

**Bradley Beach Zoning Board of Adjustment
Regular Meeting Minutes
Thursday, December 20, 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, Deidre Phillips, Lauren Egbert, Raymond Wade, Robert Quinlan, Dennis Mayer, and Harvey Rosenberg

Absent: Alexis Bouhoutsos, Edward Pilot, Dominic Carrea

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

Approved Meeting Minutes:

July 19, 2018 Reorganization and Regular Meetings

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

August 16, 2018 Regular Meeting

Motion to accept offered by Harvey Rosenberg, seconded by Raymond Wade, all present in favor.

September 20, 2018 Regular Meeting

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

October 18, 2018 Regular Meeting

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

Resolutions Memorialized: None.

Applications:

ZB18/11 (Appeal of Zoning Officer's Determination and Use Variance if the Board finds in favor of the Zoning Officer's Decision) – Chu Family – Block 9, Lot 10 – 318 Newark Avenue – Applicant wishes to raise one of the four (4) dwelling units on the property that has flooded in the past which will be on the exact same location with no changes in any setbacks and within the permitted height requirement of the Ordinance. The Applicant first requests the Board to determine if the raising of the house constitutes an expansion of a non-conforming use, and if so, the applicant requests the Board to grant the variance for that relief. Applicant is represented by Thomas J. Hirsch, Esq.

****RECEIVED E-MAIL REQUEST FROM THOMAS J. HIRSCH, ESQ. TO ACCEPT JURISDICTION AND CARRY THIS MATTER TO THE JANUARY 10, 2019 MEETING WITH NO FURTHER NOTICE BEING REQUIRED****

Chair Rosenberg makes a motion to accept jurisdiction and carry this matter to the January 10, 2019 meeting without the need for further notice, seconded by Robert Quinlan.

Those in Favor: Deidre Phillips, Michael Affuso, Lauren Egbert, Raymond Wade, Robert Quinlan, Dennis Mayer, and Harvey Rosenberg

Those Opposed: None.

Those Abstained: None.

Those Absent: Alexis Bouhoutsos, Edward Pilot, Dominic Carrea

ZB18/10 (Use Variance to Allow Accessory Structure to Remain Without a Principal Structure on this Lot) – Nollia, LLC (Robert Fishman) - Block 53, Lot 17 – 212 Fourth Avenue - Applicant is seeking a variance to allow an accessory structure (garage) to remain on the lot without a principal structure.

Applicant is represented by Thomas J. Hirsch, Esq. Mr. Hirsch describes the application proposed for Use Variance. There are two (2) individual, contiguous, conforming lots controlled by the Fishmans. The garage is solely used by the contiguous property.

Chair Rosenberg asks when the garage was built there were no Zoning Permits?

It is indicated that no there was a house and bungalow originally on the lot. The original plan was to renovate the house and rent it; however, it was discovered it was in such poor condition it needed a tear down.

The garage was built prior to the tear down of the main house in 2017.

Robert Fishman – 214 Fourth Avenue – Sworn In.

Exhibit A-1 – photos of property prior to demolition.
Exhibit A-2 – photos of bungalow that existed.
Exhibit A-3 – photos of existing conditions of the site.

The new garage structure is solely used by the owner of the contiguous property, it is not rented and it is utilized for storage and for cars.

There is only electricity to the garage.

The contiguous property contains an existing house, a bungalow, and a garage.

Mr. Affuso – questions why the change of heart and no rebuild of the house?

Mr. Fishman indicates they tried to save the front house but it was too much work and they are happier with the open space.

Jerry Freda – indicates if the applicant likes the way it is, he can consolidate the lots; however, this would trigger removal of one of the garage structures.

Mr. Hirsch discussed consolidation with his client and it didn't make sense to consolidate 2 conforming lots only to have to subdivide at a later date should they wish to sell the property for someone to build a house.

The current use is discussed as well as the conditions and it is offered to Deed Restrict the use of the garage until either it comes down or a house is built within a certain amount of time.

The limitations with deed restrictions are discussed.

Thomas Coan – 612 Third Avenue – Questions whether there were construction permits and a zoning permit to building the garage – Mr. Fishman indicates yes.

Mike Zippo – 213 Fourth Avenue – lived there for 30 years – holds comments for later.

Lauren Egbert – Requests explanation of how the positive and negative criteria required for a D variance have been met.

Mr. Hirsch indicates this is a unique situation and the benefits are discussed and he feels this situation is a better zoning alternative.

Christine Bell, PP, AICP – discusses a d1 variance with regard to particular suitability, special reasons, detriment, and zone plan.

It is indicated by the applicant that leaving this as open space can be granted without any detriment to the surrounding neighborhood and it is certainly an improvement from what was there.

Michael Affuso – indicates he has a general comment and that this is the 2nd time in the 6 months he has been on the Board that somebody is here to ask for forgiveness and the Board's hands are tied and does not feel it is fair to put the Board in this position.

Mike Zippo – 213 Fourth Avenue – sworn in – lived here for 30 years and is in support of the application.

Thomas Coan – 612 Third Avenue – sworn in – indicates that from a planning perspective he doesn't think anyone would notice and feels the positives outweigh any negatives and he is in support of the application.

Karen Tarantino – 209 Fourth Avenue – sworn in – indicates there was a much bigger issue with what was there before, it was an attractive nuisance and there is more of an issue in the Borough of homes in disrepair.

Tom Tarantino – 209 Fourth Avenue – sworn in – indicates he does not understand why the accessory structure code exists in the first place.

Based upon the application submitted to the Board and the testimony provided, Dennis Mayer makes a motion to approve the application with Deed Restrictions as discussed – no rental, no increase in size, for personal use only, and no new curb cuts, moved and seconded by Chair Rosenberg.

Those in Favor: Deidre Phillips w/comment, Michael Affuso w/comment, Lauren Egbert w/comment, Raymond Wade w/comment, Robert Quinlan w/comment, Dennis Mayer w/comment, and Harvey Rosenberg w/comment

Those Opposed: None.

Those Abstained: None.

Those Absent: Alexis Bouhoutsos, Edward Pilot, Dominic Carrea

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY ROBERT QUINLAN, ALL IN FAVOR. MEETING CLOSED AT 7:30 PM.

NEXT SCHEDULED MEETING WILL BE OUR REORGANIZATION MEETING IMMEDIATELY FOLLOWED BY OUR REGULAR MEETING ON THURSDAY, JANUARY 10, 2019 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.

**Minutes submitted by Kristie Dickert, Board Secretary
Adopted at the Regular Meeting held on January 10, 2019**