June 28, 2022

Beach Haven Land Use Board
300 Engleside Avenue
Beach Haven, NJ 08008

Re: Docket No. 2022-09
Amended Site Plan/Conditional Use Variance/Special Reasons Variance
Tucker’s Tavern
Block 129, Lots 4 & 5
101 S West Avenue
OLA File No. BHLU-22-TUCK
SECOND REVIEW

Dear Chairwoman and Members:

This office is in receipt of and has reviewed the Revised Amended Site Plan Application for the above referenced site. In addition to the application, the following items were included in the submission:

A. Boundary & Topographic Survey, One (1) Sheet, prepared by Horn, Tyson & Yoder, Inc. The map is signed by Robert G. deBlois, PLS. The map is dated 11/15/2017 with latest revision date of 01/28/2022.

B. Site Plan, One (1) Sheet, prepared by Horn, Tyson & Yoder, Inc. The plan is signed by James D. Brzozowski, PE, PP, dated 04/11/2022 and last revised 6/23/2022.

C. Exterior Covered Dining Pavilion Plans, One (1) Sheet, prepared by Architeta, PC, signed by Joseph Lombardi, AIA. The plan is dated 04/11/2022 with no revisions.

D. 1991 Resolution, Borough of Beach Haven Planning Board granting variance relief for three (3) off-street loading zones where one (1) is provided and a ten (10) Ft. residential buffer, whereas a six (6) Ft. high fence is provided.

E. Resolution 2017-26, Borough Beach Haven Planning Board granting variance relief for construction of a second floor deck partially over the existing structure together with a new structure over the outside first floor dining area containing 2,040 square feet on the westerly side of the building facing the bay and an access stairway located on the southerly side of the building adjacent to the curb cut access.

The property is currently developed with a restaurant and a bar with a second floor outdoor/rooftop deck and a residential apartment. The applicant seeks approval to permit an outdoor dining area, approximately 16 FT X 56 FT along the easterly side of the existing building adjacent to Lot 3. The existing 7 parking spaces in this area will be removed and a 12 FT planted buffer will be installed along the easterly property line adjacent to Lot 3. In addition, a 9 FT planted buffer will be installed for a portion of the southerly property boundary adjacent to Lots 12.01 and 11. In all, 48 outdoor dining seats will be provided and overall onsite impervious coverage will be decreased by removing existing pavers and blacktop and installing new pervious areas.

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

1. **Zoning** – The subject site lies within both the RCB- Multi Family Bay District and RB – Two Family Residential District, however, per the RCB- Multi Family Bay District use regulations, all uses within the Marine Commercial Zone shall also be permitted, including the existing restaurant/bar use, as a Conditional Use subject to review and approval by the Land Use Board who shall consider the following as part of Ordinance 211-15.1(B):
   - The suitability of the proposed use and structures
   - The impact thereof on traffic, including vehicular, pedestrian and watercraft traffic.
   - The impact thereof on municipal services
   - The impact thereof on neighboring properties
   - The conformity thereof with the requirements of the Zoning Ordinance of the Borough of Beach Haven for such a use or improvement.
   - The safety of neighboring property and persons occupying such property if the sought conditional use is permitted.

   In addition to the above, a “D”/Special Reasons Variance is required as the property is in a split zone, the RCB- Multi Family Bay District & RB – Two Family Residential District. Specifically, the existing/proposed parking lot is located within the RB Two Family Residential District and is not a permitted use in this zone.

2. **Residential Buffer** – One requirement of a Conditional Use in the RCB- Multi Family Bay District is that a planted buffer of 20 FT be maintained between the subject use and the adjoining residential uses whereas as 12 FT wide planted buffer is proposed. Due to the deficient planted buffer dimension, a Variance is required.

3. **Maximum Impervious Coverage** – Proposed installation of vegetative buffer areas and the removal of some pavers and blacktop will reduce the onsite impervious coverage to 90.3% (29,437.34 SF) where 60% (19,559.70 SF) is the maximum permitted. We note that the existing impervious coverage is 94.9% (30,936.92 SF) and that a 1,499.58 SF reduction in onsite impervious is proposed. A variance is required.
4. **Parking Lot** - The parking lot is located in the RB-Two Family Residential District, which is not permitted, however, adequate parking is provided as twenty eight (28) spaces are required and 33 spaces are provided. A Special Reasons “Use” Variance is required, as noted above, for the location of the parking lot. For the Board’s information, a breakdown of the proposed parking is as follows:

   **Commercial**
   Required: 1 parking space/600 SF GFA
   15,092 SF GFA – 26 parking spaces required

   **Residential**
   Required: 2 parking spaces/unit
   One (1) residential unit – 2 parking spaces required

5. **Bulk Zoning Requirements** - The existing restaurant/bar use is required to follow the bulk requirements of the MC (Marine Commercial) Zone.

6. **Architectural Plans** - The submitted plans depict the proposed exterior dining area which includes 12 tables of four seats each on the elevated gravel patio area for a total of 48 outdoor seats. A 4 FT fence/railing will be constructed around the perimeter of the deck and planter boxes will be provided. It does not appear that any renovations will be completed within the interior of the building.

7. **Site Design** – The submitted Site Plan and Architectural Rendering show that the site will be modified to provide a 15 FT x 60 FT loading zone by eliminating seven (7) parking spaces on the east side of the building. Also, 12 FT wide and 9 FT wide landscape buffers are proposed along the southerly and easterly side of the site. Existing site improvements such as the recycling dumpster, trailer, trash enclosures, speed bumps will all remain.

8. **Curb and Sidewalk** - Concrete curb and sidewalk exist along the frontage of the property and no change is proposed. If any portion of the curb is deteriorated or below design standard, it shall be removed and replaced at the direction of the Borough Engineer. A note shall be added to the plan.

9. **Additional Approvals** – Additional approvals will be required from any other agencies that have jurisdiction.
It is therefore recommended that should the Board approve this application, it be conditioned 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 Borough to cover the professional fee.

Very truly yours,

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

FJL:ASI:ca

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