

**Bradley Beach Land Use Board
Regular Meeting Minutes
Meeting Held in Person at 701 Main Street
Thursday, March 21, 2024 @ 6:30 PM**

Regular Meeting is called to order at 6:30 PM.

The Board and members of the public recite the pledge of allegiance.

Open public meeting announcement is made by the Board Secretary.

Roll Call:

Present: Dennis Mayer, Robert Mehnert, William Psiuk, Kelly Reilly-Ierardi, Lauren Saracene, Deborah Bruynell, Arianna Bocco, Timothy Sexsmith, and Mary Pat Riordan

Absent: Mayor Larry Fox, Liz Hernandez, Councilperson Kristen Mahoney, and Paul Murphy (resigned)

Also Present: Mark G. Kitrick, Esq., Gerald Freda, PE, PP, CME, and Christine Bell, PP, AICP

Chair Mayer advises the public of the Board's policies and procedures for the hearing.

Approval and Adoption of Meeting Minutes from the Regular Meeting of February 15, 2024 –

Motion to adopt offered by Chair Dennis Mayer, seconded by William Psiuk. All eligible members present in favor.

Resolutions Memorialized:

Resolution 2024-05 – Approval of Bulk Variances for Single Family Dwelling on an Undersized Lot – One Hundred Sixteen Cliff Ave, LLC – Block 11, Lot 7 – 116 Cliff Avenue

Resolution 2024-06 – Denial of Appeal of Zoning Officer's Determination – Peter F. Goggi – Block 56, Lot 6 – 503 Fifth Avenue

Resolution 2024-07 – Finding Ordinance No. 2024-1 consistent with the Borough's Master Plan with recommendations to Council.

Resolution 2024-08 – Finding Ordinance No. 2024-2 consistent with the Borough's Master Plan.

Consistency Reviews:

Ordinance No. 2024-1 of the Borough of Bradley Beach Amending Article II: "Terminology" and Article VIII: "Off-Street Parking, Driveway and Loading Requirements" of Chapter 450: "Zoning" of the Borough's Revised General Ordinances to "Require and Regulate Electric Vehicle Supply/Service Equipment and Make-Ready Parking Spaces Pursuant to State Law Mandates", introduced at the Borough Council meeting on March 13, 2024.

Christine Bell, PP, AICP indicates she has found proposed Ordinance 2024-1 consistent with the Borough's 2018 Master Plan. Revisions to this Ordinance were made to include the State Law Mandates. This is consistent with the recommendation to update the Borough's ordinances.

Chair Mayer questions where these spaces are to be located, what are the limitations, etc.?

William Psiuk questions how this compares to the DCA and do the mandates provide individual municipalities any leeway? He references letter C which indicates any yard area in all zones? If they are placed in the front yard, but homes facing east/west on the north/south streets will be livid.

A recommendation is made that Council review these gray areas as well as the implementation of this mandate, specifically to how and where these spaces are to be permitted/required.

Kelly Reilly-Ierardi – questions if determined to be nonconforming for some areas can we change the zoning? Christine Bell indicates that the RSIS (Residential Site Improvement Standards) govern and dictate parking requirements.

Based upon the recommendation from the Board Planner as well as the discussion on the record, William Psiuk makes a motion to find the proposed Ordinance Consistent with the Borough’s Master Plan with the recommendations being made to Council, seconded by Chair Dennis Mayer.

Those in Favor: Robert Mehnert, Kelly Reilly-Ierardi, Lauren Saracene, Deborah Bruynell, Arianna Bocco, Timothy Sexsmith, Mary Pat Riordan, William Psiuk, and Dennis Mayer

Those Absent: Paul Murphy, Liz Hernandez, Councilperson Kristen Mahoney, and Mayor Larry Fox

Those Recused: None.

Those in Opposition: None.

Those Abstained: None.

Ordinance No. 2024-2 of the Borough of Bradley Beach Amending Chapter 396: “Stormwater Management” of the Borough’s Revised General Ordinances to adopt new regulations consistent with amendments to the NJDEP’s Stormwater Management Rules, introduced at the Borough Council meeting on March 13, 2024.

Christine Bell, PP, AICP indicates she has also found proposed Ordinance 2024-2 consistent with the Borough’s 2018 Master Plan. This is consistent with the recommendation of reviewing regulations and updating where appropriate. Again, these revisions have been made to be consistent with the NJDEP mandates.

It is recommended that the Board Secretary request that Mayor and Council provide more time to review these proposed Ordinances as six (6) days is insufficient.

Based upon the recommendation from the Board Planner as well as the discussion on the record, Chair Dennis Mayer makes a motion to find the proposed Ordinance Consistent with the Borough’s Master Plan, seconded by William Psiuk.

Those in Favor: Robert Mehnert, Kelly Reilly-Ierardi, Lauren Saracene, Deborah Bruynell, Arianna Bocco, Timothy Sexsmith, Mary Pat Riordan, William Psiuk, and Dennis Mayer

Those Absent: Paul Murphy, Liz Hernandez, Councilperson Kristen Mahoney, and Mayor Larry Fox

Those Recused: None.

Those in Opposition: None.

Those Abstained: None.

Applications Considered:

LUB24/01 (Appeal of Zoning Officer's Issuance of Permit to 613 Fourth Avenue) – Jay & Grace Truppo of 611 Fourth Avenue – Appealing Block, 60, Lot 6 – 613 Fourth Avenue – RECEIVED NOTIFICATION FROM TENNANT MAGEE, ESQ. VIA E-MAIL ON 3/4/2024 THAT BASED UPON THE AMENDED ZONING PERMIT ISSUED BY THE ZONING OFFICER, HIS CLIENTS ARE NOW SATISFIED AND WISH TO WITHDRAW THEIR REQUEST FOR APPEAL

LUB23/23 (Bulk Variances for Proposed Addition & Driveway Expansion) – Donald & Mary Ann Greenberg – Block 16, Lot 8.01 – 302 Park Place Avenue – Applicant is proposing to remove the existing ½ story of the existing dwelling as well as both sheds in the rear yard area. The Applicant is proposing new construction of a full second story on the existing dwelling with a 1-story addition at the rear of the dwelling with an outdoor shower. The Applicant is also proposing a detached 1-car garage with an extension of the driveway.

Applicant is represented by Jeffrey P. Beekman, Esq.

Don & Mary Ann Greenberg, David Cohen, Joseph Kociuba are all sworn in along with Gerald Freda and Christine Bell.

Mr. Beekman summarizes the proposal as well as the variances being requested. The nonconforming coverage is being removed as a portion of the driveway is being removed. There is a 1.82-foot setback vs. 3 feet as the revised ordinance is 1 foot.

Don Greenberg – states they purchased the home in 2019 – and the current design was directed by them. One concern they had was preserving as much open space as possible utilizing as much sustainable material as possible and to have as light of a footprint as possible while not quite a LEED Certified Home.

Deb Bruynell questions the 4 feet vs. the 20 feet required between buildings. It is indicated the rear deck is only 3 ½ feet off the ground.

David Cohen – Architect – qualified and accepted by the Board.

A Photo Board (taken by Joseph Kociuba) of aerial image + 7 photos of the subject and adjacent homes.

The Photos are marked as Exhibit A-1 and the Aerial Image is marked as Exhibit A-2

Mr. Cohen proceeds to describe the proposal from the front to the rear of the property. A reduction in the deck and garage are discussed. The existing driveway will have pieces removed and they are proposing a ribbon driveway.

Ribbon Driveway Guidelines are marked as Exhibit A-3

Christine Bell questions the coverage calculations and it is indicated they are not over with proposed driveway. It is stipulated that the ribbon driveway will be made of concrete for maintenance purposes.

Joseph Kociuba – qualified/accepted – Mr. Kociuba discusses the drainage aspect of the project as there will be a net improvement of drainage on the property also improving with installation of a drywell.

Shifting of the garage structure and removal of a corner of the deck area are discussed in an effort to be more compliant with the distance between structures. It is agreed to remove a 4-foot triangle off the corner of the deck. It is asked how far will the garage be pivoted? It is indicated it will be moved as close to the generator as possible to remain in compliance with codes.

Average setbacks are discussed and will comply with impervious coverage requirements.

Based upon the application, testimony provided, and agreed to revisions, Chair Dennis Mayer makes a motion to approve the application with the condition that the garage be rotated as close to the generator as possible, that a 4 foot x 4 foot triangle be removed from the deck, that the width and gap in pavers be revised and will be no closer than 1 foot to the property line, that greenery/screen will be provided around the generator, and that the Engineer's Report will be complied with including the installation of a drywell, seconded by Robert Mehnert.

Those in Favor: Robert Mehnert, Lauren Saracene, Arianna Bocco, Timothy Sexsmith, Mary Pat Riordan, and Dennis Mayer

Those Absent: Paul Murphy, Liz Hernandez, Councilperson Kristen Mahoney, and Mayor Larry Fox

Those Recused: None.

Those in Opposition: Kelly Reilly-Ierardi, Deborah Bruynell (not comfortable with separation of structures), and William Psiuk (too many variances).

Those Abstained: None.

LUB23/27 (Use and Bulk Variances for the Proposed Conversion of Existing Bed and Breakfast into a Single-Family dwelling) – NLA Properties, LLC – Block 25, Lot 13 – 900 Ocean Avenue – Applicant is proposing to change the existing use of a bed and breakfast to a single-family home. The Applicant is also proposing to replace the garage apartment with a driveway and retaining walls. This proposal requires variances for front yard setback, building height, side yard setback to dwelling, driveway apron width, driveway width, building coverage, and impervious coverage.

Applicant is represented by Jeffrey P. Beekman, Esq.

Jeff Beekman, Esq. provides some background on the property and its pre-existence in the RB Zone. They are proposing to convert this existing bed and breakfast to a single-family home utilizing the exact footprint, and not proposing any changes to the structure or dwelling itself.

James Hudak, Joseph Kociuba, and Bill Connell are sworn in with Gerald Freda, PE, PP and Christine Bell, PP, AICP.

Mr. Hudak indicates he is the principal/managing member of the LLC as it is only himself and his wife with 50/50 ownership. They have owned the property since July 2016 and have had to perform extensive renovations structurally. Originally converted from 8 bedrooms down to 6 bedrooms; however, the reason for the change inside was because as a bed & breakfast the guestrooms have to have their own bathrooms. So, we reconstructed it so that every bedroom had a bathroom, but in order to do that we had to decrease the number of bedrooms. There had been an accidental fire that happened about 2 years ago where a fire started outside on the patio which caught the back apartment on fire, and it was destroyed. Most of the damage to the inn itself was smoke damage and water damage. The fire damage was repaired on the inn and the rear structure had to be demolished. With respect to the main structure, the only modification that was done to the floor space was we took

the 6 bedrooms down to 5 bedrooms, for conversion to a single-family house we wanted a master bedroom, so we converted 2 of the bedrooms into 1 bedroom on the 2nd floor. The plans submitted identify things such as owners' quarters on the first floor and what we have identified as guestrooms on the 2nd and 3rd floors. What are those rooms today? They are bedrooms. As far as the request to convert the bed and breakfast to a single-family home you are looking to convert the guestrooms in the plans to be bedrooms consistent to what they are used for today. We are not looking to add any bedrooms. Currently there is a Bedroom #6 on the 3rd floor which is just an open loft area. Mr. Hudak describes what has happened to this area. It was a bedroom but now it is an open area as you come up to the top of the steps. There is no closet, no closed door, etc. There are currently 6 bedrooms. Currently Room #5 and Room #7 are bedrooms on the 3rd floor while Room #6 is just a loft. The 2nd floor has Room #3 and #4 which are proposed to be one room while Room #1 and Room #2 are guest bedrooms. The first floor indicates owners' quarters. Mr. Hudak indicates it is just a space, there is a bathroom, but the layout is very narrow. At one point when it was an inn it was just an additional space where they put tables, but it could be used as an office, but very narrow, long space which is not good setup for bedroom. We are not proposing to utilize this as a bedroom.

Dennis Mayer reiterates the bedroom layout and indicates bedrooms #1 and #2 do not have closets. It is indicated there are built ins. Chair Mayer says he is just going by the plans he has. He doesn't see closets and doesn't know the sizes of most of the rooms. He feels the plans provided are pretty deficient in his opinion.

Christine Bell asks if the bedrooms still coffee bars have as identified on the plans. Mr. Hudak indicates there are built ins in bedroom #1 and #2 and Christine indicates that on Sheet R2 there is a detail of a "typical built-in unit". Mr. Hudak indicates those for when they were going to operate a bed & breakfast and they were not installed in every bedroom.

Jerry Freda indicates that at the very minimum you should go through with your builder or engineer and cross off on these plans what is no longer existing. The typical built in isn't really the issue but if a designated bedroom does not have a closet that it has one of these.

Chair Dennis Mayer indicates that those built-ins show an intent that is different than a single-family home. Do you currently have a mercantile license for a bed & breakfast? Yes. Is that going to be turned in and eliminated? Yes. Jeff Beekman, Esq. indicates they would have to receive an approval from the Board before they relinquish their mercantile license.

Jerry indicates this is very confusing and you have to give the Board something more than this to get an approval. Whether it's a conditional approval or not. Somebody has to measure all of these rooms and rectify these plans because Construction Department is going to need them as well.

Christine indicates based upon the plans submitted it was very confusing to her how the Applicant was going to convert this to a single-family home. The plans make it look like it is still a bed & breakfast. She thinks it would be beneficial if everyone could understand how this would operate as a single-family home and what the spaces are going to be used for. There is no indication of a living room or a kitchen.

Chair Mayer indicates if you want to turn this into a single-family home, he needs to see what it is going to look like. As of right now this is all should have could have would have and he can't make a decision based upon these plans.

Mr. Hudak indicates without the separate apartment in the rear, the bed & breakfast was no longer viable. He indicates the existing structure is just living space, a kitchen, and bedrooms and bathrooms.

Kelly Reilly-Ierardi indicates the first leg is taking a commercial use property and making it a single-family use and the second part is asking the Board to approve another nonconforming property now requiring bulk variances.

At this time Jeffrey Beekman, Esq. asks that this matter be carried to our May 16, 2024 meeting with no further notice being required in order to regroup, discuss options with his client, and potentially provide revised plans for the Boards' review. The Board agrees and all members presents are in favor to carry to May 16, 2024 without further notice.

LUB23/28 (Use and Bulk Variances for Addition to Existing Garage Structure) – Robert Galos – Block 81, Lot 4 – 27 ½ Pacific Avenue – Applicant is proposing an addition to the existing garage by enclosing the area under the existing second floor cantilever of the garage. The proposed improvements require variance approval from the Board regarding use and side yard setbacks.

Robert & Cassidy Galos – sworn in – owners of 27 ½ Pacific Ave

As of May 2021, they became full-time year-round residents.

They describe this structure as being almost the center of Vic's parking lot and it is an eyesore. They are seeking approval to bump out under the existing cantilever on the garage structure. Currently the left side is not useable to park a car. Also proposing to replace the roof to create usable space.

It is indicated there are currently 2 uses on a lot that is undersized and a request to expand a nonconforming property.

Mr. Galos indicates they don't necessarily need to expand but possibly change the pitch on the roof to create more useable space. It is indicated a variance is still required.

Mark Kitrick, Esq. explains the need for a d(2) Use Variance and the testimony required under the law. There has been no testimony provided to justify the granting of such a variance. Their choices at this point are explained and it is decided that they will carry their application and obtain a Professional Planner who can place the proper proofs on the record to justify the granting of the Use Variance.

Mr. & Mrs. Galos request their matter be carried to the May 16, 2024 meeting with no further notice being required in order to regroup and obtain a Professional Planner. The Board agrees and all members present are in favor to carry to May 16, 2024 without further notice.

Adjournment:

Next scheduled meeting will be our **Regular Meeting on Thursday, April 18, 2024 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 Dennis Mayer moved and seconded by Deborah Bruynell. All in favor. Meeting closed at 8:55 PM.

Minutes submitted by Kristie Dickert, Board Secretary