



Engineers  
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Frank J. Little, Jr., P.E., P.P., C.M.E.  
Douglas F. Klee, P.E., P.P., C.M.E.  
William J. Berg, P.L.S.

November 8, 2023

**Ship Bottom Land Use Board**

1621 Long Beach Blvd.  
Ship Bottom, NJ 08008

<b>Re: Docket No.:</b>	<b>2023-13</b>
<b>Applicant:</b>	<b>HSR Company, Inc.</b>
<b>Block(s):</b>	<b>109</b>
<b>Lot(s):</b>	<b>24.01</b>
<b>Address:</b>	<b>237 West 8<sup>th</sup> Street</b>
<b>Type of Application:</b>	<b>Special Reasons 'D' Variance</b>
<b>OLA File No.:</b>	<b>SBLU-23-HSR</b>

Dear Chairman and Members:

Our office is in receipt of the following for review as it relates to the above-referenced application:

- A. Preliminary/Final Site Plan for HSR Company Inc., Ten (10) Sheets, prepared by Cornerstone Consulting Engineers & Design Services, Inc. and signed by Kevin H. Fruck. The plan is dated 06/15/2023 with a latest revision date of 08/23/2023.
1. Sheet 1 of 8 – Cover Sheet
  2. Sheet 2 of 8 – Notes
  3. Sheet 3 of 8 – Site Plan
  4. Sheet 4 of 8 – Existing Conditions & Demolition Plan
  5. Sheet 5 of 8 – Grading & Drainage Plan
  6. Sheet 6 of 8 – Utility Plan
  7. Sheet 7 of 8 – Details
  8. Sheet 8 of 8 – Details
  9. Sheet 1 of 2 – SESC Site Plan
  10. Sheet 2 of 2 – Soil Erosion & Sediment Control Details
- B. Architectural Plans, Four (4) Sheets, prepared by Cornerstone Consulting Engineers & Design Services, Inc. and signed by Christopher R. Stress, R.A. The plan is dated 03/07/2023 with no revision dates.
1. A-1.0 – Floor Plans
  2. A-2.0 – Building Elevations
  3. A-2.1 – Building Elevations
  4. RND-1.0 – Conceptual Exterior Perspective

The subject property is 100 FT x 160 FT and is presently developed with a service station containing retail fueling and service bays. The applicant proposes to convert the existing commercial space to a convenience store and to construct one residential apartment above the convenience store. The area of the existing service bays will be converted to a utility area, restrooms and an office. Vehicles will no longer be serviced at the site.

Based on this review, the following variances and existing non-conforming conditions exist:

1. **Zoning** – The subject site lies within the GC – General Commercial Zone. Our review of the plans indicates the following:

- a. **Special Reasons/ 'D' Variance – Building Use (16.56.010.H.9.)** – Food marts are not permitted as part of a service center, therefore a Special Reasons/'D' Variance is required.

Service stations are defined as follows under the Zoning Ordinance: “[l]ands and buildings providing for the sale of automotive fuel, lubricants and automotive accessories. Maintenance and minor repairs for motor vehicles may be provided, but no body repairs or painting or the storage of inoperable, wrecked or unregistered vehicles shall be permitted. Additionally, no car wash operation, car or truck rental, parking for a fee or other activity not specifically a part of the service station use shall be permitted.’

Since automotive fuel sales will still be offered, this establishment is considered a Service Station and therefore, food marts are not permitted as part of a service center and the Special Reasons/'D' Variance is required as noted above.

- b. **Maximum Impervious Coverage (16.48.010.D.)** – The Maximum Permitted Impervious Coverage is 80%, whereas 90.1 % is proposed and the existing Impervious Coverage is 91.7 %. A Variance is required.
- c. **Side Yard Setback (16.48.010.D.)** – A Minimum Side Yard Setback of 5 FT is required, whereas 2.7 FT is proposed on the Westerly side of the lot due to the construction of the 2<sup>nd</sup> floor apartment. This is an expansion of a non-conforming Side Yard Setback and a Variance is required.
- d. **Rear Yard Setback (16.48.010.D.)** – A Minimum Rear Yard Setback of 10 FT is required, whereas 5.8 FT exists on the Northerly side of the lot. This is an existing non-conforming condition.
- e. **Lot Fill West of Long Beach Blvd (16.68.66.A.)** - No building permits shall be issued for new construction on any lands west of Long Beach Boulevard unless said land is raised and 16 inches above the centerline road grade, at the midpoint of the lot, for interior lots. The use of retaining walls will be permitted in order to contain the fill. However, in the case of additions, alterations or repairs to existing structures, the above requirements shall apply when the size of additions, alterations or repairs exceed 75% of square footage of the existing structure. We note that the addition of the new second floor space does not exceed 75% of the square footage of the existing building. Therefore, this section does not apply.

2. **Architectural Plans** – The architectural plans indicate that the first floor will consist of the 1,054 SF convenience store with the 505 SF convenience store utility area which will contain a restroom, office, and utility space with sinks, a hot water heater and electrical panels. The second-floor apartment will be accessible via a stairwell on the Westerly side of the property and will contain 3 bedrooms, 1 bathroom, a living room, dining room, and a kitchen. The exterior façade will also be renovated in accordance with the plans.

3. **Onsite Parking** – Review of the Site Plan indicates that the parking lot area will be maintained, seal coated and restriped to provide 13 parking stalls including 1 van accessible parking stall. All parking stalls will be 9 FT x 18 FT. The applicant shall provide testimony regarding dedicated parking stalls for the residential apartment. A breakdown of the parking onsite is as follows:

Retail: 1 space per 100 SF (1054 SF) = 11 spaces

Apartment: 2 spaces/unit = 2 spaces

Total Required: 11 spaces

Total Provided: 13 spaces including 1 van accessible space.

No variances related to parking are required.

4. **Utilities**- The property is currently serviced by existing sewer and water laterals and no changes are proposed. Subject to review by the Water and Sewer Department, upgrades to the existing laterals may be required to meet the demand of the residential apartment unit.
5. **Concrete Curb and Sidewalk**– Curb and Sidewalk exist along West 8<sup>th</sup> Street. Should any concrete curb or sidewalk be deteriorated or below standard, it shall be removed and replaced at the direction of the Borough Engineer.
6. **Air Conditioning Units** –The applicant shall address the proposed location of the air conditioning units for the building. Should these units not meet the setback requirements of the zone, then variance relief will be required.
7. **Lighting** – The Site Plan does not address proposed lighting. The plan shall be revised to address building and parking lot lighting in accordance with Borough Code 16.52.040.
8. **Site Operations** – As noted above, the fueling stations will remain onsite and the existing commercial space will be converted to a convenience store that will contain an ice cream case, milk case, a coffee station, a sales area, ATM and lottery machine as well as restrooms. The 3-bedroom apartment upstairs will be accessible from the exterior only. No vehicles will be serviced onsite. The convenience store is proposed to be open from 5:00 am until 2:00 am and will remain closed from 2:00 am until 5:00 pm in accordance with Borough Code 16.56.010(D)(6). Four (4) employees are proposed for the gas station and convenience store. The applicant shall address how deliveries will be managed on site and the proposed timeframes for these deliveries.
9. **Trash Enclosure** – A trash enclosure is proposed at the northeast corner of the property constructed of concrete block and a gate. The applicant shall provide testimony regarding the adequacy of the trash container size and confirm that the refuse container will be picked up by private carter.
10. **Site Drainage** - The site lies in a tidal flood hazard area with stormwater quantities being reduced and therefore, based on the regulations, stormwater quantity analysis is not applicable. It is recommended that the roof drainage system be tied-in underground to the proposed drainage system.
11. **Buffer** – There is an existing 5.8 FT offset between the parking area and the Northerly property line adjacent to residential development which is a pre-existing non-conforming condition whereas a 10 FT buffer is required. We recommend that the existing fence be moved Northward to the property line and the 5.8 FT buffer area be planted in accordance with the landscaping requirements of the ordinance.

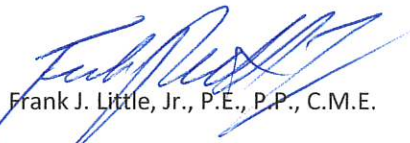
12. **Landscaping** – The proposed Site Plan does not provide any landscaping for review. Pursuant to Borough Code 16.52.060, the planting of trees or native vegetation may be required for all land development devoid of major vegetation, subject to the discretion of the board. The caliper of the trees shall be two inches measured 12 inches above the ground. The standing height shall be a minimum of 10 feet. All trees shall be brought to the site balled and burlapped or other acceptable means, free from insects and disease and true to species and variety.

Landscaping provided as part of any development plan should provide for a variety and mixture of plantings. The selection should consider susceptibility to disease, colors, season, textures, shapes, blossoms, foliage and environmental factors such as sand, salt and wind. The site plan shall show the location, specie, size at planting and quantity of each plant and the location and type of in-ground or drip hose irrigation system proposed for the maintenance of newly planted material. The Board shall determine if site plantings are required and, if so, revised plans will be needed.

13. **Electric Vehicle Charging Requirement** – Based upon our review of the NJ State Ordinance authorizing and encouraging Electric Vehicle Supply/Service Equipment (EVSE) and Make Ready Spaces, the installation of a make ready space or EV unit is not required for this Mixed-Use Site. However, the applicant shall discuss the feasibility of installing one (1) EV unit as there is an excess of parking spaces available, the site is a vehicle fueling station, and if the apartment use was not proposed, then the EV Unit would be required. Testimony shall be provided.
14. **Flood Zone**- All construction shall adhere to the most stringent FEMA flood requirements at the time of construction including the floodproofing of the commercial area.
15. **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,



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

FJL:ASI:hmh:caa

cc: Sara Dela Cruz, Land Use Board Secretary, ([sdelacruz@shipbottom.org](mailto:sdelacruz@shipbottom.org))  
J. Coronato, Esq. Land Use Board Attorney ([joesr@coronatolaw.net](mailto:joesr@coronatolaw.net))  
James S. Raban, Esq ([jraban@regraban.com](mailto:jraban@regraban.com))  
Kevin H. Fruck P.E., P.P. ([kfruck@cornerstonenet.com](mailto:kfruck@cornerstonenet.com))  
Christopher R. Stress, R.A. ([cstress@cornerstonenet.com](mailto:cstress@cornerstonenet.com))  
HSR Company, Inc., Applicant (15 Center Dr., Burlington, NJ 08016)

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