

LEON S. AVAKIAN, INC. *Consulting Engineers*

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May 4, 2018

Borough of Bradley Beach
Zoning Board of Adjustment
701 Main Street
Bradley Beach, NJ 07720

**Re: Bryan Kienlen
Block 33, Lot 28
710-714 Main Street
Borough of Bradley Beach
Our File BBBA 18-02**

Dear Chairman and Board Members:

Our office has received and reviewed an application submitted for Board approval in connection with the above referenced project. Submitted with the application are the following:

- An architectural plan consisting of three (3) sheets prepared by Cortney Walleston, R.A., of C. Wall Architecture, dated February 9, 2018, with no revisions.
- A plan of survey consisting of one (1) sheet prepared by Robert W. Smith, Jr. of Seneca Survey Co., Inc., dated December 30, 2016, with no revisions.

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 property is located at the street address of 710-714 Main Street (Lot 28, Block 33) with a total of 8,276 square feet.
- B. The existing lot contains a one-story building with a paved lot in the rear. The existing building consists of four (4) storefronts.
- C. The Applicant is proposing a tattoo parlor in one of the store fronts.

2. **Zoning and Land Use**

- A. The property is located in the GB General Business Zone and a tattoo parlor is a prohibited use.

- B. The proposed improvements require Board approval for variances on use and others as described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-10 prohibited uses in all zones, a tattoo establishments and body piercing establishments are listed as a prohibited use. The Applicant is proposing a tattoo parlor, **which requires a use variance.**

1) Criteria for Use Variance Relief

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(1). Testimony is required to demonstrate that the application satisfies the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. Consequently, the Applicant must demonstrate the following:

a) Positive Criteria

- (1) *That the site is particularly suited to the use*
- (2) *There are special reasons that allow a departure from the zoning regulations in this particular case.* In general, to show special reasons, the granting of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A. 40:55D-70.d(1)).

b) Negative Criteria

- (1) *That the variance can be granted without substantial detriment to the public good.* This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
- (2) *That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.* The Applicant needs to provide an enhanced quality of proof that the use variance sought is not inconsistent with the intent and purpose of the master plan and zoning ordinance.

- B. In accordance with Section 450-29.D., area, yard and building requirements, the following variances and existing non-conformities are noted below:
 - 1) In accordance with Section 450-29.D.(1)(d) there is no minimum front yard setback for this Zoned District. The plan of survey indicates the building encroaches 0.3 feet into the right-of-way of Main Street.
 - 2) In accordance with Section 405-29.D.(1)(e) there is no minimum side yard setback for the Zoned District. The plan of survey indicates the building encroaches 0.8 feet into Lot 27 and 0.5 feet into Lot 29.
- C. In accordance with Section 450-39.A., for retail commercial requires one (1) parking space for every 200 square feet of floor area, in excess of 1,000 square feet of total area, used for retail commercial purposes. Our office calculated a floor area of approximately 590 square feet, which does not require off-street parking spaces. However, if the proposed use of the remaining two (2) storefronts is retail commercial, then the site would exceed 1,000 square feet of floor area and would require off-street parking.
- D. In accordance with Section 450-43.B, this business requires one (1) off-street loading space in the side and rear of the building. The prior approval on this property for the microbrewery indicated a loading space in the rear of the property. The Applicant should provide testimony on type and time of deliveries.

4. **General Comments**

- A. The Applicant should provide testimony on signs and awnings. The proposed signage and awning shall comply with Section 450-50, Permitted Sign and Awning.
- B. Testimony should be provided on the days and hours of operation.
- C. A General Note should be added to the plan indicating curb and sidewalk along the frontage will be replaced if found in poor condition.
- D. The Applicant should provide information that taxes are currently paid.
- E. The Applicant shall secure any and all construction permits need for the project.

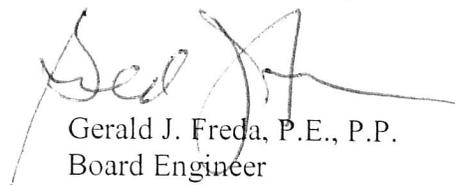
Our office reserves the right to provide additional comments upon receipt of revised plans.

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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.



Gerald J. Freda, P.E., P.P.
Board Engineer

DMH:mtf

cc: Kristie Armour, Board Secretary
Mark Kitrick, Esq., Board Attorney
Jennifer Beahm, P.P., Board Planner
Michael J. Wenning, Esq., Applicant's Attorney
Cortney Walleston, R.A., Applicant's Architect
BB BA 18-18-02