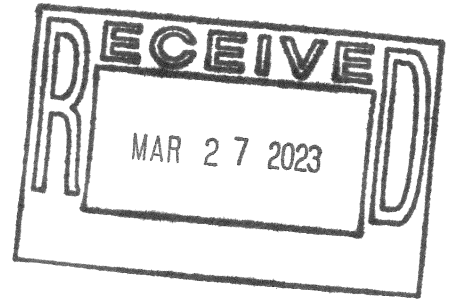


Stacey Pelliccio – Caponegro

510 4th Ave

Bradley Beach N.J. 07720



March 27, 2023

Borough OF Bradley Beach
Zoning Board of Adjustments
701 Main Street
Bradley Beach N.J. 07720

Dear Zoning Board Members,

Due to the untimely passing of my late husband Frank Caponegro, this letter serves as a request to extend time on our resolution approval adopted on Nov 19, 2020 and memorialized at the December 17, 2020 public hearing of the Bradley Beach Zoning Board of Adjustment

We can plan for the future, but we really never know where it may lead us. This project was a dream for Frank and I and it all abruptly came to a sudden halt. It has taken me time to look ahead and try to figure life out. With my son now off to college so much has changed and it's been a challenge. So, looking ahead with your approval, I would like a two year extension so that I may revisit this financially and emotionally when the time comes.

A copy of resolution #2020-16 has been included.

Thank you for your time and consideration.

Sincerely,

Stacey Pelliccio - Caponegro
Stacey Pelliccio- Caponegro

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF BRADLEY BEACH**

RESOLUTION NO. 2020-16

WHEREAS, Frank and Stacey Caponegro (hereinafter referred to as the “Applicant”) is the owner of property known as Block 56, Lot 15, as shown on the Borough of Bradley Beach Municipal Tax Map, more commonly known as 510 Fourth Ave., Bradley Beach, New Jersey; and

WHEREAS, the Applicant appeared before the Borough of Bradley Beach Zoning Board of Adjustment (hereinafter referred to as the “Board”) for bulk variance approval; and

1. The property in question is a rectangular lot and has a total area of 7,500 square feet located at 510 Fourth Ave. This location is within the Residential Single Family (R-1) Zone. The existing lot contains a one-and-a-half story, framed dwelling with a garage apartment. The existing single-family dwelling is a permitted principal use in this zone.
2. The applicant is proposing a second-story addition with a half story above.
3. The proposed improvements require variance approval for side-yard setback and impervious coverage.

4. Variance and Waivers

A. In accordance with Section 450-13, Permitted Yard Encroachments, the following variances are noted below:

- 1) In Section 450-13.B, an open uncovered or unroofed deck leading to the second floor, directly above the open unscreened porch, also not projecting more than 8 feet in depth into the required front yard and not exceeding the width of the existing or proposed structure. Said porch or deck will have open

rails or spindles and can be cantilevered with no retractable awnings or pressure treated flooring or railings. The proposed second floor open unscreened porch complies with the front setback requirements. The Applicant is proposing a CPVC railing system with glass infill panels. **A variance is required for this type of railing system.**

- 2) In Section 450-13.F, ordinary projections, cornices, eaves, gutters, sills, belt courses, chimneys, flues, buttresses, and ornamental features may project not more than 24-inches into any required yard area. The Applicant is proposing eaves and chimney in the side yard area. The proposed eave is setback 0.7 feet from the west side property line. **A variance is required.**

B. 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)(d), the minimum front yard setback permitted for a street running north to south is 15 feet, or the minimum depth of any front yard within the block and fronting on the same street on which the structure fronts, whichever is greater. When the prevailing setback of the existing buildings along a block front is less than the setback requirements, the front yard setback distance may be reduced to the average of front yard setbacks of principal structures on all developed properties on the same side of the street within 200 feet of the property as documented by a map prepared by a licensed land surveyor. The average depth will be from the front wall of the structure, provided that such setback is not less than 10 feet. Front porches

shall also be averaged within 200 feet on each side of the lot and within the same block front.

The Applicant has provided a plan prepared by a NJ licensed surveyor showing the front yard setback of the existing adjacent dwellings. The plan did not show the calculation for front yard setback to the dwelling. Our office calculated an average front yard setback of 24.59 feet. The Applicant shall provide the calculation of the front yard setback to the dwelling.

The existing front-yard setback is 24.7 feet, which conforms. The Applicant is proposing a front yard setback of 24.7 feet to the addition, which conforms.

- 2) In accordance with Section 450-26.D(1)(e), the minimum side yard setback permitted is 5 feet and 10 feet. The existing side yard setback is 2.5 feet on the west side and 10.9 feet on the east side, the west side yard setback represents an existing non-conformity. The Applicant is proposing the addition to have a side yard setback of 2.5 feet on the west side and 10.9 feet on the east side. The proposed west side yard setback is an expansion of an existing non-conformity. **A variance is required.**

- 3) In accordance with Section 450-26.D(1)(g), the minimum building height is 35 feet and 2 ½ stories. The Applicant is proposing 2 ½ stories, which complies. The plan indicates a building height of 29.9 feet from the first-floor subfloor. Building height is the vertical distance measured from the average finished grade surrounding the building to the highest point of the roof. Unnatural and/or structural alterations to the topography of a property to achieve a greater peak elevation of a structure shall not be permitted.

The Applicant should provide the building height from the average finish grade surrounding the house.

- 4) In accordance with Section 450-26.D.(1)(i), the maximum impervious coverage permitted is 60% of the lot. The existing impervious coverage is 67.1%, which represents an existing non-conformity. ***The Applicant is proposing an impervious coverage of 67.7%. A variance is required.***
- 5) In accordance with Section 450-26.D.(1)(j), the minimum off-street parking is two (2) spaces per dwelling unit. The Applicant should provide testimony on the number of off-street parking spaces that exist. Also, garage apartments require a minimum of two (2) internal parking spaces. The Applicant should provide testimony on the number of internal parking spaces.
- 6) In accordance with Section 450-26.D.(1)(k), the minimum side yard setback (accessory structure) is 5 feet. The existing east side yard setback for the garage apartment is 4.5 feet, which represents an existing non-conformity.
- 7) In accordance with Section 450-26.D.(1)(m), the minimum distance from the primary structure is 20 feet. The distance between the principal dwelling and existing outdoor kitchen is less than 20 feet, which represents an existing non-conformity.
- 8) The applicant, Frank Caponegro, testified on behalf of his application. He stated they purchased the property in 2012. The house was built in 1936 and requires renovation.
- 9) Ms. Andrea Fitzpatrick, of Shore Point Architecture, testified in support of the application as an expert in the field of architecture. She stated that the project

calls for a second story addition, plus one-half story for attic space. There will be modifications to the existing front porch, plus the addition of a second-floor balcony. There will be no modifications to the first floor.

Ms. Fitzpatrick further testified that the attic will be climate controlled but will be less than 50% at usable square feet space. The air conditioning units will not be upgraded, and they will attempt to "tuck them in." Additionally, the unroofed deck leading to the second floor requires a variance since the CPVC Railing System with glass infill panels is technically not an open deck.

10) The meeting was then opened to the public.

- a. Glen Shissias of 112 Fourteenth Ave, knows the applicants well and endorses the plan.
- b. Robert Voysey of 508 Fourth Avenue, is the neighbor to the East and says there are no issues with the common driveway. The applicants are wonderful neighbors and he supports the plan.

11) Public portion was then closed.

WHEREAS, notifications as required by the Statutes of the State of New Jersey as well as the Borough of Bradley Beach pertaining to the public hearings on this matter have been satisfactorily perfected; and

WHEREAS, the Board did conduct a public hearing on November 19, 2020 to evaluate and consider the application as set forth above; and

WHEREAS, the Board considered the various exhibits, thereafter marked into evidence and introduced as follows:

WHEREAS, based upon the testimony presented, the exhibits offered by the Applicant, the following findings of fact have been made by the Board, to wit:

1. The Board has jurisdiction to herein consider the application pursuant to N.J.S.A. 40-55D-1, et seq.
2. The Applicant has satisfied the notice requirements of the State and Municipal Ordinances, and, therefore, the Board has authority and jurisdiction to consider the application.
3. The Applicant is the owner of premises known as 510 Fourth Avenue, Bradley Beach, New Jersey and further known as Block 56, Lot 15, as shown on the Tax Map of the Borough of Bradley Beach.
4. The Applicant is proposing to construct an addition to a second story addition, with a half story above.
5. The proposed improvements require Board approval for variances on side-yard setbacks and impervious coverage as well as for the proposed railing system for the second-floor deck.
6. The Board notes the history of the application as follows. The applicant made an application with the Zoning Board of Adjustment for bulk variance approval. On November 19, 2020, the Applicant appeared before the Zoning Board on the application as submitted.

NOW, THEREFORE, be it hereby resolved by the Board that it adopts the aforesaid findings of fact, and specifically makes the following conclusions:

1. Based upon the aforesaid findings of fact, the Board concludes that the Applicant has demonstrated that the purposes of the Municipal Land Use Law and the Land Use

Ordinances of the Borough of Bradley Beach, would be advanced by a deviation from the zoning ordinance requirements at issue, and further that the benefits of any such deviation would substantially outweigh any detriment resulting from approval of the application.

2. Based upon the aforesaid findings of fact, the Board further concludes that granting the approvals set forth herein will not cause substantial detriment to the public good, will not substantially impair the intent and purpose of the zoning ordinance and master plan of the Borough of Bradley Beach, does promote the safety and welfare of the residents of the municipality and that the positive and negative criteria have been satisfied and accordingly the Applicant satisfied the requirements of obtaining the said Variance(s).
3. The Board is further satisfied that the information and evidence submitted by the Applicant is sufficient to permit the Board to make a decision in this case, as such, waives any additional formal requirements as contained in the Borough Ordinance.
4. The Board has concluded that the proposed application would not adversely impact upon the master plan of the Borough of Bradley Beach and does promote the safety and welfare of the residents of the municipality and accordingly has satisfied the requirements of obtaining the said Variance(s).

IT IS FURTHER RESOLVED, by the Borough of Bradley Beach Zoning Board of Adjustment that the bulk variances requested are hereby *granted* subject to the following:

1. The Applicant shall cause notice of the decision to be published on one occasion in the official newspaper of the Borough of Bradley Beach and return proof of publication to the administrative office of the Board of Adjustment.

2. The Applicant shall pay any application fees and taxes, which may be due to the Board or the municipality.
3. The approval is subject to the posting of any and all required guaranties or other escrows, which may be required by the appropriate Borough officers or professionals to secure performance of this approval.
4. The approval is subject to compliance with all federal, state, and local rules, regulations, laws and/or ordinances and the procurement of any required governmental approval or permits required in connection with this application.
5. The applicant shall comply with all the provisions of the engineering review letter of Gerald J. Freda, P.E., P.P., dated October 5, 2020 and revised October 19, 2020 unless modified herein.
6. Construction shall commence within two (2) years of the adoption of the Resolution or the Applicant shall appear before the Zoning Board of Adjustment within two (2) years of the Adoption of the Resolution and request an extension.
7. The applicants shall remove 65 square feet of concrete between the existing outdoor kitchen and the adjacent property.
8. Downspouts shall be directed toward the street.

IT IS FURTHER RESOLVED that a copy of this Resolution certified by the secretary of the Borough of Bradley Beach Zoning Board of Adjustment to be true shall be forwarded to the Construction Code Officer, Borough Clerk, Board Engineer, Borough Assessor and within ten (10) days of the date hereof to the Applicant herein.

BE IT FURTHER RESOLVED that the notification of this Resolution shall be published in the Asbury Park Press within ten (10) days of its passage.

MOTION TO ADOPT & MEMORIALIZE:

Offered by: Robert Quinlan

Seconded by: Raymond Wade

David Critelli (Alt #2) **YES** Deborah Bruynell (Alt #2) **YES** Teresa Rosenberg (Alt#3) **YES**

Michael Affuso **YES**

Raymond Wade **YES**

Dominic Carrea **N/A**

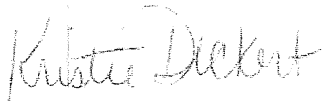
Robert Quinlan **YES**

Dennis Mayer **YES**

Harvey Rosenberg **N/A**

CERTIFICATION

I hereby certify that I, the undersigned, am the Secretary of the Board of Adjustment of the Borough of Bradley Beach, and I hereby certify that the foregoing Resolution was adopted by the Board of Adjustment at a regular meeting held on the 17th day of December 2020.



**Kristie Dickert, Secretary
Borough of Bradley Beach
Board of Adjustment**