

**LITTLE SILVER PLANNING BOARD
BOROUGH OF LITTLE SILVER
480 PROSPECT AVENUE
LITTLE SILVER, NEW JERSEY 07739
(732) 842-2400**

Thursday February 25, 2016
Regular Meeting - Planning Board

7 P.M.

The Regular Meeting was called to order at 7 P.M. by Vice-Chairman Scott who gave the following Statement of Compliance: Adequate notice of this meeting has been provided by giving of annual notice to the Asbury Park Press and Two River Times and by filing of such notice with the Clerk of the Borough of Little Silver and by prominently posting said notice on the Borough bulletin board.

Roll Call:

Present: Mayor Neff, Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mr. Perfetto, Mrs. Smith, Mrs. Jungfer, Mr. Holzapfel, Mr. Orlando, Mr. Michael Leckstein, Board Attorney and Greg Blash, Borough Engineer

Absent: Chairman Jacobi and Mrs. Hough.

A motion was made by Mr. Chimento and seconded by Councilman Galante to approve the minutes of the January 21, 2016 meeting.

A unanimous voice vote followed.

Correspondence:

Peter Squassi, 87 Little Silver Point Road, Block 51, Lot 17 is requesting an extension of one year on a previously approved application.

Vice-Chairman Scott noted that the original approval was in 2008 and in every year since, an extension has been given. He questioned Attorney Leckstein how many times an extension can be given.

Attorney Leckstein stated that it is automatically extended under the Permit Extension Act which is running out this year. Theoretically, if we grant the applicant one year he will have a year after that and this may be the last year he can have it.

Mr. Chimento stated that the home has been for sale for a number of years, and the applicant may be holding on to it, because if we dismiss the plan a potential buyer is going to come in and have us go thru this all over again.

Attorney Leckstein questioned the Board as to whether anything has changed in the zoning that would cause them not to grant that application today?

Councilman Galante asked Mr. Blash, Borough Engineer/Zoning Official, if the ordinance changed in the last 8 years. Mr. Blash stated that the only change is the Floor Area Ratio and this is a pool and is not impacted by that.

Mrs. Jungfer questioned Attorney Leckstein whether the Board should entertain this request if it is covered under the Permit Extension Act?

Attorney Leckstein noted that the Board should entertain the request for the extension because it hasn't expired under the Permit Extension Act. Mrs. Jungfer stated even if the Board doesn't grant the one year extension the applicant can still do it under the Permit Extension Act.

Attorney Leckstein stated that his recommendation is to give him one more year.

Mr. Chimento stated that he agrees with the granting of the extension.

A motion was made by Mr. Chimento and seconded by Councilman Galante to grant an extension for one year.

A unanimous voice vote followed.

Vice-Chairman Scott noted that the Board will be carrying the Verizon wireless application for 492-500 Prospect Avenue to the March 10, 2016 meeting with no further noticing being required.

Michael and Dana Keating 58 Crest Drive Block 13, Lot 79:

Attorney Gale was present and stated that he is representing an adjacent property owner and has a conflict for March 10, 2016 and would like to request this matter be carried to the April 7, 2016 meeting.

Attorney Leckstein noted that March 10, 2016 is not our regularly scheduled 1st and/or 3rd of the month and that we have 120 days to take action on this application.

Open to the Public

None

A motion was made by Mr. Chimento and seconded by Councilman Galante to carry the application of 58 Crest Drive Block 13 Lot 79 to the April 7, 2016 meeting without further noticing.

A unanimous voice vote followed.

Vice-Chairman Scott noted that the application of **Harmesh Verma**, 23 Middlebrook Drive Ocean Township, New Jersey (seeking permission to construct a single family dwelling on the property at **Birch Avenue and Maple Avenue, Block 55, Lots 11 & 33, in the R-3 Zone**) will be carried with notice being required.

Also **Brian Reppert 96 Laurel Drive block 52, Lot 26 in the R-3 Zone** is being carried to the March 10, 2016 meeting due to deficient notice.

Open to the Public

None

A motion was made by Mr. Holzapfel and seconded by Mrs. Smith to carry the application to the March 10, 2016 meeting.

Administrative approval request:

459 Prospect Avenue-Front yard setback discrepancy-Planning Board approved a front yard setback of 23.65'. Applicant requesting front yard setback to be amended (corrected) to 22.66'.

Vice-Chairman Scott noted that the applicant has provided documentation that the original setback figure was incorrect (based on 3 surveys) and would like to have the setback corrected.

A motion was made by Mr. Chimento and seconded by Mr. Orlando to amend the front yard setback to 22.66' and the following Roll Call was taken:

Affirmative: Mayor Neff, Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mr. Perfetto, Mrs. Smith, Mrs. Jungfer, Mr. Holzapfel and Mr. Orlando.

Negative: None

Abstentions: None

Vice-Chairman Scott noted the next item on the agenda is for signage:

Joseph G. Okuszka proposing replacement of "like for like" signage located at **16 Ayers Lane Block 75, Lot 7 in the B-2 Zone**. Replacement of sign from "SALON AT THE STATION" to "**BIRKENSTOCK**".

Vice-Chairman Scott questioned Mr. Blash whether he had reviewed the application for this sign and if it was compliant? Mr. Blash stated he did review the application and it is just a replacement of sign.

A motion was made by Mr. Chimento and seconded by Mrs. Smith to approve this sign as submitted and the following roll call was taken:

Affirmative: Mayor Neff, Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mr. Perfetto, Mrs. Smith, Mrs. Jungfer, Mr. Holzapfel and Mr. Orlando.

Negative: None

Abstentions: None

Next on the agenda is **Diana Nielson, 153 Markham Place, Block 37, Lot 13 in the B-1 Zone** proposing new signage "**Salon Pure**"

Vice-Chairman Scott noted that Salon Pure is located in the Markham Place Plaza and the former Coco-Bond location and noted that this is a replacement sign that complies.

A motion was made by Mr. Chimento and seconded by Mr. Orlando to approve this sign as submitted and the following Roll Call was taken:

Affirmative: Mayor Neff, Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mr. Perfetto, Mrs. Smith, Mrs. Jungfer, Mr. Holzapfel and Mr. Orlando.

Negative: None

Abstentions: None

Presentation: Capital Improvement Project

A site plan review of communication tower located at Borough Hall by *New York SMSA Limited d/b/a Verizon Wireless.

Attorney Leckstein noted that this is a capital improvement project and it is required to be before the Board for recommendations and/or comments.

Attorney Leckstein noted for the record that his review of service found it satisfactory and the Board to have jurisdiction over this application.

Warren Stillwell, Attorney, located at 1125 Atlantic Avenue, Atlantic City, New Jersey will be presenting the project to the Board.

Attorney Stillwell stated that the Borough wanted to put up a new tower for the benefit of the Borough police and fire services and the Chief is here this evening and will be able to tell you about the need on behalf of the Borough. The Borough was aware that Verizon wireless had applied for a small cell site which the Board heard and we have been continuing application because the Borough asked if we (Verizon) would consider putting up a tower on Borough property.

Verizon looked into the matter from a radio frequency standpoint and was amenable to bidding on the project. The Borough went to bid and Verizon was awarded the bid as part of their bid specs. It was stated that there would have to be a capital improvement review with notice to property owners be noticed within 200 feet and proof of that was provided.

Little Silver Police Department Chief Daniel Shaffery, was sworn in.

Chief Shaffery stated to the Board that when he started his career in 1992 they had issues with dead spots, areas where radios do not penetrate and can't communicate. They have since done a number of things to update the system, they have changed radio equipment and the repeater system. That helped a little but, as time went on, the dead spots increased and he contributes that to the topography around us. Trees are taller, buildings are taller. A school was constructed right behind our antenna and blocks it. A lot of our area is in dead zones. They have tried to work around this by increasing the cable width, but when you increase cable width you get a shorter range and they moved all our equipment from one side of the building to the other side and tried to get a little extra power that way. Again, it helped a little bit but not much. They had an informal study done 10-15 years ago that determined that the antenna is much lower than what they need it to be and we need to increase our height significantly if we want to communicate within the town. With that information they started exploring antennas (towers) They found a used tower at a reduced cost, but that savings was lost after figuring the cost of moving it, painting it, building the foundation for it, rewiring and grounding it, which brought the price up to \$100,000 again. This is something that should have been done yesterday. The Fire Department has the same problem, their antenna is not as high as the Police Department antenna and they are currently trying different things to improve it. Chief Shaffery also stated that we need to go up higher and fill in the dead spots in order to improve communications for everyone's safety. The current height that they are looking for will accomplish everything they need.

Open to the Public

None

Vice Chairman Scott asked Chief Shaffery if we currently have an antenna and how old is it?

Chief Shaffery stated that antenna has been here longer than he has and the antennas actually been switched several times, its old.

Vice Chairman Scott commented that the antenna/tower is outdated and Chief Shaffery confirmed that it is very outdated.

Vice Chairman questioned if this would serve the Fire department also.

Chief Shaffery stated yes, all public safety will be at the top of the tower and get us everything that is needed and what we have been looking for.

Mr. Chimento questioned whether or not Verizon is going to give space on their tower for Borough purposes.

Chief Shaffery stated Verizon will be giving us the prime spot.

Councilman Galante asked if Chief Shaffery would please identify the six safety antennas.

Chief Shaffery stated they currently have Monmouth County Hot Line (communication with all Monmouth County Police), State Police Emergency Network, Fire and First Aid are combined, Police Department and our Road Department.

Open to the Public

None

Open to the Board

None

Mr. Stillwell had marked into evidence A-1 a report prepared by Mr. Stern showing that the facility complies with all FCC requirements for radio frequency transmission and there are no health issues.

Mr. Stillwell noted that he has Mr. David Stern, a radio frequency expert who worked with the Borough on the needs of the communications tower was present along with Mr. Masters, a Professional Planner and Mr. Chad Schwartz, Professional Engineer if anyone had questions.

Councilman Galante wanted to note that Dan Kelly, Captain of Fire and Police was also present.

A motion was made by Mr. Chimento and seconded by Mr. Holzapfel that it is in the best Interest in the Borough to go ahead with this capital project and the following Roll Call was taken:

Affirmative: Mayor Neff, Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mr. Perfetto, Mrs. Smith, Mrs. Jungfer, Mr. Holzapfel and Mr. Orlando.

Negative: None

Abstentions: None

Mayor Neff and Councilman Galante recused themselves from the upcoming application which contained a floor area ratio variance and left the dais and sat with the audience also Mr. Perfetto recused himself because he was noticed on this upcoming application and left the dais and sat with the audience.

Attorney Leckstein's review of service found it in order and the Board to have jurisdiction over this application.

Marc McAllister 60 Lovett Avenue block 52, Lot 11, in the R-3 Zone is seeking permission to finish basement area with walls, ceiling and floors. The minimum required lot area is 20,000 square feet where 12, 750 square feet is existing. The minimum required improved road frontage is 100 feet where 85 feet is existing. The minimum required rear yard setback for a principal structure is 50 feet where 48 feet is existing. The minimum required rear yard setback for an accessory structure 96 square feet in size is 8 feet where 1.6 feet is existing. The minimum required side yard setback for an accessory structure 96 square feet in size is 8 feet where 1.6 feet is existing. The maximum allowable lot coverage is 18% where 26% is existing. The maximum allowable impervious surface is 35% where 47% is existing. The maximum allowable floor area ratio is .18 where .242 (3083 sq. ft.) is existing and .317 (4036 sq. ft.) is proposed.

***Note: Floor area ratio is a use variance and requires 5 out of 7 affirmative votes**

Attorney Leckstein informed Mr. Mc Allister that the Board only has 6 voting members and he is entitled to 7 and asked if he would like to processed or be carried until seven members were present to vote.

Mr. Mc Allister stated he would like to proceed.

Marc McAllister, 60 Lovett Avenue was sworn in and presented his application to the Board to finish his basement for a play area for his children

Mr. Holzapfel questioned if there would be any living space.

Mr. Mc Allister stated no

Mrs. Smith notes that there is a full bathroom

Mr. Mc Allister stated that the bathroom is already there and does have a shower stall but is currently not is use.

Greg Blash, Borough Engineer was sworn in.

Vice Chairman Scott asked Mr. Blash if he as Borough Engineer had any issues with drainage/flooding on this application.

Mr. Blash stated that Lovett Avenue has no flooding problems and it is an existing basement that already has a sump pump.

Mr. Holzapfel questioned Mr. Mc Allister as to where the sump pump discharges to.

Mr. Mc Allister stated the rear yard

Mrs. Smith questioned if the dwelling has an attic?

Mr. Mc Allister stated it's like a crawl space and has an air conditioning unit up there

Mrs. Smith asked if there were pull-down stairs.

Mr. Mc Allister stated he needs to get and use a ladder to get up and down.

Mr. Mc Allister agreed that there will be no living space (bedrooms or sleeping facilities) in the basement, just a play room to get the toys out of his living room.

Open to the Public:

Seeing none Vice-Chairman Scott called for a motion on the application.

A motion was made by Mr. Holzapfel and seconded by Mr. Chimento to approve this Application as submitted and the following Roll Call was taken:

Affirmative: Vice-Chairman Scott, Mr. Chimento, Mrs. Smith, Mrs. Jungfer, Mr. Holzapfel and Mr. Orlando.

Negative: None

Abstentions: None

Mayor Neff, Councilman Galante and Mr. Perfetto returned to the dais for the following application

John and Sharon Hawthorn 579 Seven Bridges Road, Block 61, Lot 34, in the R-1 Zone and AE8 Flood Zone is seeking permission to construct a detached 38' x 46' garage, a 933 sq. ft. second story addition to existing dwelling and an 18' x 38' in-ground swimming pool. The minimum required lot area is 60,000 square feet where 45,568 square feet is existing. The minimum required improved road frontage is 160 feet where 150 feet is existing. The minimum side yard setback for the principal building is 39 feet for a building and/or structure height of 25 feet and not exceeding 1 ½ stories. Where 29.8' and 37.7' side yard setbacks are being proposed. The maximum building height is 16 feet for any free standing accessory building, where 19 feet is being proposed. ***No building, structure, improvement and/or development which increases the footprint of any existing structure or building or which enlarges the ground area of development currently existing on the subject property or which is new development shall be permitted in the Coastal Flood Zone where improvements and fill below the five foot contour is proposed.***

Attorney Leckstein's review of service found it in order and the Board to have jurisdiction over this application.

John and Sharon Hawthorn 579 Seven Bridges Road was sworn in along with Anthony Bush, Jr. of 136 Winding Way and has an office located at 32 West Front Street Red Bank, NJ.

Mr. Bush testified that the homeowners John and Sharon were before the Board seeking to build a garage and since that time have revised the plans to add additional items and revise others. The home is a ranch with limited storage and they are here before the board with changes. The lot is a non-conforming lot in the R-1 zone. The drawings will show that they want to add a detached garage because Mr. Hawthorn is a car collector, add a pool in the back and additional bedrooms on the structure. Mr. Bush noted that they are bumping out the front to put on a front porch. The house is designed as a 1 ½ story so you don't see the second story wall. Upstairs will have extra bedrooms and storage which they currently don't have now.

Vice Chairman Scott noted that no new variances are being requested.

Mrs. Jungfer notes that the front porch doesn't require a variance because it meets all the requirements.

Mr. Bush notes that the second story on the garage is 7 foot and will only be used for storage and no living space.

Mr. Hawthorn notes that the type of cars he collects are small sports cars.

Mr. Chimento questioned the use of the garage will only be for cars?

Mr. Hawthorn stated yes no other use.

Mrs. Smith questioned if there would be windows in the garage.

Mr. Bush stated no windows just a panel.

Open to the Public

Jack and Jeanette Cahill, 571 Seven Bridges Road were sworn in and noted they are Adjacent to the subject property.

Mr. Cahill stated they are in favor of upgrading the neighborhood and the houses and they have a sandy destroyed house that they have not been able to live in, they were only in the house 5 weeks and got hammered and they are trying to find ways to rebuild their house and conform to Little Silver zoning regarding fill and flood. Noting they have a very serious flood issue and have pictures (marked A-1) from yesterday of property between the two houses showing flooding. Mr. Cahill expressed his concerns that this will increase the flooding problem and where will all the water run.

Attorney Leckstein questioned Mr. Cahill what were his objections, drainage or visual?

Mr. Cahill stated both.

Attorney Leckstein asked Mr. Cahill to explain his visual issue.

Mr. Cahill stated the sun which comes on to the pool area will be blocked by the proposed detached garage that is 19 feet high and privacy is an issue also.

Mrs. Cahill stated that the current home has a two car garage and they are adding a two car detached garage which has two doors on the side facing the Cahill property. Vice Chairman Scott asked if they would consider moving the two doors on the Cahill property side.

Mr. & Mrs. Hawthorn stated they didn't realize that there were doors located on that side and don't need them and will remove them

Mr. Bush stated that the height of the garage is to obtain storage area. The first floor of The garage is 8 feet and the second level is about 6' 8".

The applicant stated that they will lower the height of the garage one foot to 18'.

Mr. Hawthorn stated that they will have plantings along the Cahill property side for privacy and noted that he has never met the Cahill's.

Mr. Chimento asked Mr. & Mrs. Cahill if they were rebuilding and raising their home

Mrs. Cahill stated yes they were raising and building new.

Mr. Cahill expressed his concerns over the different grade levels of the two properties. We have had two engineers do a study for us which show that all the water from the south east goes thru their yard into my yard and into my northwest corner which is my lowest point. Without anything there they have water going into their yard and they have water from the crown of Seven Bridges Road down our driveway.

Mr. Hawthorn Stated they are not creating any more water.

A-2 (Engineer report) was marked into evidence

Greg Blash, Borough Engineer was sworn in.

Mr. Blash stated he wants to discuss the first thing Mr. Cahill bought up was the fill below the five foot contour that is the last variance listed they are requesting a coastal wetlands permit to fill under elevation five and that is why there are hear before the Board for that purposes.

Mr. Bush asked Mr. Blash when you say fill you mean from the original grass to up underneath the slab just on the inside of the building.

Mr. Blash stated yes.

Mr. Bush stated that they are not bringing any fill in and are not changing any topographic elevation of the yard. As it is right now the two yards are the way they have been for 50 years. They are not planning on anything but a amp from 5.65 elevation up to the garage.

Mr. Bush stated that they will be filling underneath the slab of the structure. But are making no changes to create more water in the yard.

.Mr. Blash stated that the ordinance requires anything being placed below elevation 5 requires a variance from the Planning Board whether it is a building structure, or a fence it needs to be before the Board

Mr. Blash stated with regards to the drainage that the stream is on the Northwesterly side of Mr. Cahill's property the applicant is slightly up hill, not a lot, but it does grade towards the stream and the stream is the low side. Mr. Blash stated that of course this will add more storm water runoff, but it will not be measureable. We have never restricted development in Little Silver if the applicant meets the coverage requirement and there has been no previous restrictions on drainage. it is only when an applicant has gone over the coverage allowable that they would be required to install a drywell or some other form of detainment. Obviously the applicant can't install a drywell in this area because the subject property is already into the water table. In this case, the effect of the runoff is not measurable. Most of the time, the water that actually floods these properties comes from the stream which is the other way and actually comes from the Cahill's property up towards the applicants' property. It's a tough situation because it's in the flood plain.

Mr. Bush stated that his property backs up to both properties cause he is on Winding Way and he sees all four properties and he also gets water in his backyard, it's just where we live and there is no changing it. We just have to deal with it and he gets water up to his deck In his yard.

Mr. Cahill said if fill is allowed then they will be asking for fill for their property as well and will play by the same rules.

Mr. Cahill stated his house will be high enough but it's a matter of the use of the yard and what is the sense of paying taxes on $\frac{3}{4}$ acres when they can only use a quarter of it.

Mr. Cahill showed the Board a Drange investigation report by MCH Engineering, Inc.

Mrs. Cahill stated that they have done their due diligence for 3 years, a lot of research and learned about the property and have been to the Borough and have decided they would like to reinvest into the property. They are not adding extra development to their property they just want to solve the problems and get back and enjoy the property.

Mr. Blash asked Mr. Bush if the back portion of the proposed development in the applicant's yard is about 30% under the 5 elevation and is there any way to pull the pool forward and put the garage on the back side of the pool just by rotating it about 90 degrees therefore locating out of the elevation 5?

Mr. Bush stated that then they would have to drive to the back and drive into the low area to get to the garage and would have to come back for lot coverage because they would be adding so much driveway that the impervious coverage would be way over. The garage was placed up as close to the exiting driveway because an impervious issue, no one likes putting 35% impervious coverage on an undersized lot.

Mr. Bush questioned what will happen when the Cahill's rebuild what will happen to with all the water they displace will it come back on my lot?

Mr. Blash stated based on the plans that has reviewed with Mr. & Mrs. Cahill that they will not be increasing their impervious coverage at all and will be matching their existing coverage and will not be adding any fill and their pool will be at grade and the house will be elevated.

Mr. Hawthorn questioned Mr. Blash if, no matter what, when the rains come the property will still look like the pictures that they submitted.

Mr. Blash stated yes.

Attorney Leckstein asked Mr. Blash if this application was to be approved as submitted today would it make the situation with the water any better or any worse?

Mr. Blash stated there would not be a measureable difference very minimal.

Mrs. Jungfer questioned Mrs. Cahill if the pictures of flooding were from rain flooding or tidal also?

Mrs. Cahill stated rain.

Mr. Hawthorn stated that we have had two high tides in the past three days and the grounds are saturated on River Road and closed the other night on Seven bridges. It floods right outside the Cahills property and the neighbors property closest to the bridge. The water backs up from behind and he has watched it come from behind their property.

Mr. & Mrs. Cahill stated that was not true and if you were to look at their Engineers report It shows it comes from Southeast to Northwest. Mrs. Cahill stating she took a photo of yesterday's rain and you can see from Seven Bridges Road the water is going and since they are the lowest elevation, it is going to our garage and in the back of our property.

Mr. Blash stated to Mrs. Cahill's that he will need a copy of their proposed plan because they have indicated they are going to elevate their driveway to eliminate the run off from Seven Bridges coming on to your property, is that correct?

Mr. Cahill stated yes but that will not take care of the side of their property. Between 563 and 570 ours has flooding. We know that and are trying to fix that but on the south side which is the neighbor's property and we are trying to fix that.

Mr. Cahill stated that his Engineer's report says it will only solve 35% of it based on his calculations.

Mr. Cahill stated we didn't know what we were getting into when we bought this, we wouldn't have and that is another issue for another day.

Mrs. Cahill agrees that the upgrades on Winding Road are great for the neighborhood but as a Sandy victim we only lived in this property for 5 weeks, we have been paying taxes and maintaining the property and have been good citizens. We just want to rebuild and not have the issues of mitigating the flood issue.

We want to enjoy this property. We have been away living in an apartment and we took a long time, more than 3 years, to decide if we wanted to reinvest in this property if we could mitigate this issue of flooding it's a lot of money for us to rebuild and a lot of our time and we don't want to add another challenge or hardship to our life.

Vice-Chairman Scott stated that the Borough Engineer, Greg Blash testified that their neighbors' application, whatever impact it will have on runoff overall in the area, will be minimal. That may disagree with your findings. At sometime this evening we combined, in some respect, two different applications at the same time sometime you're talking about their application and sometimes you're talking about your own application. The Board needs an opportunity to hear your application. Unfortunately this seems to come before your application.

Mr. Cahill stated that they will not be coming before the Board because whatever they are told to do they are going to do. Mrs. Cahill stated they are abiding by the rules

Vice Chairman Scott restated the Engineer's opinion that the impact is not measurable.

Mrs. Cahill stated they did not hear that.

Attorney Leckstein stated that is what was testified to was that it is not measureable

Attorney Leckstein stated that they are down to a two foot height variance on the garage. Attorney Leckstein also stated that if the garage height was 16 feet and the lot area was a standard lot the application would not be before the Board

Mr. Cahill asked if the water from yesterday and today is a non-issue as well.

Vice Chairman Scott stated unfortunately, as you and the neighbors know, there is water there when it rains. We have long bouts of precipitation and since the storm the water table is up.

Vice Chairman Scott asked Mr. Blash, Borough Engineer how high is the storm water table up compared to before Sandy?

Mr. Blash stated it's up several feet.

Vice-Chairman Scott stated that the issue now is that it will take a number of years for the water table to recede.

Mr. Chimento stated that it will always be there and he lives across the street in sight of the Cahill property and has lived there for over 40 years. The water situation is a fact of life in that area.

Mrs. Cahill stated they have consulted with many Engineers and professionals before they actually hired the Engineer that they have and have been back and forth with Mr. Blash trying to mitigate this and she understands it's not going to be 100% and they have accepted that fact; but they wanted to diminish as much as possible to enjoy their property.

Mr. Chimento shares that sentiment 100%

Vice Chairman Scott stated that where their property is it's low lying and there is water

Mr. Chimento stated unless they fill the whole neighborhood up whatever happens there is going to have a negative impact on somebody to some extent and everyone is trying to minimize that just as the Cahill's are. We will certainly entertain any steps you can take without having an adverse impact on your neighbors, we don't want your neighbors to have an impact on you and vice versa. But at the end of the day this is reality, this is what Little Silver, and that part of Little Silver is and was and always will be if you think anything you do will change that it isn't. Mr. Bush lives adjacent to you and my son lives two doors one way and I live two doors another way and I was one of the first ones on that end of town and it is what it is and unless you're going to fill that end of town and that isn't going to happen cause it will impact someone down the street. Mr. Blash has given you the information and is doing his best.

Mr. Blash stated what Mr. Cahill is asking is beyond the preview of this Board and to do what they need to do to their yard is actually a DEP permit and anything that needs to be done in a flood plan this Board has no jurisdiction and your request to fill in the flood plan would not be granted by the DEP. Everyone is entitled to 20% fill but you need a reason, not just to stop the flood.

Mrs. Cahill asked what can you do if they are putting the pool and detached garage where they are going to put it? Where do you think that water is going to go? What is the plan?

Attorney Leckstein stated just like Mr. Blash said that there is going to be more water but it will not be measureable.

Mr. Blash stated to Mrs. Cahill that the pictures tell the story. She took the pictures of the flooding in the rear yard which was a foot or more deep today or yesterday before they built the garage, so if they build this garage you will not be able to measure the difference in height of the water in your back yard.

Mrs. Jungfer asked the applicants if their yard floods?

Mr. Hawthorn stated not really, just along the fence line on the side of the Cahill's property as you saw in the pictures.

Mr. Blash stated when you're doing storm water runoff there is something called antecedent water level in the ground which is the percentage of water in the ground so if the water table is 20 feet deep the water table is very low and if the water table is 1 – 2 feet the water table is very high which means if you get any water that hits that ground it does not get absorbed as it would when the water table is 20 feet deep. So when you do the measurement on this property, because the water tables are so very high and the soil is so hydrated it doesn't absorb water so what's hitting everyone's property out there is pretty much turns into run off because it's not absorbed at the rate of something that's dry. You have to look at the ratio of what's hitting the ground where the garage is going is getting very little absorbed and not having the garage where nothing gets absorbed and the difference between that is minimal. If the water table was 20 feet deep he would agree with them that would be absorbed by grass that had a water table 20 feet deep but since the water table is only 1-2 feet deep there is very little being absorbed there, it's all most 100% runoff in the current conditions. That's why it's a minimal increase not even measurable.

Mrs. Smith stated that there are a lot of people on the Board including herself that was effected by Sandy dramatically its life living near the water and what the neighbor is doing is not going to affect their property.

A motion was made Mr. Holzapfel and seconded by Mr. Perfetto to approved this application as amended with the following conditions: The garage doors to be removed on the side of 571 Seven Bridges Road, height to be reduced to 18 feet, arborvitaes along property line (of 571 Seven Bridges Road) for privacy, no electric in garage, and only cold water plumbing and the following roll call was taken:

Affirmative: Mayor Neff, Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mr. Perfetto, Mrs. Smith, Mrs. Jungfer, Mr. Holzapfel and Mr. Orlando.

Negative: None

Abstentions: None

Resolutions:

Attorney Leckstein briefly reviewed the Resolution for the following application:

Kirsten Kienbaum 18 Laurie Lane Little Silver, New Jersey is seeking permission to construct an addition over existing garage on the property at **76 Rustic Terrace, Block 25, Lot 46**, in the R-3 Zone. The minimum required lot area is 20,000 square feet where 14,960 square feet is existing. The minimum required rear yard setback for a principal structure is 50 feet where 44 feet is existing. The minimum required rear yard setback for an accessory structure of 91 square feet in size is 8 feet where 3 feet is existing. The minimum required side yard setback for an accessory structure 91 square feet in size is 8 feet on each side where 2 feet and 2 feet are existing.

A motion was made by Mrs. Jungfer moved to approve Resolution as presented.
Seconded by Mr. Chimento and the following vote was taken:

Affirmative: Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mrs. Jungfer, Mr. Perfetto and Mr. Orlando

Negative: None

Abstentions: None

There being no further business to come before the Board at this time, Mrs. Smith moved to adjourn at 8:34p.m. Seconded by Mrs. Jungfer and a unanimous voice vote followed.



Colleen Mayer, Planning Board Secretary

Dated: March 2, 2016