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

RESOLUTION NO.411-1-14-07

WHEREAS, Joseph Miller (hereinafter referred to as the "Applicant"), is the owner of property known as Block 71, Lot 16 as shown on the Borough of Bradley Beach Municipal Tax Map, more commonly known as 600 Evergreen Avenue, Bradley Beach, New Jersey; and

WHEREAS, the Applicant has appeared before the Borough of Bradley Beach Zoning Board of Adjustment (hereinafter referred to as the "Board"), represented by Michael J. Wenning, Esq. for a bulk variance. The property in question is located on the northwest corner of Evergreen Avenue and Hammond Avenue. This location is within the Borough's Single Family Residential Zone (R-1). The lot is approximately 45' x 106', irregularly shaped and currently contains a 1 ½ story dwelling and garage. The applicant proposes to construct a 2 ½ story addition to the main dwelling and a second story addition to the garage; and

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 December 6, 2007 to evaluate and consider the application as above set forth; and

WHEREAS, the Board did hear testimony of the Applicant, considered the various exhibits, thereinafter marked into evidence and introduced as follows:

- A-1 Application of Joseph Miller to add a 2 ½ story addition to existing single family structure and second story to existing accessory structure, signed by Michael J. Wenning, Esq., dated July 23, 2007;
- A-2 Survey prepared by W. J. Fiore, Inc. and dated October 17, 2007 (unsealed);
- A-3 Architectural drawings prepared by applicant, dated July 9, 2007, including site plan, elevations, first, second and third floor plan (not sealed, 10 pp);
- A-4 Copy of basement floor plan drawing prepared by applicant dated October 15, 2007;
- A-5 Affidavit of Publication of Asbury Park Press dated October 30, 2007;

- A-6 Copy of Notice to Property Owners signed by Michael J. Wenning, Esq.;
- A-7 Receipts for certified mail dated November 2, 2007;
- A-8 Affidavit of Service of Karen McWilliams dated November 6, 2007;
- B-1 Letter of Elissa Commins, board Engineer, dated November 2, 2007.

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

1. The Board has jurisdiction to herein consider the application pursuant to N.J.S.A. 40-555D-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 600 Evergreen Avenue, Bradley Beach, New Jersey and further known as Block 71, Lot 16, as shown on the Tax Map of the Borough of Bradley Beach.
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.
5. 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 and, as such, waives any additional formal requirements as contained in the Borough Ordinance.

NOW, THEREFORE , BE IT RESOLVED by the Borough of Bradley Beach Zoning Board of Adjustment that the bulk variance requested is hereby *granted* subject to the following:

1. Applicant agrees that the subject matter of the within approval shall commence within two years of the date of the memorialization hereof, unless otherwise extended; Applicant further agrees that 1) the application will be amended to request a one-story re-built garage on footprint height and structure to be approved by the Board Engineer; 2) The Spa can remain; and 3) A deed restriction that states the second story kitchen is to be removed when the parents of the

applicant no longer reside at the premises; and 4) replacement of curb and sidewalk as per report of Board Engineer.

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'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.

DATED: DECEMBER 6, 2007

MOVED BY: VICE CHAIRMAN CONOSCENTI

SECONDED BY: GEORGE BACHAR

ROLL CALL VOTE:

Those in favor: VICE CHAIRMAN CONOSCENTI, MR. GOLDFARB, MR. RYAN, MR. BACHAR, MS. FALK  
NAYES: NONE RECORDED

Those absent: MR. KOVACH

Those abstaining:

Those ineligible:

MEMORIALIZATION DATE: JANUARY 17, 2008

MOVED BY: MR. BACHAR

SECONDED BY: MS. FALK

ROLL CALL VOTE:

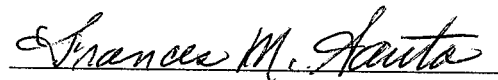
Those in favor: MR. GOLDFARB, MR. BACHAR, MS. FALK,

Those absent: ~~CHAIRMAN MAYER~~, VICE CHAIRMAN CONOSCENTI, MR. KOVACH, MR. RYAN

Those abstaining: CHAIRMAN MAYER

Those ineligible:

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 DECEMBER 6, 2007, and copies from the minutes of said meeting.

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

Prepared by:  
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