

**Bradley Beach Land Use Board  
Regular Meeting Minutes  
Meeting Held in Person at 701 Main Street  
Thursday, June 15, 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: Paul Murphy (arrived 6:47 PM), Councilwoman Meredith DeMarco, Arianna Bocco, Kelly Reilly-Ierardi, Robert Mehnert, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Absent: Mayor Larry Fox, JohnEric Advento, Liz Hernandez, 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 May 18, 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 2023-12** – Approval of 2-year Extension of Time - Stacey Pelliccio-Caponegro – Block 56, Lot 15 – 510 Fourth Avenue
- b. **Resolution 2023-13** – Approval of 1-year Extension of Time – Thomas J. Coan – Block 58, Lot 10 – 401 Main Street
- c. **Resolution 2023-14** – Approval of 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
- d. **Resolution 2023-15** – Granting Appeal of Zoning Officer's Determination – Scott & Susan Schwartz – Block 10, Lot 25.02 – 208 ½ Newark Avenue
- e. **Resolution 2023-16** – Approval of Bulk Variances for Demolition of Existing Dwelling and Construction of a New Dwelling on Undersized Lot) – Paul Alonzo – Block 14, Lot 9 – 121 Newark Avenue

## **Applications Considered:**

**LUB23/13 – (Request for Certificate of Non-Conforming Use) - Paul & Irene Laki and Dave & Debora Knoeller – Block 83, Lot 6 – 19-21 Pacific Avenue** – Applicant is seeking a Certificate of Non-Conforming Use that the subject property was constructed and utilized as a two (2) family residence prior to the adoption of the Bradley Beach Zoning Ordinance.

Mark R. Aikins, Esq. provides introduction and asks that Sanford Brown, Esq. take over the application before the Board.

Mark Kitrick, Esq. advises the Board that this is the first time this type of application has appeared before this Board. He proceeds to describe the statute and arguments necessary to be provided by the Applicant.

It is described that back in 2007, Kevin Kennedy, Esq. represented the buyers of this property. The Code Officer at the time classified the dwelling as a duplex. The Architect will confirm that this structure was built as a 2-family structure back in the 1920's. The utilities for each of the units is separate and it has remained a 2-family structure since built and owned.

Sanford Brown, Esq. indicates that Ms. Laki & Ms. Knoeller are available as witnesses if needed; however, would like to introduce the architect at this time.

Richard Tokarski, AIA is sworn in along with Gerald Freda & Christine Bell (Board Professionals).

Mr. Tokarski is accepted by the Board as an expert in architecture. Mr. Tokarski reviews his report which has been provided to the Board regarding the existing structure. It appears to have been built sometime between 1920-1933. The structures were built side-by-side and are split by a concrete wall with the exception of the attic area which is common and open to both units as it was constructed that way originally.

William Psiuk asks if this is a fire wall? It is indicated that it goes up through the ceiling of the 2<sup>nd</sup> floor.

Back in 1964 there was a change in the ordinance; however, this has always been a 2-unit home with separate utilities and meters.

Jerry Freda, PE asks about the size of the lot. It is indicated it is 60 x 50

Dennis Mayer asks what the purpose of this application is and what it gets the applicants? It is indicated it is just formal recognition that this is a legally existing 2-family residence and it still exists today.

Deborah Bruynell asks why it took so long to do this. It was indicated that at the time of the Ordinance it probably was not known that this avenue existed.

Jerry Freda asks about subdivision? It is indicated that there is no intention to subdivide the property and if a subdivision were proposed it would have to appear before this Board again.

**Based upon the proofs submitted and testimony provided supporting this request, Dennis Mayer makes a motion to approve the issuance of a Certificate of Non-Conformity via Resolution, moved and seconded by William Psiuk:**

**Those in Favor:** Robert Mehnert, Kelly Reilly-Ierardi, William Psiuk, Deborah Bruynell, Arianna Bocco, Harvey Rosenberg, and Dennis Mayer

**Those Absent:** Mayor Larry Fox, Lauren Saracene, Liz Hernandez, JohnEric Advento, and Paul Murphy (arrived late at 6:47 PM)

**Those Ineligible:** Councilwoman Meredith DeMarco

**Those in Opposition:** None.

**Those Abstained:** None.

**LUB23/10 – (Bulk Variances for Relocation of Existing Dwelling with new 2 ½ story addition) – Reynolds/Palmerin – Block 25, Lots 14 & 15 – 100 Ocean Park Avenue** – Applicant is proposing to lift and relocate the existing two-family dwelling on the lot to a new foundation so that it is located more uniformly on this slightly irregular lot. The Applicant is also proposing to add a garage below the first floor and add a 2 ½ story addition that will raise the existing height from 28.33' to 29.75' within a portion of the dwelling.

Applicant is represented by Jeffrey P. Beekman, Esq.

Regina Reynolds, Michael Moss, AIA, Joe Kociuba, PE, PP – sworn in with Gerald Freda, PE and Christine Bell, PP, AICP.

Regina Reynolds – purchased property in 2014. The plan is to straighten out the home and place an addition off the back with a garage.

Mike Moss, AIA – describes the plans and depth of proposed garage as being 2-3 feet below the existing sidewalk in the area. Will provide soil borings and a grading plan, if proposal is approved. The proposed ½ story is discussed. There are currently 4 bedrooms existing in the home and 5 bedrooms are being proposed.

Joseph Kociuba, PE, PP – provides testimony with regard to the variances requested and discusses the surrounding area and the ½ story. Coverage and parking is compliant.

Public Comment:

James Hudak – 900 Ocean Avenue – in support of the application – especially the parking.

Jeffrey Beekman, Esq. provides a summation of the application and requests the Board approve this application.

**Based upon the application submitted and the testimony provided, Dennis Mayer makes a motion to approve the application as presented and compliance with the comments of the Board Engineer's letter, moved and seconded by Robert Mehnert:**

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

**Those Absent:** Mayor Larry Fox, Lauren Saracene, Liz Hernandez, and JohnEric Advento

**Those in Opposition:** None.

**Those Abstained:** None.

**LUB23/11 – (Bulk Variances for Demolition of Existing Detached Garage & Additions)) – Neil & Susan Wasser – Block 22, Lot 12 – 400 Ocean Park Avenue** – Applicant is proposing to remove the existing detached garage and proposing an attached garage. Improvements also include a ½ story addition with a small addition to the west side and rear of the dwelling.

Applicant is represented by Jeffrey P. Beekman, Esq.

Neil Wasser, Michael Moss, AIA, Joseph Kociuba, PE, PP – all sworn in with Gerald Freda, PE and Christine Bell, PP, AICP.

It is indicated that since this is a corner lot and it meets the frontage requirements variances are needed; however, they are mostly existing conditions.

Neil Wasser indicates this has been their primary residence since 2015 and have lived there permanently since last June. There was a Soil Boring and Engineering Inspection performed – the house was built in 1924. It was found to have some foundation concerns which can be remedied. This is a single-family home and he believes he is the 3<sup>rd</sup> owner. It is a Craftsman style home and they wish to maintain the style to the extent possible.

Jeffrey Beekman, Esq. refers to General Comments in the Avakian report and indicates they have no objection to any of the comments contained therein.

Michael Moss, AIA – indicates they wish to modify the garage location – Sheet Z-1 is reviewed/described. The non-conforming detached garage will be demolished and an attached garage will be constructed. Will provide a 3.8 foot setback which is an improvement from the existing 1.5 foot setback. This proposal will accommodate 3 off-street parking spaces. The setbacks are described – proposed and existing. The dwelling has 17.2 existing and proposed. The porch is being extended 3 feet and aligns with existing conditions.

Exhibit A-1 revised with bay window.

Harvey Rosenberg – asks why the driveway is so big – It is said the driveway is conforming.

Arianna Bocco questions the basement – it is not a full basement it is just storage space, it is not finished and it will not be habitable.

Paul Murphy asks about the ceiling height and egress window while there is no closet it is habitable space.

Robert Mehnert – regarding the existing plot plan and the proposed – the concrete wall appears to be in the Borough right-of-way. It is indicated the wall will have to be removed and moved back or they will have to seek Council approval for the wall to remain.

Kelly Reilly-Ierardi – asks if they can meet the coverage

First floor dimensions are discussed.

**\*\*THE BOARD TAKES A BRIEF RECESS AT 8:07 PM and RETURNS AT 8:11 PM. ALL MEMBERS STILL PRESENT\*\***

It is indicated they can remove 22 s.f. which will result in a 0.63% reduction and they will be 37.17% over.

Exhibit A-2 – photos of property and surrounding area taken by Joseph Kociuba. Mr. Kociuba provides testimony regarding the justification for the variances requested. There is a hardship in trying to utilize and maintain the existing structure. The overall impervious coverage is under, while the building coverage is slightly over what is permitted.

Public Comment:

Robert Sorrentino – 401 Ocean Park Avenue - in support of the application as is.

Betty Blum – 902 Madison Avenue – resident for 66 years – delighted with the Wasser's and thinks design is good, no objections, thinks it will be beautiful as porches are important.

Carla Cruck – 404 Ocean Park Avenue – feels the plans are gorgeous and it will enhance the neighborhood.

Bruce Anderson – 402 Ocean Park Avenue – lived here since 1996 – in support of the application and indicates porches are an important component to Bradley Beach and enjoyed by the residents.

Jeffrey Beekman, Esq. provides a summation and requests the Board approve the application.

**Based upon the application submitted and the testimony provided, Kelly Reilly-Ierardi makes a motion to approve the application with the changes as discussed and the removal of the wall in the Borough Right-of-Way as well as compliance with the comments of the Board Engineer's letter, moved and seconded by Harvey Rosenberg:**

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

**Those Absent:** Mayor Larry Fox, Lauren Saracene, Liz Hernandez, and JohnEric Advento

**Those in Opposition:** None.

**Those Abstained:** None.

**\*\*COUNCILWOMAN MEREDITH DEMARCO IS EXCUSED AS THE FOLLOWING APPLICATION INVOLVES A USE VARIANCE\*\***

**LUB23/12 – (Use and Bulk Variances to Renovate Existing Commercial Building and Make It A Single-Family Dwelling) – David & Tina Sacci – block 83, Lot 13 – 28 Main Street –** Applicant is proposing renovations to the existing building and changing the use to a single-family dwelling requiring use variance and bulk variances for rear yard setback, driveway apron widths, and driveway widths.

Applicant is represented by Jeffrey P. Beekman, Esq.

George Artolino – Representative of the current owner, Kingdom Hall – sworn in with Gerald Freda, PE and Christine Bell, PP, AICP.

Cortney Wall, AIA and Joseph Kociuba, PE, PP – were not sworn in as time will probably not permit them to testify.

Mr. Artolino indicates they have been in this location for 8-9 years. Since the property has been listed for sale, so far this is as far as they have gotten as there has been no interest in the property.

Exhibit A-1 – denial of the application in April 21, 2022.

Exhibit A-2 – Packet with e-mail, letter from J. Beekman, and Zoning Application of 5/6/2022.

Parking is discussed as there has been difficulty and it has been problematic.

David Sacci – sworn in – he is the contract purchaser. He indicates he is a current resident in Bradley Beach and understands he will need approval from the State for the driveway, but the plan is just to renovate the existing building inside and out.

**DUE TO THE LATE HOUR, IT IS AGREED TO BY THE APPLICANT AND THE BOARD NOT TO BEGIN ADDITIONAL WITNESSES/TESTIMONY AND TO CARRY THIS MATTER TO THE JULY 20, 2023 MEETING WITH NO FURTHER NOTICE BEING REQUIRED.**

**Adjournment:**

Next scheduled meeting will be our **Regular Meeting on Thursday, July 20, 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 Robert Mehnert. All in favor. Meeting closed at 10:00 PM.

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