

**Bradley Beach Zoning Board of Adjustment
Reorganization and Regular Meeting Minutes
Thursday, July 19, 2018 at 6:30 PM**

Meeting is called to order by Chair Rosenberg at 6:30 PM. The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Michael Affuso, Raymond Wade, Dennis Mayer, Lauren Egbert, Deidre Phillips, Alexis Bouhoutsos, and Harvey Rosenberg

Absent: Robert Quinlan, Dominic Carrea, Edward Pilot

Also Present: Mark G. Kitrick, Esq. - Attorney to the Board and Gerald Freda, PE, PP, CME – Board Engineer

Mark G. Kitrick, Esq. indicates that those members re-appointed that are here this evening and new members have been sworn in.

Appointments for the Remainder of 2018 Calendar Year:

CHAIRMAN: Raymond Wade offers the name of Harvey Rosenberg which is seconded by Dennis Mayer. All members present in favor.

VICE CHAIRMAN: Harvey Rosenberg offers the name of Dennis Mayer which is seconded by Raymond Wade. All members present in favor.

BOARD SECRETARY: Dennis Mayer offers the name of Kristie Armour which is seconded by Harvey Rosenberg. All members present in favor.

BOARD ATTORNEY: Harvey Rosenberg offers the name of Mark G. Kitrick, Esq. which is seconded by Dennis Mayer. All members present in favor.

BOARD ENGINEER: Harvey Rosenberg offers the name of Gerald Freda, PE of Leon S. Avakian which is seconded by Dennis Mayer. All members present in favor.

NEWSPAPERS FOR PUBLICATION OF LEGAL NOTICES: Harvey Rosenberg offers we accept the Asbury Park Press, Coast Star, and the Coaster as the official newspapers which is seconded by Dennis Mayer. All members present in favor.

SCHEDULE OF MEETINGS: Harvey Rosenberg offers the following meeting dates which will take place here in the Municipal Complex Meeting Room located at 701 Main Street in the

Borough of Bradley Beach, NJ at 6:30 PM: July 19, 2018, August 16, 2018, September 20, 2018, October 18, 2018, November 15, 2018, December 20, 2018, and Reorganization/Regular Meeting on January 10, 2019 which are seconded by Dennis Mayer. All members present in favor.

Resolutions Memorialized:

Resolution No. 2018-09 Adopting the Borough of Bradley Beach 2017-2018 Decisions of the Land Use Applications Pursuant to NJSA 40:55D-70.1. Harvey Rosenberg offers a motion to accept which is seconded by Dennis Mayer. All members present in favor.

No Comments from the Public. Mr. Thomas Coan requests a copy of the Annual Report Resolution be emailed to him.

WITH NO FURTHER REORGANIZATION BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REORGANIZATION MEETING AND TO OPEN THE REGULAR MEETING WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY DENNIS MAYER, ALL IN FAVOR. REORGANIZATION MEETING CLOSSES AT 6:39 PM.

REGULAR MEETING OPENS AT 6:39 PM:

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Michael Affuso, Raymond Wade, Dennis Mayer, Lauren Egbert, Deidre Phillips, Alexis Bouhoutsos, and Harvey Rosenberg

Absent: Robert Quinlan, Dominic Carrea, Edward Pilot

Also Present: Mark G. Kitrick, Esq. - Attorney to the Board and Gerald Freda, PE, PP, CME – Board Engineer

Adoption of Meeting Minutes of June 21, 2018 Motion to accept offered by Harvey Rosenberg and seconded by Lauren Egbert. All members present in favor.

Resolutions Memorialized:

Resolution #2018-10 – Approval of Bulk Variance for Fence Height – Frank Delany – Block 88, Lot 1 – 523 Burlington Avenue. All eligible members in favor.

Applications:

ZB18/04 (Use Variance for Prohibited Freestanding Sign) – Rega Bradley Beach, LLC – Block 38, Lots 7 and 26 – 103-105 McCabe Avenue – Applicant is proposing to replace the existing freestanding sign and has indicated the existing posts are to remain. Applicant is

represented by Michael J. Wenning, Esq. **Received e-mail request from Mr. Wenning to carry to the August 16, 2018 meeting with no further notice. Motion to carry to August 16th made by Harvey Rosenberg and seconded by Alexis Bouhoutsos. All members present in favor.**

ZB17/07 (Use and Bulk Variance for Fence and Driveway) – Alberto Contreras Mercado – Block 58, Lot 13 – 706 Fourth Avenue – Applicant is seeking variances to construct a 6 foot high dog-eared solid spruce fence on the rear and side yard property lines extending into the front yard area as well as the construction of a compliant 10-foot wide driveway with a 12-foot wide apron. **NOTE: This matter was carried from our May 17, 2018 meeting.**

Applicant is represented by Jeffrey Beekman, Esq.

Nahoko Tono (Mr. Mercado's wife) and Daniel W. Caruso are sworn in with Gerald Freda.

There have been some modifications to the fence since the last proposal. Wants to start with 3 foot fence, step up to 4 foot fence, then to 6 foot fence. The 6-foot portion of the fence requires the variance. 706 Fourth Avenue sits toward the back while 708 Fourth Avenue is further toward Fourth Avenue so where their house ends is where their house begins. So if the neighbor were applying for the fence a variance would not be required. Impact to 704 is minimal.

The driveway needs a variance because of the zone which the home is located not because of the size or location of the driveway.

There is no proposal to expand the home with this application.

Ms. Tono indicates parking is difficult as there are many multi-family homes and it is hard to find a spot. Wants to provide off-street parking for their home. Neighboring house is a 3-family home.

Mr. Beekman shares a Google Map Aerial and will provide a print out to show the approximate location of the house to the west to the front of the applicants' house, to help clarify how the homes line up.

Ms. Bouhoutsos questions if the neighbor has been cleaning up their property. It is indicated that the owner of the neighboring property has been cooperating and Bryant Curry has been a huge help per Ms. Tono.

Daniel Caruso – front property will start with 3 foot in line with house then section of 4 foot then 6 foot for the remainder of the side property line. Mr. Caruso describes the lot and proposed parking, 12 foot apron with a 10 foot wide driveway – showing a length 2 possibly 3 parking spaces off-street. Just a slight retaining wall is needed to hold back the grading. The structure itself is remaining as is.

Thomas Coan – 612 Third Avenue – within 200 feet. Indicates there is no building or lot coverage issue and no change to house and confirms fence height and length as well as the amount of off-street and on street parking.

Jeffrey Matut – sworn in - 708 Fourth Avenue – directly to the west is in support of the application and has no objection to the fence. He feels the fence will benefit the entire block and in agreement of where houses are situated.

Thomas Coan – sworn in – 612 Third Avenue – indicates it is great the home is getting renovated even though it is in the GBW Zone. Getting cars off the street and doing a great job. Indicates his support for the application.

Summation provided by Mr. Beekman.

Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve the application as presented with the change and with the new curb cut/driveway, moved and seconded by Lauren Egbert.

Those who voted YES: Deidre Phillips w/comment, Alexis Bouhoutsos w/comment, Michael Affuso w/comment, Lauren Egbert w/comment, Raymond Wade w/comment, Dennis Mayer w/comment, and Harvey Rosenberg.

Those who voted NO: None.

Those who ABSTAINED: None.

Those INELIGIBLE: None.

Those ABSENT: Edward Pilot, Dominic Carrea, and Robert Quinlan

Chair Rosenberg notifies the public of the rules and regulations of the Board and how the remainder of the meeting will proceed.

18/02 (Bulk Variances for Residential Addition in Rear) – Andrew J. Leiter – Block 28, Lot 7 – 311 ½ Ocean Park Avenue – Applicant is seeking variances to construct an addition to the rear of an existing single-family home including variances for building coverage (35% is permitted, 46% is existing, and 49.2% is proposed), impervious coverage (60% is permitted, 63% is proposed), minimum distance from primary structure to an accessory structure (20 feet is required and 13.82 feet is proposed).

Harvey Rosenberg is recused from participating in this application. Mr. Mayer assumes the role of Chair.

Applicant is represented by Thomas J. Hirsch, Esq. Mr. Hirsch indicates this application is similar to a neighboring home which he recently represented before the Board. He feels we are seeing so many additions because these are no longer being utilized as just summer homes.

Andrew Leiter and Edward Gorleski are sworn in the Gerald Freda.

Mr. Leiter – owner of the home for the past 13 years as a summer residence. The home has been in the family since the 1950's and whenever they have time they are here. He believes the addition is necessary because they are close to retirement and planning for the future. They need the extra space and modernization. There is currently no washer/dryer and they need a little more room at a minimum. All rooms are very tiny with a relic of a tub, no shower in upstairs bathroom. Mr. Leiter reviews some of the revisions being proposed to the home.

Mr. Hirsch indicates this is unique as there is 1 variance which is for the distance to a shared garage.

Exhibit A-1 – photo board of neighborhood & subject house (7 photos)

It is indicated this addition would be in keeping with the neighborhood.

Lauren Egbert questions the alignment of the rear of the homes. Mr. Leiter doesn't know exactly, but no more than 6 feet difference.

Mr. Gorleski provides his credentials and is accepted by the Board.

Mr. Gorleski provides the Board with an overview of the proposed plans and explains alignment of the homes on the block.

There is a proposed 6 foot addition to the rear which will allow for a full bath and a small laundry room. The 2nd floor is approximately 15 feet with no cantilever and will line up with the bottom floor in the rear.

Side yard setbacks are to remain the same. The required rear yard setback is 25 feet and they are proposing 34 feet to the house. The existing outdoor shower will remain and be reattached to the addition.

The common detached garage will be 13 feet, 10 inches from the rear and he does not see any concerns or issues with the distance as it is in character.

Jerry Freda's report is reviewed and #1 if an onsite recharge drywell is possible.

It is indicated the seasonal high water table is too high for a drywell. Jerry still feels it is feasible and should be a condition of approval. Mr. Hirsch indicates if it is feasible they are willing to install.

This is currently and undersized lot and the lot coverage is exceeded so recharge is preferred even if it is just the rear of the home.

Deidre Phillips questions whether outside shower has to remain which in turn a plumbing discussion takes place and will have to comply with current codes.

Lauren Egbert questions the use of the garage. It is indicated it is primarily for storage.

Dennis Mayer questions mechanicals. It is indicated there will be a compressor for AC next to the garage.

Raymond Wade questions the height. It is indicated the existing height is to remain just extending.

Joe Baecher – sworn in – in support of the application and feels it is a tremendous asset.

Lawrence Casparo – 311 Ocean Park Avenue – sworn in – feels the same as the Baecher's His house has also been in the family.

Terry Baecher – sworn in – provides comment in support of the proposal.

Melinda Gray – 307 ½ Ocean Park Avenue – sworn in – has owned since 1962 and now lives there year-round – they have been there for 3 generations and she is thrilled to have them there more often.

Thomas Hirsch, Esq. provides a summation to the Board.

Based upon the application submitted and the testimony provided, Lauren Egbert makes a motion to approve the application as presented and with the condition of groundwater recharge where it can be provided, moved and seconded by Dennis Mayer.

Those who voted YES: Deidre Phillips w/comment, Alexis Bouhoutsos w/comment, Michael Affuso w/comment, Lauren Egbert w/comment, Raymond Wade w/comment, Dennis Mayer w/comment.

Those who voted NO: None.

Those who ABSTAINED: None.

Those INELIGIBLE: Harvey Rosenberg

Those ABSENT: Edward Pilot, Dominic Carrea, and Robert Quinlan

****BOARD TAKES A BRIEF RECESS & RETURNS AT 7:56 PM – ROLL CALL TAKEN ALL MEMBERS STILL PRESENT****

ZB18/03 (Bulk Variances to Construct a New Single-Family Dwelling) – Gaetano Losa – Block 11, Lot 28 – 120 Lake Terrace – Applicant had received approval from the Board of Adjustment in March 2017 for the alteration of the first floor with additions to the front and rear corners of the first floor as well as for the second floor addition with a front balcony.

Applicant is represented by Ronald Troppoli, Esq. Notice is accepted. Mr. Troppoli provides a summation to the Board of why the applicant is back at the Board and the prior approval. The structure had collapsed and the contractor took it upon himself to rebuild the foundation without approvals.

The Zoning Officer remanded this matter back to the Board as new construction. The prior variances granted are essentially the same.

There are representatives of the firms who prepared the plans here tonight, but they are not licensed; however, they are extremely familiar with the plans.

They are the same set of plans being proposed and it is felt this is not the fault of Mr. Losa as the home fell during construction.

Guy Losa, Gabriel Landaverde, Lilli Fuentes are sworn in with Gerald Freda.

Gaetano “Guy” Losa explains Extreme Home Builders started construction in October-November 2017 (home originally built in 1903). They had started digging out footings and the house began leaning around February 6th. The next day he called and said the house fell. On

February 8th a stop work order was issued and a new survey was requested along with new framing plans – months went by and in April called to find out what was going on.

Exhibit A-1 – Rendering & Aerial

The house generally lined up at the street. Mr. Losa describes the rendering. There will be no driveway, it will be green and landscaped. Removing the wall. Owner plans to live there full-time.

Exhibit A-2 – Photograph of Prior Home from October 2013

Deidre Phillips asks if this is in a flood zone. It is indicated no.

Dennis Mayer indicates since the foundation is now there, the Board's hands are tied.

Michael Affuso asks if he submitted a claim to his insurance. Mr. Losa indicates yes. Mr. Affuso asks if he has filed suit against his contractor. Mr. Losa indicates not yet as he still has \$156,000 of his money as this has been painful and costly already.

Alexis Bouhoutsos indicates she saw the construction and there was no shoring up of the structure.

Gabriel Landaverde – employed under George Sincox

He indicates Sheet A 1.1 and A 2.2 variances are the same. He indicates the footprint width is smaller but the length is longer; however, the same square footage. He further explains the floor plan and that it is still the same, exactly the same. Elevations are discussed and there will not be a curb cut. A/C condenser is proposed on the roof. There is no basement as they are providing a crawl space.

Lauren Egbert asks if there are any differences that the applicant may want from the original approval? Mr. Losa said he was scared that the Board may think he was trying to pull a fast one so just wanted to keep in simple. He indicates he did not want this already lost a year of his life.

It is indicated the applicant will comply with Jerry Freda's review comments and flood comments, if necessary.

Dennis Mayer questions stormwater – Jerry indicates there is nowhere to put it onsite.

Roseann Andrich – 119 Lake Terrace – sworn in – in favor of Mr. Losa's application and indicates it is sad to look at and hopes the Board will approve reconstruction.

Ronald Troppoli, Esq. provides a summation along with the positive and negative criteria supporting the granting of the variances for reconstruction.

Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve the application as presented with the requested variances and the conditions of the March 16, 2017 Resolution, no curb cuts, and green space will be provided as testified to, moved and seconded by Dennis Mayer.

Those who voted YES: Deidre Phillips w/comment, Alexis Bouhoutsos w/comment, Michael Affuso w/comment, Lauren Egbert w/comment, Raymond Wade w/comment, Dennis Mayer w/comment, and Harvey Rosenberg.

Those who voted NO: None.

Those who ABSTAINED: None.

Those INELIGIBLE: None.

Those ABSENT: Edward Pilot, Dominic Carrea, and Robert Quinlan

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY LAUREN EGBERT, ALL IN FAVOR. MEETING CLOSED AT 8:43 PM.

NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, AUGUST 16, 2018 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.

Minutes submitted by Kristie Armour, Board Secretary