is necessary but will be good.

At this time Mr. Rea was done with his testimony and objecting attorney Tim Middleton came forward to ask questions. He asked Mr. Rea if he had reviewed the notice sent out and Mr. Rea said he did not. Mr. Middleton then referred to Mr. Hilla's report of 10/4/16 and that he stated that 131 spaces are needed, Mr. Rea said he testified on the other uses for Hoffman's and he did not know how Mr. Hilla got 131. Mr. Jackson offered the testimony was for off-peak hours and Mr. Rea said 91 for off-peak, the actual number may be between 91 and 131, he felt more like 91; he did not consider boat parking and boat works.

Mr. Middleton asked for the times Mr. Rea went to Waypoint for his 4 visits and the answer was: 7/21, 8 to 8:30; 7/22, 5 to 5:30 and 7 to 7:30, Mr. Middleton then stopped him and asked him about the weather. His reply was good except for the evening of 7/22 when it did rain later in the evening. Mr. Middleton asked him how many cars were there and Mr. Rea said 35 the night of 7/22 and he did not count the number of cars on 7/14. On 7/21 there were 65 cars in the Hoffman's lot and on 7/22 there were 65 cars earlier and then it dropped off, there were 50 cars on 8/26 when he was there between 7:30 & 8:00. Mr. Middleton asked if he was aware of any other lots that are set up the same way and Mr. Rea said if you park at Clark's Landing for, say a wedding, you may have to park on gravel, there is a clear path to follow to the restaurant. Mr. Middleton asked if Clark's Landing store boats in the summer and the answer was yes, some. Mr. Middleton then asked if they sell boats and the answer was yes.

Mr. Middleton then asked about the lighting and Mr. Rea went over his testimony regarding the flood light and that it lights the area. Mr. Middleton asked if he had reviewed the Ordinance for lighting and Mr. Rea said no, but they will do better lighting and will comply with the Ordinance. Mr. Middleton asked if it were paved would it be safer and Mr. Rea said yes but he did not advise paving or striping. Mr. Middleton asked if he were concerned about patrons getting back to their cars after drinking and Mr. Rea said there would be no problem with better lighting and he showed Mr. Middleton this area on the site plan. Mr. Rea said there are ways to get to Waypoint, use the lane from Hoffman's, use the entrance on Green Avenue, use the walkway on the water as well.

Mr. Middleton went back to parking numbers again and Mr. Rea said the warehouse area is not an issue and he did not count the boat racks. He felt .06 was appropriate and when he was there no boat rack activity was

happening. Mr. Middleton asked if it could be possible there is activity and Mr. Rea said yes. Mr. Middleton went back again to the lighting and Mr. Rea told his proposal again and that the applicant has agreed to it. Mr. Middleton asked about the 1978 Resolution and the limited seating and Mr. Rea said he did not read about it, there may have been discussion on this with Mr. Kenderian's testimony, it is not necessary to reduce seating, years back it could have been more difficult for Union Landing.

Mr. Middleton then asked about bands and Mr. Rea said he did not hear bands, if they were there is was mitigated. At this point Mr. Condon spoke and told Mr. Middleton that Mr. Rea did not testify to this; Mr. Middleton said he just offered this as more people will be there when a band is present.

Mr. Bonacci asked Mr. Rea if he had taken account of the number of cars at Hoffman's during the day and he answered no but there were only 11 cars there today but the weather was bad. Ms. Montalto brought up a parking problem from a few years ago on Green Avenue, as she lives in the area she had two letters regarding restricted parking and did Mr. Rea think this might be safer. He asked about the area and was told Union Lane to Homestead Road and Mr. Rea said he had no issue with this. Mr. Hilla spoke up and said this was due to the ingress off Green Avenue to Waypoint, but now the traffic pattern is changed so this is a moot point. Ms. Montalto said she would like to see a police report on this as the letters she had were from 2015. Mr. Rea agreed that the police should take another look at this, Mr. Jackson commented Mayor and Council can as well and it was decided that Mrs. Brisben, Board Secretary, should write to the Traffic Safety Officer for Brielle Police requesting an updated report; Mrs. Brisben said it will be done.

Mr. Condon asked about the parking in Belmar Marina and is that working out and the answer was yes, it seems to be. Mr. Condon asked Mr. Rea if he was aware of meetings on this issue in Belmar and Mr. Rea was, as a result there is a sign that directs boaters to the right and others to parking to the left, he admitted the parking is difficult at the Marina. Mr. Jackson said the only reason they showed the Belmar Marina was to show the gravel lot and Mr. Condon was okay with that. He then asked about River Rock and the percentage of use of that lot; Mr. Rea did not know about the percentage and this is not gravel, it is compacted material, not necessarily safer in wet weather. Mr. Condon asked if they do offer valet parking and Mr. Rea did not know, but this lot is well lit and signed so that can work either way. Mr. Condon then asked if the walkway to Waypoint is a continuous level and Mr. Rea said there may be one step and it is narrow, maybe 5 feet side; Mr. Lapham felt it was more like 3 feet, he had used it, Mr. Jackson said they can adjust this.

Mr. Lapham asked if the other establishments mentioned are all a single entity or are they different. Mr. Rea said in Belmar there are two owners, he thought Clark's may be one. Mr. Jackson commented that Clark's has multiple uses on one lot. Martell's only has the restaurant, River Rock is one entity but has 3 uses. Mr. Condon felt this is a unique situation here at Waypoint and there is more than one restaurant in the area. Mr. Jackson agreed and said this is what the Marine Commercial Zone encourages; Mr. Condon felt the same way.

Mr. Jackson again said he used these places to show gravel lots needed for boats, there can't be a boat yard on tar and the Ordinance calls for multiple uses. Mr. Lapham saw these as two different business and, if one sold, it could be a problem but Mr. Jackson said they will record a document so this has cross parking and if this is changed it would require coming back before this Board, this would be a deed restriction. Mr. Condon asked if Mr. Jackson was familiar with the curb cut that has been eliminated, there was another curb cut at Hoffman's and now has arborvitae planted there; Mr. Jackson said that curb cut has been shut down. Mr. Hilla did not know if there is a full site plan on this, a site plan was done on the pool at Hoffman's. Mr. Jackson stipulated that the trees will stay. Mr. Condon wanted to get this done and not use the curb cut.

Mr. Hilla asked how do they make orderly parking on a sea of gravel and Mr. Rea said they have an employee there to direct people, this is what they do in Belmar, they get a pattern going for maximum efficiency. On Green Avenue the site has signs already and there is no problem there. Mr. Jackson said they have put curb stops down, along with signs in the middle of the curb stops to park there and they also have cones; Mr. Hilla felt they were indicators that help. Mr. Maclearie said he has seen people park by the rope there, Mr. Jackson then showed him the plan that has the curb stops in place. Mr. Hilla wanted to know how they were going to do the lighting there without creating a nuisance and Mr. Rea said there is a floodlight on a pole now by the Marina and they can use more poles for this, he is not a lighting expert but felt Mr. Hilla and Mr. Lurie can work this out; Mr. Jackson agreed and felt they can enhance the area without glare to the area homes. Mr. Hilla again said you don't want a nuisance light and Mr. Rea again said they can come up with something that properly lights the lot.

Mr. Hilla asked how ADA access would work here? Waypoint does achieve this but Hoffman's does not. This Board is being asked to approve something that is less than what the Ordinance requires. Mr. Rea said he is not an expert on this either but Mr. Lurie can handle this. He felt that handicapped patrons will be dropped off in front of the restaurant. Mr. Jackson said this is all at one level and they do have ADA spaces and have more parking spaces than Union Landing did, they will comply with all ADA requirements. Mr. Hilla noted there was a discussion on this being dirt or gravel, will it remain as is, or maybe some more can be done? Mr.

Rea said this was not his expertise and Mr. Lurie spoke and offered 2 inches of top grade gravel which will be raked and maintained. Mr. Hilla said that not all marinas have all gravel, some are paved, can some of it nearest to the restaurant be paved? Mr. Jackson said they do not want to stop the Marina from working and this would be putting in impervious coverage, they do not want to over-improve it and disrupt the character of Hoffman's. Mr. Hilla said he has had boats on both and felt something maybe can be done, maybe something for an ADA area. Mr. Jackson suggested him and Mr. Lurie meeting on this as well as the lighting issue, you do not need Lawyers for this.

Mr. Middleton came forward again and asked Mr. Rea if, when he was there, did he at any point go to the restaurant and Mr. Rea said he was there but it was crowded and he did not go in. Mr. Middleton then went back to the statement made that perhaps other people would park here and go to other places and Mr. Rea said yes, he did not know where people went after they parked. Mr. Middleton felt Mr. Rea gauged the parking court on the 4 days he was there, if the parking lot is used by the Sand Bar and River House it could impact this. Mr. Rea said it could, but there was adequate parking plus more the night he was there. He said that there could be 121 potential new spaces of Exhibit A-17 is built to the maximum efficiency, he felt it could be 100 if they take out spaces for boat storage, this is an estimate only. Mr. Middleton asked if he did a count during the date and Mr. Rea said he did park in the lot one day at lunch but he did not do a count.

As Mr. Middleton and the Board were done with questions, the hearing was opened to the public for questions only to Mr. Rea based on his testimony. Margaret Herman of 208 Homestead Road came forward and was sworn in. She said they spoke of counting in Hoffman's but that has not yet been approved. Mr. Rea said his understanding was that Hoffman's lot has been used for Union Landing, it has always been there for use, they want to just make it safer and better. Mrs. Herman again said it hasn't been approved yet and Mr. Rea agreed and said they are asking for this. He did not know the history of the lot but if the property owner owns two adjoining properties he can do this. Mrs. Herman again asked why are people parking there and Mr. Jackson spoke and said it is approved parking, Mrs. Herman did not think it was approved for restaurant use, though. She then asked about the opening into Hoffman's and was there only one, the answer was yes; she asked if it is one in and out on Green Avenue and Mr. Rea said there is an in and out on Union Lane and Green Avenue will be out only on the Waypoint site. Mrs. Herman thought he spoke of an in and out and Mr. Rea said this is on Union Lane, Green Avenue out of Waypoint will be one way.

Mr. Richard Holmquist came forward and was sworn in, he lives at 504 Green Avenue and asked about the traffic flow as well and didn't think the in and out from Union Lane will work as there is confusion as to who has the right of way, it is a slow process and it's not going to get any faster; he felt this could be a problem. Mr. Rea disagreed and thought it is safer. Mr. Holmquist still did not think this is a good solution, Union Lane is a small street. Mr. Rea felt Union Lane can handle this, there are maybe 20 vehicles an hour, maybe up to 3 a minute. Mr. Holmquist said the Sand Bar patrons come out this way also and Mr. Condon said they have more exists at the Sand Bar but Mr. Holmquist said they use the Union Lane exit. Mr. Condon explained the Board is going to get a report from the Police Department.

As there were no more questions, that portion of the hearing was closed. Mr. Jackson then started to read about a law that allows him to use a member of his firm as a witness, he had Mr. Shauer there to do a presentation on an analysis of police complaints for Waypoint on Power Point and felt this was the right way to follow this Rule of Evidence, he can do this. Mr. Condon felt this should be done at the end but Mr. Jackson said there has been a lot of talk on noise complaints and he would like to do this now, he has no other witnesses for this evening. Mr. Middleton said he objected to a person from his firm giving testimony; Mr. Jackson read the Rules of Evidence again saying this is common and can be done. Mr. Jackson said he is a witness, he looked at the dates of the complaints and did an analysis, it is not testimony and this was done before Council and accepted. Mr. Clark looked at the paperwork to be presented; he then said he knows law "1006" allows a summary, but this is testimony on police reports and he thought they are going into a different area and it can get colored, he would like to see this in the summation.

Mr. Condon then asked Mr. Jackson if Mr. Grafas, who was in the audience, can come forward and give testimony this evening and Mr. Jackson said no, they were not prepared for his testimony this evening and he knows Mr. Grafas will be grilled relentlessly. Mr. Middleton went back to the Rules of Evidence and wanted to look at what was going to be talked about; Mr. Condon said there were a lot of complaints made and pretty much all were unfounded and Mr. Middleton disagreed to this statement. Mr. Condon then told Mr. Middleton, "then let Mr. Shauer do his presentation" and Mr. Middleton said this is a member of his firm and he and Mr. Jackson will work in tandem. Mr. Condon then turned to Mr. Clark and said the Board will rely on his decision. Mr. Clark said it is not so much the lawyer's witness rule, he is presenting another lawyer and Mr. Clark was afraid it may go into opinion and not fact. Mr. Jackson said it is just charts and grafts.

Mr. Condon asked if this can be submitted without testimony and Mr. Jackson said that Mr. Middleton has cast dispersion of Mr. Grafas and he thought it would be helpful to the Board to see the Power Point presentation, Mr. Shauer is a retired State Trooper and knows this presentation. Mr. Clark felt Mr. Jackson was making him

an expert witness and Mr. Middleton again objected, he was objecting to the spread sheet. Mr. Clark suggested to Mr. Jackson that he hand out the written paperwork on the Power Point presentation and the Board can read it on their own. Mr. Jackson said Mr. Middleton talks about a number of complaints and a number of them are unfounded. Mr. Clark still felt it is testimony and Mr. Middleton said the word "unfounded" is not true. Mr. Jackson, at this time, then made an objection as to the noise complaints. Mr. Clark commented they are public records and it is the analysis that goes against Rule 1006; to say they are unfounded makes it a problem. Mr. Jackson then proceeded to start to read some and Mr. Clark said the Board can look them over and review them, he still did not think testimony is needed. Mr. Jackson then withdraw the presentation and he will re-assess this.

At this time Mr. Condon announced to the audience that this hearing will continue at the Regular Meeting of the Board on Tuesday, September 12th at 7:30 with no further notice. Before ending, Mrs. Brisben asked if the paperwork associated with the Power Point presentation should be marked as an Exhibit and she was told to mark it, it is Exhibit A-30.

As there was no other business to come before the Board a motion to adjourn was made by Mr. Maclearie, seconded by Ms. Montalto and approved unanimously by voice vote, all. The meeting was adjourned at 9:26 p.m.

Karen S. Brisben, Recording Secretary

Approved: September 12, 2017