

## ATLANTIC HIGHLANDS PLANNING BOARD

## APPLICATION FOR VARIANCE

1. I/we Andrew Lashchuk, 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 W 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 100,976 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:

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

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**

100 FIRST AVENUE  
ATLANTIC HIGHLANDS, NJ 07716  
732-291-1444 FAX 291-9725  
[WWW.AHNJ.COM](http://WWW.AHNJ.COM) [CLERK@AHNJ.COM](mailto:CLERK@AHNJ.COM)

**MICHELLE CLARK, ZONING OFFICER**

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 Avnue

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:

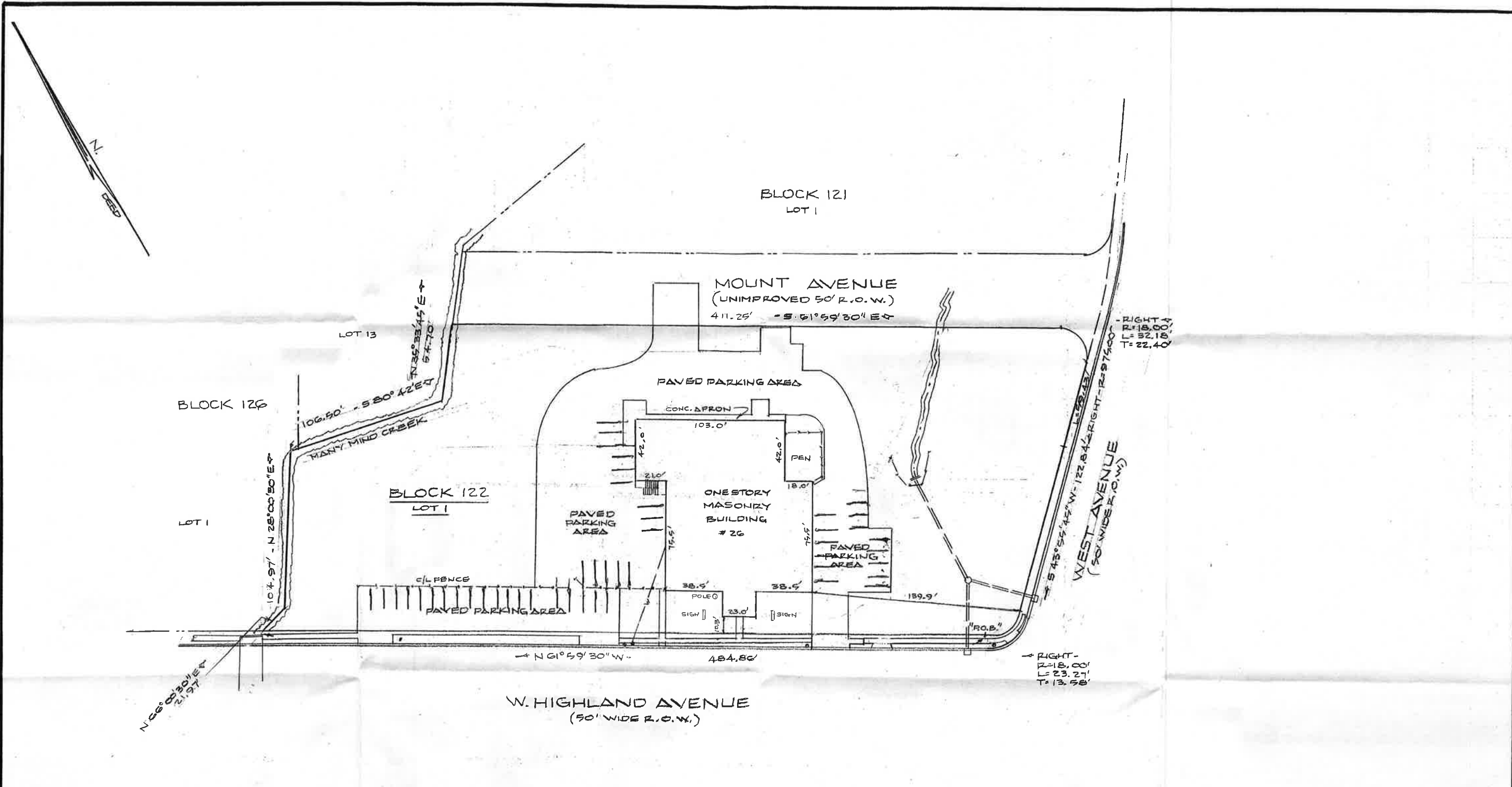
150-49. Nonconforming use3s, buildings and structures  
c. Expansion of use. No nonconforming use may be expanded.

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](mailto:planningboard@ahnj.com)

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

cc: Christine Burke, Board Secretary



CONTAINING: 100,976 S.F.  
SURVEY REFERENCE: PLAT  
LOT & BLOCK NUMBERS SHOWN HEREON  
REFER TO THE OFFICIAL TAX MAP

THIS SURVEY IS A TITLE SURVEY INTENDED FOR THE  
USE OF THE CLIENT FOR PURCHASE OR REFERENCE  
ONLY. THIS COMPANY AND SURVEYOR ARE NOT  
LIABLE OR RESPONSIBLE TO ANY PARTY NOT  
NAMED IN THE CERTIFICATION LISTED HEREON. THIS  
CERTIFICATION AS TO PHYSICAL CONDITIONS  
APPLIES ONLY TO THE DATE AS SHOWN ON THIS  
SURVEY. THE USE OF THIS SURVEY FOR SURVEY  
AFFIDAVITS AND BUILDING ADDITIONS IS NOT  
PERMITTED. THE USE OF BUILDING OFFSETS, SHOWN  
HEREON, TO ESTABLISH PROPERTY LINES FOR  
CONSTRUCTION PURPOSES IS NOT PERMITTED. THIS  
SURVEY IS SUBJECT TO ALL RESTRICTIONS, AND  
EASEMENTS. LOCATION OF UNDERGROUND  
STRUCTURES OR UTILITIES, IF ANY, ARE NOT SHOWN  
ON THIS SURVEY. WETLANDS OR FLOOD PLAINS, IF  
ANY, ARE NOT SHOWN ON THIS SURVEY.

A TRUE AND CORRECT AND DIRECTOR,  
AND TO THE SURVEYOR'S RECORDS  
HAS BEEN OFFICIALLY FILED THE ULTIMATE  
PURSUANT TO N.J.A.C. 17:27.1(b)  
PLANNED E.T. 1245833

TO PETER SABAT,

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE SURVEY MADE ON THE PREMISES AND THAT  
THERE ARE NO APPARENT ENCROACHMENTS EXCEPT AS SHOWN HEREON.

SURVEY OF

**26 W. HIGHLAND AVENUE**

**TOWNSHIP OF ATLANTIC HIGHLANDS, MON. CO., N.J.**

WILLIAM H. ZIEMAN, JR., N.J. LIC. #18259  
PROFESSIONAL LAND SURVEYOR

**Artmuth Land Surveying Co., Inc.**

CERTIFICATION OF AUTHORIZATION NUMBER 24GA17981409  
PROFESSIONAL LAND SURVEYOR - PROFESSIONAL PLANNER  
59 MORMOUTH ROAD - P.O. BOX 301 - OAKHURST, NEW JERSEY 07755  
732-222-8431 - FAX 732-571-0461

SCALE	1"=30'
DRAWN BY	OSY.
CHECKED BY	W.Z.
DATE	12-19-94



April 29, 2020

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

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. Zimble, 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.



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Re: Lashchar (PB 20-08)  
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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 a 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



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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:

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



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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 Lashchik - Applicant