

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

Thursday May 5, 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.

Vice-Chairman led the flag salute.

Roll Call:

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

Absent: Mrs. Hough, Mr. Holzapfel, and Mr. Orlando

A motion was made by Mr. Chimento and seconded by Mayor Neff to approve the minutes of the April 21, 2016 meeting.

A unanimous voice vote followed.

Correspondence: None

Announcements:

Vice-Chairman Scott stated that the following application is carried to May 19, 2016 meeting:

***New York SMSA Limited d/b/a Verizon Wireless 492-500 Prospect Avenue Block 37, Lot 13 B-1 Zone seeking permission to erect/construct an unmanned wireless facility.** noted that the Board will be carrying the Verizon wireless application for 492-500 Prospect Avenue with no further noticing being required.

Mrs. Jungfer, Borough Administrator gave the Board an update on the status of the Verizon Wireless application. Mrs. Jungfer stated that the lease is the currently waiting to be signed by Verizon Wireless and after they return the lease to the Borough the Mayor needs to sign and the matter of 492-500 Prospect Avenue Block 37 Lot 13 should be off the Agenda.

Eric and Carolyn Wasserfall of 149 North Sunnycrest Drive Block 30 Lot 51 are no longer on the agenda because they cannot seek an administrative amendment to their variance that was received on October 2, 2014. Attorney Leckstein stated that no notice was given and they must re-apply for a variance.

Councilman Galante questioned Attorney Leckstein on the length of time given with a variance.

Attorney Leckstein stated one year is given and explained the Permit Extension Act.

Vice-Chairman announced that **Gary and Andrienne Lamanno 64 Laurel Drive Block 52, Lot 33, in the R-3 Zone** application will be carried to the May 19, 2016 meeting because notice wasn't given to the utilities.

A motion was made by Mayor Neff and Seconded by Councilman Galante to carry 64 Laurel Drive to the May 19, 2016 meeting.

A unanimous voice vote followed.

New Business:

Brenda McIntyre is seeking permission to open a Real Estate Office (Brenda McIntyre Realty) located at **50 Church Street, Block 40, Lot 8, in the B-1 Business Zone**. Minimum off-street parking spaces required for Business offices are one (1) parking space for each one hundred fifty (150) square feet of gross floor area. Ordinance requires 17 parking spaces, where 6 are existing and proposed.

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

Robert Curley an Attorney with an office located at 476 Broad Street Shrewsbury, NJ appeared on behalf of the Applicant

Attorney Leckstein referenced an e-mail Mr. Curley sent the Board Secretary questioning the calculations by the Zoning Official for determining the required parking spaces. Attorney Leckstein informed Attorney Curley that either way a variance is required.

Attorney Curley stated the property is located directly across from the Embry United Methodist Church on Church Street and the building had a garden retail use and currently has six parking spaces. The building is just a little of 2,500 square feet gross area. The applicant is not proposing any modification to the locations exterior except for a sign to be located at the front of the property.

Attorney Curley stated they are seeking relief from the Ordinance Section 8:20 O.6 that requires a minimum off street parking spaces for each one hundred and fifty (150) square feet of gross floor area of the structure, resulting in 17 required parking spaces for the structure and notes that the use currently being proposed is for a real estate broker, which

falls within the ordinance definition for Professional Office. Attorney Curley notes that Article X section 8:20 O19 of the Borough's Ordinance provides for a ratio of one (1) parking space for each two hundred (200) square feet of gross floor area for professional office use. The structure leased for the real estate brokerage use is 1,255 square feet and applying the professional office use ratio of 1 space per 200, 6.275 spaces would be required for the real estate brokerage use. Calculations for the whole building of 2,500 square footage would require 13 spaces.

Greg Blash, Borough Engineer was sworn in.

Attorney Leckstein questioned of Mr. Blash if the required number for a Professional use Office space would be 13 spaces for this location and Mr. Blash stated that those calculations would be correct.

Mayor Neff questioned if this was going to be the only business in this location?

Attorney Curley stated that the other business is currently vacating the property and does not believe another business will rent the vacant space, his client is only renting 1,200 square feet and the building is owned by Jane Black.

Vice-Chairman Scott wanted clarification that the applicant would be just occupying the first floor and second floor would be vacant?

Attorney Curley stated that was correct his client would be on the first floor and currently No one has leased the second floor yet.

Rodger Mumford 52 Paag Circle was sworn in and gave testimony that the owner of the property is Black Associates and that the applicant will occupy the first floor, plus a small portion of the front of the second floor space. Mr. Mumford described the parking lot design and that the compacted stone area utilized by the tenant vacating gives only an additional three (3) spaces.

Vice-Chairman stated he visited the property location and came to the conclusion that there is all the un-used parking space in the back where there is currently a semi-permanent tent located and would assume that will be removed when the tenant moved out.

Mr. Mumford stated that was correct.

Vice -Chairman Scott further stated that it's in the landlord and tenant best interest to create more parking and the way the application stands if the only parking is those six (6) spaces then you actually have pushed out that 600 square foot office space upstairs cause there is no more parking. That puts them in the position to have to come back before the Board for a variance for parking then. If we had something from the owner that they are going to create more parking then his would be a homerun.

Cathy Balto, 80 Church Street was sworn in.

Attorney Leckstein summarized the evenings testimony for Ms. Balton, because the recording system was creating a lot of static and noise which made it difficult to hear.

Ms. Balton stated that when she read the notice for the meeting she was a little confused that it stated 17 parking spaces for a Real Estate office.

Attorney Leckstein explained to Ms. Balton the ordinance calculated the parking required on the size of the whole building not just an office and the required spaces are 13 not 17 because a real estate office is defined in the ordinance as a professional which has a different calculation for parking.

Ms. Balton stated that her thoughts are that the street parking would take care of any overflow and living on a busy street she doesn't care about it really and since Buckman took over the location of the hardware store there is a lot more traffic or a lot more cars that overflow onto the street.

Mr. David Hinton of 38 Cheshire Square was sworn in expressed his concerns over the street. He further explained since they just recently put new sidewalk in and now the cars are parking to the close to the entrance/exit driveways and it is difficult to see when exiting and the spots for parking and yellow curbs are no longer in place.

Ms. Balton confirmed she had the same problem by her place.

Borough Engineer, Greg Blash stated that would change when they complete the striping on the street.

Mr. Hinton also expressed his concern over the speed on the street.

Mrs. Jungfer stated that Church Road is a County Road.

Councilman Galante stated that the speed is DOT regulated by the Stated and even the County gets over run by the State.

Vice-Chairman Scott informed Mr. Hinton that this is out of the Boards jurisdiction and not part of the application.

Ellen Corsi, was sworn in and explained to the Board she works for Jane Black, the owner of 50 Church Street and it is not in the plans to add any more parking and no plans at this time to have additional tenants.

Vice-Chairman Scott asked if anyone from the public or Board had any other questions or comments.

Seeing none Vice-Chairman Scott called for a motion to dispose of the application and a motion was made by Mr. Chimento and seconded by Councilman Galante to approve this application as submitted.

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

Negative: None

Abstentions: None

A motion was made by Councilman Galante and seconded by Mr. Chimento to approve the sign application that was presented to the Board.

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

Negative: None

Abstentions: None

Approval of Resolutions:

Attorney Leckstein briefly reviewed the Resolution for the following application:

David and Allison Buleza 11 Little Silver Parkway Block 30, Lot 66 sought permission to construct a 33'x 6' two story addition to rear of existing home, reframe roof and construct a new 6' x 6' covered front porch. The minimum required lot area is 20,000 square feet where 12,428.7 square feet is existing. The minimum required improved road frontage for a corner lot is 150 feet on each road where 100 feet and 128 feet is existing. The minimum required front yard setback is 30 feet where 23.8 feet is existing. The minimum required rear yard setback for an accessory structure (shed) of 96 square feet in size is 8 feet where 7 feet is existing.

Councilman Galante moved to approve Resolution as presented. Seconded by Mr. Chimento and the following vote was taken:

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

Negative: None

Abstentions: None

Attorney Leckstein briefly reviewed the Resolution for the following application:

Dana Keating 58 Crest Drive 58 Crest Drive, Block 13, Lot 79, in the R-2 Zone sought permission to construction a 2nd story addition "squaring off" the rear of the house and construct a vestibule and powder room under the roof of the screen porch. The minimum required lot area is 25,000 square feet where 17,065 square feet is existing. The minimum required front yard setback is 50 feet where 46.97 feet is existing. The minimum required rear yard setback for a principal structure is 50 feet where

40.5 feet is existing. The minimum required side yard setback for a structure (*screen porch) is 15 feet on each side where 2.4 feet and 26.55 feet are existing. The maximum allowable impervious surface is 35% where 36% is existing and 37.7% is being proposed for screen porch. The maximum allowable floor area ratio* is .18 where .179 is existing and .188 is being proposed.

Mr. Chimento moved to approve Resolution as presented. Seconded by Mr. Perfetto and the following vote was taken:

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

Negative: None

Abstentions: None

There being no further business to come before the Board at this time, Mrs. Jungfer moved to adjourn at 7:34p.m. seconded by Mrs. Smith and a unanimous voice vote followed.



Colleen Mayer, Planning Board Secretary

Dated: May 6, 2016