

**BRADLEY BEACH ZONING BOARD
OF ADJUSTMENT**

**JULY 21, 2011
Regular Meeting**

**The meeting was called to order by Acting Chairman Conoscenti at 6:30 P.M.
Pledge of Allegiance
Open Public Meeting Act – Open Public Meetings Act was read**

**ROLL CALL: MEMBERS PRESENT – Acting Chairman Conoscenti, Ms. Falk,
Mr. Bachar, Mr. Rosenberg, Mr. Goldfarb Mr. Battipaglia, Mrs. McGorry, Mr.
Quinlan, and Mr. Psiuk of the Planning Board**

MEMBERS ABSENT: Chairman Mayer, Mr. Kovach

**Also in attendance were Richard Stone, Board Attorney, and Elissa Commins,
Board Engineer**

A QUORUM WAS PRESENT

**APPROVAL OF MINUTES: Approval of minutes of the meeting on June 16, 2011,
on motion made by Acting Chairman Conoscenti and seconded by Mr. Bachar, and
carried by unanimous vote.**

**JOINT SUBCOMMITTEE REPORT: Mr. Rosenberg reported that the topics of
discussion at the joint subcommittee meeting were the following: driveways on
Ocean Avenue (there will be no restrictions at this time), corner lot size (to be
changed to 50 X 100), and air conditioner encroachments. Changes to specified
ordinances to accommodate those previously listed will be submitted to the Borough
attorney for further action. The next meeting will be held on August 4, 2011.**

MEMORIALIZATION:

**Acting Chairman Conoscenti made a motion to memorialize the above-stated
resolution, seconded by Ms. Falk and carried by unanimous vote .**

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NEW BUSINESS:

**ZBA#411-1-04-11 – William Shippers, Esq.
DOMENICA & CARMELA FACCHINI
201 Fifth Avenue – 53/9 Demolish exist. Dwelling
And construct new 3-story single family dwelling.
(Bulk Variances)**

Prior to the start of the hearing, Board members Mr. Kovach and Mr. Goldfarb recused themselves. Alternates Mrs. McGorry and Mr. Quinlan would be sitting in their place.

The following documents were introduced into evidence:

A-1 Application of Domenico and Carmela Facchini to construct new single family residence signed by the applicants and dated 04/29/2011.

A-2 Copy of Survey prepared by Zenon T. Grybowski, Surveyor, dated 04/07/2011, (signed, sealed)

A-3 Architectural plans of PIQ prepared by M.B. Hearn Architecture, LLC, dated 04/20/2011 (5pp, signed, sealed)

A-4 Affidavit of Service dated 06/10/2011, signed by William J. Shippers, Esq.

A-5 Affidavit of Publication of Asbury Park Press dated 06/16/2011.

A-6 Certified Receipts of Mailing to Property Owners dated 06/13/2011

A-7 Copy of Notice to Property Owners signed by William J. Shippers, Esq.

A-8 Photo Board of PIQ and surrounding area – front and back

A-9 Colored Site Plan for presentation purposes, (p. 1 of 5)

A-10 Colored Site Plan p. 4 of 5)

A-11 Calculations for half story

B-1 Letter of Elissa Commins, Board Engineer, dated 05/24/2011

Prior to testimony, Mr. Shippers, applicants' attorney, introduced Stephen Schueler, Esq., who would co-counsel with him for the hearing. A brief discussion took place concerning any conflict regarding Mr. Schueler, as he had been the previous mayor. It was determined that no conflict existed since Mr. Schueler had not been the Mayor for more than four years.

At this point, Carmella Facchini was sworn in by Attorney Stone. Architect Mary Hearn was also sworn in and accepted as an expert witness since she had appeared before the Board on other applications.

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Mrs. Facchini testified that she has owned property in Bradley Beach for Sixteen years, and is heir to the property at 201 Fifth Avenue, the PIQ, and previously owned by her father, deceased, since 1982. During that time, the family summered

there each year. Under further questioning by Mr. Schueler, Mrs. Facchini stated that presently the property is vacant and in poor condition, now an eyesore. Prior, it had been used as a two family, with a side apartment. Further, she gave the history of the property noting that the original house was a rooming house with six bedrooms in the main part. Continuing, Mrs. Facchini noted that when the family occupied the dwelling over the years, with the side apartment, C.O.'s were always obtained. Mr. Gray, zoning officer, stated it would be a positive for the current house to be demolished and replaced with a single family structure.

Mary Hearn, Architect, then testified reviewing the site plan in detail utilizing the poster boards (Exhibit A-8, 9 and 10) and discussion guided by Mr. Shipers. She stated that with the demolition and construction of a new 2.5 story home, minor variances are needed. All setbacks, lot coverage and impervious coverage are in compliance. Continuing, Ms. Hearn reviewed the pre-existing conditions including height (no variance required even though four feet higher than current structure). In terms of the footprint, the home sits 10' off the westerly side and 2' off the southerly side. Other areas of review included the current structure is pre-existing non-conforming, with corner lot frontage of 50' with no vacant land surrounding it, and no on-site parking. Ms. Hearn also noted that originally the applicants looked at a garage apartment and single family home, but determined that the lot was too small and it would be more desirable to have a one family house.

Outlining the site plan specifically, Ms. Hearn described the proposed house to include an open floor plan, living room, dining room, kitchen, foyer and bath with a wrap-around porch and mudroom. Continuing, the dwelling would contain four bedrooms, two baths, laundry closet, and small covered porch that sits within the building envelope. The half story would include another bedroom and bath with two small balconies off the east side. Overall there would be five bedrooms and study and a finished basement with mechanics, playroom, storage and bath. Ms. Hearn stated that the site drives the variances as there is limited space. Other features of the proposal discussed included width of curb cut, width of driveway / parking in front yard; and a four column pergola with gate.

Discussion then centered on the air conditioning units that at this point are located on the west side of the house and into the setbacks, in order to minimize the noise level to the neighbors, with the neighbor to the west 5.08' away.

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Ms. Hearn then discussed specific dimensions and alternatives, i.e. move house 5' to west; two small balconies on third floor (one off family room and one off bedroom), tucked behind the roof line; aesthetic reason for two balconies with better

symmetry, living space, and the attempt to keep the air conditioners out of the front yards. In discussion with Board members, it was noted that a double wide driveway was not setting new precedent as there is no on-site parking now and all inhabitants parked in the street previously. In terms of square footage of property, it is 4,116 sq. ft. with 678 sq. ft. in the basement. Board members then expressed concerns with the location of the air conditioners, suggesting they go in the front yard behind the hedge wall where the noise would go to the street, and possibly a smaller house.

In summary, it was stated that a half story allows 50% while the proposal is 47.7%, the balconies are only 52 sq. ft. with 3' railings; the drainage would be gutters and leaders and would not be directed to the neighbors; white house with quality siding; subtle architectural elements; driveway and patio (16.5' ½ way into 20' back, then pergola – patio @ 20', and gate at top of drive; and possible consideration of solar on south face.

At this point, Acting Chairman Conoscenti opened the meeting up to the public:

All those who made comments and/or testified, were sworn in by Attorney Stone. Robert Smith, Nutley, 203 Fifth Avenue, to the west of the PIQ, a summer home, expressed concerns about the location of the air conditioning units that would be next to his front porch and should go on the east side. Further, other than that issue, it is a lovely house with a driveway in a good location.

Gary Garwacke, 407 Beach Avenue, south of PIQ, noted that he is affected by the driveway as he has four windows on the main house and questioned the height of the greenery and fence. (four foot white vinyl fence). He stated that he felt a fence would make it tight and would prefer not to see one. He was informed that the fence would be no higher than 4' and therefore not higher than the window sills. Mr. Garwacke then stated that he agrees the air conditioning units should be on the east side.

Bill Psiuk, 110 Fifth Avenue, expressed two concerns: 1) drywells (water run-off from covered deck on second floor); otherwise it is a good project and a plus for the neighborhood. And 2) would not enclose second deck. However, he noted that whatever is required will be monitored by the Board engineer.

Final comments included Ms. Hearn stating that no porch is further forward and the Fifth Avenue streetscape remain the same.

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The public portion was closed.

At this point, Mr. Shipers waived closing statements except to state that the application is an improvement for the town by eliminating a two family and getting

rid of seven non-conforming variances. Further noted is that it will be a great addition to Bradley Beach and commended Mary for the wonderful job she did and created a nice project.

After final comments that including the air conditioning issue of placement, water management is contained, and restriction of the four foot fence on the southerly property line, Acting Chairman Conoscenti made a motion to approve the application and grant the variances requested, including double curb cut width, driveway width, and half story area, **WITH THE FOLLOWING CONDITIONS:** 1) Restrict height of fence to four (4') feet along the southerly property line; 2) air conditioners moved to the east side on Beach Avenue behind shrubbery as a buffer; 3) stormwater management according to code; and 4) construction to commence within two years of the approval herein or appear before the Board for an extension. Said motion with conditions was seconded by Ms. Falk and carried by the following vote:

AYES:

Acting Chairman Conoscenti – stated that there is “nothing negative” about this project and commended Mary and the applicant for the fine project.

Ms. Falk – stated the project is aesthetically beautiful and appreciated that the applicant considered all the alternatives presented.

Mr. Bachar – stated it was a “great project” and the applicant gets a driveway and the borough benefits from off-street parking. Further, he feels that there is “nothing negative” about the application.

Mr. Rosenberg – approved the application and stated that he liked the idea that the structure would be more conforming, off-street parking is provided, the air conditioners are moved to meet the concerns of the neighbors and the project will improve the neighborhood.

Mrs. McGorry – stated the entire neighborhood has improved and she cannot wait to see a beautiful house on that corner.

Mr. Quinlan – stated a corner lot is sometimes difficult to plan a new house, and the application is an improvement in the area.

Prior to closing the meeting, a discussion among the Board engineer and Board members was held regarding concerns that there is nothing in the ordinance for setbacks for air conditioners. It was determined that this should be referred to the joint subcommittee of planning and zoning for consideration.

The meeting was closed at 9:00 p.m.

Respectfully submitted,

Frances M. Sauta, Board Secretary

