

**Bradley Beach Zoning Board of Adjustment  
Regular Meeting Minutes  
Thursday, August 16, 2018 at 6:30 PM**

Meeting is called to order by Chair Rosenberg at 6:30 PM. The Board and the public recite the Pledge of Allegiance.

Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Michael Affuso, Alexis Bouhoutsos, Lauren Egbert, Edward Pilot, Raymond Wade, Robert Quinlan, Dennis Mayer, and Harvey Rosenberg

Absent: Deidre Phillips and Dominic Carrea

Also Present: Mark G. Kitrick, Esq. - Attorney to the Board, Gerald Freda, PE, PP, CME – Board Engineer, and Helen Zincavage – Board Planner

**Resolutions Memorialized:**

**Resolution of Approval for Use Variance and Bulk Variance for Fence Height –** Alberto Contreras Mercado – Block 58, Lot 13 – 706 Fourth Avenue. **All eligible members present in favor.**

**Resolution of Approval for Bulk Variances for Addition to the Rear of Existing Home –** Andrew J. Leiter – Block 28, Lot 7 – 311 ½ Ocean Park Avenue **All eligible members present in favor.**

**Resolution of Approval for Bulk Variances to Reconstruct a New Single-Family Dwelling –** Gaetano Losa – Block 11, Lot 28 – 120 Lake Terrace. **All eligible members present in favor.**

**Applications:**

**ZB18/04 (Use Variance for Prohibited Freestanding Sign) –** Rega Bradley Beach, LLC – Block 38, Lots 7 and 26 – 103-105 McCabe Avenue – Applicant is proposing to replace the existing freestanding sign and has indicated the existing posts are to remain. Applicant is represented by Michael J. Wenning, Esq. **NOTE: This matter was carried from our July 19, 2018 meeting agenda and has since been withdrawn and therefore was not heard by the Board of Adjustment.**

**ZB18/05 (Use and Bulk Variances for a New Garage Apartment) –** Desiree Land – Block 22, Lot 1 – 423 Park Place Avenue – Applicant is seeking to demolish the existing garage and shed in order to construct a new garage apartment. This proposal requires a Use Variance as garage apartments are not permitted on corner lots. This proposal also requires Bulk Variances for minimum front yard setback, off-street parking, distance of accessory structure to primary structure, driveway apron width, and driveway length.

Applicant is represented by Michael J. Wenning, Esq.

Mr. Wenning indicates the witnesses to provide testimony will be Jason S. Lusardi, Architect; Desiree Land, Homeowner; and Joseph Kociuba, Engineer.

Mark Kitrick Esq. indicates the public notice has been reviewed and is acceptable and the Board accepts jurisdiction.

All witnesses are sworn in along with the Board Professionals.

Jason Lusardi, Architect provides his credentials to the Board and is accepted. Describes he was hired to demolish an existing accessory garage at this location.

Exhibit A-1 marked – Architectural Plans

It is indicated this is a confirming lot. The existing garage structure does not meet the required setbacks.

Exhibit A-2 marked – Photo Board w/6 photographs of existing property and

Would like to reconstruct with a garage apartment. Garage apartments are not permitted on corner lots.

Exhibit A-3 marked – architectural drawings and elevations.

Mr. Lusardi describes the proposal. Parking and variances required discussed. Layout of proposed building and elevations discussed.

Open to Public:

Patrick Accisano, Esq. on behalf of Jean Leahey, owner of 419 Park Place – asks questions of the Architect.

Thomas Coan – 612 Third Avenue – questions existing setback and proposed.

Dan Walsh - 1003 Ocean Avenue - saves for comments

Rich - 600 Third Avenue – questions size of lot and height of building and intent and purpose of building.

Victoria Leahey – Park Place – what makes it in poor shape? What is wrong with it? Is it structurally sound? Can a car park in it? Mr. Lusardi indicates yes.

Desiree Land – 423 Park Place Avenue – Owner of residence. What is the intended purpose of the garage apartment? The garage to park cars and the apartment to rent. Feels it is in keeping with similar properties with garage apartments including corner lots.

Exhibit A-4 – picture book of garage apartments. Ms. Land took the photos and prepared book to show similar properties with garage apartments, including corner lots. Photos discussed.

Mr. Mayer indicates the photos do not tell us when they were permitted or built? Did they obtain Use Variance? Jerry indicates he believes the Ordinance was adopted in 2011; therefore, it is possible these became pre-existing, non-conforming.

Helen Zincavage explains in her professional opinion as to why this ordinance may have been adopted relative to corner lots and possibly due to difficulty establishing setback requirements because they technically have two front yards and the proposal appears to require relief from numerous ordinances.

Open to Public:

Thomas Coan – 612 Third Ave – questions the proposed use and the possibility of more parking on the street. Questions the rental of the front house and whether CO's have been obtained for change in tenancy.

Exhibit OC-1 entered by Mr. Coan – Add off Air B&B Website.

Exhibit OC-2 entered by Mr. Coan – indicates CO for the property but no additional CO's for the rental of the property.

Mr. Wenning objects to admissibility of these documents as they are not official. Mr. Coan indicates he is concerned with future use of the property. Mark Kitrick, Esq. indicates OC-1 should not be submitted; however, OC-2 can be considered an official document as it is off the Borough website.

Patrick Accisano, Esq. – asks Mr. Wenning if there are formal rules of evidence for the Board of Adjustment.

Joseph Kociuba, PE, PP – qualified and accepted by the Board as a Planner – Mr. Kociuba describes the site and further describes the proposal and provides testimony in support of granting the variances requested including the positive and negative criteria associated.

Exhibit A-6 marked – highlighted copy of tax map showing subject lot and highlighted yellow equivalent density.

Alexis Bouhoutsos questions if parking could be provided in the additional space they have available. Most people do not use their garages for parking but rather for storage. It is indicated it would create another variance so it has not specifically been discussed.

Mr. Affuso has questions with regard to sizes of spaces and sizes of cars with regard to parking on the street.

Mr. Kociuba discusses the driveway apron and 3 on-street parallel stalls.

Ms. Egbert questions the proposed spaces within the proposed garage? It is indicated they are approximately 9 x 21 and 9 x 18.

Mr. Mayer requests the current width of the apron. It is indicated it is difficult because it is a continuous apron with the neighbor, approximately 20 feet.

Open to Public:

Patrick Accisano, Esq. – questions the positive and negative criteria provided and whether the Use Variance is consistent with the zone plan and the zoning ordinance? How do you justify that this is not a substantial impairment? Mr. Kociuba explains his position. Questions ensue with regard to parking requirements and the Master Plan.

Henry Machos – 209 Third – Did you analyze if there are any 50 x 50 non-conforming lots on Fletcher, Central, or Madison? Mr. Kociuba said he looked specifically at this Block and yes there is. Mr. Machos is concerned about somebody coming in in the future trying to subdivide these back houses at some point.

Louise Melman – 502 Park Place – Questions if they are aware of the huge trucks that come every day to deliver to Quick Chek and that on this particular day there was nobody parked there? That is the thoroughfare for the larger trucks. Mr. Kociuba indicates he did not take that into account but there is on-street parking there now.

?? Ravarto – 419 Park Place – Questions whether Mr. Kociuba is aware that 501 is currently unoccupied once it gets reoccupied they have no driveway and therefore there will be a higher demand for on-street parking in that area and was that factored into your consideration. It was considered, yes.

Mike F. - 122 Park Place Avenue – How many weekends have you spent in Bradley Beach? Mr. Kociuba indicates he does not know that he can quantify that. Indicates he has been here for 39 years and discusses his struggles with parking.

Thomas Coan – 612 Third Avenue – Any unusual lot size, shape, or topography? No. So would that mean based on your testimony that any 50 x 50 corner lot needing 6 variances is particularly suited for this use. Mr. Kociuba indicates no. Proposed parking questions asked and answered.

B. Wilkins - 502 Park Place – Questions amount of concrete in front of garage. Indicating yes, 2 feet. Will be a 2 car garage and 2 cars will be parked in front of the garage. It is indicated it is possible.

William DeGraw – 414 Ocean Park Avenue – lives behind the subject lot. Asks if 2 car garage and can fit 2 cars in it? Yes. Now there are guests and they can park a car there if a small car, if not in the street. Yes.

Victoria Leahy – 419 Park Place – Questions with regard to air conditioning and HVAC placement? It is very close to the backyard.

Ms. Egbert indicates she is not clear on where the heating and air conditioning were proposed for the garage apartment. It is indicated outside in the inside corner.

Mark Kitrick, Esq. indicates we should let Mr. Accisano present his witnesses before public comment.

The Board takes a brief recess. The Board returns and all members still present.

Mr. Wenning indicates the Architect and the Applicant have been speaking on the break and trying to come up with alternatives for parking. The Applicant would like the opportunity to carry

this application and come back in order to revise the plans and attempt to provide 4 parking spaces.

Patrick Accisano, Esq. indicates he would have to object to that request. The Applicant should have had that before the Board this evening, it has already noticed, and his client has made arrangements for their witnesses to be here tonight. The parking issue is a bulk variance; the meat of the application is for a Use Variance. If the Applicant wants to withdraw and try again with a different application and a different submission, but for this application respectfully requests that the request for adjournment be denied.

Mark Kitrick, Esq. asks Mr. Wenning if he is prepared to proceed. Provides the option of bifurcating and continuing with the Use Variance portion this evening. Mr. Wenning indicates he has spoken to his client and she has authorized him to withdraw the application.

**At this time the Board accepts the Applicant's request to withdraw and close the matter.**

**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY DENNIS MAYER, ALL IN FAVOR. MEETING CLOSED AT 8:30 PM.**

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, SEPTEMBER 20, 2018 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.**

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