

BRIELLE PLANNING BOARD
TUESDAY, FEBRUARY 27, 2024

The Special Meeting of the Brielle Planning Board was held on Tuesday, February 27th, at 7:00 p.m., in the Brielle Borough Hall, 601 Union Lane. Ms. Trainor read the OPMA compliance statement. After a moment of silent prayer and a Salute to the Flag, roll call was taken:

Present – Mayor Frank Garruzzo, Councilman Eliot Colon, James Stenson, Corinne Trainor, Chris Siano, Karen Brisben, Jay Jones, Charlie Tice, Amber Fernicola, Danie Turak (arrived at 7:13 pm.)

Absent – None

Also present were David Clark, Board Attorney, Jeffrey Surenian, the Borough's Attorney, Kendra Lelie, KMA Associates, Alan Hilla, Board Engineer, and Denise Murphy, Recording Secretary. There were 7 people in the audience.

SWEAR IN: New Councilmember Eliot Colon (Class III) to 12/31/2024.

SPECIAL MEETING BUSINESS: Preliminary investigation as to whether some or all of the properties located within a study area consisting of Block 66.01, Lot 1 (630-634 Higgins Avenue) and Lot 2 (628 Higgins Avenue) should be designated as a non-condemnation area in need of redevelopment.

Mr. Clark stated he would like to give the Board a little background history. He said the Borough Council had directed the Planning Board to do this study and that according to law, the Planning Board had to issue certain notices of this public hearing. He said that a notice was published in a newspaper for two consecutive weeks, with the last notice at least 10 days before this hearing date, that notices were also sent to the owners of all properties within the proposed redevelopment area, and that copies of these notices are on file with the Planning Board Secretary. Mr. Clark stated for the public that there is a report from Kendra Lelie, Professional Planner, that is also on file and available for public review and said that Ms. Lelie is present to testify and answer any questions the Board or public may have regarding this report.

Ms. Lelie was sworn in by Mr. Clark. Ms. Lelie began by saying she was hired by the Borough as an Affordable Housing Planner but was also asked to take a look at this particular property and area in need of a redevelopment study. She stated that her background is as a Licensed Professional Planner in the New Jersey and said she has worked on redevelopment plans for the past 15 years. She said she is very familiar with the redevelopment process as well as what is needed in a review of parcels as it relates to criteria.

Ms. Lelie then began to explain that the redevelopment process is basically a 2-part process. She said that this meeting is the first part and said that tonight the Planning Board will listen to an objective study that looks at a piece of the property as it relates to criteria that are found in the

redevelopment law. She said the second part is if this area is found in need of redevelopment then the Planning Board first would indicate that yes, that it meets at least one of the criteria, then she said it would go to the Borough Council and be deemed an area in need of redevelopment which would allow for a redevelopment plan to be created. She said that a redevelopment plan is a Zoning plan for one particular piece of property.

Ms. Lelie referenced the document called, "Preliminary Investigation for Block 66.01, Lots 1&2". She stated that there is a study area map on page 4 that shows the two lots and said that the study area is 1.75 acres and is triangular in shape and then described to the Board the surrounding properties. She said Lot 2 is a privately owned parcel that is 1.33 acres in size that includes an existing vacant building dating back to the 1960's which has had various commercial uses within the building. She said Lot 2 also has various accessory buildings and structures throughout the property and currently has an open area that has been used as storage of building materials and vehicles. Lot 1, she said, is owned by the Borough, is .42 acres, is undisturbed, and is mostly trees and brush. She said that the Lot 1 was received from NJDOT ten years ago and was really for the purpose of storm water management from Route 35. She said that the current Zoning for the two lots is what is known as the Gateway Zone which is described as an overlay zone and said that the goal is to create a "Main Street feel." Ms. Lelie referenced the Borough's 2023 Housing Element and Fair Share Plan and said that the plan specifically looks at Lot 2 as a site to address the Borough's Affordable Housing obligation.

Ms. Lelie then reviewed pages 5,6,7, titled "Planning and Zoning Context" saying there were also some County Master Plan and State Redevelopment and Development goals and objectives, and said these pretty much support the idea of redevelopment and that this makes sense for this area. She then referenced page 13 and said this page discusses the existing conditions and said there are several photos in the report taken by her at the end of 2023, beginning of 2024. She said these photos show the extent of the disrepair.

Ms. Lelie referenced the list of criteria on page 11 of the report and stated that the question is whether one or more of the parcels in the Study Area satisfy at least one of the eight criteria. She stated that even though there are eight criteria, only one has to be met, and she said that there are actually several criteria that would be met, especially for Lot 2.

Ms. Lelie stated that criteria A deals with the building or accessory structures on Lot 2, if the building is substandard, unsafe, unsanitary, dilapidated or obsolete and do any of these particular issues relate to or are conducive to unwholesome living or working conditions. As indicated prior, she said the building is unsafe with broken windows, unsecured wires and doors which creates an unsafe situation which is known as an attractive nuisance which makes it easy for rodents, pests and people to easily enter the building. She referenced several emails from the Fire Department and the Borough Administrator that state that the fire department has been instructed not to enter the building due to its structural integrity. Ms. Lelie referenced the billboard that is attached to the roof of the building and said that she found this to be a substandard and in a dilapidated condition. She said it is her opinion that even though the building has been abandoned, there is construction materials, vehicles and debris on site so this creates an unsafe condition for the people that use the site in some type of way. She said there are homes nearby this site which also creates an unsafe condition for the people who live there.

Ms. Lelie stated that criteria B is looking at the abandonment or discontinuance of buildings, specifically retail or office buildings that are vacant. She said Criteria B says that if there is an abandonment or discontinuance of a building for at least two or more years and the building has fallen into a state of disrepair and is not tenantable then it would meet this criteria. Based on information received by the current property owner, Ms. Lelie said the building has not been used for any retail activity since 2018. She stated that it was her opinion that this criteria has been met.

Ms. Lelie stated the criteria D is more focused on the overall site. She said the way that this criteria reads is that there are areas with building improvements on the site that show dilapidation, overcrowding, faulty arrangement, obsolete layout or deleterious land use. For instance, when looking at the site, she said there is a lot of debris, a lot of garbage, a lot of overgrown vegetation, outdoor storage of dangerous equipment and materials piled up throughout the site. She said that all of this is an attractive nuisance, especially given that the site is not always occupied. She said this was important because having an abandoned site but also having an intermittent use of it for storage that has not approved as a legitimate business, creates a situation where it is not always being reviewed or looked at by someone that is running a business. She said this situation creates a detriment to health, safety and welfare on people who are on the property either legally or illegally, so with that she said that Criteria D has been met. Ms. Lelie stated that those three main criteria that in her opinion can be found for Lot 2 deemed for an area in need of redevelopment.

Ms. Lelie began to discuss Lot 1 and then referenced Criteria C and explained that this criteria is for land owned by a municipality, or a public entity or is vacant for 10 years or more. She said if, for several different types of reasons such as soil conditions or a topography issues, this land has not been developed and would need private capital to develop the piece of property. She said she felt that the topography on Lot 1 would create a tough situation if developing it, said the lot is small, has the highway on one side, a light on one side and Higgins Avenue on another side. She said because of the encumbrance from the NJ DOT the ability to have private capital go into the property is non-existent. She said Lot 1 does not meet this criteria as it stands today.

Ms. Lelie referenced Criteria H and said this criteria does not stand on its own but is always added to other criteria. She said Criteria H speaks about smart growth planning and said that she thought that this criteria could be met with any redevelopment that occurs on this piece of property.

Ms. Lelie concluded by saying she felt that Lot 2 meets Criteria A, B, D, and H and said that Lot 1 does not meet any of the criteria at this time. She said that it was her professional opinion that the Planning Board could recommend to Borough Council that they adopt a Resolution declaring that Lot 2 meets several of the criteria and that it could be turned into an area in need of redevelopment.

Ms. Trainor asked if there were any questions for Ms. Lelie from the public. Hearing none, she turned to the Board for questions for Ms. Lelie. Hearing no questions from the Board, she asked if there were any public comments in respect to this item. Hearing none, Ms. Trainor stated it was time to hear comments from the Board.

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Mayor Garruzzo stated that he thought Ms. Lelie's presentation was very well done, said it made sense, meets the criteria as established within her report and finished by saying he felt that the Board should move forward with the redevelopment of Lot 2. Councilman Colon thanked Ms. Lelie for her presentation. Mr. Stenson stated that he agreed with the comments made by Mayor Garruzzo and said the report and presentation was very well done. Ms. Brisben stated she felt the presentation was extremely well done and said she had not realized that Lot 1 had all of the issues with the state and said she appreciated that explanation. Mr. Jones said he thought the report was very thorough. Ms. Trainor said she agreed with the testimony that Ms. Lelie provided with respect to the criteria, said she accepts the opinions that were presented and said she found them to be credible and really well supported. She said she found the photographs disheartening and enlightening at the same time. She said she agreed that the structures on the building have not been used actively since 2018 and said they certainly in photographs appear to be substandard, unsafe, unsanitary and dilapidated as stated in Ms. Lelie report and testimony. Ms. Trainor then thanked Ms. Lelie for her well-reasoned opinion.

Ms. Trainor asked if there were any member of the Board that wanted to make a motion to recommend that the Borough Council designate Lot 2 as a Non-Condensation Area in Need of Redevelopment. Mr. Clark added this would be based upon the findings and criteria in A, B, D, and H.

A motion was made by James Stenson, seconded by Karen Brisben and then by the following roll call vote:

Ayes: Mayor Frank Garruzzo, Councilman Eliot Colon, James Stenson, Corinne Trainor, Chris Siano, Karen Brisben, Jay Jones, Charlie Tice, Amber Fernicola

Noes: None

Unable to Vote: Daniel Turak

Ms. Training asked if there was any other business to be brought before the Board. Hearing none, a motion to adjourn was made by Mayor Frank Garruzzo, seconded by Councilman Eliot Colon with a unanimous vote, all aye. The meeting was adjourned at 7:50 p.m.

Denise Murphy, Recording Secretary

Approved: March 12, 2024