

**Bradley Beach Land Use Board  
Regular Meeting Minutes  
Meeting Held in Person at 701 Main Street  
Thursday, April 20, 2023 @ 6:30 PM**

Regular Meeting is called to order at 6:30 PM. Board and Public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Mayor Larry Fox, Liz Hernandez, Robert Mehnert, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

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

Also Present: Mark G. Kitrick, Esq. – Attorney to the Board, Gerald Freda, PE, PP, CME – Board Engineer, and Christine Bell, PP, AICP – Board Planner

**Chair Mayer advises the public regarding the Board's policies and procedures and how the meeting will proceed.**

**Land Use Board Planning Discussion Items:** None.

**Approval and Adoption of Meeting Minutes from the Regular Meeting of March 16, 2023** – Motion to approve and adopt offered by Chair Dennis Mayer, Seconded by Harvey Rosenberg. All eligible members present in favor.

**Resolutions Memorialized:**

**Resolution 2023-08 – Approval of Bulk Variances for Proposed Front Porches – Tamblyn & Vito Abrusci – Block 28, Lot 30 – 316 ½ McCabe Avenue**

**Applications Considered:**

**LUB23/02 – (Bulk Variances for Proposed Living Space Above Existing Detached Garage Structure) – Ann Marie Kuder – Block 36, Lot 7 – 309 ½ McCabe Avenue**

**Harvey Rosenberg indicates he received notice and lives within 200 feet of the subject property; therefore, he must recuse himself from this application.**

Applicant is represented by Thomas J. Hirsch, Esq. who reviews the history of this application as there was a prior application back in 2020 which was ultimately withdrawn. The major issue at that time was parking and there were some other concerns. Mr. Hirsch reviews some of the comments that were made previously. He discusses the issue with the driveway and obtaining an easement. The neighbors were kind enough to agree to the 2 ½ ft. easement. This was critical to the application and the applicant is willing to stipulate that the unit will never be rented.

Ann Marie Kuder, Justin Auciello, PP, and Edward Gorleski, AIA are all sworn in with Gerald Freda and Christine Bell.

Ann Marie Kuder – owner – indicates she purchased the property in 2014 and has been coming to Bradley Beach for over 20 years as she has friends in the area. She indicates she would like to eventually retire here. Ms. Kuder comes down year-round as this is not just a rental property. This property has never been rented since she has owned it and there are no plans to rent it. The family has grown, and they just need more space when they all get together. Ms. Kuder indicates she is not asking for an apartment but rather extra space for family as this area will not be rented. She indicates she has made general improvements to the existing house and has invested in this property.

The easement is discussed and the neighbors are here tonight in support of this application.

Jerry Freda discusses garage apartments and the requirements of 600 s.f., 1 bedroom, kitchen, bath, 2-car garage and maximum 800 s.f. Jerry indicates this is not a 2-car garage and a variance is needed for 1 parking space and there is no kitchen. There would need to be a driveway up to the garage which may need a lot coverage variance.

Thomas J. Coan – asks if he can ask Mark Kitrick, Esq. a “bookkeeping question”. Mark Kitrick indicates no. Mr. Coan proceeds to ask Ms. Kuder if she bought this lot in its existing state? She indicates yes. He asks if she was unaware it was an undersized lot.

Edward Gorleski, AIA – qualified/accepted – Mr. Gorleski indicates he is familiar with the property and the surrounding area. He reviews the architectural plan and details with the Board. He indicates they could not get another bedroom into the existing house. He indicates they want to demo the existing roof and change the rooflines to be more in line with the surrounding area and the existing house. It is indicated there is approximately 279 s.f. of living space to the stairs. The eaves are 9 ft. 9 inches @ 22.7 feet high which is under the allowable height. The footprint is the same of the existing and the variances are pre-existing and he feels this would fit in with the neighborhood.

Mr. Hirsch describes the structure and offers a deed restriction that there would be no rental of the property.

Jerry Freda asks for a ribbon driveway at a minimum up to the garage and a variance or reduce coverage. A discussion takes place with regard to hardships and lot coverage.

Thomas J. Coan asks about the foundation. It is indicated they do not believe it is on footings.

Justin Auciello, PP, AICP – accepted by the Board – Mr. Auciello feels the site is similar to others and that he is familiar with the surrounding neighborhood his focus was Central to Madison, this site is surrounded by single-family dwellings with 10 accessory structures which are either cottages or garage apartments. The accessory building to the west is much larger than that which is being proposed. He refers to the Leon S. Avakian review report and the variances listed. He feels the benefits of this proposal outweigh any substantial detriment and does not feel this would impact the Zone Plan as he feels this proposal is consistent with the surrounding area.

Thomas J. Coan – Asks for a definition of what this is? It is determined this structure is undefined. Mr. Coan also questions the 10 houses being referred to.

#### Public Comment:

Janice Melnick Sackel – 309 McCabe – sworn in – in full support of the project, wonderful neighbor – does not see any detriments

Thomas J. Coan – 612 Third Ave – sworn in – provides comment on undersized lots and this particular lot and why garage apartments are not permitted.

Thomas J. Hirsch, Esq. provides a summation for the Board.

**Based upon the testimony provided William Psiuk makes a motion to approve the application with the following conditions, moved and seconded by Mayor Larry Fox:**

- 1. Deed Restrict property to indicate there will be no kitchen or rental of the accessory unit.**
- 2. An Easement for the Driveway must be recorded.**
- 3. There be an equalization in impervious coverage to keep at or below 77%**

**Those in Favor:** Mayor Larry Fox, William Psiuk, and Deborah Bruynell

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

**Those Recused:** Harvey Rosenberg

**Those in Opposition:** Robert Mehnert, Liz Hernandez, and Dennis Mayer

**Those Abstained:** None.

**\*\*APPLICATION DENIED – MOTION TO APPROVE DOES NOT CARRY\*\***

**\*\*BOARD TAKES A 5 MINUTE BREAK AND RETURNS – ALL MEMBERS ARE PRESENT INCLUDING HARVEY ROSENBERG\*\***

**LUB23/05 – (Use Variance & Bulk Variances to Construct a Detached Garage Structure with a Bathroom & Covered Patio) – Abby Jordan – Block 68, Lot 9 – 302 Second Avenue –**

Applicant is represented by Michael J. Wenning, Esq. – currently there is a new single-family dwelling, pool, and amenities with BBQ area proposed, originally it was noted a use variance was required; however, Mr. Wenning takes exception to a use variance being required.

Justin Auciello, PP, AICP, Richard Tokarski, Jr., AIA, Michael Intile, PE, PP are sworn in along with Gerald Freda and Christine Bell.

Christine Bell, PP, AICP indicates originally they thought this was a use variance; however, if accessory uses are being proposed then it is not, so we need to know exactly what is being proposed. Jerry Freda indicates the garage has been erected, so we need to know what is there or not.

Justin Auciello, PP, AICP – refers to the Avakian Review page 2, number 3 with regard to use as this is an accessory use not a principal use. Both the house and the garage are currently under construction. An outdoor barbecue cannot function alone.

Richard Tokarski, AIA – accepted – describes the floor plan of the accessory garage structure as it will have storage, laundry, and bathroom. The 3D rendering is reviewed, and the open roofed structure is discussed. Jerry Freda asks why there is a shower and Christine asks if this is a second laundry room from the house? It is indicated the shower would be utilized similar to the way one would use an outdoor shower after the beach or pool and the second laundry is for pool towels etc. as the main laundry is in the principal dwelling.

Jeffrey Beekman asks if it is uncommon to phase development. It is answered no.

Thomas J. Coan – indicates this property would permit a garage apartment, would it not? It is indicated the owners are not interested in a garage apartment.

Michael Intile, PE, PP – qualified/accepted – He indicates they are here for the garage and covered patio. The house and garage are currently under construction. The patio is slightly into the setback area because it is connected to the garage.

Thomas J. Coan asks if there is an underground recharge system? It is indicated yes it's an improvement.

Justin Auciello, PP, AICP – Indicates there is no Use Variance here only Bulk Variances. Mr. Auciello provides testimony in support of the bulk relief requested. He feels there are no negative impacts as this is smaller than what is permitted and he provides additional supporting criteria.

Liz Hernandez asks if the barbecue grill under the roofed area? It is indicated no.

Gary Englestad – sworn in – feels this is an improvement to the property and he is in support of the project.

Thomas J. Coan – sworn in – thinks this project is refreshing and he is in support as this property is not being overbuilt.

**Based upon the testimony provided Dennis Mayer makes a motion to approve the application as presented with the condition that any curb/sidewalk damaged during construction will be replaced, moved and seconded by Robert Mehnert:**

**Those in Favor:** Robert Mehnert, Liz Hernandez, Mayor Larry Fox, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

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

**Those Recused:** None.

**Those in Opposition:** None.

**Those Abstained:** None.

**LUB23/06 – (Bulk Variances for Proposed 2-story Addition at Rear of the Dwelling) – Gregory & Bella Smith – Block 21, Lot 14 – 506 Ocean Park Avenue –**

Applicant is represented by Jeffrey P. Beekman, Esq.

Architect – Michael Moss sworn in with Gerald Freda and Christine Bell

Currently there is a single-family dwelling on this 3,333 s.f. lot and the proposal will meet all setbacks for the new addition. There is a 30-foot height limit on undersized lots. Variances are required for building coverage with the addition they will exceed building coverage by 5% because the setback of 8.5 feet on the east doesn't give 8 feet for the house + 3 feet for the driveway (11 feet). Replacing the driveway in kind to the rear of the addition and adding a ribbon driveway to the garage. The distance between structures is only 17.4 vs. 20 feet required. The proposed addition is described in detail. They are keeping the same number of bedrooms as currently exists and they are compliant with the front yard average setback. Building coverage alone is 685 s.f. approx.. 20% and they are proposed approximately 40.7%. Total building coverage currently at 31.9% with addition. There will be a pulldown attic stair for access to mechanicals and storage only.

Dennis Mayer asks about roof leaders and drainage. Mr. Moss indicates they will add and will comply as there is room onsite for a drywell.

Jerry Freda asks what is in the 6" strip along the property line. It is indicated it will have to be discussed.

Jerry Freda asks if the ribbons being proposed for the driveway toward the rear can be concrete so less of a maintenance issue? It is agreed to use concrete for the ribbons.

Susan Levy – 508 Ocean Park Avenue – property to the west of this site. Ms. Levy asks why the roof is that high if it is just storage with pull down stairs? It is indicated it is within the standard. Ms. Levy asks if the addition overhangs to the west? It is indicated no it does not. Is there a basement? It is small and not finished. Are the windows on the ½ story egress windows? No.

Gregory Smith – sworn in – 506 Ocean Park Ave – describes the east side driveway as it is asphalt now and in the 1-foot area on the east there is currently brick and a drainpipe to the street.

The current basement is approximately 500 s.f. and 7 foot high – there is no plan to finish and no mechanical equipment. It has been vacant and no heat/air now.

This is currently a 3-bedroom home and the same is being proposed with the addition of some closets. The intent is to fix the garages and fire-rate them.

Susan Levy – do you intend to do this work yourself? It is indicated contractors will be needed for some of the work as the owner cannot frame.

Raymond Wade – 507 ½ Ocean Park Avenue – sworn in – in support of the project and feels it will be an improvement.

Susan Levy – 508 Ocean Park Avenue – sworn in – indicates she has concerns with the current conditions of the home and current activities, the time it is taking to make repairs and she does not feel the owner is qualified.

Jeffrey Beekman, Esq. indicates the homeowner is permitted to do work.

A brief discussion takes place with regard to the current conditions at the site.

**Based upon the testimony provided and the plans presented Dennis Mayer makes a motion to approve the application with the variance relief requested with the following conditions, moved and seconded by Harvey Rosenberg:**

- 1. Will comply with drainage and install drywell(s) as directed by Board Engineer.**
- 2. The ribbons leading to detached garage will be constructed of concrete.**
- 3. Garage will be remediated.**
- 4. Required General Notes as indicated by Gerald Freda will be added to the plan for compliance review.**
- 5. The variances for 1 foot setback to driveway, distance between structures, and building coverage are approved.**

**Those in Favor:** Robert Mehnert, Liz Hernandez, Mayor Larry Fox, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

**Those Absent:** Paul Murphy, Councilwoman Meredith DeMarco, JohnEric Advento, Arianna Bocco,

Kelly Reilly-Ierardi, and Lauren Saracene

**Those Recused:** None.

**Those in Opposition:** None.

**Those Abstained:** None.

**LUB23/07 – (Bulk Variances for Construction of a Full 2<sup>nd</sup> Story + ½ Story Above) – Donald Reese – Block 73, Lot 7.02 – 107 Madison Avenue** – Applicant is seeking variances to permit the removal of the existing ½ story and construction of a new full 2<sup>nd</sup> story with ½ story above. Proposed improvements require variances for front and side yard setbacks as the property has an existing non-conformity in lot depth.

**\*\*THIS MATTER WAS NOT HEARD DUE TO TIME CONSTRAINTS. THIS APPLICATION WAS CARRIED TO THE MAY 18, 2023 MEETING WITH NO FURTHER NOTICE BEING REQUIRED\*\***

**Adjournment:**

Next scheduled meeting will be our **Regular Meeting on Thursday, May 18, 2023 at 6:30 PM** which will also take place here in the Municipal Complex Meeting Room located at 701 Main Street in the 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 Harvey Rosenberg moved and seconded by Robert Mehnert. All in favor. Meeting closed at 10:06 PM.

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