

**Bradley Beach Zoning Board of Adjustment
Regular Meeting Minutes
Thursday, December 21, 2017 at 6:30 PM**

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

Board Member Alexis Bouhoutsos is sworn in by Monica Kowalski, Esq.

Chair Rosenberg notes for the record that Chairman William Psiuk of the Planning Board is in the audience tonight in case he is needed as an alternate member should any of tonight's matters be carried to a later date and there is lack of a quorum.

Chair Rosenberg makes the opening statement and indicates how the meeting will proceed.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Michael Conoscenti, Robert Quinlan, Dominic Carrea, Raymond Wade, Edward Pilot, Dennis Mayer, Lauren Egbert, Deidre Phillips, Alexis Bouhoutsos, Harvey Rosenberg

Absent: Shawn Ryan

Also Present: Monica Kowalski, Esq. – Conflict Attorney (to handle ZB17/04 Groesbeck application), Kimberly Bennett, Esq. – Attorney to the Board, Gerald Freda, PE, PP, CME – Board Engineer.

Applications:

Fran Groesbeck – 104 Kent Avenue – Block 12, Lot 4 – Ms. Groesbeck is seeking bulk variances to construct a first floor addition below the existing dwelling and deck.

Monica Kowalski, Esq. indicates she has reviewed the notice package and has found it acceptable and the Board can accept jurisdiction.

Ms. Groesbeck is sworn in. She indicates she is owner of the home this is a 1-family home and wants to create 2 additional bedrooms with the proposed addition in order to give each of the children their own rooms.

Jerry Freda indicates the Engineer's Report reflects a 2-family home and the conditions set forth within the report are for a 2-family home not a 1-family.

Ms. Groesbeck, the owner, is willing to give up the 2-family designation on the record.

Michael Conoscenti indicates he does not see in the ordinance that a 2-family is treated differently than a 1-family with regard to setbacks etc. in this zone.

Alan Zimble, Architect is sworn in – he has been licensed in the State of NJ since 1989 and is accepted by the Board.

Mr. Zimble indicates they are proposing a buildout under existing 2nd floor structures. There is currently 34.6% of building coverage and 42.3% is proposed.

There is no work being proposed on the second floor with the exception of widening of the stairwell. We are proposing to build 2 bedrooms in the back along with an office and a foyer.

There is currently a 3-car driveway.

Ms. Groesbeck is willing to eliminate the first floor kitchen as a condition of approval as there is no stove there now as it exists today, just countertop, and sink, and a refrigerator. The area is mainly used for laundry.

The proposed addition does not increase the footprint of the existing building with the exception of the widening of the stairwell.

Lauren Egbert questions coverage and if it is staying the same as it currently exists.

Yes with the exception of widening the stairwell to bring it up to code.

Chair Rosenberg indicates most of the variances being requested are existing conditions. Mr. Conoscenti indicates that is what he is getting at.

There will be only 1 entrance to the home, just re-orienting the doorway.

The Applicant is willing to remove some of the patio in the rear of the home to help reduce coverage and increase grassy area.

Currently the home is approximately 1,400 s.f. and this proposal will increase the living space to approximately 1,800 s.f.

Lauren Egbert questions the height of the deck and effects on stormwater with this proposal.

Mr. Quinlan questions the AC condensers. Applicant indicates she will comply and relocate the 2nd condenser to the back of the home.

Applicant agrees to remove a 21 foot x 8.5 foot section of the concrete patio in the rear of the home.

Dominic Carrea indicates he thinks the whole application and process by which it was looked at is flawed its based upon it being a 2-family residence and that his how the denial and the professional reviews are based. Difficult to look at any other way than as indicated in the reports. Has a problem voting on this as it has been presented.

Ms. Groesbeck apologizes and states she has looked into the process of having the home designated as a 1-family vs. 2-family and had spoken with Barbara the prior zoning officer in the past but didn't think this would be an issue, she just wishes to give her children their own rooms and slightly increase their livable space.

Ms. Kowalski indicates Ms. Groesbeck is willing to make this a 1-family home and waive the 2-family status as a condition as she has stated previously. If approved it is recommended that the plans be revised in accordance with any conditions set forth by the Board and submitted for review and approval by the Board Engineer for resolution compliance if that is the Board's wish should the application be approved.

Jerry Freda indicates the side yard and rear yard variances as a 1-family are actually less egregious than the 2-family standards. Mr. Freda indicates that if all of these items being discussed are placed in the resolution as conditions he is satisfied with the application.

Monica Kowalski, Esq. indicates these are simple bulk variances and there is a minimal standard of proof here.

Rich (Unknown Last Name) – 600 Third Avenue – Describes a 2-family is not defined by just having 2 kitchens there may be ways of entering/exiting the building and the utilities and metering systems. Do you think it would be prudent to have these additional features removed as well to designate this home as a single-family.

Alan Zimble, Architect, indicates there is only 1 entry into the dwelling and it is currently being used as a 1-family and the owner is willing to change to a single metering system if possible and if approved, but does not believe it is necessary if she is changing the designation/status of the home to single-family on the record. The home could no longer be sold or utilized as a multi-family without obtaining a use variance.

The proposed addition will have vinyl on the exterior; the brick on the front of the home will remain.

William Groesbeck is sworn in and indicates he supports his wife's testimony and introduces the family. Indicates they honestly need the additional bedrooms not trying to get anything over on anyone.

Conditions of approval:

1 – Designate as 1-family home

- 2 – AC condenser currently on the side of the property to be relocated to the rear but will still needs a rear yard setback variance
- 3 – A 21 ft. x 8.5 ft. area of concrete patio is to be removed in the rear
- 4 – Owners will completely remove 1st floor downstairs kitchen
- 5 – Consolidate utility meters if possible to generate 1 bill for each of the utilities.

Based upon the application and the testimony provided to the Board, Robert Quinlan made a motion to approve the application with the conditions as discussed, moved and seconded by Michael Conoscenti.

Those who voted YES: Dennis Mayer (w/comment), Edward Pilot (w/comment), Raymond Wade (w/comment), Dominic Carrea (w/comment), Robert Quinlan (w/comment), Michael Conoscenti (w/comment), and Harvey Rosenberg (w/comment)

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Shawn Ryan

****DOMINIC CARREA IS RECUSED FROM THE NEXT 2 APPLICATIONS****

****Monica Kowalski, Esq. is excused and Kimberly Bennett, Esq. from King, Kitrick, Jackson and McWeeney present on behalf of Mark Kitrick, Esq.****

ZB17/02 – Mark Hartigan – 503 Newark Avenue – Block 18, Lot 9 – Applicant is seeking bulk variances for side yard setback and impervious coverage in order to install a natural gas powered whole house generator.

Applicant is represented by Michael J. Wenning, Esq.

Chair Rosenberg asks if the next 2 applications can be heard together since they are for the same generator and they are adjacent neighbors.

Ms. Bennett indicates they should be heard separately as each application is based upon its own merits. There are 2 properties, 2 owners, and you are going to want 2 separate resolutions.

Mark Hartigan is sworn in

Charles Billman (Electrician) is sworn in.

Mr. Hartigan indicates he is the owner of the home and has been so for the past 7 years.

This is a 50 x 100 lot. Mr. Carrea is the adjoining neighbor at 501 Newark Avenue and would also like a whole house generator.

Mr. Wenning notes for the record that regardless of the location of this generator it is going to require a variance. Mr. Hartigan feels this is the best location of the generator as this is where the AC condensers are located as well.

Exhibits marked:

A-1 – Photo of 501 Newark & 503 Newark (on left) looking back to front.

A-2 – Photo same side yard 503 Newark (on left)

A-3 – Photo of 501 Newark

A-4 – Photo of 501 Newark & 503 Newark (on right)

A-5 – Photo of 501 Newark

A-6 – Photo of 501 Newark and 503 Newark (on left)

A-7 – Photo of 503 Newark

Proposing to install the generator on the lower left of photo A-1 in the side yard setback.

The AC condensers have been in this area since the homes were built 10 years ago.

Michal Conoscenti indicates that 10 years ago you could put mechanical equipment within the setback area but it is no longer permitted.

Mr. Pilot questions what the motivation for this generator is. Mr. Hartigan indicates he just wants back-up power for a “Sandy” type instance.

Mr. Hartigan indicates he owns a home in Nutley which has a generator which runs in exercise mode 1 x each week for about 5-13 minutes.

Lauren Egbert – questions whether the applicant has considered installing the generator in the rear yard. Mr. Hartigan indicates he would lose usable space.

Ms. Bouhoutsos indicates if both homes are without power they are going to be running at the same time and if it is during a time of year where the AC units will be running as well, that is a lot of sound coming from this small space at the same time.

Mr. Billman indicates the generator runs at about 62 decibels which is equivalent to a lawn mower. It is questioned why this general area? It is answered...when the generator is installed closer to the gas/electric lines it is cheaper which is why it may have been proposed on this side.

How far apart will the generators be from each other if placed in the side yards? They would be approximately 10 feet.

Jerry Freda – Can it be located in the notch located on the southwest corner in the back? It is indicated it cannot because that is the garage door and not just a cut-out.

It is questioned if there is anywhere on the west side of the home that the generator could be located because there is a generous setback on that side of the home and there may be an area that it can be located without a variance.

Mr. Hartigan indicates he cannot put it in the driveway as that is where the driveway is located.

A 48" x 28" area is needed for the generator and 3 feet on all sides (left, right, and front) from that. It must be located 18 inches from the house and 5 feet away from any windows or openings.

Lauren Egbert questions the impact of installing the generator on the roof. It is indicated it is not cost effective and would require engineering etc.

Mr. Pilot indicates the general sentiment of the Board is that they do not want it located between the homes, while it may be agreed to now between the neighbors what about the future owners of the homes if they were sold.

Various discussions take place with regard to where the generator could possibly be located.

It is indicated the northwest corner of the home contains the electric panel and the gas meter is on the east side of the home.

Lauren Egbert questions the accessibility of emergency personnel if this is placed in the proposed location. It is indicated that a person carrying a fire hose could get through the space.

It is questioned whether or not an owner could put up a fence in this area. It is indicated by the Board Engineer that yes, a fence could be erected which would negate the setback required for the generators to safely operate.

The Board requests that the generator be located 5 feet from the side yard and 5 foot from the rear yard in the back corner of the property approximately 7 feet back from where it has originally been requested.

****BOARD TAKES A RECESS AT 8:09 PM AND RETURNS AT 8:14 PM****

Michael Wenning, Esq. proposes the rear patio area approximately 2 feet from the side yard, 5 feet from the main structure, abutting the patio. It is indicated this proposal would require 2 variances.

THE APPLICANT REQUESTS THAT THIS MATTER BE CARRIED TO THE JANUARY 18, 2018 MEETING WITH NO FURTHER NOTICE BEING REQUIRED IN ORDER TO EVALUATE AN ALTERNATE LOCATION WITH HIS ELECTRICIAN.

Based upon this request, Chair Rosenberg made a motion to carry to January 18, 2018 without further notice, moved and seconded by Robert Quinlan.

Those who voted YES: Dennis Mayer, Edward Pilot, Raymond Wade, Robert Quinlan, Michael Conoscenti, Lauren Egbert, and Harvey Rosenberg

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Shawn Ryan - Dominic Carrea (Recused)

****BOARD TAKES A BREAK AT 8:25 PM AND RETURNS AT 8:33 PM. MARK KITRICK ESQ. (BOARD ATTORNEY) IS NOW PRESENT MS. BENNETT HAS BEEN EXCUSED****

ZB17/03 – Dominic Carrea – 501 Newark Avenue – Block 18, Lot 10 – Applicant is seeking a bulk variance for side yard setback in order to install a natural gas powered whole house generator.

Applicant is represented by Michael J. Wenning, Esq.

Mr. Carrea is the next door neighbor to the prior applicant.

Mr. Wenning too much sound between buildings.

Dominic Carrea – sworn in – owner of 501 Newark Avenue
Charles Billman – sworn in – electrician.

Chair Rosenberg questions whether the actual schematics are available – it is answered no.

Why side yard? Mr. Carrea indicates after Sandy and this past summer he would like the backup generator. This is a corner lot so anywhere I want to place the generator needs a variance. The reason I selected the side yard is because there is only 1 side yard and there are already AC Units there and it is wasted space and it is the most cost effective.

This is a home on a 50 x 100 lot built with no variances being required.

Both neighbors want their generators in the same area, neither of the neighbors are concerned with the proposed noise.

Mr. Carrea wants his north of the AC unit which will require him to close up a basement window. Exhibit A-1 from Mr. Hartigan's application is introduced along with Exhibits A-2 thru A-7
A-1 – Photo of 501 Newark & 503 Newark (on left) looking back to front.
A-2 – Photo same side yard 503 Newark (on left)
A-3 – Photo of 501 Newark
A-4 – Photo of 501 Newark & 503 Newark (on right)

A-5 – Photo of 501 Newark

A-6 – Photo of 501 Newark and 503 Newark (on left)

A-7 – Photo of 503 Newark

The Board suggests the back corner of the property by the shed – Mr. Carrea indicates there is a tree there which cannot be relocated.

Mr. Conoscenti requests whether the generator can be placed on the Fletcher Lake side of the home. It is indicated there are a lot of windows over there. Mr. Carrea indicates it will interfere with the play area he has for his grandchildren.

Mr. Hartigan – sworn in – owner of 503 Newark (adjacent to 501) indicates he has no issue with the proposed location between the homes.

Michael Conoscenti questions whether the fire department can access the alleyway where these generators are being proposed.

Mr. Billman – Walter Daley Electrical Contractor – General Manager for the past 5 years – electrician for 16 years and has installed over 3000 generators and is familiar with the aspects. This is a Generac Standby Generator and due to the exhaust any window or opening or vent must be 5 feet away from the generator per Mr. Billman.

Deidre Phillips indicates her concern with carbon monoxide buildup between the buildings and not enough space to dissipate.

Michael Conoscenti indicates a fence would prohibit maintenance/workability; however, a gate would be permissible? It is a possibility with a gate but if the generators were to be there the Borough may not approve the fence to be installed if the generators are there.

Mr. Mayer indicates the Borough has specific reasons why there are no mechanicals permitted within setback areas anymore.

Mr. Carrea indicates he reached out to the town about installing this generator and said that nobody came out to look at where this was being proposed to give him any advice all they did was send him regulations. He thinks that all of this could have been avoided if he had been extended the courtesy from the Borough considering he is a member of the Board, but apparently there is none, nobody came out otherwise he wouldn't have proposed this, but nobody from the town helped him.

Jerry Freda indicates it is not the Borough's position or responsibility to do that whether you are on the Board or off the Board. It is the responsibility of the homeowner to hire an engineer for their own purpose.

THE APPLICANT REQUESTS THAT THIS MATTER BE CARRIED TO THE JANUARY 18, 2018 MEETING WITH NO FURTHER NOTICE BEING REQUIRED IN ORDER TO EVALUATE AN ALTERNATE LOCATION WITH HIS ELECTRICIAN.

Based upon this request, Chair Rosenberg made a motion to carry to January 18, 2018 without further notice, moved and seconded by Raymond Wade.

Those who voted YES: Dennis Mayer, Edward Pilot, Raymond Wade, Robert Quinlan, Michael Conoscenti, Lauren Egbert, and Harvey Rosenberg

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Shawn Ryan - Dominic Carrea (Recused)

ZB17/01 – Pasquale & Joan Ruta – 114 Ocean Park Avenue – Block 25, Lot 21 – Applicant is seeking multiple variances to demolish the existing structures onsite and construct a new 2 ½ story single family dwelling.

Applicant is represented by Gregory W. Vella, Esq. who summarizes the application to be presented. The lot is currently undersized at 34 feet x 100 feet

Pasquale (Pat) Ruta is sworn in with his Architect Jeremy Regan and Jerry Freda Board Engineer.

Mr. Ruta indicates they purchased the home in January 2017 and they are now proposing a new home and to demolish existing dwelling and rebuild. They wanted a house by the beach not a vacation home. The original house was built in 1920's, the stairs are very steep and his wife has rheumatoid arthritis the way the house is now is not comfortable for her which is why they are proposing an elevator with the new home as they wish to retire here. The current home has not been maintained as well as the other homes in the area. They did spend some time in the home over the summer which is when they realized the home as it is now is not conducive for Mrs. Ruta.

The current home has over 2,000 s.f. of living space and 441 s.f. garage. There are no current photos of the home available this evening.

T.J. Coan – 612 Third Ave – Since you purchased the home in January 2017 did you do any inspections on the home to determine its livability? – No, because goal was to build a brand new home for their needs. Mr. Coan asks if there have there been soil borings to determine the SHWT – Mr. Ruta indicates yes, the architect and the engineer can tell you what the samples showed.

Jeremy Regan AIA – describes the architectural in detail to the Board.

Exhibit A-1 Architectural Plans dated October 6, 2017 consisting of 2 sheets

The plan is to demolish the existing home as it is very difficult to work with a home that narrow. Hallways need to be a minimum of 3 feet wide.

Decided to center the house on the lot with driveway off to the left.

Proposed house is to be 27 feet wide with reversed living proposed to enjoy views of the ocean. Further details of the proposed new home are described including the garage now being a part of the first floor of the proposed home, the make-up of 2nd level and the 3rd level.

No access to the rear of the lot from the first floor.

Exhibit A-2 Color Rendering of Front Elevation (8 ½ x 11 – 1 sheet)

Elevations are described to the Board by Mr. Regan.

Begin review of Engineer's Report:

Item A.1. – that first paragraph calls out a variance for 3rd floor porch that encroaches into the front yard. The 3rd floor balcony is off the master bedroom runs the width of the bedroom and extends out 5 feet for views of the ocean.

The 1st floor balcony will be 8'8" from the face of the house, 2nd balcony will extend 5 feet from the face of the home for views of the ocean.

Item 3.b. – references a variance for an open uncovered – unroofed deck or patio not more than 3 feet above ground level may extend to required side or rear yard setback to within 5 feet of side or rear property line. This is the area off kitchen area in the back of the house and it would require a rear yard because it is about 12 feet in the air it would require the same side yard variance that the main house requires and then there will be a stairway that it will extend down to grade – existing building it is set back the minimum requirement of 25 feet. The proposed deck would extend 8 feet into the rear setback area. The proposed setback would be 21 feet + stairs for another 4 feet.

Item 3b 1 & 2 are self-explanatory – minimal lot area variance and lot width.

What is the house setback from the front property line? It is answered 18 feet. Based on the report and survey the average from setback is 17.3 feet so we are not deviating from the front setback requirement. What are the front porches set back at? 9 feet 4 inches.

Some variances that were noticed are not required as indicated in the Engineer's Report.

Side yard setback – since we are undersized lot side yard setback is 3.4 feet on one side and 6.8 feet on the other side. We comply with one side with 3.5 and we are deficient on the other

by 3.3 feet. Ordinance requires to have total setbacks on both sides of 10.2 feet. It is explained that you could not get rooms side by side because home would be too narrow. You would have a very narrow train-car feel and look to the house.

Building height – proposing 38 foot high dwelling.

Roughly 6 feet below grade is the current SHWT. A cellar is being proposed with an 8 foot ceiling height to accommodate the ductwork etc. – the floor is proposed to be 2 feet above SHWT Cellar is proposed to be 5 feet below grade and 3 feet above grade.

Cellar is 4 feet above grade, plus 1 foot of structure, the first floor 8 foot high ceiling, plus 1 foot of structure, 2nd floor 9 foot high ceilings, plus another 1 foot of structure, ½ story will have a steep pitch roof there would be a knee wall of about 1 foot framed with the roof on that and capture the center part to be finished as master bedroom at 8 foot high in the center which would be 32 feet max height of living space. Only the peak of the roof is above the 35 feet.

A discussion takes place regarding ½ story and heights in Master Bedroom and Bathrooms.

Livable square footage is proposed to be 2,900 s.f. per Mr. Regan.

Chair Rosenberg questions whether a home could be designed to comply with side yard setbacks and height requirement? It is answered that yes you could but would lose some livable space and would require redesign

It is indicated by the Board that they have a clean slate here because they are proposing to demolish the existing structure and there is a chance to “Wow us” with a great house and they have seen this before and they want these folks to have a great house. You would not be hurting anybody by re-thinking some of these details.

Lauren Egbert indicates the biggest issues for her are #1 the deck in the setback and #2 the impervious coverage.

Mr. Quinlan questions what is next to it? It is indicated this is a corner lot to the left.

Mr. Freda disagrees with ½ story and feels it is a 3rd story.

Mr. Regan indicates they will comply with all of 3c & 4 of the Engineer’s Report.

Mr. Vella indicates his client is going to take the Boards comments into consideration.

TJ Coan – Questions if Architect worked in towns similar to this? It is answered yes. Questions ceiling heights and familiarity with neighborhood.

Larry Bagwell – 304 Park Place – Questions if it is possible to build a narrower home? It is answered yes.

Rona Parker – 27 Atlantic – Will impervious issue be addressed? It is answered yes.

Larry Bagwell – Did you present homes that were conforming to the owners? It is indicated that is not relevant.

A discussion takes place with regard to carrying matter to the January 18th meeting and it is then decided to carry to the March 15, 2018 meeting.

THE APPLICANT REQUESTS THAT THIS MATTER BE CARRIED TO THE MARCH 15, 2018 MEETING WITH NO FURTHER NOTICE BEING REQUIRED IN ORDER TO EVALUATE BOARDS CONCERNS.

Based upon this request, Chair Rosenberg made a motion to carry to March 15, 2018 without further notice, moved and seconded by Raymond Wade.

Those who voted YES: Dennis Mayer, Edward Pilot, Raymond Wade, Robert Quinlan, Michael Conoscenti, Lauren Egbert, and Harvey Rosenberg

Those who voted NO: None.

Those who ABSTAINED: None.

Those ABSENT: Shawn Ryan and Dominic Carrea

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY RAYMOND WADE, ALL IN FAVOR. MEETING CLOSED AT 10:24 PM.

NEXT SCHEDULED MEETING WILL BE A REGULAR MEETING ON THURSDAY, JANUARY 18, 2018 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.

Minutes submitted by Kristie Armour, Board Secretary