

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P., CPWM
LOUIS J. LOBOSCO, P.E., P.P.
GERALD J. FREDA, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, P.E.

March 5, 2021

Board of Adjustment
Borough of Belmar
601 Main Street
Belmar, NJ 07719

**Re: Minor Site Plan
Booskerdoo Coffee & Baking Co.
1012 Main Street
Block 105, Lot 15
Borough of Belmar
Our File BPB 20-06**

Dear Board Members:

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

- An architectural site plan consisting of seven (7) sheets prepared by Gregory Ralph, R.A of Gregory Ralph Architect, dated February 9, 2021, with no revisions.
- A structural plan consisting of six (6) sheets prepared by Steven R. Savino, R.A., with no date. The plans were not signed or sealed by the person that prepared the plan.
- A survey of property consisting of one (1) sheet prepared by Marc J. Cifone, P.L.S., of Lakeland Surveying, dated May 14, 2019, with no revisions. This survey is not to scale.

The application has been deemed complete. Our office has reviewed the plans to determine if they conform with the Development Regulations and provide the following report.

1. Description of Property

- A. The site is comprised of one (1) lot consisting of a lot area of 14,988.6 square feet at the northeast corner of the intersection of Main Street and Eleventh Avenue.
- B. The existing lot currently contains a masonry building consisting of two (2) vacant storefronts, a paved parking lot, an existing one-story dwelling at the rear of the lot, and an existing detached one-story stucco garage.

- C. The Applicant is proposing a change in use to a retail bakery (Booskerdoo coffee and pastry shop), with outside dining, and improvements to the parking lot as well as a trash enclosure.

2. Zoning and Land Use

- A. The property is located in the Central Business District 1 (CBD-1) in which the proposed retail bakery is a permitted use. The property has a single-family dwelling at the rear of the lot with a detached garage. This use is not listed as a permitted use. The improvements on lot with a non-conforming use will require a use variance.
- B. The proposed site plan requires Board approval for minor site plan and a variance on use. The Applicant is requesting a waiver for parking and parking space size.

3. Variances and Waivers

- A. The Applicant is proposing improvements to a lot with two (2) uses. The proposed uses are a retail bakery and single-family dwelling. The retail bakery is listed as a permitted use, but the single-family dwelling use is not listed. The proposed improvements are an expansion of a non-conforming use. **A D(2) is required.**

A D(2) use variance to permit an expansion of an non-conforming use is required. The Applicant must satisfy both the positive and negative criteria to obtain the requested use variance.

- (1) Proving the positive criteria for d(2) variances is set at a lower bar than for a new non-conforming use. Proof should still be proffered that demonstrates the furtherance of a goal of zoning.
- (2) Proving the negative criteria requires evidence that the site can accommodate the expansion of the use without causing a substantial detriment to the public good, nor a substantial impairment the intent and purpose of the zone plan and zoning ordinance.

B. Bulk Requirements and Yard Area and Principal Dwelling.

- 1) An analysis of the bulk requirements of the Central Business District-1(CBD-1) for Yard Area and Principal dwelling are as follows:

Bulk Requirements	Permitted	Existing	Proposed
Minimum Lot Area (Corner Lot)	7,500 sf.	14,988.6 sf.	No Change
Minimum Lot Frontage	50 ft.	99.89 ft.	No Change
Minimum Front Yard Setback (Building) Main Street	0	0	No Change
Minimum Front Yard Setback (Building) Eleventh Avenue	0	19.7 ft.	1.7 ft.
Minimum One Side Yard Setback (Building)	0	0 ft.	No Change
Minimum Total Side Yard (Building) Setback	0 ft.	N/A	N/A
Minimum Rear Yard Setback (Building) (Abuts Residential)	25 ft.	± 90 ft.	No Change
Minimum Front Yard Setback (Dwelling) Main Street	0 ft.	±100 ft.	No Change
Minimum Front Yard Setback (Dwelling) Eleventh Avenue	0 ft.	11.92 ft.	No Change
Minimum One Side Yard Setback (Dwelling)	0	± 32 ft.	No Change
Minimum Total Side Yard Setback (Dwelling)	0 ft.	N/A	N/A
Minimum Rear Yard Setback (Dwelling)	10 ft.	± 12 ft.	No Change
Maximum Lot Coverage	100%	Less than 100%	No Change
Maximum Building Coverage	80%	Less than 80%	No Change
Accessory Building			
(Garage) Side Yard Setback	5 ft.	5 ft.	No Change
(Garage) Rear Yard Setback	5 ft.	2.5 ft. (NC)	No Change

(V) indicates a variance is required

(NC) Existing non-conformity

C. In accordance with Section 40-7.5 (Site Triangle at Intersection) states:

“Unless more stringent regulations are provided by other provisions of this chapter, at the intersection of two or more street, no hedge, fence, screening strip or wall high or wall higher than 30 inches above curb level, nor any obstruction to vision, other than a post not exceeding one foot in diameter, shall be permitted on any lot within the triangular area formed by two intersecting street lines bounding said lot, or the projection of such lines, and by a line connecting a point, on each line located 25 feet from the intersection of the street lines.” The Applicant should provide information that outdoor area will not encroach into the site triangle.

- D. In accordance with Section 40-9.2.b.1.(c) for non-residential developments, off-street parking shall be as set forth in Exhibit 40-9-2.

The off-street parking requirement for retail store such as a bakery is one space per 200 square feet of the gross floor area. The Applicant indicates a gross floor area of 1,982 square feet, which does not include the outside sitting area. The required off-street parking is ten (10) spaces. The site plan shows fourteen (14) spaces with no ADA spaces indicated on the plan.

The off-street parking calculations did not account for the outdoor seating area or the other storefront on the property. The area for outside dining is approximately 735 square feet and the remainder of the building is approximately 2,000 square feet. These areas would require fourteen (14) additional off-street parking spaces, which the site plan does not show. **A design waiver is required.**

- E. In accordance with Section 40-9.2.b.1.(i), within the CBD-1 District, off-street parking shall be provided in public parking lots or shared use parking lots. New development in the CBD-1 shall be required to show that under a shared use approach, adequate parking will be available in a public or a shared use lot. Testimony should be provided.

- F. In accordance with Section 40-9.2.b.2. each off-street parking space shall measure at least 9 feet in width by 18 feet in length. Parking spaces for the physically handicapped shall be 12 feet wide and 18 feet long.

The Applicant is proposing ten (10) parking spaces measuring 9 feet in width and 18 feet in length. These parking spaces conform. The Applicant is proposing four (4) spaces (along building) measuring 8.83 feet in width and 22.17 feet in length. **A design waiver is required.**

- G. In accordance with Section 40-9.2.b.3.(c), the width of all aisles providing direct access to individual parking stalls shall be in accordance with the following for 90-degree parking angle requires a minimum aisle width of 24 feet. The Applicant is proposing a parking angle of 90 degrees and a proposed aisle width of 24.14 feet, which conforms.

- H. In accordance with Section 40-9.2.b.3.(e), Parking areas shall be suitably landscape to minimize noise, glare and other nuisance characteristic as well as to enhance the environment and ecology of the site and surrounding area. The Applicant does not indicate any existing or proposed landscaping. Testimony should be provided.

- I. In accordance with Section 40-9.2.b.3.(f), Lighting used to illuminate off-street parking areas shall be arranged to reflect the light away from residential premises and street. All parking facilities providing five or more parking spaces shall be lighted. The Applicant's plan does not indicate any existing or proposed lighting for the parking area. Testimony should be provided.
- J. In accordance with Section 40-9.2.b.4., every parking lot shall have at least one (1) accessible parking space for the handicapped with a lot having up to 50 parking spaces. The Applicant should provide handicapped accessible space.
- K. In accordance with Section 40-9.2.c.2, access to trucks for loading and unloading may be provided directly from a public street or alley or from any right-of-way that will not interfere with public convenience and will permit orderly and safe movement of truck vehicles. The Applicant should provide testimony on how delivery trucks will access the site, and where loading and unloading of trucks will take place.
- L. In accordance with Section 40-9.3.c.2.(f), Sight triangle easements shall be required and shall include the area on each street corner that is bounded by the line which connects the sight or "connecting" points located on each of the right-of-way lines of the intersecting street. The planting of trees or other plantings or the location of structures exceeding 30 inches in height that would obstruct the clear sight across the area of the easements shall be prohibited; and a public right-of-entry shall be reserved for the purpose of removing any object, material or otherwise, that obstructs the clear sight.

The Applicant should show the sight triangle required and confirms the outside dining area and structure are not within the sight triangle.

4. Site Plan Comments

- A. The Applicant did not indicate any proposed signs for the site. The Applicant should provide testimony on signage.
- B. The Applicant should provide testimony addressing vehicular movement in and out of parking space numbers 1, 11, 12,13 and 14.
- C. The Applicant should provide a detail of the waste management and recycling bin and should indicate any existing or proposed landscaping for the trash enclosure. Testimony should provide times on trash and recycling pick up.

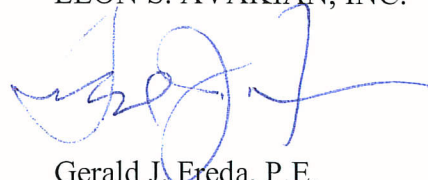
5. Conditions of Approval

- A. Payment of any outstanding real estate taxes.
- B. Granting of any required construction permits.
- C. Performance Guarantees and Inspection Fees per Borough Ordinance.

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.
Board Engineer



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

DMH:mfl

cc: April Claudio, Board Secretary
Kevin Kennedy, Esq., Zoning Board Attorney
Kia Peter, Applicant
Marc J. Cifone, P.L.S., Applicant's Surveyor
Gregory Ralph, R.A., Applicant's Architect
B/PB/20/20-06a