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April 17, 2023

VIA E-MAIL: mclark@ahnj.com;

Michelle Clark, Zoning Officer
Borough of Atlantic Highlands
100 First Avenue
Atlantic Highlands, NJ 07716

**Re: T-Three, LLC
Atlantic Highlands Planning Board Application
65 First Avenue / 14 Center Avenue
Atlantic Highlands, NJ
Block 117, Lots 1, 2, 3, 4, and 5**

Dear Ms. Clark:

Please be advised that I am writing to you on behalf of T-Three, LLC. In that regard, I would ask that you please note the following:

1. As you may recall, the Planning Board previously approved the Application of T-Three, LLC, with respect to the property located at 65 First Avenue / 14 Center Avenue, Atlantic Highlands, NJ (Block 117, Lots 1, 2, 3, 4, and 5).
2. Specifically, the Planning Board authorized approval for the construction of a four-story mixed-use building containing retail use on the 1st floor and residential units on the remaining floors.
3. Subsequent to the approval, the Applicant's representatives have been duly pursuing the receipt of all necessary outside approvals, etc.
4. In conjunction with the post-referenced approval process, the Applicant's representatives have been experiencing delays in

**IN THE MATTER OF
APPLICATION NO. PB 20-14
OF T-THREE, LLC
BLOCK 117 LOTS 1, 2, 3, 4 & 5**

**RESOLUTION GRANTING
PRELIMINARY AND FINAL SITE PLAN APPROVAL
WITH VARIANCES**

WHEREAS, T-THREE, LLC, hereinafter the "Applicant", has proposed the development of property located at 65 First Avenue, and 14 Center Avenue, in the Borough of Atlantic Highlands, County of Monmouth, and State of New Jersey which property is further known and designated as Block 117, Lot 1, 2, 3, 4 & 5 on the Tax Map of the Borough of Atlantic Highlands; and

WHEREAS, the Applicant has applied to the Planning Board of the Borough of Atlantic Highlands for preliminary and final major site plan approval with variances to permit the construction of a four story mixed-use building with 1,420 sq. ft. of retail space on the first floor and a total of 15 two-bedroom residential units on the second (5 units), third (5 units) and fourth (5 units) floors along with (30) on-site parking spaces, concrete sidewalks, signs, lighting, storm drainage and utility connections requiring the following variance and design standard relief:

1. Section 150-29 (A)(2) (Exhibit 5-2) lot coverage in the CBD Zone of 99% where 75% is permitted.

2. Section 150-29 (A)(2) (Exhibit 5-2) building height in the CBD Zone of four stories where three stories are permitted and heights for roof 43.92 ft. where 40 ft. is permitted, parapet 49.33 ft. where 45 ft. is permitted, stair tower 54.5 ft. for where 50 ft. is permitted and elevator tower 59 ft. for where 55 ft. is permitted.

3. Section 150-29 (A)(2) (Exhibit 5-2) maximum building height in the HBD Zone of four stories where three stories are permitted and roof 43.92 ft. for where 40 ft. is permitted,

parapet 49.33 ft. where 45 ft. is permitted, elevator tower 54.5 ft. and 59 ft. for where 55 ft. is permitted.

4. Section 150-87.A (1) open space of 12.8% where 30% is required.

5. Section 150-89.B(2) handicap parking stall dimensions of 12 ft. wide x 18 ft. long where 12 ft. wide x 20 ft. long is required.

6. Section 150-89.B(3)(c) parking aisle width of 23.79 ft. where 24 ft. is required to serve 90 degree oriented parking spaces.

7. Section 150-89.D(3) driveway access width of 47 ft. and 32.9 ft. respectively where 30 ft. is permitted.

8. Section 150-89(C)(1) no loading spaces are proposed where one loading space is required.

9. Section 150-85(E)(2)(a) no landscape buffer proposed where 25 ft. buffer is required;
and

The subject property will also retain the following existing non-conforming elements:

1. Section 150-29 A (2)(Exhibit 5-2) lot area in CBD Zone of 5,772.15 sq. ft. where 10,000 sq. ft. is required (lots 2, 3, 4, & 5)

2. Section 150-29 A (2)(Exhibit 5-2) lot frontage in CBD Zone of 37 ft. where 100 ft. is required.

3. Section 150-29 A (2)(Exhibit 5-2) lot shape diameter for interior lot in CBD Zone of 35.5 ft. where 60 ft. is required; and

WHEREAS, the subject property is located in the Central Business District (CBD) Zone and the historic business district (HBD) Zone and the proposed mixed use commercial/residential development is a permitted conditional use and meets the conditional use requirements; and

WHEREAS, the Applicant appeared before the Planning Board of the Borough of Atlantic Highlands on September 3, 2020 and October 29, 2020 due notice of said meetings having been given in accordance with New Jersey Statutes, the Open Public Meetings Act and the Municipal Land Use Law and a quorum of the Planning Board being present the application was heard; and

WHEREAS, due to the Covid-19 pandemic the meeting was conducted virtually using Zoom electronic format; and

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

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

1.1 Zoning Review of Zoning Officer Michelle Clark dated June 19, 2020, marked as Exhibit A-1 in evidence.

1.2 Application for Variance of T-Three, LLC dated June 10, 2020 with rider, marked as Exhibit A-2 in evidence.

1.3 Stormwater statement of compliance prepared by Insite Engineering dated May 28, 2020, marked as Exhibit A-3 in evidence.

1.4 Monmouth County Planning Board Application dated June 20, 2020, marked as Exhibit A-4 in evidence.

1.5 Freehold conservation district application dated June 1, 2020, marked as A-5 in evidence.

1.6 Preliminary and final subdivision plan prepared by Insite Engineering dated April 21, 2020, revised through May 28, 2020, marked as Exhibit A-6 in evidence.

1.7 Predevelopment coverage plan prepared by Insite Engineering dated April 21, 2020 revised through August 20, 2020, marked as Exhibit A-7 in evidence.

1.8 Boundary, topographic and utility survey prepared by Insite Engineering, dated January 17, 2020, revised April 7, 2020, marked as Exhibit A-8 in evidence.

1.9 Architectural elevation and floor plans prepared by Sonnenfeld and Trocchia dated May 27, 2020, marked as Exhibit A-9 in evidence.

1.10 Review #1 of CME Associates dated August 14, 2020, marked as Exhibit A-10 in evidence.

1.11 Stormwater statement of compliance revision #1 prepared by Insite Engineering dated August 20, 2020, marked as Exhibit A-11 in evidence.

1.12 Architectural elevation floor plans prepared by Sonnenfeld and Trocchia dated August 20, 2020, marked as Exhibit A-12 in evidence.

1.13 Review #2 of CME Associates dated September 2, 2020, marked as Exhibit A-13 in evidence.

1.14 Aerial Exhibit prepared by Insite Engineering showing existing conditions dated September 1, 2020, marked as Exhibit A-14 in evidence.

1.15 Proposed conditions Exhibit "site Exhibit" prepared by Insite Engineering dated August 26, 2020, marked as Exhibit A-15 in evidence.

1.16 Color rendered elevation drawings marked as Exhibit A-16 in evidence.

1.17 Correspondence from attorney Kevin Kennedy dated October 19, 2020 regarding revised plans marked as Exhibit A-17 in evidence.

1.18 Letter memorandum from architect Trocchia dated October 16, 2020 regarding revised plans marked as Exhibit A-18 in evidence.

1.19 Memorandum from Engineer Fichter dated October 19, 2020 regarding revised plans marked as Exhibit A-19 in evidence.

1.20 Architectural elevation and plans prepared by Sonnenfeld and Trocchia dated August 20, 2020 revised October 15, 2020, marked as Exhibit A-20 in evidence.

1.21 Perspective elevation prepared by Sonnenfeld and Trocchia Architects, PA dated October 15, 2020, marked as Exhibit A-21 in evidence.

1.22 Preliminary and final major site plan prepared by Insite Engineering dated April 21, 2020 revised October 15, 2020, marked as Exhibit A-22 in evidence.

1.23 Review #3 of CME Associates dated October 26, 2020, marked as Exhibit A-23 in evidence.

1.24 Power point presentation consisting of 20 photographs and charts marked as Exhibit A-24 A – T in evidence.

1.25 Colorized revised site plan prepared by Insite Engineering dated October 15, 2020, marked as Exhibit A-25 in evidence.

2. The premises in question are located at 65 First Avenue & 14 Center Avenue, in the Borough of Atlantic Highlands, County of Monmouth and State of New Jersey, which property is further known and designated as Block 117, Lots 1, 2, 3, 4 & 5 on the Tax Map of the Borough of Atlantic Highlands.

3. The subject property is located in the HBD (Historic Business District) and CBD (Central Business District) and the proposed mixed commercial/residential use is a permitted conditional use in the zone.

4. The property in question has approximate dimensions of 61.80 ft. x 128.22 ft. x 19.00 ft. x 130.00 ft. x 18.50 ft. x 18.57 ft. x 23.70 ft. x 44.43 ft. x 24.50 ft. x 95.00 ft. and is somewhat "L" shaped with an approximate area of 5,772.15 sq. ft. in the CBD zone and 7,953.56 sq. ft. in the HBD zone. The five lots which are the subject of this application are situated on a corner lot with dual frontages along Center Avenue (approximately 165.22 ft.) and First Avenue (approximately 61.80). Lot 1 is located within the Historic Business District (HBD) zone and lots 2, 3, 4, & 5 are located in the Central Business District (CBD) zone. The property is presently developed with a two-story office building, a one-story commercial building and asphalt/concrete parking area.

5. The Applicant proposes to remove all of the existing buildings and structures and to construct a four (4) story mixed-use building containing fifteen (15) two-bedroom residential units and 1,420 sq. ft. of retail space. The development also includes thirty (30) on-site parking spaces, concrete sidewalks, signs, lighting, storm drainage and utility connections.

6. The properties surrounding the subject site are similarly zoned CBD to the west and HBD to the east and contain principally commercial uses.

As noted previously herein the subject property is split-zoned and situated within both the CBD and HBD zone districts. The proposed mixed-use (commercial/residential) is a permitted conditional use within both the CBD and HBD zones. Based upon the Planning Boards Engineer review #3 of CME Associates dated October 26, 2020 marked as Exhibit A-23 in evidence the application meets the conditional use requirements of Section 150-42.A. However, a number of dimensional "variances" as set forth previously herein are required.

7. The Applicant was represented by Meryl Gonchar, Esq. and Kevin Kennedy, Esq. who presented the testimony of Jason Fichter, a licensed professional engineer and licensed professional planner in the State of New Jersey, Rich Arsberger, a licensed architect in the State of New Jersey and Randy Takian, a principle of the Applicant. Mr. Fichter commenced testimony with a description of the existing conditions of the lots in question and the Applicants intent to demolish all of the existing structures on the property and replace them with a four-story mixed-use building. He further testified that the use is a permitted conditional use in both zones and that the Applicant meets all of the required conditions. Mr. Fichter noted that the sewer and gas facilities are presently supplied from First Avenue and that, depending upon the utility company requirements, this may be have to be revised. He testified that the proposed utility improvements (meters, equipment etc.) will not encroach upon the public right-of-way.

8. Mr. Fichter testified that the proposed improvements do not constitute a major development for stormwater management purposes and noted that the proposed structure will drain to municipal stormwater facilities.

9. Mr. Fichter testified that thirty-eight (38) parking spaces are required for this development. Thirty (30) spaces are required for the residential apartment units and eight (8) spaces are required for the retail component. The thirty (30) spaces for the residential component will be located on site. The eight (8) additional spaces required for the retail component will be supplied through the municipal lot as the subject property is within sufficient proximity to the municipal parking lot so as to utilize that lot to satisfy the retail portion of its parking requirements. Mr. Fichter noted that eight (8) of the apartment units will be serviced by "tandem" parking spaces, three (3) of those will be in garage structures. The garage structures will have direct access to Center Avenue. All parking spaces will be assigned to the residential units in the building. He noted that the garages will be fully enclosed.

10. The Planning Board expressed concern regarding the safety of the garages exiting directly onto Center Avenue across sidewalk area. The Applicant responded by including safety features with the garage doors being set back and planters being placed on either side of the doors to direct pedestrians further from the door openings. Mr. Fichter testified that the sidewalk is ten (10) ft. at that point providing sufficient room for pedestrian and vehicular movements. He also noted that there will be a decorative paver entrance provided for these garage facilities. There will also be lighting placed on either side of the garages with visual and audible signals including flashing lights to advise pedestrians when vehicles are entering or exiting the structure. The Planning Board is satisfied that these safety components will adequately address their safety concerns.

11. The Planning Board also expressed concern regarding the adequacy of the trash removal facility provided. The Applicant responded by increasing the size of that structure to approximately double its size. The Planning Board expressed concern as to whether public

trash removal could be accommodated and the Applicant agreed to work with the director of public works to ensure that trash removal can be adequately accommodated either through public works or if not that it will be secured through a private hauler.

12. The Planning Board initially expressed concern regarding the area of common open space provided and the Applicant responded by removal of certain pavement at the northwest corner of the property and providing it with landscaping and also providing pedestrian friendly benches and landscape to the patio area adjacent to First Avenue.

Mr. Fichter discussed the lighting for the property including thirteen (13) side lights all of which will be "LED" and mounted to the building. There will be minimal spillage offsite which will not impact any neighbors. Mr. Fichter also noted that the only proposed signage will be the street address.

13. Mr. Arsberger addressed architectural changes that were made in order to address concerns expressed by the Planning Board at its first meeting including the elimination of a semi detached garage building with parking and the increase in size in the refuse frame. The improvements to the tandem garage areas and safety system for pedestrians and the inclusion of a third floor garage on the building to provide for a system of planters to provide for a more attractive appearance and breaking up of the façade.

14. Mr. Fichter noted that the five (5) lots will be consolidated into a single parcel for zoning purposes prior to the issuance of a building permit and further advised that the Applicant will agree with the affordable housing requirements of the Borough. The Planning Board notes that Mr. Arsberger presented the overall description of the design of the building explaining the first floor use as retail space along a lobby and primary entrance for residents, he also noted that the proposed units will be 2 bedroom, 2 bathroom units with a kitchen, dining room and living room service by an elevator, stairs and with a workout facility. The Planning Board notes that the proposed bedroom configurations may require alteration in order to

comply with the affordable housing requirements of the zoning ordinance. The affordable housing ordinance will require a 20% set aside (three units) with one unit being for very low, one unit being for low and one unit being for moderate income families with at least one affordable unit being a 3 bedroom, one affordable unit being a 2 bedroom and the third affordable unit being a 1, 2, or 3 bedroom unit.

15. Mr. Fichter addressed the required variances and noted that the Borough Master Plan encourages vibrant downtown area in which the subject property is located. He opined that the proposed improvements satisfy that goal of the master plan. With respect to impervious lot coverage, he noted that the lot coverage in the HBD zone complies with the ordinance requirement and that the improvements covered in the CBD zone, although exceeding that permitted does not increase the existing condition. Consequently, he further noted that the coverage is necessary in order for the development to meet the parking requirements of the municipality which have become paramount in recent years and particularly with recent zoning amendments requiring parking to be provided on site. Thus it was his opinion, with which the Planning Board agrees, that granting of variance relief in this case is appropriate as it will promote the purposes of the Master Plan, Ordinance and land use law and will have no substantial detriment to the public good or impairment of the zone plan and zoning ordinance as it simply continues an existing condition.

16. With respect to building height for the various elements of the structure the Planning Board agrees with the testimony of Mr. Fichter and the Applicant's architect Mr. Arsberger. Based upon Exhibit A-21 perspective elevation drawings, although the proposed building will exceed the allowable requirements of the ordinance as to stories, roof height, parapet height, stair tower height and elevator height, the increase is not excessive and is needed to accommodate the required ceiling heights for the combined commercial and residential components of the building. Moreover, the Planning Board finds from the plans submitted that the proposed structure will harmonize with existing improvements and will have no substantial detrimental impacts upon the public good or the zone plan or zoning ordinance.

17. with respect to the common open space variance, the Planning Board agrees with the Applicant's planner that the landscaped patio area provided with the benches and landscaping proposed will satisfy the need generated by this development for open space and as revised provides adequate access for the public with the landscaping and bench accessories provided.

18. the Planning Board notes that although the proposed handicapped parking stall size will be 18 ft. in length where 20 ft. are required by the ordinance, both the Applicant's engineer and the Board engineer agreed that the proposed length conforms to national ADA standards and therefore it is appropriate to grant relief in that regard.

19. The Planning Board notes that the aisle width for parking aisles serving 90 degree oriented parking spaces are required to be 24 ft. wide. Although the Applicant's aisle width does not comply with this requirement it is 23.79 ft. width. The Planning board finds that this differential is di minimis and only for a limited portion of the aisle.

20. With respect to the driveway access it is noted that the proposed exceeds the 30 ft. width limitation of the ordinance. The Applicant presented testimony that the 47 ft. width at the southwest corner is necessary in order to provide adequate access for refuse removal and that the 32.9 ft. widths are necessary to accommodate the 3 garages along Center Avenue. The Planning Board agrees that exceeding the ordinance requirement is appropriate under the circumstances of this case and will provide for a better site plan design.

21. The Applicant also has requested state design waiver from providing the required one (1) loading space. The Applicant provided testimony that the retail space, which will be requiring deliveries, is minimal at 1,420 sq. ft. and will not require delivery from large vehicles. Instead, deliveries will be made from smaller vans which can park in normal vehicle parking spaces. Therefore, loading space is not needed. Thus, the Planning Board finds that the

deviation is reasonable and will meet the general purpose and intent of the ordinance revisions. The Planning Board further finds that requiring a loading space under these circumstances would impose an undue and unnecessary hardship upon the Applicant.

22. The Applicant has not provided landscape buffers. The Planning Board notes the unique shape of this lot as an "L" which makes the lot narrow resulting in the substantial difficulty in meeting the 25 ft. buffer requirement due to the shape of the property. Therefore, the Planning Board finds that a hardship does exist with respect to that element and the Planning Board further finds that the grant of the variance requested in this case will not result in any substantial detriment to the public good as there are no similar buffers on other properties along First Avenue which are further developed and have zero required setbacks and along Central Avenue which is principally a sidewalk pedestrian area adjacent to commercial uses. Moreover, granting the waiver will be consistent with the Master Plan goals previously cited herein to encourage a vibrant downtown environment.

23. As a result of all of the foregoing the Planning Board finds that the Applicant has satisfied the positive and negative criteria for the grant of the requested variance and design waivers that were requested by the Applicant and that the said variances and waivers can and should be granted at this time.

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

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

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Atlantic Highlands on this 3rd day of December 2020, that the Application of T-THREE, LLC be and is hereby approved, which approval is expressly conditioned upon compliance with the following terms and conditions:

GENERAL CONDITIONS –

- 1) This approval is subject to the accuracy and completeness of the submissions, statements, exhibits and other testimony filed with, or offered to, the Board in connection with this application, all of which are incorporated herein by reference and specifically relied upon by the Board in granting this approval. This condition shall be a continuing condition subsequent which shall be deemed satisfied unless and until the Board determines (on Notice to the Applicant) that a breach hereof has occurred.
- 2) In the event that any documents require execution in connection with the within approval, such documents will not be released until all of the conditions of this approval have been satisfied unless otherwise expressly noted.
- 3) No taxes or assessments for local improvements shall be due or delinquent on the subject property.
- 4) The Applicant shall pay to the municipality any and all sums outstanding for fees incurred by the municipality for services rendered by the municipality's professionals for review of the application for development, review and preparation of documents, inspections of improvement and other purposes authorized by the Municipal Land Use

Law. The Applicant shall provide such further escrow deposits with the municipality as are necessary to fund anticipated continuing municipal expenses for such professional services, if any, in connection with the Application for Development as may be authorized by the Municipal Land Use Law.

5) The Applicant shall furnish such Performance Guarantees, Temporary Certificate of Occupancy Guarantees, Safety and Stabilization Guarantees, Maintenance Guarantees, Inspection Fees and such other Guarantees or fees as may be required pursuant to the Municipal Land Use Law and the Ordinances of this Municipality for the purpose of assuring the installation and maintenance of on-tract/off-tract and private site improvements.(Not Applicable)

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

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

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

9) In the event any de minimis exception has been granted from the Residential Site Improvement Standards Regulations in connection with this application, a copy of this resolution shall be sent to the New Jersey Department of Community Affairs, Division of Codes and Standards, 101 South Board Street, CN 802, Trenton, New Jersey 08625-0802

within thirty (30) days of the date hereof. Said copy of this resolution shall be clearly marked on its face with the words "SITE IMPROVEMENT EXCEPTIONS".

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

11) The Applicant shall comply with the contribution requirements of the Municipal Affordable Housing Fund as applicable to this application. (Not Applicable)

12) In the event that this Application involves a subdivision or site plan, such subdivision or site plan shall expire at the conclusion of the period of protection from zoning changes provided for in N.J.S.A. 40:55D-49 or 40:55D-52.a, as applicable, and in no event shall extend beyond the fifth anniversary of the date of adoption of this resolution.

13) In the event that this approval involves the approval of a subdivision, the Applicant shall provide to the Board Engineer and attorney for review and approval, deeds for each of the lots created and shall file such deeds simultaneously with the recording of any subdivision plat.

14) All special conditions shall be included as notes on the plans. (Not Applicable)

15) All general and special conditions set forth in this Resolution shall be placed as notes on the approved plans as a Resolution compliance requirement.

16) The Applicant shall comply with the requirements of the Municipal Ordinances with respect to its Affordable Housing obligation by either providing the required affordable housing on-site, providing affordable housing off-site or making a contribution of an Affordable Housing fee pursuant to the applicable Municipal Ordinances. This approval is subject to the Applicant paying all applicable fees, including any fee due and owing to the Municipality's Affordable Housing Trust Fund.

Affordable units in inclusionary developments shall have at least 50% low income units (of which at least 13% are very low income). The remaining affordable units shall be moderate income units. The bedroom distribution for affordable units shall be a minimum of 20% three-bedroom units and a maximum of 20% one- bedroom units. (As Applicable)

17) This Resolution does not constitute a permit for the construction of the approved improvements. The Applicant shall be responsible for obtaining any and all permits and approvals required prior to the commencement of any development activities including, but not limited to, N.J.D.O.T., N.J.D.E.P., Monmouth County Planning Board, Freehold Soil Conservation District, Regional and/or Municipal Utility Authority approval, in addition to any and all building and construction permits, required by the Municipality. All work performed shall be in accordance with, and shall not deviate from, the approved plans and all applicable Federal, State, County and Local laws, rules and regulations.

18) As an essential and non-severable condition of this approval, the Applicant shall comply with all Mount Laurel obligations and shall comply with the Municipality's approved Housing Element and Fair Share Plan including but not limited to, any associated implementing Ordinances. (Not Applicable)

19) The scope of the review of this application is necessarily limited to planning, zoning and land use review of the site as compared to the requirements of the Municipality. The grant of this approval and of any permit or approval in connection therewith shall not constitute a representation, guarantee or warranty of any kind or nature by the Municipality or by any Municipal official or employee thereof with respect to the practicability or safety of any structure, use or other plan proposed and shall create no liability upon or cause of action against the Board, the Municipality or any officials or employees of the Municipality for any damage or injury that result from the construction of the improvements for which this Zoning approval is granted.

SPECIAL CONDITIONS –

1. The relief granted in connection with this application is as follows:

Preliminary and Final Major Site Plan Approval pursuant to plans prepared by Insite Engineering dated April 21, 2020 revised October 15, 2020, marked as Exhibit A-22 in evidence with the following variance and waiver relief:

1. Section 150-29 (A)(2) (Exhibit 5-2) lot coverage in the CBD Zone of 99% where 75% is permitted.

2. Section 150-29 (A)(2) (Exhibit 5-2) building height in the CBD Zone of four stories where three stories are permitted and heights for roof 43.92 ft. where 40 ft. is permitted, parapet 49.33 ft. where 45 ft. is permitted, stair tower 54.5 ft. for where 50 ft. is permitted and elevator tower 59 ft. for where 55 ft. is permitted.

3. Section 150-29 (A)(2) (Exhibit 5-2) maximum building height in the HBD Zone of four stories where three stories are permitted and roof 43.92 ft. for where 40 ft. is permitted,

parapet 49.33 ft. where 45 ft. is permitted, elevator tower 54.5 ft. and 59 ft. for where 55 ft. is permitted.

4. Section 150-87.A (1) open space of 12.8% where 30% is required.

5. Section 150-89.B(2) handicap parking stall dimensions of 12 ft. wide x 18 ft. long where 12 ft. wide x 20 ft. long is required.

6. Section 150-89.B(3)(c) parking aisle width of 23.79 ft. where 24 ft. is required to serve 90 degree oriented parking spaces.

7. Section 150-89.D(3) driveway access width of 47 ft. and 32.9 ft. respectively where 30 ft. is permitted.

8. Section 150-89(C)(1) no loading spaces are proposed where one loading space is required.

9. Section 150-85(E)(2)(a) no landscape buffer proposed where 25 ft. buffer is required;
and

The subject property will also retain the following existing non-conforming elements:

1. Section 150-29 A (2)(Exhibit 5-2) lot area in CBD Zone of 5,772.15 sq. ft. where 10,000 sq. ft. is required (lots 2, 3, 4, & 5)

2. Section 150-29 A (2)(Exhibit 5-2) lot frontage in CBD Zone of 37 ft. where 100 ft. is required.

3. Section 150-29 A (2)(Exhibit 5-2) lot shape diameter for interior lot in CBD Zone of 35.5 ft. where 60 ft. is required; and

2. Block 117 Lot's 1, 2, 3, 4 & 5 shall be consolidated into a single parcel for zoning purposes as a result of this approval prior to the issuance of a building permit.
3. The pedestrian safety features for the garages along Center Avenue shall include a flashing light feature.
4. The Applicant shall work with the planning engineer and the Borough Director of Public Works to determine whether trash collection can be accommodated by the municipality. In the event that it cannot the Applicant shall utilize private trash hauling service.

BE IT FURTHER RESOLVED that nothing herein shall excuse compliance by the Applicant with any and all other requirements of this Municipality or any other governmental entity.

BE IT FURTHER RESOLVED that a written copy of this Resolution, certified by the Secretary of the Planning Board to be a true copy, be forwarded to the Applicant, the Code Enforcement Official of the Borough of Atlantic Highlands, and the Construction Code Official of the Borough of Atlantic Highlands. A written copy of the certified Resolution shall also be filed in the office of the Administrative Officer of the municipality, which copy shall be made available to any interested party and available for public inspection during normal business hours.

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

OFFERED BY: MR. HAWLEY

SECONDED BY: MR. PEPE

ROLL CALL:

YES: MR. HAWLEY, MR. CACCAMO, MR. PEPE, MR. COLANGELO,
MR. KRUPINSKI

NO: NONE

ABSTAIN: NONE

ABSENT: NONE



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

I certify that the above is a true and exact copy of the Resolution passed by the Planning Board of the Borough of Atlantic Highlands at its meeting held on December 3, 2020.



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