

April 26, 2024
Revised July 12, 2024

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

**Re: Glatter and Hersh Residence
Block 63, Lot 20
314 Third Avenue
Borough of Bradley Beach
Our File BBPB 24-04**

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:

- An architectural plan consisting of thirteen (13) sheets prepared by Earl G. Jackson, R.A., of Earl Jackson Architecture Workshop, LLC, dated February 27, 2024, with the latest revisions dated July 3, 2024.
- A plan of survey consisting of one (1) sheet prepared by Daren C. Leeper, P.L.S. of Leeper Land Group, LLC, dated March 28, 2023, with no revisions.

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:~~ This letter is hereby amended as follows: ~~stricken text~~ indicates deletion and ***bold italic type*** indicates additions. Our original review comments remain as noted in the letter dated April 26, 2024, and report as follows:

1. **Project Description**

- A. The existing lot has a 2 ½-story dwelling with a covered front porch, detached garage, driveway, and patio.
- B. The property is a corner lot located on the northeast side of the intersection of Third Avenue and Madison Avenue (Lot 20, Block 63) with a total area of 9,000 square feet.
- C. The Applicant is proposing a new dwelling with a covered front porch, upper porch, garage apartment, stone patio, and driveway.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Single-Family Zone and a single-family dwelling is permitted as a principal use in this zone.

- B. The proposed garage apartment is a permitted accessory use in this zone.
2. The Applicant is requesting Board approval for separation from principal structure, front yard setback to porch, side yard setback, number of rooms in half story, rear setback to patio, generator location, and others as described in this letter.
3. **Variations and Waivers**
- A. The proposed improvements conform with the following requirements in the table below:

Lot	Permitted	Existing	Proposed
Minimum Lot Area	7,500 sf. with garage apartment	9,000 sf.	No Change
Minimum Lot Width	50 ft.	90 ft.	No Change
Minimum Lot Depth	100 ft.	100 ft.	No Change
Maximum Building Coverage	35%	23.43%	33.79% 33.46%
Maximum Impervious Coverage	60%	45.38%	59.93% 59.75%
Minimum On-site Parking	4 Spaces	> Than 2 Spaces	> Than 4 Spaces
Principal Dwelling	Permitted	Existing	Proposed
Minimum Front Yard Setback, Dwelling	25 ft. Third Avenue	26.6 ft. Third Avenue	25.92 ft. Third Avenue
	15 ft. Madison Avenue	36.7 ft. Madison Avenue	15 ft. Madison Avenue
Minimum Front Yard Setback, Porch	17 ft. Third Avenue	16 ft. (NC) Third Avenue	16.84 ft. (V) 17.25 ft. Third Avenue
	7 ft. Madison Avenue	26.5 ft. Madison Avenue	15 ft. Madison Avenue
Minimum Front Yard Setback, Upper Porch	17 ft. Third Avenue	N/A	16.84 ft. (V) 17.25 ft. Third Avenue
	7 ft. Madison Avenue	N/A	15 ft. Madison Avenue
Minimum Rear Setback	25.0 ft.	32 ft.	25.17 ft. 25.0 ft.
Minimum Side Setback	5 ft.	14.45 ft.	See comment below
	10 ft.	N/A	N/A
Maximum Building Height	35 ft.	33.52 ft.	34.19 ft.
Number of Stories	2-½ Stories	2-½ Stories	2-½ Stories
Garage Apartment	Required	Existing	Proposed
Minimum Distance to Principal	20 ft.	N/A	7.25 ft. (V)
Minimum Rear Setback	5.0 ft.	N/A	5 ft.
Minimum Side Setback	5.0 ft.	N/A	5 ft. (east)
Maximum Garage Floor Area	800 sf.	N/A	533.3 sf.
Maximum Apartment Floor Area	800 sf.	N/A	458 sf.
Maximum Number of Bedrooms	1 bedroom	N/A	1 bedroom
Maximum Height, Roof Peak	25 ft.	N/A	21.83 ft.
Maximum Height, Roof Eave	12 ft.	N/A	10.17 ft.
Minimum Internal Parking Spaces	2 Spaces	N/A	2 Spaces

Fence	Required	Existing	Proposed
Height in Front Yard	3 ft.	N/A	3 ft.
Height in Side Yard	4 ft.	N/A	3 ft. 4 ft.
Height in Rear Yard	6 ft.	N/A	15.6 ft. 4 ft.
Driveways	Required	Existing	Proposed
Minimum Driveway Width	8 ft.	29 ft. (NC)	10 ft. & 19 ft.
Minimum Driveway Side Setback	1 ft.	9 ft.	5 ft.
Maximum Driveway Apron Width Property Line	10 ft.	29 ft. (NC)	10 ft.
Maximum Driveway Apron Width Curblin	12 ft.	26 ft. (NC)	12 ft.
Maximum Driveway Width in Front Yard	12 ft.	29 ft. (NC)	10 ft.
Minimum Driveway Length	20 ft.	25 ft.	Over 20 ft.

(V) Variance

(NC) Existing Non-conformity

B. In accordance with Section 450-13, permitted yard encroachments, the following variances or existing non-conformities are noted below:

- 1) In accordance with section 450-13.A.(2) states that (setbacks; porch setbacks) *for permitted residential structures a porch may extend eight feet into the required front yard setback area, provided the principal structure conforms to the front yard setback requirement or by submission of the appropriate setback averaging plan as reflected in § 450-26D. A wrap-around porch may exceed the width of the existing or proposed structure, as long as it is in compliance with side setback requirements for the principal structure.* The Applicant did not provide the average setback mapping or plan. The permitted front yard setback for a porch is 17 feet along Third Avenue and 7 feet along Madison Avenue. The Applicant is proposing a front yard porch setback of 15 feet along Madison Avenue, which conforms. The Applicant is proposing a front yard porch setback of ~~16.84~~ **17.25** feet along Third Avenue. ~~A variance is required.~~ **The variance condition has been removed.**
- 2) In accordance with section 450-13.B.(2) states that (setbacks; upper porch setbacks) *for permitted residential structures may extend eight feet into the required front yard setback area, provided the principal structure conforms to the front yard setback requirement or by submission of the appropriate setback averaging plan, as reflected in § 450-26D. Wrap-around upper porches on corner lots only may exceed the width of the existing or proposed structure, as long as it is in compliance with front yard setback requirements for the principal structures.* The Applicant did not provide the average setback mapping or plan. The permitted front yard setback for an upper porch is 17 feet along Third Avenue and 7 feet along Madison

Avenue. The Applicant is proposing a front yard upper porch setback of 15 feet along Madison Avenue, which conforms. The Applicant is proposing a front yard upper porch setback of ~~16.84~~ **17.25** feet along Third Avenue. ~~A variance is required. The variance condition has been removed.~~

- 3) In accordance with section 450-13.F.(2) states that (setbacks) *for residential dwellings, patios are not allowed to encroach into any principal dwelling's setback requirements and shall never be closer than five feet of any side yard property line, nor closer than five feet to any rear yard property line. No patio shall extend beyond the side building line. **The principal dwelling setbacks in the R-1 Zoned District are 5 feet and 10 feet for side yard and 25 feet for rear yard.*** The Applicant is proposing a stone patio in the rear yard. The proposed side yard setback is compliant. The Applicant is proposing a rear yard setback of ~~5~~ **approximately 10** feet. **A variance is required.**
- C. 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.B.(2) states that *garage apartments are permitted in the rear yard of corner lots. In the case of a corner lot, the rear yard shall always be opposite the front entrance to the primary structure on such corner lot.* The Applicant is proposing the garage apartment in the rear yard.
 - 2) In accordance with section 450-26.D.(1)(e) states that *the minimum side yard setback is 5 feet and 10 feet.* The Applicant is proposing a west side yard setback of ~~9~~ **10.06** feet to the attached carport. ~~A variance is required. The variance condition has been removed.~~
 - 3) In accordance with section 450-26.D.(1)(l) states that *(accessory structure) minimum distance from primary structure: 20 feet.* The Applicant is proposing a separation of 7.25 feet from the primary structure and the garage apartment. **A variance is required.**
 - 4) In accordance with section 450-26.E.(2) states that *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, and the living space of single-family dwellings on lots that are either less than 4,000 square feet or less than 40 feet of frontage shall not exceed two stories and 27feet in height.* Also, in accordance with section 450-26.E.(5) states that *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's building height calculation indicates a ground elevation of 19 feet, whereas the site plan indicates a ground elevation of +/- 18 feet. The Applicant is proposing a building height of 34.19 feet, which conforms. ~~The building height calculation should be revised, and a variance may be required.~~ ***A grading plan should be provided to confirm the average grade around the dwelling. Testimony should be provided.***

- 5) In accordance with section 450-26.E.(3) states that *the half story of single-family dwellings shall not be divided into more than two finished rooms, not including hallways, bathrooms and closets.* The Applicant is proposing 3 2 rooms with closets. ~~A variance is required.~~ ***The variance condition has been removed.***

The Applicant should provide a half story calculation to confirm it meets the half story definition. Also, testimony should be provided.

- D. In accordance with section 450-41.A.(6) states that *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 Applicant should provide testimony on the driveway surface.

Also, the Applicant should provide testimony on the stone front walkway.

- E. Mechanical Equipment

- 1) In accordance with section 450-13.G. states that air conditioners, HVAC and other mechanical shall not be permitted in the required area setbacks. The proposed mechanical unit for the air conditioners is located along Madison Avenue frontage. This equipment does not encroach into the required front yard setback of 15 feet, which conforms. The Applicant should provide testimony on the proposed landscape screening being proposed around the mechanical equipment.

- 2) In accordance with Section 450-9-G.3.B. states that ground-mounted generators may not be located in the front or side yard and may only be placed in the rear yard with a minimum setback of 15 feet from the rear property line and 5 feet from the side property lines. The Applicant is proposing the ground-mounted generator to be located in the front yard with a setback from Third Avenue of 18 feet, whereas 25 feet is required. ~~A variance is required.~~ ***The Applicant is not proposing the ground mounted generator to be located in the rear yard. A variance is required.***

4. **General Comments**

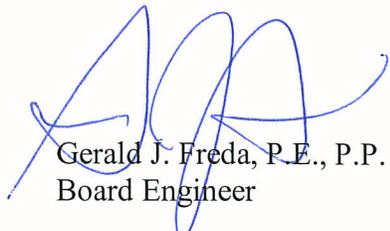
- A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. **Our office recommends the proposed roof drains should be piped to a pop-up emitter in the front yard. The last pipe section should be perforated pipe surrounded by stone.**
- D. **Since the Applicant is proposing a basement, our office recommends a soil boring. The soil boring should indicate the boring elevation and seasonal high water table elevation.**
- E. **The proposed plan indicates a proposed sump pump, and our office recommends the proposed discharge pipe be shown on the plan.**
- 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 Applicant should provide testimony on the type of stone for the stone patio and stone front walk.**

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

DMH:mfl

cc: Kristie Dickert, Board Secretary
Mark Kitrick, Esq., Board Attorney
Christine Bell, A.I.C.P., P.P., Board Planner
Thomas J. Hirsch, Esq., Applicant's Attorney
Earl G. Jackson, R.A., Applicant's Architect

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