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September 16, 2022

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

Attn: Erin Uriarte – Planning Board Secretary

**Re: Gorsegner (PB22-17)**  
**Bulk Variance Review #1**  
**Location: 88 East Garfield Avenue**  
**Zone: R-1 (Residential District)**  
**Block 32, Lot 4**  
**Borough of Atlantic Highlands, Monmouth County, NJ**  
**Our File: HAHP0032.01**

Dear Planning Board Members:

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

- Plot Plan for Variance, 88 East Garfield Avenue, Block 32 – Lot 4, Atlantic Highlands, Monmouth County, New Jersey, consisting of one (1) sheet, prepared by MCH Engineering, Inc., dated August 9, 202, unrevised;
- Architectural plans and elevations, Gorsegner Residence, 88 East Garfield Ave., Atlantic Highlands, NJ, Block: 32, Lot: 4, consisting of three (3) sheets, prepared by PDRdesigns Architecture, LLC, dated August 11, 2022, unrevised;
- Development Permit dated July 14, 2022, denied by Zoning Officer July 18, 2022;
- Zoning Officers denial, prepared by Michelle Clark, dated July 18, 2022;
- Variance Application dated August 11, 2022; and
- Development Checklist.

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

1. Property Description

The subject property is an interior lot located within an R-1 Zone District and provides 50 feet of lot frontage along East Garfield Avenue, approximately 100 feet to the southeast of its intersection with Navesink Avenue. The property currently contains a 1-story building with ancillary improvements including but not limited to a shed, an enclosed front porch with brick steps, paver patio, paver walls, and paver walkways.



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The Applicant is seeking bulk variance relief relating to the construction of an approximately 352 square foot one-story addition, consisting of a music room and art studio, along the northeasterly portion of the existing single-family residential dwelling. The existing paver patio and paver walls are proposed to be removed; the dwelling addition is proposed within the footprint of these existing improvements. Grading modifications are proposed, including the introduction of swales, to direct surface runoff around and away from the expanded dwelling and to the East Garfield Avenue right-of-way.

## 2. Surrounding Uses

Properties surrounding the subject site are similarly zoned R-1 and contain primarily single-family residential uses.

## 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:

<b>Table 1: Bulk Standards, R-1 Zone (§150-29(A)(2) Exhibit 5-2)</b>			
<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area (sq. ft.)	7,500	5,250	5,250 (EC)
Minimum Lot Frontage, Interior Lot (ft.) *	75	50	50 (EC)
Minimum Lot Width, Interior Lot (ft.) **	75	50	50 (EC)
Minimum Lot Shape Diameter, Interior Lot (ft.)	50	30	30 (EC)
<b>Principal Building Setbacks</b>			
Front Yard (ft.)	20	11.5	11.5 (EC)
Side Yard (ft.)	10	1.7	1.7 (EC)
Combined Side Yards (ft.)	20	27.4	19.5 (V)
Rear Yard (ft.)	20	42.4	26.7
<b>Accessory Building/ Struct. Setbacks</b>			
Side Yard (ft.)	5	2.1	2.1 (EC)
Rear Yard (ft.)	5	2.0	2.0 (EC)
Building Coverage	25%	23.52%	30.23% (V)
Lot (Impervious Surface) Coverage	50%	30.38%	34.10%
Building Height (stories.)	2 ½	1	1
Maximum Building Height (ft.)	35	15.6	15.6
Maximum Acc. Building Height (stories.)	1	1	1
Maximum Acc. Building Height (ft.)	16	<16	<16
Maximum Useable Floor Area Ratio	0.40	0.20	0.27
<b>Minimum Gross Floor Area, 1-Story Building</b>			
Total Floor (sq-ft)	1,040	1,069	1,490



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(EC): Existing Condition      (V): Variance Required

\* - Measured at Street Line

\*\* - Measured at Front Yard Setback Line

4. Per the Zoning Officer's determination, relief from the following is required:
  - a) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum combined side yard setback required is 20 feet, whereas a combined side yard setback of 19.5 feet is proposed.
  - b) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum building coverage permitted is 30%, whereas a building coverage of approximately 30.23% is proposed.
  - c) **Section 150-49.I(3)(b)** – Principal or accessory buildings or structures may not be constructed on nonconforming lots and/or on lots which contain a nonconforming principle building or structure unless the lot conforms to the minimum lot area requirements of this chapter.
5. It appears that the Applicant will require the following additional variance relief:
  - a) **Section 150-49.G** – A nonconforming building may not be altered so as to increase in any manner the degree of nonconformance.
  - b) **Section 150-49.I(2)(b)** – A nonconforming building or structure may not be enlarged, extended, increased in height, width or depth; moved or relocated; or modified in such a way so as to increase habitable or usable space, number of dwelling units or number of bedrooms; unless it is changed to conform to the requirements of this chapter except that an existing use may be enlarged, extended or added to provided the enlargement, extension or addition conforms to all requirements of this chapter and will not result in the creation of any nonconformity related to the lot and the aggregate of all structures or building. The proposed addition will require variance relief as noted above.
6. It appears the following existing nonconformities would remain with respect to this application:
  - 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 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 proposed to remain.



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- c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum lot width required for an interior lot is 75 feet, whereas a lot width of 50 feet is proposed to remain.
  - d) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum front yard setback required is 20 feet, whereas a front yard setback of 11.5 feet is proposed to remain.
  - e) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum side yard setback required is 10 feet, whereas a side yard setback of 1.7 feet is proposed to remain.
  - f) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum accessory building/structure side yard setback required is 5 feet, whereas an accessory building / structure side yard setback of 2.1 feet is proposed to remain.
  - g) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum accessory building/structure rear yard setback required is 5 feet, whereas an accessory building / structure rear yard setback of 2 feet is proposed to remain.
  - h) **Section 150-89.B(1)(b)** – The number off-street parking spaces required for a 2-bedroom single family dwelling is two (2) spaces, whereas no off-street parking spaces exist and/or are proposed.
7. The Applicant has requested several submission waivers at this time; however, the following additional waivers appear necessary:
- a) Section B Administrative Data Item #13 – Names of all adjacent property owners within 200' radius with lot and block numbers.
  - b) Section C. Survey Item #1 – Survey prepared by a New Jersey licensed surveyor not more than five (5) years old.

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.

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



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<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.

9. The Applicant should be prepared to discuss the following issues with the Board:
- Reasons supporting the granting of the requested bulk variance relief, and/or design waivers and continuance of the existing condition nonconformities.
  - The Applicant should discuss the proposed demolition work, noting the Plot Plan indicates that the existing paver patio is proposed to be removed.
  - The Applicant should provide site photos depicting existing conditions.
  - The Applicant should discuss stormwater discharge resulting from the proposed development and the need for mitigation or drywell installation. Proposed surface drainage patterns appear to indicate that surface runoff will be directed around and away from the dwelling towards the East Garfield Avenue right-of-way via swales, which is generally consistent with existing conditions. In addition, all roof leader downspouts will be directed to two (2) pop-up emitters near the front property line and roof runoff will ultimately discharge to the East Garfield Avenue right-of-way.
  - Applicant should confirm if any exterior utility extensions are proposed.
  - Applicant should discuss any landscaping work including buffers, proposed plantings, and tree removal, including effects on adjacent properties.
  - Applicant should confirm the number of bedrooms in the existing and proposed conditions, noting the architectural plans depict a total of two (2) bedrooms and two (2) rooms easily convertible to bedrooms are proposed in the post-development conditions. Applicant should provide testimony on the proposed use of the rooms identified as "music room" and "art studio" and discuss potential conversion to bedrooms. In accordance with RSIS, a minimum of 1.5 parking spaces shall be provided for each single-family dwelling with two (2) bedrooms and a minimum 2.5 parking spaces for four-bedroom dwellings. We note that there are no existing off-street parking spaces provided



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and none are proposed. It appears that this is an existing nonconformity as noted above. The Applicant should confirm same during testimony.

- h) The Applicant remains responsible for complying with all applicable requirements outlined in §163 (Excavations) of the Borough of Atlantic Highlands municipal code
- i) The Applicant should discuss compliance with all applicable requirements outlined in §150-89 (Improvement Standards) of the Borough of Atlantic Highlands municipal code.
- j) In accordance with §150-92 (Performance Guarantees), the Applicant shall post a performance guarantee for improvements within the Borough right-of-way, if applicable.

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*  
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  
Brian and Amanda Gorsegner – Applicants  
Matthew C. Hockenbury, PE – Applicant's Engineer  
Paul David Rugarber, AIA – Applicant's Architect