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PLEASE REPLY TO

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\*MEMBER N.J. AND N.Y. BARS

\*\*MEMBER N.J., N.Y. AND D.C. BARS

\*\*MEMBER N.J. AND PA BARS

°QUALIFIED MEDIATOR

RULE 1:40

November 25, 2013

Joseph Jankewicz  
507 Fourth Avenue  
Bradley Beach, NJ 07720

Re: Board of Adjustment Application

Dear Mr. Jankewicz:

Enclosed herewith please find a copy of the Resolution granting your variance request in this matter. Congratulations!

If you have any questions, please don't hesitate to contact me.

Very truly yours,

  
MICHAEL J. WENNING

MJW:km  
enclosure

**ZONING BOARD OF ADJUSTMENT  
BOROUGH OF BRADLEY BEACH  
701 MAIN STREET  
BRADLEY BEACH, NJ 07720**

**732-776-2999 Ext. 17  
FAX: 732-775-1782**

**November 22, 2013**

**Michael J. Wenning, Esq.  
Cor. LaReine and Main Street  
Bradley Beach, NJ 07720**

**Re: Jankewicz, 507 Fourth Ave. 61/3**

**Dear Mr Wenning::**

**Enclosed please find Resolution for the above stated application that was memorialized at our meeting on November 14, 2013.**

**Please publish the Notice of Decision as soon as possible, and provide me with an affidavit of publication as soon as it is available.**

**If you have any questions, please do not hesitate to call or email me.  
(fsauta@bradleybeachnj.gov).**

**Yours very truly,**



**Frances M. Sauta  
Board Secretary  
Enc.**

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

**RESOLUTION NO. 411-01-07-13**

WHEREAS, Joseph and Jacqueline Jankewicz, (hereinafter referred to as the “Applicant”), are the owners of property known as Block 61, Lot 3 as shown on the Borough of Bradley Beach Municipal Tax Map, more commonly known as 507 Fourth Avenue, Bradley Beach, New Jersey; and

WHEREAS, the Applicant appeared before the Borough of Bradley Beach Zoning Board of Adjustment (hereinafter referred to as the “Board”), represented by Michael Wenning, Esquire for bulk variances; and

1. The property in question is a 7,500 square foot parcel located at 507 Fourth Avenue. This location is within the Residential Single-Family (R-1) Zone. The existing lot contains a single family dwelling with a paver driveway. The application proposes a garage apartment in the rear of the lot and an unroofed deck leading to the second floor.
2. In accordance with Section 450.26.D Area, Yard & Building Requirements, the following variances are required:
  - a. In accordance with Section 450.26.D.(1)(e) the minimum side yard setback for lots meeting the lot width requirements are 5 feet and 10 feet. The applicant is proposing an east side yard setback to the unroofed deck leading to the second floor of 3.7 feet. A variance is required.
3. The following general comments should be addressed:
  - a. 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. The applicant should provide information that taxes are currently paid.
- c. The applicant shall secure any and all construction permits needed for the project.

WHEREAS, notifications as required by the Statutes of the State of New Jersey as well as the Borough of Bradley Beach pertaining to the public hearings on this matter have been satisfactorily perfected; and

WHEREAS, the Board did conduct a public hearing on September 19, 2013 and concluded on October 17, 2013 to evaluate and consider the application as set forth above; and

WHEREAS, the Board considered the various exhibits, thereafter marked into evidence and introduced as follows:

- A-1 Application of Joseph and Jacqueline Jankewicz to construct garage apartment and second story deck on principal structure signed by Michael J. Wenning, Esquire, and dated August 9, 2013.
- A-2 Copy of survey (1 sheet) prepared by Charles O'Malley, P.L.S. dated April 7, 2011.
- A-3 Architectural plan prepared by Paul Lawrence, AIA, dated August 7, 2013 (3pp, signed, sealed).
- A-4 Affidavit of Publication of the Asbury Park Press dated September 5, 2013.
- A-5 Copy of Notice to property owners signed by Michael J. Wenning, Esquire.
- A-6 Certified Receipts of Mailings dated September 3, 2013.
- A-7 Affidavit of Service signed by Karen McWilliams and dated September 10, 2013.
- A-8 Computer generated color photo of PIQ.

A-9 Revised Architectural drawings prepared by Paul Lawrence, AIA dated August 7, 2013 and revised October 4, 2013 (4pp, signed, sealed).

B-1 Letter of Gerald J. Freda, P.E., P.P., Board Engineer, dated September 3, 2013.

B-2 Letter of Gerald J. Freda, P.E., P.P., Board Engineer, dated October 11, 2013.

WHEREAS, based upon the testimony presented, the exhibits offered by the Applicant, the following findings of fact have been made by the Board, to wit:

1. The Board has jurisdiction to herein consider the application pursuant to N.J.S.A. 40-55D-1, et seq.
2. The Applicant has satisfied the notice requirements of the State and Municipal Ordinances, and, therefore, the Board has authority and jurisdiction to consider the application.
3. The Applicant is the owner of premises known as 507 Fourth Avenue, Bradley Beach, New Jersey and further known as Block 61, Lot 3, as shown on the Tax Map of the Borough of Bradley Beach.
4. The property in question is a 7,500 square foot parcel located on Fourth Avenue. This location is within the Borough's Residential Single-Family (R1) Zone. The property is currently developed with a single family dwelling with a paver driveway. The application proposes to construct an accessory garage apartment on a 150' x 50' conforming lot.
5. The Board notes the history of the application as follows. On August 9, 2013, the applicant made an application with the Zoning Board of Adjustment for variances to construct a garage apartment and a second story deck on principal structure signed by

Michael J. Wenning, Esquire. On September 19, 2013, the Applicant appeared before the Zoning Board on the application as submitted.

6. Mr. Wenning, applicant's attorney, presented an overview of the proposal to construct an accessory garage apartment on a 150' x 50' conforming lot. The proposal will require variances for front porch, 2<sup>nd</sup> floor deck and front and side yard setbacks.
7. Paul Lawrence, architect, provided background information and was accepted as an expert witness and sworn in by Attorney Stone. Under questioning by Mr. Wenning, Mr. Lawrence stated the applicants requested him to design the accessory structure. He reviewed the plans that were subsequently prepared and now presented to the Board for their consideration. Mr. Lawrence reviewed the plans (Exhibit A-1) and covered the following:
  - a. Areas of access to the existing driveway on the east side of the property, the first floor (794.2 square feet – permitted) would contain two (2) bays, together with a shower and laundry room.
  - b. The foyer opens up to the second story that contains one (1) bedroom, living room, kitchen, with the apartment area of 592.6 square feet, within the maximum of 600 square feet.
  - c. The design would be attractive including varying roof lines to give character.
  - d. The elevations would conform with other buildings in the neighborhood.
  - e. The second story deck would be open and uncovered, above the first story porch that has always been enclosed.
  - f. There is no increase proposed for the porch, and as it will be in the same footprint, there is no increase in the front yard setback.

NOW, THEREFORE, be it hereby resolved by the Board that it adopts the aforesaid findings of fact, and specifically makes the following conclusions:

1. Based upon the aforesaid findings of fact, the Board concludes that the Applicant has demonstrated that the purposes of the Municipal Land Use Law and the Land Use Ordinances of the Borough of Bradley Beach, would be advanced by a deviation from the zoning ordinance requirements at issue, and further that the benefits of any such deviation would substantially outweigh any detriment resulting from approval of the application.
2. Based upon the aforesaid findings of fact, the Board further concludes that granting the approvals set forth herein will not cause substantial detriment to the public good, will not substantially impair the intent and purpose of the zoning ordinance and master plan of the Borough of Bradley Beach, does promote the safety and welfare of the residents of the municipality and that the positive and negative criteria have been satisfied and accordingly the Applicant satisfied the requirements of obtaining the said Variance(s).
3. The Board is further satisfied that the information and evidence submitted by the Applicant is sufficient to permit the Board to make a decision in this case, as such, waives any additional formal requirements as contained in the Borough Ordinance.
4. The Board has concluded that the proposed application would not adversely impact upon the master plan of the Borough of Bradley Beach and does promote the safety and welfare of the residents of the municipality and accordingly has satisfied the requirements of obtaining the said Variance(s).

IT IS FURTHER RESOLVED, by the Borough of Bradley Beach Zoning Board of Adjustment that the variances requested are hereby *granted* subject to the following:

1. Applicant agrees as revised the floor plan of the garage by removing the wall to the mechanical and laundry room. Also, the shower, sink and toilet were removed from this area.
2. The Applicant shall cause notice of the decision to be published on one occasion in the official newspaper of the Borough of Bradley Beach and return proof of publication to the administrative office of the Board of Adjustment.
3. The Applicant shall pay any application fees and taxes, which may be due to the Board or the municipality.
4. The approval is subject to the posting of any and all required guaranties or other escrows, which may be required by the appropriate Borough officers or professionals to secure performance of this approval.
5. The approval is subject to compliance with all federal, state, and local rules, regulations, laws and/or ordinances and the procurement of any required governmental approval or permits required in connection with this application.
6. The applicant shall comply with all the provisions of the engineering review letters of Gerald J. Freda, P.E., P.P., dated September 3, 2013 and October 11, 2013 unless modified herein.
7. The Applicant's request for a variance is therefore granted.

IT IS FURTHER RESOLVED that a copy of this Resolution certified by the secretary of the Borough of Bradley Beach Zoning Board of Adjustment to be true 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 the notification of this Resolution shall be published in the Asbury Park Press within ten (10) days of its passage.

**CERTIFICATION**

I hereby certify that I, the undersigned, am the Secretary of the Board of Adjustment of the Borough of Bradley Beach, and I hereby certify that the foregoing Resolution was adopted by the Board of Adjustment at a regular meeting held on the 14<sup>th</sup> day of November 2013.

  
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**Frances M. Sauta, Secretary**  
**Borough of Bradley Beach Board of Adjustment**