

**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](mailto:paralegal@lawwolff.com)

December 15, 2021

Via Hand-Delivery

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

Re: 87 Memorial Parkway  
Block 61, Lot 4

Dear Sir/Madam:

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

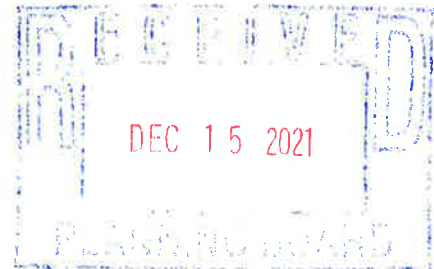
1. Application for Variance (18 copies);
2. Survey;
3. Site Plan;
4. Denial Letter (18 copies);
5. Affidavit of Ownership;
6. Campaign Contribution Disclosure Statement;
7. Verification that Property Taxes and Water and Sewer Bills Have Been Paid; and
8. Development Plan Checklist (2 copies);
9. Photos of Site- Garage

Also, enclosed please find checks in the amount of \$350 (Chk # 10278) for escrow and \$150 (Chk# 10279) for the application fee.

Thank you.

Very truly yours,  
*Stefanie Gross*  
STEFANIE GROSS

Enclosure



*Returned 12/15/21 eu  
missing plans*

ATLANTIC HIGHLANDS PLANNING BOARD  
APPLICATION FOR VARIANCE

1. I/we Michael Zlata + Kevin Clancy the applicant(s) herein, whose mailing address is 87 Memorial Hwy

and whose phone number is [redacted] am/are the owner/contractor of property located at \_\_\_\_\_

also designated as Block 61 Lot(s) 4 on the Tax Map of the Borough of Atlantic Highlands.

2. The Property is in the R-2 Zone, it has street frontage of 50 feet and an average depth of 125 feet and an area of 6250 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:

Single family residence and a one car garage.

5. Application is hereby made for a variance to:

Build a two car garage where a one car garage exists and width of garage

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

No detriment to the public good. The benefit of deviation out weighs detriment

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

See 150-72A

8. Property Tax & Water Bills have been paid through the \_\_\_\_\_ quarter of 20\_\_\_\_.

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: August 26, 2020

Character of Appeal: Pasquette Moller

Disposition: Failure to publish timely file.

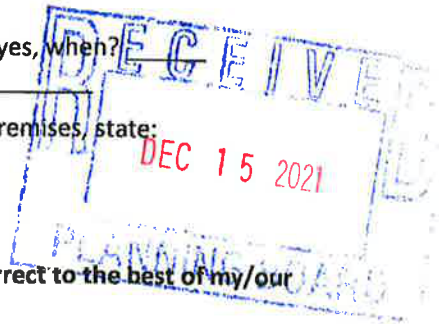
I/We the undersigned, certify that of all of the statements contained herein are true and correct to the best of my/our knowledge, information and belief.

Michael Zlata  
Applicant Signature

11-22-21  
Date

Kevin Clancy  
Applicant Signature

11-22-21  
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, NEW JERSEY 07716  
732-291-1444 FAX 732-291-9725  
WWW.AHNJ.COM

**PLANNING BOARD**

May 10, 2022

Mr. Douglas Rohmeyer, PE, CME, CFM  
CME Associates  
1460 Route 9 South  
Howell, NJ 07731

RE: **PB22-12, Block 61, Lot(s) 4, 87 Memorial Parkway  
Application for Bulk Variance**

Dear Mr. Rohmeyer:

Enclosed for your review, please find the following items to be reviewed for Completeness:

- Application for Variance, received May 10, 2022
- Zoning Officer Denial, undated, received May 10, 2022
- Property Survey for 87 Memorial Parkway, dated April 28, 2022
- Hand Drawn Elevations, undated
- 

Please issue your report no later than May 25, 2022.

Sincerely,

Erin Uriarte  
Planning Board Secretary

cc: Michael B. Steib, PA

Mr Clancy - Mr Zlata

I could not approve  
your zoning permit.  
Your lot size is not  
large enough for a  
2 car garage.

You can however  
apply to the Planning  
Board for Variance  
approval. If you  
want to do so, please  
call me & I'll get you  
an application.

Michelle

732 291 1444 X3103



**BOROUGH OF  
ATLANTIC HIGHLANDS**

100 FIRST AVENUE  
ATLANTIC HIGHLANDS, NEW JERSEY 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: 61 LOT(S): 4

NAME: Michael Zlata

ADDRESS: 87 Memorial Pkwy  
Atlantic Highlands, NJ 07716

Property taxes on the above property are paid to date.

Debra Marchetti  
Debra Marchetti, Tax Collector

12/15/21  
Date

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

Debra Marchetti  
Debra Marchetti, Tax Collector

12/15/21  
Date





**AFFIDAVIT OF OWNERSHIP**



STATE OF NEW JERSEY :  
: SS  
COUNTY OF :

Michael Zlata, being of full age, and being duly sworn according to law on oath deposes and says that the deponent resides at 87 Memorial PKwy in the Borough of Atlantic Highlands, in the County of Monmouth and the State of New Jersey that Michael Zlata 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 61, Lot(s) 4.

Sworn to and subscribed before me this 29 day of November 2021.

Michael Zlata  
Property Owner Signature

Stefanie N. Gross  
Notary Seal



**AUTHORIZATION**

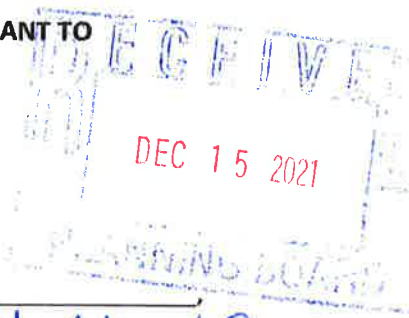
*(If anyone other than the above owner is making this application, the following authorization must be executed)*

I hereby authorize Henry F. Wolff, III - Stefanie Gross to make the within application.

Stefanie Gross  
Signature

11-29-2021  
Date

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, Michael Ziata, of \_\_\_\_\_  
whose address is 87 Memorial Pkwy Atl. Highlands  
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: 11-29-2021 Signed: Michael Ziata

I certify that on this 29 day of November, 2021, the subscriber, Michael Ziata, 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.

Stefanie Gross  
Notary Seal  
My Commission expires on 6/28/26

**STEFANIE N. GROSS**  
Notary Public, State of New Jersey  
Commission # 50163768  
My Commission Expires 6/28/2026

**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 NJS 40:55D-70(d) as well as for relief pursuant to NJS 40:55-D-70(c) or NJS 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.**

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME



TIMOTHY W. GILLEN, PE, PP, CME  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME

October 23, 2020

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

Attn: Kelly Snyder – Planning Board Secretary

**Re: Zlata (PB20-18)**  
**Bulk Variance Application – Technical Review #1**  
**Location: 87 Memorial Parkway**  
**Zone: OR (Office Residential District)**  
**Block 61, Lot 4**  
**Borough of Atlantic Highlands, Monmouth County, NJ**  
**Our File: HAHP0061.02**

Dear Planning Board:

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

- Plan of Survey, Situate Borough of Atlantic Highlands, Monmouth County, New Jersey, Block 61, Lot 4, prepared by Frank J. Ernst, PLS, dated June 26, 2000;
- Plan and elevation sketches entitled “Garage Renovation and Addition for Michael Zlata, 87 Memorial Parkway, Atlantic Highlands, NJ”, consisting of two (2) sheets; and,
- Zoning Officers denial, prepared by Michelle Clark, dated September 16, 2020; and
- Application for Variance and Development Checklist.

We have reviewed this application for Bulk Variance approval and offer the following comments:

1. Property Description

The subject property is an undersized rectangular lot containing 6,250 SF within an OR Zone District and provides 50.0 feet of road frontage along the south side of Memorial Parkway (NJSH Route 36). The property currently contains a two-story dwelling, covered front porch, rear deck, detached garage, concrete service walks, dirt driveway, and rear dirt path.

The Applicant proposes to construct a 248 SF addition to the detached garage located at the western corner of the property. The Applicant is requesting Bulk Variance relief relating to lot area, frontage, lot shape diameter, usable floor area ratio, building coverage, setbacks for front yard, side yard, combined side yard, both side and rear setbacks for accessory structures.





Atlantic Highlands Borough Planning Board  
 Re: Zlata (PB20-18)  
 Bulk Variance Application – Technical Review #1

October 23, 2020  
 Our File: HAHP0061.02  
 Page 2

2. Surrounding Uses

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

3. Zoning Compliance

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

Table 1: Bulk Standards, OR Zone (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	10,000	6,250	6,250 (EC)
Minimum Lot Frontage & Width(ft.)	100	50	50 (EC)
Minimum Lot Shape Diameter Interior Lot (ft.)	40	20	20 (EC)
<b>Principal Building Setbacks</b>			
Front Yard (ft.) Memorial Parkway	30	31	31
Side Yard (ft.)	15	13.02	13.02 (EC)
Side Yard Combined (ft.)	30	29.02	29.02 (EC)
Rear Yard (ft.)	30	59	59
<b>Accessory Building/ Struct. Setbacks</b>			
Side Yard (ft.)	10	3.3	3.3 (V) ✓
Rear Yard (ft.)	10	2.0	2.0 (V) ✓
Building Coverage	20%	11.8%	15.7%
Lot (Impervious Surface) Coverage	70%	37.4%	40.5%
Building Height (Stories)	2 ½	2	2
Maximum Building Height (ft.)	35	TBP	TBP
Maximum Acc. Building Height (ft.)	16	TBP	16.17 (V) ✓
Maximum Useable Floor Area Ratio	2.0	TBP	TBP
Minimum Gross Floor Area (sq-ft)	1,500 sf / 1,800 sf (Total)	TBP	TBP

(EC): Existing Condition

(V): Variance Required

(TBP): To Be provided

4. It appears that the Applicant will require relief from the following variance with respect to this development application:

- a) **Section 150-72(A)** – The maximum private garage space is one (1) motor vehicle per 5,000 feet of lot area, whereas the Applicant proposes two (2) spaces for a 6,250 SF lot. Additionally, the maximum height of private garage is 16 feet, whereas the Applicant proposes 16.17 feet.



Atlantic Highlands Borough Planning Board  
Re: Zlata (PB20-18)  
Bulk Variance Application – Technical Review #1

October 23, 2020  
Our File: HAHP0061.02  
Page 3

- b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required accessory side yard setback is 10 feet, whereas 3.3 feet is proposed.
  - c) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required accessory rear yard setback is 10 feet, whereas 2.0 feet is proposed.
  - d) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum allowable accessory building height is 16 feet, whereas 16.17 feet is proposed.
5. It appears that the following existing non-conformities would remain with respect to this Application.
- a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot area is 10,000 square feet, whereas a 6,250 square feet is to remain. This is an existing non-conformity.
  - b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot frontage and width is 100 feet, whereas a 50 feet is to remain. This is an existing non-conformity.
  - c) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required lot shape diameter is 40 feet, whereas a 20 feet is to remain. This is an existing non-conformity.
  - d) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required side yard setback is 15 feet, whereas a 13.02 feet is to remain. This is an existing non-conformity.
  - e) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required combined side yard setback is 30 feet, whereas a 29.02 feet is to remain. This is an existing non-conformity.
6. The Applicant has indicated in the Development Plan Checklist waiver from providing the required site plan submission items. Based upon the proposed scope of site related improvements we do not object to the site plan waiver request from an engineering point of view. The Applicant shall provide testimony in support of the site plan related submission waivers indicated below.
- a) **Checklist items B4-B6, B8-B12** – Administrative requirements.
  - b) **Checklist items C1, & C3** – Site plan requirements for survey.
  - c) **Checklist items D1-D6** – Site plan requirements for topography.
  - d) **Checklist items E2-E12** – Site plan requirements for buildings and structures.
  - e) **Checklist items F1-F12** - Site plan requirements for parking areas, traffic control and lighting.



Atlantic Highlands Borough Planning Board  
Re: Zlata (PB20-18)  
Bulk Variance Application – Technical Review #1

October 23, 2020  
Our File: HAHP0061.02  
Page 4

- f) **Checklist items G1-G11** – Site plan requirements for roads, driveways, walks, curbs, walkways and fencing.
- g) **Checklist item H1** – Site plan requirements for signs.
- h) **Checklist item I1-I6** – Site plan requirements for landscaping.
- i) **Checklist item J1-J2** – Site plan requirements for fire prevention.
- j) **Checklist item T** – NJDEP freshwater wetlands LOI.

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

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

<u>Ordinance Section</u>	<u>Description</u>	<u>Application Fee</u>	<u>Escrow Fee</u>
168-2.D.(4)	Hardship Variance	\$150.00	\$350.00 (min)

We recommend the Borough collect \$150.00 in nonrefundable application fees and \$350.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

8. The Applicant should be prepared to discuss the following issues with the Board:
- a) Reasons supporting the granting of the requested bulk variances and/or design waivers and continuance of the existing condition nonconformities.
  - b) Applicant should testify as to accuracy of survey provided, dated June 26, 2000.
  - c) Use of existing and proposed garage structure.
  - d) Existing dirt driveways are shown at north side and rear of property. Applicant should confirm existence and condition of said driveways and any proposed improvements. The existing dirt driveway providing access to Memorial Drive appears to terminate approximately 28 feet from the face of the proposed garage structure.
  - e) Stormwater runoff including how additional coverage and improvements will be mitigated. Applicant should discuss runoff from proposed roof expansion and modifications, roof leader location, yard drainage, and address concentration of flows and effects on adjacent properties.
  - f) Any landscaping work including buffers, proposed plantings, and tree removal.
  - g) Applicant should demonstrate conformance with parking requirements.



Atlantic Highlands Borough Planning Board  
Re: Zlata (PB20-18)  
Bulk Variance Application – Technical Review #1


October 23, 2020  
Our File: HAHP0061.02  
Page 5

- h) Applicant should discuss existing and proposed building height for the garage structure.
- i) Applicant should provide site photos depicting existing conditions.

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.

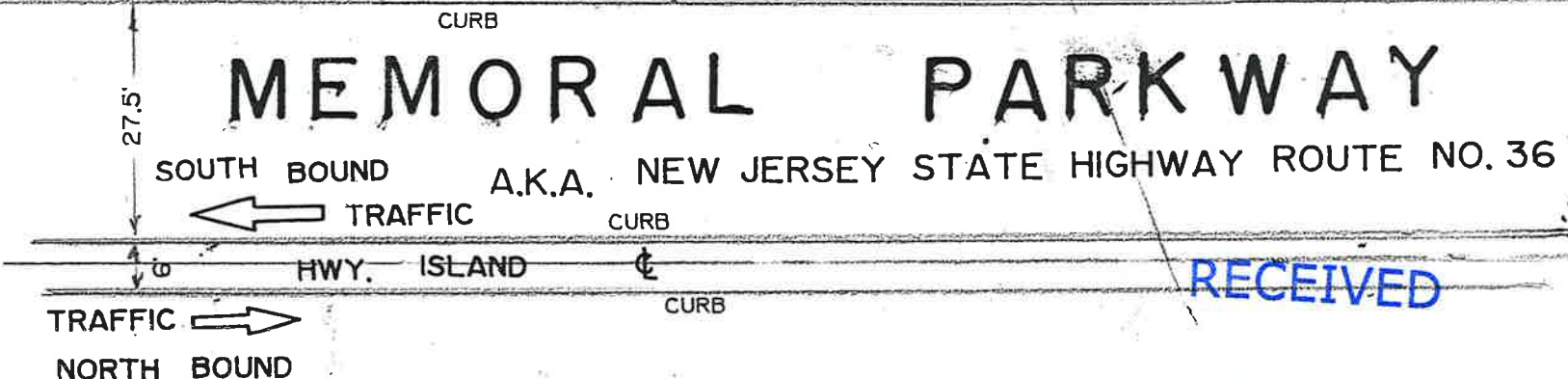
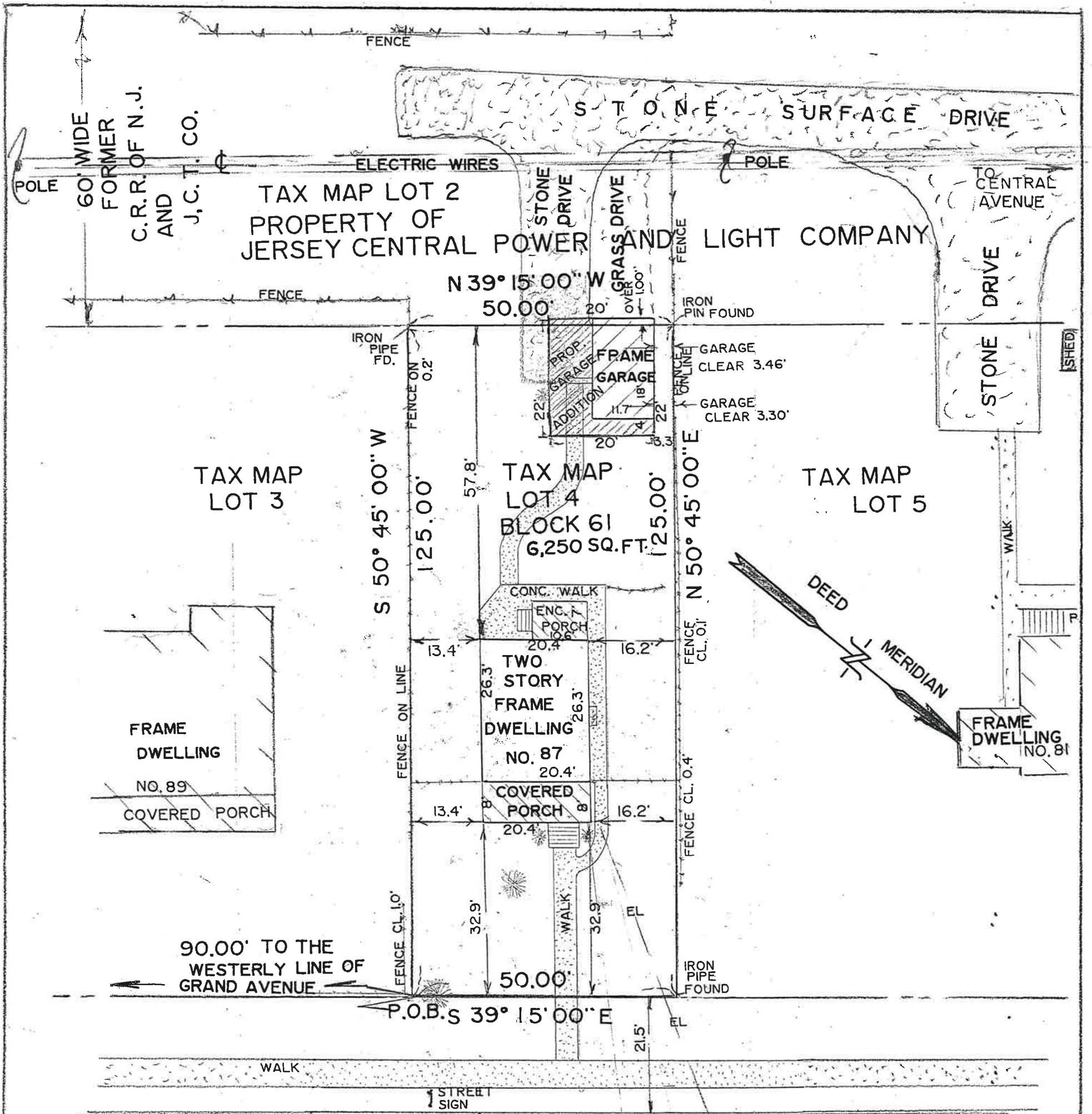
Very truly yours,  
**CME Associates**

  
Douglas Rohmeyer, PE, CME, CFM  
Planning Board Engineer

DMR/DEP

cc: Adam Hubeny - Borough Administrator  
Michael B. Steib, Esq. – Board Attorney  
Michelle Clark – Zoning Officer  
Michael Zlata & Kevin Clancy – Applicants  
Henry F. Wolff, III, Esq. – Applicant's Attorney





SUBJECT PROPERTY IS 6,250 SQ. FT.	
EXISTING LOT COVERAGE	
DWELLING, ENC. PORCH, COVERED PORCH =	774 SQ. FT. = 12.38% COV.
CONCRETE WALKS AND STAIRS ARE	600 SQ. FT. = 0.96% COV.
EXISTING GARAGE IS	211 SQ. FT. AT 3.37% COV.
STONE DRIVE IS	144 SQ. FT. = 2.30% COV.
EXISTING TOTAL COVERAGE =	19.01%
PROPOSED ADDITION TO GARAGE IS 229.4% SQ. FT. AT 3.67% COV.	
PROPERTY TOTAL COVERAGE =	22.68% COV.

**OWNER/APPLICANT:**

**KEVIN CLANCEY**  
**AND**  
**MICHAEL ZLATA**  
 NO. 87 MEMEORIAL PARKWAY  
 ATLANTIC HIGHLANDS, N.J. 07716

Note: a written waiver and direction not to be Set corner markers had been obtained from the Ultimate user pursuant to P.L. 2003, c. 14 (C45:36.2) and N.J.A.C., 13-40-5.1 (d) & 5.2

Note: Subject to any easement of record  
 Note: building offsets are not to be used in Re-establishing property lines

RECEIVED  
 MAY 10 2022

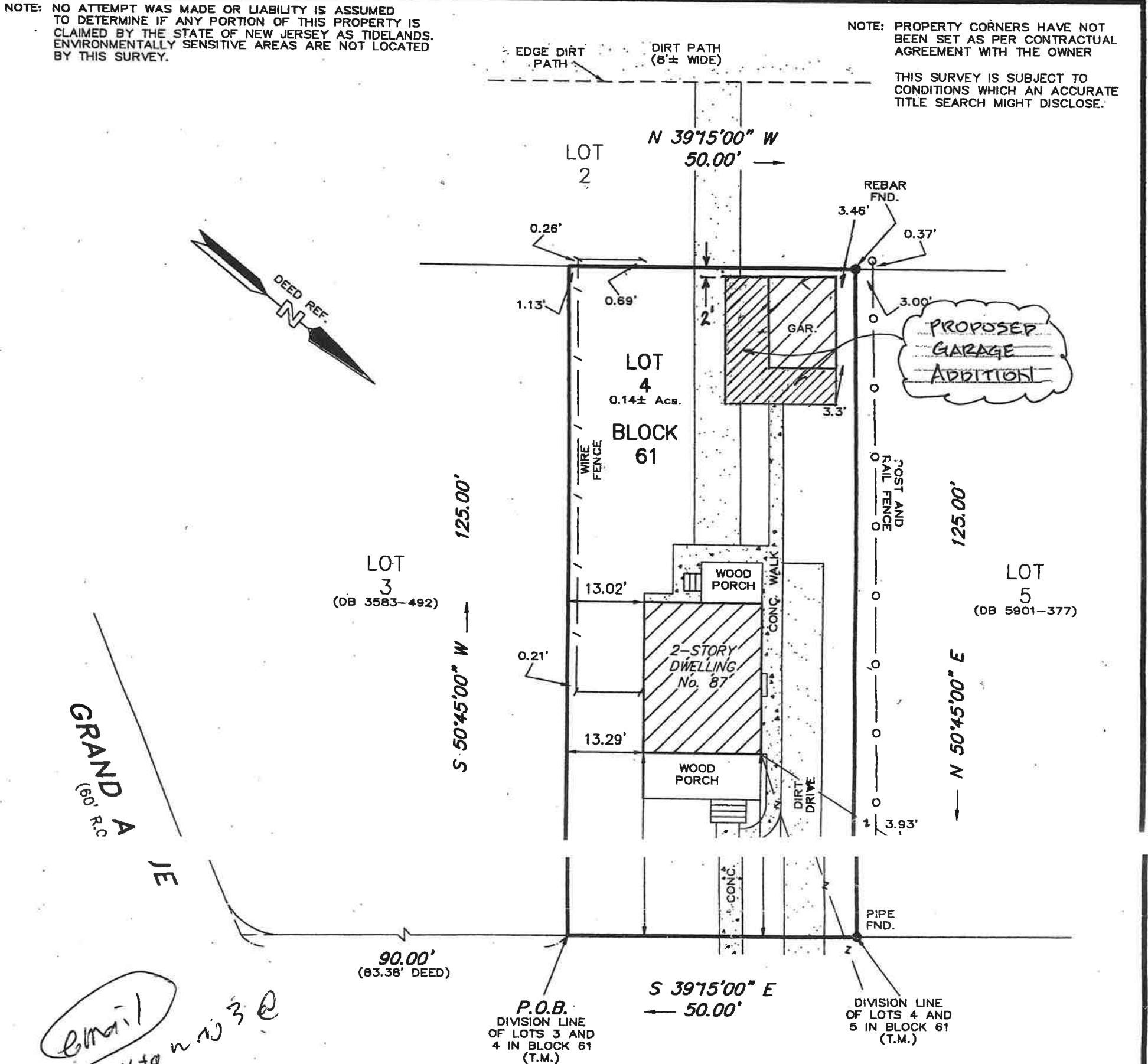
**PLANNING BOARD**

**NO. 87 MEMORIAL PARKWAY**  
 LOCATION LAND SURVEY SHOWING ADDITION TO GARAGE ON LOT 4 IN BLOCK 61 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF ATLANTIC HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY  
 TAX MAP PAGE 13  
 THOMAS CRAIG FINNEGAN LAND SURVEYING, LLC  
*Thomas Craig Finnegan*  
 THOMAS CRAIG FINNEGAN LIC. # 38601  
 PROFESSIONAL LAND SURVEYOR  
 245 EAST END AVENUE, BELFORD, N.J. 07718  
 Office 732-787-0318, Cell Ph. 732-856-2821  
 FAX # 732 495-6217, Thomascfinnegan@gmail.com  
 SCALE 1" = 20' APRIL 28, 2022



NOTE: NO ATTEMPT WAS MADE OR LIABILITY IS ASSUMED TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS ARE NOT LOCATED BY THIS SURVEY.

NOTE: PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT WITH THE OWNER  
THIS SURVEY IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE.



# MEMORIAL PARKWAY

(100' R.O.W.)  
(A.K.A. N.J.S.H. ROUTE No. 36)  
(FORMERLY VALLEY DRIVE)

THIS SURVEY IS CERTIFIED TO:  
KEVIN CLANCEY AND MICHAEL ZLATA  
WEICHERT TITLE AGENCY (W-24550-N)  
NEW JERSEY TITLE INSURANCE COMPANY  
DAVID A. KRENKEL, ESQUIRE  
WASHINGTON MUTUAL BANK, FA, ITS  
SUCCESSORS AND ASSIGNS, BENEFICIARIES

NOTE:  
TITLE DEED CONTAINS  
ERRONEOUS P.O.B.

BEING KNOWN AS LOT 4 IN BLOCK 61 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF ATLANTIC HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY.

DEED REFERENCE: DB 5766-330

"TO ANY INSUROR OF TITLE RELYING HEREON AND ANY OTHER PARTY IN INTEREST," IN CONSIDERATION OF THE FEE PAID FOR MAKING THIS SURVEY, I HEREBY CERTIFY TO ITS ACCURACY (EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS OR ON THE SURFACE OF THE LANDS THAT ARE NOT VISIBLE) AS AN INDUCEMENT FOR ANY INSUROR OF TITLE TO INSURE THE TITLE TO THE LANDS AND PREMISES SHOWN HEREON. THIS RESPONSIBILITY LIMITED TO THE CURRENT MATTER AS OF THE DATE OF THIS SURVEY.

OFFSETS AS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.

DATE	LENDER	REVISIONS
6/26/2000		

DATE

*Frank J. Ernst*

**FRANK J. ERNST**

PROFESSIONAL LAND SURVEYOR N.J. LIC. NO. 28308  
PROFESSIONAL PLANNER NO. 2864

*STEVE KELLER*

01656

## PLAN OF SURVEY

SITUATE  
BOROUGH OF  
ATLANTIC HIGHLANDS  
MONMOUTH COUNTY, NEW JERSEY  
BLOCK 61 LOT 4

**SENECA SURVEY CO., INC.**

SURVEYORS & PLANNERS  
1314 HOOPER AVENUE  
SUITE No. 3

TOMS RIVER, NEW JERSEY 08753

(732)341-7744

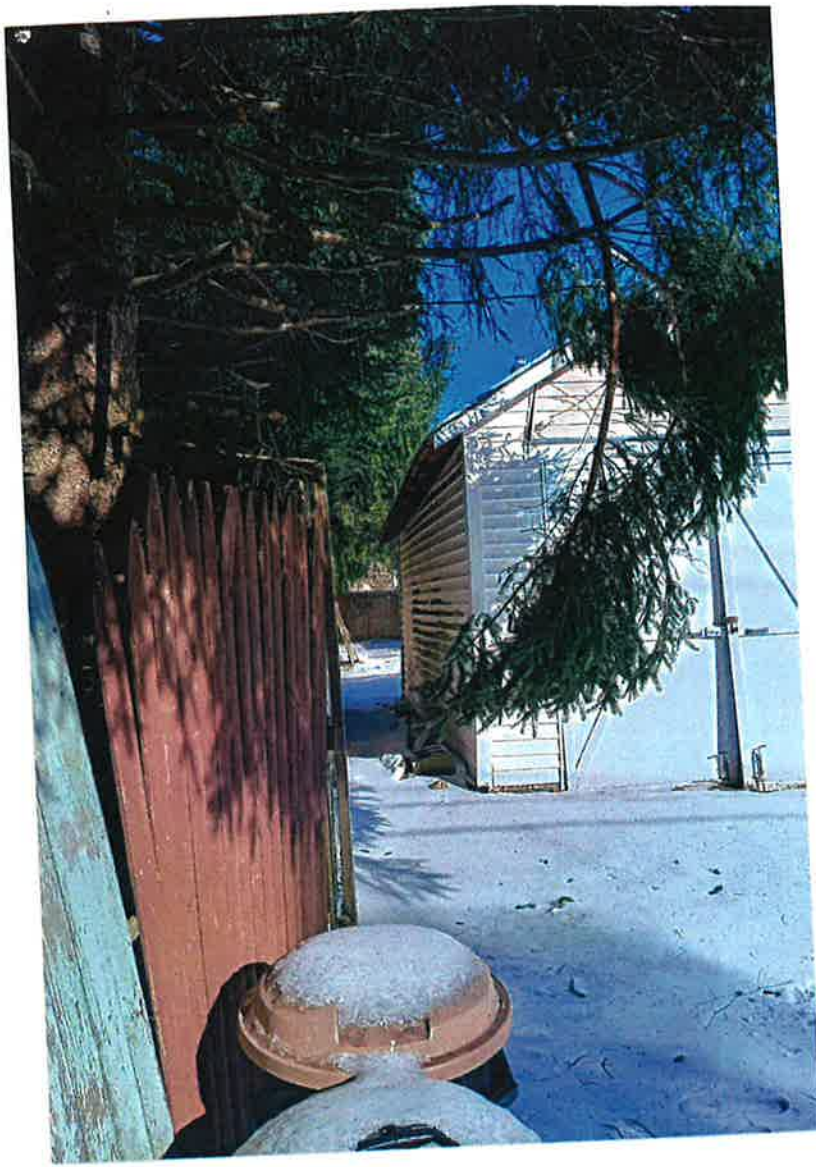
FAX (732)341-7708.

Date: 6-26-00

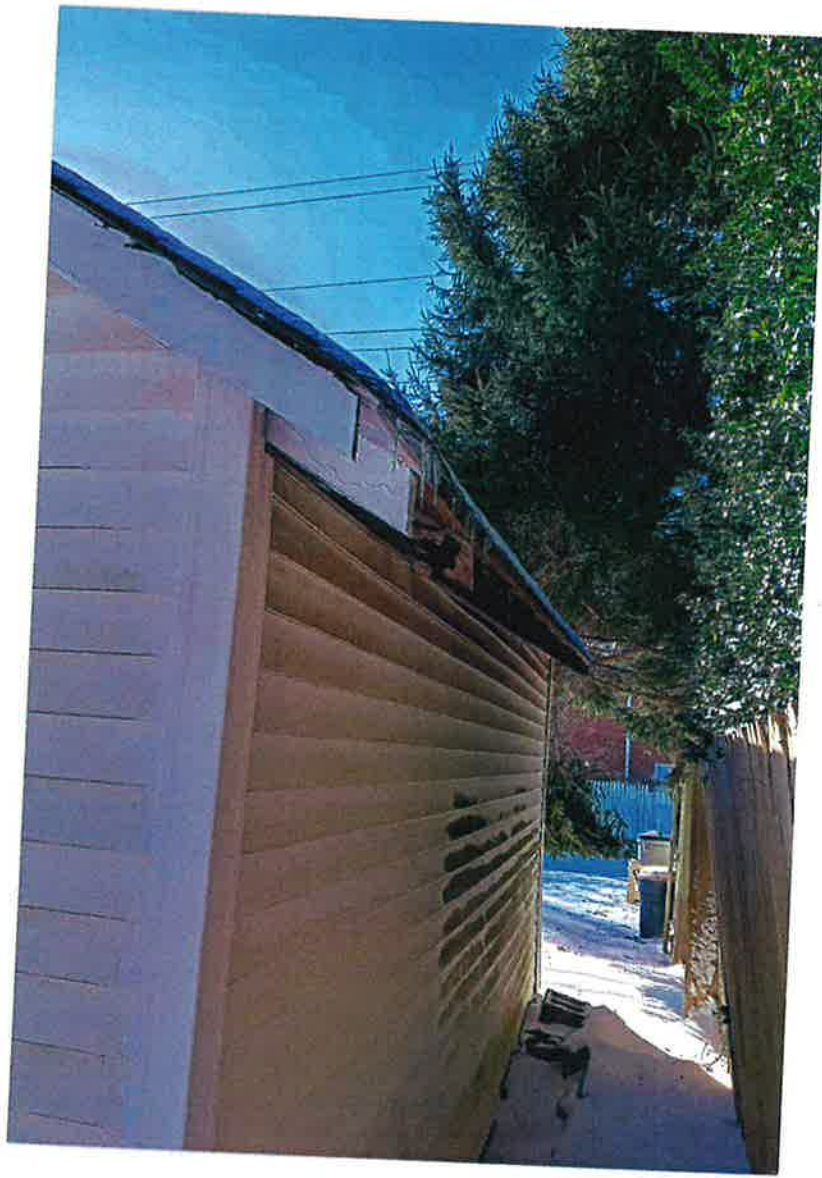
Drawn by: S.L.M.

Scale: 1"=20'

Proj. No.: 00-19224



A-5

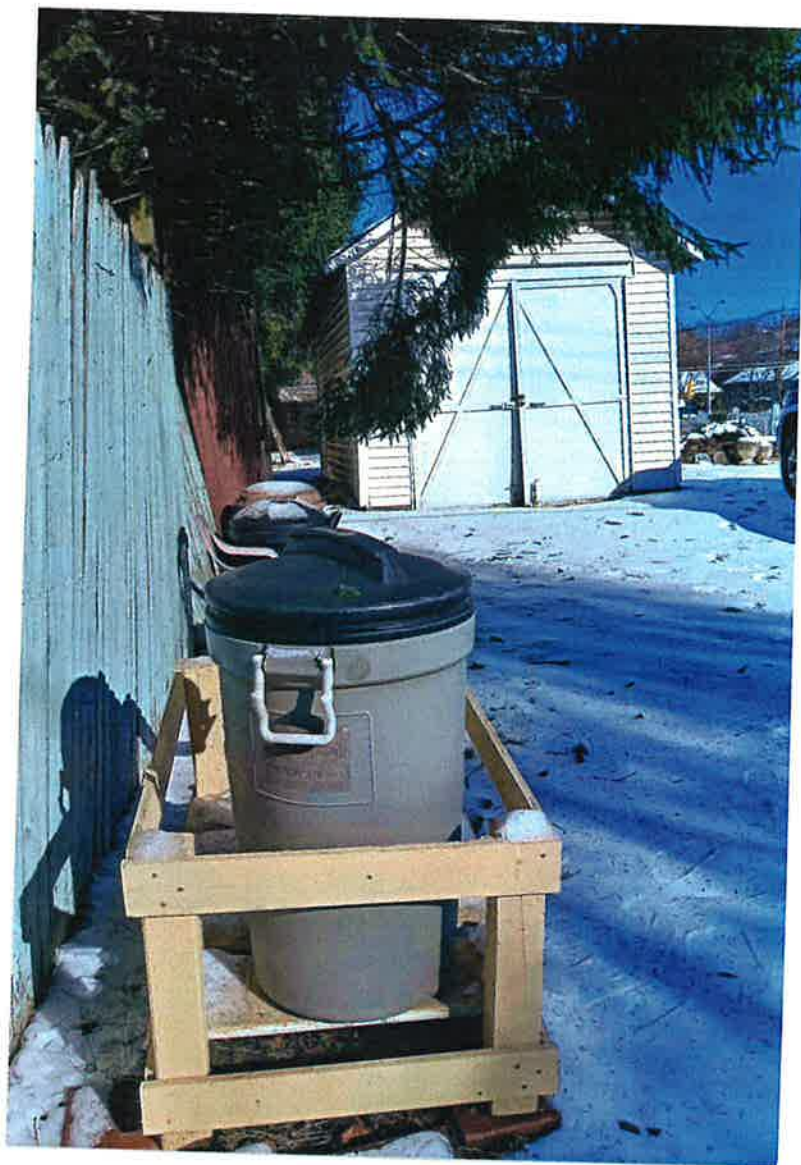


A-6



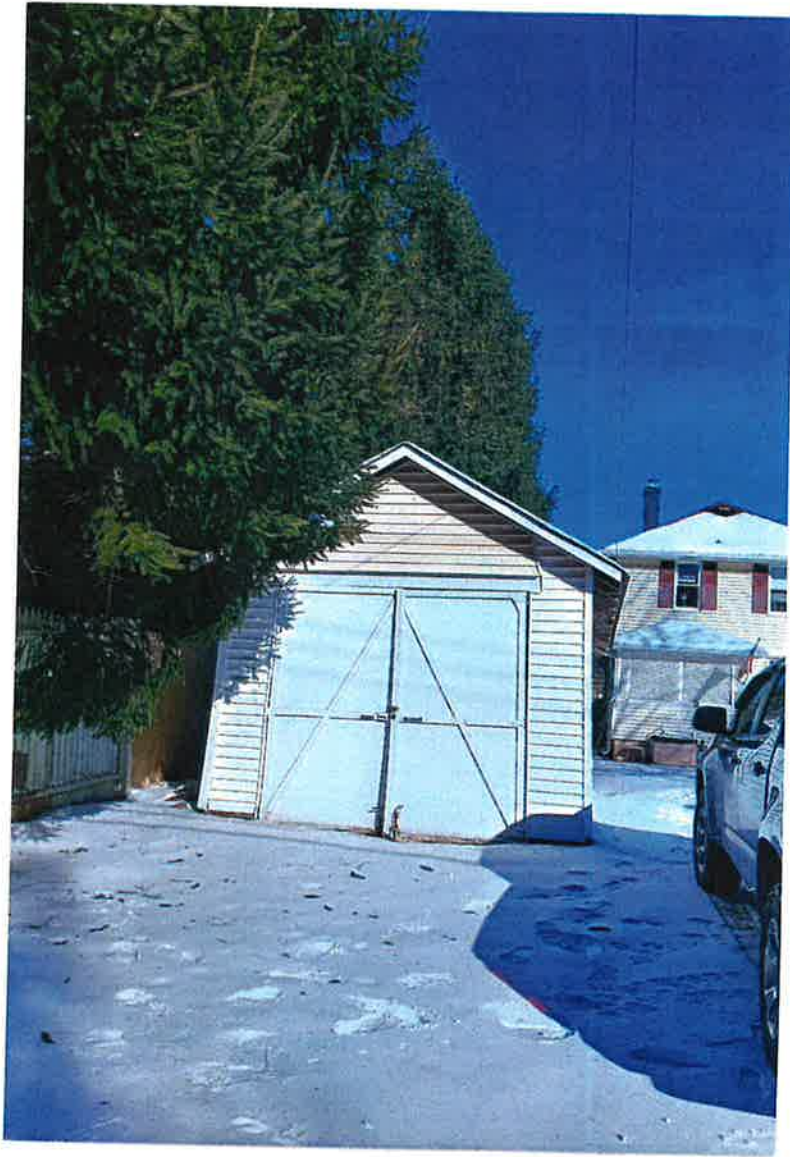


A-7

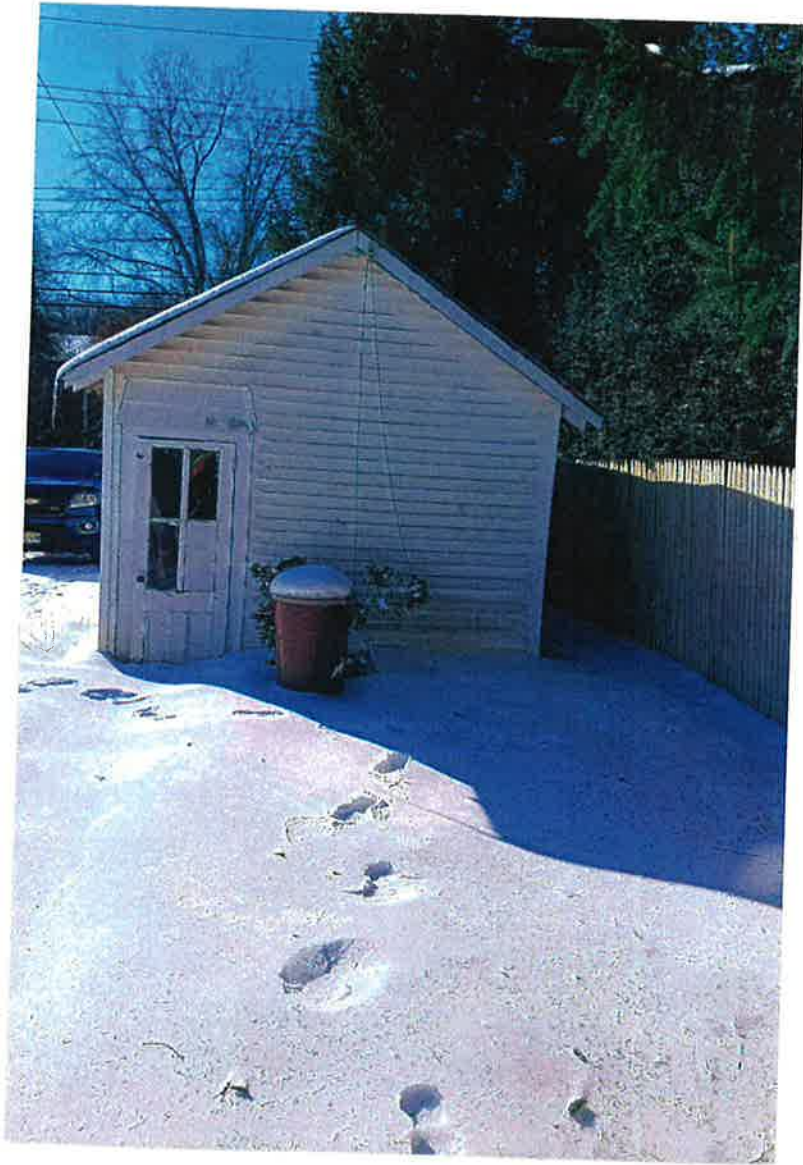


A-8

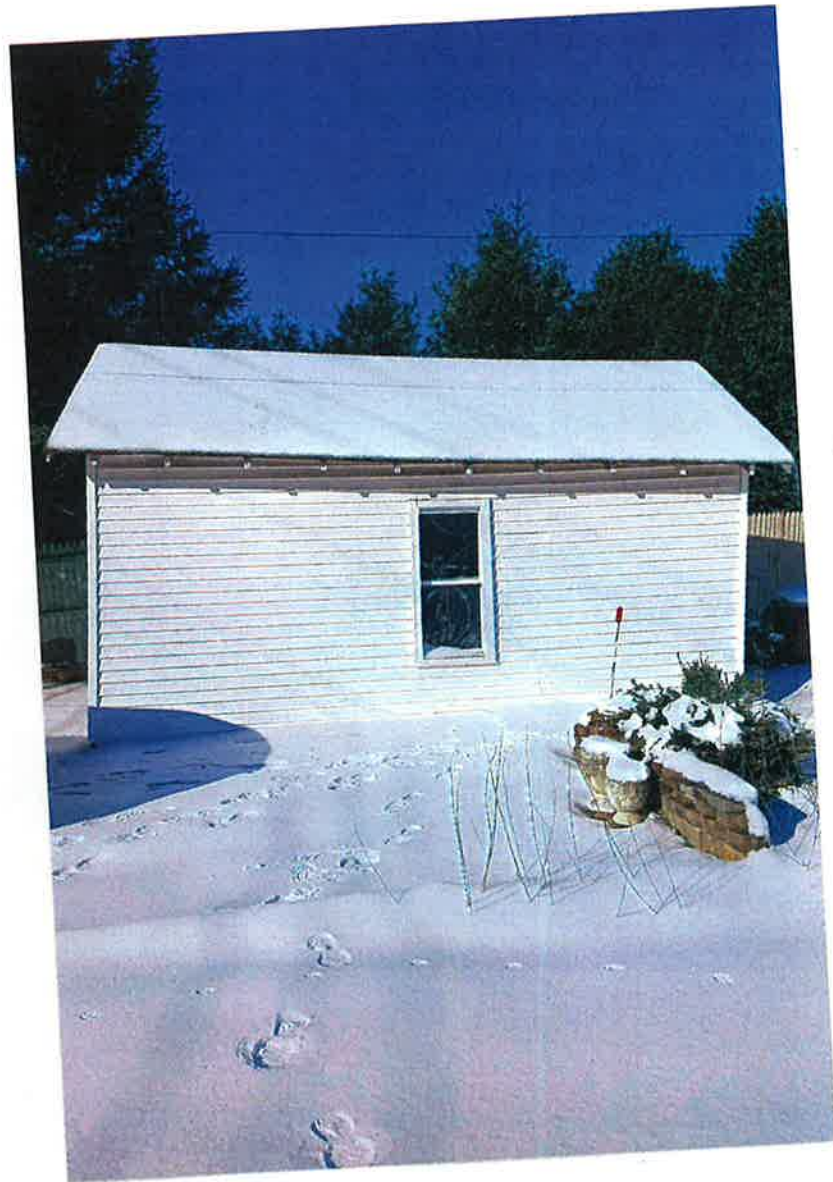




A-9



A-10

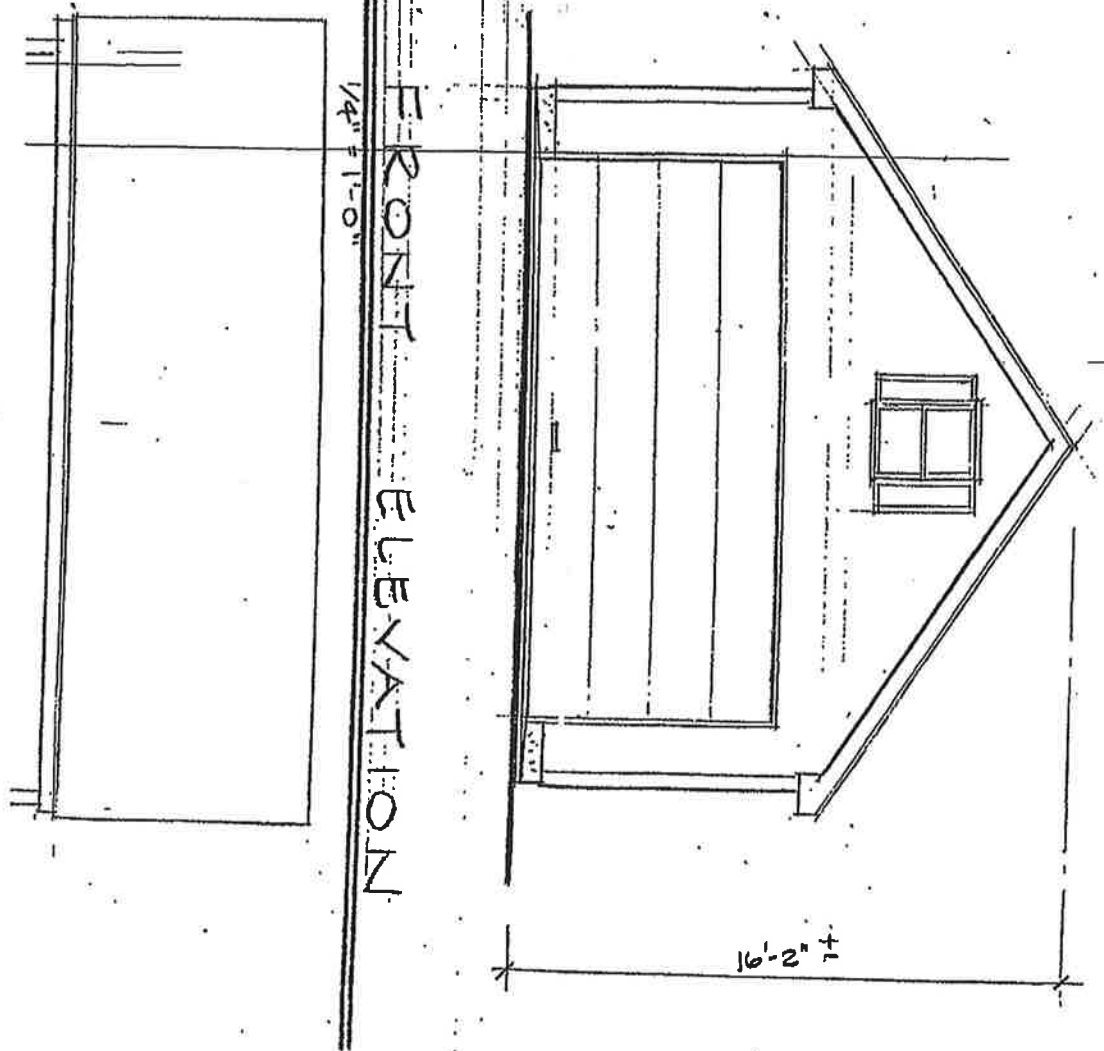


A-11





A-12



RECEIVED

MAY 10 2022

PLANNING BOARD



RIGHT SIDE ELEVATION

LEFT SIDE: SIMILAR (OPPOSITE HAND)

GARAGE RENOVATION & ADDITION

for

MICHAEL

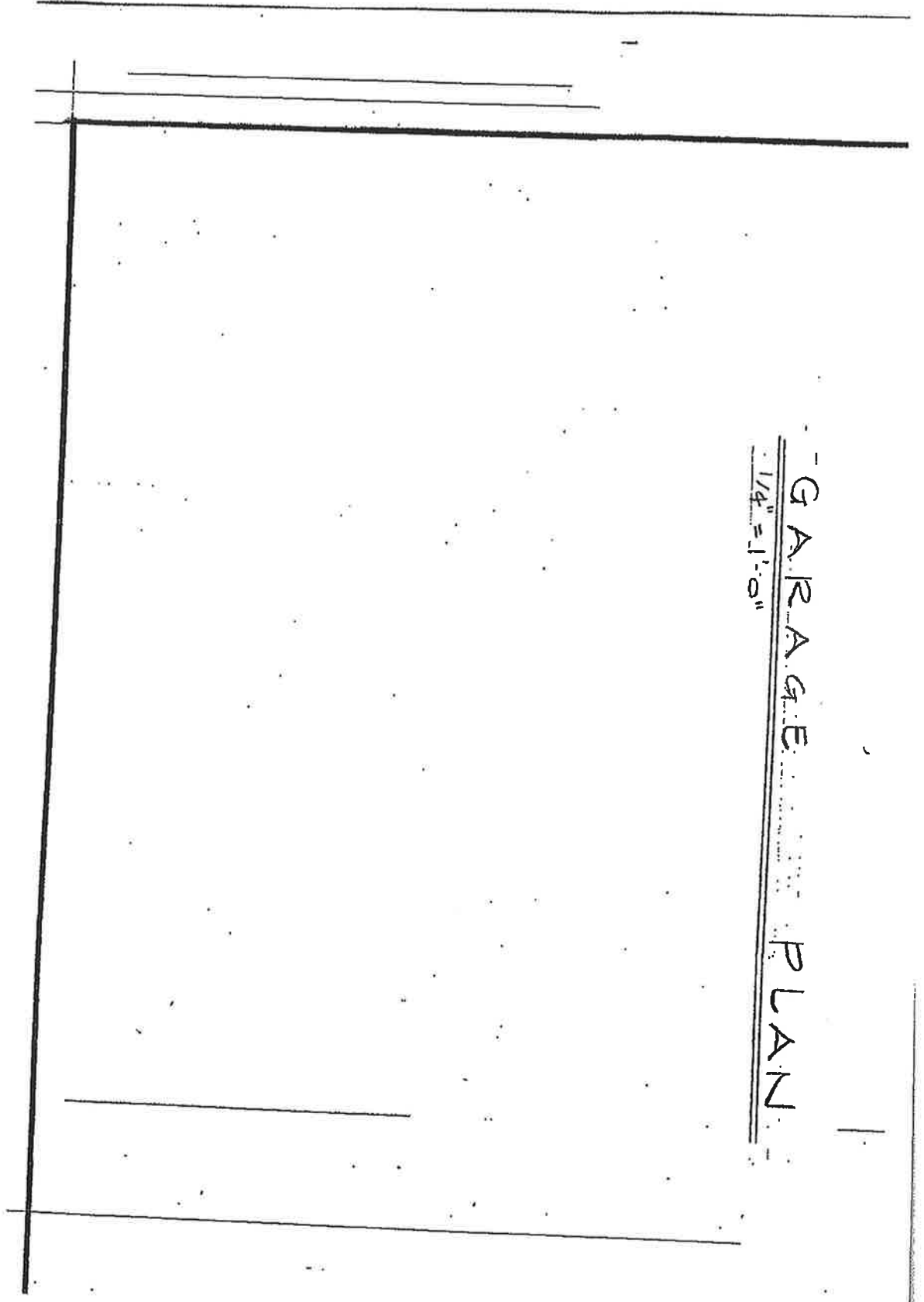
ZLATA

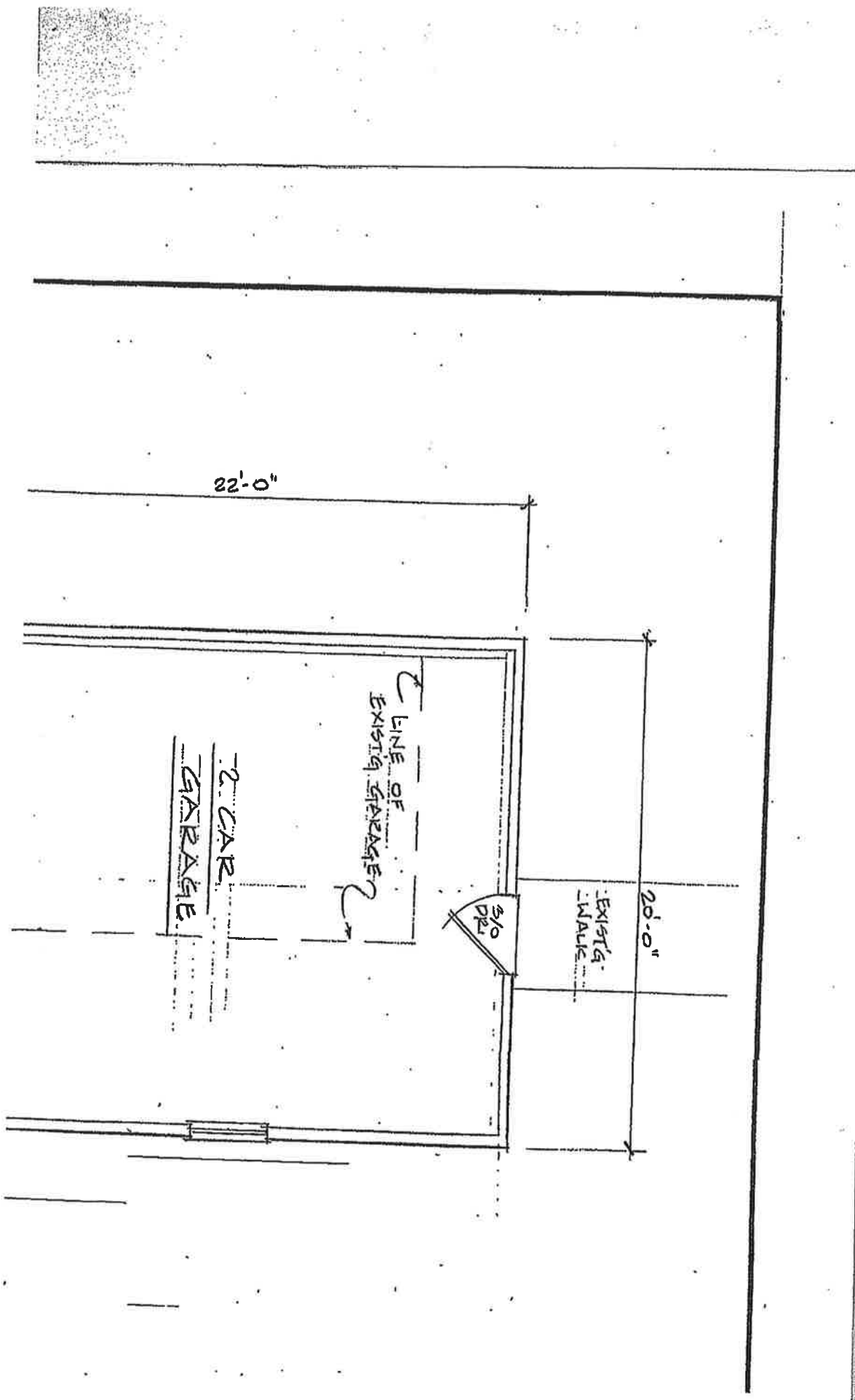
87 MEMORIAL TWP

ATLANTIC HIGHLANDS, NJ

GARAGE  
PLAN

1/4" = 1'-0"





22'-0"

20'-0"

LINE OF  
EXIST'G GARAGE

2 CAR  
GARAGE

EXIST'G  
WALL

3/10  
DR

**BOROUGH OF ATLANTIC HIGHLANDS**  
**DEVELOPMENT PLAN CHECKLIST**

DATE: 11-29-2021  
PROJECT NAME: Garage Renovation  
OWNER: Michael Clata + Kevin Clancy  
ENGINEER/DESIGNER: \_\_\_\_\_  
PERSON COMPLETING THIS FORM: Henry F. Wolff, III  
RELATIONSHIP TO OWNER: Attorney for owners  
LOCATION OF SITE: BLOCK 41 LOT 4  
STREET ADDRESS 87 Memorial Pkwy.

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             | _____ | _____ | _____ |

Development Plan Checklist

Page | 2

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER			DO NOT USE		
			WAIVER	YES	NO
_____	_____	4. Soil removal permit signed by Borough Engineer	_____	_____	_____
_____	_____	5. Certification by Tax Collector that all taxes and water/sewer bills are paid – including current taxes and assessments for local improvements	_____	_____	_____
_____	_____	6. Applicable filing fees	_____	_____	_____
_____	_____	7. Three copies of performance guarantee Approved by the Borough Attorney and Borough Engineer, and cash portion of performance guarantee	_____	_____	_____
_____	_____	8. Staging Plan, if applicable	_____	_____	_____
_____	_____	9. Letters from each utility stating that they will provide service to the proposed facility	_____	_____	_____
_____	_____	10. Any resubmission must conform to items 1 & 2 inclusive, and item 8	_____	_____	_____
_____	_____	11. Current letter from Borough Engineer certifying that he has assigned block and lot numbers	_____	_____	_____
_____	_____	12. Deeds of easement, right of way, drainage, sewer, sight, open space, etc., approved by Borough Attorney and Borough Engineer	_____	_____	_____
_____	_____	13. Disclosure of 10% ownership interest of corporation or partnership which is 10% owner of applying corporation or partnership	_____	_____	_____
_____	_____	14. Prior to final submission, a list of proposed Street names must be submitted to the Board Secretary	_____	_____	_____
_____	_____	15. Corporate Resolution authorizing officers to act, if applicant is corporation	_____	_____	_____



**TO BE CHECKED  
BY APPLICANT**

**DO NOT USE  
OFFICE USE ONLY**

WAIVER

WAIVER YES NO

\_\_\_\_\_ 16. Fees and application for Monmouth County Planning Board, if applicable \_\_\_\_\_

\_\_\_\_\_ 17. All plats must have the correct and only the correct signature blocks. Applicant and owner shall sign appropriate signature blocks in black ink \_\_\_\_\_

\_\_\_\_\_ 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 \_\_\_\_\_

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

✓ \_\_\_\_\_ 1. 18 copies of request for variance, outlining the proposed variance from zoning requirement \_\_\_\_\_

\_\_\_\_\_ 2. 18 copies of drawings unless variance is part of site plan or subdivision application, in which case site plan or subdivision plans suffice \_\_\_\_\_

\_\_\_\_\_ 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 \_\_\_\_\_

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

WAIVER YES NO

**B. ADMINISTRATIVE DATA**

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

**TO BE CHECKED  
BY APPLICANT**

**DO NOT USE  
OFFICE USE ONLY**

WAIVER		WAIVER	YES	NO
<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 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-	_____	_____

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

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:**

- \_\_\_\_\_ 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 \_\_\_\_\_

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

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   | _____ | _____ | _____ |



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

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

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 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  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

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 \_\_\_\_\_

TO BE CHECKED  
 BY APPLICANT

DO NOT USE  
 OFFICE USE ONLY

WAIVER

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

TO BE CHECKED  
BY APPLICANT

DO NOT USE  
OFFICE USE ONLY

WAIVER

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.





JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME

TIM W. GILLEN, PE, PP, CME (1991-2019)  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

May 24, 2022

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

Attn: Erin Uriarte – Planning Board Secretary

**Re: Zlata & Clancy (PB22-12)**  
**Bulk Variance Application – Review #1**  
**Location: 87 Memorial Parkway / State Route 36**  
**Zone: OR (Office Residential)**  
**Block 61, Lot 4**  
**Borough of Atlantic Highlands, Monmouth County, NJ**  
**Our File: HAHP0061.02**

Dear Planning Board Members:

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

- No. 87 Memorial Parkway, Location Land Survey showing Addition to Garage on Lot 4 in Block 61 on the Official Tax Map of the Borough of Atlantic Highlands, Monmouth County, New Jersey, consisting of one (1) sheet, prepared by Thomas Craig Finnegan Land Surveying, LLC, dated April 28, 2022, unrevised;
- Architectural plans and elevations, Garage Renovation & Addition for Michael Zlata, consisting of one (1) sheet, prepared by unknown party, undated;
- Zoning Officers denial, prepared by Michelle Clark, undated;
- Variance Application dated November 22, 2021; and
- Development Checklist.

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

1. Property Description

The subject property is an interior lot located within the OR Zone District and provides 50 feet of lot frontage along the southwesterly side of Memorial Parkway / State Route 36. The property currently contains a 2-story single family residential dwelling with ancillary improvements including but not limited to a shared stone driveway extending from Center Avenue through adjacent Lot 2, covered front and rear porch with steps, detached garage, and walkways.



Erin Uriarte, Planning Board Secretary  
 Atlantic Highlands Borough Planning Board  
 Re: Zlata & Clancy (PB22-12)  
 Bulk Variance Application – Review #1

May 24, 2022  
 Our File: HAHP0061.02  
 Page 2

The Applicant is seeking bulk variance relief relating to the construction of a garage addition to convert the existing one-car garage into a two-car garage. A portion of the existing driveway and walkway within the footprint of the addition will be removed.

2. Surrounding Uses

Properties surrounding the subject site to the east, south, and west are similarly zoned O-R and appear to contain primarily single-family residential uses. Properties to the north across Memorial Parkway / State Route 36 are situated in the R-1 (Single Family Residential) Zone District and contain single-family residential uses.

3. Zoning Compliance

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

<b>Table 1: Bulk Standards, OR Zone (§150-29(A)(2) Exhibit 5-2)</b>			
<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area (sq. ft.)	10,000	6,250	6,250 (EC)
Minimum Lot Frontage, Interior Lot (ft.)*	100	50	50 (EC)
Minimum Lot Width, Interior Lot (ft.)**	100	50	50 (EC)
Minimum Lot Shape Diameter, Interior Lot (ft.)	40	20	20 (EC)
<b>Principal Building Setbacks</b>			
Front Yard (ft.)	30	32.9	32.9
Side Yard (ft.)	15	13.4	13.4 (EC)
Combined Side Yards (ft.)	30	29.6	29.6 (EC)
Rear Yard (ft.)	30	57.8	57.8
<b>Accessory Building/ Struct. Setbacks</b>			
Side Yard (ft.)	10	3.3	3.3 (V)
Rear Yard (ft.)	10	1 <sup>(1)</sup>	1 <sup>(1)</sup> (V)
Building Coverage	20%	±15.8%	±19%
Lot (Impervious Surface) Coverage	70%	±27.7%	±29%
Building Height (stories.)	2 ½	2 ½	2 ½
Maximum Building Height (ft.)	35	(TBP)	(TBP)
Maximum Acc. Building Height (stories.)	1	1	1
Maximum Acc. Building Height (ft.)	16	(TBP)	16.2 (V)
Maximum Useable Floor Area Ratio	2.00	0.17	0.17
<b>Minimum Gross Floor Area, More than 1-Story</b>			
First Floor (sq. ft.)	1,200	±536	±536 (EC)
Total Floors (sq. ft.)	1,800	±1,072	±1,072 (EC)

(V): Variance Required      (EC): Existing Condition      (TBP): To Be Provided

\* - Measured at Street Line

\*\* - Measured at Front Yard Setback Line



Erin Uriarte, Planning Board Secretary  
Atlantic Highlands Borough Planning Board  
Re: Zlata & Clancy (PB22-12)  
Bulk Variance Application – Review #1

May 24, 2022  
Our File: HAHP0061.02  
Page 3

(1) – Detached garage is located one (1) foot over the rear property line

4. It appears that the Applicant would require variance relief from the following variances with respect to this development application:

- a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required side yard setback for an accessory building / structure is 10 feet, whereas a 3.3 side yard setback to the detached garage is proposed to remain.
- b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required rear yard setback for an accessory building / structure is 10 feet, whereas the detached garage encroaching 1 foot over the rear property line is proposed to remain.
- c) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum height permitted for an accessory building / structure is 16 feet, whereas a height of approximately 16.2 feet is proposed for the detached garage. *(Please note the height of the existing garage is unknown)*
- d) **Section 150-49.I(2)(B)** – A nonconforming building or structure may not be enlarged, extended, increased height, width or depth; moved or relocated; or modified in such a way so as to increase habitable or usable space, number of dwelling units or number of bedrooms; unless it is changed to conform to the requirements of this chapter except that an existing use may be enlarged, extended or added to provided the enlargement, extension or addition conforms to all requirements of this chapter and will not result in the creation of any nonconformity related to the lot and the aggregate of all structures or buildings.
- e) **Section 150-72.(A)** – On any lot in any R-1, R-2, or R-3 Zone and on any residential lot in the O-R Zone, private garage space may be provided for one motor vehicle for each 5,000 square feet of lot area; the width of each space shall not exceed 12 feet and 22 feet in length, and height not to exceed 16 feet. One (1) private garage space may be provided, whereas two (2) private garage spaces are proposed, and the proposed height of the garage exceeds 16 feet.

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 required lot area is 10,000 square feet, whereas a lot area of 6,250 square feet is shown to remain.
- b) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot frontage for an interior lot is 100 feet, whereas a lot frontage of 50 feet is shown to remain.
- c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot width for an interior lot is 100 feet, whereas a lot width of 50 feet is shown to remain.



Erin Uriarte, Planning Board Secretary  
Atlantic Highlands Borough Planning Board  
Re: Zlata & Clancy (PB22-12)  
Bulk Variance Application – Review #1

May 24, 2022  
Our File: HAHP0061.02  
Page 4

- d) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot shape diameter for an interior lot is 40 feet, whereas a lot shape diameter of 20 feet is shown to remain.
  - e) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum side yard setback required is 15 feet, whereas a side yard setback of 13.4 feet is shown to remain.
  - f) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum combined side yard setback required is 30 feet, whereas a combined side yard setback of 29.6 feet is shown to remain.
  - g) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required side yard setback for an accessory building / structure is 10 feet, whereas a 3.3 side yard setback to the detached garage is shown to remain.
  - h) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required rear yard setback for an accessory building / structure is 10 feet, whereas the detached garage encroaching 1 foot over the rear property line is shown to remain.
  - i) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required first floor gross floor area for a building with more than one story is 1,200 feet, whereas a gross floor area of 536 square feet is shown to remain.
  - j) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required total gross floor area for a building with more than one story is 1,800 feet, whereas a gross floor area of 1,072 square feet is shown to remain.
  - k) **Section 150-49.I(1)(b)** – A nonconforming lot may not be used for any purpose unless the lot conforms to the minimum lot area requirements of this chapter.
6. The Applicant has requested several submission waivers at this time, and no additional waivers appear necessary at this time.

Based upon our review, our office recommends that the application be deemed **INCOMPLETE**. Once the items noted below have been submitted, our office will review for completeness, prepare any addition review comments and indicate when the Applicant may be scheduled for a public hearing.

7. The following information is required to be submitted prior to the application being deemed complete for review and public hearing:
- a) Per the survey dated April 28, 2022, expansion of the structure is proposed approximately 1 foot over the rear property line on Block 61 Lot 2. The previously provided survey, dated June 6, 2000, shows a 2' setback from the rear property line. Applicant to clarify property boundaries and work location.



Erin Uriarte, Planning Board Secretary  
 Atlantic Highlands Borough Planning Board  
 Re: Zlata & Clancy (PB22-12)  
 Bulk Variance Application – Review #1

May 24, 2022  
 Our File: HAHP0061.02  
 Page 5

- b) Owner of Lot 2 must co-sign the application or otherwise formally approve the proposed encroachment.
  - c) Applicant should provide clarification for expansion of the existing garage structure in lieu of full demolition and replacement in a conforming location. Applicant to confirm which portions of the existing structure are to remain and if any clearing, driveway expansion, or other work is proposed.
  - d) The Applicant should provide site photos depicting existing conditions.
  - e) The existing principal and accessory building heights should be clarified.
8. Based upon our review of the subject application, we estimate that the following fees are required:

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

We recommend the Borough collect \$150.00 in nonrefundable application fees and \$350.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

9. The Applicant should be prepared to discuss the following issues with the Board:
- a) Reasons supporting the granting of the requested bulk variance and/or design waivers and continuance of the existing condition nonconformities.
  - b) The Applicant should discuss stormwater discharge resulting from the proposed development and the need for mitigation or drywell installation. Applicant should discuss runoff from proposed roof, roof leader location, yard drainage, and address concentration of flows and effects on adjacent properties and municipal infrastructure.
  - c) Any landscaping work including buffers, proposed plantings, and tree removal. The Applicant shall confirm that no trees over 6" caliper are to be removed as part of the proposed development. Any trees to be removed will require a tree removal permit.
  - d) Applicant should discuss the existing fence along the shared boundary with Lot 5, specifically addressing ownership, maintenance responsibilities, and condition.

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





Erin Uriarte, Planning Board Secretary  
Atlantic Highlands Borough Planning Board  
Re: Zlata & Clancy (PB22-12)  
Bulk Variance Application – Review #1

May 24, 2022  
Our File: HAHP0061.02  
Page 6

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

Very truly yours,

**CME Associates**

*Don Patrick for:*  
Douglas M. Rohmeyer, PE, CME, CFM  
Planning Board Engineer

DMR/DEP/dol

cc: Robert Ferragina – Borough Administrator  
Michael B. Steib, Esq. – Board Attorney  
Michelle Clark – Zoning Officer  
Michael Zlata & Kevin Clancy – Applicants  
Henry F. Wolff, III, Esq. – Applicant's Attorney

JOHN H. ALLGAIR, PE, PP, LS (1983-2001)  
DAVID J. SAMUEL, PE, PP, CME  
JOHN J. STEFANI, PE, LS, PP, CME  
JAY B. CORNELL, PE, PP, CME  
MICHAEL J. McCLELLAND, PE, PP, CME  
GREGORY R. VALES, PE, PP, CME



BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME  
KEITH CHIARAVALLA, PE, CME

April 20, 2023

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

Attn: Nancy Tran – Planning Board Secretary

**Re: Zlata & Clancy (PB22-12)**  
**Bulk Variance Application – Review #2**  
**Location: 87 Memorial Parkway / NJ State Route 36**  
**Zone: OR (Office Residential)**  
**Block 61, Lot 4**  
**Borough of Atlantic Highlands, Monmouth County, NJ**  
**Our File: HAHP0061.02**

Dear Planning Board Members:

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

- No. 87 Memorial Parkway, Location Land Survey showing Addition to Garage on Lot 4 in Block 61 on the Official Tax Map of the Borough of Atlantic Highlands, Monmouth County, New Jersey, consisting of one (1) sheet, prepared by Thomas Craig Finnegan Land Surveying, LLC, dated April 28, 2022, last revised March 20, 2023;
- Response Letter prepared by Henry F. Wolff, III, Esq., dated March 1, 2023; and
- Various other application documents and submission items previously provided.

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

1. Property Description

The subject property is an interior lot located within the OR Zone District and provides 50 feet of lot frontage along the southwesterly side of Memorial Parkway / State Route 36. The property currently contains a 2-story single family residential dwelling with ancillary improvements including but not limited to a shared stone driveway extending from Center Avenue through adjacent Lot 2, covered front and rear porch with steps, detached garage, and walkways.

The Applicant is seeking bulk variance relief relating to the construction of a garage addition to convert the existing one-car garage into a two-car garage. A portion of the existing driveway and walkway within the footprint of the addition will be removed. The portion of the detached garage which encroaches onto adjacent Lot 2 to the southwest will be demolished and removed, and the detached garage will be built with dimensions of 22' by 20' within the subject property; no off-site construction is proposed.

S:\Atlantic Highlands\Project Files\HAHP0061.02 - Zlata\23-04-20 Bulk Var Rvw. #2 - Zlata.docx



Nancy Tran, Planning Board Secretary  
 Atlantic Highlands Borough Planning Board  
 Re: Zlata & Clancy (PB22-12)  
 Bulk Variance Application – Review #2

April 20, 2023  
 Our File: HAHP0061.02  
 Page 2

2. Surrounding Uses

Properties surrounding the subject site to the east, south, and west are similarly zoned O-R and appear to contain primarily single-family residential uses. Properties to the north across Memorial Parkway / State Route 36 are situated in the R-1 (Single Family Residential) Zone District and contain single-family residential uses.

3. Zoning Compliance

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

<b>Table 1: Bulk Standards, OR Zone (§150-29(A)(2) Exhibit 5-2)</b>			
<b>Standard</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Minimum Lot Area (sq. ft.)	10,000	6,250	6,250 <b>(EC)</b>
Minimum Lot Frontage, Interior Lot (ft.)*	100	50	50 <b>(EC)</b>
Minimum Lot Width, Interior Lot (ft.)**	100	50	50 <b>(EC)</b>
Minimum Lot Shape Diameter, Interior Lot (ft.)	40	20	20 <b>(EC)</b>
<b>Principal Building Setbacks</b>			
Front Yard (ft.)	30	32.9	32.9
Side Yard (ft.)	15	13.4	13.4 <b>(EC)</b>
Combined Side Yards (ft.)	30	29.6	29.6 <b>(EC)</b>
Rear Yard (ft.)	30	57.8	57.8
<b>Accessory Building/ Struct. Setbacks</b>			
Side Yard (ft.)	10	3.3	3.3 <b>(V)</b>
Rear Yard (ft.)	10	-1.0 <sup>(1)</sup>	1.0 <sup>(2)</sup> <b>(V)</b>
Building Coverage	20%	±15.8%	±19.4%
Lot (Impervious Surface) Coverage	70%	±27.7%	±29.4%
Building Height (stories.)	2 ½	2	2
Maximum Building Height (ft.)	35	<b>(TBP)</b>	<b>(TBP)</b>
Maximum Acc. Building Height (stories.)	1	1	1
Maximum Acc. Building Height (ft.)	16	<b>(TBP)</b>	16.2 <b>(V)</b>
Maximum Useable Floor Area Ratio	2.00	0.17	0.17
<b>Minimum Gross Floor Area, More than 1-Story</b>			
First Floor (sq. ft.)	1,200	±536	±536 <b>(EC)</b>
Total Floors (sq. ft.)	1,800	±1,072	±1,072 <b>(EC)</b>

**(V):** Variance Required      **(EC):** Existing Condition      **(TBP):** To Be Provided

- \* - Measured at Street Line      \*\* - Measured at Front Yard Setback Line
- (1) – Existing detached garage is shown one (1) foot over the rear property line.
- (2) – Proposed detached garage is shown within the subject property.



Nancy Tran, Planning Board Secretary  
Atlantic Highlands Borough Planning Board  
Re: Zlata & Clancy (PB22-12)  
Bulk Variance Application – Review #2

April 20, 2023  
Our File: HAHP0061.02  
Page 3

4. It appears that the Applicant would require variance relief from the following variances with respect to this development application:
- a) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required side yard setback for an accessory building / structure is 10 feet, whereas a 3.3 side yard setback to the detached garage is proposed.
  - b) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required rear yard setback for an accessory building / structure is 10 feet, whereas a rear yard setback of 1 foot is proposed.
  - c) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum height permitted for an accessory building / structure is 16 feet, whereas a height of approximately 16.2 feet is proposed for the detached garage. *(Please note the height of the existing garage is unknown)*
  - d) **Section 150-49.l(2)(B)** – A nonconforming building or structure may not be enlarged, extended, increased height, width or depth; moved or relocated; or modified in such a way so as to increase habitable or usable space, number of dwelling units or number of bedrooms; unless it is changed to conform to the requirements of this chapter except that an existing use may be enlarged, extended or added to provided the enlargement, extension or addition conforms to all requirements of this chapter and will not result in the creation of any nonconformity related to the lot and the aggregate of all structures or buildings.
  - e) **Section 150-72.(A)** – On any lot in any R-1, R-2, or R-3 Zone and on any residential lot in the O-R Zone, private garage space may be provided for one motor vehicle for each 5,000 square feet of lot area; the width of each space shall not exceed 12 feet and 22 feet in length, and height not to exceed 16 feet. One (1) private garage space may be provided, whereas two (2) private garage spaces are proposed, and the proposed height of the garage exceeds 16 feet.
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 required lot area is 10,000 square feet, whereas a lot area of 6,250 square feet is shown to remain.
  - b) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot frontage for an interior lot is 100 feet, whereas a lot frontage of 50 feet is shown to remain.
  - c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot width for an interior lot is 100 feet, whereas a lot width of 50 feet is shown to remain.
  - d) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum required lot shape diameter for an interior lot is 40 feet, whereas a lot shape diameter of 20 feet is shown to remain.



Nancy Tran, Planning Board Secretary  
 Atlantic Highlands Borough Planning Board  
 Re: Zlata & Clancy (PB22-12)  
 Bulk Variance Application – Review #2

April 20, 2023  
 Our File: HAHP0061.02  
 Page 4

- e) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum side yard setback required is 15 feet, whereas a side yard setback of 13.4 feet is shown to remain.
- f) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum combined side yard setback required is 30 feet, whereas a combined side yard setback of 29.6 feet is shown to remain.
- g) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required first floor gross floor area for a building with more than one story is 1,200 feet, whereas a gross floor area of 536 square feet is shown to remain.
- h) **Section 150-29(A)(2)(Exhibit 5-2)** – The minimum required total gross floor area for a building with more than one story is 1,800 feet, whereas a gross floor area of 1,072 square feet is shown to remain.
- i) **Section 150-49.I(1)(b)** – A nonconforming lot may not be used for any purpose unless the lot conforms to the minimum lot area requirements of this chapter.

6. As per our previous report, the Applicant has requested several submission waivers at this time, and no additional waivers appear necessary at this time.

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

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

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

We recommend the Borough collect \$150.00 in nonrefundable application fees and \$350.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

8. The Applicant should be prepared to discuss the following issues with the Board:
- a) Reasons supporting the granting of the requested bulk variance and/or design waivers and continuance of the existing condition nonconformities.
  - b) The letter from the Applicant's Attorney indicated that the detached garage will be expanded over the preexisting location of the garage depicted on the survey prepared by Frank Ernst, PLS, dated June 26, 2000. The survey depicts a rear yard setback of 2 feet, whereas the





Nancy Tran, Planning Board Secretary  
Atlantic Highlands Borough Planning Board  
Re: Zlata & Clancy (PB22-12)  
Bulk Variance Application – Review #2

April 20, 2023  
Our File: HAHP0061.02  
Page 5

latest survey indicates that a rear yard setback of 1 foot is proposed. Clarification relative to the rear yard setback should be provided.

- c) Applicant should provide clarification for proposed demolition work. Applicant to confirm which portions, if any, of the existing structure are to remain and if any clearing, driveway expansion, or other work is proposed.
- d) The Applicant should provide site photos depicting existing conditions.
- e) The existing principal and accessory building heights should be clarified.
- f) The Applicant should discuss stormwater discharge resulting from the proposed development and the need for mitigation or drywell installation. Applicant should discuss runoff from proposed roof, roof leader location, yard drainage, and address concentration of flows and effects on adjacent properties and municipal infrastructure.
- g) Any landscaping work including buffers, proposed plantings, and tree removal. The Applicant shall confirm that no trees over 6" caliper are to be removed as part of the proposed development. Any trees to be removed will require a tree removal permit.
- h) Applicant should discuss the existing fence along the shared boundary with Lot 5, specifically addressing ownership, maintenance responsibilities, and condition.
- i) Should the Applicant receive Board approval, a revised plan depicting all required changes shall be provided to the Planning Board for resolution compliance review prior to applying for any building permits. The Applicant shall verify compliance with this condition.

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

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

Very truly yours,

**CME Associates**

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

DMR/DEP/dol

cc: Robert Ferragina – Borough Administrator  
Michael B. Steib, Esq. – Board Attorney  
Michelle Clark – Zoning Officer  
Michael Zlata & Kevin Clancy – Applicants  
Henry F. Wolff, III, Esq. – Applicant's Attorney