

LEON S. AVAKIAN, INC. *Consulting Engineers*

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May 20, 2026

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

**Re: Clerico Residence
Block 63, Lot 18
310 Third Avenue
Borough of Bradley Beach
Use & Bulk Variance
Our File BBPB 25-12**

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:

- Plot / Grading Plan consisting of one (1) sheet prepared by Matthew C. Hockenbury, P.E. of MCH Engineering, Inc., dated April 20, 2026, with no revision date.
- Topographic Survey of Property consisting of one (1) sheet prepared by Jeffrey S. Grunn, P.L.S., of Lakeland Surveying, dated September 21, 2023, last revised October 22, 2025.
- Architectural plans consisting of one (1) sheet prepared by Brian Berzinskis, R.A. of Grasso Design Group, dated September 9, 2022, with no revision date.

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 property contains two single-family dwellings. The front dwelling consists of a two-story frame single-family residence with a covered front porch, front concrete walkway, concrete patio, wood deck, and driveway improvements. The rear dwelling consists of a one-story frame single-family residence located at the rear of the property. Based on the most recent tax property card available for the property, the front dwelling was constructed in 1929, and the rear dwelling was constructed in 1934.

- B. The subject property is identified as Lot 18 in Block 63 and is located on the north side of Third Avenue. The property contains approximately 7,500 square feet and is bordered by existing residential dwellings on all sides.
- C. The Applicant is proposing to construct a 159.3 square foot second-story addition over the existing dwelling. The proposed addition will not increase the existing building coverage, as the improvements are located entirely above the existing building footprint.

2. **Zoning and Land Use**

- A. The property is located in the R-1 Residential Zone. Two single-family dwellings located on a single lot are not a permitted use in this zone, in accordance with Section 450-26.A and Section 450-15. The Applicant is proposing to construct a 159.3 square foot second-story addition over the existing southern (front) dwelling. **The proposed expansion of the existing front dwelling constitutes an expansion of a pre-existing non-conforming use and will require d(2) use variance relief.**
- B. The Applicant is requesting Board approval for variances for side yard setback and others as described in this letter.

3. **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.	7,500 sf.	No Change
Minimum Lot Width	50 ft.	50 ft.	No Change
Minimum Lot Depth	100 ft.	150 ft.	No Change
Southern (Front) Building	Required	Existing	Proposed
Minimum Front Yard Setback	25 ft. or Average (Average 26.42 ft.)	25.7 ft.	26.36 ft.
Minimum Front Yard Setback, Porch	17 ft. or Average (Average 18.64 ft.)	16.4 ft. (NC)	No Change
Minimum Rear Yard Setback	25 ft.	> 25 ft (N.G.)	No Change
Minimum Side Setback	5 ft.	2.7 ft. (NC)	2.7 ft. (V)
Maximum Building Height	35 ft.	26.83 ft.	No Change
Maximum Number of Stories	2 ½ Stories	2 Story	No Change
Northern (Rear) Building	Required	Existing	Proposed
Minimum Front Yard Setback	25 ft. or Average (Average 26.42 ft)	> 25 ft (N.G.)	No Change
Minimum Rear Yard Setback	25 ft.	4.9 ft. (NC)	No Change
Minimum Side Setback	5 ft.	1.9 ft. (NC)	No Change
Maximum Building Height	35 ft.	< 35 ft. (N.G.)	No Change

Maximum Number of Stories	2 ½ Stories	1 Story	No Change
Lot Coverage	Required	Existing	Proposed
Maximum Building Coverage	35%	35.7% (NC)	No Change
Maximum Impervious Coverage	60%	73.7% (NC)	No Change
Parking and Driveway	Required	Existing	Proposed
Minimum Off-Street Parking	4 Spaces	> 4 (N.G)	No Change
Maximum Driveway Width in Front Yard	12 ft.	10 ft.	No Change
Maximum Driveway Width at Property Line	10 ft.	10 ft.	No Change
Maximum Driveway Curb Cut	12 ft.	21 ft. (NC)	No Change

(V) Variance

(N.G.)-Not Given

(NC) Existing Non-Conformity

Existing non-conformities - Nine (9)

Removing Zero (0)

Proposed Bulk Variances – one (1)

Proposed Use Variances – one (1)

- A. In accordance with Section 450-26.D.(1)(e) states the minimum side setback is 5 feet. The existing and proposed side yard setback for the southern building is 2.7 feet, whereas 5 feet is required. **A variance is required.**
- B. In accordance with Section 450-26.D.(1)(d) states the minimum front yard porch setback is 17 feet or average front yard setback. The existing front yard porch setback is 16.4 feet, **which is an existing non-conformity.**
- C. In accordance with Section 450-26.D.(1)(d) states the minimum rear yard setback is 25 feet. The existing rear yard setback for the northern building is 4.9 feet, **which is an existing non-conformity.**
- D. In accordance with Section 450-26.D.(1)(e) states the minimum side setback is 5 feet. The existing side yard setback for the northern building is 1.9 feet, **which is an existing non-conformity.**
- E. In accordance with Section 450-26.D.(1)(g) states the maximum building coverage is 35% of the lot area. The existing building coverage is 35.7%, **which is an existing non-conformity.**
- F. In accordance with Section 450-26.D.(1)(h) states the maximum impervious coverage is 60% of the lot area. The existing impervious coverage is 73.7%, **which is an existing non-conformity.**

- G. In accordance with Section 450-13(G) states air conditioners, HVAC and other mechanical equipment shall not be permitted in the required area setbacks. The existing air conditioning units are located within the required side yard setback, **which is an existing non-conformity.**
- H. In accordance with Section 450-40(C) states common driveways shall not be permitted within the Borough of Bradley Beach. The existing driveway is shared with the adjoining property, **which is an existing non-conformity.**

4. **Required Proofs for Variance Relief**

- A. **A d(2) use variance for the expansion of a non-conforming use is required.** To obtain a d(2) use variance, the Applicant must show that the proposal meets three separate criteria.
 - 1) **Special Reasons.** Proving the positive criteria for d(2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
 - 2) **Intent of the Zone Plan (negative criterion #1).** The Applicant must prove that the proposed expansion does not substantially impair the intent of the zoning ordinance or master plan.
 - 3) **Detriment to the Public Good (negative criterion #2).** The Applicant must prove that the expansion of the proposed use would not have a substantial detriment on nearby properties.
- B. **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.

5. **General Comments**

- A. The Applicant is proposing a second-story addition to the existing southern single-family dwelling. The existing second floor contains approximately 861 square feet and includes four bedrooms and two bathrooms. The proposed second floor will increase to approximately 1,020.5 square feet through the addition of approximately 159.3 square feet along the western side of the dwelling. The proposed improvements reconfigure portions of the second-floor layout, including enlargement of Bedroom 2 and the addition of a walk-in closet and expanded master bathroom area. Exterior improvements associated with the addition include modifications to the roofline and side elevation of the dwelling.
- B. The survey indicates that portions of the existing site conditions encroach onto the adjacent property identified as Lot 19, Block 63. Specifically, the existing vinyl fence encroaches up to approximately 1.4 feet onto the neighboring property, and portions of the existing concrete walkway are also located across the property line. The Applicant shall provide testimony regarding the existing encroachments and any easements, agreements, or corrective actions associated with these conditions.
- C. The property contains existing impervious coverage in excess of the maximum permitted by ordinance. However, the Applicant is not proposing any increases to the existing building coverage or impervious coverage as part of this application. As such, the proposed improvements are not anticipated to increase stormwater runoff from the site.
- D. The proposed addition does not increase the number of bedrooms within the dwelling and therefore is not anticipated to increase the parking demand at the site. The existing driveway appears to provide sufficient space to accommodate approximately six vehicles, in addition to the existing garage serving the rear dwelling.
- E. Any existing curb, sidewalk, driveway apron, or other public improvements damaged during construction shall be repaired or replaced.
- 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

MMS

cc: Kristie Dickert, Board Administrator
Anne Marie Rizzuto, Esq., Board Attorney
Brian Berzinskis, R.A., Applicants Architect
Louis & Rosemary Clerico, Applicants
BB/PB/25/25-12