

**Bradley Beach Planning Board
Regular Meeting Minutes
Thursday, August 24, 2017 at 6:30 PM**

Meeting is called to order by Chairman Psiuk. The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: William Psiuk, John Weber, George Waterman, Marc Rosenthal, Douglas Jung, Jane DeNoble, Meredith DeMarco, Paul Williams

Absent: Rafael Albanir, Norman Goldfarb, Alan Gubitosi

Also Present: Mark Steinberg, Esq. – Attorney to the Board, Gerald Freda, PE, PP, CME – Board Engineer, and Jennifer Beahm, PP, AICP – Board Planner.

Swearing in of New/Re-Appointed Board Members:

George Waterman, Jane DeNoble, and Paul Williams

Resolutions

Resolution of Approval – Site Plan – 300 Main Bradley Beach, LLC – Block 60, Lot 22 – 300 Main Street.

Motion to adopt was made by William Psiuk and seconded by John Weber.

Those in Favor: Meredith DeMarco, John Weber, and William Psiuk

Those Opposed: None.

Those Absent: Rafael Albanir, Norman Goldfarb, and Alan Gubitosi

Those Ineligible to Vote: George Waterman, Marc Rosenthal, Douglas Jung, Paul Williams, Jane DeNoble

Executive Session

A motion is made by Chair Psiuk to move into closed executive session to discuss pending litigation matter, seconded by John Weber – All in favor.

7:11 PM – The Board returns and roll call is taken, all members still present with the exception of those which were previously absent during first roll call.

Applications Under Consideration:

Brielle Developers, LLC – 301 Main Street/704 ½ Third Avenue – Block 59, Lots 9-12 –
Applicant is seeking an extension of site plan approval. Applicant is represented by Michael J. Wenning, Esq.

Jane DeNoble recuses herself due to a conflict of interest.

Michael J. Wenning, Esq. indicates the site plan was approved on August 27, 2015 and there have been a certain number of delays which we would like to explain. Applicant is here to request the first 1-year extension of a possible 3 permitted under the law.

Bruce Wilt – Managing Member. Mr. Wilt indicates the following steps have been taken to obtain resolution compliance and move forward with construction:

1. Financing for the project has been obtained from First Commerce Bank – Lakewood.
2. Demolition began 2 weeks ago.
3. Deeds have been filed to consolidate the lots and have been merged.
4. Executed an agreement with the Borough for the vacation of the unnamed alley.
5. Retained professionals to prepare detailed Building Plans which have been prepared.

Mr. Wilt indicates they have spent over \$600,000.00 on professionals. The MEP-Engineer (mechanical, electrical, and plumbing) we had a 3-month timing with him to complete for the architectural prints and 2 months into the deal he died. So I had to get another professional. Had to rehire another MEP Engineer who then took care of getting all of this work done for us so that kind of delayed us for about 4-5 months. Construction Details.

Contractors have now been retained and plan submission for resolution compliance review has been submitted today.

Jerry Freda indicates as a courtesy since the plans were just received this afternoon we took a quick look at them and noticed a few things I need to ask questions about.

1. New Architect involved? – Yes
2. What was the reason for the many changes to the plans? Some of them can be considered significant to the point where you may need to come back to the Board for those changes? – It is indicated the footprint is exactly the same and part of the interiors of the units were revised due to the cost on them we had them revised to make for a better build of the project, that is why.
3. There are changes to the façade which I feel are significant and something the Board may want to see.
4. It is unclear of the size and the square footage of the rental space.
5. Entrance from Main Street was enlarged and changed.
6. Stairs on Third Avenue side are no longer there.
7. Lot layout has changed.
8. Balconies have changed
9. Question the number of bedrooms because there is a question as to number of bedrooms in each unit.
10. Storage areas have changed.

Chair Psiuk indicates this sounds as if it needs to come back to the Board for approval of the changes.

If we want to keep these proposed changes we would have to come back to the Board.

A new architect has been obtained and therefore there have been some changes to the façade.

Since so much time and money has been invested in this project to move it forward the applicant requests the 1-year extension under the MLUL to obtain compliance.

Jennifer Beahm questions why it has taken so long to submit for compliance when no MEP is required for that. Why have civil plans taken so long to be submitted for compliance? This type of detail is not required for resolution compliance that is for building permits.

If the extension is granted, plans can be revised to the Board Engineer's satisfaction, if not, will have to return to the Board for approval.

Jennifer Beahm indicates regardless of what has been submitted for review today, does the Board feel there is enough information provided or effort made by the Applicant to justify granting the 1-year extension.

There have been no changes to the Ordinance since the Resolution was adopted in August 2015 with the exception of additional benefits if Affordable Housing units are offered.

John Weber indicates the Applicant is entitled to an extension and questions whether or not NJDOT permits have been obtained for curb cut on Main – Yes obtained.

John Weber inquires whether affordable units will be provided. Mr. Wilt indicates they cannot provide due to financing already approved and received for the project. Affordable units were not proposed when presented to the bank.

Douglas Jung – indicates he is not unsympathetic to the Applicants position and circumstances; however, questions why the substantial changes to that which was approved. How can we reconcile that?

Jerry Freda indicates he saw changes were considerable. The footprint is the same; however, there are some changes which need to be reviewed. There may be some things that make it better and maybe not. The façade was very important to the Board as to what that corner was going to look like.

Mr. Wenning understands the Boards concerns and indicates the façade and changes can always be changed back.

There is a discussion that takes place on the record with regard to the unnamed alley vacation/easement.

Chair Psiuk indicates concerns with demolition prior to seeing revised plans. Demolition is separate and apart from construction.

Jerry Freda indicates certain changes can be made administratively, but if they are substantial will have to come back to the Board.

Mark Steinberg, Esq. indicates the extension does not preclude the Board from reviewing the proposed changes.

Based upon the information and testimony provided to the Board, Chair Psiuk makes a motion to approve the requested 1-year extension of time, moved and seconded by John Weber.

Those in Favor: Paul Williams, Meredith DeMarco, Marc Rosenthal, Douglas Jung, George Waterman, John Weber, and William Psiuk

Those Opposed: None.

Those Absent: Alan Gubitosi, Norman Goldfarb, Rafael Albanir

Those Abstained: None

(Jane DeNoble Recused)

****BOARD TAKES A BREAK AND RETURNS AT 7:45 PM****

MASTER PLAN DISCUSSION:

ITEM #1 OF JENNIFER BEAHM'S MEMO DATED AUGUST 15, 2017 – ELIMINATION OF THE R-T (Residential Transition Zone):

Chair Psiuk gives a brief history of zone changes since 2003 and justification for revisiting again today.

Jennifer Beahm indicates the question is whether you want to permit townhouses within the zone, if not and the R-T Zone is removed, it will be identical to the R-1 Zone which still allows people to apply for Use Variance if the property is suitable for such development and they can make their case. No need for two separate zones with the same identical requirements. Townhomes are the only difference between the two zones now.

Question of pre-existing, non-conforming uses and whether it burns to the ground is discussed. Townhouses would not be allowed to rebuild "as of right" if over 50% destroyed by fire if this recommendation is implemented.

Paul Williams questions whether there is an ordinance in place to be able to rebuild your pre-existing, non-conforming home within the same footprint after a natural disaster.

Jennifer Beahm suggests this type of ordinance could be part of our overall recommendation to Council.

John Naples – 506B Ocean Ave – questions the validity and why no studies have been conducted as this has been discussed for 4 years now.

Michael Conoscenti – 123 Cliff Ave – agrees that we can't keep changing the Master Plan and you don't just arbitrarily remove townhomes and keep redoing the Master Plan over and over and over make sure the people there are protected first before removing the zone.

??? (Resident) – Was also here during Master Plan meetings and place was packed. Consensus was to leave alone. How many lots are involved? There is no statistical data. We are creating problems that don't exist. It is more affordable for a townhouse for everyone to be able enjoy the Borough.

TJ Coan – There were only 2 public meetings on Master Plan and there should be more other towns have many more. Mr. Coan indicates he wants the footnote removed from the Zoning Schedule and has been a long standing problem. The developers are using it to undermine the ordinance for their benefit.

Jennifer Beahm indicates she will check but believes there are 119 lots within the zone, will check how many townhomes currently exist. Most of those are single-family homes.

Multiple discussions take place.

Jane DeNoble indicates the problem is density.

ITEM #2 OF JENNIFER BEAHM'S MEMO – CURB CUTS

Jennifer Beahm questions whether curb cuts and common driveways are an issue or not. Ordinance limits in residential zones limits 1 curb cut per lot and a maximum width of 12 foot driveway.

Section 450-40 – driveway requirements – sentence at end of first paragraph “The Zoning Officer shall provide the applicant with the design detail for the construction of a concrete apron as provided by the Borough Engineer and the Applicant shall construct such apron in accordance with the specifications therein.” Do we have a standard driveway apron detail? Jerry Freda indicates he does not.

Jennifer Beahm recommends a standard detail be provided to be used moving forward.

Common driveways shall not be permitted in the Borough, but some have been approved. Jennifer indicates there is a benefit to them, but not sure if they are being overused?

A reduction in driveway setback is proposed by Jane DeNoble. Why is it 3 feet off the property line? Why not 6-inches? Does not feel 3 feet is working in town. Ms. DeNoble shows photos of stonework that has been done on some lots to make their driveways wider. Some are being forced to build an 8 foot driveway.

Jerry Freda explains reasons supporting the 3 foot setback.

Stones and pervious vs. impervious surfaces discussed. Lot coverage is discussed.

Marc Rosenthal questions shared driveways? Most are pre-existing.

Michael Conoscenti – 123 Cliff Ave – indicates it is a 3 ft. buffer between properties that is required to be landscaped, not stone.

John Naples – 506B Ocean Ave – apologizes to Jennifer Beahm and elaborates on curb cuts, buffers, and stones being landscaping not a driveway. Mr. Naples indicates there is a detail available for driveway aprons.

TJ Coan – indicates it would be helpful to widen driveways to promote off-street parking.

Chair Psiuk proposes no new common driveways permitted and 9 feet wide driveway and 2 foot buffer instead of 8 feet wide driveway and 3 foot buffer.

ITEM #3 OF JENNIFER BEAHM'S MEMO – INCREASE THE MINIMUM LOT SIZE FROM 5,000 S.F. TO 7,500 S.F. IN THE R-1 AND R-B ZONES

Chair Psiuk provides a brief timeline with background for lot widths back and forth.

Jennifer Beahm indicates this would create a lot of non-conformities throughout the community without a grandfather clause. It would cause any of those non-conforming lots to seek variance relief for anything they wanted to improve on their lot which would cause an undue expense on the homeowners.

TJ Coan indicates his support of this decision. Gives examples of lots that were subdivided and homes built on 50 x 100 lots which are an improvement from that which was there.

Member of the public discusses affordability as well. 75 x 100 lots will be more expensive as well and 50 x 100 is a suitable lot size.

The Board Members indicate there is no issue with 50 x 100 lots and it is recommended that this item be removed from the recommendations.

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY JOHN WEBER, ALL IN FAVOR. MEETING CLOSED AT 8:57 PM.

NEXT SCHEDULED MEETING WILL BE A REGULAR MEETING ON THURSDAY, SEPTEMBER 28, 2017 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.

Minutes submitted by Kristie Armour, Board Secretary