

*Keith, Winters, Wenning & Harris, LLC*

COUNSELLORS AT LAW

MAIN STREET AND LAREINE AVENUE

*Bradley Beach, New Jersey 07720*

IRVING E. KEITH (1939-1987)

NESTOR A. WINTERS\*

MICHAEL J. WENNING\*

CERTIFIED BY THE SUPREME COURT OF  
N.J. AS A CRIMINAL TRIAL ATTORNEY

BRIAN D. WINTERS\*\*

CERTIFIED BY THE SUPREME COURT OF  
N.J. AS A MATRIMONIAL LAW ATTORNEY

AMY B. HARRIS\*\*

CIPIORA WINTERS\*

MACKENZIE F. DELEON

BURTON L. FUNDLER (1995-2009)

(732) 774-1212

TELEFAX (732) 774-6183

WEBSITE: [www.kwwlawfirm.com](http://www.kwwlawfirm.com)

E-MAIL: [kwwlawfirm@aol.com](mailto:kwwlawfirm@aol.com)

ESTABLISHED 1944



March 31, 2022

PLEASE REPLY TO

P.O. BOX 188

BRADLEY BEACH, NEW JERSEY 07720

\*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

Kristie Dickert  
Bradley Beach Land Use Secretary  
701 Main Street  
Bradley Beach, New Jersey 07720

Re: Land Use board  
Amended application of Eman Lab, LLC  
110 Main Street

Dear Ms. Dickert,

Pursuant to a telephone conversation with Denis Higgins of Avakian Engineering, I enclose herewith an amended application for the above application to clarify that a minor site plan is sought together with variances for sign and fence height.

I attach 16 copies per requirement. I have forwarded a copy to Mr. Higgins for his review and comment.

Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "C. W. Wenning".

MICHAEL J. WENNING

MJW:km  
Enclosure

LAND/USE BOARD. Amended  
**ZONING BOARD OF ADJUSTMENT**  
**APPLICATION FOR USE VARIANCE AND/OR BULK VARIANCE(S)**

**Information on Subject Property:**

1. Property address: 110 MAIN STREET  
Block(s) 71 Lot(s) 30 Zone: GB
2. Does the Applicant own adjoining property? ☐ YES ☒ NO  
If answer to foregoing is yes, describe location and size of adjoining property: \_\_\_\_\_
3. An application is hereby made for a variance(s) from the terms of Article(s) and Section(s):  
Interpretation of need for use variance due to prior use  
of structure. If required a use variance is sought.  
Variances for signs (§ 450-46; § 450-47).  
Variance for fence regulations (sideyard). § 450-44.
4. Justification/Reasons why each variance should be granted [attach forms as necessary]  
Prior use as Cinema. Proposal has less seating requiring  
less parking. No expansion of building structure. Use  
not being intensified.
5. If conditional use is required/requested with this application, detail conformance/deviation from the requirements of the zoning ordinance [attach forms as necessary].

N/A

**Contact Information:**

6. Name of applicant: EMAM LAB, LLC  
Mailing address: 17A Midland Ave, Montclair, NJ  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: \_\_\_\_\_

**BOROUGH OF BRADLEY BEACH**  
**PLANNING BOARD AND/OR**  
**ZONING BOARD OF ADJUSTMENT**  
**DEVELOPMENT APPLICATION FOR**  
**SITE PLAN AND/OR SUBDIVISION**

**(Original and 16 copies to be filed along with appropriate plans and fees with Board Secretary)**

(CHECK ALL THAT APPLY)

**LAND USE Board.**

**PLANNING BOARD** ☐

**ZONING BOARD** ☒

**Conditional Use** ☐

**Use Variance** ☒

**Bulk Variance(s)** ☒

**Preliminary** ☐

**Minor Subdivision** ☐

**Minor Site Plan** ☒

**Final** ☐

**Major Subdivision** ☐

**Major Site Plan** ☐

**Explanation of Request:** \_\_\_\_\_

**Information on Property to be Developed:**

1. Property address: 110 MAIN STREET

Block(s) 71 Lot(s) 30 Zone: G.B.

2. Does the Applicant own adjoining property? ☐ YES ☒ NO

If answer to foregoing is yes, describe location and size of adjoining property: \_\_\_\_\_

**Contact Information:**

3. Name of applicant: EMAN LAB, LLC

Mailing address: 17 A Midland Ave, Montclair, N.J.

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_

E-mail address: \_\_\_\_\_

4. Interest of Applicant if other than owner (i.e. tenant, contract purchaser)(If applicant is not the owner, Owner(s)' Affidavit of Authorization and Consent must be completed & submitted with this application):

Tenant

- Tenant

E-mail address: \_\_\_\_\_

E-mail address: \_\_\_\_\_

14. Name of applicant's Architect (if applicable): PASSMAN / ERcolino Architects, P.C.

Mailing Address: 1320 ALLAINE Avenue, Ocean, N.J. 07712

Phone # 732-531-8709 Fax # 732-531-8706 Cell # \_\_\_\_\_

E-mail address: \_\_\_\_\_

15. Name of applicant's Other Professional (if applicable): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_

E-mail address: \_\_\_\_\_

**Detail Property Information:**

(PLEASE INCLUDE INFORMATION FOR EACH ZONE/BLOCK/LOT INVOLVED BELOW – ATTACH ADDITIONAL SHEETS AS NECESSARY)

	<u>Required and/or Permitted</u>	<u>Existing</u>	<u>Proposed</u>
Minimum lot area	5000 sq ft	8860.8	8860.8
Minimum lot width	50 ft.	54.96	54.96
Minimum lot depth	100 ft.	157.6	157.6
Minimum lot frontage			
Minimum front yard setback	0	1.4 ft.	1.4 ft.
Minimum rear yard setback	10 ft.	12.4	12.4
Minimum side yard setback	0	0.2	0.2
Maximum percent building coverage	90%	85.1%	85.1%
Maximum percent lot coverage	100%	94.5%	94.5%
Maximum number of stories	3	2	2
Maximum building height (in feet)	40 ft.	40	40
Square footage of proposed structure	N/A	7539.5	7539.5
Off-street parking spaces			
Loading spaces			
Signs			
Existing use or uses: Cinema.			
Proposed use or uses: Cinema			
Is the property located in a special flood hazard area? No.			

**NOTE:** Any items that are not applicable to a particular application shall be marked with an "N/A".

**Detail Proposed Information:**

13. Proposed number of lots, if applicable: N/A

- a. Are all proposed lots conforming? YES ☐ NO ☐. If answer is NO, indicate how many are non-conforming and their size: \_\_\_\_\_
- b. Indicate intent: Sell lots only ☐ Construct houses on lots for sale ☐
- c. Have the new block and lot numbers been approved by the Tax Assessor? YES ☐ NO ☐  
If YES, please attach proof of same.
- d. Does subdivision abut or affect any County, State, or Federal Highways, properties, or facilities?  
If answer is YES, describe: \_\_\_\_\_

14. Proposed number of units, if applicable: N/A

15. Location of nearest sanitary sewer: \_\_\_\_\_

17. Are any extensions of municipal facilities or utilities involved with this application? Y ☐ N ☒

If answer is YES, describe: \_\_\_\_\_

18. Are drainage ditches, streams, or other water courses involved with this application? Y ☐ N ☒

If answer is YES, describe: \_\_\_\_\_

19. Has there been any previous applications before the Planning Board/Board of Adjustment involving these premises? Yes ☐ No ☒ Unknown ☐

If so, when: \_\_\_\_\_

Result of decision: \_\_\_\_\_ (attach copy of prior Resolution)

20. Has a Zoning denial been received as part of this application? YES ☒ NO ☐ If yes, please attach.

21. Tax and Assessment payment report indication of all taxes and/or assessment required to be paid attached to this application: ☐ YES ☐ NO

22. Are any easements or special covenants by deed involved with this application?  
☐ YES (If yes, attach copy) ☒ NO

### AFFIDAVIT OF APPLICATION

State of New Jersey :  
County of Monmouth : ss

EMAM LAB, LLC / Andrew Childs being of full age, being duly sworn according to Law, on oath depose and says that all the above-statements are true.

[Signature] ✓  
(Original Signature of Applicant to be Notarized)

ANDREW CHILDS.  
(Print Name of Applicant)

Sworn and subscribed before me this

4th day of March, 20 22

[NOTARY SEAL]

[Signature]  
Signature of Notary Public

Michael J. Wimmer, Esq. ATTORNEY AT LAW, N.J.

**BOROUGH OF BRADLEY BEACH  
ZONING BOARD OF ADJUSTMENT  
APPLICATION TO APPEAL ZONING OFFICER'S DETERMINATION AND/OR  
FOR INTERPRETATION OF THE LAND DEVELOPMENT ORDINANCE  
PHONE NUMBER 732 776-2999 EXT. 1017**

*Dear Applicant,*

*The following information is given to assist you in the process of applying to the Zoning Board of Adjustment when seeking an appeal of the Zoning Officer's Determination or for an interpretation of the Land Development Ordinance.*

**Please review and submit the following information with your request:**

- ✓1. Completed Application for Appeal/Interpretation of Zoning Officer's Determination.
- ✓2. Survey of the property **drawn to scale**, showing the block and lot numbers of the property, dimension of the lot; dimension of present and proposed structure(s), location of all structures, and distance of all to the property lines. Survey must be current, if not, applicants must submit an "Affidavit of No Change".
- ✓3. Provide a copy of the "Zoning Permit Denial" which was provided by the Zoning Officer.
- ✓4. Drawings of the proposed structure/work and a description of the proposed finished project. Be advised that it is helpful to the Board that you provide as much detailed information as possible to assist the members in their review of your appeal.
5. Recent colored photos of the structure as it "exists". Photos should show front, sides, and rear building elevations.
6. Please include copy of Corporation Documents if you are a company or corporation. If you are a company or corporation you must have an attorney represent you before the Board.
7. Submission of required fees: Application fee will be \$200, and the Escrow Deposit will be \$700. [Two separate checks made payable to the Borough of Bradley Beach in these amounts are required at the time of filing.]
8. At the time of filing **all** taxes and sewer payments **must be current** for an application to be processed.
9. Applications received from someone other than the property owner **must complete** the attached owner(s)' affidavit of authorization and consent to submit the application before the Board.
10. **One (1) original and Sixteen (16) copies of all of the above documents are required when making your submission. All plan sheets exceeding 8 ½" x 11" must be folded.**
11. All of the above items are required in order for the application to be deemed complete. An omission of any or one or more items will be reason to deem the application incomplete and require resubmission.



**BOROUGH OF BRADLEY BEACH**  
**ZONING BOARD OF ADJUSTMENT**  
**NOTICE OF APPEAL OF ZONING OFFICER'S DETERMINATION**

**OFFICIAL USE ONLY**

CASE # \_\_\_\_\_ DATE FILED \_\_\_\_\_  
DISPOSITION \_\_\_\_\_ HEARING DATE \_\_\_\_\_

**TO THE ZONING ENFORCEMENT OFFICER:**

The petition of EMAM Lab, LLC.  
Applicant's Name

shows that on or about the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, an application to

the Zoning Officer for the purpose of (Describe intended action): 3 Auditorium Cinema;

Concession stand with traditional snacks, Local Fare and service of Alcohol.

Interior alteration for New Auditoriums and Seating. New Concession

Areas and New toilet Rooms. Exterior windows AT FRONT of building.

Added popped up Roof for new Stairway. Headroom AT second floor AT

Former projection Room and ADDED Exit platforms. Added Fence on N. property line

on the premises located at: 110 MAIN STREET

Street Address

Block 71 Lot 30

as shown on the Municipal Tax Maps and owned, or optioned by this applicant was made; that after due consideration, the Zoning Officer did on the 6 day of JANUARY, 2022, decline to issue said permit for the reasons stated in the attached copy of the Zoning Officer's Refusal of Permit form.

Applicant feeling aggrieved at the action of the Zoning Officer, files this notice of appeal with said officer, and requests that action of the Zoning Officer be reversed or modified as the facts may be determined and the applicant further requests that a day be fixed for hearing on this appeal and states that the proper notice will be given to all owners of property situated **within two hundred (200) feet** of all property specified above, and others required by statute.

**File a copy of this sheet/notice with the Zoning Officer, where appeal is sought.**

1. Property Address: 110 MAIN STREET
2. Block 71 Lot 30
3. Property is located in a GB Zoning District according to the Borough of Bradley Beach Zoning Map.
4. Name of applicant: EMAM LAB, LLC  
Mailing address: 170 Midland Ave, Montclair, N.J.  
Phone # [REDACTED] Fax # [REDACTED] Cell # [REDACTED]  
E-mail address: Andy@cinemalab.com
5. Name of owner: Cinema One Global, LLC  
Mailing address: 1106 Bond Street, Asbury Park, N.J. 07712  
Phone # [REDACTED] Fax # [REDACTED] Cell # [REDACTED]  
E-mail address: Emam5Haww@aol.com
6. Name of contact person: Andrew Childs.  
Mailing address: 17 A Midland Ave, Montclair N.J.  
Phone # [REDACTED] Fax # [REDACTED] Cell # [REDACTED]  
E-mail address: Andy@cinemaLAB.com.
7. Interest of applicant, if other than owner: Tenant

**Detailed Information:**

- Existing use of property: ONE screen Cinema
- Proposed use of property: THREE SCREEN Cinema with service of Alcohol And Concession stand
- Special Flood Hazard Area: N/A

8. Has there been any previous Planning Board and/or Board of Adjustment applications involving these premises?

Yes ☐ No ☒

If so, when \_\_\_\_\_

Result of decision \_\_\_\_\_

(If yes, include copy of prior resolution)

9. Justification/Reason for appeal of decision [be as specific as possible attach additional sheets as necessary]

Existing Cinema use on site. The proposed site improvements are  
consistent with neighborhood. Proposal will not present substantial detriment  
to the public good. Proposal will not impair the intent and purpose of  
the Zone Plan and Zoning ordinance.

**OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT**  
**STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER**

*[Original signatures only - copies will not be accepted]*

IN THE MATTER BEFORE THE LAND USE BOARD.  
(Insert Planning Board or Zoning Board of Adjustment)

IN THE BOROUGH OF BRADLEY BEACH, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

I/WE, Cinema One Global, LLC, WITH MAILING ADDRESS OF  
(Insert Property Owner's Name)

of SHAWN Emamjomeh, 1106 Bond Street, Ashbury Park, NJ OF FULL AGE BEING DULY  
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:


"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH

THIS APPLICATION DESIGNATED AS BLOCK(S) 71 LOT(S) 30

ALSO KNOWN AS 110 MAIN STREET  
(Insert physical address of the subject property)

I/WE AUTHORIZE EMAM LAB, LLC  
(Insert name of Owner(s)' representative appearing before the Board)

TO APPEAL TO THE PLANNING/ZONING BOARD OF ADJUSTMENT OF THE BOROUGH OF  
BRADLEY BEACH FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY  
LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY  
DECISION OF THE PLANNING/ZONING BOARD OF ADJUSTMENT ON SUCH APPEAL SHALL  
BE BINDING UPON ME/US AS IF SAID APPLICATION/APPEAL HAS BEEN BROUGHT AND  
PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S).

  
✓  
(Original Signature of Owner to be Notarized)  
SHAWN Emamjomeh, managing member

\_\_\_\_\_  
(Original Signature of Owner to be Notarized)

Sworn and subscribed before me this

4 day of March, 20 22

[NOTARY SEAL]

\_\_\_\_\_  
Signature of Notary Public

Michael J Wenning, Esq. Attorney at Law, N.J.

## SITE VISIT AUTHORIZATION OF PROPERTY OWNER

*I hereby authorize any member of the Borough of Bradley Beach Planning Board/Zoning Board of Adjustment, any of said of Board's professionals or reviewing agencies of the Board to enter upon the property which is the subject matter of this application, during daylight hours, for limited purpose of viewing same to report and comment to the Board as to the pending application.*

Date: 3/4/2022



Signature of Property Owner  
Cinema One Global, LLC  
By, SHAWN EMAMJOMEH

## Escrow Agreement

I/we fully understand an "Escrow Account" will be established to cover the costs of the professional services which will include engineering, legal, planning, architectural, and any other expenses incurred in connection with the review of this application before the Board.

The amount of the Escrow Deposit will be determined by the Borough of Bradley Beach Ordinance Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements. Please see attached for details.

Any request for replenishment of escrow funds shall be due within fifteen [15] days of receipt of the request. If payment is not received within that time, applicant will be considered to be in default, and such default may jeopardize appearance before the Board and/or hold up of any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification of completion by the board's professionals who reviewed the application.

By signature below, I/we acknowledge receipt of the Borough of Bradley Beach's Chapter 60. Land Use Procedures Section 60-29. Application fees and escrow requirements and agree to all conditions listed.

Name of Applicant: EMAM LAB, LLC  
[please print]

Property Address: 110 MAIN STREET Block 71 Lot 30

Applicant's Name: EMAM LAB, LLC  
[Print Name]

[Signature of Applicant]  
By Andrew Chies

Owner's Name: Cinema One Global  
[Print Name]

[Signature of Owner]

Date: 3/4/2022


By Shawn Emamjomeh

**RESOLUTION ADOPTED BY EMAMLAB, LLC**  
**AT A MEETING HELD ON MARCH 2, 2022**

Upon Motion duly made, seconded and unanimously passed, it was

RESOLVED, that the Company EMAMLAB, LLC make A Land Use Application before the Bradley Beach Land Use Board as a prospective tenant of 110 Main Street, Bradley Beach to seek a use variance as a three (3) screen cinema together with any other variances deemed necessary;

FURTHER RESOLVED, that Andrew Childs execute on behalf of the Company all documentation to facilitate the aforesaid transaction and Application.

  
\_\_\_\_\_  
ANDREW CHILDS, Managing Member

-----  
I hereby certify that the foregoing is a true copy of a resolution adopted by the Member of EMAMLAB, LLC on March 2, 2022.

  
\_\_\_\_\_  
ANDREW CHILDS, Managing Member

**RESOLUTION ADOPTED BY CINEMA ONE GLOBAL, LLC**  
**AT A MEETING HELD ON MARCH 2, 2022**

Upon Motion duly made, seconded and unanimously passed, it was

RESOLVED, that the Company as owner of 110 Main Street, Bradley Beach, (Block 71, Lot 30) permit prospective tenant, EMAMLAAB, LLC , to make application to the Borough of Bradley Beach, Land/Use Board for use as a three (3) screen cinema together with necessary variances and approvals;

FURTHER RESOLVED, that Shawn Emamgoeh execute on behalf of the Company all documentation to facilitate the aforesaid transaction.

  
SHAWN EMAMGOEH, Managing Member

-----

I hereby certify that the foregoing is a true copy of a resolution adopted by the Member of CINEMA ONE GLOBAL, LLC on March 2, 2022.

  
SHAWN EMAMGOEH, Managing Member