Borough of Atlantic Highlands  
Planning Board  
100 First Avenue  
Atlantic Highlands, NJ 07716  

Attn: Christine Burke – Planning Board Secretary  

Re: Lashchyk (PB20-08)  
Use Variance Application – Review #1  
Location: 26 West Highland Avenue  
Zone: LI (Light Industrial)  
Block 122, Lot 1  
Atlantic Highlands Borough, Monmouth County, NJ  
Our File: HAHP0122.01  

Dear Board Members:  

Our office received the following information in support of the above-referenced application for Use Variance Approval:  

- Architectural Drawings entitled “Interior Alterations, 26 West Highland Avenue – Atlantic Highlands, NJ, Two River Interiors, Ground Floor Plan and Details”, prepared by Alan J. Zimbler, RA, dated October 24, 2019;  
- Zoning Officers denial prepared by Michele Clark, dated March 16, 2020;  
- Application for Variance; and,  
- Development Plan Checklist.  

In accordance with your authorization, we have reviewed this application for Use Variance for completeness and offer the following comments:  

1. Property Description  

The subject property is a single lot located on the northern side of West Highland Avenue between Avenue B and West Avenue. The property is approximately 1.79 acres within the Light Industrial (LI) Zone. It provides approximately 371 feet of roadway frontage along the northern side of West Highland Avenue. The Applicant is proposing to expand a previously approved non-conforming use within the existing building. No external improvements are proposed.  

A use variance was granted per PB 14-13, dated March 12, 2015, to allow a cross-fit gym facility, a “commercial indoor athletic or exercise facilities or health club” to occupy 2,963 SF of space. This use is not an expressly permitted use in the LI zone. This resolution also granted use variance relief for 5,031 SF of the building for a marble and granite facility with retail showroom, the 665 SF retail component is also a non-permitted use.
2. **Surrounding Uses**

   Surrounding properties to the north are R-1 single-family residential, while north and east are commercial zone HBD, and south are similarly zoned light industrial.

3. **Zoning Compliance**

   The subject property is within the LI Zone District, where the proposed use of exercise facility is not an expressly permitted use.

   Based on the submission it appears that use variance relief is required for the proposed use of exercise facility, which is not permitted in the zone.

4. The Application requires variance relief from the following ordinance sections.

   a) **Section 150-29(A)(3)(Exhibit 5-4)** – The Applicant proposes expansion of a previously approved exercise facility use on the subject property, whereas an exercise facility use is not expressly permitted within the LI zone district. This expansion requires use variance approval in accordance with N.J.S.A. 55:70d(1).

5. The Applicant should be prepared to discuss the following issues with the Board:

   a) The Applicant should provide current site photos of the property and adjacent uses.

   b) The Applicant shall provide the land use history of the site including, but not limited to: any prior board approval(s), continuing existing permitted uses, and certificate of occupancy for each existing use. The Applicant should demonstrate continued compliance with prior approvals.

   c) The Applicant should provide testimony on existing and proposed number of employees, class sizes, frequency, and times.

   d) The Applicant should confirm the proposed space to be occupied on the 10/14/19 architectural plan and comment on habitable nature of said space.

   e) The Applicant should confirm 2014 survey accurately depicts current conditions.

   f) The Applicant shall confirm ingress and egress for the proposed exercise facility use.

   g) The Applicant shall provide testimony on the internal building circulation for the proposed exercise facility use.

   h) The Applicant shall provide testimony in support of the required off-street parking requirement for the proposed exercise facility use per Ordinance Section 150-89 Exhibit 9-2. Specifically, the applicant shall compare the parking demand of all the existing/previously
approved use(s) of the site to the proposed use(s). We note the proposed exercise facility use has a higher parking requirement than industrial/light manufacturing (1 space per 50 ft gross floor area vs 1 space per employee per shift), however the operations of the proposed use (number of staff, duration of customer visits, hours of operation, etc.) should be clarified.

i) The Applicant shall confirm compliance with current ADA parking and access standards, including signage.

j) The Applicant should discuss current and proposed outdoor activities, including storage, hours, group size, noise amplification, and music, noting the adjacent residential uses.

k) The Applicant shall also clarify if this Application will include any proposed signage, lighting or any exterior modification to the building or site.

l) The Applicant should discuss adequacy of existing buffering and landscaping, noting that adjacent uses are residential in nature, and provide a plan for any proposed landscaping or buffering improvements.

m) The Applicant should discuss current and proposed refuse and recycling operations for the site.

n) The Applicant should provide testimony on other uses within the property and the effect of this expansion on their operation, employees, customers, hours, and deliveries.

o) A statement of consent from the owner is required in support of filing the application as it appears the applicant would be a tenant within the multi-use building.

Based upon the above, our office recommends that the application be deemed **CONDITIONALLY COMPLETE**, conditioned upon the Board’s approval of the submission waivers and submission requirements outlined above. The Applicant can be scheduled for the next available public hearing.

6. Based upon our review of the subject application, we estimate that the following fees are required:

<table>
<thead>
<tr>
<th>Ordinance Section</th>
<th>Description</th>
<th>Application Fee</th>
<th>Escrow Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>168-2H(3)</td>
<td>Site Plan Waiver</td>
<td>$150.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>168-2H(4)</td>
<td>Use variance (NJSA 40:55D-70d)</td>
<td>$250.00</td>
<td>$1,000.00 (min)</td>
</tr>
<tr>
<td></td>
<td>Total:</td>
<td>$400.00</td>
<td>$1,150.00 (min)</td>
</tr>
</tbody>
</table>

We recommend the Borough collect $400.00 in nonrefundable application fees and $1,150.00 in professional services escrow fees from the Applicant prior to deeming the application complete.
7. As the proposed exercise facility use is not a permitted principle use within the LI zone district, the Applicant must seek a "Special Reasons" to amend the previously granted Use Variance pursuant to N.J.S.A. 40:55D-70d(1). The Applicant shall provide testimony demonstrating compliance with the Medici case consistent with the following:

a) Positive Criteria
   i. That the site is particularly suited to the use.
   ii. There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A 40:55D-2)

b) Negative Criteria
   i. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
   ii. That the variance will not substantially impair the intent and purpose of the Zoning Plan and Municipal Ordinance.

The right is reserved to present additional comments pending the receipt of revised Plans and/or testimony of the Applicant before the Board.

Should you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME Associates

Douglas Rohmeyer PE, CME, CFM
Planning Board Engineer

DMR/DEP
cc: Adam Hubeny - Borough Administrator
    Michael B. Steib, Esq. – Board Attorney
    Michelle Clark – Zoning Officer
    Andrew Lashchyn – Applicant
You would consider important for the Board to render its decision.

The undersigned certify that all of the statements contained herein are true and correct to the best of our knowledge, information and belief.

We have never been convicted of an offense involving the premises.

If there has been any previous appeal or application to the Planning Board involving the premises, state:

Has the Planning Board approved the subdivision?

Yes: ______ No: ______

If yes, when? ______

Has the property been separated from a larger tract of land by a wall, fence or other similar means?

Yes: ______ No: ______

If yes, when? ______

Property Tax & Water bills have been paid through the quarter of 2019.

The section(s) of the Borough Zoning Ordinance upon which this application is based is:

The reason for this request and the grounds urged for the relief are as follows:

Application is hereby made for a variance to:

The following structures, buildings and/or uses are located on the property:

32.________

The proposed structure is to consist of the existing structure and proposed additions will be

and in area of 100.0 sq. feet. ______

2. The property is in the ______ Zone. It has street frontage of ______ feet and an average depth of ______ feet.

Highlands

also designated as block ______, lots ______, ______, ________ on the Tax Map of the Borough of Atlantic Highlands.

32.________

and whose phone number is ______

The applicant(s) hereto, whose mailing address is

APPLICATION FOR VARIANCE

ATLANTIC HIGHLANDS PLANNING BOARD
Should you have any questions, please feel free to contact me:

Bunte at 731-291-1444 Ext 3108 or by email at planningboard@atlantichighlands.com

To proceed with an application to the Planning Board please contact Christine Bunte at 731-291-1444 Ext 3108 or by email at planningboard@atlantichighlands.com

Minor Site Plan Approval

c. Expansion of use. No nonconforming use may be expanded.

150-49. Nonconforming use(s), buildings and structures

The following approvals are necessary:

Highlands Zoning Code:

I have reviewed your application for an expansion of an indoor athletic or exercise facility in the LI Zone for compliance with the Borough of Atlantic Highlands Zoning Code.

Re: Block 22, Lot 1, 26 West Highland Avenue

Date: March 16, 2020

From: Michele Clark

Zoning Officer

To: Andrew Lashcher
PLANNING BOARD REVIEW COMMITTEE FORM

PB # 20-08

APPLICANT NAME: P+C Realty/Latschuk
PROPERTY ADDRESS: 26 West Highland

BLOCK 122    LOT(S) 1

APPLICANT REQUESTS RELIEF FOR THE FOLLOWING: Use variance for expansion of non-permitted use.

COMMENTS:

1. ____________________________

2. ____________________________

3. ____________________________

4. ____________________________

5. ____________________________

6. ____________________________

7. ____________________________

8. ____________________________

DEEMED: Complete ✓ Incomplete

SIGNED: _______________________

DATED: 5/1/20
THE FOLLOWING CHECKLIST SHOULD BE COMPLETED
BY THE REVIEW COMMITTEE

Borough Officials to be contacted for Review:

Police Chief
Fire Chief
Fire Marshal
CEO
Borough Engineer
Water/Sewer Dept
Environmental Comm.

SIGNED: ___________________________  DATED: ____________

______________________________

______________________________

______________________________
P&C REALTY 1, LLC  
10 INDUSTRIAL WAY EAST  
EATONTOWN, NJ 07724

Pay to the order of:  
 Borough of  

PB 20-08  
P&C Realty  
App Fee

BANK OF AMERICA  
NEW JERSEY

For:  
Pats

1542

P&C REALTY 1, LLC  
10 INDUSTRIAL WAY EAST  
EATONTOWN, NJ 07724

Pay to the order of:  
 Borough of  

PB 20-08  
P&C Realty  
Escrow

BANK OF AMERICA  
NEW JERSEY

For:  
Pats

1543
APPLICATION PACKET RECEIPT

I, [Name], have received a complete packet of the necessary forms to make an application to the Atlantic Highlands Planning Board.

Subject Property: 26 W. Highland Ave Atlantic Highlands

Signature

Date

This receipt should be signed and given to the Board Secretary at the time of receipt of the Application Package.

18 copies plan
18 copies survey
PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY

APPLICATION PACKET

The following items must be submitted at the time of filing your Planning Board Application:

✓ Application for Variance and/or Subdivision Plat – 18 Copies Required with Application Submission
✓ Proposed Site Plan and Survey – 4 Originally Sealed Plans AND 14 Copies Required with Application Submission
○ Zoning Officer’s Denial Letter – 18 Copies Required with Application Submission
○ Affidavit of Ownership – Fully Executed Form To Be Submitted with Application
○ Contribution Disclosure Statement – Fully Executed Form To Be Submitted with Application
○ Verification of Payment of Taxes, Water & Sewer – Fully Executed Form To Be Submitted with Application
✓ Request for Certified List of Property Owners within 200’ – To be submitted to Borough Clerk, with $10.00 check
○ Development Plan Checklist – 2 copies Required with Application Submission
○ Monmouth County Planning Board Submission/Approval – 3 Copies Required with Application Submission

The following items contained in the Application Packet are not required with submission but will be helpful during the application process:

○ Public Notice Template – Notice to Property Owners within 200’ to be done after a Public Hearing Date has been given
○ Affidavit of Notice/Proof of Service Template – To Be Completed After Notice has been served
○ Schedule of Fees – Informational
○ Schedule of Zoning District Requirement – Informational

Upon submission of an application, Planning Board Professionals have 45 days to review for Completeness.

Once an application is deemed “complete”, a hearing date will be given. Notices to surrounding Property Owners within 200 feet should not be sent out until the application is deemed complete and a Hearing Date is given. The Municipal Land Use Law requires that notices be sent at least 10 days in advance of the hearing, by certified mail and by publication in either the Asbury Park Press or The Two River Times. You do not count the day of the hearing as one of the 10 days. Notices sent out prematurely could result in errors and could hold up the application process. Certified Lists of Property Owners can be obtained through the Borough Clerk’s Office.

The Planning Board recommends the applicant obtain an attorney, although it is not required for privately owned properties. The Applicant and/or Attorney should be acquainted with the Development Regulations Ordinance (Chapter 150) of the Borough Code. Copies can be obtained at Borough Hall or by visiting our website at www.ahnj.com
AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY:

COUNTY OF MONMOUTH:

__________________________

being of full age, and being duly sworn according
to law on oath deposes and says that the deponent resides at ______________________ in the __________________ of __________________, in
the County of __________________ and the State of ____________ that __________________
is the owner in fee of all that certain lot, piece
of parcel of land situated, lying and being in the municipality aforesaid, and known and designated as
Block __________, Lot(s) __________.

Sworn to and subscribed before
me this _______ day of __________, 20__

__________________________
Property Owner Signature

__________________________
Notary Seal

BARBARA MEISLER
NOTARY PUBLIC
STATE OF NEW JERSEY
MY COMMISSION EXPIRES OCT 11, 2022

AUTHORIZATION

(If anyone other than the above owner is making this application,
the following authorization must be executed)

I hereby authorize __________________________________________ to make the within
application.

__________________________  _______________________
Signature                 Date
CAMPAIGN CONTRIBUTION DISCLOSURE STATEMENT PROVIDED PURSUANT TO
SECTION 9-3.2k, OF THE REVISED GENERAL ORDINANCES OF
THE BOROUGH OF ATLANTIC HIGHLANDS

COUNTY OF MONMOUTH : SS
STATE OF NEW JERSEY : SS

I, Andrew Lasawski, of Two River Terraces,
whose address is 32 South Ave, Atlantic Highlands NJ,

being of full age certify as follows:

1. I have not knowingly made any campaign contribution to or on behalf of any candidate,
candidate committee, joint candidate’s committee, political committee, continuing political
committee or political party committee of, or pertaining to, the Borough of Atlantic Highlands,
within one year prior to filing the variance application and/or during the pendency of the
application process for a variance, and that I have not otherwise violated Chapter 9-3 of the
General Ordinances of the Borough of Atlantic Highlands hereof.

2. I understand that I have a continuing duty to report immediately to the Borough of Atlantic
Highlands any campaign contributions made in violation of Section 9-3 of the General
Ordinances of the Borough of Atlantic Highlands.

I certify that the foregoing statements made by me are true. I understand that if any of the statements
made by me are willfully false, I am subject to punishment.

Dated: March 9, 2020 Signed: [Signature]

I certify that on this 9th day of March, 2020, the subscriber,
Andrew Lasawski, personally appeared who I am satisfied is the person
named herein and who executed the within instrument and thereupon she/he
acknowledges that she/he signed, sealed and delivered as her/his act and deed, for the
uses and purposes therein expressed.

Robert Nelson
Notary Public
State of New Jersey
My Commission Expires May 10, 2024
I.D.# 50104830

All developers, associates of developers and development professionals who apply for or provide
testimony, plans or reports in support of a variance as listed below, and who have an enforceable
proprietary interest in the property or development which is the subject of an application or whose
fee in whole or in part, is contingent upon the outcome of the application, are required to provide
this Contribution Disclosure Statement which shall be included as an element of the “Applicant
Checklist” submitted with an application for variance pursuant to NJSA 40:55D-70(d) as well as for
relief pursuant to NJSA 40:55D-70(c) or NJSA 40:55D-51 in applications for site plan and subdivision
approval not considered to be minor site plans or minor subdivisions pursuant to the Ordinances of
the Borough of Atlantic Highlands. This requirement is pursuant to Section 9-3.2k, of the Revised
General Ordinances of the Borough of Atlantic Highlands.
VERIFICATION THAT PROPERTY TAXES AND WATER AND SEWER BILLS HAVE BEEN PAID
(Must Accompany All Planning Board Applications)

BLOCK: 122  LOT(S): 01

NAME: [Handwritten Name]

ADDRESS: 26 W. Highlands Ave Atlantic Highlands NJ 07716

Property taxes on the above property are paid to date.

Kathleen Intravartolo, Tax Collector  3/10/2020

Water and Sewer Charges on the above property are paid to date.

Kathleen Intravartolo, Tax Collector  3/10/2020
ATLANTIC HIGHLANDS PLANNING BOARD
APPLICATION FOR VARIANCE

1. I/we, the applicant(s) herein, whose mailing address is
   32 SOUTH AVE ATLANTIC HIGHLANDS NJ 07716.

   and whose phone number is 732-740-1958 am/are the owner/contractor of property
   located at
   26 S HIGHLAND AVE ATLANTIC HIGHLANDS NJ 07716.

   also designated as Block 122, Lot(s) 1 on the Tax Map of the Borough of Atlantic
   Highlands.

2. The Property is in the _______ Zone, it has street frontage of 484.8 feet and an average depth of 122.84 feet.
   and an area of 160,976 square feet.

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be
   32.21%.

4. The following structures, buildings and/or uses are located on the property:
   Main Structure & Parking

5. Application is hereby made for a variance to:
   Approval for CrossFit to take over additional
   space within building
   Approval for CrossFit has been granted in 2014

6. The reason for this request and the grounds urged for the relief are as follows:
   Local Business

7. The section(s) of the Borough Zoning Ordinance upon which this application is based is:
   CROSS FIT BUSINESS IN BUILDING

8. Property Tax & Water Bills have been paid through the 4th quarter of 2019.

9. Has the property been separated from a larger tract of land? Yes No X
   If yes, when?

10. Has the Planning Board approved the subdivision Yes No X
    If yes, when?

11. If there has been any previous appeal or application to the Planning Board involving the premises, state:
    Date of Filing:
    Character of Appeal
    Disposition:

I/We the undersigned certify that all of the statements contained herein are true and correct to the best of my/our
knowledge, information and belief:

Applicant Signature: __________________________ Date: March 2, 2020.

Applicant Signature: __________________________ Date:

Location sketch shall include the exact location of the property in question, giving the tax map lot and block numbers, the
name of the street, the approximate distance to the nearest cross street and the direction of North. For a variance from the
required minimum area or setbacks, the sketch should locate the buildings on the property. Show any other particulars that
you would consider important for the Board to render its decision.
BOROUGH OF ATLANTIC HIGHLANDS
DEVELOPMENT PLAN CHECKLIST


PROJECT NAME: CrossFit Expansion.

OWNER: Frank Delaney

ENGINEER/DESIGNER: Zimbler Architecture/Two River Interiors

PERSON COMPLETING THIS FORM: Andrew Lashtyle

RELATIONSHIP TO OWNER: CONTRACTOR

LOCATION OF SITE: BLOCK 122 LOT 01

STREET ADDRESS: 26 W. Highland Ave Atlantic Highlands NJ

THIS FORM MUST BE COMPLETED AND RETURNED TO THE BOARD SECRETARY WITH THE SITE PLAN, SUBDIVISION OR VARIANCE APPLICATION WHEN FILED. ALL OF THE FOLLOWING ITEMS MUST BE SHOWN ON THE SUBMITTED PLANS OR ATTACHED THERETO OR FILED FOR THE APPLICATION TO BE CONSIDERED FOR COMPLETENESS REVIEW.

If a waiver is requested from any of the following items, the items should be checked where provided and an explanation of the reasons for the waiver explained under Section U

A. FILING DATA

MINOR, PRELIMINARY & FINAL PLAN APPLICATION

TO BE CHECKED
BY APPLICANT

WAIVER

1. 18 Paper copies of plans and specifications
2. 18 Copies of completed application
3. Zoning Officer's written review

DO NOT USE
OFFICE USE ONLY

WAIVER YES NO

_______ _______ _______
<table>
<thead>
<tr>
<th>Item</th>
<th>TO BE CHECKED BY APPLICANT</th>
<th>WAIVER</th>
<th>YES</th>
<th>NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.</td>
<td>Soil removal permit signed by Borough Engineer</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Certification by Tax Collector that all taxes and water/sewer bills are paid – including current taxes and assessments for local improvements</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Applicable filing fees</td>
<td>N/A</td>
<td></td>
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<tr>
<td>7.</td>
<td>Three copies of performance guarantee Approved by the Borough Attorney and Borough Engineer, and cash portion of performance guarantee</td>
<td>N/A</td>
<td></td>
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<tr>
<td>8.</td>
<td>Staging Plan, if applicable</td>
<td>N/A</td>
<td></td>
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<tr>
<td>9.</td>
<td>Letters from each utility stating that they will provide service to the proposed facility</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10.</td>
<td>Any resubmission must conform to items 1 &amp; 2 inclusive, and item 8</td>
<td>N/A</td>
<td></td>
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</tr>
<tr>
<td>11.</td>
<td>Current letter from Borough Engineer certifying that he has assigned block and lot numbers</td>
<td>N/A</td>
<td></td>
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</tr>
<tr>
<td>12.</td>
<td>Deeds of easement, right of way, drainage, sewer, sight, open space, etc., approved by Borough Attorney and Borough Engineer</td>
<td>N/A</td>
<td></td>
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</tr>
<tr>
<td>13.</td>
<td>Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership</td>
<td>N/A</td>
<td></td>
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</tr>
<tr>
<td>14.</td>
<td>Prior to final submission, a list of proposed Street names must be submitted to the Board Secretary</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>15.</td>
<td>Corporate Resolution authorizing officers to act, if applicant is corporation</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Development Plan Checklist
Page | 3

TO BE CHECKED
BY APPLICANT

WAIVER

☐ 16. Fees and application for Monmouth County Planning Board, if applicable

☐ 17. All plats must have the correct and only the correct signature blocks. Applicant and owner shall sign appropriate signature blocks in black ink

☐ 18. For all applications having a public hearing, an Affidavit of notice must be filed prior to placing on the agenda for the public hearing together with a copy of the certified mail receipts obtained when the notices were mailed, the certified mail return receipts, and an affidavit of publication from an official newspaper of the borough. Notices must be as provided by law

DO NOT USE
OFFICE USE ONLY

WAIVER YES NO

VARIANCE APPLICATIONS (See Addendum on last page)

☐ 1. 18 copies of request for variance, outlining the proposed variance from zoning requirement

☐ 2. 18 copies of drawings unless variance is part of site plan or subdivision application, in which case site plan or subdivision plans suffice

☐ 3. Certified list of property owners, certified mail return receipts of notices, affidavit of publication in official newspaper filed prior to placing on the agenda for the public hearing
8. **ADMINISTRATIVE DATA**

1. Title of project set forth on application

2. Names, address of owner and name, address and phone number of applicant and relationship to owner

3. Owner’s signed certificate of concurrence with Plan: “I hereby certify that I am the owner of record of the plan herein depicted and that I concur with the plan”

4. Name and license number of site planner or professional engineer with documents sealed with raised seal

5. Date and revision dates of drawings

6. Scale and graphic scale, not smaller than 1”=50’ and not larger than 1”=10’ except where authorized by Borough Engineer

7. North arrow

8. Key map, not smaller than 1” = 2,000’ showing location in the Borough

9. **Schedule**
   a. Total area of site in acres and square feet
   b. Total building area in square feet and % lot coverage
   c. Total landscape area in square feet and % lot coverage
   d. Total area of driveways, access roads, walkways, in square feet and % of lot
TO BE CHECKED
BY APPLICANT

WAIVER

coverage

e. Total parking area (including drive aisles)
in square feet and % of lot coverage
f. Number of parking stalls, and stall
dimensions
g. Number of employees, total and maximum
in one shift
h. Ratio of parking to building size of occupancy
or both depending on use
i. Total impervious coverage

10. Existing and proposed streets, with dimensions
and typical section

11. All property line dimensions, directions,
calculated areas, setback lines and lot numbers

12. Existing zoning and zone boundaries and
contiguous land zoning within 200'

13. Names of all adjacent property owners within
200' radius with lot and block numbers

14. Tax map sheet, block and lot numbers

C. SURVEY

✓ 1. Prepared by a New Jersey Licensed surveyor
survey not more than five (5) years old,
showing existing and proposed monuments

✓ 2. Location of existing rock outcrops, high points,
water courses, depressions, ponds, marshes,
trees with a diameter of four (4) inches or more
as measured three (3) feet above the base of
the trunk, and other significant existing features
including previous flood elevations or water-
Development Plan Checklist

TO BE CHECKED
BY APPLICANT

WAIVER

— NO —
courses, ponds and marsh areas, as determined by survey

3. All existing and proposed lot lines. All setback lines with dimensions. Existing and proposed lot and block numbers as assigned by the Borough Engineer

D. TOPOGRAPHY:

N/A
1. Present and proposed grades based on NJ Geodetic Control Survey Datum, as required by ordinance.

N/A
2. Bench mark indicated on plan

N/A
3. Significant existing features: ponds, views, wooded areas, floodplains, etc

N/A
4. First floor elevations of all proposed buildings

N/A
5. Existing contours with intervals of one (1) foot where slopes are three percent (3%) or less, two (2) feet where slopes are more than three percent (3%) but less that fifteen percent (15%) and five (5) feet when fifteen percent (15%) or more, referred to a datum as provided by the Borough Engineer to be indicated by a dashed line. Where any changes in contours are proposed, finished grades should be shown as solid lines

N/A
6. Limits of cut and fill areas

E. BUILDINGS AND STRUCTURES

N/A
1. Location of all existing and proposed structures and buildings and any other physical
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
<th>Waiver</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>2</td>
<td>Provision for refuse and garbage with details</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>3</td>
<td>Proposed use of all buildings and sections thereof</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Location and description of all existing and Proposed signs</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Loading areas, dimensioned</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6</td>
<td>Elevations of the buildings and structures to ensure an architectural harmonious relationship to the community and community standards, and to ensure appropriateness of exterior material and trim</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>7</td>
<td>Soil Boring Information and recommendation</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>8</td>
<td>Historic structures</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>9</td>
<td>For buildings of more than two (2) stories in height, a floor plan of each story, indicating all fire exits and accessways, as well as the proposed use of said stories</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10</td>
<td>For garden apartments, a “typical” floor layout of each apartment type in the proposed buildings</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11</td>
<td>For all apartments and for any building exceeding two (2) stores in height, proposed architectural elevations</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
<tr>
<td>12</td>
<td>For any building exceeding forty (40) feet in height, a sketch indicating graphically the locations of all existing buildings within two</td>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Development Plan Checklist

Page 18

TO BE CHECKED
BY APPLICANT

DO NOT USE
OFFICE USE ONLY

WAIVER

hundred (200) feet and their height relative
to the proposed buildings, as well as their
highest elevation above the datum provided in
compliance with D.5 above

F. PARKING AREAS, TRAFFIC CONTROL, LIGHTING

<p>| | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Parking areas showing spaces and sizes</td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Driveways showing sizes, circulation, and traffic control signs. Fire lanes</td>
<td></td>
</tr>
<tr>
<td>3.</td>
<td>Existing and proposed streets abutting the site showing rights of way and paved widths</td>
<td></td>
</tr>
<tr>
<td>4.</td>
<td>Location and size of fire zones, loading zones</td>
<td></td>
</tr>
<tr>
<td>5.</td>
<td>Sidewalks and other pedestrian ways. Handicapped ramps</td>
<td></td>
</tr>
<tr>
<td>6.</td>
<td>Surface of parking area, slopes, and barriers</td>
<td></td>
</tr>
<tr>
<td>7.</td>
<td>Curbing at ingress and egress and parking lot, showing radii and site triangle</td>
<td></td>
</tr>
<tr>
<td>8.</td>
<td>Lighting standards and utility poles indicating size, height, type, construction, light fixtures and locations</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Lighting plan indicating specific height, foot candles, and provisions for elimination of sky glow and glare, and angle of light spread</td>
<td>N/A</td>
</tr>
<tr>
<td></td>
<td>Analysis of parking, including trip generations of proposed development, volumes, numbers of employees and shifts. Expected truck traffic</td>
<td>N/A</td>
</tr>
<tr>
<td>11.</td>
<td>Handicapped parking</td>
<td></td>
</tr>
</tbody>
</table>
TO BE CHECKED
BY APPLICANT

WAIVER

___ N/A 12. Street light locations

G. ROADS, DRIVEWAYS, WALKS, CURBS, WALKWAYS & FENCING:

___ N/A 1. Location and dimensions of all items, this category on the site and with 100 feet

___ N/A 2. Cross sections and profiles of all existing and proposed streets abutting the lots and within 250 feet

___ N/A 3. Location, type and size of waste disposal system and sanitary sewer lines

___ N/A 4. Location and type of utilities: electric, cable TV, gas, telephone, water. Underground lines, present and proposed connections or extensions

___ N/A 5. Show by means of contours and/or spot grades that lot drains adequately into existing waterways and storm drains with pipe sizes, grades and direction of flow

___ N/A 6. Location of all easements related to drainage, conservation and flood hazard areas

___ N/A 7. Storm drainage calculations 100 year storm certified by a professional engineer

___ N/A 8. Signed contract for water and letters of service from other utilities

___ N/A 9. Location profiles and cross-sections of all water courses and drainage facilities within 300' of limits of development. Flood hazard Boundaries
Development Plan Checklist

**TO BE CHECKED BY APPLICANT**

<table>
<thead>
<tr>
<th>WAIVER</th>
<th>DO NOT USE OFFICE USE ONLY</th>
<th>WAIVER YES NO</th>
</tr>
</thead>
<tbody>
<tr>
<td>_______</td>
<td></td>
<td></td>
</tr>
<tr>
<td>10. Provision for storm water detention basins where required, including details of detention basins calculations in proper form for review</td>
<td></td>
<td></td>
</tr>
<tr>
<td>11. Stream cross-sections</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**H. SIGNS:**

<table>
<thead>
<tr>
<th>N/A</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Location, size, color, wording, letter size, illumination, materials of construction</td>
<td></td>
</tr>
</tbody>
</table>

**I. LANDSCAPING:**

<table>
<thead>
<tr>
<th>N/A</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Total square feet of landscaping</td>
<td></td>
</tr>
<tr>
<td>2. Landscaping within the parking areas</td>
<td></td>
</tr>
<tr>
<td>3. Buffer areas including location of landscape screen and fencing</td>
<td></td>
</tr>
<tr>
<td>4. All areas landscaped: planting plan with size, species and spacing of proposed plant material</td>
<td></td>
</tr>
<tr>
<td>5. Existing trees over 6&quot; in diameter</td>
<td></td>
</tr>
<tr>
<td>6. Proposed location, proposed species, quantity, and spacing of trees to be planted</td>
<td></td>
</tr>
</tbody>
</table>

**J. FIRE PREVENTION:**

<table>
<thead>
<tr>
<th>N/A</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Fire protection systems</td>
<td></td>
</tr>
<tr>
<td>2. Hydrants, existing and proposed</td>
<td></td>
</tr>
<tr>
<td>Item</td>
<td>Description</td>
</tr>
<tr>
<td>------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>K.</td>
<td>Copy of any covenants or deed restrictions</td>
</tr>
<tr>
<td>L.</td>
<td>Soil Erosion and Sediment Control Plan and Soil Conservation District Approval (if project involves the disturbance of more than 5,000 square feet of land area)</td>
</tr>
<tr>
<td>M.</td>
<td>Location of any construction access roads</td>
</tr>
<tr>
<td>N.</td>
<td>Applicant for a project located within a Flood Hazard Area to apply for approval in conformance with the &quot;90 Day Construction Permit Act&quot;</td>
</tr>
<tr>
<td>O.</td>
<td>County Planning Board Review and Approval</td>
</tr>
<tr>
<td>P.</td>
<td>State Ingress and Egress Approval</td>
</tr>
<tr>
<td>Q.</td>
<td>State DEPE-CAFRA Approval</td>
</tr>
<tr>
<td>R.</td>
<td>Army Corps of Engineer Permit Approval</td>
</tr>
<tr>
<td>S.</td>
<td>Letter from Atlantic Highlands Regional Sewerage Authority indicating receipt of application</td>
</tr>
<tr>
<td>T.</td>
<td>NJDEPE Freshwater Wetlands Letter of Interpretation or Letter of Exemption. Please indicate type of letter submitted</td>
</tr>
<tr>
<td></td>
<td>a. Presence or absence determination (Type I)</td>
</tr>
<tr>
<td></td>
<td>b. Footprint of disturbance presence or absence determination (Type II)</td>
</tr>
<tr>
<td></td>
<td>c. Delineation of freshwater wetlands, State open waters and transition areas for property under on acre (Type III)</td>
</tr>
<tr>
<td></td>
<td>d. Regulatory line verification by NJDEPE (Type IV, required if wetlands are present on the site)</td>
</tr>
<tr>
<td></td>
<td>e. Letter of Exemption related to USACOE Nationwide Permit</td>
</tr>
</tbody>
</table>
ADDENDUM TO DEVELOPMENT PLAN CHECKLIST – SEPTEMBER 1998
RE: VARIANCE APPLICATION IN STEEP SLOPE ZONE

Any application for a Variance in the Steep Slope Zone, as defined by the Steep Slope Ordinance, is required to have Borough Engineer's review prior to being deemed complete by the Board for action.

If the application is incomplete in any of the above requirements, the documents will be returned to the developer and will not be accepted as a complete application.
BOROUGH OF ATLANTIC HIGHLANDS
PLANNING BOARD
NOTICE OF HEARING
PUBLIC NOTICE

PLEASE TAKE NOTICE that agents of PAS Realty 3, LLC have submitted a Development Application to the Borough of Atlantic Highlands Planning Board, regarding the property located at 26 West Highland Avenue, Atlantic Highlands, NJ (Block 122, Lot 1), within the Borough’s Light Industrial (LI) Zone. There is an existing one-story masonry building with associated parking at the site. Per prior Land Use Board approval from on or about March 12, 2015, the building was approved to be utilized as follows:

a) Approximately 2,963 SF as a cross-fit facility / commercial athletic Facility / Health Club (which is not a permitted use);

b) Approximately 5,031 SF as a marble and granite facility with approximately 665 SF of a retail component (which such retail use is not a permitted use);

c) Approximately 2,985 SF of office space.

The Applicant is now proposing to expand the cross-fit facility into the approximately 2,985 SF of previously approved office space (so that the cross-fit facility will be occupying both the existing approximately 2,963 SF cross-fit area and the additional approximately 2,985 SF of the referenced office space). There are no exterior site improvements proposed.

In conjunction with the Application, the Applicant requests approval for the following, as applicable:

- Minor Site Plan Approval;
- Waiver of Site Plan Approval;
- Waiver of Site Plan Submission Requirements;
- Potential Change of Use Approval;
- Potential Bulk Variance Relief;
- Use Variance: In that commercial indoor athletic or exercise facilities / health clubs are not permitted in the LI Zone, a Use / “d” Variance is required for the Applicant’s proposal to expand the non-permitted Cross-Fit use;
The Applicant also reserves the right to request any and all other Variances / Design Waivers / Submission Waivers which are necessary, or which may become necessary, during the Public Hearing process.

Moreover, subject to prevailing Emergency Restrictions / limitations. any person or persons who have an interest in the Application or who have any questions, comments, or objections regarding the same will have an opportunity to be heard, either in person (remotely) or through an Attorney, at the remote Atlantic Highlands Planning Board Hearing to be held on September 3, 2020 at 7:00 P.M. As indicated, the Meeting will be a Remote Meeting which will take place through a web meeting conference communication system. The Remote Meeting format, as aforesaid, will allow the Borough’s Land Use Board to adjudicate the application without violating any Executive Orders, and without violating any COVID-19 Health and Safety Protocol, and while still complying with prevailing provisions of New Jersey law. (Please note that the Board Secretary, or other official, will likely be physically managing / operating / organizing the Remote Meeting from the Borough Council Chambers, located at the Atlantic Highlands Borough Hall, 100 First Avenue, Atlantic Highlands, NJ.)

Members of the public and other interested parties are welcome to observe and otherwise participate in the Remote Hearing process. The access instructions are as follows:

Please click the link below to join the webinar:
https://us02web.zoom.us/j/88081630320?pwd=d0E3UmdxaGZRQUpFWmR4VGtoTTJGZz09
Passcode: 030016
Or iPhone one-tap:
US: +13017158592,,88081630320#,,,,,,0#,,,,030016# or +13126266799,,88081630320#,,,,,0#,,,,030016#
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
US: +1 301 715 8592 or +1 312 626 6799 or +1 929 205 6099 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 6833
Webinar ID: 880 8163 0320
Passcode: 030016
International numbers available: https://us02web.zoom.us/u/kcDbi9DvNr

Members of the public who have any questions, concerns, regarding the web access or phone access, or who otherwise lack technological facilities or capabilities are encouraged to contact the Board Secretary (during regular business hours) at 732-291-1444 X3108 or at planningboardahnj.com. In the event no one is present to immediately answer the phone (because of Coronavirus scheduling issues), members of the public are encouraged to leave a message, call back, and/or communicate through email.
Members of the public are furthermore advised that public inspection of application material is available on the Borough Website, (at least 10 days prior to the Hearing date) at ahnj.com. Any individual wishing to potentially review paper copies of the plans or application materials are encouraged to contact the Board Secretary at (732) 291-1444 X 3108 so as to ascertain if any other inspection arrangements can reasonably be accommodated. (The Applicant’s representatives have no control over the specific Borough protocol to be employed.) If necessary, interested members can also contact the Applicant’s Attorney (732-936-1099) for additional assistance in the said regard.

If possible / practical, members of the public are encouraged to notify the Board Secretary, in advance of the meeting (via phone or email) if they anticipate undertaking cross examination of witnesses, soliciting testimony from their own witnesses, introducing evidence / exhibits, and/or making public statements in connection with the application. The aforesaid process is a recommendation and is not a requirement. The within provision is not intended to limit or otherwise restrict public participation. Rather, the within provision is intended to ensure, to the greatest extent possible, that any applicable technological needs can reasonably be facilitated/accommodated (for the benefit of the Board and the Public.)

If the Application is not reached on the Agenda of September 3, 2020, or if the application is carried / adjourned to a new meeting date, the continued meeting date may or may not be a live meeting (as opposed to a Remote Meeting), depending upon governmental orders / restrictions in effect and the preferences / policies of the Borough. Thus, interested members of the public are encouraged to monitor the Borough Website for any relevant developments.

Date 8/14/2020

Kevin E. Kennedy, Esq.
Attorney for Applicant
(732) 936-1099
Date Issued: June 24, 2020

CERTIFICATION OF 200-FOOT LIST
BLOCK[s] 122 LOT [s] 1

PROPERTY LOCATION: 26 West Highland Avenue

TO THE BEST OF MY KNOWLEDGE this is a true and accurate list, as of this date, taken from the most current tax records of the Borough of Atlantic Highlands, NJ.

The address on this list are pertinent to the Borough of Atlantic Highlands exclusively. If the subject property is within 200 feet of a neighboring municipality, you MUST contact that municipality to obtain a listing of any property that may be included in the 200-foot perimeter.

Michelle Clark, Municipal Clerk 6/24/2020 4:13 PM

* If you are located within 200 feet of a State Highway, you MUST notify the NJ Department of Transportation:
  NJ Dept. of Transportation
  1035 Pkwy Avenue
  PO Box 600
  Trenton, NJ 08625

* If you are within 200 feet of a County owned road, you MUST notify the Monmouth County Planning Board:
  Monmouth County Planning Board
  Hall of Records Annex
  One East Main St.
  Freehold, NJ 07728
You must also notice all utilities located within the 200-foot range of the subject property:

GPU
1500 Florence Ave
Union Beach, NJ 07735

NEW JERSEY AMERICAN WATER COMPANY
Attn: Construction Department
661 Shrewsbury Ave
Shrewsbury, NJ 07702

ATLANTIC HIGHLANDS WATER & SEWER DEPARTMENT
Supervisor, Water & Sewer Dept
100 First Ave
Atlantic Highlands, NJ 07716

COMCAST COMMUNICATIONS OF MONMOUTH COUNTY
Ron Bertrand, Construction Foreman
403 South St
Eatontown, NJ 07724

VERIZON COMMUNICATIONS
540 Broad St,
Room 1705
Newark NJ 07101

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY
Robert Eckert, Executive Director
PO Box 205
Belford, NJ 07718

NEW JERSEY NATURAL GAS COMPANY
Attn: Joan Purcaro
PO Box 1464
Wall, NJ 07719

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY
Attn: Executive Director
200 Harbor Way
PO Box 184
Belford, NJ 07718
Borough of Atlantic Highlands
Planning Board
100 First Avenue
Atlantic Highlands, NJ 07716

Attn: Christine Burke – Planning Board Secretary

Re: Lashchyk (PB20-08)
Use Variance Application – Review #1
Location: 26 West Highland Avenue
Zone: LI (Light Industrial)
Block 122, Lot 1
Atlantic Highlands Borough, Monmouth County, NJ
Our File: HAHP0122.01

Dear Board Members:

Our office received the following information in support of the above-referenced application for Use Variance Approval:

- Survey entitled "26 W. Highland Avenue, Boro of Atlantic Highlands, Mon. Co., N.J." prepared by William H. Zieman, Jr, PLS, dated December 19, 2014;
- Architectural Drawings entitled "Interior Alterations, 26 West Highland Avenue – Atlantic Highlands, NJ, Two River Interiors, Ground Floor Plan and Details", prepared by Alan J. Zimbler, RA, dated October 24, 2019;
- Zoning Officers denial prepared by Michele Clark, dated March 16, 2020;
- Application for Variance; and,
- Development Plan Checklist.

In accordance with your authorization, we have reviewed this application for Use Variance for completeness and offer the following comments:

1. Property Description

The subject property is a single lot located on the northern side of West Highland Avenue between Avenue B and West Avenue. The property is approximately 1.79 acres within the Light Industrial (LI) Zone. It provides approximately 371 feet of roadway frontage along the northern side of West Highland Avenue. The Applicant is proposing to expand a previously approved non-conforming use within the existing building. No external improvements are proposed.

A use variance was granted per PB 14-13, dated March 12, 2015, to allow a cross-fit gym facility, a "commercial indoor athletic or exercise facilities or health club" to occupy 2,963 SF of space. This use is not an expressly permitted use in the LI zone. This resolution also granted use variance relief for 5,031 SF of the building for a marble and granite facility with retail showroom, the 665 SF retail component is also a non-permitted use.
2. **Surrounding Uses**
   Surrounding properties to the north are R-1 single-family residential, while north and east are commercial zone HBD, and south are similarly zoned light industrial.

3. **Zoning Compliance**
   The subject property is within the LI Zone District, where the proposed use of exercise facility is not expressly permitted use.

   Based on the submission it appears that use variance relief is required for the proposed use of exercise facility, which is not permitted in the zone.

4. The Application requires variance relief from the following ordinance sections.
   a) **Section 150-29(A)(3)(Exhibit 5-4)** – The Applicant proposes expansion of a previously approved exercise facility use on the subject property, whereas an exercise facility use is not expressly permitted within the LI zone district. This expansion requires use variance approval in accordance with N.J.S.A. 55:70d(1).

5. The Applicant should be prepared to discuss the following issues with the Board:
   a) The Applicant should provide current site photos of the property and adjacent uses.
   b) The Applicant shall provide the land use history of the site including, but not limited to: any prior board approval(s), continuing existing permitted uses, and certificate of occupancy for each existing use. The Applicant should demonstrate continued compliance with prior approvals.
   c) The Applicant should provide testimony on existing and proposed number of employees, class sizes, frequency, and times.
   d) The Applicant should confirm the proposed space to be occupied on the 10/14/19 architectural plan and comment on habitable nature of said space.
   e) The Applicant should confirm 2014 survey accurately depicts current conditions.
   f) The Applicant shall confirm ingress and egress for the proposed exercise facility use.
   g) The Applicant shall provide testimony on the internal building circulation for the proposed exercise facility use.
   h) The Applicant shall provide testimony in support of the required off-street parking requirement for the proposed exercise facility use per Ordinance Section 150-89 Exhibit 9-2. Specifically, the applicant shall compare the parking demand of all the existing/previousl
approved use(s) of the site to the proposed use(s). We note the proposed exercise facility use has a higher parking requirement than industrial/light manufacturing (1 space per 50 ft gross floor area vs 1 space per employee per shift), however the operations of the proposed use (number of staff, duration of customer visits, hours of operation, etc.) should be clarified.

i) The Applicant shall confirm compliance with current ADA parking and access standards, including signage.

j) The Applicant should discuss current and proposed outdoor activities, including storage, hours, group size, noise amplification, and music, noting the adjacent residential uses.

k) The Applicant shall also clarify if this Application will include any proposed signage, lighting or any exterior modification to the building or site.

l) The Applicant should discuss adequacy of existing buffering and landscaping, noting that adjacent uses are residential in nature, and provide a plan for any proposed landscaping or buffering improvements.

m) The Applicant should discuss current and proposed refuse and recycling operations for the site.

n) The Applicant should provide testimony on other uses within the property and the effect of this expansion on their operation, employees, customers, hours, and deliveries.

o) A statement of consent from the owner is required in support of filing the application as it appears the applicant would be a tenant within the multi-use building.

Based upon the above, our office recommends that the application be deemed **CONDITIONALLY COMPLETE**, conditioned upon the Board's approval of the submission waivers and submission requirements outlined above. The Applicant can be scheduled for the next available public hearing.

6. Based upon our review of the subject application, we estimate that the following fees are required:

<table>
<thead>
<tr>
<th>Ordinance Section</th>
<th>Description</th>
<th>Application Fee</th>
<th>Escrow Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>168-2H(3)</td>
<td>Site Plan Waiver</td>
<td>$150.00</td>
<td>$150.00</td>
</tr>
<tr>
<td>168-2H(4)</td>
<td>Use variance (NJSA 40:55D-70d)</td>
<td>$250.00</td>
<td>$1,000.00 (min)</td>
</tr>
</tbody>
</table>

Total: $400.00 $1,150.00 (min)

We recommend the Borough collect $400.00 in nonrefundable application fees and $1,150.00 in professional services escrow fees from the Applicant prior to deeming the application complete.
Atlantic Highlands Borough Planning Board
Re: Lashchar (PB 20-08)
Completeness / Technical Review #1
Use Variance

April 29, 2020
Our File No. HAHP0122.01
Page 4

7. As the proposed exercise facility use is not a permitted principle use within the LI zone district, the Applicant must seek a "Special Reasons" to amend the previously granted Use Variance pursuant to N.J.S.A. 40.55D-70d(1). The Applicant shall provide testimony demonstrating compliance with the Medici case consistent with the following:

a) Positive Criteria
   i. That the site is particularly suited to the use.
   ii. There are special reasons that allow a departure from the zoning regulations in this particular case. In general, to show special reasons, the grant of a variance must be shown to implement one or more of the purposes of the Municipal Land Use Law (N.J.S.A 40:55D-2)

b) Negative Criteria
   i. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact of the proposed use on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
   ii. That the variance will not substantially impair the intent and purpose of the Zoning Plan and Municipal Ordinance.

The right is reserved to present additional comments pending the receipt of revised Plans and/or testimony of the Applicant before the Board.

Should you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME Associates

Douglas Rohmeyer, PE, CME, CFM
Planning Board Engineer

DMR/DEP
cc: Adam Hubeny - Borough Administrator
    Michael B. Steib, Esq. – Board Attorney
    Michelle Clark – Zoning Officer
    Andrew Lashchyk – Applicant
ATLANTIC HIGHLANDS PLANNING BOARD
APPLICATION FOR VARIANCE

1. I/we Andranik Lahkhalir, the applicant(s) herein, whose mailing address is 32 South Ave Atlantic Highlands N0 07716.

and whose phone number is 732-740-1958 am/are the owner/contractor of property located at 26 W Highland Ave Atlantic Highlands N0 07716.

also designated as Block 122, Lot(s) 1 on the Tax Map of the Borough of Atlantic Highlands.

2. The Property is in the ______ Zone, it has street frontage of 484.8 feet and an average depth of 128.4 feet and an area of 100,976 square feet.

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be 32.71%.

4. The following structures, buildings and/or uses are located on the property:

   MAIN STRUCTURE & PARKING

5. Application is hereby made for a variance to:

   Approval for CrossFit to take over additional space within building.

   Approval for CrossFit has been granted in 2014.

6. The reason for this request and the grounds urged for the relief are as follows:

   LOCAL BUSINESS

7. The section(s) of the Borough Zoning Ordinance upon which this application is based is:

   CROSSFIT BUSINESS IN BUILDING

8. Property Tax & Water Bills have been paid through the 4 quarter of 2019.

9. Has the property been separated from a larger tract of land? Yes ______ No X ______ If yes, when?

   Has the Planning Board approved the subdivision Yes ______ No X ______ If yes, when?

10. If there has been any previous appeal or application to the Planning Board involving the premises, state:

    Date of Filing: _____________________________
    Character of Appeal: _____________________________
    Disposition: _____________________________

I/We the undersigned, certify that all of the statements contained herein are true and correct to the best of my/our knowledge, information and belief.

Applicant Signature

Date

Applicant Signature

Date

To: Andrew Lashchar  
32 South Avenue  
Atlantic Highlands

From: Michelle Clark  
Zoning Officer

Date: March 16, 2020

Re: Block 122, Lot 1, 26 West Highland Avenue

I have reviewed your application for an expansion of an indoor athletic or exercise facility in the LI Zone for compliance with the Borough of Atlantic Highlands Zoning Code.

The following approvals are necessary:

150-49. Nonconforming uses, buildings and structures  
c. Expansion of use. No nonconforming use may be expanded.

Minor Site Plan Approval

To proceed with an application to the Planning Board please contact Christine Burke at 731-291-1444 ext 3108 or by email at planningboard@ahnj.com

Should you have any questions, please feel free to contact me.

cc: Christine Burke, Board Secretary