

**Bradley Beach Planning Board  
Regular Meeting Minutes  
Thursday, April 25, 2019 at 6:30 PM**

Meeting is called to order by Chair Psiuk. The Board and the public recite the Pledge of Allegiance. Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Robert Mehnert, Alan Gubitosi, Meredith DeMarco, Douglas Jung, Marc Rosenthal, George Waterman, Rafael Albanir, William Psiuk

Absent: John Weber, Norman Goldfarb, and Amy Russo

Also Present: Monica Kowalski, Esq. – Attorney to the Board and Christine Bell, PP, AICP – Board Planner

**Approval of Meeting Minutes:**

Chair Psiuk makes a motion to approve and adopt the Meeting Minutes of March 28, 2019, seconded by Rafael Albanir. Robert Mehnert, Meredith DeMarco, Douglas Jung, Marc Rosenthal, George Waterman, Rafael Albanir, and William Psiuk in favor.

**Resolutions Memorialized:**

**Resolution #2019-08 – Bank of America – Minor Site Plan Approval with Variances for Proposed Signage – Block 46, Lot 1 – 520-522 Main Street**

**Resolution #2019-09 – Finding Ordinance 2019-8 Consistent with the Master Plan**

**Resolution #2019-10 – Finding Ordinance 2019-6 Consistent with the Master Plan**

**Applications Under Consideration:** None.,

**Consistency Determinations:**

**Ordinance No. 2019-14** of the Borough of Bradley Beach to Amend and Supplement the Revised General Ordinances of the Borough, Chapter 450, Article IV General Regulations Applicable to All Zones, Section 450-13 Permitted Yard Encroachments, introduced at the Borough Council meeting on March 26, 2019.

George Waterman explains the request for this change and it is simply to remove Air Conditioners from this section and place them in the Performance Standards section so we can have HVAC and AC addressed in a different section of the Ordinance. Proposing to address commercial and residential alike.

Christine Bell, PP, AICP – Board Planner explains her findings/review and indicates currently where it is it permits AC and HVAC to impede on the yard setbacks. This kind puts in the 5 feet as stated and some additional requirements.

Currently AC and HVAC have to be set back the principal setback of the structure based on the size of the lot. If the AC has an upward air flow it would not require a setback, if it has a side discharge it would have to contain a baffle and a survey would not be required, or it must be set back 5 feet from the property line.

Chair Psiuk explains the hardship with existing AC units that have broken down and were denied a permit because they are currently at a zero setback which is no longer permitted.

George indicates there are currently quite a few non-compliant units that exist today and when they are looking to do a direct replacement our ordinance currently states they have to be 6-inches in from the property line. So again he is asking for a current survey of the property showing compliance which is a huge expense to the residents to have to either pay for a survey or an updated survey showing compliance.

Mr. Gubitosi questions whether this would encourage people to place the units elsewhere when they could comply with the 5 foot setback. George indicates that it is possible.

Is there a way to change the wording slightly that if there is not sufficient space they could position it this way if they had the appropriate vents and stuff.

Monica reminds the Board this is being reviewed for the purpose of consistency with the Master Plan.

Christine Bell indicates she has found that proposed Ordinance 2019-14 is consistent with the Borough's 2018 Master Plan Re-Examination Report.

Christine explains some of the goals of the report and one of them is cleaning up the ordinances. She does not feel this would create any new hardship on neighbors. This is just removing it from this section not detailing the performance standards.

**Chair Psiuk makes a motion finding that proposed Ordinance 2019-14 is consistent with the Borough's Master Plan, moved and seconded by Alan Gubitosi.**

**Those in Favor:** Robert Mehnert, Alan Gubitosi, Meredith DeMarco, Douglas Jung, Marc Rosenthal, George Waterman, Rafael Albanir, and William Psiuk

**Those Opposed:** None.

**Those Absent:** John Weber, Norman Goldfarb, and Amy Russo

**Those Abstained:** None.

**Those Recused:** None.

**Ordinance No. 2019-13** of the Borough of Bradley Beach to amend Article 12 of Section 450 to apply to all uses of land, including business, industrial, and residential, introduced at the Borough Council meeting on March 26, 2019.

George Waterman indicates he is looking to move the ventilation to this section as we were discussing before with regard to giving a little more leeway to the residents with regard to placement. He understands the concerns of the Board with regard to placement and could suggest it should be in the rear yard area, stick with the 5 foot setback, and leave the baffle out. There are a lot of pre-existing conditions that have been coming in with applications and cannot comply with setback requirements.

Alan Gubitosi has many concerns and would like to send back to Council with the notation. Monica indicates that at this point we can certainly address with the Planner whether or not it is consistent but in the Resolution make a notation that the Board Members in general have concern with regard to whether or not setbacks should remain and for Council to further investigate. Mr. Gubitosi does not want potential abuse of these proposed setbacks/encroachments.

George explains changes and renumbering.

Chair Psiuk asks if George can go into detail with regard to the section on vibration.

George discusses existing ordinance 450-64 with regard to vibration.

A discussion takes place with regard to odor and toxicity.

It is requested to keep 450-61 and make it letter J instead of being stricken out

Alan Gubitosi requests should there be anything in here with regard to stormwater runoff?

Christine Bell indicates there is a stormwater management ordinance when a site comes in for construction they have to show they are meeting certain stormwater standards.

Christine Bell, PP, AICP – Board Planner indicates she has found that proposed Ordinance 2019-13 is consistent with the Borough's 2018 Master Plan Re-Examination Report.

Monica Kowalski clarifies language for proposed Resolution to Council.

**Chair Psiuk makes a motion finding that proposed Ordinance 2019-13 is consistent with the Borough's Master Plan as stipulated, moved and seconded by Alan Gubitosi.**

**Those in Favor:** Robert Mehnert, Alan Gubitosi, Meredith DeMarco, Douglas Jung, Marc Rosenthal, George Waterman, Rafael Albanir, and William Psiuk

**Those Opposed:** None.

**Those Absent:** John Weber, Norman Goldfarb, and Amy Russo

**Those Abstained:** None.

**Those Recused:** None

**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REGULAR MEETING WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY ALAN GUBITOSI, ALL IN FAVOR. MEETING CLOSED AT 7:09 PM.**

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