

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753



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April 24, 2025

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

**Re: Laterza & Di Nuovo-Residence
Block 10, Lot 16
1103 ½ Beach Avenue
Borough of Bradley Beach
Our File BBPB 25-05**

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 July 17, 2024, with the latest revision dated February 4, 2025.
- An architectural plan consisting of three (3) sheets prepared by Michael J. Moss, AIA of Moss Architecture, LLC, dated July 5, 2022, with the latest revisions dated January 27, 2025.
- A survey of lands consisting of one (1) sheet prepared by Paul K. Lynch, P.L.S., of Paul K. Lynch Land Surveyor, Boundary Consultant, dated February 17, 2022, with the latest revisions dated February 22, 2024.
- 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 July 3, 2024, with no revisions.
- A surveyor's report of the front yard setbacks consisting of one (1) sheet prepared by Paul K. Lynch, P.L.S., of Paul K. Lynch Land Surveyor, Boundary Consultant, dated February 18, 2022, 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 1103 ½ Beach Avenue (Lot 16, Block 10) with a total area of 1,261 square feet.
- B. The existing lot contains a one-story dwelling with a front covered porch.
- C. The Applicant is removing the one-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-1 Residential Single-Family Zone and the single-family dwelling is a permitted use.
- B. The proposed improvements require Board approval for variances on side yard setback to dwelling, rear yard setback, building coverage, impervious coverage, 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.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.**

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

Lot	Permitted	Existing	Proposed
Minimum Lot Area	5,000 sf.	1,261 sf. (NC)	No Change
Minimum Lot Width	50 ft.	19.83 ft. (NC)	No Change
Minimum Lot Depth	100 ft.	63.57 ft. (NC)	No Change
Maximum Building Coverage	35%	56.01% (NC)	52.83% (V)
Maximum Impervious Coverage	60%	74.65% (NC)	72.11% (V)
Minimum On-site Parking	2 Spaces	0 Spaces (NC)	2 Spaces

Principal Dwelling	Permitted	Existing	Proposed
Minimum Front Yard Setback, Dwelling*	25 ft. or the average alignment (9.87 ft.) but no less than 10 ft.	12.70 ft.	15.5 ft. (Second Story)
Minimum Front Yard Setback, Porch*	17 ft. or the average alignment (5.78 ft.)	6.95 ft.	9.5 ft.
Minimum Rear Yard Setback	25 ft. or reduced proportionately to the existing lot depth (15.9 ft.) but no less than 10 ft.	5.97 ft. (NC)	6.0 ft. (V)
Minimum Side Yard Setback	1.98 ft. (10% of lot width) but no less than 4 ft. (South)	2.1 ft. (NC)	3.0 ft. (V)
	3.97 ft. (20% of lot width) but no less than 4 ft. (North)	3.65 ft. (NC)	3.0 ft. (V)
Maximum Building Height for lot with an area less than 4,000 sf.	27 ft.	15 ft.	29.0 ft. (V)
Maximum Number of Stories for lot with an area less than 4,000 sf.	2-Stories	1 Story	2-Stories

(V) Variance

(N.G.)-Not Given

(NC) Existing Non-Conformity

- Existing non-conformities** -Eight (8)
 -Removing None
- Proposed Variance** - Five (5)

*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 9.87 feet to the dwelling and 5.78 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% (1.98 feet) and 20 % (3.97 feet) of the lot width.* The Applicant is proposing a side yard setback of 3 feet on the north side and a setback of 3 feet on the south side. **The Applicant will require a variance for both side yard setbacks.**
- 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 15.9 feet. The Applicant is proposing a rear setback of 6.0 feet.

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 56.1%, which represents an existing non-conformity. The Applicant is proposing a building coverage of 52.8%. **A variance is required.**

F. In accordance with Section 450.26.D.(1)(h), states that *the maximum impervious coverage permitted per the zoned district is 60% of the lot area.* The existing impervious coverage is 84.4% on the architectural plan and 72.11% on the variance plan. Both impervious coverages represent an existing non-conformity. This discrepancy should be resolved.

The Applicant is proposing impervious coverage of 71.7% on the architectural plan and 72.11% on the variance plan. **Both impervious coverages require a variance. This discrepancy should be resolved.**

G. In accordance with section 450-450-26.E.(2) states that 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. The definition of building height is the vertical distance measured from the average finished grade surrounding the building to the highest point of the roof. 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 proposed 2 stories, which complies.

The Applicant indicates a building height of 27 feet and 29 feet to the bulkhead. The proposed height is 29 feet, which is the highest point of the roof. **A variance is required.**

H. ***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**

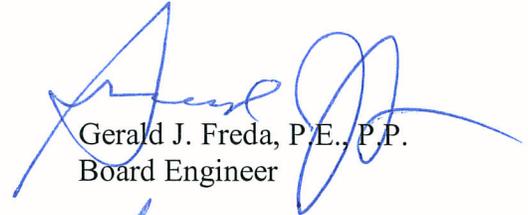
- A. General Note should be added to the plan indicating the existing curb and sidewalk along the frontage will be replaced if found in poor condition.
- B. A General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. **The Applicant 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. **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 Applicant should provide information that taxes are currently paid.
- F. The Applicant shall secure any and all construction permits needed for the project.
- G. 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.

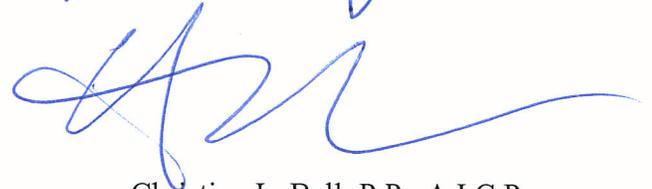
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

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/25/25-05