

**Bradley Beach Land Use Board  
Regular Meeting Minutes  
Meeting Held in Person at 701 Main Street  
Thursday, May 15, 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: Dennis Mayer, James Wishbow, Mayor Al Gubitosi, Kristen Mahoney, Councilman Paul Nowicki, Robert Mehnert, Lauren Saracene, Mitch Karp, Donald Warnet, and James Frederick

Absent: Thomas J. Coan, Liz Hernandez, and Victoria Leahy

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

**Swearing in of New Board Members:**

Anne Marie Rizzuto, Esq. proceeds to swear in James Wishbow as Class II Member of the Land Use Board.

**Chair Mayer 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 April 17, 2025 –**  
Motion to adopt offered by Dennis Mayer, seconded by Kristen Mahoney. All eligible members present in favor.

**Resolutions to be Memorialized:** Resolution No. 2025-07 is tabled.

**Applications Considered:**

**LUB25/01 – (Bulk Variances for Demolition of Existing Structures and Construction of New 2-story Single Family Dwelling) – Michael Laterza & Peter DiNuovo – Block 10, Lot 16 – 1103 ½ Beach Avenue** – The Applicants are proposing to demolish the existing one-story dwelling and are proposing to construct a new two-story dwelling with attached garage, covered front porch, and upper porch. The new garage is proposed on the basement level.

Applicants are represented by Jeffrey P. Beekman, Esq.

Aerial Exhibit A-1 prepared by Joseph Kociuba dated 5/14/2025 is marked.

Michael Laterza, Michael Moss – Architect, and Joseph Kociuba – Engineer-Planner are sworn in with the Board's Professionals.

Jeffrey P. Beekman, Esq. provides a brief overview of the property and its history. There are currently three (3) existing nonconformities with regard to lot width, depth, and frontage. Currently five (5) variances are being proposed whereas if the existing home were renovated there would be six (6) variances. Off-street parking is being proposed and they do not believe there is a height variance required.

Michael Laterza provides testimony that he has been vacationing in Bradley Beach for over 50 years and the family purchased in 1981. He indicates his husband is a principal and he is a teacher and the property has sentimental value. The condition of the home is now deteriorated and renovation of the existing structure is not feasible due to the age of the home and the work that would be required. It cannot be salvaged. Mr. Laterza describes the proposed layout and room count. There is no available land to purchase to make this lot conforming as all surrounding lots currently contain single family homes.

Jerry Freda, PE, PP asks what the existing bedroom count is. It is indicated is us currently 2 bedrooms and they are proposing 2 bedrooms.

Michael Moss, AIA indicates they spent many hours evaluating the existing structure. They started investigating 2 years ago, during this time the floors are caving in and taking walls with it. It is not worth a rehabilitation or remodel. They are proposing a 2-story, 2-bedroom structure. The first floor contains a modern open floor plan and the 2<sup>nd</sup> floor contains the 2 bedrooms. There is parking proposed underneath the home to help alleviate the parking issue. The lot is deep enough though it lacks in width. To rebuild exactly as is now it would be 6-8 variances as this is a genuine hardship lot. With this proposal the building overage is being reduced by 4% and impervious coverage is being reduced by 12.7%. With this proposal they are also increasing the front yard setback 2.8 feet than what exists today and the porch is set back 2.5 feet to decrease the impact on the street view. The applicant is proposing parking for 1 car under the house with the ability for 1 car in the driveway. With regard to the side yard setbacks, they are now proposing to center the home on the lot leaving 3 feet on each side. Mr. Moss explains why they cannot comply with the current 4-foot requirement due to code requirements and bedroom size. On the south side they are gaining 11" and losing 6" on the other side. The height proposed is 27 feet due to a small portion (50 s.f.) 5 x 10 triangular protrusion to accommodate a bulkhead for a mechanicals platform 2 feet above main ridgeline which is proposed to be set back 33.5 feet to the platform from the street. He explains this was the only option for the condensers. He refers to Ordinance 450-15 referencing bulkheads.

Mr. Moss proceeds to review the architectural plans and floor plan layout.

James Wishbow asks if he can revisit the lot coverage. Mr. Beekman indicates Joseph Kociuba, PE, PP will review.

Dennis Mayer questions the 2<sup>nd</sup> floor and air conditioning and if the 29 feet is a decorative element? Mr. Moss indicates it was to keep the structure attractive and appealing.

Jerry Freda indicates he feels they did a great job on a lot this size. He recommends to treat the decorative element as a variance. He also indicates the paver walkway cannot be up to the property line as it will have to be cut back. He also questions the fence in the back and it is indicated it is not theirs. Jerry asks if they can pull the walkway back 8" from the property line and also asks where the sump pump will be discharging. It is indicated Mr. Kociuba will address.

Mitch Karp – thinks it's important to adhere to height restrictions and asks if all avenues were reviewed or if the roof can be redesigned? The first floor is 9'1" if lowered can lose height.

Michael Moss indicates a condition can be to remove the decorative element to eliminate the height variance. It is indicated they must have 2 feet to the seasonal high water table (SHWT) or the plans will have to be revised.

Mayor Al Gubitosi asks Jerry Freda for the record if it is 5 variances or 6 variances being requested. He also questions the rear yard setback if it could possibly be a 10-foot setback. Mr. Moss explains that it had to be so they would be able to park in the front.

Dennis Mayer asks how the roof is going to drain. Michael Moss indicates it will pitch to a gutter.

Kristen Mahoney asks what is the floor to ceiling height in the attic? Mr. Moss indicates from floor to bottom of ridge it is 5 feet or less.

Meeting is open to the public for questions of Mr. Moss – no members of the public appeared.

Joseph Kociuba, PE, PP discusses the variance plan with drainage system and that they will comply with drainage requirements. He indicates the calculations were not correct with regard to impervious coverage there us 84.4% existing and they are reducing it to 72.11% (-12%). He discusses the additional variances required with regard to lot size, lot width, lot depth, and rear yard setback; therefore, there are 5 variances total.

Mr. Kociuba provides planning testimony in support of the variances requested. He indicates it promotes the purpose of zoning and the Zone Plan. They are not increasing the intensity of the site and they are improving the parking situation. He does not believe there will be a substantial detriment to the public.

Mr. Kociuba indicates he will add the general notes as a condition of any approval as well as a pervious paver driveway with a collection system.

Kristen Mahoney asks what the square footage of living space is now compared to what is proposed. It is indicated the existing home is 1 story with a 706 s.f. footprint (including the porch) so maybe 606 s.f. and they are going to approximately 1,100 s.f.

The applicants propose to place grass in front along right-of-way.

#### Public Comment

Paul Alonzo – sworn in – indicates they are great neighbors and the street is a melting pot – here since 1959 and wants them to get what they need.

John Mullooly – 208 Newark Ave – thanks the Board – does not want overdevelopment. In this case they are investing in single-family. Some houses need improvement this seems to be a positive improvement and supports the project.

John Mok – sworn in – indicates his family has been here since the 1930s and he is in support of the project and feels this is a big positive.

**Based upon the testimony provided, Dennis Mayer makes a motion to approve the application with the following conditions, seconded by Mitch Karp. The conditions include:**

- 1. Removal of the height variance**
- 2. Pull back the rear patio 8” from the property line.**
- 3. Sump Pump to be identified with pop-up locations**
- 4. Pervious paver system to be installed for the driveway**
- 5. Grass to be installed in front along right-of-way vs. stone.**
- 6. Applicant to comply with the Board Engineer’s Letter**
- 7. Gravel to be installed in the side and rear**

**Those in Favor:** Kristen Mahoney, Lauren Saracene, James Wishbow, Robert Mehnert, Councilman Paul Nowicki, Mayor Al Gubitosi, Mitch Karp, Donald Warnet, and Dennis Mayer

**Those Absent:** Liz Hernandez, Victoria Leahy, and Thomas J. Coan

**Those Recused:** None.

**Those in Opposition:** None.

**Those Ineligible:** None.

**\*\*ROBERT MEHNERT MUST RECUSE HIMSELF FROM THE FOLLOWING APPLICATION AND IS EXCUSED FROM THE REMAINDER OF THE MEETING\*\***

**THE BOARD TAKES A BRIEF RECESS @ 8:35 PM and RETURNS AT 8:45 PM – ROLL CALL IS TAKEN AND THE REMAINING MEMBERS ARE STILL PRESENT.**

**LUB25/03 – (Bulk Variances for Demolition of Existing Single-Family Dwelling and Construction of a New 2-story Single Family Dwelling) – Ben & Gaetana D’Aniello – Block 14, Lots 26 & 27 – 106 Park Place Avenue** – The Applicants are proposing to demolish the existing 1 ½ story dwelling and are proposing to construct a new 2-story dwelling with attached garage, covered front porch, and upper porch. The new garage is proposed on the basement level.

Applicants are represented by Jeffrey P. Beekman, Esq

Mr. Beekman provides a brief description of the lot and the proposed project.

Joseph Kociuba – Engineer/Planner, Michael Moss – Architect, and Ben & Gaetana D’Aniello are sworn in.

Joseph Kociuba, PE, PP compares the existing variances to the ones being proposed. The garage, shower, and shed are being removed as well as the existing home. The preexisting nonconformities are discussed.

Mr. Kociuba reviews the proposed project compared to the surrounding area.

Aerial Exhibit A-1 is marked and reviewed.

Setbacks are reviewed and he outlines the increases proposed with the new project.

The variances being requested are reviewed and they are requesting a height variance.

The demolition permit and indemnification to the Borough is discussed and they will move the utility pole toward the opposite property line from where proposed.

Mr. Frederick asks about the recharge system.

Daniel Walsh – 1003 Ocean & 103 Park Place – asks about soils and reviews his soil borings compared to the current report provided. He questions where the water is going. He submits a sealed soil boring/Geotech report prepared by Simon/Simon dated 3/26/2019 which is marked as Mr. Walsh’s Exhibit O-1.

Michael Moss, AIA indicates the roof height of 29 feet is being proposed. The garage slab elevation is based on the minimum slope to park in the driveway and the mobility constraints of the owner. The height is calculated at average grade around the perimeter. It is asked if the highest grade and

lowest roof has been utilized. Mr. Moss indicates they have to set the slab where they have to. It is indicated the first-floor height is 8'-8", the second floor is 8', and the roof is 8 on 12, the attic is 6'4"; however, they will comply with the 27' roof height. It is indicated the deck will be 8' x 14' with a 3.83' setback but will inset the slider, add step, and lower the deck to 8" to help the deck height variance. The utility pole will be moved toward the opposite property line. The driveway and walkway will be pervious pavers and concrete to the right-of-way. The grass strip will be maintained at the right-of-way and gravel contained.

Kristen Mahoney questions the bump out to the east side. Mr. Moss indicates it is due interior space concern and the skewed property line.

Joseph Kociuba, PE, PP provides the positive and negative criteria in support of granting the variances requested. He feels it promotes the purpose of zoning and it does not negatively impact the Zoning Ordinance or Zone Plan.

### Public Comment

Imre Perger – 1007 Ocean Ave – sworn in – supports the neighbors as this is for themselves, they are good people, and requests the Board approve the project.

Gaetana D'Aniello – 106 Park Place Ave – sworn in – indicated they have owned over 44 years, they have been in Bradley for over 65 years – cousins and family have been in Bradley for over 80 years, wants to retire and live here full time.

Daniel Walsh – indicates he is not protesting the project, they are good people and hopes this moves forward.

Jeffrey Beekman, Esq. provides a summation to the Board.

1. Owner and Neighbor shall apply for demo permit for existing garage.
2. Prior to demolition applicant shall submit title reports and deed for review
3. Height Variance will be eliminated
4. Bedrooms in basement and attic are prohibited
5. Plans shall be revised to further limit impervious coverage and depict sump pump and connection to drainage system
6. Additional soil borings may be necessary prior to construction for review and approval of the Board Engineer.

**Based upon the testimony provided, Dennis Mayer, makes a motion to approve the application with the changes as discussed, seconded by Donald Warnet.**

**Those in Favor:** Kristen Mahoney, Lauren Saracene, James Wishbow, Councilman Paul Nowicki, Mayor Al Gubitosi, Mitch Karp, Donald Warnet, James Frederick, and Dennis Mayer

**Those Absent:** Liz Hernandez, Victoria Leahy, and Thomas J. Coan

**Those Recused:** Robert Mehnert

**Those in Opposition:** None.

**Those Ineligible:** None.

**Adjournment:**

Next scheduled meeting will be a **Special Meeting on Thursday, May 29, 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 Chair Dennis Mayer, moved and seconded by Lauren Saracene. All in favor. Meeting closed at 10:27 PM.

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