

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held In Person – Borough Hall
Thursday, June 16, 2022 at 6:30 PM**

Meeting is called to order at 6:36 PM. The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Paul Murphy, Councilman Timothy Sexsmith (arrived after 1st application due to recusal), JohnEric Advento, Arianna Bocco, Meredith DeMarco, Kelly Reilly-Ierardi, Robert Mehnert, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Absent: Mayor Larry Fox

Also Present: Mark G. Kitrick, Esq., Sam Avakian, PE, PP, and Christine Bell, PP, AICP

Harvey Rosenberg re-sworn as Class IV Member and Deborah Bruynell is sworn in as Alternate #2.

Chair Mayer makes a motion to nominate Harvey Rosenberg as Vice Chair, seconded by Robert Mehnert. All members present in favor.

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 May 19, 2022 –

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

Resolutions Memorialized:

1. **Resolution 2022-09** – Approval of Use Variance, Bulk Variance, and Minor Site Plan) – EMAM Lab, LLC – Block 71, Lot 30 – 110 Main Street
2. **Resolution 2022-10** – (Approval of Use Variance and Bulk Variances) – Odete Mendes – Block 57, Lot 9 – 609 Fifth Avenue

Applications Considered:

**** MR. MEHNERT, COUNCILMAN SEXSMITH, AND ARIANNA BOCCO MUST RECUSE THEMSELVES FROM THE FIRST APPLICATION UNDER CONSIDERATION.****

UB22/05 – (Demolish Existing Single Family Dwelling and Construction New Single Family Dwelling requiring Various Bulk Variances) – James & Jennifer Morrison – Block 23, Lot 14 – 905 Central Avenue

Michael J. Wenning, Esq. for the applicant indicates that after receiving comments at the prior hearing on May 19, 2022 his client went back to the drawing board and they have revised the plans which now abandons a number of the original variances including the building height. They are now seeking variance relief for the number of stories, building coverage, and the platform/steps.

Sam Avakian, PE, PP is sworn in as he was not present at the last hearing.

Michael Moss, AIA remains under oath. Mr. Moss indicates the total building coverage to be 41.6% or 1,040 s.f., impervious coverage was 65.6% or 1,640 s.f. and now proposed to be 59.5% or 1,487 s.f. which is no longer a variance. There are no setback or height variances being sought.

Mr. Moss walks through the June 14, 2022 Board Engineer/Planner's review letter and discusses the changes made and the variances still required as well as those that were eliminated or are existing non-conformities.

Exhibit A-2 – Revised Habitable Attic Plan

There are a total of 4 bedrooms and 3 ½ bathrooms being proposed. A flat mechanical platform will be provided on the roof for two (2) condensers which will measure 5 feet from the property line.

A drywell is proposed for drainage.

Christine Bell, PP, AICP – asks if they are willing to remove some of the pavers from the front entrance. Mr. Moss indicates yes, can eliminate some of the pavers.

William Psiuk – asks if they can eliminate the ½ story? Mr. Wenning indicates they have reduced the height to conform which is why they are here.

Open to the Public – No Public Appeared

Justin Auciello, PP, AICP – remains under oath and is accepted by the Board as a Professional Planner.

Mr. Auciello indicates that two (2) buildings were existing and now down to just one. Currently there is 0 off-street parking spaces provided and they are now proposing 1 off-street parking space. There were originally 14 variances being requested and they have revised the plans and now are only seeking 7 variances.

Mr. Auciello proceeds to review the c(2) criteria and provides the proofs supporting same. Mr. Auciello indicates he feels there is sufficient space, this is a naturally undersized lot, this project will be visually/aesthetically pleasing, and he feels the height is consistent and that this proposed home fits the character of the neighborhood.

Open to the Public – No Public Appeared

James Morrison – sworn in – 905 Central Avenue – owner of the property. Thanks the Board for their time. He indicates this property has been in the family for 70 years and that they have been working with Mr. Moss for over a year on this project. He indicates they arrived at this design for year-round family use and his current work situation. At present he is working 2 days in New York and 2 days at home.

Open to the Public – No Public Appeared

Mr. Wenning indicates he has no further witnesses and this is the final application.

Open to the Public for Comment

George Lipari – sworn in – 301 Park Place Avenue – in favor.
Joseph Varco – sworn in – 902 Central – in favor.
Vince Margiotta – sworn in – 300 Park Place Avenue – in full support.
Michael Varco – sworn in – 902 Central – in full support.
Ms. Bonaventura – sworn in – 301B Park Place – in full support.
Angela Caronia – sworn in – 219 Park Place – in support.

Based upon the testimony provided and the revised plans submitted, Dennis Mayer makes a motion to approve the application as amended and discussed including the provision of a drywell, reduction of pavers to 4 feet off the last tread, seconded by Harvey Rosenberg.

Those in Favor: Meredith DeMarco, Paul Murphy, Lauren Saracene, JohnEric Advento, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Mayor Larry Fox

Those in Opposition: Kelly Reilly-Ierardi

Those Recused: Robert Mehnert, Councilman Timothy Sexsmith, and Arianna Bocco

****THE BOARD TAKES A BRIEF RECESS & RETURNS AT 8:19 PM****

LUB22/07 – (Bulk Variance for HVAC Equipment in Side Yard Area) – Douglas Rausch – Block 8, Lot 15 – 1102 Fletcher Lake Avenue

Douglas Rausch – sworn in with Board Professionals.

Mr. Rausch indicates they are new owners of this home and would like to install central air conditioning. The lot is small and there is no practical place to locate the condenser other than where it is proposed as it is hidden from the street and trying to be respectful to the neighbors.

Dennis Mayer asks if he explored the backyard area. It is indicated there are side walkways to access the rear as well as shared walks.

William Psiuk – asks if there is a smaller unit available. Mr. Rausch indicates he is not certain.

Harvey Rosenberg – asks how far the house is from the property line. It is indicated approximately 9 feet by the Board Professionals.

William Psiuk – asks the distance of the steps to the side? It is indicated approximately 2 ½ feet.

Thomas J. Coan – asks if there are schematics for the unit? It is indicated no, but the unit is 30" x 30".

Douglas Birdsall – 1104 Fletcher Lake Ave – questions if there will be room for garbage cans still and about the noise. Mr. Rausch indicates there will still be room for garbage cans and he feels this condenser will be more efficient and less noisy than window units.

Thomas J. Coan – questions if the unit were mounted on the side of the house would it remove the coverage variance? Christine Bell indicates it would be de minimus.

Thomas J. Coan – sworn in – 612 Third Avenue – indicates he appreciates the situation, but wants to know how the Board can vote on this without having specifications on decibel levels.

Rich Despina – sworn in – 600 Third Avenue – suggests to see if the size can be reduced.

William Psiuk asks the applicant if he can check with the contractor about reducing the size as a smaller unit may also be quieter.

Based upon the testimony provided, Harvey Rosenberg makes a motion to approve the application as submitted with a condenser no larger than 30" x 30", seconded by Lauren Saracene.

Those in Favor: Robert Mehnert, Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Councilman Timothy Sexsmith, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Abstaining: Meredith DeMarco

Those Absent: Mayor Larry Fox

Those in Opposition: None.

Those Recused: None.

LUB22/08 – (Bulk Variance Relief for New Single Family Dwelling) – Anthony DePaola – Block 29, Lot 21 – 414 McCabe Avenue

Anthony DePaola and Lori Jeanne Ryder, AIA are both sworn in along with the Board's Professionals.

Mark Kitrick, Esq. clarifies for the Board that while a height variance is needed it is not more than 10%; therefore, a Use Variance is not required.

Mr. DePaola describes the proposal and indicates the home will be built on the existing foundation. He is seeking to live in Bradley Beach year-round. It has been recommended by his professionals to demolish the existing dwelling rather than rehabilitate.

William Psiuk – questions the current parking stall and if Mr. DePaola installed it? He indicates no, it was there.

Open to the Public – No Public

Lori Ryder, AIA – describes the existing non-conformities of the lot and current structure. The building height is discussed and it is indicated it can be reduced 8” to eliminate the “d” variance. She also indicates the front yard setback is consistent with neighbors.

Exhibit A-1 – Photos of existing home taken 6/16/2022

Sam Avakian, PE, PP – explains the need for an Average Plan to determine front yard setback.

Lori Ryder, AIA – reviews parking and that this is a confirming single-family dwelling. The overall height is discussed and it is indicated there is no living space proposed in the attic area. They are proposing to remove stairs and enclosed 2nd floor porch in the rear.

Christine Bell, PP, AICP asks for elaboration on the relief requested and confirms the relief noted.

William Psiuk – questions where the A/C Unit will be located? It is indicated they will try for the driveway side of the house.

The Architectural Plans and Details are discussed and clarification is provided. Changing the pitch to 7:12 to reduce the height to comply with the 30 foot height requirement and the roof will be eliminated over the rear landing. The mechanicals are proposed to be on the side behind the chimney bump out.

Open to the Public

Thomas J. Coan – asks if they are aware of Ordinance 450-13 and asks if this is a 2-family house? It is indicated it was a 2-family and that they will comply with the Ordinance.

Open for Public Comment

Thomas J. Coan – sworn in – 612 Third Ave – indicates he only came because it was indicated as 2 ½ stories and the height; however, it has now been reduced so he is no longer concerned. This a porch of this size in the rear is a nice feature.

Based upon the testimony provided and the revisions discussed, Dennis Mayer makes a motion to approve the application with the condition that the pitch be changed to 7:12 to bring down to the 30 ft. height requirement, the roof over the rear porch being removed, and the A/C unit to be located in the side behind the chimney bump out, seconded by William Psiuk.

Those in Favor: Meredith DeMarco, Robert Mehnert, Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Councilman Timothy Sexsmith, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Mayor Larry Fox

Those in Opposition: None.

Those Recused: None.

Adjournment:

Next scheduled meeting will be our **Regular Meeting on Thursday, July 28, 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 Meredith DeMarco moved and seconded by Dennis Mayer. All in favor. Meeting closed at 10:00 PM.

Minutes submitted by Kristie Dickert, Board Secretary