

February 9, 2024
Revised May 10, 2024

Borough of Bradley Beach
Land Use Board
701 Main Street
Bradley Beach, NJ 07720

**Re: NLA Property Management, LLC
Block 25, Lots 13
900 Ocean Avenue
D(6) Use and Bulk Variances
Our File BBPB 23-27**

Dear Chairman and Board Members:

Our office has received an application submitted for Board review in connection with the above-referenced project. Submitted with the application are the following:

- A plot plan consisting of one (1) sheet prepared by Joseph J. Kociuba, P.E., P.P., of KBA Engineering Services, LLC, dated August 28, 2023, with no revisions.
- An architectural plan consisting of one (1) sheet prepared by Michael Mastrocola, R.A., dated April 30, 2024, with no revisions.
- A survey plat consisting of one (1) sheet prepared by John W. Lord, P.L.S., of FP&L Associates, Inc., dated October 10, 2022, with the latest revisions dated December 5, 2022.

The application has been deemed COMPLETE. The letter is hereby amended as follows: ~~stricken text~~ indicates deletions and ***bold italic type*** indicates additions. Additional comments with regard to the revised plans are noted in the ***bold italic type***. Our original review comments remain as noted in the letter dated February 9, 2024, and we report as follows:

1. **Property Description**

- A. The property is located at house number 900 Ocean Avenue (Lot 13, Block 25) with a total area of 2,998 square feet.
- B. The existing lot contains a three-story dwelling with a garage apartment.
- C. The Applicant is proposing a change in use from bed and breakfast to a single family. The Applicant is also proposing to replace the garage apartment with a driveway and retaining walls. ~~However, the submitted architectural plans indicate a number of proposed guest suites. Testimony should be provided regarding the proposed use of the structure, as well as~~

~~the proposed renovations including the number of bedrooms and other rooms. (Additional variances may be required.)~~

~~If the proposed use is intended to remain a bed and breakfast, testimony should be provided as to compliance with all the conditions required of this use.~~

The Applicant has provided new architectural plans which indicate the following rooms:

First Floor

- *Enclosed Porch*
- *Foyer*
- *Living Room*
- *Kitchen*
- *Home Office*
- *Two (2) half bathrooms*

Second Floor

- *Sun porch*
- *Three (3) bedrooms*
- *Three (3) full bathrooms*
- *Laundry Room*

Third Floor

- *Two(2) bedrooms*
- *Two (2) full bathrooms*
- *Loft*

This appears to be a single-family use with a total of five (5) bedrooms.

2. **Zoning and Land Use**

- A. The property is located in the R-B Residential Beachfront Zone and the proposed single-family dwelling is a permitted use.
- B. The proposed improvements require Board approval for variances on front yard setback, building height, side yard setback to dwelling, driveway apron width, driveway width, and others as described in this letter.

3. **Variations and Waivers**

- A. The Applicant is requesting a waiver from (270 Attachment 1) Appendix A, Borough of Bradley Beach Application Checklist and Documents required to be submitted:
 - B.5. Key map at specified scale showing location of surrounding properties, streets, easements, municipal boundaries, etc., within 500 feet of the property. **The Applicant is requesting a waiver.**
 - B.23 Property owners within 200 feet of the property. (From the most recent Borough tax records). **The Applicant is requesting a waiver.**
 - D.12. Number of witnesses, if any, and their area of expertise. **The Applicant is requesting a waiver.**
- B. An analysis of the bulk requirements of the R-B District for the yard area and principal dwell are as follows:

| Lot | Required | Existing | Proposed |
|---|---------------------|--------------------------------|-------------------------------|
| Minimum Lot Area | 5,000 sf. | 2,998 sf. (NC) | No Change |
| Minimum Lot Width | 50 ft. | 30 ft. (NC) | No Change |
| Minimum Lot Depth | 100 ft. | 100 ft. | No Change |
| Maximum Building Coverage | 35% | 77.82% (NC) | 63.94% (V) |
| Maximum Impervious Coverage | 60% | 98.60% (NC) | 98.09% (V) |
| Minimum On-site Parking | 2 Spaces | 1 Space | 2 Spaces |
| Principal Dwelling | Required | Existing | Proposed |
| Minimum Front Setback, Dwelling | | | |
| (Ocean Avenue) | 15 ft. | 1.4 ft. (NC) (encroachment) | 1.4 ft. (V) (encroachment) |
| (Ocean Park Avenue) | 25 ft. | 0.8 ft. (NC) (encroachment) | 0.8 ft. (V) (encroachment) |
| Minimum Rear Setback | 25.0 ft. | 28.5 ft. | No Change |
| Minimum Side Setback | 3.0 ft. (10% Width) | 1.5 ft. (north) (NC) | No Change (V) |
| Principal Dwelling | Required | Existing | Proposed |
| Maximum Building Height | 30 ft. | 39.0 ft. (NC) | No Change (V) |
| Number of Stories | 2- ½ Stories | 3 Stories | No Change |
| Driveway | Required | Existing | Proposed |
| Minimum Driveway Length | 20 ft. | (NG) | 28.0 ft. |
| Driveway Width in Front Yard | 12 ft. | (NG) | 18 ft. (V) |
| Maximum Curb Cut Width | 12 ft. | (NG) | 22.0 ft. (V) |
| Maximum Driveway Apron at Property Line | 10 ft. | (NG) | 22.0 ft. (V) |
| Driveway Setback | 3 ft. | (NG) | 2 ft. (V) |

(V) Indicates variance is required

(NG) Indicates not given

(NC) Indicates an existing non-conformity

C. In accordance with Section 450-28.D(1) area, yard, and building requirements for a single-family dwelling and two-family dwelling are subject to the requirements and limitations in Section 450-26.D. The following variances or existing non-conformities are noted below:

- 1) In accordance with Section 450-26.E.(2), the living space of single-family dwellings on lots that are either less than 4,000 square feet or less than 40 feet of frontage shall not exceed 2-stories and 30 feet in height.

The Applicant indicates an existing building height of approximately 39 feet and 2 ½ stories. Both of these conditions represent existing non-conformities. The proposed change in use requires a variance because the height is greater than 10% of that permitted in the zone, **a d(6) variance is required.**

- 2) In accordance with Section 450-26.D.(1)(a), states that the minimum lot area permitted per the zoned district is 5,000 square feet. The existing lot area is 2,998 square feet, which represents an existing non-conformity.
- 3) In accordance with Section 450-26.D.(1)(b), states that the minimum lot width permitted per the zoned district is 50 feet. The existing lot width is 30 feet, which represents an existing non-conformity.
- 4) In accordance with Section 450-26.D(1)(d), states that the minimum front yard setback permitted for a street east to west (Ocean Park Avenue) is 25 feet and for a street running north to south (Ocean Avenue) is 15 feet, or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is greater. When the prevailing setback of the existing buildings along a block front is less than the setback requirements, the front yard setback distance may be reduced to the average of front yard setbacks of principal structures on all developed properties on the same side of the street within 200 feet of the property as documented by a map prepared by a licensed land surveyor. The average depth will be from the front wall of the structure, provided that such setback is not less than 10 feet. Front porches shall also be averaged within 200 feet on each side of the lot and within the same block front.

The existing dwelling encroaches 1.4 feet into the right-of-way of Ocean Avenue, which represents an existing non-conformity.

The existing dwelling encroaches 0.8 feet into the right-of-way of Ocean Park Avenue, which represents an existing non-conformity. **The proposed change in use requires a variance for both front yard setbacks.**

- 5) In accordance with Section 450-26.D.(1)(e), states that the minimum side yard setback permitted per the zoned district is 5 feet and 10 feet. For lots not meeting the minimum lot width requirement that exists shall be 10% (3.0 feet) and 20% (6.0 feet) of the lot width. The existing side yard is 1.5 feet, which represents an existing non-conformity. **The proposed change in use requires a variance.**
- 6) In accordance with Section 450-26.D.(1)(h), states that the maximum building coverage permitted is 35% of the lot area. The existing building coverage is 77.82%, which represents an existing non-conformity. With the removal of the garage apartment, the Applicant is proposing a building coverage of 63.94%. **A variance is required.**
- 7) In accordance with Section 450-26.D.(1)(i), states that the maximum impervious coverage permitted is 60% of the lot area. The existing impervious coverage is 98.60%, which represents an existing non-conformity. The Applicant has reduced the impervious coverage and is proposing an impervious coverage of 98.09%. **A variance is required.**
- 8) In accordance with Section 450-26.D.(1)(j), states that the minimum off-street parking is two (2) spaces per dwelling unit. The Applicant is proposing two (2) off-street parking spaces, which conforms.
- 9) In accordance with Section 450-41.A.(1), states that driveways and parking areas installed for one- and two-family dwellings shall be a minimum of eight feet in width inside the property lines and shall be located a minimum of three feet from a side lot line. The Applicant is proposing a driveway width of 22 feet, which conforms. The proposed driveway setback is 2 feet. **A variance is required.**

- 10) In accordance with Section 450-41.A.(2), states that curb cuts shall be a maximum of 12 feet in width. Driveway aprons shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curblines. The portion of a sidewalk forming part of a driveway and the driveway apron shall be constructed of concrete, six inches thick, reinforced with six-by-six 10/10 WWM. Each lot shall have no more than one driveway and curb cut. The Applicant is proposing a curb cut of 18 feet. **A variance is required.**

The Applicant is proposing a driveway apron width of 22 feet at the property line and a width of 18 feet at the curblines. **A variance is required.**

A detail of the concrete driveway apron should be shown on the plan.

- 11) In accordance with Section 450-41.A.(3), states that driveways and parking areas located in the front yard shall not exceed a width of 12 feet, which area shall consist of impervious pavement to be used for off-street parking. The Applicant is proposing a driveway width of 22 feet in the front yard. **A variance is required.**

4. Variance Testimony

A. ***D(6) Height Variance.*** The application requires a d(6) use variance to permit a height of principal structure which exceeds by 10 feet or 10% the maximum height permitted in the district for a principal structure.

- 1) To meet the positive criteria for a d(6) variance, the Applicant should prove the particular suitability of the site in accommodating the use, despite the increase in height by over 10% of what is permitted in the zoned district.
- 2) The negative criteria should focus on the impact of the deviation. The Applicant must present evidence that the negative impacts of non-compliance with the permitted height can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

B. *C Variances*

A number of “c” variances are required. There are two (2) types of c variances with different required proofs.

- 1) Board may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Board may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board of Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
- 3) C Variances must also show consistency with the negative criteria as well.

5. **General Comments**

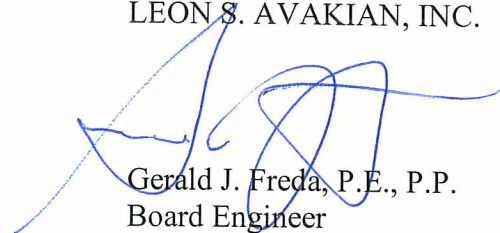
- A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. **Our office recommends the proposed roof drains to be piped to a wet well system with a pop-up emitter in the front yard. The design of this system should be provided for review.**
- D. The Applicant should provide information that taxes are currently paid.
- E. The Applicant shall secure any and all construction permits needed for the project.

Our office reserves the right to provide additional comments upon receipt of revised plans.

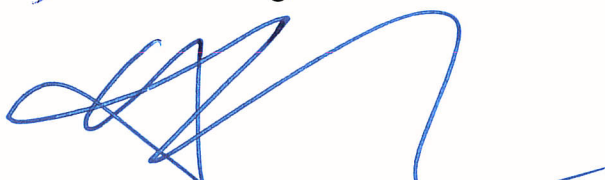
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Gerald J. Freda, P.E., P.P.
Board Engineer



Christine L. Bell, P.P., A.I.C.P.
Board Planner

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq., Board Attorney
Jeffrey P. Beekman, Esq., Applicant's Attorney
Joseph J. Kociuba, P.E., P.P., Applicant's Engineer

BB/PB/23/23-27a