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April 10, 2026

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

**Re: Nan, Pop & Company, LLC
(Kinney Residence)
Block 75, Lot 1
106 Central Avenue
Borough of Bradley Beach
Bulk Variances
Second Review
Our File BBPB 25-11**

Dear Chairman and Board Members:

Our office has received additional materials for an application submitted for Board review in connection with the above-referenced project. We have provided new comments in ***bold and italicized text*** and ~~struck-out~~ comments that are no longer relevant. Submitted with the application are the following:

- Prevailing Setback Map consisting of one (1) sheet prepared by William P. Swift, P.L.S., P.P., of Wm. DiMarzo & Son, Associates, Inc., dated August 18, 2025, with no revision date.
- Boundary & Topographic Survey consisting of one (1) sheet prepared by William P. Swift, P.L.S., P.P., of Wm. DiMarzo & Son, Associates, Inc., dated August 14, 2025, with no revision date.
- Variance Application Plans consisting of three (3) sheets prepared by Robert M. Cunningham, P.E., of Cunningham Engineering & Design, LLC, dated October 24, 2025, ***last revised March 23, 2026.***
- Architectural plans consisting of six (6) sheets prepared by Cory Fernandez, AIA of Total Architecture, LLC, dated ~~October 23, 2025, with no revision date~~ ***dated March 9, 2026.***

- ***Foundation and Soils Investigation for 106 Central Avenue, prepared by Robert M. Cunningham, P.E., dated December 31, 2025.***

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. **Submission Waivers**

The Applicant is not requesting any waivers from the land development ordinance checklist as outlined below:

Appendix A - Application Checklist and Documents Required To Be Submitted [Amended 7-23-2019 by Ord. No. 2019-18]

2. **Project Description**

- A. The existing lot contains a 1 - story single-family dwelling with a covered front porch, front paver patio and walkway and driveway.
- B. The property is a corner lot located on the east side of Central Avenue and south side of 2nd Avenue (Lot 1, Block 75) with a total area of 4,706 square feet.
- C. The Applicant is proposing to demolish the existing dwelling and construct a five(5) bedroom, 2 ½ - story single-family dwelling with (2) front covered porches (*one covered and one uncovered*), an elevated upper porch, and paver walkway and driveway. *The applicant has revised the architectural plans to increase the proposed basement floor elevation to two feet above the seasonal high groundwater elevation.*

3. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Zone and a single-family dwelling is permitted as a principal use in this zone.
- B. The Applicant is requesting Board approval for variances with building coverage and others as described in this letter.

4. **Variances and Design Waivers**

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

Lot	Required	Existing	Proposed
Minimum Lot Area	5,000 sf.	4,706 sf. (NC)	No Change
Minimum Lot Width	50 ft.	51.55 ft.	No Change
Minimum Lot Depth	100 ft.	100 ft.	No Change
Principal Building	Required	Existing	Proposed
Minimum Front Yard Setback, 2 nd Ave. - <u>Building</u>	25 ft. or Average *(Average N.G.)	24.94 ft. (NC)	25 ft. 26.36 ft.
Minimum Front Yard Setback, 2 nd Ave. - <u>Porch</u>	25 ft. or Average *(Average is 21.88 ft.)	15.20 ft. (NC)	15.40 ft. 17.80 ft. (V)
Minimum Front Yard Setback, Central Ave. - <u>Building</u>	15 ft. or Average *(Average N.G.)	17.90 ft.	14.39 ft. 11.64 ft. (V)
Minimum Front Yard Setback, Central Ave. - <u>Porch</u>	15 ft. or Average *(Average is 17.13 ft.)	15.69 ft.	10.82 ft. (V)
Minimum Rear Yard Setback	25 ft.	2.30 ft. (NC)	2.53 ft. 5.17 ft. (V)
Minimum Side Setback	5 ft.	2.30 ft. (NC)	2.30 ft. 5.17 ft. (V)
Maximum Building Height	35 ft.	18 ft.	34.83 ft.
Maximum Number of Stories	2 ½ Stories	1 Story	2 ½ Stories
Lot Coverage	Required	Existing	Proposed
Maximum Building Coverage	35%	42.14% (NC)	45.90% 41.88% (V)
Maximum Impervious Coverage	60%	63.13% (NC)	58.75% 54.31%
Parking and Driveway	Required	Existing	Proposed
Minimum Off-Street Parking Per Dwelling Unit	2	1 (1 Units) (NC)	1 (1 Unit) (V)
Maximum Driveway Width in Front Yard	12 ft.	12 ft.	14.50 ft. 12 ft.
<i>Maximum Driveway Width at Property Line</i>	<i>10 ft.</i>	<i>12 ft. (NC)</i>	<i>12 ft. (V)</i>
Maximum Driveway Curb Cut	12 ft.	13.40 ft. (NC)	13.40 ft. 12 ft.

(V) Variance

(N.G.)-Not Given

(NC) Existing Non-Conformity

Existing non-conformities -Nine (9)

Removing Two (2)

Proposed Variances – Nine (9)

* The Applicant has provided mapping and calculations of the average of the front yard setback of the front porches on all developed properties on adjacent lots for both Central Avenue and 2nd Avenue within 200 feet of the property as documented by a map prepared by a licensed land surveyor. The Applicant calculates the average front yard porch setback of 21.88 feet (2nd Avenue) and 17.13 feet (Central Avenue). The Applicant should provide testimony.

- B. In accordance with Section 450-26.D.(1)(a) states, *the minimum lot area is 5,000 square feet*. The existing lot area is 4,706 square feet, which is an existing non-conformity.
- C. In accordance with Section 450-26.D.(1)(d), the existing front yard porch setback along 2nd Avenue is 15.20 feet, which is an existing non-conformity. The Applicant is proposing front yard porch setbacks of ~~15.40~~ **17.8** feet along 2nd Avenue and 10.82 feet along Central Avenue. **Variations are required for both proposed porch setbacks. The proposed porch width along 2nd Avenue is 8'6". Testimony should be provided regarding the ability of the applicant to reduce the porch size to better comply with ordinance requirements.**
- D. In accordance with Section 450-26.D.(1)(d) states *the minimum front yard setback is 15 feet on north-south streets and 25 feet on east-west streets*. The existing front yard setback along 2nd Avenue (east-west street) is 24.94 feet, which is an existing non-conformity. The Applicant is proposing a front yard setback of **26.36 feet along second avenue, a variance is eliminated, and 11.64** ~~14.39~~ feet along Central Avenue (north-south street). **A Variance is required.**
- E. In accordance with Section 450-26.D.(1)(f) states *the minimum rear yard setback is 25 feet*. The existing rear yard setback is 2.3 feet, which is an existing non-conformity. The Applicant is proposing a rear yard setback of ~~2.53~~ **5.17** feet. **A Variance is required.**
- F. In accordance with Section 450-26.D.(1)(e) states *the minimum side yard setback is 5 feet*. The existing side yard setback is 2.3 feet, which is an existing non-conformity. The Applicant is proposing a side yard setback of ~~2.3~~ **5.17** feet. ~~A Variance is required.~~
- G. In accordance with Section 450-26.D.(1)(g) states that *the maximum building coverage is 35% of the lot area*. The existing building coverage is 42.14%, which is an existing non-conformity. The Applicant is proposing a building coverage of ~~45.90%~~ **41.88%**. **A Variance is required.**
- H. In accordance with Section 450-26.D.(1)(h) states that *the maximum impervious coverage is 60% of the lot area*. The existing building coverage is 63.13%, which is an existing non-conformity. The Applicant is proposing a building coverage of ~~58.75%~~ **54.31%**. **A Variance is eliminated.**
- I. In accordance with Section 450-26.D.(1)(i) states that *the minimum off-street parking requirement is (2) spaces per dwelling unit*. The existing off-street parking contains (1) space, which is an existing non-conformity. The driveway is required to be a minimum 20 feet in length to be designated as

an off-street parking space, thus the Applicant is proposing (1) space. **A Variance is required.**

- J. In accordance with Section 450-41.A.(2) (Residential Parking and Driveway Requirements) states *driveway aprons shall be a maximum of 10 feet in width at the property line and 12 feet in width at the curbline.* The Applicant is proposing a driveway width of ~~14.50~~ 12 feet. **A Variance is required.**
- K. In accordance with Section 450-41.A.(2) (Residential Parking and Driveway Requirements) states *curb cuts shall be a maximum of 12 feet in width.* The existing curb cut at the driveway is 13.40 feet, which is an existing non-conformity. The Applicant is proposing a curb cut of ~~13.40~~ 12 feet. **A Variance is required.**
- ~~L. The Applicant indicates a “second floor balcony” is being proposed along 2nd Avenue. The “second floor balcony” does not meet the definition of balcony per ordinance requirements, that which shall be defined as “An exterior covered or uncovered platform structure, enclosed by a railing, that sits within the footprint of the first or second floor of the dwelling below. A balcony cannot be over the footprint of a porch. No balcony floor is allowed above the highest story or half-story walking surface elevation.” Additionally, the definition for upper porch is defined as: “An exterior open and uncovered platform structure, without walls, accessed from a second floor. An upper porch must be located above a porch.” By definition, this platform is an upper porch and thus does not require a variance. Please revise the plans to indicate a proposed upper porch in lieu of the balcony and proposed porch in lieu of the covered deck.~~
- ~~M. The Applicant indicates a “second floor terrace” is being proposed along the side yard. By definition, this platform is a balcony. In accordance with Section 450-13.C.(6) states *balconies shall be permitted at the front(s) of the dwelling only.* A Variance is required.~~
- ~~N. In accordance with Section 450-13.G. states *Air Conditioners, HVAC and other mechanicals shall not be permitted in the required area setbacks.* The proposed air conditioners are located within a setback. A Variance is required.~~

5. Required Proofs for Variance Relief

- A. **C Variances:** A number of “c” variances are 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.

6. **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. General Note should be added to the plan indicating the planting area between the sidewalk and curb must remain natural grass.
- C. The Applicant should provide testimony regarding ordinance requirements for the habitable floor area within the proposed half story, which shall not exceed 50% of the floor area below it.
- D. Our office recommends a section of pipe on the property should be perforated pipe and surrounded by stone to allow runoff to seep into the ground within the limits of the property. *The Applicant has proposed a 50 linear foot section of perforated pipe to convey sump pump discharge and roof drain runoff.***
- ~~E. Applicant to provide testimony with regard to roof leaders for the proposed single family dwelling.~~
- 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.

Our office reserves the right to provide additional comments upon receipt of revised plans.

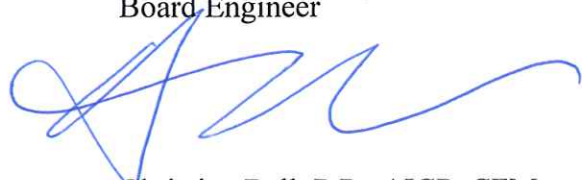
If you have any questions, or require additional information on this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Michael Shafai, P.E.
Board Engineer



Christine Bell, P.P., AICP, CFM
Board Planner

JOG

cc: Kristie Dickert, Board Administrator
Anne Marie Rizzuto, Esq., Board Attorney
Kevin I. Asadi, Esq., Applicants Attorney
Bob Cunningham, P.E., Applicants Engineer
Nan, Pop & Company, LLC, (Rex Kinney) Applicant
BB/PB/25/25-11