

**Bradley Beach Zoning Board of Adjustment  
Reorganization Meeting Minutes  
Thursday, January 7, 2021 at 6:30 PM**

Meeting is called to order at 6:30 PM. The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Robert Quinlan, Raymond Wade, Michael Affuso, David Critelli, Deborah Bruynell, Teresa Rosenberg, Lauren Saracene, Victoria Leahy, Dennis Mayer, and Harvey Rosenberg

Absent: None.

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

**New and Re-Appointed Board Members are sworn in by Mark G. Kitrick, Esq.**

**Appointments for the 2021 Calendar Year:**

CHAIRMAN: Raymond Wade offers the name of Harvey Rosenberg. Dennis Mayer makes the motion to appoint Harvey Rosenberg which is seconded by Robert Quinlan. All members present in favor.

VICE CHAIRMAN: Harvey Rosenberg offers the name of Dennis Mayer. Raymond Wade makes the motion to appoint Dennis Mayer which is seconded by Michael Affuso. All members present in favor.

BOARD SECRETARY: Harvey Rosenberg offers the name of Kristie Dickert which is seconded by Dennis Mayer. All members present in favor.

BOARD ATTORNEY: Harvey Rosenberg offers the name of Mark G. Kitrick, Esq. Dennis Mayer makes the motion to appoint Mark G. Kitrick, Esq. which is seconded by Michael Affuso. All members present in favor.

BOARD ENGINEER: Harvey Rosenberg offers the name of Gerald Freda, PE of Leon S. Avakian. Raymond Wade makes a motion to appoint Gerald Freda which is seconded by Dennis Mayer. All members present in favor.

BOARD PLANNER: Harvey Rosenberg offers the name of Christine Bell, PP, AICP. Raymond Wade makes the motion to appoint Christine Bell which is seconded by Dennis Mayer. All members present in favor.

NEWSPAPERS FOR PUBLICATION OF LEGAL NOTICES: Harvey Rosenberg offers we accept the Asbury Park Press, Coast Star, and the Coaster as the official newspapers. Dennis Mayer makes the motion to accept which is seconded by Michael Affuso. All members present in favor.

SCHEDULE OF MEETINGS: Harvey Rosenberg offers the following meeting dates which will take place via Zoom until further notice due to COVID-19 Rules and Regulations, all meetings will commence at 6:30 PM: January 7, 2021; February 18, 2021; March 18, 2021; April 15, 2021; May 20, 2021; June 17, 2021; July 15, 2021; August 19, 2021; September 30, 2021, October 21, 2021; November 18, 2021; December 16, 2021; and Reorganization/Regular Meeting on January 20, 2022 which are seconded by Robert Quinlan. All members present in favor.

Mark Kitrick, Esq. explains that he has drafted the Resolution for the 2020 Board Decisions for review and approval of the Board at our next meeting which will be distributed tonight by the Board Secretary after we close and explains the purposes of same.

**WITH NO FURTHER REORGANIZATION BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REORGANIZATION MEETING AND TO OPEN THE REGULAR MEETING WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY DENNIS MAYER, ALL IN FAVOR. REORGANIZATION MEETING CLOSSES AT 6:55 PM.**

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

**Bradley Beach Zoning Board of Adjustment  
Regular Meeting Minutes  
Thursday, January 7, 2021  
Immediately Following Reorganization Meeting**

Meeting is called to order at 6:55 PM.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Robert Quinlan, Raymond Wade, Michael Affuso, David Critelli, Deborah Bruynell, Teresa Rosenberg, Lauren Saracene, Victoria Leahy, Dennis Mayer, and Harvey Rosenberg

Absent: None.

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

**Adoption of Meeting Minutes of December 1, 2020** Motion to accept offered by Michael Affuso and seconded by Deborah Bruynell. All eligible members present in favor.

**Adoption of Meeting Minutes of December 3, 2020** Motion to accept offered by Harvey Rosenberg and seconded by Michael Affuso. All eligible members present in favor.

**Adoption of Meeting Minutes of December 17, 2020** Motion to accept offered by Harvey Rosenberg and seconded by Michael Affuso. All eligible members present in favor.

**Resolutions Memorialized:**

**Resolution pertaining to Beth & Dr. Harold Cotler – Block 78, Lot 14 – 306 Monmouth Avenue – HELD OVER TO FEBRUARY 18, 2021 per Mark Kitrick, Esq.**

**Resolution 2021-06 – Approval of Removal of Deed Restriction – Joseph Miller – Block 71, Lot 16 – 600 Evergreen Avenue**

**Resolution 2021-07 – Approval of Bulk Variance – David Marco Ochy – Block 80, Lot 22 – 514 Monmouth Avenue**

**Applications:**

**ZB20/04 – (Appeal of Zoning Officer’s Determination) – Irvington Manor, LLC – Block 37, Lot 2 – 217 McCabe Avenue** – The Applicant is seeking an Appeal of the Zoning Officer’s Determination with regard to adding a Hotel Use to the property. Applicant is represented by James T. Hundley, Esq. **This matter was originally scheduled for June 18, 2020 as per the Applicant’s request, then August 20, 2020, then October 15, 2020, then December 17, 2020 at which time it was partially heard. It was agreed to schedule this matter for this evening for scheduling purposes ONLY; therefore this matter was not heard but rather will be continued on February 18, 2021 without further notice being required.** Motion offered by Harvey Rosenberg and seconded by Michael Affuso. All members present in favor.

**ZB20/18 – Dawn & Kevin DiMassimo Cioffi – Block 34, Lot 3 – 511 McCabe Avenue** - The Applicant is seeking variances and approval to remove the front 2 ½ story dwelling and proposing to construct a larger, more compliant 2 ½ story single family dwelling and the rear dwelling is to remain. Applicant is represented by Michael J. Wenning, Esq. **Motion made by Harvey Rosenberg to carry this matter to February 18, 2021 with no further notice being required, seconded by Dennis Mayer. All present in favor.**

**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 DECEMBER 17, 2020, THEN FURTHER CARRIED TO THIS DATE WITHOUT FURTHER NOTICE BEING REQUIRED\*\***

Mark Aikins, Esq. – indicates the Applicants have agreed to re-side/re-roof the apartment in the rear, and agreed to submit architectural floor plans for the 2<sup>nd</sup> building in the rear. They will no longer seek an approval for the 2<sup>nd</sup> story balcony. There is no further testimony being provided this evening.

Ms. Rosenberg – asks if pictures have been provided of the backhouse? Mr. Aikins indicates Architectural Plans have been provided in lieu of photographs.

Harvey Rosenberg asks if the second balcony has been removed. It is indicated yes.

Mark Aikins, Esq. indicates they have removed all of the bulk variances and they are only here for the use variance. The shed is being removed as well as the outdoor shower and the back building is not changing.

Jerry Freda indicates it is a second primary structure on the property, but they are replacing the existing 2-family structure with a single family dwelling.

Christine Bell comments that this condition is an improvement from what is currently existing.

Thomas J. Coan – 612 Third Avenue – questions the number of bedrooms and asks Ms. Bell if this site is particularly suited for this development.

Thomas Daniels – questions the plans online. Mark Aikins, Esq. indicates the plans marked A-11 are the most current and the sundeck has been removed.

Carl Schopfer – 415 Brinley – no questions.

Brigitte McGuire – questions parking – the front house has 3 bedrooms and the back house has 2-3 bedrooms.

Mark Aikins, Esq. explains that parking is sufficient as per testimony provided and the RSIS as they are providing 4 off street parking spaces.

Jerry Freda – they submitted a plot plan which provides enough parking for 4 vehicles, but in reality they could fit another 3 vehicles if necessary.

Deb Bruynell – the front house has a total of 6 bedrooms? It is answered there is a total of 3 bedrooms in the front house.

Thomas J. Coan – sworn in – 612 Third Avenue – comments on existing plans and how he arrived at 6 bedrooms and provides support of his objection to this application. He does not feel the proofs required for a Use Variance have been met.

Dr. Tom McGuire – sworn in – 610 Brinley Avenue – comments on how he did everything recommended by the Board for his project yet ended up withdrawing his application because of parking and they were beat up for trying to do the same thing that is being requested here and objections to an approval of this application.

Carl Schopfer – sworn in – 415 Brinley Avenue – thinks everyone has made good points but the back building has been there for years – they are seeking to replace the front house so there has to be a middle ground.

Michael Ehret – 407 Brinley – has been a resident for 20 years and he is concerned with the area around the back house.

Michael Affuso – asks if there is any room to compromise here? Mr. Aikins advises the rights the Applicants have with regard to the rear apartment.

A discussion takes place with regard to the application as a whole and the relief that is now being requested.

Mark Aikins, Esq. asks the question which is a better planning alternative/result.

Ms. Bruynell asks when this became a 2-family home. Christine Bell indicates this Board approved to make it a 2-family home back in 1996.

**Based upon the application submitted and the testimony provided, David Critelli makes a motion to approve the use Variance with the condition that the back building will be re-sited/re-roofed as agreed to and they will comply with comments in the Engineering Review Report, seconded by Robert Quinlan.**

**Those who voted YES:** David Critelli, Michael Affuso, Raymond Wade, Robert Quinlan, Deborah Bruynell

**Those who voted NO:** Dennis Mayer and Harvey Rosenberg

**Those who ABSTAINED:** None.

**Those INELIGIBLE:** None.

**Those ABSENT:** None.

**ZB20/11 – Steve & Linda Perrette – Block 85, Lot 17 – 5 Madison Avenue** – The Applicant is seeking approval for the installation of an inground swimming pool which will require bulk variances for rear yard setback, distance from the primary structure, distance from the accessory structure, as well as distance from the seasonal high water table to the bottom of the pool.

Steve Perrette – owner and Michele Struble – The Pool & Spa Doc are sworn in along with the Board Professionals.

Mr. Perrette provided a background of how he arrived in Bradley Beach and explained his need for a modified rectangular pool in his backyard.

Setback variances are needed for the east side leaving 3.5 feet from the property line to the pool.

Jerry Freda comments on the uniqueness of the application as this is a corner lot so there are 2 front yards, and the 1<sup>st</sup> variance is for the distance to the rear yard lot line.

Mr. Perrette describes the distance from the house and the distance from the masonry shed to the pool which could possibly be shifted to conform. The property is not located in a flood zone and a discussion with regard to the Seasonal High Water Table takes place.

Michele Struble – indicates she does not understand why this is a variance.

Michele Struble describes the process of pool installation if groundwater is encountered; however, the applicant is not looking for a deep pool.

Jerry Freda asks if the pool is going to be concrete. It is indicated no, it will have steel walls and a vinyl liner. Jerry asks where the water is going to be discharged. It is indicated it will discharge along the property out to the street or a drywell or stone area.

Jerry Freda indicates he would agree with the construction official. Michele Struble indicates the fence could have stone in the front of it.

Mr. Perrette indicates the pool depth is now proposed at 5 feet but they are willing to go to 4.5 feet. Jerry believes a 6-inch difference in depth would be a good compromise.

Harvey Rosenberg – should you put in the drywell from the beginning of the project? It is agreed a drywell will be installed.

David Critelli – asks what the SHWT is now? Jerry indicates it is always changing so we have to rely on the tests taken which indicated it is 8” below the proposed 5 foot depth, now they are proposing 14” to the SHWT. Mr. Critelli asks about side yards. Jerry explains how the Borough of Bradley Beach defines yards.

Mr. Perrette – refers to Item #5 in the review to conform to Cabana – 10 feet to the shed is required and originally looking for 4 feet to the shed, but can move to comply with the 10 feet and eliminate this variance by reducing the size of the sundeck surrounding the pool.

Dennis Mayer – Asks Jerry if the setback on the southeasterly side is too tight.

Mr. Perrette indicates they will propose a 6 foot high solid vinyl privacy fence along the rear property line.

Deb Bruynell – is this a garage apartment? It is indicated no, this is a cabana with a toilet and used for storage and will never look to make it a garage apartment. Ms. Bruynell expresses concern with the closeness to the house. Mr. Perrette explains the path which must be taken in order to enter the pool.

Michael Affuso – questions encountering the water table – Jerry indicates nothing happens, the concern would be what the pool is constructed of. This type of pool is not likely to heave as there is almost always water in the pool – as far as the location, Jerry indicates there is not a lot of options because of the size and shape of the lot and he feels they did as good as they possibly could with location.

Georgann Chamas – 403 Monmouth – questions the location of the pump and where the water will be going as she currently has water problems on her lot. Jerry asks that all water be directed toward Madison and away from Ms. Chamas’ property.

Mr. Perrette – the pool pump is now towards Madison.

Georgann Chamas asks if the construction trucks will be staying on the Madison side? Mr. Perrette points out there is a carport on the 403 Monmouth side of the property and therefore the construction vehicles would not be able to access the area where the work is being performed from that side of the house, so most likely they will be on the Madison side.

David Critelli – asks why the pool located here and not on the other side? Mr. Perrette explains why and that would be a side yard, not a rear yard which would create another variance.

Paul Charette – sworn in – 400 Monmouth Ave – indicates he lives across the street and believes all improvements that they have made have been amazing and he feels this is the best location and as safe as possible. He agrees there should be a 6 foot fence along the property line and he is in support of the application.

Mr. Perrette summarizes the application for the Board and appreciates their input and agrees to do whatever he can do to accommodate the requests.

**Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve the variances requested with the exception of the distance between the accessory structure and the pool as the sundeck must be narrowed to comply, there will be a 6 foot solid vinyl fence installed along the rear property line, there will be a drywell installed for drainage, and the pool will be 4 ½-foot deep rather than the originally proposed 5 foot depth, seconded by Dennis Mayer.**

**Those who voted YES:** Robert Quinlan, Raymond Wade, Michael Affuso, David Critelli, Lauren Saracene, Dennis Mayer, and Harvey Rosenberg

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those INELIGIBLE:** None.

**Those ABSENT:** None.

**ZB20/08 – Point Properties 2003, LLC – Block 66, Lot 26 – 108 Second Avenue –** The Applicant is seeking approval for the replacement of fire escapes requiring side yard setback variance. Applicant is represented by Harvey L. York, Esq.

Harvey L. York, Esq. representing the Applicant describes the proposal before the Board regarding fire escape replacement. The current fire escapes do not comply.

David Tseitlin (Representative of the Property Owner) – sworn in with Board Professionals.

Mr. Tseitlin describes the property which is an apartment building housing 44 families. He wants to provide safety and security to these tenants. Easements have been obtained as the existing escapes encroach over the property line. This request is for fire safety.

Harvey Rosenberg asks if the escapes are proposed to be the same size? It is indicated yes, they are no different, just more modern.

It is indicated any damage caused within the easement area will be repaired by Point Properties 2003, LLC.

Jerry Freda indicates the building is old and this issue with the fire escape is a safety issue.

**Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve the variances requested with this Minor Site plan based upon the current safety issues presented, seconded by Robert Quinlan.**

**Those who voted YES:** Robert Quinlan, Raymond Wade, Michael Affuso, David Critelli, Lauren Saracene, Dennis Mayer, and Harvey Rosenberg

**Those who voted NO:** None.

**Those who ABSTAINED:** None.

**Those INELIGIBLE:** None.

**Those ABSENT:** None.



**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY MICHAEL AFFUSO, ALL IN FAVOR. MEETING CLOSED AT 8:48 PM.**

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, FEBRUARY 18, 2021 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.**

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