



April 24, 2025

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

**Re: D’Aniello-Residence
Block 14, Lots 26 and 27
106 Park Place Avenue
Borough of Bradley Beach
Our File BBPB 25-06**

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 topographic survey consisting of one (1) sheet prepared by Paul K. Lynch, P.L.S., of Paul K. Lynch Land Surveyor, Boundary Consultant, dated March 15, 2024, with no revisions.
- A grading and drainage plan consisting of one (1) sheet prepared by Joseph J. Kociuba, P.E., P.P., of KBA Engineering Services, LLC, dated January 21, 2025, with the latest revision dated February 14, 2025.
- An architectural plan consisting of three (3) sheets prepared by Michael J. Moss, AIA of Moss Architecture, LLC, dated January 7, 2024, with the latest revisions dated January 23, 2025.
- A front yard setback map consisting of one (1) sheet prepared by Paul K. Lynch, P.L.S., of Paul K. Lynch Land Surveyor, Boundary Consultant, dated August 9, 2024, with no revisions.
- A surveyor’s report of the front yard setback calculation consisting of one (1) sheet prepared by Paul K. Lynch, P.L.S., of Paul K. Lynch Land Surveyor, Boundary Consultant, dated March 15, 2024, 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:

1. **Property Description**

- A. The property is located at house number 106 Park Place Avenue (Lots 26 and 27, Block 14) with a total area of 1,903 square feet.
- B. The existing lot contains a 1 ½ -story dwelling with a front covered porch, upper porch and detached garage.
- C. The Applicant is removing the a 1 ½ -story dwelling and is proposing a new two-story dwelling with attached garage, covered front porch, and upper porch. The new garage is on the basement level.

2. **Zoning and Land Use**

- A. The property is located in the R-B Residential Beachfront Zone and a single-family dwelling is a permitted use.
- B. The proposed improvements require Board approval for variances on side yard setback, rear yard setback, building coverage, impervious coverage, building 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.23 Property owners within 200 feet of the property. (From the most recent Borough tax records). **The Applicant is requesting a waiver and will provide before meeting.**
 - D.12. Number of witnesses, if any, and their area of expertise. **The Applicant is requesting a waiver and will provide before meeting.**
- B. The proposed improvements conform with the following requirements in the table below:

Lot	Permitted	Existing	Proposed
Minimum Lot Area	5,000 sf.	1,903 sf. (NC)	No Change
Minimum Lot Width	50 ft.	21.50 ft. (NC)	No Change
Minimum Lot Depth	100 ft.	76.63 ft.(NC)	No Change
Maximum Building Coverage	35%	51.7% (NC)	49.8% (V)
Maximum Impervious Coverage	60%	64.0% (NC)	64.7% (V)
Minimum On-site Parking	2 Spaces	1 Space (NC)	3 Spaces

Principal Dwelling	Permitted	Existing	Proposed
Minimum Front Yard Setback, Dwelling*	25 ft. or the average alignment (12.82 ft.) but no less than 10 ft.	13.87 ft.	15.5 ft. (Second Story)
Minimum Front Yard Setback, Porch*	17 ft. or the average alignment (4.99 ft.)	4.05 ft. (NC)	9.50 ft.
Minimum Rear Yard Setback	25 ft. or reduced proportionately to the existing lot depth (19.18 ft.) but no less than 10 ft.	14.50 ft. (NC)	10.17 ft. (V)
Minimum Side Yard Setback	2.15 ft. (10% of lot width) but no less than 4 ft. (East)	0.53 ft. (NC)	2.42 ft. (V)
	4.3 ft. (20% of lot width) but no less than 4 ft. (West)	1.20 ft. (NC)	3.0 ft. (V)
Maximum Building Height for lot with an area less than 4,000 sf.	27 ft.	22 ft.	29.0 ft. (V)
Maximum Number of Stories for lot with an area less than 4,000 sf.	2-Stories	1 ½ Story	2-Stories

(V) Variance (N.G.)-Not Given (NC) Existing Non-Conformity
 Existing non-conformities -Ten (10)
 -Removing Two (2)
 Proposed Variance -Six (6)

* The Applicant did provide mapping and calculations of the average of the front yard setback of the principal dwellings and front porches 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 Applicant calculated the average front yard setback of 12.82 feet to the dwelling and 4.99 feet to the front porch.

C. 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. For lots not meeting the minimum lot width requirement that exists, shall be 10% (2.15 feet) and 20 % (4.3 feet) of the lot width.* The existing side yard setback is 0.53 feet on the east side and 1.20 feet on the west side. Both of these represent an existing non-conformity.

The Applicant is proposing a side yard setback of 2.42 feet on the east side and a setback of 3 feet on the west side. **The Applicant will require a variance for both side yard setbacks.**

The Applicant is proposing a side yard setback of 2.75 feet on the east side of the front porches. **A variance is required.** The proposed west side yard setback is 3.0 feet to the front porches. **A variance is required.**

- D. 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 rear yard 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 as a percentage of required lot depth, but in no case shall they be less than 10 feet.* The required rear yard setback for this lot is 19.18 feet. The existing rear yard setback is 14.50 feet, which represents an existing non-conformity. The Applicant is proposing a rear setback of 10.17 feet. **A variance is required.**
- E. In accordance with Section 450-26.D.(1)(g), states that *the maximum building coverage permitted per the zoned district is 35% of the lot area.* The existing building coverage is 51.7%, which represents an existing non-conformity. The Applicant is proposing a building coverage of 49.8%. **A variance is required.**
- F. In accordance with Section 450.26.D.(1)(i), states that *the maximum impervious coverage permitted per the zoned district is 60% of the lot area.* The existing impervious coverage is 64.0%. which represents an existing non-conformity. The Applicant is proposing impervious coverage of 64.7%. **A variance is required.**
- G. In accordance with Section 450-26.E.(2) states that for lots less than 4,000 square feet or less than 40 feet of frontage shall not exceed 2-stories and 27 feet in height. The proposed 2-story dwelling complies. The Applicant is proposing a building height of 29 feet. **A variance is required.**
- H. In accordance with Section 450-13.D.(2)., (elevated deck) states that for residential dwellings, decks are not allowed to encroach into any principal dwelling's setback requirements and shall never be closer than 5 feet of any side yard property line, nor closer than 25 feet of any rear yard property line. No deck shall extend beyond the side building line.

Elevated deck has an east side yard setback of 2.92 feet and a west side yard setback of 6.00 feet. **A variance is required for the east side yard setback.**

The Applicant is proposing a rear yard setback of 2.83 feet. **A variance is required.**

I. *A number of “c” variances are required. There are two (2) types of c variances with different required proofs.*

- 1) Board 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 of 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.

4. **General Comments**

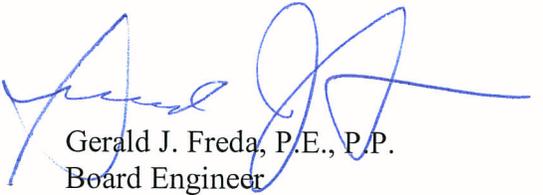
- A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. **The Applicant is proposing all roof leaders to be piped to recharge system in the side yard alongside the foundation with a pop-up emitter in the front yard. Our office recommends the recharge to be located in the front yard to not have an adverse effect on this dwelling’s basement or the existing neighboring basements if they exist.**
- D. The Applicant should provide information that taxes are currently paid.
- E. The Applicant shall secure any and all construction permits needed for the project.
- F. Given the undersized, non-conforming nature of the lot, testimony should be provided as to whether buy/sell letters were sent to adjacent properties.

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
Anne Marie Rizzuto, Esq., Board Attorney
Jeffrey P. Beekman, Esq., Applicant's Attorney
Paul K. Lynch, P.L.S., Applicant's Surveyor
Michael J. Moss, AIA, R.A., Applicant's Architect
Joseph Kociuba, P.E. & P.P., Applicant's Engineer

BB/PB/25/25-06