

**Bradley Beach Planning Board
Regular Meeting Minutes
Thursday, September 28, 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, Rafael Albanir, George Waterman, Norman Goldfarb, Douglas Jung, Jane DeNoble, Alan Gubitosi, Paul Williams

Absent: John Weber, Marc Rosenthal, Meredith DeMarco

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

Resolutions

Resolution of Approval – Extension of Time of Final Site Plan – Brielle Developers, LLC – Block 59, Lots 9-12 – 301 Main Street & 704 ½ Third Avenue

Motion to adopt was made by William Psiuk and seconded by George Waterman.

Those in Favor: Paul Williams, Douglas Jung, George Waterman, and William Psiuk

Those Opposed: None.

Those Absent: Meredith DeMarco, Marc Rosenthal, and John Weber

Those Ineligible to Vote: Jane DeNoble, Rafael Albanir, Norman Goldfarb, Alan Gubitosi

Swearing in of Alan Gubitosi as Alternate #1 Member for the remainder of a 2-year term expiring December 31, 2017.

Ms. Jane DeNoble indicates she has a conflict and recuses herself from participating in the next application and leaves the room.

Applications Under Consideration:

Frank A. Morris – 200 Bradley Boulevard – Block 77, Lot 5 – Applicant is seeking a Minor Subdivision of the property to create two (2) lots with no construction being proposed at this time.

Applicant is represented by Thomas Hall, Esq.

Exhibit A-1 – Minor Subdivision Plan (7/19/17 with no revisions) is marked

Chair Psiuk questions variances and notice requirements.

Mark Steinberg, Esq. indicates public notice was not required this is a Minor Subdivision with no variances.

Chair Psiuk indicates he sees variances as the lots are only 88.67 our ordinance says 50 x 100 and this lot is 88 feet deep by 158 feet. Its in the R-1 Zone

Jennifer Beahm further explains our ordinance only requires square feet as the lots do not have a "rear" yard and contain only front and side yards since they are through lots; therefore, depth cannot be measured per Ordinance.

Gerald Freda indicates in his memo it is very clear that there are no variances required.

Chair Psiuk refers to chart as far as zoning it says 50 x 100 in the R-1.

Jennifer Beahm disagrees as the table states 5,000 s.f. it says width 50 it doesn't say frontage 50.

Chair Psiuk indicates rear says 100

Jennifer Beahm – there is no rear – based on our ordinance there is no rear yards associated with any of these lots which is further explained – no rear.

Chair Psiuk questions why there is no Zoning Determination.

It is explained that it is not required since this lot is proposed to become vacated and there is no construction being proposed at this time.

There is no construction proposed at this time; however, this variance situation may come to fruition when the actual homes and construction are proposed, at which time each of the lots would come to the Zoning Board for relief.

Chair Psiuk questions whether we are creating the hardship by granting these two lots.

Gerald Freda indicates the building envelopes being shown can accommodate homes without needing variances.

Frank A .Morris – sworn in – states the house currently on the lot has been vacant for a number of years. Mr. Morris indicates he discussed the property with his professionals and came up with the Minor Subdivision. There is more than enough room to construct two (2) conforming homes and he does not plan on variances at all if he were to build the two homes.

Jennifer Beahm puts on the record regarding future fencing which would not permit 6 foot fencing in the rear because there is no rear only front yard areas.

Gerald Freda indicates there is no impact on sight triangles.

Chair Psiuk questions whether applicant is aware they are in a flood zone – Mr. Morris yes.

Lot numbers must be assigned by the Tax Assessor, addresses are assigned by the Post Office.

The subdivision is proposed to be perfected and filed by deed.

The second home could be approximately 1,000 s.f. on the first floor.

Chair Psiuk indicates there is an error in the tables on the plans which must be corrected.

It is indicated the plan will be revised and the table adjusted accordingly.

Michael Weingarten (sp?) – 202 Evergreen – 2nd Building not much closer to the point on the property than it is now? How much?

Frank Morris – no plan for a house yet.

Gerald Freda explains the zoning process for building to Mr. Weingarten and how they would have to come for a variance if they cannot fit the home within the proposed building envelope.

Michael Conoscenti – 123 Cliff Ave – Questions why would new construction seek relief from the Zoning Board and not the Planning Board. Jennifer Beahm explains it is not associated with a Site Plan therefore; single-family homes seeking variance relief must apply for variances through the Zoning Board of Adjustment.

Tom Crader – 203 Evergreen – Preclude applying for variance.

Mark Steinberg, Esq. explains legality of doing same and effects on future ownership.

Eric Schatz – 202 Evergreen – Questions how hard it is to get a variance – he disagrees. Jennifer Beahm and Eric Schatz engage in a discussion on the record.

Stephen Lazewski – 202 Bradley Boulevard – indicates he is the immediate neighbor and thinks this is a great idea and questions lot lines, fronts, and sides.

Henry Machos – 209 Third Avenue – Indicates Mr. Morris should not say will not build without variances.

Rafael Albanir – questions the square footage available for the house on the triangular shaped lot. Mr. Morris indicates the lot can accommodate up to a 1,000 s.f. first floor area +/-

Gerald Freda indicates a 30' x 20' rectangular home – probably going to be closer to the Cunningham home as the triangle is 80' x 35' – 1,200 s.f. is the biggest floor area – actually 1,400 s.f. appears to be the biggest floor area.

Rafael Albanir – Questions subdividing lot to donate property to the Borough for Open Space.

Mr. Hall indicates his client will consider but respectfully declines at this time.

Open for Public Comment:

- 1 Triangle Lot will fight tooth and nail if variances are proposed.
- 2 Stephen Lazewski of 202 Bradley Blvd – indicates he believes you should be allowed to do with your property what is allowed by law; however, does not believe future variances should be granted for either of the lots being proposed.

Based upon the application submitted to the Board and the testimony provided by the Applicant, Chair Psiuk makes a motion to approve the application, moved and seconded by Norman Goldfarb.

Those in Favor: Alan Gubitosi, Paul Williams (indicates concerns with sight triangle), Douglas Jung (indicates applicant should listen to the concerns of the residents), Norman Goldfarb (listen to professional opinions), George Waterman, Rafael Albanir (take professionals advice), Chairman William Psiuk (indicates concerns with proposed Lot 5.02).

Those Opposed: None.

Those Absent: Meredith DeMarco, Marc Rosenthal, John Weber

Those Abstained: None

(Jane DeNoble Recused)

****BOARD TAKES A 5 MINUTE BREAK AND RETURNS AT 7:20 PM****

MASTER PLAN DISCUSSION:

Chair Psiuk provides a re-cap of the prior meeting
Item #1 - To eliminate the R-T Zone and make it an R-1 Zone.

Jane DeNoble arrives at 7:34 PM

Jennifer Beahm discusses townhouses as there are none currently in the zone it will not impact anyone. Ms. Beahm indicates a sample ordinance for non-conforming uses and structures has been distributed to the Board Members for their review.

Item #2 – Curb cuts – re-capped

Item #3 – No action required. Agreed this recommendation is to be removed.

Mr. Conoscenti questions if he had a condo and it burns down in the R-T/R-1 and indicates it should be left alone.

ITEM #4 OF JENNIFER BEAHM'S MEMO – GARAGE APARTMENTS

This item proposes you will need 7,500 s.f. to build a garage apartment otherwise you will need a variance.

Chair Psiuk questions COAH and Garage Apartments as well as obligation and he feels it will affect way too many residents negatively.

A resident of Third Avenue indicates she is from Old Bridge; however, she has a 55 x 100 lot which will negatively affect her plans for the lot; therefore, she opposes the current proposal.

Henry Machos – 209 Third Avenue – wants to know who is making these recommendations. A house with a cottage is worth more or a property that can have a cottage worth more.

Kathleen Printon – 205 Beach Avenue – opposes the proposal – not everyone can afford.

TJ Coan – questions the size of the lot – 612 Third Avenue – check flaw in existing ordinance with corner lots – Density is 44th in the state.

Norman Goldfarb – questions provide off street parking for garage apartment – yes.

A poll is taken on how many want to eliminate Garage Apartments on 50 x 100 lots.

Chair Psiuk indicates it should be left the way it is.

Rafael Albanir indicates there is not enough data to make a determination.

IT IS AGREED NO ACTION SHOULD BE TAKEN ON THIS RECOMMENDATION AND IT SHOULD BE REMOVED.

ITEM #5 OF JENNIFER BEAHM'S MEMO – CIRCULATION AND SIDEWALKS

Jennifer Beahm indicates this is a good recommendation ensuring safe circulation Borough wide, but specifically Main Street. The Board's responsibility is to take care of the residents.

48-hours notice for repairs agreed

Type of material – concrete? Crushed stone? Discussed.

Norman Goldfarb agrees with the 48-hour fix requirement.

NEXT MEETING ITEMS #6 AND #7 WILL BE DISCUSSED

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY RAFAEL ALBANIR, ALL IN FAVOR. MEETING CLOSED AT 8:35 PM.

NEXT SCHEDULED MEETING WILL BE A REGULAR MEETING ON THURSDAY, OCTOBER 26, 2017 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.

Minutes submitted by Kristie Armour, Board Secretary