

LAW OFFICE OF
Richard C. Sciria

A Limited Liability Company
55 North Bridge Avenue, Suite 5
Red Bank, New Jersey 07701
Phone: (732) - 842-7900
Fax: (732) - 842-7905
E-Mail: Richard.Sciria.Esq@verizon.net
Website: www.richardsciria.com

Ocean County Office
46 East Water Street
Toms River, New Jersey 08753

Richard C. Sciria
Thomas F. X. Foley, Of Counsel

April 10, 2019

VIA HAND DELIVERY

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
Attn: Planning Board Secretary

Re: 210 Bay Ave LLC– Variance Application – Highlands, NJ
210 Bay Avenue
Block 64, Lot 25

Dear Sir or Madam:

Please be advised that I am writing to you on behalf of 210 Bay Ave, LLC in reference to the above matter. In that regard, I would ask that you please note the following:

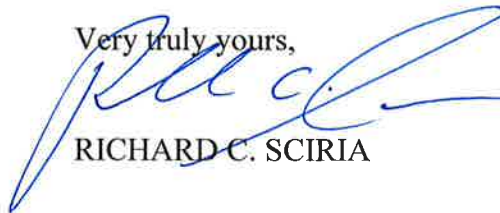
1. 210 Bay Ave, LLC (the Applicant) is the owner of the above-referenced property.
2. The subject property is located at 210 Bay Avenue, Highlands, New Jersey.
3. The Applicant proposes to use the existing dwelling as a restaurant and construct a 2nd and 3rd floor for residential use.
4. Per the Zoning Officer, such a proposal require a Use Variance for Mixed Use/Residential, and major site plan approval for multiple bulk variances for impervious coverage, front, rear and side yard setbacks, and a 7 car bulk variance for parking.

5. Accordingly, enclosed please find seventeen (17) copies of the signed and notarized application for the subject property.
6. Also enclosed please find seventeen (17) copies of the following:
 - a. Officer's denial letter;
 - b. Survey dated March 4, 2019 from Michael S. Lynch, L.S.;
 - c. Proposed New Construction Plan dated September 1, 2018 from Catherine Franco, AIA; and
 - d. Certification/Proof of taxes being paid from Tax Collector;
7. All other required documents will be provided once the Board schedules a hearing date in this matter.
8. Also included are the application fees as required in the separate amounts of \$500.00 and \$750.00.
9. In conjunction therewith, I would also ask that you please arrange for the application to be deemed complete and scheduled for a public hearing as quickly as possible.

Should you have any further questions or require any additional information, please feel free to contact me.

Thank you for your kind attention to this matter.

Very truly yours,



RICHARD C. SCIRIA

RCS:jbm

Enc.

cc: 210 Bay Ave, LLC (via electronic mail w/o enc.)
Catherine Franco, AIA (via electronic mail w/o enc.)

Ltr.to Boro of Highlands - Planning Board – filing application



Borough of Highlands
Planning Board
42 Shore Drive
Highlands, NJ 07732
Phone (732)872-1224 Ext. 208
Fax (732)872-0670

For Official Use

Case No: _____ Fee Paid: _____ Date Filed: _____

1. (I/We) 210 Bay Ave. LLC, the applicant(s), whose Post Office address is 42 Bradley Avenue Oceanport, NJ 07757 and whose phone number is [REDACTED] am/are) the (owner/contract purchaser) of property located at 210 Bay Ave., Highlands, NJ and designated as Block 64, Lot(s) 25 on the Tax Map of the Borough of Highlands.
2. The property is in the B-2 zone. It has a street frontage of 25 feet, and an area of 2500 square feet.
3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be 76%.
4. The following structures, buildings or uses are located on the property: 2 story dwelling, residential building.
5. Application is hereby made for a variance to: Use Variance for Mixed Use / Residential. Major site plan approval for multiple bulk variances for impervious coverage, building coverage and front, rear and side setbacks. Bulk variance for parking.
6. The reasons for this request and the grounds urged for the relief are as follows: Applicant seeks to use the dwelling as a restaurant and construct a 2nd and 3rd floor for residential use.
7. The section of the Borough Zoning Ordinance upon which this application is based is Section #21-91A1, #21-8.
8. Property taxes have been paid through present.
The sewer bills have been paid through present.



Borough of Highlands
Planning Board
42 Shore Drive
Highlands, NJ 07732
Phone (732)872-1224 Ext. 208
Fax (732)872-0670

9. Has the property been separated from a larger tract of land? (Yes / No).
is If so, when? _____. Has the Planning Board approved a
subdivision? (Yes / No). When? _____. Attach copies of any approved
map or approval resolution.
10. Has there been any previous appeal involving these premises? (Yes / No).
Date of Filing: _____
Character of Appeal: _____
Disposition and Date: _____
Attach copy of decision. _____
11. By filing a second application, does applicant and owner, if other than applicant, waive
any and all rights gained in the first application? Yes _____ No N/A
12. Are there any outstanding building code or zoning violations or other violations of law on
the property in question or on any other property in the Borough of Highlands in which the
applicant has any interest, directly or indirectly? None
If yes, list all such violations on a separate sheet and attach.
13. Is the applicant a corporation or a partnership? Yes X No _____
(If so, you must be represented by an attorney.
If yes, please complete a Disclosure Statement, and attach the same to the application.



State of New Jersey)
County of Monmouth) SS:

Applicant's Signature

2-26-2019
Date

Sworn and subscribed
before me this 26th
day of February 2019.

Signature of Notary

Authorization

[If anyone other than the owner is making this application, the following authorization must be completed.]

To the Board of Adjustment:

_____ is hereby authorized to make this application.

Date: _____

Signature of Owner: _____

BOROUGH OF HIGHLANDS, N.J.

INCORPORATED 1900

42 SHORE DRIVE
07732

COUNTY OF MONMOUTH
PHONE: 732-872-1224
FAX: 732-872-0670

WWW.HIGHLANDSBOROUGH.ORG



HISTORIC "TWIN LIGHTS"

RICHARD W. O'NEIL
MAYOR

KIMBERLY GONZALES
ADMINISTRATOR

BONNIE BROOKES
BOROUGH CLERK

DENIAL OF DEVELOPMENT PERMIT

January 30, 2019

Richard Sciria, Esq.
55 North Bridge Avenue, Suite 4
Red Bank, NJ 07701

RE: DP #2019-05
210 Bay Avenue
Block 64, Lot 25

Please be advised that the above referenced application to utilize the above referenced property as a restaurant, and construct a 2-story addition for the purpose of residential use has been reviewed for compliance with the Borough of Highlands Zoning Ordinance. The property is located in the B-2 zone.

This application will require the following approvals:

#21-91A1 Use "d" variance
#21-8 Major site plan approval

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

Sincerely,

A handwritten signature in blue ink that reads "M. Dunn".

Marianne Dunn
Zoning Officer



Zoning Permit Application

42 Shore Drive
Highlands, N.J. 07732
732-872-1224 Ext. 202

APPLICATION FOR ZONING PERMIT — Z

2019-05

Note: All applications must be accompanied by a property survey showing the sizes of the structure(s) and their location. Applications involving businesses must show the scope of the business and include all activities that will be a part of the business.

The Following Fees Shall Apply:

Residential Applications: New Construction single or two-family - \$50 Fence - \$15.00
Renovations/Additions/Alterations/Repairs - \$10, Other Residential - \$100/unit Shed - \$25.00
Non-Residential Applications - New Construction - \$100, Renovations/Additions - \$25

OWNER/APPLICANT

Name: 210 Bay Ave LLC
Address: 42 Broun Avenue Oceanport NJ 07757
Telephone: Home: [REDACTED] Work: [REDACTED]
Date: 1/16/19 Fee: \$ 25 ☒ Check ☐ Cash

LOCATION OF THE WORK

Block: 64 Lot(s): 25 Zone B-2 Street Address 210 Bay Ave, Highlands

DESCRIPTION OF THE WORK TO BE PERFORMED (OR USE PROPOSED)

Applicant seeks to use the dwelling as a restaurant and construct a second and third floor for residential use.

CHECK ONE: New ☐ Addition: ☒ Alteration ☐ Repair ☐ Other ☐

To the applicants knowledge, has this property ever been the subject of any prior application to the Planning Board of the Borough of Highlands?

Signature: [Signature] Date: 01/16/2019 ☒ Yes ☐ No

FLOOD HAZARD AREA DETERMINATION

Check Applicable Flood Zone: AE: ☐ VE: ☐ X: ☐

All applications within the AE and VE Flood Zoned, as indicated upon the most recent FEMA Flood Maps, require submission to an applicability determination from the NJDEP.

FOR BOROUGH USE ONLY

Determination: APPROVED ☒ DENIED ☐

If your application has been DENIED, it is due to the following:

Ordinance Section [REDACTED] Allowed/Required ☐ Proposed ☐

Remarks:

See attached

Zoning Officer M. Penn

Date 1/30/19

NOTE: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands; A building permit is required (per the requirements of the Uniform Construction Code of NJ) BEFORE beginning work. The zoning permit is valid for one year, and may be extended for three years by action of the Planning Board.

If your application has been denied, you may appeal this denial to the Planning Board as provided by the New Jersey Municipal Land Use Law. You must submit letter of appeal to Planning Board secretary within 20 days.

If your application has been denied, you may seek relief from the Highlands Planning Board.

Note: If the following box is checked, you must submit a Flood Review Application to the Borough Flood Administrator prior to submitting to the Planning Board.

☐ Local Flood Review Required



YOUR GOALS. OUR MISSION.

HGPB- R1690

April 26, 2019
Via Email and Regular Mail

Rosa Pace, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

**Re: 210 Bay Avenue – 210 Bay Avenue, LLC
Block 64, Lot 25
Review of Site Plan Plat Requirements (completeness)**

Dear Ms. Pace;

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, section 21-58E – Preliminary Site Plan.

The applicant submitted the following documents in support of this application:

1. Land Use Board Application, undated
2. Affidavit of Applicant, dated February 26, 2019
3. Denial of Development Permit, dated January 30, 2019
4. Tax Account Data from the Borough
5. Survey of Block 64 Lot 24; 214 Bay Avenue prepared by Michael S. Lynch, P.L.S., dated March 14, 2019

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.E:

Preliminary Site Plan (Major): The preliminary site plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include such details as may be necessary to properly evaluate the application and determine compliance with this chapter. The site plan shall be drawn by a licensed New Jersey professional engineer and land surveyor and, where applicable to the proposed use or construction, the following information shall be clearly shown.

1. Date, name, location of site, name of owner, scale and reference meridian. **Provided.**
2. Area of the lot and all lot line dimensions and bearings. **Provided.**
3. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures and any other feature on the property and within seventy-five (75) feet of the property line. **Not provided.**
4. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Partially provided.**
5. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Not provided.**
6. The location and widths of existing and proposed streets servicing the site plan. **Not provided.**
7. Specifications for and location of proposed surface paving and curbing. **Not provided.**



Le: Rosa Pace
Borough of Highlands Land Use Board

Re: 210 Bay Avenue – 210 Bay Avenue, LLC
Block 64, Lot 25
Review of Site Plan Plat Requirements (completeness)

8. Location of all structures within seventy-five (75) feet of the property. **Partially provided.**
9. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Not provided.**
10. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not provided.**
11. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Not provided.**
12. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths and any other devices necessary to traffic safety and/or convenience. **Not applicable.**
13. The location and identification of proposed open space, parks or other recreation areas. **Not applicable.**
14. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not provided.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Provided.**
16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Not provided.**
17. Specific location and design of traffic control devices, signs and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs and lighting fixtures. **Not applicable**
18. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided. First floor plan not shown on plans.**
19. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because all of the past or present use of the site. **Not applicable.**
20. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not provided.**
21. Soil Borings, when required by the Board Engineer. **Not required.**
22. Certification statement for the required municipal signatures, stating: **Not provided.**



Le: Rosa Pace
Borough of Highlands Land Use Board

Re: 210 Bay Avenue – 210 Bay Avenue, LLC
Block 64, Lot 25
Review of Site Plan Plat Requirements (completeness)

- Application No. _____ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Preliminary Site Plan on _____
(date)

Chairman

Secretary

23. Certification statement for the County Planning Board approval / disapproval, if required. **Not provided.**
24. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter.

Although several items noted above have been submitted to the Board, substantial information has not been submitted for T&M Associates to provide a technical review of the application. **We therefore recommend that the application be deemed incomplete.**

Since the application as proposed appears to show parking for this project utilizing a portion of the adjacent lot (#214 Bay Avenue), the applicant shall provide information regarding any prior approvals for #214 Bay and appropriate parking approvals for same. Applicant and owner information shall be provided for lot 24.

Additional information shall be provided regarding sanitary sewer flows, grease traps, stormwater management, details for parking and circulation, existing and proposed grading, first floor plan and ingress/egress, as well as landscaping and lighting.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWH:DW:lkc

cc: Kim Gonzales, Borough Administrator (via email)
Greg Baxter, Esq., Planning Board Attorney (via email)
210 Bay Avenue, LLC 42 Bradley Avenue, Oceanport, NJ 07757



YOUR GOALS. OUR MISSION.

HGPB- R1690

April 26, 2019
Via Email and Regular Mail

Rosa Pace, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

**Re: 210 Bay Avenue – 210 Bay Avenue, LLC
Block 64, Lot 25
Fee and Escrow Calculation**

Dear Ms. Pace,

As requested, we have reviewed the above-referenced site plan application. The applicant submitted the following documents in support of this application:

1. Land Use Board Application, undated
2. Affidavit of Applicant, dated February 26, 2019
3. Denial of Development Permit, dated January 30, 2019
4. Tax Account Data from the Borough
5. Survey of Block 64 Lot 24; 214 Bay Avenue prepared by Michael S. Lynch, P.L.S., dated March 14, 2019

The fee for this application is **\$2,954.00** as shown in "Determination of Fees" attachment herein. Additionally, the Ordinance Schedule requires an escrow fee be posted in the amount of **\$5,908.00**

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., C.M.E., CFM
LAND USE BOARD ENGINEER

EWB:DW:lkc
Enclosure

cc: Kim Gonzales, Borough Administrator (via email)
Greg Baxter, Esq., Land Use Board Attorney (via email)

G:\Projects\HGPB\R1690\Correspondence\R1690_EWH_RP_FEE CALCULATION.docx



YOUR GOALS. OUR MISSION.

HGPB- R1690

April 26, 2019
Revised March 4, 2020
Via Email and Regular Mail

Michelle Hutchinson, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

**Re: 210 Bay Avenue – 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
Amended Review of Site Plan Plat Requirements (completeness)
CBD Zone**

Dear Ms. Hutchinson;

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, section 21-58E – Preliminary Site Plan.

The applicant submitted the following documents in support of this application:

1. Land Use Board Application, undated
2. Affidavit of Applicant, dated February 26, 2019
3. Denial of Development Permit, dated January 30, 2019
4. Tax Account Data from the Borough
5. Survey of Block 64 Lot 24; 214 Bay Avenue prepared by Michael S. Lynch, P.L.S., dated March 14, 2019
6. Architectural Plans prepared by Catherine Franco, A.I.A, consisting of two (2) sheets, dated, September 1, 2018
7. Site Plan prepared by A.J. Garito, Jr., P.E., consisting of four (4) sheets, dated December 1, 2019

The plans noted above have been submitted as part of the Amended Completeness Review. In response to our previous correspondence dated April 26, 2019, the applicant has submitted the above referenced plans. Upon reviewing the plans provided, many of the items listed in the completeness review have been provided. The following items are noted for reference:

1. Location, use and ground floor area of all existing and proposed buildings, with the building setback, sideline and rear yard distance. **Partially provided. Applicant has not provided the first-floor plan for the proposed building on Lot 25.**
2. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Partially provided. It is unclear if the applicant proposes to utilize the proposed paving area for both lots, 24 & 25.**



Le: Michelle Hutchinson, Land Use Board Secretary

Re: 210 Bay Avenue – 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
Amended Review of Site Plan Plat Requirements (completeness)
CBD Zone

3. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not provided.** *Given the nature of the proposed lot coverage, we recommend some form of stormwater management to prevent impact to the subject property and neighboring lots.*
4. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not provided.**
5. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Not provided.** *Applicant did not include the private utilities on the plan, such as elevated mechanicals or refuse area.*
6. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided.** *First floor plan not shown on plans. Applicant advised the Architect shall provide.*
7. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not provided.** *Applicant advised they will provide, if required.*
8. Certification statement for the County Planning Board approval / disapproval, if required. **Not provided.** *Applicant advised they will provide if required.*
9. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter.

Although several items noted above have not been submitted to the Board, substantial information has been submitted for T&M Associates to provide a technical review of the application. **We therefore recommend that the application be deemed complete.**

However, the application as proposed appears to show parking for this project utilizing a portion of the adjacent lot (#214 Bay Avenue). The applicant shall provide a narrative summary regarding any prior approvals for #214 Bay and appropriate parking approvals for same.

Future plan revisions shall include an owner consent certification and signature line.

Additional information shall be provided regarding sanitary sewer flows, grease traps, stormwater management, details for parking and circulation, existing and proposed grading, first floor plan and ingress/egress, as well as landscaping and lighting.



HGPB-R1690
April 26, 2019
Revised March 4, 2020
Page 3

Le: Michelle Hutchinson, Land Use Board Secretary

Re: 210 Bay Avenue – 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
Amended Review of Site Plan Plat Requirements (completeness)
CBD Zone

Should you have any questions or require any additional information, please call.

Very truly yours,

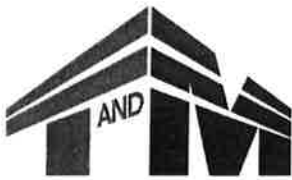
T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P. C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWH:DW:lkc

cc: Kim Gonzales, Borough Administrator (via email)
Greg Baxter, Esq., Planning Board Attorney (via email)
210 Bay Avenue, LLC 42 Bradley Avenue, Oceanport, NJ 07757
AJ Garito, Applicant's Engineer (ajg@tworivereng.com)

G:\Projects\HGPB\R1690\Correspondence\R1690_EWH_MH_210 Bay Avenue LLC_Completeness Review_Amended.docx



YOUR GOALS. OUR MISSION.

HGPB- R1690

November 17, 2020
Via Email

Michelle Hutchinson, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

**Re: 210 Bay Avenue – Hung, 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
First Engineering Review
CBD Zone**

Dear Ms. Hutchinson;

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, section 21-58E – Preliminary Site Plan.

The applicant submitted the following documents in support of this application:

1. Land Use Board Application, dated April 10, 2019.
2. Affidavit of Applicant, dated February 26, 2019.
3. Denial of Development Permit, dated January 30, 2019.
4. Tax Account Data from the Borough.
5. Survey of Block 64 Lot 24; 214 Bay Avenue prepared by Michael S. Lynch, P.L.S., dated March 14, 2019.
6. Architectural Plans prepared by Catherine Franco, A.I.A, consisting of two (2) sheets, dated, September 1, 2018.
7. Site Plan prepared by A.J. Garito, Jr., P.E., consisting of four (4) sheets, dated December 1, 2019.

A. Project Description

The applicant seeks preliminary and final site plan approval to build a 5,526 s.f. three-story mixed-use building on Block 64, Lot 25, also known as 210 Bay Avenue. The ground floor is proposed as a restaurant, and the second and third floors are proposed as apartments. The parcel previously contained a two-story residential structure that appears to have been demolished some time after 2017. The lot is currently vacant and comprises 2,500 s.f. of area. In addition, the applicant proposes to utilize part of Block 64, Lot 24 for parking and access. The owner of lot 25 is listed as 210 Bay Avenue, LLC. The applicant is listed as Yang Hung. The owner of lot 24 is listed as YHH Realty, LLC.

B. Zoning and Planning

1. The subject property is located in the Central Business District (CBD) Zone. This zone permits restaurant uses and also allows for residential uses above the first floor. It is my opinion that this is a permitted use in the zone.
It is noted that the Floor Area Ratio for lot 25 exceeds the allowable Ordinance requirement, therefore a d(4) variance will be required.



Re: 210 Bay Avenue – Hung, 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
First Engineering Review
CBD Zone

The applicant must demonstrate that the application satisfies both the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. The determination of the positive criteria establishes the benefits of the variance. The determination of the negative criteria establishes the detriments to the public good that would result from the variance. By nature, a variance is a departure from and an impairment of the zone plan. On balance, the benefits of granting the variance must be such that the resulting detriments are not substantial. The greater the benefits of the variance, the greater the detriments must be in order to be considered substantial. Accordingly, the applicant must demonstrate the following for "d" variance relief:

Positive Criteria

There are two prongs to the positive criteria that the applicant must satisfy, as follows:

That the site is particularly suited to the use. Unless the Board determines that the proposed use qualifies as an inherently beneficial use of the proposed site, the applicant must prove that the site is particularly suited to the use.

There are special reasons that allow a departure from the zoning regulations in this particular case. Unless the Board determines that the use qualifies as an inherently beneficial use as discussed above, the applicant must prove that special reasons support the grant of the variance. The only acceptable special reasons for the grant of a "d" variance would be proof that the variance promotes the purpose of zoning, or proof of undue hardship. The purposes of zoning are established by the Municipal Land Use Law (N.J.S.A. 40:55D-2) and the applicant must demonstrate that the variance promotes one or more of those purposes to establish special reasons. Alternatively, the applicant may offer as a special reason proof that refusal to grant the variance would result in undue hardship. Proof of undue hardship for a "d" variance requires that the applicant prove that the property cannot be reasonably adapted to conform to the zone requirements.

Negative Criteria

There are two prongs to the negative criteria that the applicant must satisfy, as follows:

That the variance can be granted without substantial detriment to the public good. This prong requires an evaluation of the impact of the variance 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.

That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. The process for zoning decisions is through the recommendations of the municipal master plan as implemented through zoning ordinances adopted by the governing body. This establishes the zones, standards, and requirements for the development of the municipality. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. If the grant of a variance substantially alters the municipality's zone plan, the action is impermissible because it usurps the zoning power of the governing body and undermines the municipal planning process.



Re: 210 Bay Avenue – Hung, 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
First Engineering Review
CBD Zone

2. The following bulk requirement summary is provided for the Board's reference:

Standard	CBD Zone Requirement	Existing Lot 24	Existing Lot 25	Proposed Lot 25
Min. Lot Area (sf)	NA	4,950 s.f.	NA	2,500
Min. Lot Frontage/Width (ft)	NA	49.23	NA	25
Min. Lot Depth (ft)	NA	100	NA	100
Min. Front Yard Setback (ft)	0	1.0	NA	0
Min. Side Yard Setback (ft) *	0	0.16	NA	0
Min. Rear Yard Setback (ft)	12	40	NA	26
Max. Building Height (ft)	36	25	NA	20
Max. Lot Coverage (%)	80	100	NA	100 ^(V)
Max. Building Coverage (%)	35	29 ^(C)	NA	73.7 ^{(V)(C)}
Max. Floor Area Ratio	0.65	0.80 ^(C)	NA	2.21 ^{(V)(C)}
Min. Outdoor Living Space (sf)**	400 (lot 25)	NS	NA	410

(C) – Calculated

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

* Section 21-91.4.a of the Ordinance indicates that no side yard is required adjacent to the properties in the CBD zone, however, if any is to be provided, it shall be at least five (5) feet. Any side yard which serves as a boundary between that lot and any residence zone shall be at least five (5) feet and shall contain buffering in accordance with the requirements of this section.

** Section 21-91.4.b of the Ordinance requires any building containing residential units provide outdoor living space at the rate of 100 square feet per residential unit plus 50 square feet per bedroom. The applicant is proposing two (2), two-bedroom residential units, yielding a total outdoor living space area requirement of 400 square feet. This space may be provided either at ground level or directly adjacent to the unit in the form of decks and/or roof top terraces. The area provided shall be private, for the exclusive use of the residential terrace and shall be sufficiently screened or otherwise designed to ensure privacy and exclusive use. The applicant is proposing a 205 s.f. balcony for each unit, for a total of 410 s.f., which appears to meet the requirement.

3. The proposed application will ultimately require the following bulk 'c' variances:

- a. Building Coverage
- b. Lot Coverage

To be entitled to bulk variance relief, the applicant must ultimately provide proof to satisfy the criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances.



Re: 210 Bay Avenue – Hung, 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
First Engineering Review
CBD Zone

C. Site Requirements & Layout

1. The plans indicate that access to lot 25 will utilize the existing driveway on lot 24. Three (3) parallel parking stalls are also shown on lot 24, apparently for the benefit of lot 25. The plans do not indicate a lot consolidation. If lot consolidation is not proposed, an easement agreement would be required.
2. No representation of the existing parking for lot 24 has been provided. It appears that there is room for 2-3 cars behind the existing building.
3. For the proposed mixed-use building on lot 25, the required off-street parking spaces per the Ordinance are as follows:

Eating/Drinking Est. (Restaurant):	1.0 space per four seats (seat information not provided)
(Larger of calculations)	8.0 spaces per 1,000 s.f. x 1,556 s.f. = 12.4 spaces

Apartments:	2.0 spaces per unit x 2 units	=	4.0 spaces
-------------	-------------------------------	---	------------

Total Required Spaces: 16 spaces

A total of 16 parking spaces are required, whereas 5 parking spaces are proposed, including three that are not on the property in question. Therefore, a parking waiver will be required.

The applicant has not provided any parking information for the pre-existing lot 24 use. It is unclear what the impact would be on lot 24 by assigning the three parking spaces for lot 25. The applicant shall provide testimony on the intended operation of the parking for both properties.

4. A sight triangle easement will likely be required by the County along Bay Avenue.
5. Dimensions for the access driveway shall be noted on the site plan, as by scaling it does not appear wide enough for two-way use.

D. Traffic Impact

1. The applicant has not provided a traffic impact report. Given the size of the site and scope of the proposed improvements a detailed report is not required. However, a traffic impact statement shall be provided detailing the proposed traffic to be generated and overall impacts to the surrounding area for the proposed use on site.
2. The applicant shall provide testimony on the trash and recyclables to be generated with the proposed use, along with the process, times, and frequency of refuse pickup.
3. We defer to the Borough Fire Official for review of the application with respect to emergency vehicle access and maneuvering, as well as any fire lane markings.



Re: 210 Bay Avenue – Hung, 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
First Engineering Review
CBD Zone

E. Grading, Drainage, & Utilities

1. The proposed development will not disturb an area exceeding 1/2 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a “major development” as defined by NJAC. 7:8 and is not subject to the NJDEP Stormwater Management stormwater quantity, quality and recharge requirements of a major development.
2. The applicant shall confirm there will be no adverse drainage impacts to the adjacent properties as a result of the proposed improvements. Stormwater runoff mitigation measures may be required.
3. Roof leader locations and/or downspout discharge locations shall be shown on the plans.
4. The applicant shall provide roof drain calculations to confirm adequate capacity for the roof runoff generated by the 25-year storm event.
5. The applicant’s engineer shall provide a calculation of the projected sanitary sewer flow for the site. A Treatment Works Approval (TWA Permit) will be required if the projected flow is greater than 8,000 gallons per day. The applicant shall also be aware that a sanitary sewer connection fee must be paid to the Borough prior to issuance of a Certificate of Occupancy for any building.

F. Landscaping & Lighting

1. Section 21-65.10.C.2 requires a minimum of 10% of the area of the site be landscaped, whereas this requirement has not been met. The applicant indicates that given the size of the lot, no landscaping is proposed. I would recommend that some effort be made to provide some greenery on the project. A design waiver will be required.
2. Section 21-65.11.D of the Ordinance permits a maximum light source height of 15 feet, whereas 30 feet is proposed. The plans shall be revised. It is also unclear if the lights proposed are intended to be free-standing, or wall mounted on the building. As shown, the lighting locations appear to be within the footprint of the new building. Revised plans will ultimately be required that document compliance with the Ordinance standards.
3. All outdoor lighting during nighttime hours on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.
4. If the lights are proposed to be free-standing, a construction detail for the Light Pole Foundation shall be provided.

G. Miscellaneous

1. It should be noted that this property is located within the “AE” flood zone with a Base Flood Elevation (BFE) of 11 feet. The applicant has indicated that the proposed finished floor elevation is 5.0 feet. Additionally, it is recommended that the applicant obtains an Elevation Certificate for the subject property. The applicant shall provide testimony regarding the



**Re: 210 Bay Avenue – Hung, 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
First Engineering Review
CBD Zone**

- intended flood proofing for the commercial space. We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
2. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements. We defer further review to NJDEP.
 3. The applicant shall provide testimony on any proposed signage. The plans indicate that no signage is proposed, although with a proposed restaurant it would be unusual to not have a sign. All signage shall be indicated on the plans and comply with Section 21 Article 22 of the Ordinance.
 4. The applicant shall provide testimony as to the proposed locations of any mechanical equipment including but not limited to A/C units and backup power generators.
 5. The Building Department should review the architectural plans for ADA compliance.
 6. The applicant will ultimately be obligated to comply with the Borough's Affordable Housing obligations/requirements.
 7. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.
 8. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other off-site objects damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
 9. An owner's consent signature block should be provided on the plans for the owners of both lot 24 and lot 25, consenting to the applicant's filing.
 10. An architectural floor plan shall be provided for the first floor. Clarification shall be provided that the intended first floor use is a restaurant. Testimony shall be provided regarding the method of construction for the easterly side line, as the new building is shown immediately abutting the adjacent building.
 11. Assuming the first floor will be a restaurant, details for a grease trap shall be provided.
 12. Approvals or waivers should be obtained from any agencies having jurisdiction. These may include, but shall not be limited to, the following:
 - a. Monmouth County Planning Board.
 - b. Freehold Soil Conservation District.
 - c. New Jersey Department of Environmental Protection.



**Re: 210 Bay Avenue – Hung, 210 Bay Avenue, LLC
Block 64, Lots 24 & 25
First Engineering Review
CBD Zone**

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P. C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWB

cc: Kim Gonzales, Borough Administrator (via email)
Greg Baxter, Esq., Planning Board Attorney (via email)
AJ Garito, Applicant's Engineer (ajg@tworivereng.com)
210 Bay Avenue, LLC 42 Bradley Avenue, Oceanport, NJ 07757

\\tandmassociates.local\Public\Projects\HGPB\R1690\Correspondence\R1690_ EWB_MH_Hung_210 Bay Ave_B64_L24&25_First Engineering Review.docx

NOTE: THIS CERTIFICATION IS MADE ONLY TO HEREON NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAME PURCHASER, NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY SURVEYOR FOR USE OF SURVEY FOR ANY OTHER PURPOSE INCLUDING BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN CERTIFICATION EITHER DIRECTLY OR INDIRECTLY.

NOTE: THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF ANY TITLE REPORT AND/OR SEARCH. THE PROPERTY SHOWN HEREON, MAY BE SUBJECT TO VARIOUS EASEMENTS AND/OR "RIGHTS OF OTHERS". THIS SURVEY IS SUBJECT TO REVISIONS AS SUCH A REPORT AND/OR SEARCH MAY REVEAL.

NOTE: THIS DOCUMENT IS COPYRIGHT PROTECTED AND AS SUCH NO PORTION OF THIS WORK MAY BE REPRODUCED IN ANY FORMAT AND/OR FOR ANY PURPOSE WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE UNDERSIGNED PROFESSIONAL.

NOTE: IF THIS DOCUMENT DOES NOT CONTAIN AN INK SIGNATURE AND A RAISED IMPRESSION SEAL OF THE UNDERSIGNED PROFESSIONAL IT IS NOT AN ORIGINAL AND MAY HAVE BEEN ALTERED.

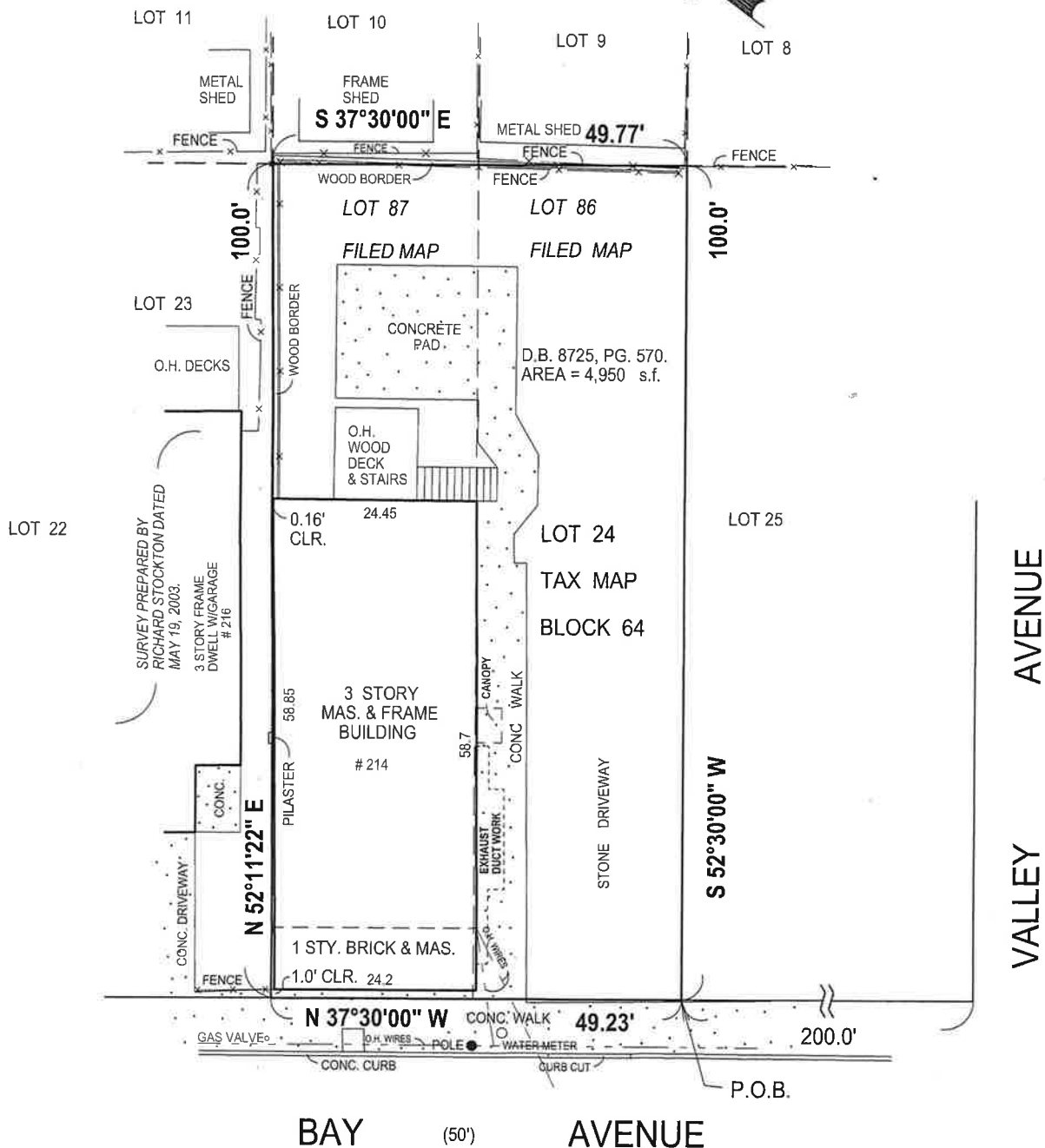
THIS SURVEY DOES NOT DETERMINE THE EXISTENCE, NONEXISTENCE OR LOCATION OF FRESHWATER WETLANDS OR OTHER ENVIRONMENTAL CONDITIONS.

CORNER MARKERS HAVE BEEN SET IN ACCORDANCE WITH N.J.A.C. 13:40-5.1 (d)".

NOTE: SURVEY SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

NOTE: UNDERGROUND UTILITIES, IF ANY, HAVE NOT BEEN LOCATED.

NOTE: NO INVESTIGATION HAS BEEN MADE BY THIS FIRM INTO CURRENT SETBACK AND/OR ZONING REQUIREMENTS.

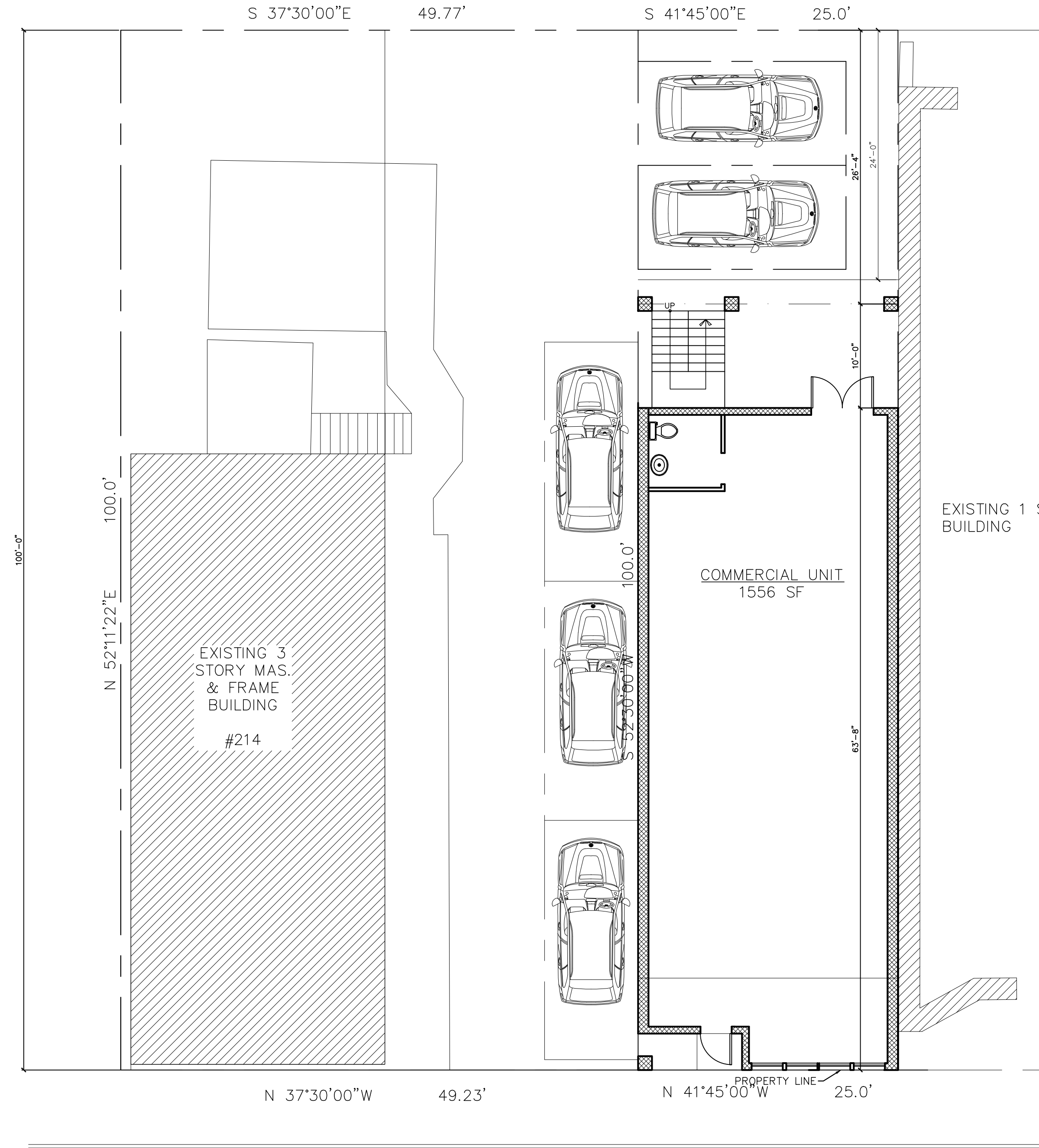


FILED MAP REFERENCE: PROPERTY ALSO KNOWN AS LOTS 86 & 87 AS SHOWN ON MAP ENTITLED MAP OF LANDS OF CECILIA F. HOWELL AND ELLA R. CHARLEER AT SEASIDE, HIGHLANDS OF NAVESINK, NEW JERSEY, DATED: AUGUST 11, 1893, FILED IN THE MONMOUTH COUNTY CLERKS OFFICE ON AUGUST 16, 1893, AS CASE # 47-11.

SURVEY OF PROPERTY FOR: YHH REALTY, LLC & YANG HUANG
SITUATED IN: HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY
PREPARED BY: THOMAS M. ERNST & ASSOCIATES, PROFESSIONAL LAND SURVEYORS, INC.
457 SPOTSWOOD-ENGLISHTOWN ROAD P.O. BOX 221 JAMESBURG, N.J. 08831
CERTIFICATE NUMBER 24GA27967000 PHONE 732-251-1001 FAX 732-251-9470
DATE: MARCH 4, 2019 SCALE: 1" = 20'

CERTIFIED TO: YHH REALTY, LLC & YANG HUANG.

MICHAEL S. LYNCH
PROFESSIONAL LAND SURVEYOR
NEW JERSEY LIC. # 35382



BAY AVE.

SITE PLAN
SCALE: 1/8" = 1'-0"



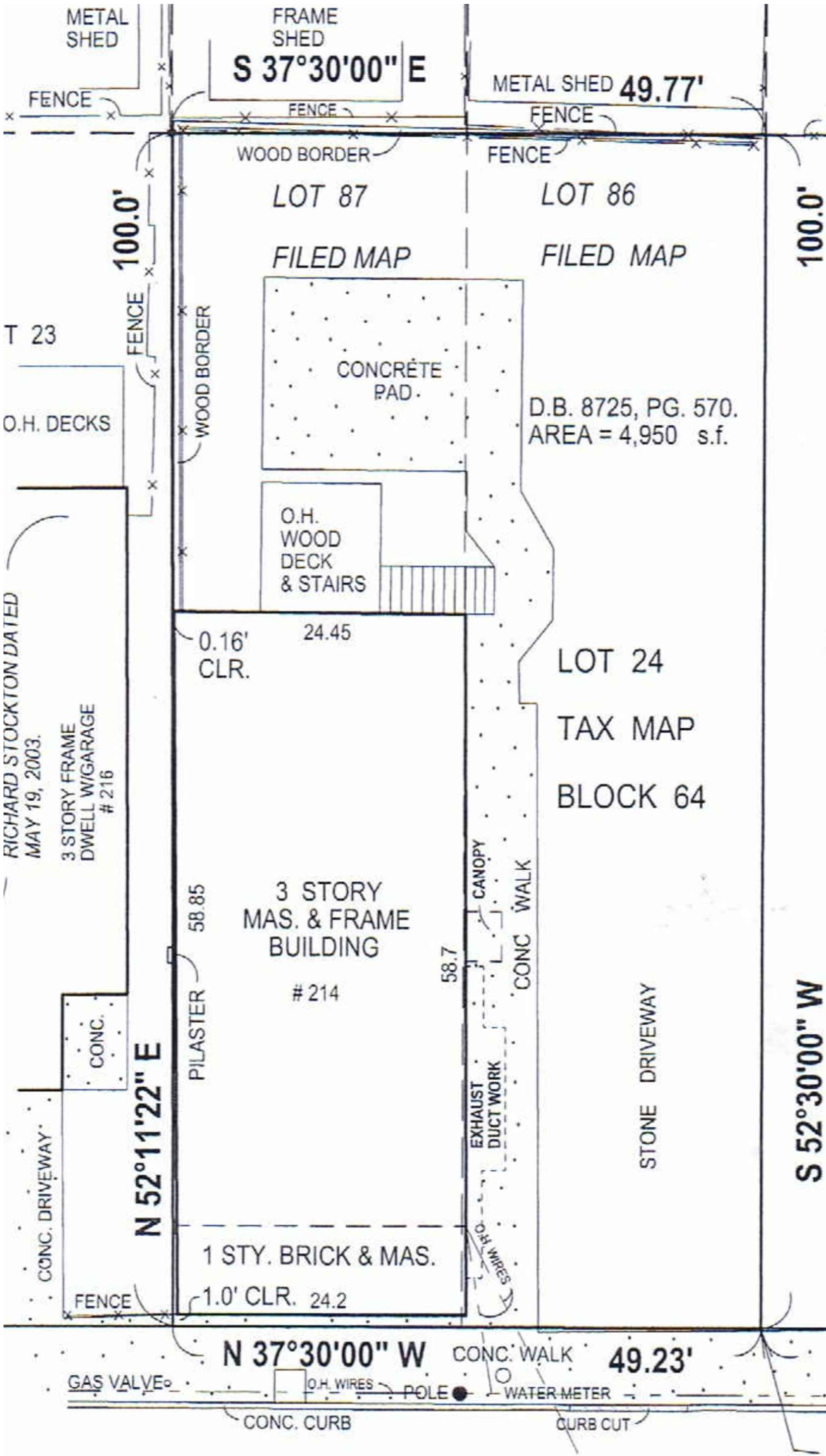
EXISTING VIEW OF 210 BAY AVE

ZONING INFORMATION

	REQUIRED B-2	EXISTING
LOT AREA (MIN)	-	2500 SF
LOT WIDTH (MIN)	-	25'
IMPERVIOUS COVERAGE (MAX)	80%	93% 2320 SF
BUILDING COVERAGE (MAX)	35%	76% 1900 SF
F.A.R.	0.65	1.71
FRONT SETBACK	-	0'
REAR REAR	12'	25.0'
SIDE SETBACK	0' OR 5'	0'/0'
BUILDING HEIGHT (MAX)	36'	32'

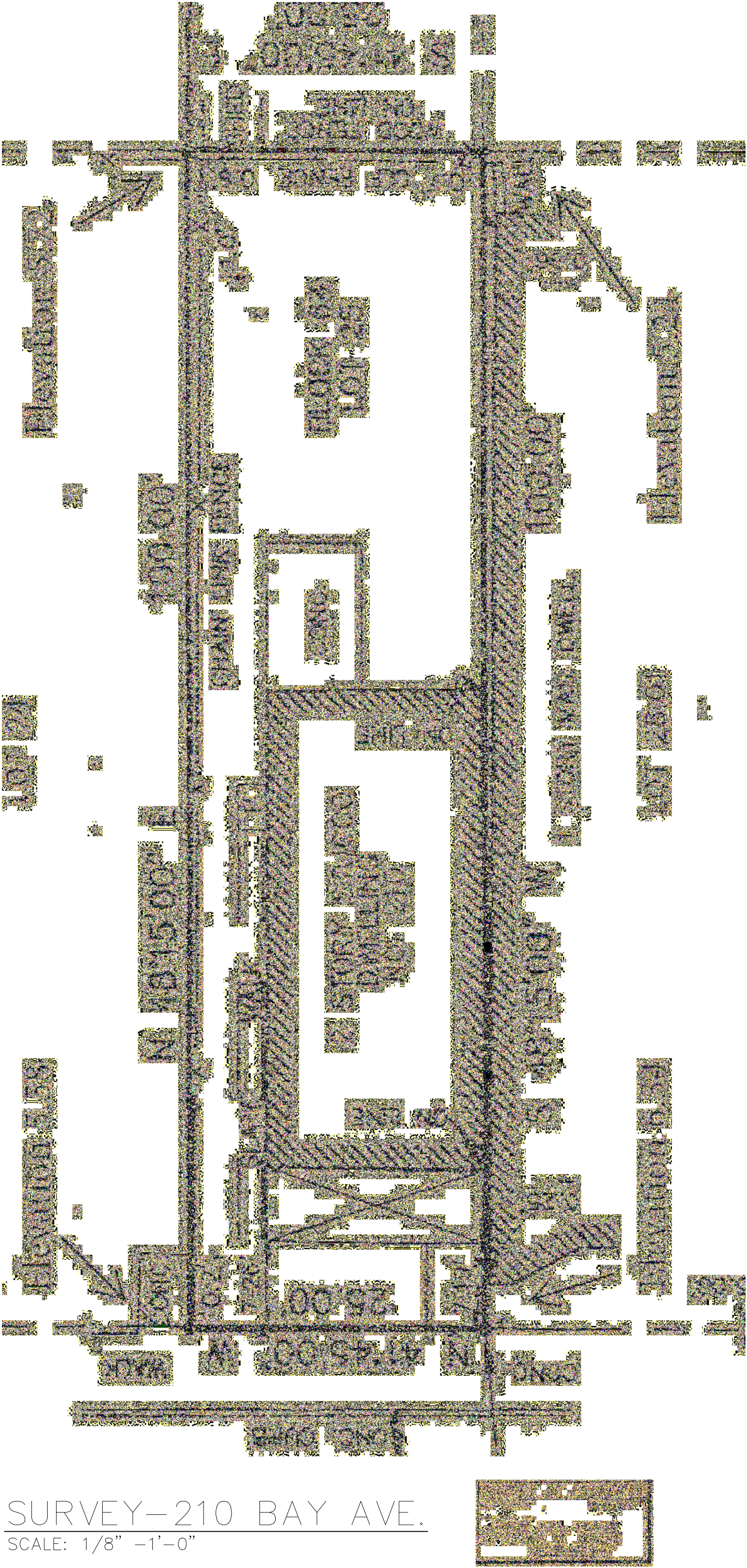
* USE VARIANCE REQUIRED FOR
RESIDENTIAL

WILL NEED 7 CAR VARIANCE



SURVEY-214 BAY AVE.
SCALE: 1/8" = 1'-0"

MICHAEL S. LYNCH
PROFESSIONAL LAND SURVEYOR
NEW JERSEY LIC. # 35382



SURVEY-210 BAY AVE.
SCALE: 1/8" = 1'-0"

CATHERINE FRANCO
ARCHITECT
&
PLANNER
architecturedevelopmentstrategiesplanning

150 MONMOUTH AVENUE
ATLANTIC HIGHLANDS, NEW JERSEY 07716
TEL: 732.291.5942
E-MAIL: CFARCHITECTS@HOTMAIL.COM

INTELLECTUAL PROPERTY
ALL DRAWINGS AND CORRESPONDENCE HEREIN CONSTITUTE ORIGINAL AND
UNPUBLISHED WORK OF THIS FIRM. THE UNAUTHORIZED REPRODUCTION OF
ANY AND ALL WORK FOR THE PURPOSE OF COPYING OR REVISION SAID
DRAWINGS SHALL BE CONSIDERED A VIOLATION OF BOTH THE PROFESSIONAL
CODE OF ETHICS AND A THEFT OF COMPANY ASSETS BOTH OF WHICH
SHALL BE PROSECUTED TO THE FULLEST EXTENT OF THE STATUTES.

REVISIONS		
No.	Date:	Description:

Project:
PROPOSED NEW CONSTRUCTION FOR
210 BAY AVE.
HIGHLANDS
LOT: 25 BLOCK: 64

Owner:
MR. YANG HUNG
214 BAY AVE.
HIGHLANDS NJ

Drawing Title:

Project No. 1819 Date 9.1.18

CATHERINE FRANCO, AIA
NJ RA A111411
NJ PP 5416

Drawn by:
C F

Dwg. No.
A1
1 of 2

REVISIONS		
No.	Date:	Description:

Project:
PROPOSED NEW CONSTRUCTION FOR
210 BAY AVE.
HIGHLANDS
LOT: 25 BLOCK: 64

Owner:
MR. YANG HUNG
214 BAY AVE.
HIGHLANDS NJ

Drawing Title:

Project No.	Date
1819	9.1.18

CATHERINE FRANCO, AIA
NJ RA A111411
NJ PP 5416

Drawn by:
C F

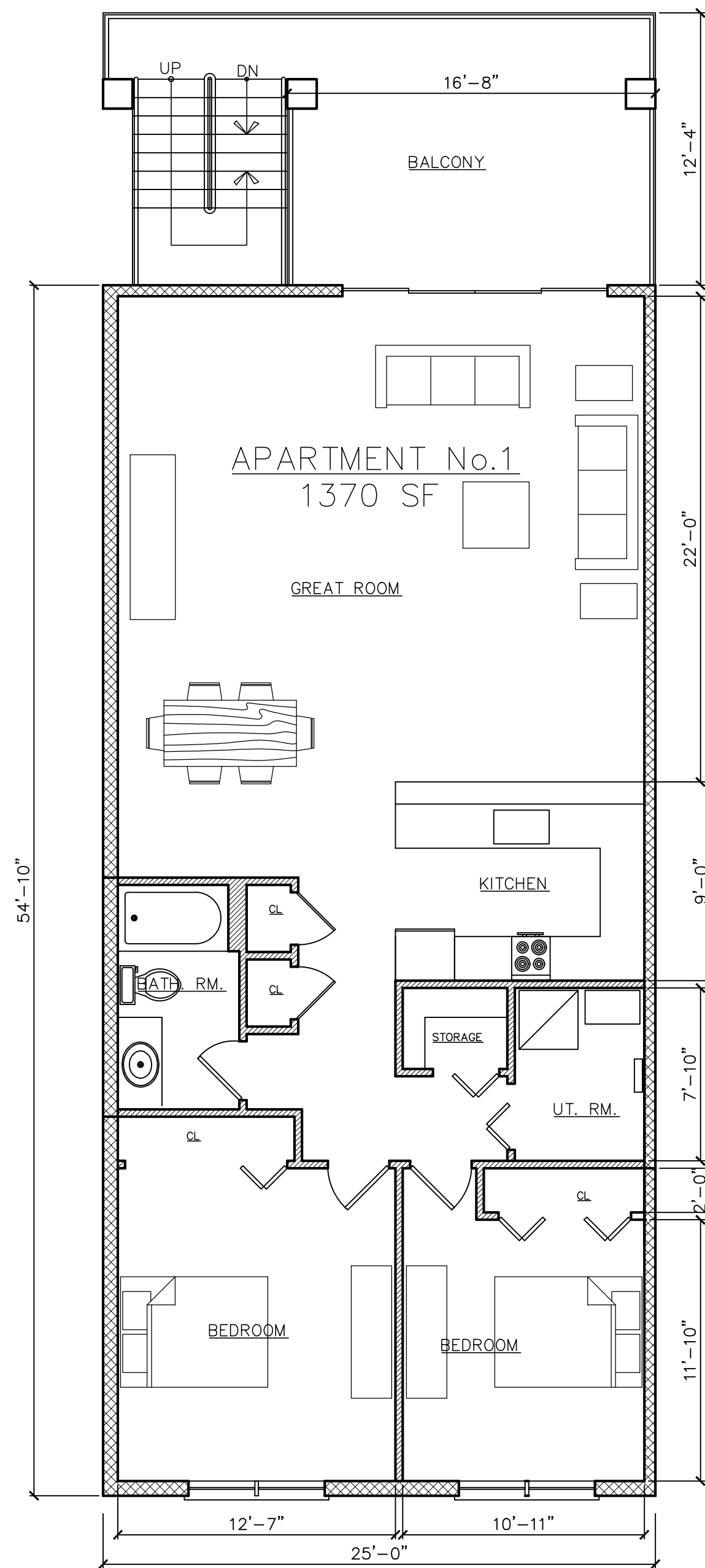
Dwg. No.
A2
2 of 2



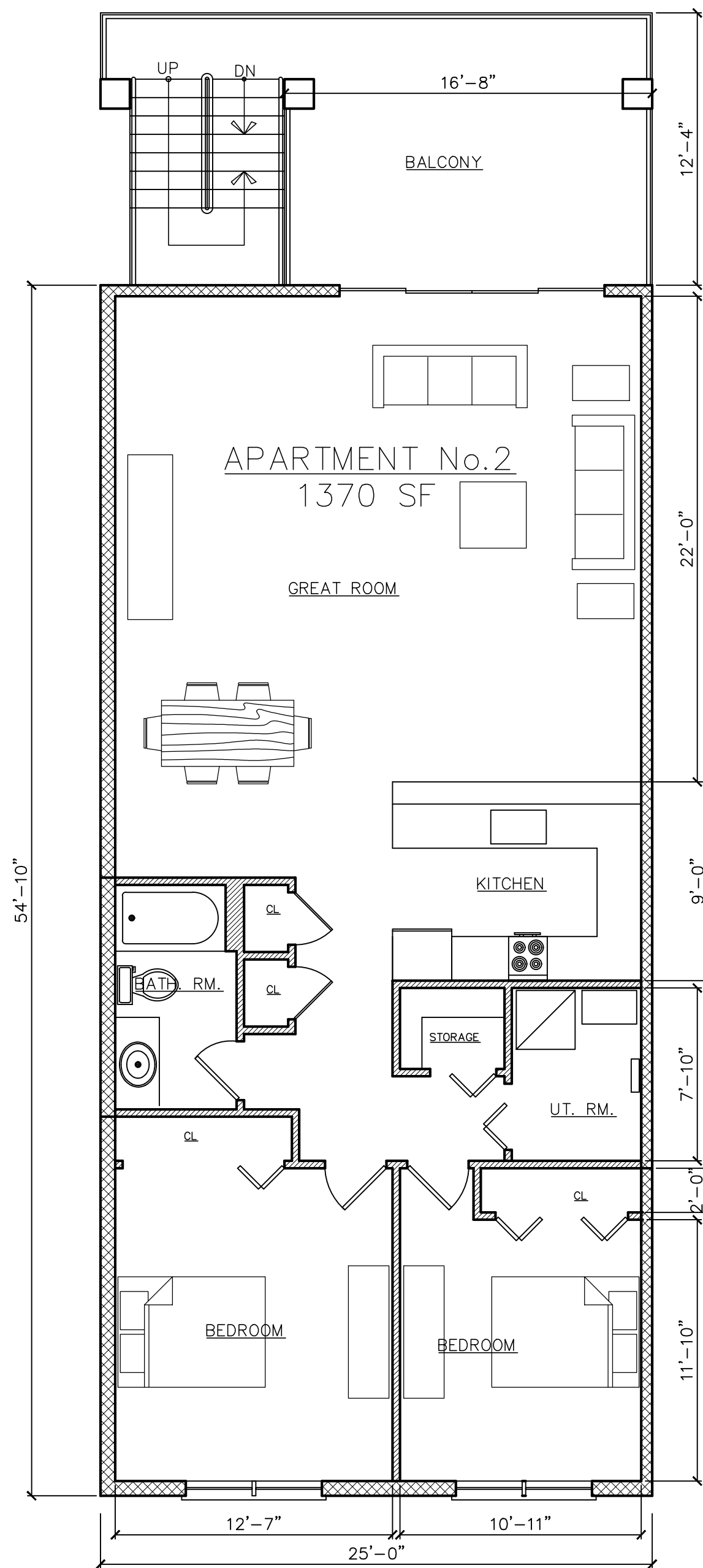
PROPOSED FRONT ELEVATION – 210 BAY AVE.
SCALE: 3/16" –1'-0"



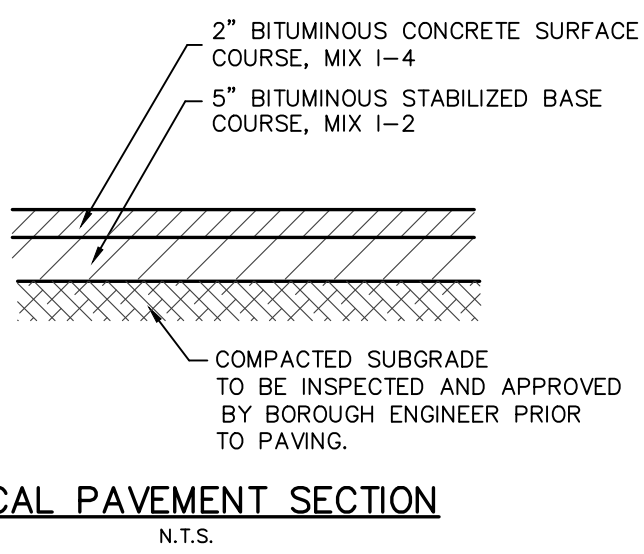
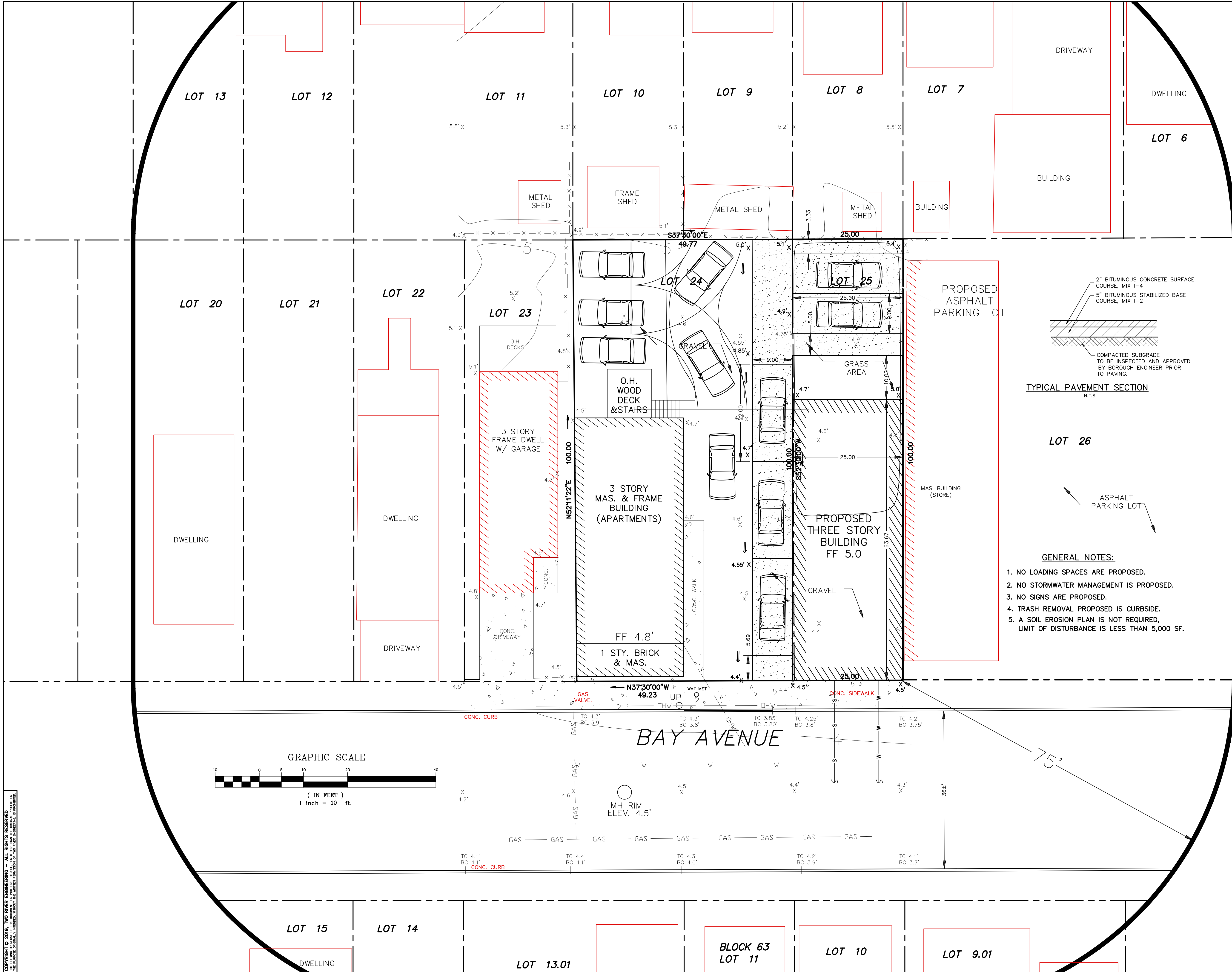
PROPOSED REAR ELEVATION – 210 BAY AVE.
SCALE: 3/16" –1'-0"



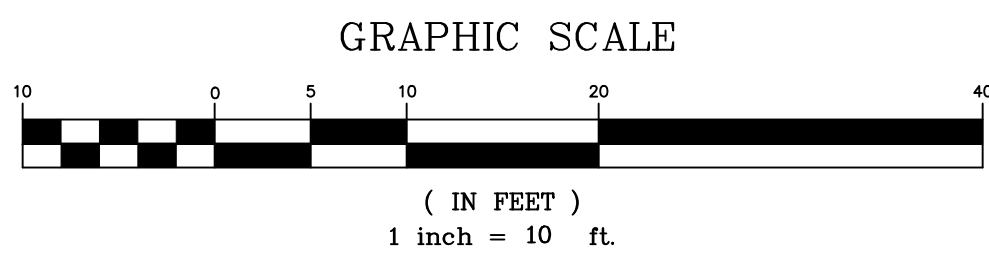
PROPOSE SECOND FLOOR .
SCALE: 3/16" –1'-0"



PROPOSE THIRD FLOOR .
SCALE: 3/16" –1'-0"



- GENERAL NOTES:**
1. NO LOADING SPACES ARE PROPOSED.
 2. NO STORMWATER MANAGEMENT IS PROPOSED.
 3. NO SIGNS ARE PROPOSED.
 4. TRASH REMOVAL PROPOSED IS CURBSIDE.
 5. A SOIL EROSION PLAN IS NOT REQUIRED, LIMIT OF DISTURBANCE IS LESS THAN 5,000 SF.



REV.	DATE	DESCRIPTION

TWO RIVER ENGINEERING
www.two-river-eng.com
P.O. Box 155
Colts Neck, N.J. 07722
Tel: 732.866.0111
Fax: 732.866.4348

PROJECT NO.: 19063
DATE: APRIL 26, 2021
DRAWING NO.: 19063TURN
DRAWN BY: AJG
CLIENT: HUNG
SCALE: 1"=10'

PRELIMINARY & FINAL
MAJOR SITE PLAN
PASSENGER CAR
TURNING TEMPLET
FOR
BLOCK 64
LOTS 24 & 25
TAX MAP SHEET NO. 13
BOROUGH OF HIGHLANDS
MONMOUTH COUNTY
NEW JERSEY

A.J. GARITO, JR.
DATE: 04-26-21
N.J. Professional Engineer
License No. 24GE03799700

SHEET NO. 1 OF 1

COPYRIGHT © 2019, TWO RIVER ENGINEERING - ALL RIGHTS RESERVED. THE CONTENTS OF THIS DRAWING ARE THE PROPERTY OF TWO RIVER ENGINEERING. NO PART OF THIS DRAWING MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF TWO RIVER ENGINEERING.