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February 25, 2022

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

Attn: Erin Uriarte – Planning Board Secretary

Re: Sharack (PB22-02)
Subdivision Application – Bulk/Use Variance Review #1
Location: 33 East Mount Avenue
Zone: R-1 (Residential District)
Block 91, Lot 6
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP0091.01

Dear Planning Board Members:

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

- Subdivision Plan for Sharack / Demaio, Lot 6, Block 91, Sheet 19, Boro of Atlantic Highlands, Monmouth County, NJ, consisting of one (1) sheet, prepared by Richard E. Stockton & Assoc., Inc., dated December 7, 2021, unrevised;
- Zoning Officers denial, prepared by Michelle Clark, dated January 27, 2022;
- Variance Application dated January 21, 2022;
- Subdivision Plat Application dated January 21, 2022; and
- Development Checklist.

In accordance with your authorization, we have reviewed this application for Minor Subdivision with variance relief approval and offer the following comments:

1. Property Description

The subject property is a corner lot located within an R-1 Zone District and provides approximately 100 feet of lot frontage along East Mount Avenue and approximately 105 feet of lot frontage along Third Avenue. The property currently contains a 2.5-story single family residential home and ancillary improvements including but not limited to a driveway extending from Third Avenue, covered front and rear porch, detached garage, stone walls, stockade fence, and walkways. The Applicant proposes to subdivide existing Lot 6 into proposed Lots 6.01 & 6.02.



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The Applicant is seeking Minor Subdivision approval with bulk and use variance relief relating to the existing dwelling on proposed Lot 6.01 and the construction of a new single-family dwelling on proposed Lot 6.02.

2. Surrounding Uses

Properties surrounding the subject site are similarly zoned R-1 and contain primarily single-family residential uses, except for the Central Baptist Church which is located on adjacent Lot 5 to the south.

3. Zoning Compliance

The subject property is situated within an R-1 Zone District and the table below summarizes the bulk measures and zone requirements for the property:

Table 1: Bulk Standards, R-1 Zone (§150-29(A)(2) Exhibit 5-2)				
Standard	Required	Existing Lot 6	Proposed Lot 6.01	Proposed Lot 6.02
Minimum Lot Area (sq. ft.)	7,500	10,500	5,250 (V)	5,250 (V)
Minimum Lot Frontage & Width, Corner / Interior Lot (ft.)	75 / 75	100	50 (V)	50 (V)
Minimum Lot Shape Diameter, Corner Lot (ft.)	45	65	20 (V)	N/A
Minimum Lot Shape Diameter, Interior Lot (ft.)	50	N/A	N/A	30 (V)
Principal Building Setbacks				
Front Yard (ft.) (East Mount Avenue)	20	11.6	11.6 (V)	12.2 (V)
Front Yard (ft.) (Third Avenue)	20	5.7	5.7 (V)	N/A
Side Yard (ft.)	10	±64	±14.2	10.5
Combined Side Yards (ft.)	20	N/A	N/A	21
Rear Yard (ft.)	20	±43	±43	±35 (to deck)
Accessory Building/ Struct. Setbacks				
Side Yard (ft.)	5	±50	N/A	N/A
Rear Yard (ft.)	5	2.7	N/A	N/A
Building Coverage	25%	±16.2%	±24.8%	24.7%
Lot (Impervious Surface) Coverage	50%	±25.4%	±43.2%	34.6%
Building Height (stories.)	2 ½	2.5	2.5	To Comply
Maximum Building Height (ft.)	35	30	30	To Comply
Maximum Acc. Building Height (stories.)	1	1	N/A	N/A
Maximum Acc. Building Height (ft.)	16	<16	N/A	N/A
Maximum Useable Floor Area Ratio*	0.40	0.30	0.60 (V)	To Comply
Minimum Gross Floor Area, More Than 1-Story				



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Table 1: Bulk Standards, R-1 Zone (§150-29(A)(2) Exhibit 5-2)

Standard	Required	Existing Lot 6	Proposed Lot 6.01	Proposed Lot 6.02
First Floor (sq-ft)	900	1,057	±1,057	±1,150
Total Floors (sq-ft)	1,500	3,171	±3,171	±3,450

(EC): Existing Condition

(V): Variance Required

*: Per Borough definition (§150-6) "Floor Area Ratio, Usable", 50% of the floor area of basements having a ceiling height of seven feet or greater shall be included in the useable floor area ratio. No basement floor elevation was provided on the plan but a basement appears to exist on the property based on available imagery. Fifty percent of the basement floor area was included for the existing and proposed dwelling, as a conservative approach, unless further clarification is provided by the Applicant.

4. Per the Zoning Officer's determination, relief from the following is required.
 - a) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot area is 7,500 square feet, whereas a lot area of 5,250 square feet is proposed for Lots 6.01 and 6.02.
 - b) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot frontage and width for a corner lot and interior lot is 75 feet, whereas a lot frontage and width of 50 feet is proposed for Lots 6.01 and 6.02.
 - c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot shape diameter for a corner lot is 45 feet, whereas a lot shape diameter of 20 feet is proposed for Lot 6.01.
 - d) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot shape diameter for an interior lot is 50 feet, whereas a lot shape diameter of 30 feet is proposed for Lot 6.02.
5. It appears that the Applicant will require additional relief from the following variances with respect to this development application. Please note additional relief may be required.
 - a) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum front yard setback required is 20 feet, whereas a front yard setback of 12.2 feet is proposed for Lot 6.02.
 - b) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum permitted usable floor area ratio is 0.40, whereas a usable floor area ratio of 0.60 is proposed for Lot 6.01.
 - c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum front yard setback required is 20 feet, whereas a front yard setback of 11.6 feet is proposed for Lot 6.01 along East Mount Avenue.



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- d) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum front yard setback required is 20 feet, whereas a front yard setback of 5.7 feet is proposed for Lot 6.01 along Third Avenue.
 - e) **Section 150-49.I(1)(b)** – A nonconforming lot may not be used for any purpose unless the lot conforms to the minimum lot area requirement of this chapter.
 - f) **Section 150-49.I(1)(c)** – A nonconforming lot may not be used for any purpose unless other than minimum lot area, the lot conformed to the zoning standards in effect immediately prior to the adoption of this chapter.
6. The Applicant has requested several submission waivers at this time, however the following additional waivers appear necessary:
- a) Section D. Topography Item #4 – First floor elevations of all proposed buildings.
 - b) Section E. Buildings and Structures Item #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.
 - c) Section E. Buildings and Structures Item #9 – For buildings of more than two (2) stories in height, a floor plan of each story, indicating all fire existing and accessways, as well as the proposed use of said stories.
 - d) Section G. Roads, Driveways, Walks, Curbs, Walkways & Fencing Item #3 – Location, type, and size of waste disposal system and sanitary sewer lines..
 - e) Section G. Roads, Driveways, Walks, Curbs, Walkways & Fencing Item #5 – Location and type of utilities: electric, cable, TV, gas, telephone, water. Underground lines, present and proposed connections or extensions.

Based upon our review, our office recommends that the application be deemed **COMPLETE**, conditioned upon the concurrence of the Board's completeness subcommittee and 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.H(2)	Minor Subdivision	\$400.00	\$300.00 (min)
168-2.H(4)	Hardship Variance	\$150.00	\$350.00 (min.)



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168-2.H(4)	Use Variance	\$250.00	\$1,000.00 (min)
168.2.H(5)	Tax Map Revision	\$33.00	
Total		\$833.00	\$1,650.00 (min)

We recommend the Borough collect \$833.00 in nonrefundable application fees and \$1,650.00 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:
- The Variance Application and Minor Subdivision Plat Application indicate that the Applicant is Beth Sharack. However, the Minor Subdivision Plan indicates that the Owner / Applicant is Beth Sharack / John Demaio. Clarification is required.
 - Reasons supporting the granting of the requested/required minor subdivision approval, use variance relief, bulk variance relief, and/or design waivers.
 - The application requires “d(4)” use 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:
 - Positive Criteria
 - Negative Criteria
 - 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 use 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.
 - That the variance will not substantially impair the intent and purpose of the zoning Plan and Municipal Ordinance.
 - The Applicant should discuss proposed demolition work, specifically the existing fencing within the proposed dwelling footprint on Lot 6.02. No demolition was shown on the submitted plan relating to same and it is unclear whether the existing fence will remain and be relocated, or a new fence will be installed. Regardless of which option is chosen, the Applicant is responsible to comply with all applicable requirements outlined in §150.70 (Fences and Walls) of the Borough Ordinance.
 - The Applicant should provide site photos depicting existing conditions.
 - The Applicant shall confirm the Tax Assessor's office has approved the proposed lot numbers.



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- g) It appears that runoff from the proposed improvements on Lot 6.02 will be directed towards adjacent Lots 5 and 6.01. The Applicant should discuss stormwater discharge resulting from the proposed development and the need for mitigation or drywell installation. Applicant should discuss runoff from proposed roof, roof leader location, yard drainage, and address concentration of flows and effects on adjacent properties and municipal infrastructure.
- h) Applicant should discuss the proximity of the proposed dwelling on Lot 6.02 to the existing dwelling on Lot 7.
- i) Any landscaping work including buffers, proposed plantings, and tree removal, including effects on adjacent properties. We note that two (2) trees exist on proposed Lot 6.02. Applicant should depict these trees on the plans and indicate whether they will remain or be removed.
- j) We note two (2) street trees are proposed between the curb and sidewalk along East Mount Avenue in front of Lot 6.01, one of which is proposed on a stormwater inlet. Applicant should discuss relocation of street trees and consider planting behind the sidewalk.
- k) Number of bedrooms in the existing and proposed conditions.
- l) Applicant should demonstrate conformance with Borough and RSIS parking requirements for each proposed lot. We note a utility pole exists at the proposed asphalt driveway for lot 6.01 and may interfere with driveway access. Applicant should discuss usability and capacity of said driveway.
- m) The Applicant should provide testimony and/or exhibits to address the appearance of the proposed dwelling and confirm that the dwelling will comply with the applicable zoning requirements for maximum height and number of stories.
- n) The Applicant should discuss conformity with the neighborhood aesthetic, including lot size, layout, and architecture. Applicant to discuss status of architectural plans for proposed buildings.
- o) The Applicant shall clarify if they intend to file the minor subdivision by deed or by map.
- p) Clarify whether there are any existing sight triangle easements in connection with the existing corner lot and the need/feasibility of providing a sight triangle easement.
- q) The Applicant should discuss timing of proposed improvements, particularly utilities and driveway aprons prior to filing of the proposed subdivision. The Applicant shall be responsible for complying with all applicable requirements outlined in §163 (Excavations) of the Borough of Atlantic Highlands municipal code.
- r) The Applicant should discuss compliance with all applicable requirements outlined in §150-89 (Improvement Standards) of the Borough of Atlantic Highlands municipal code.
- s) Applicant shall post performance guarantee for improvements within the Borough right-of-way (§150-52).



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- t) Signature space on the Subdivision Plan to reference “Land Use Board”, not “Planning Board”.
- u) Bearings and distances along the newly subdivided northerly and southerly property lines should be provided.

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

DMR/DEP/dol

cc: Robert Ferragina – Borough Administrator
Michael B. Steib, Esq. – Board Attorney
Michelle Clark – Zoning Officer
Beth Sharack – Applicant
Richard E. Stockton, PLS – Applicant's Land Surveyor