

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held in Person at 701 Main Street
Thursday, April 17, 2025 @ 6:30 PM**

Regular Meeting is called to order at 6:30 PM.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Mayor Al Gubitosi, Councilman Paul Nowicki, Liz Hernandez, Kristen Mahoney, Robert Mehnert, Dennis Mayer, Thomas J. Coan, Mitch Karp, Donald Warnet, Victoria Leahy, James Frederick

Absent: James Wishbow and Lauren Saracene

Also Present: Anne Marie Rizzuto, Esq., Gerald Freda, PE, PP, and Christine Bell, PP, AICP

A brief discussion takes place with regard to James Frederick being a former client of Mr. Beekman who will be representing the applicant tonight. The matter is open to the public for comment and seeing none, the Board felt that enough time had passed and that Mr. Frederick would not be a voting member this evening so therefore, could stay and participate in the hearing

Swearing in of New Board Members:

James Wishbow was excused from this meeting and therefore will be sworn in at the next meeting.

Anne Marie Rizzuto, Esq. proceeds to swear in Robert Mehnert as Class IV, Mitch Karp as Alternate 1, Donald Warnet as Alternate 2, Victoria Leahy as Alternate 3, and James Frederick as Alternate 4.

Chair Coan advises the public regarding the policies and procedures of the Board and how the meeting will proceed.

Approval and Adoption of Meeting Minutes from the Regular Meeting of March 20, 2025 –
Motion to adopt offered by Dennis Mayer, seconded by Chair Coan. All eligible members present in favor.

Resolutions to be Memorialized: None.

Applications Considered:

Mayor Gubitosi and Councilman Nowicki are excused from participating in this application as it involves a Use Variance; therefore, they leave the meeting room*

LUB24/15 (Preliminary & Final Major Site Plan with Use and Bulk Variances for the Proposed Expansion of the Car Wash Operations) – VFR Enterprise, LLC – Block 32, Lots 4 & 5 – 1111 & 1115 Main Street – The applicant is proposing to demolish existing improvements to service the existing car wash on Lot 5.

Applicant is represented by Jeffrey P. Beekman, Esq.

Mr. Beekman indicates he has Mr. John Rea – Traffic Expert, Elizabeth Waterbury, PE, PP – Engineer/Planner, and Steven Reznikov – Owner/Operator. These witnesses are all sworn in along with the Board’s Professionals.

Exhibits A1 through A-5 are marked into evidence.

Elizabeth Waterbury, PE, PP provides her education and experience and is accepted by the Board as an expert in Engineering.

Ms. Waterbury describes the lots their addresses and the uses of each lot.

In 1989 – Lot 5 was before the Board for the car wash, self-wash, and vacuums.

The requested variances and lot coverages are explained with lot consolidation.

The proposed porous concrete is explained and discussed as they do not prefer asphalt and the reasons why are provided with regard to stormwater management. The maintenance of porous materials is also discussed.

Vacuums some of the existing vacuums are proposed to be removed and replaced with green space.

Gerald Freda, PE, PP requests concrete aprons and the applicant agrees to provide them.

It is indicated that landscaping will be reviewed and approved during compliance as well as stormwater management if asphalt is used should the Board vote in favor of the application.

Existing nonconformities are discussed as well as those that are being eliminated. Technically a “C” variance for the existing self-wash building is required as it was not specified in the 1989 resolution.

The remainder of the comments contained within the Leon S. Avakian review letter are discussed.

Steven Reznikov – owner/operator – describes the operation. He purchased the car wash in 2015 and installed pay stations; otherwise there have been no changes to the site. Mr. Reznikov explains the current circulation of the site. He indicates the other side of the tunnel with garage door is just storage and part of the car wash and contains the spot free solution tank. He indicates he is okay with the proposed new lights staying on or off, whichever the Board would like.

He indicates that during rain and snow events the car wash is closed. There have been no noise complaints from residents that he is aware of. He also indicates that the proposed vacuum lights can be turned off after closing.

John Rea, PE – Traffic Engineer – qualified and accepted by the Board. Mr. Rea describes that NJDOT will require a minor permit. He indicates that the proposed is a much better condition that that which exists today. The vacuum area will be exit only and the proposed circulation is appropriate. He believes there may be an increase of 10 trips. He also explains that there is enough room to make a U-turn out of the car wash to go back to the vacuums. If the NJDOT permits they may be able to extend the curb to the south the cover the rest of the building; however, that will depend on NJDOT.

Elizabeth Waterbury, PE, PP – returns to testify with regard to Planning issues. Ms. Waterbury provides the positive and negative criteria for the d(1) variance and indicates there is no substantial detriment to the public good and granting of the variances will not negatively impact the surrounding

neighborhood but will provide positive stormwater management and drainage which improves the general welfare.

The project promotes air, light, and open space as well as the proper use of the land.

Ms. Waterbury provides the justification for the c(1) variance and indicates she believes the project meets the intent of the Zone Plan and the Borough's Zoning Ordinance.

Christine Bell, PP, AICP agrees with the testimony provided and indicates this site has operated as a car wash since 1968 so the site has operated as a car wash for almost 90 years. There is a proposed reduction in lot coverage which is also an improvement. The car wash will operate as it does today.

As for the porous concrete, the Board and Board Professionals request asphalt which is agreed to by the applicant.

The meeting had been opened several times to members of the public to ask questions or provide comments and nobody came forward.

Jeffrey P. Beekman provides his summation. He indicates this is similar to the 1989 approvals as the use and operation are not changing just expanding with additional accessory vacuums for membership customers only; however, the car wash will continue in the same manner.

Based upon the testimony provided, Mitch Karp, makes a motion to approve the application with conditions, seconded by Donald Warnet. The conditions include:

- 1. Masonry enclosure for trash with gate**
- 2. All aprons to be concrete from the curb line to the property line.**
- 3. NJDOT Approval to determine curb location and access – will coordinate with Jerry Freda**
- 4. Will comply with the comments contained within the Board Professionals report**
- 5. Lighting will be reviewed and approved by the Board Engineer; they will remain on but at reduced levels**
- 6. Lots will be consolidated once all prior approvals are in place**
- 7. The proposed porous concrete will be replaced with asphalt**
- 8. Landscaping will be subject to Board Engineer's review and approval.**
- 9. There will be a delineation between curb cuts and pavers and the reduction of the curb cut subject to NJDOT approval.**
- 10. The d(1) Use Variance runs with the consolidated lots.**

Those in Favor: Liz Hernandez, Kristen Mahoney, Robert Mehnert, Mitch Karp, Donald Warnet, Dennis Mayer, Thomas J. Coan

Those Absent: Lauren Saracene and James Wishbow

Those Recused: Mayor Al Gubitosi & Councilman Paul Nowicki

Those in Opposition: None.

Those Ineligible: None.

Review of Board Professionals' Billing:

Chair Coan explains that this is listed for just that, a review so that board members understand the cost involved in the process and the applicants and our professionals do spend a lot of time but we need to understand as there were some questions at a council meeting about the bills list and I was not aware of what it was. Jerry Freda explains every application is different and when an applicant comes to this board and they have an attorney and they have an engineer and they have a planner and they have an architect it, requires less time on our side to get through. Applicants think they're going to be saving money by not going out and doing those things but it results in us having to do way more to get the application even to the point where they can come to the meeting. We need to recognize a lot of times they say there's a lot of people and you guys put a lot of time on the billing, well it's because there was a reason. The other questions is why is it taking so long to get scheduled? And sometimes the answer is because you've been incomplete for three submissions and you only send me stuff once a month. As far as completeness, when Kristie gets us the information, we process it and we have to go through it. That is just the first step. That work is part of the letter that you see before you and then you get the benefit of myself and Kristie as part of that letter going forward. So, there's a little bit of savings for the Applicant.

****Mayor Gubitosi & Councilman Nowicki returned to the meeting****

Jerry Freda indicates he thinks it's important for the Board to see the costs involved to the applicants and to the Board. The Board gets a bill on reviews of affordable housing. So that's a separate bill to us. I think it's important that we all see it and it's good to discuss it. If anyone has a question, please let Christine and I know.

Chair Coan indicates he is sure Anne Marie feels the same way. Yeah, it's not for us to review. If you have a question about the bill, you can always call Jerry or Christine or Anne-Marie. But it's for us to now forward to the council.

New Business:

Chair Coan indicates the Council approved two applications for extensions for outdoor dining the third application was denied but all three indicate that they are going to come to us so I just want to make sure whatever approvals they got from the council were only good till July 18 so that gives us three meetings May June and July 15 to accommodate them and again we'd like to accommodate them but I just wanted to poll the board to see if we should pick a special date maybe in May or June that is good for all of the board members just to have it.

Kristie Dickert asks if there is any indication when those applications would be submitted to be able to look and have a meeting? As they are probably going to wait until July 3rd and then they are going to say that we are being inconsiderate. Ms. Dickert indicates some of them have already contacted me and they were told what they needed to do and we have seen nothing.

I can't schedule them for May as I've got two applications with Jeff Beekman for May and there is only one application who has obtained counsel, Jen Krimko, which is scheduled for June and that's all we've got right now.

We also have to take care of the Municipal Public Access Plan and the Housing Plan Element.

A lengthy discussion takes place with regard to Council responsibilities and Land Use Board responsibilities.

It is agreed that we will hold a Special Meeting on May 29th just for the two (2) Master Plan

Elements that need to be adopted by the Land Use Board so the Housing Plan Element can be forwarded to Council for action in a timely manner.

Adjournment:

Next scheduled meeting will be our **Regular Meeting on Thursday, May 15, 2025 at 6:30 PM** which will also take place here in the Municipal Complex Meeting Room located at 701 Main Street, 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 Chair Coan. All in favor. Meeting closed at 10:00 PM.

Minutes submitted by Kristie Dickert, Board Secretary