

**Bradley Beach Zoning Board of Adjustment  
Regular Meeting Minutes – Meeting Held Via Zoom  
Thursday, May 21, 2020 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, Raymond Wade, Dennis Mayer, Deidre Phillips, Teresa Rosenberg, David Critelli, Deborah Bruynell, and Harvey Rosenberg

Absent: Robert Quinlan and Dominic Carrea

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

**Approval and Adoption of Meeting Minutes:**

A motion to approve the meeting minutes from the Special Meeting of April 30, 2020 is made by Harvey Rosenberg and seconded by Raymond Wade. All eligible members present in favor.

**Resolutions Memorialized:**

**Resolution 2020-08 – Approval of Bulk Variances – Bruce Garry – Block 75, Lot 13 – 204 Evergreen Avenue**

**Resolution 2020-09 – Approval of Bulk Variances – Ralph & Fiorella Giacobbe – Block 53, Lot 12 – 202 Fourth Avenue**

**Applications Under Consideration:**

**ZB19/16 – Paul & Kim Charette – Block 79, Lot 15 – 400 Monmouth Avenue – Carried to June 18, 2020 with no further notice being required.**

**ZB19/19 – Annemarie Kuder – Block 36, Lot 7 – 309 ½ McCabe Avenue** – The Applicant is seeking bulk variance relief for improvements to a non-conforming lot and variances on eave height of the proposed garage apartment, number of internal parking spaces for a garage apartment, off-street parking, as well as side and rear yard setbacks to the garage apartment. The existing property and structures have existing non-conformities with lot area, lot width, front yard setback, building coverage, and impervious coverage.

Harvey Rosenberg recuses himself from this application as he lives within 200 feet.

Annemarie Kuder, Jeffrey Irvin (contractor), and Jeffrey Langsam (architect) are sworn in with Gerald Freda, PE Board Engineer.

Ms. Kuder indicates she purchased the home in 2014. Looking to build-up garage to add a studio apartment for family.

It is indicated that 3 cars can fit on the property in the summer time. Does not feel eave height is an issue.

Thomas J. Coan – 612 Third Avenue – Asks the applicant if when she purchased the property in 2014 if she understood this was a non-conforming lot? Applicant responds no. Did you understand that there is a certain size required for a garage apartment? Applicant responded no.

Sally Torres – wrong application – questions held.

Jeffrey Langsam - Architect – Proposing to build a garage apartment above an existing one-car detached garage on the property. This is a permitted use in an R-1 residential zone. The footprint of the garage will not be changed, that is 358 s.f. The interior size of the studio apartment will be 282 s.f. Proposing to have an interior stair that will start just inside the existing entrance door that will run straight up the west side of the garage. There are several non-conformities on the property. The property is a narrow lot at 25 feet where the zone requires a minimum of 50 feet. We have existing building coverage at 41.7% vs. 35% allowable and we have an existing impervious coverage of 72% vs. 60% allowable. We are requesting 2 variances for this project – the first is 1 existing internal parking space for the garage apartment within the existing garage and 2 spaces are required. The second is to have our eave height start at 15 feet instead of 12 feet, the reason for the requested variance is to provide headroom clearance at the top of the stairs for the small apartment. We are proposing a 23 foot peak in the roof rather than the allowable 25 feet. There are presently rear or back buildings on all of the adjacent properties. Although visible from Ms. Kuder's driveway, the garage is barely visible from Lareine and comments on the Board Engineer's review letter. There are lines that run over the garage for electric and Verizon that provide power and internet to the rear cottage at 309 McCabe Avenue. Ms. Kuder will have those utilities relocated at the time of construction and she will also feed the garage apartment, if approved. A note will be added to the plan that the existing curb and sidewalk along the frontage will be replaced if deemed to be in poor condition. A note will be added to the plan stating that the area between the sidewalk and curb will remain grass. The Applicant has provided proof of taxes and shall secure any permits required before starting construction.

Jerry Freda – How many variances did you say you were seeking? It is indicated two (2) – Jerry indicates, no there are five (5) variances because you are going up over a non-conforming structure so you need variances for the second floor. Jeffrey Langsam on the cover sheet of the drawings and on a table provided to homeowners with the notice of the application we talk about the size and lot requirements and the existing non-conforming that we are going to increase.

Number 7 – 2 spaces per dwelling unit and that her driveway is only 7 feet wide which is smaller than a parking space width. Ms. Kuder has informed me that she has been parking there since she has moved in and has had no issue with parking there. Jerry indicates testimony is required for that because technically, you do not have a legal size parking space on the property at all and you are going to compound that with the garage apartment in the back that will also need 2 additional spaces. Four (4) spaces are needed and there are none provided, unless the Board would accept the smaller sized one that is there. Jeff indicates one can be parked in the garage and one could be parked in the driveway and that would be 2. Jerry indicates if you propose that you would need a driveway that goes all the way to the back and that means your impervious coverage goes up even more which would require variances for that as well. It would be hard for the Board to approve access to the rear of the property when there is really not enough room for a car on your property. You would have to utilize your neighbor's property to get there. Ms. Kuder indicates if this is just for family... Jerry indicates it does not matter, because you could sell the house tomorrow and it could be used differently.

Deidre Phillips asks if they can put a new driveway with pavers and add to it? Jerry indicates, no it makes the impervious coverage go up and it is still not wide enough between the house and the property line.

Ms. Kuder asks if they could propose a driveway with just the 2 strips (tire tracks)? Jerry indicates that is better, but the area is still not wide enough.

Jerry indicates there are a lot of variances here on a non-conforming lot. It is really tight there, so you should have a better plan than what you do right now.

Mr. Langsam indicates, unfortunately, the house is there and the driveway is what is there, she has been using it for several years this way and there does not seem to be any issue with her in terms of having access there, she hasn't had any issues with her neighbor with regard to using it. Jerry Freda indicates...again, if the neighbor sells their property and the new neighbor doesn't want a car traversing their property? Mr. Langsam indicates he understands.

Jerry indicates these are things the Board has to consider. You are asking for an awful lot here on a small lot.

Michael Affuso – suggests based upon Mr. Freda's suggestions, maybe it would be best for the applicant to come back based upon what Mr. Freda is saying, particularly with the parking situation and attempt to address it. Mr. Freda brings up a good question, if a neighbor comes in and asks to put up a fence along the property line, what sort of situation would we have there? Forget about traversing it, what if you physically blocked it? This should just be rethought out based upon Mr. Freda's comments and his letter.

Denis Mayer indicates it is up to the Applicant, there are maybe even more issues that have not even been brought up yet such as the size of the apartment alone. Is it really an apartment?

Annemarie Kuder – indicates there is a fence currently there. Jerry indicates you couldn't park a car there, because you need to open the doors.

Deidre Phillips mentions that you also need to have two (2) spots in the garage, right now there is no way you will ever have 2 spots in the garage. That is a glaring shortfall. Jerry indicates that requires a variance.

Mr. Langsam indicates Ms. Kuder's property is 25 foot wide and a majority of the lots on the block are 50 foot wide.

**David Critelli – 6:58 PM – Excuses himself from the meeting temporarily.**

Deidre Phillips – states that is also the property she has elected to purchase.

Teri Rosenberg – It is a ½ lot to begin with, it is 309 ½ McCabe, and you can't expand on that side because the other homeowner is on the gravel that is nearby so there is no way to make it bigger than 7 feet, so it is an issue.

Raymond Wade – If full with cars how do you access the apartment safely?

Mark Kitrick, Esq. indicates what he is hearing is that the Board is not comfortable with the project, so the question to the Applicant is do you want to revisit this after listening to comments from the Board, do you want to come back at a later date with perhaps some proposed changes to the application as it currently sits? Ms. Kuder indicates she will have to talk with her architect and contractor, but from what it sounds like everybody is saying, I am not going to go through this again and send out the notices and then spend more money if it is going to be a flat out no. If you are all in agreeance and it is going to be no, I would appreciate you telling me that.

Deidre Phillips – asks what if it is a mother-daughter type thing – you have to be creative. You need different ideas. We want you to be happy and improve your property, just creatively...that is what I am thinking in my head.

Mark Kitrick, Esq. – as far as the Applicant is concerned, if you go forward and there is a denial, it runs with the land, there is permanency with that. If you decide to have the matter carried to consider whether you want to revise the plans you can certainly come back and proceed at a future date or withdraw your application.

Jeffrey Langsam indicates at this point we will have to regroup and figure out another strategy and go back at it. Ms. Kuder agrees.

Thomas J. Coan – asks Mr. Langsam what the current use on the property is? It is answered it is a 1-family residence. How many bedrooms? It is answered four (4). So if this is not approved you still have effective utilization of this property? It is answered yes. Will there be

any testimony as to the Negative/Positive Criteria? Mr. Langsam asks of what? Mr. Coan indicates the possible granting of the variance?

Mark Kitrick, Esq. indicates the matter is going to be carried; therefore, they will have the opportunity to present that at a later date.

Mr. Coan – Another question...you mentioned these other apartments that were constructed around the site, do you have any idea whether those were approved before there was Zoning in Bradley Beach or after? Mr. Langsam indicates they do not know at this point.

Dennis Mayer notes that while it is not required, you may want to have legal counsel when you come back to argue those points that you have not made or that are necessary to bring the application forward.

**Dennis Mayer makes a motion to carry this application to the July 16, 2020 meeting, seconded by Michael Affuso.**

**Those in Favor: Teresa Rosenberg, Deborah Bruynell, Michael Affuso, Deidre Phillips, Raymond Wade, and Dennis Mayer.**

**ZB20/01 – Brian T. Smith and Sharon L. Price – Block 49, Lot 13 – 505 Central Avenue –**  
The Applicant is seeking to construct a two-story addition which will require bulk variance relief for the development of a non-conforming lot and variances for side and rear yard setbacks, building coverage, and impervious coverage.

Harvey Rosenberg rejoins the meeting.

Sharon Price, Brian Smith, Richard Vellano – Architect – and Gerald Freda, PE – Board Engineer are all sworn in.

Applicants indicate the house was purchased 10 years ago, but have rented in Bradley almost all of their adult lives, but wanted something of their own for the summer and weekends which is how they have been utilizing it, but always had the intention of making it a permanent full-time home for retirement. The house is sufficient for a weekend home, but in order to make it permanent they wish to make these changes. There are currently very small 3 bedrooms. There is a very small 1-story portion of their house which is unsound right now, possibly a porch that was enclosed at one time. There is a slanting floor, spongy floor, and unsteady. Hoping to take down this structure and replace with a slightly larger structure, but 2-stories. Would like a bedroom on the second floor and on the bottom floor a small entryway with a mud room with closet, a usable sized bathroom and laundry area. Proposing to take down one of the walls in the 2 smaller bedrooms to make 1 larger usable bedroom. The house will remain a 3-bedroom.

Chair Rosenberg questions the size of the lot. It is indicated it is a 2,000 s.f. lot – 40 ft. x 50 ft.

Jerry Freda indicates they are improving the back by pulling it in 3 feet off of the property line and the driveway is proposed to remain the way it is.

Michael Affuso – The driveway is impervious, would you be willing to change the driveway to a paver surface to improve the coverage ratio? Jerry Freda indicates that would not matter, because pavers are considered impervious, exactly like concrete.

Mr. Critelli asks if an open paver would be an option with the grass growing up in between and they are not completely impervious? Jerry indicates that would help as well.

Ms. Phillips asks if there can be a strip of green down the middle?

Jerry Freda – Asks if they can take up some of the patio and straighten out the fence so you can get a legal size parking space and reduce some of the coverage?

Ms. Price asks are you asking us to change the driveway, or patio, or both? Jerry indicates either option would be better, but both would be a plus because you are way over on your percentages for impervious coverage. So there are two (2) choices that you are looking at:

1. Take up the concrete driveway and put back a ribbon driveway and fill in a percentage of the impervious coverage with grass.
2. Interlocking paver blocks which allows grass to grow through them.

Ms. Price indicates they would be willing to put in a small lawn there and only have a walkway from the driveway to the house.

Mark Kitrick, Esq. wants to be clear and wants to know what exactly the applicant is willing to do. Ms. Price asks if it would be acceptable to just put grass between the driveway and keep a walkway up to the house and fill in what is now pavers and stone with grass, they would love to do that.

Jerry indicates you would need to come off the house about 3 ½ feet for the walkway to get down to the driveway, so if you take up patio and plant grass you are gaining approximately 80 s.f. of pervious area. If you utilize the ribbon driveway as well that is another 80 s.f. Approximately 150 s.f. of pervious area added if both options are done because the walkway would have to be carried a little further to get to the driveway from the proposed stairs, but it would be an 8% decrease – Applicant's will consider.

Michael Affuso – asks will that eliminate the variance on Item #7 in the Avakian Review? Jerry indicates he doesn't think it is enough to eliminate it. Chair Rosenberg indicates it is pretty close.

Meeting is open to the public, seeing none, public portion is closed.

Mr. Vellano – We can work out a scheme/plan with the strips in the front for the driveway and a sidewalk from the fence to the house and eliminate the coverage variance and the building is going up in the back portion of the house.

Mr. Critelli indicates he believes the surrounding properties were comparable to coverage and size.

Teri Rosenberg – How far back from the existing house is there any backyard existing? It is indicated no, there is about 1.7 feet existing and the addition will be 3.1 feet from the property line as it is being stepped in.

Open to the public, seeing none, public portion closed.

Open to the public for general comments, seeing none, public comment portion closed.

**Based upon the application submitted and the testimony provided, Harvey Rosenberg makes a motion to approve this application as presented with the reduction of the impervious coverage to 60% by removing portions of the patio and replacing and installing a ribbon driveway, seconded by Deidre Phillips.**

**Those in favor:** Teresa Rosenberg, David Critelli w/comment, Deborah Bruynell, Michael Affuso, Deidre Phillips w/comment, Raymond Wade, Dennis Mayer w/comment, and Harvey Rosenberg w/comment.

**Those opposed:** None.

**Those abstained:** None.

**Those absent:** Dominic Carrea and Robert Quinlan

**WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN WAS OFFERED BY HARVEY ROSENBERG AND SECONDED BY DEIDRE PHILLIPS, ALL IN FAVOR. MEETING CLOSED AT 7:30 PM.**

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, JUNE 18, 2020 AT 6:30 PM VIA ZOOM.**

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