

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held in Person at 701 Main Street
Thursday, November 16, 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: JohnEric Advento, Councilwoman Kristen Mahoney, Liz Hernandez, Kelly Reilly-Ierardi, Robert Mehnert, William Psiuk, and Deborah Bruynell

Absent: Mayor Larry Fox, Paul Murphy, Arianna Bocco, Dennis Mayer, Harvey Rosenberg, and Lauren Saracene

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

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

Approval and Adoption of Meeting Minutes from the Regular Meeting of October 19, 2023 –

Motion to approve and adopt offered by Kelly Reilly-Ierardi, Seconded by William Psiuk. All eligible members present in favor.

Resolutions Memorialized:

- a. **Resolution 2023-26** – Approval of Bulk Variances for Renovation of Existing 2 ½ story Single Family Dwelling – Eric Feuerlicht & William Kinser – Block 13, Lot 4.02 – 127 Cliff Avenue
- b. **Resolution 2023-27** – Approval of Bulk Variances for Construction of New Single-Family Dwelling on an Undersized Lot – Christopher & Laura Pettine – Block 23, Lot 12 – 301A Park Place Avenue
- c. **Resolution 2023-29** – Approval of Bulk Variance for New Single-Family Dwelling on Undersized Lot – Gary and Mariann Maita – Block 10, Lot 23 – 204 Newark Avenue

Applications Considered:

LUB23/20 – (Bulk Variances for Front Yard Setback to Proposed Enclosed Porch to be Utilized as Living Space and Proposed New Covered Porch) – Frank Oades & Diane Portantieri – Block 54, Lot 14 – 300 Fourth Avenue – The Applicant is proposing to convert the existing covered porch to a finished room and construct a new covered porch along Fourth Avenue.

Frank Oades & Diane Portantieri (owners) sworn in along with the Board Professionals.

The owners explain that the existing sun porch faces Fourth Avenue, and they wish to properly enclose this area to extend their dining room into this space. They would also like to cover the existing patio. The front and side setbacks are staying the same as what exists today. There is a proposed new entry porch on the corner of Fourth & Central. This proposal does not exceed any building or lot coverages. This home sits on a corner lot that contains two (2) frontages.

There were no public questions or public wishing to provide comments.

Based upon the application submitted and the testimony provided, Chair Kelly Reilly-Ierardi makes a motion to approve this application as presented; moved and seconded by Councilwoman Kristen Mahoney:

Those in Favor: Robert Mehnert, Liz Hernandez, Councilwoman Kristen Mahoney, JohnEric Advento, Deborah Bruynell, William Psiuk, and Kelly Reilly-Ierardi

Those Absent: Paul Murphy, Mayor Larry Fox, Lauren Saracene, Arianna Bocco, Harvey Rosenberg, and Dennis Mayer

Those Recused: None.

Those in Opposition: None.

Those Abstained: None.

LUB23/16 – (Bulk Variances for Single Family Dwelling on an Undersized Lot) - One Hundred Sixteen Cliff Ave, LLC – Block 11, Lot 7 – 116 Cliff Avenue – The Applicant is proposing to remove the existing two-story single-family dwelling and construct a new 2 ½ story dwelling on this undersized lot in the R-B Residential Beachfront Zone. Variances are being requested for front, side, and rear yard setbacks, building coverage, impervious coverage, and number of stories. ****THIS MATTER WAS ORIGINALLY SCHEDULED FOR 9/21/2023 AND WAS CARRIED TO THIS DATE OF 11/16/2023 WITH NO FURTHER NOTICE BEING REQUIRED****

****ROBERT MEHNERT RECUSES HIMSELF FROM THIS APPLICATION****

Applicant is represented by Jeffrey P. Beekman, Esq

John McPhillips – Owner/Member of LLC, Joseph Kociuba, Mary Hearn, and William Jensen are all sworn in along with the Board Professionals.

Mr. McPhillips indicates the home was built in 1904 and his grandfather had rented the residence until he purchased it in 1945. This is a summer bungalow which is now owned by himself and his sister. The home is 120 years old, and it is in need of replacement as they wish to utilize the house year-round. In doing so, they are trying to accommodate the needs of the town, increase living space, some utilities will need to be granted easements to the neighbors. Seeking to add a bedroom on the 2nd floor as the bedrooms currently only exist on the first floor. The current conditions are going to be enhanced with this proposal as there is currently only a 1-foot setback to the east and rear which will be increased. Currently there is over 90% coverage which is proposed to be reduced. Since family ownership of this property, it has never been rented and there is no desire to rent out.

Jerry Freda questions the easements. Jeffrey Beekman, Esq. explains that when the neighbor's great grandfather built on Fletcher the water and sewer lines were run through to Cliff Ave. There have been some surrounding homes that have done additions but no reconstruction, so the utilizes were never researched to this extent which is how this was discovered.

Councilwoman Kristen Mahoney questions the project setbacks and the third story.

Mary Hearn, AIA – qualified and accepted – Mary explains they have had many meetings and there have been ordinance changes so this design has been a 3-year process.

This home is owned by a brother and sister with children – they need more space and will be gaining 1 more bedroom as there are only 2 bedrooms now. This will eliminate somebody having to sleep on the couch.

This is a very tight neighborhood, and this is one of the smallest lots in town. We have tried to play with setbacks as much as possible and this design is as narrow as possible as this lot is very challenging. Ms. Hern proceeds to discuss the setbacks and the reasons why, the proposed coverage as well as the proposed reduction in same as well as the proposed addition. There is currently no onsite parking and there is none proposed. The front setback is discussed, and it is indicated they will comply mostly with the average of the block. Asking for 4" on the porch setback which will put them in line with the immediate neighbors. The height is discussed as they are requesting 30 feet.

It is indicated that they can comply with the General Comments in the Board Engineer's review letter. A soil boring had been done and there is no basement being proposed, only a crawl space of 4' 9" tall.

The A/C condensers are being proposed on the upper balcony as there is no room on the ground to place them.

Kelly Reilly-Ierardi expresses concerns with the ½ story on such a small lot.

William Psiuk asks about flooding. Mr. Phillips indicates they did not receive any flooding during the recent last storm.

Jerry Freda & Christine Bell indicate they understand the request for variances, and they feel this design is respectful of the Ordinance due to the size of the lot.

Jeffrey Beekman, Esq. asks for a break to speak to his clients @ 7:30 PM – The Board returns at 7:35 PM and all members still present.

It is indicated the Applicant will agree to remove the ½ story balcony and replace it with just windows. Kelly Reilly-Ierardi feels this compromise is a step in the right direction and the Board appreciates the concession. Councilwoman Kristen Mahoney prefers not to see the ½ story at all and feels this is too big a house for a small lot.

Thomas J. Coan – 612 Third Avenue – questions if this were only 2 stories it would be 1,094 s.f.? Mary indicates 1,104 s.f. Could a year-round house be 2 stories? Mary states they are currently sleeping on couches and a market-driven discussion takes place and for the cost of the renovations it must be feasible.

Joseph Kociuba, PE, PP of KBA Engineering – qualified/accepted as a Professional Planner. Mr. Kociuba discusses the c1 and c2 criteria and feels there is a hardship due to the size of the existing lot. Mr. Kociuba provides testimony regarding the surrounding homes and their sizes. He states there are several 3-story and 2 ½-story homes in the RB Zone across the street is 2 ½ story. 107 Cliff is 3 stories. The condos southeast from the property 3 stories, south on Newark 2 ½ & 2 story homes. To the north there is a 2-story and elevated; therefore, he does not believe this would be out of character for the neighborhood and the proposed height is compliant.

The roofline will not change as it is only to be used as storage. They are maintaining a single-family use and not proposing a multi-family. This is not out of scale with the neighborhood and does not feel that rebuilding a 2-bedroom home would be feasible. Does not feel there is any detriment to the Zone Plan or Zoning Ordinance.

Thomas J. Coan – 612 Third Avenue – questions that a 2-bedroom does not promote year-round usage? What determines the size of the house family or land?

Joseph Kociuba defines density – and there is no increase in parking demand.

Jeffrey Beekman, Esq. provides his summation.

Thomas J. Coan – 612 Third Avenue – sworn in and provides his opinion on the project.

Based upon the application submitted and the testimony provided, Kelly Reilly-Ierardi makes a motion to approve the application with the changes discussed including the removal of the 3rd upper balcony on the front, moved and seconded by JohnEric Advento:

Those in Favor: JohnEric Advento, Deborah Bruynell, and Kelly Reilly-Ierardi

Those Absent: Paul Murphy, Mayor Larry Fox, Lauren Saracene, Arianna Bocco, Harvey Rosenberg, and Dennis Mayer

Those Recused: Robert Mehnert

Those in Opposition: William Psiuk, Liz Hernandez, and Councilwoman Kristen Mahoney.

Those Abstained: None.

THERE IS A SPLIT VOTE OF 3:3; THEREFORE, THE MOTION DOES NOT CARRY AND THE APPLICATION IS DENIED.

Adjournment:

Next scheduled meeting will be our **Reorganization Meeting Immediately Followed by a Regular Meeting on Thursday, January 18, 2024 beginning 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 8:07 PM.

Minutes submitted by Kristie Dickert, Board Secretary