

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held in Person at 701 Main Street
Thursday, October 19, 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, Arianna Bocco, Liz Hernandez, Kelly Reilly-Ierardi, Robert Mehnert, William Psiuk, Lauren Saracene, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Absent: Mayor Larry Fox and JohnEric Advento

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

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

Land Use Board Planning Discussion Items: Discussion takes place with regard to proposed Ordinance No. 2023-12 and the upcoming Consistency Review. It is agreed by the Board to hold a Special Meeting on November 9, 2023 at 6:30 PM in order to review the proposed Ordinance for consistency and possibly make recommendations to Council. All in favor agreed since there are a number of members who will not be available to attend the November 16th meeting.

Approval and Adoption of Meeting Minutes from the Regular Meeting of September 21, 2023 – Motion to approve and adopt offered by Dennis Mayer, Seconded by Harvey Rosenberg. All eligible members present in favor.

Resolutions Memorialized:

- a. **Resolution 2023-24** – Approval of Bulk Variances for Addition & Renovation to Existing Home – Dennis & Kristen Howar – Block 21, Lot 1 – 904 Hammond Avenue
- b. **Resolution 2023-25** – Approval of Bulk Variance to Retain a Portion of Existing 6 Foot Fence – John DiBari – Block 88, Lot 2 – 519 Burlington Avenue

Applications Considered:

LUB23/19 – (Bulk Variance for New Single-Family Dwelling on an Undersized Lot) – Gary and Mariann Maita – Block 10, Lot 23 – 204 Newark Avenue

****ROBERT MEHNERT IS RECUSED FROM THIS APPLICATION****

Public Notice was reviewed, and the Board accepts jurisdiction.

Jennifer S. Krimko, Esq., attorney for the applicant, explains that the only variance being requested is for the pre-existing condition of the current lot width. The project complies with all remaining bulk standards.

Mary Hearn, AIA – sworn in – qualified/accepted.

Exhibit A-1 – Survey of Property

Exhibit A-2 – Architectural Plans

Again, no variances being requested except pre-existing lot width. It is agreed that all comments contained in the Board Engineer's Review Report will be complied with.

Public

Ray Roderick – 202 Newark Avenue – doesn't understand why here. Ms. Krimko explains the process and that other than the pre-existing size of the lot with non-conforming width there are no other variances being requested.

Based upon the application submitted and the testimony provided, Chair Dennis Mayer makes a motion to approve this application as presented; moved and seconded by Harvey Rosenberg:

Those in Favor: Paul Murphy, Arianna Bocco, Liz Hernandez, Kelly Reilly-Ierardi, William Psiuk, Lauren Saracene, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Those Absent: Mayor Larry Fox and JohnEric Advento

Those Recused: Robert Mehnert

Those in Opposition: None.

Those Abstained: None.

LUB23/21 – (Bulk Variances for Renovation of Existing 2 ½ story Single Family Dwelling) – Eric Feuerlicht & William Kinser – Block 13, Lot 4.02 – 127 Cliff Avenue

****ROBERT MEHNERT RETURNS****

Thomas J. Hirsch, Esq. for the Applicants

Edward Gorleski, AIA – Architect, Justin Auciello, PP, AICP – Planner, and William Kinser – Applicant are all sworn in with Gerald Freda, PE, PP, CME – Board Engineer.

Mr. Hirsch explains the application before the Board and discusses the “d” variance identified as being required. The Applicant has already agreed to reduce the height to be less than the 10% so therefore, there is no longer a “d” variance required or being requested.

Mr. Kinser – owner of the property with Mr. Feuerlicht – indicates they purchased the property in November of last year to be utilized as their primary residence with no intention to rent.

The existing house is 33.3 feet in height and applicant is proposing to stay within the existing footprint just enclosing the existing porch and removing the deck by creating an enclosed addition in its place. Three (3) bedrooms are still being proposed just adding a Master Suite to the 3rd floor and keeping 2 bedrooms on the first floor. The existing deck/sunroom is questioned, and it is indicated it is all being reconstructed and enclosed.

Edward Gorleski, AIA – qualified and accepted – Mr. Gorleski indicates most of the work pertains to the interior of the house which is being reconfigured to be more functional an office area is needed as the applicants work from home. The elevator is being proposed as this plan is for long-term use of the home. There will be no increase in building coverage from what exists there today.

A-1 – photo on Left is existing and photo on Right is proposed rendering.

Height is discussed and it is indicated where the 33.3 feet is being reduced to 32.9 feet.

The 3rd level balcony will be brought back 6” to eliminate the requested variance. He indicates this home will fit nicely into the surrounding neighborhood.

There is a question if the pitch can be changed to lower the roof and possibly conform and eliminate the requested variance.

Jerry Freda discusses some options for the roof.

Harvey Rosenberg asks about A/C condensers.

Thomas J. Coan – 612 Third Avenue – questions the sunroom foundation and if the roof over the mechanical area can be reduced to the permitted 30 feet? Will be considered.

Justin Auciello, PP, AICP – accepted – describes the site and the surrounding area. He indicates he has reviewed the plans, reports, ordinance, and Master Plan. He proceeds to review the Avakian Review Report and indicates the variances eliminated as far as the nonconformities, those exist today and there will be no changes as they cannot change the lot. The proposed building and lot coverage conform which is important and the house currently consists of 3 stories.

Mr. Auciello discusses the positive aspects of the proposal and feels this is the best alternative. He feels the design respects the character of the neighborhood and feels the “c” 1 criteria applies in this situation. He feels this is a substantial benefit to the character of the street, it is respectful of the Master Plan, and most of the neighborhood has gable type roofs like what is being proposed here.

Arianna Bocco – does the building coverage include the existing deck? Yes.

Thomas J. Coan – questions impervious coverage

Mr. Hirsch summarizes the application and discusses the roof.

****8:08 PM – the Board takes a brief recess and returns at 8:15 PM – all members still present****

Mark Kitrick asks if a decision has been made? Mr. Hirsch indicates his client agrees to lower the roof in the rear over the mechanicals to 30 feet. He indicates there are two (2) zones proposed; therefore, a variance will be needed to add the 2nd A/C condenser.

Thomas J. Coan – 612 Third Avenue – sworn in – appreciates the design standards and does supply parking and that they are maintaining 3 bedrooms. The main house is as 33.3 feet, so he appreciates the change in the rear, so it is an overall struggle.

Thomas J. Hirsch, Esq. provides his closing statement. He cites case law and hardships and the existing nature of the lot dominated as to where the addition can go as they applicant has done their best to stay within the exiting footprint – variances are discussed and the unique characterization of the lot.

1. Front balcony is being reduced so will comply.
2. Variance requested for 2nd A/C condenser on the West side.
3. Roofline height in the front will remain the same; however, the rear addition roof will be brought down to 30 feet.
4. Roof leaders will be tied into drainage system.
5. 3-bedroom single-family home with existing parking and no change to setbacks.

Based upon the application submitted and the testimony provided, Chair Dennis Mayer makes a motion to approve this application as presented with the changes as discussed; moved and seconded by Harvey Rosenberg:

Those in Favor: Paul Murphy, Robert Mehnert, Kelly Reilly-Ierardi, Lauren Saracene, Liz Hernandez, William Psiuk, Deborah Bruynell, Harvey Rosenberg, and Dennis Mayer

Those Absent: Mayor Larry Fox and JohnEric Advento

Those Recused: None.

Those in Opposition: None.

Those Abstained: None.

LUB23/22 – (Bulk Variances for Construction of New Single-Family Dwelling on an Undersized Lot) – Christopher & Laura Pettine – Block 23, Lot 12 – 301A Park Place Avenue

Thomas J. Hirsch, Esq. representing the applicants shows a board with photos of streetscape. He indicates this home was purchased as a 2nd home for the applicants and it contains a lot of structural defects. Recently this has become more of their primary residence, and they wish to make it their permanent primary home. There is a structural report available.

Christopher Pettine – Applicant/Owner, Edward Gorleski, AIA – Architect, Doug Clelland, PE – Engineer, and Justin Auciello, PP, AICP – Planner are all sworn in with Gerald Freda, PE, PP, CME – Board Engineer.

Exhibit A-1 – Photo Board containing 8 photos.

Christopher Pettine – indicates they closed on the home in 2019 – the original plan was to split their time between Bradley Beach and Manhattan. Most of their time has been spent here in Bradley Beach. A Structural Engineer had been retained when purchasing the home and in essence it was deemed “livable” but he was not comfortable approving it for renovation work. It was recommended a complete tear down and rebuild if the home was not being left “as-is”

The photos are described – top left is the front of Block 23, top right is the sight lines. Additional photos 2nd from left – their home is on the left. The bottom row is homes in the immediate area. Homes built in 1914 were identical originally.

Mr. Pettine indicates the existing house has a basement and they are proposing a basement and there is no parking on site available.

Thomas J. Coan – asks if when the Engineer said the house was livable did you read the ordinances? Chris indicates yes he did.

Doug Clelland, PE – qualified/accepted – describes the project and property as well as the location, zone, and variances being requested.

Exhibit A-2 – Colorized Rendering of Plot Plan.

Utilities are available and discussed as well as stormwater management and positive drainage as swales are being created to direct runoff toward the street. Roof leaders will be tied to pop-up emitters and sump pump outlet will comply.

Letters “A” through “G” of the Engineer’s Report will be complied with.

Exhibit A-3 – Neighborhood Rendering

Thomas J. Coan – Questions why they cannot meet the 35% building coverage requirement? It is indicated that due to the undersized nature of the lot they cannot. Mr. Coan asks why they can’t build something that complies? Mr. Clelland indicates he is not the architect and cannot answer.

Edward Gorleski, AIA – accepted – Indicates he designed a new single-family dwelling according to his clients’ scope of work which included a 2-bedroom 3 ½ bath house. They are working from home and require 2 office spaces. Offices are small and not to code for bedroom purposes. The proposed basement is for storage and mechanicals. They are proposing to maintain the front setback and the sides and rear now conform.

Exhibit A-4 – Color Rendering of Existing and Proposed Structure

Harvey Rosenberg asks what the height of the proposed basement will be. Mr. Gorleski answers 8 feet or maybe less they are going down 6 feet.

Kelly Reilly-Ierardi asks what the ceiling heights in the ½ story are. It is indicated they are 7’ 6” at the outside edges/slope. Ms. Reilly-Ierardi feels this can be made smaller and the coverage less as there is 44% existing and 52% proposed. Right now, her vote is a “NO”.

Thomas J. Coan – have there been soil borings done? Yes – Can you fit offices in the basement? Anything is possible.

Justin Auciello, PP, AICP – Planner – accepted – Feels this home fits the rhythm and character of the area, there will be positive drainage from that which exists, and it will improve the overall aesthetics. He provides

the necessary positive and negative criteria with regard to the requested variances.

Thomas J. Coan – Questions if parking is a variance?

Jerry Freda – asks how many rooms exist now? There are currently 3 bedrooms but taking it down to 2 bedrooms.

****THE BOARD TAKES A BRIEF RECESS & RETURNS AT 9:36 PM – ALL MEMBERS STILL PRESENT****

Mr. Hirsch indicates that his client has agreed to a porch depth of 8 feet which reduces the coverage.

George Lipari – 301 Park Place Ave – thanks the Board and indicates his property abuts this one on the East side and thanks the applicants. He feels they are a nice young couple, and he is here tonight asking the Board to approve this project with the variances.

Jennifer Morrison – 905 Central Avenue – supports the project as she lives behind this house.

Thomas J. Coan – Disagrees and does not feel there is a hardship here.

John Caronia – in favor of the project and lives 2 doors down.

Thomas J. Hirsch, Esq. provides a closing statement and responds to the comment regarding ordinances and that they should be strictly followed. He discusses criteria and balance and the purpose of this Board.

Variances and conditions:

1. Variance for parking
2. ½ story because at 30' height.
3. Reduce porch to 8 feet will reduce front yard setback variance and building coverage.
4. Roof drains will be tied in, and Board Engineer's letter will be complied with.

Based upon the application submitted and the testimony provided, Chair Dennis Mayer makes a motion to approve this application as presented with the conditions and changes as discussed; moved and seconded by Harvey Rosenberg:

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

Those Absent: Mayor Larry Fox and JohnEric Advento

Those Recused: None.

Those in Opposition: Kelly Reilly-Ierardi

Those Abstained: None.

Adjournment:

Next scheduled meeting will be our **Special Meeting on Thursday, November 9, 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 Chair Dennis Mayer moved and seconded by Harvey Rosenberg. All in favor. Meeting closed at 9:45 PM.

Minutes submitted by Kristie Dickert, Board Secretary