



April 2, 2020

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

Attn: Christine Burke – Planning Board Secretary

Re: Atlantic Highlands Donuts, LLC (PB20-05)
Use & Bulk Variance Application – Review #1
Location: First Avenue & Memorial Parkway (NJSH Route 36)
Zone: HB (Highway Business)
Block 104, Lots 1 & 2
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP0104.01

Dear Planning Board Members:

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

- Survey entitled "Boundary and Topographic Survey for Atlantic Highlands Donuts, LLC, Existing Conditions, Block 104, Lots 1 and 2, First Avenue and Highway 36, Borough of Atlantic Highlands, Monmouth County, New Jersey", Prepared by Craig Black, PE, PLS, dated April 4, 2019, last revised January 31, 2020;
- Site Plans entitled "Preliminary and Final Site Plan for Atlantic Highlands Donuts, LLC, Proposed Site Improvements, Block 104, Lots 1 and 2, Tax Map Sheet #22 – Latest Rev. Dated Feb. 1998, First Avenue and Memorial Parkway (NJSH Route 36), Borough of Atlantic Highlands, Monmouth County, New Jersey", ten (10) sheets, prepared by James E. Henry, PE, dated January 29, 2020;
- Zoning Officers denial, prepared by Michelle Clark, dated February 21, 2020;
- Development Plan Checklist, dated February 19, 2020;
- Drainage Statement for Atlantic Highlands Donuts, LLC, Proposed Site Improvements, Block 104, Lots 1 & 2, First Avenue & Memorial Parkway (NJSH Route 36), Borough of Atlantic Highlands, Monmouth County, New Jersey, Prepared by Dynamic Engineering, dated January 2020; and,
- Traffic Impact & Parking Assessment for Atlantic Highlands Donuts, LLC, NJ Route 36 (MP 15.31), Block 104 – Lots 1 & 2, Atlantic Highlands, Monmouth County, NJ, DT # 2954-99-001T, dated January 29, 2020.

JOHN H. ALLGAIR, PE, PP, LS (1003-2001)
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We have reviewed this application for Use & Bulk Variance approval and offer the following comments:

1. Property Description

The subject property appears consist of lots 1 and 2 of block 104 in the Borough of Atlantic Highlands, and lots 2, 3, 4, and 7 of block 693 in the Township of Middletown. The majority of development exists within block 104, lots 1 and 2 in Atlantic Highlands containing about 4.32 acres within the HB (Highway Business) Zone District and providing road frontage along both the south side of NJSH Route 36 (Memorial Parkway) and the west side of First Avenue. The property currently contains one large strip mail building (49,971 SF) and one smaller (1,700 SF) one-story bank building on lot 1 and a one-story Dunkin Donuts building (1,490 SF) on lot 2 with shared front parking lot. The rear portion of the largest building and associated rear loading area extend over the municipal border into Middletown Township. The development is bounded to the rear (south) by Many Mind Creek.

The Applicant proposes to modify the existing Dunkin Donuts building on lot 2 for drive-through access, including associated parking lot improvements. Drive-through service is a permitted use within the HB Zone District. The existing site violates requirement for setbacks, lot coverage, building coverage, floor area ratio, impervious coverage, gross floor area, sidewalk, parking, and driveways as detailed in the table below.

2. Surrounding Uses

Properties surrounding the subject site are single family residential in Middletown Township to the south and west, commercial and light industrial to the north, and office residential, senior citizen, and single family residential to the east.

3. Zoning Compliance

The subject property is situated within the HB Zone District. The proposed restaurant with drive-through service use is a permitted use within the HB zone. The table below summarizes the bulk zone requirements for the subject property:

Table 1: Bulk Standards, HB (Highway Business District) (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	40,000	187,944	187,944
Minimum Lot Frontage & Width(ft.)	200	336.6 / 1,185.6	336.6 / 1,185.6
Minimum Lot Shape Diameter (ft.)	135	336.6	336.6
Principal Building Setbacks			
Front Yard (ft.)	30	-0.2 (EC)	-0.2 (V)
Side Yard (ft.)	15	0 (EC)	0 (V)
Side Yard Combined (ft.)	30	0 (EC)	0 (V)
Rear Yard (ft.)	30	-39.4 (EC)	-39.4 (V)
Accessory Building Setbacks			
Side Yard (ft.)	10	187.1	187.1



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Table 1: Bulk Standards, HB (Highway Business District) (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Rear Yard (ft.)	10	28.1	28.1
Building Coverage	25%	26.0% (EC)	26.0% (V)
Lot (Impervious Surface) Coverage	70%	91.8% (EC)	91.5% (V)
Building Height (Stories)	2	2	2
Maximum Building Height (ft.)	32	<32	<32
Maximum Acc. Building Height (ft.)	16	<16	<16
Maximum Useable Floor Area Ratio	0.25	0.26 (EC)	0.26 (V)
Minimum Gross Floor Area (sq. ft.)	2,500	1,490 (EC)	1,490 (V)

(EC): Existing Condition

(V): Variance Required

(TBP): To Be Provided

4. The Applicant indicated several existing condition nonconformities. It appears the following nonconformities will remain pertinent to the property, however intensified by the addition of the proposed drive-thru facility thereby triggering the need for relief for the following variances and/or design waivers:
- a) **Section 150-29A(2)(Exhibit 5-2)** – The maximum usable floor area ratio in the HB zone is 0.25, where 0.26 exists; It is noted that the existing and proposed UFAR for the site is maintained at 0.26, however the Applicant is proposing to add drive-through service. The intensification of the use requires D Variance relief pursuant to 40:55D-70.d. The applicant should be prepared to discuss how the site would accommodate the potential negative impact associated with a floor area ratio larger than that permitted by ordinance.
 - b) **Section 150-29A(2)(Exhibit 5-2)** – The minimum front yard setback required in the HB zone is 30 feet, where -0.2 feet exists;
 - c) **Section 150-29A(2)(Exhibit 5-2)** – The minimum rear yard setback required in the HB zone is 30 feet, where -39.4 feet exists;
 - d) **Section 150-29A(2)(Exhibit 5-2)** – The minimum side yard setback required in the HB zone is 15 feet, where 0 feet exists;
 - e) **Section 150-29A(2)(Exhibit 5-2)** – The minimum combined side yard setback required in the HB zone is 30 feet, where 0 feet exists;
 - f) **Section 150-29A(2)(Exhibit 5-2)** – The maximum building coverage in the HB zone is 0.25, where 0.26 exists;
 - g) **Section 150-29A(2)(Exhibit 5-2)** – The maximum impervious coverage in the HB zone is 70 percent, where 91.8 percent exists and 91.5 percent is proposed;



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- h) **Section 150-29A(2)(Exhibit 5-2)** -- The minimum gross floor area required for a one-story building in the HB zone is 2,500 square feet, where 1,490 square feet and 1,700 square feet exist;
 - i) **Section 150-89.B.(2)** -- Parking spaces for the physically handicapped shall be 20 feet long, where 18 feet exists.
 - j) **Section 150-89.B.(3)(d)** -- Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two feet of sidewalk width are provided in order to accommodate such overhang.
 - k) **Section 150-89.B.(5)(c)** - Parking areas shall not be located in any required front yard.
 - l) **Section 150-89.A.(7)(c)** - Sidewalk width shall be four feet; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and cars overhang the sidewalk, widths shall be six feet.
 - m) **Section 150-89.B.(1)(c)** -- Existing uses require 224 total parking spaces, where 219 spaces exist.
 - n) **Section 150-54.F.** -- Within a nonresidential zone district, entry driveways and walkways may cross any yard area; however, other than crossing yards, driveways shall adhere to the yard requirements for accessory structures. Walkways in a nonresidential zone may be located in a yard area but they shall not encroach into any required buffer.
 - o) **Section 150-89.D.(2)** - All driveways into commercial properties or into parking lots in any commercial zone shall, if more than 25 feet in paved width, be divided by a physical barrier.
 - p) **Section 150-89.D.(3)** - No driveway shall exceed 30 feet in width.
 - q) **Section 150-89.D.(5)** - No commercial, industrial or public parking lot driveway shall be located within 50 feet of any intersection.
5. The Applicant has indicated in the Development Plan Checklist waiver from providing the required site plan submission items. Based upon the proposed scope of site related improvements we do not object to the site plan waiver request from an engineering point of view. The Applicant shall provide testimony in support of the site plan related submission waivers indicated below.
- a) **Checklist items E1, E4, E6 & E7** -- Site plan requirements for buildings and structures.
 - b) **Checklist items F8 & F9** - Site plan requirements for parking areas, traffic control and lighting.



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- c) **Checklist items G1-G3, G7, G9 & G11** – Site plan requirements for roads, driveways, walks, curbs, walkways and fencing.
- d) **Checklist item P** – State ingress and egress approval.
- e) **Checklist item Q** – NJDEP CAFRA approval.
- f) **Checklist item R** – Army Corps of Engineer permit approval.
- g) **Checklist item T** – NJDEP freshwater wetlands LOI.

6. Traffic

It appears the inclusion of the drive-through changes to the site will not generate an increase of 100 vehicle trips during the peak hours. The maximum increase based on ITE is 43 new trips during the Saturday peak hour. A Traffic Impact Study does not appear warranted.

7. Parking/Circulation

- a. The Applicant's Traffic Engineer should provide queueing analysis for the drive-through to determine the average peak queueing at the site and confirm that sufficient storage is provided.
- b. The Applicant should provide testimony on the amount of employees required for the Dunkin Donuts and justify the need for eleven (11) Employee Only parking spaces. It is also unclear whether the employee only spaces are for the Dunkin Donuts use or entire shopping center. What methods will be made to ensure employees from the entire shopping center use these spaces and not general parking spaces should be clarified. Consideration should be taken to remove the two spaces in front of the shed and eliminating the employee only spaces in front of the clothing bins.
- c. The Applicant should consider redesigning the parking area in front of the Dunkin Donuts to eliminate the ability for pedestrians to cross immediately in front of the drive through. See enclosed sketch for consideration. The use of a landscape island and reworked curb ramp would improve pedestrian safety and ADA accessibility.
- d. An additional ADA parking space should be considered based on the parking demand for the Dunkin Donuts.
- e. The drive aisle directly east of the drive through is proposed to be one-way in the northern direction. The parking spaces should be angled to help enforce the movement restriction. Curb islands should also be provided at the northern end of this parking area.
- f. The Applicant is now proposing parking in front of the trash enclosure serving the Dunkin Donuts. The Applicant should address how this impacts access to the enclosure. The swing gates for the enclosure may open into the parking spaces, which is not recommended.



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- g. The Applicant's parking calculation appears to exclude a portion of the building located within Middletown. If included, the total parking requirement would be 239 parking spaces where the plan notes 224 parking spaces are required. This should be discussed.
- h. A total of 219 parking spaces is proposed consistent with the existing condition however this may be reduced to address parking and circulation design comments noted above. While parking is based strictly floor area an argument could be made that adding a drive-thru may reduce parking demand.
- i. The Applicant should clarify the purpose and messaging for Bollard Mounted Signs in front of the Dunkin Donuts.
- j. The Applicant's Engineer should consider additional "Do Not Enter" signage and pavement markings at the western driveway along Memorial Parkway indicating that it is an entrance only driveway.
- k. An additional DRIVE THRU (turn arrow) pavement marking should be provided for westbound vehicles using the perimeter driveway.
- l. Additional specifications for the hatched striping should be included on the plans including spacing and line width dimensions.

Based upon the items listed below, our office recommends that the application be deemed **CONDITIONALLY COMPLETE**. Once the items noted below have been submitted, our office will review for completeness, prepare any additional review comments and indicate when the Applicant may be scheduled for a public hearing.

- 8. Based upon our review of the subject application, we estimate that the following application fees and escrow deposit are required:

<u>Ordinance Section</u>	<u>Description</u>	<u>Application Fee</u>	<u>Escrow Fee</u>
168-2H(3)	Site Plan only	\$100.00	\$300.00 (min)
168-2H(4)	Hardship Variance (40:55D-70c)	\$150.00	\$350.00 (min)
168-2H(4)	Use Variance (40:55D-70d)	\$250.00	\$1,000.00 (min)
Total:		\$500.00	\$1,650.00 (min)

We recommend the Borough collect \$500.00 in nonrefundable application fees and \$1,650.00 in professional services escrow fees from the Applicant prior to deeming the application complete.



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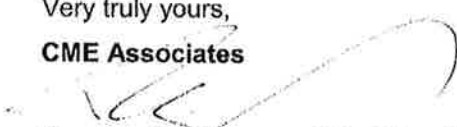
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9. The Applicant should be prepared to discuss the following issues with the Board:
- a) Reasons supporting the granting of the required use and bulk variances and/or design waivers and/or continuance of the existing condition nonconformities.
 - b) We recommend that the Applicant provide photographs of the existing condition of the subject property for the Boards consideration.
 - c) Testimony should be provided regarding the overall business operations of the proposed use and site. Testimony should include, but is not limited to the following:
 - i. Hours of operation for the proposed use.
 - ii. Maximum anticipated number of employees during any shift for the proposed use.
 - iii. Discuss loading and deliveries associated with the proposed use.
 - iv. Trash and recycling on-site storage and collection associated with the proposed use.
 - d) The Applicant shall provide a calculation of the proposed off-street parking requirement for the entire property complying with Section 150-89(B). Including the off-street parking requirement associated with the professional service use and any other existing uses on the site to remain.
 - e) The Applicant shall confirm that the proposed use is fully compliant with the performance standard requirements of Section 150-67 pertaining to but not limit to: noise, air pollution, glare, and lighting & illumination.
 - f) Provide testimony regarding any proposed signage relating to the proposed use.
 - g) Provide testimony regarding any exterior building or site improvements proposed as part of this application.
 - h) Provide status of outside agency approval.

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, PE, CME, CFM
Planning Board Engineer

cc: Adam Hubeny - Borough Administrator
Michael B. Steib, Esq. – Board Attorney
Michelle Clark – Zoning Officer
Atlantic Highlands Donuts, LLC– Applicant
James Henry, PE – Applicant's Engineer

