

**Bradley Beach Zoning Board of Adjustment  
Regular Meeting Minutes – Meeting Held Via Zoom  
Thursday, July 16, 2020 at 6:30 PM**

Meeting is called to order at 6:30 PM.

Mark Kitrick, Esq. swears in Harvey Rosenberg, Robert Quinlan, Dennis Mayer, and Raymond Wade.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Michael Affuso, Robert Quinlan, Raymond Wade, Dennis Mayer, Deidre Phillips, Teresa Rosenberg, David Critelli, and Harvey Rosenberg

Absent: Dominic Carrea and Deborah Bruynell

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

**Approval and Adoption of Meeting Minutes:**

A motion to approve the meeting minutes from the Regular Meeting of June 18, 2020 is made by Harvey Rosenberg and seconded by Robert Quinlan. All eligible members present in favor.

**Resolutions Memorialized:**

**Resolution 2020-11 – Approval of Use and Bulk Variances – Paul & Kim Charette – Block 79, Lot 15 – 400 Monmouth Avenue**

**Applications Under Consideration:**

**ZB19/19 – Annemarie Kuder – Block 36, Lot 7 – 309 ½ McCabe Avenue** – The Applicant is seeking bulk variance relief improvements to a non-conforming lot and variances on eave height of the proposed garage apartment, number of internal parking spaces for a garage apartment, off-street parking, as well as side and rear yard setbacks to the garage apartment. The existing property and structures have existing non-conformities with lot area, lot width, front yard setback, building coverage, and impervious coverage.

Announcement is made that a request was received from the Applicant's Architect to carry this matter to the September 17, 2020 meeting without the need for further notice; therefore the application will not be heard this evening and if anyone here for this matter, please join our meeting of September 17<sup>th</sup>.

**ZB20/06 – Daniel Walsh – Block 25, Lot 8 – 103 Park Place Avenue** – The Applicant is appealing the zoning officer’s determination that the improvements to a non-conforming lot with the proposed half-story and uncovered deck at the rear of the dwelling will require Board Approval. Should the Board affirm the Zoning Officer’s decision; the Applicant will be requesting approval from the Board to construct a 2 ½-story addition with covered front porch and detached garage apartment. This proposal will require variances for the height of the stoop, building height, and for the pre-existing, non-conforming lot width.

Applicant is represented by Thomas J. Hirsch, Esq.

It is indicated that this matter had been partially heard on June 18, 2020 and carried to this date without further notice. Mr. Hirsch indicates a new plan has been submitted and has been revised to eliminate the rear 3<sup>rd</sup> level deck as originally proposed.

Ed Gorleski – remains under oath. Mr. Gorleski indicates they have followed the recommendations of Mr. Freda and the Board and they have now removed the deck and have created a newly enclosed space to create additional storage space. A variance is still required for the living space even though it has been reduced as well as lot width.

Jerry Freda indicates the applicant should provide a drainage plan with a pop-up emitter. The Applicant agrees to providing same.

Christine Bell – asks about the variance for the livable space.

Tom Hirsch, Esq. provides clarification and indicates he does not believe there are any detriments.

Ms. Phillips questions if there will be gutters on the third floor? Mr. Gorleski indicates they could be incorporated.

Mr. Critelli indicates he is confused why outside space is considered livable space and that he can’t understand where the interpretation is. Jerry Freda indicates 3<sup>rd</sup> floor decks are not allowed and until the Ordinance is revised that is how we are going to interpret. Mr. Critelli indicates, but now the enclosed portion can be made into substantial livable space. I still could not find where outdoor space is considered livable space anywhere in the Ordinance.

Mr. Affuso asks if we can inform Council as we need clarity on this Ordinance, so everyone knows what the rule is moving forward. Where you have interpretation vs. black-lettered Ordinance. As far as the interior space what is allowed livable space under the current ordinance. Jerry indicates they are 15% over. They have 65% and 50% is allowed.

Mark Kitrick, Esq. asks for clarification on the gutter location. Mr. Gorleski indicates around the trim board around deck and tied in. Unsure of the size at this point, probably 5” gutters.

Teri Rosenberg – questions the livable space. Jerry Freda indicates what is proposed now is much less than in the beginning.

Margaret Gillis – 107 Park Place – sworn in and provides comment she is next door to the property and feels what he is asking for is reasonable and hopes he can start to build and start to enjoy the property.

Thomas Hirsch, Esq. – provides summation and asks the Board to vote favorably on this revised submission as they have tried to comply with all issues raised.

**Based upon the application submitted, and the revisions made to the plan, and the testimony provided, Harvey Rosenberg makes a motion to approve this application as presented with the condition that there be gutters placed around the upper deck and tied into a drainage system with a pop-up emitter in the front yard and that the existing curb and sidewalks will be replaced, seconded by Deidre Phillips.**

**Those in favor:** David Critelli, Michael Affuso, Deidre Phillips, Raymond Wade, Robert Quinlan, Dennis Mayer, and Harvey Rosenberg

**Those opposed:** None.

**Those abstained:** None.

**Those absent:** Dominic Carrea and Deborah Bruynell

**ZB20/07 – Greg Makkay – Block 20, Lot 7 – 603 Park Place Avenue** – The Applicant is seeking variances to construct an addition to the front of the dwelling, new front porch with an open uncovered deck leading to the second floor, and a covered porch at the rear of the dwelling.

Richard D. Fornaro, Esq. representing the applicant. Indicates this application had initially been heard on June 18, 2020 and requests a “restart” as the Applicant has brought in professionals to provide testimony. Mr. Fornaro provides a brief overview and how we got here and the timeline of events surrounding same. As he understands there were some questions as to why construction began without seeking approval of the Board first.

There are 4 variances being requested, 1 – roof over rear porch 2- setback on west property line 3- side yard setbacks for front porch and the bump out on the second story which maintains the existing building line 4-building coverage due to the roofs on the porches.

Mr. Fortunato, Greg Makkay and James Kyle – Planner is sworn in.

Mr. Fortunato provides a brief overview of the project and that these were mainly interior renovations with the exception of the 14 s.f. addition to square off the structure. The front porch was there but it was unsafe and unstable so it was completely reconstructed.

Teri Rosenberg – asks if there is a 2<sup>nd</sup> floor deck in the rear – it is indicated no there is no 2<sup>nd</sup> floor deck in the rear.

Greg Makkay – describes the before and after photos provided. He describes the concrete driveway which was previously there approximately 5-6 feet from the property line.

Mr. Affuso indicates he would like to understand the process – Permits were received in March 2019 and you were asked to cease work in October 2019 due to zoning review requirement. Mr. Makkay indicates he was asked to submit for zoning at that time there was never a stop

work order issued as indicated at the last meeting, he ceased work on his own until this could be resolved.

Harvey Rosenberg – asks if there has been any change to the building since the permit? Mr. Makkay indicates the plans are the originals and no changes have been made from the submission for the original permit.

Mr. Affuso asks how did we get to this point – Jerry Freda indicates he has nothing to add as he does not know what happened this is a very odd circumstance?

Mr. Fornaro indicates it may have been a possible oversight on the building permit review process perhaps.

Deidre Phillips – asks for clarification on the rear bump out – it is indicated it has always been there and it has been tied into.

James Kyle, PP, AICP – qualified and accepted by the Board. Mr. Kyle describes the surrounding area as being residential and the work completed thus far. The footprint is identical to what was there. They are requesting 4 variances and summarizes same. As far as the roof over the rear deck – describes privacy issues and concealment. He also describes how this project advances the goals of the Master Plan and Zoning Ordinance and believes there is no substantial adverse impact on the surrounding neighborhood in the granting of these variances.

Ms. Phillips asks if this is a flat roof. It is indicated no it is pitched roof.

Harvey Rosenberg – asks if there is anything that can be done other than to take down what is there, right? It is indicated that is correct as this is a unique situation and the applicant started construction in good faith.

Cindy Kwiatkowski – questions the photos which contained the front porch, is it the same size as the original front porch? It is indicated it is slightly larger.

Mr. Critelli asks if they are just reconstructing what was there. It is indicated it is slightly larger than what was there.

Harvey Rosenberg – questions front yard setback. It is indicated that has been eliminated as they provided the survey and they meet the requirements.

Steve Misak (sp?) – 601 Park Place (aka 909 Hammond) – sworn in and in favor of the project.

Cindy Kwiatkowski – 200 Ocean Park Avenue - Unit 4D – sworn in and in support of the project and for this moving ahead. They in good faith utilized and transformed the existing structure.

Mr. Fornaro provides his summation and requests the Board act favorably on this application and grant an approval of the variances being sought.

**Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve this application as presented, seconded by Robert Quinlan.**

**Those in favor:** David Critelli, Michael Affuso, Deidre Phillips, Raymond Wade, Robert Quinlan, Dennis Mayer, and Harvey Rosenberg

**Those opposed:** None.

**Those abstained:** None.

**Those absent:** Dominic Carrea and Deborah Bruynell

**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY HARVEY ROSENBERG AND SECONDED BY DEIDRE PHILLIPS, ALL IN FAVOR. MEETING CLOSED AT 7:49 PM.**

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, AUGUST 20, 2020 AT 6:30 PM VIA ZOOM.**

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