



ATLANTIC HIGHLANDS PLANNING BOARD
APPLICATION FOR VARIANCE

1. APPLICANT

Name: William Pittenger
Address: 46 2nd Avenue
City: Atlantic Highlands State: NJ Zip: 07716
Phone: (732) 299-6103
Email: william.pittenger@gmail.com
Relation to property: Owner

2. OWNER (if different from applicant)

Name: _____
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____
Email: _____

3. PROPERTY INFORMATION

Zone R-1 Block 96 Lot(s) 3 Address: 46 2nd Avenue, Atlantic Highlands, NJ 07716
Street frontage: 50 Average depth: 100 Lot area 5,000

Proposed percentage of lot coverage by both the existing structure and any proposed additions will be:
36.1% existing house structure + 30.28% new driveway, patio and walkways (natural stone paver) = 66.38% total impervious coverage

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

There is a single family house with a covered front porch. There is also a shed, which is located at the rear of the property.

Application is hereby made for variance(s) to:

- (1) add 2-car driveway (506 sqft) to side yard, pitched to street (natural stone paver) - see Exhibit 1 for more detail
(2) add patio (544 sqft) to rear yard, with 2 drainage boxes (natural stone paver) - see Exhibit 1 & 2 for more detail
(3) add walkways (464 sqft) to both side yards (natural stone paver), connecting driveway to patio and providing ingress/egress to front/rear of property - see Exhibit 1 for more detail. (4) remove 1 shade tree at street frontage and plant 2 more shade trees - see Exhibit 1

Reason for this variance request and the grounds urged for relief are as follows:

- (1) driveway- to provide off-street parking on congested 2nd Ave; make it safer for family/kids to enter/exit vehicle
(2) patio- better enjoyment of outdoor space
(3) walkways- ease of access between driveway, patio and front/rear yards (e.g., rolling garbage cans to street)
(4) shade trees- current tree blocks access to driveway area; add shade with addition of 2 trees

The section(s) of the Borough Zoning Ordinance that apply to this application are:

150-89(D)(1)

Borough of Atlantic Highlands
100 First Avenue, Atlantic Highlands, NJ 07716
(732) 291-1444 www.ahnj.com
planningboard@ahnj.com

Property Tax & Water/Sewer bills have been paid through the 3rd quarter of 2024

Property History – Describe in detail nature of prior use(s) on the site, start date of such use, any prior Planning Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

We purchased the single family residential property in October 2019. We did an addition and renovation to the house through a variance (see resolution attached).

We moved in and have been living in the house since 2022. As far as we are aware, the property has always been used as a single family residential property.

4. PROFESSIONALS (Attorney, Engineer, Planner, Architect, etc.)

Name: n/a Name: n/a

Profession: _____ Profession: _____

Address: _____ Address: _____

City: _____ State: _____ Zip: _____ City: _____ State: _____ Zip: _____

Phone: _____ Phone: _____

Email: _____ Email: _____

Copy on email correspondence? ____Yes ____ No Copy on email correspondence? ____Yes ____ No

Name: n/a Name: n/a

Profession: _____ Profession: _____

Address: _____ Address: _____

City: _____ State: _____ Zip: _____ City: _____ State: _____ Zip: _____

Phone: _____ Phone: _____

Email: _____ Email: _____

Copy on email correspondence? ____Yes ____ No Copy on email correspondence? ____Yes ____ No

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

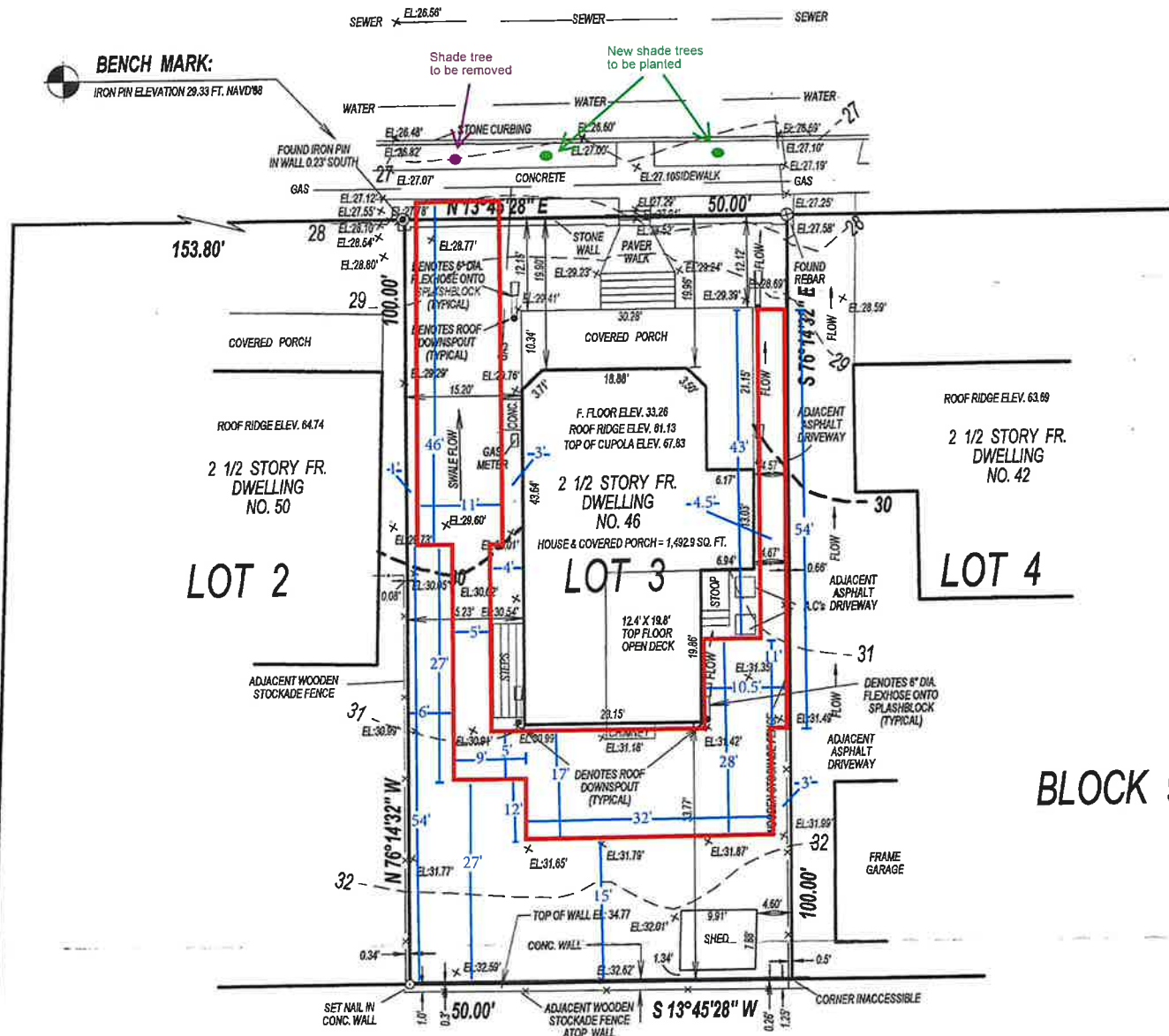
Location sketch or survey shall include the exact location of the property in question, giving the tax map block and lot numbers, the name of the street, approximate distance to the nearest cross street and the direction of North. For a variance from the required minimum area or setbacks, the sketch or survey should locate all buildings and structures on the property. Please show any details that the Board may consider important to render its decision.

EXHIBIT 1

SECOND

(50' R.O.W.)

AVENUE



BLOCK 96

LOT 19

NOTES:

1. DIMENSIONS SHOWN ARE BASED ON FEET ABOVE THE NORTH AMERICAN 1988 (NAVD'88).
 2. DIMENSIONS IN ZONE X ON FEMA FLOOD INSURANCE RATE MAP 00066F DATED SEPT. 25, 2009.
 3. DIMENSIONS IN ZONE X ON FEMA PRELIMINARY FLOOD INSURANCE RATE MAP 00066G DATED JAN. 30, 2015.
 4. FOUND UTILITIES SHOWN ARE BASED ON LOCATIONS OF SURFACE MARKS. CALL MARKOUT SERVICE AND DO NOT PURPORT TO BE A WARRANTY OF THE UNDERSIGNED. SURFACE MARKS MAY VARY, AND OFTEN DO, FROM UNDERGROUND LOCATIONS. CAUTION IS ADVISED TO VERIFY ALL FOUND UTILITIES PRIOR TO EXCAVATION.

FLOOR AREA CALCULATIONS:

LOT 2	1094.7 SQ. FT.	21.9
LOT 3	1020.90 SQ. FT.	20.4
LOT 4	273 SQ. FT.	5.5
LOT 19	61.3 SQ. FT.	1.2
TOTAL	2,449.9 SQ. FT.	0.49

ZONING SCHEDULE

R - 1 ZONE	REQUIRED	PRE-VARIANCE	AS-BUILT
MINIMUM LOT AREA	7,500 S.F.	5,000 S.F. ***	5,000 S.F.
MINIMUM LOT WIDTH	75 FT.	50 FT. ***	50 FT.
MINIMUM FRONT YARD	20 FT.	12.12 FT. ***	12.12 FT.
MINIMUM SIDE YARD	10 FT.	4.57 FT. ***	4.57 FT.
MINIMUM COMBINED SIDE YARD	20 FT.	19.77 FT. ***	19.77 FT.
MINIMUM REAR YARD	20 FT.	33.77 FT.	33.77 FT.
MINIMUM ACCESSORY BLDG. SIDE YARD	5 FT.	4.60 FT. ***	4.60 FT.
MINIMUM ACCESSORY BLDG. REAR YARD	5 FT.	1.34 FT. ***	1.34 FT.
LOT SHAPE MINIMUM DIAMETER	50 FT.	30 FT. ***	30 FT.
MAXIMUM BUILDING HEIGHT	35 FT.	38.4 FT. ***	38.4 FT.
MAXIMUM BLDG. LOT COVERAGE	25%	28.7% ***	31.4% **
MAXIMUM IMPERVIOUS COVERAGE	50%	33.2%	36.1% *
USEABLE FLOOR AREA RATIO	0.40	0.42 ***	0.49

*** DENOTES VARIANCE REQUESTED HOUSE 116 YEARS OLD & PREDATES ZONING ORDINANCE

** INCLUDES REAR OPEN DECK CONVERTED TO HOUSE ENCLOSURE

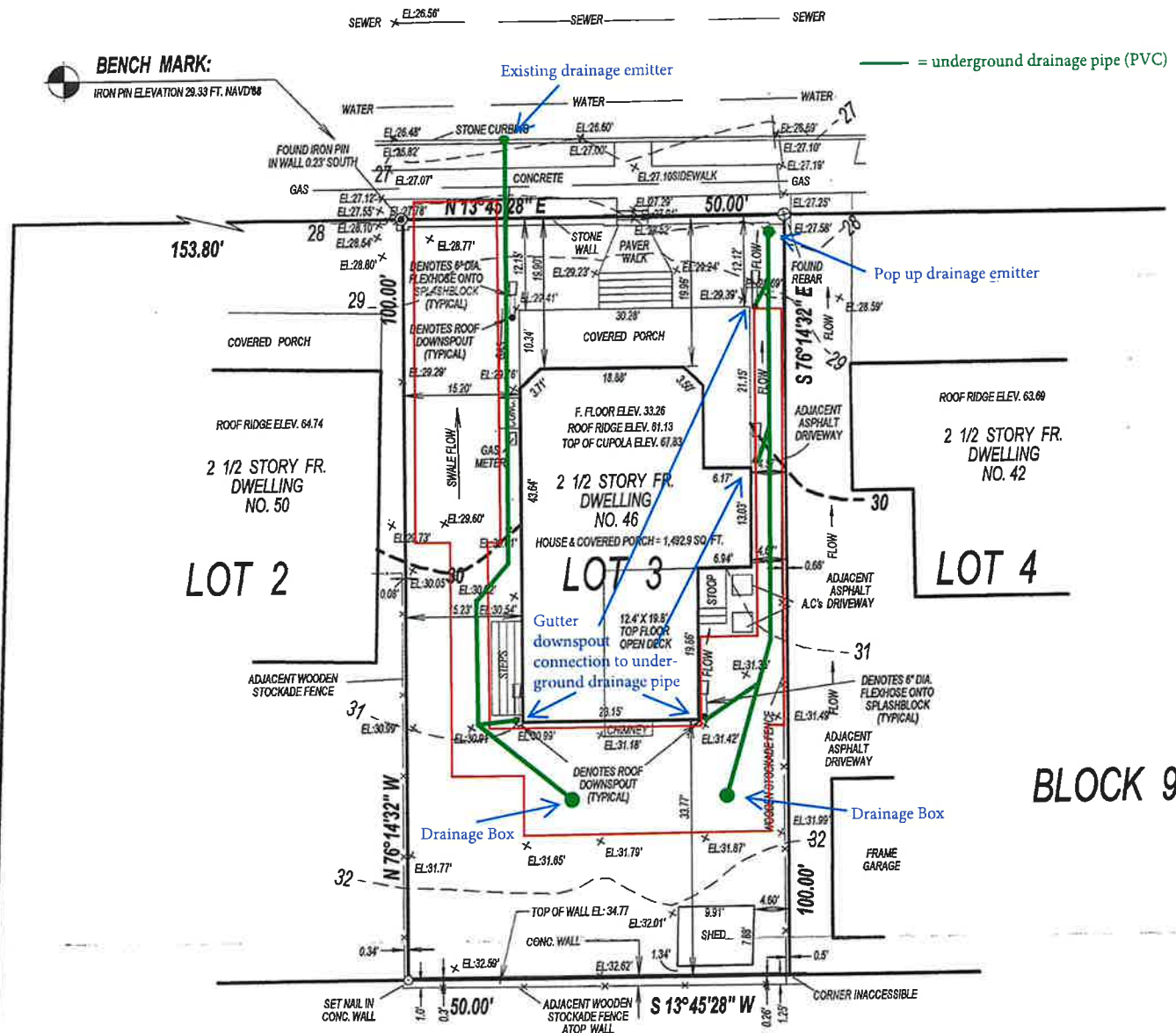
* INCLUDES NEW STEPS, NEW STOOP, NEW CHIMNEY & NEW AIR COND'S.

EXHIBIT 2

SECOND

(50' R.O.W.)

AVENUE



BLOCK 96

LOT 19

NOTES:

1. SHOWN ARE BASED ON FEET ABOVE THE NORTH AMERICAN 1988 (NAVD'88).
 2. MIN ZONE X ON FEMA FLOOD INSURANCE RATE MAP 2006F DATED SEPT. 25, 2009.
 3. MIN ZONE X ON FEMA PRELIMINARY FLOOD INSURANCE RATE MAP 2006G DATED JAN. 30, 2015.
 4. FOUND UTILITIES SHOWN ARE BASED ON LOCATIONS OF SURFACE MARKS & CALL MARKOUT SERVICE AND DO NOT PURPORT TO BE A WARRANTY OF THE UNDERSIGNED. SURFACE MARKS MAY VARY, AND OFTEN DO, FROM UNDERGROUND LOCATIONS. CAUTION IS ADVISED TO VERIFY ALL FOUND UTILITIES PRIOR TO EXCAVATION.

FLOOR AREA CALCULATIONS:

FR	1094.7 SQ. FT.	21.9
OR	1020.90 SQ. FT.	20.4
PR	273 SQ. FT.	5.5
	61.3 SQ. FT.	1.2
	2,449.9 SQ. FT.	0.49

ZONING SCHEDULE

R - 1 ZONE	REQUIRED	PRE-VARIANCE	AS-BUILT
MINIMUM LOT AREA	7,500 S.F.	5,000 S.F. ***	5,000 S.F.
MINIMUM LOT WIDTH	75 FT.	50 FT. ***	50 FT.
MINIMUM FRONT YARD	20 FT.	12.12 FT. ***	12.12 FT.
MINIMUM SIDE YARD	10 FT.	4.57 FT. ***	4.57 FT.
MINIMUM COMBINED SIDE YARD	20 FT.	19.77 FT. ***	19.77 FT.
MINIMUM REAR YARD	20 FT.	33.77 FT.	33.77 FT.
MINIMUM ACCESSORY BLDG. SIDE YARD	5 FT.	4.60 FT. ***	4.60 FT.
MINIMUM ACCESSORY BLDG. REAR YARD	5 FT.	1.34 FT. ***	1.34 FT.
LOT SHAPE MINIMUM DIAMETER	50 FT.	30 FT. ***	30 FT.
MAXIMUM BUILDING HEIGHT	35 FT.	38.4 FT. ***	38.4 FT.
MAXIMUM BLDG. LOT COVERAGE	25%	28.7% ***	31.4% **
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USEABLE FLOOR AREA RATIO	0.40	0.42 ***	0.49

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 ** INCLUDES REAR OPEN DECK CONVERTED TO HOUSE ENCLOSURE
 * INCLUDES NEW STEPS, NEW STOOP, NEW CHIMNEY & NEW AIR COND'S.

N.J. PLANE COORDINATE SYSTEM NAD83

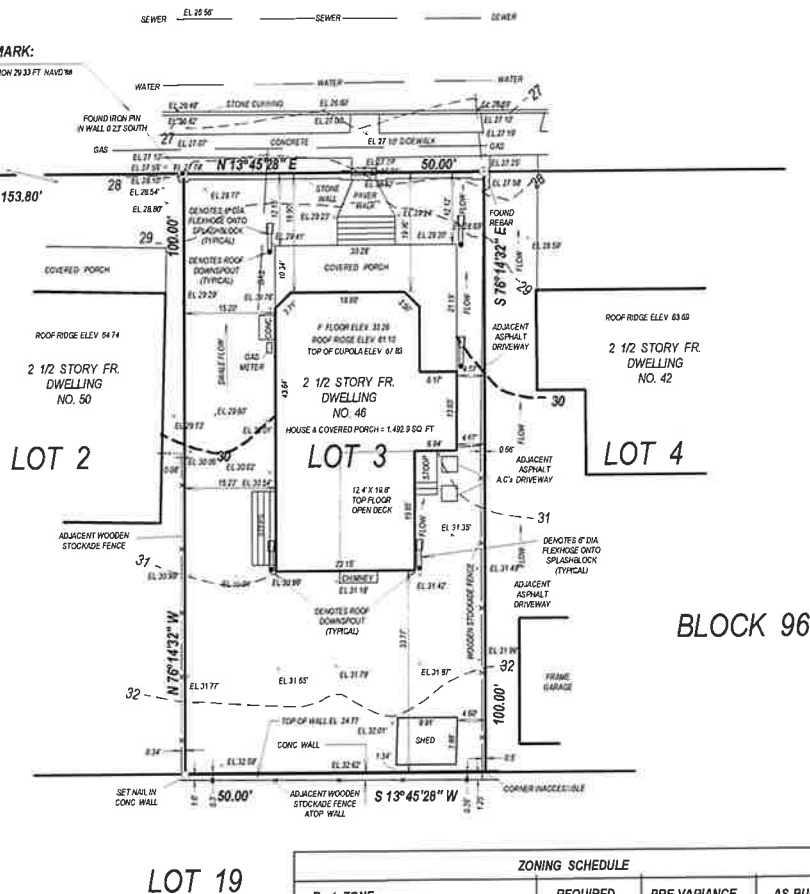
SECOND

(50' R.O.W.)

AVENUE

BENCH MARK:
IRON PIN ELEVATION 29.33 FT NAVD83

AVENUE
(50' R.O.W.)
MOUNT



GENERAL NOTES:

- ELEVATION SHOWN ARE BASED ON FEET ABOVE THE NORTH AMERICAN DATUM OF 1988 (NAVD83)
- PROPERTY IN ZONE X ON FEMA FLOOD INSURANCE RATE MAP NO. 34025C0068F DATED SEPT. 25, 2009.
- PROPERTY IN ZONE X ON FEMA PRELIMINARY FLOOD INSURANCE RATE MAP NO. 34025C0068G DATED JAN. 30, 2015.
- UNDERGROUND UTILITIES SHOWN ARE BASED ON LOCATIONS OF SURFACE MARKS BY N.J. ONE CALL MARKOUT SERVICE AND DO NOT PURPORT TO BE A WARRANTY OF FACT BY THE UNDERSIGNED. SURFACE MARKS MAY VARY, AND OFTEN DO, FROM ACTUAL UNDERGROUND LOCATIONS. CAUTION IS ADVISED TO VERIFY ALL UNDERGROUND UTILITIES PRIOR TO EXCAVATION.

AS-BUILT FLOOR AREA CALCULATIONS:

FIRST FLOOR	1094.7 SQ. FT.	21.9
SECOND FLOOR	1020.90 SQ. FT.	20.4
ATTIC FLOOR	273 SQ. FT.	5.5
SHED	61.3 SQ. FT.	1.2
TOTAL	2,449.9 SQ. FT.	0.49

ZONING SCHEDULE

R - 1 ZONE	REQUIRED	PRE-VARIANCE	AS-BUILT
MINIMUM LOT AREA	7,500 S.F.	5,000 S.F. ***	5,000 S.F.
MINIMUM LOT WIDTH	75 FT. ***	50 FT. ***	50 FT.
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MINIMUM SIDE YARD	10 FT.	4.57 FT. ***	4.57 FT.
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MAXIMUM BLDG. LOT COVERAGE	25%	28.7% ***	31.4% **
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** INCLUDES REAR OPEN DECK CONVERTED TO HOUSE ENCLOSURE

* INCLUDES NEW STEPS, NEW STOOP, NEW CHIMNEY & NEW AIR COND'S.

**FINAL AS-BUILT SURVEY
LOT 3, BLOCK 96
BOROUGH OF ATLANTIC HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY**

BEING TAX MAP LOT 3, IN BLOCK 96, BOROUGH OF ATLANTIC HIGHLANDS, MONMOUTH COUNTY, N.J. SURVEYED IN ACCORDANCE WITH THE DESCRIPTION CONTAINED IN DEED BOOK 3691, PAGE 299.

CERTIFIED TO:

WILLIAM A. PITTENGER,
DWIGHT WESLEY PITTENGER, ESQ.

REVISED 08/22/2022 AS PER CME ASSOC.
REVISED 05/10/2022 FINAL AS-BUILT SURVEY.
REVISED 02/12/2020 TO SHOW FOUNDATION LOCATION.
REVISED 03/23/2020 TO SHOW TOPOGRAPHY DATA

**McGRATH SURVEYING
& WATERFRONT CONSULTING, LLC**

321 Mantoloking Road, Brick, NJ 08723
Phone: 848-232-3820 • Fax: 848-232-3823
Email: info@mcgrathsurveying.com

I CERTIFY THIS SURVEY AND FIND CONDITIONS AS SHOWN. THIS CERTIFICATION IS MADE ONLY TO HEREON NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF ABOVE PREMISES BY HEREON NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING BUT NOT LIMITED TO SURVEY AFFIDAVIT, RESALE OF PROPERTY OR TO ANY OTHER PERSON. THIS SURVEY IS SUBJECT TO ADDITIONAL FACTS THAT MAY BE DISCLOSED BY AN ACCURATE AND CORRECT TITLE SEARCH AND/OR EXAMINATION.



Digitally signed by WILLIAM E
McGRATH
Date: 2024.09.05 15:26:59 -04'00'

WILLIAM E. McGRATH, P.L.S. 24194

PROFESSIONAL LAND SURVEYOR

CERTIFICATE OF AUTHORIZATION 24GA28242400

FILE: 19-1005 DATE: 10/15/2019 SCALE: 1" = 20' CHECKED: W.E.M.

**IN THE MATTER OF
APPLICATION NO. PB 20-12
OF WILLIAM PITTENGER
BLOCK 96 LOT 3**

**RESOLUTION GRANTING
VARIANCE APPROVAL**

WHEREAS, WILLIAM PITTENGER, hereinafter the "Applicant", has proposed the development of property located at 46 Second Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 96, Lot 3 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for approval to construct a 14 ft. x 10 ft. 2.5 story addition to an existing 2.5 story single family home with a 256 sq. ft. roof deck requiring variances for:

1. Building coverage of 31.72% where 25% is permitted and 28.91% exists (Section 150-29(A)(II)(Exhibit 5-2))

2. Useable floor area ratio of 0.49 where 0.40 is permitted and 0.42 exists (Section 150-29 (A)(II)(Exhibit 5-2))

3. Combined side yard setback of 16.66 ft. where 20 ft. are required and 19.77 ft. exists (Section 150-29 (A)(II)(Exhibit 5-2))

The aforesaid new variances are in addition to the following existing non-conforming elements that will be continued:

1. Lot area of 5,000 sq. ft. where 7,500 sq. ft. is required (Section 150-29 (A) (II) (Exhibit 5-2))

2. Lot frontage and width of 50 ft. where 75 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

3. Lot shape diameter of 35 ft. where 50 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

4. Front yard setback of 12.12 ft. where 20 ft. is required Section 150-29) (A) (2) (Exhibit 5-2)).

5. Side yard setback of 4.57 ft. where 10 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

6. Accessory side yard setback of 4.6 ft. where 5 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

7. Accessory side yard setback of 1.34 ft. where 5 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

8. Impervious coverage of 66.9% where 50% is permitted (Section 150-29) (A) (2) (Exhibit 5-2)).

The forgoing is contrary to the provisions of the Development Regulations of the Borough of Atlantic Highlands Chapter 150, Article V, Section 150-29 of the Development Regulations of the Borough of Atlantic Highlands; and

WHEREAS, the subject property is located in the R-1 Residential Zone District and single family residential homes

with associated accessory structures are a permitted use in the Zone; and

WHEREAS, the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on August 6, 2020 due notice of said meeting having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

WHEREAS, the Applicant's witnesses were sworn and the Planning Board having heard the testimony of the Applicant's witnesses and having examined the exhibits submitted by the Applicant and having considered all of the evidence presented in favor of or in opposition to the application, the Planning Board has made the following findings of fact:

1. The Planning Board has received and reviewed the following documents, Exhibits and reports:

1.1 Application for variance of William Pittenger dated April 30, 2020, marked as Exhibit A-1 in evidence.

1.2 Property and Topographic Survey prepared by McGrath Surveying, LLC dated October 15, 2019, marked as Exhibit A-2 in evidence.

1.3 Plot Plan prepared by KBA Engineering Services, LLC dated April 23, 2020, marked as Exhibit A-3 in evidence.

1.4 Architectural Elevation and Floor Plans prepared by Nova Architecture, Inc. dated January 7, 2020, marked as Exhibit A-4 in evidence.

1.5 Technical Review #1 of CME Associates dated June 12, 2020, marked as A-5 in evidence.

1.6 Series of 9 photographs of subject property from various vantage points, marked as Exhibit A-6 in evidence.

1.7 Series of 4 elevation drawings of proposed structure, marked as Exhibit A-7 in evidence.

1.8 Photographs #19 to 29 showing attic area, marked as Exhibit A-8 in evidence.

1.9 Aerial photograph of subject property and environs, marked as Exhibit A-9 in evidence.

2. The premises in question are located at 46 Second Avenue, in the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey, which property is further known and designated as Block 96, Lot 3 on the Tax Map of the Borough of Atlantic Highlands.

3. The subject property is located in the R-1 Residential Zone District and single family residential homes with associated accessory structures are a permitted use in the Zone.

4. The property in question has approximate dimensions of 50.00 ft. x 100.00 ft. x 50.00 ft. x 100.00 ft and is an

elongated rectangle in shape with an approximate area of 5,000 sq. ft. (0.114+/- acres. The property is presently developed with a 2.5 story single family residential home with covered porch, open deck, paver walkway and detached accessory shed. The subject property has existing non-conforming elements as set forth previously in this resolution.

5. The Applicant proposes to construct a 14 ft. by 10 ft. 2.5 story addition to the rear of the existing home over the existing deck. The addition will follow the existing building side yard setback but will have a platform extending closer to the side property line by 3 ft. which will bring the platform approximately 12.23 ft. from the southerly property line. This conforms with the minimum side yard setback of 10 ft. but will reduce the combined side yard setback by approximately 3 ft. from 19.77 ft. to 16.66 ft. where 20 ft. is required. Although the proposed 2.5story addition is being placed over an existing deck, the existing deck is not included in the calculation of building coverage. Therefore, building coverage is being increased to 31.72 % where 24% is permitted and 28.91% currently exists. The 2.5story addition will add useable floor area to the home thus increasing the useable floor area ratio to 0.49 where 0.40 is permitted and 0.42 exists.

6. The Applicant was represented by Dwight Pittenger, Esq. who presented the testimony of William A. Pittenger, the property owner and Applicant, James Pittenger and Joseph Kociuba, a Licensed Professional Engineer and Licensed Professional Planner in the State of New Jersey. The property owner testified that the existing home is approximately 140 years old and that renovations are needed in order to enlarge

the small interior rooms and hallways consistent with modern standards and to provide for a family room. Mr. Pittenger confirmed that the building will be 2.5 stories and will not be a 3-story building. Mr. Pittenger further testified that the front porch will not be enclosed or heated and will continue in its current status. Mr. Pittenger testified that he has worked with his architect in order to maintain the outside architecture to be consistent with the Victorian flavor of other homes on Second Avenue while providing for a modern interior design and layout.

7. James Pittenger testified that the existing pot belly stove and masonry chimney are failing and that the Applicant is proposing to remove and replace those elements with a new gas fire place wrapped in siding. He further testified that the air conditioning system will be pulled closer to the home from the existing neighbor in order to reduce any noise impacts from that unit.

8. Joseph Kociuba testified that he has been a Licensed Engineer in the State of New Jersey for fifteen years and a Licensed Professional Planner for fourteen years. He noted that the subject property is an undersized interior lot with only 50 ft. of frontage where 75 ft. are required which results in a long, narrow lot which makes it difficult to provide additions without the requirement for variance relief. He testified that, from an Engineering standpoint, the addition to the home within its current footprint is di minimis as is the small proposed platform and they will not result in any substantial detrimental visual impact or storm water impact on neighboring properties. He testified that the grading of the property presently flows

toward the street will continue to do so post development. He further testified that the existing home has four bedrooms and that after the proposed improvements will continue to have four bedrooms. Thus, the number of bedrooms will not increase and the RSIS requirement for parking spaces will not increase. The Planning Board notes that there are no parking spaces on site. However, the proposed addition will not create a need for any additional parking spaces so that conditions will be the same, both pre and post development.

9. Mr. Kociuba opined that the side yard setback variance is a de minimis change and involves only the small landing along the southerly side of the building. The main portion of the addition will be in excess of the minimum required side yard setback. Moreover the Planning Board notes that the proposed platform will be on the opposite side of the property from that in which there is an existing deficiency in side yard setback and will not be visible from that side of the property and will therefore have no adverse impacts.

10. Mr. Kociuba further testified that the increase in floor to area ratio will not result in any adverse impacts as it will not increase the intensity of the use of the home. The home is an existing four bedroom home which will continue to be a four bedroom home post development. Therefore, he opined that there will be no increase in intensity and that the property will, notwithstanding the deviation of the floor to area ratio requirements, continue to accommodate the proposed improvements.

11. Mr. Kociuba further testified that the building coverage addition will not result in any adverse storm water

management impacts and will not result in any substantial adverse visual impacts upon the surrounding properties as the addition will not be visible from the streetscape or properties to the north will be the required distance from the rear of the property and will maintain the required setback from the adjacent property to the south.

12. The Planning Board finds that the Applicant has satisfied the positive and negative criteria for the grant of the requested variance relief. The Planning Board finds that the subject property is an undersized lot which is an elongated rectangle in shape. These conditions impose a hardship on the property insofar as its narrowness results in the inability to construct a reasonably sized residential home and meet the required combined side yard setbacks. This is particularly so when coupled with the fact that there is an existing structure on the property with a building footprint that limits the area where additions can be placed. Under the circumstances, the applicant has placed the addition in the most appropriate location which will continue the existing southerly building line with the exception of the small proposed platform. The Planning Board further finds that the undersized lot characteristics impose a hardship upon the Applicant to have a residence of adequate size to conform to modern standards without exceeding the building coverage and useable floor area ratios. The Planning Board notes that on a full sized lot building coverage of 25% would permit 1,875 sq. ft. of building coverage. Although the Applicant is exceeding the allowable building coverage percentage, the Applicant is only proposing building coverage of coverage of approximately 1,586 sq. ft. which is nearly 300 sq. ft. less than that which is contemplated

for a home in this zone. Similarly, a full size lot in the zone would permit useable floor area of 3,000 sq. ft. The Applicant, although exceeding that floor area ratio, will have approximately 2,450 sq. ft. which is over 500 sq. ft. less than that, which would be otherwise permitted on a full size lot.

As a result of all of the foregoing the Planning Board finds that an extraordinary and exceptional situation uniquely effecting this specific piece of property and the structures lawfully existing thereon exists such that the strict application of the Atlantic Highlands Development Regulations would result in peculiar and exceptional practical difficulties to and exceptional and undue hardship upon the Applicant as it would prevent a reasonably sized addition to this existing 140 year old home in order to modernize it and bring it to current standards.

13. The Planning Board further finds that the Applicant has satisfied the negative criteria for the grant of the requested variance relief. The Planning Board finds that the reduced combined side yard setback will not result in any substantial detriment to the public good. The Planning board notes that proposed platform which creates the increased deficiency as side yard setback is located on the southerly side of the house and will maintain in excess of the full required side yard setback in that side yard. That platform will not be visible from the opposite side of the home and therefore will not have any impact upon the north side of the property. Moreover, the platform will be a substantial distance from the street and, due to its minimal size, will have no impact upon the streetscape. Consequently, the Planning board finds that

with respect to the reduced combined side yard setback any impacts are di minimis and insubstantial and will have no substantial adverse impact upon the surrounding properties or the neighborhood.

14. With respect to the building coverage, the Planning Board finds that the Applicant will be simply "squaring off" the rear of the existing structure and following the existing building lines. The Planning Board finds that the additional 14 foot by 10 foot building addition will not have any adverse stormwater impacts resulting in any additional stormwater flow on neighboring properties, nor will it have any substantial adverse visual impacts upon the adjacent properties. It will not be visible from the streetscape, will not be visible from the property to the north and will be a significant distance exceeding the rear yard setback requirements from the property to the east. With respect to the property to the south it will maintain the required side yard setback. The Planning Board has viewed the architectural elevation drawings presented by the Applicant and finds that those drawings are consistent with the Applicant's testimony that the proposed addition will maintain and continue the attractive Victorian theme of the neighborhood along Second Avenue. Consequently, the proposed addition will have no substantial adverse impacts upon the surrounding properties in the neighborhood.

15. The Planning Board comes to the same conclusions with respect to the increased useable floor area ratio. The Planning Board finds that the addition will allow the home to be developed such that the exterior maintains the Victorian atmosphere of the surrounding neighborhood while permitting

modernization of the interior of the structure to provide for better living quarters for the family. The Planning Board further finds that the subject property can accommodate the additional floor area ratio as it agrees with the Applicants planner that the existing conditions are a four bedroom home and the proposed additions will continue to be a four bedroom home. Thus, the intensity of use will not increase as a result of the grant of this requested variance.

16. The Planning Board further finds that the grant of the requested variances will not result in any substantial impairment of the Zone Plan or Zoning Ordinance. The Planning Board finds that with respect to the combined side yard setback, the purpose of those setbacks is to ensure that there will be adequate light, air and open space between properties. The Planning Board finds that the small proposed platform, which results in the increased deficiency in combined side yard setback is so small as to have no significant impact upon adequate light, air and open space. Moreover, it will maintain greater than the required side yard setback along the southerly side of the property where the platform is visible and will have no visual impacts upon the streetscape, the property to the north or the east, and therefore will not result in the impacts sought to be avoided by the Ordinance of the building coverage. The Planning comes to the same conclusion with respect to the addition. The proposed new addition will not be visible from the streetscape or the property to the north and will be adequate distance from the properties to the east and south so as not to impede on light, air and open space and also will not have the impacts sought to be avoided by the Ordinance.

17. With respect to floor area ratio, that provision of the Ordinance is intended to ensure that properties are not used too intensely. As set forth previously herein the proposed addition will not increase the intensity of the use in this property and therefore will not offend the purposes for which the Ordinance was enacted. Based upon all of the foregoing the Planning Board finds that the grant of the requested variance relief will not result in any substantial impairment to the Zone Plan or Zoning Ordinance and that the subject property can accommodate the increased useable floor area ration notwithstanding the deviation from the Ordinance standard.

18. As a result of all of the foregoing the Planning Board finds that the Applicant has satisfied the positive and negative criteria for the grant of the requested variance relief and that the variances can and should ne granted at this time.

19. The Planning Board further finds that all property owners within 200 ft. of the premises in question were given proper notice of the hearing of this application and were provided with an opportunity to present testimony in favor of, or in opposition to, the appeal.

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 27th day of August, 2020 that the Application of **WILLIAM PITTENGER** be and is hereby approved, which approval is expressly conditioned upon compliance with the following terms and conditions:

GENERAL CONDITIONS -

1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.

2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.

3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.

4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional

services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.

5) The Applicant shall furnish such Performance Guarantees, Temporary Certificate of Occupancy Guarantees, Safety and Stabilization Guarantees, Maintenance Guarantees, Inspection Fees and such other Guarantees or fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of on-tract/off-tract and private site improvements. (Not Applicable)

6) No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

7) Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.

8) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity. This approval is conditioned upon compliance by the Applicant with all Ordinances and Regulations of this Municipality.

9) In the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations

in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 08625-0802 within thirty (30) days of the date hereof. Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".

10) In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, New Jersey 08625-0802.

11) The Applicant shall comply with the contribution requirements of the Municipal Affordable Housing Fund as applicable to this application. (Not Applicable)

12) In the event that this Application involves a subdivision or site plan, such subdivision or site plan shall expire at the conclusion of the period of protection from zoning changes provided for in N.J.S.A. 40:55D-49 or 40:55D-52.a, as applicable, and in no event shall extend beyond the fifth anniversary of the date of adoption of this resolution.

13) In the event that this approval involves the approval of a subdivision, the Applicant shall provide to the Board Engineer and attorney for review and approval, deeds for each of the lots created and shall file such deeds simultaneously with the recording of any subdivision plat.

14) All special conditions shall be included as notes on the plans. Not Applicable)

15) All general and special conditions set forth in this Resolution shall be placed as notes on the approved plans as a Resolution compliance requirement.

16) The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee pursuant to the applicable Municipal Ordinances. This approval is subject to the Applicant paying all applicable fees, including any fee due and owing to the Municipality's Affordable Housing Trust Fund.

Affordable units in inclusionary developments shall have at least 50% low income units (of which at least 13% are very low income). The remaining affordable units shall be moderate income units. The bedroom distribution for affordable units shall be a minimum of 20% three-bedroom units and a maximum of 20% one- bedroom units. (Not Applicable)

17) This Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all permits and approvals required prior to the commencement of any development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional and/or Municipal Utility Authority approval, in addition to any and all building and construction permits, required by the Municipality. All work performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

18) As an essential and non-severable condition of this approval, the Applicant shall comply with all Mount Laurel obligations and shall comply with the Municipality's approved Housing Element and Fair Share Plan including but not limited to, any associated implementing Ordinances.
(Not Applicable)

19) The scope of the review of this application is necessarily limited to planning, zoning and land use review of the site as compared to the requirements of the Municipality. The grant of this approval and of any permit or approval in connection therewith shall not constitute a representation, guarantee or warranty of any kind or nature by the Municipality or by any Municipal official or employee thereof with respect to the practicability or safety of any structure, use or other plan proposed and

shall create no liability upon or cause of action against the Board, the Municipality or any officials or employees of the Municipality for any damage or injury that result from the construction of the improvements for which this Zoning approval is granted.

SPECIAL CONDITIONS -

1) The approvals granted in connection with this application are as follows:

1. Building coverage of 31.72% where 25% is permitted and 28.91% exists (Section 150-29(A)(II)(Exhibit 5-2))

2. Useable floor area ratio of 0.49 where 0.40 is permitted and 0.42 exists (Section 150-29 (A)(II)(Exhibit 5-2))

3. Combined side yard setback of 16.66 ft. where 20 ft. are required and 19.77 ft. exists (Section 150-29 (A)(II)(Exhibit 5-2)).

2) The following were existing non-conforming elements will be continued:

1. Lot area of 5,000 sq. ft. where 7,500 sq. ft. are required (Section 150-29 (A)(II)(Exhibit 5-2))

2. Lot frontage and width of 50 ft. where 75 ft. are required (Section 150-29 (A)(2)(Exhibit 5-2)).

3. Lot shape diameter of 35 ft. where 50 ft. is required (Section 150-29 (A)(2)(Exhibit 5-2)).

4. Front yard setback of 12.12 ft. where 20 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

5. Side yard setback of 4.57 ft. where 10 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

6. Accessory side yard setback of 4.6 ft. where 5 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

7. Accessory side yard setback of 1.34 ft. where 5 ft. is required (Section 150-29) (A) (2) (Exhibit 5-2)).

8. Impervious coverage of 66.9% where 50% is permitted (Section 150-29) (A) (2) (Exhibit 5-2)).

3) The front porch of the property will not be enclosed or heated.

4) The roof leaders on the new portion of the structures shall be directed toward Second Avenue.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

BE IT FURTHER RESOLVED that should the Applicant not exercise this variance within the required time period pursuant to Chapter 150, Article III, Section 150-9.J. these variances will expire.

BE IT FURTHER RESOLVED that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

OFFERED BY: Mrs. Murray

SECONDED BY: Mr. McGoldrick

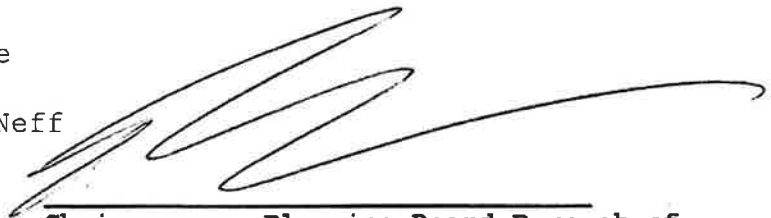
ROLL CALL: Mr. Dougherty, Mr. Boms, Mr. Hawley, Mr. Caccamo, Mr. McGoldrick, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Sonnek-Schmelz, Mr. Krupinski, Mr. Curry

YES: Mr. Hawley, Mr. Caccamo, Mr. McGoldrick, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Sonnek-Schmelz, Mr. Krupinski, Mr. Curry

NO: None

ABSTAIN: None

ABSENT: Mr. Neff



**Chairperson, Planning Board Borough of
Atlantic Highlands**

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of Atlantic Highlands at its meeting held on September 3, 2020.

**Secretary, Planning Board
Borough of Atlantic Highlands**



**Consulting & Municipal
ENGINEERS**

1460 Route 9 South
Howell, NJ 07731
732.462.7400 ☎
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November 8, 2024

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

Attn: Renee Frotton – Planning Board Secretary

Re: *Pittenger (PB24-13)*
Bulk Variance Review No. 1
Location: 46 Second Avenue
Block 96, Lot 3
Zone: R-1 (Residential District)
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP0096.02

Dear Planning Board:

Our office has performed a bulk variance review of the following information relative to the above referenced development application compared to the Borough of Atlantic Highlands Improvement Standards ordinance:

- As-Built Survey entitled "Final As-Built Survey, Lot 3, Block 96, Borough of Atlantic Highlands, Monmouth County, New Jersey" consisting of one (1) sheet prepared by William E. McGrath, PLS, dated October 15, 2019, last revised September 5, 2024;
- Utility Modification Exhibit 1 "Final As-Built Survey, Lot 3, Block 96, Borough of Atlantic Highlands, Monmouth County, New Jersey" consisting of one (1) sheet prepared by William E. McGrath, PLS, dated October 15, 2019, last September 5, 2024, 2022;
- Utility Modification Exhibit 2 "Final As-Built Survey, Lot 3, Block 96, Borough of Atlantic Highlands, Monmouth County, New Jersey" consisting of one (1) sheet prepared by William E. McGrath, PLS, dated October 15, 2019, last revised September 5, 2024, 2022;
- Zoning Officers Denial letter dated September 30, 2024;
- Borough Transmittal Letter, dated October 1, 2024; and
- Planning Board Application dated October 1, 2024.

CONSULTING AND MUNICIPAL ENGINEERS LLC

NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

Barnegat • Berlin • Camden • Howell • Medford • Monmouth Junction • Parlin

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Consulting & Municipal
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Renee Frotton – Planning Board Secretary
Atlantic Highlands Planning Board
Re: 46 Second Avenue – Bulk Variance Review #1
Block 96, Lot 3

November 8, 2024
Our File No. HAHP0096.02
Page 3

Table 1: Bulk Standards, R-1 Zone (§150-89(D)(1) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Maximum Useable Floor Area Ratio	0.40	0.49	0.49 (EC)

(EC): Existing Condition (V): Variance Required (TBP): To Be provided

4. It appears that the Applicant will require relief from the following variance with respect to this development application:
 - a) **Section 150-54(F)** – The minimum required setback of a driveway within a side yard setback is 5 feet, whereas less than one foot is proposed.
 - b) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum required impervious lot coverage is 50%, whereas 66.38% is proposed.
5. The Applicant has requested submission existing non-conforming waivers at this time and several appear necessary.
 - a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot area required is 7,500 square feet, whereas 5,000 square feet is proposed to remain.
 - b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot width is 75 feet, whereas 50 feet is proposed to remain.
 - c) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot shape diameter is 50 feet, whereas 30 feet is proposed to remain.
 - d) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum front yard width required is 20 feet, whereas 12.12 feet is proposed to remain.
 - e) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required side yard setback is 10 feet, whereas 4.57 feet is proposed to remain.
 - f) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required combined side yard setback is 20 feet, whereas 16.66 feet is proposed to remain.
 - g) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required accessory building side yard setback is 5 feet, whereas 4.60 feet is proposed to remain.
 - h) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required accessory building rear yard setback is 5 feet, whereas 1.34 feet is proposed to remain.



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Renee Frotton – Planning Board Secretary
Atlantic Highlands Planning Board
Re: 46 Second Avenue – Bulk Variance Review #1
Block 96, Lot 3

November 8, 2024
Our File No. HAHP0096.02
Page 2

We have reviewed this application for Bulk Variance approval and offer the following comments:

1. Property Description

The subject property is an undersized lot containing 5,000 SF within an R-1 Zone District and provides 50 feet of road frontage along the eastern side of Second Avenue. The property currently contains a 2.5-story dwelling, covered front porch, detached garage, two (2) paver driveways, and top floor open deck.

The Applicant proposes to construct a 500 SF two (2) car driveway along the south side yard, along with a 1,008 SF rear patio and stone paver walkway on the rear and sides of the property.

2. Surrounding Uses

Properties surrounding the subject site are similarly zoned R-1 and contain primarily single-family residential uses.

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 (§150-89(D))(1) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	7,500	5,000	5,000 (EC)
Minimum Lot Frontage & Width (ft.)	75	50	50 (EC)
Minimum Lot Shape Diameter Interior Lot (ft.)	50	30	±30 (EC)
Principal Building Setbacks			
Front Yard (ft.)	20	12.12	12.12 (EC)
Side Yard (ft.)	10	4.57	±4.57 (EC)
Combined Side Yard (ft.)	20	16.66	16.66 (EC)
Rear Yard (ft.)	20	33.77	33.77
Accessory Building/ Struct. Setbacks			
Side Yard (ft.)	5	4.60	4.60 (EC)
Rear Yard (ft.)	5	1.34	1.34 (EC)
Building Coverage	25%	31.72%	31.72% (EC)
Lot (Impervious Surface) Coverage	50%	35.36%	±66.38% (V)
Building Height (stories.)	2 ½	2 ½	2 ½
Maximum Building Height (ft.)	35	38.4	38.4 (EC)



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Atlantic Highlands Planning Board
Re: 46 Second Avenue – Bulk Variance Review #1
Block 96, Lot 3

November 8, 2024
Our File No. HAHP0096.02
Page 4

- i) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum required building height is 35 feet, whereas 38.4 feet is proposed to remain.
- j) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum required usable floor area ratio is 0.40, whereas 0.49 is proposed to remain.
- k) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum required building lot coverage is 25%, whereas 31.72% is proposed to remain.

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

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

<u>Ordinance Section</u>	<u>Description</u>	<u>Application Fee</u>	<u>Escrow Fee</u>
168-2.D.(4)	Hardship Variance	\$150.00	\$500.00 (min)

We recommend the Borough collect \$150.00 in nonrefundable application fees and \$500.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

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

- a) Reasons supporting the granting of the requested bulk variances and/or design waivers and continuance of the existing condition nonconformities.
- b) Stormwater runoff including how additional coverage and improvements will be mitigated. Applicant should discuss runoff from proposed improvements, roof leader location, yard drainage, and address concentration of flows and effects on adjacent properties. Applicant to discuss existing drainage patterns and impacts to same. Applicant to address the existing swale within the proposed driveway.
- c) Any landscaping work including buffers, proposed plantings, and tree removal. Applicant should specify the shade tree species proposed within the front yard. A tree removal permit is required for any trees to be removed.
- d) Applicant should demonstrate conformance with parking requirements. Per RSIS, two (2) off-street parking spaces are required for 4-bedroom residential homes. Applicant should discuss required spaces and impacts to on-street parking with installation of a curb cut/driveway. The applicant appears to be in compliance.
- e) Applicant should discuss installation of drainage system as it appears to cross beneath borough sidewalk. Applicant should discuss if a curb cut is proposed to access the



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Atlantic Highlands Planning Board
Re: 46 Second Avenue – Bulk Variance Review #1
Block 96, Lot 3

November 8, 2024
Our File No. HAHP0096.02
Page 5

driveway. It appears the driveway installation includes removal of a front yard retaining wall. Applicant should discuss grading impacts/wall relocation along the property line.

- f) Applicant should discuss any improvements in Borough Right of Way. It appears that the improvements will require a depressed curb and concrete apron.

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

Douglas M. Rohmeyer
Douglas M. Rohmeyer, PE, CME, CFM
Planning Board Engineer

DEP/DAR

cc: Robert Ferragina – Borough Administrator
Michael B. Steib, Esq. – Board Attorney
Michelle Clark – Zoning Officer
William Pittenger – Applicant