

**Bradley Beach Zoning Board of Adjustment  
Regular Meeting Minutes – Meeting Held Via Zoom  
Thursday, July 17, 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: JohnEric Advento, Raymond Wade, David Critelli, Deborah Bruynell, Lauren Saracene, Victoria Leahy, Dennis Mayer, and Harvey Rosenberg

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

Absent: Michael Affuso and Teresa Rosenberg

**\*\*Chair Rosenberg advises the public of the policies/procedures of this hearing.\*\***

**Approval of Meeting Minutes:**

Special Meeting Minutes of May 18, 2021 – Motion to accept offered by Chair Rosenberg and seconded by Dennis Mayer. All eligible members present in favor.

Regular Meeting Minutes of May 20, 2021 – Motion to accept offered by Chair Rosenberg and seconded by Dennis Mayer. All eligible members present in favor.

**Resolutions Memorialized:**

**Resolution 2021-14** – (Affirming Zoning Officer’s Determination/Denial of Appeal) – Irvington Manor, LLC – Block 37, Lot 2 – 217 McCabe Avenue – **TABLED AND NOT MEMORIALIZED**

**Resolution 2021-15** – (Denial of Bulk Variances Related to Construction Performed without First Acquiring Zoning Approval) – Veterans Relocation Project, LLC – Block 21, Lot 10 – 501 Park Place Avenue

**Resolution 2021-16** – (Approval of Bulk Variances for Awnings) – Thomas J. Coan – Block 58, Lot 10 – 401 Main Street (RARE)

**Resolution 2021-17** – (Approval of Use Variance and Bulk Variances associated with Reconstruction of the Primary Dwelling) – Kevin & Dawn Cioffi – Block 34, Lot 3 – 511 McCabe Avenue

**Applications Considered:**

**ZB21/08 – Tara Goldstein – Block 23, Lot 24 – 316 Ocean Park Avenue** – The Applicant is seeking bulk variances for the construction a 2-story addition in the rear of the home including lot coverage, distance between to accessory structure, as well as pre-existing non-conforming conditions.

Applicant is represented by Jeffrey Beekman, Esq

**Harvey Rosenberg is Recused from participating in this application as he lives within 200 feet of the subject property.**

**JohnEric Advento is sworn in as a new Board Member.**

Notice is found to be in order and the Board accepts jurisdiction.

Tara Goldstein and David Feldman, AIA are sworn in along with Christine Bell and Gerald Freda.

Tara Goldstein – Owner/Occupant – explains she purchased the property in 2016 and has been living here with her daughter full-time for the past 3 years. A lot of the livable space has been utilized as office space since COVID and there are no plans to return to an office setting. The existing bedrooms are too small and more space is required to live here and be functional full time. Originally this home was purchased as a part-time residence, but Ms. Goldstein indicates she reached out to Mr. Feldman regarding her options due to the existing lot size. The existing shed is a shared structure 50% with the neighbor and the interior is separated down the middle. The backyard area is also shared. There is no parking proposed as the lot is only 25 feet wide and there is no room. The house has been there since 1914 and approximately 50-60% of the block does not have off-street parking. There is no proposed increase in the number of bedrooms in the home. It is remaining 3 bedroom 1 ½ bath.

David Feldman, AIA – architect – qualified and accepted by the Board as an expert in architecture. Mr. Feldman explains the initial scope was the concern of living here full-time and needing a functional kitchen and a bathroom and a bedroom for Ms. Goldstein’s daughter. Mr. Feld proceeds to describe the existing structure and how there is no room to expand on the sides as they are currently conforming so there is no room to the east/west without creating variances. Proposing out the rear will extend the existing kitchen and the upstairs bedroom. Mr. Feld describes the renovations being proposed.

Architectural Plans are shared on the screen and reviewed as well as the Zoning Table.

Front yard setback survey is discussed and there are no changes to the front yard setback being proposed.

The goal was to try to keep the style of the existing home.

The existing and proposed floor plans are reviewed. The dormer is discussed as well as the existing and proposed ceiling heights.

The distance to the shed variance is discussed and it appears emergency access is still provided in the rear.

The Board Engineer's review letter is discussed and it is agreed the notes indicated will be added to the plan.

Jerry Freda – Board Engineer – states he feels they did a great job minimizing the impacts with this proposal.

Debra Heffernan – 318 Ocean Park Avenue – sworn in – indicates she is in favor of the project and for Tara and Molly to be able to stay in the home.

**Based upon the testimony provided and the plans presented, Dennis Mayer makes a motion to approve the application as presented and discussed, seconded by JohnEric Advento.**

**Those in Favor:** Raymond Wade, JohnEric Advento, Deborah Bruynell, Victoria Leahy, David Critelli, Lauren Saracene, and Dennis Mayer

**Those Absent:** Michael Affuso and Teresa Rosenberg

**Those Recused:** Harvey Rosenberg

**Those in Opposition:** None.

**Those Abstained:** None.

**\*\*CHAIR ROSENBERG RETURNS AT 7:15 PM\*\***

**ZB21/04 – Michael & Valerie Karabin – Block 41, Lot 22 – 604 Madison Avenue** – The Applicant is seeking Use Variance for the expansion of a non-conforming use with bulk variances for proposed rear balcony, rear yard setback, driveway width, as well as pre-existing non-conforming conditions.

Applicant is represented by Jeffrey Beekman, Esq who provides an overview of the project and indicates the application had been submitted prior to recent Ordinance Changes/Adoption.

Mark Kitrick, Esq. addresses Ordinance 2021-5 and Mr. Beekman's position prevails.

Section 3b of the Avakian Review regarding balconies – not in effect as old Ordinance prevails.

Section E at the bottom of page of the Avakian Review regarding size of lot and 2 ½ story limitation – not in effect as old Ordinance prevails.

Jerry Freda indicates the remainder of the letter stands as written. Chair Rosenberg asks if it was allowed before? Jerry indicates they will testify to that.

Valerie & Michael Karabin, James Connor, and Joseph Kociuba are sworn in along with the Board's Professionals – Christine Bell and Gerald Freda.

Valerie Karabin – owner/occupant – indicates the home was purchased in January 2015 and they have resided there since October 2020 after selling their home in W. Belmar as they were looking to downsize. This has always been a 2-family home and they are seeking to maintain a total of 4 bedrooms but they want to change the configuration to 1 bedroom on the first floor possibly for them to retire to when the time comes.

The depth of the property is only 50 feet – the neighborhood layout is reviewed and is indicated the surrounding neighborhood has similar 2-family homes. Currently there is only on-street parking so they are proposing to eliminate the patio and concrete and provide a driveway to accommodate 2 cars. The proposed dwelling footprint is to remain.

Lauren Egbert – 404 ½ Brinley – indicates it was mentioned to move downstairs – what would the upstairs be at that point? Ms. Karabin indicates they have children so maybe one of the kids would live there.

Thomas J. Coan – 612 Third Avenue – questions the existing dwelling needing modernization? Ms. Karabin states the house was rented until now. There is no dishwasher or bathtub, they are seeking basic updates. Mr. Coan asks if it is understood the variance goes with the land not the owner and if they would consider making it a single-family? Ms. Karabin indicates no because they need the additional income in order to make this work.

Jeffrey Beekman asks his client if the house is a 2-family today? It is indicated yes.

James Connor – Architect – qualified/accepted – Mr. Connor indicates it was decided rehab on the existing home was a better option by proposing to renovate above. He discussed how they arrived at the unit mixture for future use in retirement.

Architectural Plans are shared and the existing and proposed renovations are discussed as well as the existing condition setbacks. They are proposing a ½ story on top of the 2<sup>nd</sup> floor. The storage area and outdoor shower are reviewed. The square footage of the 2<sup>nd</sup> floor and ½ story are discussed. The stair tower is to access the master bedroom. The wall heights are discussed as well as the proposed balcony on the east side/rear for ventilation and possible views. The Avakian Review item 3c – location of HVAC – it is indicated it will meet the setback requirements and it will be screened. The proposed balcony will be the same as the existing setback as it does not project.

Dennis Mayer – since the balcony on the back is not permitted moving forward, is it possible to move the balcony to the front?

Harvey Rosenberg – also suggests moving the balcony to the front.

Victoria Leahy – questions the number of windows on the southwest side because it is in front of a house.

Dennis Mayer – asks how the home is heated – It is answered with electric baseboards.

Harvey Rosenberg – where are the mechanicals proposed? It is answered on top of the storage shed and screened.

JohnEric Advento – indicates the privacy issue and the balcony being located in the front.

Thomas J. Coan – 612 Third Avenue – Asks if there was a zoning analysis performed for 2-family or single family – The methods used are described and it is indicated the clients do not desire a single-family home. It is asked if you can see the ocean from the proposed balcony location? It is indicated it is possible, but not likely.

Lauren Egbert – voices her concern with the mechanicals being located on the roof with regard to noise and visual aspects. James Connor indicates the newer units are much quieter.

Bridget Devane – 313 Lareine – asks for clarification on the entrances – James Connor describes how the 1<sup>st</sup> floor and 2<sup>nd</sup> floor units will be accessed.

Jeff Beekman – asks if the balcony is pulled out, what would go there? It is answered probably windows. – Clients are amenable to relocate the balcony to the front of the house.

Joseph Kociuba, PE, PP – qualified/accepted – Mr. Kociuba describes the site layout including what is to be removed and what is proposed to be constructed. There is no surrounding property to be obtained surrounding the lot. Surrounding properties are discussed as well as their uses and average setbacks. Parking is also discussed as the applicant is proposing to provide some, not what is required, but it is an improvement from the existing condition.

Harvey Rosenberg – What are the sizes of the parking spaces? It is indicated they are 8 feet x 18 feet and setback 5 feet from the property line. Both stalls are located on the property.

Jeff Beekman – indicates the driveway apron ends at the property and begins at the strips.

Jerry Freda – Even with the door swing there is plenty of room for operation and there is no increase in impervious coverage.

Dennis Mayer – Asks why parking is listed as compliant? It is indicated 4 spaces are required and before there was none, so by proposing 2 it is making the condition better and not a variance.

Deborah Bruynell – If the curb cut doesn't exist, by putting one in you are losing a spot. Jerry suggests 12 feet is ½ a spot and believes there is a benefit to parking onsite.

Thomas J. Coan – are the spaces undersized? No. Is the driveway 75 feet? No. It was a mistake on the Engineering Letter.

Jerry Freda – questions the gas service on the left hand side when the mechanicals are proposed on the right hand side on top of a flat roof. Is there a basement? How are you getting there?

Valerie Karabin indicates there is no gas now at all and they can remove the gas fireplaces.

HVAC discussion takes place and Mr. Critelli asks if these are heat pumps? Valerie Karabin indicates yes.

Joseph Kociuba – provides planning testimony with regard to the positive and negative criteria and the changes agreed to are a better alternative as well as parking which is a benefit. It is not out of character for multi-family in this neighborhood. Improving and rehabilitating the existing home is in line with the Master Plan. Any change is a benefit than leaving it as is and the reasons are discussed as there are a number of benefits to the improvements. He does not believe there are any substantial detriments with this proposal.

Lauren Saracene – questions the height. Jerry Freda explains it is not applicable as the old ordinance prevails for this application.

Thomas J. Coan – questions the stair tower – it is indicated the increase in height is de minimis and it is permitted. The Zone Plan is discussed and Mr. Kociuba states each application is based upon its own merits.

Lauren Egbert – discusses d(2) variances and the proofs required – that the proposal should advance the purposes of zoning, have no detriments, and no substantial impacts. Mr. Kociuba states yes that is what he testified to. It is asked if this lot is suited to remain a 2-family? It is stated it has been existing for 100 years so it is suited.

Thomas J. Coan – 612 Third Ave – asks Mr. Connor what the cubic s.f. of the building is before and after the renovation. Jeffrey Beekman, Esq. objects as the Ordinance does not speak to cubic square feet. James Connor indicates the existing is 17,121.5 cubic feet and the proposed is 18,815 cubic feet for a difference of 1,693.75 cubic feet.

Bridget Devane – 313 Lareine Ave – sworn in – indicates she has lived here for 16 years and had to expand their own home so she understands. Children walk by this house every day and there are no driveways on this side of the street for this block. The kids walk this way to school and by adding a driveway this is a concern. She is also concerned for the neighbor who will be so close to that driveway as it is invasive. By adding those spaces she feels it is disingenuous and feels it would be more advantageous to make it a single-family residence in order to reduce the strain on parking issue.

Thomas J. Coan – 612 Third Avenue – sworn in – questions engineer's report and reviews the purposes of zoning. He indicates he believes it does not meeting the standards. A discussion takes place with this regard.

Karen Jardine – 602 Madison Ave – sworn in – she is the next door neighbor and indicates she is glad the home is being improved. She states her house at ground level is inches away from the fence. If cars are allowed to park there she will only be seeing cars out her windows and doors. Weekends are a challenge for parking 10 weeks out of the year – she does not feel it is critical to provide off-street parking on this street as there is no aesthetic benefit to her and feels it is a substantial detriment to her. Does not want the off-street parking or the curb cut on this property.

Jeffrey Beekman points out that Ms. Jardine's dwelling does not comply with the required setbacks and asks if she has an issue with the chain-link fence. Ms. Jardine indicates the fence is in disrepair.

Lauren Egbert – 404 ½ Brinley Ave – sworn in – expresses her concerns with multi-family use and the neighborhood as well as the driveway.

Jane DeNoble – 612 Third Avenue – sworn in – discusses the Master Plan and the protection of the community. She indicates the intensity is being increased not so much the density

Jeffrey Beekman, Esq. provides a summary of the application and indicates the applicant has agreed to relocate the balcony to the front of the house and change the rear to windows. He describes what is being proposed and how it is conforming within the existing footprint as the driveway is not a variance. Currently the home is a 2-family and what is being proposed provides more of a benefit to surrounding properties. He feels this application should be approved and provides the reasons why.

JohnEric Advento – has a question for the engineer/planner – Jeff Beekman objects as it is not appropriate at this juncture.

Dennis Mayer – provides his opinion on both sides and indicates at this point is he conflicted.

Jeffrey Beekman, Esq. asks if he can have a discussion with his clients.

Jeffrey Beekman returns and requests to carry this matter to the August 19<sup>th</sup> meeting with no further notice. Mark Kitrick indicates the August meeting will be taking place in person and new notice is required. Jeff Beekman objects to the renote and indicates he will research and provide his findings.

**Harvey Rosenberg makes a motion to carry this matter to the August 19<sup>th</sup> meeting with new notice being provided, all members present in favor.**

**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. **\*\*NOT HEARD DUE TO LATE HOUR\*\***

**It is agreed to at this time by the Applicant and the Board to carry this matter to the July 15, 2021 meeting at 6:30 PM with new notice being required as this July 15<sup>th</sup> meeting will take place in person at Borough Hall. All in favor.**

**Adjournment:**

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, JULY 15, 2021 AT 6:30 PM WHICH WILL TAKE PLACE AT THE MUNICIPAL COMPLEX MEETING ROOM. WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REGULAR MEETING WAS OFFERED BY CHAIR ROSENBERG, MOVED AND SECONDED BY DENNIS MAYER, ALL IN FAVOR. MEETING CLOSED AT 10:05 PM.**

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