

MARK R. AIKINS, L.L.C.
COUNSELORS AT LAW
AUTUMN RIDGE OFFICE PARK
3350 ROUTE 138, BUILDING 1, SUITE 113
WALL, NEW JERSEY 07719

MARK R. AIKINS
E-MAIL: maikins@aikinslaw.com
WEBSITE: www.aikinslaw.com

TELEPHONE: 732-280-2606

FACSIMILE: 732-280-8084

August 14, 2020

Hand Delivery

Ms. Kristie Dickert
Zoning Board Secretary
Borough of Bradley Beach
701 Main Street
Bradley Beach, New Jersey 07720

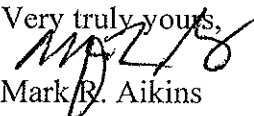
RE: 413 Brinley Avenue (Levine)
Block 48, Lot 2, Bradley Beach, NJ

Dear Ms. Dickert:

The undersigned represents the Applicants/Owners, Allen and Marilyn Levine, with regard to the above matter. Enclosed please find the following:

- Original + 16 copies of Zoning Board Application
- 2 copies of Checklist
- 2 copies of Denial Letter issued by George Waterman, Zoning Officer, dated May 21, 2020
- 15 sets of Plot Plans prepared by Morgan Engineering & Surveying, dated February 3, 2020
- 2 originals of Boundary and Topographic Survey dated January 14, 2020
- Disc of Plot Plans and survey in pdf format
- 15 sets of architectural plans prepared by Kwiecinski & Associates, dated March 20, 2020 with attachments
- Tax Certification

It is our understanding your office will advise as to the required application and escrow fees in connection with this matter once the application is deemed complete. Thank you.

Very truly yours,

Mark R. Aikins

MRA:mb
Enclosures

cc: Dr. & Mrs. Allen Levine, w/o/enc. (via e-mail)
Morgan Engineering & Surveying, w/o/enc. (via e-mail)
Kwiecinski & Associates, w/o/enc. (via e-mail)



Borough of Bradley Beach
 ZONING OFFICER
 701 MAIN STREET
 BRADLEY BEACH, NJ 07720
 (732) 776-2999 EXT 1038 FAX(732) 775-8168
 ZONINGOFFICER@BRADLEYBEACHNJ.GOV

Application Date: 5/11/2020
 Application Number: ZA-20-0059
 Permit Number: _____
 Project Number: _____
 Fee: \$45

Denial of Application

Date: 5/21/2020

To: WILLIAM SCHARFENBERG C/O BEACON HOMES OF NJ, LLC
 602 HIGGINS AVENUE
 BRIELLE, NJ 08730
 CC: APP TELE:(732) 330-3637
 APP EMAIL:BILLSCHARF@BEACON-HOMES.COM

RE: 413 BRINLEY AVE
 BLOCK: 48 LOT: 2 QUAL: ZONE: R-1

DEAR WILLIAM SCHARFENBERG C/O BEACON HOMES OF NJ, LLC,

The following comments were made during the denial process:

This zoning permit application submission received on May 11, 2020, consists of:

- One (1) copy of the Zoning Permit Application
- One (1) copy of Zoning Board of Adjustment Resolution Number 11-96
- Two (2) copies of the Building Permit Plot Plan by Morgan Engineering & Surveying, dated 02-03-2020
- Two (2) copies of the Construction Plans by Kwiecinski & Associates Architects, dated 03-20-2020
- Two (2) copies of the correspondence from Michelle Floyd to the IBC Library Industrialized Buildings Commission
- Two (2) copies of the Construction Plans by Simplex Homes, dated 08-22-2019

The property is located within the R-1 Zone. The applicant indicates the present zoning use of the property to be a "3 Family Residential", as indicated in Zoning Board of Adjustment Resolution Number 11-96.

The applicant describes the proposed work in detail:

"Applicant

*proposed to demolish existing main house that houses two legal apartments + build new single family dwelling.

* No change to existing rear building (Garage Apartment.

* Dimensions + setback proposed on new residence

Are consistent with R-1 and provided in detail

On attached plot plan prepared by Morgan Engineering & Surveying, signed by Matthew Wilder, P.E"

The applicant does not describe all proposed work in the detailed description.

The applicant indicates the premises has been the subject of any prior application to the Zoning Board of Adjustment referencing Resolution Number 11-96.

USE OF THE PROPERTY:

ZONING NOTES:

- The applicant identifies the present zoning use of the property to be "3 Family Residential". In accordance with Zoning Board of Adjustment Resolution Number 11-96, the property consists of two (2) buildings, containing a total number of three (3) residential units. The front building received Board approval to convert into two (2) separate one (1) bedroom apartments. Per the Board approved plan the rear building is identified as "Frame & ? Apartment 1 Bedroom".
- On the Building Permit Plot Plan by Morgan Engineering & Surveying, dated 02-03-2020, the applicant identifies the

rear building as a "2 story apartment".

- In the detailed description the applicant identifies the rear structure as a "Garage Apartment".
- The applicant identifies the proposed zoning use of the property to be "New Single Family Dwelling w/ Garage Apt (existing)".
- The existing rear structure does not comply with the Land Development Ordinance requirements for a "Garage Apartment".
- There are no zoning permits on file converting the "Frame & ? Apartment 1 Bedroom" (as identified on the Board approved plan) into a "2 story apartment" (as identified on the Building Permit Plot Plan by Morgan Engineering & Surveying, dated 02-03-2020), or a "Garage Apartment" (as identified in the applicants detailed description).
- The applicant has submitted inconsistent information pertaining to the use of the property and identification of the structures on the property.
- Zoning Board of Adjustment review and approval is required

DEMOLITION:

ZONING NOTES:

- The applicant is proposing to demolish the front 2 ½ story frame dwelling, containing two apartments as indicated in Resolution Number 11-96, rear deck, and unscreened entrance porch. Leaving the nonconforming accessory "Frame & ? Apartment 1 Bedroom" (as identified on the Board approved plan) on the property.
- The applicant is proposing to demolish the existing nonconforming driveway.
- The applicant is proposing to demolish the existing nonconforming "Asphalt Parking Lot".

NEW STRUCTURE:

ZONING NOTES:

- The applicant is proposing to construct a new residential structure, "roof deck", unscreened entrance porch, and open uncovered or unroofed deck leading to the second floor on the property.
- The use of the property and identification of the structures on the property are in question and require interpretation from the Zoning Board of Adjustment.
- The setback requirements as found in Land Development Ordinance section 450-26 are for permitted uses and structures within the R-1 Zone. The applicant has not provided proof that the use and structures on the property are permitted. Zoning Board of Adjustment review and approval are required.

DRIVEWAY:

ZONING NOTES:

- The applicant is proposing to construct a new nonconforming driveway. The applicant indicates that the proposed driveway does not comply with the setback requirements. The applicant indicates the proposed driveway to be partially constructed of gravel. The applicant does not display compliance with Land Development Ordinance section 450-41-A. Zoning Board of Adjustment approval is required.

The applicant does not display compliance with the Land Development Ordinance.
Zoning Board of Adjustment approval is required.

* Returned to the applicant:

- One (1) copy of the Zoning Determination
- One (1) copy of the Building Permit Plot Plan by Morgan Engineering & Surveying, dated 02-03-2020
- One (1) copy of the Construction Plans by Kwiecinski & Associates Architects, dated 03-20-2020
- One (1) copy of the correspondence from Michelle Floyd to the IBC Library Industrialized Buildings Commission
- One (1) copy of the Construction Plans by Simplex Homes, dated 08-22-2019

Sincerely,



GEORGE WATERMAN, ZONING OFFICIAL

**ZONING BOARD OF ADJUSTMENT
APPLICATION FOR USE VARIANCE AND/OR BULK VARIANCE(S)**

Information on Subject Property:

1. Property address: 413 Brinley Avenue

Block(s) 48 Lot(s) 2 Zone: R-1

2. Does the Applicant own adjoining property? YES NO

If answer to foregoing is yes, describe location and size of adjoining property: N/A

3. An application is hereby made for a variance(s) from the terms of Article(s) and Section(s):

Section 450-41A: Accessory Structure: Minimum rear setback: 5 ft. required; whereas 1 ft. exists
(existing condition).

Maximum building Height: 35 ft. required; whereas 32'- 5/16"
exists (existing condition).

4. Justification/Reasons why each variance should be granted [attach forms as necessary]

The benefits of granting the variances will outweigh the detriments and there is no significant detriment
to the zone plan or to the neighborhood if the variances are granted. The property otherwise fully conforms
to the Zoning Ordinance.

5. If conditional use is required/requested with this application, detail conformance/deviation from the requirements of the zoning ordinance [attach forms as necessary].

N/A

Contact Information:

6. Name of applicant: Allen M. Levine & Marilyn Jean Levine

Mailing address: c/o Mark R. Aikins, Esquire, 3350 Rt. 138, Bld., 1, Ste. 113, Wall, NJ 07719

Phone # c/o 732-280-2606 Fax # c/o 732-280-8084 Cell # Not Applicable

E-mail address: maikins@aikinslaw.com

7. Interest of Applicant if other than owner (i.e. tenant, contract purchaser)(If applicant is not the owner, Owner(s)' Affidavit of Authorization and Consent must be completed & submitted with this application):

Owners

8. Name of present owner: Allen M. Levine & Marilyn Jean Levine

Mailing address: c/o Mark R. Aikins, Esquire, 3350 Rt. 138, Bld., 1, Ste. 113, Wall, NJ 07719

Phone # c/o 732-280-2606 Fax # c/o 732-280-8084 Cell # Not Applicable

E-mail address: maikins@aikinslaw.com

9. Contact Person: Mark R. Aikins, Esquire

Mailing address: 3350 Route 138, Bldg. 1, Ste 113, Wall, N.J. 07719

Phone # 732-280-2606 Fax # 732-280-8084 Cell # Not Applicable

E-mail address: maikins@aikinslaw.com

Applicant's Professionals' Information:

10. Name of applicant's Attorney (if applicable)

(Companies/Corporations must be represented): Mark R. Aikins, Esquire

Mailing Address: c/o Mark R. Aikins, L.L.C., 3350 Route 138, Building 1, Ste 113, Wall, NJ 07719

Phone # 732-280-2606 Fax # 732-280-8084 Cell # Not Applicable

E-mail address: maikins@aikinslaw.com

11. Name of applicant's Engineer (if applicable): Mathew R. Wilder, P.E.

Mailing Address: c/o Morgan Engineering & Surveying, P.O. Box 5232, Toms River, N.J. 08754

Phone # 732-270-9690 Fax # 732-270-9691 Cell # Not Applicable

E-mail address: service@morganengineeringllc.com

12. Name of applicant's Planner (if applicable): Jason L. Fichter, P.E. & P.P. CFM, CME

Mailing Address: InSite Engineering, LLC, 1955 Route 34, Suite 1A, Wall, New Jersey 07719

Phone # 732-531-7100 Fax # 732-531-7344 Cell # N/A

E-mail address: jason@insiteeng.net

13. Name of applicant's Surveyor: Morgan Engineering & Surveying

Mailing Address: P.O. Box 5232, Toms River, New Jersey 08754

Phone # 732-270-8690 Fax # 732-270-9691 Cell # N/A

E-mail address: service@morganengineeringllc.com

14. Name of applicant's Architect (if applicable): Kenneth S. Kwiecinski, Architect

Mailing Address: c/o Kwiecinski & Associates, 35 Princeton Avenue, Brick, New Jersey 08724

Phone # 732-295-4515 Fax # 732-295-5330 Cell # N/A

E-mail address: _____

15. Name of applicant's Other Professional (if applicable): Not Applicable

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

PLEASE SEE ZONING TABLE SHEET ON PLOT PLAN ATTACHED

Detail Property Information:

(PLEASE INCLUDE INFORMATION FOR EACH ZONE/BLOCK/LOT INVOLVED BELOW – ATTACH ADDITIONAL SHEETS AS NECESSARY)

<u>PRINCIPAL USE:</u>	<u>Required and/or Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Minimum lot area			
Minimum lot width			
Minimum lot depth			
Minimum lot frontage			
Minimum front yard setback			
Minimum rear yard setback			
Minimum side yard setback			
Maximum percent building coverage			
Maximum percent lot coverage			
Maximum number of stories			
Maximum building height (in feet)			
Square footage of principal structure			
Off-street parking spaces			
Prevailing Setback of adjacent buildings within the block/within 200 ft.			
<u>ACCESSORY USE/STRUCTURE:</u>	<u>Required and/or Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Minimum front yard setback			
Minimum rear yard setback			
Minimum side yard setback			
Minimum combined side yard setback			
Maximum percent building coverage			
Maximum percent lot coverage			
Maximum number of stories			
Maximum building height (in feet)			
Square footage of accessory structure			
Distance between principal & accessory structure			
Existing use or uses on the lot: Residential			
Proposed use or uses on the lot: Residential			
Is the property located in a special flood hazard area?			

NOTE: Any items that are not applicable to a particular application shall be marked with an "N/A".

Detail Proposed Information:

16. Existing and proposed number of units, if applicable: Applicants propose to demolish the existing main dwelling that houses two (2) apartments and construct new single family dwelling, while retaining the garage with its prior existing non-conforming residential unit.

17. Are any extensions of municipal facilities or utilities involved with this application? Y N type text here

If answer is YES, describe: _____

18. Are drainage ditches, streams, or other water courses involved with this application? Y N

If answer is YES, describe: _____

19. Has there been any previous applications before the Planning Board/Board of Adjustment involving these premises? Yes No Unknown

If so, when: June 20, 1996

Result of decision: Approved (attach copy of prior Resolution)

20. Has a Zoning denial been received as part of this application? YES NO If yes, please attach.

21. Tax and Assessment payment report indication of all taxes and/or assessment required to be paid attached to this application: YES NO

22. Are any easements or special covenants by deed involved with this application? YES (If yes, attach copy) NO

AFFIDAVIT OF APPLICATION

State of New Jersey :
: ss
County of Monmouth :

Mark R. Aikins, Attorney for Applicants/Owners being of full age, being duly sworn according to Law, on oath depose and says that all the above statements are true.



(Original Signature of Applicant to be Notarized)
Attorney for Applicants/Owners

Allen M. Levine & Marilyn Jean Levine
(Print Name of Applicant)

Sworn and subscribed before me this

14th day of August, 2020

[NOTARY SEAL]

Signature of Notary Public

Millicent Bhalai

MILLICENT I. BHALAI
A Notary Public of New Jersey
My Commission Expires 1/13/24

Not Applicable

OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT
STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

[Original signatures only – copies will not be accepted]

IN THE MATTER BEFORE THE N/A
(Insert Planning Board or Zoning Board of Adjustment)

IN THE BOROUGH OF BRADLEY BEACH, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

I/WE, _____, WITH MAILING ADDRESS OF
(Insert Property Owner's Name)

_____ OF FULL AGE BEING DULY
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH
THIS APPLICATION DESIGNATED AS BLOCK(S) _____ LOT(S) _____

ALSO KNOWN AS _____
(Insert physical address of the subject property)

I/WE AUTHORIZE _____
(Insert name of Owner(s)' representative appearing before the Board)

TO APPEAL TO THE PLANNING/ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF
BRADLEY BEACH FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY
LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY
DECISION OF THE PLANNING/ZONING BOARD OF ADJUSTMENT ON SUCH APPEAL SHALL
BE BINDING UPON ME/US AS IF SAID APPLICATION/APPEAL HAS BEEN BROUGHT AND
PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S).

(Original Signature of Owner to be Notarized)

(Original Signature of Owner to be Notarized)

Sworn and subscribed before me this
_____ day of _____, 20_____

[NOTARY SEAL]

Signature of Notary Public

Not Applicable

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Borough of Bradley Beach Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.

Date: August 14, 2020



Signature of Property Owner

Mark R. Aikins, Attorney for Applicants/Owners
Allen M. Levine and Marilyn Jean Levine

Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Board.

The amount of the Escrow Deposit will be determined by the Borough of Bradley Beach Ordinance Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements. Please see attached for details.

Any request for replenishment of escrow funds shall be due within fifteen [15] days of receipt of the request. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board and/or hold up of any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification of completion by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of the Borough of Bradley Beach's Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements and agree to all conditions listed.

Name of Applicant: Allen M. Levine & Marilyn Jean Levine

[please print]

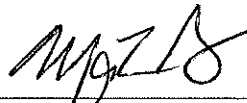
Property Address: 413 Brinley Avenue

Block 48

Lot 2

Applicant's Name: Allen M. Levine & Marilyn Jean Levine

[Print Name]



[Signature of Applicant]

Mark R. Aikins, Attorney for Applicants/Owners

Owner's Name: Allen M. Levine & Marilyn Jean Levine

[Print Name]

[Signature of Owner]

Mark R. Aikins, Attorney for Applicants/Owners

Date: August 14, 2020

**CERTIFICATION OF PAYMENT FOR MUNICIPAL PROPERTY
TAXES, SEWER UTILITY CHARGES
AND SPECIAL ASSESSMENTS**

Date: July 21, 2020
Block/Lot: 48/2
Assessed to: Levine, Allen M & Marilyn Jean
Location: 413 Brinley Ave

2nd Quarter, 2020, Property Taxes due May 1, 2020 – **PAID**

2nd Quarter, 2020, Sewer Taxes due May 1, 2020- **PAID**



COLLEEN CASTRONOVA, CTC
Tax/Sewer Utility Collector