

**Bradley Beach Land Use Board  
Regular Meeting Minutes  
Meeting Held in Person at 701 Main Street  
Thursday, October 16, 2025 @ 6:30 PM**

Regular Meeting is called to order at 6:31 PM.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Thomas J. Coan, Dennis Mayer, James Wishbow, Kristen Mahoney, Robert Mehnert, Councilman Paul Nowicki, Lauren Saracene, Victoria Leahy, and James Frederick

Absent: Liz Hernandez, Mayor Al Gubitosi, Mitch Karp, and Donald Warnet

Also Present: Anne Marie Rizzuto, Esq., Samuel Avakian, PE and Jake Guertin of Leon S. Avakian, Inc.

**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 September 18, 2025**

– Motion to adopt offered by Dennis Mayer, seconded by Robert Mehnert. All eligible members present in favor.

**Resolutions to be Memorialized:** NONE.

**Applications Considered:**

**LUB25/06 – (Bulk Variances for Proposed Addition to Single-Family Dwelling) – Russell Kurtz – Block 57, Lot 4 – 615 Fifth Avenue** - The Applicant is proposing an addition to the existing dwelling to extend the 2 ½ story single-family dwelling approximately 825 square feet. Additional improvements include rear patio and side yard paver walkway with associated stormwater drywell improvements.

Applicant is represented by Jeffrey P. Beekman, Esq

Mr. Beekman proceeds to advise the Board that there are existing condition variances as the applicant is proposing to extend the existing nonconformity as well as a proposed upper balcony.

Donald Passman, AIA and Russell Kurtz are sworn in.

Donald Passman, AIA is qualified and accepted.

Exhibit = Revised Sheets A-3, A-4, A-5 all revised 10-13-2025. Sheets A-1 and A-2 of the set have not been changed and remain dated September 10, 2025)

Exhibit = Sheets AR1of3, AR2of3, AR3of3 revised for ½ story calculations dated October 13, 2025

Mr. Passman indicates the reasons for the revised sheets is because he reexamined the ½ story definition – 2 story + ½ story that is existing – It was difficult to calculate because of the sloping roofs. There was not much of a change only 1 foot 10 inches shorter than the addition was from the

original set of plans to make it compliant. The design of this project is expanding the living space behind the original living room and dining room for a master bedroom suite, a family room, and a revised kitchen. The master bedroom is out the back. It's got a bathroom and walk-in closet. Forward of that, there is a great room. There will be a new kitchen, new family room, and some place to eat in. The footprint is about 875 square feet on the first floor, which is where the majority of this is to expand living space.

Second floor has four bedrooms which are very small and one bathroom. The half story up above portion in the back is really a bedroom. The other ones are sort of acting as closets but they may have been bedrooms. There is a basement. It's about 6 and 1/2 ft tall. His client advises he did not want to go up and down the stairs anymore and wanted to change those bedrooms on the second and half-story.

Mr. Passman proceeds to describe the architectural plans including the proposed new spaces and dormer.

The problem with expanding half story is this existing roof is above the 35-foot height limit and this is based on the grades taken from the surveyor. It is not just one spot. It changes a little bit but basically 1 foot 3 inches or 1 foot 2 inches above 35 feet. With the way the roof is now, it is a hip roof with dormers so it is very difficult to add on to that and not maintain that same height as there is not much of a ridge line because it hops on all sides. He feels it is aesthetically unpleasing to try to drop down that 1.3 feet just to give that a different slope. Due to the size of the new area that would be above the 35 feet you would never tell from the street.

The variance being requested is 35 ft is permitted and requesting 36.25 feet.

Sam Avakian, PE requests if the discrepancy can be checked the application says 35.25 feet and the survey says 35.9 feet. Mr. Passman indicates he went with the worst-case scenario.

Mr. Beekman indicates whatever the ridge height is now, it is proposed to remain the same and the grade of the property is not changing either.

The zone permits 35 feet and 36.25 feet is proposed. Sam asks to be sure all plans are consistent and that roof will not be any higher than existing.

The side yard setback to the balcony is 10 ½ feet and does not exacerbate the existing 2.09 feet on the 1<sup>st</sup> floor where 5 feet is required, 2.09 feet to the 2<sup>nd</sup> floor where 5 feet is required and the 1-story addition in the rear is proposed to comply as it jogs back. There is only a portion of the 2<sup>nd</sup> story that is going over the existing first story in the rear that will follow the nonconforming setbacks. The variance for the balcony is merely because it exists, not because of the setbacks.

Chair Coan questions the 12 foot 6 ½" distance north/south as going up is the increase in impact? It is indicated yes. Mr. Passman indicates there is essentially no impact on the neighbor as there are no windows on that side of the house. He also questions the chimney; it is indicated as being a permitted 2-foot projection. He questions the addition on the 2<sup>nd</sup> floor which allows for the expansion of ½ story and the pitch on the roof. It is indicated the pitch on roof is 12 on 12.

Dennis Mayer questions the size of the balcony. Jeff Beekman indicates it is 7 x 10 and in the rear.

Councilman Nowicki questions why there cannot be a reduction in the dormer so the new roof can comply. Mr. Passman provides his explanation for why this cannot be done and he wanted it to match the existing dormer so it remains aesthetically pleasing.

Sam Avakian, PE expresses concern with the drywells as it appears the runoff has not been calculated correctly and there are two (2) different drywells proposed on the plan and he indicates he would prefer the Mershon. A discussion takes place regarding the drywells and it is agreed that the applicant will stipulate to comply with the stormwater management regulations.

Mr. Avakian also raises the question regarding the tub in bathroom and the headroom associated with same, and the applicant is already aware as that condition exists.

Open to the Public for Questions – No Public Appeared – Public Closed

Russell Kurtz – 615 Fifth Ave – Applicant/Owner.

The Borough Tax Map, Sheet 11 is reviewed online to orient the Board. The balcony is discussed and the reasons supporting same. Mr. Kurtz indicates he would like a view of the ocean as currently they are looking at the school. The location of the balcony is discussed as well as the possible lack of view as the Board does not feel a view of the Ocean is going to be accomplished given the location of the existing home.

A discussion takes place with the option of enclosing that portion where the balcony is proposed and providing windows.

Dennis Mayer indicates he wants the balcony gone and Chair Coan agrees. Mr. Mayer indicates the Ordinance was specifically designed to prohibit rear decks and balconies for privacy reasons and they have almost always been denied by the Board.

Open to the Public for Questions – No Public Appeared – Public Closed

**\*\*A 5-minute recess is requested and granted by the Board at 7:42 PM. Meeting resumes at 7:47 PM – roll call is taken and all members still present. \*\***

Mr. Beekman indicates his client is willing to remove the balcony from the rear.

Open to the Public for Comment – No Public Appeared – Public Closed

Mr. Beekman summarizes the request for now 2 variances – one for the height in a small area to match the hip roof which allows matching dormers and the 2<sup>nd</sup> existing setback for the 2<sup>nd</sup> floor expansion for that small area, anything to the rear of that will comply. He explains these variances can be granted under the c(1) and c(2) criteria.

The conditions agreed to will be to remove the balcony and to comply with the stormwater management regulations.

**Based upon the testimony provided, James Wishbow makes a motion to approve the application with the variance to maintain the existing height of 36.25 feet and the variance to maintain the small portion of the 2<sup>nd</sup> floor addition with a side yard setback of 2.09 feet, the remainder of the structure will comply and the balcony will be removed and the stormwater management will be complied with, seconded by Dennis Mayer.**

**Those in Favor:** Kristen Mahoney, Lauren Saracene, James Wishbow, Robert Mehnert, Councilman Nowicki, Victoria Leahy, James Frederick, Dennis Mayer, and Thomas J. Coan

**Those Absent:** Liz Hernandez, Mayor Al Gubitosi, Mitch Karp, and Donald Warnet

**Those Recused:** None.

**Those in Opposition:** None.

**Those Ineligible:** None

**Review of Board Professionals' Billing: None.**

**Correspondence: None.**

**New Business: None.**

**Old Business:**

Jake Guertin indicates Affordable Housing has not reached out yet to set up a technical review meeting, but hopefully by the end of the year. Chair Coan indicates he wants to be able to get the recommendations for the affordable housing ordinances to Council by January. As he believes the Council only has until March 30<sup>th</sup> to submit that. Chair Coan feels as though the Board is being pushed back from doing their job. Mr. Guertin indicates he understands. Chair Coan also requests that it be placed on the agenda for November to review ordinances to submit to Council. Anne Marie Rizzuto requests that Mr. Guertin give her a call. She indicates the ordinances are mostly done and we had a packet that was sent to us that had the ordinances as they are drafted, so we can certainly take a look at those. They were included with the Housing Plan, but not sure they were all included. If we spend time on the ordinances prior to the technical review meeting having issues with the current plan. Chair Coan indicates he is not comfortable without having a solid document since there were discussions regarding some of the proceeds from the sale of the Church property may be included. It should show a good faith effort on behalf of the Borough since the funds have not been placed in the Affordable Housing Trust in order to perform rehabilitations.

The Board Secretary expresses needing to have the specifics before anything can be listed on an agenda. The Board Secretary asks if this review would require any sort of special noticing requirement. A discussion takes place as this would be more of a workshop item so as long as it is listed on the agenda as such, there is no separate noticing requirement. Eventually, it will be treated as normal ordinances which are introduced by Council and referred back to the Board for consistency determination with the Master Plan.

Anne Marie Rizzuto, Esq. also brings to the Board's attention the new legislation about utilizing the website of the municipality rather than official newspapers. The effective date of that is going to be in March, but the question is still coming up whether we still have to designate official newspapers. The idea of the statute is to get away from the newspapers and do it through publication on the

website, so we should be preparing for that for our reorganization meeting and she is sure the Borough Attorney is going to figure out what the Council needs to do. For MLUL purposes, the Borough's website is the only choice. As far as applicants that is a good question. It is mentioned that the DCA is going to have one central website for the State. However, it appears the MLUL is going to have to be amended as well.

**ROUND FOUR AFFORDABLE HOUSING WORKSHOP:** N/A

**Adjournment:**

Next scheduled meeting will be our **Regular Meeting on Thursday, November 20, 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 Coan, moved and seconded by Robert Mehnert. All in favor. Meeting closed at 8:06 PM.

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