



**Consulting & Municipal
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May 28, 2025

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

Attn: Renee Frotton
Planning Board Secretary

Re: Yvonne Moody (PB24-12)
Engineering Review #2
Use Variance Application
Location: 99 Center Avenue
Zone: R-1 (Residential District)
Block 134, Lot 11
Atlantic Highlands Borough, Monmouth County, NJ
Our File: HAHP0134.03

Dear Planning Board Members:

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

- Plan entitled "Deck Repair Plan," consisting of one (1) sheet, prepared by Eastern Civil Engineering LLC, dated January 14, 2024, revised April 8, 2025, and;
- Various other application documents.

In accordance with the Board's authorization, we have reviewed this application for Use Variances for completeness and offer the following comments:

1. Property Description

The subject property is a corner lot located in the R-1 (Residential) Zone District, with 130' feet of frontage on Avenue C and 50' of frontage on Center Avenue. The subject property currently contains a two (2) story dwelling with entry walkway, enclosed front porch, unenclosed back porch, paver patio, concrete walkways, and a detached two (2) story garage building with an apartment and attached porch on the second story. Access to the second-story apartment is through a door at the rear of the garage building.

The Applicant seeks to demolish the existing porch on the second-story apartment and install a new deck with an attached spiral staircase and landing leading to the base of the garage building.

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NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

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The applicant has not provided a floor plan for either of the structures on-site. Two-family use is not permitted within this zone. The applicant has also not provided any prior approvals permitting a two-family use for this property. It appears that the applicant is proposing to expand a non-conforming use within the zone.

2. Surrounding Uses

The property directly across Avenue C from the subject property is a church. Other properties to the North, South, and East of the subject property contain single-family residences. All properties surrounding the subject property are located in the R-1 Zone District.

3. Zoning Compliance

The subject property is situated within an R-1 Zone District and the table below summarizes the bulk measures and zone requirements for the property:

Table 1: Bulk Standards, R-1 Zone (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	7,500	6,500	6,500 (EC)
Minimum Lot Frontage & Width(ft.)	75	50	50 (EC)
Minimum Lot Shape Diameter Corner Lot (ft.)	45	25	25 (EC)
Principal Building Setbacks			
Center Ave. Front Yard (ft.)	20	~17	~17 (EC)
Avenue C Front Yard (ft.)	20	4.5	4.5 (EC)
Side Yard (ft.)	10	4.1	4.1 (EC) *
Rear Yard (ft.)	20	~8	5.2 (V)
Maximum Building Height (ft./stories)	35 / 2 ½	24.7 / 2	24.7 / 2
Maximum Building Coverage	25%	25.6%	25.6% (EC)
Maximum Lot (Impervious Surface) Coverage	50%	37.1%	37.1% **
Maximum Acc. Building Height (ft./stories)	16 / 1	21.0 / 2	21.0 / 2 (EC)
Minimum Gross Floor Area (square feet)	1,500	2,800	2,800
Maximum Useable Floor Area Ratio	0.40	~0.51	~0.51 (3,356 sf) (EC) ***

(EC): Existing Non-conformity

(NC): No Change

(V): Variance required

* It is noted that the proposed staircase setback is 5.2'. This would require a variance if not for the existing garage/apartment setback of 4.1'

** It is our understanding that the deck will be gapped, not fiberglass.

*** To be confirmed by submission of floor plan for both structures.

4. It appears that the Applicant will require relief from the following variances and design waivers with respect to this development application:

a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum rear yard setback for a principal structure is 20 feet; Applicant proposes 5.2 feet.



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- b) **Section 150-49(B)** - No nonconforming building or structure shall be enlarged, extended or increased unless such enlargement, extension, or increase is conforming.
- 5. It appears that the following existing nonconformities would remain with respect to this application:
 - a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot area for improvement is 7,500 square feet, whereas the subject property is 6,500 square feet.
 - b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum front yard frontage is 75 feet, whereas 50 feet exists.
 - c) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum Lot Shape Diameter for a corner lot is 45 feet, whereas 25 feet exists.
 - d) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum front yard setback for a principal building is 20 feet, whereas 4.5 feet exists.
 - e) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum side yard setback for a principal structure is 20 feet; Applicant proposes 4.1 feet.
 - f) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum building coverage for an accessory building is 25%, whereas 25.6% exists.
- 6. The Applicant has not requested any submission waivers at this time and no additional waivers appear necessary. We defer to the Board for determination regarding the possible need for variances and/or design waivers that may be required.
- 7. The Applicant should be prepared to discuss the following issues with the Board:
 - a) Reasons supporting the granting of the requested bulk variance and/or design waivers and continuance of the existing condition nonconformities.
 - b) The application appears to require D variance relief pursuant to N.J.S.A. 40:55D-70(d)(1) as two principal uses is not permitted within the Zone District. The Applicant or their professionals shall be prepared to provide testimony regarding the following proofs:
 - i. Positive Criteria
 - 1. There must be special reasons to grant the variance. This means that the proposed deviation to expand the nonconforming use would advance the purposes of zoning as spelled out in the Municipal Land Use Law, and that this site is particularly suited to accommodate the proposed use.
 - ii. Negative Criteria



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1. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact(s) associated with the granting of the proposed variance relief 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.
 2. That the variance will not substantially impair the intent and purpose of the zoning plan and Municipal Ordinance.
- c) Stormwater runoff including how additional coverage and improvements will be mitigated. Applicant should discuss runoff from the proposed deck and address concentration of flows and effects on adjacent properties.
 - d) Applicant should discuss consideration to any alternate design or layouts that would decrease the infringement upon the setbacks.
 - e) Ease of constructability and construction access without blocking the road or imposing on the neighboring property.
 - f) The applicant should discuss existing improvements on lots 10 and 12 to depict separation between same.
 - g) Any proposed landscaping or landscape buffer improvements.
 - h) The Applicant should discuss the "Optional Post with Masonry Pier" detail; if there is more than one option for the required deck posts, and which one will be used for construction.
 - i) The Applicant should provide site photos depicting existing conditions.
 - j) Applicant should discuss parking requirements for the site. The applicant should also discuss the existing parking spaces and proposed parking spaces.
 - k) The applicant to provide details regarding useable floor area to ensure compliance with the Borough's maximum usable floor area ratio.
 - l) All poured concrete shall be 4,500 PSI, Class-B, and plan details shall be revised to reflect this.



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

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

Very truly yours,

CME Associates

Paul Kowaleski, PE
For the Firm

PK/JT

cc: Rob Ferragina - Borough Administrator
Michelle Clark – Zoning Officer
Michael B. Steib, Esq. – Board Attorney
Yvonne Moody – Applicant
Danielle & Zachary Winnerling – Property Owner
Andrew Stockton, PE, PLS, PP – Applicant's Engineer