

THOMAS J. HIRSCH

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May 25, 2022

Planning Board of the Borough of Bradley Beach
701 Main Street
Bradley Beach, NJ 07720
Attn: Ms. Kristie Dickert, Secretary

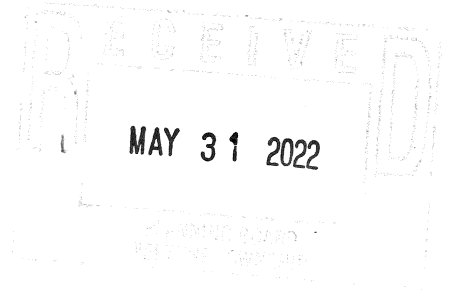
Re: Coastal Custom Builders
Block 32, Lots 17 & 18
803 & 811 Main Street
Request for Extension of Time For Approvals

Dear Ms. Dickert:

I represent Coastal Custom Builders. The above-referenced site plan variance and application was approved by the Board and memorialized in the Board's resolution of September 24, 2020. The Municipal Land Use Law provides that the final site plan approval is protected from any changes in development regulations for a period of two years from the date of the resolution. Therefore, the initial two-year period will expire September 23, 2022. I note the protection provided by the COVID-19 Permit Extension Act expired on July 4, 2021.

However, the impacts of COVID-19 are still affecting the ability to move forward with construction projects. My client has been working with their architect to finalize all the construction plans needed in order to obtain the appropriate permits. Once those plans are finalized and filed, my client will then be retaining the necessary general contractor and trade contractors to perform the substantial work on the project. In light of various delays in supply chains that my client has experienced and other builders have experienced, it is my client's belief at this time that the project will not be substantially in the ground prior to the aforesaid two-year time period expiring.

The Municipal Land Use Law under N.J.S.A. 40:55D-52 provides that the Board granting approval of the site plan may grant up to three one-year extensions protecting the site plan from many changes in the development regulations. Therefore, my client would like to ensure that he has that additional time and is requesting a one-year



extension at this time. The original resolution of approval is attached hereto as well as a check for the application fee of \$200 and a \$700 escrow deposit in separate checks payable to the Borough Bradley beach.

If you or the Board have any questions or need any additional information, please do not hesitate to contact me.

As always your help and cooperation are greatly appreciated.

Very truly yours,


THOMAS J. HIRSCH

TJH:bm
Attachments

cc: J. Naples

BOROUGH OF BRADLEY BEACH
PLANNING BOARD
701 MAIN STREET
BRADLEY BEACH, NJ 07720
732-776-2999 Ext. 1017

September 28, 2020

Thomas J. Hirsch, Esq.
3350 Route 138
Building 1, Suite 214
Wall, NJ 07753

Re: Resolution No.: 2020-14
Preliminary and Final Major Site Plan Approval
Block(s): 32, Lot(s): 17 & 18
Applicant: Coastal Custom Builders
Project Address: 803 & 811 Main Street

Dear Mr. Hirsch:

Enclosed please find a copy of the resolution adopted **August 27, 2020** and memorialized at the **September 24, 2020** public hearing of the Bradley Beach Planning Board.

Please be advised that it will be necessary for you to publish the decision of the Planning Board, in one of the Borough's official newspapers [the Coaster, the Coast Star, or Asbury Park Press] and return the original affidavit to this office for proof of publication.

If you have any questions regarding this matter, please feel free to contact me at the number listed above and I will be glad to help you.

Sincerely,



Kristie Dickert, Secretary
Planning Board

Cc: Ken Triano, Construction Official (*via e-mail*)
Gerald Freda, PE, PP, CME, Board Engineer (*via e-mail*)

APPLICANT: COASTAL CUSTOM BUILDERS – 803/811 MAIN STREET
APPLICATION NUMBER: PB20/02
BLOCK: 32
LOTS: 17 and 18
ADDRESS: 803 and 811 Main Street
ATTORNEY FOR APPLICANT: Thomas J. Hirsch, Esq
RESOLUTION NUMBER: 2020-14

**RESOLUTION OF THE PLANNING BOARD OF
THE BOROUGH OF BRADLEY BEACH,
COUNTY OF MONMOUTH AND STATE OF NEW JERSEY
TO GRANT PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL**

WHEREAS, BOARD MEMBER MARC ROSENTHAL, offered the following Resolution moved and seconded by **BOARD MEMBER AL GUBITOSI**:

WHEREAS, COASTAL CUSTOM BUILDERS, LLC. (A/K/A BRADLEY WEST) by and through their Attorney, **THOMAS J. HIRSCH** hereinafter referred to as the “applicant” filed an application with the **PLANNING BOARD** of the **BOROUGH OF BRADLEY BEACH**, (hereinafter referred to as the “Board”) seeking the following relief:

Applicant is seeking Preliminary and Final Major Site Plan approval for the demolition of all existing structures and amenities on both properties and the construction of a mixed-use building on both lots. The mixed-use building will consist of two (2) commercial uses with storage on the ground floor and parking in the rear. The second through fourth floors will consist of eighteen (18) two-bedroom apartments. Coastal Custom Builders, LLC and CHECKK Properties, LLC have made application to the Planning Board of the Borough of Bradley Beach to construct this mixed-use building consisting of two commercial uses with storage on the ground floor, parking in the rear and the second through fourth floors will consist of 18 two-bedroom apartments on property known as 811 Main Street and 803 Main Street in the Borough of Bradley Beach also known as Lot 17 and Lot 18 in Block 32 on the tax map of the Borough of Bradley Beach.

Applicant seeks preliminary and final site plan approval and also a variance for the lack of a loading space.

Applicant will seek any such further variances, waivers, exceptions, or other relief as the Board or its professional consultants may deem necessary without additional public notice.

WHEREAS, the application pertains to premises known and designated as Block 32, Lots 17 AND 18 on the Tax Map of the **BOROUGH OF BRADLEY BEACH**, which premises are located at 803 and 811 Main Street, Bradley Beach;

WHEREAS, all notice requirements were satisfied by the applicant via Mailing, Publication and Borough website with the appropriate virtual links posted for public access under the legislative directives for the State of New Jersey during the COVID 19 crisis, and the Board having jurisdiction to hear, consider and determine the application at issue; and

WHEREAS, the Board held a public hearing with regard to the referenced application on the following date, August 27, 2020:

WHEREAS, the following items were entered as Exhibits FOR the hearing and posted on the town website for review:

1. Insite Engineering's Response to Completeness Letter of 5/26/2020 (dated 5/29/2020)
2. Insite Engineering's List of Variances and Waivers in Response to Completeness Letter of 5/26/2020 (dated 5/29/2020)
3. Appendix A - Completeness Checklist
4. Stormwater Statement of Compliance Report
5. Phase I Environmental Report – Repair Shop
6. Phase I Environmental Report – Commercial
7. Phase II Environmental Report – Repair Shop
8. Color Rendering of Architectural Sheet

WHEREAS, the following items were entered as Exhibits DURING the hearing and referenced during the Zoom Meeting:

1. Exhibit A-1 – Existing Conditions
2. Exhibit A-2 – Proposed Conditions
3. Exhibit A-3 – Architectural Plans
4. Exhibit A-4 – Parking Exhibit for the Benefit of the Bradley Beach Fire Department.

WHEREAS, The Board listened to the Testimony of the following:

1. JASON FICHTER, PE/PP
2. JOHN NAPLES (APPLICANT LLC)
3. BRIAN BRZINKAS, AIA

WHEREAS, The Board took Questions from the following member of the Public as to the witnesses presented:

1. ROBERT NAPOLI
2. THOMAS COAN
3. RICH DESPINS
4. CINDY KWIATKOWSKI

WHEREAS, The Board took Commentary on the Application upon conclusion of the witness testimony as follows:

1. ROBERT NAPOLI
2. THOMAS COAN

WHEREAS, the Board, having given due consideration to the Exhibits moved into evidence and the Testimony presented at said hearing(s), does make the following findings of fact:

1. The applicant comes before the Board seeking one variance for loading zone in conjunction with the application for a Preliminary and Final Site Plan for the subject property.
2. The prior use of the proper was a repair shop and property to south was vacant. There was a two-story vacant building. There have been no operations for a few years and Environmental due diligence was performed and applicant has received an NFA letter from the DEP. The property is clear for development.
3. Applicant proposes to demolish the existing structures and build a mixed use, 4 story 48' high project with 2 retail spaces (907 sq. ft) with some storage and mechanical areas. There are 3 floors of residential use with 6 two-bedroom units on each floor for a total of 18 units in the building.
4. This is not considered a major development for stormwater and testimony is provided, which the Board accepts, that this project is reducing stormwater by capture and recharge in catch basin in the rear of the parking lot. 52.5 % of site does not generate runoff.
5. As to parking, 36 spaces are required but 40 spaces are provided.
6. The applicant testified, which the Board accepts, that the Fire Department requested two of the proposed spaces be removed so FD can get trucks out of their bay with ease. Even with two parking spots removed, the applicant testifies, and the Board accepts, that there are still two more spots than are required for parking in the subject development area. The removal of the two spots for the fire department shall be in the North West Corner.
7. The parking as presented complies with RSIS as tandem spaces are proposed per unit.
8. Applicant is also providing ADA spaces (2) and the with the construction of a curb line for building frontage, 3-4 on street parking spaces will be created with removal of the current depressed curb.
9. Applicant testifies and the Board accepts, that there will be private hauling from the refuse area. There is a refuse and recycling area. The refuse area has a landscaped buffer.
10. The property is sufficiently lit with 16 LED site lights; 4 on the front to light public walkway and 4 in rear for uncovered parking area. The covered area has 8 canopy lights. Site is safely lit with even distribution and no spillage.

11. Application is fully compliant but there is no loading space provided for 0-10000 square feet. The property proposes 907 retail sq. ft. so these storefronts will not require large trucks/tractor trailer. Utilization of the site is considered modest with internal and on street parking so any trucks can park on street or behind the building because these are considered small volume deliveries. Applicant testifies and the Board agrees that a dedicated loading space is not necessary.
12. The project provides sufficient space for residential and retail, and a variety of downtown commercial retail and residential currently exist. The applicant testifies, and the Board agrees, that the application promotes general welfare for density in the area. That it honors the existing neighborhood and is attractive. Applicant advises without conflicting testimony that the project prevents urban sprawl in a micro-urban area and conserves property values in the neighborhood. The property will be an asset to the community over the existing eyesore.
13. Applicant advises, and the Board agrees, that the project is consistent with the master plan for west side of Main Street. There will be no substantial impact to the public or substantial impact to the zone plan. The project will not impair the intent of the zone plan and there is no substantial impairment created by the project. This will create a neighborhood appropriate development.
14. Board Member Waterman refers the applicant to signage details and advises to be mindful of the building set back (2.5') from property line. Waterman advises that wall mounted signs and projection signs, with mounting brackets, might push the signage into the County Right of Way.
15. Board Member Gubitosi questioned if the building would be taller than the fire siren and/or block sound from siren? The applicant advised that the building complies with all ordinance requirements. Mr. Naples (LLC Member) advises he would be happy to help move and/or contribute to moving the siren but requires more information on location and cost before committing to a decisive contribution. As the building is compliant under the ordinances and the siren is municipally owned and maintained, it may be discussed with the Borough Council at a later time once details have been provided.
16. Applicant further advises, and the Board accepts that if COAH applies, applicant will comply as may be necessary.
17. Board Engineer Jerry Freda advises, and the Board prefers, that decorative lighting per ordinance and concrete apron be installed as same fall under the improvement plan and traffic safety issues.
18. Board Member Gubitosi requests that the "storage area doors" which are shown on sidewalk frontage be eliminated as there are "too many doors" shown on the plan.
19. Board Member DeMarco is not in favor of the tandem parking as she feels it inconveniences residents. Ms. DeMarco feels that the sprawl is a concern. Two cars for one unit.
20. The Applicant advises that the lower level materials are a stone/metal design with shake/clapboard. Aesthetic material had not been selected but applicant advises that

CertainTeed Vinyl will be used on the subject development, Cedar Impressions with Azac and a grey brick stone area.

21. This is a variance free application on a site plan but for one loading zone per ordinance. The variance required for the loading zone issue is a c2 variance in order to achieve a better zoning alternative.
22. Board Member Rosenthal advises that the project is good for the town and stacked parking is appropriate.
23. Board Member Jung advises that for him, the event of single ingress/egress is an issues but the concern was not raised as a joint concern and therefore, he withdraws his concern for this issue as long as the safety of the single ingress/egress is maximized.
24. Board Member DeMarco indicates that Naples' contributions have elevated Main Street and this is an improvement but she worries about additional parking so for her, this situation creates a substantial impairment.
25. Board Member Waterman: Feels these are positive improvements.
26. Board Member Gubitosi: Compliments Naples and all professionals. Gubitosi considers this well designed, especially working with the aesthetic on Main Street and the design is attractive. While he may have had concerns about stacked parking, it is indicated that the team has done everything they can to address challenges and do their best to manage the space. Board Member Gubitosi appreciated the removal of the billboards. The addition of the three trees, the beautiful façade, the concrete apron extension and any COAH compliance along with the implementation of the lighting (decorative) are significant improvements along with the jog of windows in front of façade. Gubitosi appreciated the Applicant's willingness to work with the Borough to relocate siren at a later date. Gubitosi also appreciated the Applicant's willingness to reduce the number of doors in front façade to reduce traffic on sidewalk and minimize the doors on the frontage.
27. Board Member Mehnert appreciates the attractiveness of the proposal and does not feel the loss of the loading dock is a substantial detriment.

WHEREAS, in addition to the foregoing, the Board finds as follows:

1. The Board has jurisdiction to herein consider the application pursuant to N.J.S.A. 40:55D-1 et seq.
2. The Applicant has satisfied the notice requirements of the State and Municipal Ordinances as well as the Legislative Declarations during the COVID19 crisis, and, therefore, the Board has the authority and jurisdiction to consider the application.
3. The Applicant is the owner of the premises known as 803/811 Main Street, as shown on the Tax Map of the Borough of Bradley Beach.
4. The Board has concluded that the proposed application would not adversely impact upon the Master Plan of the Borough of Bradley Beach and does promote the safety and welfare of the residents of the municipality and accordingly, has satisfied the

requirements of obtaining any and all required amendments and variances as herein set forth.

5. The Board is further satisfied that the information and evidence submitted by the Applicant is sufficient to permit the Board to make a decision in this case and, as such, waives any additional formal requirements which may be contained in the applicable Borough Ordinance.

WHEREAS, In order to prevail on an application for a variance, the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D – 70, requires the applicant to establish that the variance or amendment can be granted without substantial detriment to the public good and that the granting of the variance or amendment does not substantially impair the intent and purpose of the master plan, zone plan and zoning ordinance.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Bradley Beach that it hereby adopts the aforesaid findings of fact and specifically makes the following conclusions:

- a. Based upon the aforesaid findings of fact, the Board concludes that:
 - i. The applicant has demonstrated that the Preliminary and Major Final site plan as proposed for the subject property are additional positive impacts to the subject property and the Borough of Bradley Beach and substantially outweigh any negative impacts; and
- b. Based upon the aforesaid findings of fact, the Board further concludes that the granting of the approval for Preliminary and Major Final Site Plan with variance in conjunction with the application as set forth herein will not cause substantial detriment to the public good and will not substantially impair the intent and purpose of the zoning ordinance and the zoning plan of the Borough of Bradley Beach; and
- c. **The Board specifically includes herein by reference, the Transcripts from the hearings, which provide the detailed basis and description of the decision as memorialized in this Resolution and do hereby rely upon same for further reference, as necessary.**

NOW THEREFORE, BE IT RESOLVED by the Borough of Bradley Beach Planning Board that the following be and are hereby **GRANTED** subject to the following:

Applicant is **GRANTED** Preliminary and Final Major Site Plan approval for the demolition of all existing structures and amenities on both properties and the construction of a mixed-use building on both lots. The mixed-use building will consist of two (2) commercial uses with storage on the ground floor and parking in the rear. The second through fourth floors will consist of eighteen (18) two-bedroom apartments on property known as 811 Main Street and 803 Main Street in the Borough of Bradley Beach also known as Lot 17 and Lot 18 in Block 32 on the tax map of the Borough of Bradley Beach.

Applicant **IS GRANTED** preliminary and final site plan approval and IS ALSO **GRANTED** a variance for the lack of a loading space.

In consideration of the application and as an amendment to the application, the Applicant agrees to the addition of the three trees and the concrete apron extension for safety. Applicant acknowledges that COAH compliance, if applicable, is required. Further, applicant amends their application, which the Board approves herein, to include the addition of decorative street lighting per ordinance and to reduce the number of the doors on the front of the façade.

Applicant also acknowledges a willingness to share in cost or work with the Borough, with regard to the relocation of the current fire siren, at a later date. Both parties acknowledge that this particular condition is not a condition of approval as no costs or plans for removal or replacement have been discussed by the Borough Council with the applicant. The Borough Council and applicant shall discuss this at a later date.

ALL APPROVALS GRANTED HEREIN ARE SUBJECT TO THE FOLLOWING CONDITIONS:

1. The applicant shall comply with any requirements established by, and obtain any necessary approvals of the following, IF APPLICABLE, to the proposed construction herein:
 - a. All Plans must be approved by Borough Engineer and Code and Construction Departments for the issuance of Permits;
 - b. MONMOUTH COUNTY PLANNING BOARD;
 - c. FIRE MARSHALL;
 - d. BOARD OF HEALTH;
 - e. SOIL CONSERVATION AND SEDIMENT CONTROL APPROVALS AND PERMITS;
 - f. APPLICANT SHALL BE SUBJECT TO AFFORDABLE HOUSING RESIDENTIAL DEVELOPMENT FEES AND NON-RESIDENTIAL DEVELOPMENT FEES, AS SET FORTH BY ORDINANCE AND/OR STATUTE, UNLESS EXEMPTED BY THE TERMS THEREOF.
 - g. PLANNING BOARD PLANNER
 - h. PLANNING BOARD ENGINEER
 - i. POSTING OF PERFORMANCE GUARANTEES AND INSPECTION FEES;
 - j. FINAL SITE PLAN DRAWINGS INCORPORATING ALL CHANGES AND/OR AMENDMENTS MADE AT THE HEARING.
 - k. FINAL DESIGN SUBJECT TO APPROVAL OF THE BOARDS'S PROFESSIONALS.

1. SUBJECT TO THE APPLICANT COMPLYING WITH ANY AND ALL FEDERAL, STATE, COUNTY AND LOCAL LAWS, RULES AND REGULATIONS AFFECTING AND PERTAINING TO THE DEVELOPMENT OR USE OF THE SITE IN QUESTION.

2. SUBJECT TO ALL REPRESENTATIONS AND TESTIMONY OF THE APPLICANT BEING TRUTHFUL AND ACCURATE

IT IS FURTHER RESOLVED that a copy of this Resolution be certified by the Secretary of the Borough of Bradley Beach Planning Board to be true and shall be forwarded to the Construction Code Officer, Borough Clerk, Board Engineer, and Borough Assessor within ten (10) days of the date hereto to the Applicant herein.

ADOPTED DATE: AUGUST 27, 2020

MOVED BY: Marc Rosenthal

SECONDED BY: Alan Gubitosi

ROLL CALL VOTE:

Those in Favor: Robert Mehnert, Amy Russo, Alan Gubitosi, Douglas Jung, George Waterman, Marc Rosenthal

Those Opposed: Meredith DeMarco

Those who Abstained: None.

Those Absent: Rafael Albanir, Mayor Gary Engelstad, Willaim Psiuk (Recused)

MEMORIALIZATION DATE: September 24, 2020

MOVED BY: Douglas Jung

SECONDED BY: Amy Russo

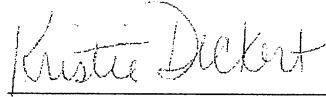
ROLL CALL VOTE:

Those in Favor: Robert Mehnert, Amy Russo, Alan Gubitosi, Doulgas Jung, and Marc Rosenthal

Those Absent: George Waterman

Those Ineligible: Meredith DeMarco, Rafael Albanir, Mayor Gary Engelstad, and William Psiuk

The foregoing is a true copy of the Resolution adopted by the Planning Board of the Borough of Bradley Beach at its meeting of September 24, 2020, and copied from the Minutes of said meeting.



KRISTIE DICKERT, Secretary
Bradley Beach Planning Board

Prepared by:
MONICA C. KOWALSKI, ESQ.
601 State Route 35
Neptune, NJ 07753-4001
(732) 774-7447