

**Bradley Beach Zoning Board of Adjustment
Regular Meeting Minutes – Meeting Held Via Zoom
Thursday, May 21, 2020 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: Michael Affuso, Raymond Wade, Dennis Mayer, Deidre Phillips, Teresa Rosenberg, David Critelli, Deborah Bruynell, and Harvey Rosenberg

Absent: Robert Quinlan and Dominic Carrea

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

Approval and Adoption of Meeting Minutes:

A motion to approve the meeting minutes from the Special Meeting of April 30, 2020 is made by Harvey Rosenberg and seconded by Raymond Wade. All eligible members present in favor.

Resolutions Memorialized:

Resolution 2020-08 – Approval of Bulk Variances – Bruce Garry – Block 75, Lot 13 – 204 Evergreen Avenue

Resolution 2020-09 – Approval of Bulk Variances – Ralph & Fiorella Giacobbe – Block 53, Lot 12 – 202 Fourth Avenue

Applications Under Consideration:

ZB19/16 – Paul & Kim Charette – Block 79, Lot 15 – 400 Monmouth Avenue – Carried to June 18, 2020 with no further notice being required.

ZB19/19 – Annemarie Kuder – Block 36, Lot 7 – 309 ½ McCabe Avenue – The Applicant is seeking bulk variance relief for improvements to a non-conforming lot and variances on eave height of the proposed garage apartment, number of internal parking spaces for a garage apartment, off-street parking, as well as side and rear yard setbacks to the garage apartment. The existing property and structures have existing non-conformities with lot area, lot width, front yard setback, building coverage, and impervious coverage.

Harvey Rosenberg recuses himself from this application as he lives within 200 feet.

Thomas J. Coan – 612 Third Avenue – sworn in – Wants to elaborate on Ms. Bell's comments about corner lots – historically he believes this was done because people were subdividing the garage apartments away from the main house – feels the plan is reasonable based on the size of the lot, it is such an unusual size and what I am petrified of I believe this zoning standard is much better because we could get 2 houses and a garage apartment as opposed to having this nice house and a garage apartment so I think density wise and in our planning this is a far superior example. One thing I would like for the porch to be removed that is definitely a positive thing but if Mr. Charette could possibly skirt hip roof on 3 sides pushing in a bit and comply with setbacks. Overall a good concept with those changes.

Sam Battaglia – 315 Evergreen Ave – sworn in – lives on a corner lot and his lot was subdivided many years ago – provides history of neighboring properties with garage apartments – feels this improvement is a better location than others that have tried to put a back house and is all for the project.

Steve Perrette – 5 Madison Ave – sworn in – lives across from Kim and Paul and agrees with the last 3 citizens and that this will be an aesthetically pleasing project.

Kate Sweeney – 28 Madison Ave – sworn in – corner lot – has been here for 5 years and would like to state Paul and Kim keep their property meticulous and she is looking forward to the apartment.

Paul and Kim Charette thank the Board for allowing the public comments, it is greatly appreciated.

ZB20/02 – Ralph & Fiorella Giacobbe – Block 53, Lot 12 – 202 Fourth Avenue – The Applicants wish to appeal the Zoning Officer's determination and if not found favorably would like to alternatively seek Bulk Variance relief to remove the existing dwelling and construct a new 2 ½ story dwelling with a garage apartment in the rear. Bulk variance relief is required for the proposed roofed porch in the rear of the new dwelling as well as for the pre-existing, non-conforming condition of lot width.

Jeffrey P. Beekman, Esq. for the Applicants.

Mary Hearn, AIA as well as Ralph & Fiorella Giacobbe – sworn in with the Board Professionals.

Mr. Beekman explains he doesn't usually appear before the Board to seek an Appeal of the Zoning Officer's Decision but in the alternative would like to seek the variance relief. The reason for Appeal and the Ordinance Sections recited. This is a roof over a rear first floor stoop and does not encroach into the rear yard or side yard setback. This lot has existed since the 1920's as a 45' x 150' lot and conforms in all respects except 45 feet wide vs. 50 feet wide – if it is an existing lot it can remain and be continued.

Mark Kitrick, Esq. explains the process and the Appeal in conjunction with the Bulk Variance request.

Mr. Giacobbe – bought this lot with a dilapidated house which was not up to code and was not livable at that point. The goal was to knock it down and put up a new house and did not want variances when they went to their architect. The existing dwelling does not conform to the setback requirements and the new proposal conforms.

Jerry Freda – this proposal will not require any variances; it is the interpretation of the rear stoop. They want a roof on top of a rear stoop. If they didn't propose the roof they wouldn't need relief at all.

Jeffrey Beekman – asks if Jerry is in agreement with the 45 ft width? Jerry indicates yes it does because it is a non-conforming lot.

Rosemary Venter – questions if there is a variance for the garage apartment that is going to be built. It is indicated no the garage apartment is fully conforming. Are they aware of the fire that took place in 2015 and the surrounding properties caught on fire and how dangerous that can be and the density in the area? That is not the subject of this application as there is no relief being sought for the garage apartment.

Michael Affuso – Why do you feel the Zoning Officer is in error?

Jeffrey Beekman – 1st he interprets you can't have any roof on the rear. There is nothing in the ordinance that speaks to that, it speaks to encroachment into a side or rear yard setback – 7' x 4' entry porch is not encroaching into any setback area.

Jerry Freda – my opinion is that this is negligible at best, a roof and a second story porch are not the same thing and I don't think this is something we could not approve.

Mark Kitrick, Esq. – indicates the Zoning Officer is not here tonight, so I think if we want to cover all of the bases of why the Zoning Officer made that decision and counter that with any arguments from the Applicant; however, we don't need the Zoning Officer to rule on the variance.

Deidre Phillips – ground level? Mary Hearn indicates yes.

Teri Rosenberg – questions the denial of the application – there is a deck leading to the second floor directly above the open and unscreened porch. Jeffrey Beekman indicates that is in the front and it is permitted, technically it is a balcony in the front.

Mary Hearn – this entry is 2 feet off the ground, has 2 risers and is 7 foot wide by 4 feet deep and there are 2 columns that eat up 1 foot on either side so there is 5 feet between the columns and 4 feet deep

Alan Harris – 405 Beach Avenue – Do you mean that we have nothing to say about the garage apartment? Mark Kitrick indicates you can speak about it but right now it is questions. Mr. Harris indicates so no matter who it is they can build a garage apartment no matter who it injures or inconveniences? Mark Kitrick indicates it complies with the Zoning Requirements.

Mary Hearn – Architect – accepted by the Board. Ms. Hearn indicates demolition and reconstruction is the best plan given the current state of the existing home. We intend to meet all of the required setbacks and the proposed home has to meet the current codes and fire codes. The garage apartment has no variances associated with it.

Jeff Beekman asks is there no land available to purchase to make this a conforming lot?

Mary Hearn – indicates no the area is fully developed, this is a deep lot 150 deep by 45 feet wide, 5,000 s.f. is required and this lot is oversized.

Jeff Beekman – Why did you take the rear roof into account? Mary indicates she likes to have every exterior entry covered when possible. The Applicants will be entering more from rear and wanted shelter from the elements.

Mary Hearn – I have been an architect for 30 years and have the responsibility of reviewing the entire ordinance before designing a project. There is nothing in the ordinance that prohibits a rear covered porch such as this.

Rosemary Venter – 405 Beach Avenue – sworn in – indicates she welcomes new neighbors – originally concerned because she thought there was going to be a rear deck and misunderstood, she is concerned with the garage apartment because the area is so dense and the stress it will put on infrastructure and concerned with the previous fire that took place in 2015. Because it was so close her house was practically destroyed.

Alan Harris – 405 Beach Avenue – sworn in – Disappointed. Can't believe the public has no say on whether or not a garage apartment can be constructed. Views will be restricted and doesn't think fair only there for rentals and this is going to be another Belmar. He indicates he is outraged.

Eileen Shissias – 112 Fourth Avenue - sworn in – compliments to this couple wanting to invest in our community – reached out to highest quality architect should encourage more residents like this. The fire was frightening; however, that house was neglected for how many years and these people have no intent to have such a substandard building on this lot.

Alan Harris – no objection to a nice new house just the garage apartment

Mary Hearn – We are allowed the detached garage apartment to be 5 feet off of each property line. We pushed it as far to the west as possible, we could have mirrored this and put it 5 feet

off the easterly line and we did not do that we are 13 feet from the easterly property line where we could have been 5 feet.

Jeffrey Beekman – There are some strict requirements for garage apartments. This is a fully conforming garage apartment and they appreciate the comments from the public. This is a small entryway with a roof that we are requesting relief for and asks that the Board grant the variances and vote favorably on this application and we will withdraw the appeal portion of the application.

Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve this application for a roof extending over the rear 7' x 4' rear entry platform no higher than 3 steps as presented, seconded by Deidre Phillips.

Those in favor: Teresa Rosenberg, David Critelli w/comment, Michael Affuso w/comment, Deidre Phillips w/comment, Raymond Wade w/comment, Dennis Mayer w/comment, Harvey Rosenberg w/comment.

Those opposed: None.

Those abstained: None.

Those absent: Deborah Bruynell, Dominic Carrea, and Robert Quinlan

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY HARVEY ROSENBERG AND SECONDED BY RAYMOND WADE, ALL IN FAVOR. MEETING CLOSED AT 8:25 PM.

NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, MAY 21, 2020 AT 6:30 PM VIA ZOOM.

Minutes submitted by Kristie Dickert, Board Secretary