

**Bradley Beach Zoning Board of Adjustment
Regular Meeting Minutes
Thursday, September 30, 2021 at 6:30 PM**

Meeting is called to order by Chair Rosenberg.

The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

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

Also Present: Jilian McLeer, Esq. – Attorney to the Board, Gerald Freda, PE, PP, CME – Board Engineer, and Christine Bell, PP, AICP – Board Planner

Absent: JohnEric Advento and Lauren Saracene

CHAIR ROSENBERG ADVISES THE PUBLIC HOW THE MEETING WILL PROCEED.

Approval of Meeting Minutes:

Regular Meeting Minutes of July 15, 2021 – Motion to accept offered by Chair Rosenberg and seconded by Raymond Wade. All eligible members present in favor.

Resolutions Memorialized: None.

Applications Considered:

ZB21/01 – 501 Lake Terrace, LLC – Block 7, Lot 2.03 – Lake Terrace – Applicant is proposing to expand and repave the parking lots on-site, construct a covered entrance, new refuse enclosure, remove and replace sidewalks on-site and along the roadways, new landscaping, and upgrade the lighting on-site. The proposed improvements require Board approval for variances including, but not limited to use, front yard setback to the covered entry, building coverage, impervious coverage, off-street parking, driveway width, driveway setback, and aisle width for off-street parking. Applicant is represented by Andrew Karas, Esq.

****APPLICATION WAS PARTIALLY HEARD ON MAY 20, 2021 AND CARRIED TO THIS DATE FOR CONTINUATION. NEW NOTICE WAS PROVIDED FOR JULY 15, 2021; HOWEVER, WAS FURTHER CARREID TO THIS DATE WITHOUT FURTHER NOTICE BEING REQUIRED ****

Michael Affuso advises of his recent interaction with the Applicant through a mutual acquaintance, but indicates there was no discussion regarding this application, he does not know the Applicant personally, and he has no personal or financial interest in this property or application. He indicates that he can make fair and impartial decision on the application at hand.

Mr. Karas provides a brief description of the application since it has been a couple of months since we last met and discussed. He indicates they require a d2 Use Variance for Expansion of a Non-Conforming Use as well as bulk variances.

Brian Leff – Professional Planner – describes landscape improvements being proposed to buffer the west and driveway as well as the court yards.

Exhibit A-8 – Color Rendering of Landscaping dated 9/15/2021 is marked.

Brian Leff proceeds to provide additional planning testimony along with a brief summary to refresh the last meeting. This is an expansion of a Non-Conforming Use. There are thirteen (13) additional spaces being provided and the applicant is requesting variances for building coverage, impervious coverage, number of spaces being provided as well as the sizes of some, apron width, drive aisle width, and driveway setback. The existing non-conformities are not changing and are remaining. A front yard setbacks is required for the covered entry in the area of an existing stoop. Underground stormwater facilities are being provided. Mr. Leff indicates the benefits outweigh the detriments and feels there is no negative impact. The conditions that were required by the County are described. Testimony is further provided regarding the pre-existing, non-conforming use.

Christine Bell – Board Planner is in agreement with Mr. Leff with regard to planning testimony provided.

Jerry Freda requests if there could be more green area provided along the back near the dumpster.

Public Questions:

Allen Rapaport – 512 Newark Avenue – questions the landscape and buffer. Mr. Leff indicates shrubs will be larger, narrow evergreens with sprinklers.

Margaret Merenda – 504 Newark Ave – lives on west side of Newark Avenue parking lot and asks for landscaping instead of the proposed privacy slats in the fence. She asks for shrubs on the other side and take away some of the pervious coverage.

David Critelli – asks if they can alternate slats to allow for some light and open area. Applicant is willing to provide.

Mike Affuso – If a spot is sacrificed can you put parallel spots? It is indicated no.

Deborah Bruynell – Why chain link fence? It is indicated it is fixed already with concrete into the existing retaining wall.

Robert West – 518 Newark Avenue – why is all of the consideration given to the Fletcher Lake side and never discussed with the Newark Avenue side residents? Mr. Leff indicates there is a very small area in the rear which would inhibit maintenance of landscaping. Mr. West questions the dumpster which abuts his property. Mr. Karas indicates the back of the building will be refaced? Mr. West asks why such a large parking lot? Mr. Karas indicates that question has already been addressed.

William Psiuk – 110 Fifth Avenue – Questions the 6 foot fence between the evergreens. Mr. Leff indicates he did not believe there was a 6 foot fence along the frontage but will remove the 6 foot fence along either side of the Lake Terrace driveway.

Shane Butler – 500 Newark Ave – Would you consider another type of screening other than slats? Can you possibly update the chain link? What color slats are being proposed? He indicates he is ok with the existing ivy & honeysuckle that has grown there. Also questions the angled parking, but will hold question for the Engineer.

Heidi Modjeski - 614 Newark Ave – How far is the dumpster? Jerry Freda responds and indicates that there is going to be an enclosure.

Peter Siegel – previously sworn in – Explains why changes were made as they were due to residents' concerns and they have tried to incorporate all concerns. There is an irrigation plan and some plants are grasses and do not necessarily need irrigation.

Harvey Rosenberg – questions the back of the building. Peter indicates he would like to continue the siding in the rear or fresh paint. Harvey requests siding so as to be consistent with the remainder of the building and also requests increased buffer size and plantings.

Dennis Mayer – questions whether access has been secured for the back of the building or permission from the neighbors? Mr. Siegel indicates not yet.

David Critelli – suggests an access agreement and the neighbors have to step up to allow access so this can be accomplished.

Michael Affuso – questions parking and 68.5% coverage. How do you get people to park in the lot? It is indicated it is an enforcement issue that cannot be controlled.

David Critelli – indicates it is a quality location to park and people will pay a premium to do so.

Allen Rapaport – 512 Newark Ave – rear area and access – why did you not come visit the neighbors in the back? Mr. Siegel indicates #1 – he spoke to 5 neighbors and e-mailed with a few others after the last meeting #2 – didn't see the need to request access so early in the process. He knows they want siding and is assuming they will be willing to grant access.

Mr. Karas objects to the dumpster comment.

Margaret Merenda – 504 Newark – questions if there will be gutters placed on the back? It is indicated yes, they are on the plans.

Thomas J. Coan – 612 Third Ave – Asks if Mr. Siegel is familiar with 301 Main Street. Mr. Karas objects – Mr. Coan asks how parking is going to be assigned – Mr. Siegel indicates they will come up with a reasonable way for those who express a need and will number the spaces or some other means.

Robert West – 518 Newark – States the tree in the southwest corner of the property is rather large and dying – Applicant agrees to remove it and all dying trees.

A-9 Aerial Exhibit dated 9/15/2021 – marked. Trees being referenced are identified.

Thomas J. Coan – 612 Third Ave – Questions if there will be a rent differential for parking spaces. Mr. Siegel indicates he does not know.

Christopher Bednarski, PE of InSite Engineering – Describes Exhibit A-8 with regard to parking and the use of parking of both lots. There will be a private hauler for garbage scheduled to collect at reasonable times. There is adequate separation so that the drywells will work capturing stormwater from the parking lots and gutters. Jerry Freda questions gutters in the rear of the building. A brief discussion takes place with regard to the drainage system and location and size of downspouts.

Robert West – 518 Newark Ave – is there a proposed time on dumpster pick up?

Harvey Rosenberg – indicates they can make it a condition between 8:00 AM – 5:00 PM

Thomas J. Coan – 612 Third Ave – what is the access width on Lake Terrace? It is 18 feet but will make it 24 feet per the County. Will that improve access? Chris Bednarski indicates yes, making it less steep as well. And adding an additional 4 drywells.

Allen Rapaport – 512 Newark Ave – Questions the dumpsters, their current location, what the hours of collection are now and how the trash is picked up now? Chris explains and provides his reasoning why the proposal is a better alternative. Chris indicates he will contact JCP&L to see if they can possibly relocate their pole with transfers.

Deborah Bruynell – Will it be the same company picking up the trash? Why can't it be done the same way it is now? Chris Bednarski states there will be different bins – the Newark side has cans and the other lot has dumpsters.

Margaret Merenda – 504 Newark Ave – Asks if this lot is zoned residential and when is the current dumpster being removed?

Shane Butler – 500 Newark Ave – Asks if they can reconsider keeping spaces at an angle. He has safety concerns with regard to parallel parking because of what he has in his yard immediately adjacent to this lot if a car were to drive through. He also indicates he is fine with the fence now without slats.

Robert West – 518 Newark Ave – Is it possible to move the dumpster? Mr. Karas indicates they are not changing the plan again.

Mr. Karas indicates he does not have any further witnesses.

Jerry Freda – questions dumpsters. Is there active work on the property? Peter Siegel indicates yes they are cleaning it out. Once done it will be removed.

Allen Rapaport – 512 Newark Ave – expresses his concerns with the proposal.

Margaret Merenda – 501 Newark Ave – expresses concerns with dumpsters and constant turn around and flow of materials picked up and dropped off as well as dumpster divers.

Mr. Siegel explains the reasoning for dumpsters.

Shane Butler – 500 Newark Ave – wants to keep perpendicular parking and does not want slats in fence, just repair the fence where needed.

Robert West – 518 Newark Ave – asks if they can consider changing the plan and if not don't do anything.

Libby Triolo ? – 520 Newark Ave – sworn in – Indicates she is buffered by the idea that there is no consideration for the quality of life – states for 20 years it has worked the way it is now – greatly concerned as it is right next to her home and the smell of dumpsters etc. Quality of life is just as paramount as beautification.

Margaret Merenda – clarifies the cars in the photos are employees not residents.

Bruce Dimicco – 607 ½ Fifth Ave – sworn in – comments on Lake Terrace and in its current condition people have been deterred from using parking lot. It is an improvement to the property and improvements don't happen overnight. This project makes sense. Garbage trucks are generally not there long and parking is a big part of the Master Plan. He is in support of this project and believes it is a fair plan.

Thomas J. Coan – 612 Third Ave – provides his opinions on variances being requested. Suggests bollards around the JCP&L poles. Mr. Coan references the planner's report.

Jerry Freda – suggests moving the dumpster another 10-12 feet forward and applicant agrees to install bollards around poles. Applicant will stipulate to move the dumpster up 12 feet and add more landscaping.

Jody Rapaport – 512 Newark Ave – disagrees with dumpster location.

Andrew Karas, Esq. provides a summation and asks the Board for a favorable vote as this is a huge improvement to the site and to the general area.

Based upon the testimony provided and the plans presented, Harvey Rosenberg makes a motion to approve the application as stipulated with conditions as discussed throughout the hearing process, seconded by David Critelli.

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

Those Absent: JohnEric Advento and Lauren Saracene

Those Recused: None.

Those in Opposition: Deborah Bruynell

Those Abstained: None.

Adjournment:

Next scheduled meeting will be our regular meeting on Thursday, October 21, 2021 at 6:30 PM which will take place here in the Municipal Complex Meeting Room.

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 9:22 PM.

Minutes submitted by Kristie Dickert, Board Secretary