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July 15, 2022

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

Attn: Planning Board

Re: Brown & Quinn (PB22-15)
Variance Application – Technical Review #1
Location: 53 Fourth Avenue
Zone: R-2 (Residential District)
Block 94, Lot 20
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP0094.03

Dear Planning Board:

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

- Architectural Plans entitled “Proposed Addition/Alteration for The Brown Residence”, 53 4th Avenue, Block 94 – Lot 20, Borough of Atlantic Highlands, Monmouth County, New Jersey, prepared by Maxine Giordano, AIA – LLC, dated March 29, 2022, consisting of 3 sheets;
- Location Survey for Parker Brown & Kristen A. Quinn, Lot 20, Block 94, Borough of Atlantic Highlands, Monmouth County, New Jersey, prepared by Richard E. Stockton, PLS, dated December 13, 2021, annotated drawn by Maxine Giordano, AIA – LLC, dated March 29, 2022;
- Zoning Officers denial, prepared by Michelle Clark, dated April 11, 2022; and
- Application for Variance and Development Checklist.

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

1. Property Description

The subject property is an undersized rectangular lot containing 5,000 SF within an R-2 Zone District and provides 50.0 feet of road frontage along Fourth Avenue. The property currently contains a two-story dwelling, service walk, open side porch, and rear paver patio.

The Applicant proposes to enclose the existing side porch to utilize this space as a fourth bedroom, new master bathroom and new closet. The Applicant is requesting variance relief relating to lot area, usable floor area ratio, building coverage, setbacks for front yard and side yard.

2. Surrounding Uses



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Properties surrounding the subject site are similarly zoned R-2 and contain primarily single-family residential uses.

3. Zoning Compliance

The subject property is situated within an R-2 Zone District and the table below summarizes the bulk measures and zone requirements for the property:

Table 1: Bulk Standards, R-2 Zone (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	15,000	5,000	5,000 (EC)
Minimum Lot Frontage & Width(ft.)	100	50	50 (EC)
Minimum Lot Shape Diameter Interior Lot (ft.)	65	34	34 (EC)
Principal Building Setbacks			
Front Yard (ft.) Fourth Avenue	25	15	15 (V)
Side Yard (ft.)	15	6.2	6.2 (V)
Side Yard Combined (ft.)	30	16	16 (V)
Rear Yard (ft.)	30	36.4	36.4
Accessory Building/ Struct. Setbacks			
Side Yard (ft.)	10	2.5	2.5 (EC)
Rear Yard (ft.)	5	36.4	36.4 (EC)
Building Coverage	25%	27.90%	27.90% (EC)
Lot (Impervious Surface) Coverage	50%	33.3%	33.3%
Building Height (Stories)	2 1/2	2	2
Maximum Building Height (ft.)	35	29.79	29.79
Maximum Acc. Building Height (ft.)	16	N/A	N/A
Maximum Useable Floor Area Ratio	0.35	0.42	0.47 (V)
Minimum Gross Floor Area (sq-ft)	1,200 sf / 1,800 sf (Total)	2,331	2,331

(EC): Existing Condition

(V): Variance Required

(TBP): To Be provided

4. It appears that the Applicant will require relief from the following variance with respect to this development application:

- Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required front yard setback is 25 feet, whereas 15 feet is proposed.
- Section 150-29(A)(2)(Exhibit 5-2)** - The minimum required side yard setback is 15 feet, whereas 6.2 feet is proposed.
- Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required combined side yard setback is 30 feet, whereas 16 feet is proposed.



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- d) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum usable floor area ratio is 0.40, whereas the Applicant proposes to increase floor area ratio from 0.42 to 0.47. This requires use variance approval in accordance with N.J.S.A. 55:70d(4).
5. It appears that the following existing non-conformities would remain with respect to this Application.
- a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot area is 15,000 square feet, whereas 5,000 square feet is to remain. This is an existing non-conformity.
- b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot frontage and width is 100 feet, whereas 50 feet is to remain. This is an existing non-conformity.
- c) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot shape diameter is 65 feet, whereas 34 feet is to remain. This is an existing non-conformity.
- d) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum building coverage is 25 percent, whereas 27.9 percent is to remain.
6. The Applicant has not requested any submission waivers at this time and none appear necessary.

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

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

<u>Ordinance Section</u>	<u>Description</u>	<u>Application Fee</u>	<u>Escrow Fee</u>
168-2.D.(4)	Hardship Variance	\$150.00	\$350.00 (min)
168-2.D.(4)	Use Variance	\$250.00	\$1,000.00 (min)

We recommend the Borough collect \$400.00 in nonrefundable application fees and \$1,350.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

8. The Applicant should be prepared to discuss the following issues with the Board:
- a) Reasons supporting the granting of the requested bulk variances and/or design waivers and continuance of the existing condition nonconformities.
- b) The application requires "d(4)" variance relief pursuant to N.J.S.A. 40:55D-70(d)(4) for an increase in the permitted floor area ratio within the R-1 Zone District. The Applicant or their professionals shall be prepared to provide testimony regarding the following proofs:



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a. Positive Criteria

- i. There must be special reasons to grant the variance. This means that the proposed deviation to exceed the maximum FAR requirements would advance the purposes of zoning as spelled out in the Municipal Land Use Law, and that this site is particularly suited to allow for the construction of homes of this size.

b. Negative Criteria

- i. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact(s) associated with the granting of the proposed variance relief on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
 - ii. That the variance will not substantially impair the intent and purpose of the zoning plan and Municipal Ordinance.
- c) Applicant should discuss stormwater runoff from proposed roof modifications, including roof leader location, yard drainage, and address any possible concentration of flows and effects on adjacent properties.
- d) The Applicant should confirm the presence or absence of a “basement” or “cellar” noting a “basement” level counts toward building height as a story and 50% of floor area of basements with ceiling height of seven feet or greater count towards UFAR. UFAR calculations should be provided.
- e) Applicant should provide testimony on the number of bedrooms in existing and proposed conditions.
- f) Applicant should discuss parking, noting 4-bedroom dwellings require 2.5 parking spaces per RSIS. No off-street parking exists and none are proposed, despite an increase in FAR and number of bedrooms.
- g) The height of the existing dwelling should be provided.
- h) The Applicant should provide site photos depicting existing conditions.
- i) The Applicant should provide a signed and sealed survey of the property.
- j) Any landscaping work including buffers, proposed plantings, and tree removal.
- k) The Applicant should discuss compliance with all applicable requirements outlined in §150-89 (Improvement Standards) of the Borough of Atlantic Highlands municipal code.

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



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

Very truly yours,

CME Associates

Drew Pavlick for:

Douglas M. Rohmeyer, PE, CME, CFM

Planning Board Engineer

DMR/DEP/PK

cc: Robert Ferragina - Borough Administrator
Michael B. Steib, Esq. – Board Attorney
Michelle Clark – Zoning Officer
Parker Brown & Kristen A. Quinn – Applicant
Maxine Giordano, AIA – LLC – Applicants Architect