

December 7, 2020

Planning Board  
Borough of Allenhurst  
125 Corlies Avenue  
Allenhurst, NJ 07711

**Re: Amended Final Site Plan Approval  
401 Main Allen, LLC  
401 Main Street  
The Butchers Steakhouse Restaurant  
Lot 1, Block 21  
Borough of Allenhurst  
Our File: ALPB 20-04**

Dear Board Members:

Our office has received and reviewed an application for Planning Board approval in connection with the above referenced project. Submitted with this application are the following :

- Minor Site Plan consisting of three sheets prepared by Charles J. Witzcak III, P.E. of Witzcak Engineering, Inc., dated August 1, 2020, with no revision date.
- Survey of Property, 401-415 Main Street, Lot 1, Block 21, consisting of one (1) sheet prepared by Charles Surmonte, P.E. & P.L.S., dated June 5, 2019, with no revision date.
- Stormwater Management Report for 401 Main Street prepared by Charles J. Witzcak III, P.E. of Witzcak Engineering, Inc., dated August 1, 2020, with no revision date.

The application has been deemed **COMPLETE**. We have completed our engineering review of the submitted application and offer the following comments:

**1. Property Description**

A. The subject property is located at 401 Main Street (Lot 1, Block 21 on the Current Tax Map) and contains 9,457 square feet. The property is approximately 75± feet in depth by 151± in width.

B. The lot currently has the following commercial structures:

One story	± 3,240 sq. ft.	Allenhurst Wine & Spirits
One story	± 644 sq. ft.	Needle Point Boutique
One story	± 695 sq. ft.	Butchers Steakhouse
Two story	± 921 sq. ft.	Restaurant/Office
One story	± 204 sq. ft.	Glass Enclosed Dining Room
	± 116 sq. ft.	Storage

± 105 sq. ft.	Storage
± 28 sq. ft.	Storage
± 49 sq. ft,	Storage
± 239 sq. ft.	Covered Patio
± 1,947 sq. ft.	Paver Patio

- C. Under this application, the Applicant request amended final site plan approval to undertake the following improvements in the rear yard of the building:
  - 1. Install a paver walkway, concrete pads, steps with handrails and associated drainage improvements.
  - 2. Install a new depressed curb and construct a new trash enclosure in order to relocated the existing dumpster from the adjacent municipal parking lot to the Applicant's property.
- D. In accordance with judge's ruling, this project requires an amended site plan approval from the Planning Board.

**2. Zoning and Land Use**

- A. The property is located in the C-1 Commercial District, under Ordinance 26-4.5.a - The following uses are permitted:
  - 26-4.5.a.4 – Arts, Crafts and Hobbies Sales
  - 26-4.5.a.10 – Business and Professional Offices
  - 26-4.5.a.29 – Liquor Stores
  - 26-4.5.a.45 – Restaurants
- B. The proposed modifications will add additional impervious coverage to the storage area and increase the trash enclosure space.
- C. Under Ordinance 26-6.2.b.2

Except as hereinafter provided, no construction permit shall be issued for any structure until a site plan has been required and approved by the appropriate board, except.

Section 2 - Any addition or alteration to an existing conforming residential or nonresidential structure which does not account for more than twenty-five (25%) percent additional building coverage shall not require site plan approval if, in the opinion of the construction official, such addition or alteration will result in non-conformance with Borough ordinances and will not create nuisance problems to adjacent land uses.

The zoning officer has determined the following:

Since the drainage created by the installation of impervious surface could increase flow into the municipal lot and the curb of the municipal parking lot

is proposed to be altered to accommodate the trash receptacle enclosure, the Borough Planning Board will need to review the proposed drainage plans and the area of proposed work for appropriateness.

**3. Variances and Design Waivers**

A. The subject property is situated within the C-1 Commercial District. The table below summarizes the zone requirements and bulk measures for the property.

Description	Required	Existing	Proposed
Building Height	2 story/ 28 ft.	2 story	No change
Front Yard Setback	8 ft.	3.7 ft.(NC)	No change
Side Yard Setback	10 ft.	44 ft.	No change
Rear Yard Setback	15 ft.	0.9 ft. (NC)	No change

**(NC) indicates an existing non-conformity**

B. Ordinance Section 26-5.9.a – states no stormwater or natural drainage which originates on the property or water generated by the activity, e.g. – air conditioner, swimming pools, shall be diverted across property lines unless transported in an approved or existing drainage system. The Applicant proposes 0.01 cfs of additional stormwater flow into the municipal parking lot with no proposed drainage. The site is completely developed and has minimal open space to handle stormwater runoff. Impervious lot coverage information shall be provided on the plan. **A design waiver is required.**

C. Ordinance Section 26-5.13 – states no accessory structure shall be permitted in a front yard. No accessory structure other than the following shall exceed five (5) feet in height or forty (40) square feet in area. Accessory structures, except for the following, shall be at least twenty-five (25) feet from the rear and side property lines.

The Applicant proposes for existing structures behind the building:

Unit 1	Storage	116 sq. ft.	22 feet setback
Unit 2	Storage	105 sq. ft.	± 21 feet setback
Unit 3	Freeze	49 sq. ft.	± 11 feet setback
Unit 4	Storage	88 sq. ft.	2 feet setback

All heights are unknown. Testimony to be provided.

**Existing Non-Conformity**

**4. Site Plan Review**

With regard to the Development Ordinance, the Applicant shall address compliance with the following:

A. Ordinance Section 26-5.9.e – Noise. Noise levels shall be designed and operated in accordance with local regulations and those rules established by the New Jersey Department of Environmental Protection as they are adopted and amended.

B. Ordinance Section 26-5.9.f – Odor. Odors shall not be discernible at the lot lines or beyond.

- C. Ordinance Section 26-5.9.g – Storage and Waste Disposal. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by natural causes or forces, nor shall any substance be deposited which can contaminate an underground aquifer or otherwise render such underground aquifer or otherwise render such underground aquifer undesirable as a source of water supply or recreation, or which will destroy aquatic life. All materials or wastes which might cause fumes or dust or which constitute a fire hazard, or which may be edible or otherwise attractive to rodents or insects shall be enclosed in appropriate containers adequate to eliminate such hazards.
- D. Ordinance Section 26-5.9.j.3 – Recyclable Materials Storage. Materials designated in the Borough of Allenhurst Recycling Ordinance (Regulations concerning recycling are contained in Chapter XVI Solid Waste Management.) shall be separated from other solid waste by the generator and a storage area for recyclable material shall be provided as follows:
  - 1. For each site plan application for commercial and industrial developments that utilize one thousand (1,000) square feet or more of land, the Applicant shall provide the municipal agency with estimates of the quantity of mandated recyclable materials (including but not limited to newspaper, glass bottles, aluminum cans, tin and bi-metal cans, high grade paper, and corrugated cardboard) that will be generated by the development during each week. A separate storage area must be provided to accommodate a one (1) to four (4) weeks accumulation of recyclable material. The municipal agency may require the location of one (1) or more common storage areas at convenient locations within the development.
- E. Ordinance Section 26-7.3 – The Applicant is proposing a 15-foot curb cut along the municipal parking lot to address the proposed trash enclosure and pedestrian access. The Applicant shall address ordinance standards and show the limits of asphalt repair.
- F. Ordinance Section 26-7.6 states no stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions. The Applicant proposes 0.01 cfs of additional stormwater flow into the Municipal parking lot with no proposed drainage. Testimony to be provided to show this runoff will not overflow existing systems.

**5. Stormwater Management**

- A. The project disturbance is 495 square feet and does not exceed a quarter of an area of new impervious surfaces. The Applicant is exempt from NJDEP Best Management Practices with regard to groundwater recharge and TSS Removal.

6. **Utilities**

A. No new utilities are proposed with the application.

7. **Environmental Impacts**

A. The Applicant shall also provide testimony to address related key elements of the environment with regards to noise, lighting, air pollution and impacts of stormwater runoff.

8. **Lighting and Landscaping**

A. No changes have been proposed for site lighting or landscaping.

9. **Conditions of Approval**

A. The Applicant should provide information that taxes are currently paid.

B. Granting of any required construction permits.

Our office reserves the right to provide additional comments upon receipt of revised development plans.

Should 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.



Matthew Mariano  
Technical Review Specialist

MM:mcs

cc: Kelly Barrett, Board Secretary  
Erik Anderson, Esq., Board Attorney  
Peter R. Avakian, P.E., Board Engineer  
Jessica L. Sweet, Esq., Applicant's Attorney  
Charles J. Witezak III, P.E., Applicant's Engineer  
401 Main Allen, LLC, Applicant

AL/PB/20/20-04