

RABAN & RABAN

— LLC —

Attorneys at Law

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Haven Beach, NJ 08008**

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December 14, 2020

Via Hand Delivery and Email cmcnally@beachhaven-nj.gov

Colleen McNally, Secretary
Beach Haven Land Use Board
300 Engleside Ave.
Beach Haven, NJ 08008

Re: Bay Village, Inc. Minor Site Plan and Variance Proposal
Block 187.02 Lots 1, 2, 3, 10 & 11, Borough of Beach Haven

Dear Ms. McNally:

Enclosed please find the following with regard to the above referenced matter:

- (x) 5 copies of Land Use Development Application
- (x) 5 copies of a Site Plans prepared by James Brzozowski, P.E., P.P. of Horn, Tyson & Yoder, Inc.
- (x) 5 copies of Design Sheet prepared by Jeffrey F. Wells, AIA of Coastal Design Group, LLC
- (x) Affidavit of Ownership
- (x) Public Notice
- (x) Check No. 2100 Amount \$300.00 Administrative Fee
- (x) Check No. 2101 Amount \$3,000.00 Escrow Account Deposit
- (x) Please consent and/or approve for public hearing on January 4, 2021 at 6:00 p.m.

Very truly yours,


JAMES S. RABAN

JSR/dh
Encl.

Colleen McNally
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Cc: John Bell Maschal (via email) (w/encs.)
Jeffrey F. Wells, AIA (via email) (w/encs.)
James Brzozowski, P.E., P.P. (via email) (w/encs.)
Stuart D. Snyder, Esq. (via email) (w/encs.)
Frank Little, P.E., P.P., C.M.E. (via email) (w/encs.)



AFFIDAVIT OF OWNERSHIP BY AN INDIVIDUAL

STATE OF NEW JERSEY :

COUNTY OF OCEAN : SS

John Bell Maschal of full age, being duly sworn according to law, on oath deposes and says that he or she resides at 316 Fairview Ave., in the Municipality of Beach Haven, County of Ocean and the State of New Jersey that he or she is the owner in fee simple, of all that certain lot, tract, or parcel of land, situated, lying and being in the Borough of Beach Haven, Ocean County, State of New Jersey, and known and designated as LOT: 1, 2, 3, 10 & 11 BLOCK: 187.02 and that he or she hereby authorizes and appoints James Raban as his or her attorney, in fact, to make the within Application on his or her behalf to the Land Use Board of the Borough of Beach Haven, Ocean County, State of New Jersey.

Bay Village Inc.

[Signature]
SIGNATURE OF OWNER/APPLICANT

By: John Bell Maschal

12-10-20
DATE

SIGNATURE OF OWNER/APPLICANT

DATE

Sworn to and subscribed

Before me this 10 day

of December

2020.

[Signature]
NOTARY PUBLIC

PUBLIC NOTICE

BOROUGH OF BEACH HAVEN

Public notice is hereby given that Bay Village, Inc. (hereinafter referred to as the "Applicant") has applied to the Land Use Board of the Borough of Beach Haven, Ocean County, New Jersey for minor site plan approval and variances on the property designated as Lots 1, 2, 3, 10, and 11 in Block 187.02 on the Tax Map of the Borough of Beach Haven, located at 820 N. Bay Ave., 830 N. Bay Ave., and 309-319 Taylor Ave, also known as Bay Village. The Applicant seeks to expand the existing second-story deck on the westerly side of the Bistro 14 restaurant, which is located at the northwest corner of the site, by 4.3 feet. The 4.3-foot expansion is proposed for the entire length of the deck, which is 55.4 feet, for a total expansion of 238.22 square feet.

The following variances are required as a result of the proposed development:

1. Off-Street Parking

- a. Section 212-23(A)(2): All commercial or business uses shall provide a minimum of one such parking space for each 600 square feet of gross floor area.
- b. Section 212-23(A)(4): Each apartment and each multifamily structure shall provide a minimum of one such parking space for each one-bedroom unit.
 - i. Here, 49 parking spaces are required (48 based upon the commercial square footage and 1 space for a one-bedroom apartment). 10 parking spaces exist and 10 parking spaces are proposed.

2. Off-Street Loading

- a. Section 212-14(G)(1): Each activity shall provide for off-street loading and unloading with adequate ingress to and egress from streets and shall provide

such area(s) at the side or rear of the building. Each space shall be at least 15 feet by 30 feet, and one space shall be provided for every 4,000 square feet of gross floor area or fraction thereof in each building. There shall be no loading or unloading from the street.

- i. Here, zero (0) loading areas exist and zero (0) loading areas are proposed.

If the Board determines that any additional variances, waivers or exceptions are necessary or appropriate, then such variances, waivers, or exceptions will be requested at the hearing.

A public hearing has been scheduled for January 4, 2021 at 6:00 p.m., at which time any interested persons may appear and have an opportunity to be heard on this application. As a result of the COVID-19 pandemic, the meeting will be conducted remotely via Zoom. To access the virtual hearing, you must join the Zoom meeting. To access the Zoom meeting, you will need access to a computer with internet access and/or dial in through a mobile or land line phone to log into the meeting. The following is the information required to access the meeting:

Join Zoom Meeting

Meeting ID: _____

You will join the meeting and be able to listen and view the evidence shared on the screen at the meeting. Additionally, you will be able to access all documents pertaining to this application and all files for the meeting on the Borough of Beach Haven Website found here <https://beachhaven-nj.gov/government/land-use-board/>

You will be able to participate when the Board Chairwoman opens the meeting to the public for the public participation portion of the meeting at the end of the Applicant's presentation for you to ask questions and or cross examine witnesses and make statements. If

you have questions of the Applicant prepared in advance of the meeting, please email them to the Land Use Board Secretary at Colleen McNally cmcnally@beachhaven-nj.gov prior to the meeting. Your relevant questions will be presented to the Applicant during the meeting for response. If you have information or exhibits that you wish to be considered and entered into the record, please email them to the Land Use Board Secretary, Colleen McNally, at cmcnally@beachhaven-nj.gov in advance of the meeting to enable them to be marked for identification.

If you are unable to access the information for the application(s) via computer, or need assistance in logging on or using this technology, you may contact the Land Use Board Secretary, Colleen McNally, at 609-492-0111 extension 213 or via email at cmcnally@beachhaven-nj.gov. If you wish a particular file to be emailed or mailed to you, you must request that with 72 hours advanced notice. Please also visit the Borough of Beach Haven webpage at <https://beachhaven-nj.gov/government/land-use-board/> for the latest updates regarding future Land Use Board Meetings and any updates regarding this meeting since the publication of this notice.

James S. Raban

File #3430

Attorney for the Applicant

LAND USE DEVELOPMENT APPLICATION

BOROUGH OF BEACH HAVEN
BAY AVENUE AND ENGLSIDE AVENUE
BEACH HAVEN, NEW JERSEY 08008
(609) 492-0111

TO BE COMPLETED BY BOROUGH STAFF ONLY

Date Filed _____ Docket No. _____
Application Fees _____ Escrow Deposit _____
Scheduled for: Review of Completeness _____ Hearing _____

1. SUBJECT PROPERTY - TO BE COMPLETED BY APPLICANT

Location: 820 N. Bay Ave.; 830 N. Bay Ave.; 309-319 Taylor Ave.

Tax Map: Page 10 Block: 187.02 Lots: 1, 2, 3, 10 & 11

Dimensions: Frontage: 185 feet Depth: 178.7 feet (irregular)

Area: 32,391.5 square feet

Zoning District: BD Business District

2. APPLICANT

Name: Bay Village, Inc.

Address: 830 N. Bay Ave., Beach Haven, NJ 08008

Telephone Number: Home: 609-492-2800 Local:

Work : Fax:

Applicant is a Corporation ☒ Partnership ☐ Individual ☐

Other (Please Specify):

Social Security Number / Federal ID Number

3. DISCLOSURE STATEMENT

Pursuant to N.J.S. 40:55D-48.1, the names and address of all persons owning 10% of the stock in a corporate application or 10% interest in any partnership applicant must be disclosed. In accordance with N.J.S. 40:55D-48.2 that disclosure requirement applies to any corporation or partnership which owns more than 10% interest in the applicant followed up the chain of ownership until the names and addresses of the non-corporate stockholders and partners exceeding the 10% ownership criterion have been disclosed (attach pages as necessary to fully comply.)

Name: To be supplied. Interest:

Address:

Name: Interest:

Address:

APPLICANT IS RESPONSIBLE FOR PAYMENT OF ALL PROFESSIONAL REVIEW FEES, INCLUDING THE ENGINEERING AND ATTORNEY. ALL ENGINEERING AND LEGAL FEES MUST BE PAID BEFORE CONSTRUCTION OR ZONING PERMITS CAN BE ISSUED.

4. If owner (s) is other than the applicant, provide the following information on the Owner (s):

Owner's Name: Same as Applicant

Address:

Telephone Number: Home: Work: Local:

Relationship of the applicant to the property in question:

Owner: X Lessee Purchaser Under Contract : Other: Prospective Purchaser Under Contract:

5. PROPERTY INFORMATION:

Deed restrictions, covenants, easements, rights of way, association by-laws, or other dedication existing or proposed on the property:

Yes No X Proposed

Note: All Deed Restrictions, Covenants, Easements, Rights of Ways, Association By-Laws, or other dedications existing and proposed must be submitted for review.

Site Plan and / or conditional use applicants:

Proposed for: Expanded Area X Alteration X

Expansion of Structure X Change of Use Sign

Other (please specify):

Has this property been the subject of any prior application (s) to the Planning Board or Zoning Board of Adjustment? Yes X No

If so, please attach the date (s), the relief sought, the disposition of the case and a copy of the resolution (s).

To be supplied.

Is the subject property located on:

A County Road: Yes X No ; A State Road: Yes No X ;
within 200 feet of a municipal boundary: Yes No X

Present use of the premises: There is a commercial restaurant with outdoor seating situated on a portion of Lot 2 and a portion of Lot 15. Lot 15 also contains a two-story duplex.

6. Applicant's Attorneys: James S. Raban, Esq.

Address 11710 Long Beach Blvd., Haven Beach, NJ 08008

Telephone Number (609) 492 - 0533 Fax Number (609) 492 - 0464

7. Applicant's Engineer/Surveyor: Horn, Tyson & Yoder, Inc.

Address: 8510 Long Beach Boulevard, Long Beach Township, NJ 08008

Telephone Number: 609-492-5050 Fax Number 609-492-4163

8. Applicant's Planning Consultant: Same as Engineer

Address

Telephone Number

Fax Number

9. Applicant's Architect: Coastal Design Group – Jeffrey F. Wells, AIA

Address: Suite 10, Monticello Arcade, Norfolk, VA 23518

Telephone Number : 201-741-7550

Fax Number

10. List any other Expert who will submit a report or who will testify for the Applicant: (Attach additional sheets as may be necessary):

Name: N/A

Field of Expertise:

Address:

Telephone Number:

Fax Number

11. APPLICATION REPRESENTS A REQUEST FOR THE FOLLOWING:

SUBDIVISION: N/A

Minor Subdivision Approval
Subdivision Approval (Preliminary)
Subdivision Approval (Final)

Number of Lots to be created:

Number of proposed Dwelling:

Area and Dimensions of each Proposed Lot:

SITE PLAN:

X Minor Site Plan Approval
Preliminary Site Plan Approval [Phases (if applicable)]
Final Site Plan Approval [Phases (if applicable)]
Amendment or Revision to an Approved Site Plan
Area to be disturbed (square feet): 9,040.54 square feet

Total number of proposed dwelling units:

INFORMAL REVIEW

APPEAL DECISION OF AN ADMINISTRATIVE OFFICER [N.J.S. 40:55d-70A]

MAP OR ORDINANCE INTERPRETATION OR SPECIAL QUESTION [N.J.S. 40:55D-70B]

X VARIANCE RELIEF (HARDSHIP) [N.J.S. 40:55D-70C(1)]

X VARIANCE RELIEF (SUBSTANTIAL BENEFIT) [N.J.S. 40:55D-70C (2)]

VARIANCE RELIEF (USE) [N.J.S. 40:55D-70D]

CONDITIONAL USE APPROVAL [N.J.S. 40:55D-67]

DIRECT ISSUANCE OF A PERMIT FOR A STRUCTURE IN BED OF A MAPPED STREET, PUBLIC DRAINAGE WAY, OR FLOOD CONTROL BASIN [N.J.S. 40:55D-34]
DIRECT ISSUANCE OF A PERMIT FOR A LOT LACKING STREET FRONTAGE [N.J.S. 40:55D-35]

12. Section (s) of Ordinance from which a variance is requested:

Section 212-23(A)(2): All commercial or business uses shall provide a minimum of one such parking space for each 600 square feet of gross floor area.

Section 212-23(A)(4): Each apartment and each multifamily structure shall provide a minimum of one such parking space for each one-bedroom unit.

- Here, 49 parking spaces are required (48 based upon the commercial square footage and 1 space for a one-bedroom apartment). 10 parking spaces exist and 10 parking spaces are proposed.

Section 212-14(G)(1): Each activity shall provide for off-street loading and unloading with adequate ingress to and egress from streets and shall provide such area(s) at the side or rear of the building. Each space shall be at least 15 feet by 30 feet, and one space shall be provided for every 4,000 square feet of gross floor area or fraction thereof in each building. There shall be no loading or unloading from the street.

- Here, zero (0) loading areas exist and zero (0) loading areas are proposed.

13. Waivers Requested of development Standards and/or Submission Requirements: (attach additional pages as needed):

The Applicant requests a waiver from the requirement to submit normal site plan detail based upon the fact that the site is fully developed.

14. ATTACH A COPY OF THE PROPOSED NOTICE TO APPEAR IN THE OFFICIAL NEWSPAPER OF THE MUNICIPALITY AND TO BE MAILED TO THE OWNERS OF ALL REAL PROPERTY, AS SHOWN ON THE CURRENT TAX DUPLICATE, LOCATED WITHIN THE STATE AND WITHIN 200 FEET IN ALL DIRECTIONS OF THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION. THE NOTICE MUST SPECIFY THE SECTIONS OF THE ORDINANCE FROM WHICH RELIEF IS SOUGHT, IF APPLICABLE.

The publication and the service on the affected owners must be accomplished at least 10 days prior to the date scheduled by the administrative officer for the hearing. A copy of the proposed notice is attached.

15. An Affidavit of Service on all property owners and a Proof of Publications must be filed before the Application will be complete and the hearing can proceed.

The Applicant seeks to expand the existing second-story deck on the westerly side of the Bistro 14 restaurant, which is located at the northwest corner of the site. The area of the proposed expansion is 4.3 feet by 55.4 feet.

16. Is a public water line available? Yes

17. Is public Sanitary Sewer available? Yes

18. Does the application propose any lighting? Applicant may add minimal lighting for dining at night.

19. Have any proposed new lots been reviewed with the Tax Assessor to determine appropriate Lot and Block number? N/A
20. Are any Off-Tract Improvements required or proposed? N/A
21. Is the Subdivision to be filed by Deed or Plat? N/A
22. What form of security does the applicant propose to provide as performance and maintenance guarantees?
N/A
23. OTHER APPROVALS WHICH MAY BE REQUIRED AND DATE PLANS SUBMITTED:

	YES	NO	DATE PLANS SUBMITTED
LOCAL FIRE PREVENTION		X	
BEACH HAVEN WATER & SEWER DEPT.		X	
BEACH HAVEN PUBLIC WORKS DEPT.		X	
LONG BEACH ISLAND HEALTH DEPT.		X	
OCEAN COUNTY PLANNING BOARD		X	
OCEAN COUNTY SOIL CONSERVATION DEPT.		X	
N.J. DEPT. ENVIRONMENTAL PROTECTION		X	
SANITARY SEWER CONNECTION PERMIT		X	
SEWER EXTENSION PERMIT		X	
WATERFRONT DEVELOPMENT PERMIT		X	
WETLANDS PERMIT		X	
TIDAL WETLANDS PERMIT		X	
F.E.M.A.		X	
N.J. DEPT. OF TRANSPORTATION		X	
ATLANTIC ELECTRIC		X	
N.J. NATURAL GAS		X	
OTHER			

24. CERTIFICATION FROM THE TAX COLLECTOR THAT ALL TAXES DUE ON THE SUBJECT PROPERTY HAVE BEEN PAID.
25. LIST OF MAPS, REPORTS AND OTHER MATERIALS ACCOMPANYING THE APPLICATION
(attach additional pages as required for complete listing)

THE DOCUMENTATION MUST BE RECEIVED BY THE BOARD SECRETARY AT LEAST TWENTY-ONE (21) DAYS PRIOR TO THE MEETING AT WHICH THE APPLICATION IS TO BE CONSIDERED. A LIST OF THE PROFESSIONAL CONSULTANTS IS ATTACHED TO THE APPLICATION FORM.

<u>Quantity</u>	<u>Description of Item</u>
5 copies	Land Use Development Application
5 copies	Site Plan prepared by Horn, Tyson & Yoder
5 copies	Design Sheet prepared by Coastal Design Group – Jeffrey F. Wells, AIA

26. THE APPLICANT HEREBY REQUESTS THAT COPIES OF THE REPORTS OF THE PROFESSIONAL STAFF REVIEWING THE APPLICATION PROVIDED TO THE FOLLOWING OF THE APPLICANT'S PROFESSIONALS:

SPECIFY WHICH REPORTS ARE REQUESTED FOR EACH OF THE APPLICANT'S PROFESSIONALS OR WHETHER ALL REPORTS SHOULD BE SUBMITTED TO THE PROFESSIONAL LISTED.

	Applicant's Professional	Reports Requested
<u> x </u>	Attorney	<u>All Reports</u>
<u> x </u>	Engineer	<u>All Reports</u>
<u> x </u>	Architect	<u>All Reports</u>

27.	CHECK LISTS USED	SCHEDULE A	YES X	NO
		SCHEDULE B	YES X	NO
		SCHEDULE C	YES X	NO

CERTIFICATIONS

28. I CERTIFY THAT THE FOREGOING STATEMENTS AND THE MATERIALS SUBMITTED ARE TRUE, AND WAIVE ALL APPLICABLE TIME LIMITS UNTIL THE FIRST PUBLIC HEARING OF THIS APPLICATION. I FURTHER CERTIFY THAT I AM THE INDIVIDUAL APPLICANT OR THAT I AM AN OFFICER OF THE CORPORATE APPLICANT AND THAT I AM AUTHORIZED TO SIGN THE APPLICATION FOR THE CORPORATION OR THAT I AM A GENERAL PARTNER OR THE PARTNERSHIP APPLICANT. (IF THE APPLICANT IS A CORPORATION, THIS MUST BE SIGNED BY AN AUTHORIZED CORPORATE OFFICER, IF THE APPLICANT IS A PARTNERSHIP, THIS MUST BE SIGNED BY A GENERAL PARTNER)


SIGNATURE OF ATTORNEY FOR APPLICANT

29. I UNDERSTAND THAT A SUM, TO BE DETERMINED, WILL BE DEPOSITED IN AN ESCROW ACCOUNT, IN ACCORDANCE WITH THE ORDINANCES OF THE BOROUGH OF BEACH HAVEN. I FURTHER UNDERSTAND THAT THE ESCROW ACCOUNT IS ESTABLISHED TO COVER THE COST OF PROFESSIONAL SERVICES INCLUDING ENGINEERING, PLANNING, LEGAL AND/OR OTHER EXPENSES ASSOCIATED WITH THE REVIEW OF SUBMITTED MATERIALS. SUMS NOT UTILIZED IN THE REVIEW PROCESS SHALL BE RETURNED. IF ADDITIONAL SUMS ARE DEEMED NECESSARY, I UNDERSTAND THAT I WILL BE NOTIFIED OF THE REQUIRED ADDITIONAL AMOUNT AND SHALL ADD THAT SUM TO THE ESCROW ACCOUNT WITHIN FIFTEEN (15) DAYS. I UNDERSTAND THAT I WILL BE RESPONSIBLE FOR PAYING FEES DUE TO THE LAND USE BOARD ATTORNEY AND ENGINEER.

12/14/20
DATE


SIGNATURE OF ATTORNEY FOR APPLICANT

BOROUGH OF BEACH HAVEN PROFESSIONAL CONSULTANTS

LAND USE BOARD ATTORNEY

Stuart D. Snyder, Esquire
2100 Long Beach Blvd.
Surf City, NJ 08008

(609) 494-7676
FAX: (609) 494-8499

ENGINEER

Frank J. Little, Jr. P.E., P.P.
Owen, Little & Associates, Inc.
443 Atlantic City Boulevard
Beachwood, NJ 08722

(732) 244-1090
FAX: (732) 341-3412

BOROUGH ATTORNEY

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