

December 4, 2024

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

**Re: Karabas and Chang Residence
Block 14, Lot 18
103-105 Newark Avenue
Our File BBPB 24-11**

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 variance plan consisting of one (1) sheet prepared by Joseph J. Kociuba, P.E., P.P., of KBA Engineering Services, LLC, dated May 15, 2024, with the latest revisions dated October 9, 2024.
- An architectural plan consisting of five (5) sheets prepared by Michael Melillo, AIA of Melillo Architecture, dated March 22, 2024, with no revisions.
- A front average setback plan consisting of one (1) sheet prepared by David J. Von Steenburg, P.L.S. of Morgan Engineering, and Surveying, dated August 31, 2023, with no revisions.
- Two (2) color renderings.

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 numbers 103-105 Newark Avenue (Lot 18, Block 14) with a total area of 5,000 square feet.
- B. The existing lot contains three (3) single family dwellings.
- C. The Applicant is removing all three (3) single family dwellings and all amenities. The Applicant is proposing 2 ½-story dwelling with an attached garage, covered front porch, rear patio, and driveway. The garage is attached by a 2nd floor bridge from the principal dwelling.

2. **Zoning and Land Use**

- A. The property is located in the R-B Residential Beachfront Zone and the proposed single-family dwelling is a permitted use.
- B. The Applicant is removing the existing three (3) single-family dwellings which will eliminate the existing non-conforming use of more than one principal dwelling on one (1) lot.
- C. The proposed improvements require Board approval for variances on side yard setback to dwelling, rear yard setback to dwelling, building coverage, impervious coverage, balcony size and location, air conditioning location, entrance platform height, 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.5. Key map at specified scale showing location of surrounding properties, streets, easements, municipal boundaries, etc. within 500 feet of the property. **The Applicant is requesting a waiver.**
- B. In accordance with Section 450-28.D.(1), area, yard and building requirements for a single-family dwelling and two-family dwelling are subject to the requirements and limitations in Section 450-26.D. An Analysis of the bulk requirements for area, yard, and building requirements are in the table below:

Lot	Permitted	Existing	Proposed
Minimum Lot Area	5,000 sf.	5,000 sf.	No Change
Minimum Lot Width	50 ft.	50 ft.	No Change
Minimum Lot Depth	100 ft.	100 ft.	No Change
Maximum Building Coverage	35%	45.66% (NC)	45.24% (V)
Maximum Impervious Coverage	60%	66.22% (NC)	66.88% (V)
Minimum On-site Parking	2 Spaces	0	+ 2 Spaces
Principal Dwelling	Permitted	Existing	Proposed
Minimum Front Yard Setback, Dwelling	25 ft. Or avg. 16.4 ft.	14.4 ft. (NC)	16.54 ft.
Minimum Front Yard Setback, Porch	17 ft. or Avg.	4.8 ft. (NC)	8.54 ft.
Minimum Rear Setback	25 ft.	2.4 ft. (NC)	5.08 ft. (V)
Minimum Side Setback	10 ft. (east)	5.0 ft. (NC)	5.29 ft. (V)
	5 ft. (west)	2.1 ft. (NC)	2.08 ft. (V)
Maximum Building Height	35 ft.	< 35 ft.	34.68 ft.
Number of Stories	2-Stories	2-Stories	2 ½-Stories

Air Conditioning Units	Required	Existing	Proposed
Minimum Side Yard Setback	5 ft.	N/A	3 ft. (V)
Minimum Rear Yard Setback	5 ft.	N/A	3 ft. (V)
Driveway			
Minimum Driveway Width	8 ft.	N/A	9.0 ft.
Maximum Parking Width in Front Yard	12 ft.	N/A	9.0 ft.
Minimum Driveway Distance from Side Property Line	1.0 ft.	N/A	2.08 ft.
Minimum Driveway Length	20 ft.	N/A	>20 ft.

(V) Variance

(NC) Existing Non-conformity

C. 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), (porch setbacks), states that *for permitted residential structures a porch may extend 8 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 Ordinance 450-26.D.(7). 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 has provided the average setback map for the principal dwelling and not for the front porches. The Applicant should provide the average setback plan for the porches. The Applicant is proposing a porch front yard setback of 8.54 feet. **A variance may be required.**

- 2) In accordance with Section 450-13.B.(2), (upper porch setbacks), states that *for permitted residential structures may extend 8 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 Ordinance 450-26.D.(7). A "Wrap-Around" Upper Porch 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 structure.* The Applicant has provided the average setback map for the principal dwelling and not for the front porches. The Applicant is proposing an upper porch front yard setback of 8.54 feet. **A variance may be required.**

- 3) In accordance with Section 450-13.C.(2), (Balcony Requirements) states that *for residential structures, no balcony, inclusive of gutters, shall be extended out more than 2 feet from the second or third story wall to which it is attached. Each balcony cannot exceed 80 square feet.* The balcony does not extend out from the footprint of the dwelling but exceeds 80 square feet. By our office calculations, the balcony is approximately 119 square feet. **A variance is required.**

- 4) In accordance with Section 450-13.C.(6), (Balcony Locations), states that *balconies shall be permitted at the front of the dwelling*. The Applicant is proposing the balcony on the east side of the dwelling. **A variance is required.**
- D. In accordance with Section 450-28.D(1) area, yard, and building requirements for a single-family dwelling and two-family dwelling are subject to the requirements and limitations in Section 450-26.D. The following variances or existing non-conformities are noted below:
- 1) 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 Applicant is proposing a west side yard setback of 2.08 feet and an east setback of 5.08 feet. **A variance is required for both side yard setbacks.**
 - 2) In accordance with Section 450.26.D.(1)(f), states *that the minimum rear yard setback permitted per the zoned district is 25 feet*. The Applicant is proposing a rear yard setback of 5.08 feet. **A variance is required.**
 - 3) In accordance with Section 450.26.D.(1)(g), states that *the maximum building coverage permitted is 35% of the lot area*. The Applicant is proposing a building coverage of 45.24%. **A variance is required.**
 - 4) In accordance with Section 450-26.D.(1)(h), states that *the maximum impervious coverage permitted is 60% of the lot area*. The Applicant is proposing an impervious coverage of 66.88%. **A variance is required.**
- E. In accordance with Section 450-41.A.(2), states that curb cuts *shall be a maximum of 12 feet in width. Driveway aprons shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curbline. The portion of a sidewalk forming part of a driveway and the driveway apron shall be constructed of concrete, six inches thick, reinforced with six-by-six 10/10 WWM. Each lot shall have no more than one driveway and curb cut.*

The Applicant proposes a driveway on the variance plan, but does not show the proposed curb cut width, apron width, or detail of apron. Testimony should be provided, and information should be shown on the plan. Also, the curb cut will eliminate at least one if not two on-street parking spaces. The Applicant should show on the plan the number of on-street parking to be eliminated and provide testimony.

- F. In accordance with Section 450-13.G, states that *air conditioners, HVAC, and other mechanicals shall not be permitted in the required area setback*. The Applicant is proposing three (3) air conditioning units 3 feet from the east side property line. **A variance is required.**

The Applicant is proposing an additional air conditioning unit 3 feet from the rear property line. **A variance is required.**

- G. In accordance with Section 450-13.I.(6), (Entry Platform Height) states that *no entry platform floor is permitted above the lowest floor walking surface elevation*. The Applicant is proposing an entry platform to the second floor above the garage. **A variance is required.**

- H. The definition of half story is “*a story under a sloping roof, which may have dormers with windows, having a floor area not exceeding 50% of the floor area below it, inclusive of any balconies on said story. The roof rafters shall intersect the exterior wall within one foot of the floor of said half story*”. The Applicant should provide a half story calculation to confirm the half story is not a third story. Also, testimony should be provided.

- I. **A number of “c” variances may be required. There are two types of c variances with different required proofs.**

- 1) Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
- 2) Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
- 3) C variances must also show consistency with the negative criteria as well.

The Applicant should provide testimony on the hardship of the many variances requested for the building of a new dwelling on a conforming lot.

4. **General Comments**

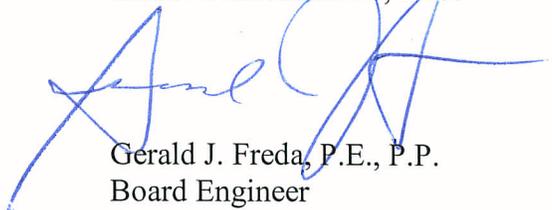
- A. The Applicant should submit the survey referenced on the variance plan as a condition of approval.
- B. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- C. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- D. The Applicant is proposing on-site drainage system to account for stormwater runoff from the site. The system consists of drainage pipes and yard inlets. Our office recommends the roof leaders be connected to the proposed on-site drainage system.
- E. The Applicant should provide information that taxes are currently paid.
- F. 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



Christine L. Bell, P.P., A.I.C.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., P.P., Applicant's Engineer
Michael Melillo, AIA, Applicant's Architect

BB/PB/24/24-11