

**Bradley Beach Land Use Board  
Regular Meeting Minutes  
Meeting Held in Person at 701 Main Street  
Thursday, May 16, 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: Mayor Larry Fox, Liz Hernandez, Councilperson Kristen Mahoney, Dennis Mayer, Lauren Saracene, Deborah Bruynell, Arianna Bocco, Timothy Sexsmith, and Mary Pat Riordan

Absent: Robert Mehnert, William Psiuk, Kelly Reilly-Ierardi

Also Present: Mark 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 April 18, 2024 –**

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

**Resolutions Memorialized:**

**Resolution 2024-10 – Approval of Minor Subdivision with Bulk Variances for Existing Nonconformities** – 204 Beach Ave, LLC and John Naples – Block 66, Lots 2 & 27 – 110 Second Avenue & 204 Beach Avenue

**Resolution 2024-11 – Approval of Bulk Variances for Installation of Inground Pool with Restriction of Two-Family to Single Family Designation** – John and Patricia Flynn, Block 37, Lot 41 – 214 Lareine Avenue

**Applications Considered:**

**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. **\*\*Partially Heard on 3/21/2024 and Received Request to Carry to 6/20/2024 with no further notice being required\*\***

A motion to carry to June 20, 2024 without further notice is made by Dennis Mayer and Seconded by Arianna Bocco. All members present in favor.

**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. **\*\*Partially Heard on 3/21/2024\*\***

**Mayor Fox and Councilperson Mahoney are recused due to “d” variance for height being required.**

Jeffrey P. Beekman, Esq. appears on behalf of the Applicant.

Exhibit A-1 – Packet of 7 photos of subject property

Exhibit A-2 – Photo of Ocean Avenue in the 1930's

Exhibit A-3 – Photo of Boardwalk “post card” showing subject property

The prior uses of the property are discussed as well as the previous fire which occurred. During the fire the rear cottage caught on fire and damaged the cottage beyond repair. The main structure suffered smoke and water damage; however, there was no significant fire damage. Would like to convert the existing B&B into a single-family home.

James Hudak describes the kitchen renovation as it is no longer a commercial kitchen. He also describes the remainder of the existing 1<sup>st</sup> floor, and the layout of the 2<sup>nd</sup> floor is discussed. There was a total of 7 bedrooms; however, none had their own bathroom. They removed a bedroom and created bathrooms for each of the bedrooms as well as created a master suite. There is currently a total of 5 bedrooms.

Dennis Mayer asks what the procedure for relinquishing the B&B License. It is indicated if the Board approves this application they will relinquish the license as a condition of any approval. This home may be utilized for family or possibly sold.

Jerry Freda asks if they can continue to maintain the grass strip? It is indicated yes.

**Open to Public:**

Thomas J. Coan – asks Mr. Hudak if he added any volume to the existing structure. Mr. Hudak answers no. He asks if there is separate sewer billing for the property. Mr. Hudak indicates there was never separate sewer bills even when the cottage existed.

Joseph Kociuba, PE, PP – describes the plot plan with what was there previously and what is proposed. He describes the parking requirements and what is being provided. He proceeds to describe the existing retaining walls, proposed driveway, and justification for the design. They are willing to shift the driveway apron 2 feet which will still allow for on street parking as it exists today as a 22-foot length is required for a parallel parking spot.

Mr. Kociuba provides a summation of the variances being requested and provides justification for the pre-existing d(6) variance for the height of the turret. There is no proposal to change the exterior of the home or the volume of the existing structure.

The Applicant has no objection to providing a drywell with a pop-up emitter to accommodate roof drainage.

Jerry Freda asks about the existing yard drain contained in the driveway and asks that it be a condition to close/seal it off and that the pump can in the back must be removed and sealed as well. The Applicant has no objection to this being a condition of any approval.

The sidewalk and driveway apron will be constructed of concrete, not pavers.

There is currently a crawl space under the home with no basement. There is no proposed change to mechanicals.

**Open to Public:**

Thomas J. Coan – asks if Ordinance Section 450-12.B(1) would not apply to this structure and also notes that the driveway setback is now permitted at 1 foot.

**Open to Public Comment:**

Thomas J. Coan – 612 Third Avenue – sworn in – indicates he feels bad for the applicants and compliments them for maintaining this historic structure. He feels this improvement will be a positive benefit to the neighborhood and is in favor of the application.

Jeffrey P. Beekman, Esq. provides a brief summary and closing statement and requests the Board act favorably on this application.

**Based upon the application and testimony provided, Chair Dennis Mayer makes a motion to approve the application with the condition of shifting the driveway 2 feet, sealing off of drains, removal of pump can and sealing drain, and the installation of roof drains to be tied into a drywell with pop-up emitter, seconded by Arianna Bocco.**

**Those in Favor:** Lauren Saracene, Deborah Bruynell, Arianna Bocco, Timothy Sexsmith, Mary Pat Riordan, and Dennis Mayer

**Those Absent:** Robert Mehnert, Kelly Reilly-Ierardi, William Psiuk

**Those Recused:** Mayor Larry Fox and Councilperson Kristen Mahoney

**Those in Opposition:** None.

**Those Ineligible:** Liz Hernandez

**LUB23/30 (Minor Site Plan with Bulk Variances) – Lee Restaurant Group, LLC – Block 58, Lot 4 – 415 Main Street** – Applicant is seeking site plan approval to improve, renovate, and utilize the existing structure on the lot for a restaurant use which requires bulk variance relief. Applicant is represented by Michael B. York, Esq.

**Mayor Fox and Councilperson Mahoney return to meeting.**

Michael B. York, Esq. provides a brief summation.

Mark Rohmeyer of Morgan Engineering is sworn in along with Jerry Freda and Christine Bell.

Exhibit A-1 – S2 dated 1/23/2024 Highlighted

Exhibit A-2 – S3 dated 1/23/2024 Highlighted

Applicant is seeking Preliminary and Final Site Plan approval to convert location into a restaurant. Mainly proposing safety and visual improvements to the site.

The Leon S. Avakian Letter is reviewed. There is currently a 12,168 s.f. existing vacant building. They are proposing a new pad for a dumpster as well as an EV charging station.

The restaurant use is permitted in the zone.

They are proposing a trash enclosure and landscaping in the rear. A variance is required for the rear yard setback for the enclosure as there is no other area available to locate a dumpster.

A variance is required for the number of parking spaces being proposed.

Landscaping is being provided and there is no additional lighting being proposed.

Private trash pick-up us is proposed.

Planning testimony is provided regarding the positive and negative criteria for the variances being requested.

Dennis Mayer questions the driveways on the State Highway – Jerry references and they will close off the Fifth Avenue driveway.

The Applicant is proposing to reface the existing signs – freestanding and awning.

It is indicated this will be an Asian Fusion Restaurant with 55 seats in the restaurant and it is mostly in dining + takeout. It will be operational 7 days a week from 11:30 AM – 9:00 PM. There is a total of 25-30 employees with a maximum of 10-15 a shift.

**Open to Public:**

Thomas J. Coan – indicates he is the owner of 401 Main Street and questions their proposed loading zone as well as the A/C condensers. It is indicated the applicant will screen if not already screened.

**Open to Public for Comment:**

Thomas J. Coan – 612 Third Avenue – very excited for a new restaurant use; however, he believes it can be designed better. He provides comment with regard to curb cuts and parking.

Jerry Freda asks if they would consider adding another parking space and shifting the EV space on the west side of the parking lot.

**Based upon the application and testimony provided, Chair Dennis Mayer makes a motion to approve the application as discussed, seconded by Deborah Bruynell.**

**Those in Favor:** Lauren Saracene, Liz Hernandez, Councilperson Kristen Mahoney, Mayor Larry Fox, Deborah Bruynell, Arianna Bocco, Timothy Sexsmith, Mary Pat Riordan, and Dennis Mayer

**Those Absent:** Robert Mehnert, Kelly Reilly-Ierardi, William Psiuk

**Those Recused:** None.

**Those in Opposition:** None.

**Those Ineligible:** None.

**LUB24/05 (Amended Minor Site Plan) – Bradley Lab, LLC – Block 71, Lot 30 – 110 Main Street**  
– Applicant is now seeking amended minor site plan approval to further reconfigure the interior and exterior over what was previously approved including the elimination of the 2 additional screening rooms so as to maintain a single screen movie theater. The reconfiguration will also add a function space for use in conjunction with private screenings along with other interior and exterior renovations. To the extent the Board determines that the proposed application expands the use granted by the Prior Approval, then Applicant seeks a use variance pursuant to NJSA 40:55D-70.d.2. There are no changes proposed relating to the bulk variances previously granted by the Board. Applicant is represented by Jennifer S. Krimko, Esq.

**Lauren Saracene and Arianna Bocco recuse themselves from participating in this application.**

Jennifer S. Krimko, Esq. opens by discussing the “private space” could be construed as a Use Variance; however, it is no longer “function space” what is being proposed is 2 screen movie theaters. Ms. Krimko provides an explanation for the lack of movement since the last approval because they need to downsize from the original approval and there is now a proposed reduction of 38 seats.

There are 186 seats proposed in the main theater and the one smaller theater in the back is proposed to have not more than 39 seats. There is no change in the proposed use, just down to 2 theaters vs. the original 3 theaters. The last movie is proposed to start at 10:30 PM vs. the original 9:00 PM previously proposed.

Exhibit A-1 - Survey dated November 11, 2018

Exhibit A-2 - Architectural Plans dated April 29, 2024

Exhibit A-3 - Color Rendering of the Building from the Prior Hearing

Donald Passman, Christine Bell, and Gerald Freda – sworn in.

Donald Passman, AIA is accepted by the Board as an expert in the field of architecture. Mr. Passman describes the changes that are being proposed as very minor changes.

Kristen Mahoney questions prior hearings.

There is a question with regard to 120 Main Street, the fence, and parking. It is indicated there is no proposed change from what was previously approved.

Ms. Krimko indicates work is proposed to start in August.

Thomas J. Coan – questions the ramp in the back and the seating for the private space.

It is explained that it will have no more than 39 seats and it will have its own screen for private screenings and discussions.

**Based upon the application and testimony provided, Chair Dennis Mayer makes a motion to approve the application as presented with the final plans showing a capacity of 39 seats in Theater #2 and all prior conditions of the prior resolutions shall be complied with, seconded by Timothy Sexsmith.**

**Those in Favor:** Liz Hernandez, Councilperson Kristen Mahoney, Mayor Larry Fox, Deborah Bruynell, Timothy Sexsmith, Mary Pat Riordan, and Dennis Mayer

**Those Absent:** Robert Mehnert, Kelly Reilly-Ierardi, William Psiuk

**Those Recused:** Lauren Saracene & Arianna Bocco.

**Those in Opposition:** None.

**Those Ineligible:** None.

**Adjournment:**

Next scheduled meeting will be our **Regular Meeting on Thursday, June 20, 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 Timothy Sexsmith. All in favor. Meeting closed at 8:45 PM.

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