

file

Thomas J. Coan
612 3rd Avenue
Bradley Beach, NJ 07720



Re: Approval Extension Request
Resolution #2021-16

4/21/23

Ms. Dickert,

I would like to request an extension of time from the Bradley Beach Land Use Board for our awning variance approval at 401 Main Street, dated June 17, 2021. (Resolution #2021-16) There are many factors in this request and we believe the extension of time is in the best interest of the Borough, landlord and new restaurant operator. The following facts will be presented to the Land Use Board for consideration in this request.

A- Myself and partner Frank Morris requested the original awning variance in 2021, as a better way to assist the restaurant owner at the time to enhance outdoor dining opportunity during the COVID pandemic and did so at our own expense.

B- The restaurant owner was to install the awnings at their expense and with multiple negative impacts to their business that did not happen. They vacated the space and we began our search for a new tenant.

C- We signed a lease with a new tenant, Hatch 44 Cafe, which also has a very successful operation in downtown Metuchen. Please see their website: <https://www.hatch44cafe.com>

D- This operation is different than our previous tenant, as the new hours of operation are projected to be the same as Hatch 44's Metuchen location 8 to 3, seven days a week, serving breakfast & lunch. This type of operation is unlike any we have had over our twenty eight years of ownership, as all others were dinner service businesses. We anticipate that this will be a superior situation for parking on Main Street, as this will leave more parking available at night for dinner & bar businesses in the area.

E- The Hatch 44 Cafe owners have expended substantial funds to create a new internal design environment for the space and would like the option to add the awnings as their business establishes and grows. As a ground up operation at this site, capital is a consideration in the awning installation at this time.

Please advise of possible dates to schedule the request hearing, we appreciate your assistance in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'TJ Coan', followed by a horizontal line extending to the right.

Thomas "T.J." Coan
Managing Partner



**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE BOROUGH OF BRADLEY BEACH**

RESOLUTION NO. 2021-16

WHEREAS, Thomas J. Coan (hereinafter referred to as the “Applicant”) is the owner of property known as Block 58, Lot 10, as shown on the Borough of Bradley Beach Municipal Tax Map, more commonly known as 401 Main Street, Bradley Beach, New Jersey; and

WHEREAS, the Applicant, Thomas J. Coan, appeared before the Borough of Bradley Beach Zoning Board of Adjustment (hereinafter referred to as the “Board”) for bulk variance approval; and

1. The property in question has a total area of 2,822 square feet located at the Northwest corner of Main Street and Fourth Avenue. This location is within the General Business (West) Zone. The existing lot contains a three-story multi-use building. The Applicant is proposing two (2) retractable awnings on the Fourth Avenue side of the building.
2. The existing three-story building with a ground floor consisting of commercial use and the second and third floors consisting of residential use. The multi-use building is a permitted use in the General Business (West) Zone.

3. An analysis of bulk requirements of the General Business/West Zone for yard area and building are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area	5,000 sf.	2,822 sf. (NC)	No Change
Minimum Lot Width	50 ft.	40 ft. (NC)	No Change
Minimum Lot Depth	100 ft.	70.70 ft. (NC)	No Change
Minimum Front Yard Setback	0 ft.	0.11 ft. (Main Street)	No Change
		0.75 ft. (Fourth Avenue) Encroachment (NC)	No Change
Minimum Setback from Main Street Curb	12 ft.	11.5 ft. (NC)	No Change
Minimum Rear Yard Setback	10 ft.	10.17ft.	No Change
Minimum Side Yard Setback	0 ft.	2.88 ft.	No Change
Maximum Building Height (ft.)	48 ft.	40 ft.	No Change
Maximum Building Height (Stories)	4	3	No Change
Maximum Building Coverage	90%	82%	No Change
Impervious Coverage	100%	94.5%	No Change

(NC) Indicates and existing non-conformity

4. The lot and building have non-conformities with lot area, lot width, lot depth, front yard setback, and minimum setback from Main Street.
5. In accordance with Section 450-52A (Awnings), Awnings may be erected at street level, provided that they shall not extend more than five feet from the surface plane of the largest facade wall of the building to which it is to be attached and must be not less than 8 ½ feet above ground level. Awnings may contain graphics, including the name of the establishment covering not more than 10% of the surface area of the awning and may be illuminated from the rear. Awning graphics shall be limited to logos or symbols pertaining to the identification and shall not be used as advertising.
6. The Applicant is proposing two (2) retractable awnings on the south side of the building. The first awning, closest to Main Street is 23.5 feet long and projects 11.6 feet from the building with a minimum height above ground level of 8.5 feet. The

second awning is 22.0 feet long and projects 11.6 feet from the building with a minimum height above ground level of 8.5 feet. A variance is required for both awnings which project more than 5 feet from the building.

7. Thomas J. Coan testified in support of his application. He has owned the building at 401 Main Street in partnership with Frank Morris, since 1995. Currently the Restaurant RARE, operates on the first floor and provides outdoor dining. Last Summer they utilized a tent structure for outdoor dining. The intent is to replace the tent structure with a retractable awning to avoid ripping hazards and to protect against wind events. The awnings are not allowed, per Ordinance.

The retractable awnings will be used for April through November. There will be 12 tables and 48 patrons permitted per the outdoor dining permit. There is no live music, but background music will be piped in. The dining area will be complimented with shrubs contained in containers to be a maximum height of 3-feet total. The bike racks on the property will be relocated to an area subject to the Board of Adjustment Engineer's approval.

8. Mr. Coan further testified the awnings will extend 11 feet 8 inches when fully opened. When it is closed it will project 13 inches. There will be 2 retractable awnings with an electrical service pipe in between. There will be a hand crank provided as back up should there be a power outage.
9. Mr. Coan opined that the Variance being sought for the retractable awnings satisfies the c(2) bulk variance criteria. Mr. Coan stated that the proposal will contribute to the well being of the neighborhood as well as promoting a desirable visual effect.
10. The meeting was then opened to the public.

A. James Frederick, of 704 Fourth Avenue, supports the approval since it will help Bradley Beach small business.

B. Glenn Shissias, of 112 Fourth Avenue, believes the awnings are a wonderful design and will be a model for Main Street.

C. George Januzzi, of 608 Evergreen Avenue, spoke strongly in favor of the proposal.

11. Public portion was then closed.

WHEREAS, notifications as required by the Statutes of the State of New Jersey as well as the Borough of Bradley Beach pertaining to the public hearings on this matter have been satisfactorily perfected; and

WHEREAS, the Board did conduct a public hearing on May 18, 2021 to evaluate and consider the application as set forth above; and

WHEREAS, the Board considered the various exhibits, thereafter marked into evidence and introduced as follows:

THOMAS J. COAN – 401 Main Street – Block 58, Lot 10

1. Exhibit List, marked as Exhibit A-1.
2. Zoning Permit Denial Letter, marked as Exhibit B-2.
3. 200 List, marked as Exhibit C-3.
4. 200 Photo, marked as Exhibit D-4.
5. Survey, marked as Exhibit E-5.
6. 2020 Tent Photo – RARE Restaurant, marked as Exhibit F-6.
7. Closed Retractable Awning Elevation, marked as Exhibit G-7.
8. Open Retractable Awning Elevation, marked as Exhibit H-8.

9. Mechanical Awning Cross Section, marked as Exhibit I-9.
10. Aerial Photo Del Ponte Building-600 Main Street, marked as Exhibit J-10.
11. Aerial Photo Beach Plum Building-400 Main Street, marked as Exhibit K-11.
12. Outdoor Café Design Goal, marked as Exhibit L-12.
13. 400 Main Street, marked as Exhibit M-13.

WHEREAS, based upon the testimony presented, the exhibits offered by the Applicant, the following findings of fact have been made by the Board, to wit:

1. The Board has jurisdiction to herein consider the application pursuant to N.J.S.A. 40-55D-1, et seq.
2. The Applicant has satisfied the notice requirements of the State and Municipal Ordinances, and, therefore, the Board has authority and jurisdiction to consider the application.
3. The Applicant is the owner of premises known as 401 Main Street, Bradley Beach, New Jersey and further known as Block 58, Lot 10, as shown on the Tax Map of the Borough of Bradley Beach.
4. The Applicant is proposing two (2) retractable awnings on the Fourth Avenue side of the building.
5. The proposed improvements require Board Approval for bulk variances.
6. The Board notes the history of the application as follows. The applicant made an application with the Zoning Board of Adjustment for variances. On May 18, 2021, the Applicant appeared before the Zoning Board on the application as submitted.

NOW, THEREFORE, be it hereby resolved by the Board that it adopts the aforesaid findings of fact, and specifically makes the following conclusions:

1. Based upon the aforesaid findings of fact, the Board concludes that the Applicant has demonstrated that the purposes of the Municipal Land Use Law and the Land Use Ordinances of the Borough of Bradley Beach, would be advanced by a deviation from the zoning ordinance requirements at issue, and further that the benefits of any such deviation would substantially outweigh any detriment resulting from approval of the application.
2. Based upon the aforesaid findings of fact, the Board further concludes that granting the approvals set forth herein will not cause substantial detriment to the public good, will not substantially impair the intent and purpose of the zoning ordinance and master plan of the Borough of Bradley Beach, does promote the safety and welfare of the residents of the municipality and that the positive and negative criteria have been satisfied and accordingly the Applicant satisfied the requirements of obtaining the said Variance(s).
3. The Board is further satisfied that the information and evidence submitted by the Applicant is sufficient to permit the Board to make a decision in this case, as such, waives any additional formal requirements as contained in the Borough Ordinance.
4. The Board has concluded that the proposed application would not adversely impact upon the master plan of the Borough of Bradley Beach and does promote the safety and welfare of the residents of the municipality and accordingly has satisfied the requirements of obtaining the said Variance(s).

IT IS FURTHER RESOLVED, by the Borough of Bradley Beach Zoning Board of Adjustment that the C (2) bulk variances requested are hereby *granted* subject to the following:

1. The Applicant shall cause notice of the decision to be published on one occasion in the official newspaper of the Borough of Bradley Beach and return proof of publication to the administrative office of the Board of Adjustment.
2. The Applicant shall pay any application fees and taxes, which may be due to the Board or the municipality.
3. The approval is subject to the posting of any and all required guaranties or other escrows, which may be required by the appropriate Borough officers or professionals to secure performance of this approval.
4. The approval is subject to compliance with all federal, state, and local rules, regulations, laws and/or ordinances and the procurement of any required governmental approval or permits required in connection with this application.
5. Construction shall commence within two (2) years of the adoption of the Resolution, or the Applicant shall appear before the Zoning Board of Adjustment within two (2) years of the Adoption of the Resolution and request an extension.
6. The applicant shall comply with all the provisions of the engineering review letter of Gerald J. Freda, P.E., P.P., dated May 7, 2021 unless modified herein.
7. A hand crank shall be provided as a back-up.
8. The 2 bike racks will be relocated subject to the Borough Engineer's approval.
9. The traffic control box will be a minimum of 4 feet from the outdoor dining area.

IT IS FURTHER RESOLVED that a copy of this Resolution certified by the secretary of the Borough of Bradley Beach Zoning Board of Adjustment to be true shall be forwarded to the Construction Code Officer, Borough Clerk, Board Engineer, Borough Assessor and within ten (10) days of the date hereof to the Applicant herein.

BE IT FURTHER RESOLVED that the notification of this Resolution shall be published in one of the approved newspapers of the Borough of Bradley Beach Zoning Board of Adjustment, the Asbury Park Press, the Coaster, or the Coast Star within ten (10) days of its passage.

MOTION TO ADOPT & MEMORIALIZE:

Offered by: Harvey Rosenberg

Seconded by: Dennis Mayer

Michael Affuso N/A – Recused

David Critelli YES

Raymond Wade YES

JohnEric Advento N/A

Lauren Saracene YES

Dennis Mayer YES

Harvey Rosenberg YES

Alternates:

Deborah Bruynell (Alt 1) YES

Teresa Rosenberg (Alt 2) Absent

Victoria Leahy (Alt 3) N/A

CERTIFICATION

I hereby certify that I, the undersigned, am the Secretary of the Board of Adjustment of the Borough of Bradley Beach, and I hereby certify that the foregoing Resolution was adopted by the Board of Adjustment at a regular meeting held on the 17th day of June 2021.



**Kristie Dickert, Secretary
Borough of Bradley Beach
Zoning Board of Adjustment**