

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held In Person – Borough Hall
Thursday, July 28, 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, Councilman Timothy Sexsmith, Meredith DeMarco, Robert Mehnert, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Absent: Paul Murphy, JohnEric Advento, Arianna Bocco, Kelly Reilly-Ierardi, and Lauren Saracene

Also Present: Mark G. Kitrick, Esq., Sam Avakian, PE, PP

Chair Mayer advises the public of the Board’s policies and procedures with regard to this hearing.

Approval and Adoption of Meeting Minutes from the Regular Meeting of June 16, 2022 –

Motion to adopt offered by Dennis Mayer, Seconded by Harvey Rosenberg, all eligible members present in favor.

Resolutions Memorialized:

1. **Resolution 2022-11** – (Approval to Demolish Existing Single Family Dwelling and Construct a New Single Family Dwelling) – James & Jennifer Morrison – Block 23, Lot 14 – 905 Central Avenue
2. **Resolution 2022-12** – (Approval of Bulk Variance for HVAC Equipment in Side Yard Area) – Douglas Rausch – Block 8, Lot 15 – 1102 Fletcher Lake Avenue
3. **Resolution 2022-13** – (Approval of Bulk Variance Relief) – Anthony DePaola – Block 29, Lot 21 – 414 McCabe Avenue
4. **Resolution 2022-14** – (Amended Approval – Limited Sale of Alcohol) – EMAM Lab, LLC (Bradley Cinema) – Block 71, Lot 30 – 110 Main Street

Applications Considered:

LUB22/01 – (Use & Bulk Variances for Proposed Addition) – John Durando – Block 48, Lot 16 – 408 Fifth Avenue – Applicant is proposing an addition to the rear of the front single-family dwelling on this lot located in the R-1 Residential Single Family Zone where two (2) principal dwellings on one (1) lot are not permitted. The proposed improvements require Board approval for variances on use, balcony size, balcony location, side yard setback, and number of stories. Applicant is represented by Sean F. Byrnes, Esq. ****RECEIVED AND GRANTED REQUEST TO CARRY TO AUGUST 18, 2022 WITH NO FURTHER NOTICE BEING REQUIRED DUE TO ONLY 5 MEMBERS BEING ELIGIBLE TO PARTICIPATE THIS EVENING – THIS MATTER WAS NOT HEARD****

PB20/02 – (Request for One-Year Extension of Time) – Coastal Custom Builders – Block 32, Lot 17 & 18 – 803 & 811 Main Street – Applicant requests a one-year extension of time on the previously approved Site Plan, as the 2-year period is due to expire September 23, 2022. The impacts of COVID-19 are still affecting the ability to move forward with the project due to various delays in supply chains etc. and the Applicant does not foresee having the project substantially in the ground prior to the aforesaid two-year time period expiring.

****WILLIAM PSIUK IS RECUSED FROM THIS APPLICATION AND LEAVES THE ROOM****

Thomas J. Hirsch, Esq. with John Naples on behalf of Coastal Custom Builders.

Mr. Hirsch provides the reasons supporting the request currently before the Board. This is a substantial project. He indicates the Applicant did commence the Resolution Compliance process; however, the bonds have not been posted yet because they are still waiting on final sealed Architectural Drawings and there have been a lot of delays during this period of time since approval was granted such as supply chains, etc.

Based upon the testimony and the reasons provided supporting the request being substantiated, Dennis Mayer makes a motion to approve the request for a 1-year time extension on this Site Plan approval, seconded by Robert Mehnert.

Those in Favor: Meredith DeMarco, Robert Mehnert, Councilman Timothy Sexsmith, Mayor Larry Fox, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Those Absent: Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Arianna Bocco, and JohnEric Advento

Those in Opposition: None.

Those Recused: William Psiuk

****MAYOR FOX IS RECUSED FROM THE FOLLOWING APPLICATION DUE TO RESIDING WITHIN 200 FEET OF THE SUBJECT PROPERTY. MAYOR FOX IS ALSO RECUSED FROM THE REMAINDER OF THE MEETING SINCE THE APPLICATIONS INVOLVE USE VARIANCES WHICH HE CANNOT PARTICIPATE IN****

LUB22/10 (Bulk Variance for Rear Yard Setback) – John Bardis – Block 80, Lot 24 – 26 Pacific Avenue – Applicant is proposing a one-story bathroom addition to the rear of the existing dwelling which requires a variance for the rear yard setback.

Constantine Bardis, Esq. appeared on behalf of John & Helen Bardis who are currently in Europe. Mark Alexander, AIA could not be present due to present illness.

Mr. Bardis explained his client wishes to install a bathroom over an existing area which currently contains bilco doors.

He indicates this is a 4 bedroom, 1 bath home. He explains that Mr. Bardis is over 70 years old and Mrs. Bardis is elderly as well and they reside in the home alone. This proposal of a bathroom is to make the house a little more conforming and in line with the existing use.

A discussion takes place with regard to the existing cellar as there is access to same from the inside so eliminating the outside access is not an issue since it there has never been a use for them in the past.

Sam Avakian – sworn in – indicates this is a pre-existing non-conformity with regard to the setback and what is being proposed is a slight increase.

OPEN TO THE PUBLIC – NO PUBLIC – PUBLIC CLOSED

Based upon the testimony and the reasons provided supporting the request for variance, Dennis Mayer makes a motion to approve the application as presented, seconded by Meredith DeMarco.

Those in Favor: Meredith DeMarco, Robert Mehnert, Councilman Timothy Sexsmith, Deborah Bruynell, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Arianna Bocco, and JohnEric Advento

Those in Opposition: None.

Those Recused: Mayor Larry Fox

****COUNCILMAN SEXSMITH IS RECUSED FROM THE REMAINDER OF THE MEETING SINCE THE REMAINING APPLICATIONS INVOLVE USE VARIANCE RELIEF****

LUB22/09 – (Use Variance for A/C Condensers & Pads on the Pre-Existing Non-Conforming Cottages on the Lot) – 506 Brinley Avenue, LLC – Block 43, Lot 17 – 506 Brinley Avenue –

Paul Fernicola, Esq. on behalf of the Applicant.

Jonathan Wolfe – Architect/Engineer – sworn in with Sam Avakian, PE, PP

Paul Fernicola, Esq. provides a brief description of the project.

Jonathan Wolfe, PE, AIA – is qualified and accepted by the Board – Mr. Wolfe explains there are 9 mechanical pads being proposed to service the existing cottages. The existing use of the property is described as having 9 cottages on 1 lot which were built around 1919 and other renovations have begun on the cottages. Mr. Wolfe indicates that the 9 pads being proposed all comply with the setback requirements for mechanicals. The lot coverage is currently compliant and will remain compliant. The pre-existing non-conformities are identified and discussed. It is explained that none of these will increase in any way.

Sheet A-1 – identified and pads are shown on the plan.

Proofs are provided along with special reasons supporting the variances requested. It is indicated this will improve the safety, well-being, and general welfare of the habitants. There is an undue hardship to not allow A/C and the ability to have it is consistent. There is no substantial impairment or detriment to the Master Plan, Zone Plan, or surrounding properties as the condenser setbacks are being complied with.

William Psiuk – asks if Units 5 & 6 can be consistent with 3 & 4 as there is currently a 3 foot separation being proposed which can create a lot of noise. Can Unit 5 be moved to the northeast corner and Unit 6 to the southeast corner to provide separation? It is indicated there is no objection to making that change.

Chair Mayer asks if there is any sound mitigation being proposed? Shrubbery, fencing, anything? Mr. Wolfe indicates there is none proposed right now. It is suggested to replace the chain link fencing with a solid board-on-board type fencing – 6 foot across the rear of the property and 4 foot on the sides of the property will be proposed.

OPEN TO THE PUBLIC

Thomas J. Coan – 612 Third Avenue – asks of the 9 units, what is the bedroom count? Mr. Wolfe indicates 2 bedrooms. Is that expanding in any way? Mr. Wolfe indicates no. Mr. Coan asks if addition of A/C is really an expansion of the use? Sam Avakian indicates yes, that his how the Ordinance currently reads.

OPEN FOR PUBLIC COMMENT – NO PUBLIC – PUBLIC CLOSED

Based upon the testimony and the reasons provided supporting the request for variance, Harvey Rosenberg makes a motion to approve the application with the condition that the fence is installed around the property and units 5 & 6 are separated/moved as discussed, seconded by William Psiuk.

Those in Favor: Meredith DeMarco, Robert Mehnert, Deborah Bruynell, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Arianna Bocco, and JohnEric Advento

Those in Opposition: None.

Those Recused: Mayor Larry Fox and Councilman Timothy Sexsmith

**** ROBERT MEHNERT MUST RECUSE HIMSELF FROM THE NEXT APPLICATION UNDER CONSIDERATION.****

LUB22/06 – (Use & Bulk Variances for Proposed Addition and Swimming Pool) – Karen & Steve Petrucelli – Block 57, Lot 25 – 614 Fourth Avenue –

Applicant is represented by Michael J. Wenning, Esq. Mr. Wenning is advised by Mark Kitrick, Esq. that there are only 5 members remaining; however Mr. Wenning indicates he wishes to proceed.

Mr. Wenning provides a brief background on this house which was built in the early 1900's. This is a 50' x 175' lot and there are areas of the home which are currently in very poor condition. The pool being proposed does not require any variance relief.

Tom Peterson, Architect; Justin Auciello, Planner; and Sam Avakian, Board Engineer are all sworn in.

Tom Peterson, AIA – qualified/accepted by the Board. Mr. Peterson discusses a board provided with photographs.

Exhibit A-1 – Aerial Photograph

Exhibit A-2 – 6 photos of the property in question.

Exhibit A-3 - Sheet 1 and Sheet 2 last revised July 25, 2022.

Mr. Peterson describes the existing home which appears to be a 4-square/craftsman style home. The structure in the rear is a garage apartment; however, it is existing but it is approximately 800 square feet which is above the permitted 600 s.f. The rear dwelling is not being touched with this proposal.

The proposed improvements to the main structure along with the architectural plans are reviewed with the Board. The piers and floor structure of the front porch are to remain – they are proposing to replace the columns, railings, and decking.

It is indicated the existing height is off by 8-11 inches and the reasons supporting are provided. As it will be more visually pleasing and easier to tie into the existing roof. The height discrepancy is clarified and will be corrected on the plan.

Mr. Peterson indicates the applicants would like a covering over the rear stoop approximately 4 ft. x 8 ft., not over the steps, just the stoop.

Meredith DeMarco asks about the basement. It is indicated it is only for storage and mechanicals and the new area being proposed will only be a crawl space.

The proposed ½ story is discussed and it is indicated it will be an open area with a full bathroom. The square footage meets the permitted requirement. It will be open to the stairs and not closed off so it does not qualify as a bedroom as there is no door to the open area.

Drainage is discussed.

Meredith DeMarco asks about any proposed lighting – There will be low level lighting – nothing unusual.

Dennis Mayer indicates if lighting is proposed, especially in the soffits, it must be low level and not spill over onto neighboring properties.

Meredith DeMarco asks if the applicants are full time residences. Mrs. Petrucelli indicates they are just there in the summer now; however, they are preparing to become full-time at a later date.

The proposed patio is discussed and it is agreed it will be revised to provide 5 feet off the western property line in the rear.

OPEN TO THE PUBLIC:

Thomas J. Coan – asks about the square footage being added. It is indicated 450 square feet, 225 s.f. up and 225 s.f. down. Mr. Coan confirms that 5,000 s.f. lots are required and the existing lot is 8,763 s.f. so it is larger than that which is required.

Justin Auciello, PP, AICP – qualified and accepted – Mr. Auciello provides testimony with regard to the pre-existing, non-confirming use issue. He indicates what is being proposed is modest in nature and similar to houses on the block. The front porch is a safety issue and will be upgraded for life and safety. The special reasons supporting the variance request are provided. He feels the site is particularly suited to carry this use, including the improvements to upgrade and improve the current conditions.

Deborah Bruynell asks about the condition of the back house and the plan for it? It is indicated there is no changes proposed at this time, no expansion or changes. Tom Peterson, AIA states the back house is currently in rough shape so at most there would be basic renovation/maintenance type work.

Thomas J. Coan – asks if the backhouse were 122 s.f. smaller would this application require a d(2) variance? Justin Auciello, PP, AICP indicates no.

OPEN TO THE PUBLIC FOR COMMENTS:

Susan Malizia – 612 Fourth Avenue – sworn in – she is thrilled to have these new neighbors and feels this will be a huge improvement.

Thomas J. Coan – 612 Third Avenue – sworn in – finds this application very refreshing, all proofs have been presented to support the request and not once did he hear because they wanted or needed. Mr. Coan indicates he is in support of the application.

Based upon the testimony and the reasons provided supporting the requests for variances, Dennis Mayer makes a motion to approve the application with the condition that the revisions as discussed are made – okay with the overhang/covered stoop in the rear, the patio will be cut back to maintain the required 5 foot setback, there will be minimal lighting with no spillage onto neighboring properties, and the height will be left as is to tie into the existing roofline; seconded by Harvey Rosenberg.

Those in Favor: Meredith DeMarco, Deborah Bruynell, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Arianna Bocco, and JohnEric Advento

Those in Opposition: None.

Those Recused: Mayor Larry Fox, Councilman Timothy Sexsmith, and Robert Mehnert

Adjournment:

Next scheduled meeting will be our **Regular Meeting on Thursday, August 18, 2022 at 6:30 PM** which will take place here in the Municipal Complex Meeting Room located at 701 Main Street, Borough of Bradley Beach. Please check our website for any updates regarding meeting location and/or access.

With no further business before the Board a motion to adjourn was offered by Dennis Mayer moved and seconded by Meredith DeMarco. All in favor. Meeting closed at 8:05 PM.

Minutes submitted by Kristie Dickert, Board Secretary