

**Bradley Beach Land Use Board  
Regular Meeting Minutes  
Meeting Held Remotely Via Zoom  
Thursday, January 20, 2022 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: Mayor Larry Fox, Paul Murphy, Councilman Timothy Sexsmith, David Critelli, Meredith DeMarco, Kelly Reilly-Ierardi, Dennis Mayer, Robert Mehnert, William Psiuk, Harvey Rosenberg, and Lauren Saracene

Absent: JohnEric Advento and Arianna Bocco

Also Present: Mark G. Kitrick, Esq., Gerald Freda, PE, PP, CME, and Christine Bell, PP, AICP

It is noted for the record that David Critelli has been sworn in by Mr. Kitrick while waiting for the remainder of the Board Members to join the meeting.

**Approval and Adoption of Meeting Minutes from the Reorganization Meeting of January 2, 2022** – Motion to adopt offered by Dennis Mayer, Seconded by Robert Mehnert all eligible members present in favor.

**Resolutions Memorialized:**

- a. Resolution 2022-01 – Confirming the Election of Officers for 2022**
- a. Resolution 2022-02 – Approving the Appointment of Professionals 2022**
- b. Resolution 2022-03 – Designation of Official Newspapers for Legal Notices 2022**
- c. Resolution 2022-04 – Approving the Meeting Dates for the 2022**
- d. Resolution 2022-05 – (Revised Resolution 2021-22) – (Approval of Bulk Variances for 2<sup>nd</sup> Floor Balcony w/Roof Over 1<sup>st</sup> Floor Porch) – Dennis & Sharon Luba – Block 89, Lot 5 – 600 Bradley Boulevard**

Chair Mayer provides the public with the Board's policies and procedures and describes how the meeting will proceed.

### **Applications Considered:**

**ZB21/10 – (Use & Bulk Variances for New 2 ½ story Dwelling) – Ocean Grace, LLC/Thomas Carlucci – Block 13, Lot 16 – 1107 Ocean Avenue** – Applicant is seeking Use and Bulk Variances for the proposed construction of a new 2 ½ story dwelling requiring variances for building height, number of stories, upper porch variances, side yard setback, rear yard setback, building coverage, impervious coverage, driveway apron width, and driveway curb cut. Applicant is represented by Michael J. Wenning, Esq. **\*\*ORIGINALLY SCHEDULED FOR THE 10/21/2021 ZBA MEETING AND CARRIED TO THE 12/16/21 ZBA MEETING WITH NO FURTHER NOTICE. THIS MATTER WAS NOT HEARD ON 12/16/21 AND WAS ULTIMATELY CARRIED TO THIS MEETING OF JANUARY 20, 2022 OF THE LAND USE BOARD. RECEIVED LETTER FROM MICHAEL J. WENNING, ESQ. REQUESTING THIS MATTER BE CARRIED TO FEBRUARY 17, 2022 WITHOUT FURTHER NOTICE IN AN EFFORT TO REVISE THE PLANS IN ADVANCE OF THE HEARING – THEREFORE THIS MATTER WILL NOT BE HEARD THIS EVENING AND IS CARRIED TO FEBRUARY 17, 2022 WITH NO FURTHER NOTICE BEING REQUIRED\*\***

**ZB21/14 – (Bulk Variances for Demolition and Reconstruction of Detached Garage w/Apartment) – Jefferson Berry & Barbara O’Connell – Block 85, Lot 5 – 423 ½ Monmouth Avenue** – Applicant is seeking Bulk Variances for building coverage and impervious coverage associated with the proposed demolition an existing garage structure and construction of a new garage w/apartment. Applicant is represented by Michael J. Wenning, Esq. **\*\*ORIGINALLY SCHEDULED FOR THE 12/16/21 ZBA MEETING. THIS MATTER WAS NOT HEARD ON 12/16/21 AND WAS ULTIMATELY CARRIED TO THIS MEETING DATE OF THE LAND USE BOARD\*\***

Mark Kitrick, Esq. advises the Board that Councilman Sexsmith and Robert Mehnert will be recusing themselves from this application due to a person conflict since Mr. Wenning has represented them on separate occasions in the past and they will be leaving the meeting.

It is indicated Mr. Coan has his hand raised. Mr. Coan asks question regarding Ocean Grace, LLC. Mr. Kitrick advises Mr. Coan that the Board has not yet accepted jurisdiction on that matter and it is not being heard this evening; therefore, we cannot discuss.

Greg Janoff also has his had raised and indicates he is having difficult appearing utilizing video. Mr. Kitrick advises him that he can ask questions, but he will not be able to comment or provide opinion on the application as he must do so under oath and be visible for cross-examination. Mr. Janoff indicates he is going to log off and try to log back in with another device which has video capability.

Michael Wenning, Esq. indicates he just got a call from the Architect, Michael Moss, who indicates he is having technical difficulties joining.

Mr. Wenning provides a description of the proposal being presented while we are waiting for Mr. Moss to join.

Michael Moss, AIA, Jefferson Berry, Christine Bell, and Gerald Freda are sworn in.

Michael Moss, AIA is qualified and accepted by the Board as an expert witness in the field of architecture.

Mr. Wenning asks if it is the applicants' wish to demolish the existing garage structure and construct a new garage apartment structure? Mr. Moss indicates yes they do.

Mr. Moss reviews the plans he prepared and provides his opinion with regard to the application.

Mr. Moss indicates the owners came to him looking to provide more living space for family year round and they proposed a garage apartment. We were then able to design a limited one-bedroom garage apartment which would comply with all of the Bradley Beach Zoning Ordinances for a garage apartment, except for being a little bit over on building coverage and impervious coverage which is why we are here before the Board to ask relief for those items.

Mr. Wenning indicates we are talking about construction of an accessory structure and there are no plans on making any changes or construction to the main/principal dwelling. Mr. Moss indicates the residence is not involved, just a garage apartment.

Mr. Wenning asks if this is a recognized as a permitted use in the zone in which the property located? It is indicated yes. Mr. Moss also indicates a permitted height of 25 feet where 24.66 feet is proposed so no variance for height.

The new footprint of the structure is proposed as 702 s.f. and minimal 2-car garage to fit 2 cars in it. Trying to mimic the structure next door.

Impervious coverage discrepancy is discussed where a variance is required for 78.8%, not 67.8%.

There is room for 4 parking spaces, 2 in the garage and 2 in front of the garage.

Jerry Freda indicates that everything testified to is correct with the exception of porous pavers, there is no credit granted as there are issues with the maintenance of these pavers so they are not 100% pervious.

David Critelli – asks about stone driveways – Jerry indicates could be but as owner probably not want loose stone, over time it becomes compacted and won't hold up. This is a shared driveway with a deeded easement.

Chair Mayer - new system only near garage apartment? Yes

A discussion takes place with regard to where/how the grid system is to be installed and if it is to be installed in the easement area between the properties.

Jerry Freda indicates porous pavers may be the way to go in this situation. He recommends roof drains be piped out to the street. A Grading Plan with drainage improvements being shown should be a condition of any approval and the possibility of a drywell or pop-up emitter.

William Psiuk – suggests the east and west concrete be removed and replaced with grass or stone. Jerry Freda indicates this is not practical and they will not get much back.

William Psiuk – asks if there is tree removal involved with this application? Jefferson Berry indicates not really, as the tree being referenced is more of a weed. The Applicant has indicated he would be willing to donate a tree in its place for removal.

Kelly Reilly-Ierardi – Asks how much smaller could they possibly get the garage apartment? Mr. Moss indicates they have made it as small as possible as it is very tight and they are proposing less than that which is allowable. He indicates it would look awkward if significantly smaller than the one next to it.

David Critelli – asks if they can replace the patio & masonry deck in order to reduce coverage?

Mayor Fox – questions the current sump pump project and if there is a way to tie into this project? Jerry Freda things it can be accomplished. Jerry further explains the difference between runoff and ground water.

Paul Murphy – asks if the applicant is year round or seasonal? Mr. Berry indicates there are no plans to rent out the apartment. They have made it as small as possible for family use.

Jerry Freda discusses the maintenance of pavers. Mr. Berry indicates he is the one who chose the hexgrid system.

Lauren Saracene – Questions if the Applicant is a full time resident

Harvey Rosenberg – Does the neighbor currently have gravel? Can they just keep the gravel? Jerry indicates it would help but he also explains the pros and cons. The Applicant is asked if he is willing to deed restrict with no rental permitted? No, but can make it a condition for Mr. Berry.

Thomas Coan – 612 Third Ave – asks Mr. Moss if the existing building is approximately 3 feet off the property line and if so is it fire compliant? Mr. Moss indicates it is unknown. Overhangs and gutters are discussed. Coverage issues, aesthetic issues, and safety issues are also discussed.

Greg Janoff – 414 Monmouth – questions the existing structure and if it is a fire hazard can you tear it down and build it to code without variances? It is indicated all setbacks are in compliance it is the proposed coverages that are not compliant, not the setbacks as they are compliant.

Mr. Wenning – indicates that Mr. Berry lives in Philly and bought the home in 2002. It is used as a family home – more summer than winter and most holidays.

Mr. Berry describes his choice of the hexgrid system and indicates he is willing to donate a tree. He states the cement on either side of the shared driveway is necessary to keep water out of the basements. He indicates Bob Zielinski is his neighbor to the east.

Chair Mayer asks Jerry Freda about 2 concrete strips, driveway, and hexgrid. Jerry per Ordinance there is no change or allowance for coverage.

Thomas J. Coan – 612 Third Ave – Asks Mr. Berry if he has built any additions onto the home? Mr. Berry indicates yes and provides an explanation.

Thom McGuire – 610 Brinley – asks if there is an actual paver that goes inside the hexgrid? Mr. Berry indicates he is hoping to plant grass in them. Jerry Freda indicates if topsoil and seed are proposed, they are not acceptable materials for a driveway. Stone and/or pavers would be acceptable.

Michael Moss indicates he would recommend going with stone. Jerry Freda confirms that the driveway will remain and the new area between the driveways will be stone without the grid system which would be less impervious area, but a little more maintenance.

Tom McGuire – if it is just stone it is impervious but if used with hexgrid and stone it is pervious? Jerry indicates yes.

David Critelli – questions grass pavers – Jerry indicates no, just stone.

Harvey Rosenberg – likes the idea of stone because of the coverage issue.

Paul Murphy – suggests a smaller section of grid be used to stop ruts.

Bob Zielinski – 423 Monmouth Avenue – sworn in – provides comment as he is the direct neighbor and he is in support of the project.

Greg Janoff – 414 Monmouth Ave – sworn in – provides comments and has nothing against the applicant, but feels the lot is being over developed and he is against the project and objects to any approval.

Shana Greenblatt – 415 Monmouth Ave – sworn in – indicates she is against the granting of variances and over development.

Thomas J. Coan – 612 Third Ave – sworn in – suggests to be careful with pervious and impervious. He is in objection to coverage variances and he feels the property is overbuilt and there is no benefit to the Borough. He also indicates the applicant created his own hardship.

Christine McKim – 421 Monmouth Avenue – sworn in – in objection to this application – concerned with future rentals and parking.

Ed Devaney – 425 Monmouth Ave – sworn in – indicates he has lived 30 years next to Mr. Berry and he has been a wonderful neighbor for the past 20 years. He feels this would be a big improvement.

Mr. Wenning provides his summation indicating the lot is not too narrow, this is a coverage issue. He indicates they have addressed runoff and that this proposed structure will be more conforming than what is there now.

David Critelli – provides comment with regard to current ordinance and pre-existing conditions.

#1 – a Drainage & Grading Plan showing drywell or pop up to street would be required, #2 – a tree donation would be required, #3 – a revised plan showing a stone driveway would be required.

**Based upon the testimony provided David Critelli makes a motion to approve the application with the conditions as discussed including stone being installed vs. grid system, drywells being installed or pop-up emitters to handle drainage, and planting or donation of a tree, seconded by Harvey Rosenberg.**

**Those in Favor:** Mayor Larry Fox, Meredith DeMarco, David Critelli, and Harvey Rosenberg

**Those Absent:** JohnEric Advento and Arianna Bocco

**Those Recused:** Councilman Timothy Sexsmith and Robert Mehnert

**Those in Opposition:** Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, William Psiuk, and Dennis Mayer

**Those Abstained: None.**

**\*\*MOTION DOES NOT CARRY – APPLICATION IS DENIED\*\***

**Adjournment:**

Next scheduled meeting will be our **Regular Meeting on Thursday, February 17, 2022 at 6:30 PM** which will also take place via ZOOM. Please check our website for any updates regarding meeting location and/or meeting access as the links, meeting passwords, and meeting ID's will change for each meeting that is held via ZOOM.

With no further business before the Board a motion to adjourn was offered by Dennis Mayer moved and seconded by Kelly Reilly-Ierardi. All in favor. Meeting closed at 8:57 PM.

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