

BRIELLE PLANNING BOARD
TUESDAY, December 10, 2019

The Regular Meeting of the Brielle Planning Board was held on Tuesday, December 10, 2019 at 7:30 p.m. in the Brielle Borough Hall, 601 Union Lane. After a moment of silent prayer and a Salute to the Flag roll call was taken:

Present – Mayor Thomas Nicol, Councilman Frank Garruzzo, James Maclearie, Francis Pierciey, James Stenson, Corinne Trainor

Absent - Thomas Condon, James Langenberger, Eric Lapham, Glenn Miller
And Madeline Ferraro

Carol Baran, Board Secretary, was also present. There were 4 people in the audience.

A motion was made to approve the Minutes of November 12, 2019, this done by Councilman Garruzzo, seconded by James Maclearie and approved by unanimous vote, all aye.

OLD BUSINESS:

Jim Stenson made an announcement that the continuation of the hearing for a Major Subdivision for 619 Rankin Road, Bojac Realty, has been postponed to the Tuesday, January 14, 2020 meeting of the Planning Board.

The Board then turned to the consideration of the resolution approving application for Block 56, Lot 4, 404 Leslie Avenue, owned by Quincy Homes, LLC, to allow an elevated deck.

**RESOLUTION OF APPROVAL OF THE BRIELLE BOROUGH PLANNING BOARD,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY WITH RESPECT TO THE
APPLICATION OF QUINCY HOMES, LLC FOR VARIANCE RELIEF FOR PROPERTY
LOCATED AT 404 LESLIE AVENUE AND IDENTIFIED ON THE TAX MAP OF THE
BOROUGH OF BRIELLE AS BLOCK 56, LOT 4**

WHEREAS, Quincy Homes, LLC (the “Applicant”) has applied to the Planning Board of the Borough of Brielle (the “Board”) for variance relief for the property located

at 404 Leslie Avenue in Brielle New Jersey which is identified on the tax map of the Borough of Brielle as Block 56, Lot 4 (the “**Property**”); and

WHEREAS, the Property is located within the Borough’s Residential Zone 4 (the “R-4 Zone”) on an approximately 7,000 square foot lot which currently contains a new home under construction and existing accessories (through previous development); and

WHEREAS, the Applicant has indicated that it wishes to construct an elevated attached rear yard deck (approximately 14 feet by 17.5 feet) attached to the home under construction as described more particularly within the application; and

WHEREAS, the lot, existing structure, and use are conforming to the zone, but the proposed deck structure and remaining accessories are not conforming to the zone; and

WHEREAS, the Applicant is seeking Board approval for the following variances caused by the development proposed within this application (the variances being sought are in bold type):

- a. Maximum allowable lot coverage: 20% allowed; house without deck 18%; **house with deck 23.83%**

WHEREAS, the Board held a hearing on this application on November 12, 2019 and considered the following documents presented at the hearing in connection with this application:

- a. A plot plan prepared by John W. Lord, P.E., L.S., P.P. dated March 21, 2019 and last revised July 31, 2019;
- b. Architectural plans (2 sheets) prepared by Paul Grabowski, R.A., dated July 17, 2019;

- c. An application package including a zoning permit denial from the Borough Zoning Officer;
- d. Review letter from Alan Hilla dated September 26, 2019;
- e. Exhibit A-1 (a photo board with multiple photos of the area of the Property); and

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

Mr. Michael Rubino, Esq. came forward to present this application on behalf of the Applicant. Mr. Rubino told the Board that the two driveways that the Board engineer questioned are going away so they are not part of the application and that the Applicant is here for the deck only. He then presented Exhibit A-1, a photo board of the area, with multiple photos taken yesterday. He indicated that the Applicant had two witnesses to testify, Paul Grabowski, Architect and Jack Wojton, a partner of Quincy Homes and they were both sworn in.

Mr. Grabowski was accepted as an expert witness as he is known to the Board and he stated he was the architect on this project which is located in a Flood Zone, thus the need for an elevated home with parking under the building as well as a storage area. The first floor is at 10 feet above grade so they are asking for permission to build an elevated deck but this affects the building coverage as it will be 17.5 feet by 14 feet. It will be a composite deck with $\frac{1}{4}$ spaces so this is a pervious surface as water will go through it. Mr. Hilla asked about the surface below the deck, Mr. Rubino said the client wants to cover some

of the area under the deck with landscaping. Mr. Wojton said that right now there are just stones but they may want to put in pavers, this is a low area and the deck will never be enclosed. Mr. Hilla commented that a hardscape will negate any pervious area, the drainage is not addressed on the plans so he was concerned. Mr. Wojton said the building that was demolished had more impervious coverage. Mr. Condon asked if he had any idea of how much they decreased this coverage and Mr. Wojton was not sure but believed that it was a couple of hundred square feet.

At this time the hearing was opened for Board questions and there were none so it was opened to the public for questions only to Mr. Grabowski. Lynn Evans of 109 Lake Avenue came forward and was sworn in but went back to her seat after being reminded this was questions only at this time. She said she would come back for comments.

As there were no questions from the public that portion of the hearing was closed and Mr. Wojton told the Board he has figured the square footage that was reduced for impervious coverage, it was 286 square feet; Mr. Hilla asked him if this was with the deck included and the answer was no, this was before the deck.

Mr. Wojton continued and said Quincy Homes brought this property to develop it, the old home there was in poor condition and in a Flood Zone, they are asking to put the deck right off the kitchen, otherwise one would have to go down steps to go outside. Mr. Maclearie asked about the square footage of the deck and was told it is 245 square feet.

At this time Mr. Rubino asked Mr. Wojton to confirm the pictures he presented, Exhibit A-1, were of the property in question and Mr. Wojton said yes and identified the photos.

At this time the hearing was opened to the public for questions to Mr. Wojton and, hearing none, that portion was closed. Mr. Hilla said he felt there was a conflict with the application and the plans presented in terms of the driveways and Mr. Grabowski said the old circular driveway was taken down and there is a new driveway from the street on the right side, Mr. Rubino showed him one of the photos in Exhibit A-1.

Now the hearing was opened to the public for general comments or questions and Lynn Evans came back. She said the back yard of the property goes across her back yard and the second floor deck is in her face, this is what she sees from her house. She objects to the size of the deck and felt it will ruin her piece of mind. She is 9 inches above Flood Level and felt the deck can be made lower, she was concerned about the height. She said her property is only 50 feet deep and 75 feet across the front. She showed, on Exhibit A-1, where her home is and finished her comments by stating this is a quiet neighborhood.

Next to come forward was Susan Schreck of 111 Lake Avenue who was sworn in. Her concern is the closeness of the deck to her home as well as privacy issues, they will be able to look down into her back yard and she will lose all her privacy. Her second floor is their first floor, she realized she can't object to the home built but she objects to the deck as it infringes on her privacy.

As there were no other comments, that portion of the hearing was closed and the Board went into discussion. Mr. Hilla had no further comments and Mr. Langenberger commented that, since Hurricane Sandy, this street is one of the last to be done. He felt the new deck will fit in and said that most homes here have been changed. Mr. Maclearie felt that perhaps some trees can be put in, Councilman Garruzzo agreed with it being elevated and he did not see too many issues here. Mayor Nicol agreed with Mr. Maclearie that landscaping would help and suggested putting in 8 to 10 foot trees that will grow. Mr. Rubino said they can plant 6 foot high trees that will grow but Mayor Nicol felt that 8 foot trees can be installed and the Board Engineer can then review and approve their location. Ms. Ferraro was okay with the application and had no further comments, Mr. Condon said this is a new home and the first floor is elevated so it makes sense to have a flow to the deck and agreed landscaping should be put in. Mr. Wojton said they will put in the landscaping as suggested by the Board.

At this time Ms. Evans came back to speak but Mr. Clark told her the public portion was now closed, she just wanted to say, in reply to Mr. Langenberger comments, that this is the first home in the middle of the block to be done.

Mr. Clark then summed up the conditions discussed by Board, which were to require 8 foot trees to be installed pursuant to a landscaping plan to be approved by the Board Engineer and to require that the space under the deck will never be enclosed.

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 variances sought herein relate to a specific piece of property;
- c. The purposes of the Municipal Land Use Law would be advanced by a deviation from the zoning ordinance requirements because the Property's shape and shallowness and topography warrant such relief to allow the Applicant to enjoy the use of its backyard, the previous structure on the Property actually had a larger percentage of impervious coverage on the lot so this development is reducing such coverage, and the adverse impact (if any) of the deck upon the neighborhood can be ameliorated by planting trees in accordance with a landscaping plan to be approved by the Board Engineer and by the Applicant warranting that the deck will never be permanently enclosed;
- d. The variances can be granted without substantial detriment to the public good;
- e. The benefits of the deviations substantially outweigh any detriment, and;
- f. The variances will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, James Stenson moved to approve the application with the conditions as described herein; this motion was seconded by Corinne Trainor. At that time the application was approved by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, Thomas Condon,

James Langenberger, James Maclearie, Glenn Miller, Francis Pierciey, James Stenson, Corinne Trainor

Noes: None

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Brielle, that the Applicant's application for variance relief is hereby approved and granted subject to the following conditions:

- a. The Applicant shall pay all taxes and other applicable assessments, costs and fees to date, as applicable;
- b. The Applicant shall comply with all requirements and outside approvals as may be required from the Borough of Brielle or any other governmental authority not otherwise disposed of by this application;
- c. The Applicant shall install trees that are at least 8 feet tall along the backyard of the Property as set forth in a landscaping plan to be submitted by the Applicant and approved by the Board Engineer. The landscaping plan shall provide the species of all trees, their heights, and their proposed locations, all of which shall be sufficient to provide screening between the Property and the neighbor's properties, and shall also provide the proposed timing of the planting of the trees. The Applicant shall submit the landscaping plan to the Board Engineer no

later than sixty (60) days from the date of the adoption of this Resolution and then shall plant the trees in accordance with the deadlines set forth within the approved landscaping plan.

- d. The Applicant agrees and warrants that the area under the deck will never be permanently enclosed;
- e. The Applicant shall submit five sets of revised plans to the Board Secretary deleting the information regarding the old driveways and showing the final configuration of the driveway on the Property; and
- f. All representations made under oath by the Applicant or its agents shall be deemed conditions of this approval, and any misrepresentations or actions by the Applicant 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 Mr. Pierciey seconded by Councilman Garruzzo and then by the following roll call vote:

Ayes: Mayor Thomas Nicol, Councilman Frank Garruzzo, James Maclearie, James Stenson, Corinne Trainor and Francis Pierciey

Noes: None

As there was no other business to come before the Board a motion to adjourn was made by Mr. Pierciey seconded by Councilman Garruzzo and unanimously approved, all aye. The meeting was adjourned at 7:35 p.m.

Carol Baran, Recording Secretary

Approved: January 14, 2020