

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, PE., P.L.S. (1953-2004)
PETER R. AVAKIAN, PE., P.L.S., P.P.
MEHRYAR SHAFAI, PE., P.P.
GREGORY S. BLASH, PE., P.P., CPWM
GERALD J. FREDA, PE., P.P.
JENNIFER C. BEAHM, P.P., AICP
CHRISTINE L. BELL, P.P., AICP
SAMUEL J. AVAKIAN, PE., P.L.S., P.P.

June 28, 2024

Mrs. Kristie Dickert, Administrative Officer
Zoning Board of Adjustment
Neptune Township
P.O. Box 1125
Neptune, NJ 07754-1125

Re: 23 Webb, LLC (ZB#24/09)
23 & 27 Webb Avenue (Ocean Grove)
Block 228, Lot 16
Use Variance
Our File: NTBA 24-10

Dear Mrs. Dickert:

Our office received and reviewed materials that were submitted in support of an application for use variance approval for the above referenced project. The following documents were reviewed:

1. **Documents Reviewed:**

- Neptune Township Application for Use and/or Bulk Variances and Completeness Checklist, dated April 4, 2024.
- Neptune Township Zoning Review dated January 22, 2024.
- Survey of Property, consisting of one (1) sheet, prepared by Michael J. Williams, PLS, dated October 3, 2023.
- Block 228, Lot 17 Bed and Breakfast Existing Conditions Architectural Plans, consisting of two (2) sheets, prepared by Reginald B. Piggee, RA, of WSM Associates LLC, dated March 8, 2024.
- Alteration, Renovation, & Conversion of Existing Single Family Residence into Bed and Breakfast Architectural Plans, for Lot 16 consisting of five (5) sheets, prepared by Reginald B. Piggee, Jr., RA, dated last revised January 16, 2024.

- Community Impact Statement prepared by Allison Coffin, PP, AICP, of James W. Higgins Associates, dated May 16, 2024.

2. **Site Analysis and Project Description**

The subject property Block 228, Lot 16 is a 1, 734.5 sq. ft. property located on the north side of Webb Avenue in the HD-O Historic District Oceanfront Zone District and is currently developed with a single-family home. The applicant currently runs a bed and breakfast on the 3,600 sq. ft. Lot 17 located to the west of Lot 16. A bed and breakfast is located to the south of the subject property, across Webb Avenue. Single family homes are located to the east and north of the subject property. A multi-family residential building is located to the west of the subject properties.

The applicant is seeking d(3) conditional use variance approval to operate a new bed and breakfast homestay on Lot 16 in conjunction with the existing Shore Inn at Ocean Grove, located on Lot 17, in order to serve more guests. While the applicant is proposing to operate the properties as one use, they do not intend to merge the lots. The existing Shore Inn contains 16 bedrooms, including an Owner's quarters. The proposed bed and breakfast on Lot 16 will consist of five (5) guest units and an owner's bedroom.

3. **Consistency with the Zone Plan**

The subject property is located in the HD-O Historic District Oceanfront Zone District. The HD-O Zone District recognizes the character and historic land use pattern of the oceanfront blocks in the Ocean Grove portion of the Township, east of Central Avenue. All zoning regulations applicable in the HD-O Zone District are intended to protect, preserve and perpetuate the historical framework in Ocean Grove. This framework includes single-family residences, bed and breakfasts, and historic hotels. Permitted uses within the HD-O Zone District include community shelters, detached single-family dwellings, parks, and Ocean Grove Camp Meeting Association (OGCMA) facilities in accordance with permitted, conditional, and accessory uses in the district. Conditionally permitted uses in the zone district include bed and breakfast guesthouse, bed and breakfast homestay, historic hotels, and historic hotel restaurant/retail. **The proposed bed and breakfast use is a permitted conditional use in the zone district. However, all the conditions on which the use is predicated on have not been met. As such, a d(3) variance is required.**

4. **Conditional Use Requirements for Bed and Breakfasts**

As per §415-05, the following supplementary regulations are required to be met for bed and breakfasts to be permitted in the HD-O Zone District:

- A. The building is comprised of a structure originally constructed as a private residence, hotel or a bed and breakfast; The building is comprised of a structure originally constructed as a single family residence.
- B. Guesthouses shall include individual sleeping accommodations for fifteen (15) or fewer guests; The applicant is proposing a homestay.
- C. Homestays shall include individual sleeping accommodations for five (5) or fewer guests; **The architectural plans indicate a total of five (5) guest units. A d(3) variance is required.**
- D. At least one (1) dwelling unit is occupied by the owner of the facility as his/her place of residence during any time the facility is being used for the lodging of guests; **An owner's bedroom is indicated on the architectural plans, however, there does not appear to be any bathroom or kitchen facilities associated with the bedroom, so it is unclear how it would function as a residence. Additionally, an owner's bedroom is also indicated on the architectural plans for the existing bed and breakfast on Lot 17. Testimony should be provided as to where the owners plan to reside. A d(3) variance is required.**
- E. The principal structure has not less than three hundred (300) square feet of common area for the exclusive use of guests, including but not limited to parlors, dining rooms, libraries and solariums; **There does not appear to be any common space. A d(3) variance is required.**
- F. Cooking and smoking in guests rooms is prohibited; **Testimony should be provided as to compliance with this ordinance requirement. A d(3) variance may be needed.**
- G. The facility provides a meal to the guests in the forenoon of each day, but does not operate as a restaurant open to the general public; **There does not appear to be any kitchen facilities proposed. A d(3) variance is needed.**
- H. The facility is not a "rooming house" or "boarding house" as defined by N.J.S.A. 55:13B-3; **Testimony should be provided as to compliance with this ordinance requirement. A d(3) variance may be needed.**
- I. The facility is not within two hundred (200') feet of an existing bed and breakfast on the same street; and, **Lot 16 is adjacent to the existing facility operated on Lot 17 by the applicant is directly across Webb Avenue from the Cordova Bed and Breakfast. A d(3) variance is required.**
- J. The facility does not allow:
 - 1) Any guest to remain for a period of more than one hundred twenty-four (124) days between May 15 and September 15 in given calendar year;
 - 2) Any guest to remain more than thirty (30) successive days, or more than sixty (60) days of any period of ninety (90) successive days between September 15 and May 15.

Testimony should be provided as to compliance with this ordinance requirement. A d(3) variance may be needed.

- K. Bed and Breakfast Guesthouses and Homestays shall be located north of Main Avenue, including those properties fronting on both sides Main Avenue. **The subject property is located south of Main Avenue. A d(3) variance is required.**

5. **Required Proofs for Variance Relief**

- A. ***D(3) Conditional Use Variance.*** The application requires a d(3) use variance for the approval of a use where the conditions upon which the permitted use is predicated have not been met.
- 1) To meet the positive criteria for a d(3) variance, the applicant should prove the particular suitability of the site in accommodating the use, despite its failure to meet the conditions set forth in the ordinance.
 - 2) The negative criteria should focus on the impact of the deviation, not the impact of the use. The applicant must present evidence that the negative impacts of non-compliance with the conditions can be mitigated to the extent that the use will not cause a substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

6. **Additional Comments**

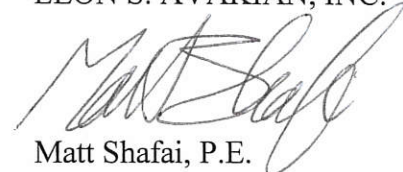
- A. The applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- B. Unit 2 and the Owner's bedroom on Lot 16 do not appear to have direct access to bathroom facilities. Testimony should be provided as to the intended facilities for these units.
- C. Throughout the application, the applicant indicates that the proposed bed and breakfast on Lot 16 will consist of four (4) units. However, the architectural plans indicate five (5) units and an owner's bedroom. The proposed number of bedrooms should be clarified.
- D. The Applicant should provide testimony regarding the existing and proposed bed and breakfast use, including the typical hours of operation, the maximum number of employees, visitors, and overnight guests to the site, whether meals will be served, and the time and types of deliveries that will be made to the site. Testimony should be provided regarding how the proposed new use will operate in conjunction with the existing bed and breakfast on Lot 17.

- E. Testimony should be provided as to the trash and recycling that will be generated on site and the frequency and manner of refuse pickup.
- F. The applicant should provide testimony on any proposed security lighting or other proposed security features.
- G. The applicant should provide testimony regarding whether any building signage or other signage is proposed and provide details of such.
- H. The applicant is seeking bi-furcated use variance approval for the proposed bed and breakfast use. If the board chooses to act favorably on this application, the applicant may be required to return for site plan approval, at which time, additional variances may be required.

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Matt Shafai, P.E.
Board Engineer



Jennifer C. Beahm, P.P.
Board Planner

MS:clb:mcs

cc: All Board Members
Monica Kowalski, Esq., Board Attorney
Jennifer Beahm, P.P., Board Planner
Kenneth L. Pape, Esq., Applicant's Attorney
Reginald B. Piggee, Jr., RA, Applicant's Architect