

**Bradley Beach Zoning Board of Adjustment
Regular Meeting Minutes – Meeting Held Via Zoom
Thursday, September 17, 2020 at 6:30 PM**

Meeting is called to order at 6:30 PM.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Michael Affuso, Raymond Wade, Dennis Mayer, David Critelli, Deborah Bruynell, and Harvey Rosenberg

Absent: Robert Quinlan, Dominic Carrea, Deidre Phillips, and Teresa Rosenberg

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 August 20, 2020 is made by Harvey Rosenberg and seconded by Denis Mayer. All eligible members present in favor.

Resolutions Memorialized: None.

Applications Under Consideration:

ZB20/13 – Scott & Enza Isgett – Block 35, Lot 25 – 412 LaReine Avenue - The Applicant is seeking an Appeal of the Zoning Officer's Determination. Should the Board deny this appeal, the applicant requests variances for such denial and requests variance approval for lot width, lot area, and approval to construct a rear covered porch/deck that will not be constructed in any setback area, and/or permission to construct a 2nd floor covered balcony that is an architectural feature not located in any setback, height or other restricted area as set forth in the Zoning Ordinance.

Applicant is represented by Jeffrey P. Beekman, Esq.

Applicants Scott & Enza Isgett are sworn in along with the Board's Professionals.

The current conditions of the site are described by Mr. Isgett. The current home is approximately 100 years old. The foundation is too old to add to it and currently does not meet setbacks. The proposed home would be conforming. The lot is 3 feet short on the required frontage and there is no adjoining property to purchase as it is already developed; therefore, will need a variance from lot frontage and lot area.

The front of the proposed dwelling will be conforming and all construction will be within the required setbacks. In the rear, the proposed covered porch does not extend into the setback area.

It is indicated this will be a permanent residence per the Applicants who are the current owners.

Eric Keiler describes how they have arrived at the current design and explains the proposed structure in detail.

Jerry Freda – indicates the finished floor elevation is 107.59 – the grades are at 100, there must be an issue.

Eric Keiler points to his plan front elevation and indicates it was changed and should be 102.58.

William Psiuk – questions the 7 foot 6 inch ceiling height in the attic and the proposal of 2 ½ story? Could you not gain an additional 2 bedrooms up there?

Eric Keiler indicates the house does not meet a possible 6 bedroom requirement as it does not meet the habitable area by code.

Thomas J. Coan – questions the uncovered deck over the front porch.

Drainage and Grading is discussed as well as the peak elevations.

Public Comment

Dwight Gerdes – LaReine Ave – sworn in and provides comment.

Thomas J. Coan – 612 Third Ave – sworn in and indicates this is a refreshing/thoughtful design for an undersized lot.

William Psiuk – sworn in – questions the existing telephone pole and relocation. Jeff Beekman, Esq. indicates you cannot ask the applicants to do that.

Jeffrey Beekman, Esq. provides a summation and indicates the balcony is not a variance condition – it is not a use or activity it is part of the architecture – the same argument is presented with regard to the rear covered porch/deck as it is not within a setback area. The applicant is not encroaching into any setback area. He requests an interpretation on the front covered balcony and covered rear porch.

Mark Kitrick, Esq. asks for comments from the Board Professionals. Jerry Freda, PE agrees that the Ordinance does not address and also agrees with balcony as these improvements do not encroach into setback areas.

Based upon the testimony presented, Harvey Rosenberg makes a motion to Affirm the Appeal of the Zoning Officer with regard to the covered balcony and the covered rear porch, seconded by Michael Affuso.

Those in Favor: Deborah Bruynell, David Critelli, Michael Affuso, Raymond Wade, Dennis Mayer, and Harvey Rosenberg.

Those Opposed: None.

Those Abstained: None.

Those Absent: Teresa Rosenberg, Deidre Phillips, Dominic Carrea, and Robert Quinlan

Based upon the testimony provided and the application as presented, Harvey Rosenberg makes a motion to approve the application for existing condition variances, seconded by Dennis Mayer.

Those in Favor: Deborah Bruynell, David Critelli, Michael Affuso, Raymond Wade, Dennis Mayer, and Harvey Rosenberg.

Those Opposed: None.

Those Abstained: None.

Those Absent: Teresa Rosenberg, Deidre Phillips, Dominic Carrea, and Robert Quinlan

ZB20/15 – Allen & Marilyn Levine – Block 48, Lot 2 – 413 Brinley Avenue – The Applicant is seeking Bulk Variances and Use Variances to construct a new single family dwelling and garage apartment.

Applicant is represented by Mark R. Aikins, Esq.

Mr. Aikins provides a description of the proposed project and provides his witnesses.

Witnesses are sworn in along with the Board Professionals.

William Scharfenburg – describes the proposal and how they arrived at the current design.

Thomas J. Coan – asks about lot coverage and if can build a conforming? It is indicated yes.

Debbie Bruynell – questions the back garage apartment and the balcony? It is indicated it is existing and there is no proposed change. There is an attached garage proposed with deck above.

Christine Bell – asks if the garage is 2 stories? There is no garage it is a 1-unit, 2-story apartment.

William Scharfenburg – indicates he cannot comment on the rear dwelling. Christine Bell indicates in the letter you are asking for a Use Variance for two (2) dwellings on one (1) lot.

Dr. Levine and Marilyn Levine – sworn in – they describe the floor plan of the garage converted into a 2-story apartment. You enter downstairs there is a bedroom, utility, laundry, and bonus room. Upstairs there is a full bath, kitchen, 1 bedroom, living room, and porch/dining room.

Brigitte McGuire – asks if they can convert the downstairs into a 2-car garage on the bottom and leave the apartment upstairs? It is indicated there is no proposal to change the rear building. – If considered there would be more room for parking cars?

The square footage of the existing garage apartment is unknown and currently there are tenants occupying the structure and the applicants do not want to displace them. This has not been a garage in many years and they want the garage attached to the home as they are elderly.

Refet Kaplan – questions the 2nd floor deck above the garage?

Mark Aikins, Esq. – asks to hold that question. Mark Kitrick, Esq. reminds Mr. Aikins there are only 6 members and they are seeking a Use Variance. Mr. Aikins indicates they are okay with that.

Matthew Wilder, PE of Morgan Engineering is qualified and accepted by the Board.

Mr. Wilder describes the variances being requested, while they are seeking a d1 Use Variance, currently there are 3 units which are proposed to be replaced with 2 units. The second variance is for building coverage, the third variance is the distance between structures, and the fourth variance is the driveway setback which is proposed to be a concrete strip driveway. They are no longer requesting a variance for lot coverage.

Michael Affuso – Can both be rebuilt to be conforming? Mr. Wilder and Jerry Freda provide comment.

Mark Aikins, Esq. – indicates he has discussed objector's comments with Charles Shaw, Esq. (representing the objector) and they are proposing Arborvitae for screening and possibly redesigning the proposed garage and possibly eliminate the distance between structures variance, but not sure about the coverage. He indicates that what is being proposed is a better alternative than the current 3 uses on the property.

Mr. Wilder indicates they can reduce the building coverage to 37.9% instead of 39.5%.

Harvey Rosenberg – indicates the existing does not meeting the conditions of a garage apartment. Mark Aikins responds.

Michael Affuso – indicates he is not ready to vote on the Use Variance.

David Critelli – Asks why they cannot have a compact, double-door garage and reduce? Mark Aikins indicates it is a fair suggestion if it works.

Mr. Wilder and Jerry Freda discuss the turning radii – it is too crowded in the back and design work should not be done at the meeting of the Board.

Dennis Mayer – questions the second story deck in the rear being proposed? Jerry indicates the Ordinance needs to be cleared up.

Jerry Fred feels they should come back with revised design.

Charles Shaw, Esq. – indicates his client is still opposed to the deck being proposed on top of the garage.

Mark Aikins, Esq. requests that this matter be carried to the November 19th meeting with no further notice being required.

A motion is made by Chair Rosenberg to carry this matter to the November 19th meeting with no further notice being required, seconded by Mr. Wade, all members present in favor.

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY HARVEY ROSENBERG AND SECONDED BY RAYMOND WADE, ALL IN FAVOR. MEETING CLOSED AT 8:23 PM.

NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, OCTOBER 15, 2020 AT 6:30 PM VIA ZOOM.

Minutes submitted by Kristie Dickert, Board Secretary