

ATLANTIC HIGHLANDS PLANNING BOARD
APPLICATION FOR VARIANCE

1. I/we Patrick J. Roane and Linnea S. Dewis, the applicant(s) herein, whose mailing address is 310 Fairview Ave, Winnetka, IL 60093 and whose phone number is 732-245-9100 am/are the owner/contractor of property located at 6 Bonnie Bree Path, Atlantic Highlands, NJ 07716 also designated as Block 17, Lot(s) 3 on the Tax Map of the Borough of Atlantic Highlands.

2. The Property is in the R-3 Zone, it has street frontage of 51.5 feet and an average depth of 250.9 feet and an area of 10,051 square feet.

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be lot coverage 2829. 28.1% existing and proposed

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

Single family home

5. Application is hereby made for a variance to:

See Attachment #1

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

See Attachment #2

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

See Attachment #3

8. Property Tax & Water Bills have been paid through the 1ST quarter of 2023

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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, APR 4 2023

Date of Filing: _____

Character of Appeal _____

Disposition: _____

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

Applicant Signature

Date

Applicant Signature

Date

27 MAR 2023

3/27/23

PLANNING BOARD

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.

Attachment #1

Question #5

Application is hereby made for a variance to:

Add a 58-sf addition above the garage on the existing deck area to relocate the kitchen.

Add a 116-sf addition above the existing first floor front for a primary closet.

Alter 87 sf of roof area to the rear to create room for a primary bath. Remove the front brick chimney.

Attachment # 2

Question #6

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

Hardship due to preexisting undersized lot for the newer r3 zone.

The proposed changes are de minimis overall while providing a now standard separate primary bath and closet to bring the house more in line with current day standards. There is no increase in bedrooms which makes for no increase in intensity of use.

Attachment #3

Question #7

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

Chapter 150- exhibit 5.2

Minimum lot size 30,000 sf required where 10,051 exists

Front yard setback 25 ft required where 4.7 ft exists

Side yard setback 15 ft required where 1.3 ft and 0.8 ft exists

Lot shape diameter 65 ft required where 10 ft exists

Maximum building coverage max 12% where 15.5% exists

plus any additional items or waivers the board may deem necessary

PLANNING BOARD
BOROUGH OF ATLANTIC HIGHLANDS
MONMOUTH COUNTY, NEW JERSEY

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APPLICATION PACKET

APR - 6 2023

The following items must be submitted at the time of filing your Planning Board Application:

- Application for Variance and/or Subdivision Plat – 18 Copies Required with Application Submission
- Proposed Site Plan and Survey – 4 Originally Sealed Plans AND 14 Copies Required with Application Submission
- Zoning Officer's Denial Letter – 18 Copies Required with Application Submission
- Affidavit of Ownership – Fully Executed Form To Be Submitted with Application
- Contribution Disclosure Statement – Fully Executed Form To Be Submitted with Application N/A
- Verification of Payment of Taxes, Water & Sewer – Fully Executed Form To Be Submitted with Application
- Development Plan Checklist – 2 copies Required with Application Submission
- Monmouth County Planning Board Submission/Approval – 3 Copies Required with Application Submission N/A

PLANNING BOARD

The following items contained in the Application Packet are not required with submission but will be helpful during the application process:

- Request for Certified List of Property Owners within 200' – To be submitted to Borough Clerk, with \$10.00 check
- Public Notice Template – Notice to Property Owners within 200' to be done after a Public Hearing Date has been given
- Affidavit of Notice/Proof of Service Template – To Be Completed After Notice has been served
- Schedule of Fees – Informational
- Schedule of Zoning District Requirement – Informational

Upon submission of an application, Planning Board Professionals have 45 days to review for Completeness. Once an application is deemed "complete", a hearing date will be given. Notices to surrounding Property Owners within 200 feet should not be sent out until the application is deemed complete and a Hearing Date is given. The Municipal Land Use Law requires that notices be sent at least 10 days in advance of the hearing, by certified mail and by publication in either the Asbury Park Press or The Two River Times. You do not count the day of the hearing as one of the 10 days. Notices sent out prematurely could result in errors and could hold up the application process. Certified Lists of Property Owners can be obtained through the Borough Clerk's Office.

The Planning Board recommends the applicant obtain an attorney, although it is not required for privately owned properties. The Applicant and/or Attorney should be acquainted with the Development Regulations Ordinance (Chapter 150) of the Borough Code. Copies can be obtained at Borough Hall or by visiting our website at www.ahnj.com

Please be advised that the Planning Board is now conducting its meetings in Hybrid format both in person and virtually. The Planning Board requires applicants and their witnesses to appear in person to present their application.

The hearing notice must include the information necessary for members of the public to access the hearing including how to log in virtually and by telephone. It should also advise that members of the public attending by virtual means must be present by both audio and video in order to provide testimony and must contact the Planning Board in advance of the hearing date to arrange for the presentation of any exhibits that they wish the Planning Board to consider.

TO BE CHECKED
BY APPLICANT

DO NOT USE
OFFICE USE ONLY

WAIVER

WAIVER YES NO

- | | | | | | |
|-----------------|-----------------|---|-----------------|-----------------|-----------------|
| <u> </u> | <u> </u> | 16. Fees and application for Monmouth County Planning Board, if applicable | <u> </u> | <u> </u> | <u> </u> |
| | <u> </u> | 17. All plats must have the correct and only the correct signature blocks. Applicant and owner shall sign appropriate signature blocks in black ink | <u> </u> | <u> </u> | <u> </u> |
| | <u> </u> | 18. For all applications having a public hearing, an Affidavit of notice must be filed prior to placing on the agenda for the public hearing together with a copy of the certified mail receipts obtained when the notices were mailed, the certified mail return receipts, and an affidavit of publication from an official newspaper of the borough. Notices must be as provided by law | <u> </u> | <u> </u> | <u> </u> |

VARIANCE APPLICATIONS (See Addendum on last page)

- | | | | | | |
|----------|-----------------|---|-----------------|-----------------|-----------------|
| <u>✓</u> | <u> </u> | 1. 18 copies of request for variance, outlining the proposed variance from zoning requirement | <u> </u> | <u> </u> | <u> </u> |
| | <u>✓</u> | 2. 18 copies of drawings unless variance is part of site plan or subdivision application, in which case site plan or subdivision plans suffice | <u> </u> | <u> </u> | <u> </u> |
| | <u>✓</u> | 3. Certified list of property owners, certified mail return receipts of notices, affidavit of publication in official newspaper filed prior to placing on the agenda for the public hearing | <u> </u> | <u> </u> | <u> </u> |

TO BE CHECKED
 BY APPLICANT

DO NOT USE
 OFFICE USE ONLY

WAIVER

WAIVER YES NO

B. ADMINISTRATIVE DATA

- | | | | | | |
|-------------------------------------|-------|--|-------|-------|-------|
| <input checked="" type="checkbox"/> | _____ | 1. Title of project set forth on application | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 2. Names, address of owner and name, address and phone number of applicant and relationship to owner | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 3. Owner's signed certificate of concurrence with Plan: "I hereby certify that I am the owner of record of the plan herein depicted and that I concur with the plan" | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 4. Name and license number of site planner or professional engineer with documents sealed with raised seal | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 5. Date and revision dates of drawings | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 6. Scale and graphic scale, not smaller than 1"=50' and not larger than 1"=10' except where authorized by Borough Engineer | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 7. North arrow | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 8. Key map, not smaller than 1" = 2,000' showing location in the Borough | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | 9. <u>Schedule</u> | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | a. Total area of site in acres and square feet | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | b. Total building area in square feet and % lot coverage | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | c. Total landscape area in square feet and % lot coverage | _____ | _____ | _____ |
| <input checked="" type="checkbox"/> | _____ | d. Total area of driveways, access roads, walkways, in square feet and % of lot | _____ | _____ | _____ |

na

TO BE CHECKED
BY APPLICANT

DO NOT USE
OFFICE USE ONLY

WAIVER

WAIVER YES NO

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

C. SURVEY

<u>NA</u> _____	1. Prepared by a New Jersey Licensed surveyor survey not more than five (5) years old, showing existing and proposed monuments			
<u>NA</u> _____	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 _____
- u9 _____ 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)~~ ¹⁰ 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 _____
- u9 _____ 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

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.

na / Footprint unchanged
waiver requested



**BOROUGH OF
ATLANTIC HIGHLANDS**

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

MICHELLE CLARK, ZONING OFFICER

To: Lindsay Dewis and Patrick Ruane
6 Bonnie Brae Path

From: Michelle Clark
Zoning Officer

Date: February 17, 2023

Re: Block 17, Lot 3, 6 Bonnie Brae Path

I have reviewed your application for construction of an addition and in the R-3 Zone for compliance with the Borough of Atlantic Highlands Zoning Code.

The following approvals are necessary:

Section 5-2

Minimum lot size 30,000 sf required; 10,051 exists
Front yard set back 25' required; 4.7 exists
Side yard setback 15' required; 1.3' and 0.8' exists
Side yard combined 30' required; 2.1' exists
Lot Shape Diameter 65' required; 10' exists
Maximum building coverage 12'; 15.5' exists

150-78

Application must be made to the Borough Engineer for Steep Slope Approval

To proceed with an application to the Planning Board please contact Corinne Busichio at 732-291-1444 ext 3108 or email cbusichio@ahnj.com

Should you have any questions, please feel free to contact me.

cc: Corinne Busichio, Planning Board Secretary
Paul A. Damiano, Architect

AFFIDAVIT OF OWNERSHIP

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STATE OF NEW JERSEY :

: SS

COUNTY OF :

APR - 6 2023

PLANNING BOARD

SHIELA J. STEINER, being of full age, and being duly sworn according to law on oath deposes and says that the deponent resides at LO BONNIE BRAE PATH in the BOROUGH of ATLANTIC HIGHLANDS, in the County of MONMOUTH and the State of NEW JERSEY that PATRICK T. RUANE & LINDSEY S. DEWIS 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 17, Lot(s) 3.

Sworn to and subscribed before me this 24th day of MARCH, 2023.

[Handwritten Signature]

Property Owner Signature

[Handwritten Signature]

[Handwritten Signature]

Notary Seal



AUTHORIZATION

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

I hereby authorize _____ to make the within application.

Signature

Date



**BOROUGH OF
ATLANTIC HIGHLANDS**

100 FIRST AVENUE
ATLANTIC HIGHLANDS, NEW JERSEY 07716
732-291-1444 FAX 732-291-8725
WWW.AHNJ.COM

**VERIFICATION THAT PROPERTY TAXES AND
WATER AND SEWER BILLS HAVE BEEN PAID**

(Must Accompany All Planning Board Applications)

BLOCK: 17 LOT(S): 3

NAME: Patrick J Ruane + Lindsey S. Dewis

ADDRESS: 6 Boonie Brae Path, Atlantic Highlands, NJ 07716

Property taxes on the above property are paid to date.

Kathleen Intravartolo
Kathleen Intravartolo, Tax Collector

3/15/2023
Date

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

Diane Berg
Diane Berg, Utility Collector

3/15/2023
Date



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

Date Issued: March 21, 2023

**CERTIFICATION OF 200-FOOT LIST
BLOCK[s] 17 LOT [s] 3**

PROPERTY LOCATION: 6 BONNIE BRAE PATH

TO THE BEST OF MY KNOWLEDGE this is a true and accurate list, as of this date, taken from the most current tax records of the Borough of Atlantic Highlands, NJ.

The address on this list are pertinent to the Borough of Atlantic Highlands exclusively. If the subject property is within 200 feet of a neighboring municipality, you MUST contact that municipality to obtain a listing of any property that may be included in the 200-foot perimeter.

Michelle Clark

Michelle Clark, Municipal Clerk

3/21/2023 11:53 AM

* If you are located within 200 feet of a State Highway, you **MUST** notify the NJ Department of Transportation:
NJ Dept. of Transportation
1035 Pkwy Avenue
PO Box 600
Trenton, NJ 08625

*If you are within 200 feet of a County owned road, you **MUST** notify the Monmouth County Planning Board:
Monmouth County Planning Board
Hall of Records Annex
One East Main St.
Freehold, NJ 07728

You must also notice all utilities located within the 200-foot range of the subject property:

GPU

1500 Florence Ave
Union Beach, NJ 07735

NEW JERSEY AMERICAN WATER COMPANY

Attn: Construction Department
661 Shrewsbury Ave
Shrewsbury, NJ 07702

ATLANTIC HIGHLANDS WATER & SEWER DEPARTMENT

Supervisor, Water & Sewer Dept
100 First Ave
Atlantic Highlands, NJ 07716

COMCAST COMMUNICATIONS OF MONMOUTH COUNTY

Ron Bertrand, Construction Foreman
403 South St
Eatontown, NJ 07724

VERIZON COMMUNICATIONS

540 Broad St,
Room 1705
Newark NJ 07101

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY

Robert Eckert, Executive Director
PO Box 205
Belford, NJ 07718

NEW JERSEY NATURAL GAS COMPANY

Attn: Joan Purcaro
PO Box 1464
Wall, NJ 07719

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY

Attn: Executive Director
200 Harbor Way
PO Box 184
Belford, NJ 07718

Property Address	Owner Name	Mailing Street	Mailing City, State, Zip	Block Lot
4 CAMERON CIR	RONTINO, SELINA A	4 CAMERON CIR	ATLANTIC HIGHLANDS, NJ 07716	17 1
BONNIE BRAE PATH	NOT AVAILABLE FROM COUNTY	BONNIE BRAE PATH	ATLANTIC HIGHLANDS, NJ 07716	15 13
1 CAMERON CIR	CHUN, HA & ELAINE, LOK	1 CAMERON CIR	ATLANTIC HIGHLANDS, NJ 07716	15 9.01
8 BONNIE BRAE PATH	HARMON, MICHAEL G & ANDREA S	33 BONNIE BRAE PATH	ATLANTIC HIGHLANDS, NJ 07716	17 2.02
BONNIE BRAE PATH	ATLANTIC HIGHLANDS, BOROUGH	100 1ST AVE	ATLANTIC HIGHLANDS, NJ 07716	15 10
8 BONNIE BRAE PATH	HARMON, MICHAEL G & ANDREA S	33 BONNIE BRAE PATH	ATLANTIC HIGHLANDS, NJ 07716	17 2.01
BAYSIDE DR	COUNTY MONMOUTH PARK SYSTEMS	NEWMAN SPRINGS RD	LINCROFT, NJ 07738	15 12
BONNIE BRAE PATH	COUNTY OF MONMOUTH	1 E MAIN ST	FREEHOLD, NJ 07728	16 1
1 CAMERON CIR	CHUN, HA & ELAINE, LOK	1 CAMERON CIR	ATLANTIC HIGHLANDS, NJ 07716	15 9
12 EYRIE RD	EYRIE HOLDINGS LLC	711 S EDGEMERE DR	WEST ALLENHURST, NJ 07711	17 5.01
16 EYRIE RD	MEYER, DORIAN	16 EYRIE RD	ATLANTIC HIGHLANDS, NJ 07716	17 4
BAYSIDE DR	MONMOUTH COUNTY	1 E MAIN ST	FREEHOLD, NJ 07728	7 2
5 LAWRIE RD	COUNTY MONMOUTH PARK SYSTEMS	NEWMAN SPRINGS RD	LINCROFT, NJ 07738	17 42
6 BONNIE BRAE PATH	TROSTER, MATTHEW J	1 CENTRAL AVE	ATLANTIC HIGHLANDS, NJ 07716	14 1

Paul A. Damiano Architects, llc

1721 Beverly Avenue Spring Lake Heights, N.J. 07762
email: pdamianoarch@gmail.com

(732) 449-5642
www.padarchitect.com

April 4, 2023

Ms. Corinne Busichio
Planning Board Secretary
Borough of Atlantic Highlands
100 First Avenue
Atlantic Highlands, New Jersey 07716

Re: Application for a Variance; Initial Submission
6 Bonnie Brae Path
Atlantic Highlands, NJ Block 17 Lot 3

Dear Ms. Busichio ,

Enclosed herewith is a completed board application for the above single family property. The proposed project does not expand the building footprint at the ground floor or alter building or lot coverage. The enclosed package includes:

1. 18 copies of the board application.
2. 18 copies of the proposed and site plan, floor plans and elevations , A1-A4 and Ex1 and 2 dated 3.31.23 with survey by R and 1 land Surveying dated 1.4.23.
3. 18 copies of the zoning officers denial letter
4. the affidavit of ownership
5. the verification of payment of taxes, water, and sewer
6. two copies of the applicable plan checklist
7. the certified list of property owners within 200 ft and
- 8 the public notice template

I am hopeful the enclosed is acceptable for submission. Please let me know should you require additional copies or information. Thank you as always for your assistance in this endeavor.

Sincerely,



Paul A. Damiano
NJ AIO 11915

owners:
Lindsay Dewis and Patrick Ruane

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APR - 4 2023

PLANNING BOARD

Paul A. Damiano Architects, llc

1721 Beverly Avenue Spring Lake Heights, N.J. 07762
email: pdamianoarch@gmail.com

(732) 449-5642
www.padarchitect.com

May 30, 2023

Ms. Nancy Tran- Planning Board Secretary
Borough of Atlantic Highlands
100 First Avenue
Atlantic Highlands, New Jersey 07716

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JUN 1 2023

Re: Application for a Variance; Second Submission
6 Bonnie Brae Path
Atlantic Highlands, NJ Block 17 Lot 3

PLANNING BOARD

Dear Ms. Tran ,

As a follow up to CME Engineering's initial review letter dated 5.19.2023 for the above; the items under comment 7 and 8 are listed as required for the application to be considered complete. As such these comments are addressed as follows:

7a. An exemption for steep slope applies to the proposed project per the section 150-78b exemption 3;
150-78 b the lot contains greater than 15% slope ... ;
a. no soil disturbance is proposed : 0 cuft
b. no change in impervious ground cover is proposed : 0 sqft
c. no trees are proposed to be removed and
d. disturbance of vegetation is proposed at less than 25 sqft, 0 likely but leaving the builder some leeway.

7b. A sealed copy of the survey to scale is enclosed

7c. Additional photographs have been added to drawing A4 dated revision 1; 5.25.23 showing the property front and rear side yard views as well as a plan overlay diagram clarifying that the proposed change in roofline occurs over existing foundation and as such requires no proposed change in grade. Eighteen (18) sealed copies of A4 rev 1 are enclosed herewith.

8. Two checks to serve as an application fee of \$400 and escrow fee of \$1350 provided by the owners are enclosed.

It is assumed that the clarification of other items listed in the letter can be discussed in the meeting as enumerated under item 9. I would clarify the following pertaining to the list of nonconformities under item 4:

4a. 4.4 ft is the existing garage setback, however, new 1st floor volume is not proposed until a 16.9 ft setback. The chimney reconstruction sets that part of the front 18" back to create a planter at the brick base.

4b.a 0.8 ft side yard is existing at the raised rear deck, however, increased volume is proposed no closer than 5 ft to the side yard.

4c. combined side yard existing to the garage is 1.3 ft and raised deck .8; however, increased volume is proposed with the combined side yard of 11.4 ft.

4d. if usable floor area is to the inside face of wall vs the outside face of wall shown on the plans and if the basement area is to exclude the garage(parking) area: technically the far is existing at .23 and proposed at .26.

4e.f.g. There are increases in bulk proposed that are non conforming, however, the property was conforming when constructed. The property was rezoned to an R3 years after the property was developed and the proposed work for a master bath and increased master closet space may be considered de minimus to intensity of use. The existing and proposed number of bedrooms remains at three.

I am hopeful the enclosed is acceptable for the submission to be considered complete and to be assigned a date to be presented to the Board for consideration. Please let me know should you require additional copies or information. Thank you as always for your assistance in this endeavor.

Sincerely,



Paul A. Damiano
NJ AIO 11915

owners:

Lindsay Dewis and Patrick Ruane

RECEIVED

JUN 1 2023

PLANNING BOARD

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 CHIARAVALLIO, PE, CME

July 7, 2023

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

Attn: Nancy Tran – Planning Board Secretary

**Re: Ruane and Dewis
Use & Bulk Variance Application – Review #2
Location: 6 Bonnie Brae Path
Zone: R-3 (Single-Family Residential)
Block 17, Lot 3
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP017.04**

Dear Planning Board Members:

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

- Architectural plans and elevations entitled “Additions & Alterations, 6 Bonnie Brae Path, Atlantic Highlands, NJ,” consisting of one (1) sheet, prepared by Paul A. Damiano, Architects, LLC, dated March 31, 2023, last revised May 25, 2023 (*Only Sheet A-4 of the previous plan set has been revised*);
- Survey entitled “Location Survey for: Lindsay Dewis, Lot 3, Block 17, Atlantic Highlands, Monmouth County, N.J.,” consisting of one (1) sheet, prepared by R and T Land Surveying, dated January 4, 2023, unrevised; and
- Resubmission Letter prepared by Paul A. Damiano, dated May 30, 2023.

We have reviewed this application for site plan approval and offer the following comments:

1. Property Description

The subject ±10,051 square foot (0.23-acre) property is situated within the R-3 (Single Family Residential) Zone District and the Borough’s defined steep slope area. The site provides ±49 feet of frontage along the northerly side of Bonne Brae Path and currently contains a two-story dwelling with ancillary improvements including but not limited to a concrete driveway extending to / from Bonnie Brae Path, decks, block walls, brick patio, and walkways. As depicted on the FEMA Preliminary Flood Insurance Rate Map (P-FIRM), the property is situated in a Zone X, which is an area determined to be outside the 0.2% annual chance floodplain. Based upon the NJDEP NJ-GeoWeb online resource, there are no wetlands on or in the immediate proximity of the site, but the site is located within the CAFRA Zone.



Atlantic Highlands Borough Planning Board
 Re: Ruane & Dewis
 Use & Bulk Variance Application – Review #1

July 7, 2023
 Our File: HAHP0017.04
 Page 2

The Applicant is proposing to construct various first floor and second floor additions to enlarge the kitchen area as well as build a new bathroom and new primary closet. Additional improvements / modifications include renovating the second-floor balcony and removing the chimney along the front portion of the dwelling. No grading modifications appear to be proposed; the proposed drainages patterns will remain consistent with existing conditions. The Applicant is requesting bulk variance relief relative to the proposed additions on a nonconforming lot.

2. Surrounding Uses

Properties surrounding the subject site are similarly zoned R-3 and contain residential uses.

3. Zoning Compliance

The subject property is situated within the R-3 Zone District. Table 1 below summarizes the bulk measures and zone requirements for the subject property:

Table 1: Bulk Standards, R-3 Zone (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	30,000	10,051	10,051 (EC)
Minimum Lot Frontage and Width, Interior Lot (ft)	100	48.72	48.72 (EC)
Minimum Lot Shape Diameter, Interior Lot (ft.)	65	10	10 (EC)
Principal Building Setbacks			
Front Yard (ft.)	25	4.4	4.4 (V)
Side Yard (ft.)	15	0.8	0.8 (V)
Combined Side Yard (ft.)	30	2.1	2.1 (V)
Rear Yard (ft.)	30	±160 ⁽¹⁾	±160 ⁽¹⁾
Accessory Building/ Struct. Setbacks			
Side Yard (ft.)	10	±8.0 ⁽²⁾	±8.0 ⁽²⁾ (EC)
Rear Yard (ft.)	5	>5.0	>5.0
Building Coverage	12%	15.5%	15.5% (EC)
Lot (Impervious Surface) Coverage	30%	28.1%	28.1%
Maximum Building Height (Stories)	2.5	2	2
Maximum Building Height (ft.)	35	31.8	31.8
Maximum Acc. Building Height (Stories)	1	N / A	N / A
Maximum Acc. Building Height (ft.)	16	N / A	N / A
Maximum Usable Floor Area Ratio	0.175	0.26	0.28 ⁽³⁾ (V)
Minimum Gross Floor Area, More than 1-Sty			
First Floor (sq. ft.)	900	N / A	1,314
Total Floors (sq. ft.)	1,800	N / A	2,859

(EC): Existing Condition

(V): Variance Required

(1) – Distance from rear property line to deck.



Atlantic Highlands Borough Planning Board
Re: Ruane & Dewis
Use & Bulk Variance Application – Review #1

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Page 3

- (2) – Setback from brick patio to easterly side property line.
(3) – FAR includes 50% of the basement area.
4. It appears that variances and/or design waivers would appear necessary for the following:
- a) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum principal front yard setback required within the R-3 Zone is 25 feet, whereas a front yard setback of 4.4 feet is proposed to remain with additional volume proposed.
 - b) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum principal side yard setback required within the R-3 Zone is 15 feet, whereas a side yard setback of 0.8 feet is proposed to remain with additional volume proposed.
 - c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum principal combined side yard setback required within the R-3 Zone is 30 feet, whereas a combined side yard setback of 2.1 feet is proposed to remain with additional volume proposed.
 - d) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum usable floor area ratio permitted is 0.175, whereas a floor area ratio of approximately 0.28 is proposed.
 - e) **Section 150-49.B** – No nonconforming building or structure shall be enlarged, extended or increased unless such enlargement, extension, or increase is conforming. The proposed additions will require variance relief for further exceeding the maximum permitted floor area ratio in the R-3 Zone.
 - f) **Section 150-49.G** – A nonconforming building may not be altered so as to increase in any manner the degree of nonconformance. The proposed additions will require variance relief for further exceeding the maximum permitted floor area ratio in the R-3 Zone
 - g) **Section 150-49.I(2)(b)** – A nonconforming building or structure may not be enlarged, extended, increased in 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 (principal or accessory) 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 building. The proposed additions will require variance relief for further exceeding the maximum permitted floor area ratio in the R-3 Zone
5. It appears the following existing nonconformities would remain with respect to this application:
- a) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum lot size required for an interior lot within the R-3 Zone is 30,000 square feet, whereas a lot size of 10,051 square feet is proposed to remain.



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Re: Ruane & Dewis
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Page 4

- b) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum lot shape diameter required for an interior lot within the R-3 Zone is 65 feet, whereas a lot diameter of 10 feet is proposed to remain.
 - c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum accessory side yard setback required within the R-3 Zone is 10 feet, whereas a side yard setback of 8 feet is proposed to remain.
 - d) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum building coverage permitted within the R-3 Zone is 12%, whereas a building coverage of approximately 15.5% is proposed to remain.
6. As noted in our previous report, the Applicant has required several submission waivers at this time and no additional waivers appear to be necessary.

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

7. 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) The application requires "d(4)" use variance relief pursuant to N.J.S.A. 40:55D-70(d)(4) to permit an increase in the permitted floor area ratio within the R-3 Zone District. The Applicant or their professionals shall be prepared to provide testimony regarding the following proofs:
 - i. Positive Criteria
 - 1. There must be special reasons to grant the requested / required variance. This means that the proposed deviation from the permitted floor area ratio in the subject zone would advance the purposes of zoning as spelled out in the Municipal Land Use Law, and that this site is particularly suited to allow for a building of this size.
 - ii. Negative Criteria
 - 1. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact(s) associated with the granting of the proposed use variance relief on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
 - 2. That the variance will not substantially impair the intent and purpose of the zoning Plan and Municipal Ordinance.
 - c) The intent of any floor area ratio maximum in a residential area is to limit the bulk and massing of proposed buildings relative to the size of their lot in order to ensure that new construction is generally consistent with the scale and character of the existing community. The Applicant



Atlantic Highlands Borough Planning Board
Re: Ruane & Dewis
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July 7, 2023
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Page 5

should provide testimony addressing how the expanded dwelling would fit into the context of the surrounding neighborhood in terms of the size of the building and spacing between adjacent homes.

- d) The Applicant should provide testimony and/or exhibits to address the appearance of the modified dwelling and confirm that the dwelling will comply with the applicable zoning requirements for maximum height and number of stories.
- e) The Applicant should discuss if any structural analysis were performed, either by a licensed geotechnical or structural engineer, regarding the increased load on the building foundation pertaining to the new additions and whether modifications / improvements are required for the building foundation noting that the subject property is located in the Borough's defined steep slope area.
- f) It appears that a portion of Bonnie Brae Path was vacated by Ordinance #51-94, dated July 6, 1994. Testimony should be provided discussing access to the site, limits of the existing right-of-way and the overall dimensions of the driveway.
- g) The Applicant should demonstrate conformance with the RSIS parking requirements for the existing lot. The Applicant should confirm the number of bedrooms in the existing and proposed conditions, noting that the parking requirements are based upon the number of bedrooms. It appears that three (3) bedrooms are proposed to remain. In accordance with RSIS requirements, a minimum of two (2) off-street parking spaces are required for a single-family dwelling with three (3) bedrooms. It does not appear that the minimum number of required parking spaces are provided on the site.
- h) The Applicant should discuss existing drainage patterns and stormwater discharge resulting from the proposed improvements, especially roof leader discharge, noting that the property is located in the Borough's defined steep slope area and the proposed dwelling is in close proximity of the side property lines. Applicant should demonstrate compliance with the steep slope requirements of Ordinance Section 150-78. Should any portion of the post developed lot impact drainage conditions on the subject property or adjacent properties, the Applicant will be required to correct any deficiencies as directed by the Borough Engineer.
- i) In addition to the above, the Applicant should clarify the manner in which runoff would be conveyed to the northerly portion of the site, noting that there are various block walls that could affect the flow of the surface runoff.
- j) The Applicant should clarify whether sufficient pitch is provided at the front of the garage to direct surface runoff from the road away from the building. Additional modifications / improvements may be required if runoff negatively impacts the existing dwelling.
- k) The subject property is located in the Borough's defined steep slope area. The Applicant is responsible for complying with all applicable requirements outlined in Section 150-78 of the Borough Ordinance. The Applicant has indicated that the proposed improvements are except from the steep slope permit requirements pursuant to Section 150-78.B(3). Testimony



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Re: Ruane & Dewis
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confirming same should be provided. In addition, the Applicant should clarify where the topographic information was obtained from as none is included in the survey.

- l) Any landscaping work including buffers, proposed plantings, and tree removal, including effects on adjacent properties. The Applicant should confirm that no trees over 6" caliper are to be removed as part of the proposed development. Any trees to be removed will be required a tree removal permit.
- m) The Applicant should discuss construction access and methods, as well as proposed disturbance. It appears limited access exists on the northern side of the property, with the dwelling and deck restricting access for heavy equipment.
- n) The Applicant shall be responsible for complying with all applicable requirements outlined in Section 163 (Excavation) of the Borough of Atlantic Highlands municipal code. Applicant should provide testimony confirming same.
- o) The Applicant should discuss compliance with all applicable requirements outlined in Section 150-89 (Improvement Standards) of the Borough of Atlantic Highlands municipal code.
- p) Applicant shall post a performance guarantee for improvements within the Borough right-of-way (Section 150-52).
- q) The Applicant should address the Board regarding any required outside agency approvals for the site. It appears that the proposed is located within a CAFRA zone. In addition, copies of all outside agency approvals shall be forwarded to this office.
- r) The Applicant should clarify whether any modifications are required / proposed for the existing utilities servicing the dwelling.

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.

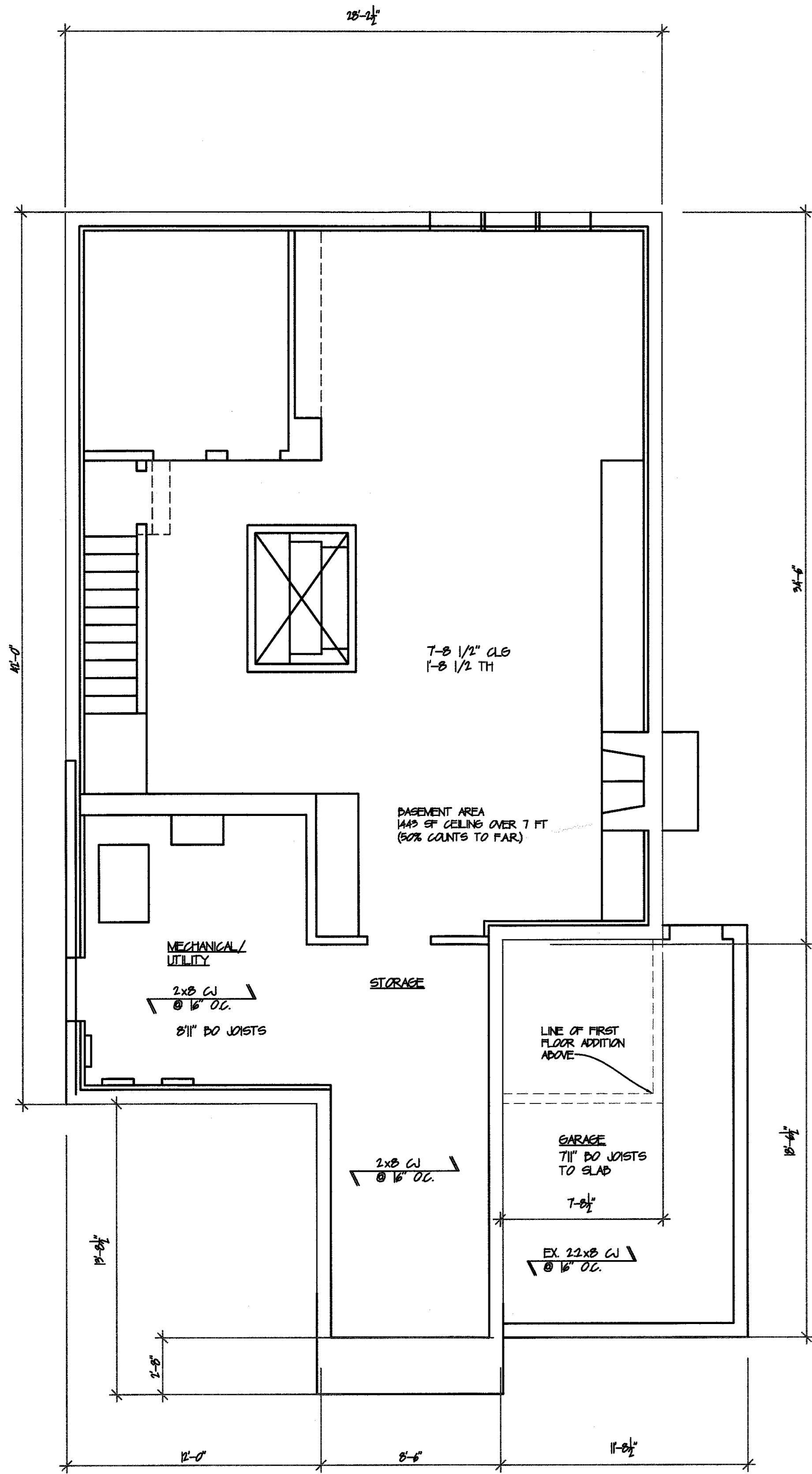
Very truly yours,

CME Associates

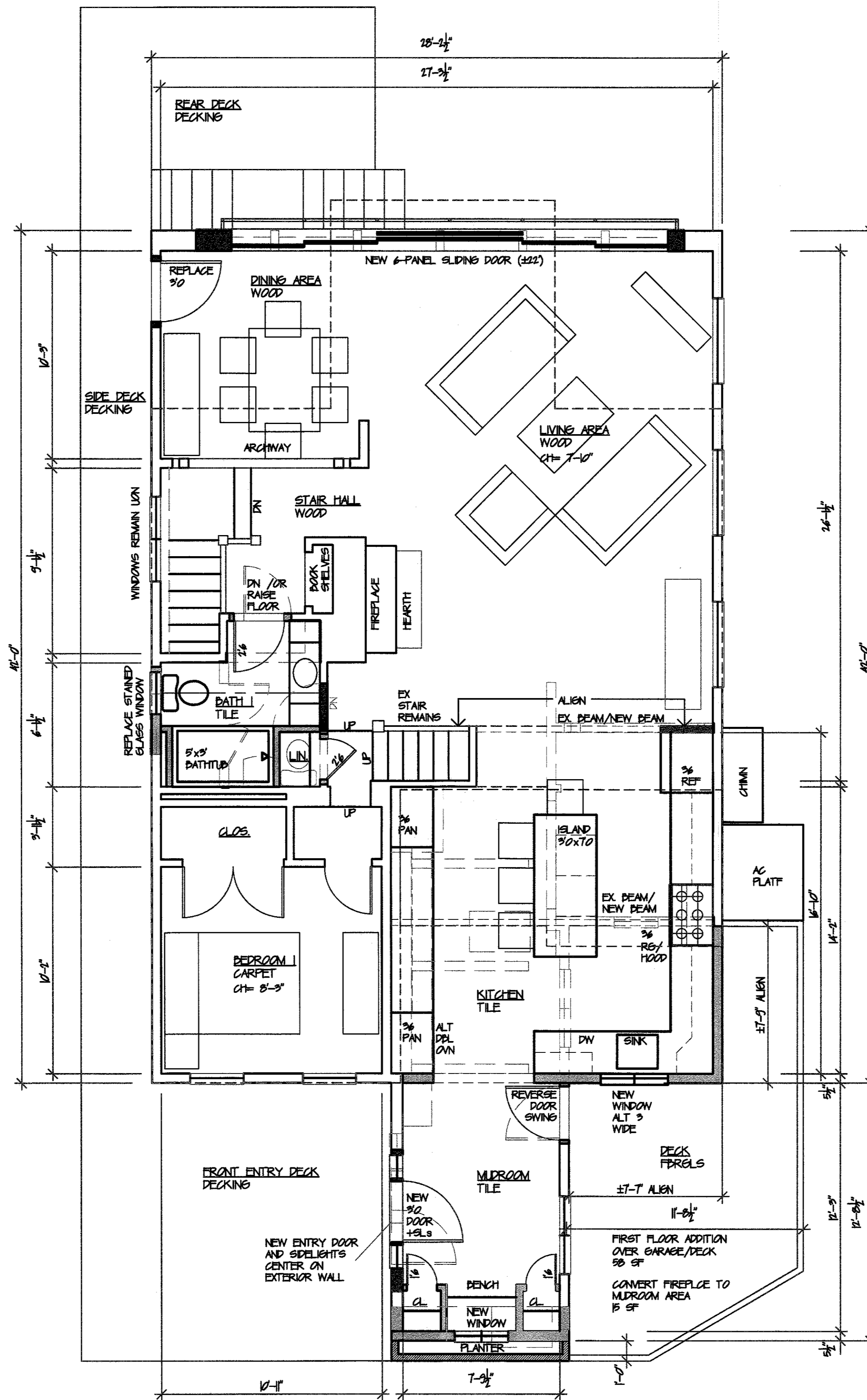
Drew Parlick for:
Douglas M. Rohmeyer, PE, CME, CFM
Planning Board Engineer's Office

DMR/DEP/dol

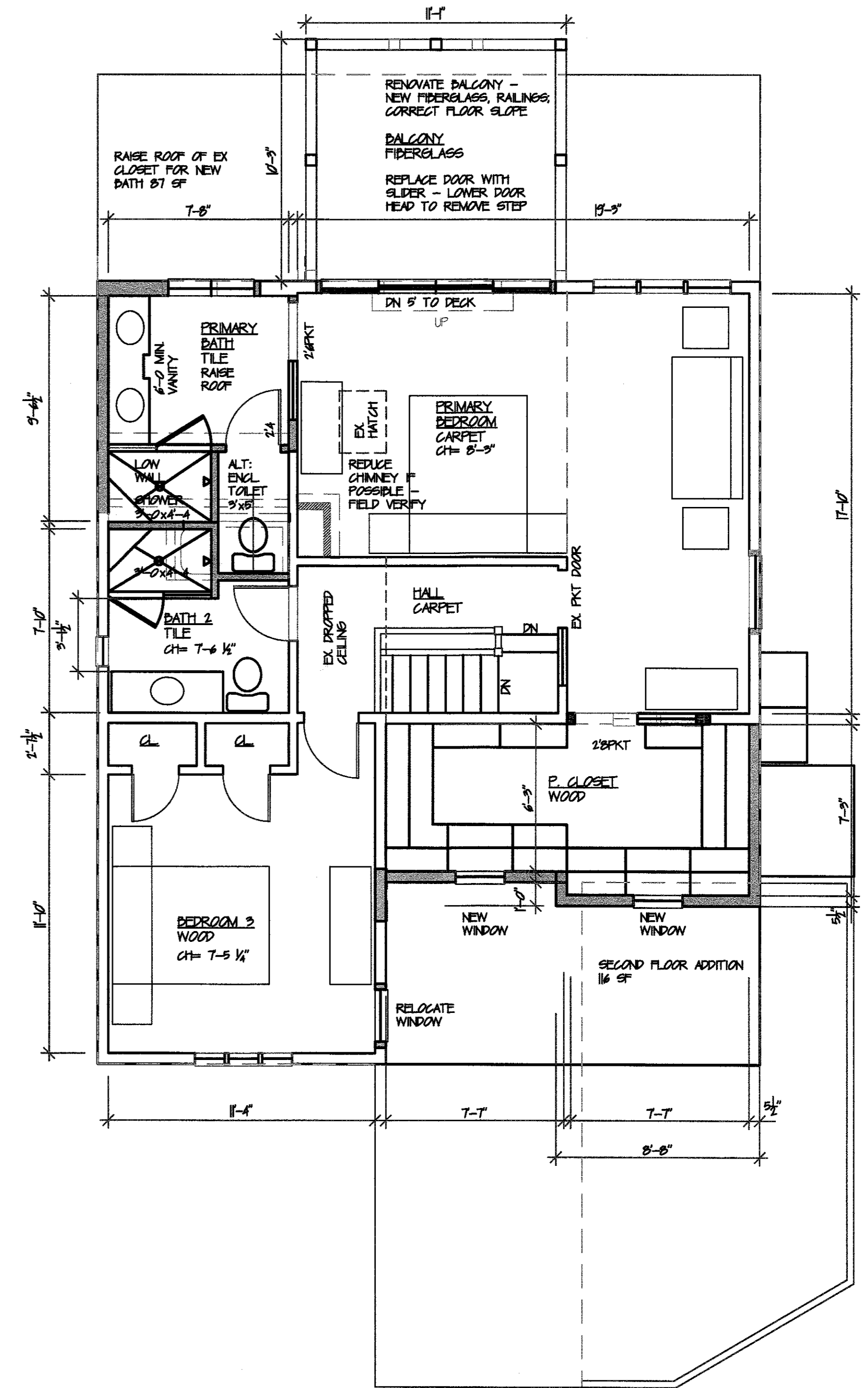
cc: Robert Ferragina – Borough Administrator
Michelle Clark – Zoning Officer
Michael B. Steib, Esq. – Board Attorney
Patrick Ruane & Lindsey Dewis – Applicants
Paul A. Damiano – Applicant's Architect



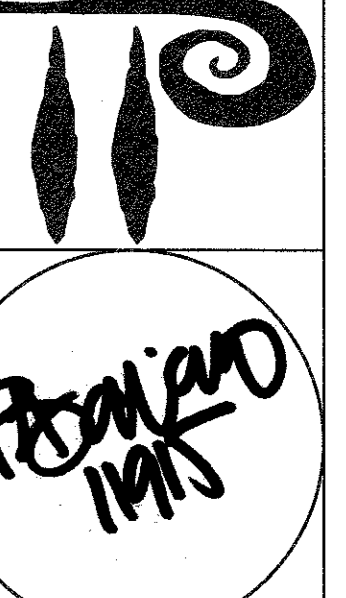
① LOWER FLOOR PLAN
SCALE: 1/4" = 1'-0"



② FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



③ SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



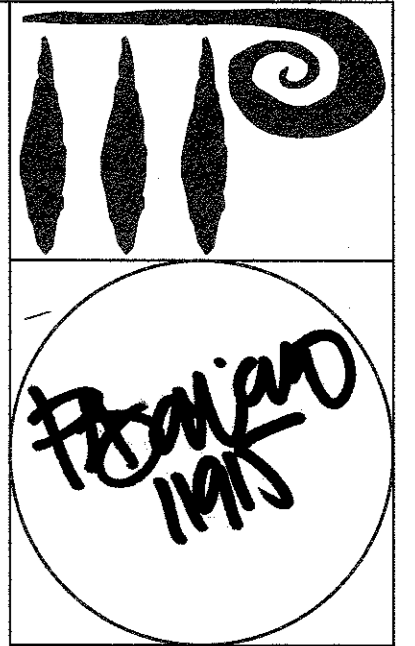
Paul A Damiano
NJ License AIO 11915
Kathleen M Damiano
NJ License AIO 14839

Paul A. Damiano, Architects, LLC
1721 Beverly Avenue, Spring Lake Heights, NJ 07702
Tel. (732) 449-5642
Email: pdamianoarch@gmail.com
kmdra5@gmail.com
Web: www.padararchitect.com

Additions & Alterations
6 Bonnie Brae Path
Atlantic Highlands, NJ

Rev.
Project No. 8821
Date: 03-31-23

First Floor Plan,
Second Floor Plan



Paul A. Damiano
 NJ License AIO 11915
 Kathleen M Damiano
 NJ License AIO 14839

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 1721 Beverly Avenue, Spring Lake Heights, NJ 07762
 Tel. (732) 449-5642
 Email: pdamianoarch@gmail.com
 kmdrs5@gmail.com
 Web: www.padararchitect.com

Additions & Alterations
 6 Bonnie Brae Path
 Atlantic Highlands, NJ

△ Rev.

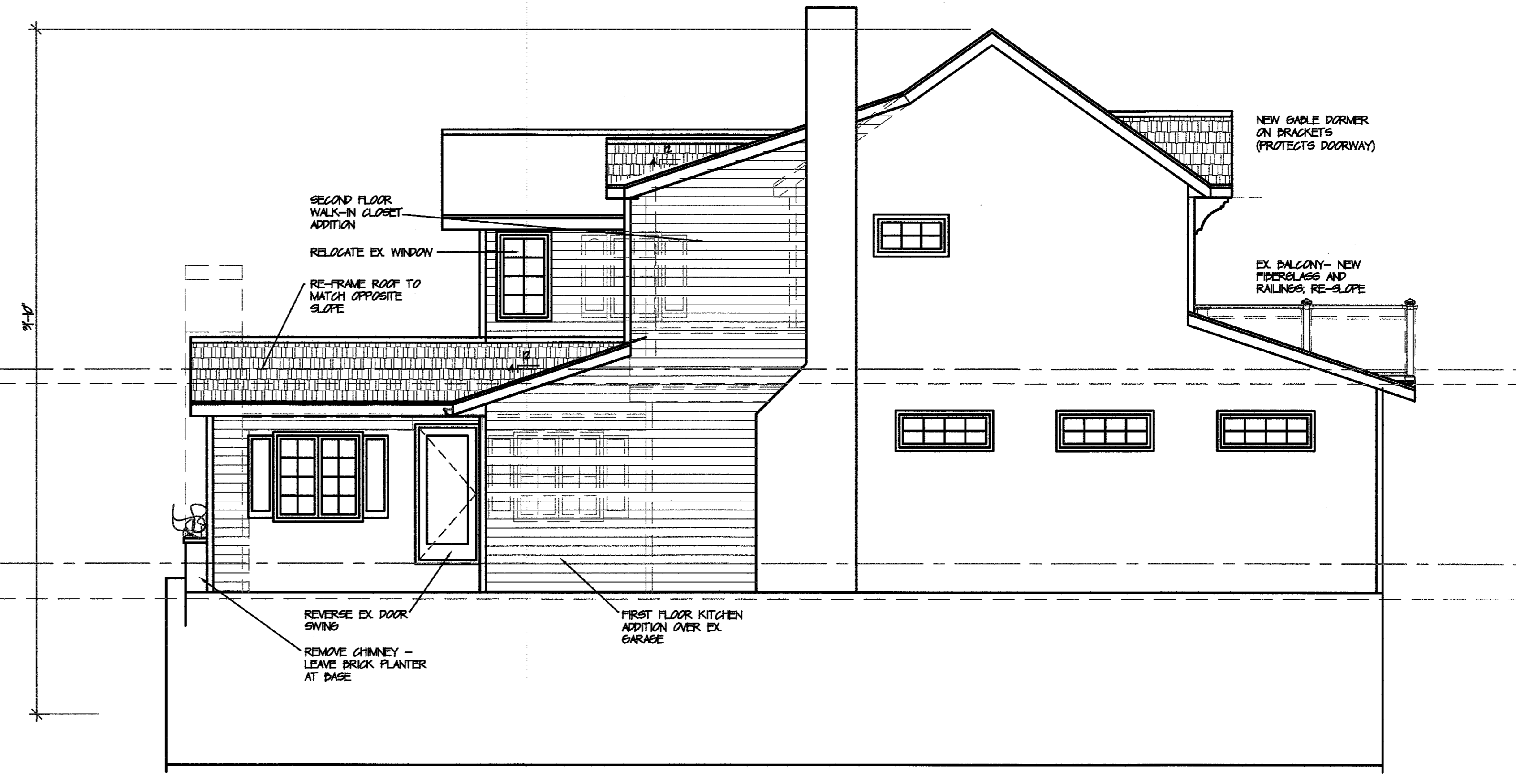
Project No. 8821
 Date: 03-31-23

Exterior Elevations

A-3



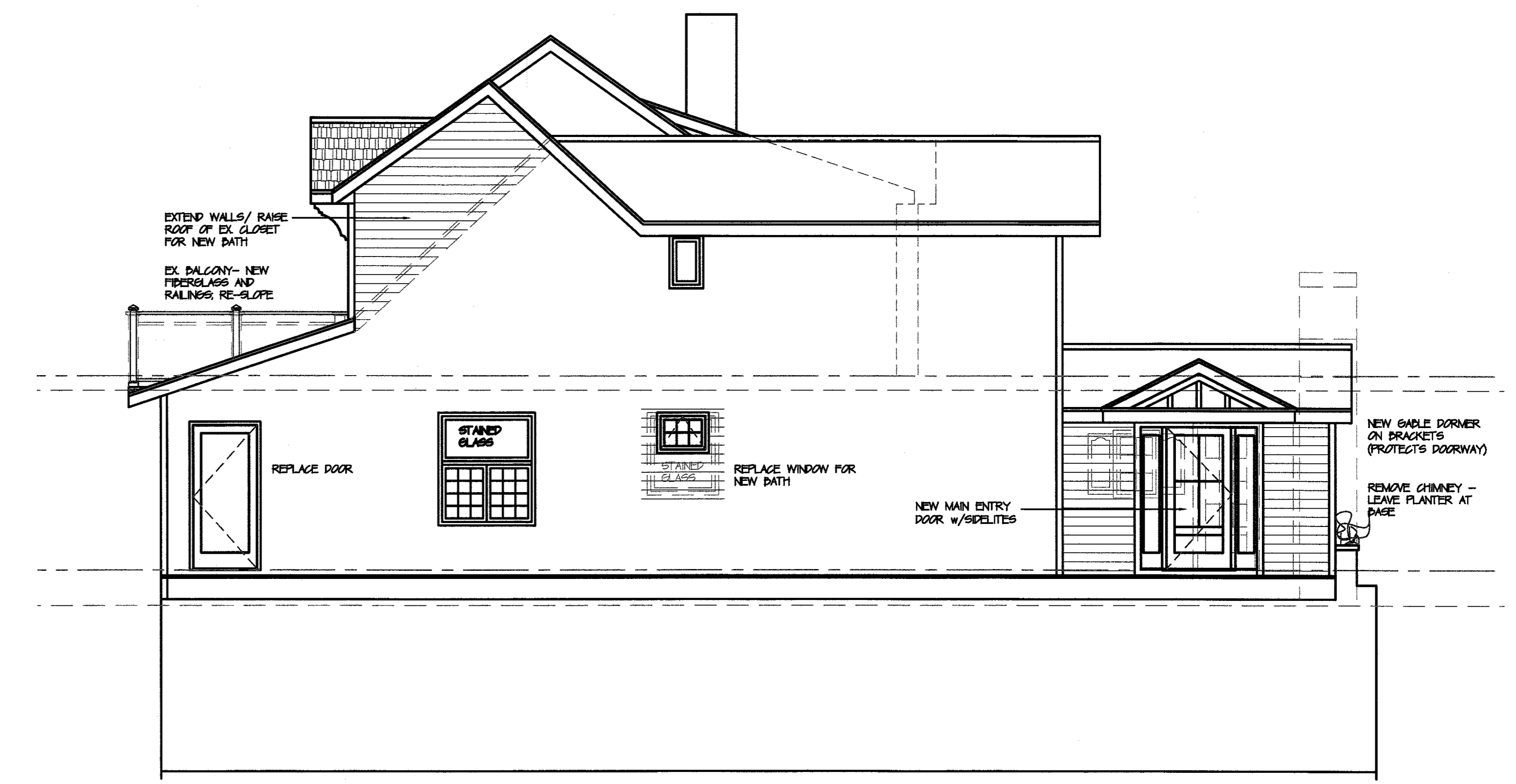
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 SCALE: 1/4" = 1'-0"



2 SIDE 1 ELEVATION
 SCALE: 1/4" = 1'-0"



3 REAR ELEVATION
 SCALE: 1/4" = 1'-0"



4 SIDE 2 ELEVATION
 SCALE: 1/4" = 1'-0"

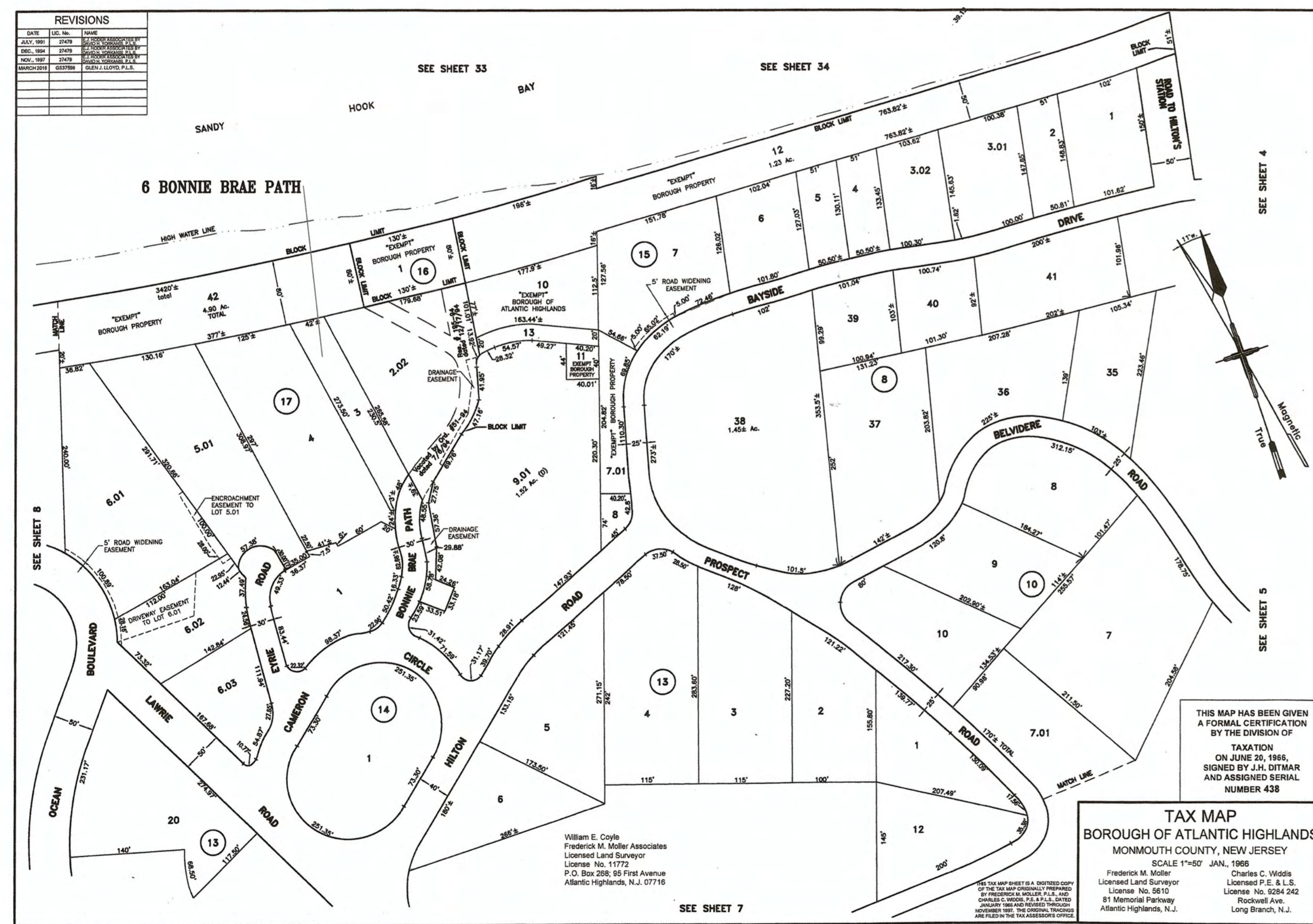
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2/9/2023 9:21 PM

paul damiano, padarchitect



KEY MAP



TAX MAP

LIST OF PROPERTY OWNERS WITHIN 200 FT

* If you are located within 200 feet of a State Highway, you MUST notify the NJ Department of Transportation:
 NJ Dept. of Transportation
 1035 Pkwy Avenue
 PO Box 600
 Trenton, NJ 08625

* If you are within 200 feet of a County owned road, you MUST notify the Monmouth County Planning Board:
 Monmouth County Planning Board
 Hall of Records Annex
 One East Main St.
 Freehold, NJ 07728

You must also notice all utilities located within the 200-foot range of the subject property:

GPU
 1500 Florence Ave
 Union Beach, NJ 07735

NEW JERSEY AMERICAN WATER COMPANY
 Attn: Construction Department
 661 Shrewsbury Ave
 Shrewsbury, NJ 07702

ATLANTIC HIGHLANDS WATER & SEWER DEPARTMENT
 Supervisor, Water & Sewer Dept
 100 First Ave
 Atlantic Highlands, NJ 07716

COMCAST COMMUNICATIONS OF MONMOUTH COUNTY
 Ron Bertrand, Construction Foreman
 403 South St
 Eatontown, NJ 07724

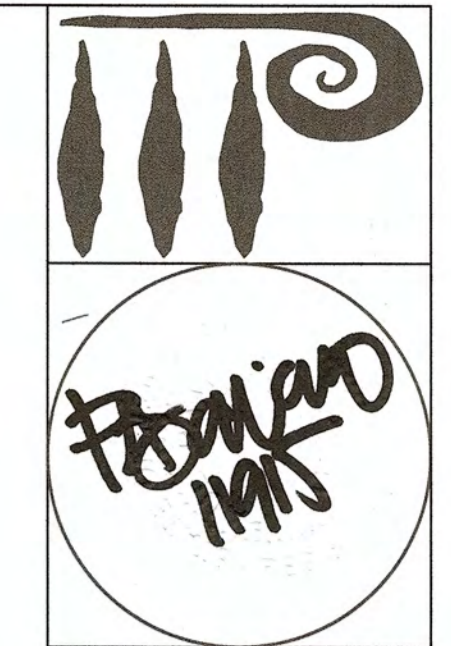
VERIZON COMMUNICATIONS
 540 Broad St,
 Room 1705
 Newark NJ 07101

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY
 Robert Eckert, Executive Director
 PO Box 205
 Belford, NJ 07718

NEW JERSEY NATURAL GAS COMPANY
 Attn: Joan Purcaro
 PO Box 1464
 Wall, NJ 07719

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY
 Attn: Executive Director
 200 Harbor Way
 PO Box 184
 Belford, NJ 07718

Property Address	Owner Name	Mailing Street	Mailing City, State, Zip	Block Lot
4 CAMERON CIR	RONTINO, SELINA A	4 CAMERON CIR	ATLANTIC HIGHLANDS, NJ 07716	17 1
BONNIE BRAE PATH	NOT AVAILABLE FROM COUNTY	BONNIE BRAE PATH	ATLANTIC HIGHLANDS, NJ 07716	15 13
1 CAMERON CIR	CHUN, HA & ELAINE, LOK	1 CAMERON CIR	ATLANTIC HIGHLANDS, NJ 07716	15 9.01
8 BONNIE BRAE PATH	HARMON, MICHAEL G & ANDREA S	33 BONNIE BRAE PATH	ATLANTIC HIGHLANDS, NJ 07716	17 2.02
BONNIE BRAE PATH	ATLANTIC HIGHLANDS, BOROUGH	100 1ST AVE	ATLANTIC HIGHLANDS, NJ 07716	15 10
8 BONNIE BRAE PATH	HARMON, MICHAEL G & ANDREA S	33 BONNIE BRAE PATH	ATLANTIC HIGHLANDS, NJ 07716	17 2.01
BAYSIDE DR	COUNTY MONMOUTH PARK SYSTEMS	NEWMAN SPRINGS RD	LINCROFT, NJ 07738	15 12
BONNIE BRAE PATH	COUNTY OF MONMOUTH	1 E MAIN ST	FREEHOLD, NJ 07728	16 1
1 CAMERON CIR	CHUN, HA & ELAINE, LOK	1 CAMERON CIR	ATLANTIC HIGHLANDS, NJ 07716	15 9
12 EYRIE RD	EYRIE HOLDINGS LLC	711 S EDGEMERE DR	WEST ALLENHURST, NJ 07711	17 5.01
16 EYRIE RD	MEYER, DORIAN	16 EYRIE RD	ATLANTIC HIGHLANDS, NJ 07716	17 4
BAYSIDE DR	MONMOUTH COUNTY	1 E MAIN ST	FREEHOLD, NJ 07728	7 2
5 LAWRIE RD	COUNTY MONMOUTH PARK SYSTEMS	NEWMAN SPRINGS RD	LINCROFT, NJ 07738	17 42
6 BONNIE BRAE PATH	TROSTER, MATTHEW J	1 CENTRAL AVE	ATLANTIC HIGHLANDS, NJ 07716	14 1



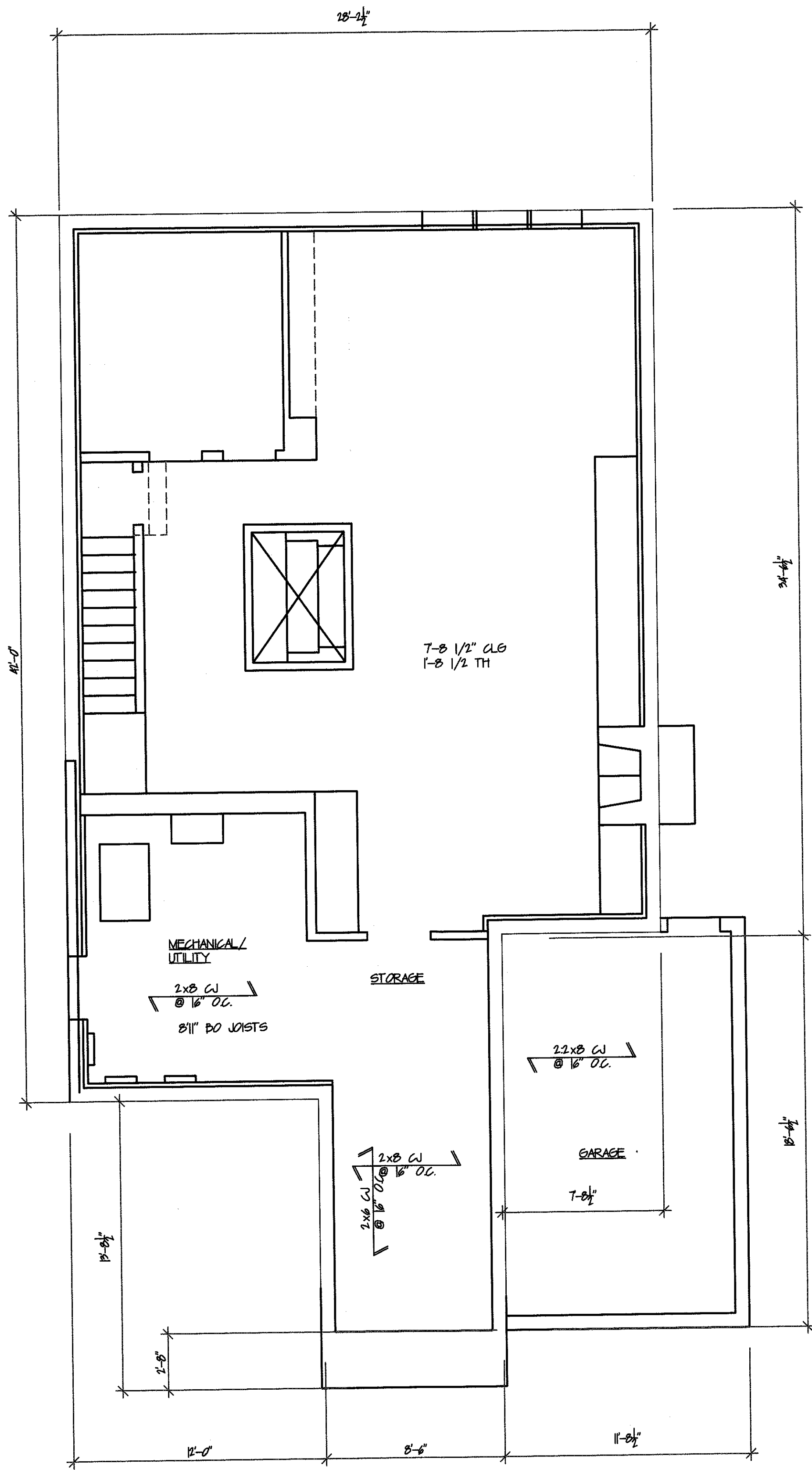
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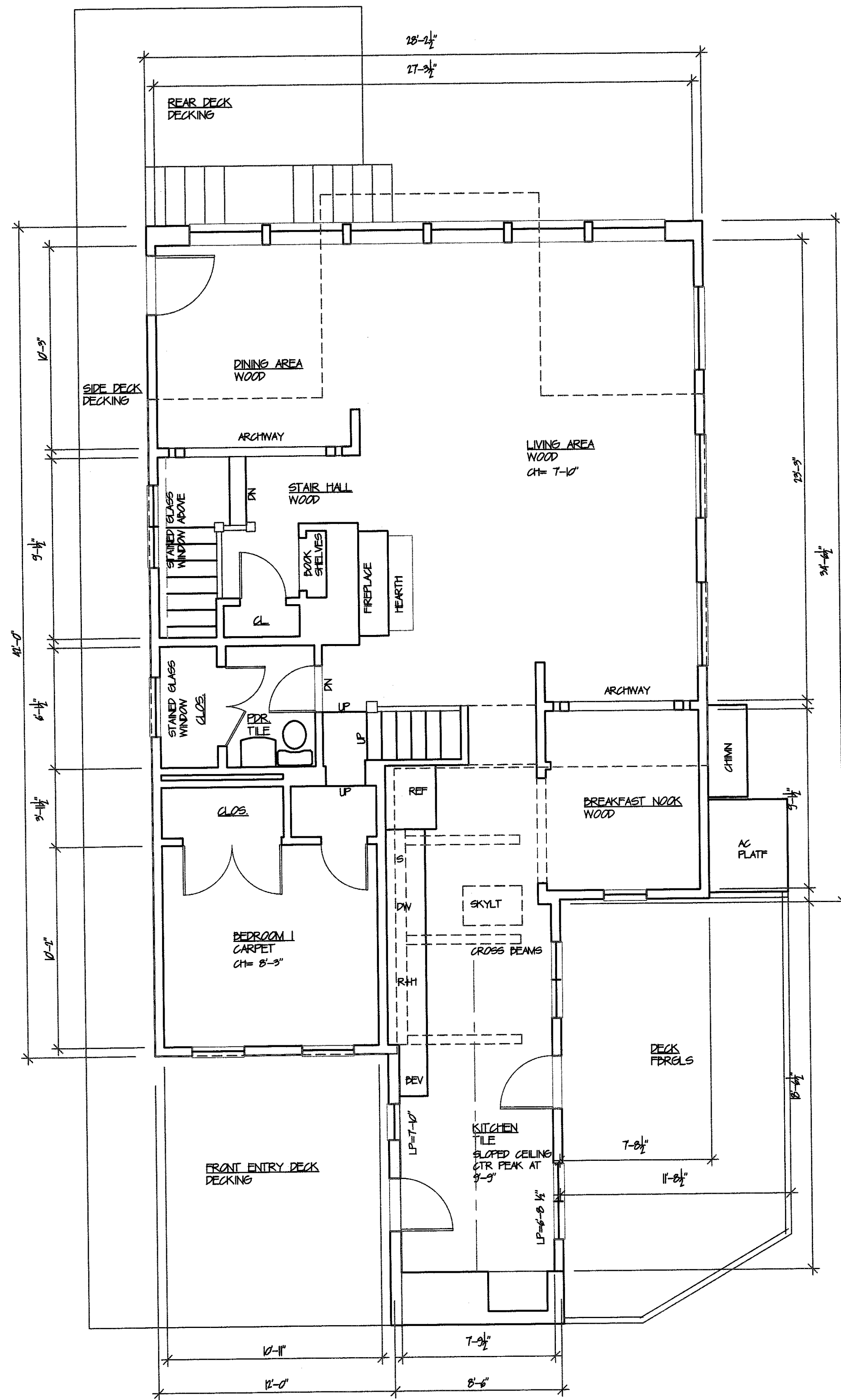
Additions & Alterations
 6 Bonnie Brae Path
 Atlantic Highlands, NJ

Project No. 8821
 Date: 03-31-23

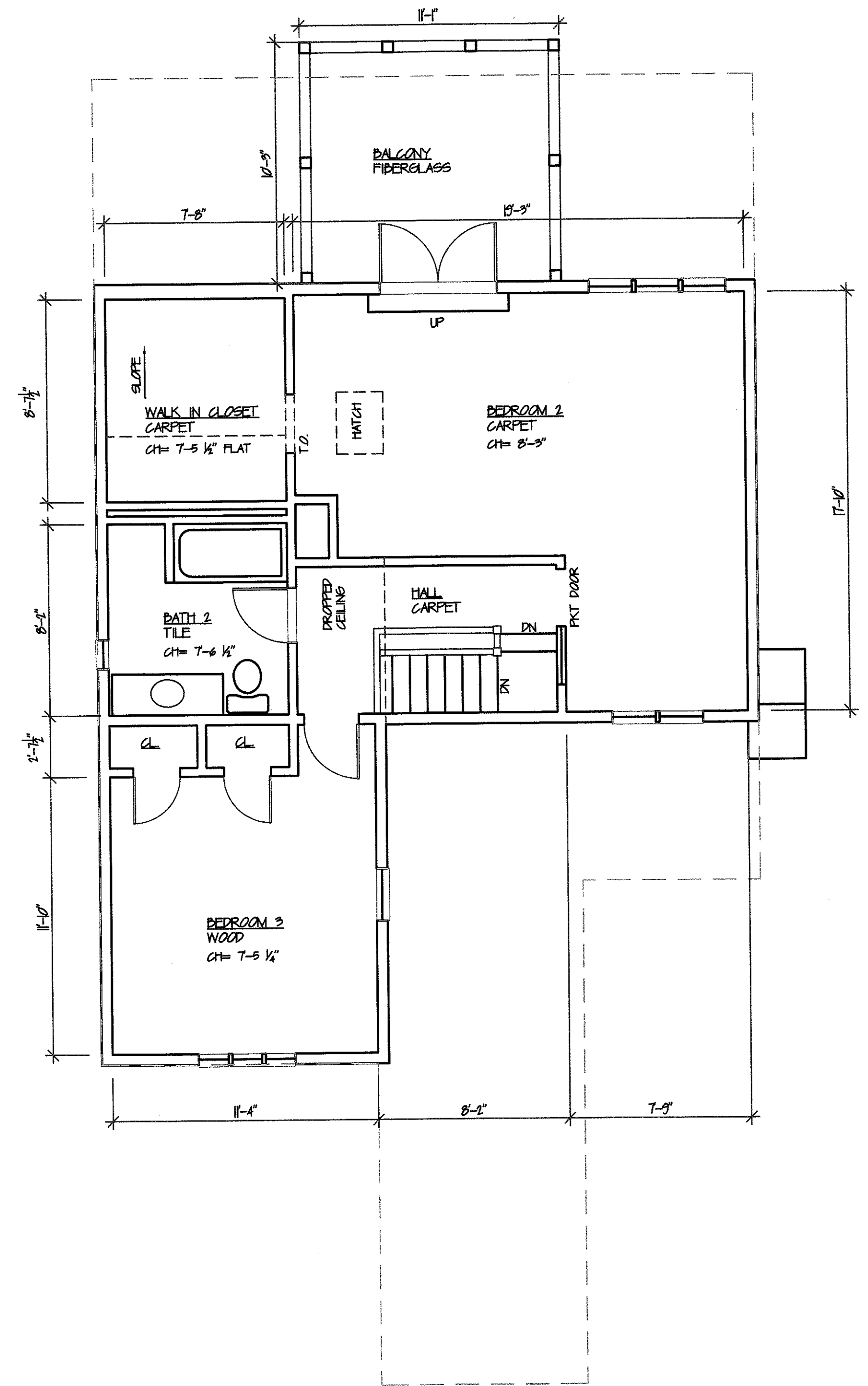
AERIAL MAP,
 TAX MAP,
 LIST OF PROPERTY OWNERS
 WITHIN 200 FT.,



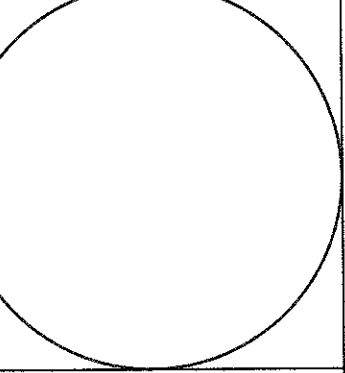
1 FOUNDATION PLAN
SCALE: 1/4" = 1'-0"



2 FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"



3 SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



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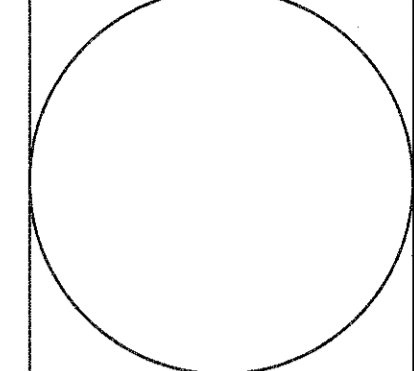
Additions & Alterations
6 Bonnie Brae Path
Atlantic Highlands, NJ

Rev.

Project No. 8821
Date: 03-31-23

Existing First Floor Plan,
Second Floor Plan

Ex-1



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 NJ License AIO 11915
 Kathleen M. Damiano
 NJ License AIO 14839

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 kmadra5@gmail.com
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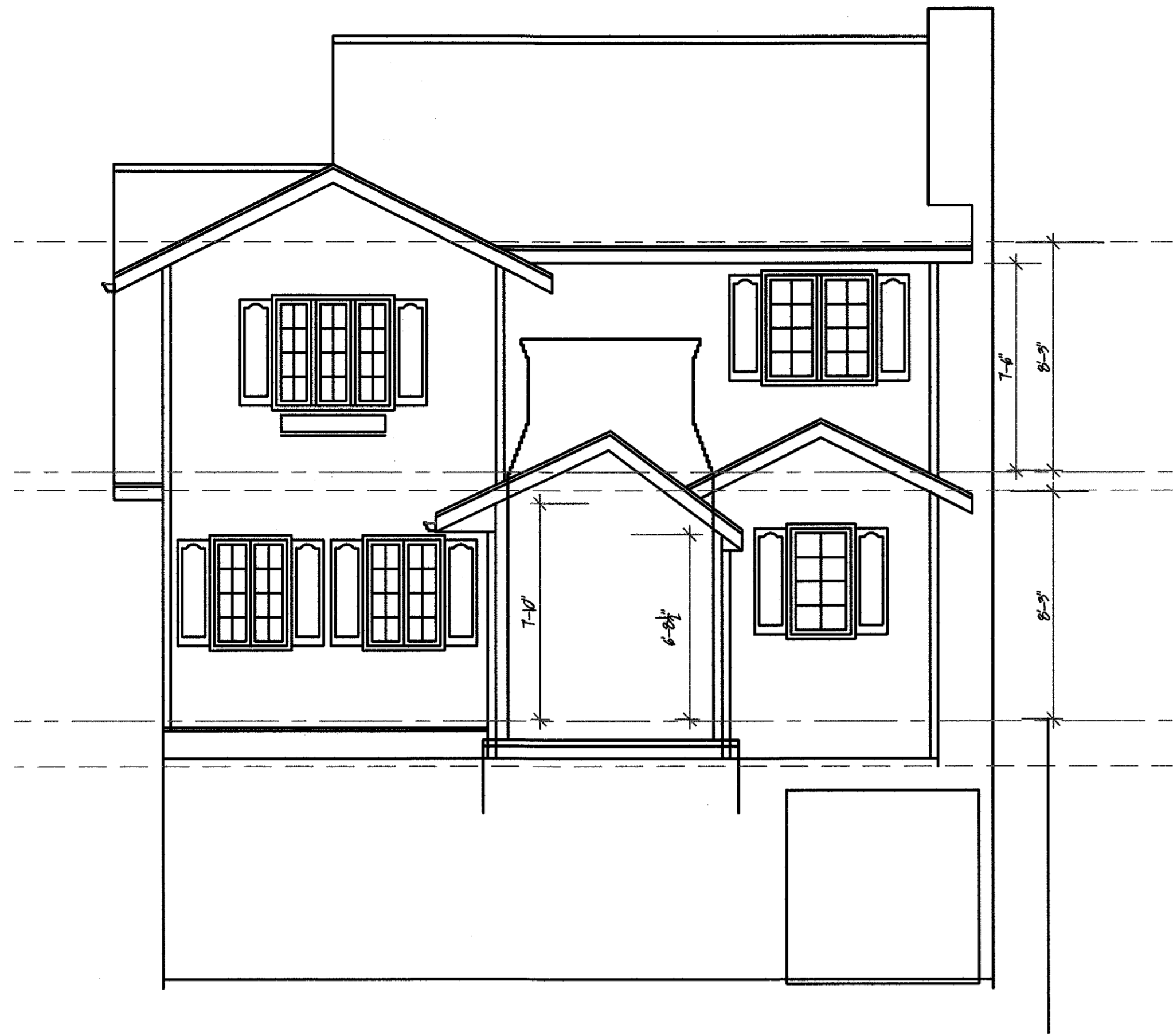
Additions & Alterations
 6 Bonnie Brae Path
 Atlantic Highlands, NJ

△ Rev.

Project No. 8821
 Date: 03-31-23

Existing Exterior Elevations

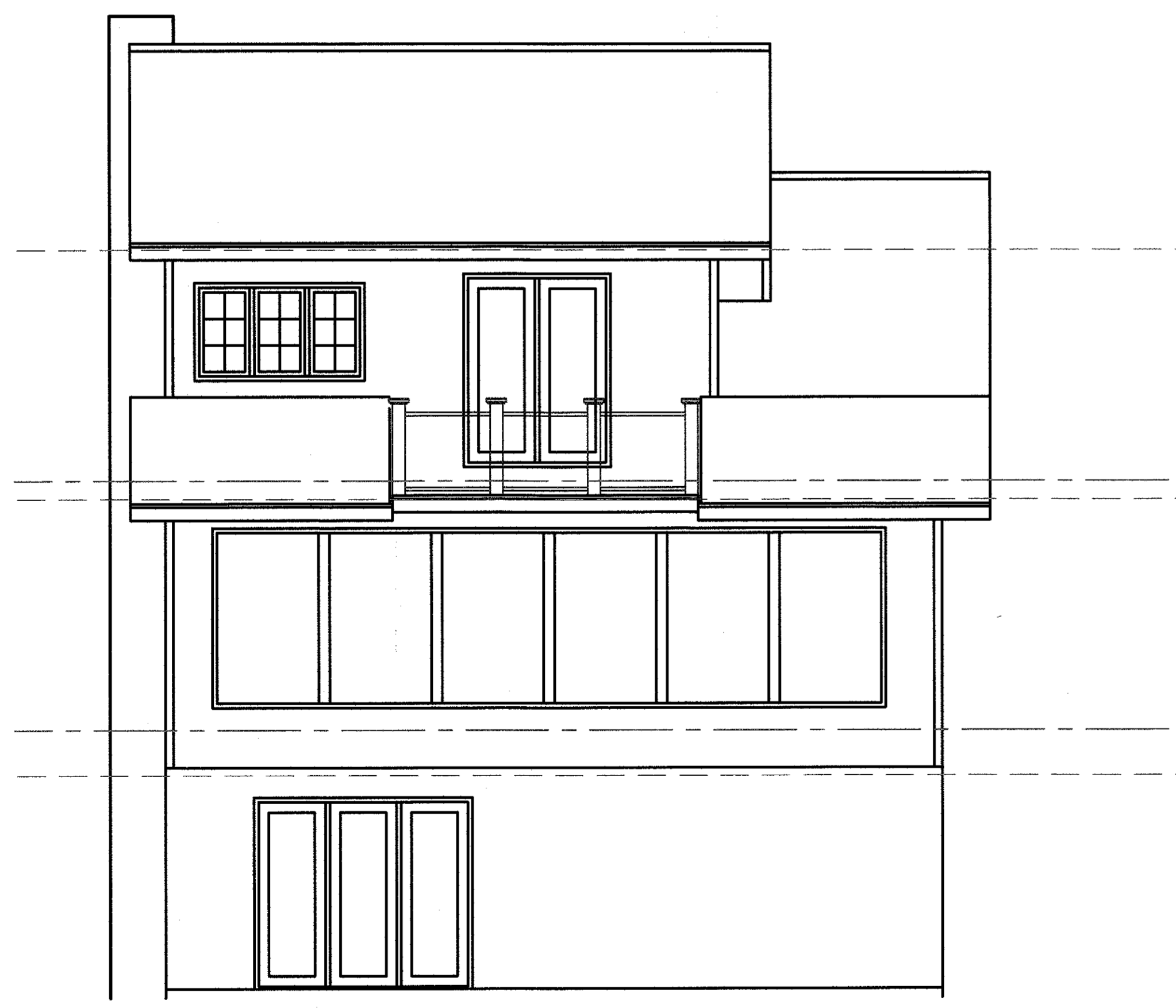
Ex-2



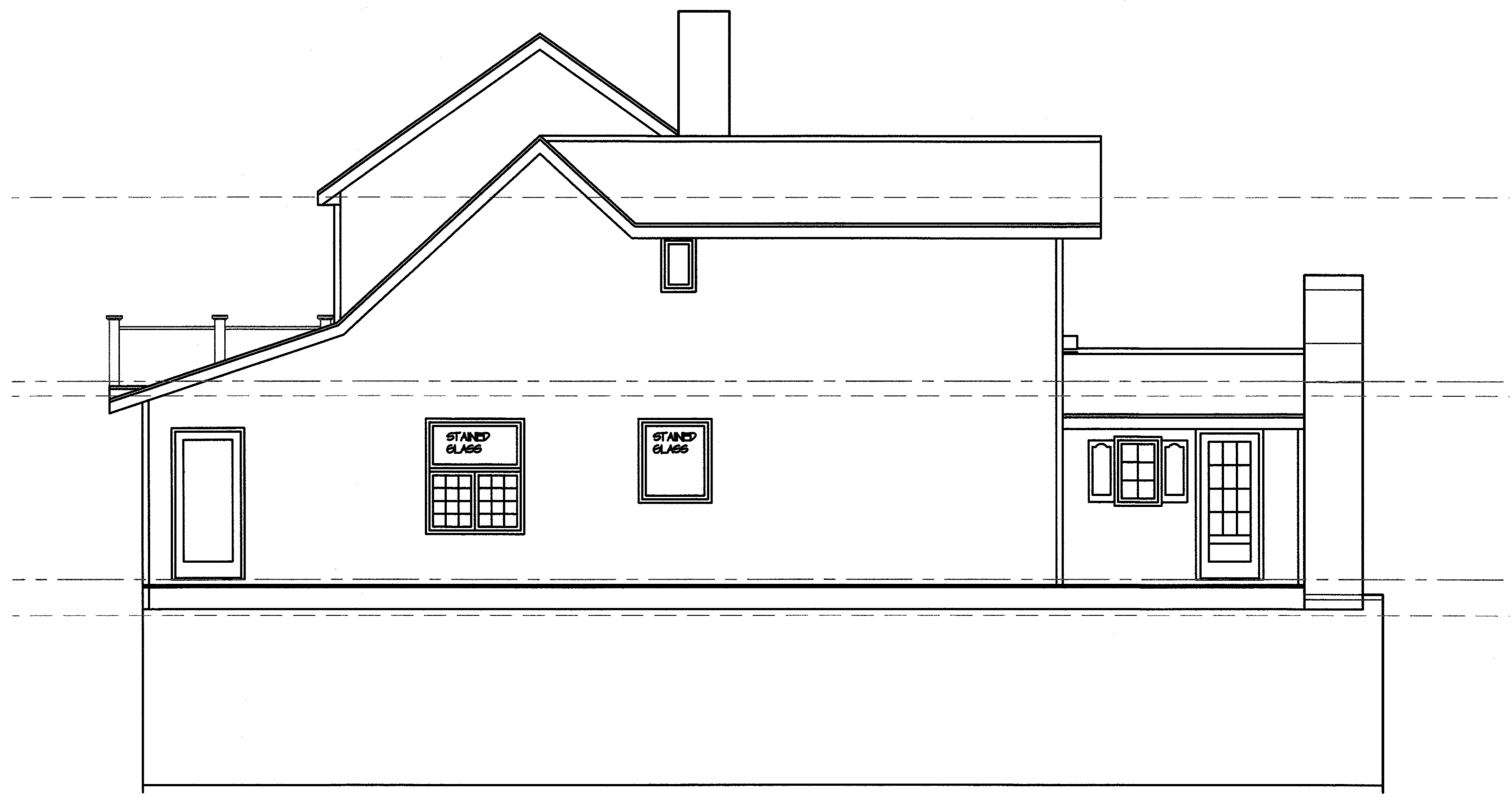
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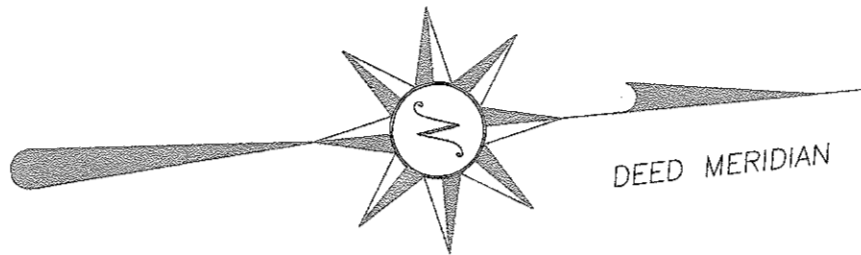
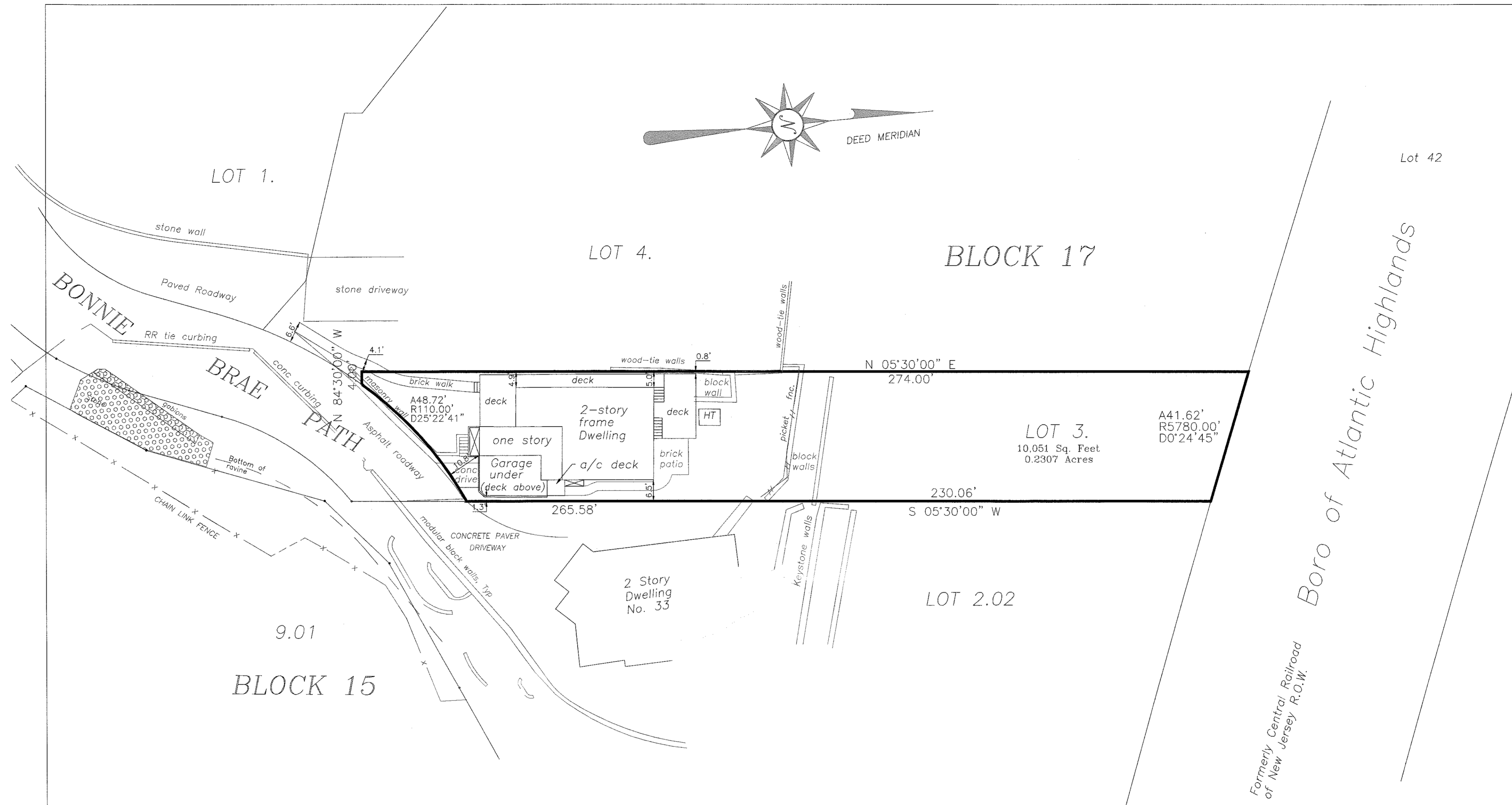
2 SIDE 1 ELEVATION
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3 REAR ELEVATION
 SCALE: 1/4" = 1'-0"



4 SIDE 2 ELEVATION
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NOTES:

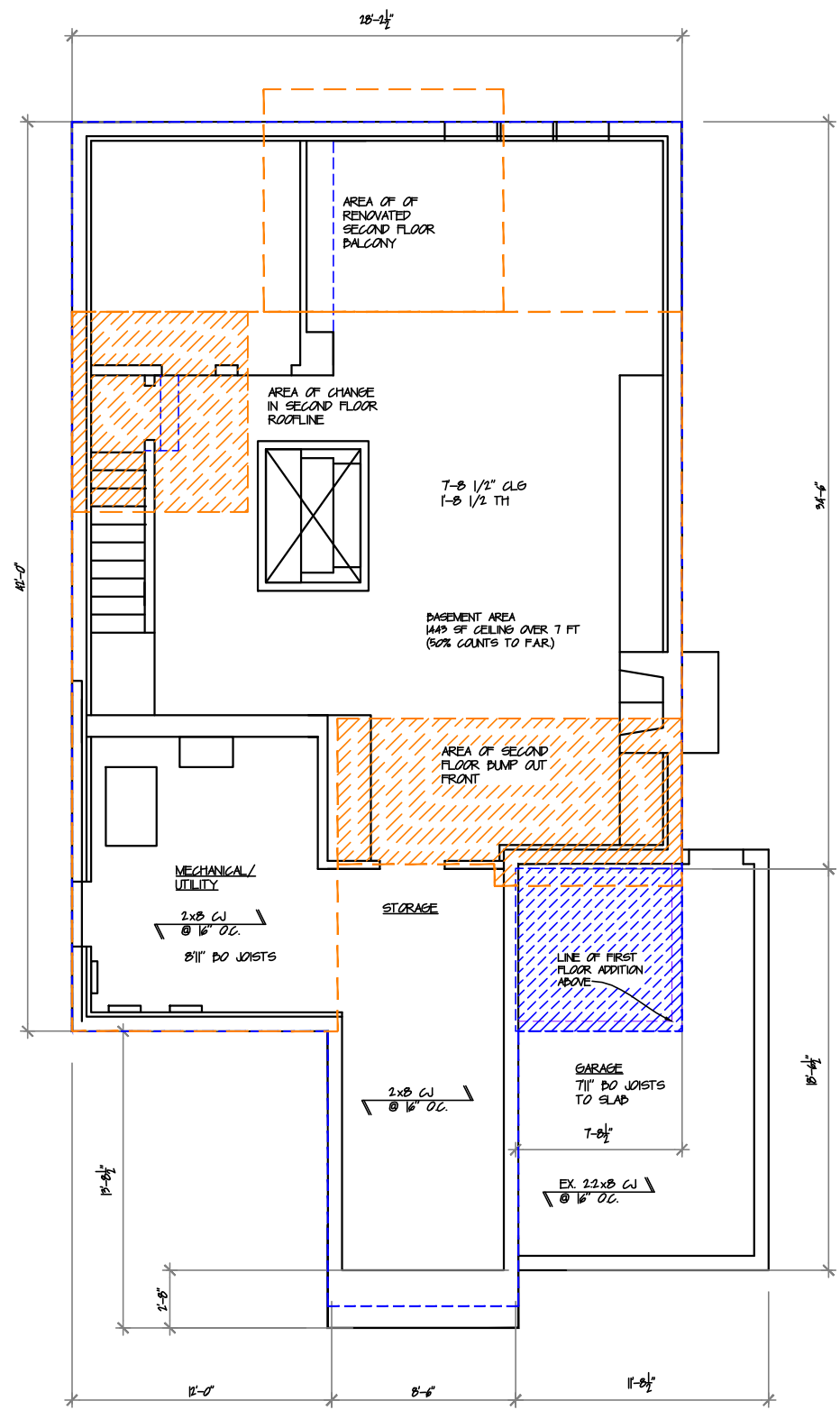
Any Object beneath the surface of the Ground has not been located, and no Guarantee as to existence or location is expressed or implied.

THIS SURVEY HAS BEEN PREPARED WITHOUT A FULL TITLE SEARCH AND IS SUBJECT TO SUCH FACTS THAT MIGHT BE REVEALED BY SAID TITLE SEARCH.

I HEREBY CERTIFY THAT THE ABOVE MAP AND SURVEY HAVE BEEN MADE UNDER MY IMMEDIATE SUPERVISION, FROM ACTUAL MEASUREMENTS TAKEN AT THE SITE.

RONALD L. TRINIDAD
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE NO. 24GS04337000

REV.	DATE	DESCRIPTION	BY	CHK
LOCATION SURVEY FOR:				
LINDSAY DEWIS				
LOT 3 BLOCK 17 ATLANTIC HIGHLANDS, MONMOUTH COUNTY, N.J.				
R and T LAND SURVEYING SURVEYING & MAPPING-CONSTRUCTION SURVEYING P.O. BOX 124, ATLANTIC HIGHLANDS, NJ 07716 732-872-2827				
RONALD L. TRINIDAD LICENSED LAND SURVEYOR NO. 24GS04337000				
DATE: 01-04-23	FILE: 1885	DRAWN: RLT	JOB NO: 4850	
SCALE: 1" = 20'	CAD#: D-4850.dwg	CHECKED: HS	DWG NO: C-925	



① LOWER FLOOR PLAN
SCALE: 1/8" = 1'-0"



Paul A Damiano
NJ License AIO 11915
Kathleen M Damiano
NJ License AIO 14839

Additions & Alterations
6 Bonnie Brae Path
Atlantic Highlands, NJ

Project No. 8821
Date: 05-22-23

OVERLAY FLOORS

SK-1



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 CHIARAVALLLO, PE, CME

May 19, 2023

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

Attn: Nancy Tran – Planning Board Secretary

**Re: Ruane and Dewis
Use & Bulk Variance Application – Review #1
Location: 6 Bonnie Brae Path
Zone: R-3 (Single-Family Residential)
Block 17, Lot 3
Borough of Atlantic Highlands, Monmouth County, NJ
Our File: HAHP017.04**

Dear Planning Board Members:

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

- Architectural plans and elevations entitled “Additions & Alterations, 6 Bonnie Brae Path, Atlantic Highlands, NJ,” consisting of six (6) sheets, prepared by Paul A. Damiano, Architects, LLC, dated March 31, 2023, unrevised;
- Survey entitled “Location Survey for: Lindsay Dewis, Lot 3, Block 17, Atlantic Highlands, Monmouth County, N.J.,” consisting of one (1) sheet, prepared by R and T Land Surveying, dated January 4, 2023, unrevised (*Survey is not signed or sealed by Land Surveyor*);
- Zoning Officer’s Denial Letter, prepared by Michelle Clark, dated February 17, 2023;
- Completed variance application forms, dated March 27, 2023;
- Development plan checklist; and
- Various other application items and submission documents.

We have reviewed this application for site plan approval and offer the following comments:

1. Property Description

The subject ±10,051 square foot (0.23-acre) property is situated within the R-3 (Single Family Residential) Zone District and the Borough’s defined steep slope area. The site provides ±49 feet of frontage along the northerly side of Bonne Brae Path and currently contains a two-story dwelling with ancillary improvements including but not limited to a concrete driveway extending to / from Bonnie Brae Path, decks, block walls, brick patio, and walkways. As depicted on the FEMA Preliminary Flood Insurance Rate Map (P-FIRM), the property is situated in a Zone X, which is an



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area determined to be outside the 0.2% annual chance floodplain. Based upon the NJDEP NJ-GeoWeb online resource, there are no wetlands on or in the immediate proximity of the site, but the site is located within the CAFRA Zone.

The Applicant is proposing to construct various first floor and second floor additions to enlarge the kitchen area as well as build a new bathroom and new primary closet. Additional improvements / modifications include renovating the second-floor balcony and removing the chimney along the front portion of the dwelling. No grading modifications appear to be proposed; the proposed drainages patterns will remain consistent with existing conditions. The Applicant is requesting bulk variance relief relative to the proposed additions on a nonconforming lot.

2. Surrounding Uses

Properties surrounding the subject site are similarly zoned R-3 and contain residential uses.

3. Zoning Compliance

The subject property is situated within the R-3 Zone District. Table 1 below summarizes the bulk measures and zone requirements for the subject property:

Table 1: Bulk Standards, R-3 Zone (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	30,000	10,051	10,051 (EC)
Minimum Lot Frontage and Width, Interior Lot (ft)	100	48.72	48.72 (EC)
Minimum Lot Shape Diameter, Interior Lot (ft.)	65	10	10 (EC)
Principal Building Setbacks			
Front Yard (ft.)	25	4.4	4.4 (V)
Side Yard (ft.)	15	0.8	0.8 (V)
Combined Side Yard (ft.)	30	2.1	2.1 (V)
Rear Yard (ft.)	30	±160 ⁽¹⁾	±160 ⁽¹⁾
Accessory Building/ Struct. Setbacks			
Side Yard (ft.)	10	±8.0 ⁽²⁾	±8.0 ⁽²⁾ (EC)
Rear Yard (ft.)	5	>5.0	>5.0
Building Coverage	12%	15.5%	15.5% (EC)
Lot (Impervious Surface) Coverage	30%	28.1%	28.1%
Maximum Building Height (Stories)	2.5	2	2
Maximum Building Height (ft.)	35	31.8	31.8
Maximum Acc. Building Height (Stories)	1	N / A	N / A
Maximum Acc. Building Height (ft.)	16	N / A	N / A
Maximum Usable Floor Area Ratio	0.175	0.26	0.28 ⁽³⁾ (V)
Minimum Gross Floor Area, More than 1-Sty			
First Floor (sq. ft.)	900	N / A	1,314
Total Floors (sq. ft.)	1,800	N / A	2,859



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(EC): Existing Condition **(V):** Variance Required

- (1) – Distance from rear property line to deck.
- (2) – Setback from brick patio to easterly side property line.
- (3) – FAR includes 50% of the basement area.

4. It appears that variances and/or design waivers would appear necessary for the following:
- a) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum principal front yard setback required within the R-3 Zone is 25 feet, whereas a front yard setback of 4.4 feet is proposed to remain with additional volume proposed.
 - b) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum principal side yard setback required within the R-3 Zone is 15 feet, whereas a side yard setback of 0.8 feet is proposed to remain with additional volume proposed.
 - c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum principal combined side yard setback required within the R-3 Zone is 30 feet, whereas a combined side yard setback of 2.1 feet is proposed to remain with additional volume proposed.
 - d) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum usable floor area ratio permitted is 0.175, whereas a floor area ratio of approximately 0.28 is proposed.
 - e) **Section 150-49.B** – No nonconforming building or structure shall be enlarged, extended or increased unless such enlargement, extension, or increase is conforming. The proposed additions will require variance relief for further exceeding the maximum permitted floor area ratio in the R-3 Zone.
 - f) **Section 150-49.G** – A nonconforming building may not be altered so as to increase in any manner the degree of nonconformance. The proposed additions will require variance relief for further exceeding the maximum permitted floor area ratio in the R-3 Zone
 - g) **Section 150-49.I(2)(b)** – A nonconforming building or structure may not be enlarged, extended, increased in 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 (principal or accessory) 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 building. The proposed additions will require variance relief for further exceeding the maximum permitted floor area ratio in the R-3 Zone

5. It appears the following existing nonconformities would remain with respect to this application:



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- a) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum lot size required for an interior lot within the R-3 Zone is 30,000 square feet, whereas a lot size of 10,051 square feet is proposed to remain.
 - b) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum lot shape diameter required for an interior lot within the R-3 Zone is 65 feet, whereas a lot diameter of 10 feet is proposed to remain.
 - c) **Section 150-29.A(2)(Exhibit 5-2)** – The minimum accessory side yard setback required within the R-3 Zone is 10 feet, whereas a side yard setback of 8 feet is proposed to remain.
 - d) **Section 150-29.A(2)(Exhibit 5-2)** – The maximum building coverage permitted within the R-3 Zone is 12%, whereas a building coverage of approximately 15.5% is proposed to remain.
6. The Applicant has required several submission waivers at this time and no additional waivers appear to be necessary.

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 additional 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) Steep slope calculations, in accordance with Ordinance Section 150-78, should be provided for review. Any additional variance relief required relative to the proposed improvements within the steep slope area should be indicated on a revised plan. Should an exemption per 150-78.B. be applicable, applicant should provide justification for such an exemption as required.
 - b) A survey signed and sealed by a NJ Licensed Professional Land Surveyor should be provided. Same should be printed to scale.
 - c) Additional site photos along all sides of the dwelling, should be provided to depict the close proximity to the adjacent lots and existing drainage patterns within same.

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)
168-2.H.(4)	Use Variance	\$250.00	\$1,000.00 (min)
Total:		\$400.00	\$1,350.00 (min)



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We recommend the Borough collect \$400.00 in nonrefundable application fees and \$1,350.00 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 variances and/or design waivers and continuance of the existing condition nonconformities.
 - b) The application requires “d(4)” use variance relief pursuant to N.J.S.A. 40:55D-70(d)(4) to permit an increase in the permitted floor area ratio within the R-3 Zone District. The Applicant or their professionals shall be prepared to provide testimony regarding the following proofs:
 - i. Positive Criteria
 1. There must be special reasons to grant the requested / required variance. This means that the proposed deviation from the permitted floor area ratio in the subject zone would advance the purposes of zoning as spelled out in the Municipal Land Use Law, and that this site is particularly suited to allow for a building of this size.
 - ii. Negative Criteria
 1. That the variance can be granted without substantial detriment to the public good. This requires an evaluation of the impact(s) associated with the granting of the proposed use variance relief on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
 2. That the variance will not substantially impair the intent and purpose of the zoning Plan and Municipal Ordinance.
 - c) The intent of any floor area ratio maximum in a residential area is to limit the bulk and massing of proposed buildings relative to the size of their lot in order to ensure that new construction is generally consistent with the scale and character of the existing community. The Applicant should provide testimony addressing how the expanded dwelling would fit into the context of the surrounding neighborhood in terms of the size of the building and spacing between adjacent homes.
 - d) The Applicant should provide testimony and/or exhibits to address the appearance of the modified dwelling and confirm that the dwelling will comply with the applicable zoning requirements for maximum height and number of stories.
 - e) The Applicant should discuss if any structural analysis were performed, either by a licensed geotechnical or structural engineer, regarding the increased load on the building foundation pertaining to the new additions and whether modifications / improvements are required for the building foundation noting that the subject property is located in the Borough’s defined steep slope area.



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- f) It appears that a portion of Bonnie Brae Path was vacated by Ordinance #51-94, dated July 6, 1994. Testimony should be provided discussing access to the site, limits of the existing right-of-way and the overall dimensions of the driveway.
- g) The Applicant should demonstrate conformance with the RSIS parking requirements for the existing lot. The Applicant should confirm the number of bedrooms in the existing and proposed conditions, noting that the parking requirements are based upon the number of bedrooms. It appears that three (3) bedrooms are proposed to remain. In accordance with RSIS requirements, a minimum of two (2) off-street parking spaces are required for a single-family dwelling with three (3) bedrooms. It does not appear that the minimum number of required parking spaces are provided on the site.
- h) The Applicant should discuss existing drainage patterns and stormwater discharge resulting from the proposed improvements, especially roof leader discharge, noting that the property is located in the Borough's defined steep slope area and the proposed dwelling is in the immediate proximity of the side property lines. Applicant should demonstrate compliance with the steep slope requirements of Ordinance Section 150-78. Should any portion of the post developed lot impact drainage conditions on the subject property or adjacent properties, the Applicant will be required to correct any deficiencies as directed by the Borough Engineer.
- i) In addition to the above, the Applicant should clarify the manner in which runoff would be conveyed to the northerly portion of the site, noting that there are various block walls that could affect the flow of the surface runoff.
- j) The Applicant should clarify whether sufficient pitch is provided at the front of the garage to direct surface runoff from the road away from the building. Additional modifications / improvements may be required if runoff negatively impacts the existing dwelling.
- k) The subject property is located in the Borough's defined steep slope area. The Applicant is responsible for complying with all applicable requirements outlined in Section 150-78 of the Borough Ordinance. Testimony confirming same should be provided.
- l) Any landscaping work including buffers, proposed plantings, and tree removal, including effects on adjacent properties. The Applicant should confirm that no trees over 6" caliper are to be removed as part of the proposed development. Any trees to be removed will be required a tree removal permit.
- m) The Applicant should discuss construction access and methods. It appears limited access exists on the northern side of the property, with the dwelling and deck restricting access for heavy equipment.
- n) The Applicant shall be responsible for complying with all applicable requirements outlined in Section 163 (Excavation) of the Borough of Atlantic Highlands municipal code. Applicant should provide testimony confirming same.
- o) The Applicant should discuss compliance with all applicable requirements outlined in Section 150-89 (Improvement Standards) of the Borough of Atlantic Highlands municipal code.



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- p) Applicant shall post a performance guarantee for improvements within the Borough right-of-way (Section 150-52).
- q) The Applicant should address the Board regarding any required outside agency approvals for the site. It appears that the proposed is located within a CAFRA zone. In addition, copies of all outside agency approvals shall be forwarded to this office.
- r) The Applicant should clarify whether any modifications are required / proposed for the existing utilities servicing the dwelling.

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

Drew Paulick for:
Douglas M. Rohmeyer, PE, CME, CFM
Planning Board Engineer's Office

DMR/DEP/dol

cc: Robert Ferragina – Borough Administrator
Michelle Clark – Zoning Officer
Michael B. Steib, Esq. – Board Attorney
Patrick Ruane & Lindsey Dewis – Applicants
Paul A. Damiano – Applicant's Architect