# Bradley Beach Land Use Board

# Regular Meeting Minutes

# Meeting Held Remotely Via Zoom

# Thursday, February 17, 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, JohnEric Advento, Arianna Bocco, David Critelli, Meredith DeMarco, Dennis Mayer, Robert Mehnert, William Psiuk, Harvey Rosenberg, and Lauren Saracene

Absent: Kelly Reilly-Ierardi

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

**Approval and Adoption of Meeting Minutes from the Regular Meeting of January 20, 2022 –** Motion to adopt offered by Dennis Mayer, Seconded by Meredith DeMarco all eligible members present in favor.

**Resolutions Memorialized:** Resolution Tabled

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 THE 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, RECEIVED REQUEST TO FURTHER CARRY THIS MATTER TO APRIL 21, 2022; NEW NOTICE WILL BE REQUIRED AS THE APRIL MEETING WILL BE TAKING PLACE IN PERSON. \*\***

Mark Kitrick briefly advises the Board regarding site visits and the Borough is to issue ID cards in order to perform site visits for the safety of the Applicants as well as the Board Members. Timing of visits will have to be coordinated. It is recommended that the Members be provided with photo ID’s and possibly add the Board Members to the liability policy.

A discussion takes place with regard to the March 24th meeting as there are no pending applications at this time it is decided to have the March 24th meeting via Zoom in order to handle any resolutions.

**ZB21/16 – (Bulk Variances for Construction of Paver Patio) – Barbara Riola & Marlene Rajput – Block 25, Lot 19 – 110 Ocean Park Avenue** – Applicant is seeking Bulk Variances for the proposed construction of paver patio approximately 850 s.f. Variances are required for both side yard setbacks, rear yard setback, and impervious coverage.

Marlene Rajput & Barbara Riola are sworn in along with Gerald Freda, PE

Ms. Rajput indicates they are proposing to building an approximate 856 s.f. patio in the rear yard. Variances are required for both side yard setbacks, the rear yard setback, and for the increase in impervious coverage.

Jerry Freda indicates a site visit was performed prior to the hearing and it appears the patio has already been built.

Ms. Rajput explains that it had been built in the summer and she proceeds to explain how it was done and had asked the builder to run a drywell to the west but then discovered it had not been done.

Dennis Mayer asks if a permit was applied for? Ms. Rajput indicates no.

Meredith DeMarco asks if there is a drywell there now? Yes it does have a drywell as it was part of the Resolution Compliance from the prior application.

Jerry Freda states, the drainage system in place that you say you thought you had that does not give you the right to go over the impervious coverage. That is a definite, no, no, I don't know if you got bad advice from a contractor or whatever, but when you were in to build your house you guys elected to use up all of your building coverage and impervious coverage to do what you did with the 2-family house with the big wide driveway that used up everything you are allotted so, your whole patio is illegal and needs a variance for the whole patio. That's where we stand.

Dennis Mayer explains the position of the Board and indicates he does not believe that this much coverage relief would ever receive approval.

Marlene Rajput indicates they completed an application for Zoning Permit and received a denial which is why they are now going through this process. The permit was applied for after the patio was installed and it was then denied.

Kelly Reilly-Ierardi asks if Ms. Rajput could walk her through this, because it appears 6 variances had been granted in 2017 for the build that had taken place? Ms. Reilly-Ierardi feels this just was not respectful to the Borough.

Mark Kitrick, Esq. asks for the justification for the granting of these requested variances.

William Psiuk – asks if calculations have been submitted for runoff and if anyone knows the size of the drywell? Jerry Freda provides an explanation of the prior application ad gutters being tied into the drywell in the driveway. He indicates we are putting the cart before the horse and this is just too much on the lot.

Mark Kitrick, Esq. asks again for justification for the granting of these requested variances. Marlene if she is looking for “c” variances “bulk variances”? Mr. Kitrick reads the standards for hardship variances and asks Marlene what the hardship is here. Marlene Rajput states stones are difficult to walk on and they had always planned on a patio. They believed the issue was just drainage.

Paul Murphy – Asks if the patio is now pavers? It is indicated yes, but the joints are not filled – Jerry Freda explains there is no credit for pervious or grass pavers.

Jerry Freda asks if the Board would consider if they bring the setbacks into compliance and a smaller area? 5 feet from each side property line and bring in the back?

Dennis Mayer – indicates they would be at 65% coverage with a 14 x 14 and 62% with a 10 x 10.

Jerry indicates just meeting the setbacks is not enough of a reduction in coverage.

Kelly Reilly-Ierardi – asks Jerry if they came in on both sides and the back 10 feet? Jerry indicates they would be in the 70% coverage range.

David Critelli – asks if they could use runners like on the beach over the dunes? Jerry indicates he does not know the answer to that.

**Open to Public for Questions:**

Thomas J. Coan – 612 Third Avenue – asks if this is a c(1) or c(2) variance? Mark Kitrick, Esq. indicates that is up to the applicant. Mr. Coan asks if they were denied a Zoning Permit in August 2021? Yes. Mr. Coan asks if they have read the Ordinances for Bradley Beach lately? It is indicated no, not lately. Mr. Coan asks if they have considered a deck on grade which would not require variances. The Applicants indicated they did not consider that.

Meredith DeMarco – has concerns with utilizing Mobi Mats as suggested earlier as they are made of plastic and if left long term there could be the possibility of leaching of plastic into ground water. Jerry Freda agrees.

Dennis Mayer – asks if they have decided how they want to go with this?

Marlene Rajput indicates she would like to obtain some professional guidance and asks whether it should be technical or an attorney.

Dennis Mayer indicates it needs to be somebody who understands the current position.

Jerry Freda recommends an Engineer with a planning license and consideration of a reduction in size or possible change in material.

**Based upon the comments received from the Board and the Public, it is agreed between the Board and the Applicant to carry this matter to the April 21, 2022 meeting in an effort to revise the plan to reduce the amount of impervious coverage which has been created by installing the existing patio without obtaining the necessary permits. The Applicant will have to re-notice for the April meeting as the Board plans to meet in person rather than Zoom.**

**Adjournment:**

Next scheduled meeting will be our **Regular Meeting on Thursday, March 24, 2022, 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 David Critelli moved and seconded by Dennis Mayer. All in favor. Meeting closed at 7:31 PM.

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