

June 12, 2020

Ms. Candace Mitchell, Planning Board Secretary
Borough of Sea Bright
Unified Planning Board
1167 Ocean Avenue
Sea Bright, NJ 07760

Tommy's Tavern (1010 & 1030 Partners, LLC)
Temporary Waiver of Resolution Condition
First Technical Review
Block 17, Lots 4 & 5; B-R Zone
Sea Bright App. # PBZB 2016-008
HACE # SEP-106

Dear Ms. Mitchell:

Our office is in receipt of an application for the waiver of Condition 4 & 5 in the resolution for the above Site Plan for Tommy's Tavern and Tap at 1030 Ocean Avenue in Sea Bright. The applicant submitted the following:

- Application package, including ownership information, NJDEP Conservation Restriction/easement, CAFRA Permit, Resolution of approval and A-1 reduced site plan sheets.

A) Introduction

The property is located on Ocean Avenue (NJ State Highway Route 36) three lots North of Peninsula Avenue. Lot 4 has a frontage of 93.42 feet on Ocean Avenue and Lot 5 has a frontage of 143.75 on Ocean Avenue for a total frontage of 236.92 feet. Lot 5 also has 61.47 feet of frontage on Rumson Road. Both lots are rectangular. Lot 4 has about 252 feet of depth and also fronts on the Shrewsbury River. Lot 5 has a depth of 82.57 feet. Lot 4 contains Tommy's Tavern and Lot 5 was the site of a previous gas station. On the property, there exists a two story restaurant with offices and dining on the second floor. There is also an outdoor dining area, a trash enclosure and a walk-in cooler. The property is in the BR Zone and is an allowed use. The property received site plan approval from the board on June 27, 2017.

The applicant is proposing to temporarily use the rear portion of Lot 4 for dining during the Covid-19 Emergency. A temporary 40 foot by 80 foot tent has been erected and has been denied by the Zoning Officer.

The resolution of approval did not allow serving of food or drink in this area. The applicable Resolution Specific Conditions are:

4. *There will be no wait service to the rear yard grove area – no food or drinks will be served in this area. Wait service will not be permitted beyond the previously approved rear dining patio.*
5. *No person will be served food unless they are seated at a dining table in the permitted dining areas or seated at a permitted bar.*

B) Technical Review:

- 1) The applicant has not indicated how he will accomplish this change. The number of tables and seats as well as their arrangement should be provided.
- 2) The number of patrons to be accommodated should be no more than that granted under the previous approval since any additional will affect parking and traffic concerns.
- 3) Testimony should be provided about noise and lighting that may affect surrounding properties.
- 4) The Borough did pass ordinance 05-2020, allowing outside dining temporarily as long as there was no previous restriction imposed by either the Borough Council or the planning Board. **The Planning Board restriction is the subject of this application.**
- 5) The applicant shall comply with all building, FEMA and fire codes including but not limited to, entrances and exits.

If you have any questions regarding the matter please do not hesitate to contact our office.

Very truly yours,

HODER ASSOCIATES



David J. Hoder, P.E., P.P., C.M.E.
Unified Planning Board Engineer

cc: Kerry Higgins, Esq, Board Attorney,
Tommys Tavern, Applicant
Robert Munoz, Esq, applicants attorney

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