

**Bradley Beach Zoning Board of Adjustment
Reorganization and Regular Meeting Minutes
Thursday, January 10, 2019 at 6:30 PM**

Meeting is called to order 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, Robert Quinlan, Dennis Mayer, Lauren Egbert, Alexis Bouhoutsos, and Harvey Rosenberg

Absent: Dominic Carrea, Raymond Wade, Edward Pilot, and Deidre Phillips

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

Mark G. Kitrick, Esq. indicates that those members re-appointed that are here this evening and new members have been sworn in.

Appointments for the 2019 Calendar Year:

CHAIRMAN: Dennis Mayer offers the name of Harvey Rosenberg which is seconded by Robert Quinlan. All members present in favor.

VICE CHAIRMAN: Harvey Rosenberg offers the name of Dennis Mayer which is seconded by Robert Quinlan. All members present in favor.

BOARD SECRETARY: Lauren Egbert offers the name of Kristie Dickert which is seconded by Harvey Rosenberg. All members present in favor.

BOARD ATTORNEY: Harvey Rosenberg offers the name of Mark G. Kitrick, Esq. which is seconded by Dennis Mayer. All members present in favor.

BOARD ENGINEER: Harvey Rosenberg offers the name of Gerald Freda, PE of Leon S. Avakian which is seconded by Dennis Mayer. All members present in favor.

It is suggested the Zoning Board will utilize the Professional Planner from Leon S. Avakian, Inc. when necessary.

NEWSPAPERS FOR PUBLICATION OF LEGAL NOTICES: Harvey Rosenberg offers we accept the Asbury Park Press, Coast Star, and the Coaster as the official newspapers which is seconded by Dennis Mayer. All members present in favor.

SCHEDULE OF MEETINGS: Harvey Rosenberg offers the following meeting dates which will take place here in the Municipal Complex Meeting Room located at 701 Main Street in the Borough of Bradley Beach, NJ at 6:30 PM: January 10, 2019, February 21, 2019, March 21, 2019, April 18, 2019, May 16, 2019, June 20, 2019, July 18, 2019, August 15, 2019, September 19, 2019, October 17, 2019, November 21, 2019, December 19, 2019, and Reorganization/Regular Meeting on January 9, 2020 which are seconded by Dennis Mayer. All members present in favor.

Resolutions Memorialized:

Resolution No. 2018-09 Adopting the Borough of Bradley Beach 2018 Decisions of the Land Use Applications Pursuant to NJSA 40:55D-70.1. Harvey Rosenberg offers a motion to accept which is seconded by Robert Quinlan. All members present in favor.

Attorney Mark Kitrick reminded the board of the opportunity to communicate any concerns or suggestions to the Planning Board via letter each January at the time of reorganization.

Chair Harvey Rosenberg asked Mr. Kitrick if such a letter could be sent to the Planning Board at any time. Mark Kitrick replied that it could.

Lauren Egbert expressed her concern over the adequacy of the present side set back ordinances related to undersized lots. She noted that the Zoning Board was consistently granting relief on the adjusted setbacks. She expressed her belief that guidance from the planning board regarding what size dwellings the Planning Board and Master Plan envision on frequently occurring undersized lots would be helpful. She suggested that specific ordinances might be crafted for frequently occurring lot configurations such as half lots.

It is suggested a chart be prepared by the Board Secretary indicating relief sought and granted/denied for 2018 for review at the April 2019 meeting. It is requested that George Waterman, Zoning Officer be present at this meeting as well for any questions which may arise and for his input.

WITH NO FURTHER REORGANIZATION BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REORGANIZATION MEETING AND TO OPEN THE REGULAR MEETING WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY DENNIS MAYER, ALL IN FAVOR. REORGANIZATION MEETING CLOSSES AT 6:48 PM.

REGULAR MEETING OPENS AT 6:48 PM:

Mark Kitrick, Esq. excuses himself from the meeting and turns it over to his associate Jilian McLeer, Esq.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

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

Absent: Dominic Carrea, Raymond Wade, Edward Pilot, and Deidre Phillips

Also Present: Jilian McLeer, Esq. - Attorney to the Board and Gerald Freda, PE, PP, CME – Board Engineer and Christine Bell, PP, AICP Board Planner

Adoption of Meeting Minutes of December 20, 2018 Motion to accept offered by Harvey Rosenberg and seconded by Dennis Mayer. All members present in favor.

Resolutions Memorialized:

Resolution #2019-06 – Approval of Use Variance to Allow Accessory Structure to Remain without a Principal Structure on the Lot with Deed Restrictions – Nollia, LLC – Block 53, Lot 17 – 212 Fourth Avenue. All eligible members in favor.

Applications:

ZB18/12 (Bulk Variances for Addition & Alterations to SFD) – Rick Bartolomei/Anita Nazario – Block 13, Lot 25 – 116 Newark Avenue. Applicant is proposing an addition and alterations to the existing single family residence including removal of the existing 2nd story and roof and reconstruction of a new 2nd story and habitable attic (half story) with an open deck at the attic floor level.

Applicant is represented by Michael J. Wenning, Esq. who summarizes the variances being requested.

Michael Moss AIA, Gerald Freda, PE, and Christine Bell, PP, AICP, Rick Bartolomei, and Anita Nazario are all sworn in.

Mr. Moss is qualified and accepted. Mr. Moss indicates the street has Victorian style homes with open balconies and porches and this design considers this. Lot size is non-conforming as it is 25 x 100 with an existing 2-story home containing 3 bedrooms, gambrel roof, no accessory structures only paver patio and there is no available off street parking.

Exhibit A-1 – Architectural Drawings

Exhibit A-2 – Survey of Property

Exhibit A-3 – Zoning Officer’s Denial

The proposed layout is described by Mr. Moss – because of the increase in the overhangs there is an increase in lot coverage. The proposed elevations are discussed.

Exhibit A-4 – Set of photos provided

Leon S. Avakian report is reviewed – the 3rd floor porch is not permitted. The reason it is being proposed is for views and enhancement to the habitable attic space and it has minimal impact to the neighborhood.

The existing setbacks to the street measured from the curb is approximately 25 feet and this setback is in line with the neighboring properties. There are some homes that are closer to the street than what is being proposed here. It is indicated the first floor footprint is not changing. The existing and proposed setbacks are discussed.

The attic can be configured to a ½ story if the Board is not amenable to a 3rd story as the original plan was miscalculated.

Mr. Affuso questions the double ridgeline.

The Applicant agrees to lower the attic roof 4 feet for a storage area to maintain a half story and eliminate a variance.

Mr. Mayer questions the AC units – it is indicated one is to remain and another added next to it outside the setback area.

Ms. Nazario indicates they are now year-round residents since 2018 and she works from home and needed an office, computer, couch, and the additional storage area is needed in order to empty out their storage units.

Lauren Egbert expressed her concern over whether the attic “living space” might be converted into a bedroom. She also expressed concern with respect to increased occupancy as it relates to parking, in particular with respect to lots with no off-street parking.

John Mok – sworn in – 119 Newark – on the block since 1941 – provided history of the block – indicates their house has no closets so this would benefit everybody.

Mr. Wenning summarizes the application.

Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve the application as presented with the change of dropping the roof to meeting the 2 ½ stories, the 2nd AC unit to the east, and the new attic not being utilized as a bedroom, moved and seconded by Alexis Bouhoutsos.

Those who voted YES: Michael Affuso w/comment, Alexis Bouhoutsos w/comment, Lauren Egbert w/comment, Robert Quinlan w/comment, Dennis Mayer w/comment, and Harvey Rosenberg w/comment.

Those who voted NO: None.

Those who ABSTAINED: None.

Those INELIGIBLE: None.

Those ABSENT: Deidre Phillips, Edward Pilot, Raymond Wade, and Dominic Carrea

****BOARD TAKES A BRIEF RECESS AT 7:54 PM & RETURNS AT 8:04 PM – ROLL CALL TAKEN ALL MEMBERS STILL PRESENT****

ZB18/11 (Appeal of Zoning Officer's Determination and Use Variance if the Board finds in favor of the Zoning Officer's Decision) – Chu Family – Block 9, Lot 10 – 318 Newark Avenue – Applicant wishes to raise one of the four (4) dwelling units on the property that has flooded in the past which will be in the exact same location with no changes in any setbacks and within the permitted height requirement of the Ordinance.

Applicant is represented by Thomas J. Hirsch, Esq. who proceeds to describe the application as well as the uniqueness of the lot and the situation with 4 dwellings on a single lot. The proposal is to raise the house within limits of the same setbacks with no intensification if just raising the home; however, they are asking for an outdoor shower and stairs to access home.

Richard Chu – sworn in – explains how the property is owned and set up over the years since the early 1960's. His cousin is John Mok. The homes are all owned by relatives (cousins). This was a summer cottage which was under water after Sandy and would like to raise it and leave to his children. Seeking an outdoor shower as 2 of the other units already have outdoor showers – this has been a family compound for the summer. Underneath of the home will be mitigated if necessary.

Mr. Quinlan asks if the cottage is structurally sound to raise.

Frank D. Mileto, AIA – sworn in an accepted – licensed since 1974, planner since 1976. The idea is to bring the home above the last flood elevation up 3.7 feet more than the current. The ridge height is 23 feet 11 inches proposed which complies. The steps had to be redesigned to accommodate the lift. Does not feel this is an expansion as there is no additional living space being provided. He feels this is promoting the health, safety, and welfare and there are no negative impacts with this proposal.

A discussion takes place with regard to reducing coverage. Jerry Freda suggests maybe even under the stairs.

The Applicant will stipulate they will not replace any removed concrete during the lift – the Board indicates they would like more.

Jerry makes another suggestion to replace the 7 feet of concrete (length of dwelling) in the rear with stone – Agreed to by the Applicant and will still not replace any impervious material from over dig and will take the concrete out from under the steps.

John Mok – 119 Newark – sworn in – explains the history and feels this will be an improvement.

Based upon the application submitted and the testimony provided, Lauren Egbert makes a motion to approve the application as presented with the conditions and removal of the impervious areas as discussed, moved and seconded by Robert Quinlan.

Those who voted YES: Michael Affuso w/comment, Alexis Bouhoutsos w/comment, Lauren Egbert w/comment, Robert Quinlan w/comment, Dennis Mayer w/comment, and Harvey Rosenberg w/comment.

Those who voted NO: None.

Those who ABSTAINED: None.

Those INELIGIBLE: None.

Those ABSENT: Deidre Phillips, Edward Pilot, Raymond Wade, and Dominic Carrea

WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY CHAIR ROSENBERG AND SECONDED BY ROBERT QUINLAN, ALL IN FAVOR. MEETING CLOSED AT 9:03 PM.

NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, FEBRUARY 21, 2019 AT 6:30 PM HERE IN THE MUNICIPAL COMPLEX MEETING ROOM.

Minutes submitted by Kristie Dickert, Board Secretary