

HENRY F. WOLFF, III
Attorney at Law
79 First Avenue
Atlantic Highlands, New Jersey 07716
(732) 291-9000

Facsimile (732) 291-0321

Email: paralegal@lawwolff.com

Via Hand-Delivery

Borough of Atlantic Highlands
Attention: *Erin Uriarte, Board Secretary*
100 First Avenue
Atlantic Highlands, NJ 07716

RECEIVED

NOV - 3 2022

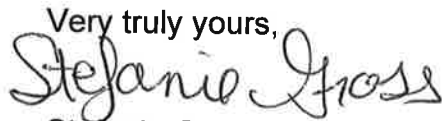
Re: Block 97, Lot 5
96 First Avenue, Atlantic Highlands, NJ 07716
1st Cup LLC

PLANNING BOARD

Dear Ms. Uriarte:

Enclosed please find the following documents with reference to the above-referenced property:

1. 3 signed & sealed surveys with 15 copies
2. 3 copies of the Development Checklist
3. Originally Signed Notarized Affidavit of Ownership (copy was submitted)
4. The Request for Certified List of Property within 200 Foot Tax List and Check No. 1135 in the amount of \$10.00

Very truly yours,


Stefanie Gross
Paralegal to Henry F. Wolff, III

HFw/cac
Enclosure

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

COUNTY OF Monmouth

Michael Margarella, being of full age, and being duly sworn according to law on oath deposes and says that the deponent resides at 96 First Ave, Unit A in the City Borough of Atlantic Highlands, in the County of Monmouth and the State of New Jersey that Next Play AH 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 97, Lot(s) 5.

Sworn to and subscribed before me this 14 day of September 20 22.

[Signature]
Property Owner Signature

[Signature]
Notary Seal
LUELLEN TESTA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES
NOVEMBER 12, 2022

AUTHORIZATION

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

I hereby authorize First Cup Coffee / 1st Cup LLC / Robert Hespe to make the within application.

[Signature]
Signature

9/14/22
Date

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PLANNING BOARD

RECEIVED

BOROUGH OF ATLANTIC HIGHLANDS
DEVELOPMENT PLAN CHECKLIST

NOV - 3 2022

PLANNING BOARD

DATE: September 7th, 2022

PROJECT NAME: use variance for existing room

OWNER: 1st cup LLC

ENGINEER/DESIGNER: Catherine Franco - Jim Daly

PERSON COMPLETING THIS FORM: Henry F. Wolff III

RELATIONSHIP TO OWNER: Attorney

LOCATION OF SITE: BLOCK 97 LOT 5

STREET ADDRESS 96 1st Avenue Atlantic Highlands NJ
07716

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

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1. 18 Paper copies of plans and specifications
2. 18 Copies of completed application
3. Zoning Officer's written review

WAIVER YES NO

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- | | | | | | |
|---------------|-------------------|--|-------------------|-------------------|-------------------|
| <u>WAIVER</u> | <u> </u> | 4. Soil removal permit signed by Borough Engineer | <u> </u> | <u> </u> | <u> </u> |
| | <u>✓</u> | 5. Certification by Tax Collector that all taxes and water/sewer bills are paid – including current taxes and assessments for local improvements | <u> </u> | <u> </u> | <u> </u> |
| | <u>✓</u> | 6. Applicable filing fees | <u> </u> | <u> </u> | <u> </u> |
| | <u> </u> | 7. Three copies of performance guarantee Approved by the Borough Attorney and Borough Engineer, and cash portion of performance guarantee | <u> </u> | <u> </u> | <u> </u> |
| <u>✓</u> | <u> </u> | 8. Staging Plan, if applicable | <u> </u> | <u> </u> | <u> </u> |
| | <u> </u> | 9. Letters from each utility stating that they will provide service to the proposed facility | <u> </u> | <u> </u> | <u> </u> |
| | <u> </u> | 10. Any resubmission must conform to items 1 & 2 inclusive, and item 8 | <u> </u> | <u> </u> | <u> </u> |
| | <u> </u> | 11. Current letter from Borough Engineer certifying that he has assigned block and lot numbers | <u> </u> | <u> </u> | <u> </u> |
| | <u> </u> | 12. Deeds of easement, right of way, drainage, sewer, sight, open space, etc., approved by Borough Attorney and Borough Engineer | <u> </u> | <u> </u> | <u> </u> |
| <u>✓</u> | <u> </u> | 13. Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership | <u> </u> | <u> </u> | <u> </u> |
| <u>✓</u> | <u> </u> | 14. Prior to final submission, a list of proposed Street names must be submitted to the Board Secretary | <u> </u> | <u> </u> | <u> </u> |
| <u>✓</u> | <u> </u> | 15. Corporate Resolution authorizing officers to act, if applicant is corporation | <u> </u> | <u> </u> | <u> </u> |

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- | | | | | |
|-------------------|---|-------------------|-------------------|-------------------|
| <u> </u> | 16. Fees and application for Monmouth County Planning Board, If applicable | <u> </u> | <u> </u> | <u> </u> |
| <u> </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> </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> </u> | 1. 18 copies of request for variance, outlining the proposed variance from zoning requirement | <u> </u> | <u> </u> | <u> </u> |
| <u> </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> </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> |

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WAIVER YES NO

B. ADMINISTRATIVE DATA

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	1. Title of project set forth on application	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	2. Names, address of owner and name, address and phone number of applicant and relationship to owner	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	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"	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	4. Name and license number of site planner or professional engineer with documents sealed with raised seal	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	5. Date and revision dates of drawings	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	6. Scale and graphic scale, not smaller than 1"=50' and not larger than 1"=10' except where authorized by Borough Engineer	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	7. North arrow	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8. Key map, not smaller than 1" = 2,000' showing location in the Borough	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	9. <u>Schedule</u>			
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	a. Total area of site in acres and square feet	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	b. Total building area in square feet and % lot coverage	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	c. Total landscape area in square feet and % lot coverage	_____	_____	_____
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	d. Total area of driveways, access roads, walkways, in square feet and % of lot	_____	_____	_____

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<input checked="" type="checkbox"/>	_____	coverage	_____	_____	_____
<input checked="" type="checkbox"/>	_____	e. Total parking area (including drive aisles) in square feet and % of lot coverage	_____	_____	_____
<input checked="" type="checkbox"/>	_____	f. Number of parking stalls, and stall dimensions	_____	_____	_____
<input checked="" type="checkbox"/>	_____	g. Number of employees, total and maximum in one shift	_____	_____	_____
<input checked="" type="checkbox"/>	_____	h. Ratio of parking to building size of occupancy or both depending on use	_____	_____	_____
<input checked="" type="checkbox"/>	_____	i. Total impervious coverage	_____	_____	_____
<input checked="" type="checkbox"/>	_____	10. Existing and proposed streets, with dimensions and typical section	_____	_____	_____
<input checked="" type="checkbox"/>	_____	11. All property line dimensions, directions, calculated areas, setback lines and lot numbers	_____	_____	_____
<input checked="" type="checkbox"/>	_____	12. Existing zoning and zone boundaries and contiguous land zoning within 200'	_____	_____	_____
<input checked="" type="checkbox"/>	_____	13. Names of all adjacent property owners within 200' radius with lot and block numbers	_____	_____	_____
<input checked="" type="checkbox"/>	_____	14. Tax map sheet, block and lot numbers	_____	_____	_____

C. SURVEY

<input checked="" type="checkbox"/>	_____	1. Prepared by a New Jersey Licensed surveyor survey not more than five (5) years old, showing existing and proposed monuments	_____	_____	_____
<input checked="" type="checkbox"/>	_____	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-	_____	_____	_____

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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:

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

4. First floor elevations of all proposed buildings

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

6. Limits of cut and fill areas

E. BUILDINGS AND STRUCTURES












1. Location of all existing and proposed
structures and buildings and any other physical

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WAIVER YES NO

		elements on and within 200' of site to remain or be removed			
	_____	2. Provision for refuse and garbage with details	_____	_____	_____
	_____	3. Proposed use of all buildings and sections thereof	_____	_____	_____
	_____	4. Location and description of all existing and Proposed signs	_____	_____	_____
	_____	5. Loading areas, dimensioned	_____	_____	_____
	_____	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	_____	_____	_____
	_____	7. Soil Boring information and recommendation	_____	_____	_____
	_____	8. Historic structures	_____	_____	_____
	_____	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	_____	_____	_____
	_____	10. For garden apartments, a "typical" floor layout of each apartment type in the proposed buildings	_____	_____	_____
	_____	11. For all apartments and for any building exceeding two (2) stores in height, proposed architectural elevations	_____	_____	_____
	_____	12. For any building exceeding forty (40) feet in height, a sketch indicating graphically the locations of all existing buildings within two	_____	_____	_____

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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"/>	<input type="checkbox"/>	1.	Parking areas showing spaces and sizes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input 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"/>	<input 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"/>	<input type="checkbox"/>	4.	Location and size of fire zones, loading zones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	5.	Sidewalks and other pedestrian ways. Handicapped ramps	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	6.	Surface of parking area, slopes, and barriers	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7.	Curbing at ingress and egress and parking lot, showing radii and site triangle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	8.	Lighting standards and utility poles indicating size, height, type, construction, light fixtures and locations	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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"/>	<input type="checkbox"/>	11.	Handicapped parking	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TO BE CHECKED
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WAIVER YES NO

✓ 12. Street light locations

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

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

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

✓ 3. Location, type and size of waste disposal system and sanitary sewer lines

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

✓ 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

✓ 6. Location of all easements related to drainage, conservation and flood hazard areas

✓ 7. Storm drainage calculations 100 year storm certified by a professional engineer

✓ 8. Signed contract for water and letters of of service from other utilities

✓ 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
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WAIVER YES NO

☒ _____ 10. Provision for storm water detention basins where required, including details of detention basins calculations in proper form for review _____

☒ _____ 11. Stream cross-sections _____

☒ **H. SIGNS:**

_____ 1. Location, size, color, wording, letter size, illumination, materials of construction _____

☒ **I. LANDSCAPING:**

_____ 1. Total square feet of landscaping _____

☒ _____ 2. Landscaping within the parking areas _____

☒ _____ 3. Buffer areas including location of landscape screen and fencing _____

☒ _____ 4. All areas landscaped: planting plan with size, species and spacing of proposed plant material _____

☒ _____ 5. Existing trees over 6" in diameter _____

☒ _____ 6. Proposed location, proposed species, quantity, and spacing of trees to be planted _____

☒ **J. FIRE PREVENTION:**

☒ _____ 1. Fire protection systems _____

_____ 2. Hydrants, existing and proposed _____

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WAIVER YES NO

- | | | | | |
|----|--|-------|-------|-------|
| K. | Copy of any covenants or deed restrictions | _____ | _____ | _____ |
| 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) | _____ | _____ | _____ |
| M. | Location of any construction access roads | _____ | _____ | _____ |
| N. | Applicant for a project located within a Flood Hazard Area to apply for approval in conformance with the "90 Day Construction Permit Act" | _____ | _____ | _____ |
| O. | County Planning Board Review and Approval | _____ | _____ | _____ |
| P. | State Ingress and Egress Approval | _____ | _____ | _____ |
| Q. | State DEPE-CAFRA Approval | _____ | _____ | _____ |
| R. | Army Corps of Engineer Permit Approval | _____ | _____ | _____ |
| S. | Letter from Atlantic Highlands Regional Sewerage Authority indicating receipt of application | _____ | _____ | _____ |
| T. | NJDEPE Freshwater Wetlands Letter of Interpretation or Letter of Exemption. Please indicate type of letter submitted | _____ | _____ | _____ |
-
- | | |
|-------|--|
| _____ | a. Presence or absence determination (Type I) |
| _____ | b. Footprint of disturbance presence or absence determination (Type II) |
| _____ | c. Delineation of freshwater wetlands, State open waters and transition areas for property under one acre (Type III) |
| _____ | d. Regulatory line verification by NJDEPE (Type IV, required if wetlands are present on the site) |
| _____ | e. Letter of Exemption related to USACOE Nationwide Permit |

✓

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WAIVER YES NO

U. Waiver Required From:

Reason:

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.

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.

APPLICATION FOR VARIANCE

1. I/we 1st Cof, LLC, the applicant(s) herein, whose mailing address is 96 1st Avenue
Atlantic Highlands, NJ 07716
and whose phone number is 732 291 2000 am/are the owner/contractor of property located at 96 1st Avenue (Lower Floor)

also designated as Block 97, Lot(s) 5 on the Tax Map of the Borough of Atlantic Highlands.

2. The Property is in the HBD Zone, it has street frontage of _____ feet and an average depth of _____ feet and an area of _____ square feet.

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be _____.

4. The following structures, buildings and/or uses are located on the property:

1st Cof LLC leases the lower floor of 96 1st Ave
to use as a coffee shop

5. Application is hereby made for a variance to:

to use an existing room for various activities:
ie meetings, classes, parties

6. The reason for this request and the grounds urged for the relief are as follows:

Using this room for various activities is compatible with
the primary business of 1st Cof. It is also compatible
with other businesses in HBD.

7. The section(s) of the Borough Zoning Ordinance upon which this application is based is: _____

8. Property Tax & Water Bills have been paid through the 2nd quarter of 20 22

9. Has the property been separated from a larger tract of land? Yes _____ No ☒ If yes, when? _____
Has the Planning Board approved the subdivision Yes _____ No _____ If yes, when? _____

10. If there has been any previous appeal or application to the Planning Board involving the premises, state:

Date of Filing: _____

Character of Appeal: _____

Disposition: _____

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.

[Signature] (Robert Hespe)
Applicant Signature

September 7th 2022
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**

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

**VERIFICATION THAT PROPERTY TAXES AND
WATER AND SEWER BILLS HAVE BEEN PAID**
(Must Accompany All Planning Board Applications)

BLOCK: 97 LOT(S): 5 (lower floor)
NAME: 1st Op LLC
ADDRESS: 96 1st Avenue
Atlantic Highlands, NJ 07716

Property taxes on the above property are paid to date.

Kathleen Intravartolo
Kathleen Intravartolo, Tax Collector

10-4-2022
Date

Water and Sewer Charges on the above property are paid to date.

Diane Berg
Diane Berg, Utility Collector

10/20/2022
Date

Done to PH

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :

: SS

COUNTY OF Monmouth

Michael Margarella, being of full age, and being duly sworn according to law on oath deposes and says that the deponent resides at 96 First Ave., Unit A in the City Borough of Atlantic Highlands, in the County of Monmouth and the State of New Jersey that Next Play AH 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 97, Lot(s) 5.

Sworn to and subscribed before me this 14 day of September 20 22.

[Signature]
Property Owner Signature

[Signature]
Notary Seal
LUELLEN TESTA
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES
NOVEMBER 12, 2022

AUTHORIZATION

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

I hereby authorize First Cup Coffee / 1st Cup LLC / Robert Hespe to make the within application.

Signature [Signature]

Date 9/14/22