

November 29, 2023  
Via Hand Delivery & Newforma  
(planningboard@ahnj.com)

Borough of Atlantic Highlands  
100 First Avenue  
Atlantic Highlands, NJ 07716

Attn: Nancy Tran, Planning Board Secretary

**RE: Mr. VSC, LLC  
Proposed Retail Smoke Shop  
Block 104, Lots 1 & 2  
First Avenue &  
Memorial Parkway (NJSH Route 36)  
Borough of Atlantic Highlands  
Monmouth County, NJ  
DEC# 4754-23-00815**

Dear Ms. Tran,

On behalf of our client, Mr. VSC, LLC, enclosed please find the additional copies requested of our formal application to the Borough of Atlantic Highlands Planning Board for the above referenced project.

- Fourteen (14) copies of the Planning Board Minor Site Plan Confirmation via email correspondence with Michelle Clark, dated 08/01/2023;
- Fourteen (14) completed copies of the Borough of Atlantic Highlands Application for Site Plan;
- Fourteen (14) completed copies of the Borough of Atlantic Highlands Development Plan Checklist;
- Fourteen (14) signed and completed copies of the Corporate Disclosure Statement;
- Fourteen (14) signed and completed copies of the Campaign Contribution Disclosure Statement
- Fourteen (14) signed copies of the Affidavit of Ownership;
- Fourteen (14) copy of the Tax Certification for Lots 1 & 2 from the Tax Collector confirming that all taxes and water & sewer bills are paid (Tax Collector to submit under a separate cover);

- Fourteen (14) copies of the List of Variances and Waivers, prepared by our office, dated 08/2023;
- Fourteen (14) copies of the submission letter to the Monmouth County Planning Board, dated 8/17/2023;
- Fourteen (14) copies of the Certified List of Property Owners from the Township of Middletown;
- Fourteen (14) copies of the Certified List of Property Owners from the Borough of Atlantic Highlands;
- Fourteen (14) copies of the Resolution Granting Preliminary & Final Site Plan Approval with Variances, memorialized on 08/07/2020;
- Fourteen (14) signed and sealed copies of the Boundary and Topographic Survey, prepared by Dynamic Survey LLC, dated 04/04/2019, last revised 12/03/2020;
- Fourteen (14) signed and sealed copies of the Partial As-Built Survey, prepared by Dynamic Survey LLC, dated 11/05/2021, last revised 11/16/2021; and
- Fourteen (14) signed and sealed copies of the Preliminary and Final Minor Site Plan drawings, prepared by our office, dated 07/24/2023.

Should you have any questions, comments or require additional information please do not hesitate to contact our office.

**DYNAMIC ENGINEERING CONSULTANTS, PC**



James E. Henry, PE, PP



Mariah Diaz

Enclosures

cc: Marc A. Leckstein, Esq. (via Newforma)  
Eric Casriel, Esq. (via Newforma)  
Muhammad Kahn (via Newforma)  
Michelle Clark (via Newforma)

**From:** [Michelle Clark](#)  
**To:** [Elijah DeGroot](#)  
**Subject:** RE: [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] Minor Site Plan Confirmation Atlantic Highlands  
**Date:** Tuesday, August 1, 2023 4:51:19 PM  
**Attachments:** [image001.jpg](#)  
[image002.png](#)  
[image003.png](#)  
[image004.jpg](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)

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Elijah,

Just sent a copy of the email with the application packet and I will do an official letter for the Planning Board

Michelle

---

**From:** Elijah DeGroot <edegroot@dynamicec.com>  
**Sent:** Tuesday, August 1, 2023 4:45 PM  
**To:** Michelle Clark <mclark@ahnj.com>  
**Cc:** Mariah Diaz <mdiaz@dynamicec.com>; Maxwell Brushhaber <mbrushaber@dynamicec.com>  
**Subject:** [EXTERNAL] RE: [EXTERNAL] RE: [EXTERNAL] Minor Site Plan Confirmation Atlantic Highlands

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Michelle,

Just to follow up, as previously discussed, a zoning permit denial is required from the Borough prior to filing a Minor Site Plan Application. Would the email of your confirmation from our earlier correspondence be sufficient to bypass the Zoning permit denial or will we still need to file for your review?

Thanks,

**Elijah DeGroot**

Assistant Design Engineer

**Dynamic Engineering Consultants, PC**

*Licensed Professional Engineers throughout the United States*

**1904 Main Street | Lake Como, New Jersey 07719**

**PH: (732) 974-0198 Ext. 1133 | Fax: (732) 974-3521**

---

**From:** Maxwell Brushhaber <[mbrushaber@dynamicec.com](mailto:mbrushaber@dynamicec.com)>  
**Sent:** Wednesday, July 26, 2023 1:51 PM  
**To:** Michelle Clark <[mclark@ahnj.com](mailto:mclark@ahnj.com)>

**Cc:** Mariah Diaz <[mdiaz@dynamicec.com](mailto:mdiaz@dynamicec.com)>

**Subject:** RE: [EXTERNAL] RE: [EXTERNAL] Minor Site Plan Confirmation Atlantic Highlands

Great, thank you!

**Maxwell Brushaber**

Assistant Design Engineer

**Dynamic Engineering Consultants, PC**

*Licensed Professional Engineers throughout the United States*

**1904 Main Street | Lake Como, New Jersey 07719**

**PH: (732) 974-0198 Ext. 1117 | Fax: (732) 974-3521**

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**From:** Michelle Clark <[mclark@ahnj.com](mailto:mclark@ahnj.com)>

**Sent:** Wednesday, July 26, 2023 1:44 PM

**To:** Maxwell Brushaber <[mbrushaber@dynamicec.com](mailto:mbrushaber@dynamicec.com)>

**Subject:** RE: [EXTERNAL] RE: [EXTERNAL] Minor Site Plan Confirmation Atlantic Highlands

Maxwell,

I apologize, my response only went to the Planning Board. You are correct. You will need to go to the Board for a change of use with minor site plan.

Michelle

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**From:** Maxwell Brushaber <[mbrushaber@dynamicec.com](mailto:mbrushaber@dynamicec.com)>

**Sent:** Wednesday, July 26, 2023 1:11 PM

**To:** Michelle Clark <[mclark@ahnj.com](mailto:mclark@ahnj.com)>

**Cc:** Mariah Diaz <[mdiaz@dynamicec.com](mailto:mdiaz@dynamicec.com)>; Planning Board <[planningboard@ahnj.com](mailto:planningboard@ahnj.com)>

**Subject:** [EXTERNAL] RE: [EXTERNAL] Minor Site Plan Confirmation Atlantic Highlands

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Good afternoon Michelle,

I am reaching out today to follow up on the correspondence below. Please advise at your earliest convenience.

Thank you!

**Maxwell Brushaber**

Assistant Design Engineer

**Dynamic Engineering Consultants, PC**



*Licensed Professional Engineers throughout the United States*

**1904 Main Street | Lake Como, New Jersey 07719**  
**PH: (732) 974-0198 Ext. 1117 | Fax: (732) 974-3521**

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**From:** Planning Board <[planningboard@ahnj.com](mailto:planningboard@ahnj.com)>  
**Sent:** Thursday, July 20, 2023 11:43 AM  
**To:** Maxwell Brushhaber <[mbrushaber@dynamiccec.com](mailto:mbrushaber@dynamiccec.com)>  
**Cc:** Mariah Diaz <[mdiaz@dynamiccec.com](mailto:mdiaz@dynamiccec.com)>; Michelle Clark <[mclark@ahnj.com](mailto:mclark@ahnj.com)>  
**Subject:** Re: [EXTERNAL] Minor Site Plan Confirmation Atlantic Highlands

Howdy, Maxwell,  
The Zoning Office is your first step. I've cc'ed Michelle Clark who can better help you.

The Planning Board only gets involved if you want to pursue your plans after a zoning denial.

Nancy

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**From:** Maxwell Brushhaber <[mbrushaber@dynamiccec.com](mailto:mbrushaber@dynamiccec.com)>  
**Sent:** Thursday, July 20, 2023 11:15:21 AM  
**To:** Planning Board <[planningboard@ahnj.com](mailto:planningboard@ahnj.com)>  
**Cc:** Mariah Diaz <[mdiaz@dynamiccec.com](mailto:mdiaz@dynamiccec.com)>  
**Subject:** [EXTERNAL] Minor Site Plan Confirmation Atlantic Highlands

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**First Avenue and Memorial Parkway (NJSH Route 36)**  
**Block 104, Lots 1 & 2**  
**Borough of Atlantic Highlands**  
**Monmouth County, NJ**

Good morning,

In regards to the above referenced project, our office is working on a proposed development that involves maintaining the existing building (Bank with a drive thru) and converting internally into a retail use. Per the Borough zoning ordinance's Development Regulation section, it appears this scope of work, limited to a change in use, would be subject to a minor site plan application. Please confirm same at your earliest convenience.

Should you have any questions or require additional information, please let us know.

Thank you,

**Maxwell Brushhaber**

Assistant Design Engineer



*Licensed Professional Engineers throughout the United States*

**1904 Main Street | Lake Como, New Jersey 07719**

**PH: (732) 974-0198 Ext. 1117 | Fax: (732) 974-3521**

Additional office locations:

**Florida (Delray Beach)** - 100 NE 5th Ave | Suite B2 | Delray Beach, FL 33483 | PH: (561) 921-8570

**Maryland (Annapolis)** - 125 West Street | Annapolis, MD 21401 | PH: (410) 567-5000

**New Jersey (Belmar)** - 825 8<sup>th</sup> Avenue | Belmar, NJ 07719 | PH: (732) 974-0198

**New Jersey (Chester)** - 245 Main Street | Suite 110 | Chester, NJ 07930 | PH: (973) 755-7200

**New Jersey (Newark)** - 50 Park Place | Mezzanine Level | Newark, NJ 07102 | PH: (281) 789-6400

**New Jersey (Toms River)** - 40 Main Street | 3<sup>rd</sup> Floor | Toms River, NJ 08753 | PH: (732) 678-0000

**New Jersey (Marlton)** - 5 Greentree Centre | 525 Route 73 North | Suite 406 | Marlton, NJ 08053 | PH: (856) 334-2000

**Pennsylvania (Lehigh Valley)** - 95 Highland Ave | Suite 170 | Bethlehem, PA 18017 | PH: (610) 598-4400

**Pennsylvania (Newtown)** - 826 Newtown Yardley Road | Suite 201 | Newtown, PA 18940 | PH: (267) 685-0276

**Pennsylvania (Philadelphia)** - 1515 Market Street | Suite 1920 | Philadelphia, PA 19102 | (215) 253-4888

**Texas (Austin)** - 901 Mopac Expressway South | Barton Oaks Plaza One | Suite 300 | Austin, TX 78746 | PH: (512) 646-2646

**Texas (Dallas)** - 714 S. Greenville Avenue | Suite 100 | Allen, TX 75002 | PH: (972) 534-2100

**Texas (Houston)** - 6925 Portwest Drive | Suite 100 | Houston, TX 77024 | PH: (281) 789-6400

Please visit our websites:



Connect with us:



## Dynamic Engineering News

- Dynamic is hiring! Qualified candidates seeking a position with one of our growing companies should submit their resumes to [hr@dynamiccec.com](mailto:hr@dynamiccec.com). Please see our website for more details.
- Dynamic and its Family of Companies has been placed on NJBIZ's Best Places to Work in 2022 for the 11th year in a row!
- Dynamic is heading to ICSC PA/NJ/DE on September 6th.

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**ATLANTIC HIGHLANDS PLANNING BOARD**  
**APPLICATION FOR VARIANCE SITE PLAN**

1. I/we Mr. VSC LLC - Muhammad Kahn, the applicant(s) herein, whose mailing address is 1 Bayshore Plaza, Atlantic Highlands, New Jersey 07716  
Bayshore Plaza LLC - Eric Casriel, Esq.  
and whose phone number is 732-544-1141 am/are the owner/contractor of property located at First Avenue and Memorial Parkway (NJSH Route 36)  
also designated as Block 104, Lot(s) 1 & 2 on the Tax Map of the Borough of Atlantic Highlands.
2. The Property is in the HB Zone, it has street frontage of See site plan. feet and an average depth of See site plan. feet and an area of See site plan. square feet.
3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be See site plan..
4. The following structures, buildings and/or uses are located on the property:  
Restaurant without drive thru (permitted use), Retail Shopping Center (permitted use), Bank (permitted use)
5. Application is hereby made for a variance to:  
N/A
6. The reason for this request and the grounds urged for the relief are as follows:  
N/A
7. The section(s) of the Borough Zoning Ordinance upon which this application is based is: N/A
8. Property Tax & Water Bills have been paid through the TBD quarter of 2023.
9. Has the property been separated from a larger tract of land? Yes        No        If yes, when?        - N/A  
Has the Planning Board approved the subdivision Yes        No        If yes, when?        - N/A
10. If there has been any previous appeal or application to the Planning Board involving the premises, state:  
Date of Filing: 02/20/2020  
Character of Appeal N/A  
Disposition: Approved - Resolution for Application No. PB20-05, dated 08/6/2020

**I/We the undersigned, certify that of all of the statements contained herein are true and correct to the best of my/our knowledge, information and belief.**

Muhammad Khan  
Applicant Signature Muhammad Khan  
For Mr. VSC, LLC

8-16-23  
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: 08/xx/2023PROJECT NAME: Proposed Retail Smoke ShopOWNER: Bayshore Plaza LLCApplicant: Mr VSC LLCENGINEER/DESIGNER: Dynamic Engineering Consultants, PCPERSON COMPLETING THIS FORM: James E. Henry, PE, PPRELATIONSHIP TO OWNER: EngineerLOCATION OF SITE: BLOCK 104 LOT 1 & 2STREET ADDRESS First Avenue & Memorial Parkway (NJSH Route 36)

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

WAIVER YES NO



1. 18 Paper copies of plans and specifications

2. 18 Copies of completed application

3. Zoning Officer's written review

TO BE CHECKED  
BY APPLICANTDO NOT USE  
OFFICE USE ONLY

WAIVER			WAIVER	YES	NO
W	_____	4. Soil removal permit signed by Borough Engineer	_____	_____	_____
W	_____	5. Certification by Tax Collector that all taxes and water/sewer bills are paid – including current taxes and assessments for local improvements	_____	_____	_____
	<input checked="" type="checkbox"/>	6. Applicable filing fees	_____	_____	_____
W	_____	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	_____	_____	_____
W	_____	9. Letters from each utility stating that they will provide service to the proposed facility	_____	_____	_____
	N/A	10. Any resubmission must conform to items 1 & 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	_____	_____	_____
	<input checked="" type="checkbox"/>	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	_____	_____	_____

**TO BE CHECKED  
BY APPLICANT****DO NOT USE  
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WAIVER

WAIVER YES NO

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

**VARIANCE APPLICATIONS (See Addendum on last page)**

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

TO BE CHECKED  
BY APPLICANT

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OFFICE USE ONLY

WAIVER

WAIVER YES NO

**B. ADMINISTRATIVE DATA**

<u>          </u>	<u>✓</u>	1. Title of project set forth on application	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	2. Names, address of owner and name, address and phone number of applicant and relationship to owner	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<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>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	4. Name and license number of site planner or professional engineer with documents sealed with raised seal	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	5. Date and revision dates of drawings	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<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>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	7. North arrow	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	8. Key map, not smaller than 1" = 2,000' showing location in the Borough	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	9. <u>Schedule</u>			
<u>          </u>	<u>✓</u>	a. Total area of site in acres and square feet	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	b. Total building area in square feet and % lot coverage	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	c. Total landscape area in square feet and % lot coverage	<u>          </u>	<u>          </u>	<u>          </u>
<u>          </u>	<u>✓</u>	d. Total area of driveways, access roads, walkways, in square feet and % of lot	<u>          </u>	<u>          </u>	<u>          </u>



TO BE CHECKED  
BY APPLICANTDO NOT USE  
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_____	✓	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	_____	_____	_____
_____	✓	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

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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:**

- |            |       |  |       |       |       |
|------------|-------|--|-------|-------|-------|
| W<br>_____ | _____ | 1. Present and proposed grades based on NJ Geodetic Control Survey Datum, as required by ordinance.  | _____ | _____ | _____ |
| _____      | ✓     | 2. Bench mark indicated on plan  | _____ | _____ | _____ |
| _____      | ✓     | 3. Significant existing features: ponds, views, wooded areas, floodplains, etc   | _____ | _____ | _____ |
| W<br>_____ | _____ | 4. First floor elevations of all proposed buildings  | _____ | _____ | _____ |
| W<br>_____ | _____ | 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 | _____ | _____ | _____ |
| W<br>_____ | _____ | 6. Limits of cut and fill areas  | _____ | _____ | _____ |

**E. BUILDINGS AND STRUCTURES**

- |            |       |  |       |       |       |
|------------|-------|--|-------|-------|-------|
| W<br>_____ | _____ | 1. Location of all existing and proposed structures and buildings and any other physical | _____ | _____ | _____ |
|------------|-------|--|-------|-------|-------|

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WAIVER

WAIVER YES NO

elements on and within 200' of site to remain  
or be removed

<u>W</u>	<u>        </u>	2.	Provision for refuse and garbage with details	<u>        </u>	<u>        </u>	<u>        </u>
<u>        </u>	<u>✓</u>	3.	Proposed use of all buildings and sections thereof	<u>        </u>	<u>        </u>	<u>        </u>
<u>W</u>	<u>        </u>	4.	Location and description of all existing and Proposed signs	<u>        </u>	<u>        </u>	<u>        </u>
<u>W</u>	<u>        </u>	5.	Loading areas, dimensioned	<u>        </u>	<u>        </u>	<u>        </u>
<u>W</u>	<u>        </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>        </u>	<u>        </u>	<u>        </u>
<u>W</u>	<u>        </u>	7.	Soil Boring information and recommendation	<u>        </u>	<u>        </u>	<u>        </u>
<u>        </u>	<u>N/A</u>	8.	Historic structures	<u>        </u>	<u>        </u>	<u>        </u>
<u>        </u>	<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>        </u>	<u>        </u>	<u>        </u>
<u>        </u>	<u>N/A</u>	10.	For garden apartments, a "typical" floor layout of each apartment type in the proposed buildings	<u>        </u>	<u>        </u>	<u>        </u>
<u>        </u>	<u>N/A</u>	11.	For all apartments and for any building exceeding two (2) stores in height, proposed architectural elevations	<u>        </u>	<u>        </u>	<u>        </u>
<u>        </u>	<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	<u>        </u>	<u>        </u>	<u>        </u>

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**

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

**TO BE CHECKED  
BY APPLICANT****DO NOT USE  
OFFICE USE ONLY**

WAIVER

WAIVER YES NO

W \_\_\_\_\_ 12. Street light locations \_\_\_\_\_

**G. ROADS, DRIVEWAYS, WALKS, CURBS, WALKWAYS & FENCING:**

W \_\_\_\_\_ 1. Location and dimensions of all items, this category on the site and with 100 feet \_\_\_\_\_

W \_\_\_\_\_ 2. Cross sections and profiles of all existing and proposed streets abutting the lots and within 250 feet \_\_\_\_\_

W \_\_\_\_\_ 3. Location, type and size of waste disposal system and sanitary sewer lines \_\_\_\_\_

W \_\_\_\_\_ 4. Location and type of utilities: electric, cable TV, gas, telephone, water. Underground lines, present and proposed connections or extensions \_\_\_\_\_

W \_\_\_\_\_ 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 \_\_\_\_\_

W \_\_\_\_\_ 7. Storm drainage calculations 100 year storm certified by a professional engineer \_\_\_\_\_

W \_\_\_\_\_ 8. Signed contract for water and letters of of service from other utilities \_\_\_\_\_

W \_\_\_\_\_ 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**

<u>W</u>	<u>          </u>	10.	Provision for storm water detention basins where required, including details of detention basins calculations in proper form for review	<u>          </u>	<u>          </u>	<u>          </u>
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<u>W</u>	<u>          </u>	11.	Stream cross-sections	<u>          </u>	<u>          </u>	<u>          </u>
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**H. SIGNS:**

<u>W</u>	<u>          </u>	1.	Location, size, color, wording, letter size, illumination, materials of construction	<u>          </u>	<u>          </u>	<u>          </u>
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**I. LANDSCAPING:**

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

<u>W</u>	<u>          </u>	1.	Fire protection systems	<u>          </u>	<u>          </u>	<u>          </u>
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<u>W</u>	<u>          </u>	2.	Hydrants, existing and proposed	<u>          </u>	<u>          </u>	<u>          </u>
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TO BE CHECKED  
BY APPLICANTDO NOT USE  
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WAIVER YES NO

N/A K. Copy of any covenants or deed restrictions \_\_\_\_\_

N/A 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) \_\_\_\_\_

N/A M. Location of any construction access roads \_\_\_\_\_

N/A N. Applicant for a project located within a Flood Hazard Area to apply for approval in conformance with the "90 Day Construction Permit Act" \_\_\_\_\_

W O. County Planning Board Review and Approval \_\_\_\_\_

W P. State Ingress and Egress Approval \_\_\_\_\_

W Q. State DEPE-CAFRA Approval \_\_\_\_\_

W R. Army Corps of Engineer Permit Approval \_\_\_\_\_

W S. Letter from Atlantic Highlands Regional Sewerage Authority indicating receipt of application \_\_\_\_\_

W T. NJDEPE Freshwater Wetlands Letter of Interpretation or Letter of Exemption. Please indicate type of letter submitted \_\_\_\_\_N/A a. Presence or absence determination (Type I)  
N/A b. Footprint of disturbance presence or absence determination (Type II)N/A c. Delineation of freshwater wetlands, State open waters and transition areas for property under one acre (Type III)N/A d. Regulatory line verification by NJDEPE (Type IV, required if wetlands are present on the site)N/A e. Letter of Exemption related to USACOE Nationwide Permit

TO BE CHECKED  
BY APPLICANT

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WAIVER

WAIVER YES NO

U. Waiver Required From:

Reason: Please see enclosed  
List of Variances and  
Waivers for reference.

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. N/A

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.



**CORPORATE DISCLOSURE OF 10% OWNERSHIP  
MR. VSC, LLC**

The sole member of Mr. VSC, LLC is Muhammad Khan.

**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, Muhammad Kahn, of Atlantic Highlands, New Jersey,

whose address is 1 Bayshore Plaza,

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: 8-16-23 Signed: Muhammad Khan

I certify that on this 16<sup>th</sup> day of August, 2023, the subscriber, Muhammad Khan, 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.

Notary Seal

My Commission expires on \_\_\_\_\_

**MARC A. LECKSTEIN**  
**ATTORNEY-AT-LAW**  
**STATE OF NEW JERSEY**

***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.***

## AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

COUNTY OF MONMOUTH:

Eric Casriel, being of full age, and being duly sworn according to law on oath deposes and says that the deponent ~~resides at~~ is located at 39 Ave. at the Common in the Borough of Shrewsbury, in the County of Monmouth and the State of New Jersey that Bayshore Plaza LLC 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 104, Lot(s) 1 & 2.

Sworn to and subscribed before me this 20<sup>th</sup> day of March, 2023.

Eric Casriel

Property Owner Signature

MAR

Notary Seal

**MARC A. LECKSTEIN  
ATTORNEY-AT-LAW  
STATE OF NEW JERSEY**

### AUTHORIZATION

*(If anyone other than the above owner is making this application, the following authorization must be executed)*

I hereby authorize Mr. VSC, LLC to make the within application.

Bayshore Plaza, LLC

Eric Casriel

Signature

3/20/23

Date

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## Preliminary List of Variances and Waivers

Dated August 2023

Proposed Retail (Smoke Shop) Use  
Block 104, Lot 1 & 2  
First Avenue & Memorial Parkway (NJSH Route 36)  
Borough of Atlantic Highlands  
Monmouth County, NJ  
DEC# 4754-23-00815

### Variances

#### Zoning – HB Zone Bulk Requirements:

- [§ 150 Attachment 1] – Schedule of Zoning Requirements
  - Required minimum front yard setback shall be 30 feet.  
*Existing non-conformance: -0.2 FT (NJSH Route 36) to remain*
  - Required minimum rear yard setback shall be 30 feet.  
*Existing non-conformance: -39.4 FT to remain*
  - Required minimum side yard setback shall be 15 feet.  
*Existing non-conformance: 0 FT to remain*
  - Required minimum combined side yard setback shall be 30 feet.  
*Existing non-conformance: 0 FT to remain*
  - Required maximum impervious coverage shall be 70%.  
*Existing non-conformance: 92% (173,413 SF) to remain*
  - Required minimum gross floor area for a one-story building shall be 2,500 SF.  
*Existing non-conformance: +/- 1,490 SF to remain*

#### Parking Requirements:

- [§ 150-89.B.(2)] – Each off-street parking space shall measure at least nine (9) feet in width by eighteen (18) feet in length. Parking spaces for the physically handicapped shall be twelve (12) feet wide and twenty (20) feet long.  
*Existing non-conformance: No modifications are proposed to the existing spaces less than 9 ft wide and 18 feet length.*
- [§ 150-89.B.(3).(D)] – Where sidewalks occur in parking areas, parked vehicles shall not overhang or extend over the sidewalk unless an additional two feet of sidewalk width are provided in order to accommodate such overhang.  
*Existing non-conformance: No modifications are proposed to the existing sidewalks.*
- [§ 150-89.B.(5).(C)] – Parking areas shall not be located in any required front yard.  
*Existing non-conformance: No modifications are proposed to the existing parking area located within the front yard along First Avenue and Memorial Parkway.*

- [§ 150-89.A.(7).(C)] – Sidewalk width shall be four (4) feet; wider widths may be necessary near pedestrian generators and employment centers. Where sidewalks abut the curb and cars overhang the sidewalk, widths shall be six (6) feet.

*Existing non-conformance: No modifications are proposed to the existing sidewalks.*

- [§ 150-89.B.(1).(H)] – Restaurants are required one (1) off-street parking space per three (3) seats or one (1) off-street parking space per fifty (5) square feet of gross floor area, whichever is greater. Shopping centers are required one (1) off-street parking space per two hundred fifty (250) square feet of gross floor area.

*Existing non-conformance: The minimum required parking spaces is 220 spaces. The proposed change in use results in a reduction of the previous minimum parking requirements by 2 spaces. However, the existing parking spaces are to remain at 217 spaces, which is a reduction of the existing non-conformity.*

#### **Off-Street Loading Requirements:**

- [§ 150-89.C.(1)] – A loading space is required for buildings in excess of five-thousand (5,000) SF.  
*Not applicable for the proposed retail (smoke shop) use in which the existing building is less than 5,000 SF.*

#### **Driveway/Drive Aisle Requirements:**

- [§ 150-54.F] Within a nonresidential zone district, entry driveways and walkways may cross any yard area; however, other than crossing yards, driveways shall adhere to the yard requirements for accessory structures. Walkways in a nonresidential zone may be located in a yard area but they shall not encroach into any required buffer.

*Existing non-conformance: No modifications are proposed to the existing driveways and walkways.*

- [§ 150-89.D.(2)] – All driveways into parking lots into any commercial zones, if more than twenty-five (25) feet in paved width, shall be divided by a physical barrier.

*Existing non-conformance: No modifications are proposed to the existing driveways more than 25 feet without a physical barrier.*

- [§ 150-89.B.(3).(C)] – No driveway shall exceed thirty (30) feet in width.

*Existing non-conformance: No modifications are proposed to the existing driveways greater than 30 feet.*

- [§ 150-89.D.(5)] – No commercial, industrial or public parking lot driveway shall be located within 50 feet of any intersection.

*Existing non-conformance: No modifications are proposed to the existing driveway located within 50 feet of the intersection.*

#### **Buffer Requirements:**

[§ 150-85.E.(2).(B)] – Parking areas, garbage collection, utility areas and loading and unloading areas should be screened around their perimeter by a strip a minimum of five (5) feet wide.

*Existing non-conformance: No modifications are proposed to the existing screening for the mentioned areas.*

### **[Checklist Waivers](#)**

#### **Borough of Atlantic Highlands Development Plan Checklist**

Item A.3 – Zone Officer's written review required.

- *The Zone Officer's written review is pending. Enclosed please find email correspondence with Michelle Clark confirming the application is subject to Planning Board review and that she will issue an official letter upon filing of the application package.*



Item A.4 – Soil removal permit signed by Borough Engineer.

- ***No modifications to the existing site or building are proposed. The application is limited to a change in use only. Therefore, a waiver is requested.***

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

- ***The Certification that All Taxes and Water/Sewer Bills are Paid is pending and shall be a condition of approval. Therefore, a temporary waiver is requested.***

Item A.7 – Three copies of performance guarantee approved by the Borough Attorney and Borough Engineer, and cash portion of performance guarantee.

- ***No modifications to the existing site or building are proposed. The application is limited to a change in use only. Therefore, a waiver is requested.***

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

- ***No modifications are proposed to the existing gas, electric, water and sewer utilities. Therefore, a waiver is requested. A note on the Utility Plan (Sheet 5) is provided stating prior to the change in use, the contractor and architect shall confirm existing utilities are adequate for the proposed building and confirm the location of utility connections.***

Item A.18 – For all applications having a public hearing, an Affidavit of Notice must be filed prior to placing on the agenda for the public.

- ***The hearing date is pending based on the completeness review. The attorney shall file an Affidavit of Notice upon being deemed complete. Therefore, a temporary waiver is requested.***

Item D.1 – Present and proposed grades based on NJ Geodetic Control Survey Datum as required by ordinance.

- ***No modifications are proposed to the existing grading. Therefore, a waiver is requested.***

Item D.4 – First floor elevations of all proposed buildings

- ***No modifications are proposed to the existing building elevations. Therefore, a waiver is requested.***

Item D.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%) 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.

- ***No modifications are proposed to the existing grading. Therefore, a waiver is requested.***

Item D.6 – The limits of cut and fill areas shall be shown.

- ***No modifications are proposed to the existing grading. Therefore, a waiver is requested.***

Item E.1 – Location of all existing and proposed structures and buildings and any other physical elements on and within 200' of site to remain or be removed.

- ***No modifications are proposed to the existing structures and buildings on and within 200' of the site. Therefore, a waiver is requested.***

Item E.2 – Provision for refuse and garbage with details.

- ***No modifications are proposed to the existing refuse and garbage. Therefore, a waiver is requested.***

Item E.4 – Location and description of all existing and proposed signs.

- ***No signage modifications are proposed with the exception of re-paneling the existing Valley National Bank signs. Therefore, a waiver is requested.***

Item E.5 – Loading areas shall be dimensioned.

- *No modifications are proposed to the existing loading area. Therefore, a waiver is requested.*

Item E.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.

- *No modifications are proposed to the existing building. Therefore, a waiver is requested.*

Item E.7 – Soil boring information and recommendation shall be shown.

- *No modifications are proposed to the existing drainage and stormwater systems. Therefore, a waiver is requested.*

Item F.6 – Surface of parking area, slopes, and barriers

- *No modifications are proposed to the existing grading. Therefore, a waiver is requested.*

Item F.7 – Curbing at ingress and egress and parking lot, showing radii and site triangle

- *No modifications are proposed to the existing curbing. Therefore, a waiver is requested.*

Item F.8 – Lighting standards and utility poles indicating size, height, type, construction, light fixtures and locations

- *No modifications are proposed to the existing lighting. Therefore, a waiver is requested.*

Item F.9 – Lighting plan indicating specific height, foot candles, and provisions for elimination of sky glow and glare, and angle of light spread

- *No modifications are proposed to the existing lighting. Therefore, a waiver is requested.*

Item F.10 – Analysis of parking, including trip generations of proposed development, volumes, numbers of employees and shifts. Expected truck traffic.

- *No modifications are proposed to the existing traffic and circulation patterns. Therefore, a waiver is requested.*

Item F.12 – Street light locations

- *No modifications are proposed to the existing lighting. Therefore, a waiver is requested.*

Item G.1 – Location and dimensions of all items, this category on the site and with 100 feet

- *No modifications are proposed to the existing roads, driveways, walks, curbs, walkways and fencing . Therefore, a waiver is requested.*

Item G.2 – Cross sections and profiles of all existing and proposed streets abutting the lots and within 250 feet

- *No modifications are proposed to the existing streets. Therefore, a waiver is requested.*

Item G.3 – Location, type and size of waste disposal system and sanitary sewer lines

- *No modifications are proposed to the existing waste disposal and sanitary sewer services. Therefore, a waiver is requested.*

Item G.4 – Location and type of utilities: electric, cable TV, gas, telephone, water. Underground lines, present and proposed connections or extensions

- *No modifications are proposed to the existing utilities. Therefore, a waiver is requested.*

Item G.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

- *No modifications are proposed to the existing drainage and stormwater systems. Therefore, a waiver is requested.*

Item G.7 – Storm drainage calculations 100 year storm certified by a professional engineer

- *No modifications are proposed to the existing drainage and stormwater systems. Therefore, a waiver is requested.*

Item G.8 – Signed contract for water and letters of service from other utilities

- *No modifications are proposed to the existing utilities. Therefore, a waiver is requested.*

Item G.9 – Location profiles and cross-sections of all water courses and drainage facilities within 300' of limits of development. Flood Hazard Boundaries

- *No modifications are proposed to the existing drainage and stormwater systems. Therefore, a waiver is requested.*

Item G.10 – Provision for storm water detention basins where required, including details of detention basins calculations in proper form for review

- *No modifications are proposed to the existing drainage and stormwater systems. Therefore, a waiver is requested.*

Item G.11 – Stream cross-sections

- *No modifications proposed are anticipated to impact any existing environmental features. Therefore, a waiver is requested.*

Item H.1 – Location, size, color, wording, letter size, illumination, materials of construction

- *No signage modifications are proposed with the exception of re-paneling the existing Valley National Bank signs. Therefore, a waiver is requested.*

Item J.1 – Fire protection systems

- *No modifications are proposed to the existing fire prevention systems. Therefore, a waiver is requested.*

Item J.2 – Hydrants, existing and proposed

- *No modifications are proposed to the existing fire prevention systems. Therefore, a waiver is requested.*

Item O – County Planning Board Review and Approval

- *The subject property does not have frontage along a county road and is not anticipate to impact any county drainage facilities. The County Review Exemption is pending. Therefore, a temporary waiver is requested.*

Item P – State Ingress and Egress Approval

- *No modifications are proposed to the existing site conditions. Therefore, a waiver is requested.*

Item Q – State DEPE-CAFRA Approval

- *No modifications are proposed to the existing site conditions. Therefore, a waiver is requested.*

Item R – Army Corps of Engineer Permit Approval

- *No modifications are proposed to the existing site conditions. Therefore, a waiver is requested.*

Item S – Letter from Atlantic Highlands Regional Sewerage Authority indicating receipt of application

- *No modifications are proposed to the existing utilities. Therefore, a waiver is requested.*

Item T – NJDEP Freshwater Wetlands Letter of Interpretation or Letter of Exemption. Type of letter shall be indicated.

- *No modifications proposed are anticipated to impact any environmental features. Therefore, a waiver is requested.*



---

August 17, 2023  
Via FedEx Overnight & Newforma  
(Victor.Furmanec@co.monmouth.nj.us)

Monmouth County Planning Department  
3000 Kozloski Rd  
Freehold, NJ 07728

Attn: Victor Furmanec, AICP, PP, Supervising Planner

**RE: Mr. VSC LLC  
Proposed Retail Smoke Shop  
First Avenue & Memorial Parkway  
(NJSH Route 36)  
Block 104, Lots 1 & 2  
Borough of Atlantic Highlands  
Monmouth County, NJ  
DEC# 4754 23-00815**

Dear Mr. Furmanec,

On behalf of the applicant, Mr. VSC LLC, enclosed please find the following information constituting our formal request for determination of exemption to the Monmouth County Planning Board for the above referenced project:

- One (1) check in the amount of **\$100.00**, made payable to the “*Treasurer, Monmouth County*” to satisfy the exempt site plan fee; and
- Two (2) signed and sealed copies of the Preliminary and Final Minor Site Plan set, prepared by our office, dated 7/24/2023.

Please review the enclosed information towards determination of exemption from Site Plan review and approval.

Should you have any questions, comments or require additional information please do not hesitate to contact our office.

Sincerely,

**Dynamic Engineering Consultants, PC**

A handwritten signature in black ink, appearing to read "J. Henry".

James E. Henry, PE, PP

A handwritten signature in black ink, appearing to read "Mariah Diaz".

Mariah Diaz

Enclosures

cc: Marc A. Leckstein, Esq. (via Newforma)  
Eric Casriel, Esq. (via Newforma)  
Muhammad Kahn (via Newforma)



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

Date Issued: July 26, 2023

**CERTIFICATION OF 200-FOOT LIST**  
**BLOCK[s] 104 LOT [s] 1 & 2**

**PROPERTY LOCATION:** First Avenue & Memorial Parkway

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*

---

Michelle Clark, Municipal Clerk

7/26/2023 9:27 AM

\* 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



BLOCK	LOT	OWNER	MAILING ADDRESS	
102		7.01 ATL HIGHLANDS REAL ESTATE PARTNERS	241 MAIN STREET	WOODBIDGE, NJ 07095
103		1.01 PRESBYTERIAN HOME AT ATL HIGHLANDS	103 CARNEGIE CTR STE 102	PRINCETON NJ 08540
105		1 BOROUGH OF ATLANTIC HIGHLANDS	100 FIRST AVE	ATLANTIC HIGHLANDS NJ 07716
105		2 JCP&L CO C/O FE SERVICE TAX DEPT.	PO BOX 4747	OAKBROOK IL 60522
105		3 NJ NATURAL GAS C/O TOM MERENDA	1415 WYCKOFF R BX 1464	WALL NJ 07719
105		5 NUNG CO. C/O MICHELE YOUNG	1415 WYCOFF RD PO BX 1464	WALL NJ 07719
105		6 BOROUGH OF ATLANTIC HIGHLANDS	100 FIRST AVE	ATLANTIC HIGHLANDS NJ 07716
106		1 JUGRAJ GAS LLC	195 FIRST AVE	ATLANTIC HIGHLANDS NJ 07716
106		8 183 FIRST AVE. LLC	441 MAIN STREET SUITE 200	EAST ORANGE NJ 07018
106		3.01 GEORGETOWN REALTY ASSOCIATES LLC	4846 EAST BLOSSOM DRIVE	DOYLESTOWN, PA 18902

BLOCK 104 LOTS 1 & 2



Organized December 14, 1667  
"Pride in Middletown"

## THE TOWNSHIP OF MIDDLETOWN

### Office of the Assessor

1 Kings Highway  
Middletown, NJ 07748-2594  
Tel: (732) 615-2089  
Fax: (732) 671-4022

Alex J Worth  
Assessor

OWNER: **BAYSHORE PLAZA LLC C/O CASRIEL**

RE: CERTIFICATION OF VARIANCE

SUBJECT: **BLOCK 104 LOT 1, & 2**

This is to certify the following Block and Lot(s) are listed on the Middletown Tax duplicate as being property owners within 200 feet of the subject property and service must be made in compliance with the requirements of the law.

NOTE: If adjacent to State Highway (Route 35 or 36)  
Notify: Commissioner of Transportation  
Dept. of Transportation, 1035 Parkway Ave  
Trenton, NJ 08625

If adjacent to County or adjoining County Land  
Notify: Monmouth County Planning Board  
PO BOX 1255 Freehold, NJ 07728

If situated within 200 feet of another Municipal boundary  
You must also serve owners in that municipality.

NJ DEPT OF ENVIRONMENTAL PROTECTION  
Land Use Regulation Element-Bureau of Regulation  
PO BOX 439  
501 East State Street  
Trenton, NJ 08625-0439  
ATT: Monmouth County Section Chief

ALEX J WORTH  
TAX ASSESSOR

# THE TOWNSHIP OF MIDDLETOWN

Johnson-Gill Annex, One King's Highway  
Middletown, NJ 07748-2594



Settled in 1664  
Pride in Middletown

**Tax Assessor's Office**  
Telephone: (732)615-2089  
Fax: (732)671-4022

Alex J. Worth  
Assessor

TO: ALL APPLICANTS  
FROM: NOTICE REQUIREMENT FOR APPLICATIONS FOR:

Please take note that the following public utilities and CATV companies must be notified with respect to site plan subdivision applications.

1. Robert Schneider/Manager  
Eastern Shore Engineering  
Verizon New Jersey, Inc.  
175 W. Main St Freehold, NJ 07728
2. Lance Hendrickson, Operations  
NJ American Water Company  
661 Shrewsbury Ave Shrewsbury, NJ 07702
3. Supervisor  
Township of Middletown Sewer Authority  
P O BOX 205 Belford, NJ 07718
4. New Jersey Natural Gas Co.  
1415 Wyckoff Rd—PO BOX 1464  
Wall, NJ 07719  
Att: John B. Wyckoff, P.E.-Manager-Distribution Engineering
5. Corporate Secretary  
Jersey Central Power & Light Company  
300 Madison Ave Morristown, NJ 07960
6. Ron Bertrand-Construction Foreman  
Comcast Cablevision of Monmouth County, Inc.  
403 South St Eatontown, NJ 07724
7. Bayshore Outfall Authority  
Mr. Richard Ellison  
200 Harbor Way Belford, NJ 07718  
(Notify if within 200 feet of old CRR now known  
as Monmouth Cty Bd of Recreation Commissioners)
8. New Jersey Turnpike Authority  
PO BOX 5042 Woodbridge, NJ 07095



**JULY 21,2023**

**FOR BLOCK 104 LOT 1 ATLANTIC HIGHLANDS**

**OWNER & ADDRESS REPORT**

<b>BLOCK &amp; LOT</b>	<b>PROPERTY OWNER</b>	<b>MAILING ADDRESS</b>	<b>CITY,STATE,ZIP</b>
1332-693-7	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE COMMON	SHREWSBURY NJ 07702
1332-694-10	CANNON ROBERT	445 DRIVEWAY	OCEANPORT NJ 07757
1332-694-11	ENGLISH QUINN & LISA	76 FIRST AVENUE	ATLANTIC HIGHLANDS NJ 07716
1332-693-3	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE COMMON	SHREWSBURY NJ 07702
1332-693-4	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE COMMON	SHREWSBURY NJ 07702
1305-103-1.01	PRESBYTERIAN HOME AT ATL HIGHLANDS	103 CARNEGIE CTR STE 102	PRINCETON NJ 08540
1305-104-1	BAYSHORE PLAZA LLC %CASRIEL	39 AVE AT THE COMMONS#200	SHREWSBURY NJ 07702
1305-104-1-BLDG	BAYSHORE PLAZA LLC %CASRIEL	39 AVE AT THE COMMONS#200	SHREWSBURY NJ 07702
1305-104-2	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVE AT THE COMMONS#200	SHREWSBURY NJ 07702
1305-105-3	NJ NATURAL GAS C/O TOM MERENDA	1415 WYCKOFF R BX 1464	WALL NJ 07719
1305-105-5	NJNG CO. C/O MICHELE YOUNG	1415 WYCOFF RD PO BX 1464	WALL N J 07719
1305-106-1	JUGRAJ GAS LLC	195 FIRST AVE	ATLANTIC HIGHLANDS NJ 07716
1305-106-8	183 FIRST AVE. LLC	441 MAIN STREET SUITE 200	EAST ORANGE NJ 07018
1332-693-5.01	O BRIEN WILLIAM J. & JOANNE E.	213 FIRST AVE	ATLANTIC HIGHLANDS NJ 07716
1332-694-12	JEFFREY SCOTT	217 FIRST AVENUE	ATLANTIC HIGHLANDS NJ 07716
1332-716-7	FLANAGAN ITA	218 FIRST AVE	ATLANTIC HIGHLANDS NJ 07716



JULY 21,2023  
FOR BLOCK 104 LOT 2

OWNER & ADDRESS REPORT

BLOCK & LOT	PROPERTY OWNER	MAILING ADDRESS	CITY,STATE,ZIP
1332-430-4	TWP OF MIDDLETOWN	1 KINGS HWY	MIDDLETOWN NJ 07748
1332-692-2	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE CMMON	SHREWSBURY NJ 07702
1332-692-2-B01	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE COMMON	SHREWSBURY NJ 07702
1332-693-1	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE ATTHE COMMON	SHREWSBURY NJ 07702
1332-693-2	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE COMMON	SHREWSBURY NJ 07702
1332-693-3	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE COMMON	SHREWSBURY NJ 07702
1332-693-4	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVENUE AT THE COMMON	SHREWSBURY NJ 07702
1305-104-1-BLDG	BAYSHORE PLAZA LLC %CASRIEL	39 AVE AT THE COMMONS#200	SHREWSBURY NJ 07702
1305-104-2	BAYSHORE PLAZA LLC C/O CASRIEL	39 AVE AT THE COMMONS#200	SHREWSBURY NJ 07702
1305-105-1	BOROUGH OF ATLANTIC HIGHLANDS	100 FIRST AVE	ATLANTIC HIGHLANDS N J 07716
1305-105-2	JCP&L CO C/O FE SERVICE TAX DEPT.	PO BOX 4747	OAKBROOK IL 60522
1305-105-3	NJ NATURAL GAS C/O TOM MERENDA	1415 WYCKOFF R BX 1464	WALL NJ 07719
1305-105-5	NJNG CO. C/O MICHELE YOUNG	1415 WYCOFF RD PO BX 1464	WALL N J 07719





**BOROUGH OF  
ATLANTIC HIGHLANDS**

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

**MICHELLE CLARK, PLANNING BOARD SECRETARY**

August 7, 2020

DDJ Management  
88 Hickory Lane  
Lincroft, NJ 07738

**Re: Planning Board Application PB20-05  
Bayshore Plaza**

Dear Applicant:

Enclosed, please find Resolution granting preliminary and final site plan approval with variances for the above application which was approved at the August 6, 2020 Planning Board meeting.

If you need any further assistance, please do not hesitate to contact me.

Very truly yours,

Kelly Snyder  
Planning Board Secretary

**Cc: Kevin Kennedy**

IN THE MATTER OF  
APPLICATION NO. PB20-05  
DDJ MANAGEMENT INC.  
BLOCK 104 LOTS 1 & 2

RESOLUTION GRANTING  
PRELIMINARY & FINAL  
SITE PLAN APPROVAL  
WITH VARIANCES

WHEREAS, DDJ MANAGEMENT INC., hereinafter the "Applicant", has proposed the development of property located at Bayshore Plaza, State Highway 36 (Memorial Parkway) and First Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 104, Lots 1 & 2 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for preliminary and final major site plan approval with variances to permit the construction of a drive thru facility for the existing Dunkin Donuts establishment with associated driveway and parking improvements with variances to permit 217 parking spaces where 224 spaces are required and to permit a sign with an area of 2.75 sq. ft. where 2.0 sq. ft. are permitted. The application will also continue the following existing non-conforming elements: Section 150-29 A(2) (Exhibit 5-2):

- 1) Front yard setback of 0.2 ft. where 30 ft. is required.
- 2) Rear yard setback of -39.4 ft. where 30 ft. is required.
- 3) Side yard setback of 0 ft. where 15 ft. is required.

4) Combined side yard setback of 0 ft. where 30 ft. is required.

5) Maximum building coverage of 0.26 ft. where 0.25 is permitted.

6) Maximum pervious coverage of 91.5% where 70% is permitted and 91.8% presently exists.

7) Useable floor area ratio of 0.26 where 0.25 is permitted.

8) Minimum gross floor area of 1,490 sq. ft. and 1,700 sq. ft. where 2,500 sq. ft. is required.

Section 150-89.B.(2):

1) Handicap parking space 18 ft. long where 20 ft. is required.

2) Vehicle overhang on sidewalk without the required 2 ft. extra sidewalk.

3) Parking area located within a required front yard.

4) Inadequate sidewalk width.

5) Driveway width greater than 25 ft. without divided physical barrier.

6) Driveway exceeding 30 ft. in width.

7) Driveway located within 50 ft. of intersection.

Section 150-54.F. Driveways and walkways not adhering to yard requirements for accessory structures; and

**WHEREAS,** the subject property is located in the HB Highway Business District and the existing commercial use and the proposed drive thru service are permitted uses within the Zone. The Planning Board notes that a portion of the property is located within the Township of Middletown. The Applicant shall be required to obtain such approvals as may be necessary from that Municipality; and

**WHEREAS,** the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on July 16, 2020, due notice of said meeting having been given in accordance with NJ Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

**WHEREAS,** the Applicant's witnesses were sworn and the Planning Board having heard the testimony of the Applicant's witnesses and having examined the Exhibits submitted in favor of or in opposition to the application the Planning Board has made the following findings of fact:

1. The Planning Board has received and reviewed the following documents, Exhibits and reports:



1.1 Review of Zoning Officer Michelle Clark, dated February 21, 2020, marked as Exhibit A-1 in evidence.

1.2 Application for Development Permit of DDJ Management Inc., dated January 27, 2020, marked as Exhibit A-2 in evidence.

1.3 Boundary and Topographic Survey prepared by Dynamic Survey, LLC, dated April 4, 2019, revised January 31, 2020, marked as Exhibit A-3 in evidence.

1.4 Preliminary and Final Site Plan prepared by Dynamic Engineering, dated January 29, 2020, marked as Exhibit A-4 in evidence.

1.5 Traffic Impact and Parking Assessment prepared by Dynamic Traffic, dated January 29, 2020, marked as Exhibit A-5 in evidence.

1.6 Review #1 of CME Associates, dated April 2, 2020, marked as Exhibit A-6 in evidence.

1.7 Aerial Map prepared by Dynamic Engineering, dated January 29, 2020, revised March 25, 2020, marked as Exhibit A-7 in evidence.

1.8 Site Plan Rendering prepared by Dynamic Engineering, dated July 6, 2020, marked as Exhibit A-8 in evidence.

1.9 Photo Exhibit prepared by Dynamic Engineering, dated July 5, 2020 with 4 photographs of subject property taken on April 17, 2019, marked as Exhibit A-9 in evidence.

1.10 Drainage Statement prepared by Dynamic Engineering, dated January 2020, marked as Exhibit A-10 in evidence.

2. The premises in question are located at the intersection of State Highway Route 36 (Memorial Parkway) and First Avenue, in the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey which property is further known and designated as block 104 lots 1 & 2 on the tax map of the Borough of Atlantic Highlands.

3. The subject property is located in the HB Highway Business District and the existing and proposed commercial uses, including drive thru facility are permitted uses in the Zone.

4. The property has approximate dimensions of 368.25 ft. x 448.019 ft. x 32.56 ft. x 336.60 ft. 291.69 ft. x 66.19 ft. x 50.13 ft. x 119.90 ft. x 100.00 ft. x 100.00 x 100.00 ft. x 95.13 ft. and is irregular in shape with an approximate area of 187,944 sq. ft. (4.315 acres). The subject property is presently developed as a commercial shopping center with a main commercial structure consisting of the Bayshore Pharmacy, Super Foodtown, Vingo Wine and Spirits, Pomodoro Pizza, a Cleaning Business and a Jersey Mike's Subs along with a detached 1-story bank and detached 1-story building with Dunkin Donuts along with associated driveway and parking facilities.

5. The Applicant proposes to modify the existing Dunkin Donuts building to provide for drive thru access including associated parking lot improvements. The drive thru facility is a permitted use in the Zone.

6. The Applicant was represented by Kevin Kennedy, Esq. who presented the testimony of a principal of the Applicant Dominick Sequera, Professional Engineer and Planner James Henry and Traffic Engineer Nick Verderese. Mr. Sequera testified that the current Dunkin Donuts has been in operation for approximately 14 years and that it presently operates in a 1,500 sq. ft. building and has 8 interior seats. The current hours of operation are Monday through Friday 5:30 am to 10:00 pm and Saturday and Sunday from 6:00 pm to 10:00 pm. There are 6 employees on site at any given time and the business employs a total of 16 employees working in 3 shifts. Daily deliveries of donuts and bakery goods occur between 4:00 and 4:30 am. Hard items/dry goods are delivered once per week. There is also one garbage pick up per week. All of the foregoing are anticipated to continue without change following the addition of the drive thru facility.

7. Mr. Sequera testified that drive thru facilities provide a convenience to patrons and more efficient operations which also are anticipated to result in increase sales. He testified that his experience in Dunkin Donuts facilities demonstrate that the drive thru facilities reduce the need for parking as patrons will use the drive thru facility rather than parking and entering the building to order coffee and food. Mr. Sequera testified that the drive thru facility will not result in any change in menu, deliveries, hours of operation or number

of employees. He testified that the peak hours of operation are between 7:00 am and 11 am. He noted that the other uses in the shopping center peak at later times in the day and that the center has not experienced parking problems over the years notwithstanding the non-conforming number of parking spaces.

8. James Henry, a Licensed Professional Engineer and Professional Planner in the State of New Jersey testified as to the design and layout of the proposed drive thru facility. Mr. Henry testified that two new variances are required in connection with the application. The first is that the reconfiguration for the drive thru facility will cause the loss of 2 parking spaces resulting in 217 spaces where 224 are required. He also testified that one directional sign will be 2.75 sq. ft. in area where 2.0 sq. ft. is permitted. He testified that none of the existing non-conforming elements will be exacerbated by the application and further noted that the Applicant has received conditional approval from the Monmouth County Planning Board and that approval from Freehold Soil Conservation District is pending. The Planning Boards Planner Mr. Rohmeyer referenced his report of April 2, 2020 marked as Exhibit A-6 in evidence and noted that his comments had been substantially addressed by the revised plans submitted by the Applicant.

9. The principle focus of the Boards concern was on traffic issues and the Applicant presented Nick Verderese a Licensed Engineer in the area of traffic as an expert witness. He referenced his traffic report which was submitted in evidence as A-5 and testified that the major change in the traffic configuration within the site is the redistribution of traffic

entering the site to the new drive thru stacking area. He testified that, utilizing the Institute of Traffic Engineers (ITE) materials, he projects a 15% increase in the number of vehicle trips to Dunkin Donuts and that approximately 40 cars per hour will be utilizing the drive thru facility. He noted that there would be less than 100 additional trips per hour to the site which is considered by ITE and the Department of Transportation to be the threshold for a significant increase. He testified that there is a 9-car stacking lane for the drive thru and that the lane has been placed in the lowest activity area of the parking lot. He opined that there will be no significant impact upon traffic volume of the site and that the design will provide for efficient circulation. A number of concerns and suggestions were raised by members of the Board and the Applicant agreed to take them into consideration and as a condition of approval to have the Applicant's Traffic Engineer work with the Planning Board Engineer to optimize the design of the stacking lane and signage to direct traffic.

Mr. Henry also testified with respect to the two proposed variances, each of which he considered to qualify for treatment as a "C-2" Planning variance. He noted that pursuant to N.J.S.A. 40:55d-2 the proposed drive thru along with the directional sign will provide for a safer point of sale of product from the Dunkin Donuts, will provide for free flow of traffic and provide for the stacking of vehicles entirely on site. He further opined that the proposed changes will result in a more desirable visual environment with some added landscaping in the newly designed parking and drive thru stacking area. He further opined that there will be no substantial detriment to the public good and as the proposed

improvements will improve the parking situation by providing for less parking need which will improve and enhance traffic conditions on site. He further opined that the grant of the requested variances will not result in any substantial impairment to the Zone Plan or Zoning Ordinance. He noted that traffic counts done at peak times indicated a maximum of 130 spaces in use during peak hours leaving eighty-seven vacant spaces.

10. The Planning Board accepts the opinions of the Applicant's witnesses and finds that the Applicant has satisfied the positive and negative criteria for the grant of the requested variance relief based upon the testimony of Mr. Henry and for the reasons set forth previously herein and finds that the variances can and should be granted at this time.

The Planning Board further finds that the Applicant has submitted a site plan and such other information as is reasonably necessary to make an informed decision as to whether requirements necessary for site plan approval have been met. The Planning Board further finds that the detailed drawings, specifications and estimates of the application conform to the standards established by Ordinance for final approval and that preliminary and major site plan approval can and should be granted at this time.

11. The Planning Board further finds that all property owners within 200 feet of the premises in question were given proper notice of the hearing of this application and were provided with an opportunity to present testimony in support of or in opposition to the appeal.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Board of the Borough of Atlantic Highlands on this 6<sup>th</sup> day of August, 2020 that the Application of **DDJ MANAGEMENT, INC** be and is hereby approved which approval is expressly conditioned upon compliance with the following terms and conditions:

**GENERAL CONDITIONS -**

- 1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.
- 2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.
- 3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.

4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.

5) The Applicant shall furnish such Performance Guarantees, Temporary Certificate of Occupancy Guarantees, Safety and Stabilization Guarantees, Maintenance Guarantees, Inspection Fees and such other Guarantees or fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of on-tract/off-tract and private site improvements.

6) No site work shall be commenced or plans signed or released or any work performed with respect to this approval until such time as all conditions of the approval have been satisfied or otherwise waived by the Board.

7) Any and all notes, drawings or other information contained on any approved plans shall be conditions of this approval.



8) Nothing herein shall excuse compliance by the Applicant with any and all other requirements of this municipality or any other governmental entity. This approval is conditioned upon compliance by the Applicant with all Ordinances and Regulations of this Municipality.

9) In the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 08625-0802 within thirty (30) days of the date hereof. Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".

10) In the event that the Applicant and the approving authority have agreed that exceeding a standard of the Residential Site Improvement Standards is desirable under the specific circumstances of the proposed development, such Agreement to Exceed RSIS Standards shall be placed, in writing, by the developer and transmitted forthwith to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Broad Street, CN 802, Trenton, New Jersey 08625-0802.

11) The Applicant shall comply with the contribution requirements of the Municipal Affordable Housing Fund as applicable to this application.

also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

**BE IT FURTHER RESOLVED** that a proper notice of this decision be published once in the official newspaper of the municipality or in a newspaper in general circulation within the Borough.

OFFERED BY: Mr. Pepe

SECONDED BY: Mr. Krupinski

ROLL CALL:

YES: Mr. Dougherty, Mr. Boms, Mr. Hawley, Mr. Caccamo, Mr. McGoldrick, Mr. Neff, Mr. Pepe, Mrs. Murray, Mr. Colangelo, Mr. Curry  
Mr. Krupinski, Mr. Sonnek-Schmeltz

NO: None  
ABSTAIN: None  
ABSENT: None



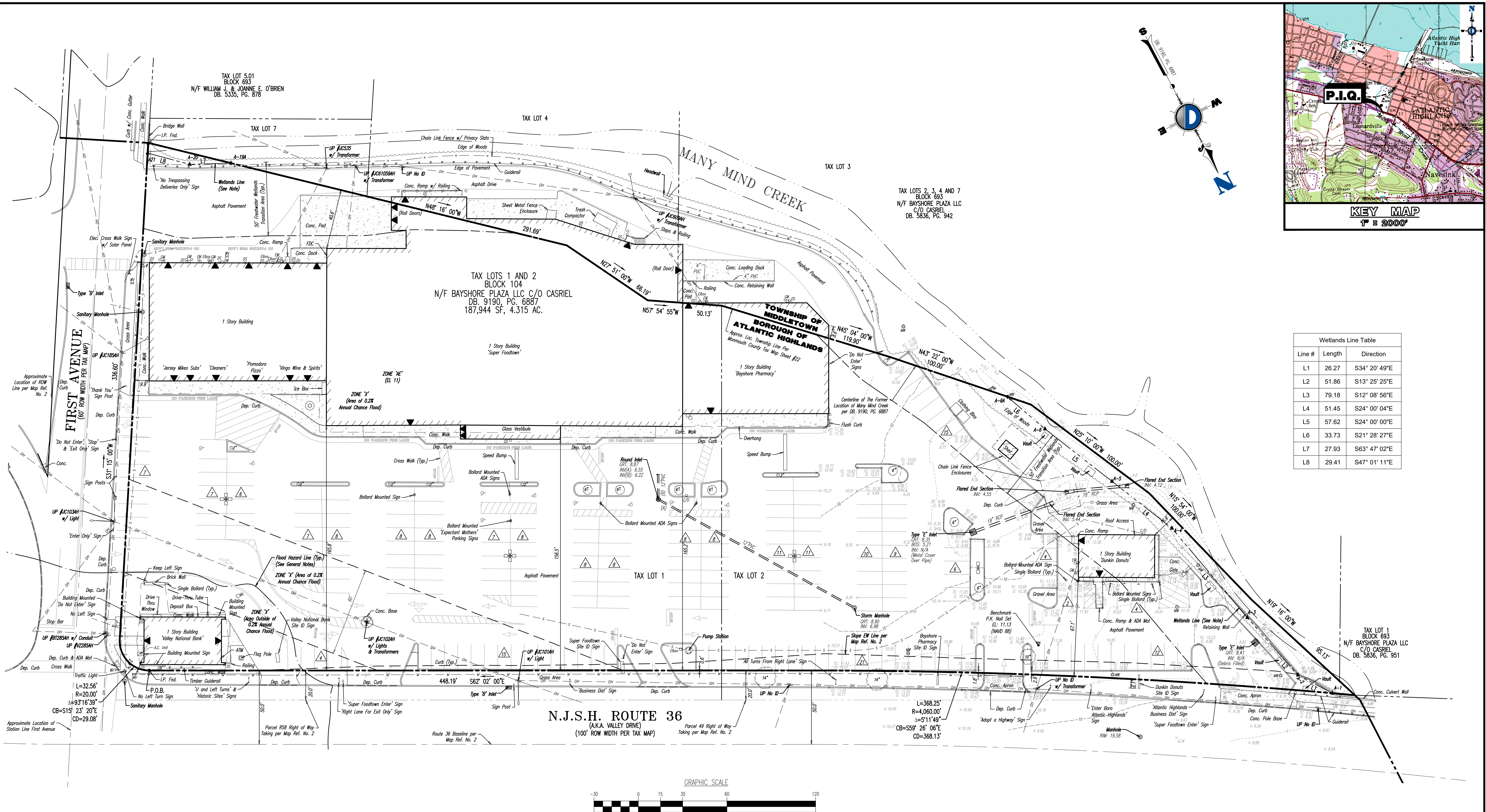
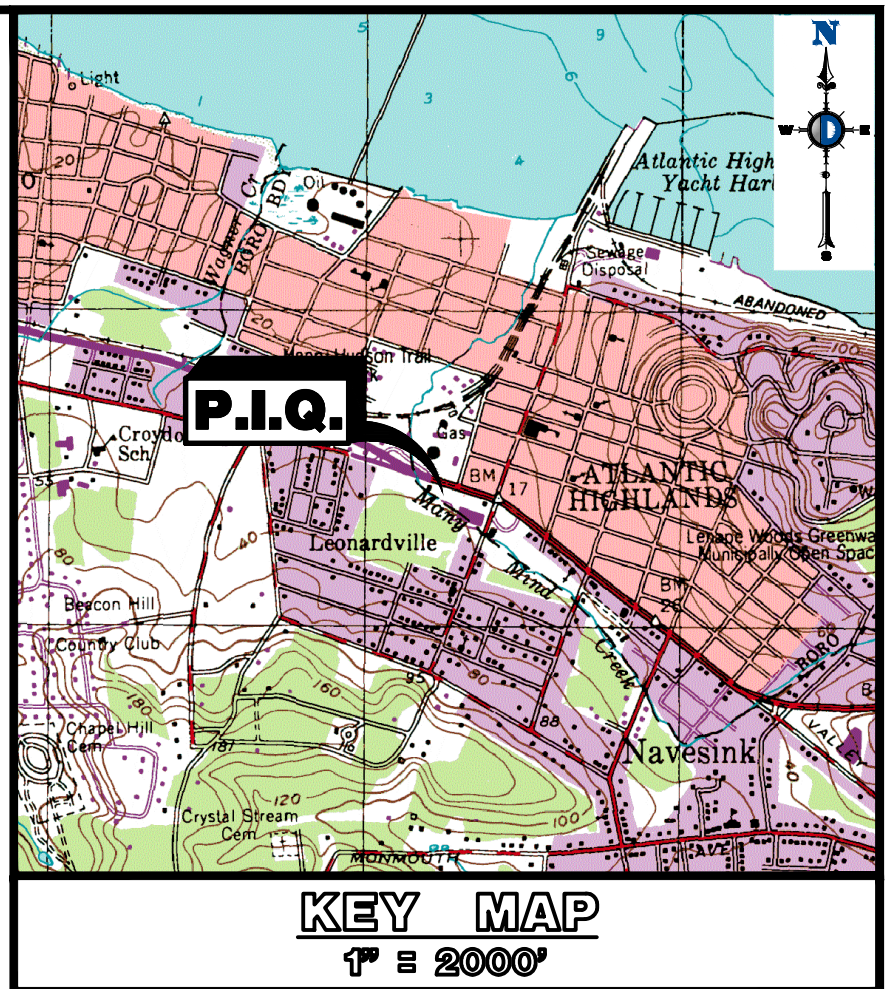
**Chairperson, Planning Board  
Borough of Atlantic Highlands**

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of the Atlantic Highlands at its meeting held on August 6, 2020.



**Secretary, Planning Board  
Borough of Atlantic Highlands**









## KEY MAP

1" = 2000'

### GENERAL NOTES

- THIS SURVEY IS NOT A BOUNDARY SURVEY. THE PURPOSE OF THIS SURVEY IS TO MAP POST CONSTRUCTION AS-BUILT CONDITIONS. BOUNDARY INFORMATION IS SHOWN PER MAP REFERENCE NO. 1 (LISTED BELOW).
- THE LOT AND BLOCK NUMBERS SHOWN ARE BASED ON MAP REFERENCE NO. 1 (LISTED BELOW).
- HORIZONTAL DATUM - BASED ON DEED BOOK 9190, PAGE 6887.
- VERTICAL DATUM - NAVD 88 (GEOID 12A), BASED ON GPS FIELD OBSERVATIONS PERFORMED BY DYNAMIC SURVEY ON FEBRUARY 25, 2019, UTILIZING THE LEICA RTX CORES NETWORK.
- FIELD WORK PERFORMED BY DYNAMIC SURVEY ON NOVEMBER 1, 2021.
- DYNAMIC SURVEY MAKES NO GUARANTEES THAT ALL UTILITIES ARE SHOWN AND ANY LOCATIONS SHOWN ARE APPROXIMATE BASED ON MARKOUT UNLESS NOTED OTHERWISE. ALL UTILITY LOCATIONS MUST BE VERIFIED WITH THE PROPER UTILITY COMPANIES PRIOR TO ADDITIONAL DESIGN, EXCAVATION OR CONSTRUCTION. CONTACT UTILITIES TOLL FREE 1-800-272-1000.
- SUBJECT TO ROAD RIGHT-OF-WAY, ALL EASEMENTS, ORDINANCES, COVENANTS AGREEMENTS AND/OR RESTRICTIONS OF RECORD.
- SUBJECT TO SUB-SURFACE CONDITIONS AND/OR ENCROACHMENTS NOT DISCLOSED BY PUBLIC RECORD, IF ANY.

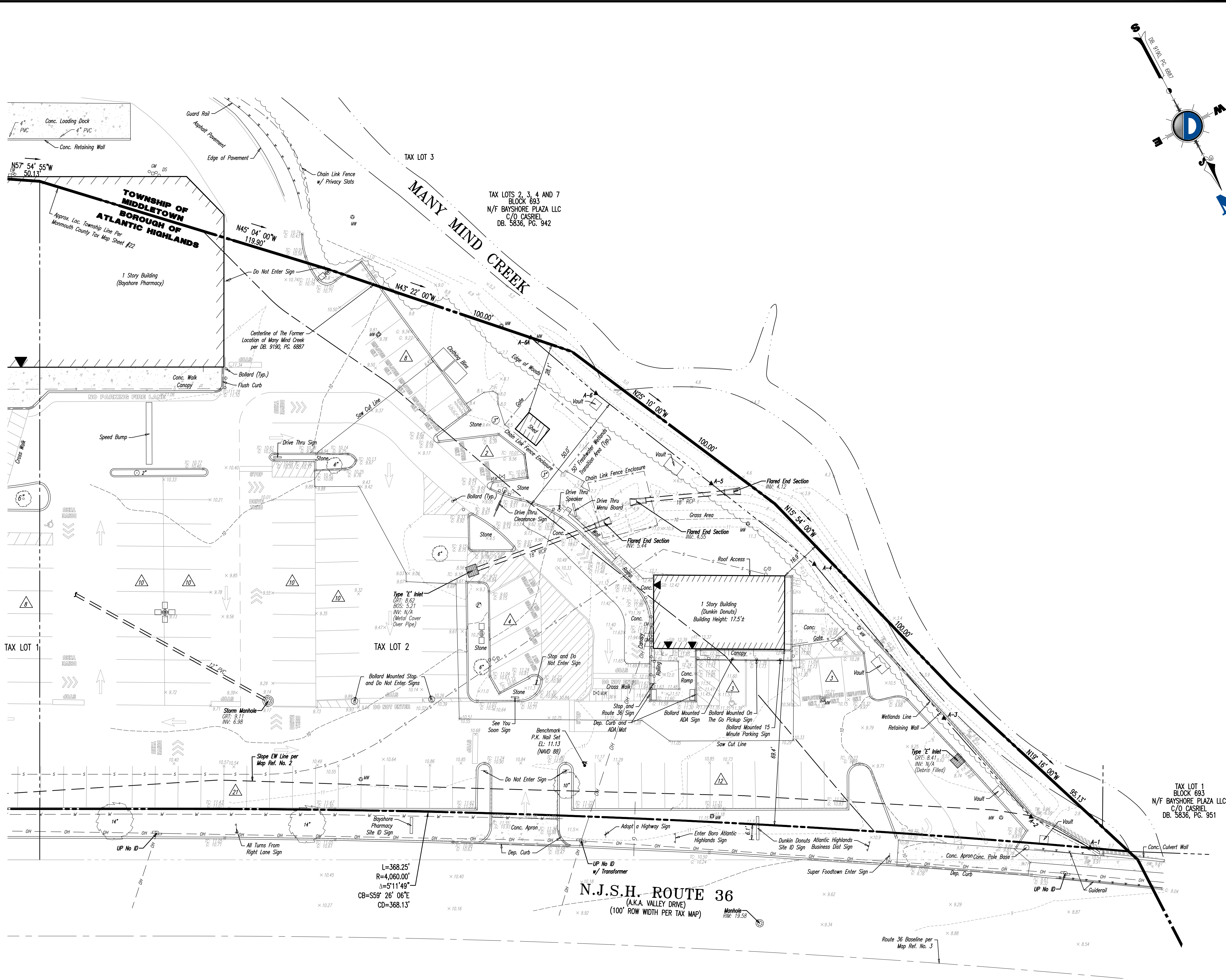
### MAP REFERENCES

- A PLAN ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY, ATLANTIC HIGHLANDS DONUTS, LLC, EXISTING CONDITIONS, BLOCK 104, LOTS 1 AND 2, FIRST AVENUE AND HIGHWAY 36, BOROUGH OF ATLANTIC HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY," PREPARED BY DYNAMIC SURVEY, LLC, DATED 04/04/2019, REVISED THROUGH 12/02/2020.
- A PLAN ENTITLED "AMENDED SITE PLAN PREPARED FOR BAYSHORE PLAZA SITUATED IN BOROUGH OF ATLANTIC HIGHLANDS, TOWNSHIP OF MIDDLETOWN, MONMOUTH COUNTY, NEW JERSEY," PREPARED BY ABBINGTON ASSOCIATES, INC., DATED 07/21/1997 AND REVISED THROUGH 12/03/1999.
- A PLAN ENTITLED "NEW JERSEY STATE HIGHWAY DEPARTMENT, GENERAL PROPERTY PARCEL MAP, ROUTE 36 (1953), SECTION 3, N.A.D.R. AND HIGHWAY TO HIGHLAND BEACH, SHOWING EXISTING RIGHT OF WAY AND PARCELS TO BE ACQUIRED IN THE TOWNSHIP OF MIDDLETOWN AND BOROUGH OF ATLANTIC HIGHLANDS, HIGHLANDS AND SEA BRIGHT, COUNTY OF MONMOUTH, SHEETS 9 & 10 OF 18, DATED AUGUST 1962 AND REVISED THROUGH MAY 1965.
- A PLAN SET ENTITLED "PRELIMINARY AND FINAL SITE PLAN FOR ATLANTIC HIGHLANDS DONUTS, LLC, PROPOSED SITE IMPROVEMENTS, BLOCK 104, LOTS 1 AND 2, TAX MAP SHEET #22 - LATEST REV. DATED FEB. 1998, FIRST AVENUE & MEMORIAL PARKWAY (NASH ROUTE 36), BOROUGH OF ATLANTIC HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY," PREPARED BY DYNAMIC ENGINEERING, DATED 01/29/2020 AND REVISED THROUGH 08/31/21.

### DEED REFERENCES

- DEED BOOK 9190, PAGE 6887 - LOTS 1 AND 2, BLOCK 104
- DEED BOOK 5836, PAGE 951 - LOT 1, BLOCK 693
- DEED BOOK 5836, PAGE 942 - LOTS 2, 3, 4 AND 7, BLOCK 693
- DEED BOOK 5335, PAGE 878 - LOT 5.01, BLOCK 693

LEGEND	
	PROPERTY LINES
	OFF-SITE PROPERTY LINES
	EXISTING MINOR CONTOUR & ELEVATION
	APPROX. LOC. EXIST. UNDERGROUND ELECTRIC LINES
	APPROX. LOC. EXIST. UNDERGROUND FIBER OPTIC LINES
	APPROX. LOC. EXIST. UNDERGROUND GAS LINES
	APPROX. LOC. EXIST. OVERHEAD LINES
	APPROX. LOC. EXIST. UNDERGROUND SANITARY SEWER LINES
	APPROX. LOC. EXIST. UNDERGROUND TELEPHONE LINES
	APPROX. LOC. EXIST. UNDERGROUND WATER LINES
	EXISTING BARBED FENCE
	EXISTING BOARD ON BOARD FENCE
	EXISTING CHAIN LINK FENCE
	EXISTING POST AND RAIL FENCE
	EXISTING STOCKADE FENCE
	EXISTING VINYL FENCE
	EXISTING WETLANDS LINES
	EXISTING SANITARY SEWER
	EXISTING STORM SEWER
	UTILITY POLE
	GUY WIRE
	SIGN
	SIGN DOUBLE POST
	X-INLET
	Y-INLET
	ROUND INLET
	YARD INLET
	MANHOLE
	FLARED END SECTION
	HEADWALL
	DECIDUOUS TREE
	EVERGREEN TREE
	SHRUB
	TRANSFORMER
	MONITORING WELL
	AIR PUMP
	FIRE HYDRANT
	WATER VALVE
	WATER METER
	GAS VALVE
	GAS METER
	ELECTRIC METER
	ELECTRIC BOX
	MANHOLE
	CLEAN OUT
	WATER SHUT OFF VALVE
	DOWN SPOUT
	TELEPHONE BOX
	VALVE UNKNOWN
	EGRESS/INGRESS
	WETLAND FLAG
	BORING LOCATION
	TEST PIT LOCATION
	MAIL BOX
	BOLLARD
	LIGHT POLE
	BUILDING LIGHT
	SHADE BOX LIGHT
	COBRA LIGHT POLE
	TRAFFIC LIGHT
	EXCEPTION
	PARKING STALL COUNT

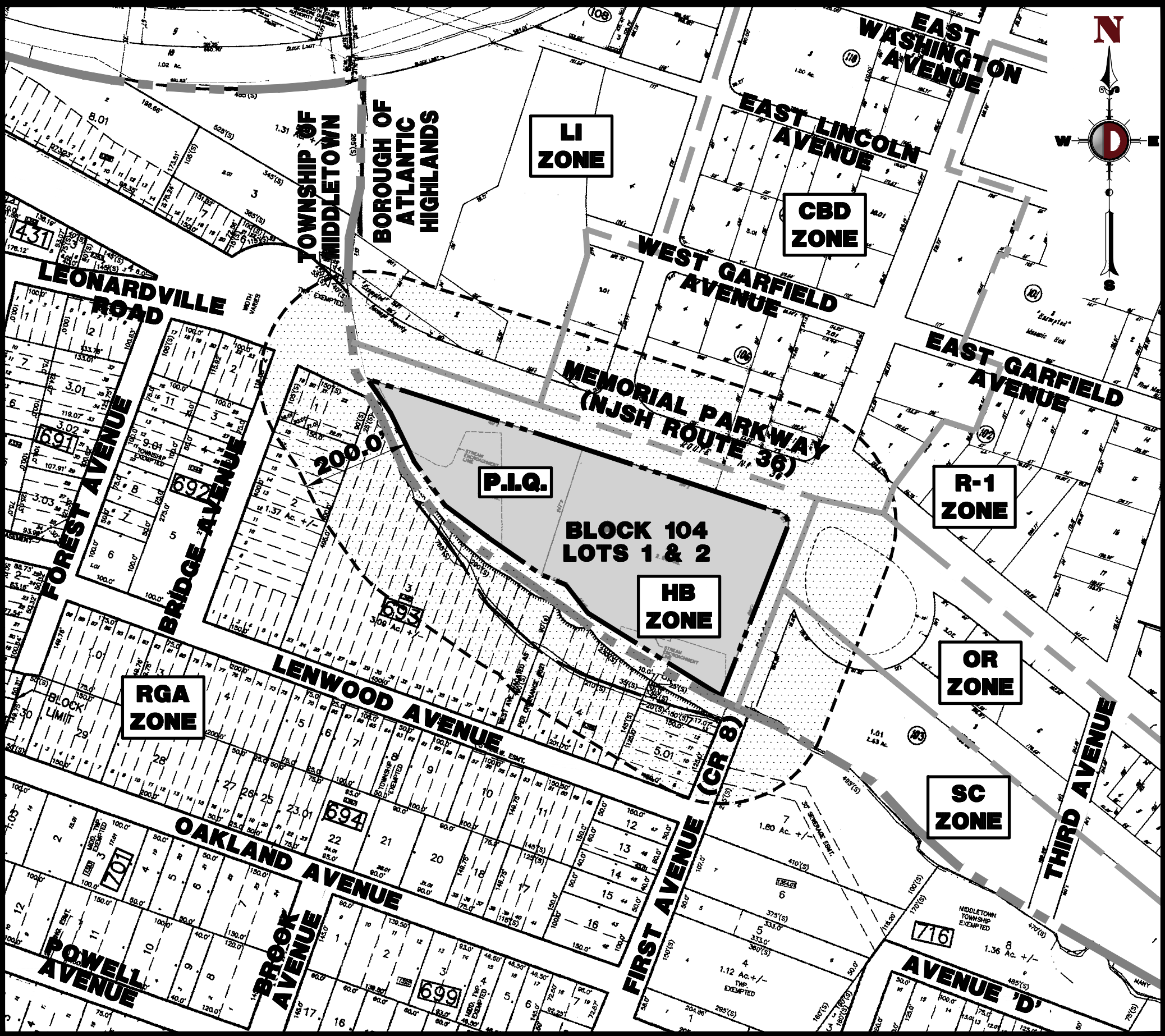




PRELIMINARY AND FINAL MINOR SITE PLAN
FOR
MR VSC LLC
PROPOSED RETAIL SMOKE SHOP
BLOCK 104, LOTS 1 & 2; TAX MAP SHEET #22 - LATEST REV. DATED 02/1998
FIRST AVENUE & MEMORIAL PARKWAY (NJSH ROUTE 36)
BOROUGH OF ATLANTIC HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY

200' PROPERTY OWNERS LIST

Table with 4 columns: PROPERTY OWNER, BLOCK, LOT, and PROPERTY OWNER. It lists various property owners in the Borough of Atlantic Highlands, including Atlantic Highlands Real Estate Partners, Presbyterians Home at Atl. Highlands, and others.



KEY MAP
1" = 2000'

DRAWING INDEX table listing drawing titles and their corresponding sheet numbers: COVER SHEET (1 of 5), AERIAL MAP (2 of 5), GENERAL NOTES (3 of 5), SITE PLAN (4 of 5), UTILITY PLAN (5 of 5).

AREA MAP
1" = 200'

PLANNING BOARD APPROVAL form with fields for Chairman, Secretary, and Board Engineer, each with a line for signature and date.

APPLICANT CERTIFICATION and OWNER CERTIFICATION forms. The applicant certification is signed by Muhammad Khan on 8-16-23. The owner certification is signed by Eric Casriel on 08/14/2023.

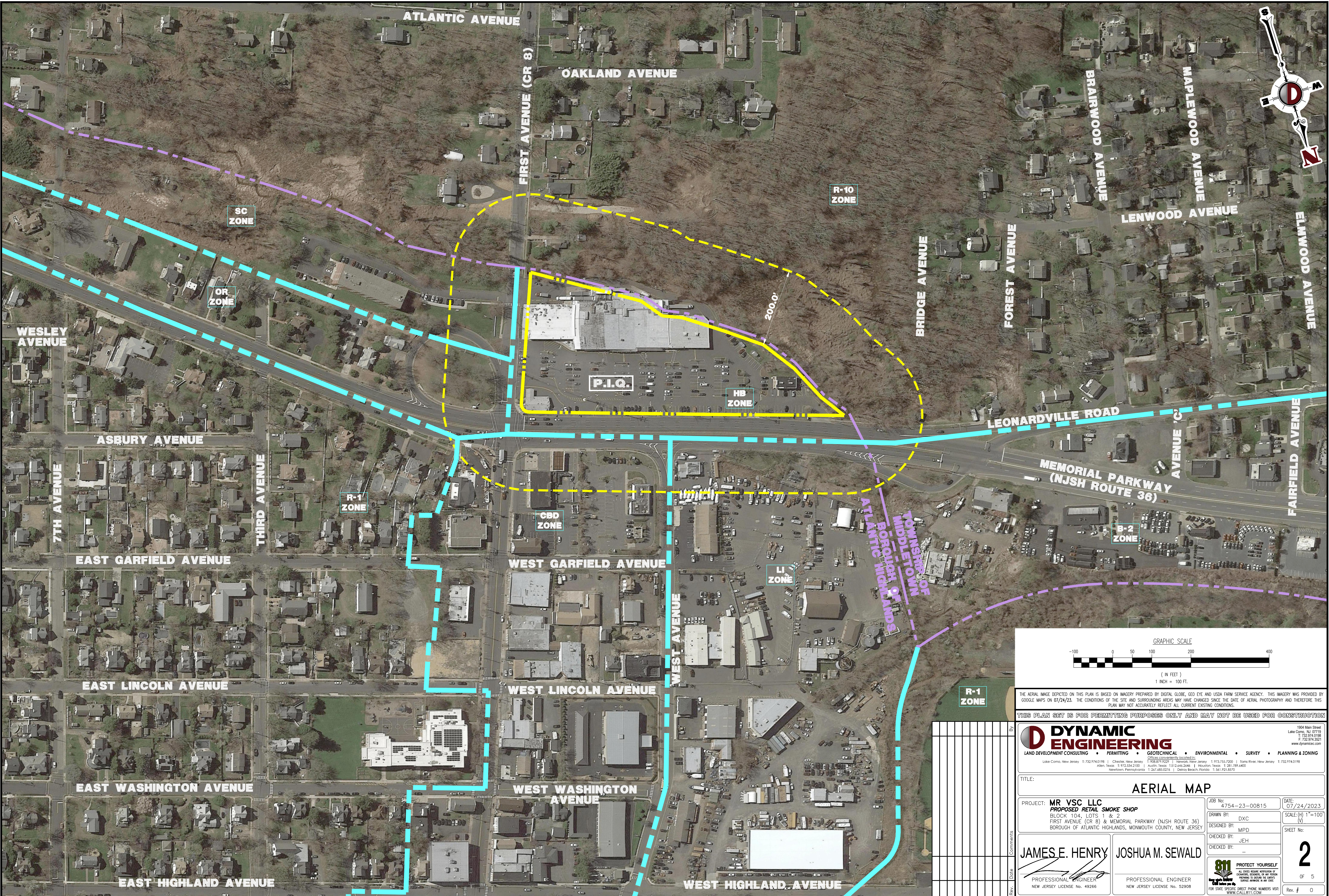
PREPARED BY
DYNAMIC ENGINEERING CONSULTANTS, P.C.
1904 MAIN STREET
LAKE COMO, NJ 07719
WWW.DYNAMICCEC.COM

COVER SHEET form containing project details: PROJECT (MR VSC LLC PROPOSED RETAIL SMOKE SHOP), TITLE, and signatures of James E. Henry and Joshua M. Sewald. It also includes a revision table and a 'PROTECT YOURSELF' section with a large number 1.

Vertical text on the left margin: Plotted: 08/17/23 - 9:11 AM, By: dboyd, File: \\sepc.local\desoldera\Data\DEPC PROJECTS\7154 Mr. VSC LLC\23-00815 Atlantic Highlands\DWG\Site Plans\04754230815SK0.dwg, --> 01 COVER SHEET



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File: \\server.local\\server\\Data\\Projects\\7554 Mr VSC LLC\\23-00815 Atlantic Highlands\\Dwg\\Site Plans\\D4754230815SA0.dwg, ----> 02 AERIAL MAP



GRAPHIC SCALE  
-100 0 50 100 200 400  
( IN FEET )  
1 INCH = 100 FT.

THE AERIAL IMAGE DEPICTED ON THIS PLAN IS BASED ON IMAGERY PREPARED BY DIGITAL GLOBE, GEO EYE AND USDA FARM SERVICE AGENCY. THIS IMAGERY WAS PROVIDED BY GOOGLE MAPS ON 07/24/23. THE CONDITIONS OF THE SITE AND SURROUNDING AREAS MAY HAVE CHANGED SINCE THE DATE OF AERIAL PHOTOGRAPHY AND THEREFORE THIS PLAN MAY NOT ACCURATELY REFLECT ALL CURRENT EXISTING CONDITIONS.

THIS PLAN SET IS FOR PERMITTING PURPOSES ONLY AND MAY NOT BE USED FOR CONSTRUCTION

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Allen, Texas 1: 973.334.2100 | Austin, Texas 1: 512.444.2446 | Houston, Texas 1: 281.789.4400  
Newtown, Pennsylvania 1: 267.665.0276 | Dallas, Texas 1: 941.921.0370

TITLE: **AERIAL MAP**

PROJECT: **MR VSC LLC  
PROPOSED RETAIL SMOKE SHOP  
BLOCK 104, LOTS 1 & 2  
FIRST AVENUE (CR 8) & MEMORIAL PARKWAY (NJSH ROUTE 36)  
BOROUGH OF ATLANTIC HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY**

JOB No: 4754-23-00815  
DATE: 07/24/2023  
DRAWN BY: DXC  
DESIGNED BY: MPD  
CHECKED BY: JEH  
CHECKED BY: -

SHEET No: **2**  
OF 5  
Rev. # 0

**JAMES E. HENRY**  
PROFESSIONAL ENGINEER  
NEW JERSEY LICENSE No. 49266

**JOSHUA M. SEWALD**  
PROFESSIONAL ENGINEER  
NEW JERSEY LICENSE No. 52908

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**NOTE: THE PROPOSED USE IS NOT A CANNABIS DISPENSARY AND SHALL BE LIMITED TO THE SALE OF RETAIL ITEMS IN RELATION TO TOBACCO, CIGAR, AND SIMILAR SMOKING USES ONLY.**

- NOTES:**
- 1. NO MODIFICATIONS TO THE EXISTING BUILDING SIZES ARE PROPOSED.**
  - 2. NO SIGNAGE MODIFICATIONS ARE PROPOSED WITH THE EXCEPTION OF RE-PANELING THE EXISTING VALLEY NATIONAL BANK SIGNS. THE EXISTING SIGN SIZES WILL NOT BE CHANGED ONLY REPAINED.**
  - 3. THE EXISTING DRIVE THRU SHALL NOT BE USED FOR THE PROPOSED RETAIL SMOKE SHOP.**

GENERAL NOTES

1. THIS PLAN HAS BEEN PREPARED BASED ON REFERENCES INCLUDING:

BOUNDARY AND TOPOGRAPHIC SURVEY  
PREPARED BY DYNAMIC SURVEY, LLC, DATED 04/04/2019; LAST REV: 12/3/2020  
1904 MAIN STREET  
LAKE COHO, NJ 07719  
SURVEY FILE NO: 2954-99-0015

PARTIAL AS-BUILT SURVEY  
PREPARED BY DYNAMIC SURVEY, LLC  
DATED: 11/05/2021; LAST REV: 11/16/2021  
1904 MAIN ST, LAKE COHO, NJ 07719  
SURVEY FILE NO: 2954-99-0015

2. APPLICANT:

MR VSC, LLC  
1 BAYSIDE PLAZA  
ATLANTIC HIGHLANDS, NJ 07716

3. OWNER:

BAYSIDE PLAZA, LLC  
39 AVE, SUITE 200  
SHREWSBURY, NJ 07702

4. PARCEL DATA:

BLKCK 104, LOTS 1 AND 2  
FIRST AVENUE (CR 8) & MEMORIAL PARKWAY (NUSH ROUTE 36)  
BOROUGH OF ATLANTIC HIGHLANDS  
MONMOUTH COUNTY, NJ

5. ZONE:

HB ZONE (HIGHWAY BUSINESS)

6. EXISTING USE:

RESTAURANT W/OUT DRIVE-THROUGH (PERMITTED USE) (\$150 ATTACHMENT 3:4)  
RETAIL - SHOPPING CENTER (PERMITTED USE) (\$150 ATTACHMENT 3:2)  
BANK (PERMITTED USE) (\$150 ATTACHMENT 3:2)

7. PROPOSED USE:

RESTAURANT WITH DRIVE-THROUGH (PERMITTED USE) (\$150 ATTACHMENT 3:4)  
RETAIL - SHOPPING CENTER (PERMITTED USE) (\$150 ATTACHMENT 3:2)  
RETAIL - SMOKE SHOP (PERMITTED USE) (\$150 ATTACHMENT 1)


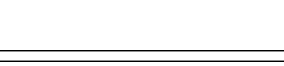

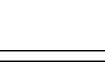
SCHEDULE OF ZONING REQUIREMENTS (\$150 ATTACHMENT 1)

ZONE REQUIREMENT	HB ZONE	EXISTING (LOTS 1 & 2)	PROPOSED (LOTS 1 & 2)
MINIMUM LOT AREA, INTERIOR LOTS	40,000 SF	187,944 SF (4,315 AC)	187,944 SF (4,315 AC)
MINIMUM LOT WIDTH	200 FT	336.6 FT	336.6 FT
MINIMUM LOT FRONTAGE	200 FT	1,185.6 FT	1,185.6 FT
MINIMUM FRONT YARD SETBACK (NUSH ROUTE 36)			
-BUILDING	30 FT [2]	-0.2 FT (E)	-0.2 FT (E)
MINIMUM REAR YARD SETBACK			
-BUILDING	30 FT	-39.4 FT (E)	-39.4 FT (E)
MINIMUM SIDE YARD SETBACK			
-BUILDING	15 FT	0 FT (E)	0 FT (E)
MINIMUM COMBINED SIDE YARD SETBACK (PRINCIPAL BUILDING)	30 FT	0 FT (E)	0 FT (E)
MINIMUM SIDE YARD SETBACK (ACCESSORY STRUCTURE)	10 FT	187.1 FT	187.1 FT
MINIMUM REAR YARD SETBACK (ACCESSORY STRUCTURE)	10 FT	28.1 FT	28.1 FT
MAXIMUM BUILDING HEIGHT	32 FT / 2 STY	< 32 FT / 2 STY	< 32 FT / 2 STY
MAXIMUM ACCESSORY STRUCTURE HEIGHT	16 FT / 1 STY	< 16 FT / 1 STY	< 16 FT / 1 STY
MAXIMUM LOT COVERAGE (BY BUILDINGS)	0.25	0.244 (48,856 SF)	0.244 (48,856 SF)
MAXIMUM USABLE FLOOR AREA RATIO (UFAR)	0.25	0.244 (48,856 SF)	0.244 (48,856 SF)
MAXIMUM IMPERVIOUS COVERAGE	0.70	0.92 (173,413 SF) (E)	0.92 (172,865 SF) (E)
MINIMUM GROSS FLOOR AREA (ONE STORY BUILDING)	2,500 SF	1,490 SF (E)	1,490 SF (E)
TOTAL LANDSCAPED AREA	N/S	14,884 SF	14,973 SF
TOTAL AREA OF DRIVEWAYS, ACCESS ROADS & WALKWAYS	N/S	20,198 SF	20,005 SF
TOTAL PARKING AREA (INCLUDING DRIVE AISLES)	N/S	100,922 SF	96,693 SF

**GENERAL NOTES CONTINUED ON SHEET 3 OF 5**

**R-10  
ZONE**

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	<h1 style="margin: 0;">DYNAMIC ENGINEERING</h1>					1904 Main Street Lake Carmo, NJ 07718 T: 732.974.0198 F: 732.974.3521 <a href="http://www.dynamicobs.com">www.dynamicobs.com</a>	
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<h2 style="margin: 0;">SITE PLAN</h2>							
PROJECT: <b>MR VSC LLC</b> <b>PROPOSED RETAIL SMOKE SHOP</b> BLOCK 104, LOTS 1 & 2 FIRST AVENUE (CR 8) & MEMORIAL PARKWAY (NUSH ROUTE 36) BOROUGH OF ATLANTIC HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY						JOB NO: 4754-23-00815 DATE: 07/24/2023	
DRAWN BY: DJB DESIGNED BY: MPD CHECKED BY: JEH CHECKED BY: -						SCALE: (1" = 30') SHEET No: 4 OF 5	
 <b>JAMES E. HENRY</b> PROFESSIONAL ENGINEER NEW JERSEY LICENSE NO. 49266			 <b>JOSHUA M. SEWALD</b> PROFESSIONAL ENGINEER NEW JERSEY LICENSE NO. 52908			 <b>PROTECT YOURSELF</b> ALL STATES REQUIRE INTERFERENCE OF EXISTING UTILITIES, OR ANY PERSON RESPONSIBLE TO OBTAIN AN (800) 8 SERVICE NUMBER IN ADVANCE	
FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: <a href="http://WWW.CALL811.COM">WWW.CALL811.COM</a>						Rev. # 0	



