

**Bradley Beach Zoning Board of Adjustment  
Regular Meeting Minutes  
Thursday, May 17, 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 Conoscenti, Robert Quinlan, Dominic Carrea, Raymond Wade, Dennis Mayer, Shawn Ryan, Lauren Egbert, Alexis Bouhoutsos, and Harvey Rosenberg

Absent: Edward Pilot and Deidre Phillips

Also Present: Jeffrey J. McWeeney, Esq. - Attorney to the Board, Gerald Freda, PE, PP, CME – Board Engineer, and Helen Zincavage, PP, AICP – Board Planner

**Meeting Minutes:**

**Approval and Adoption of Meeting Minutes from April 19, 2018**

Motion to accept offered by Harvey Rosenberg, seconded by Robert Quinlan, all eligible members present in favor.

**Resolutions Memorialized:**

**Resolution of Approval for Bulk Variances** – Joseph and Marie Baecher – Block 28, Lot 6 – 313 Ocean Park Avenue – Applicant is proposing to construct an addition to an existing 2-story single-family dwelling. **All eligible members present in favor.**

**Applications:**

**ZB17/07 (Use and Bulk Variance for Fence)** – 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 of this pre-existing, non-conforming single-family home.

Alberto Contreras Mercado is sworn in with the Board Professionals.

Mr. Mercado proceeds to explain his circumstances surrounding his request and indicates he needs the fence to protect his property. Mr. Mercado provided photos of the trash etc. and lack of maintenance on the neighboring multi-family structure.

The Board asks Mr. Mercado if he will give the Board a chance to address this matter with Code Enforcement before granting such a variance.

Mr. Mercado agrees and requests to continue with his request on July 19, 2018 if no improvement via Code Enforcement has taken place. No further notice is required for the July 19, 2018 meeting date.

**ZB17/01 (Bulk Variances)** – Pasquale & Joan Ruta – Block 25, Lot 21 – 114 Ocean Park Avenue – Applicant is seeking to demolish the existing structures onsite and construct a new 3 story single family dwelling which requires variances for rear yard setback, side yard setback, building coverage, number of stories, and any and all other variances that may be deemed necessary by the Board. **This matter is a continuation from our Regular Meeting of December 21, 2017 and March 15, 2018:**

Applicant is represented by Gregory W. Vella, Esq. Mr. Vella reviews the changes incorporated into the revised plans and the reductions in setback requests. It is indicated it will be modified to remove 52 s.f.

Mr. Regan, Architect, remains under oath and further describes the changes

Exhibit A-6 – Architectural Plans (2 sheets) last revised 4/28/18

The third floor is now 700 s.f. A variance is still required for side yard setback. The first floor area was brought back so the footprint of the 1<sup>st</sup> floor is smaller than the 2<sup>nd</sup> floor.

Variances requested:

1. Side yard setback – 5.5 feet.
2. Building Coverage 48.38% where 35% is permitted and (45% exists)
4. Rear yard setback and side yard setback for the deck.
5. Rear yard setback for AC condensers and generator

Thomas Coan – 612 Third Avenue – questions calculations and what size lot you would need to build this – it is indicated it is unknown. It is questioned whether a house could be built on this lot without variances and it is indicated that yes, it could be.

Mark Singleton – 112 Ocean Park – located directly adjacent to this property and questions the deck and the purpose of the cantilever portion of the home.

Lauren Egbert – questions how many viable parking spaces there are and how many there are now. It is answered if you stack them back to back approximately 4 cars now and under the new plan there will be 2 parking spots.

Mrs. Ruta is sworn in – Joan Ruta – 114 Ocean Park Avenue – Mrs. Ruta reads a prepared statement and indicates she did not understand this whole process and what was involved. She

indicates they tried to listen to everybody's comments and they came back twice with 2 significant redesigns. The main motivation is they are in a small apartment now and this will become their permanent home. The current house is 100 years old and has structural issues and certainly not conducive to persons with handicaps. Mrs. Ruta indicates she and her daughter have both been diagnosed with Rheumatoid Arthritis. Mrs. Ruta states she cannot get up the stairs as they are pitched which is why they are trying to incorporate an elevator. The main priority is to accommodate disabilities as Mrs. Ruta works from home. They are down to 6 variances and they started at over 11 variances. There were significant changes, they heard the concerns of the neighbors and tried to remediate as much as possible to accommodate the neighbor and Board's concerns. She does not feel what is being requested is excessive or unreasonable as it conforms to the neighborhood.

Lauren Egbert – questions whether the footprint can be shifted to allow more room between the houses – it is indicated that it is not possible because they will not be allowed to have windows due to code. Ms. Egbert asks if they can eliminate the rear deck? It is indicated it is needed for a secondary egress.

Robert Quinlan asks if the stairs can be rotated? Still requires a variance.

Thomas Coan questions if the house can be pushed back to accommodate additional parking – cannot.

Gregory Vella, Esq. – provides summation of the proposed project.

William Psiuk – 110 5<sup>th</sup> Avenue – thinks the changes made are fantastic and asks if a drywell has been considered. It is indicated that yes, it was agreed to.

Thomas Coan – enters Exhibit O-1 – discusses his opinion with regard to this proposal.

Mr. Vella feels it fits the neighborhood.

Helen Zincavage – indicates this is not just a hardship variance.

Cindy Kwiatkowski – 200 Ocean Park Ave – comments and feels the setback should be denied and feels the deck size in the back can be made smaller – should be held to the standard to maintain integrity.

John Naples – 506B Ocean Avenue – Feels the town is getting a beautiful home and it will be a nice ratable.

Lauren Egbert – indicates she is moved by Mrs. Ruta's testimony but still has concerns.

**Based upon the application, the plan revisions, and testimony provided to the Board, Chair Rosenberg makes motion to approve the application, moved and seconded by Robert Quinlan.**

**Those who voted YES:** Alexis Bouhoutsos w/comment, Raymond Wade w/comment, Robert Quinlan w/comment, Michael Conoscenti w/comment, and Harvey Rosenberg w/comment

**Those who voted NO:** Lauren Egbert

**Those who ABSTAINED:** None.

**Those INELIGIBLE:** Shawn Ryan, Dennis Mayer, Dominic Carrea

**Those ABSENT:** Deidre Phillips and Edward Pilot

**\*\*THE BOARD TAKES A 5 MINUTE BREAK – BOARD RETURNS AT 8:07 PM – ROLL CALL IS TAKEN AND MEMBERS STILL PRESENT\*\***

**ZB17/06 (Use Variance)** – Bryan Kienlen – Block 33, Lot 28 – 710-714 Main Street – Applicant is seeking a Use Variance to permit a Tattoo Parlor Use.

Michael Wenning, Esq. representing the applicant, the owner of the property is not present; however, there is a signed consent form permitting the applicant to make this application for Use Variance. The use variance being requested is to permit a tattoo parlor use at the site. Variances have already been granted on the building itself. This use is requested for unit #712

Bryan Kienlen and Christine Bell, PP, AICP are sworn in.

Mr. Kienlen lives at 710 Beach Avenue – Bradley Beach and is a tattoo artist. Mr. Kienlen indicates he has signed a lease with the owner of the building and would like to occupy unit 712 in the GB Zone directly adjacent to the new Bradley Brew. The unit contains approximately 590 s.f. of floor area. This would be a tattoo shop – no piercing. There would be 3 booths/stations and the clients are almost entirely appointment based, booked 1-2 months in advance and there are approximately 1-2 appointments a day. The architectural build out would be 80 s.f. each space with 6 foot medical screens for privacy. Tattooing is regulated by the Monmouth County Board of Health and they must comply with their standards and inspections. Needles are contained in sharp containers and collected by a private company. There are no fumes and the hours of operation are proposed to be 12:00 PM to 8:00 PM 7 days a week by appointment. Walk-ins are possible if there happens to be an opening.

A color rendering of the proposed sign as requested by the landlord is presented to the Board.

There is a tattoo consent form required to be signed, the patron cannot be under the influence and this is a mandatory requirement of the Health Department.

Mr. Kienlen is certified in Blood Born Pathogens yearly. Any noise with the operation would be contained inside as there may be a buzzing type noise which cannot be heard outside.

Chair Rosenberg asks Mr. Kienlen if he tattoos full time and he indicates yes.

Mr. Kienlen indicates he likes the area, lives in the area, and there used to be a tattoo parlor on Main Street which relocated to Asbury Park and there is one parlor in Neptune.

Exhibit A-3 - consent form is entered.

A discussion takes place with regard to uses permitted and non-permitted.

Christine Bell, PP, AICP – 1000 River Road – Belmar – accepted by the Board.

Ms. Bell indicates 712 Main is located in a GB Zone and that this business is designed to meet Monmouth County Health Department regulations and is mostly by appointment only.

This request is for a d1 use variance because tattoo parlors are not permitted anywhere in the Borough. She believes this site is particularly suited for the use on Main as this is an artistic boutique type parlor which does not generate a lot of traffic and will not generate parking issues. There was a tattoo parlor here for 7 years which moved because according to an article “Bradley became stale”. The intensity of the use is suited for this small space and will be attractive to the area.

Deliveries will be similar to that of residential (small boxes).

Monmouth County Health Department requires at least a year of apprenticeship and client letters of recommendation, etc. Bradley Beach only requires a mercantile license.

Thomas Coan – 612 Third Ave – sworn in – indicates he believes the site is particularly suited due to size and the variance for the sign is consistent to maintain the look of the brewery.

Jane DeNoble – sworn in – 612 Third Ave – requests that cigarette smoking take place behind the shop with receptacles. Agreed to by the applicant.

Robert Quinlan – what is the age restriction? It is 18 years or older. 16 years – 18 years a guardian must be present with identification.

William Psiuk – 110 5<sup>th</sup> Avenue – you are indicating 3 stations – what about parking for them and a loading zone?

Nicole Kienlen – indicates they will provide signage to discourage smokers out front on Main.

Brian Downey – 619 Fourth Avenue – believes this will bring artistry and culture to Bradley and Mr. Kienlen is a good contributor to the community.

Victoria – 600 Fourth – Asbury Park – grew up in Bradley and thinks this business would be beneficial.

Rich Cahill 600 Fourth – from Frenchtown – a potential employee. Frenchtown changed their ordinance to allow which brought a lot of commerce.

Nicole Kienlen – the process is new – they did do their homework and were advised this is the avenue/channel to obtain the business.

Thomas Coan – 612 Third – indicates he objected to the first application because it was much more intense than that which is being proposed now.

Lauren Egbert – cited the standards of proof for this type of d. variance and questions whether the 2<sup>nd</sup> negative criterion had been met.

Dominic – might set precedent, does not feel he has heard good enough reason to grant the variance.

Michael Wenning, Esq. – provides summation and indicates they agree to a condition of approval that the hours of operation will be from 12:00 - 8:00 PM

**Based upon the application and testimony provided to the Board, Dennis Mayer makes a motion to approve the use as well as the necessary variances for the proposed sign, moved and seconded by Shawn Ryan.**

**Those who voted YES:** Shawn Ryan w/comment, Dennis Mayer, Raymond Wade w/comment, Michael Conoscenti w/comment, and Chair Rosenberg w/comment.

**Those who voted NO:** Dominic Carrea w/comment, Robert Quinlan w/comment

**Those who ABSTAINED:** None.

**Those INELIGIBLE:** None.

**Those ABSENT:** Deidre Phillips and Edward Pilot

**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY DENNIS MAYER AND SECONDED BY CHAIR ROSENBERG, ALL IN FAVOR. MEETING CLOSED AT 9:23 PM.**

**NEXT SCHEDULED MEETING WILL BE A REGULAR MEETING ON THURSDAY, JUNE 21, 2018 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.**

**Minutes submitted by Kristie Armour, Board Secretary**

**Motion made by Chair Rosenberg to accept these minutes, seconded by Mr. Mayer, all present in favor.**