

BOROUGH OF BRADLEY BEACH
LAND USE BOARD
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 Susan and Scott Schwartz
Applicant's Name

shows that on or about the 1st day of Feb., 2023, an application to

the Zoning Officer for the purpose of (Describe intended action): _____

To Build a new conforming 2 1/2 story single family
residential house with detached 1 car garage on
the 4650 square foot vacant lot with a 50 foot
frontage located at 208 1/2 Newark Ave.

on the premises located at: 208 1/2 Newark Ave
Street Address

Block 10 Lot 25.02

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 2nd day of February, 2023, 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: 208 1/2 Newark Ave, Bradley Beach, NJ 07720
2. Block 10 Lot 25.02
3. Property is located in a R-1 Residential Zoning District according to the Borough of Bradley Beach Zoning Map.
4. Name of applicant: Susan and Scott Schwartz
Mailing address: 221 Newark Ave #4 Bradley Beach NJ 07720
Phone # [REDACTED] Fax # N/A Cell # [REDACTED]
E-mail address: [REDACTED]
5. Name of owner: (Same) Susan and Scott Schwartz
Mailing address: 221 Newark Ave #4 Bradley Beach NJ 07720
Phone # [REDACTED] Fax # N/A Cell # [REDACTED]
E-mail address: [REDACTED]
6. Name of contact person: _____
Mailing address: _____
Phone # _____ Fax # _____ Cell # _____
E-mail address: _____
7. Interest of applicant, if other than owner: _____

Detailed Information:

- ☐ Existing use of property: vacant lot with no structure
- ☐ Proposed use of property: Residential 2 1/2 story single family house w/detached garage
- ☐ Special Flood Hazard Area: N/A

8. Has there been any previous Planning Board, Board of Adjustment, or Land Use Board 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]

See attached

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

On March 9, 2021 an amendment was made by the Borough of Bradley Beach to "... to provide certain relief to non-conforming lot owners making only minor improvements to their properties within the borough", (see ordinance 2021-05 in section 450-26E). This revised ordinance reads as follows: In section 3 subpart 2 of subsection E entitled "Supplementary Regulations of Section 26 entitle "R-1 Residential Single Family Zone" of Chapter 450 entitled "Zoning" of the Revised General Ordinances of the Borough of Bradley Beach, is replaced with the following: ***"E. Supplementary Regulations (2) The living space of single-family dwellings on lots 4,000 square feet or greater and at least 40 feet of frontage may be up to 2 ½ stories or 35 feet in height..."*** Our lot meets this definition as it is 4650 square feet with a 50-foot frontage. The denial of our application indicates that this section applies to additions, but there is no reference to vacant lots.

Furthermore, prior to our purchase of the vacant lot, we did our due diligence with the borough. We contacted the zoning office in July of 2021 requesting clarification of this revised ordinance and were assured by the Bradley Beach zoning officer that we could build on this lot without variance. To be certain, our attorney requested and received signed confirmation by Mr. Mulcahy, the Bradley Beach zoning officer at the time, that we could build on this lot without the need for variance relief, (see attached). Therefore, we proceeded with our purchase of the vacant lot in September 2021 with the intent to build our retirement home in Bradley Beach. It is concerning that we made a significant purchase based upon interpretation of a borough zoning official that can be changed later by a different zoning official. Regarding the denial in reference to an upper porch on the attic level, this is an incorrect interpretation of the drawings as there is no upper porch on the attic level in our design.

Please consider that if an owner of a lot with an existing structure can make an addition to that structure up to 2 ½ stories or 35 feet in height if the lot is 4000 square feet or greater with 40 feet of frontage, it stands to reason that building a conforming NEW HOME of the same dimensions on a larger vacant lot (4650 square feet with 50 feet of frontage) should be deemed acceptable by the borough.

We respectfully request that the borough honor the interpretation of Bradley Beach's former zoning officer, Mr. Mulcahy, that we can build our 2 ½ story single family residential home with a detached garage on this vacant lot without the need to seek variance relief. We are tax paying residents of Bradley Beach since 2018 and hope to continue enjoying this lovely town for many generations to come.

Thank you.

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Borough of Bradley Beach Land Use Board and 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: 2/22/2023

Susan Schwartz & Scott Schwartz
Signature of Property Owner

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 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: Susan and Scott Schwartz
[please print]

Property Address: 208 1/2 Newark Ave Block 10 Lot 25.02

Applicant's Name: Susan and Scott Schwartz Susan Schwartz & Scott Schwartz
[Print Name] [Signature of Applicant]

Owner's Name: Susan and Scott Schwartz Susan Schwartz & Scott Schwartz
[Print Name] [Signature of Owner]

Date: 2/22/2023