

May 12, 2022

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

Re: Tommy's Tavern (1010 & 1030 Partners, LLC)  
Site Plan Application for Outdoor Tent  
First Technical Review  
Block 17, Lots 4 & 5; B-R Zone  
Sea Bright App. # PBZB 2022-012  
HACE # SEP-167

Dear Ms. Mitchell:

Our office is in receipt of the above Site Plan for the above application for the expansion of Tommy's Tavern and Tap at 1030 Ocean Avenue in Sea Bright. The applicant submitted the following:

- Application package
- Zoning Denial from John Mele, Zoning Officer dated 3/30/22.
- Location and Topographic Survey for 1030 Partners at Lot 4 Block 17 on the current official tax map, Borough of Sea Bright, Monmouth County, NJ by James B Goddard, PLS dated September 9 2014.
- Site Plan entitled "1010-1030 Ocean Avenue, Amended Site Plan, Block 17 Lot 4 & 5, Borough of Sea Bright, Monmouth County, NJ by Marc Leber, PE, dated 4/22/22, consisting of 4 sheets.
- Architectural Plans by Urban Tectonics, LLC, Glen Ridge, NJ, last revised 3/12/22 consisting of sheets A-6 and A6.1.

#### 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. The applicant is requesting approval for a 40 ft. by 40 ft. seasonal structure for dining in the rear yard and changes to the front of the building that include a 54 seat dining areas and sign changes. The applicant has been before the board numerous times. The property is in the BR Zone and the restaurant is an allowed use.

The outdoor tent was previously approved for temporary emergency use under Ord. 05-2020. The front of the building is presently being reconstructed as per the last most recent site plan.

The applicant is proposing the following outside improvements:

- 1) A 40 ft by 40 ft aluminum frame fabric tent to seat 54 people. The size is contrary to Section 130-38.1(1) where an accessory structure must be no larger than 500 sf. *They are proposing 1600 sf and a variance is required. The tent appears to have been designed for 110 mph wind speed.*
- 2) A front dining area of 54 seat capacity. *It is unclear if this is on the first floor or on the second floor deck that will be modified as part of this application.*
- 3) A new awning on the lower part of the South Tower with goose neck lighting.
- 4) There appear to be additional façade changes to the building. **The applicant should provide a full list of the improvements to be constructed under the application.**

B) Fees

Item	Application Fee	Escrow Fee
Site Plan - Preliminary	\$350	\$2000
Site Plan - Final	\$350	\$2000
Parking Variance	\$400	\$1000
Tent size Variance	<u>\$400</u>	<u>\$1000</u>
<b>TOTALS</b>	<b>\$1500</b>	<b>\$6000</b>

C) Zoning

Previous non-conforming approved bulk variances include front setback, and side setback which is not changing. Our office has prepared the zoning table below:

BR Business River - Zone Schedule

Item	Required	Proposed
Lot Area (lots 4 & 5)	4,000 S.F.	24811.5 S.F.
Lot Width	50 Ft.	237.17 Ft.
Lot Depth	60 Ft.	252.9 & 82.57 Ft.
Front Yard Setback	25 Ft.	9.0 Ft.
Side Yard Setback	7 Ft.	0.0 Ft.
Side Yard Combined	15 Ft.	0.0 Ft.
Rear Yard Setback	15 Ft.	68± Ft.
Max. Lot Coverage	70 %	76.5± % <sup>1</sup>

Max. Building Coverage	50 %	49± % <sup>1</sup>
Max. Building Height	38 Ft./3 St.	35 ft./3stories
Min. Gross Floor Area	880 S.F.	14,774 S.F..

<sup>1</sup>The building coverage and lot coverage values should be calculated by the applicant based on lots 4 & 5 combined. Our calculations are approximate.

#### D) Signs

- 1) It is unclear if any new signs will be provided. The plan shows 3 signs, one on the tower (27sf), one on the front (45 sf) and one on the North façade (34 sf); all previously approved. Testimony should be provided.
- 2) There was a previous sign on the tower “Tommy’s to Go”, that may be covered by a canopy or removed. All signs should be detailed and placed on a table with square footages listed.

#### E) Parking

- 1) In order to know the intensity of the proposed full development and to calculate parking demand, the applicant should provide a full table of seating and standing (bar and lounge capacities) including the existing restaurant.
- 2) The plans indicate that 195 seats will be inside and 104 seats will be outside. Locations for these seats should be placed on the site plans. (restaurant, front foyer, bar flex space, covered patio, tent and outside table tops).
- 3) The ordinance Section 130-43 Off Street Parking requires 1.0 space per each 3 persons of legal capacity, plus 1.0 per employee or if 1.0 per 200 square feet of total floor area is greater, then this greater amount shall be provided.
- 4) There are 48 spaces in the previously approved parking lot. This equates to 144 seats capacity or 9,600 square footage of building area. *A table should be provided for both seats and square footage.*

#### F) Technical Review:

- 1) Section 130-47 The property is located in the FIRM Flood Zone AE with a minimum elevation of 8.0. Any buildings built, if this application is approved, shall have the lowest horizontal structural member including basement, together with attendant utility and sanitary facilities, built to a minimum of three feet above the base flood elevation or 11.0. *The ground floor is elevation 5.9 on the site plan.*

- 2) Section 130 58 L 1 Outdoor lighting shall be so designed as not to cause glare upon adjoining residential property or interfere with vehicular traffic. *The nature of any lighting for the new restaurant spaces should be explained and any possible effect on adjacent condo or apartment windows and residences should be analyzed.*
  - 3) Section 130-59 A11 - Landscaped planting shall be provided around buildings, parking areas and as otherwise required by this chapter, as well as along the perimeter of land occupied by multifamily development. Now that the tent will become permanent some *landscaping could be provided around it.*
  - 4) Section 130-101 Stormwater - This cannot be considered a Major Development in that the application is not disturbing more than one acre of land or is building more than one quarter of an acre of impervious surface. *The applicant does not need to provide reduction of stormwater flow.*
  - 5) ***The applicant should provide testimony on the noise that will emanate from the facility after the proposed additions.***
- G) If the applicant is successful, the following items shall be provided at the appropriate time:
- 1) Section 130-67 A 1 - Performance Guarantees - Prior to the signing of a final plat of a subdivision or of a site plan, issuance of a development permit and/or the commencing of any clearing, grading or installation of improvements, the developer shall have filed with the Borough a performance guaranty sufficient in amount to equal 120% of the total cost to the Borough, as estimated by the Borough Engineer, of constructing those on-site, on-tract, off-site and off-tract, improvements necessary to protect adjacent property and the public interest in the event development of the site were not completed.
  - 2) Sanitary sewer flows used to calculate fair share and connection fees shall be provided.
  - 3) The applicant shall be subject to any affordable housing requirements of the Borough of Sea Bright. Outside Agency Approval
- H) The application shall be subject to review by all regulatory agencies having jurisdiction, including:
- 1) The Coastal Area Facilities Review Act

- 2) The Sea Bright Fire Department
- 3) Flood Plain Official.

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: Monica Kowalski, Esq, Board Attorney  
Tommys Tavern, Applicant  
Mark Leber, PE, Applicant's Engineer  
Mark A Steinberg, Esq, Esq, applicants attorney