

**Bradley Beach Planning Board  
Regular Meeting Minutes  
Thursday, November 9, 2017 at 6:30 PM**

Meeting is called to order by Chairman Psiuk. The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: William Psiuk, Rafael Albanir (arrives 6:32 PM), John Weber (arrives 6:38 PM), George Waterman, Norman Goldfarb, Marc Rosenthal, Douglas Jung, Jane DeNoble, Meredith DeMarco, Alan Gubitosi  
Absent: Paul Williams

Also Present: Mark Steinberg, Esq. – Attorney to the Board, Gerald Freda, PE, PP, CME – Board Engineer, and Jennifer Beahm, PP, AICP – Board Planner.

**Resolutions Memorialized:** None.

**Applications Under Consideration:**

**PB-B59-L9-12-01-15A – Brielle Developers, LLC – Amended Preliminary and Final Site Plan** – Block 59, Lots 9-12 – 301 Main Street and 704 ½ Third Avenue – Applicant is currently seeking approval to amend the originally approved preliminary and final site plan for façade and roof line alterations; parking layout; location/size and layout of retail space, sprinkler room, electrical room, and trash room as well as the size and layout of the lobby area. Also seeking approval of building footprint along Main Street and Third Avenue; location of interior stairs to residential units and the approval of the overall footprint and hallway layout of the second, third, and fourth floors is sought, together with location, size and number of balconies for each apartment. Approval is also being sought for the location and size of storage units and relocation of fitness room and manager's rooms; together with any other variances deemed necessary by the Board.

**\*\*THE BOARD ACCEPTS JURISDICTION & NOTICE IS ACCEPTABLE AS PROVIDED. THE BOARD CARRIES THIS MATTER TO DECEMBER 14, 2017 WITH NO FURTHER NOTICE BEING REQUIRED.\*\***

**Discussion Items:**

**Master Plan Discussion (continued from September 28, 2017 as items were tabled at the October 26, 2017 meeting):**

Chair Psiuk recaps previous items discussed including Elimination of the R-T Zone which the Board was in agreement with, Curb Cuts we only allow 1 curb cut per lot with a width of 12 feet but we are looking at ongoing review as far as with the Engineer with the Main Street business they are 26 feet but we are looking at how we are going to do that with the aprons and the thickness of the concrete. As far as the increase in minimum lot size from 5,000 s.f. to 7,500 s.f.

in the R-1 and R-B zones, the Board is in agreement to leave this alone as is. The Garage Apartments allowed only on 7,500 s.f. lots and the Board has agreed to take no action and to leave the ordinance as is. Circulation and sidewalks – during construction if a contractor damages the sidewalk he needs to repair it so pedestrians can walk on it within 48 hours and we agreed that crushed stone would be acceptable until heavy equipment is done with and no more heavy construction and will be repaired permanently at the end of the project.

John Weber arrives at 6:38 PM

a. Jennifer Beahm, PP, AICP - Memorandum of Master Plan Review dated August 15, 2017:

**i. Discuss Item #6 of Memo – Floor Area Ratio**

Jennifer Beahm describes FAR (Floor Area Ratio) and how it is calculated.

Originally this was applied to commercial and it is now proposed to be applied to all properties in the Borough.

This has been originally recommended at 0.5% but this is not necessarily the correct number or set in stone this was just a starting point. This method is applied mostly to commercial and Ms. Beahm leaves it up to the Board to incorporate this recommendation or not. If you feel that overdevelopment or too much projects on individual lots is an issue that warrants and sweeping change in your zoning. That is first and foremost. If yes, then we can move forward and start talking about what the real number is.

It is mentioned that Belmar has an FAR Table similar to the graduated housing plan with a greater variety of lot sizes than Bradley a range of 10,000 s.f. and over for a 50% ratio to 78% on lots that are less than 4,000 s.f. so there is a range in the percentage.

Chair Psiuk doesn't feel the need for FAR in the Borough – if we are looking to control density lets control it by rentals.

Jennifer Beahm indicates this will not control density, but what this will control is the size of the house that is permitted to be put on the lot.

Jen Beam describes FAR requires a Use Variance if relief is being sought, not just a Bulk Variance that you would see for lot are or setback. It would be a "d" variance and they would have to show why their circumstance is unique and why that lot can accommodate that size of the structure, more of an intensity measure.

Jane DeNoble indicates she sees a lot of people tearing down homes and building new homes that are massive with 9 or 10 variances therefore she feels there is a need for FAR requirement in the Bulk Table. 1001 Ocean Avenue, 1111 Ocean Avenue, 706 Central Avenue all those variances on small lots.

Jen Beahm reviews 3 applications which were recently approved with numerous variances and provided the Board with handout of breakdown of relief sought.

Jerry Freda, Board Engineer, indicates this will put a larger burden on residents for a simple addition to ascertain whether or not they comply with an FAR.

Jennifer indicates that whether or not just living space will be used to calculate the FAR is up to the Board and how the ordinance is written.

Norman Goldfarb questions "What are we trying to fix?" – Jen Beahm indicates there was a sentiment relayed to her that there have been a number of applications recently that required substantial relief and that this may be a way to try to reduce the intensity on the lots. Mr. Goldfarb indicates we are scaring the hell out of the public with this proposal.

John Weber indicates the reason these 3 are being brought up is because they are just examples of some of the approvals that have been granted over the past few years and demonstrates the intensity which we are trying to remedy.

Alan Gubitosi questions whether there is a different way of controlling intensity – Jen Beahm describes FAR again and how percentage is relevant to the size of the property. In those 3 particular instances we discussed, the lots were significantly undersized.

This will force homeowners to provide architectural for entire house to determine whether or not a small proposed addition will comply with FAR because you need entire house to perform the calculation and it would only require board action if they do not comply with the requirements.

Alan Gubitosi indicates the percentages may change and create a higher standard for variances.

Jerry Freda indicates you really can't judge a project on the number of variances because some variances are actually helpful for the project. A couple of those variances may not be because of too big of a house they may be other things that made the project a little better, so keep that in mind.

Jane DeNoble indicates the Borough is the 41<sup>st</sup> most densely populated in the County. Ms. DeNoble proceeds to discuss recent approvals of subdivisions and the trouble comes when what is going to be built on these lots.

Marc Rosenthal indicates he feels this should be left alone and what happens if a person's house burns down.

Jennifer Beahm indicates this will not control density only bulk and massing of development.

Jane DeNoble indicates it will control bulk on the lot.

Jennifer Beahm indicates everything on Main Street would be non-conforming and require variance relief, if we need to get to the point we will need to discuss this.

Chair Psiuk indicates looking at all of the homes right now; this is going to affect a lot of homes. God forbid we have another storm and it hits us harder than it did and a lot of these homes are going to be damaged, and people are looking to rebuild with an FAR, people are not going to be able to rebuild what they have now. Can't see this, should allow to rebuild in same footprint of what they had in the past.

Norman Goldfarb indicates if he had the opportunity to buy the house next door to him, he couldn't, can't afford it, like most people in town. However, the other person that was spoken about on Fourth Avenue who bought the property next to him I can assure you he could afford to buy it certainly more available to him than would be for him financially. Big difference here. We talk about folks who have had their houses for years and are holding onto what they have got.

Jennifer poses the question again is this something you want to continue discussing and get down to the nitty gritty? Because she thinks that if the answer is yes, she thinks the Board should consider something similar to Belmar and graduated because on some of the smaller lots even 50% is creating a very, very small house.

Alan Gubitosi indicates we are not addressing existing and discusses percentages and thinks a more realistic percentage should be established so we know how many properties will be affected with the correct ratio.

Jennifer Beahm indicates there is no way of telling how many properties will be affected without architectural plans on each home.

Jennifer Beahm discusses "D" variances and the varying levels, but they all need 5 affirmative votes to pass. The balance will fall how they are now with a basic simple majority.

John Weber indicates he would love if the Zoning Board were a Board that provided real relief to people who are running up against some kind of hardship as opposed to the Zoning Board being a Board that just gives out 9-10 variances because people want a giant house on a small lot. Furthermore, to add to Bill's comment, Mr. Weber indicates he would expect that the State would step in if there were some catastrophic storm that would allow people to rebuild what they had.

Norman Goldfarb indicates if you are required to raise your home you would have to be in a flood zone, and there are only 2 small spots in town that are flood zones, the rest of us do not.

Chair Psiuk not in favor of the FAR, quite a few people that have appeared that would be negatively affected.

Doug Jung – mentions graduated housing plan – Jennifer Beahm indicates this is its own discussion and it is related but they are not dependent upon each other. This is a little heavier of a topic as it requires a higher level of requirements than a traditional bulk variance.

Harvey Rosenberg – indicates variances are based upon merit – it is more like a correction to make a better project not just giving out variances. There have been refusals. All of this is going to do is bring more business to the Zoning Board. This is not Belmar, Bradley is a unique town.

Peter Cabonaro – 2 Main Street (multi-family) – discusses leniency on non-conforming and rebuild after a natural disaster. Too many people will be affected by FAR. Main Street really needs attention. Suggests taking it out of their hands if you don't like

decisions, change the Board. Thinks FAR is a disservice to the residents. Putting a burden on homeowners if they want to improve their existing homes.

A discussion takes place as to how this would affect people wanting to do interior renovations to their existing homes and that if they did not currently meet the proposed FAR requirement they would have to seek relief since they would be a pre-existing, non-conforming structure.

Lauren Egbert – 404 ½ Brinley Avenue – Indicates “d” variances have way more opportunity to not succeed before the Zoning Board. Feels it is way too broad and “easy” a fix – ordinances are only based on conforming lots and the only conforming lots in town are 5,000 s.f. Start with end result and work backwards and make reasonable ordinances.

Mickey Conoscenti – indicates he has been on the ZBA for 20 years – compares current zoning vs. FAR – doesn’t understand the reason for this. Graduated Housing Plan might be the answer vs. FAR.

John Naples – 50 x 100 lot is hard to build on as it is. Doesn’t think the 3 examples chose were fair. Each one has a reason why they got the variances and feels the Board of Adjustment is fair. The lower the FAR, the lower the property values.

George Waterman – 35% is building coverage that includes sheds, garages, decks, etc.

Thomas Coan – 612 Third Ave – Graduated FAR discussed – not ZBA job to hand out variances – they are there to protect the ordinances – there is a way to do this, just take a look at the Belmar Ordinance. Will protect neighbors.

John Naples – Don’t understand – we are 98-99% developed. Insulted when we reference neighboring towns need to make our own ordinance here – TJ Coan disagrees that higher the FAR the higher the values. The more strict the ordinances are the higher the values.

Peter Cabonaro – It is difficult to build on a 50 x 100 lot – more makes more money for the Borough.

Lauren Egbert – indicates the Board should look at existing ordinances before considering this.

Harvey Rosenberg – indicates the Boards are here for a reason and need to respect each other. He feels this proposal is punishing the residents.

The members of the public are questioned how many are in favor – only 1 member of the audience indicates they are in favor, the rest are against.

The Board is polled with regard to the proposed FAR change:

Doug Jung – Not in favor.

John Weber – Intensity needs to be addressed – Yes

Jane DeNoble – Yes – in favor of a sliding scale or graduated plan and looking into it

Norman Goldfarb – No – leave it, if it is not broke don't fix it. Scaring the hell out of people here.

Marc Rosenthal – No – Having to go for variance can be expensive and places a burden on the residents for simple renovations.

Rafael Albanir – No – but Yes if we look at all percentages

Meredith DeMarco – No – not convinced this will fix the problem we are trying to solve.

Alan Gubitosi – Yes – thinks percentage needs to be evaluated and smaller lots considered but agrees the intensity issue should be addressed and would like to explore further.

George Waterman – No does not think should be pursued

Chair Psiuk – No – thinks graduated housing plan will bring everything into perspective

Mickey Conoscenti – questions whether this has been recommended to Council?

Jennifer Beahm explains status memo will be prepared, once we get through the 10 items then it will be drafted with the recommendations of the Board to the Council.

Chair Psiuk indicates just reviewing at the direction of Council at this point.

ii. Discuss Item #7 of Memo – R-B Residential Beachfront Zone

Jennifer Beahm indicates we talked about the townhomes when we talked about the R-T Zone. She indicates there is 1 lot in the R-T Zone that's a townhouse. The garden apartments would not be affected because they are not permitted in the Zone anyway. They are not there as permitted uses.

Jennifer explains the difference between townhouses as a building type and condo as type of ownership. She indicates it was discussed making them conditional uses in the R-B Zone at the time of R-T Zone discussion. Currently both garden apartments and townhouses are permitted uses in the R-B with separate criteria than single family.

Jennifer Beahm indicates based upon tax records there are 7 townhouse projects and 29 apartments totaling 36 lots of 250 parcels within the zone, which represents 14% of all properties; however it totals 36% of the area within the zone in the R-B Zone.

Doug Jung questions owners and multiple owners in a condominium building – what would you estimate that number to be? Jennifer doesn't understand the question. Tax records indicate an owner for each lot. Jennifer Beahm indicates it does not usually factor in so it does not matter when we are looking at just the use. We can't regulate or zone ownership.

Jennifer Beahm discusses conditional uses and the elimination of garden apartments that was recommended to her to be proposed. It is recommended that instead of eliminating garden apartments to make both townhomes and garden apartments conditional uses

within the zone which may be a better option. You could allow, but not appropriate on a 5,000 s.f. lot. We can re-evaluate current standards and possibly revise to make a little more realistic. There is a problem getting rid of the use because so many would become pre-existing non-conforming uses. If they comply with the conditions they can come to the Planning Board, if they do not comply they would have to go to the Zoning Board. Rather than regulating the minimum requirement maybe change to a maximum.

Alan Gubitosi asks if there is any reason we should distinguish between them? Jennifer Beahm the thought is we have created some incentive to provide some apartments on Main Street, the court does look at family rental apartments as far as affordable goes. Since we have modified some zoning to encourage mixed use and apartments on Main Street is it time to say we are done with this location and have them focused on Main Street. By eliminating may create a hardship for some current owners. This will allow, but not exclude it entirely. This decision of elimination or conditional is totally up to the Board.

Chair Psiuk – likes the conditional use and asks Jennifer Beahm to look at it into a little bit deeper and what is currently in the ordinance now.

Norman Goldfarb – thanks Jennifer for clarifying and showing we can go in another direction with this suggestion.

Michael Conoscenti – questions garden apartments and apartment buildings – Jennifer Beahm describes the difference and that typically garden apartments are 2-3 stories. Some towns may extend to 4 stories – construction code changes when a certain height in floors as far as elevator etc.

Thomas Coan – questions the density difference – Jennifer Beahm describes the current ordinance requirements. Mr. Coan indicates if the asterisk item in the table has triggered this as all lots conforming? Jennifer indicates it has made things difficult. Has been utilized to the benefit of certain applications.

Harvey Rosenberg – agrees with the conditional uses and conditions to be realistic –

It is indicated garden apartments are very difficult to sell as non-conforming.

Jennifer Beahm indicates you absolutely cannot base a zoning decision on financial situation.

George Waterman indicates we are in the process of writing and adopting an ordinance to protect pre-existing, non-conforming structures.

John Naples – Ocean Ave – indicates safeguards need to be in place in tandem with these decisions, asks George Waterman whether this would apply to just RB Zone or Borough wide. George indicates it would be Borough wide.

Peter Carbonaro – Questions if George has experience in writing ordinances – George indicates yes. Has it been challenged in court? George indicates not that he is aware of. Jen indicates anything that goes through the Mayor and Council and would be reviewed by the Borough Attorney.

A discussion takes place regarding the existing pre-existing, non-conforming uses and that without an ordinance in place they would have to return to the Board of Adjustment for Use Variance to rebuild at this point.

Jennifer indicates any Use Variance runs with the land.

John Naples – questions Use vs. Bulk variance running with the land. Bulk variances as part of a site plan application may not. That is why we are trying to implement an ordinance.

TJ Coan – questions whether multi-family is permitted in the R-B zone on a 50 x 100 lot? Yes this would only affect townhomes and garden apartments.

Jennifer questions the general sentiment of the Board? Leave it alone, make it a conditional use with reasonable conditions or make them not permitted.

Chair Psiuk indicates he would rather go with conditional use with review of the number of units that would be allowed per lot and let's look into what the average lot sizes are in the R-B Zone. All of those members present are in agreement with conditional use route; however, the Board would like the safeguards as proposed by George Waterman in place before any proposed change.

Doug Jung – questions whether current owners will be protected. It is indicated this protects people there now and any future owners.

*iii. Possibly Item #8 of Memo – Graduated Housing Plan*

Jennifer describes the standards applied to each of the different lot sizes. There are different zoning provisions for each lot depending upon the size of the lot.

Norman Goldfarb asks if we really need this.

Usually this is in areas where large range of lot sizes and not usually seen in a small beach community.

Jennifer questions whether or not the Board wants to see something like this or no. She explains the modifications of the requirements.

Norman Goldfarb discusses the asterisk currently in the Ordinance. Jennifer indicates it is going away, it is proposed to be eliminated. Footnote indicates any and all lots existing on February 1, 2003 shall be deemed conforming concerning lot width, depth, and area. Problem is there is no inventory of the lots existing at that time.

John Weber indicates he would like to see something like this in place if we are not going to introduce FAR.

Mark Steinberg, Esq. indicates the current ordinance permits less than the graduated plan on smaller lots than the proposal.

Jennifer indicates only reduction so far is the height, the balance of the provisions are a little bit looser for the smaller lots because to require somebody with a tiny lot to have 15

feet in the front and 25 feet in back and 5 and 10 you end up with a building envelope to build almost nothing. This would reduce those standards a little allowing a little more leeway as far as setbacks are concerned and the building coverage was increased from 35% to 40% it would allow some development. Some standards more relaxed others are a bit more stringent.

Jennifer's only concern is creating pre-existing non-conforming conditions.

This proposal indicates smaller lots less stringent and larger lots less massing.

John Weber indicates he thinks this is a good idea.

Alan Gubitosi – thinks he has a question more than opinion.

Jennifer Beam indicates the Board can drill down and revise the table there is nothing written in stone.

Alan Gubitosi indicates what he likes about this approach not necessarily the numbers is that it relieves some of the applications going to the Zoning Board and grants some relief to the smaller lots.

Lauren Egbert – questions whether this will render some lots conforming.

Jennifer Beahm indicates you will still need the square footage (area) of the lot for that zone.

Harvey Rosenberg indicates this may create new burdens with the table as proposed.

Jerry Freda indicates the issue here is do you want to entertain this approach or not?

TJ Coan indicates he appreciates the workshop and a lot of different style homes and is happy the Board is talking about it. Something needs to be done about these large homes.

It is agreed by the Board that there are too many categories on the current table being offered.

Jennifer Beahm indicates she will re-work the table and re-present for review if that is the Board's wish. She agrees 4 categories are too much.

A poll is taken of the Board with regard to the concept of this proposal as well as the number of categories currently being presented.

Douglas Jung, John Weber, Jane DeNoble, Chair Psiuk, Marc Rosenthal, Rafael Albanir, Meredith DeMarco, Alan Gubitosi, and George Waterman indicate they are ok with the concept but the number of categories should be reduced and a modified table presented.

Norman Goldfarb is not in agreement with the concept nor the categories.

Peter ? – indicates height vs. water table should be looked at when considering

Harvey Rosenberg – 2-3 scenarios should be presented for more ideas versus just 1 so there can be constructive discussion.

**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY NORMAN GOLDFARB, ALL IN FAVOR. MEETING CLOSED AT 9:30 PM.**

**NEXT SCHEDULED MEETING WILL BE A REGULAR MEETING ON THURSDAY, DECEMBER 14, 2017 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.**

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