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May 12, 2020

Chairman and Members
Borough of Harvey Cedars
Land Use Board
7606 Long Beach Blvd.
Harvey Cedars, NJ 08008

Re: Docket No.: 2020-04
Variance Application
Applicant: Amy Haeberlein
Block: 57, Lots: 1-14
Location: 7801-05 Long Beach Boulevard
OLA File No.: HCLU-2020-02
Second Review Letter

Dear Chairman and Board Members:

This office is in receipt of and has reviewed the Variance Application for the above referenced site.

The applicant proposes the addition of a retail space within the existing restaurant use and seeks a waiver from Site Plan Review and Approval as the site is fully developed. It is noted that a change of use is required to add retail space to the existing restaurant site. A change of use requires Site Plan approval. We note that the website for Birdi's describes the business as an Artisanal Market/Café which may differ from a typical restaurant use. The applicant shall provide testimony explaining the functions of an artisanal market/café.

The existing restaurant use provided for 75 seats. The proposed business hours will be 7am to 7pm daily.

The submission consists of the following:

- A. An 11"x17" hand drawn sketch was submitted with this application. The sketch shows various tables and seating within the existing footprint of the building. The sketch does not show the location or approximate size of the retail space.
- B. In addition to the applicant's description of operations, the following documents are provided by our office for the Board's consideration:
 - 1. Resolution 2015:04 for approval of the current 75 restaurant seats. We note dependent on the use of the employee parking as well as the reservation only facility the number of seats permitted varies from 75 to 66 to 48.
 - 2. Our review letter of August 17, 2015 for the 75 seat approval.
- C. **An updated Explanation of Operations was provided by the Applicant and is dated 4/21/2020.**

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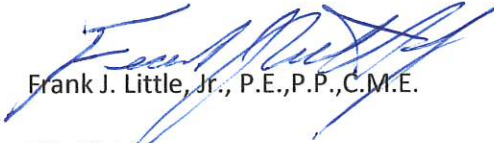
- D. **A hand-drawn floorplan was provided by the applicant and stamped received May 8, 2020 by Owen, Little & Associates.**

Based on our review of the submitted material, we offer the following for the Board's consideration:

1. **Zoning** – The subject site and existing dwelling lies within the LC- Limited Commercial District. The proposed uses are permitted in the Zone.
2. **Architectural Plans**- **No architectural plans were submitted as part of this application. The applicant provided a hand drawn sketch of the floor plan and notes that seating will be inside the dining room and outside on the deck. The Garden Room towards the front of the store will be 308 SF and reserved for retail. Testimony should be provided as to any alterations to the interior of the restaurant.**
3. **Site Plan** – The applicant has requested a waiver from Site Plan detail as the site is fully developed and no exterior changes are proposed.
4. **Off Street Parking**- Pursuant to Ordinance section 13-11.5, the following parking requirements apply to this site:
 - a. **Restaurant Use**- 1 space per 3 seats x 75 seats = 25 parking spaces required.
 - b. **Retail Use**- 1 space per 200 S.F. of retail area is required. The retail space is 308 SF therefore a minimum of two (2) parking spaces will be required for the retail use.
 - c. **Apartment**- 2 space per apartment unit x 1 apartment unit = 2 parking spaces required.
 - d. **Employee Parking**- 1 parking space per employee is required. It is noted within the application that the southside parking area will be reserved for employees. Per 13-11.5(7), a restaurant may establish and file a plan to have their employees park within a borough approved parking area. The plan must be filed by May 1st of each year within the Zoning Department and the restaurant shall supply one (1) windshield placard for each employee. Testimony should be provided as to the number of employees expected and if a Borough approved plan will be required.
 - e. Based on the above, a total of 29 parking spaces may be required where 21 spaces are provided onsite pursuant to the previous approval.
5. **Additional Approvals** – Additional approvals will be required from any other agencies that have jurisdiction.

We recommend this application be deemed complete provided the applicant has met the administrative requirements of the Ordinance.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Frank Little, Jr.", is written over the typed name.

Frank J. Little, Jr., P.E., P.P., C.M.E.

FJL:ASI:blg

Cc: Christine Lisiewski, LUB Secretary (tax@harverycedars.org)
S. Snyder, Esq. (stuartsnnyder@verizon.net)
Amy Haeberlein, Applicant

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