

June 4, 2019

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

**Re: Cee Bee, LLC  
Block 33, Lot 28  
710-714 Main Street  
Borough of Bradley Beach  
Our File BBBA 17-04**

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 site plan consisting of one (1) sheet prepared by Joseph L. Walker III, RA of JL Walker III Architect, LLC, dated May 6, 2019, 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.

The application has been deemed complete. 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 8,545 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. The Applicant currently occupies the storefront to the north, which is a microbrewery.
  - C. The Applicant received approval and the resolution was adopted by the Board of adjustment on August 17, 2017 for variances with microbrewery use, signage, and off-street parking.

2. **Zoning and Land Use**

- A. The property is located in the GB General Business Zone and a microbrewery is not a permitted use.
- B. The proposed improvements require Board approval for variances on use, off-street parking, and others as described in this report.

3. **Variances and Waivers**

- A. In accordance with Section 450-29.A., Permitted principal uses, a microbrewery is not listed as a permitted use. The Applicant is proposing a rear outdoor patio and sitting area for the microbrewery. The proposed improvements are an expansion of an existing non-conforming use. **A use variance is required.**

1) **Criteria for Use Variance Relief**

This application requires a use variance pursuant to N.J.S.A. 40:55D-70.d(2). 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(2)).

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 Zone 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 Zone 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.C.(2), the required off-street parking spaces for bars and restaurants in the General Business Zone and General Business West Zone is one (1) parking space for each 100 square feet of floor area designated for commercial purposes. The rear patio area will add approximately 697 square feet of commercial/bar area. This additional area would require an additional seven (7) off-street parking spaces. The Applicant is not proposing any additional off-street parking. **A variance is required.**

4. **General Comments**

- A. The Applicant is proposing 30" tall prefabricated plastic patio fencing, with two (2) gates. The Applicant should provide testimony on whether the fence is permanent or temporary/seasonal.  
  
The Applicant is proposing potted plants and should provide testimony on the type of plants.
- B. The Applicant should provide testimony on how the proposed patio area will affect vehicle movement for the staff parking.
- C. The Applicant should provide testimony on the storage sheds and what is stored in them.
- D. The Applicant should provide information that taxes are currently paid.

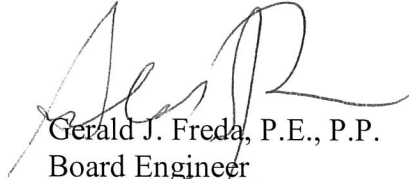
- E. The Applicant shall secure any and all construction permits need for the project.
- F. The site plan should be updated as the storage tank and shed next to the refrigeration unit are no longer on the site.
- G. The Applicant should provide testimony on how proposed outdoor area will impact the exiting loading area.
- H. The Applicant should provide testimony on the proposed use of the patio and whether the patio is open to the general public and/or private events.
- I. The Applicant should provide testimony on hours the patio will be in use, and whether the patio will be used year-round or seasonally.
- J. The Applicant should provide testimony on whether music or entertainment is to be provided for the proposed patio.
- K. The site plan indicates a CO<sub>2</sub> tank to be located on the patio. The Applicant should provide testimony on the location of the CO<sub>2</sub> tank in relation to the proposed use of the patio.
- L. The Applicant should provide testimony on how the patio will be accessed. (front or rear of the site).

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


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



Christine L. Bell, P.P., A.I.C.P.  
Board Planner

DMH:mfl/mcs

cc: Kristie Dickert, Board Secretary  
Mark Kitrick, Esq., Board Attorney  
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Michael J. Wenning, Esq., Applicant's Attorney  
Joseph L. Walker III, Applicant's Architect

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