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September 7, 2022

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

Attn: Erin Uriarte – Planning Board Secretary

Re: Tatum (PB22-16)
Bulk Variance Application – Review #1
Location: 63 West Highland Avenue
Zone: R-1 (Residential District)
Block 125, Lot 10
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP0125.02

Dear Planning Board Members:

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

- Survey entitled “No. 63 West Highland Avenue, Location Land Survey of Lot 10 in Block 125 on the Official Tax Map of the Borough of Atlantic Highlands, Monmouth County, New Jersey” consisting of one (1) sheet, prepared by Thomas Craig Finnegan Land Surveying, LLC, dated July 28, 2022, unrevised (Hand-drawn markup of proposed fence on survey);
- Zoning Officers denial, prepared by Michelle Clark, dated June 28, 2022;
- Copy of Atlantic Highlands Tax Map;
- Variance Application dated July 28, 2022; and
- Development Checklist.

In accordance with your authorization, we have reviewed this application for Bulk Variance approval and offer the following comments:

1. Property Description

The subject property is an interior lot located within the R-1 Zone District and provides approximately 50 feet of lot frontage along the southerly side of West Highland Avenue approximately 50 feet to the east of its intersection with Avenue ‘C’. The property currently contains a 2-story single family residential home with ancillary improvements including but not limited to a driveway extending from West Highland Avenue, covered front porch with steps, shed. Rear wood deck with steps, concrete patio, stone surface area, an above-ground swimming pool, and walkways.



Erin Uriarte, Planning Board Secretary
Atlantic Highlands Borough Planning Board
Re: Tatum (PB22-16)
Bulk Variance Application – Review #1

September 7, 2022
Our File: HAHP0125.02
Page 2

The Applicant is requesting variance relief to install approximately 160 feet of 8-foot-high wood fencing; 90 feet along the westerly side property line and approximately 70 feet along the easterly side property line.

2. Surrounding Uses

Properties surrounding the subject site are similarly zoned R-1 (Single Family Residential) Zone, all of which appear to contain primarily single-family residential uses as well as a one-story masonry building to the south identified as a Former Fire House.

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
Minimum Lot Area (sq. ft.)	7,500	5,250 (EC)
Minimum Lot Frontage, Interior Lot (ft.)*	75	50 (EC)
Minimum Lot Width, Interior Lot (ft.)**	75	50 (EC)
Minimum Lot Shape Diameter, Interior Lot (ft.)	50	30 (EC)
Principal Building Setbacks		
Front Yard (ft.)	20	19.3 (EC)
Side Yard (ft.)	10	8.4 (EC)
Combined Side Yards (ft.)	20	27.7
Rear Yard (ft.)	20	±25.0
Accessory Building/ Struct. Setbacks		
Side Yard (ft.)	5	±1.0 (EC)
Rear Yard (ft.)	5	±3.5 (EC)
Building Coverage	25%	±18.7%
Lot (Impervious Surface) Coverage	50%	±43.9%
Building Height (stories.)	2 ½	2
Maximum Building Height (ft.)	35	<35
Maximum Acc. Building Height (stories.)	1	(TBP)
Maximum Acc. Building Height (ft.)	16	(TBP)
Maximum Useable Floor Area Ratio	0.40	0.34
Minimum Gross Floor Area, More than 1-Story		
First Floor (sq. ft.)	900	±900
Total Floors (sq. ft.)	1,500	±1,800

(EC): Existing Condition

(TBP): To Be Provided

* - Measured at Street Line

** - Measured at Front Yard Setback Line



Erin Uriarte, Planning Board Secretary
Atlantic Highlands Borough Planning Board
Re: Tatum (PB22-16)
Bulk Variance Application – Review #1

September 7, 2022
Our File: HAHP0125.02
Page 3

4. It appears that the Applicant would require variance relief from the following variances with respect to this development application:
 - a) **Section 150-70.A** – Fences and walls hereafter erected, altered, or reconstructed in any zone shall not exceed six (6) feet in height. A fence eight (8) feet in height is proposed.
5. It appears the following existing nonconformities would remain with respect to this application:
 - a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot area required is 7,500 square feet, whereas a lot area of 5,250 square feet is shown to remain.
 - b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot frontage required for an interior lot is 75 feet, whereas a lot frontage of 50 feet is shown to remain.
 - c) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot width required for an interior lot is 75 feet, whereas a lot frontage of 50 feet is shown to remain.
 - d) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot diameter required for an interior lot is 50 feet, whereas a lot diameter of 30 feet is shown to remain.
 - e) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum front yard setback required to the principal building is 20 feet, whereas a front yard setback of 19.3 feet is shown to remain.
 - f) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum side yard setback required to the principal building is 10 feet, whereas a side yard setback of 8.4 feet is shown to remain.
 - g) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required side yard setback for an accessory building / structure is 5 feet, whereas a side yard setback of 1 foot to the shed is shown to remain.
 - h) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required rear yard setback for an accessory building / structure is 5 feet, whereas a rear yard setback of 3.5 feet to the concrete patio is shown to remain.
 - i) **Section 150-54.F** – Within a residential zone district, any entry driveway may cross any yard area except that no driveway shall be within five (5) feet of a side lot line, whereas the existing driveway is shown approximately 2.5 feet from the westerly side property line.
 - j) **Section 150-54.G** – Pool walls must be kept ten (10) feet from side and rear yard lines, whereas an existing side and rear yard setback of approximately 9 feet and 7.5 feet, respectively, is shown to remain.



Erin Uriarte, Planning Board Secretary
Atlantic Highlands Borough Planning Board
Re: Tatum (PB22-16)
Bulk Variance Application – Review #1

September 7, 2022
Our File: HAHP0125.02
Page 4

6. The Applicant has requested several submission waivers at this time, and no additional waivers appear necessary at this time.

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.(4)	Hardship Variance	\$150.00	\$350.00 (min.)
Total		\$150.00	\$350.00 (min.)

We recommend the Borough collect \$150.00 in nonrefundable application fees and \$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:
- Reasons supporting the granting of the requested bulk variance and/or design waivers and continuance of the existing condition nonconformities.
 - The proposed fence appears to extend beyond the limits of the subject property and encroach on to adjacent Lot 8 to the south. Testimony should be provided relative to the need for the fence to extend beyond the limits of the property and whether the proposed fence location can be amended to be within the limits of the subject property. A temporary construction easement and/or letter from the property owner of adjacent Lot 8 granting permission to the Applicant to install the fence at the proposed fence location may be required.
 - The Applicant should verify whether any discussions were held with the neighboring properties relative to the proposed fence, noting that the existing and proposed fence is along the common property lines with adjacent lots to the east and west.
 - Applicant should discuss details of the proposed fence height, material, and location of any gates or openings.
 - The proposed fence appears to be located along the side property lines only. The Applicant should discuss whether any additional fencing will be provided along the rear property line.
 - The existing principal and accessory building heights should be clarified.



Erin Uriarte, Planning Board Secretary
Atlantic Highlands Borough Planning Board
Re: Tatum (PB22-16)
Bulk Variance Application – Review #1

September 7, 2022
Our File: HAHP0125.02
Page 5

- g) The Applicant should discuss the limits of demolition work. There appears to be an existing fence within the limits of the proposed fence.
- h) The Applicant should confirm compliance with §150-70 (Fences and Walls) of the Borough Municipal Code.
- i) Any landscaping work including buffers, proposed plantings, and tree removal. The Applicant shall confirm that no trees over 6" caliper are to be removed as part of the proposed development. Any trees to be removed will require a tree removal permit.
- j) The Applicant should provide site photos depicting existing conditions.
- k) The Applicant should provide a copy of the survey printed to full size and properly scaled prior to any scheduled Board meeting.

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
James and Barbara Tatum – Applicants