

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held in Person at 701 Main Street
Thursday, May 18, 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, Paul Murphy, Councilwoman Meredith DeMarco, Arianna Bocco, Liz Hernandez, Kelly Reilly-Ierardi, Lauren Saracene, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Absent: Robert Mehnert & JohnEric Advento

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

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 April 20, 2023 – Motion to approve and adopt offered by Chair Dennis Mayer, Seconded by Harvey Rosenberg. All eligible members present in favor.

Resolutions Memorialized:

- a. **Resolution 2023-09 – Denial of Bulk Variances for Proposed Living Space Above Existing Detached Garage Structure) – Ann Marie Kuder – Block 36, Lot 7 – 309 ½ McCabe Avenue**
- b. **Resolution 2023-10 – Approval of Bulk Variances to Construct a Detached Garage Structure with a Bathroom & Covered Patio) – Abby Jordan – Block 68, Lot 9 – 302 Second Avenue**
- c. **Resolution 2023-11 – Approval of Bulk Variances for Proposed 2-story Addition at Rear of the Dwelling) – Gregory & Bella Smith – Block 21, Lot 14 – 506 Ocean Park Avenue**

Requests & Applications Considered:

ZB20/14 – (Request for 2-year Extension of Time) - Stacey Pelliccio-Caponegro – Block 56, Lot 15 – 510 Fourth Avenue – Applicant is seeking a 2-year extension of variance approval. Original approval was granted by the Zoning Board of Adjustment per Resolution No. 2020-16 which was memorialized on December 17, 2020. Applicant received Resolution Compliance on December 21, 2020; however, due to the untimely passing of her late husband Frank Caponegro the permit/construction process never began and she should like the opportunity to revisit the project financially and emotionally when the time comes.

Stacey Pelliccio-Caponegro was sworn in and provided her reasons supporting her request.

Based upon the testimony provided and the timeline associated with this request, Dennis Mayer makes a motion to approve the request of a 2-year extension of time which will expire on December 17, 2024, moved and seconded by Lauren Saracene:

Those in Favor: Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Liz Hernandez, Councilwoman Meredith DeMarco, Mayor Larry Fox, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Robert Mehnert and JohnEric Advento

Those Recused: None.

Those in Opposition: None.

Those Abstained: None.

ZB21/06 – (Request for Extension of Time) – Thomas J. Coan – Block 58, Lot 10 – 401 Main Street – Applicant is seeking an extension of original variance approval which was granted by the Zoning Board of Adjustment per Resolution No. 2021-16. Due to multiple negative impacts to the prior tenant's business they never installed the approved awnings. There is currently a new tenant who wishes to keep the option to add the awnings as their business establishes and grows; however, capital is a consideration in the awning installation at this time.

Nicholas D. Norcia, Esq. of The Kelly Firm appeared on behalf of Mr. Coan. Mr. Norcia indicates his client is looking for an extension from the original June 17, 2021 approval for the new tenant. The new tenant currently has a second successful location in Metuchen. The site currently has a completely different set-up than RARE the prior tenant. The current tenant has spent a significant amount of money to renovate the existing site besides the substantial delays in the change of tenancy which has not permitted them to install the awnings which were approved.

They are asking for a 2-year extension of time. A discussion takes place and the Board is inclined to grant a 1-year extension of time.

Based upon the reasons supporting this request, Dennis Mayer makes a motion to approve a 1-year extension of time which will expire on June 17, 2024, moved and seconded by Lauren Saracene:

Those in Favor: Paul Murphy, Lauren Saracene, Liz Hernandez, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Robert Mehnert and JohnEric Advento

Those Recused: None.

Those in Opposition: Kelly Reilly-Ierardi

Those Abstained: Councilwoman Meredith DeMarco and Mayor Larry Fox

LUB23/07 – (Bulk Variances for Construction of a Full 2nd 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 2nd 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. *****CARRIED FROM APRIL 20, 2023 MEETING WITH NO FURTHER NOTICE BEING REQUIRED DUE TO TIME CONSTRAINTS*****

Donald Reese owner of 107 Madison Avenue is sworn in along with the Board's Professionals.

Mr. Reese explains he moved into this location full time in 2020. Currently there is a ½ story with extremely small bedrooms. This property was previously utilized as a rental and it is not big enough for full-time living.

There are two (2) pre-existing non-conforming conditions with regard to the left side yard setback and front yard setback due to the street running on an angle. This is an existing 4-bedroom home and they are proposing a total of 5 bedrooms.

Dennis Mayer asks if the parking is deficient it is indicated no, only variances required are for the pre-existing setbacks.

Arianna Bocco asks about the proposed height? It is indicated to be 34.7 feet which is permitted.

The Board asks if the applicant can maintain the home as a 4-bedroom dwelling.

Neighboring homes are discussed with small properties and large homes. Mr. Reese indicates he plans on continuing to utilize one of the bedrooms as an office.

Jerry Freda asks about mechanicals. It is indicated they are staying where they exist. Jerry Freda recommends a drywell for the gutters in the front corner (north side) which will be subject to review and approval by the Board Engineer should the Board vote in favor of the application.

Christine Bell explains how the Applicant can meet the necessary criteria for the granting of "c" variances.

Deborah Bruynell asks if there is anything proposed on the first floor? Nothing is proposed with the first floor.

No public appeared regarding this application.

Based upon the application submitted and the testimony provided, Dennis Mayer makes a motion to approve the application for the 2 variances with the condition of a drywell being installed at the direction of the Board Engineer, moved and seconded by Councilwoman Meredith DeMarco:

Those in Favor: Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Liz Hernandez, Councilwoman Meredith DeMarco, Mayor Larry Fox, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Robert Mehnert and JohnEric Advento

Those Recused: None.

Those in Opposition: None.

Those Abstained: None.

LUB23/08 – (Appeal of Zoning Officer’s Determination and in the Alternative Bulk Variance Relief for the Construction of a New Single Family Home with Detached Garage on this Non-Conforming Lot) – Scott & Susan Schwartz – Block 10, Lot 25.02 – 208 ½ Newark Avenue – Applicant is seeking an Appeal of the Zoning Officer’s Determination with regard to their Zoning Permit Denial for the proposed construction a new single family home with detached garage on this non-conforming lot. If the Board finds in favor of the Zoning Officer’s Determination then the Applicant wishes to pursue any variance relief deemed necessary by the Board for their proposal.

Applicant is represented by Michael J. Wenning, Esq.

Mr. Wenning explains that this was a vacant lot at the time of purchase in July 2021. They were told by the previous Zoning Officer prior to purchase that a home could be built on this lot without the need for variance relief. The Applicants then submitted for Zoning Permits to construct and were ultimately denied.

There is a requirement of 5,000 s.f. in the zone and this lot contains 4,650 s.f. which is a pre-existing condition. This proposal is for a conforming single family home on a vacant lot and no variances are being requested.

There is reference to Ordinance Section 450-12(g) which states “In any residential zone, any existing lot on which a dwelling is located and: 1) which lot does not meet the minimum lot size, width, or depth, or 2) on which lot there is a structure which violates any bulk requirements, may make improvements to said lot or structures thereon without any appeal for variance relief, provided that the proposed improvements do not create new or expand existing nonconformities or variances. This exception shall not be construed to apply to any lot on which there is any nonconforming use.”

Jerry Freda describes the Ordinance Committee which had been established sometime ago of which he was a member and he explains the purpose of this Ordinance was to permit just this. Jerry feels the Board should consider not supporting the Zoning Officer’s decision in this case.

It is explained that additional Ordinance changes are coming.

Donna Barr – Zoning Officer – is sworn in and explains her point of view and that there is no definition of “improvements” and whether that applies to existing or new or vacant lots or not.

Jerry Freda provides further explanation and Donna Barr indicates that the Zoning Bulk Schedule also needs to be corrected to coincide with the Ordinances.

Jeffrey Beekman, Esq. describes a prior application he had and was happy for the change. He indicates he believes this was the spirit of this Ordinance to not burden the residents with having to apply for variances for these undersized lots.

Michael Moss, AIA – sworn in – Mr. Moss indicates he wants to reinforce Mr. Beekman’s comment and describes a prior application that had been before Mr. Mulcahy. It was a 33’ x 100’ lot which was approved through Zoning with no problem. Indicates confusion with the current language.

Mary Hearn, AIA – sworn in – Mr. Hearn indicates she volunteered to work on the Ordinance Committee and agrees this was the spirit of the current ordinance so as not to delay undersized lots.

Mark Kitrick, Esq. – explains if the Board feels there is sufficient evidence that there is a basis for granting the Appeal of the Zoning Officer.

A heated discussion takes place between Board Members and Professionals.

Dennis Mayer states the problem is the Ordinance and it needs to be corrected. The way the current Ordinance reads he understands how the Zoning Officer came to her conclusion that variances were needed. However, due to the fact that the Applicants did their due diligence and received documentation from the prior Zoning Officer that indicated variances would not be necessary, he feels inclined to grant the Applicants’ request for appeal of the current Zoning Officer’s decision.

Based upon the application submitted and the testimony provided, Dennis Mayer makes a motion to grant the Applicants’ Appeal of the Zoning Officer’s Decision, moved and seconded by William Psiuk:

Those in Favor: Kelly Reilly-Ierardi, Lauren Saracene, Liz Hernandez, Councilwoman Meredith DeMarco, Mayor Larry Fox, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Robert Mehnert and JohnEric Advento

Those Recused: None.

Those in Opposition: Paul Murphy

Those Abstained: None.

****THE BOARD TAKES A BRIEF RECESS AT 8:06 PM and RETURNS AT 8:16 PM. ALL MEMBERS STILL PRESENT****

LUB22/21 – (Bulk Variances for Demolition of Existing Dwelling and Construction of a New 2 ½ Story Dwelling on Undersized Lot) – Paul Alonzo – Block 14, Lot 9 – 121 Newark Avenue - Applicant seeking bulk variance relief to remove the existing dwelling in its entirety and construct a new 2 ½ story dwelling requiring variances for front yard setback to porch, upper porch, and dwelling; side yard setback, rear yard setback, building coverage, impervious coverage, and for the proposed ½ story. **PARTIALLY HEARD ON FEBRUARY 23, 2023 AND CARRIED TO MARCH 16, 2023, REVISED PLANS WERE NOT REVISED AND SUBMITTED WITHIN THE REQUIRED 10-DAY PERIOD PRIOR TO HEARING; THEREFORE, THIS MATTER WAS CARRIED TO THIS MEETING DATE WITHOUT FURTHER NOTICE BEING REQUIRED TO ALLOW TIME FOR SUBMISSION AND REVIEW OF REVISED PLANS******

Applicant is represented by Jeffrey P. Beekman, Esq.

Michael Moss, AIA and Joseph Kociuba, PE, PP to testify.

Michael Moss, AIA indicates every effort has been made to adhere to this undersized lot; however, they want to maintain the living area as much as possible to make this project worth doing. They have reduced the 1st floor ceiling to a standard 8 ft. height, reduced the 1st and 2nd level floor joists to 8" vs. 10" which saves 4" between the 1st and 2nd floors. 2nd floor lowered to 7' 4" which is another 8" on the 2nd floor. The roof pitch has been changed to 8:12 which is a little lower instead which reduced by 4' 1" where 25'8" total to ridge.

Sheet Z-3 elevations – HVAC to be located in the center of the rooftop hidden by parapet roof to cut down on vibration in bedrooms. There are vaulted ceilings in the front and back rooms.

Everything else remains.

The basement level is reviewed – going down 5' 10" below grade depending upon results of soil borings while working on project will reduce the basement height if necessary. 25.66 feet assumed of extra block necessary requesting relief of 26 ½ ft.

Exhibit A-3 – corner of Beach & Newark – Photo of similar project (size & scale).

With regard to the walkways will be replacing stepping stones with decking to reduce impervious – Jerry Freda recommends leaving stepping stones and the Board granting impervious variance as it is de minimus.

Dennis Mayer – Requests that the 2nd floor bedroom in the rear not have a slider door but rather a window – Agreed to by Applicant. They also withdraw their request for height and 25.66 ft. will remain.

It is indicated they will have to run drainage to the street as there is no room for a drywell.

And as far as the front porch, it will have a hinge to access the storage underneath.

Joseph Kociuba, PE, PP – sworn in and accepted by the Board.

Exhibit A-4 – Aerial/Zone Exhibit – shows 2-story homes and undersized lots in the area which is discussed.

c(1) and c(2) criteria are reviewed which would allow for the granting of the variances being requested.

As far as the negative criteria, Mr. Kociuba does not believe exists as the setbacks are remaining the same and some of the existing conditions are being reduced. This current dwelling has significant deficiencies and will be brought up to Code.

John Mok – 119A Newark Ave – sworn in – indicates he has been a neighbor for over 60 years and is in support of the application.

Rick Bartolomei – 116 Newark Ave – sworn in – neighbor across the street and is in support of the application.

Jeffrey Beekman, Esq. provides his summation for the Board.

Based upon the application submitted, the plans as revised, and the concessions made, and the testimony provided, Dennis Mayer makes a motion to Approve the application as discussed and revised to eliminate the slider in the rear, moved and seconded by Harvey Rosenberg:

Those in Favor: Paul Murphy, Kelly Reilly-Ierardi, Lauren Saracene, Liz Hernandez, Councilwoman Meredith DeMarco, Mayor Larry Fox, William Psiuk, Harvey Rosenberg, and Dennis Mayer

Those Absent: Robert Mehnert and JohnEric Advento

Those Recused: None.

Those in Opposition: None.

Those Abstained: None.

Adjournment:

Next scheduled meeting will be our **Regular Meeting on Thursday, June 15, 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 Dennis Mayer moved and seconded by Harvey Rosenberg. All in favor. Meeting closed at 9:04 PM.

Minutes submitted by Kristie Dickert, Board Secretary