

**Bradley Beach Zoning Board of Adjustment
Regular Meeting Minutes – Meeting Held Via Zoom
Thursday, November 19, 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, Robert Quinlan, Raymond Wade, Dennis Mayer, Teresa Rosenberg, David Critelli, Deborah Bruynell

Absent: Dominic Carrea and Harvey 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 October 15, 2020 is made by Dennis Mayer and seconded by Robert Quinlan. All eligible members present in favor.

Resolutions Memorialized:

Resolution 2020-15 – Approval of Bulk Variance – Marc & Jeannette Sznajderman – Block 88, Lot 16 – 508 Bradley Boulevard

Applications Under Consideration:

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. ****PARTIALLY HEARD ON SEPTEMBER 17, 2020 AND CARRIED TO THIS DATE WITHOUT FURTHER NOTICE** RECEIVED REQUEST TO ADJOURN THIS MATTER TO DECEMBER 17, 2020 WITHOUT FURTHER NOTICE; THEREFORE THIS APPLICATION WAS NOT HEARD.**

ZB20/14 – Frank & Stacey Caponegro – Block 56, Lot 15 – 510 Fourth Avenue – The Applicants are seeking variances for a proposed railing system, side yard setback, and impervious coverage associated with a proposed residential addition.

Frank & Stacey Caponegro and Andrea Fitzpatrick, AIA – sworn in along with the Board Professionals.

Andrea Fitzpatrick, AIA of Shore Point Architecture, PA is qualified and accepted as an expert by the Board.

Photo of 510 Fourth Avenue a 1 ½ story home is shown.

Color Rendering of Proposal is shared and reviewed.

Sheet A-4 of the architectural is shared and reviewed. The Applicants are proposing to retain the existing setback with a vertical addition. They are proposing to remove and reconstruct the front porch and 2nd story balcony. The intention for the ½ story is it will be climate controlled for storage. Jerry Freda asks what percentage the ½ story is of the second floor. It is indicated less than 50% which is permitted.

Eileen Shissias – 112 Fourth Avenue indicates she is in support of the proposal.

Michael Affuso – questions if there is a change in impervious coverage.

Andrea Fitzpatrick describes the variance being requested for the glass railing system as only open railings are permitted per Ordinance, this is a newer style which is not specifically permitted; however, it is clearly open as an open railing system would be and meets the intent of the Ordinance.

As far as projections, the existing house has a non-conforming setback; therefore the proposal is to construct directly above the existing structure.

The average front setback is indicated to be 24.7 feet and 24.59 feet is proposed, will resubmit for compliance review if the project is approved.

The overall building height is proposed to be 30.63 feet which is conforming

The impervious coverage is currently at 67.1% and proposed to be 67.7% which is approximately 39 s.f. additional coverage which comes from the new front stairs and walkway. It is described as being very small and deminimus and is needed in order to create a safe and aesthetically pleasing entry.

Jerry Freda agrees with the comments and justification provided and asks if the Applicants would consider removing the area behind the outdoor cooking area as it encroaches onto the neighbor's property. The Applicants are in full agreement and will remove the 65 s.f. of encroaching area.

Parking is discussed – there is a shared driveway from the garage approximately 42 feet which can accommodate 2 cars and 1 in the garage can fit.

Jerry Freda indicates because there is a garage apartment you need 4 spaces, but it appears that is possible – testimony is provided that 4 cars can be accommodated.

Andrea Fitzpatrick asks to consider utilizing the existing drainage patterns as the soil is currently stable and they do not want to disrupt and they would direct downspouts to the street for drainage.

Andrea Fitzpatrick indicates they will comply with all of the general comments contained in the Engineer's review report.

Michael Affuso asks for height clarification. Andrew explains the methodology used in making her determination.

Dennis Mayer – questions the A/C units as it appears one is on the property and one is off the property. Jerry Freda indicates this should be adjusted and asks if they are proposed to be replaced. It is indicated they had planned to use the existing system and this may create an undue hardship; however, will try to get them closer to the house.

Robert Voysey – 508 Fourth Ave – Sworn in – neighbor direction to the east indicates they are wonderful neighbors and there are no drainage issues now.

Eileen Shissias – 112 Fourth Ave – Sworn in – in support of the project – viewed plans and thinks this is a wonderful project.

Based upon the application submitted and the testimony provided, Dennis Mayer makes a motion to approve the application as submitted with the condition of the removal of the 65 s.f. of concrete as agreed to by the applicant, seconded by Robert Quinlan.

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

Those Absent: Dominic Carrea and Harvey Rosenberg

Those Abstained: None.

Those Opposed: None.

ZB20/16 – Richard & Michelle Lee – Block 21, Lot 5 – 507 Park Place Avenue – The Applicants are seeking variances associated with the construction of a proposed 2.5-story addition including front yard setback for open sided covered front porch, distance between accessory and primary structure, and open sided roofed porch in the rear.

Raymond Wade recuses himself from this application as he resides within 200 feet of the property.

Richard & Michelle Lee are sworn in along with Al Shissias, AIA and the Board Professionals.

Richard Lee indicates they have owned the property for the past 3 years and recently moved here full time. The home was built in 1914 and there are a number of pre-existing non-conformities, but looking to expand for their family – this is a 2-story plan and there is no half story being proposed, just a regular attic.

Al Shissias, AIA – qualified and accepted by the Board.

Al Shissias, AIA reviews and explains existing and proposed floor plans.

Variances are discussed as well as the average setback. There are 10 homes and 8 of the 10 homes have a typical setback; however 2 of the homes are extremely setback; therefore, he does not believe a variance is required for what is being proposed.

The variance for the minimum distance between primary and accessory structures is discussed as there is currently 18.4 feet, the addition is pulling straight off the existing and it is just a portion of the rear roof.

The variance for a covered rear porch is being requested as currently the Ordinance does not permit same.

It is indicated the applicants will comply with the engineer's review report and add notes to the plans as requested.

The existing garage contains 2-stories, unheated/unconditioned and utilized for storage only.

Robert Quinlan – questions the height – it is indicated it will match the existing at 26 feet.

Robert Quinlan – asks where the A/C will be located – it is indicated it will be straddled between the old and new portions of the structure and will remain within the setback area. It is further explained that the plans show veneer chimney; however, it may be sided with a shed roof if the budget does not allow.

Robert Quinlan – questions impervious coverage – it is indicated they are just under 59.5% which conforms to the Ordinance.

Michael Affuso – asks if Jerry Freda has any opinion with regard to the covered back porch? Jerry indicates no, this is an architectural feature and can easily be considered.

Kim Januzzi – 608 Evergreen - Can there be a deck constructed on top? Jerry indicates no deck is possible over the rear roof.

William Psiuk – 110 Fifth Avenue – asks if the utilities will be installed underground as that is a recommendation in the Master Plan. It is indicated that it is not proposed; however, if it is a requirement it will have to be addressed. Jerry Freda indicates he does not believe this can be required as it is not currently contained in the Borough Ordinance.

JD Karabas – 406 Newark Avenue (103-05 Newark Ave) – Sworn in – Indicates he has known the applicants for 35 years, he believes they are good citizens, their homes are meticulous and he believes this project will enhance the neighborhood.

Based upon the application submitted and the testimony provided, Dennis Mayer makes a motion to approve the application as submitted with variances being requested, seconded by Robert Quinlan.

Those in Favor: Michael Affuso, Robert Quinlan, David Critelli, Deborah Bruynell, Teresa Rosenberg, and Dennis Mayer.

Those Absent: Raymond Wade (Recused), Dominic Carrea, and Harvey Rosenberg

Those Abstained: None.

Those Opposed: None.

ZB20/05 – Beth and Harold Cotler – Block 78, Lot 14 – 306 Monmouth Avenue – The Applicant is proposing to demolish an existing garage and construct a 2-story accessory structure having a 2-car garage on the first floor and a residential apartment above requiring variances for the height of the detached garage, minimum side yard setback for accessory

structure, and maximum impervious coverage. The Applicant is represented by Richard B. Stone, Esq. ****PARTIALLY HEARD ON JUNE 18, 2020, AUGUST 20, 2020, AND OCTOBER 15, 2020****

Raymond Wade returns and Dennis Mayer is recused; therefor Michael Affuso accepts the duties of Chair for this particular application.

Chair Affuso asks for break at 8:06 PM – The Board turns and roll call is taken – All Board Members and Professionals are present.

Mark Kitrick, Esq. provides a reminder to the public that during the questions session you must provide your name and address.

Richard Stone, Esq. indicates he has the same witnesses which remain under oath and thanks for the Board for accommodating his client with a Special Meeting on December 1st as it is their intent to continue if we do not finish this evening.

Mr. Stone asks for the Revised Architectural Plan and the 3D Mark-up of the 3rd level to be entered as exhibits.

Robert Quinlan – asks if the red beams being shown are structural – Mr. Trevino indicates no.

Jerry Freda indicates he does not believe the area to be habitable as they are now pull-down stairs and it is not a conditioned area.

Thomas J. Coan – asks if based on the current if you were to lower the roof height would you still be able to accommodate and maintain the equipment? It is indicated yes.

Mr. Coan questions with sidewalks and their setback from the 2nd floor and whether or not there is familiarity with the dormer ordinance? Mr. Trevino indicates no. It is indicated this would be an additional variance. Jerry Freda suggests he is not aware and it could have been missed.

Mr. Coan asks Mr. Murphy in terms of dormers if a standard gable or a roof with dormers provides more light for neighboring properties.

Mr. Stone objects.

Mr. Coan suggests they do not meet the definition of a dormer. Mr. Murphy reads the definition – Mr. Stone objects.

Mr. Stone redirects Mr. Murphy with regard to his cross-examination testimony.

Michael Affuso – questions plans with regard to 2 inaccuracies and how does the Board know what is accurate? It is indicated the site was visited and verified. Mr. Affuso asks if Mr. Trevino would consider a dormer a field change. Mr. Trevino indicates yes.

Mr. Stone – indicates he feels Mr. Affuso's last comment was an opinion and it is inappropriate.

Thomas J. Coan – asks if the property is higher in the rear, would that make it seem larger from the sidewalk? It is indicated higher, yes – larger, no. Mr. Stone objects.

It is asked how much higher the structure is than what is permitted? It is indicated 0.8 feet. How many inches? 9.6 inches and don't think you can see a difference from the sidewalk.

Mr. Coan refers to the survey prepared August 7, 2019 and the grade increase toward the rear.

Terence Wright – 406 Madison Avenue – asks Mr. Murphy if he can tell 9.6" from the street. It is indicated no.

Kim Januzzi – 608 Evergreen Avenue – questions the purpose of the red beams. It is indicated to identify the area cannot be used. She asks if they were not there would be 19 feet by 7 feet available.

Ari Blech – questions deminimus and how this is relevant and how it compares in town over inches built? Mr. Murphy explains deminimus and what happens as it relates to zoning. Mr. Murphy indicates it varies by town and Ordinance with what we are talking about.

David Critelli – Refers to Sheet A-1 as the upstairs appears to be $\frac{3}{4}$ occupied by ductwork and stairs – Mr. Murphy indicates it is not livable.

Mr. Stone indicates in order to eliminate the need for a Use Variance, the bathroom has been eliminated from the first floor and there is no livable space proposed on the third floor; therefore, it is no longer necessary and this is strictly for bulk variances.

Michael Affuso – questions if the first floor contains an existing laundry room now? Mr. Murphy indicates there is a stud space with a wall on the right extending, the wall on the left will be removed. It is asked if the floor is concrete and if there is a sewer line under? It is indicated it connects to the 2nd floor bathroom drain where the toilet was supposed to be removed and concreted in, the plans show existing.

Michael Affuso questions the credibility of the plans – Mr. Stone recaps prior plans and hearings.

Mr. Quinlan – questions whether 3 cars can fit with maneuvering – Mr. Murphy indicates yes, depending upon the size and how they are configured.

Alison Coffin, AICP – qualified and accepted. Ms. Coffin describes the property and the relief being requested including existing conditions and required. Ms. Coffin describes d and c variances and indicates c2 variances are being requested. Ms. Coffin provides the proofs necessary for granting of these requested variances as the conditions meeting the intent and purpose of the Master Plan and Zone Plan. She does not believe there are any significant detriments to neighboring properties as the existing conditions have been improved. The parking in the garage is addressed and it is indicated the property can accommodate 6 cars. Ms. Coffin indicates the benefits substantially outweigh the detriments.

Robert Quinlan – is there any way we can improve some of the coverage issue? It is indicated that uncertain due to circulation of vehicles. Mr. Stone asks Mr. Murphy to answer. Mr. Murphy indicates he does not believe they can achieve the required 60% and describes what could possibly be done to reduce but not eliminate the variance.

Jerry Freda – indicates while the building height and coverage have been described as deminimus he doesn't know how to make it better. He asks if the area along the east of the

house is impervious and if it can be pulled up and grass placed? Mr. Murphy indicates it is permeable now.

Jerry Freda indicates not sure where or how it can be done; however, if there are small spaces that can be found it goes a long way.

Mr. Stone suggests if approved it can be a condition to iron it out with the Board Professionals.

Mr. Critelli asks if the property has problems now with drainage. Jerry indicates this type of conditional request is consistent with past applications.

Mark Kitrick suggests it be agreed upon by December 1st.

Michael Affuso – suggests the differences of 4% and 6% appear de minimus.

Thomas J. Coan – asks if pools are counted in impervious? Jerry Freda indicates he does not believe so. Mr. Coan asks why prior approval made no mention of a coverage issue. Jerry indicated he will look into it further.

Mr. Coan asks Ms. Coffin if she described the main dwelling as being 2- or 3-story. Ms. Coffin indicates the main dwelling is not being altered.

Mr. Coan asks Ms. Coffin what benefit the community is receiving from this project? Ms. Coffin responds and a dispute takes place.

Jerry Freda – clarifies that the pool area is included in impervious area per the Borough Ordinance.

Terence Wright – asks isn't any variance self-inflicted? Alison indicates no.

DUE TO TIMING CONSTRAINTS, AT THIS TIME IT IS AGREED BY THE APPLICANT AND THE BOARD TO ADJOURN THIS MATTER TO THE SPECIAL MEETING OF DECEMBER 1, 2020 AT 6:30 PM WHICH WILL BE HELD VIA ZOOM. THIS APPLICATION WILL BE THE ONLY APPLICATION UNDER CONSIDERATION.

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY ROBERT QUINLAN AND SECONDED BY DAVID CRITELLI, ALL IN FAVOR. MEETING CLOSED AT 10:15 PM.

NEXT SCHEDULED MEETING WILL BE A SPECIAL MEETING ON TUESDAY, DECEMBER 1, 2020 AT 6:30 PM VIA ZOOM.

Minutes submitted by Kristie Dickert, Board Secretary