

RESOLUTION OF THE ZONING BOARD  
OF ADJUSTMENT OF THE BOROUGH  
OF BRADLEY BEACH

RESOLUTION NO. 11-96

WHEREAS, Richard Davidson (hereinafter referred to as the "applicant") is the owner of property known as Block 48, Lot 2, as shown on the Borough of Bradley Beach Municipal Tax Map, more commonly known as 413 Brinley Avenue, Bradley Beach, New Jersey; and

WHEREAS, the applicant applied by application to the Zoning Board of Adjustment for a variance to convert a single family house to a two-family resident which application was received on February 20, 1996, and bearing application number 411-1-3-96; and

WHEREAS, notification is required by the statutes of the State of New Jersey as well as the Borough of Bradley Beach pertaining to the public hearing of this matter have been satisfactorily effected; and

WHEREAS, the Board did conduct public hearings on this matter on March 21, 1996 (application continued), May 16, 1996 (application continued), and June 20, 1996, to evaluate and consider the application of the applicant, and whereupon the Board did hear the testimony of the applicant and considered the exhibits thereafter marked into evidence for identification as follows:

A-1 Hand-drawn floor plan sketch of the proposed first and second floors;

A-2 Zoning Board of Adjustment application dated February 20, 1996;

A-3 Survey by Land Surveying dated September 21, 1989;

A-4 Certified receipts of notification to property owners within a 200 foot radius; and

A-5 Signed and dated Notices of Hearing to Property Owners for hand-delivered letters to property owners within 200 feet;

A-6 Affidavit of Service dated May 3, 1996;

A-7 Affidavit of Publication dated March 6, 1996.

5/20/96  
Copies made

B-1 Letter from William T. Birdsall, P.E., Board Engineer, dated March 18, 1996;

B-2 Letter from William T. Birdsall, P.E., Board Engineer, dated April 9, 1996;

B-3 Letter from William Gray, Zoning Officer, dated February 28, 1996; and

WHEREAS, the Board did review the comments of William T. Birdsall, P.E., Board Engineer, as expressed in letters dated March 18, 1996, and April 9, 1996; and whereupon the Board did consider further the letter of William Gray, Zoning Officer, of the Borough of Bradley Beach dated February 28, 1996; and

WHEREAS, the Board did conduct a public meeting to hear and consider the testimony of the applicant and review his exhibits and to consider the comments of the public, if any, to the within application; and

WHEREAS, based upon the testimony presented, the reports and exhibits offered by the applicant and Board Engineer and Zoning Officer, and based upon the record of the proceedings before the Board which is incorporated into this resolution as if set forth at length herein, the following findings of facts and conclusions of law have been made by the Board, to wit:

1. The Board has jurisdiction to hear and consider the within application pursuant to N.J.S.A. 40:55d-1, et seq.

2. The applicant has satisfied the notice requirements required by the aforesaid statutes; and, therefore, the Board has the authority to consider this application.

3. The applicant is the owner of property situate in Block 48, Lot 2, in the tax map of the Borough of Bradley Beach, County of Monmouth and State of New Jersey, and more commonly known as 413 Brinley Avenue, Bradley Beach, New Jersey.

4. The proposed request by the applicant for a variance to the convert a single family dwelling to two, one bedroom apartments subject to the conditions hereinafter set forth would not create a detrimental effect upon the

neighborhood, would not adversely impact upon the Borough of Bradley Beach's master plan and would otherwise generally benefit and promote the development within the Borough of Bradley Beach.

5. The Board is satisfied that the information submitted by the applicant, is sufficient for the Board to make a decision in this case, and as such, waives any additional formal requirements as contained in the Borough Ordinance.

6. The Board is of the opinion, based upon the evidence presented, that the subject application is consistent with the master plan and the land use statutes.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Bradley Beach Zoning Board of Adjustment that the application for variance be and is hereby granted subject to the following:

1. The applicant shall cause a notice of this decision to be published on one occasion in the official newspaper for the Borough of Bradley Beach and return proof of the publication to the administrative office of this Planning Board.

2. The applicant shall pay any application fees and taxes which may be due to this Board or to the municipality.

3. The applicant's request is hereby granted subject to the following conditions as agreed to by the applicant:

a. The applicant represents his intent to lessen the intensity of the use of the property, to pave the premises for off-street parking, and to otherwise meet all building code regulations and engineering requirements.

4. The applicant agrees that any expansion is subject to review and prior approval by the Zoning Officer and/or Building Inspector of the Borough of Bradley Beach.

5. The approval is subject to the posting of any and all required guarantees or other escrows which may be required by the appropriate Borough Officers or professionals to secure performance under this approval.

6. Subject to the compliance of all Federal, State, County and local rules, regulations and laws and the procurement of any required governmental approvals or permits required in connection with this application.

BE IT FURTHER RESOLVED that the chairman secretary is hereby authorized to sign any and all documents necessary to effectuate the purpose of this Resolution provided there is compliance by the applicant with the above conditions; and

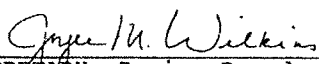
IT IS FURTHER RESOLVED that nothing herein shall excuse compliance by the applicant with any and all other requirements of this municipality or any other governmental subdivision as set forth in any laws and regulations; and

IT IS FURTHER RESOLVED that a copy of this Resolution certified by the secretary of the Borough of Bradley Beach Board of Adjustment to be a true copy shall be forwarded to the Construction Code Officer, Borough Clerk, Board Engineer, Borough Assessor and within ten (10) days of the date hereof to the applicant herein.

BE IT FURTHER RESOLVED that notification of this Resolution shall be published in the Asbury Park Press and the Ocean Grove Times within ten (10) days of its passage.

DATED: June 20, 1996  
MOVED BY: Vice-Chairman Denisewicz  
SECONDED BY: Thomas Edwards  
ROLL CALL VOTE:  
Those in Favor: Vice-Chairman Denisewicz, Charles Cirelli, Carol Hammond,  
Thomas Edwards, Greg Scheiderman  
Those absent: Eric Hunter, Patricia Allan  
  
Those abstaining:  
Those opposed: Ann Hanley  
Those ineligible: Chairman Simonsen  
  
MEMORIALIZATION DATE: August 15, 1996  
MOVED BY: Greg Scheiderman  
SECONDED BY: Carol Hammond  
ROLL CALL VOTE:  
Those in favor: Vice-Chairman Denisewicz, Charles Cirelli, Carol Hammond,  
Thomas Edwards, Greg Scheiderman  
Those absent: None  
  
Those abstaining: Eric Hunter, Patricia Allan  
Those Opposed: Ann Hanley  
Those ineligible: Chairman Simonsen

The foregoing is a true copy of the Resolution adopted by the Zoning Board of Adjustment of the Borough of Bradley Beach at its meeting of June 20, 1996, and copied from the minutes of said meeting.

  
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SECRETARY, Zoning Board of  
Adjustment of the Borough of  
Bradley Beach

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