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May 17, 2023

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

**Re: Sacci Residence
Block 83, Lot 13
28 Main Street
Our File BBPB 23-09**

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:

- A use and bulk variance plan consisting of one (1) sheet prepared by Joseph J. Kociuba, P.E., P.P., of KBA Engineering Services, LLC, dated April 13, 2023, with no revisions.
- An architectural plan consisting of five (5) sheets prepared by Cortney Walleston, R.A., of C. Wall Architecture, dated January 3, 2023, with the latest revisions dated April 27, 2023.

The 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 28 Main Street (Lot 13, Block 83) with a total area of 8,176.3 square feet.
- B. The existing lot contains a one-story brick building which was formally a place of worship (Kingdom Hall of Jehovah's Witnesses).
- C. The Applicant is proposing renovations to the building and changing the use to a single-family dwelling.

2. **Zoning and Land Use**

The property is located in the O-P Office Professional Zone and the existing place of worship is a non-permitted use. Permitted uses in the O-P Profession Zone include: professional and business offices, including offices for doctors, dentists, lawyers, architects, engineers, accountants, real estate and similar businesses or office activities employing a predominantly white-collar clerical staff, not engaged in retail or wholesale sales on the premises of any articles or products of a tangible nature and where no heavy or noisy machinery, equipment or instruments are utilized in the operation of the business; apartments on the second and third floors in combination with permitted professional or business offices on the first floor; public parks and playgrounds; municipal buildings and other public facilities providing services essential to the operation of the Borough, subject to the general review and recommendation of the Planning Board; child-care centers; personal service establishments, which shall include, but are not limited to, the following: barber and beauty shops, shoe repair shops, and tailor shops, dry-cleaning shops and self-service laundries. **The Applicant is proposing a single-family dwelling which is not a permitted use in the zone district, requiring a d(1) variance.**

- A. The Applicant is proposing a single-family dwelling which is also a non-permitted use.
- B. The proposed improvements require Board approval for a variance on use, rear yard setback, driveway apron widths, driveway widths and others as described in this letter.

3. **Variances and Waivers**

- A. The Applicant is requesting a waiver from (270 Attachment 1) Appendix A, Borough of Bradley Beach Application Checklist and Documents required to be submitted:
 - B.2. Notarized signature/affidavit of ownership if Applicant is not the Owner, state Applicant's interest in the plan. **The Applicant is asking for a Waiver from Completeness.**
 - B.9. Proof that tax payments are current. **This property is currently tax exempt.**
 - B.16. Acreage of tract to the nearest tenth of a square foot and thousandth of an acre. **No reason given by the Applicant for the waiver of a thousandth of an acre.**

B.38. Boundary, limit, nature and extent of wooded areas, specimen trees and other significant physical features. **No reason given by the Applicant.**

D.12. Number of witnesses, if any and their area of expertise. **The Applicant is asking for a Waiver from Completeness.**

D.13. A plan providing for alternate safe circulation for pedestrians and vehicles during construction. **The Applicant is asking for a Waiver from Completeness.**

B. In accordance with Section 450-30.A. (Permitted Principal Uses), a single-family dwelling is not identified as a permitted use. The Applicant is proposing a single-family dwelling with a driveway. **A 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 Borough 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.

C. In accordance with Section 450-30.D area, yard, and building requirements, the following variances or existing non-conformities are noted below:

- 1) In accordance with Section 450-30.D.(6), the minimum rear building setback permitted per the zoned district is 10 feet. The rear building setback is 8 feet for the new use. **A variance is required.**
- 2) In accordance with Section 450-30.D.(8), the maximum building coverage permitted per the zoned district is 90% of the lot area. The building coverage is 41.07% for the new use, which conforms.
- 3) In accordance with Section 450-30.D.(9), the maximum impervious coverage permitted per the zoned district is 100 % of the lot area. The impervious coverage is 60.69% for the new use, which conforms.
- 4) The definition of bedroom is a private room of at least 70 square feet, planned and intended for sleeping, including a closet, a window, separated from other rooms by door, and accessible to a bathroom without crossing another bedroom.

Summary of proposed rooms.

The architectural plan indicates the following rooms:

- Kitchen
- Dining Room

- Living Room
- Gym (with no closet)
- Den (with no closet)
- Office of approximately 130 square feet with closet (therefore a Bedroom)
- 2 Bedrooms (with closets)
- 1 Master Bedroom (with closet)
- Master Bathroom
- 2 Bathrooms

The plan indicates three (3) proposed bedrooms, but the office meets the above definition of a bedroom. So, the proposed number of bedrooms is four (4).

In accordance with Section 450-30.D.(10), the minimum off-street parking for residential use is as specified in the Residential Site Improvement Standards (RSIS). The minimum off-street parking for this property is 2.5 spaces. The Applicant is proposing more than 3 off-street parking spaces, which conforms.

D. In accordance with Section 450-41, Residential Parking and Driveway Requirements, the following variances or existing non-conformities are noted below:

- 1) In accordance with Section 450-41.A.(1), driveways and parking areas installed for one- and two-family dwellings shall be a minimum of 8 feet in width inside the property lines and shall be located a minimum of 3 feet from a side lot line. The proposed driveway width inside the property line varies between 12 feet to 18 feet, which conforms.

Our office scaled a proposed setback of 3.0 feet from the southern property line, which conforms. The Applicant should indicate a setback of 3 feet on the variance plan.

- 2) In accordance with Section 450-41.A.(2), curb cuts shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curblin. The portion of a sidewalk forming part of a driveway and the driveway apron shall be constructed of concrete, 6 inches thick, reinforced with 6 x 6 10/10 WWM. Each lot shall have no more than one (1) driveway and curb cut. The Applicant is proposing a driveway width of 12 feet at the property line and 14 feet at the curblin. **A variance is required for the apron widths.**

The Applicant should propose a driveway apron constructed of 6 inches thick, reinforced concrete with 6 x 6 10/10 WWM. A driveway apron detail should be provided.

- 3) In accordance with Section 450-41.A.(3), driveways and parking areas located in the front yard shall not exceed a width of 12 feet, which area shall consist of impervious pavement to be used for off-street parking. The Applicant is proposing a driveway and parking area width of 18 feet. **A variance is required.**
- 4) In accordance with Section 450-41.A.(6), driveways and parking areas shall be improved with a dust-free durable, all-weather material, said material is deemed to include concrete, asphalt, brick, or concrete pavers, but shall exclude gravel, stone, or other similar material. The area between the end of the driveway and the street, inclusive of the sidewalk, shall be concrete with a minimum depth of 6-inches reinforced with welded wire mesh, designed and constructed in accordance with details and specifications provided by the Borough Engineer. The surface of the apron shall be at the same elevation as the sidewalk sections, which are joined to each side so that the sidewalk continues uninterrupted where it crosses the driveway. The Applicant should provide testimony.
- 5) In accordance with Section 450-41.A.(7), driveways and parking areas shall be graded and installed to effect positive drainage to the gutter and/or away from the nearest property line and into the lawn area of the front, rear or side yards. No driveway or apron shall obstruct the flow of stormwater in the gutter or otherwise cause water to collect or pond. The Applicant should provide a grading plan.

4. **Grading and Drainage**

The Applicant should indicate on the variance plan all roof leader locations and direction of discharge.

5. **General Comments**

- A. The Applicant should provide information on how the proposed driveway opening will have an effect on the off-street parking of Main Street.
- B. The Applicant should receive a permit from the NJDOT for a road opening permit on Main Street (NJSH Route 71).
- C. General Note should be added to the plan indicating the curb and sidewalk along the frontage will be replaced if found in poor condition.

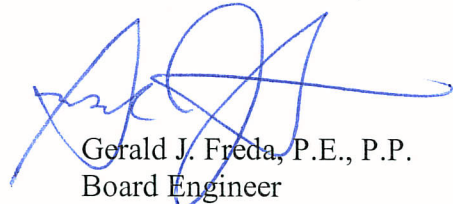
- D. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must be natural grass.
- E. **Our office recommends the proposed roof drains to be piped to a wet well system with a pop-up emitter in the front yard. The design of this system should be provided for review.**
- F. The Applicant should provide information that taxes are currently paid.
- G. The Applicant shall secure any and all construction permits needed for the project.
- H. The architectural plans indicate the Applicant will remove the existing walkway along the north side of the building. Testimony should be provided as to the intended landing surfaces for the entrance doors located on this side of the structure.

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
Jeffrey P. Beekman, Esq., Applicant's Attorney
Joseph J. Kociuba, P.E., Applicant's Engineer
Cortney Walleston, R.A., Applicant's Architect
BB/PB/23/23-09b