

September 23, 2024

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

**Re: Fong Residence  
Block 17, Lot 10  
401 Newark Avenue  
Borough of Bradley Beach  
Our File BBPB 23-14**

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 plot plan consisting of one (1) sheet prepared by Joseph J. Kociuba, P.E., P.P., of KBA Engineering Services, LLC, dated January 23, 2023, with the latest revisions dated July 3, 2024.
- A plan of survey consisting of one (1) sheet prepared by Ted W. Pivovarnick, P.L.S., of Roberts Engineering Group, LLC, dated November 10, 2022, with the latest revisions dated June 17, 2024.
- An architectural plan consisting of eight (8) sheets prepared by William S. Ryall, Jr., R.A. of Ryall Sheridan Architects, dated May 22, 2024, with no revisions.
- A landscaping plan consisting of one (1) sheet sketch by CRD, Inc., dated May 22, 2024, with no revisions. This plan was not signed or sealed by the person that prepared the plan.

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. **Project Description**

- A. The existing lot has a one-story dwelling with a front porch on Madison Avenue and a deck along Newark Avenue.
- B. The property is a corner lot located on the southwest side of the intersection of Newark Avenue and Madison Avenue (Lot 10, Block 17) with a total area of 2,996 square feet.

- C. The Applicant is proposing a new dwelling with a covered front porch, upper porch, attached garage, 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 Applicant is removing the existing dwelling and constructing a new two-story dwelling.
- C. The Applicant is requesting Board approval for building coverage, front yard setback, side yard setback, rear yard setback, building height, driveway width, driveway distance from intersection, and others as described in this letter.

3. **Variances and Waivers**

- A. The proposed improvements conform with the following requirements in the table below:

<b>Lot</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area	5,000 sf.	2,996 sf. (NC)	No Change
Minimum Lot Width	50 ft.	50 ft.	No Change
Minimum Lot Depth	100 ft.	59.92 ft. (NC)	No Change
Maximum Building Coverage	35%	32.21%	53.42% (V)
Maximum Impervious Coverage	60%	48.97%	59.66%
Minimum On-site Parking	2 Spaces	None	2 Spaces
<b>Principal Dwelling</b>	<b>Permitted</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Front Yard Setback, Dwelling	Average is 15.94 ft. Newark Avenue	12.93 ft. (NC) Newark Avenue	13.50 ft. (V) Newark Avenue
	Average is 12.98 ft. Madison Avenue	19.3 ft. Madison Avenue	6.50 ft. (V) Madison Avenue
Minimum Front Yard Setback, Porch	Average is 8.48 ft. Newark Avenue	N/A Newark Avenue	8.50 ft. Newark Avenue
	Average is 8.49 ft. Madison Avenue	12.77 ft. Madison Avenue	N/A Madison Avenue
Minimum Front Yard Setback, Upper Porch	Average is 8.48 ft. Newark Avenue	N/A	8.50 ft. Newark Avenue
	Average is 8.49 ft. Madison Avenue	N/A	N/A
Minimum Rear Setback	Reduce to 14.98 ft.	6.25 ft. (NC)	9.50 ft. (V)
Minimum Side Setback	5 ft.	6.19 ft.	4.50 ft. (V)
Maximum Building Height	27 ft.	< 30.0 ft.	28.75 ft. (V)
Number of Stories	2-Stories	2-Stories	2-Stories
Balcony Location	Front Yard	N/A	Front Yard along Madison Avenue
Maximum Area of Balcony	80 sf.	N/A	80 sf.

Driveways	Required	Existing	Proposed
Minimum Driveway Width	8 ft.	N/A	7.66 ft. (V)
Minimum Driveway Side Setback	1 ft.	N/A	6.33 ft.
Maximum Driveway Apron Width Property Line	10 ft.	N/A	7.66 ft.
Maximum Driveway Apron Width Curbline	12 ft.	N/A	12 ft.
Maximum Driveway Width in Front Yard	12 ft.	N/A	7.66 ft.
Minimum Driveway Length	20 ft.	N/A	20 ft.

(V) Variance

(NC) Existing Non-conformity

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), states that *the minimum front yard setback permitted for a street east to west (Newark Avenue) is 25 feet and for a street running north to south (Madison Avenue) 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 did provide the average setback map or plan. The average setback is 15.94 feet along Newark Avenue, and 12.98 feet along Madison Avenue.

The existing front yard setback is 12.93 feet along Newark Avenue and 19.3 feet along Madison Avenue. The setback along Newark Avenue represents an existing non-conformity.

The Applicant is proposing a front yard setback of 13.50 feet along Newark Avenue. **A variance is required.** The proposed front yard setback along Madison Avenue is 6.5 feet. **A variance is required.**

- 2) In accordance with Section 450-26.D.(1)(e), states that *the minimum side yard setback permitted per the zoned district is 5 feet and 10 feet.* The existing west side yard setback is 6.19 feet, which conforms. The Applicant is proposing a west side yard setback of 4.5 feet. **A variance is required.**
- 3) In accordance with Section 450-26.D.(1)(f), states that *the minimum rear yard setback permitted per the zoned district is 25 feet. For lots not meeting the minimum lot depth requirement, the rear yard setback may be reduced proportionately to the existing lot depth as a percentage of the required lot depth.* The required rear yard

setback for this lot is 14.98 feet. The Applicant is proposing a rear setback of 9.5 feet. **A variance is required.**

4) In accordance with Section 450-26.D.(1)(g), states that *the maximum building coverage permitted is 35% of the lot area.* The existing building coverage is 32.21%, which conforms. The Applicant is proposing a building coverage of 53.42%. **A variance is required.**

C. 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 27 feet 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 is proposing a building height of 28.78 feet. **A variance is required.** The building height on the plot plan is not the same height as shown on the architectural plan. Testimony should be provided, and the discrepancy should be resolved.

Also, the building height calculation indicates an average grade of 14.25 feet. Testimony should be provided on the average grade calculation and if it is the existing average grade or proposed average grade. As noted above altering the existing topography to achieve a greater building height is not allowed.

D. In accordance with 450-13.G. states that air conditioners, HVAC and other mechanical equipment shall not be permitted in the required area setbacks. The proposed mechanical unit for the air conditioners is located in the rear yard opposite Newark Avenue. The air conditioning units are under the rear entrance landing. The rear yard setback to the air conditioning units is approximately 6 feet, where 14.98 feet is required. **A variance is required.**

E. In accordance with Section 450-41, residential parking and driveway requirements, the following variance or existing non-conformities are noted:

1) In accordance with Section 450-41.A.(1) states that *driveways and parking areas installed for one- and two-family dwellings shall be a minimum of 8 feet in width inside the property lines.* The Applicant is proposing a driveway width of 7.66 feet. **A variance is required.**

2) In accordance with Section 450-41.A.(5), states that *driveways on corner lots shall be installed on the side farthest from the intersection.* The Applicant is proposing the driveway on the shorter side from the intersection. **A variance is required.**

4. **General Comments**

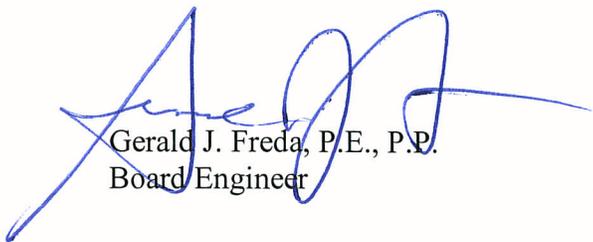
- A. The rear entry appears to be oversized and may be considered an oversized deck. Testimony should be provided.
- B. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- D. The Applicant is proposing two (2) drywells on the property. The Applicant should provide testimony on the drywell system.**
- E. 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.**
- F. The proposed plan indicates a proposed sump pump, and our office recommends the proposed discharge pipe be shown on the plan.**
- G. The Applicant should provide information that taxes are currently paid.
- H. The Applicant shall secure any and all construction permits needed for the project.

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  
William S. Ryall, Jr., R.A., Applicant's Architect

BB/PB/23/23-14