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December 1, 2020

**Chairman and Members**

**Township of Long Beach Land Use Review Board**

6805 Long Beach Boulevard  
Long Beach, NJ 08008

**Re: LUB 25-20 PF Amended Preliminary and Final Major Site Plan**

**Applicant: Bowker's South Beach Grill**

**Block: 1.10**

**Lot: 7**

**Location: 5404 South Long Beach Boulevard**

**Attorney: Stuart Snyder, Esq.**

**Engineer: James Brozowski, PE, PP**

**OLA File No.: LBLU -20-BOWK**

Dear Chairman and Members:

This office is in receipt of and has reviewed the Amended Preliminary and Final Major Site Plan Application for the referenced site.

The submission consists of the following:

- A. Site Plan, One (1) Sheet, prepared by Horn, Tyson and Yoder, Inc., signed by James D. Brzozowski, PE, PP and Robert G. deBlois, PLS and dated 6/24/2020.
- B. Engineer's Review Letter, Two (2) Sheets, prepared by Charles H. Mackie Associates, signed by David C. Thomas, PE and dated 9/23/1986
- C. Long Beach Township Planning Board Resolution #42-86, Five (5) Sheets, signed by Dorothy S. Cranmer, Clerk of the Board and dated 12/4/1986.

Based on the supplemental narrative provided by the applicant's attorney, it is our understanding of the application that the applicant seeks to legalize the existing site, known as, Bowker's South Beach Grill, via all required variances and non-conformities established.

This narrative includes a detailed timeline pertaining to the history of the property beginning prior to 1985 when the property was operated and occupied as a take-out delicatessen on the first floor and a residential apartment on the second floor. Since that time, the property has transferred ownership three (3) times (Years 1996, 2004, 2005) and most recently, in 2008, was leased to the applicant. As a result, the applicant has been utilizing the property for approximately 12 years. Over the years, numerous changes were made to the property including customer parking areas, seating areas, an onsite trailer, freezers and gazebos. The property is still utilized as a Mixed Use with the commercial delicatessen on first floor and the residential apartment on the second floor.

Based on our review of the submitted materials, the following comments are offered for the Board's consideration:

1. **Zoning** – The subject site lies within the C-General Commercial Zone in Holgate. The site is fully developed with a Mixed Use building and numerous accessory structures. A detailed analysis of the zoning for each structure is provided as follows:
  - a. Existing Lot Area is 5000 SF where 6000 SF is required. A variance may be needed.
  - b. Existing Lot Width is 50 FT where 60 FT is required. A Variance may be needed.
  - c. Principal Structure – Existing Side Yard Setback is 2.9 FT where 3 FT is required. A Variance may be needed.
  - d. Principal Structure – Combined Side Yard Setback is 14.9 FT where 15 FT is required. A Variance may be needed.
  - e. Accessory 10 FT x 16 FT Shed (South west corner)
    - i. Existing Side Yard Setback is 2.8 FT where 4 FT is required. A Variance may be needed.
    - ii. Existing Rear Yard Setback is 2.3 FT where 4 FT is required. A Variance may be needed.
  - f. Accessory 5 FT x 5.3FT Shed (North west corner)
    - i. Existing Side Yard Setback is 2.4 FT where 4 FT is required. A Variance may be needed.
    - ii. Existing Rear Yard Setback is 2.2 FT where 4 FT is required. A Variance may be needed.
  - g. Camper/Trailer
    - i. Existing Side Yard Setback is 2.5 FT where 4 FT is required. A Variance may be needed.
    - ii. Per Ordinance 193-2(G) as it related to recreational vehicles being stored in the rear of side of residential lots, the following shall apply:
      1. Be stored parallel and adjacent to the principal or accessory structure – *Existing trailer MAY COMPLY*
      2. Not exceed the dimensions of the structure or 30 feet in length, whichever is less. – *Existing Trailer DOES COMPLY*
      3. Shall comply with the minimum accessory setbacks of the lot. - *Existing Trailer DOES NOT COMPLY*
  - h. Gazebo (North side of building)
    - i. Existing Side Yard Setback is 0.8 FT where 4 FT is required. A Variance may be needed.
  - i. Pergola (North side of building)
    - i. Existing Side Yard Setback is 1.7 FT where 4 FT is required. A Variance may be needed.

- j. Existing Refrigerator (South side of property)
    - i. This refrigerator, which was not included in the zoning schedule on the Site Plan for analysis, is 5.9 FT x 5.9 FT (34.81 SF)
    - ii. Existing Side Yard Setback is 3 FT +/- where 4 FT is required. A Variance may be needed.
    - iii. We note that this refrigerator is placed upon an existing deck which appears to have stairs. No photos were provided. A height of this structure shall be provided as the height cannot exceed 15 FT.
  - k. Existing Building Coverage is 40.4% (2020SF) where 33.3% (1665 SF) is the maximum permitted. The applicant shall verify the structures that were included in the building coverage and provide a detailed calculation for the Board's review.
  - l. Offsite Improvements – We note that there is an existing bike rack and a kayak/stand up paddleboard rack within the right-of-way of S. Long Beach Blvd which are not permitted. The applicant shall provide testimony.
2. **Parking** - The Zoning Schedule indicates that the deli use is being viewed as a retail use for the purpose of calculating parking requirements which would necessitate two (2) spaces per 1000 SF. The total floor area of the deli is 980 SF therefore two (2) spaces would be required. Alternately, if the Board views this deli use as a restaurant, then one (1) space per six (6) seats would be required whereas 24 seats are presently utilized onsite. We note that the plan appears to only show 18 outdoor seats and the application notes that no seats are provided within the interior.

<u>Parameter</u>	<u>Required</u>	<u>Provided</u>
<u>Use #1 - Restaurant Use</u>		
One (1) space per eight (6) seats (24 seats total)	4 Spaces	0 Spaces
- OR -		
<u>Use #2 - Retail Use</u>		
Two (2) spaces per 1000 SF GFA (980 SF Total)	2 Spaces	0 Spaces
<u>Residential Apartment</u>	2 Spaces	0 Spaces

- a. Depending upon the Board's interpretation of the uses onsite and the Applicant's testimony, either four (4) or six (6) spaces will be required whereas no spaces are provided. A Variance is required.

- b. Based upon the Long Beach Township Planning Board Resolution 42-86 derived from the November 1986 meeting, six (6) offstreet parking spaces were once present in the rear area of this property and considered part of the Site Plan approval for this lot. The Resolution further states that a parking sign was to be erected on the property to clearly indicate the availability of spaces in the rear yard area and the parking and driveways areas were to be created with a gravel surface.

Per the Resolution, *"the Board was of the opinion that the Application (for site plan approval) should be approved to encourage onsite parking in the general neighborhood and alleviate the current offsite parking problems now plaguing the neighbors."*

It does not appear known as to when these parking spaces and driveway area were removed. Testimony shall be provided

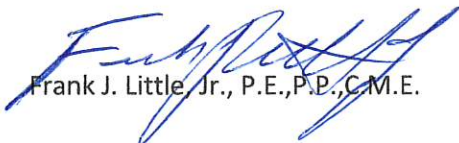
- c. We note that four (4) spaces are delineated off-site within the right of way of S. Long Beach Boulevard, however, these spaces cannot be counted towards the parking requirement.
  - d. The existing commercial use is 980 SF including the storage space in the trailer is 1146.44 SF therefore no loading zone is required as these spaces are not mandated for any building under 4000 SF in area.
- 3. **Curb and Sidewalk** – No concrete curb or sidewalk is proposed along the frontage of the long whereas both are required. A Variance is needed.
  - 4. **Trash Refuse** – No trash enclosure is provided onsite. Trash removal services should be addressed with the Board and an enclosure may be required.
  - 5. **Landscaping** – There appears to be minimal to no landscaping or buffering provided onsite. A vegetated buffer is provided on Lot 8 (residential lot), however, no buffering is provided by the subject lot to adjacent properties. Per Ordinance 164-9, *"a reasonable screening at all seasons of the year of all playgrounds and parking and service areas from the view of adjacent properties and streets be provided where necessary for the purpose of protecting the health, safety and general welfare, comfort and convenience of the public."* Testimony shall be provided.
  - 6. **Architectural Plans** – No existing architectural plans have been provided, however the Board may require the submission of floorplans to review and/or formalize the layout of the apartment and existing deli. Any seats provided should be shown.
  - 7. **Food Service** – In accordance with Ordinance Section 205-35, all outdoor food service, which includes take-out windows, shall cease at 10 pm.
  - 8. **Signage** – The applicant does not address proposed signage within this application or on the plans submitted. Any sign for this establishment must adhere to Ordinance Section 205-63.

9. **Additional Approvals:** Upon completion of this Engineer's Review, we note that should the Board approve this application, additional approvals/requirements will be as follows:
- a. Approval from any other outside agencies having jurisdiction.
  - b. Compliance with all technical revisions and/or additional information previously indicated.
  - c. Posting of the required bonds and inspection fees, should site improvements be required.

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 Township to cover the professional fee.

Very truly yours,



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

FJL:asi:blg

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Bowkers South Beach Grill