

**Bradley Beach Land Use Board  
Regular Meeting Minutes  
Meeting Held In Person – Borough Hall  
Thursday, October 20, 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, Paul Murphy, Councilman Timothy Sexsmith, Arianna Bocco, Meredith DeMarco, Kelly Reilly-Ierardi, Robert Mehnert, William Psiuk, Lauren Saracene, Deborah Bruynell, and Dennis Mayer

Absent: Harvey Rosenberg and JohnEric Advento

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

**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 September 15, 2022** – Motion to adopt offered by Dennis Mayer, Seconded by Robert Mehnert, all eligible members present in favor.

**Resolutions Memorialized:**

1. **Resolution 2022-20 – (Approval of 1-Year Extension of Time on Prior Variance Approval) – Brian Smith & Sharon Price – Block 49, Lot 13 – 505 Central Avenue**
2. **Resolution 2022-21 – (Approval of Use & Bulk Variances for Proposed Addition) – John Durando – Block 48, Lot 16 – 408 Fifth Avenue**
3. **Resolution 2022-22 – Finding Ordinance No. 2022-12 Inconsistent with the Master Plan**

**Consistency Determination on Ordinance No. 2022-12** of the Borough of Bradley Beach Amending Chapter 258: "Hotels" and Chapter 450: "Zoning" of the Borough's Revised General Ordinances to Prohibit Hotels and Motels within the Borough, introduced at the Borough Council meeting on September 28, 2022.

Mark Kitrick, Esq. provides a procedure outline and rules for consistency review by the Board.

Christine Bell, PP, AICP prepared and provided a report with her findings to the Board finding the proposed Ordinance to be inconsistent with the Borough's Master Plan. She further explains that you cannot prohibit a use while still providing conditions which must be met for the same use that has been prohibited. She also explains that this particular issue which had been suggested by the Strategic Planning Committee had been reviewed by the Planning Board in 2021 who specifically left this recommendation out of the Economic Development Plan Element which had been adopted and forwarded to Council.

**Based upon the information presented/provided to the Board, Dennis Mayer makes a motion to find proposed Ordinance No. 2022-12 inconsistent with the Borough's Master Plan, seconded by Robert Mehnert.**

**Those in Favor:** Meredith DeMarco, Robert Mehnert, Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, William Psiuk, Deborah Bruynell, Arianna Bocco, and Dennis Mayer

**Those Absent:** Harvey Rosenberg and JohnEric Advento

**Those in Opposition:** None.

**Those Recused:** Councilman Sexsmith and Mayor Larry Fox

Mark Kitrick, Esq. indicates he had drafted a resolution which he reads into the record.

**A motion to adopt and memorialize said resolution is made by Dennis Mayer and seconded by Arianna Bocco.**

**Those in Favor:** Meredith DeMarco, Robert Mehnert, Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, William Psiuk, Deborah Bruynell, Arianna Bocco, and Dennis Mayer

**Those Absent:** Harvey Rosenberg and JohnEric Advento

**Those in Opposition:** None.

**Those Recused:** Councilman Sexsmith and Mayor Larry Fox

**\*\*Christine Bell, PP, AICP is excused from the remainder of the meeting as none of the applications under consideration involve Use Variance relief.\*\***

**Applications Considered:**

**\*\*Robert Mehnert is recused from the next two (2) applications as he lives within 200 feet of the subject properties\*\***

**LUB22/11 – (Bulk Variance for Side Yard Setback of HVAC Equipment) – Isaac & Maria Keselman – Block 13, Lot 9.07 – 109 Cliff Avenue, UNIT 2B** – Applicant is seeking relief to install HVAC equipment in the side yard area leaving a 3.5 foot setback where 5 feet is required.

Isaac Keselman – owner of 109 Cliff Avenue, Unit 2B – is sworn in along with Gerald Freda, PE, PP.

Mr. Keselman indicates they wish to install an additional unit in line with the existing units in the side yard area of the building. They are proposing a mini-split system which will control the heat and air conditioning in the upstairs. The unit will leave approximately 3.5 feet to the property line where 5 feet is required.

No public questions – no members of the public commented.

**Based upon the testimony and the reasons provided supporting the request for variance, Dennis Mayer makes a motion to approve the application for HVAC equipment side yard setback as presented, seconded by Kelly Reilly-Ierardi.**

**Those in Favor:** Meredith DeMarco, Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene,  
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Councilman Timothy Sexsmith, Mayor Larry Fox, William Psiuk, Deborah Bruynell, and Dennis Mayer

**Those Absent:** Harvey Rosenberg and JohnEric Advento

**Those in Opposition:** None.

**Those Recused:** Robert Mehnert

**LUB22/17 – (Bulk Variance for Side Yard Setback of HVAC Equipment) – Lauren Barra – Block 13, Lot 9.03 – 109 Cliff Avenue, Unit 6F** – Applicant is seeking relief to install HVAC equipment in the side yard area leaving a 3.5 foot setback where 5 feet is required.

Lauren Barra – owner of 109 Cliff Avenue, Unit 6F – sworn in along with Gerald Freda, PE, PP

It is indicated Ms. Barra is seeking the same relief as the Keselman's as she wishes to install an additional unit in line with the existing units in the side yard area of the building. She is also proposing a mini-split system which will control the heat and air conditioning in the upstairs. The unit will leave approximately 3.5 feet to the property line where 5 feet is required.

No public questions – no members of the public commented.

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

**Those in Favor:** Meredith DeMarco, Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Councilman Timothy Sexsmith, Mayor Larry Fox, William Psiuk, Deborah Bruynell, and Dennis Mayer

**Those Absent:** Harvey Rosenberg and JohnEric Advento

**Those in Opposition:** None.

**Those Recused:** Robert Mehnert

**\*\*Robert Mehnert returns to the dais\*\***

**LUB22/15 – (Bulk Variance for Front Yard Setback for Proposed Addition) – Michael Giudice – Block 67, Lot 2 – 215 Third Avenue** – Applicant is seeking relief to construct a proposed 2<sup>nd</sup> floor addition leaving a 19.96 foot front yard setback where 20 feet is required and construction of new front porch leaving a 19.1 foot front yard setback where 20 feet is required.

Michael Giudice (owner) and Al Shissias (architect) – are sworn in along with Gerald Freda, PE, PP

Mr. Giudice describes the current living situation and that there is currently 3 bedrooms; however, 1 of the rooms can only accommodate a twin bed. He does not intend to expand the existing footprint but rather to extend the home upward.

Mr. Shissias provides a description of the architectural drawings that have been provided to the Board. A variance is required for the 19.1 foot front yard setback to the proposed front porch.

Jerry Freda indicates there are no other variances required with this application.

It is asked of the applicant if the closet can be removed from the den area? It is indicated, yes.

No members of the public appear to ask questions or provide comment on this application.

**Based upon the testimony and the reasons provided supporting the request for variance, Robert Mehnert makes a motion to approve the application with the condition that the closet be removed from the den area, seconded by Kelly Reilly-Ierardi.**

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

**Those Absent:** Harvey Rosenberg and JohnEric Advento

**Those in Opposition:** None.

**Those Recused:** None.

**\*\*Robert Mehnert and Councilman Timothy Sexsmith are recused from the next two (2) applications due the applicants both being represented by Michael J. Wenning, Esq.; therefore a conflict of interest\*\***

**LUB22/16 – (Off Street Parking Variance for Personal Service Uses in all 5 Existing Commercial Units on First Floor) – Gelber Associates – Block 32, Lots 24, 25, 26, & 29 – 706 LaReine Ave** – Applicant is seeking approval of the present parking configuration so as to permit personal service use in all five units without needing approval from the Board each time a personal service use tenant is sought.

Applicant is represented by Michael J. Wenning, Esq.

Larry Gelber and Michelle Middleberg (owner of Peach Blossom) are sworn in along with Gerald Freda, PE, PP

This request is for a permitted use. The existing building permits Commercial on the 1<sup>st</sup> floor and Residential on the 2<sup>nd</sup> and 3<sup>rd</sup> floors.

Mr. Gelber describes the existing uses within the building.

They are requesting the parking variance to permit personal service uses in all 5 units. Peach Blossom would like to relocate to the larger unit which triggered this discrepancy in the parking.

There are 93 usable spaces, 5 for the retail, 4 marked handicap, 42 (1 for each of the residential units), and some are marked visitor or are unmarked. They have never received calls that parking has been an issue in 8 years.

Michelle Middleberg provides a description of her operations and the reason behind wanting to move to the larger unit.

William Psiuk asks where the bike racks are located. Jerry Freda helps indicate on the plan where they are located. Jerry asks if they would consider moving the bike racks and the Applicant indicates no because of security reasons as some of the residents utilize these racks as well.

There can be 30 allocated spaces for the retail/personal service uses within the building.

**Based upon the testimony and the reasons provided supporting the request for parking variance, Mayor Larry Fox makes a motion to approve the present retail space as retail and/or personal service uses with 30 allocated spaces for these uses, seconded by Kelly Reilly-Ierardi.**

**Those in Favor:** Meredith DeMarco, Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Mayor Larry Fox, William Psiuk, Deborah Bruynell, Arianna Bocco, and Dennis Mayer

**Those Absent:** Harvey Rosenberg and JohnEric Advento

**Those in Opposition:** None.

**Those Recused:** Robert Mehnert and Councilman Timothy Sexsmith

**\*\*THE BOARD TAKES A BRIEF RECESS AND RETURNS – ROLL CALL IS TAKEN ALL MEMBERS PRESENT PRIOR TO BREAK ARE STILL PRESENT\*\***

**It is noted for the record that Ms. Bocco has watched the video from the prior hearing and is eligible to vote. Mr. Murphy must recuse himself due to his capacity as Code Enforcer.**

**LUB22/16 – (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. **\*\*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. THE REVISED PLANS WERE NOT COMPLETED IN ADVANCE OF THE SEPTEMBER 15, 2022 MEETING; THEREFORE, A REQUEST WAS RECEIVED FROM MICHAEL WENNING, ESQ. TO FURTHER CARRY THIS MATTER TO TONIGHT'S MEETING OF OCTOBER 20, 2022 WITH NO FURTHER NOTICE BEING REQUIRED\*\*****

Applicant is represented by Michael J. Wenning, Esq. who provides a briefing on prior hearing. A revised Plot Plan has been submitted showing the dumpster 5 feet off of the property line. The Applicant requests that they be permitted to keep a 6 foot high fence vs. a concrete enclosure.

Haresh Patel – sworn in with Gerald Freda, PE, PP

It is indicated the plot plan has been prepared and the proposed location of the dumpster enclosure is in red. Jerry Freda asks about the concrete slab? It will be a 16' x 10' x 6" thick pad. Jerry asks if they would consider a curb on the sides of the pad and having the gates swing toward the building, this way when the dumpster area is being cleaned it will be easier to keep debris contained.

The installation of curbing on three sides and a 6 foot solid vinyl fence surrounding the dumpster area is discussed.

Meeting is open to the public for questions:

Heidi Modjeski – 611 Newark Ave – questions Section 450-29d – accessory structure – and if that also includes dumpsters? It is indicated yes. She further questions if the Board is familiar with Land Use Board Regular Meeting Minutes of October 20, 2022

NJAC Health Department Chapter 24 Subchapter 5 – It is indicated no. The Board is not charged with State or County Health Rules and Regulations.

Meeting is open to the public for comment:

Heidi Modjeski – 611 Newark Avenue – already sworn – distributes photos (photo packet of 10 sheets) marked as Exhibit O-5 10-20-2022

A discussion takes place between Ms. Modjeski and Mr. Freda with regard to the location of the dumpster. Jerry asks if they would consider moving the dumpster another 5 feet toward Main Street (10 feet total off east side) and move 7 feet to the north side if possible.

Therefore, there would be a 6" high curb on 3 sides of the dumpster, the concrete pad will be eliminated, there will be a 6 foot high solid vinyl fence of a neutral color to screen the dumpster, it will be relocated to the agreed upon position with a rolling type gate, the 7 foot gate toward the rear of the property will remain and the lot in general must be cleaned up.

Revised plans will be provided for review to ensure the proposal will work and then the resolution can be memorialized.

**Based upon the testimony provided, Dennis Mayer makes a motion to approve the plan with the changes outlined earlier with regard to the curbing, fencing, and new proposed location to be reviewed by the Board Engineer, seconded by Kelly Reilly-Ierardi.**

**Those in Favor:** Meredith DeMarco, Kelly Reilly-Ierardi, Lauren Saracene, Mayor Larry Fox, William Psiuk, Deborah Bruynell, Arianna Bocco, and Dennis Mayer

**Those Absent:** Harvey Rosenberg and JohnEric Advento

**Those in Opposition:** None.

**Those Recused:** Robert Mehnert, Timothy Sexsmith, and Paul Murphy.

#### **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 Meredith DeMarco. All in favor. Meeting closed at 8:49 PM.

**Minutes submitted by Kristie Dickert, Board Secretary**