

Table of Contents

Pbagendaoct 27.....2

October272011pbmin.....3

BOROUGH OF BRADLEY BEACH PLANNING BOARD
701 MAIN STREET
BRADLEY BEACH, NEW JERSEY 07720
Phone (732) 776-2999 ext. 17

AGENDA

REGULAR MEETING

THURSDAY, OCTOBER 27, 2011

6:30 pm

Workshop

1. Public Portion
2. Pledge of Allegiance
3. Open Public Meetings Act
4. Roll Call – A quorum was present
5. Approval of Minutes – July 28, 2011
6. Joint Subcommittee report – October 6, 2011

7. MEMORIALIZATION:

- A. Appointment & approval of Contract of Mark Steinberg, Esq., Board Attorney-One year**
- B. Appointment & approval of Contract of Birdsall Engineering, Inc., Board Engineer – One year**
- C. Appointment of Board Secretary for One year**

APPLICATION TO AMEND RESOLUTION:

**PB-B26-L9-02-10 – Michael J. Wenning, Esq.
807 OCEAN AVENUE, LLC, 807-809 Ocean Ave.
(Prior approval memorialized on March 24, 2011)**

PUBLIC COMMENTS

**ADJOURNMENT - Next Planning Board Meeting:
December 15, 2011, at 6:30 p.m.**

BRADLEY BEACH PLANNING BOARD MEETING
REGULAR MEETING
OCTOBER 27, 2011

The workshop was called to order at 6:30 P.M. by Chairman Psiuk.
There were no items of discussion for the workshop and the meeting went directly to the public portion:
Pledge of Allegiance was recited and the Open Public Meetings Act was read.

ROLL CALL:

PRESENT: Chairman Psiuk, Ms. Schreck, Mr. Engelstad, Mrs. O'Reilly, Mr. Rosenthal

ABSENT: Mr. Weber, Mrs. Hoyer

A quorum was present

It was noted that Zoning Board attorney Richard Stone, Esq. was in attendance for Mark Steinberg, Esq. as Planning Board attorney. Elissa Commins, Board Engineer, was also in attendance.

APPROVAL OF MINUTES: The minutes of the Planning Board meeting of July 28, 2011, were approved as read on motion made by Chairman Psiuk and seconded by Mr. Engelstad and carried by unanimous vote.

JOINT SUBCOMMITTEE: Chairman Psiuk reported on the meeting of October 6, 2011, at which time it was noted that the borough attorney prepared the various revisions to selected ordinances, and they were presented to Mayor and Council on October 25th, 2011, for approval. Mr. Psiuk stated that the next meeting is scheduled for Wednesday, December 14, 2011, at 6:30 p.m. and items on the agenda include café licenses, landscaping, and tree issues.

MEMORIALIZATION:

A. Resolution of Appointment and approval of Contract of Mark Steinberg, Esq., as Board Attorney for one year (July 1, 2011 to June 30, 2012).

Chairman Psiuk made a motion to memorialize the above-stated Resolution, seconded by Mr. Rosenthal and carried by unanimous vote.

B. Resolution of Appointment and approval of Contract of Birdsall Services, LLC – Elissa Commins, Designee – for one year (July 1, 2011 to June 30, 2012)

Mr. Engelstad made a motion to memorialize the above-stated Resolution, seconded by Mrs. O'Reilly and carried by unanimous vote.

C. Resolution of Appointment of Board Secretary, Frances M. Sauta, for one year (July 1, 2011 to June 30, 2012)

Chairman Psiuk made a motion to memorialize the above-stated Resolution, seconded by Mrs. O'Reilly and carried by unanimous vote.

APPLICATION TO AMEND RESOLUTION OF APPROVAL:

**PB-B26-L9-02-10 – Michael J. Wenning, Esq.
807 OCEAN AVENUE, LLC, 807-809 Ocean Ave.
(Memorialized on March 24, 2011)**

The following documents were entered into evidence:

3A-1 Amended development application of 807 Ocean Avenue, LLC, to amend previous site plan approvals No. PB-B26-L9-02-10, PB2007-B26-L9, PB07-B26-L9-11, signed by Michael J. Wenning, Esq., and dated 10/12/2011.

3A-2 Letter to Planning Board dated 10/11/2011 from the applicant proposing three alternate options to change the approval design.

3A-3 Site plan of PIQ prepared by Mija Architecture, LLC (5 pp. dated 1/29/10, signed, sealed)

3A-4 Affidavit of Publication of Asbury Park Press dated 10/12/2011.

3A-5 Copy of Notice to Property Owners signed by Michael J. Wenning, Esq.

3A-6 Original Certified Receipts to property owners dated 10/11/2011.

3A-7 Affidavit of Service signed by Karen McWilliam and dated 10/14/2011

Sharif Elfar, applicant, and licensed professional engineer, was sworn in by Attorney Stone. Mr. Elfar provided background information that resulted in his appearing before the Board seeking approval for a design change from the original site plan. He stated that the code officer informed him that he did not meet the requirements of two exits, and in order to meet that requirement, he would have to take away one of the walls. Further, this change would affect the first floor – parking and driveway. Mr. Elfar presented three options for the Board to consider, with the personal preference of the first one, deeming it the best fit. At this point, Mr. Stone reviewed the issue of when an amendment is considered de minimus or not. Also, in a de minimus situation, the Board Engineer can authorize a change administratively. In this case, Mr. Stone stated that the change is more than that as it involves a site change as well.

Chairman Psiuk stated that the parking has changed, and further, it calls for compact cars. The issue of compact cars would prevent approval since if the project was sold, there would be no recourse to enforce the type of vehicle. A discussion then took place among Board members, the Board Engineer and Mr. Elfar regarding what was required in terms of number of parking spaces. The issue involved was whether or not seven plus one handicapped for a total of eight, OR, as

the Board Engineer preferred, stated they would need nine total and explained the **breakdown for parking with a four bedroom garden apartment. Discussion continued and it was noted that the internal changes that would be needed to satisfy the requirements of the construction office affected the parking on the first floor. Other topics discussed included a review of Option 1 with the staircase opening up to an open area; the fact that all three options under consideration would satisfy the concerns of the building inspectors, Steve Losacco and Ken Triano; the location of the exit stairs and doorway in relation to vehicles (six feet face of door to car); and wheelchair access in line with door opening.**

Parking requirements were again reviewed and it was noted that many urban cities have a percentage of parking for compact cars allowed. Mr. Elfar stated the difficulties in re-configuring the lobby in order to add the stairway and the requirement that not more than 25% of the wall can be open on the south side resulting in the closure of some walls and therefore a small space.

In looking at Option 2, again compact space was an issue, although possibly 90% of vehicles would fit. Elissa Commins, Board Engineer, at first stated that the Borough does not regulate size of parking stalls and that 15' would still comply. Continuing, the comparison of Option 1 and 2 were reviewed in depth. In Option 1, it would provide more storage fitting nicely in the back; a larger area for trash (15' X 3 from 8' X 3). Mr. Elfar commented that two concrete staircases are better than one and two exits are better, resulting in a strong and safe building, noting that one exit is not sufficient for four units. Also the eight parking spaces would be laid out as originally planned and meets the south wall closure, fence and parking space. In Option 2, the storage areas would have the doors swing inside and everything fits.

It was determined that the Board was against Option 3, and Mr. Elfar stated that they were trying to fast-track the project before winter setting in. Other points of discussion included location of mechanicals and elevator, roof height, taking bedroom away from one of the units would satisfy parking requirements and concerns of the Board, moving spiral staircase on south side to the west and moving the wall back. Reference was made to Option 2 (A-1-2) drawing illustrating original location of staircase, and when elevator is 18 – 20' back, the staircase happens within that space. Further, when the staircase is moved, it eliminates the bump-out. Benefits of Option 2 would be all parking spaces full size, ADA space would be near the entrance, and it would provide larger storage and trash space.

Concerns were then expressed by the Board regarding the office that in A-2, it has a closet and two entrances; however, in 2008, it did not have a closet and French doors. Chairman Psiuk recommended the closet be removed and a door into the foyer be discouraged. Various dimensions were also reviewed and corrected, including square footage, building coverage and setbacks. Chairman Psiuk then opened the meeting up to the public. (NO COMMENTS)

After final discussion, Chairman Psiuk made a motion to approve Option A-1-2 as follows:

- 1) Eight parking spaces, plus one handicapped in front of lobby; 2) Storage doors #1 and 2 open out, not in; At this point, the motion was placed on hold in order to allow a further discussion initiated by Ms. Schreck to look again at the options. She spoke of car size now and in the future, and what option provides for a better parking flow. Also questioned was whether backing out or making a turn increased safety and if sometimes the parking requirements stand in the way of development.

The motion was then re-introduced, made by Chairman Psiuk, to approve Option A-1-2, as follows:

1. Eight parking spaces, plus one handicapped in front of lobby.
2. Storage doors #1 and #2 to open out, not in.
3. Remove closet door in office and maintain French doors on the east side, facing the ocean.
4. Allow the applicant to bump out the rear of the building to 25' from 28.5 originally approved.
5. The eastern parking bay shall be shifted (approximately) 1'2" to the north in order to maintain a minimum of three (3) feet in between the fence/property line and the delineated parking spaces. Consequently, the drive aisle will be reduced to 22'10" in width.

Said motion in its entirety was seconded by Ms. Schreck and carried by the following vote:

AYES:

Mr. Rosenthal – Approve- felt that the option was the best to go with and agreed with the removal of the closet door in the office.

Mrs. O'Reilly – Approve-agreed the proposal was consistent with the previous application and the applicant made an effort to comply with the standards at our disposal.

Mr. Engelstad – Approve-it was a deliberative process resulting in a mutual benefit to all and provided a product upgrade.

Ms. Schreck – Approve-it was a good effort to meet the codes already in existence and benefits both the town and the applicant. Provides for alternative parking on Ocean Avenue.

Chairman Psiuk – Approve-appreciated the applicant meeting the Board's request, especially in terms of what he had to work with on parking.

NAYES: - None recorded

ABSENT: Vice-Chairwoman Hoyer, Mr. Weber

The meeting was adjourned at 8:30 P.M.

Respectfully submitted,