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**BRADLEY BEACH ZONING BOARD OF ADJUSTMENT
701 MAIN STREET**

AGENDA

THURSDAY, February 16, 2012

6:30 P.M.

- 1. Public Portion**
- 2. Pledge of Allegiance**
- 3. Open Public Meetings Act**
- 4. Roll Call - Approval of minutes January 19, 2012**
- 5. Joint Subcommittee Report – February 9, 2012**
- 6. MEMORIALIZATION: None scheduled**
- 7. CARRIED FROM JANUARY 19, 2012:**
 - A. ZBA#411-1-10-11 – Thomas Hirsch, Esq.
ANDREA MONTEDORO, 603 McCabe Ave.
33/9 – Renovate existing single family dwelling
With 3-car garage to single family dwelling with a 2-car
garage and garage apartment. Bulk Variances**
 - B. ZBA#411-1-12-11 – Pro Se
CORI & JOSEPH BRANCO, 112 Evergreen Ave.
76/12 – Amend approved plans (ZBA#411-1-25-06)**
 - C. ZBA#411-1-11-11 – Pro Se
CHARLES & KATHLEEN MORALES, 602 Fourth Av
57/19 – Confirmation of approvals for Air Conditioner
Condenser from building inspectors.**
- 8. ADJOURNMENT – Next meeting March 15, 2012 @
6:30 p.m.**

**BRADLEY BEACH ZONING BOARD
OF ADJUSTMENT**

**FEBRUARY 16, 2012
Regular Meeting**

The meeting was called to order by Chairman Conoscenti at 6:30 P.M.

Pledge of Allegiance

Open Public Meeting Act – “48” Hour Notice of added meeting under the Open Public Meetings Act was read.

ROLL CALL: MEMBERS PRESENT – Chairman Conoscenti, Vice President Mr. Goldfarb, Mr. Rosenberg, Ms. Falk, and Alternates Mrs. McGorry, and Mr. Quinlan.

MEMBERS ABSENT: Mr. Kovach, Mr. Bachar, Mr. Battipaglia

Also in attendance were Richard Stone, Board Attorney, Elissa Commins, Board Engineer, and Stephen LoSacco, Zoning Officer.

A QUORUM WAS PRESENT

APPROVAL OF MINUTES: The minutes of the meeting on January 19, 2012, were approved on motion made by Mr. Rosenberg and seconded by Mr. Quinlan. and carried by unanimous vote.

MEMORIALIZATION: None Scheduled monies would be refunded to an applicant until all inspections and approvals have been met and approved plans adhered to and in compliance. 2) The impervious coverage ordinance was reviewed, as well as how it is written by the State Construction Code according to Bryant Curry, Code Officer, and it was agreed that the percentage would be decided upon case-by-case.

Thereafter, the matter of the Brehm application (Block 25, Lot 16. 102 Ocean Park Avenue, was discussed to address the question of the calculation to be used for lot coverage as outlined in a letter to the Board from Thomas J. Hirsch, Esq., attorney for the applicants dated December 27, 2011. It was agreed administratively that as a part of the Resolution of approval, the overall coverage that the Board allowed takes into account that the areas covered with pavers will only be calculated at 50% of the area for coverage purposes. This clarification will be outlined in a letter to the applicants’ attorney and made a part of the Resolution.

CARRIED FROM JANUARY 19, 2012:

- A. ZBA#411-1-10-11 – Thomas Hirsch, Esq.
ANDREA MONTEDORO, 603 McCabe Ave. 33/9
Renovate existing single family dwelling with a 3-car
Garage to a single family dwelling with a 2-car garage
And garage apartment. Bulk variances**

The following documents were entered into evidence:

A-1 Application of Andrea Montedoro to renovate existing single family dwelling and 3-car garage to a single family dwelling and 2-car garage and garage apartment, signed by Thomas Hirsch, Esq. and dated November 10, 2011.

A-2 Copy of survey prepared by Michael J. Williams and dated March 27, 1984 (signed, unsealed).

A-3 Architectural plans, including site plan, prepared by JMI Architects LLC, dated 10/3/2011 and last revised 10/17/11 (Signed, Sealed, 5pp)

A-4 Copy of Notice to Property Owners signed by Thomas Hirsch, Esq. and Receipts for Certified Mail dated January 5, 2012

A-5 Affidavit of Service signed by Mary Lea McCrillis dated January 10, 2012

A-6 Affidavit of Publication of Asbury Park Press dated January 6, 2012

A-7 Posterboard of Site Plan (A-3 p. 1)

A-8 Posterboard of Floor Plans (A-3 p. 3)

A-9 Posterboard of Elevations (A-3 p. 2)

A-10 Photo board of PIQ and neighboring properties

B-1 Letter of Elissa Commins, Board Engineer, dated 12/27/2011

B-2 Color photos (5) of PIQ – front and rear views

Applicant, Andrea Montedoro, and architect, Jason Lusardi, were sworn in by Attorney Stone. At the outset, Mr. Hirsch presented the background of the property and an overview of the proposal. Ms. Montedoro stated that she and her brother purchased the property in 1980, and currently she is the sole owner. Further, she has lived in the principal home for 20 to 25 years, having long-time roots in Bradley Beach. Ms. Montedoro then referred to A-10 – photoboard, and stated that the third car garage would be removed and the remaining structure, in need of renovation, would be improved with the proposed changes. Upon questioning, she stated that probably the garage apartment would be rented, and that possibly she would live there in the future. During the time of her ownership, the property has not been rented. When questioned, Ms. Montedoro stated that the footprint of the second floor would remain the same except for dormers added.

Chairman Conoscenti noted that with the elimination of one bay and the creation of the front porch, the apartment will exceed the square footage.

At this point, the architect, Jason Lusardi, was called to testify. He provided background information and was accepted as an expert witness as this was the first time before the Board. Under questioning by Mr. Hirsch, Mr. Lusardi stated that he was asked to prepare plans for the site, and he is very familiar with the PIQ and the surrounding area. Further, he noted that he reviewed the Board Engineer's report and reviewed the existing structure on the property including the three bay garage. Mr. Lusardi then referred to the posterboard of A-7 (Site Plan) stating that the property could be improved by removing the third garage and bringing the easterly side more into compliance. Further, the proposal includes an open porch with columns as the entry to the apartment, and the one story open porch provides increased open space, light and air. The proposal will also reduce building and impervious coverage as the area previously covered by the third garage will now be grass. Mr. Lusardi continued stating that the garage floor area is 1,299 sq. ft. now and 1,073 sq. ft. proposed while 800 sq. ft. is permitted. (Add 99 sq. ft. for covered porch – 9' X 11'). Also reviewed was the first floor addition that includes common area, utilities, closet, laundry room and access to the apartment. It was noted that there is no living space there. Continuing, access to the second floor is a doorway on the east side of the second floor and there will be no second floor deck. Going up to the second floor, it is an open area with some plumbing, and the apartment is the same as below with a shed dormer to the back and gable in the front.

Other areas covered by Mr. Lusardi included increasing the height of the interior walls resulting in 887 sq. ft. of living space on the second floor where 600 sq. ft. is allowed. In terms of parking, the two garage bays, plus driveway area provides a total of four plus. Further, the driveway will have a five foot buffer, and currently goes right up to the property line. This will provide for additional landscaping. Mr. Lusardi then outlined the garage apartment on the second floor, i.e. study (no egress window nor closet), living room, and one bedroom. Again he reviewed the first floor that includes utilities, common area and access to the second floor, while planning a more inviting foyer. Mr. Hirsch commented at this time that three variances are done away with on this project – three car garage (in poor condition), east setback and reducing the net size of the building. It does meet the one bedroom requirement, and has less building coverage and impervious coverage. Also, the overall perception of the proposed structure is smaller than that which exists (from 12.3 to 11.5).

Various points were discussed among the Board members, Board engineer, applicant's attorney and architect. They included square footage dimensions that increase 149' by the addition and 103' by the dormer; by removing the third bay and the driveway thereby increasing landscaping is a "trade-off" for the addition; the current footprint; alternatives such as eliminating the addition and going straight up to the second floor and create a dormer in the back; importance of working with what you have, and not add to the number of variances required; and the need for an entranceway.

Mr. Hirsch, applicant's attorney, noted it is difficult to meet all the requirements; however, when balanced, the proposal is a better alternative as it can improve the overall structure and existing conditions and realize the benefits. It was further noted that the air conditioning unit is behind the open porch and complies with the setbacks.

Chairman Conoscenti opened the meeting up to the public:

Jeffery Askildsen, 513 McCabe Ave., was sworn in and asked the Board to approve the application as it is an improvement and great for the entire street.

James Curry, 709 Hammond Avenue, stated it is a good plan. Further, since the deck abuts the planting area, he is concerned about the location of the Air Conditioner that is five feet from the property line, tucked into the corner.

Alternatives were then discussed.

Edward Applegate, 606 1/2 McCabe Avenue, stated it was a good project and he welcomed the improvement.

Jeanette Applegate, 606 1/2 McCabe Avenue, stated that the applicant should be able to do the improvement.

The public portion of the meeting was closed.

At this point, Mr. Lusardi, architect, referred to p. A-4 design option, stating that the second floor is over ten feet above the first floor with seventeen steps, and reviewed ways to reduce the number of steps, i.e. if the first floor was lowered the square footage would be increased, and living space changes and the dormer increased. Upon questioning, Mr. Lusardi stated that the door between the bays leads to the garage, and there is one available for the front house to have access and for storage. Final discussion included lowering the floor, use of the apartment, and the "run" of the stairs is usually nine or ten feet.

Comments from Board members included great design, good plan and taking off the bay enhances the structures, neighbors appear to love the design, positive proposal and non-compliance reduced, and not excessive as a proposal.

In closing, Mr. Hirsch stated that he appreciated the comments of the Board and understood their concerns. It was obvious that the applicant would need to enhance the property and find a balance as well as meet the legal obligation. He noted that it fits in with the surrounding area and there is no substantial detriment. Further, the proposal provides a positive impact with landscaping and taking off the driveway. Continuing, Mr. Hirsch stated that it is a one bedroom apartment and removed the need for three existing variances. Also, with the extra space on the second floor, Ms. Montedoro will have a comfortable home for the rest of her life.

After final discussion, Mrs. McGorry made a motion to approve the application and grant the variances requested, WITH THE FOLLOWING CONDITIONS:

- 1) Non egress window in the study and no closet; 2) HVAC unit to be re-located; 3) Partial removal of existing asphalt driveway to the street; and 4) Construction will be commenced within two years of the approval herein or appear before the Board for an extension.

Mr. Quinlan seconded the motion as presented, and it was carried by the following vote:

AYES:

Mr. Quinlan – approve-likes the overall project. It enhances the area, nice floor plan, and taking off the third garage a benefit.

Mrs. McGorry – approve-likes the plan, enhances the neighborhood and the town.

Ms. Falk – approve –setbacks are met, the property will not be over used, more open space and shrubbery, and results in less building coverage and more impervious coverage. Location of condensers will comply.

Vice Chairman Goldfarb – approve-while at first did not look favorably at the project; however, took comments of the neighbors and the charm of its projected appearance into consideration. Further while it is larger than the 600 sq. ft. requirement, the plan looks good and the Board must look at each project by itself.

Chairman Conoscenti – heard the sentiments of the Board and the neighbors and stated that while it is a tough decision, the property will not be overcrowded and it is a nice property that is well maintained. Also, each property is to be treated individually.

NAYS:

Mr. Rosenberg – does not approve-while it is a very nice project, what the homeowner wants is oversized for the property and the new ordinance. It is the Board's responsibility to make sure properties are not over used as overcrowding could arise and we must look to the future.

Before continuing with items on the Agenda, clarifications were made on two prior Resolutions of approval.

- 1) Brehm Application, 102 Ocean Park Avenue, Block 25, Lot 16, memorialized August 18, 2011. After discussion, and Board Engineer Ms. Commins noted that our ordinance is silent with respect to impervious pavers, a change was made to the Resolution of Approval as follows: on Page 2 (i) – to read 76% not 66%. Further, the letter of Thomas J. Hirsch, Esq., attorney for the applicant, dated December 27, 2011, will be attached to the Resolution and incorporated therein.
- 2) JRN Developers, LLC, 1002 Central Ave. Block 15 Lot 17, memorialized on January 19, 2012. After discussion, the following revisions were made to the Resolution of Approval: On p. 1, Item #2 and p. 6, Item #10, as outlined in the letter of Donald Beekman, Esq., attorney for the applicant, dated January 26, 2012.

NEW BUSINESS: (Carried from January 19, 2012)

- A. ZBA#411-1-12-11 – Pro Se
CORI & JOSEPH BRANCO, 112 Evergreen Ave. 76/12
Amend approved plans (ZBA#411-1-25-06)

The following documents were entered into evidence:

A1 – Application of Cori & Joseph Branco to amend prior approval of window design signed by Cori Branco and dated 12/02/2011.

A-2 – Revised Architectural drawings prepared by Ponte Mellor Architects, Ltd, dated 11/30/2011, and illustrating East Elevation Window Openings (A-4)

A-3 - Copy of Notice to Property Owners signed by Cori & Joseph Branco and dated Jan 02, 2012.

A-4 - Affidavit of Service signed by Cori Branco and dated January 9, 2012.

A-5 – Affidavit of Publication of Asbury Park Press dated January 05, 2012.

A-6 – Certified Receipts of Mailing to property owners dated January 4, 2012.

B-1 – Copy of E-mail of Elissa Commins, Board Engineer, stating new design does not require an engineering report other than that which was issued on May 01, 2007 for the original approval.

B-2 - Letter of Ken Triano, Construction Official of Bradley Beach, dated January 10, 2012, stating the addition of two windows on the easterly side of the building do not result in any code violations.

Joseph Branco was sworn in by Attorney Stone. He stated the reason for the need to make a design change in the approved plans by the addition of two (2) windows on the easterly side of the building. He noted that after the second story front deck was built, the result was a very dark living space, especially at the back end of the room. Also, it was confirmed that the windows do not exceed the window to wall ratio in accordance with the building code and are not directly across from their neighbor's windows, three and five feet from the property line. Elissa Commins, Board Engineer, stated that the design change was more of aesthetics and privacy.

Chairman Conoscenti then opened the meeting up to the public. **THERE WERE NO PUBLIC COMMENTS.**

After final discussion, Chairman Conoscenti made a motion to approve the design change and amend the Resolution, seconded by Vice Chairman Goldfarb and carried by the following vote:

AYES:

Mr. Quinlan – Approve, request is reasonable

Mrs. McGorry – Approve, request is practical and reasonable

Mr. Rosenberg – Approve, request is in accordance with Code

Ms. Falk – Approve, application meets code and construction requirements

Vice Chairman Goldfarb – Approve – It is in accordance with code requirements

Chairman Conoscenti – Approve – Design change is reasonable and meets code requirements.

NAYES:

None Recorded

B. ZBA#411-1-11-11 – Pro Se

CHARLES & KATHLEEN MORALES, 602 Fourth Ave.

57/19 – Location of Air Conditioner

Stephen LoSacco, Zoning Officer, stated that all inspections have been completed and the placement of the air conditioner meets all state requirements. Further, he stated that the unit was installed prior to the change in the ordinance requirement that an air conditioner cannot be located in the setback. As a result, the Morales application was withdrawn and no further action is needed or required.

The meeting was adjourned at 8:20 p.m.

Respectfully submitted,

Frances M. Sauta, Board Secretary