

**LAND USE BOARD
APPLICATION FOR USE VARIANCE AND/OR BULK VARIANCE(S)**

Information on Subject Property:

1. Property address: 116 Cliff Avenue, Bradley Beach, NJ 07720
Block(s) 11 Lot(s) 7 Zone: R-B Zone
2. Does the Applicant own adjoining property? ☐ YES ☒ NO
If answer to foregoing is yes, describe location and size of adjoining property: _____
3. An application is hereby made for a variance(s) from the terms of Article(s) and Section(s):
450 Attachment 1 - Lot Area (1,051.2 sq.' existing & proposed where 5,000 sq.' required); Lot Width (21.86' existing & proposed where 50' required); Lot Depth (48.09' existing & proposed where 100' required); Building Coverage (63.4% proposed where 35% permitted); Lot Coverage (64.4% proposed where 93% exists and 60% permitted); Front Setback House (7.09' proposed where 6.7 exists & 8.3' avg.); Front Setback Porch & Upper Porch-1.0' proposed where 1.3' is average); Rear Setback (5.0' proposed where 12.02' required); Side Setback (3.9' proposed where 4.4' is 20% lot width); 0 Parking spaces existing & proposed where 2 parking spaces required); 450-26 - Height (2 1/2 stories proposed where 2 stories permitted)
4. Justification/Reasons why each variance should be granted [attach forms as necessary]
Due to the narrowness and depth of the lot, and the overall size of the lot, along with the existing lot conditions being substantially similar to what is proposed but to be supplemented with a new structure that will upgrade the dwelling to current code requirements, and the proposal of a single family dwelling which is a permitted use, what is proposed is not a substantial detriment to the purpose and intent of the zoning order, master plan or public good, and is necessitated due to the hardships affected by the Lot.
5. If conditional use is required/requested with this application, detail conformance/deviation from the requirements of the zoning ordinance [attach forms as necessary].

N/A

Contact Information:

6. Name of applicant: One Hundred Sixteen Cliff Avenue LLC John McPhillips and/or Joanne Fitzpatrick (a/k/a Joanne Weinstock), Members
- Mailing address: 1375 Crim Road, Bridgewater, NJ 08807
- Phone # [REDACTED] Fax # [REDACTED] Cell # [REDACTED]
- E-mail address: [REDACTED]

7. Interest of Applicant if other than owner (i.e. tenant, contract purchaser)(If applicant is not the owner, Owner(s)' Affidavit of Authorization and Consent must be completed & submitted with this application):

N/A

8. Name of present owner: Same as Above

Mailing address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

9. Contact Person: Jeffrey P. Beekman, Esq., The Beekman Law Firm, LLC

Mailing address: 47 Main Avenue, Ocean Grove, NJ 07756

Phone # 732-774-8262 x107 Fax # 732-774-6989 Cell # [REDACTED]

E-mail address: Jeffrey.Beekman@Beekmanlaw.com

Applicant's Professionals' Information:

10. Name of applicant's Attorney (if applicable)
(Companies/Corporations must be represented): Jeffrey P. Beekman, The Beekman Law Firm, LLC

Mailing Address: 47 Main Avenue, Ocean Grove, NJ 07756

Phone # 732-774-8262 x 107 Fax # 732-774-6989 Cell # [REDACTED]

E-mail address: Jeffrey.Beekman@Beekmanlaw.com

11. Name of applicant's Engineer (if applicable): William E. Jensen, Jensen Design Group

Mailing Address: 2150 Route 35, Suite 250, Sea Girt, NJ 08750

Phone # 732-860-7328 Fax # _____ Cell # _____

E-mail address: WJensen@JensenDG.com

12. Name of applicant's Planner (if applicable): TBA if retained

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

13. Name of applicant's Surveyor: Same as Engineer above

Mailing Address: _____

Phone # _____ Fax # _____ Cell # _____

E-mail address: _____

14. Name of applicant's Architect (if applicable): Mary Hearn, M.B. Hearn Architecture, LLC

Mailing Address: 1007B Main Street, Belmar, NJ 07719

Phone # 732-556-9055 Fax # 732-556-9012 Cell #

E-mail address: mhearn@mbhearn.com

15. Name of applicant's Other Professional (if applicable): TBA if retained

Mailing Address:

Phone # Fax # Cell #

E-mail address:

Detail Property Information:

(PLEASE INCLUDE INFORMATION FOR EACH ZONE/BLOCK/LOT INVOLVED BELOW – ATTACH ADDITIONAL SHEETS AS NECESSARY)

PRINCIPAL USE: Single Family Dwelling	Required and/or Permitted	Existing	Proposed
Minimum lot area	5,000 sq.'	1051.2 sq.'	1051.2 sq.'
Minimum lot width	50'	21.86'	21.86'
Minimum lot depth	100'	48.09'	48.09'
Minimum lot frontage	50'	21.86'	21.86'
Minimum front yard setback	8.3' Avg	6.7'	7.09'
Minimum rear yard setback	12.02'	0.8'	5.0'
Minimum side yard setback	4.4'	6.5'	3.9'
Maximum percent building coverage	35%	59.8%	63.4%
Maximum percent lot coverage	60%	93%	64.4%
Maximum number of stories	2	2	2.5
Maximum building height (in feet)	30'	20.6'	29.99
Square footage of principal structure			564 (w/o porches)
Off-street parking spaces	2	0	0
Prevailing Setback of adjacent buildings within the block/within 200 ft.		8.3' Avg	7.09'
ACCESSORY USE/STRUCTURE: N/A	Required and/or Permitted	Existing	Proposed
Minimum front yard setback			
Minimum rear yard setback			
Minimum side yard setback			
Minimum combined side yard setback			
Maximum percent building coverage			
Maximum percent lot coverage			
Maximum number of stories			
Maximum building height (in feet)			
Square footage of accessory structure			
Distance between principal & accessory structure			
Existing use or uses on the lot: Single Family Dwelling			
Proposed use or uses on the lot: Single Family Dwelling			
Is the property located in a special flood hazard area? No			

NOTE: Any items that are not applicable to a particular application shall be marked with an "N/A".

Detail Proposed Information:

16. Existing and proposed number of units, if applicable: 1 existing; 1 proposed

17. Are any extensions of municipal facilities or utilities involved with this application? Y ☐ N ☒

If answer is YES, describe: _____

18. Are drainage ditches, streams, or other water courses involved with this application? Y ☐ N ☒

If answer is YES, describe: _____

19. Has there been any previous applications before the Planning/Zoning Board/Land Use Board involving these premises? Yes ☐ No ☒ Unknown ☒

If so, when: _____

Result of decision: _____ (attach copy of prior Resolution)

20. Has a Zoning denial been received as part of this application? YES ☒ NO ☐ If yes, please attach.

21. Tax and Assessment payment report indication of all taxes and/or assessment required to be paid attached to this application: ☐ YES ☒ NO To be provided upon request

22. Are any easements or special covenants by deed involved with this application?

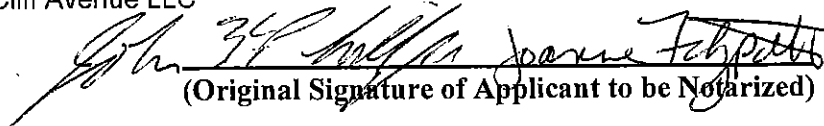
☒ YES (If yes, attach copy) ☐ NO Utility Easements

AFFIDAVIT OF APPLICATION

State of New Jersey :
County of Monmouth : ss

John McPhillips & Joann Fitzpatrick/aka Joann Weinstock* being of full age, being duly sworn according to Law, on oath depose and says that all the above statements are true.


*Members of One Hundred Sixteen Cliff Avenue LLC


(Original Signature of Applicant to be Notarized)

One Hundred Sixteen Cliff Avenue LLC
(Print Name of Applicant)

Sworn and subscribed before me this

10th day of July, 2023


Signature of Notary Public

[NOTARY SEAL]
Jeffrey P. Beekman, Esq.
An Attorney at Law
State of NJ

OWNER(S)' AFFIDAVIT OF AUTHORIZATION AND CONSENT
STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

[Original signatures only – copies will not be accepted]

IN THE MATTER BEFORE THE LAND USE BOARD

IN THE BOROUGH OF BRADLEY BEACH, STATE OF NEW JERSEY, COUNTY OF MONMOUTH.

I/WE, One Hundred Sixteen Cliff Avenue LLC By: John McPhillips & Joann Fitzpatrick/aka Joann Weinstock
(Insert Property Owner's Name), WITH MAILING ADDRESS OF

1375 Crim Road, Bridgewater, NJ 08807 OF FULL AGE BEING DULY
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

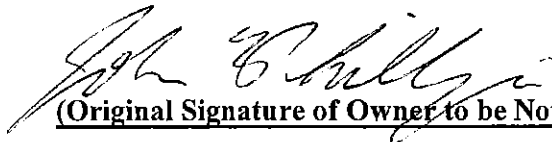
"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH

THIS APPLICATION DESIGNATED AS BLOCK(S) 11 LOT(S) 7

ALSO KNOWN AS 116 Cliff Avenue, Bradley Beach, NJ 07720
(Insert physical address of the subject property)

I/WE AUTHORIZE John McPhillips and/or Joanne Fitzpatrick (a/k/a Joanne Weinstock)
(Insert name of Owner(s)' representative appearing before the Board)

TO APPEAL TO THE LAND USE BOARD OF THE BOROUGH OF BRADLEY BEACH FOR SUCH RELIEF AS MAY BE REQUIRED RELATING TO THE PROPERTY LISTED ABOVE, CONSENT TO SUCH APPEAL AND APPLICATION, AND AGREE THAT ANY DECISION OF THE LAND USE BOARD ON SUCH APPEAL SHALL BE BINDING UPON ME/US AS IF SAID APPLICATION/APPEAL HAS BEEN BROUGHT AND PROSECUTED DIRECTLY BY ME/US AS THE OWNER(S).



(Original Signature of Owner to be Notarized)


(Original Signature of Owner to be Notarized)

Sworn and subscribed before me this

10th day of July, 2023

[NOTARY SEAL]


Signature of Notary Public
Jeffrey P. Beekman, Esq.
An Attorney at Law
State of NJ

SITE VISIT AUTHORIZATION OF PROPERTY OWNER

I hereby authorize any member of the Borough of Bradley Beach Land Use Board, 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: July 10, 2023


Signature of Property Owner

One Hundred Sixteen Cliff Avenue LLC

By: John McPhillips & Joann Fitzpatrick/aka Joann Weinstock, Members

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/or 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.

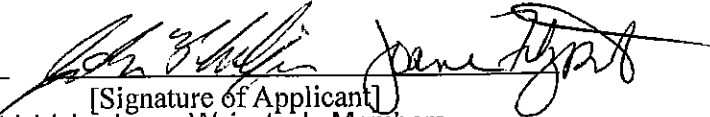
Name of Applicant: One Hundred Sixteen Cliff Avenue LLC
[please print]

Property Address: 116 Cliff Avenue, Bradley Beach, NJ 07720 Block 11 Lot 7

Applicant's Name: One Hundred Sixteen Cliff Avenue LLC

[Print Name]

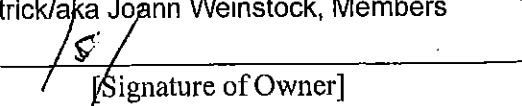
By: John McPhillips & Joann Fitzpatrick/aka Joann Weinstock, Members


[Signature of Applicant]

Owner's Name:

Same As Applicant

[Print Name]


[Signature of Owner]

Date: July 10, 2023

CERTIFICATION OF MEMBERSHIP

OF

One Hundred Sixteen Cliff Avenue LLC

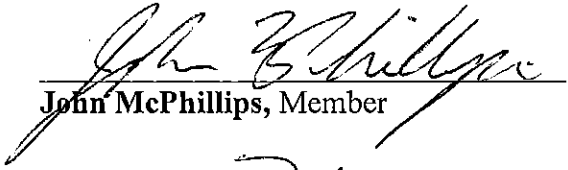
We, the undersigned, certify and affirm that the names of the Members of the above named Limited Liability Company who have an ownership interest in excess of ten percent (10%) are as follows:

John McPhillips

Address: 1375 CR-M Road, Bridgewater, NJ
08807

Joanne Fitzpatrick (a/k/a Joanne Weinstock)

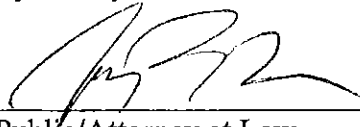
Address: 4122 Laurel Estates Way, Wellington, FL


John McPhillips, Member


Joanne Fitzpatrick
(a/k/a Joanne Weinstock), Member

Sworn & Subscribed to before me this

10th day of July, 2023


Notary Public/Attorney at Law
State of New Jersey

Jeffrey P. Beekman, Esq.
An Attorney at Law
State of NJ

RESOLUTION
OF
One Hundred Sixteen Cliff Avenue LLC

BE IT RESOLVED that the transaction herein referred to, being herewith approved by all of the Members of this Limited Liability Company, **John McPhillips and Joanne Fitzpatrick (a/k/a Joanne Weinstock), or either of them individually**, are hereby directed, authorized and empowered to execute, acknowledge and deliver such documents, instruments and papers to perform such acts as may be legally, properly and reasonably required or necessary for an Application to the proper Municipal Land Use Board for Development or Redevelopment of 116 Cliff Avenue, Bradley Beach, New Jersey 07720, a/k/a Block 11, Lot 7 on the Tax Map of the Borough of Bradley Beach, Monmouth County, New Jersey; and

BE IT FURTHER RESOLVED that the said **John McPhillips and Joanne Fitzpatrick (a/k/a Joanne Weinstock), or either of them individually** shall have full authority to represent the Limited Liability Company as its representative, and testify on behalf of the Company; and

BE IT FURTHER RESOLVED that the said **John McPhillips and Joanne Fitzpatrick (a/k/a Joanne Weinstock), or either of them individually** shall have the full authority to execute Plans and Maps, Contracts, Easements, Deeds, Applications, Affidavits of Title, Residency Certification, 1099, this Resolution, Settlement/Closing Statement, and any and all other documentation which may be required to prosecute and perfect the aforesaid Development Application; and

BE IT FURTHER RESOLVED, that if there is any consideration to be paid, the said **John McPhillips and Joanne Fitzpatrick (a/k/a Joanne Weinstock), or either of them individually** shall have full authority to negotiate the terms of the consideration for any Contract or Easements in connection with the Development Application.

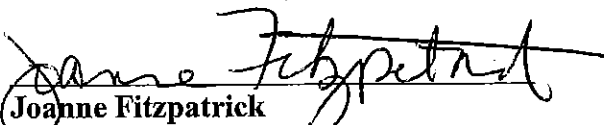
WE, **John McPhillips and Joanne Fitzpatrick (a/k/a Joanne Weinstock), or either of them individually**, being the only Members of **One Hundred Sixteen Cliff Avenue LLC**,

a Limited Liability Company of the State of New Jersey (herein referred to as the "Company" or "Limited Liability Company"), certify that the foregoing is a true copy of the Resolution as it appears in the records of the Limited Liability Company, and was duly and legally adopted at a meeting of the Members, called for that purpose and held on **July 7, 2023**, pursuant to and in accordance with the Certificate of Formation and Operating Agreement thereof; and that the within Resolution has not been modified, amended or rescinded, and is in full force and effect as of the date hereof.

One Hundred Sixteen Cliff Avenue LLC



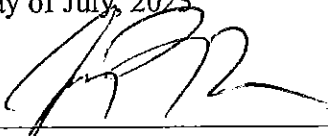
John McPhillips, Member



Joanne Fitzpatrick
(a/k/a Joanne Weinstock), Member

Sworn & Subscribed to before me this

10th day of July, 2023



Notary Public/Attorney at Law
State of New Jersey

Jeffrey P. Beekman, Esq.
An Attorney at Law
State of NJ