

June 30, 2022

Borough of Bradley Beach
Land Use Board
701 Main Street
Bradley Beach, NJ 07720

**Re: 506 Brinley Avenue, LLC
Block 43, Lot 17
506 Brinley Avenue
Borough of Bradley Beach
Our File BBPB 22-09**

Dear Chairman and Board Members:

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

- An architectural plan consisting of one (1) sheet prepared by Jonathan Wolfe, AIA of Jonathan Wolf Architecture + Design dated March 17, 2022, with no revisions.
- A survey of property consisting of one (1) sheet prepared by Jeffrey S. Grunn, P.L.S. of Lakeland Surveying, dated December 6, 2021, with no revisions.

This application has been deemed **COMPLETE**. 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 house number 506 Brinley Avenue (Lot 17, Block 43) with a total area of 17,900 square feet.
- B. The existing lot has nine (9) one-story dwellings, concrete walkways and concrete patios.
- C. The Applicant is proposing nine (9) concrete mechanical pads for the new air conditioning condensers for each dwelling.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and nine (9) principal dwellings on one (1) lot is not permitted.

- B. The proposed improvements required Board approval for variances on use and others as described in this report.

3. **Variances and Waivers**

- A. In Ordinance Section 450-15 states “Except as might be hereinafter specifically provided, there shall not be more than one principal building erected on any lot.” This lot has nine (9) principal dwelling units, which represents existing non-conforming structures. In Ordinance Section 450-12.D. states “A non-conforming structure may not be enlarged, extended in height, width or depth, moved or relocated modified in such a way so as to increase habitable or useable space, number of dwelling units or number of bedrooms.....” The Applicant is proposing air conditioning condensers for each dwelling. This is an expansion of a non-conforming use. **A d(2) use variance is required.**

A d(2) use variance for the expansion of a non-conforming use is required. To obtain a d(2) use variance, the Applicant must show that the proposal meets three separate criteria.

- 1) **Special Reasons.** Proving the positive criteria for d(2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
 - 2) **Intent of the Zone Plan (negative criterion # 1).** The Applicant must prove that the proposed expansion does not substantially impair the intent of the zoning ordinance or master plan.
 - 3) **Detriment to the Public Good (negative criterion # 2).** The Applicant must prove that the expansion of the proposed use would not have a substantial detriment on nearby properties.
- B. In accordance with Section 450-58.H, the minimum setback to HVAC or mechanical equipment is 5 feet. The Applicant is proposing nine (9) air conditioning condensers which are setback greater than 5 feet. This setback complies.
 - C. In accordance with Section 450-26.D. area, yard, and building requirements, the following variance or existing non-conformities are noted below:
 - 1) In accordance with Section 450-26.D.(1)(d), the minimum front yard setback permitted for a street east to west (Brinley Avenue) is 25 feet and for a street running north to south is 15 feet, or the minimum depth of any front yard within the block and front on the

same street on which the structure fronts, whichever is greater. The Applicant did not provide the average front yard setback. The existing front yard setback to the dwelling is 7.9 feet, which represents an existing non-conformity.

- 2) In accordance with Section 450-26.D.(1)(e), the minimum side yard setback permitted is 5 feet and 10 feet. The existing west side yard setback is 3.3 feet, which represents an existing non-conformity. The existing east side yard setback is 2.7 feet, which represents an existing non-conformity.
- 3) In accordance with Section 450-26.D.(1)(f), the minimum rear yard setback is 25 feet. The existing rear yard setback is 3.5 feet, which represents an existing non-conformity.
- 4) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35% of the lot area. The existing building coverage is 39.7%, which represents an existing non-conformity.
- 5) In accordance with Section 450-26.D.(1)(i), the maximum impervious coverage permitted is 60% of the lot area. The Applicant is proposing an impervious coverage of 58.8%, which conforms.
- 6) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking is two (2) spaces per dwelling unit. The existing property has no off-street parking, which represents an existing non-conformity. No off-street parking is being proposed. The Applicant should provide testimony.
- 7) In accordance with Section 450-26.D.(1)(k), the minimum side yard setback for the accessory structure is 5 feet. The existing side yard setback to the shed is 3.5 feet, which represents an existing non-conformity.

4. **General Comments**

- A. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain or be converted to natural grass.
- B. 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.
- C. The Applicant should provide information that taxes are currently paid.

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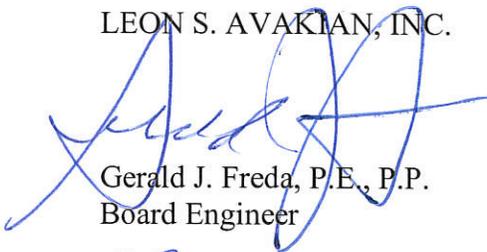
- D. The Applicant shall secure any, and all construction permits needed for the project.

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



Christine Bell, A.I.C.P., P.P.
Board Planner

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq. Board Attorney
Paul Fericola, Esq., Applicant's Attorney
506 Brinley Avenue, LLC, c/o Bret Morgan
BB/PB/22/22-09a