

BOROUGH OF BELMAR PLANNING BOARD RESOLUTION

GRANTING WAIVER FOR APPROVAL
FOR A CHANGE IN USE TO
DYNAMIC ENGINEERING Consultants, PC
UNIT 4C, 825 8th AVE, BELMAR PLAZA
BLOCK 86.01, LOT 1

WHEREAS, Dynamic Engineering Consultants PC hereinafter referred to as the “Applicant,” has been granted permission by the owner of property to proceed with a development application for property located at Block 86.01, Lot 1, as shown on the official tax map of the Borough of Belmar with an address of 825 8th Avenue, Belmar Plaza, Unit 4C in the Borough of Belmar, County of Monmouth and State of New Jersey; and

WHEREAS, the Applicant seeks a waiver from the application requirements for a change in use to establish a consulting engineering firm ; and

WHEREAS, the Applicant has not sought any variance relief and but for approval for a change in use, the Applicant’s Development Application otherwise conforms to the requirements of the Borough of Land Use Ordinances in all respects; and

WHEREAS, after proper notice, a public hearing on the application was heard on (DATE); and

WHEREAS, the Board considered:

- a. Borough of Belmar Planning/Zoning Board Development Application, marked A-1;
- b. Construction Floor Plan, prepared by Aztec Architect LLC, revised March 6, 2020 2011, marked A-2;

- c. Deed Restriction applicable to parking are marked A-3;
- d. April 8, 2020 writing from the Applicant, providing information concerning change of use, historical information concerning the property's prior use, marked , A-4;
- e. Memorandum from the Site Plan Review Committee, dated April 27, 2020 marked PB-1; and

WHEREAS, after carefully considering the evidence presented to it, the Board has made the following findings of fact:

1. The property is located in the Belmar Plaza within the building area which was previously occupied by West Marine.
2. The Applicant seeks approval for a change in use to establish a professional office for the Applicant's consulting engineering firm, a permitted use in the CBD-1 Zone, wherein the property is located.
3. The office area is approximately 6,225 SF; Applicant seeks a change in tenancy, and proposes no exterior improvements that would impact the existing drainage, circulation, landscaping, buffering, lighting or any other elements of the existing site. The office use would result in a reduced parking demand (1/250 SF) as compared to the prior retail use (1/200 SF) resulting in improved parking usage for other restaurants and retail uses in the immediate area.
4. In accordance with Borough Ordinance, the Planning Board upon the recommendation of the Site Plan Committee of the Planning Board, may waive the requirement for plan approval where there is a **change in use** and no extensive construction or improvements are sought, or the improvements or construction are de minimus in nature. The waiver is granted

upon resolution of the Planning Board finding that the use or de minimus improvements or construction will not affect existing drainage, circulation, relationship of buildings to each other, landscaping, buffering, lighting, and other considerations of site plan approval. and that the existing facilities do not require upgraded or additional site improvements.

5. The Site Plan Committee has recommended that a waiver be granted. The Planning Board finds the the Applicant has demonstrated the requisite proofs for entitlement to receive a waiver in accordance with Borough Ordinance and;

WHEREAS, the Board finds that the change in use will conform to Zone Plan and Zoning Ordinances; and

WHEREAS, the Board finds that the Applicant has met its burden to establish its entitlement to relief;

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the Borough of Belmar hereby approves the waiver for and hereby approves the application for a change in use in accordance with the materials submitted by the Applicant, subject to the following conditions:

- A. Publication by the Applicant of a notice of this decision in the official newspaper serving the Borough of Belmar and return of proof of publication to the Secretary of the Planning Board.
- B. Payment of all taxes and assessments to date. No building permits or certificates of occupancy are to be issued until proof is furnished to the Secretary of the Planning Board that there are no taxes or assessments due or delinquent on the property in question.

C. The Applicant shall proceed in accordance with the plans cited above and as is consistent with the Board's finding of facts.

D. The Applicant will comply with any and all other requirements of the Borough of Belmar and/or any governmental subdivision, as set forth in any laws, Ordinances or regulations and will obtain any permits or approvals required thereunder.

E. Any further development of the site shall conform to Borough Ordinances. .

F. The Applicant has neither sought nor has any variance relief been granted to the Applicant with regard to this matter.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Borough Clerk, the Borough Construction Official, the Borough Engineer, the Borough Tax Collector, the Borough Tax Assessor, the Water and Sewer Department and the Borough Attorney and the Applicant herein;

BE IT FURTHER RESOLVED that this Resolution be and herewith is effective on (DATE);

The foregoing Resolution was offered by _____ and seconded by _____ and adopted by a roll call vote:

In Favor:

Opposed:

Abstained:

Ineligible:

Absent:

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Belmar on this (DATE).