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July 6, 2018

Borough of Bradley Beach
Zoning Board of Adjustment
701 Main Street
Bradley Beach, NJ 07720

**Re: Rega Bradley Beach, LLC
Block 38, Lot 7 and 26
103-105 McCabe Avenue
Our File BBBA 18-05**

Dear Chairman and Board Members:

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

- A sign plan consisting of one (1) sheet prepared by Michael E. Dipple, P.E. of L2N Land Design, LLC, dated May 11, 2018, with no revisions.

Our office has reviewed the plans to determine if they conform with the requirements of the Borough Ordinance and report as follows:

1. **Property Description**

- A. The property is located at street address 103-105 McCabe Avenue, Lot 7 and 26, Block 38 with a total area of 29,005 square feet.
- B. The existing lot contains a three-story building with a parking lot. The building consists of thirty-five (35) garden apartments.
- C. The Applicant is proposing to replace the existing freestanding sign. The proposed main sign dimensions are 31 inches high by 78 inches wide. Under the main sign is another proposed sign with dimensions of 9 inches high by 66 inches wide. The Applicant has indicated the existing posts are to remain.

2. **Zoning and Land Use**

- A. The property is located in the R-B Residential Beachfront Zone and the existing garden apartments are a permitted principal use in this zone.

- B. The proposed improvements require Board Approval for a variance on the type of sign.

3. **Variances and Waivers**

- A. In accordance with Section 450-53.A. the following type of sign is prohibited in all zones: An outdoor advertising sign and billboards of any kind, including freestanding and/or sandwich-board-type signs. The Applicant is proposing to replace the freestanding sign and existing posts are to remain. **A use variance is required.**

1) Criteria for Use Variance Relief

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. Consequently, the Applicant must demonstrate the following:

a) Positive Criteria

- (1) *That the site is particularly suited to the use*
- (2) *There are special reasons that allow a departure from the zoning regulations in this particular case.* In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-70.d(1)).

b) Negative Criteria

- (1) *That the variance can be granted without substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
- (2) *That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant needs to provide an enhanced quality of proof that the use variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

4. **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. The Applicant should provide information that taxes are currently paid.
- C. 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.

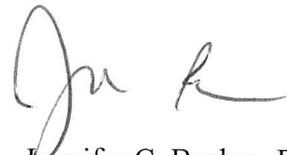
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



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



Jennifer C. Beahm, P.E., P.P.
Board Planner

DMH:mfl/mcs2

cc: Kristie Armour, Board Secretary
Mark Kitrick, Esq. Board Attorney
Michael J. Wenning, Esq., Applicant's Attorney
Michael E. Dipple, P.E., Applicant's Engineer

BB/BA/18/18-05