



April 29, 2020

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.



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 2

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



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 3

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.



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 Andrew L. Heston 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 100' 9 3/4 square feet. Zone, it has street frontage of 184.8 feet and an average depth of 122.84 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: MANU STRUCTURE & PARKING

5. Application is hereby made for a variance to: APPROVAL FOR CROSSFIT TO TAKE OVER ADDITIONAL SPACE WITHIN BUILDING

6. The reason for this request and the grounds urged for the relief are as follows: \*APPROVAL FOR CROSSFIT HAS BEEN GRANTED IN 2014  
LOCAL BUSINESSES

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 If yes, when? X If yes, when? X

10. If there has been any previous appeal or application to the Planning Board involving the premises, state: No If yes, when? X

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 Andrew L. Heston 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**

100 FIRST AVENUE  
ATLANTIC HIGHLANDS, NJ 07716  
732-291-1444 FAX 291-9725  
WWW.AHNJ.COM 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 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](mailto:planningboard@ahnj.com)

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

cc: Christine Burke, Board Secretary

PLANNING BOARD REVIEW COMMITTEE FORM

PB # 20-08

APPLICANT NAME

P+C Realty / Latshchuk

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:

[Signature]

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:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



Designer Checks - 1-800-860-7000 - www.designerchecks.com

55-33/212

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

1542

PB20-08

TO BE  
FIELD

2020

Pay to the order of *Borough of PTC Realty*  
*one hundred per App Fee*

nds \$175 <sup>00</sup>/<sub>100</sub>

Dollars

**BANK OF AMERICA**  
NEW JERSEY

For \_\_\_\_\_ *PTSH*

MP

⑆021200339⑆ 381029582558⑈ 1542

Designer Checks - 1-800-860-7000 - www.designerchecks.com

12

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

1543

PB20-08

TO BE  
FIELD

2020

Pay to the order of *Borough of PTC Realty*  
*three hundred Escrow*

\$300 <sup>00</sup>/<sub>100</sub>

Dollars

**BANK OF AMERICA**  
NEW JERSEY


For \_\_\_\_\_ *PTSH*

MP

⑆021200339⑆ 381029582558⑈ 1543

PLANNING BOARD  
BOROUGH OF ATLANTIC HIGHLANDS  
MONMOUTH COUNTY, NEW JERSEY

APPLICATION PACKET RECEIPT

I, Andrew Laschky , have received a complete packet of  
(print name)  
the necessary forms to make an application to the Atlantic Highlands Planning Board.

Subject Property: 26 W. Highland Ave Atlantic Highlands NJ

  
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](http://www.ahnj.com)**

## AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

COUNTY OF MONMOUTH:

PETER SABAT, being of full age, and being duly sworn according to law on oath deposes and says that the deponent resides at 1 Post Road in the Town of Rumson, in the County of Monmouth and the State of NJ that PETER SABAT 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 122, Lot(s) 1.

Sworn to and subscribed before me this 10<sup>th</sup> day of March, 2020.

Peter Sabat  
Property Owner Signature

Barbara Meisler

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 :

I, Andrew Lashchuk, of Two River Interiors,  
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: \_\_\_\_\_

I certify that on this 9<sup>th</sup> day of March, 2020, the subscriber,  
Andrew Lashchuk, 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 Seal

My Commission expires on May 10, 2024

**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 40:55-D-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.***



**BOROUGH OF  
ATLANTIC HIGHLANDS**

100 FIRST AVENUE  
ATLANTIC HIGHLANDS, NEW JERSEY 07716  
732-291-1444 FAX 732-291-9725  
WWW.AHNJ.COM

**VERIFICATION THAT PROPERTY TAXES AND  
WATER AND SEWER BILLS HAVE BEEN PAID**

(Must Accompany All Planning Board Applications)

BLOCK: 122 LOT(S): 01  
NAME: Andrew Luskey  
ADDRESS: 26 W. Highland Ave Atlantic Highlands NJ 07716

Property taxes on the above property are paid to date.

Kathleen Intravartolo

Kathleen Intravartolo, Tax Collector

3/10/2020

Date

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

Kathleen Intravartolo

Kathleen Intravartolo, Tax Collector

3/10/2020

Date

## 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**  
**DEVELOPMENT PLAN CHECKLIST**

DATE: March 1, 2020.  
PROJECT NAME: CROSSFIT EXPANSION.  
OWNER: FRANK DELANEY  
ENGINEER/DESIGNER: ZIMMER ARCHITECTURE / TWO RIVER INTERIORS.  
PERSON COMPLETING THIS FORM: ANDREW LASTHUTYK  
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

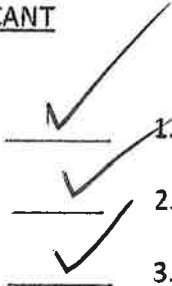
**A. FILING DATA**

**MINOR, PRELIMINARY & FINAL PLAN APPLICATION**

**TO BE CHECKED  
BY APPLICANT**

**DO NOT USE  
OFFICE USE ONLY**

WAIVER



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

WAIVER YES NO

_____	_____	_____
_____	_____	_____
_____	_____	_____



TO BE CHECKED  
BY APPLICANTDO NOT USE  
OFFICE USE ONLY

WAIVER

\_\_\_\_\_

N/A  
✓

4. Soil removal permit signed by Borough Engineer

WAIVER

YES

NO

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

5. Certification by Tax Collector that all taxes and water/sewer bills are paid – including current taxes and assessments for local improvements

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

6. Applicable filing fees

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

7. Three copies of performance guarantee Approved by the Borough Attorney and Borough Engineer, and cash portion of performance guarantee

N/A

8. Staging Plan, if applicable

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

9. Letters from each utility stating that they will provide service to the proposed facility

N/A  
N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

10. Any resubmission must conform to items 1 &amp; 2 inclusive, and item 8

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

11. Current letter from Borough Engineer certifying that he has assigned block and lot numbers

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

12. Deeds of easement, right of way, drainage, sewer, sight, open space, etc., approved by Borough Attorney and Borough Engineer

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

13. Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

14. Prior to final submission, a list of proposed Street names must be submitted to the Board Secretary

N/A

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

15. Corporate Resolution authorizing officers to act, if applicant is corporation

N/A

\_\_\_\_\_

\_\_\_\_\_

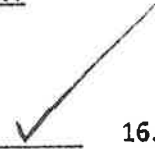
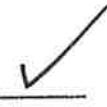
\_\_\_\_\_

TO BE CHECKED  
BY APPLICANT




DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

- |  |   |
|--|---|
| <p>_____ </p> <p>_____ <u>W/A.</u></p> <p>_____ </p> | <p>16. Fees and application for Monmouth County Planning Board, if applicable _____</p> <p>17. All plats must have the correct and only the correct signature blocks. Applicant and owner shall sign appropriate signature blocks in black ink _____</p> <p>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 _____</p> |
|--|---|

VARIANCE APPLICATIONS (See Addendum on last page)

- |  |   |
|--|---|
| <p>_____ </p> <p>_____ </p> <p>_____ </p> | <p>1. 18 copies of request for variance, outlining the proposed variance from zoning requirement _____</p> <p>2. 18 copies of drawings unless variance is part of site plan or subdivision application, in which case site plan or subdivision plans suffice _____</p> <p>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 _____</p> |
|--|---|

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

**B. ADMINISTRATIVE DATA**

_____	<u>N/A</u>	1. Title of project set forth on application	_____	_____	_____
_____	<u>✓</u>	2. Names, address of owner and name, address and phone number of applicant and relationship to owner	_____	_____	_____
_____	<u>✓</u>	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"	_____	_____	_____
_____	<u>N/A</u>	4. Name and license number of site planner or professional engineer with documents sealed with raised seal	_____	_____	_____
_____	<u>✓</u>	5. Date and revision dates of drawings	_____	_____	_____
_____	<u>✓</u>	6. Scale and graphic scale, not smaller than 1"=50' and not larger than 1"=10' except where authorized by Borough Engineer	_____	_____	_____
_____	<u>N/A</u>	7. North arrow	_____	_____	_____
_____	<u>✓</u>	8. Key map, not smaller than 1" = 2,000' showing location in the Borough	_____	_____	_____
_____		9. <u>Schedule</u>			
_____		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	_____	_____	_____

SEE ATTACHED

TO BE CHECKED  
BY APPLICANTDO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

SEE  
RESOLUTION

_____	_____	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	_____	_____	_____
_____	_____	N/A 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-	_____	_____	_____


TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES 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 than 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 \_\_\_\_\_

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

		elements on and within 200' of site to remain or be removed			
_____	<u>N/A</u>	2. Provision for refuse and garbage with details	_____	_____	_____
_____	<u>N/A</u>	3. Proposed use of all buildings and sections thereof	_____	_____	_____
_____	<u>N/A</u>	4. Location and description of all existing and Proposed signs	_____	_____	_____
_____	<u>N/A</u>	5. Loading areas, dimensioned	_____	_____	_____
_____	<u>N/A</u>	6. 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	_____	_____	_____
_____	<u>N/A</u>	7. Soil Boring information and recommendation	_____	_____	_____
_____	<u>N/A</u>	8. Historic structures	_____	_____	_____
_____	<u>N/A</u>	9. 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	_____	_____	_____
_____	<u>N/A</u>	10. For garden apartments, a "typical" floor layout of each apartment type in the proposed buildings	_____	_____	_____
_____	<u>N/A</u>	11. For all apartments and for any building exceeding two (2) stores in height, proposed architectural elevations	_____	_____	_____
_____	<u>N/A</u>	12. For any building exceeding forty (40) feet in height, a sketch indicating graphically the locations of all existing buildings within two	_____	_____	_____

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

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**

_____	_____	1.	Parking areas showings spaces and sizes	_____	_____	_____
_____	_____	2.	Driveways showing sizes, circulation, and traffic control signs. Fire lanes	_____	_____	_____
_____	_____	3.	Existing and proposed streets abutting the site showing rights of way and paved widths	_____	_____	_____
_____	_____	4.	Location and size of fire zones, loading zones	_____	_____	_____
_____	_____	5.	Sidewalks and other pedestrian ways. Handicapped ramps	_____	_____	_____
_____	_____	6.	Surface of parking area, slopes, and barriers	_____	_____	_____
_____	_____	7.	Curbing at ingress and egress and parking lot, showing radii and site triangle	_____	_____	_____
_____	_____	8.	Lighting standards and utility poles indicating size, height, type, construction, light fixtures and locations	_____	_____	_____
_____	N/A	9.	Lighting plan indicating specific height, foot candles, and provisions for elimination of sky glow and glare, and angle of light spread	_____	_____	_____
_____	N/A	10.	Analysis of parking, including trip generations of proposed development, volumes, numbers of employees and shifts. Expected truck traffic	_____	_____	_____
_____	_____	11.	Handicapped parking	_____	_____	_____

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

\_\_\_\_\_ 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 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 \_\_\_\_\_



TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

- \_\_\_\_\_ N/A 10. Provision for storm water detention basins \_\_\_\_\_  
where required, including details of detention  
basins calculations in proper form for review
- \_\_\_\_\_ N/A 11. Stream cross-sections \_\_\_\_\_

H. SIGNS:

- \_\_\_\_\_ N/A 1. Location, size, color, wording, letter size,  
illumination, materials of construction \_\_\_\_\_

I. LANDSCAPING:

- \_\_\_\_\_ N/A 1. Total square feet of landscaping \_\_\_\_\_
- \_\_\_\_\_ N/A 2. Landscaping within the parking areas \_\_\_\_\_
- \_\_\_\_\_ N/A 3. Buffer areas including location of landscape  
screen and fencing \_\_\_\_\_
- \_\_\_\_\_ N/A 4. All areas landscaped: planting plan with  
size, species and spacing of proposed plant  
material \_\_\_\_\_
- \_\_\_\_\_ N/A 5. Existing trees over 6" in diameter \_\_\_\_\_
- \_\_\_\_\_ N/A 6. Proposed location, proposed species,  
quantity, and spacing of trees to be planted \_\_\_\_\_

J. FIRE PREVENTION:

- \_\_\_\_\_ N/A 1. Fire protection systems \_\_\_\_\_
- \_\_\_\_\_ N/A 2. Hydrants, existing and proposed \_\_\_\_\_

Development Plan Checklist

Page | 11

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

- |    |  |       |       |       |
|----|--|-------|-------|-------|
| K. | Copy of any covenants or deed restrictions   | _____ | _____ | _____ |
| L. | 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) | _____ | _____ | _____ |
| M. | Location of any construction access roads  | _____ | _____ | _____ |
| N. | Applicant for a project located within a Flood Hazard Area to apply for approval in conformance with the "90 Day Construction Permit Act"                        | _____ | _____ | _____ |
| O. | County Planning Board Review and Approval  | _____ | _____ | _____ |
| P. | State Ingress and Egress Approval  | _____ | _____ | _____ |
| Q. | State DEPE-CAFRA Approval  | _____ | _____ | _____ |
| R. | Army Corps of Engineer Permit Approval   | _____ | _____ | _____ |
| S. | Letter from Atlantic Highlands Regional Sewerage Authority indicating receipt of application   | _____ | _____ | _____ |
| T. | NJDEPE Freshwater Wetlands Letter of Interpretation or Letter of Exemption. Please indicate type of letter submitted   | _____ | _____ | _____ |
|    | a. Presence or absence determination (Type I)  |       |       |       |
|    | b. Footprint of disturbance presence or absence determination (Type II)  |       |       |       |
|    | c. Delineation of freshwater wetlands, State open waters and transition areas for property under one acre (Type III)   |       |       |       |
|    | d. Regulatory line verification by NJDEPE (Type IV, required if wetlands are present on the site)  |       |       |       |
|    | e. Letter of Exemption related to USACOE Nationwide Permit   |       |       |       |

N/A

N/A

N/A

N/A

N/A

N/A

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

U. Waiver Required From:

Reason:

Waiver Required From:

Reason:

**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/j/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.

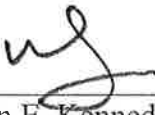
Members of the public are furthermore advised that public inspection of application material is available on the Borough Website, (at least 10 days prior to the Hearing date) at **ahnj.com**. Any individual wishing to potentially review paper copies of the plans or application materials are encouraged 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



**BOROUGH OF ATLANTIC HIGHLANDS**  
100 FIRST AVENUE - ATLANTIC HIGHLANDS, NEW JERSEY 07716

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





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.



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 2

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



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 3

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.



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 Andrew Lashenar, 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 484.6 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 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