

March 31, 2023

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

**Re: Jordan Residence  
Block 68, Lot 9  
302 Second Avenue  
Borough of Bradley Beach  
Our File: BBPB 23-05**

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:

- A plot plan consisting of one (1) sheet prepared by Michael B. Intile, P.E. & P.P., of Crest Engineering Associates, Inc., dated June 17, 2022, with the latest revisions dated March 14, 2023.
- An architectural plan consisting of one (1) sheet prepared by Richard P. Tokarski, Jr., AIA of Tokarski + Millemann Architects, LLC, dated November 21, 2022, with no revisions.
- A survey of property consisting of one (1) sheet prepared by Gary P. Yuro, P.L.S. of Crest Engineering Associates, Inc., dated May 10, 2022, with the latest revisions dated May 17, 2022.

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 302 Second Avenue (Lot 9, Block 68) with a total area of 7,777 square feet.
- B. The principal dwelling is currently under construction.

- C. The Applicant is proposing a detached garage with a bathroom and covered patio. The swimming pool will be constructed at some time in the future.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and the single-family dwelling is a permitted principal use.
- B. The proposed improvements required Board approval for variances with use and others described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-26.B (Permitted Accessory Uses), the Applicant is proposing a detached garage with a bathroom and covered patio/bar. The proposed bathroom and covered patio/bar area are not permitted accessory uses. **A d(1) use variance is required.**

**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 negative criteria of the Municipal Land Use Law for the granting of the use variance relief. To obtain a d(1) use variance, the Applicant must show that the proposal meets four separate criteria:**

1) Positive Criteria

- (a) *That the site is particularly suited to the use.* The Applicant must prove that the site is particularly suited for the proposed use. This requirement sets a high bar, requiring findings that the general welfare is served because the use is particularly fitted to the proposed location of the use. It requires the Applicant to show why the location of the site within the Township is particularly suited for the proposed use despite the underlying zoning, or the unique characteristics of the site that make it particularly appropriate for the proposed use rather than a permitted use.
- (b) *Special Reasons.* The Applicant must prove that special reasons exist for granting the use variance by demonstrating either that there is an unreasonable hardship in not granting the variance, or that the proposed project furthers one or more of the purposes of the Municipal Land Use Law.

2) Negative Criteria

- (a) *The variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant must prove that the proposal does not substantially impair the intent of the zoning ordinance or master plan. This criterion comes out of the basic principle that municipalities should make zoning decisions by ordinance rather than by variance, and that the grant of a variance should not represent a complete departure from the enacted policy of the governing body.
- (b) *The variance can be granted without a 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.
- B. In accordance with Section 450-13.F.(4), (Enclosure), patios shall not be covered or enclosed with sidewalls. The Applicant is proposing a patio/bar area to be covered. **A variance is required.**
- C. In accordance with Section 450-13.F.(5), (Location), Patio may be located in the rear yard only, whereas the proposed patio is located within the rear yard setback. **A variance is required.**
- D. In accordance with Section 450-26.D. area, yard, and building requirements, the following variances or existing non-conformities are noted below:
- 1) In accordance with Section 450-26.D.(1)(h), the maximum building coverage permitted is 35% of the lot area. The Applicant is proposing a building coverage of 26.5%, which conforms.
  - 2) 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 56.0%, which conforms.
  - 3) In accordance with Section 450-26.D.(1)(k), the minimum side yard setback for an accessory structure is 5 feet. The Applicant is proposing a side yard setback of 5 feet to the accessory structure, which conforms.

- 4) In accordance with section 450-26.d.(1)(1), the minimum rear yard setback for an accessory structure is 5 feet. The Applicant is proposing a rear setback of 10 feet to the accessory structure, which conforms.

4. **General Comments**

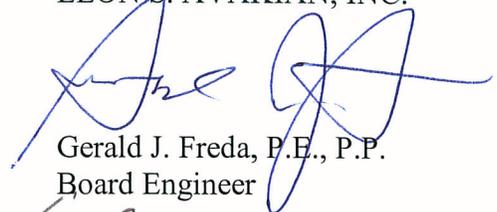
- A. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain or be converted to natural grass.
- B. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. The Applicant should provide information that taxes are currently paid.
- D. The Applicant shall secure any, and all construction permits needed for the project.
- E. The Applicant should provide an updated survey after all improvements have been completed.

Our office reserves the right to provide additional comments upon receipt of revised plans.

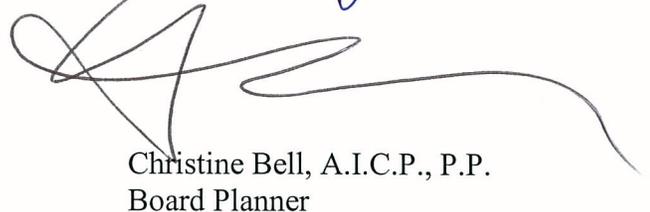
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

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  
Michael J. Wenning, Esq., Applicant's Attorney  
Michael B. Intile, P.E. & P.P., Applicant's Engineer  
Richard P. Tokarski, AIA, Applicant's Architect

BB/PB/23/23-05a