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APPLICANT: IRVINGTON MANOR, LLC/LISA PATRUNO
ATTORNEY FOR APPLICANT: MARTIN J. ARBUS, ESQUIRE
APPLICATION NO. PB-B37-L2-01-16
BLOCK 26, LOT 5

PLANNING BOARD OF THE BOROUGH OF BRADLEY BEACH

**RESOLUTION OF THE PLANNING BOARD OF
THE BOROUGH OF BRADLEY BEACH, COUNTY
OF MONMOUTH AND STATE OF NEW JERSEY**

DENIAL OF SITE PLAN AND VARIANCE(S)

WHEREAS, IRVINGTON MANOR, LLC/LISA PATRUNO, (hereinafter referred to as the “Applicant”), is the owner of property known as Block 37, Lot 2, as shown on the Borough of Bradley Beach Municipal Tax Map, more commonly known as 217 McCabe Avenue, Bradley Beach, New Jersey; and

WHEREAS, the Applicant has appeared before the Borough of Bradley Beach Planning Board (hereinafter referred to as the “Board”), represented by Martin J. Arbus, Esquire, for site plan approval with bulk variances. The subject property contains 7,500 square feet within the RT – Residential Transitional District provides 50 feet of road frontage along the south side of McCabe Avenue between Beach Avenue and Central Avenue. The property currently maintains a three (3) story frame dwelling with a porch and concrete patio; and

WHEREAS, the Applicant proposes to demolish and remove all the existing structures on the property and to construct four (4) attached townhouse dwellings with associated parking; and

WHEREAS, the subject property is located in the RT – Residential Transitional, wherein the permitted uses include Single Family Dwellings, Public Parks and Playgrounds, Municipal Buildings and other public facilities providing services essential to the operation of the Borough and Townhouses; and

WHEREAS, the Applicant is in need of the following variances: Section 450-27.D.(2)(a)[1] – The minimum lot area is required to be 30,000 square feet and the existing lot area is 7,500 square feet; Section 450-27.D.(2)(a)[2] – The minimum lot width required is 200 feet and the existing width is 50 feet; Section 450-27.D.(2)(a)[4] – The minimum front yard setback is 25 feet and the Applicant is proposing 20 feet; Section 450-27.D.(2)(a)[5] – The minimum side yard setback is 5 feet and 10 feet and the Applicant is proposing 5 feet on both sides; Section 450-27.D.(2)(a)[6] – The minimum front yard setback is 25 feet and the Applicant is proposing 20 feet; Section 450-27.D.(2)(a)[8] – The maximum building coverage permitted is 25%; the Applicant is proposing 58%; Section 450-27.D.(2)(a)[9] – The maximum impervious coverage permitted is 60%; the Applicant is proposing 60.8%; Section 450-27.D.(2)(c) - The maximum gross floor area per unit permitted is 1,500 square feet and the Applicant is proposing 1,841 square feet; Section 450-27.D.(2)(d) – The maximum average gross floor area permitted is 1,200 square feet and; the Applicant is proposing 1,841 square feet; Section 450-27.D.(2)(g) – The minimum number of total units permitted is 12 and the Applicant is proposing 4 units; Section 450-41.b.(11) - The minimum parking space is 9 feet by 18 feet and the Applicant is proposing parking spaces of 9.5 feet by 17 feet; and 450-41.B.(8) - The minimum aisle width in a parking lot is 25 feet and the Applicant is proposing 21.67 feet;

WHEREAS, notifications as required by the Statutes of the State of New Jersey, as well as the Borough of Bradley Beach pertaining to the public hearings on this matter have been satisfactorily perfected; and

WHEREAS, the Board did conduct public hearings on May 18, 2016, and August 24, 2016, to evaluate and consider the application as above set forth; and

WHEREAS, the Board did hear testimony of the Applicant, its expert witnesses and the adjacent property owner, as well as a member of the general public, and considered the various exhibits, thereafter marked into evidence and introduced as follows:

A-1 Application of Lisa Patruno / Irvington Manor LLC, to demolish all existing structures and construct a new three-story building of four townhouse units, signed by Lisa Patruno and dated April 1, 2016.

A-2 Survey of Property prepared by Morris Surveyors, Inc., dated May 5, 2005, last revised October 29, 2015. (1 p. signed, sealed)

A-3 Preliminary & Final major site plan consisting of seven (7) sheets prepared by Leanne R. Hoffman, P.E., P.P. of Atlantic Consulting Engineer, LLC, dated October 24, 2015, last revised April 13, 2016. (signed, sealed)

A-4 Architectural plans (5 sheets) prepared by Frank S. Aiello, AIA, of Aiello Associates Architects, LLC, dated March 16, 2016 with no revision (signed, sealed).

A-5 Photometric analysis plan consisting of one (1) sheet prepared by Frank S. Aiello, A.I.A. of Aiello Associates Architects, dated July 20, 2015, last revised April 26, 2016.

A-6 Drainage Report prepared by Leanne R. Hoffmann, P.E., P.P., C.M.E. of Atlantic Consulting Engineers, LLC, dated April 15, 2016.

A-7 Development application – See Exhibit A-1

A-8 Report of Jennifer C. Beahm, PP, AICP, Director of Planning, dated May 13, 2016, Board Planner. (5 pp)

A-9 Affidavit of Service signed by Matthew Goode, Esq., dated 05/09/2016.

A-10 Copy of Notice to Property owners dated 05/04/2016 and signed by Martin J. Arbus, Esquire.

A-11 Certified Receipts of Mailing dated May 7, 2016.

A-12 Affidavit of Publication dated May 7, 2016.

A-13 Color rendering of proposed townhouse development.

A-14 Google Map of PIQ and surrounding area.

A-15 Eight (8) computer generated color photos of neighboring properties and developments.

A-16 Original Survey prepared by Morris Surveyors, Inc. signed by Elbert Morris, dated 05/10/2005, illustrating a rear bungalow prior to its destruction by fire.

A-17 Revised Preliminary and Final Major Site Plan (Sheet 3 of 7) titled "Site and Grading/Utility Plan" – one sheet, prepared by Leanne R. Hoffmann, P.E., C.M.E. of Atlantic Consulting Engineers, LLC, dated October 24, 2015, with the latest revisions dated April 13, 2016.

A-18 Revised copy of DD3, architectural drawings of storage and trash, revised 7.21.2016, prepared by Frank S. Aiello, AIA.

A-19 Revised copy of DD5, architectural drawings of roof access, revised 7.21.2016, prepared by Frank S. Aiello, AIA.

A-20 Revised copy of COO1 Photometric Analysis Plan at parking level revised 7.21.2016, prepared by Frank S. Aiello, AIA.

A-21 Autoturn Plan – Major Site Plan, prepared by Leanne R. Hoffmann, P.E., Atlantic Consulting Engineering, LLC, dated 08/10/2016.

A-22 – Aerial Google Map of PIQ

A-23 – Copy of Resolution of adjoining vacant property – 706 Central Avenue, dated March 17, 2016.

A-24 Variance Study of approvals of selected various properties throughout town from 2002 through 2015.

A-25 Revised drawings of C001 (Photometric Analysis Plan); DD3 (Storage & Trash); DD5 (Roof Hatch); and DD6.1 (Elevation-parking level height and curb), all dated REVISED 08/01/16, prepared by Frank S. Aiello, AIA.

B-1 Letter of Gerald J. Freda, Board Engineer, dated May 12, 2016.

B-2 Letter of Gerald J. Freda, Board Engineer, dated July 20, 2016.

B-3 Letter of Gerald J. Freda, Board Engineer, dated August 17, 2016.

B-4 Letter of Jennifer Beahm, Board Planner, dated August 18, 2016.

WHEREAS, based upon the testimony presented, the exhibits offered by the Applicant, his expert witness, the adjacent property owner and his expert witness, and those appearing from the public, the following findings of fact and conclusion of law have been made by the Board, to wit:

1. The Applicant is the owner of the subject property which consists of a three (3) story frame dwelling with a porch and concrete patio.

2. The Applicant proposes to demolish and remove all the existing structures on the property and to construct four (4) attached townhouse dwellings with associated parking.

3. The lot area is 7,500 square feet where a minimum of 30,000 square feet is required. This is an existing condition and there is no additional land available in the immediate vicinity of the site which is not fully developed for the Applicant to purchase to expand the site.

5. The lot width is 50 feet where 200 feet is required and this is an existing condition.

6. The front yard setback is proposed at 20 feet where 25 feet is required and same is a result of the size and placement of the proposed development on the site requested by the Applicant.

7. The minimum side yard setback is 5 feet and 10 feet is required and the Applicant is proposing 5 feet again to develop the site a proposed.

8. The minimum rear yard setback is 25 feet and the Applicant is proposing 20 feet to accommodate the intended development on the site.

9. The maximum building coverage permitted is 25% and the Applicant proposes a development which, when completed, will have 58% building coverage.

10. The Applicant's Engineer and Professional Planner opined that the aforesaid variances are necessary to build the four units in the size and proportion requested and would be an improvement over the existing non conforming setbacks on the site.

11. The Applicant could minimize or eliminate several of the variances requested if the number of units or size of the units proposed were reduced, which may eliminate or reduce the required variances for gross floor area which is required at a maximum of 1,500 square feet and the Applicant seeks 1,841 square feet, and maximum average gross floor area which is 1,200 square feet and the Applicant seeks 1,841 square feet.

12. The maximum building coverage at 58% is far in excess of the required maximum of 25%, which is caused by the size of the building needed to construct the four units in the sizes proposed by the Applicant, but could be reduced if the number of the units was reduced and/or the size of each.

13. The Applicant testified that the size and number of the units were dictated by her personal financial requirements and return of profit and same would not be economically feasible if the number and/or size of the units were reduced; however, when asked the cost and proposed sales price, she failed to have a response indicating that she had not worked out those numbers.

14. The Applicant and her Professional Planner indicated that the current use was far more intense than the proposed use which, with 14 rooms, could accommodate 28 guests with no parking, but insisted on developing the site as proposed without compromise.

15. The parking provided for the units was at the ground level and in accordance with the Board's Engineer, the Applicant provided information as to vehicle movement on site for a medium size car and it is extremely tight for vehicles to get into a parking space and does not provide movement leaving the parking space. He finds parking space number one to require several vehicle movements to enter and leave this space.

16. The parking area cannot be expanded, due to the width of the site and cannot be used by large vehicles and is further deficient in parking stall size of 9.5 feet by 17 feet, where 9 feet by 18 feet is required, as well as the drive aisle width of 21.67 feet, where 25 feet is required.

17. The Board's professional do not believe the parking will work for all 8 spaces and the Applicant's response is that the residents will figure it out after living on the site.

18. The height of the garage is also deficient in several locations, but the Applicant could only suggest posting signs for those who enter the garage, rather than find another solution to this problem.

19. The parking area cannot be used by a large SUV, such as an Escalade, and those residents owning that type of vehicle would have to park on the street, which is already burdened with other parking.

20. The number of parking spaces could be reduced, and thus the size and parking lot configuration made safer and more practical if the number of the units was reduced or some were made smaller with a reduction in the number of bedrooms.

21. The Applicant is not desirous of reducing the size or number of units and is not concerned with parking deficiencies.

22. The Applicant testified that if the number of units is greater, the price per unit would be less and available to more interested parties, but as above indicated, she had no idea as to the price point to be set for each unit.

23. The proposed development is far in excess of the permitted density and therefore not consistent with the Master Plan.

24. The Applicant is overcrowding the site, evidenced by the 14 variances needed for the development as proposed.

25. The development as proposed violates the light, air and open space which needs to be afforded to the surrounding neighborhood.

26. The project seems to be too large for the property and will have a negative impact on the streetscape along McCabe Avenue.

27. The Applicant's Professional Planner failed to prove that there will not be any negative impact on the zone plan if the application is approved.

28. Several adjacent property owners and other concerned citizens appeared and testified in opposition to the development, specifically citing the large mass, substantial density, deficient front,

side and rear yard setbacks, as well as the possible on street increase in parking, which is a result of the proposed parking configuration which seems to be deficient.

29. The Board finds that the proposed development would not advance the purposes of the Municipal Land Use Law and be a detriment to the surrounding properties.

30. The Board finds that the proposed application would not be a benefit to the area nor be in conformance with the Master Plan, the purposes of the Municipal Land Use Law and the zoning plan of the Borough of Bradley Beach.

31. On balance, the benefits of granting the required variances do not outweigh any detriments and cannot be granted without substantial detriment to the adjacent property owners.

WHEREAS, in addition to the foregoing, the Board finds as follows:

1. The Board has jurisdiction to herein consider the application pursuant to N.J.S.A. 40:55D-1 et seq.

2. The Applicant has satisfied the notice requirements of the State and Municipal Ordinances, and, therefore, the Board has the authority and jurisdiction to consider the application.

3. The Applicant is the owner of the premises known as 217 McCabe Avenue, Bradley Beach, New Jersey and Block 37, Lot 2, as shown on the Tax Map of the Borough of Bradley Beach.

4. The Board has concluded that the proposed application would adversely impact upon the Master Plan of the Borough of Bradley Beach and does not promote the safety and welfare of the residents of the municipality and accordingly, has not satisfied the requirements of obtaining any and all required variances as herein set forth.

5. The Board further finds that the information and evidence submitted by the Applicant is sufficient to permit the Board to make a negative decision in this case and, as such, waives any additional formal requirements as contained in the Borough Ordinance.

NOW THEREFORE, BE IT RESOLVED by the Borough of Bradley Beach Planning Board,

that the application for Site Plan to construct a four unit townhouse and related variances for minimum lot area, minimum lot width, minimum front yard setback, minimum side yard setback, minimum front yard setback, excess over the maximum building coverage permitted, excess over the maximum impervious coverage permitted, excess over the maximum gross floor area per unit permitted, excess over the maximum average gross floor area permitted, minimum number of total units permitted, parking space size under minimum, and aisle width under minimum be and is hereby *denied*.

IT IS FURTHER RESOLVED that a copy of this Resolution be certified by the Secretary of the Borough of Bradley Beach Planning Board to be true and shall be forwarded to the Construction Code Officer, Borough Clerk, Board Engineer, and Borough Assessor within ten (10) days of the date hereto to the Applicant herein.

BE IT FURTHER RESOLVED that the notification of this Resolution shall be published in the Asbury Park Press within ten (10) days of its passage.

DATED: August 24, 2016

MOVED BY: VICE CHAIRMAN ALBANIR

SECONDED BY: MR. ROSENTHAL

ROLL CALL VOTE

Those in Favor: Vice Chairman Albanir, Mr. Goldfarb, Mr. Engelstad, Ms. VanWagner, Mr.

Rosenthal, Mr. Weber, Mr. Jung, Ms. DeNoble, Mr. Gubitosi

Those Against: NONE RECORDED

Those Absent: Chairman Psiuk, Mr. Kaplan

Those Abstaining:

Those Ineligible:

MEMORIALIZATION DATE: September 22, 2016

MOVED BY: MR. GOLDFARB

SECONDED BY: VICE CHAIRMAN ALBANIR

ROLL CALL VOTE

Those in Favor: Vice Chairman Albanir, Mr. Goldfarb, Mr. Engelstad, Ms. VanWagner, Mr.

Rosenthal, Mr. Jung, Ms. DeNoble, Mr. Gubitosi

Those Against: NONE RECORDED

Those Absent: Mr. Weber

Those Abstaining:

Those Ineligible: Chairman Psiuk, Mr. Kaplan

The foregoing is a true copy of the Resolution adopted by the Planning Board of the Borough of Bradley Beach at its meeting of September 22, 2016, and copied from the Minutes of said meeting.



WILLIAM PSIUK, Chairman
Bradley Beach Planning Board

Prepared by:
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