

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

**Information on Subject Property:**

1. Property address: 619 4th AVENUE, BRADLEY BEACH, NEW JERSEY 07720

Block(s) 60 Lot(s) 3 Zone: R1 and GB

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):

An application is made to remove and rebuild rear cottage as a one bedroom apartment above the new garage.

Applicant seeks the following variances:

(1) The property is located in both the GB and R-1 zone. The R-1 standards should apply to the subject property.

(2) The existing lot undersized and is nonconforming in accordance with R-1 zone regulations due to lot

size (5,000 s.f. required, 4,514 s.f. exists) and lot width (50' required, 25' exists).

4. Justification/Reasons why each variance should be granted [attach forms as necessary]

(1) Majority of the lot is located in the R-1 zone. The lot is L-shaped, and inadvertently, a small portion of the property which is the driveway, is located in the GB zone. The Borough tax maps reflect that the zoning code for this lot is R-1. Board should apply the R-1 standards and zone regulations to the property.

(2) The existing lot is nonconforming in accordance with R-1 zone regulations (§ 450-26). However the new structure footprint will be smaller than the original footprint. The applicant's proposed garage with single family dwelling above reflects a reduction to the lot coverage, and side yard compliance on both sides of 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].

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Contact Information:**

6. Name of applicant: BRIAN DOWNEY

Mailing address: [REDACTED]

Phone # [REDACTED] Fax # \_\_\_\_\_ Cell # \_\_\_\_\_

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):

8. Name of present owner: SAME AS APPLICANT  
Mailing address: \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: \_\_\_\_\_

9. Contact Person: CORTNEY WALLESTON  
Mailing address: 57 MAIN STREET, #4, BRADLEY BEACH, NJ 07720  
Phone # 848-308-2378 Fax # \_\_\_\_\_ Cell # [REDACTED]  
E-mail address: cortney@cwallarchitecture.com

**Applicant's Professionals' Information:**

10. Name of applicant's Attorney (if applicable) GLENN WILLIAMS, ESQ,  
(Companies/Corporations must be represented): \_\_\_\_\_  
Mailing Address: Williams Graffeo & Stern LLC, 60 Washington Street, Suite 204, Morristown, NJ 07960  
Phone # 973-200-6350 Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: williams@wgslawyers.com

11. Name of applicant's Engineer (if applicable): Gary W. Dean, PE, PP  
Mailing Address: 54 OLIN STREET, OCEAN GROVE, NJ 07756  
Phone # 732-361-3430 Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: gary@dolandean.com

12. Name of applicant's Planner (if applicable): SAME AS APPLICANT ENGINEER  
Mailing Address: \_\_\_\_\_  
Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: \_\_\_\_\_

13. Name of applicant's Surveyor: Morgan Engineering & Surveying  
Mailing Address: PO Box 5232 Toms River, NJ 08754  
Phone # 732.270.9691 Fax # \_\_\_\_\_ Cell # \_\_\_\_\_  
E-mail address: \_\_\_\_\_

14. Name of applicant's Architect (if applicable): C.Wall Architecture

Mailing Address: 57 Main Street, Bradley Beach, NJ 07720

Phone # 347.277.2222 Fax # \_\_\_\_\_ Cell # \_\_\_\_\_

E-mail address: \_\_\_\_\_

15. Name of applicant's Other Professional (if applicable): \_\_\_\_\_

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)*

<b>PRINCIPAL USE:</b>	<b>Required and/or Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Minimum lot area	5,000 S.F.	4,514 S.F.	4,514 S.F.
Minimum lot width	50 FT	25 FT	25 FT
Minimum lot depth	100 FT	140.11 FT	140.11 FT
Minimum lot frontage			
Minimum front yard setback	15 FT	28.1 FT	28.1 FT
Minimum rear yard setback	25 FT	38.3 FT FROM ACC. STRUCT.	38.3 FT
Minimum side yard setback	5 FT BOTH SIDES	3.3 FT; 2.8 FT	NO CHANGE PRINCIPAL
Maximum percent building coverage	35%	35%	33%
Maximum percent lot coverage	60%	72%	60%
Maximum number of stories		2.5 PRINCIPAL, 1 ACC.	2.5 PRINCIPAL, 2 ACC
Maximum building height (in feet)	35FT; 25 FT	35 FT; 18 FT	35 FT; 25 FT
Square footage of principal structure		932 SQ FT	932 SQ FT
Off-street parking spaces		3	5
Prevailing Setback of adjacent buildings within the block/within 200 ft.		25 FT	
<b>ACCESSORY USE/STRUCTURE:</b>	<b>Required and/or Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Minimum front yard setback	15 FT	28.1 FT	NO CHANGE 28.1 FT
Minimum rear yard setback	5 FT	10.9 FT (ACCESSORY)	10.9 FT
Minimum side yard setback	5 FT	2.8 FT; 4.1 FT; VARIES	5 FT MIN
Minimum combined side yard setback			
Maximum percent building coverage	35%	35%	33%
Maximum percent lot coverage	60%	72%	60%
Maximum number of stories	2	1	1
Maximum building height (in feet)	25T	18 FT	25 FT
Square footage of accessory structure	600 S.F.	645 S.F.	560 S.F.
Distance between principal & accessory structure	38.3 FT	38.3 FT	38.3 FT
<b>Existing use or uses on the lot:</b>	RESIDENTIAL		
<b>Proposed use or uses on the lot:</b>	RESIDENTIAL		
<b>Is the property located in a special flood hazard area?</b>	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: EXISTING TWO DWELLING UNITS  
PROPOSED TWO DWELLING UNITS

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.

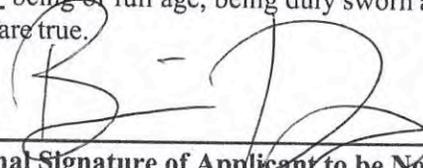
21. Tax and Assessment payment report indication of all taxes and/or assessment required to be paid attached to this application:  YES  NO

22. Are any easements or special covenants by deed involved with this application?  
 YES (If yes, attach copy)  NO

**AFFIDAVIT OF APPLICATION**

State of New Jersey :  
County of Monmouth : ss

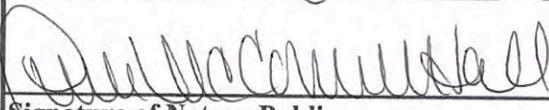
Brian Downey being of full age, being duly sworn according to Law, on oath depose and says that all the above statements are true.

  
(Original Signature of Applicant to be Notarized)

Brian Downey

\_\_\_\_\_  
(Print Name of Applicant)

Sworn and subscribed before me this  
10 day of October, 2023

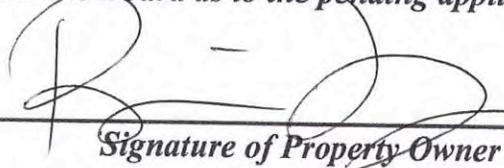
  
Signature of Notary Public

[NOTARY SEAL]  
**JUNE MCCONNELL HALL**  
Notary Public  
State of New Jersey  
My Commission Expires March 14, 2028  
I.D.# 2431256

**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: 10/10/23

  
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/or hold up of any and all pending approvals and building permits. Continued refusal will result in legal action against the property.

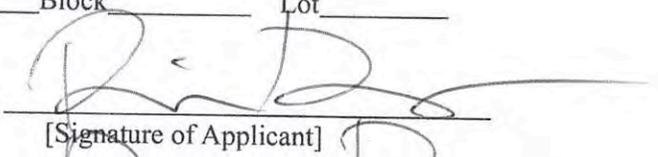
Also in accordance with N.J.S.A. 40:55D-53.1, all unused portion of the escrow account will be refunded upon written request from the applicant, and verification of completion by the board's professionals who reviewed the application.

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.

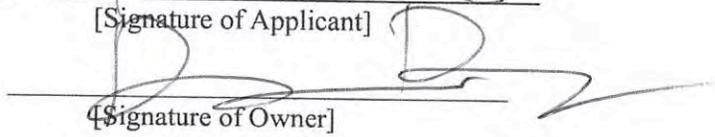
Name of Applicant: Brian Downey  
[please print]

Property Address: 619 4th Avenue Block 60 Lot 3

Applicant's Name: Brian Downey  
[Print Name]

  
[Signature of Applicant]

Owner's Name: Brian Downey  
[Print Name]

  
[Signature of Owner]

Date: 10.03.23

**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, Brian Dowrey, WITH MAILING ADDRESS OF  
(Insert Property Owner's Name)

619 4th Ave Bradley Beach NJ 07720 OF FULL AGE BEING DULY  
(Insert Property Owner's Mailing Address)

SWORN ACCORDING TO LAW AND OATH DEPOSES AND SAYS:

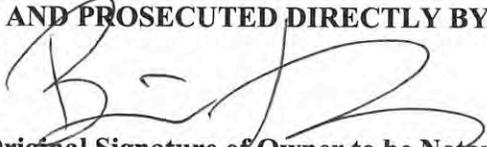
"I/WE ARE THE OWNER(S) OF THE SUBJECT PROPERTY IN CONNECTION WITH

THIS APPLICATION DESIGNATED AS BLOCK(S) 60 LOT(S) 3

ALSO KNOWN AS 619 4th Ave Bradley Beach NJ 07720  
(Insert physical address of the subject property)

I/WE AUTHORIZE Courtney Willeston  
(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  
03 day of October, 2023

  
Signature of Notary Public





DEPARTMENT OF HOMELAND SECURITY  
Federal Emergency Management Agency

**STANDARD FLOOD HAZARD DETERMINATION FORM (SFHDF)**

OMB Control No. 1660-0040

**SECTION I - LOAN INFORMATION**

1. LENDER/SERVICER NAME AND ADDRESS		2. COLLATERAL DESCRIPTION (Building/Mobile Home/Property) 619 FOURTH AVE Bradley Beach, NJ 07720 Block: 60 Lot: 3 Ref/File#(s): 619 Fourth +Census Tract Data: St 34 Co 025 MSA 35154 Tr 8082.01+	
3. LENDER/SERVICER ID #	4. LOAN IDENTIFIER	5. AMOUNT OF FLOOD INSURANCE REQUIRED <a href="#">Click here to get a free insurance quote</a>	

**SECTION II**

**A. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) COMMUNITY JURISDICTION**

1. NFIP Community Name Bradley Beach Borough	2. County(ies) Monmouth County	3. State NJ	4. NFIP Community Number 340289
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**B. NATIONAL FLOOD INSURANCE PROGRAM (NFIP) DATA AFFECTING BUILDING/MOBILE HOME**

1. NFIP Map Number or Community-Panel Number (Community name, if not the same as "A") 34025C0334G	2. NFIP Map Panel Effective / Revised Date ‡ 2022-06-15	3. Is there a Letter of Map Change (LOMC)? <input checked="" type="radio"/> NO <input type="radio"/> YES (If yes, and LOMC date/no. is available, enter date and case no. below).
4. Flood Zone † X	5. No NFIP Map	Date _____ Case No. _____

**C. FEDERAL FLOOD INSURANCE AVAILABILITY (Check all that apply.)**

1.  Federal Flood Insurance is available (community participates in the NFIP).  Regular Program  Emergency Program of NFIP

2.  Federal Flood Insurance is not available (community does not participate in the NFIP).

3.  Building/Mobile Home is in a Coastal Barrier Resources Area (CBRA) or Otherwise Protected Area (OPA). Federal Flood Insurance may not be available.  
CBRA/OPA Designation Date: \_\_\_\_\_

**D. DETERMINATION**

**IS BUILDING/MOBILE HOME IN SPECIAL FLOOD HAZARD AREA (ZONES CONTAINING THE LETTERS "A" OR "V")?**  YES  NO

If yes, flood insurance is required by the Flood Disaster Protection Act of 1973.

If no, flood insurance is not required by the Flood Disaster Protection Act of 1973. Please note, the risk of flooding in this area is only reduced, not removed.

This determination is based on examining the NFIP map, any Federal Emergency Management Agency revisions to it, and any other information needed to locate the building /mobile home on the NFIP map.

**E. COMMENTS (Optional)**

THIS DETERMINATION COMPLIES WITH THE FLOOD DISASTER PROTECTION ACT OF 1973.

Ref/File#(s): 619 Fourth

Cert #: 20366419-20450013-RI v 1 Fee: \$11.00

**F. PREPARER'S INFORMATION**

NAME, ADDRESS, TELEPHONE NUMBER (If other than Lender) Western Technologies Group, LLC P.O. Box 636 Somerville, NJ 08876 908-725-1143	DATE OF DETERMINATION  08/15/2023
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## NOTICE IS GIVEN TO:

Borrower:

Co-borrower:

Loan Number:

Order Number: 20366419

Determination Date: 08/15/2023

The Flood Disaster Protection Act of 1973, as amended, requires that federally regulated lending institutions shall not make, increase, extend, or renew any loan secured by improved real estate, or a mobile home located, or to be located, in an area that has been identified by the Director of the Federal Emergency Management Agency (FEMA) as an area having special flood hazards and in which flood insurance has been made available under the National Flood Insurance Act of 1968, through the National Flood Insurance Program (NFIP), unless the building or mobile home and any personal property securing such loan is covered for the term of the loan by flood insurance in an amount at least equal to the outstanding principal balance of the loan or the maximum limit of coverage made available under the Act with respect to the particular type of property, whichever is less.

## NOTICE TO BORROWER ABOUT SPECIAL FLOOD HAZARD AREA STATUS

### Notice of Property in Special Flood Hazard Area (SFHA)

The building or mobile home securing the loan for which you have applied is or will be located in an area with special flood hazards. The area has been identified by the Director of FEMA as a SFHA using FEMA's Flood Insurance Rate Map or the Flood Hazard Boundary Map for the following community: Bradley Beach Borough

The area has at least a one percent (1%) chance of a flood equal to or exceeding the base flood elevation (a 100-year flood) in any given year. During the life of a 30-year mortgage loan, the risk of a 100-year flood in a SFHA is 26 percent (26%). Federal law allows a lender and borrower jointly to request the Director of FEMA to review the determination of whether the property securing the loan is located in a SFHA. If you would like to make such a request, please contact us for further information.

### Notice of Property Not in Special Flood Hazard Area (SFHA)

The building or mobile home described in the attached instrument is not currently located in an area designated by the Director of FEMA as a SFHA. NFIP flood insurance is not required, but may be available. If, during the term of this loan, the subject property is identified as being in a SFHA, as designated by FEMA, you may be required to purchase and maintain flood insurance at your expense.

## NOTICE TO BORROWER ABOUT FEDERAL DISASTER ASSISTANCE

### Notice in Participating Communities

The community in which the property securing the loan is located participates in the NFIP. The Flood Disaster Protection Act of 1973, as amended, mandates federally insured or regulated lenders to require the purchase of flood insurance on all buildings being financed that are located in SFHAs of communities participating in the NFIP. The flood insurance must be maintained for the term of the loan. If you fail to purchase or renew flood insurance on the property, federal law authorizes and requires us to purchase the flood insurance at your expense.

- At a minimum, flood insurance purchased must cover the lesser of:
  - (1) the outstanding principal balance of the loan; or
  - (2) the maximum amount of coverage allowed for the type of property under the NFIP.
- Flood insurance coverage under the NFIP is limited to the building or mobile home and any personal property that secures your loan and not the land itself.
- Federal disaster relief assistance (usually in the form of a low-interest loan) may be available for damages incurred in excess of your flood insurance if your community's participation in the NFIP is in accordance with NFIP requirements.
- Although you may not be required to maintain flood insurance on all structures, you may still wish to do so, and your mortgage lender may still require you to do so to protect the collateral securing the mortgage. If you choose not to maintain flood insurance on a structure and it floods, you are responsible for all flood losses relating to that structure.

### Notice in Non-participating Communities

Flood insurance coverage under the NFIP is not available for the property securing the loan because the community in which the property is located does not participate in the NFIP. In addition, if the nonparticipating community has been identified for at least one year as containing a SFHA, properties located in the community will not be eligible for the federal disaster relief assistance in the event of a federally-declared flood disaster.

**NOTICE IS GIVEN TO:**

Borrower:

Co-borrower:

Loan Number:

Order Number: 20366419

Determination Date: 08/15/2023

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**NOTICE TO BORROWER ABOUT AVAILABILITY OF PRIVATE FLOOD INSURANCE COVERAGE**

Flood insurance coverage under the NFIP may be purchased through an insurance agent who will obtain the policy either directly through the NFIP or through an insurance company that participates in the NFIP. Flood insurance that provides the same level of coverage as a standard flood insurance policy under the NFIP may be available from private insurers that do not participate in the NFIP. You should compare the flood insurance coverage, deductibles, exclusions, conditions, and premiums associated with flood insurance policies issued on behalf of the NFIP and policies issued on behalf of private insurance companies and contact an insurance agent as to the availability, cost, and comparisons of flood insurance coverage.

**NOTICE TO BORROWER ABOUT ESCROW REQUIREMENT FOR RESIDENTIAL LOANS**

Federal law may require a lender or its servicer to escrow all premiums and fees for flood insurance that covers any residential building or mobile home securing a loan that is located in an area with special flood hazards. If your lender notifies you that an escrow account is required for your loan, then you must pay your flood insurance premiums and fees to the lender or its servicer with the same frequency as you make loan payments for the duration of your loan. These premiums and fees will be deposited in the escrow account, which will be used to pay the flood insurance provider.

  
\_\_\_\_\_  
Borrower's Signature

9.15.23  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Co-Borrower's Signature

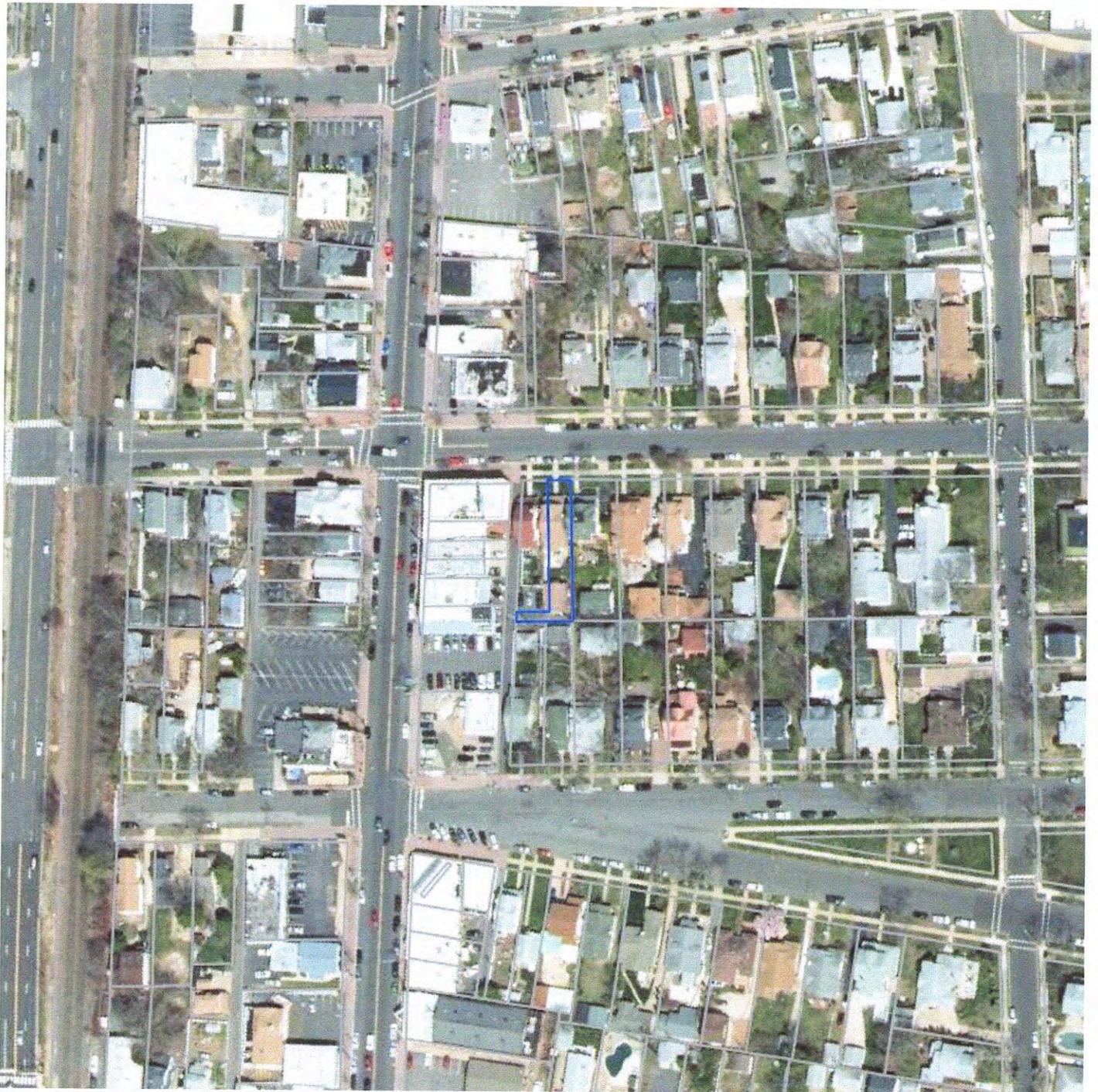
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Date



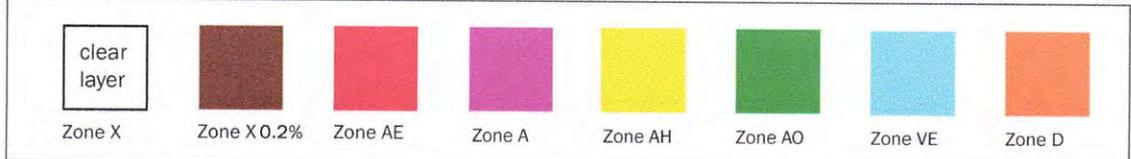
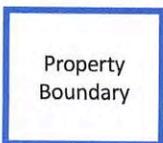
# Flood Determination

## DFIRM

Powered by



619 FOURTH AVE , Bradley Beach Borough, NJ 07720-1250 Block 60 Lot 3  
NFIP Map Panel/Effective Date: 34025C0334G (06/15/2022)

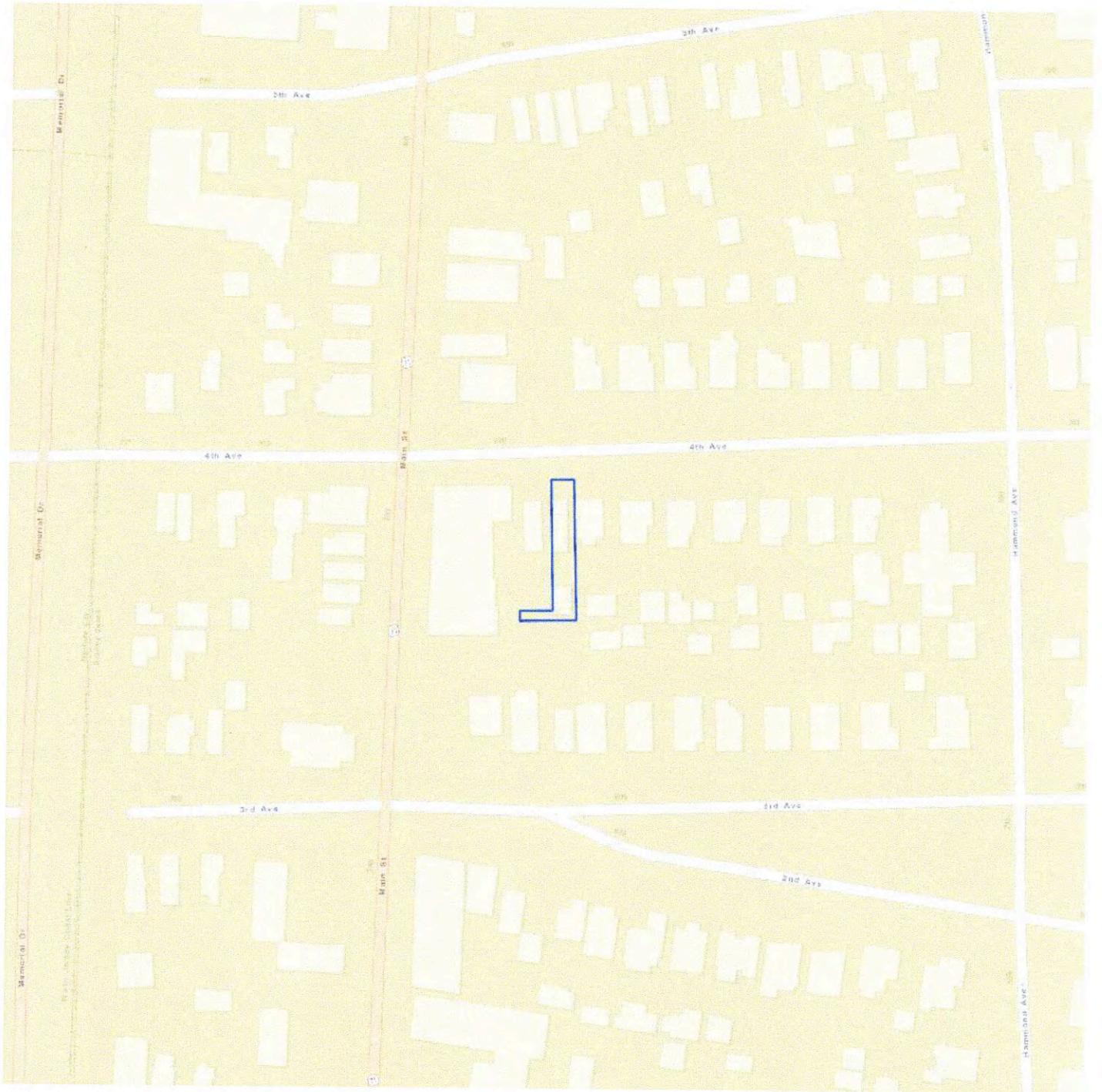




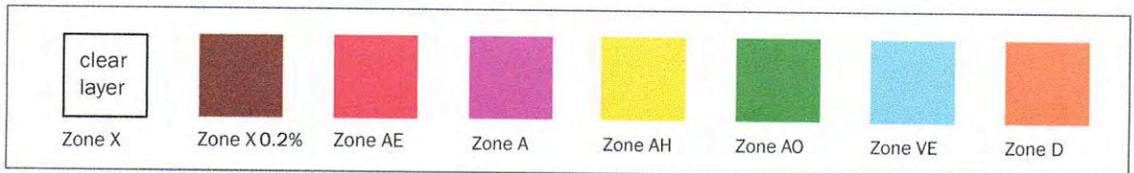
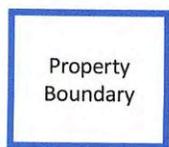
# Flood Determination

## DFIRM

Powered by



619 FOURTH AVE , Bradley Beach Borough, NJ 07720-1250 Block 60 Lot 3  
NFIP Map Panel/Effective Date: 34025C0334G (06/15/2022)





# Flood Determination

## DFIRM



### FEMA SFHAs (Special Flood Hazard Area designated zones)

-  **Zone A – No Base Flood Elevations determined.**
-  **Zone AE – Base Flood Elevations determined.**
-  **Zone AH – Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.**
-  **Zone AO – Flood Depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.**
-  **Zone VE – Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.**

### Other Zones not designated SFHA (Special Flood Hazard Area)

-  **D – Areas in which flood hazards are undetermined, but possible.**
-  **X – Areas determined to be outside the 0.2% annual chance floodplain.**
-  **X (0.2 percent annual chance) – Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.**





400DVS

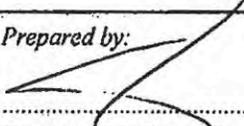
Bargain and Sale Deed  
(Covenant as to Grantor's Acts)

NOV 07 2016 0 \$4079.00

RECORD & RETURN TO:  
Two Rivers Title Company, LLC  
26 Ayers Lane  
Little Silver, NJ 07739

RF

4

Prepared by:  
  
Catherine M. Franz, Esq.

**DEED**

This Deed is made on October 31, 2016 delivered November 4, 2016

**BETWEEN**

**FARRELL CARRAN AS TRUSTEE OF 619 4TH AVE LAND TRUST**, whose address is 210 5<sup>th</sup> Avenue, Unit #35, Belmar, NJ 07719, respectively, referred to as the Grantor.

**AND**

**BRIAN DOWNEY**, whose address is about to be 619 4th Avenue, Bradley Beach, NJ 07720, referred to as the Grantee.

The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

**Transfer of Ownership.** The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of Four Hundred Ninety Thousand and 00/100 (\$490,000.00) dollars. The Grantor acknowledges receipt of this money.

**Tax Map Reference.** (N.J.S.A. 46:15-2.1) Borough of Bradley Beach, Block No. 60, Lot No. 3

No Property tax identification number is available on the date of this Deed.

**Property.** The property consists of the land and all the buildings and structures on the land in the Borough of Bradley Beach, County of Monmouth and State of New Jersey. The legal description is identified more particularly and described on Schedule A attached hereto and made a part hereof.

Being the same premises conveyed to Grantor by Deed from Shaun Golden Sheriff of the County of Monmouth in the State of New Jersey, dated December 1, 2015 and recorded January 15, 2016 in the Monmouth County Clerk/ Register's Office in Deed Book 9148, Page 8557.

Commonly known as 619 4th Avenue, Bradley Beach, New Jersey 07720

Subject to easements, restrictions of record, zoning ordinances and the results of what an accurate survey of the property would reveal.

Not Certified Copy

## REVISED SCHEDULE A

Order No. TRT9432

ALL that certain lot, parcel or tract of land, situate and lying in the Borough of Bradley Beach, County of Monmouth, State of New Jersey, and being more particularly described as follows:

Beginning at a monument found in the southerly line of Fourth Avenue, (80 feet wide, F.K.A. Rowlett Avenue), said point being distant 450.00 feet westwardly from the intersection of the westerly line of Hammond Avenue, (50 feet wide), with said southerly line of Fourth Avenue, said point being further described as being in the division line of Lots 3 and 4 in Block 60 as shown on the Official Tax Maps of Borough of Bradley Beach and from said Beginning Point running; thence

1. Along said division line, South 12 degrees 51 minutes 40 seconds West, 150.00 feet to a point; thence
2. North 77 degrees 08 minutes 20 seconds West, 61.06 feet to a point in the easterly line of an Alley, ( 10 feet wide); thence
3. Along same, North 16 degrees 43 minutes 42 seconds East, 10.00 feet to a point in said easterly line of an Alley; thence
4. South 77 degrees 08 minutes 20 seconds East, 30.30 feet to a point; thence
5. Along the division line of Lots 2 and 3, North 14 degrees 56 minutes 27 seconds East, 140.11 feet to a point in said southerly line of Fourth Avenue; thence
6. Along same, South 77 degrees 08 minutes 20 seconds East, 25.00 feet to a point in said southerly line of Fourth Avenue, said point being the Point and Place of Beginning.

FOR INFORMATIONAL PURPOSES ONLY: Also known as Lot 3 in Block 60 on the Borough of Bradley Beach Tax Map. Premises more commonly known as 619 Fourth Avenue, Bradley Beach, NJ.

The above mentioned description was drawn in accordance with a survey prepared by Seneca Survey Company, Inc., dated October 13, 2016.



State of New Jersey  
**SELLER'S RESIDENCY CERTIFICATION/EXEMPTION**

GIT/REP-3  
 (9-2015)

(Please Print or Type)

**SELLER'S INFORMATION**

Name(s)

Farrell Carran, Trustee of 619 4th Ave Land Trust

Current Street Address

210 5th Avenue

City, Town, Post Office Box

Belmar

State

NJ

Zip Code

07019

**PROPERTY INFORMATION**

Block(s)

60

Lot(s)

3

Qualifier

Street Address

619 4th Avenue

City, Town, Post Office Box

Bradley Beach

State

NJ

Zip Code

07720

Seller's Percentage of Ownership

100%

Total Consideration

\$490,000.00

Owner's Share of Consideration

\$490,000.00

Closing Date

11/11/16

**SELLER'S ASSURANCES (Check the Appropriate Box) (Boxes 2 through 14 apply to Residents and Nonresidents)**

1.  Seller is a resident taxpayer (individual, estate, or trust) of the State of New Jersey pursuant to the New Jersey Gross Income Tax Act, will file a resident gross income tax return, and will pay any applicable taxes on any gain or income from the disposition of this property.
2.  The real property sold or transferred is used exclusively as a principal residence as defined in 26 U.S. Code section 121.
3.  Seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure or in a transfer in lieu of foreclosure with no additional consideration.
4.  Seller, transferor, or transferee is an agency or authority of the United States of America, an agency or authority of the State of New Jersey, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.
5.  Seller is not an individual, estate, or trust and is not required to make an estimated gross income tax payment.
6.  The total consideration for the property is \$1,000 or less so the seller is not required to make an estimated income tax payment.
7.  The gain from the sale is not recognized for federal income tax purposes under 26 U.S. Code section 721, 1031, or 1033 (CIRCLE THE APPLICABLE SECTION). If the indicated section does not ultimately apply to this transaction, the seller acknowledges the obligation to file a New Jersey income tax return for the year of the sale and report the recognized gain.  
 Seller did not receive non-like kind property.
8.  The real property is being transferred by an executor or administrator of a decedent to a devisee or heir to effect distribution of the decedent's estate in accordance with the provisions of the decedent's will or the intestate laws of this State.
9.  The real property being sold is subject to a short sale instituted by the mortgagee, whereby the seller agreed not to receive any proceeds from the sale and the mortgagee will receive all proceeds paying off an agreed amount of the mortgage.
10.  The deed is dated prior to August 1, 2004, and was not previously recorded.
11.  The real property is being transferred under a relocation company transaction where a trustee of the relocation company buys the property from the seller and then sells the house to a third party buyer for the same price.
12.  The real property is being transferred between spouses or incident to a divorce decree or property settlement agreement under 26 U.S. Code section 1041.
13.  The property transferred is a cemetery plot.
14.  The seller is not receiving net proceeds from the sale. Net proceeds from the sale means the net amount due to the seller on the settlement sheet.

**SELLER'S DECLARATION**

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein may be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box  I certify that a Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

10/31/16  
 Date

Signature  
 (Seller) Please indicate if Power of Attorney or Attorney In Fact

Date

Signature  
 (Seller) Please indicate if Power of Attorney or Attorney In Fact

**Promises by Grantor.** The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

**Signatures.** The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

619 4th AVE LAND TRUST

.....  
Catherine M. Franz

By:  (Seal)  
Farrell Carran, Trustee

STATE OF NEW JERSEY, COUNTY OF MONMOUTH

SS:

I CERTIFY that on *Delosus, cm*  
March 2016

Farrell Carran personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and signed this Deed as Trustee of 619 4th Ave Land Trust;
- (b) signed, sealed and delivered this Deed as the act and deed of 619 4th Ave Land Trust; and
- (c) made this Deed for \$490,000.00 dollars as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A 46:15-5.)

.....  
Catherine M. Franz  
Attorney At Law of New Jersey

RECORD AND RETURN TO:

CHRISTINE GIORDANO HANLON  
COUNTY CLERK  
MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER  
2016113469

RECORDED ON  
Nov 15, 2016  
11:14:42 AM  
BOOK:OR-9197  
PAGE:8808

Total Pages: 4

REALTY TRANSFER FEES \$4,079.00

COUNTY RECORDING FEES \$70.00

TOTAL PAID \$4,149.00

# WILLIAMS, GRAFFEO & STERN, LLC

ATTORNEYS AT LAW

*Glenn J. Williams* ♦◆◻  
*Brian Graffeo* ♦◆  
*David A. Stern* ♦◆  
*Robert L. Selvers* ♦◆  
*Ruth A. Laryea* ♦◆  
*Thomas Lenney* ♦◆  
*Sherry W. Wheaton* ♦  
*Lauren E. Komsa* ♦◆▲  
*Stephen D. Santini, Jr.* ♦  
*Edward S. Nagorsky* ^+  
*Kenneth Kaplan* ♦◆+  
*Michael Wechsler* ♦◆+  
*Robert S. Roche* ♦+  
*Martin Liberman* ♦◆◆+  
*Harold I. Steinbach* ♦◆+  
*Daniel G.P. Marchese* ♦+●  
*Len Garza* ♦◆◻+  
*Andrew Jacobs* ♦+  
*Thomas Ronckovitz* ♦+

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New York, New York 10018

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◻ Admitted Pennsylvania  
^ Admitted Florida  
◆ Admitted Georgia  
▲ Admitted California  
◄ Admitted Washington D.C.  
■ Admitted United States Supreme Court  
● Certified by Supreme Court of New Jersey as Civil Trial Attorney  
+ Of Counsel

January 9, 2024

## **Borough of Bradley Beach**

### **Land Use Board**

701 Main Street  
Bradley Beach, NJ 07720

**ATTN: Kristie Dickert, Administrative Officer**

**RE: Land Use Application for Variance Relief for Brian Downey  
619 4<sup>th</sup> Avenue, Bradley Beach, NJ 07720; Block 60; Lot 3**

Dear Ms. Dickert,

Please be advised that this office represents the Owner/Applicant, Brian Downey, in connection with the above referenced application. Accordingly, please note the following:

### Witness List

The list of the proposed witnesses scheduled to appear before the Board who will testify on behalf of the applicant are as follows:

1. Brian Downey, on behalf of the applicant;
2. Cortney Walleston, RA, AIA, from C. Wall Architecture, as the architect;
3. Gary Dean, as the professional engineer and planner.

Thank you for your attention to this matter.

Sincerely,

**WILLIAMS, GRAFFEO & STERN, LLC**

*Glenn J. Williams*

Glenn J. Williams, Esq.  
Managing Partner

**Zoning Permit: Status Update**

13 messages

**Do Not Reply** <noreply@govpilot.com>

Fri, Jul 14, 2023 at 5:08 PM

To: "admin@govpilot.com" &lt;admin@govpilot.com&gt;, "cortney@cwallarchitecture.com" &lt;cortney@cwallarchitecture.com&gt;

BOROUGH OF BRADLEY BEACH

Zoning Office

701 Main Street

Bradley Beach NJ 07720

732-776-2999 x. 1038

[zoning@bradleybeachnj.gov](mailto:zoning@bradleybeachnj.gov)

APPLICATION NUMBER: ZA-2023-0166

APPLICATION DATE:

DECISION DATE: 07/14/2023

APPLICATION FEE: \$45.00

**DENIAL OF APPLICATION**

To CORTNEY WALLESTON

Address: 57 MAIN STREET #4, BRADLEY BEACH

Email: [cortney@cwallarchitecture.com](mailto:cortney@cwallarchitecture.com)

Phone: (347) 277-2222

**RE: Property Address:** 619 FOURTH AVE, BRADLEY BEACH BOROUGH, NJ, 07720**Block/Lot:** 60/3**Zone:** R-1

Dear CORTNEY WALLESTON,

You have submitted a Zoning Permit application for the work described below:

`Application to remove and rebuild rear cottage as a one bedroom apartment above new garage. New structure footprint to be smaller than the original footprint`

Your application has been reviewed for compliance with Borough of Bradley Beach Ordinance

The property is located in both the GB Zone and the R-1 Zone. The existing lot is nonconforming in accordance with the R-1 Zone regulations due to lot size (5,000 s.f. required, 4514 s.f. exists) and lot width (50' required, 25' exists), therefore a variance must be obtained from the Bradley Beach Land Use Board. Due to the unusual situation of a lot being located in two zones, and after review of Section 450-7 of the Bradley Beach Ordinance, the Land Use Board must decide which zone regulations must be applied (GB or R-1). The applicant should submit any easements/right of way agreements (if existing) for access to the garage. It is not clear whether two parking spaces are provided for the main dwelling.

To proceed with an application to the Board, please contact Board Secretary, Kristie Dickert at [kdickert@bradleybeachnj.gov](mailto:kdickert@bradleybeachnj.gov).

If you do not agree with this decision, an appeal may be filed with the Borough of Bradley Beach Land Use Board within 20 days of this decision.

Sincerely,