

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held In Person – Borough Hall
Thursday, September 15, 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, Lauren Saracene, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

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

Also Present: Mark Kitrick, Esq.; Gerald Freda, PE, PP; and Christine Bell, PP, AICP

EXECUTIVE SESSION:

Litigation Update – Irvington Manor LLC v. Borough of Bradley Beach ZBA

Chair Mayer makes a motion to enter into Executive Session – Seconded by Harvey Rosenberg. All in favor.

Board returns to the dais.

Chair Mayer makes a motion to end the session and return to the regular meeting, Seconded by Mayor Larry Fox. All 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 August 18, 2022

– Motion to adopt offered by Dennis Mayer, Seconded by Meredith DeMarco, all eligible members present in favor.

Resolutions Memorialized:

1. **Resolution 2022-19** – (Approval of Bulk Variance for Proposed Addition) – Gregory C. Fehrenbach – Block 87, Lot 9 – 408 Bradley Boulevard

Applications Considered:

LUB22/12 – (Bulk Variances for Fence Height & Side Yard Setback) – Bradley Investors, LLC (Speedy Mart) – Block 19, Lot 15 – 1004-1006 Main Street – Applicant is seeking relief to maintain the existing dumpster location and fence enclosure which requires variances for the existing fence height and the location of the dumpster structure. Applicant is represented by Michael J. Wenning, Esq. ****Announcement is made that this matter is being further carried to our October 20, 2022 meeting with no further notice being required as revised plans have not been received in advance of tonight’s hearing.****

ZB20/01 – (Request for Extension of Time on Prior Variance Approval) – Brian Smith & Sharon Price – Block 49, Lot 13 – 505 Central Avenue – Applicants are requesting an extension of time on their prior approval received through Zoning Board of Adjustment Resolution #2020-10 which had been memorialized on June 18, 2020. The Applicants have indicated that due to various reasons they were unable to begin construction as originally planned before the deadline of June 18, 2022.

Brian Smith and Sharon Price are both sworn in. They indicate they are requesting a 1-year extension on their original approval.

Based upon the nature of the request and the reasons provided supporting the request for a 1-year extension of time, Dennis Mayer makes a motion to approve the request for a 1-year extension of time, seconded by Harvey Rosenberg.

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

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

Those in Opposition: None.

Those Recused: None.

****Mayor Fox, Councilman Sexsmith, and Deborah Bruynell are Recused from the following application.****

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. ****THIS MATTER WAS CARRIED FROM OUR AUGUST 18, 2022 MEETING WITH NO FURTHER NOTICE BEING REQUIRED IN ORDER FOR THE APPLICANT TO MAKE REVISIONS TO THE PLANS IN ACCORDANCE WITH THE COMMENTS RECEIVED FROM THE BOARD AND ITS PROFESSIONALS AT THE PRIOR HEARING****

Dan O'Hern, Esq. on behalf of Sean Byrnes, Esq. for the applicant indicates he wishes to proceed with the remaining 6 members even though the application still requires use variance approval in conjunction with bulk variance relief.

Matthew Cronin, AIA and John Durando are sworn in with the Boards' Professionals.

Dan O'Hern, Esq. recaps the prior hearing indicating there were several variances being requested at that time. He also states the use variance portion of the application was discussed and testimony had been provided including special reasons through their Planner, Andrew Janiw, PE, PP, AICP.

It is noted that balcony on the 3rd floor was a concern of the Board; therefore, the plans have been revised to eliminate a rear balcony. The 3rd floor has been shrunk down and is now a true ½ story.

Christine Bell, PP, AICP – indicates the only bulk variance required now is a side yard setback which is an existing condition because the addition is extending and they still require the Use Variance which has already been testified to at the last hearing.

Public Comment:

James Stapleton – 404 Fifth Avenue – immediate neighbor – in support of the project and feels it will improve the neighborhood.

John O'Keefe – 411 Fifth Avenue – sworn in – in support of the project.

Based upon the revised plans submitted and the testimony provided, Dennis Mayer makes a motion to approve the Use Variance with regard to the existing 2nd structure and the Bulk Variance for the side yard setback and the condition that the comments contained within the Leon S. Avakian review be complied with, seconded by Harvey Rosenberg.

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

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

Those in Opposition: None.

Those Recused: Councilman Timothy Sexsmith, Mayor Larry Fox, & Deborah Bruynell.

Adjournment:

Next scheduled meeting will be our **Regular Meeting on Thursday, November 17, 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 Harvey Rosenberg. All in favor. Meeting closed at 7:08 PM.

Minutes submitted by Kristie Dickert, Board Secretary