

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

Thursday July 14, 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: Councilman Galante, Vice-Chairman Scott, Mr. Chimento, Mr. Perfetto
Mrs. Smith, Mr. Orlando, Mr. Michael Leckstein, Board Attorney and
Greg Blash, Borough Engineer

Absent: Mayor Neff, Mrs. Hough, Mrs. Jungfer, and Mr. Holzapfel

Attorney Leckstein noted for the record that only 5 members are present to vote on a FAR/Use variance.

Councilman Galante led the flag salute.

A motion was made by Mrs. Smith and seconded by Mr. Orlando to approve the minutes of the June 9, 2016 meeting.

A unanimous voice vote followed.

Correspondence: None

Announcements: None

Signage Approval request:

Karen Lozner, **Karen's School of Fashion- 469 Prospect Avenue Block 38 Lot 12** in the B-1 Zone is proposing a 25" x 41" "KSOF School of Fashion" logo sign with internally illuminated light and a 40.5 W x 31 H x 24 D black and white awing over front door with.

Attorney Leckstein recused himself from this application

A motion was made by Mr. Chimento and seconded by Councilman Galante to approve the signage as submitted for a 25" x 41" sign. Mr. Chimento noted for the record an error on the exhibit.

A unanimous voice vote followed.

Old Business:

Martin and Kerrilee Russo 178 Winding Way South Block 67, Lot 7, in the R-2 Zone is seeking permission to raise ridge on existing garage including dormer to create storage above garage. The minimum required side yard setback for an accessory structure is 15 feet on each side where 11.5 feet and 11.5 feet are existing. The maximum allowable building and/or structure height is 16 feet for any free standing accessory building where 15 feet is existing and 19 feet is proposed. *(Revised from original submission)*

Attorney Leckstein reminded Mr. Russo that he was still under oath.

For the record it was noted that Mrs. Smith was absent when testimony was given on May 19, 2016 meeting, but has listened to the recording of the meeting and is eligible to vote on this application.

Mr. Russo presented revised plans showing a reduction in height of the proposed garage to 19 feet.

Open to the public: None

Closed to the public

After a brief discussion a motion was made by Mr. Chimento and seconded by Mrs. Smith to approve this application as amended with garage height of 19 feet.

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

Negative: None

Abstentions: None

Helen Appleby/Visionary Growth Properties, LLC of 211 Randall Avenue Point Pleasant Beach, New Jersey is seeking permission to construct a two story single family dwelling over existing foundation with a new covered front entry/porch, a 630 sq. ft. rear deck and a 645 sq. ft. rear patio on the property at **44 Queens Drive East, Block 43, Lot 8, in the R-2 Zone**. The minimum required lot area is 25,000 square feet where 20,033 square feet is existing. The minimum required front yard setback is 50 feet where 51.4 feet is existing and 43 feet is proposed. The minimum required rear yard setback for a principal structure is 50 feet where 38.2 feet is existing. *(Revised from original submission)*

Brooks Von Arx, Esq. appeared on behalf of the applicant and provided an overview of the revised plans that removed the need for a FAR variance.

Attorney Leckstein noted that since the FAR variance is no longer required that Councilman Galante who was unable to partake in the application on June 9, 2016 now can participate and vote if he heard all the testimony from that meeting.

Councilman Galante did note that he did hear all the testimony on June 9, 2016 regarding 44 Queens Drive East.

Attorney Von Arx noted that they have reduced the lot coverage and are requesting to amend the application removing the rear deck and substitute it with a bluestone patio which would keep the rear yard setback at 38.2 feet which is the current existing setback and an existing non-conformity, seeking no new variances.

Elizabeth Waterbury with Cranmer Engineering, Shrewsbury, New Jersey was sworn in and accepted as a witness. Mrs. Waterbury described to the Board that currently there is a one story single family dwelling with a FAR of .09 on the property and they are proposing a 2 story dwelling with a FAR .179, which conforms. The room over the garage now has a ceiling height of less than 7 feet and the only access to that room will be from pull down steps from the garage also revised was the height of the basement which now is 83 inches which is 6 feet 11 inches. Mrs. Waterbury went on to describe that this lot was part of a subdivision from 1950 and marked into evidence (A-1) highlighting the changes to the footprint, which she described as very minor. Also marked was A-2 which is a picture that depicts what the house will look like with the adjacent property which is from a 2013 google picture. Mrs. Waterbury further stated that what is shown on the plan as patio will be removed and will be grass and what was shown as deck on the back will be a patio and variances needed are for lot area which was caused by the subdivision all lots in this area are developed, the only change to the front yard setback is to allow for a front bay window, The footprint and setbacks from original have not changed. The variances being sought are for lot area which was created by the subdivision, front yard setback existing is 51.4 whereas 50 is required and they are asking for 48.7 to allow for the window on the second floor and rear yard setback of 38.2 to the existing corner of the existing house. Mrs. Waterbury wanted to confirm that they are building within the same setbacks of existing dwelling and slightly changing the footprint.

Open to the Public for questions of the Planner

Marianne Corrigan, 48 Queens Drive East was sworn in and lives next door and one of the smaller homes not shown on the picture. What is the square footage of the home.

Mrs. Waterbury responded the footage is 3,596.

Gary Levinsky, 43 Queens Drive East was sworn in and asked how deep the basement will be.

Mrs. Waterbury responded 83 inches from the slab to the bottom of the joist.

Robert Hazelrigg, Architect was reminded by Attorney Leckstein that he was still under oath and described the rendering of the proposed dwelling to the Board.

Mrs. Smith questioned how the changes affect the impervious coverage.

Mr. Hazelrigg stated that they weren't looking for an impervious coverage variance but have added more grass.

Open to the Public

Bill Jaeger, 56 Queens Drive East was sworn in and questioned if the drawings presented this evening are showing the old basement height or the new.

Attorney Leckstein wanted to it noted for the record as to what the basement height being proposed is.

Mr. Hazelrigg stated that the basement height being proposed is 83 inches from slab to underside of the floor joist.

Mr. Jaeger noted his question was is that reflected on the elevations.

After further discussion Mr. Hazelrigg noted that the ground level to the first floor is about 24 inches and does change slightly with the grade and is what it is exactly today with no change being proposed.

Mrs. Smith questioned if a condition could be noted that the basement will have no living space and be under seven feet in height.

Hearing no further comments, public portion was closed.

Open to the Board

Vice Chairman Scott noted that the plans for this variance have come a long way from the first set of plans and is in favor of this application as presented this evening.

After a brief discussion a motion was made by Mrs. Smith and seconded by Mr. Orlando to approve this application as amended with the following conditions: Basement to be only 83 inches from slab to floor joist; room over the garage will only be accessed from garage with pulled down stairs* and only two AC condensers.

Councilman Galante questioned why three AC condensers are being proposed for a 3,500 square foot home.

Mrs. Waterbury stated that her client just indicated that he will *only have 2 zones air conditioning and will be added as a condition.

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

Negative: None

Abstentions: None

Councilman Galante recused himself from the upcoming application which contained a floor area ratio variance and adjourned to the audience.

Robert and Margaret Nicolosi 86 Silverton Avenue Block 23, Lot 1, in the R-3 Zone are seeking permission to construct a 144 square foot first floor addition and a 179 square foot second story addition. The minimum required lot area is 20,000 square feet where 13,500 square feet is existing. The minimum required improved road frontage for a corner lot is 150 feet on each road where 135 feet is existing. The minimum required front yard setback is 30 feet where 24.7 feet and 18 feet are existing. The maximum allowable floor area ratio is .18 where .252 is existing and .279 is proposed.

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

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

Robert and Peggy (Margaret) Nicolosi were sworn in and testified that they have been living in the home for 5 years and have a 7 year old son. The Kitchen in the home needs a lot of work and they currently have 1 ½ baths and would like a bath of their own and the bedroom they are proposing to add is for their son. They have considered moving to another home but want to stay where they are and like the neighborhood.

Anthony Condouris, Architect was sworn in and gave an overview of the proposed application to construct a 323 square foot addition to dwelling.

Vice-Chairman Scott noted that there is no expansion just squaring off.

Open to the Public

None

Closed to the Public

A motion was made by Mr. Chimento and seconded by Mr. Perfetto to approve this application as submitted.

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

Negative: None

Abstentions: None

Councilman Galante returned to the dais.

Two Swans, LLC located at 14 Cliffwood Avenue Suite 200 Matawan, New Jersey are seeking permission to demolish and construct a new two story 4,079 sq. ft. dwelling on the property at **15 Mitchell Place, Block 44, and Lot 30, in the R-1 Zone**. The minimum required lot area is 60,000 square feet where 39,370 square feet is existing. The minimum side yard setback is 43.3 feet where 34.35 feet and 127.6 feet is existing.

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

Jennifer Krimko, Esq. appeared on behalf of the applicant and provided an overview of the application to construct a new two story dwelling on the generally existing foot print of the current one story dwelling.

Patrick Ward, Insight Engineering, Wall Township, New Jersey was sworn in and accepted as a witness. Mr. Ward testified to the Board that they are constructing the new dwelling generally in the same foot print of the existing dwelling for a few reasons: 1) To preserve the trees. 2) DEP Permit. Moving, expanding or relocating the home would trigger a CAFRA permit. Driveway setback is to stay in the same location and wanted to note that existing non-conformity with the driveway setback will be removed.

Attorney Krimko noted that the only variances being sought are for lot size and side yard setback which are existing.

Mr. Chimento questioned what type of siding will be used.

Attorney Krimko noted it will be cedar shake.

Open to the public

Frank Borowski, 8 Mitchell Place was sworn in and wanted to clarification on the side yard and front yard setback.

Hearing no further comments, public portion was closed.

A motion was made by Mr. Perfetto and seconded by Mr. Chimento to approve this application as submitted.

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

Negative: None

Abstentions: None

Mr. Borowksi wanted to confirm that what will be constructed will be the plan presented this evening to the Board.

Attorney Krimko confirmed that they could not construct anything different without coming back to the Board.

Attorney Leckstein noted for the record that a 4,079 square foot dwelling will be constructed.

Councilman Galante recused himself from the upcoming application which contained a floor area ratio variance and adjourned to the audience.

John and Caroline Connelly 26 North Sunnycrest Drive Block 34, Lot 26, in the R-3 Zone are seeking permission to construct a two story addition along with a front porch addition and relocate air conditioner in side yard. Air conditioners and condenser units shall be allowed 3 feet of the principal structure and at least 15 feet from the property line, except that the distance to the property can be reduced to as little as 8 feet if a sound absorption/reduction system to determine noise levels is installed. Each residence shall provide a garage. No garage exists. The minimum required lot area is 20,000 square feet where 7, 000 square feet is existing. The minimum required improved road frontage is 100 feet where 70 feet is existing. The minimum required front yard setback is 30 feet where 26 feet is existing and 20 feet is proposed. The minimum required rear yard setback for a principal structure is 50 feet where 16 feet is existing and 25.37 feet is proposed. The minimum required rear yard setback for an accessory structure 48 square feet in size is 8 feet where 2 feet is existing. The minimum required side yard setback for a principal structure is 15 feet on each side where 6.1 feet and 6.3 feet are existing. The minimum required side yard setback for an accessory structure 48 square feet in size is 8 feet on each side where 2 feet and 2 feet are existing. The maximum allowable lot coverage is 18% where 34.5 is existing and 36.3 is proposed. The maximum allowable impervious surface is 35% where 43.7% is existing and 53.17% is being proposed. The maximum allowable floor area ratio is .18 (1260 square feet) where .25 (1764 square feet) is existing and .49 (3452 square feet) is proposed.*

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

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

Caroline Connelly 26 North Sunnycrest Drive was sworn in along with Jeramiah Reagan, Artichitect from Long Branch, New Jersey

Mrs. Connelly testified to the Board that they have been living in the ranch home for 16 years and have three children ages, 12, 10 and 8 and would like to add on by taking the U shape and squaring off which would move two bedrooms, a bath and a recreation area to the second story and a new front porch.

Vice-Chairman Scott questioned the rear yard setback was changing from currently 16 feet to 25.37 feet.

Mrs. Connelly noted that they are removing a large deck on the back.

Mrs. Smith questioned why the impervious surface coverage changing so much.

Mrs. Connelly stated they are also proposing to widen the driveway. They have a lot of family that visit from Virginia and have a single lane car driveway and would like to keep the cars off the street.

Mr. Reagan showed the Board pictures of the property.

Vice-Chairman Scott questioned what the square footage of the home is now and what it would be with the proposed addition.

Mr. Reagan responded that currently it is just less than 1800 square feet and after the addition it would be 3452 square feet. Mr. Reagan also noted that this addition is necessary for the applicants growing family and to obtain the much needed space and attic space for storage. They are also trying to give the home the appearance of a smaller 1 ½ story dwelling.

Mr. Chimento noted that the design was very nice looking and it makes it appear to look smaller than it is.

Vice Chairman Scott expressed concerns over the FAR being proposed.

The Board expressed and felt what was being proposed is a big home on a small lot.

Mrs. Smith noted that they will have a two lane driveway and still no garage and asked how long the driveway would be.

Mr. Reagan responded that the driveway would be 28 feet.

Mrs. Connelly noted that the neighborhood does have a lot of children and keeping the cars off the street is a concern and safety issue.

Attorney Leckstein reminded the applicants that this application would require 5 affirmative votes and the Board only has 5 voting members this evening and if one Board Member says no the application would be denied.

John Connelly 26 North Sunnycrest was sworn in and testified that he has lived in the home for 16 years and invites the Board over to see the home and what they would see is a 70 year old home with a galley style kitchen and a carport that was filled in and they have a small uninsulated au pair suit that was probably built before there was even code requirements and that space is totally unusable to them.

After further discussion a motion was made by Mrs. Smith and seconded by Mr. Perfetto to carry this application to allow the applicants to revise plans with no new noticing being required. A unanimous voice vote followed.

Eric Wasserfall and Carolyn DeForte 149 North Sunnycrest Drive Block 30, Lot 51, in the R-3 Zone are seeking permission to amend approval for construction of a deck of 8' x 29' (232 sq. ft.) from DPA #29-14 to construct (retain) a deck of 15' x 30' (450 sq. ft.) The maximum allowable lot coverage is 18% where 26.8% is existing and 31.8% is proposed. The maximum allowable impervious surface is 35% where 40.25% is existing and 41.08% is proposed. ***Please note that the condition of the previous approval required the removal of the shed and fence from Borough property and that condition remains in effect.***

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

Eric Wasserfall and Carolyn DeForte Wasserfall 149 Sunnycrest Drive were sworn in. Attorney Leckstein noted that Mr. Wasserfall is an Attorney.

Attorney Wasserfall stated that at no time did they intend to show disrespect to the Board and noted that the deck that was approved by the Board would not have worked well at all it would have been like a hotel terrace.

Vice Chairman Scott wanted it noted on record that Board doesn't act on motions and when things get built different then what was approved, the Board will look and ask if they would have approved it when it was before us and he can say he would have. The Board does not make someone remove what wasn't allowed to punish the applicant.

Mrs. Smith agreed with Vice Chairman Scott.

Mr. Chimento noted that the Board doesn't always give an approval to applicants to retain what was constructed and was not approved by the Board.

A motion was made by Mr. Orlando and seconded by Mrs. Smith to approve this application to retain the 15' x 30' deck. It was noted that the shed and fence were removed from Borough property which was confirmed by inspection from Engineering.

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

Negative: None

Abstentions: None

Approval of Resolutions:

Attorney Leckstein briefly reviewed the Resolutions for the following applications:

Denise Laferrera 120 Woodbine Avenue Block 22, Lot 14, in the R-3 Zone sought permission to construct a second floor dormer off the rear and enclose a screened in porch. The minimum required lot area is 20,000 square feet where 7837square feet is existing. The minimum required improved road frontage is 100 feet where 75 feet is existing. The minimum required front yard setback is 30 feet where 24.8 feet is existing. The minimum required side yard setback for a principal structure is 15 feet on each side where 12.2 feet and 5.7 feet is existing. The maximum allowable lot coverage is 18% where 19.5% is existing.

Ulrike Lirosi 122 North Sunnycrest Drive, Block 33, Lot 31, in the R-3 Zone sought permission to construct a new covered porch extension of 70 square feet. The minimum required lot area is 20,000 square feet where 7,875 square feet is existing. The minimum required front yard setback is 30 feet where 25.4 feet is existing. The minimum required rear yard setback for a principal structure is 50 feet where 46 feet is existing. The minimum required side yard setback for a principal structure is 15 feet on each side where 11.4 feet and 11.9 feet is existing. The maximum allowable lot coverage is 18% where 19.9 % is existing and 20.8% is proposed.

Councilman Galante moved to approve Resolutions as presented. Seconded by Mrs. Smith and the following vote was taken:

Affirmative: Councilman Galante, Vice-Chairman Scott, Mrs. Smith, and Mr. Orlando.

Negative: None

Abstentions: None

Attorney Leckstein briefly reviewed the Resolution for the following application:

Ryan and Holly Moscatiello 148 North Lovett Avenue Block 36, Lot 16, in the R-3

sought is permission to construct a second story dormer and extend front porch by lengthening and covering. The minimum required lot area is 20,000 square feet where 11,717 square feet is existing. The minimum required improved road frontage is 100 feet where 95 feet is existing. The minimum required front yard setback is 30 feet where 35 feet is existing and 28 feet is being proposed. The maximum allowable floor area ratio is .18 where .18 is existing and .239 is proposed.

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

Mrs. Smith moved to approve Resolutions as presented. Seconded by Mr. Orlando and the following vote was taken:

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

Negative: None

Abstentions: None

The Board had a brief discussion regarding the Environmental Commissions request to appear before the Board to discuss the impact of impervious coverage and run off. Vice-Chairman Scott noted that he would be welcoming of having them appear and would be greatly interested in any information that they would have.

There being no further business to come before the Board at this time, Mrs. Smith moved to adjourn at 8:49 P.M. Seconded by Councilman Galante and a unanimous voice vote followed.

Colleen Mayer, Planning Board Secretary