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December 9, 2021

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

Attn: Corinne Busichio – Planning Board Secretary

Re: 1st Cup, LLC (PB-22-22)
Bulk Variance Application – Review #1
Location: 96 1st Avenue
Zone: HBD (Historic Business District)
Block 97, Lot 5
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP0097.10

Dear Planning Board Members:

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

- Survey entitled “Survey of Property situated at #96 First Avenue, Borough of Atlantic Highlands, County of Monmouth, New Jersey” consisting of one (1) sheet, prepared by P² Land Surveying, dated March 23, 2018, unrevised;
- Architectural plans entitled “Proposed Rear Room, 96 First Avenue, Atlantic Highlands” consisting of one (1) sheets, prepared by Catherine Franco, AIA, dated October 4, 2022, unrevised;
- Zoning Officers denial, prepared by Michelle Clark, dated September 14, 2022;
- Variance Application dated September 7, 2022; and
- Development Checklist.

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

1. Property Description

The subject property is located within the HBD Zone District and provides 25.07 feet of lot frontage along First Avenue. The property currently contains a three-story building consisting of retail space on the first floor, residential uses on the second floor, and a basement.

The Applicant is proposing various interior renovations to the first floor of the existing building, including the addition of an activity center to the rear. No grading modifications or site work



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appear to be proposed on the subject property. The Applicant is requesting variance relief relating to proposed additional use within the building.

2. Surrounding Uses

Properties surrounding the subject site to the north, east, and south are similarly zoned HBD and contain various mixed use commercial and residential uses as well as several restaurants.

3. Zoning Compliance

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

Table 1: Bulk Standards, HBD Zone (§150-29(A)(2) Exhibit 5-2) and §150-42 Mixed-Use Commercial/ Residential		
Standard	Required	Provided
Minimum Lot Area (sq. ft.)	4,000	±1,562
Minimum Lot Frontage & Width (ft.)	35	25.07 (EC)
Minimum Lot Shape Diameter Interior Lot (ft.)	30	25
Accessory Building/ Struct. Setbacks		
Rear Yard (ft.)	10	N/A
Building Coverage	100%	±83%
Lot (Impervious Surface) Coverage	100%	±84.5%
Building Height (stories.)	3	3
Maximum Building Height (ft.)	40	(TBP)
Maximum Acc. Building Height (stories.)	1	N/A
Maximum Acc. Building Height (ft.)	16	N/A
Maximum Useable Floor Area Ratio	3.00	2.43
Minimum Gross Floor Area, 2-Story		
First Floor (sq. ft.)	1,500	±1,296 (EC)
Total Floors (sq. ft.)	2,500	±3,400
Minimum Habitable Floor Area per Unit		
One-Bedroom Dwelling Unit (sq. ft.)	750	(TBP)
Two-Bedroom Dwelling Unit (sq. ft.)	900	(TBP)

(EC): Existing Condition

(TBP): To Be Provided

4. The Applicant has not specifically requested any variance relief with this application, and it appears that no site improvements are proposed with respect to this development application,



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except for interior renovations to the first floor of the existing building. It appears that the proposed activity center is ancillary to the principal use, rather than an additional use. Applicant to confirm same.

5. It appears the following existing nonconformities would remain with respect to this application:
 - a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot area required in the HBD zone is 4,000 sq-ft, whereas the existing lot area is $\pm 1,562$ sq-ft.
 - b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot frontage required for interior lots in the HBD zone is 35 feet, whereas the existing lot frontage is 25.07 feet.
 - c) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum lot shape diameter for interior lots in the HBD zone is 30 feet, whereas the existing lot shape diameter is 25 feet.
 - d) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum gross floor area for the first floor of a multi-story building in the HBD zone is 1,500 square feet, whereas the existing first floor area is 1,296 square feet.
6. The Applicant has requested several submission waivers at this time; however, the following additional waivers appear necessary:
 - a) Section A. Variance Application Item #3 – A 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 public hearing.
 - b) Section B. Administrative Data Item #1 through 14
 - c) Section E. Buildings and Structures Item #1 through 12
 - d) Section F. Parking Areas, Traffic Control, Lighting Item #1 through 12
 - e) Section G. Roads, Driveways, Walkways & Fencing Item #1 through 9

Based upon our review, our office recommends that the application be deemed **COMPLETE**, conditioned upon the concurrence of the Board's completeness subcommittee and approval of the submission waivers outlined above. The Applicant can be scheduled for the next available public hearing.

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



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<u>Ordinance Section</u>	<u>Description</u>	<u>Application Fee</u>	<u>Escrow Fee</u>
168-2.H.(3)	Site Plan Waiver	\$150.00	\$150.00
168-2.H.(4)	Hardship Variance	\$150.00	\$350.00 (min.)
Total		\$300.00	\$500.00 (min.)

We recommend the Borough collect \$300.00 in nonrefundable application fees and \$500.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

8. The Applicant should be prepared to discuss the following issues with the Board:
- Reasons supporting the granting of the requested bulk variance and/or design waivers and continuance of the existing condition nonconformities.
 - Applicant should discuss ownership of the property as the application for variance indicates First Cup, LLC leases the first floor. Permission/concurrence from property owner should be provided.
 - The Applicant should provide testimony regarding the proposed renovations including but not limited to the existing and proposed number of employees, hours of operation, types of activities, etc. Applicant should specifically discuss maximum occupancy and confirm compliance with applicable fire regulations.
 - The Applicant should clarify all existing uses on the property and provide floor plans for all floors. The existing retail space and residential uses are a conditional use permitted under §150-42. Applicant should verify compliance outlined within same, specifically the gross floor area of each dwelling unit.
 - Applicant should provide site photos depicting existing conditions.
 - The Applicant should address the Board regarding any required outside agency approvals for the site. It appears that the property is located outside the 0.2% flood hazard area and CAFRA Zone. In addition, copies of all outside agency approvals shall be forwarded to this office.
 - Applicant should verify that existing parking complies with all Borough and RSIS regulations, noting that parking requirements for retail use is one (1) parking space per 200 square feet of gross floor area (GFA), for a one-bedroom garden apartment 1.8 parking spaces per dwelling unit, and for a two-bedroom garden apartment 2 parking spaces per dwelling unit. We note that there is no specific parking requirement for an activity center, but the Applicant should provide an estimate of required parking for same. There appears to be several unstriped off-street parking spaces, located on the adjacent



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lots 2 and 3. Per Ordinance 07-2018, the Borough Lot shall not be used for meeting required residential parking.

- h) Applicant should demonstrate compliance with the applicable affordable housing requirements of the Deed-Restricted Affordable Housing Property with Restrictions on Resale and Refinancing dated August 23, 2018.

The right is reserved to present additional comments pending the receipt of revised Plans and/or testimony of the Applicant before the Board.

If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

CME Associates

Douglas M. Rohmeyer, PE, CME, CFM
Planning Board Engineer

DMR/DEP

cc: Robert Ferragina – Borough Administrator
Michael B. Steib, Esq. – Board Attorney
Michelle Clark – Zoning Officer
1st Cup, LLC – Applicant
Henry Wolff, Esq. – Applicant's Attorney
Catherine Franco, AIA – Applicant's Architect