

**Bradley Beach Zoning Board of Adjustment
Regular Meeting Minutes
Thursday, April 15, 2021 at 6:30 PM**

Meeting is called to order.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Raymond Wade, Michael Affuso, David Critelli, Deborah Bruynell, Teresa Rosenberg, Lauren Saracene, Dennis Mayer, and Harvey Rosenberg

Absent: Robert Quinlan and Victoria Leahy.

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

Adoption of Meeting Minutes of March 18, 2021 - Motion to accept offered by Harvey Rosenberg and seconded by Dennis Mayer. All eligible members present in favor.

Resolutions Memorialized: None.

Applications:

ZB21/02 – Timothy & Maureen English – Block 76, Lot 3 – 102 Beach Avenue – The Applicant is seeking bulk variances for the proposed construction of a third story and rooftop deck. The property has existing non-conformities including lot area, lot width, building coverage, impervious coverage, side yard setback to dwelling, garage setbacks, and driveway setback. Applicant is represented by Jeffrey P. Beekman, Esq. ****PARTIALLY HEARD ON MARCH 18, 2021 AND CARRIED TO THIS DATE WITHOUT FURTHER NOTICE BEING REQUIRED****

Jeffrey P. Beekman, Esq. – attorney for the Applicants indicates that architect Michael Moss, applicants Timothy & Maureen English, as well as the Board Professionals had previously been sworn.

Mr. Beekman indicates that the prior plans have been revised and the proposal now meets the required floor area for the ½ story. The only variances appear to be for lot width and lot area which are existing conditions.

Michael Moss describes the changes made in order to make the upper-level conforming. Setbacks are discussed and are compliant. The proposed cantilever does not exceed that which is permitted. The ½ story has been reduced due to the floor area calculation method discussed. The deck is now 76 s.f. (41 s.f. reduction) and the livable space is down 61 s.f. less than the previous proposal to 429 s.f. which is 50% of the floor below which is 858 s.f. Mr. Moss describes the layout changes and where the reductions were made.

Jerry Freda indicates they now fully comply with what he had been asking other than the existing conditions.

Mr. Beekman summarizes and indicates they cannot conform to lot size and asks the Board to confirm/approve the existing conditions.

Based upon the testimony provided and the plan revisions, Harvey Rosenberg makes a motion to approve/confirm the proposal as well as the existing conditions for lot size and area, seconded by Dennis Mayer.

Those in Favor: Raymond Wade, Michael Affuso, David Critelli, Lauren Saracene, Deborah Bruynell, Dennis Mayer, and Harvey Rosenberg.

Those Absent: Robert Quinlan and Victoria Leahy

Those in Opposition: None.

Those Abstained: None.

ZB21/03 – Walter & Susan Younghans – Block 7, Lot 6 – 506 Newark Avenue – The Applicant is seeking bulk variances for the proposed renovation of the existing dwelling including a proposed two-story addition. The property has existing non-conformities including lot area and lot width. The existing dwelling has existing non-conforming front and side setbacks and the existing shed has existing non-conforming side and rear setbacks. Applicant is represented by Jeffrey P. Beekman, Esq. ****CARRIED FROM MARCH 18, 2021 (NOT HEARD) TO THIS DATE WITHOUT FURTHER NOTICE BEING REQUIRED****

Jeffrey P. Beekman, Esq. for the Applicants. Confirms that notice has been accepted.

Michael Moss, Architect

Alexis Gasiorowski, Esq. on behalf of Ron Gasiorowski, Esq. for objector Arthur Hablitz.

Mr. Beekman discusses the zoning ordinance changes which have recently been adopted since the application was submitted and indicates there are no variances required with this proposal. Under the new ordinance this application conforms to everything other than lot width and lot area. The new ordinance has been recorded and filed with the County and it is our position that there is no variance relief required. This hearing is on merits and applicability of the new ordinance.

Alexis Gasiorowski, Esq. indicates her client objections due to a nuisance factor of the A/C units being in close proximity to the cottage located on her client's property as well as the existing drainage issues.

Jerry Freda indicates his professional opinion is the same as Mr. Beekman's and that this proposal conforms to the new ordinance which is in effect which therefore wipes out the need for variances. The Board can ask for the A/C condensers to be relocated and ask for them to provide gutters on the building to ensure drainage is directed toward the street and not the neighboring property.

Harvey Rosenberg asks if gutters are required.

Michael Moss, Walter & Susan Younghans, Gerald Freda, and Christine Bell are sworn in.

Alexis Gasiorowski, Esq. questions the A/C condensers and Jerry Freda indicates that the location of the A/C condensers comply with the ordinance.

****THE BOARD TAKES BRIEF RECESS AND RETURNS AT 7:17 PM – Roll call is taken and all members still present****

Mr. Beekman indicates he has discussed the condition with this clients and they are willing to move the condensers side-by-side in the middle of the proposed addition which will still be conforming and will be the least impactful to the owners as well as the neighbors.

Alexis Gasiorowski, Esq. indicates that her client accepts this proposal of the relocation of the units as described. Ms. Gasiorowski indicates her client would still like the drainage directed toward the street. Mr. Beekman indicates there will be gutters applied to the home and they will be directed away from her client's property. Ms. Gasiorowski indicates they do not want the downspouts near the property line and they want them placed toward the interior of the applicants' property and drainage directed toward the street.

Mr. Beekman indicates his clients are willing to stipulate that the A/C condensers will be relocated as discussed and agreed to and that gutters will be installed so as not to direct drainage toward the neighboring properties and that existing curb and sidewalk will be repaired if found to be in poor condition.

Thomas J. Coan – 612 Third Avenue – asks Mr. Moss if the lot coverage is well under that which is permitted. Mr. Moss indicates yes. Mr. Coan asks the height of the building. It is indicated it is under 30 feet. Mr. Coan suggests the overall project is “underbuilt”. Mr. Moss indicates the goal was to design variance free.

Public Comments

Thomas J. Coan – 612 Third Avenue – sworn in – Mr. Coan compliments Mr. Moss and indicates he is in favor of the project.

Allen Rapaport – 512 Newark Ave – sworn in – indicates he is in favor of the project.

Margaret Merenda – 504 Newark Ave – indicates she is in favor of the project.

Dan Cooperman – 413 Newark Ave – indicates he is in favor of the project.

Mark G. Kitrick, Esq. summaries that there are no variances required with the application; therefore, we will be memorializing there are no variances and recommend that a Zoning Permit be issued with the condition the A/C condensers be relocated as discussed and the gutters placed and directed as discussed.

Based upon the testimony provided and the proposed revisions as discussed, Harvey Rosenberg makes a motion to confirm there are no variances required and recommends that a Zoning Permit be issued with the conditions of relocation of the A/C condensers and the placement of the gutters, seconded by Dennis Mayer.

Those in Favor: Raymond Wade, Michael Affuso, David Critelli, Lauren Saracene, Deborah Bruynell, Dennis Mayer, and Harvey Rosenberg.

Those Absent: Robert Quinlan and Victoria Leahy

Those in Opposition: None.

Those Abstained: None.

ZB20/04 – Irvington Manor, LLC – Block 37, Lot 2 – 217 McCabe Avenue – The Applicant is seeking an Appeal of the Zoning Officer’s Determination with regard to adding a Hotel Use to the property. Applicant is represented by James T. Hundley, Esq. ****THIS MATTER WAS ORIGINALLY SCHEDULED FOR APRIL 16, 2020 AND RESCHEDULED FOR JUNE 18, 2020 AS PER THE APPLICANT’S REQUEST, THEN AUGUST 20, 2020, THEN OCTOBER 15, 2020, THEN DECEMBER 17, 2020 AT WHICH TIME IT WAS PARTIALLY HEARD. IT WAS AGREED TO LIST THIS MATTER FOR JANUARY 7, 2021 FOR SCHEDULING PURPOSES ONLY; AT WHICH POINT, THEY WERE SCHEDULED FOR FEBRUARY 18, 2021 (NO NEW TESTIMONY WAS PROVIDED DUE TO NON-VISIBLE EXPERTS); THEREFORE, FURTHER CARRIED TO THIS DATE WITH NEW NOTICE BEING REQUIRED****

Mark Kitrick suggests to make sure that all our and the applicants professionals are available at the start of this application. Chair Rosenberg confirms that Mr. Michael Mulcahy our current Zoning Officer is also available. Mr. Mulcahy indicates he is present.

****THE BOARD TAKES A 10 MINUTE BREAK AND RETURNS AT 7:43 PM. MEMBERS TILL PRESENT****

Lisa Patruno, Gerald Freda, Christine Bell, and Vladimir Kaushansky are sworn in.

Vladimir Kaushansky provides his education and professional experience and is accepted by the Board.

Mr. Kaushansky indicates he investigated the property in 2019 & 2020 to determine the structural stability of the building after damage from fire. In 2019, Mr. Kaushansky indicates he was unable to see the entire building but in 2020 the building was pretty much clean. The damage appeared mostly on the interior rear wall along the chimney mostly attic and roof rafters about 20-22% charred and damaged needing replacing as well as roof sheathing. The frame of the house still intact. It was discovered to be balloon framed construction. Mr. Kaushansky discusses the structure and loads.

It is indicated it appears the entire house has been gutted. Mr. Kaushansky indicates it can be repaired easily and continue to be used. The conclusion of findings is discussed and Mr. Kaushansky has determined that the building frame is stable with the needed repairs and maintenance.

Michael Affuso asks why Mr. Kaushansky could not get into the building in 2019. Mr. Kaushansky indicates there was furniture etc. in the way, garbage, the remains of the firefighting with the gypsum board it was kind of like a swamp. Once it was cleaned up and then we were able to get in and take nice photos as you can see in the report. The fire was in 2015? Mr. Kaushansky indicates that is correct. So, in 2015 we have a fire on the 3rd floor and water runs down, 2019 you indicate there are conditions of a swamp on the site. Mr. Kaushansky indicates well there is water coming in. Mr. Affuso says, so you are telling me that a building that has had water coming in it for 4 years at the Jersey Shore and creating a swamp condition is stable? Mr. Kaushansky says the studs and floors are in good condition. So, you are saying that even though it has been exposed for the past 4 years in a condition of a swamp you are saying that is ok and bear the load of a hotel? Mr. Kaushansky indicates, yes, it is the same live/dead load of any structure. As long as you are not moving partitions it will stay. If you put the rooms back to exactly where they are you are telling me that is going to bear the load? Yes, it complies with 50 lbs. per square foot as required.

Mark Kitrick confirms that the structure is gutted? Yes, that is correct. DO you know the last time it existed as an operating hotel? I have no idea.

Harvey - Bradley Beach does not allow hotels anymore, why are we considering adding a hotel use to the property? Mr. Kaushansky indicates he is there to evaluate the existing structure condition and nothing else. This happened in 2015 and we are first coming about it after denial now in 2020, we will give you the benefit of the time, and now for use? Mr. Kitrick indicates he believes that is a legal question that maybe Mr. Hundley can address.

David Critelli - The last time you looked at the building was in 2020? Yes. You have 100-year lumber. Is the structure weather tight? If you leave lumber outside for any period of time whether it is treated or 100-year lumber, the weathering at the Jersey Shore with the salt is going to have an effect on the tensile strength of that lumber. Mr. Kaushansky indicates the damage is limited to around the chimney down to the basement. Didn't you say earlier that it was spongy? Mr. Kaushansky indicates that was in 2019 before it was cleaned up. A discussion takes place between Mr. Critelli and Mr. Kaushansky with regard to the condition of the existing lumber.

Mr. Hundley indicates he believes the testimony was that he was walking on debris back in 2019 which was wet and spongy. There was never any testimony that the structure was spongy.

Mr. Hundley indicates this was a prior non-conforming use. There was a fire in 2015. There was an application to the Planning Board which was denied and upheld in Superior Court. In that decision the court established this was a prior 14-room hotel. Right after that an application was made to repair the roof. At that time Mr. Waterman reviewed the application for roof repair and indicated that the Applicant had abandoned the use.

Mark Kitrick briefly discusses delays and timelines in Superior Court.

Mr. Critelli questions whether the property was made water tight. If the applicant had intentions on repairing the property you would think that due to the delays you would be sure to make the property water tight immediately to avoid any additional damage. Mr.

Hundley indicates that the property right now is not water tight. Since then, all permits have been denied. We are hoping that a determination can be made so that we can obtain the proper permits in order to repair the building and make sure that it is water tight.

Teri Rosenberg - questions the percent of damage - it is indicated 20-22% maximum structural damage, not overall damage. He only estimates structural repairs

Helen & Rick Gitomer - 420 McCabe – How can foundation not suffer damage with freeze/thaw over the years – Mr. Kaushansky indicates at the time of his inspection there was no visible damage to the foundation just the roof rafters. Would you advise to at least tarp it to keep the weather out? Apparently, the building department would not allow us to do so. To tarp it? Correct.

Thomas J. Coan – 612 Third Ave – asks if this is rough sawn lumber? It is indicated he believes so. So, this means it is unrated lumber is it not? I have no idea because I am not that old. What is the span between the floor joists? No, I cannot it is between 12-16” on center it varies and it wasn’t measured because it wasn’t the purpose of his investigation. How do you calculate what the load is if you are not sure what the center-on-center span is? Easy, it is still standing for 100 years and explains his reasoning. In terms of redoing this building are you going to have to hurricane strap the whole building? It is indicated the building will have to comply with any new building codes.

What is the maximum unsupported span that you have on the 1st or 2nd floor? I don't have the measurement because it wasn't the purpose of the report. And the spans don't come into structural stability? No, it has been standing for 100 years. So, we are just relying on the 100 years? Mr., Kaushansky indicates absolutely.

Jennifer Kayne - 403 McCabe Ave - Questions if the amount of rodents living there have any effect on the structure? It is indicated no not at all. You indicated that the building in 2019 was clean, but when walking by it does not appear that way and it appears the roof is still open.

Mr. Affuso, so, the testimony in your colloquy with Mr. Coan was that it is stable because it has been here so long, so that would mean if we are going to use your logic it would mean that the length of time leads to stability would it then mean that I could go to ancient Greece and jump up and down on some of those old structures that they keep people off of? They keep people off of them because they are not stable. You can't have your standard that it has been here so long therefore it is stable. We heard about rodent infestation and water. Are you sure that you are willing to bet your license on the stability of this structure? Mr. Kaushansky indicates absolutely.

Deb Bruynell - question regarding the test of time. Does he really feel this building is going to withstand the test of time? If the building is going to need more than 50% to be rehabilitated back to its original condition, shouldn't it be demolished? It is indicated it is not 50%. The building needs to be completely updated and thinks it needs more than 50% of its original value to update it to today's standards to meet the codes. Mr. Kaushansky indicates it is not really his report or his testimony. That is up to the Board whether they will allow continued use so that will be addressed by a different architect who will design the structure and make sure it is in compliance with current codes. The cost of rebuilding or

reconstruction is not the purpose of his report. Only structural stability of the structure not the repair costs.

David Critelli - Wants to bring up what Mr. Coan had asked about as to whether or not this thing is structurally sound after being left open to the elements for such a period of time as well as foundation. Has had experience with replacing a building that was 70 years old not 100 years old after Sandy. I have questions about the structural integrity of the structure all the way around. There has been no proper maintenance since 2015 since the fire. Mr. Kaushansky believes that with repairs and proper maintenance it will stand for another 100 years.

Teri Rosenberg - Did you look into the electrical stability of the structure? Mr. Kaushansky indicates at the time of inspection there was no wiring in the building itself.

David Critelli asks how the fire began. Mr. Kaushansky indicates he is not a fire fighter.

Harvey Rosenberg asks Ms. Patruno to put on a light so the Board can see her. Ms. Patruno indicates she is ready; however, she is instructed to flip her screen as she is still not visible. Mark Kitrick asks if she can put a light on. She indicates this is what she has to work with ok? I am on my iPhone, this is what I have, so you can see me you can hear me, I know that you are ok. Mr. Kitrick asks if she has a light, she can put on in her room? She indicates this is what she has. This is the only light I have here.

Harvey Rosenberg asks when you went to change the property to condos was that not an abandonment of the hotel use? Ms. Patruno indicates she never gave up her hotel license so she never abandoned anything. She indicates she would have abandoned the hotel use if she had been approved, but she didn't. What was the Planning Board's reason for denial? I have no idea you would have to ask them. What was the Judge's reason? I have no idea as well you would have to ask her. Ms. Patruno indicates it took the Borough of Bradley Beach a year and a half to file an answer.

Gerald Freda indicates he was the engineer on the Planning Board at the time and he does not recall anybody waiting a year and a half to make a decision. Mr. Kitrick asks Ms. Dickert Board Secretary the facts surround the matter. She indicates the Board was asked to adopt a new resolution outlining the reasons supporting the original denial which was then forwarded back to the Court for review and there had been back and forth between Mr. Steinberg and Mr. Arbus awaiting the Court's final determination which ultimately upheld the Board's denial if the application.

Mr. Hundley refers to Exhibit 10 which states it was remanded to the Planning Board and that the Planning Board convened and on January 25, 2018 adopted a resolution that included the findings and the court set forth the findings. It does not say when the court remanded the matter to the Planning Board but the Court's opinion finding of fact was that the Planning Board did not enter the resolution until January 25, 2018, it was then some 10 months later when the court rendered its decision affirming that resolution and right after that the applicant applied for a Zoning Permit which was denied on the basis of abandonment which is why we are here at this time.

Michael Affuso - the fire happened in 2015 and the testimony provided is the place was still a mess in 2019, so you had 4 years to clean up the inside, what conclusion should we draw from that? I think you need to stop with the conclusion that there is a mess and there has been a mess inside the building. The problem right now is the Borough of Bradly Beach not giving me a permit to put a roof on my property so I can close it in properly. I have been paying taxes on a property that the Borough refuses to give me a permit to put my property back together and maintain it as a hotel. I don't appreciate specific members attacking me continuously every time I go in front of the Board. It is specifically certain people who appear at every meeting. Mr. Kitrick indicates for the record; nobody is being attacked. Mr. Patruno continues to speak over Mr. Kitrick. Mr. Hundley advises his client this is a question portion and please try to limit her answers to the specific questions being asked.

Michael Affuso - indicates he is trying to understand what she was thinking between 2015-2019 if you were going to keep this as a hotel wouldn't it be reasonable that you would have cleaned the inside of it? Yes, it has been cleaned. The whole place has been gutted. Between 2015-2019? Yes. Truthfulness is important. You just said it was cleaned back in 2015 and your professional said it was not cleaned in 2019? She indicates he was referring to the top level. That was not taken care of because of fire damage. You tried to put a tarp on? Yes, and as you know tarps only last a certain period of time and then I was not granted the ability for roofers or framers to go up there to do anything. A discussion takes place with regard to permitting. Mr. Affuso asks about rodents and animal control. Ms. Patruno indicates if you have an open building which you have had for years of course you are going to have squirrels in there, birds etc.

Mark Kitrick tries to speak to Mr. Hundley, but Ms. Patruno continues to speak over him. She is again instructed by her attorney to limit her answers to the question being asked. Let the Board ask you the question and it is appropriate for you to answer the question that is being proposed. Mr. Kitrick indicates more importantly than that he didn't even get a question out.

Mr. Affuso indicates there are rodent problems, that is your testimony. Were you aware that animal control or persons that take care of animals came to your place? What I am aware of is that if you have an open property whether it is a door open in a shed or a garage there is going to be some sort of animal that is going to enter that property. Right now, I have had an open building for an amazing amount of time which needs to be closed in.

Mr. Affuso asks before the fire; how many times were the police called to the structure? Ms. Patruno indicates she has no idea I would not be able to tell you that, you would have to get a report. Mr. Affuso indicates he did request a report as he filed an OPRA request on the 15th of February and it appears the police were called 23 times and of one time you actually called the police on 3/31/2015. And there are reports of you actually speaking with the police. Ms. Patruno asks what that has to do with her hotel license? Mark Kitrick indicates to Mr. Hundley that his client does not get to ask question of the Board. Mr. Affuso indicates he just wants to understand what this property is. Ms. Patruno indicates it is a hotel and she just wants the hotel and to be able to fix her property.

Deborah Bruynell asks if after the fire in 2015 an architect was hired to determine the cost to repair the entire building. Ms. Patruno lashes out indicating she has no idea what the cost has to do with her hotel license.

Discussions take place back and forth between Mr. Kitrick and Mr. Hundley with regard to his client's conduct.

Mr. Hundley describes what needs to be proven with regard to abandonment.

Mark Kitrick asks if after the fire was an architect hired to estimate repair? It is indicated no.

Harvey Rosenberg – Did the insurance adjuster survey the damage and if so, what was the percentage?

Teri Rosenberg – on page 2 of the report from the Court it indicates the RT Zone does not permit hotels and you were requesting to demolish and remove it to construct townhouses? Ms. Patruno indicates she applied for the townhomes, yes.

Mr. Critelli asks if it zoned for townhouses, no? Mr. Affuso – according to your OPRA request you said multiple calls.

Mr. Affuso indicates calls from others and one from Ms. Patruno on 3/31/2015 – 12/18/16 12:04 PM – police advised – unknown alarm – discrepancies of fact/deficiencies of memory – just trying to clarify.

Dennis Mayer – were there paying guests the night of the fire? Yes, the record books were burned.

Mark Kitrick, Esq. recites section 450-71 and as I read that the and/or either.

Harvey Rosenberg – so when she went to the Planning Board does that stop the use?

Thomas J. Coan – 612 Third Avenue – Do you have a license under the statute? Ms. Patruno indicates she feels she is being harassed. It is explained to Ms. Patruno that this is the public question session of the meeting and she is not being harassed. She indicates yes to the question and she is asked if she has a copy she can share with the Board?

Jennifer Kayne – indicates the building looks abandoned and asks if there is any intention to clean up the outside and make it safer/better? It is indicated can't do anything.

Mr. Mulcahy indicates there are multiple property maintenance violations and the last permit issued for CA was May 7, 2015.

Thomas J. Coan – Calls a Point of Order as Ms. Patruno is again blacked out and not visible.

David Critelli – property abuts.... She is a combative over talker – how can you gain trust to properly run a hotel.

Mr. Hundley indicates he rests his case and there are no further witnesses.

Mark Kitrick asks for an interpretation of Section 450-71 from the Board's Planner and whether or not this section is applicable to this case and if she has formed an opinion.

Christine Bell indicates that she believes based upon the testimony provided that the use has been abandoned as the property has not been utilized as a hotel for some time and there was application made to turn the property into townhouses which constitutes an intent to abandon the hotel use.

Mr. Hundley asks Ms. Bell if she were present at the December meeting? She indicates yes. He asks if she took into consideration that she maintained a hotel license until 2020? She indicates yes, but the Borough Ordinance indicates “any act” and the application to change the use was denied.

Deb Bruynell

Ari Blech – 700 Beach Avenue – understands what is trying to be done here.

Christine Bell – indicates there were no permits pulled to fix the roof until 2019.

David Cariani – 216 Lareine Ave – has concerns about the ability to run a hotel safely in this location.

Thomas J. Coan – 612 Third Avenue – indicates his appreciation – states there were many times the roof could have been repaired prior to 2020 and it could have been taken care of then but it wasn’t; therefore, he feels the use has been abandoned.

Peggy Freeman – 215 McCabe Ave – moved here in December and was led to believe that this fire was something that happened recently. She has concerns about health and safety and appreciates the Board.

Joel Miklacki – indicates there is nothing here that he has heard tonight that would indicate that the property has not been abandoned. There is no reason a permit couldn’t have been applied for to repair the roof earlier than 2020

Mr. Hundley summarizes and discusses the burden of the applicant and indicates she did not have any intent to abandon the hotel use.

Mark Kitrick, Esq. – explains that this is not a variance application and advises the Board this is an Appeal of the Zoning Officer’s Determination that the use was abandoned. There has been only 1 professional stating their opinion regarding that ordinance and there has been no other professional to speak about the abandonment issue only an architect to describe the structural integrity not the abandonment issue. You must weigh the testimony of the witnesses, the applicant, and the Board Professionals, comments from the public, condition of the property, no permits for the roof were applied for until 2020 and the question why it was not repaired if not planning to abandon.

Harvey Rosenberg indicates he feels it was abandoned as there was not a good picture of the timeline left unfixed and agrees with Christine when we didn’t get townhouses now, we decide we are going to repair.

Deborah Bruynell – doesn’t believe there was an intent to continue the use as there had not been an application to replace/repair/fix the roof within a 5-year span.

Raymond Wade – feels the use was abandoned when the Applicant applied to the Planning Board for townhouses.

Michael Affuso – indicates we rely on our professionals and Ms. Bell's opinion regarding abandonment and the intent to abandon – we see that a permit was applied for in 2020 when the fire took place 5 years prior – there was a Mercantile license until 2020 but yet the place wasn't cleaned until 2019.

David Critelli – doesn't understand why permits were not applied for until recently.

Laura Saracene – indicates it has been over 6 years and there has been no maintenance or action taken to avoid further deterioration. She doesn't feel the timeframe coincides and feels it is abandoned.

Dennis Mayer – indicates the fire happened in 2015 and there were no applications to fix the roof until 2020, the time of non-use and no demonstration to show that the use was going to be continued. Feels the property is currently dangerous.

Harvey Rosenberg – indicates he has many doubts – the ordinance spells it out. If you liked you should have kept it clean. It is a slum house don't want it and haven even cleaned it up.

Mark Kitrick reminds the Board this was a pre-existing, non-conforming use; therefore, it was permitted to remain until the Zoning Officer determined it was abandoned.

Based upon the testimony provided and the evidence submitted to the Board, Harvey Rosenberg makes a motion to affirm the Zoning Officer's position that the hotel use was abandoned, seconded by Raymond Wade.

Those in Favor: Raymond Wade, Michael Affuso, David Critelli, Lauren Saracene, Deborah Bruynell, Dennis Mayer, and Harvey Rosenberg.

Those Absent: Robert Quinlan and Victoria Leahy

Those in Opposition: None.

Those Abstained: None.

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY DENNIS MAYER, ALL IN FAVOR. MEETING CLOSED AT 10:14 PM.

NEXT SCHEDULED MEETING WILL BE A SPECIAL MEETING ON TUESDAY, MAY 18, 2021 AT 6:30 PM WHICH WILL BE HELD VIA ZOOM.

Minutes submitted by Kristie Dickert, Board Secretary