



**Consulting & Municipal
ENGINEERS**

September 11, 2024

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

Attn: Renee Frotton – Planning Board Secretary

**Re: *Ortiz, Jose D. & Laura Fortune
Bulk and Use Variance Application—Review #1
Location: 13 East Lincoln Avenue
Zone: R-1 (Single-Family Residential District)
Block 101, Lot 8
Atlantic Highlands Borough, Monmouth County, NJ
Our File: HAHP0101.05***

Dear Planning Board Members:

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

- Plan entitled “Ortiz Residence, 13 East Lincoln Avenue, Atlantic Highlands, New Jersey” consisting of two (2) sheets prepared by Anthony M. Condouris Architect, Inc. dated July 15, 2024;
- Survey entitled “No. 13 East Lincoln Avenue, Location and Land Survey Showing Lot Coverage of Lot 8 in Block 101 on the Official Tax Map of the Borough of Atlantic Highlands, Monmouth County, New Jersey” consisting of one (1) sheet prepared by Thomas Craig Finnegan Land Surveying, LLC dated March 11, 2024;
- Atlantic Highlands Planning Board Application for Variance, dated July 22, 2024;
- Development Plan Checklist, dated July 22, 2024, and;
- Various other application documents.

In accordance with the Board’s authorization, we have reviewed this application for Bulk & Use Variance approval and for completeness. We offer the following comments:

1. Property Description

The subject property is 6,350.28 square feet, with 47 linear feet of frontage along East Lincoln Avenue. The lot is located within the Residential (R-1) Zone district. The existing property includes a two-story single-family residence with a detached garage and a stone driveway extending from East Lincoln Avenue.

The Applicant proposes to construct a one-story addition in the rear of the property. Additionally, the applicant proposes a new rear patio, front porch, and stairs. No other major improvements are proposed at this time.

CONSULTING AND MUNICIPAL ENGINEERS LLC

NJ CERTIFICATE OF AUTHORIZATION NO. 24GA28359000

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The subject property is not in a FEMA FIRM-designated Special Flood Hazard Area, nor a wetland, nor adjacent to any wetland determined by NJ GeoWeb. The property is not located within the steep slope area of the Borough.

2. Surrounding Uses

The surrounding properties are similarly zoned R-1 and contain primarily single-family residential uses. Atlantic Highlands Elementary School is north of East Lincoln Avenue.

3. Zoning Compliance

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

Table 1: Bulk Standards, R-1 Zone (§150-29(A)(2) Exhibit 5-2)			
Standard	Required	Existing	Proposed
Minimum Lot Area (sq. ft.)	7,500	6,350	6,350 (EC)
Minimum Lot Frontage & Width(ft.)	75	47	47 (EC)
Principal Building Setbacks			
Front Yard (ft.)	20	14.3	8.50 (V)
Side Yard (ft.)	10	6.12	6.12 (EC)
Combined Side Yard (ft.)	20	16.62	16.62 (EC)
Rear Yard (ft.)	20	55.3	42.8
Accessory Building/ Struct. Setbacks			
Side Yard (ft.)	5	5.78	5.78
Rear Yard (ft.)	5	8.3	8.3
Max. Building Coverage	25%	31%	34.2% (V)
Max. Lot (Impervious Surface) Coverage	50%	36.4%	55% (V)
Maximum Building Height (Stories)	2 ½	2	2
Maximum Building Height (ft.)	35	<35	<35
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	40%	39.13%	*42.54% (V)*

(EC): Existing Non-conformity

(V): Variance required

* The maximum usable floor area ratio was calculated using the both the principal buildings floor area along with the garage. Applicant should clarify whether a basement or cellar is present on site. If basement height is 7 feet greater, 50% of the floor area is required to be used in the usable floor area calculation.

4. It appears that the Applicant will require relief from the following variances and design waivers with respect to this development application:



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- a) **Section 150-29(A)(2)(Exhibit 5-2)** – the minimum front yard setback is 20 feet, whereas the applicant proposed 10.75 feet.
 - b) **Section 150-29(A)(2)(Exhibit 5-2)** – the maximum building coverage is 25%, whereas 31% exists and the applicant proposed 34.2%.
 - c) **Section 150-29(A)(2)(Exhibit 5-2)** – the maximum lot coverage is 50%, whereas 36.4% exists and the applicant proposed 55%.
 - d) **Section 150-29(A)(2)(Exhibit 5-2)** – The maximum usable floor area ratio is 0.40, whereas the Applicant proposes to increase floor area ratio from 0.391 to 0.425. This requires use variance approval in accordance with N.J.S.A. 55:70d(4).
5. It appears that the following existing nonconformities would remain with respect to this application:
- a) **Section 150-29(A)(2)(Exhibit 5-2)** – the minimum lot area is 7,500 square feet, whereas the existing lot area is 6,350 square feet.
 - b) **Section 150-29(A)(2)(Exhibit 5-2)** – the minimum lot frontage is 75 feet, whereas the existing lot frontage is 47 feet.
 - c) **Section 150-29(A)(2)(Exhibit 5-2)** – the minimum side yard setback is 10 feet, whereas the existing setback is 6.12 feet.
 - d) **Section 150-29(A)(2)(Exhibit 5-2)** – the minimum combined side yard setback is 20 feet, whereas the existing setback is 16.62 feet.
 - e) **Section 150-54 (F)** – the minimum driveway side setback is 5 feet, whereas the existing setback is 2 feet.
6. The following submission waivers appear to be required:
- a) Checklist Item B(8) – The Applicant should provide a scale on the Key Map, not smaller than 1" = 2000', showing the subject property's location in the Borough.
 - b) Checklist Item B(13) – The Applicant should provide the names of all adjacent property owners within 200' of the subject property with block and lot numbers.
 - c) Checklist Item D(1) – the applicant should provide present and proposed grades based on NJ Geodetic Survey Datum, as required by ordinance.
 - d) Checklist Item D(4) – the applicant should provide first floor elevations of the proposed building.
 - e) Checklist Item D(5) – the applicant should provide existing and proposed contours.



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

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

<u>Ordinance Section</u>	<u>Description</u>	<u>Application Fee</u>	<u>Escrow Fee</u>
168-2.H.(5)	Hardship Variance	\$175.00	\$500.00 (min.)
168-2.H.(5)	Use Variance	\$300.00	\$1,500.00 (min.)

We recommend the Borough collect \$475.00 in nonrefundable application fees and \$2,000.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

8. The Applicant should be prepared to discuss the following issues with the Board:

- a) Reasons supporting the granting of the requested bulk variance and/or design waivers and continuance of the existing condition nonconformities.
- b) The application requires "d(4)" use variance relief pursuant to N.J.S.A. 40:55D-70(d)(4) for exceeding the maximum floor area ratio permitted. The Applicant or their professionals shall be prepared to provide testimony regarding the following proofs:
 - i. Positive Criteria
 - 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) Applicant should provide floor area ratio calculations and confirm the presence or absence of a basement or cellar. Our UFAR calculations include the existing garage building and assume no basement exists.
- d) Stormwater runoff including how additional coverage and improvements will be mitigated. Applicant should discuss runoff from proposed roof expansion and modifications, roof leader location, yard drainage, existing drainage patterns and issues, and address concentration of flows and effects on adjacent properties.



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- e) No proposed topographic information has been depicted on the plan provided. Existing and proposed contours should be provided along with spot elevations at each corner of the proposed structures.
- f) Any landscaping work including buffers, proposed plantings, and tree removal. The Applicant shall confirm that no trees over a 6" caliper are to be removed as part of the proposed development. Any trees to be removed will require a tree removal permit.
- g) Any permits/approvals required by any outside agencies; the Applicant shall address the Board regarding the status of all outside agency approvals and copies of same shall be forwarded to this office.
- h) A second-floor plan was not provided on the architectural plans. The applicant should provide testimony confirming the number of existing and proposed bedrooms on the subject property, as well as the required number of off-street parking spaces.
- i) Applicant should provide site photos depicting existing conditions.

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

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

Very truly yours,

CME Associates

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

DMR/JSM

cc: Robert Ferragina – Borough Administrator
Michael B. Steib, Esq. – Board Attorney
Michelle Clark – Zoning Officer
Jose D. & Laura Fortune Ortiz – Applicants