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May 25, 2022

Borough of Beach Haven
Land Use Review Board
300 Engleside Avenue
Beach Haven, NJ 08008

Re: Docket No: 2022- 08
Preliminary and Final Major Site Plan/Special Reasons "D" Variance
Applicant: LBI Beach Condos, LLC
Block: 150, Lots: 3 ,4 & 5
Location: 110 North Bay Avenue
OLA File No.: BHLU-22-LBIB

Dear Chairwoman and Members:

This office is in receipt of and has reviewed the Preliminary and Final Major Site Plan/Special Reasons "D" Variance Application for the above referenced site.

The submission consists of the following:

A. Site Plan for Block 150, Lots 3, 4 & 5, prepared by Tristate Engineering and Surveying, PC, signed by Joseph A. Mancini, PE and dated 2/18/2022 with no revisions. The plan set includes:

Sheet 1 - Title Sheet
Sheet 2 - Demolition Plan
Sheet 3 - Site Plan
Sheet 4 - Grading Plan
Sheet 5 - Utility Plan
Sheet 6 - Landscaping and Lighting Plan
Sheet 7 - Soil Erosion and Sediment Control Plan
Sheet 8 - Soil Erosion and Sediment Control Details
Sheet 9 - Construction Details
Sheet 10 - Water and Sewer Details

B. Architectural Plans - One Ten Mixed-Use Building, prepared by Ambit Architecture, unsigned and dated 10/13/2020. The plan set includes:

Sheet Z1 - Cover Sheet
Sheet Z2 - First, Second and Third Floor Plans
Sheet A100 - Foundation Plan
Sheet A101 - First Floor Plan
Sheet A102- Second Floor Plan
Sheet A103- Third Floor Plan
Sheet A104 - Roof Plan
Sheet A200 - North and East Elevation

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Sheet A201 - South and West Elevation
Sheet A202 - Site Photographs and Rendering
Sheet A300 - Building Cross Section
Sheet A301 - Building Cross Section

C. One (1) Color Photograph, prepared by the Applicant taken at corner of Bay Avenue and Dock Road.

D. No Map of Survey has been provided.

E. Beach Haven Borough Architectural Advisory Committee (AAC) Report, two (2) pages, unsigned and dated 1/5/2022.

The applicant, LBI Beach Condos, LLC, proposes the demolition of the existing structure on the subject lots which include an attached garage that fronts on Dock Road. Although the structure is comprised of two separate commercial uses and facades, the building is a contiguous structure. Site improvements such as the asphalt driveway will also be removed.

Preliminary and Final Major Site Plan approval is requested to construct a new three-story mixed-use structure with two (2) commercial units on the first floor and four (4) residential units on the second and third floors along with onsite parking and six (6) street trees. No other streetscape improvements are proposed. Prior to the start of construction, the applicant also proposes that the lots be consolidated into one (1) tax lot.

Based on our review of the submitted materials, we offer the following for the Board's consideration:

1. **Zoning:**

a. The subject site lies within the BD- Business District, however, the RC- Multifamily Residential District regulations also apply due to the proposed apartment use.

b. The architectural plans indicate that each residential unit will include 2 bedrooms and an office which is the basis for determining permitted density as per Ordinance Section 212-13.A.4. Therefore, this office has prepared density calculations utilizing both the 2-bedroom and 3-bedroom configuration as the office spaces could be converted to bedrooms with little effort. We note that the architectural plans only include floor area of 3 units although it appears that each set of units is identical in area. We have assumed that two (2) units are 1,640 SF and two (2) units are 1,683 SF. The calculations are as follows:

i. Two (2) Bedrooms - Each two-bedroom unit shall have a minimum habitable area of 19.5 SF per 100 SF of land provided that there shall not be more than 1 unit per 5,000 SF of land. Based on 6,334 SF of land, the minimum habitable area is 1,235.13 SF per unit which is being met, however, no more than 1 unit is permitted per 5,000 SF of land whereas the proposed density is 1 unit per 1,583.5 SF of land. A Special Reasons/ "D" Variance is required.

ii. Three (3) Bedrooms - Each three -bedroom unit shall have a minimum habitable area of 23.40 SF per 100 SF of land provided that there shall not be more than 1 unit per 5,000 SF of land. Based on 6,334 SF of land, the minimum habitable area is 1,482.16 SF per unit which is being met, however, no more than 1 unit is permitted per 5,000 SF of land whereas the proposed density is 1 unit per 1,583.5 SF of land. A Special Reasons/"D" Variance is required as indicated above.

c. In accordance with Ordinance Section 212-13.E (Area and Yard Requirements within the RC Multifamily Residential District), the following setback parameters apply:

i. Ordinance 212-13.E(2) - The minimum area and width of a lot used for multi-family housing (three or more units) under subsection 212-13.A(4) as it applies to apartments and other multifamily construction shall be 12,000 SF and with not less than 120 FT of frontage.

- The proposed Lot Area is 6,334 SF where 12,000 SF is required. A Variance is required.

- The proposed Lot Frontage (combined Bay Avenue and Dock Road) is 171.31 FT where 120 FT is required. No Variance relief is needed.

ii. All other bulk requirements revert to the regulations for the BD-Business District.

- Ordinance Section 212-14.D.(3)(a) indicates that the maximum permitted Building Coverage is 75% in the BD District, however, the Impervious Coverage Requirement under Section 212-27.B(3)(a) supersedes this section and requires that the maximum onsite impervious not exceed 60% (3,980.4 SF).

- The proposed Building Coverage is 4,075.8 SF (64.3%) where the impervious coverage requirement of 60% supersedes this requirement. A Variance is required. We note that this calculation was provided by this office and includes all overhangs and decks.

- The proposed Impervious Coverage is 6,004.8 SF (94.7%) where 3,980.4 SF (60%) is the maximum permitted. A Variance is required.

- Ordinance Section 212-13. D. indicates that the proposed Building Height to the Pilot House on the roof is 40'9" where 35 FT is the maximum permitted. Since the proposed height exceeds the permitted height by more than 10%, a Special Reasons/"D" Variance is required.

- Ordinance Section 212-17(4) indicates that all onsite parking that are ancillary to a business shall be constructed with porous pavement or porous pavers. A Variance is required.

- Ordinance Section 212-17(5) indicates that a pervious surface area with a minimum width of 18 inches shall be provided between any impervious surface, side yard, and rear property line. A Variance is required.

2. **Parking** –The applicant proposes a 6-space parking lot, including one (1) ADA compliant handicap stall, in the rear of the building which will be accessible from Dock Road only. The parking lot will be constructed of bituminous pavement and will provide 9' x 18' parking stalls along with an 18 FT drive aisle whereas a 24 FT wide drive aisle is typical design standard for two-way traffic within a parking lot. Testimony shall be provided.

   a. In accordance with Ordinance Section 212-23(A), the following variances are required:

      i. Proposed Onsite Parking, outside the vertical plane of the building, includes six (6) spaces where 4 spaces are required for the commercial use (1 space per 600 SF – 2,200 SF of commercial proposed per the Site Plan Sheet (3)) and six (6) spaces are required for the residential units (1.5 spaces/2-bedroom unit). Therefore, six (6) 9' x 18' parking spaces are proposed whereas ten (10) spaces are required. A Variance is needed.

      ii. Pursuant to Ordinance Section 212-14(G), one (1) loading zone measuring 15' x 30' is required per 4,000 SF of gross floor area whereas approximately 2,200 SF is proposed. Variance relief is required. The applicant shall provide testimony required intended loading/unloading areas, types of deliveries, and time and frequency of such. Additional detail related to loading/deliveries for this site is required.

   b. We note that the proposed handicap loading zone on the site plan encroaches approximately 1.0 FT (±) into the right-of-way, therefore the site plan shall be revised or a waiver is required. Testimony shall be provided.

   c. We note that access to and from the most southerly parking space may be difficult. Testimony shall be provided and substantiation of maneuverability may be required.

   d. Pursuant to Ordinance Section 167-10(H)(5), a buffer planting strip not less than 5FT in width is required between the parking lot curb and the property line whereas no buffers are proposed. A waiver is required.

   e. The architectural plans indicate a proposed two car garage underneath the subject structure, however, these spaces do not apply to the overall parking calculation as they lie within the vertical plane of the building.

3. **Curb and Sidewalk–** The plan indicates that portions of concrete curb will be installed along with depressed curb for access to the site and approximately 70 LF ± of curb along Dock Road will remain as well as all concrete curb on Bay Avenue and all sidewalk along the frontages of the property. Due to the deteriorated condition of the curb and sidewalk the plan shall be revised to indicate removal of the existing and installation of new curb and sidewalk, in accordance with minimum municipal and county standards including streetscape requirements. In addition, ADA ramp compliance shall be addressed at the corner of Dock Road and Bay Avenue.

9. **Stormwater** – In accordance with Ordinance 177-24(B), this property is defined as "minor development" as it is less than an acre and is therefore exempt from strict compliance and does not need a waiver. Commercial or mixed-use development does not require the installation of a recharge system. Therefore, as proposed, the site meets the requirements of the Stormwater Control Ordinance, however, we recommend the inclusion of porous pavement or reduction of onsite impervious to help mitigate stormwater impacts. Testimony shall be provided.

10. **Utilities-** As this site is currently developed, water and sewer service are provided onsite. However, upgrades to the system will be required by the Water and Sewer Department and at the direction of the Borough Engineer.

11. **Outdoor Display of Merchandise** – The applicant shall confirm intended adherence to Ordinance 212-14(E)(2.a) as it relates to outdoor display of merchandise that may be associated with the commercial use. Testimony shall be provided.

12. **Lighting** - Lighting Plan sheet 6 indicates one (1) pole mounted parking area light, however, the applicant shall confirm compliance with all lighting ordinances that pertain to commercial development including those within Ordinance Section 167-10.

13. **AAC Report** - The Borough's Architectural Advisory Committee reviewed this site plan and prepared comments as outlined in their January 5, 2022 report which is attached. The comments relate to the overall site plan and the architectural design of the structure. As a result, the applicant shall be prepared to provide a testimony related to each item within this report.

14. **Flood Hazard Requirements** - This development lies within Effective Flood Zone AE BFE (9.0) -Panel 603F (9/29/2006) and Preliminary Flood Zone AE BFE (8.0) - Panel 603G (1/30/2015). The proposed commercial units will be constructed so that the first-floor Elevation is (3.10). Floodproofing of this level will be required in accordance with code section 101 - Flood Damage Prevention. We defer additional comment and review to the Borough Building Code Official.

15. **Plan Discrepancies -**

    a. We note that the Architectural Plan set includes references to proposed site improvements such as curb, sidewalk, etc. that are not reflected on the site plan. These descriptions should be resolved, and consistency shall be achieved throughout the plans.

    b. The applicant shall address intended use for the commercial space and anticipated hour of operation.

    c. The title sheet shall be revised to indicate approval by the Beach Haven Land Use Board, not the Long Beach Township Land Use Board.

    d. The site plan shall be revised to provide detail related to the ADA access ramp.

    e. Additional plan revisions will be required based on the comments within this letter and testimony provided during the Land Use Board Meeting.

16. **Additional Approvals** – Additional approvals will be required from any other agencies having jurisdiction including:

    a. Prior to lot consolidation, verification of lot numbers with the Beach Haven Borough Tax Assessors office is required.

    b. Ocean County Planning Board approval.

    c. Ocean County Soil District Approval.

    d. Beach Haven Water and Sewer Department.

    e. Any and all other approvals that may be required from other agencies.

It is therefore recommended that should the Board approve this application, it be conditional upon consideration of the comments cited above and any other conditions the Board may wish to impose. Pursuant to the New Fee Ordinance, escrow fees have been posted with the Board to cover the professional fee. We recommend that this application be deemed complete provided the applicant has met the administrative requirements of the Ordinance.

Very truly yours,

Frank J. Little, Jr., P.E.,P.P.,C.M.E.

FJL:ASI:caa

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Attachment /: AAC Report - 2 Pages