

**Bradley Beach Zoning Board of Adjustment
Special Meeting Minutes – Meeting Held Via Zoom
Thursday, December 3, 2020 at 1:00 PM**

Meeting is called to order at 1:00 PM.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Michael Affuso, Robert Quinlan, Raymond Wade, David Critelli, Deborah Bruynell, and Harvey Rosenberg

Absent: Dominic Carrea, Dennis Mayer, and Teresa Rosenberg

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

Applications Under Consideration:

ZB20/19 – Joseph & Jane Miller – Block 71, Lot 16 – 600 Evergreen Avenue – The Applicant has requested an amendment to Resolution #411-1-14-07. Said resolution required the Applicant to deed restrict the property to state the second floor kitchen is to be removed when the parents of the applicant no longer reside at the premises. The Applicant has indicated they have removed said kitchen and in order to move forward with the sale of their home, they need to file a new deed removing said restriction which requires an Amended Resolution from this Board.

Joseph & Jane Miller as well as Theresa Lee are sworn in with Christine Bell, Board Planner.

Mark Kitrick, Esq. summarizes why this Special Meeting has been required. The owners currently have a closing scheduled on this home. Mark proceeds to summarize the prior resolution and deed restriction which was placed. It is indicated the Miller's parents no longer reside in the home; therefore, they are asking for this restriction to be removed in order to sell the home.

Joe Miller indicates that his father had passed away and his mother has since moved out of the home due to the pending sale. He indicates a permanent cabinet and countertop have been installed where the stove has been removed.

Theresa Lee – Realtor with Coldwell Banker Realty – provides her definition of a kitchen from a realtor's perspective and compares to local areas as well as what is to be considered a wet bar. Mortgage lenders require that a stove be present to classify as a kitchen. As the home sits now, it is a single family dwelling with 1 kitchen and 1 wet bar.

Theresa Lee indicates she had spoken to a Mr. Nelson in Code who indicated a kitchen must have a stove.

Deborah Bruynell asks what had been here originally. It is answered that when they had appeared before the Board previously, there was an entire addition built on which created this condition of the second kitchen.

Michael Affuso – indicates a wet bar is constructed as a wet bar, you have a resolution and he would feel better if he had more than a realtor's opinion.

Harvey Rosenberg – indicates he has never seen 3 walls of a house for a wet bar.

Theresa Lee – describes an in-law suite in a typical bi-level home.

Christine Bell – indicates a kitchen requires a way to cook food and it appears the Board is having difficulty with the size, but there is nothing in our Ordinance.

Christine Bell – cites the Census Bureau's description of a kitchen which indicates it must contain a sink with faucet, stove or range, and refrigerator and unless it has all 3 of these components it is not a complete kitchen.

Robert Heinz – of Montvale, NJ – indicates he is the contract purchaser and indicates the removal of this kitchen could be an issue for him.

Michael Affuso asks if he thought he was buying a house with 2 kitchens.

It is suggested to remove the 220V outlet, remove the upper cabinets, microwave, refrigerator, and stove. Mr. Miller agrees to perform this work to satisfy the Board.

BASED UPON THE APPLICATION SUBMITTED AND THE TESTIMONY PROVIDED, IT IS DECIDED BY THE APPLICANT AND THE BOARD TO CARRY THIS MATTER TO THE DECEMBER 17, 2020 MEETING IN ORDER TO PROVIDE TIME FOR MR. MILLER TO PERFORM THE WORK AS DESCRIBED AND SHOW PROOF TO THE BOARD THAT THE WORK HAS BEEN COMPLETED SO THEY MAY APPROVE THE REMOVAL OF THE DEED RESTRICTION WHICH HAD PREVIOUSLY BEEN PLACED ON THE PROPERTY.

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED, ALL IN FAVOR. MEETING CLOSED AT 2:18 PM.

NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, DECEMBER 17, 2020 AT 6:30 PM VIA ZOOM.

Minutes submitted by Kristie Dickert, Board Secretary