

Borough of Highlands Land Use Board 42 Shore Drive Highlands, NJ 07732 Phone: (732) 872-1224 Fax: (732) 872-0670 www.highlandsborough.org

Subdivision Application

Minor Subdivision: Preliminary _____ Final _____ Major Subdivision: Preliminary _____ Final _____

Date Received:04/06/2021
Case No: LUB2021-01
Date: 11/04/2021

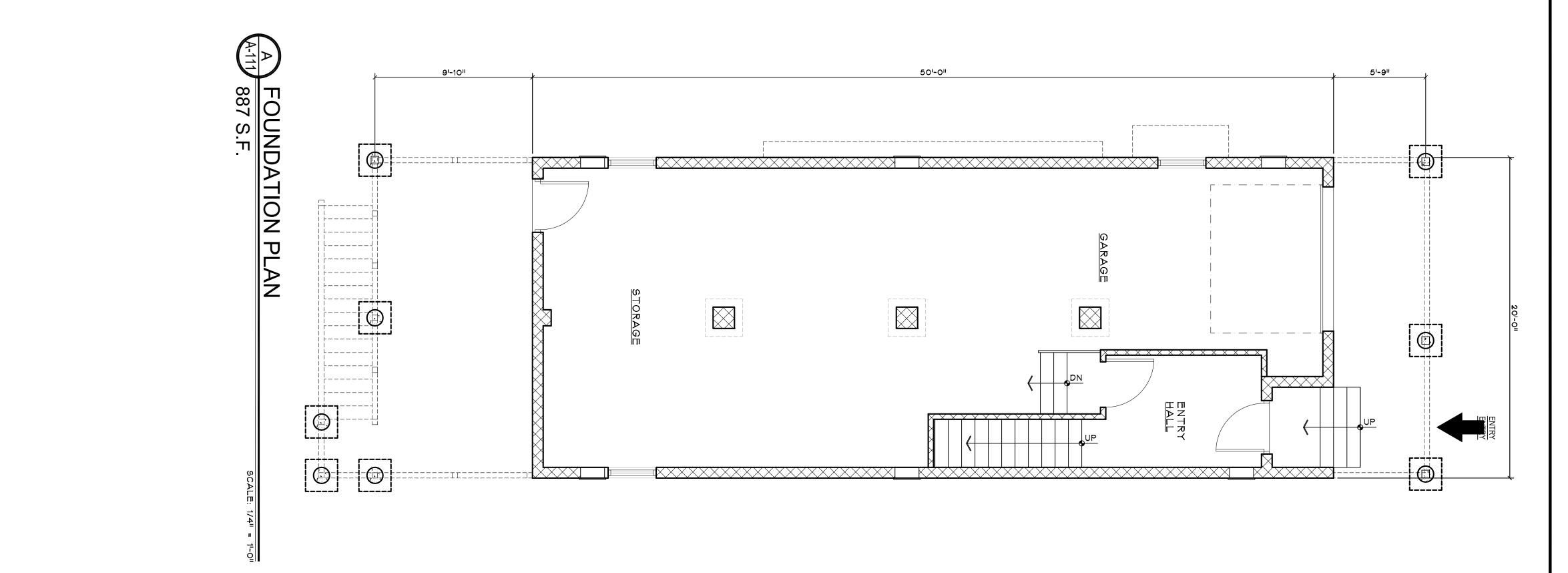
Application is hereby made for the classification of a sketch of a proposed subdivision of land hereinafter more particularly described:

Applicant Information
Name
Owner Information (if other than applicant)
Name_LON_ULC_ Street 676 Harding Rd City Liftle Silve- State NJ Zip_07739 Phone #_732-672-1398 Email dav@DTF Candrufu LLC.con Interest of applicant if other than owner:
Subdivision Information
Street <u>49</u> <u>Miller</u> <u>54</u> Lot <u>7.01</u> Zone <u>CBD</u> Number of existing lots: Number of proposed lots: Area of entire tract: <u>13297</u> and portion being subdivided: <u>13297</u>



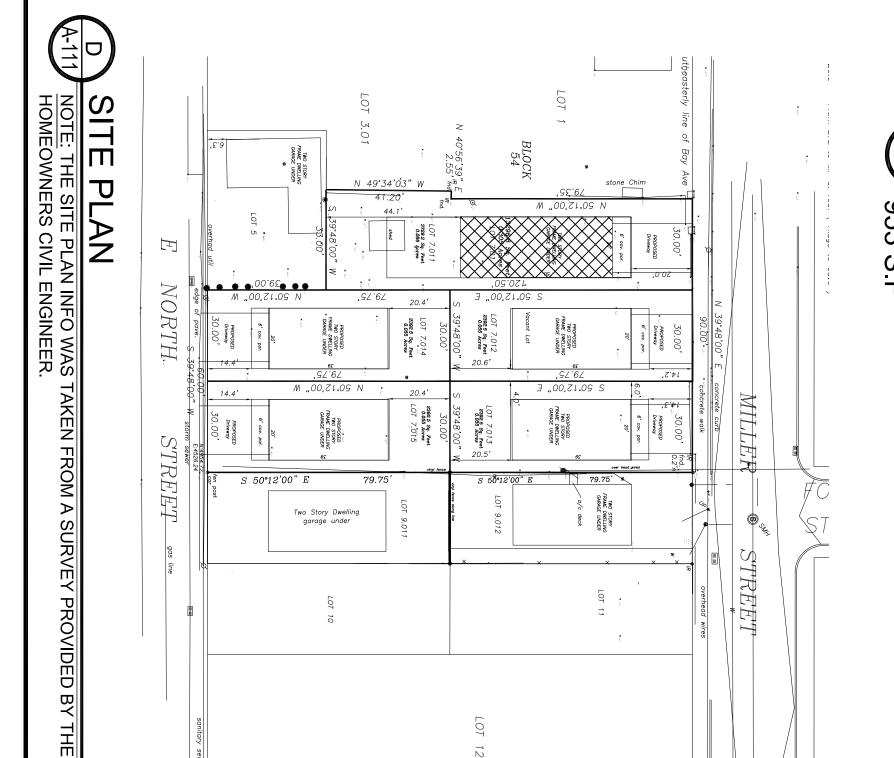
Borough of Highlands Land Use Board 42 Shore Drive Highlands, NJ 07732 Phone: (732) 872=1224 Fax: (732) 872=0670 www.highlandsborough.org

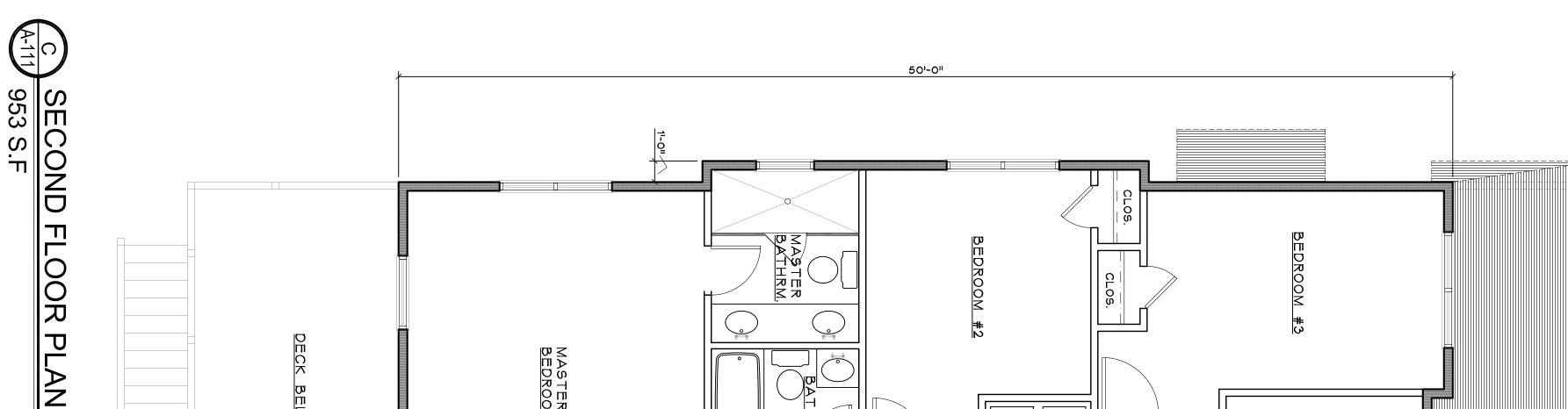
Affidavit of Applicant
State of New Jersey)
\$§.
County of Monmouth)
I, the undersigned, certify that all of the statements contained herein are true and correct to the best of my knowledge, information and belief. <u>C.J. Valuntino</u> <u>LDN, LLC</u> Applicant's Signature Date <u>3/12/21</u>
Sworn and subscribed
before me this 12
day of May Ch 2021 JANELLE GLASS
NOTARY PUBLIC
STATE OF NEW JERSEY () Signature of Notary
ID # 2384130
MY COMMISSION EXPIRES APRIL 17, 2024
Authorization
(If anyone other than the owner is making this application, the following authorization must be completed.)
To the Land Use Board:
is hereby authorized to make this application.
Date:
Signature of Owner:

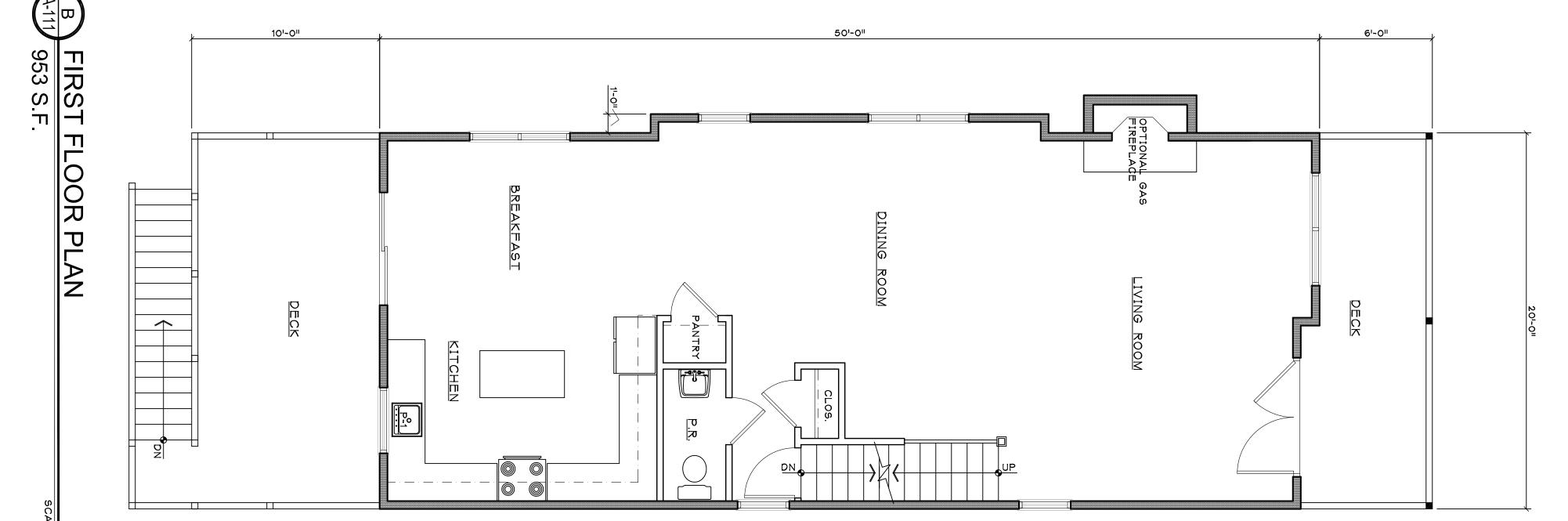


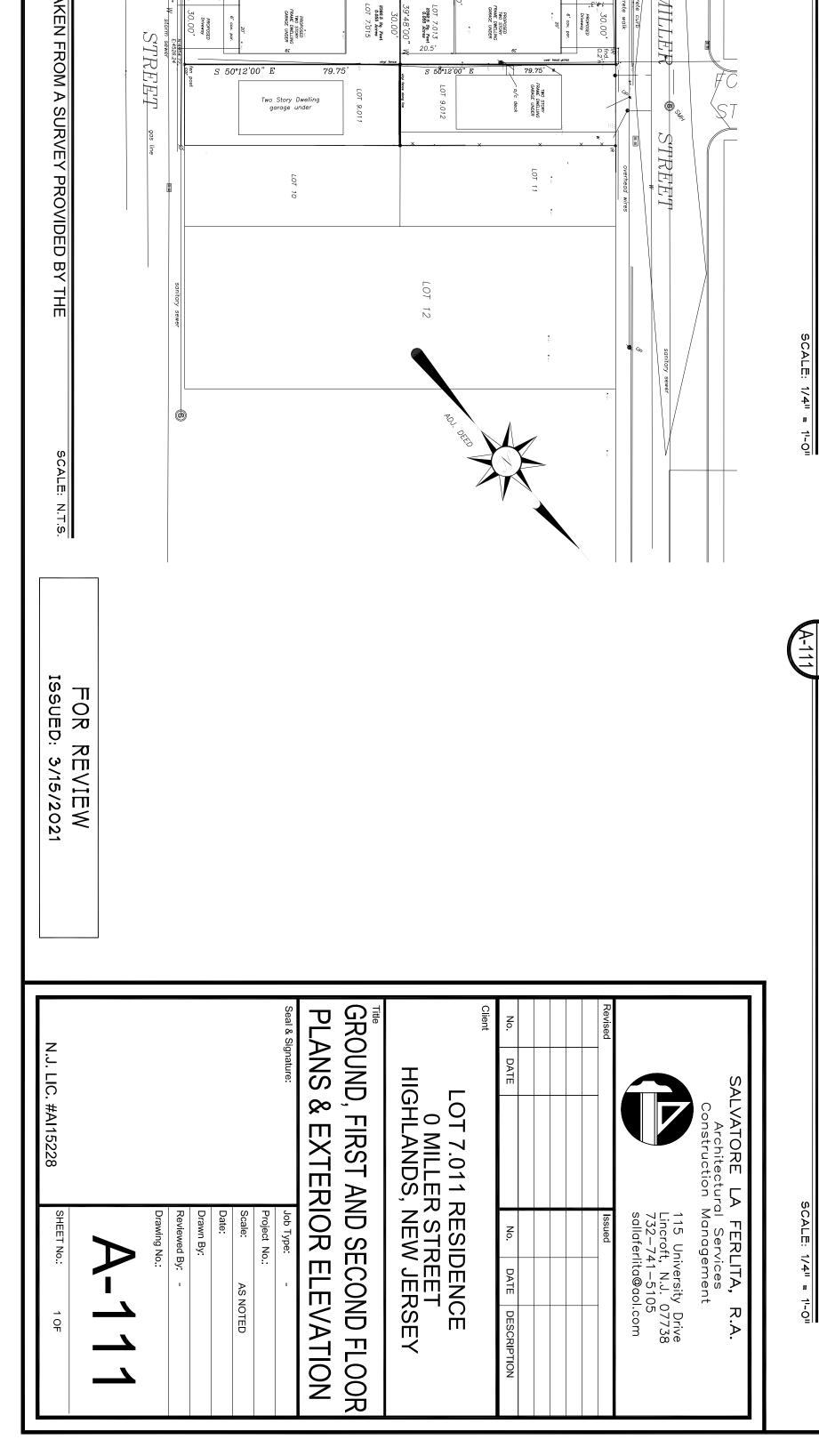
FRONT ELEVATION

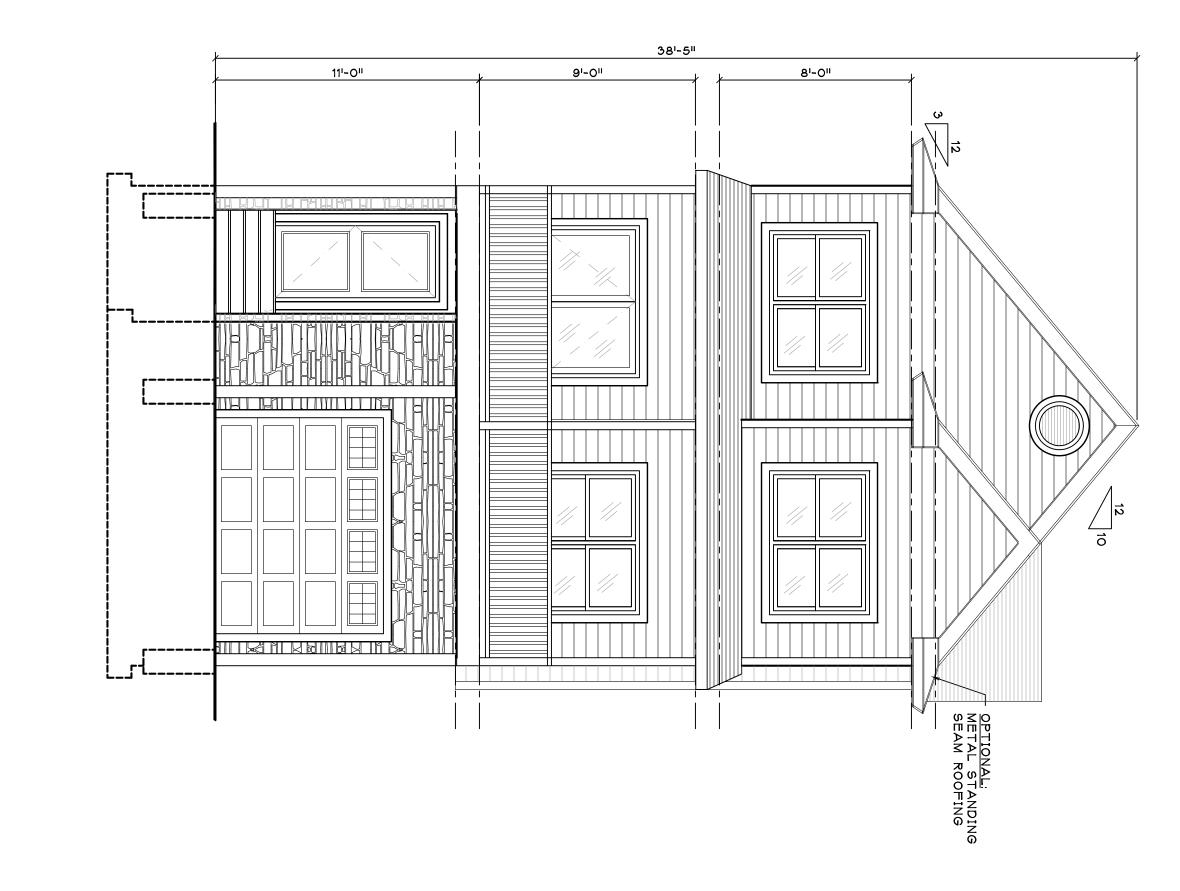
10'-0"



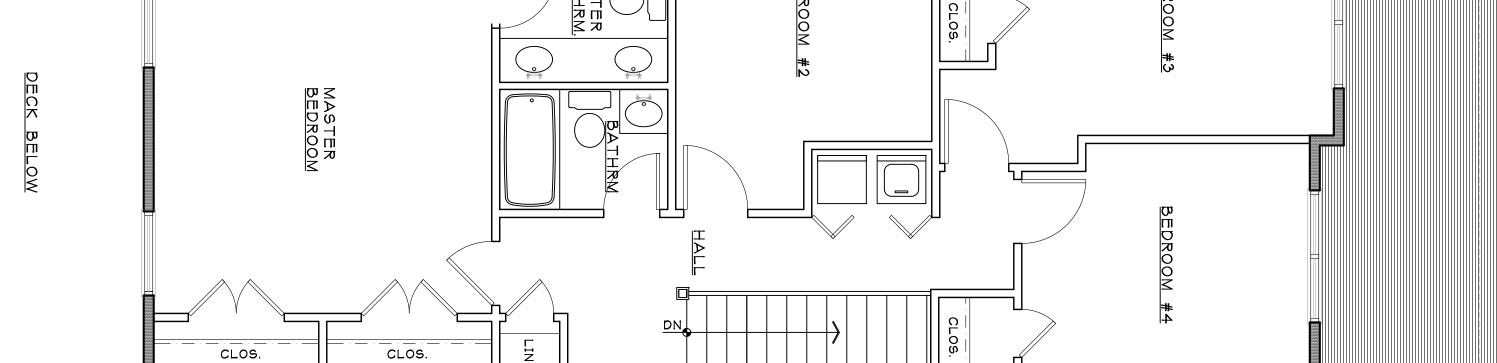


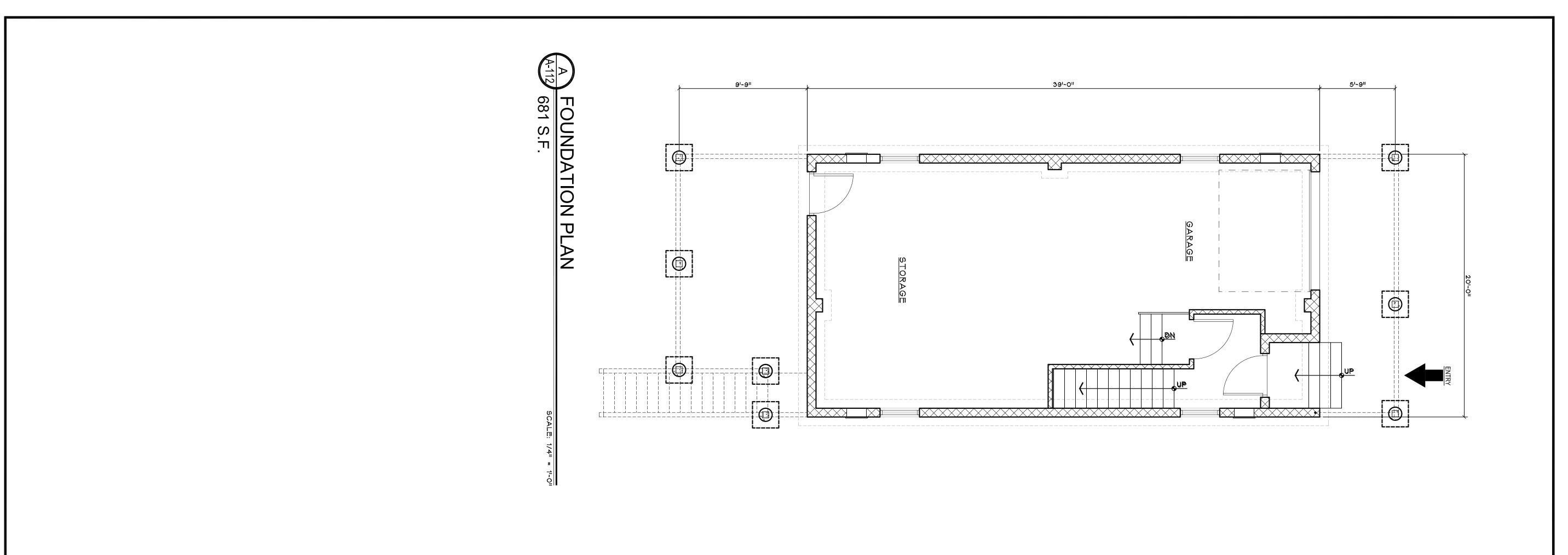






CLOS.





10'-0"

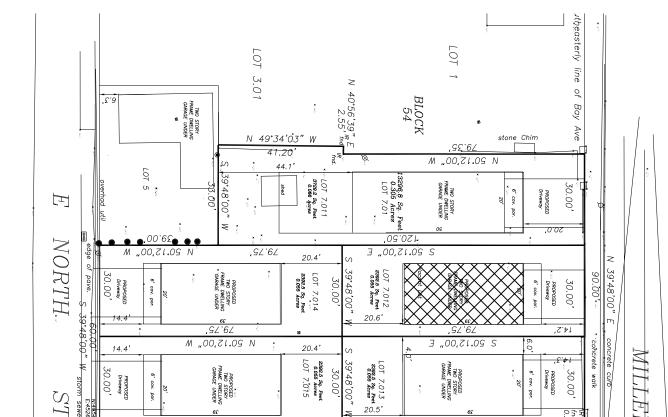


722 S.F

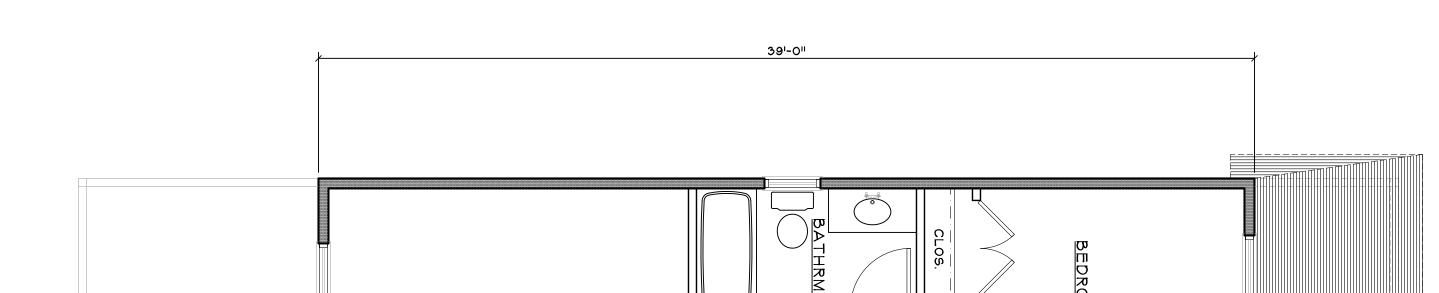
FIRST

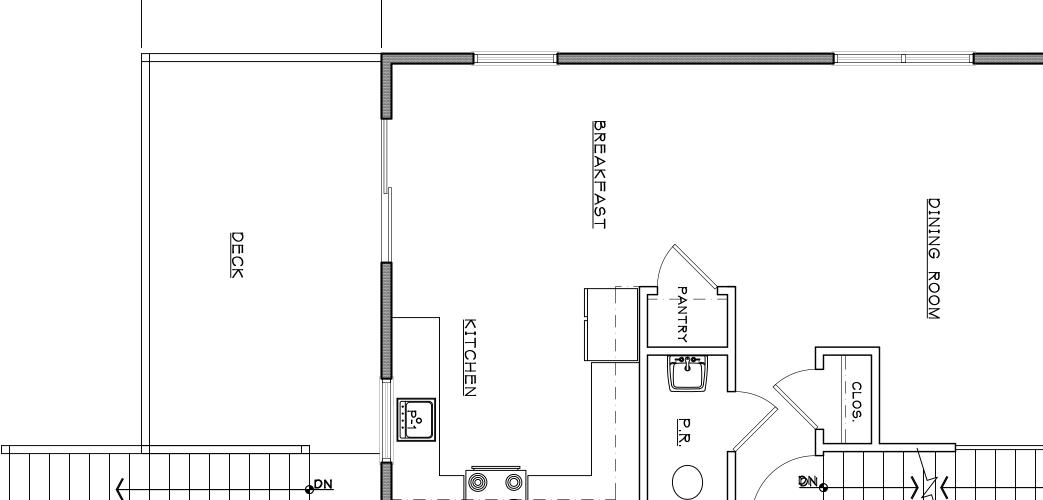
FLOOR PLAN

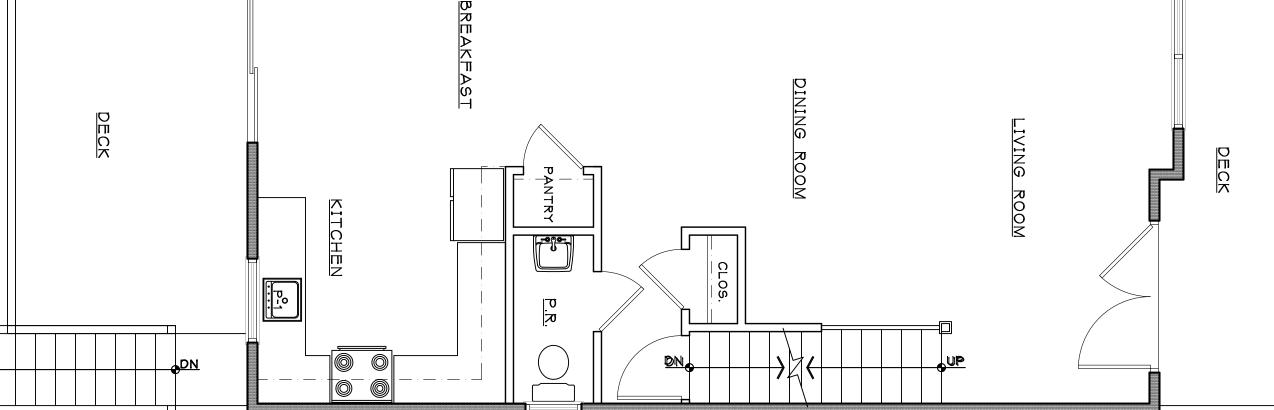




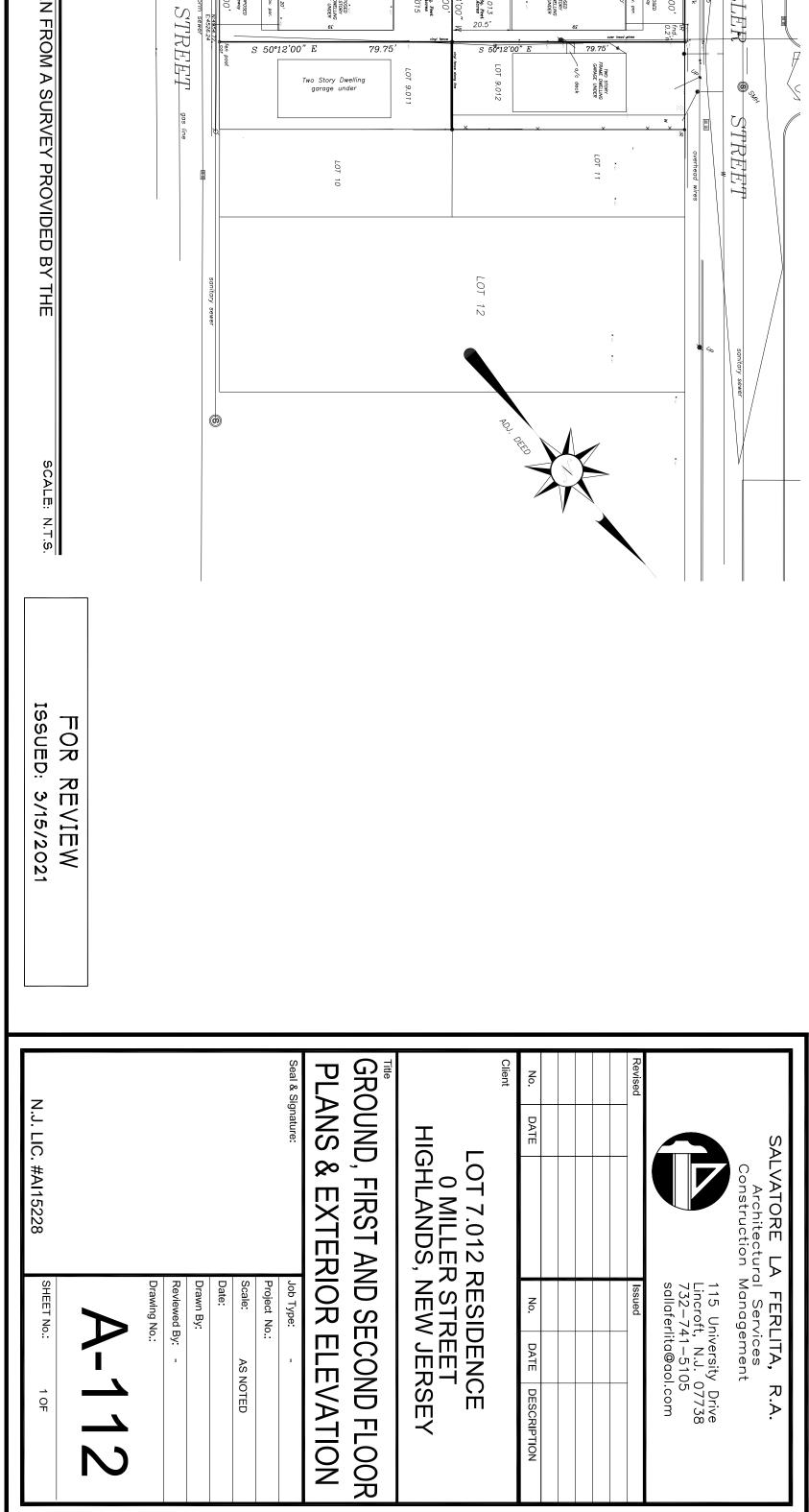








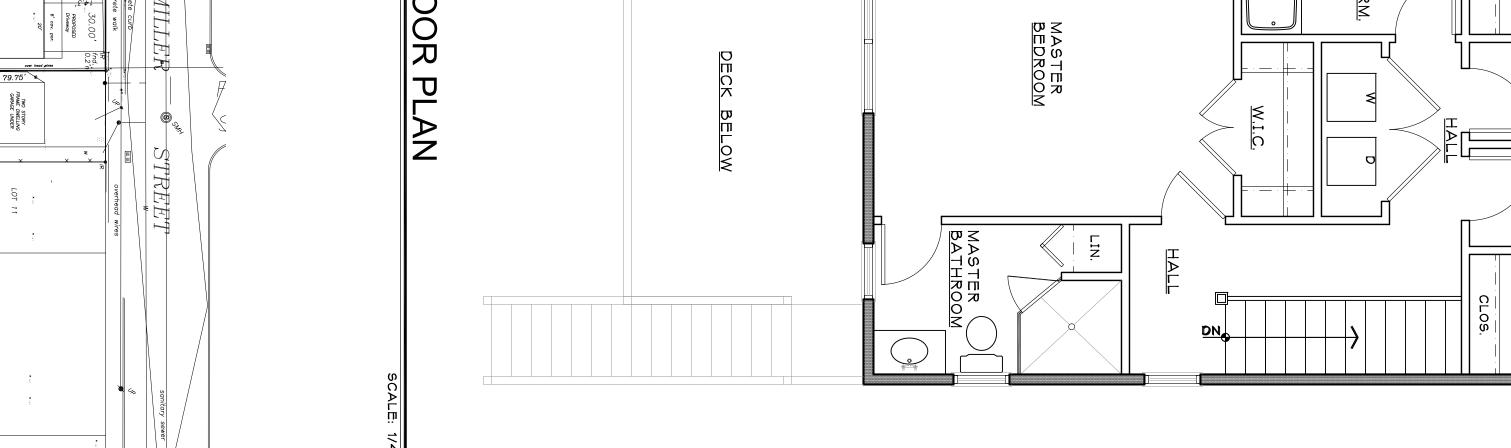
39'-0"

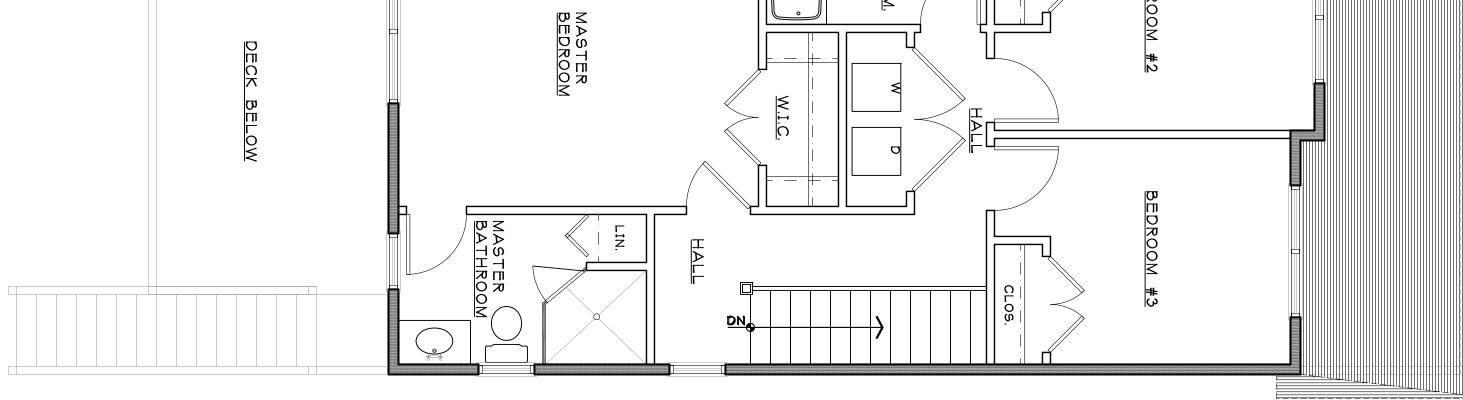


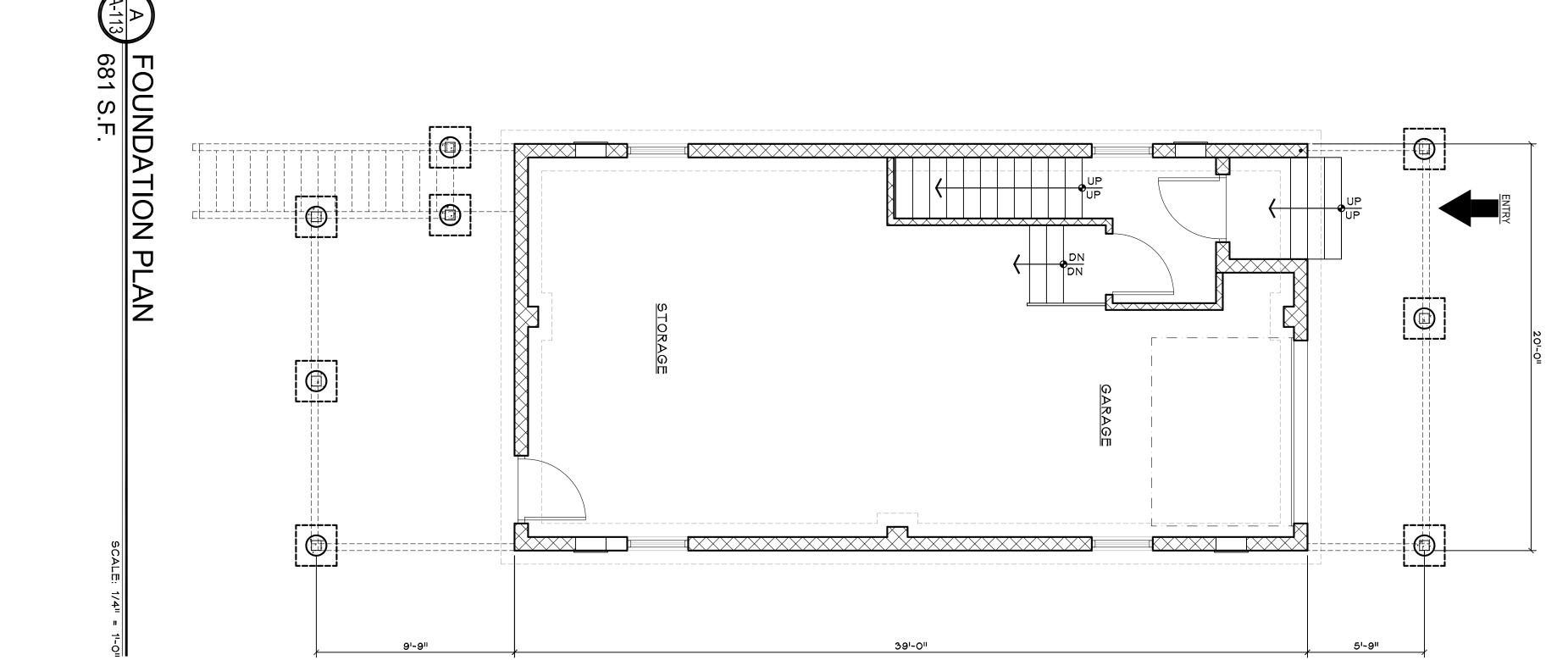


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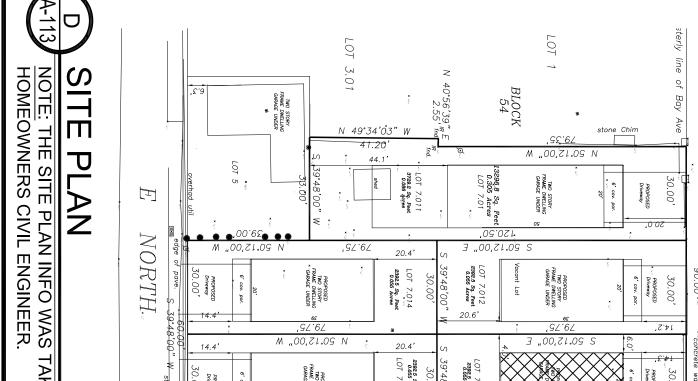






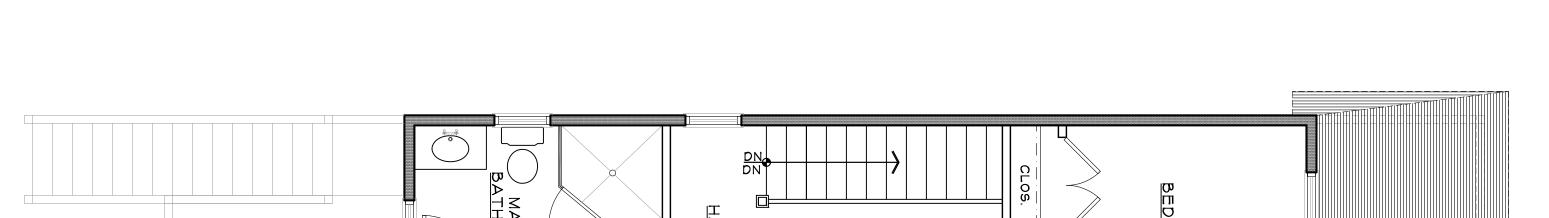
FIRST | 722 S.F.

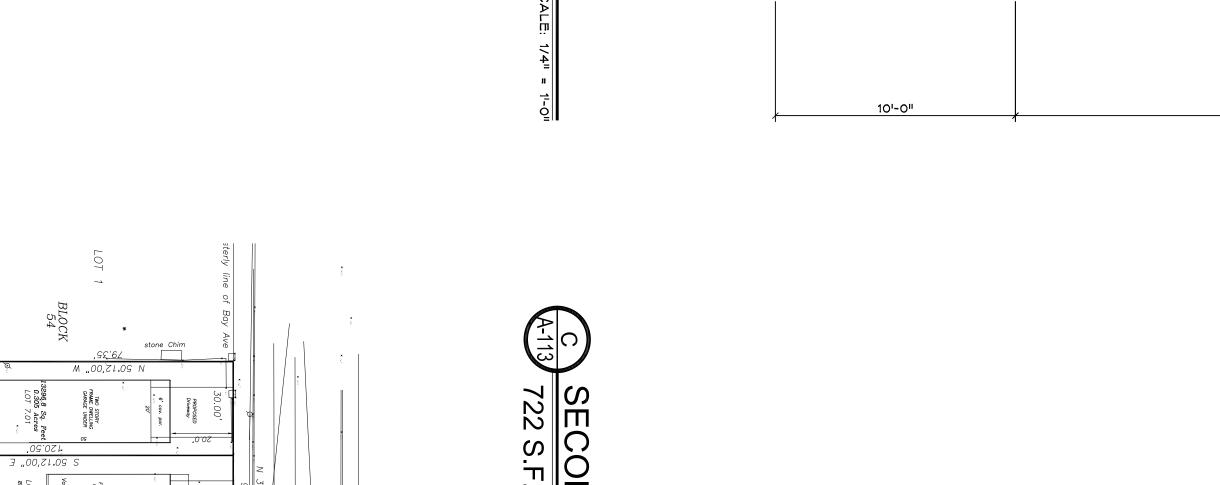
FLOOR PLAN

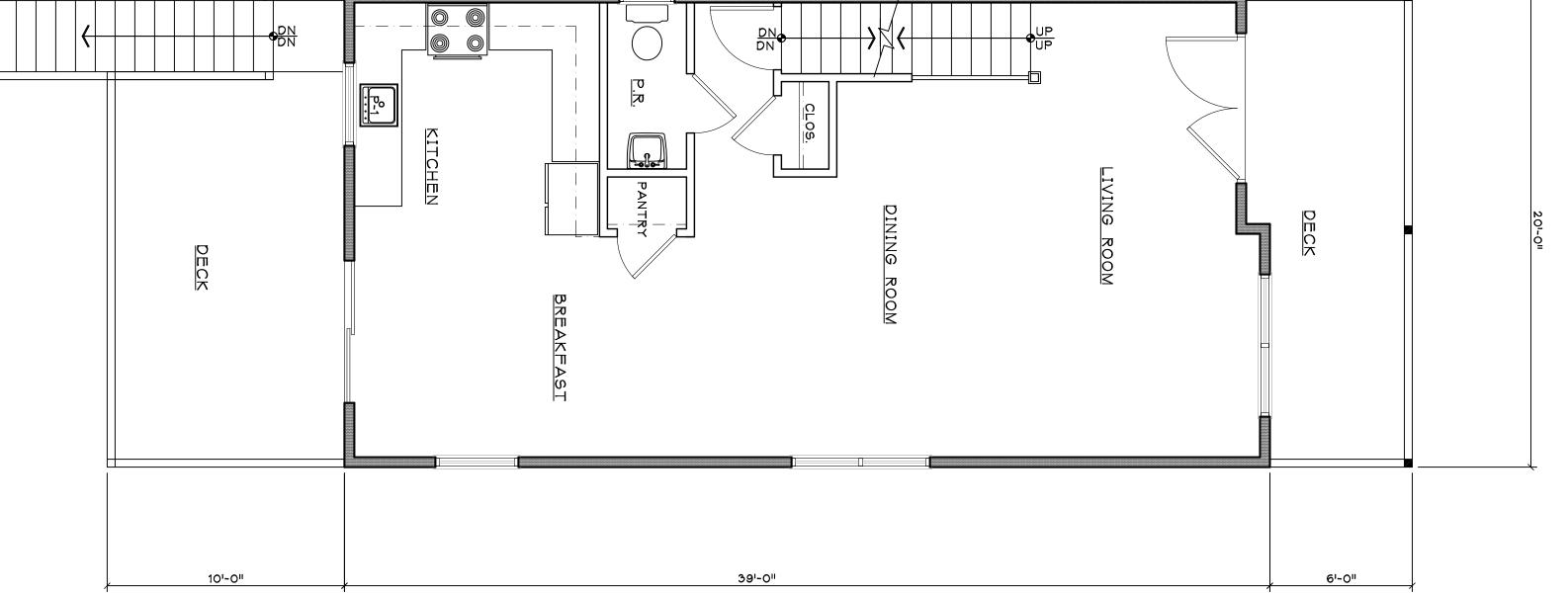


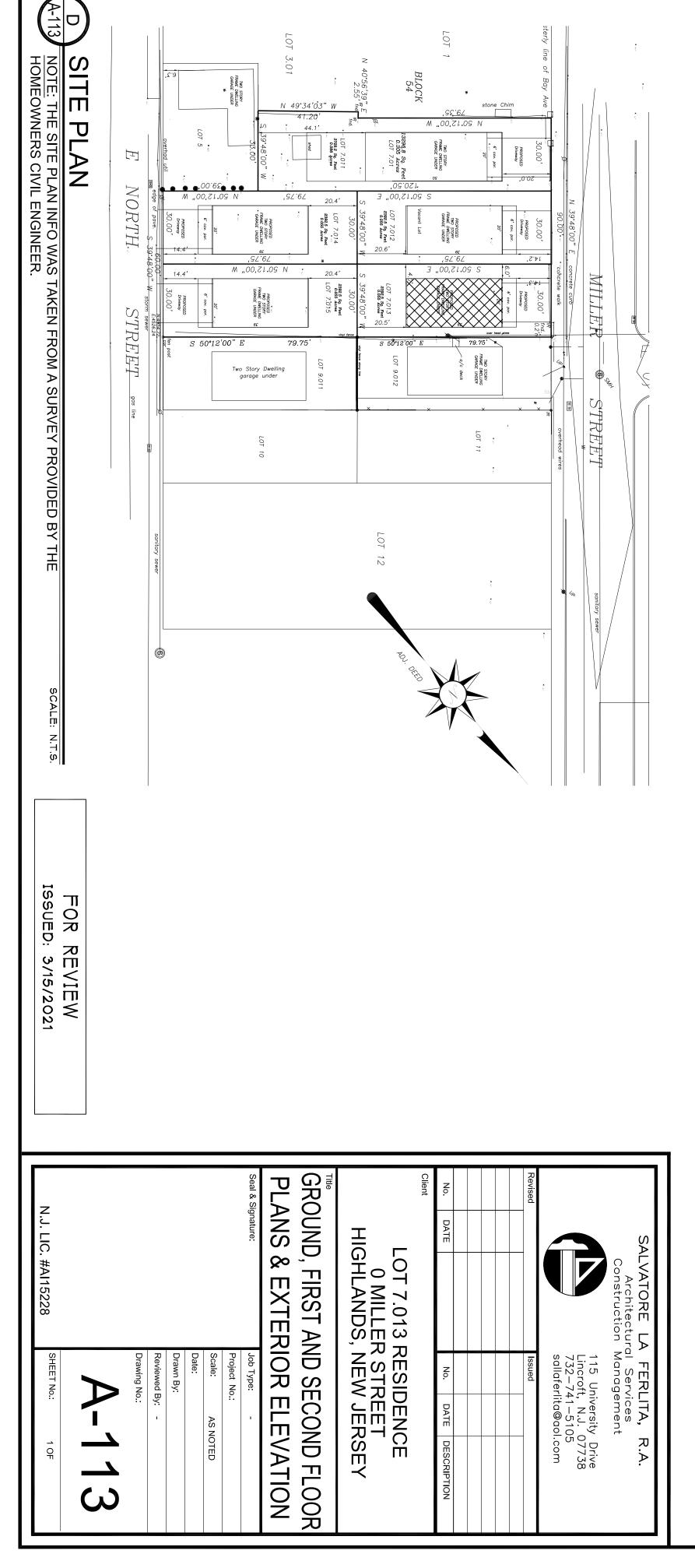


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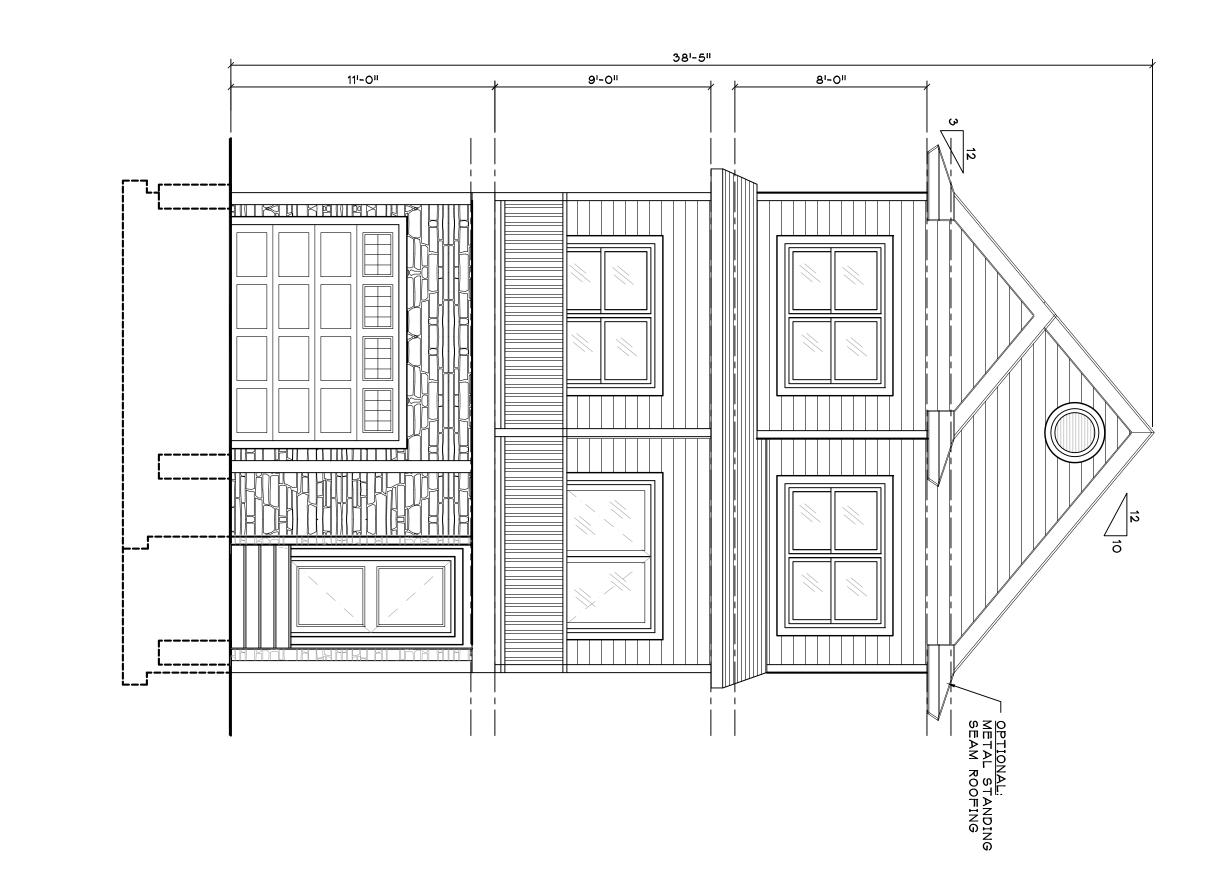


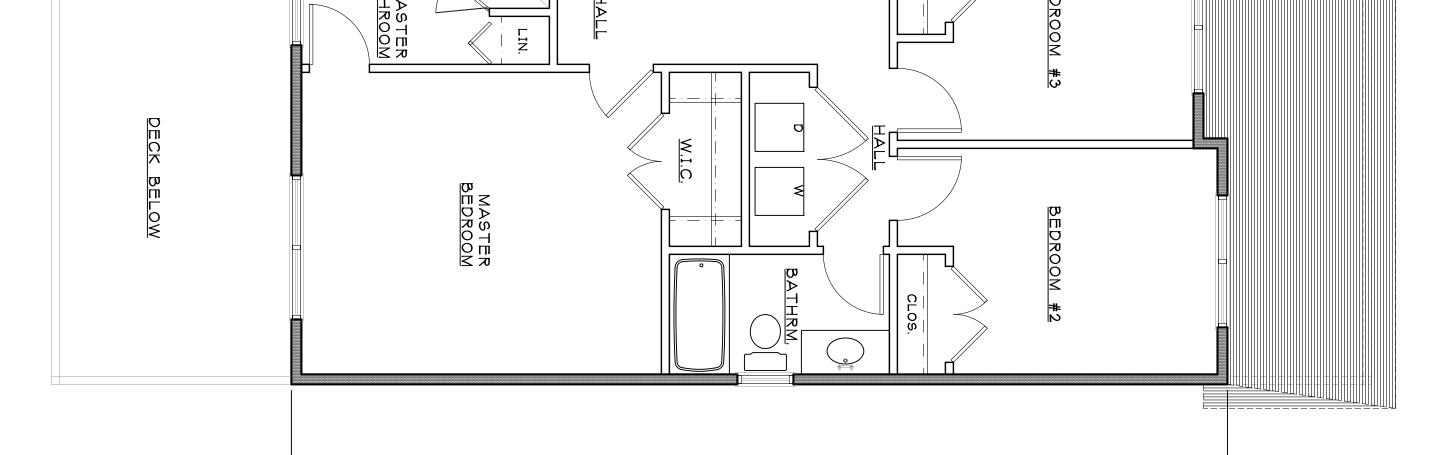




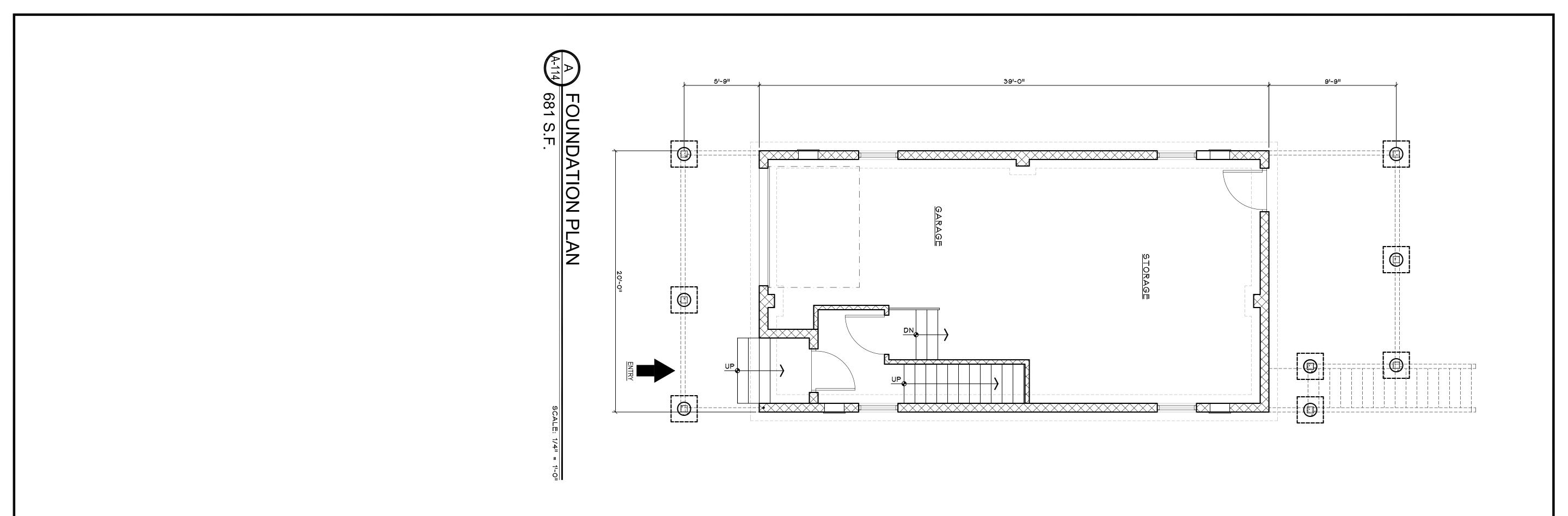




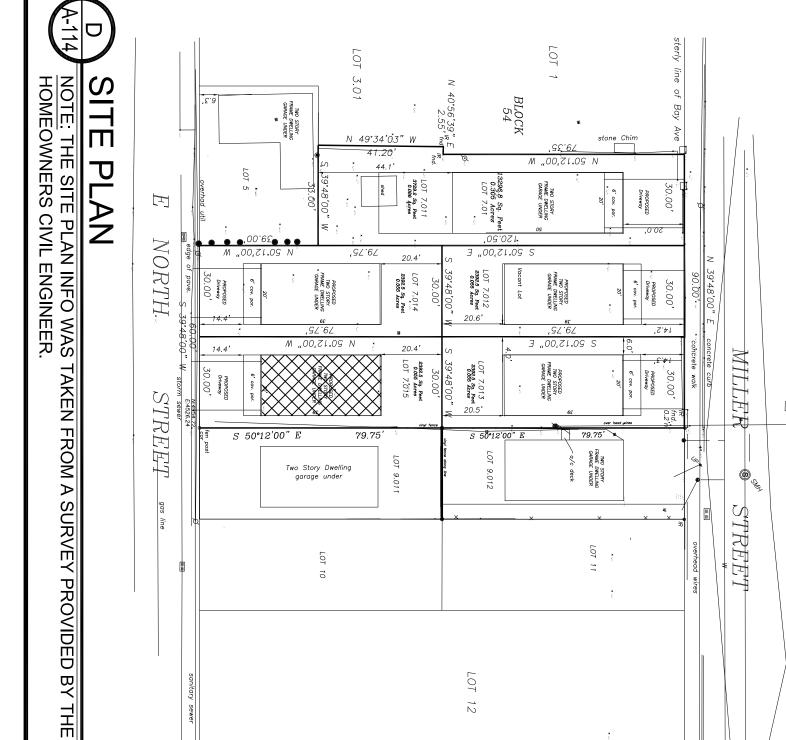




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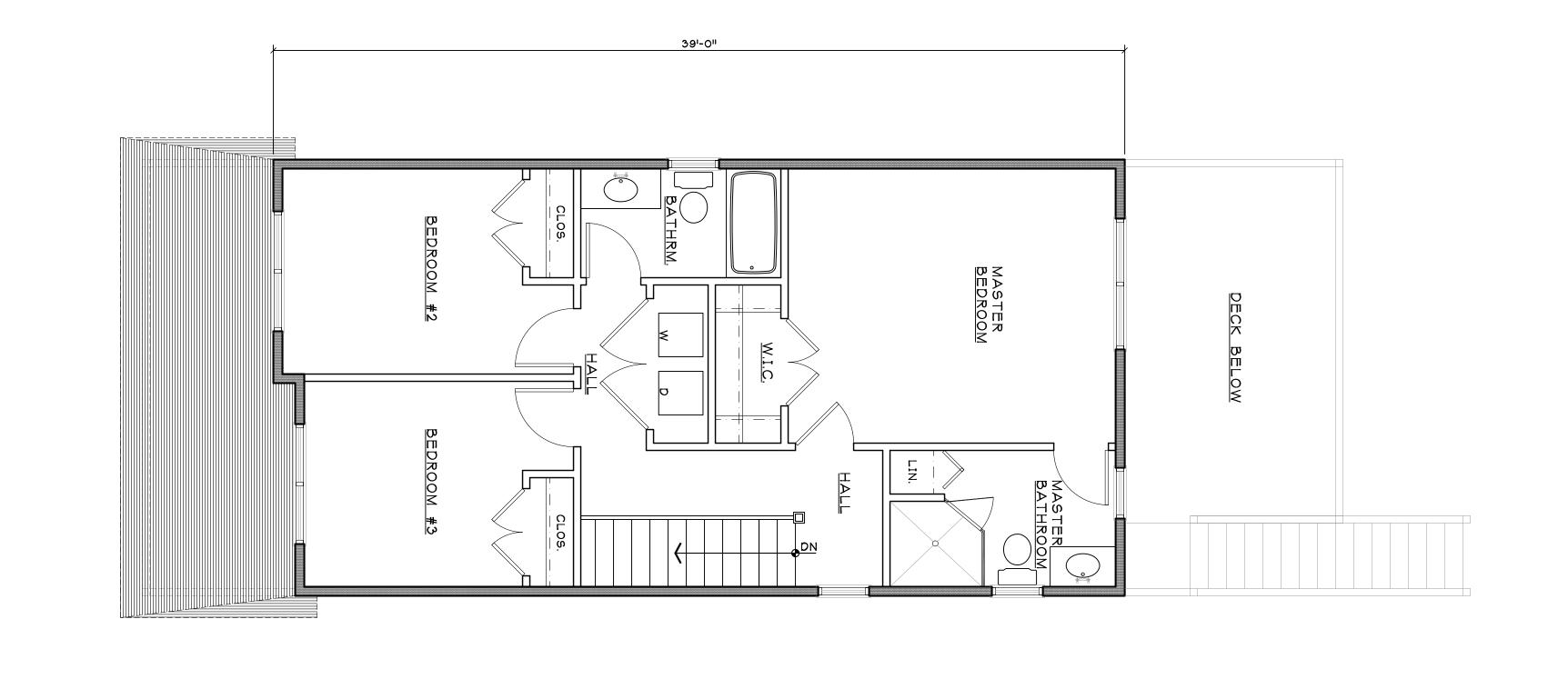
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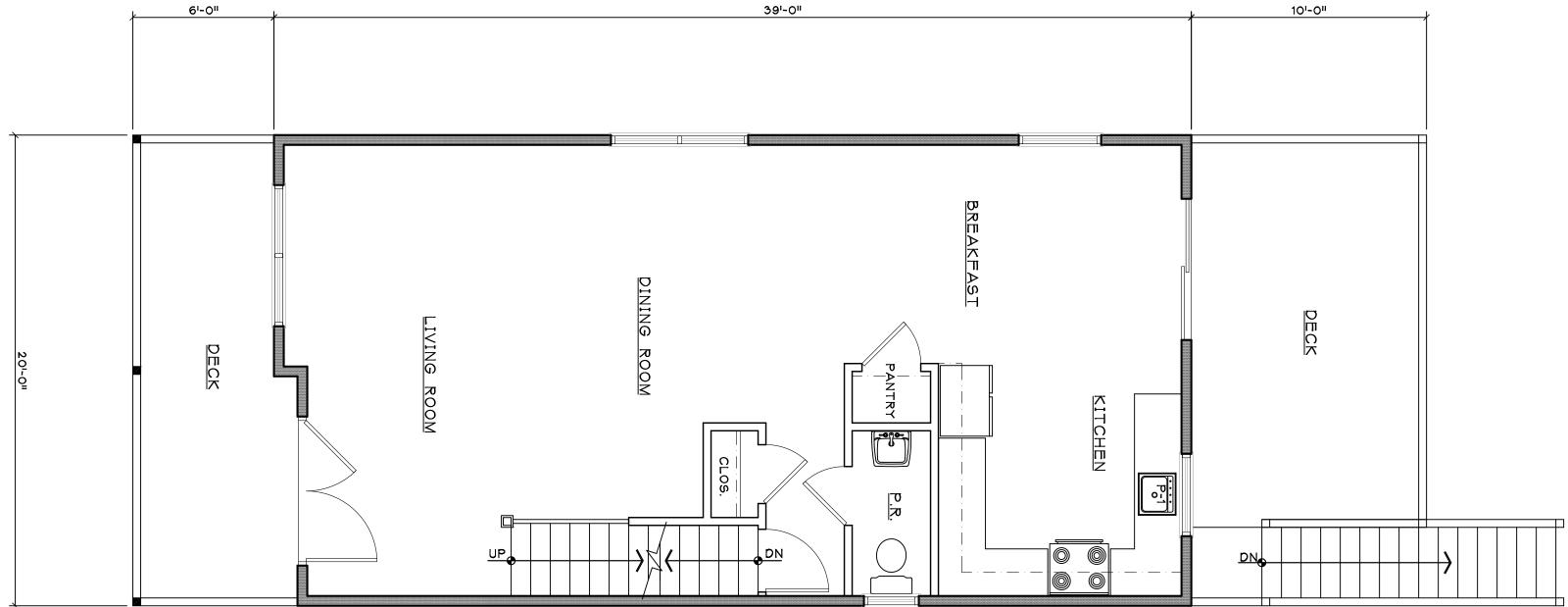


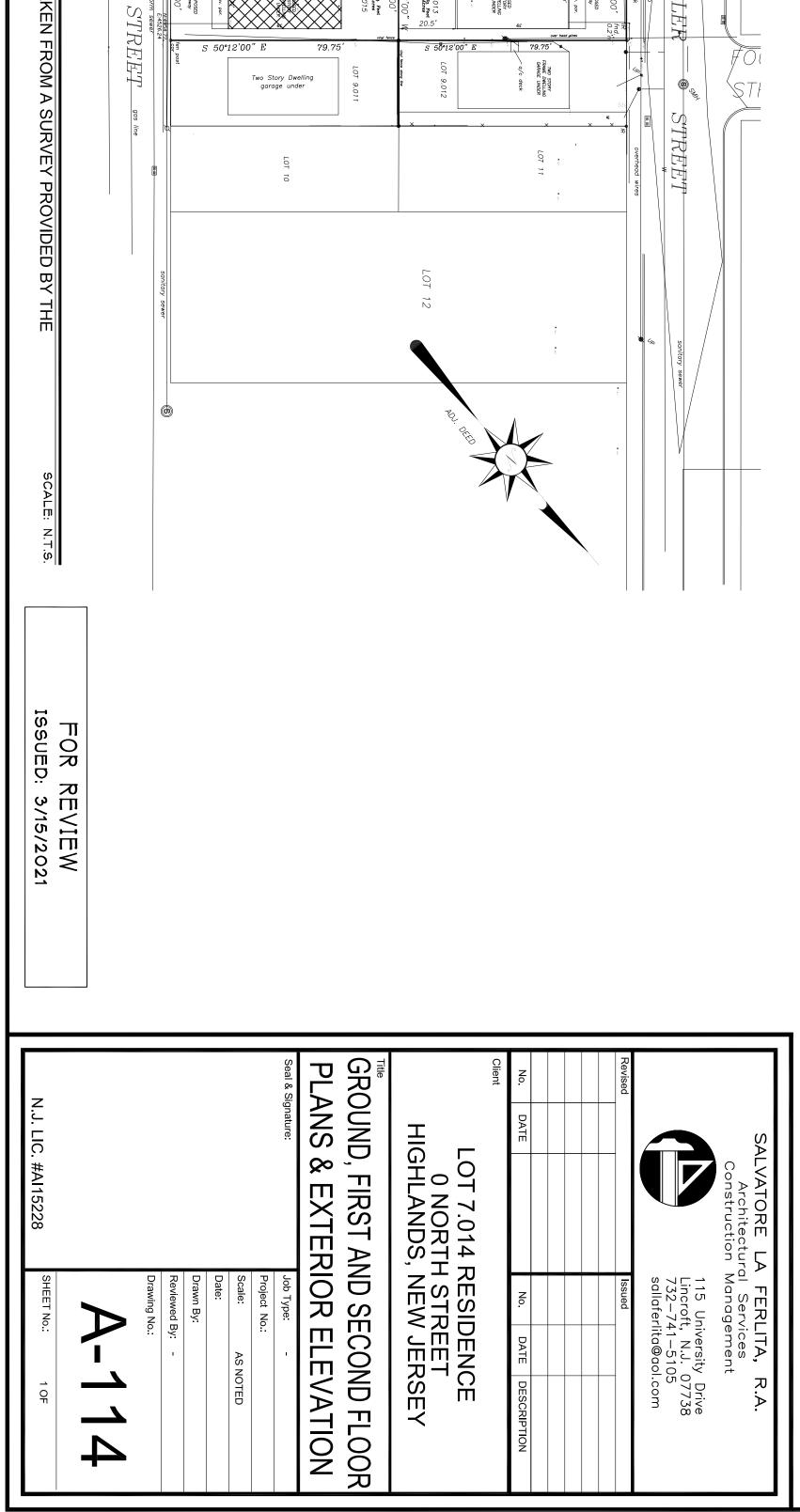
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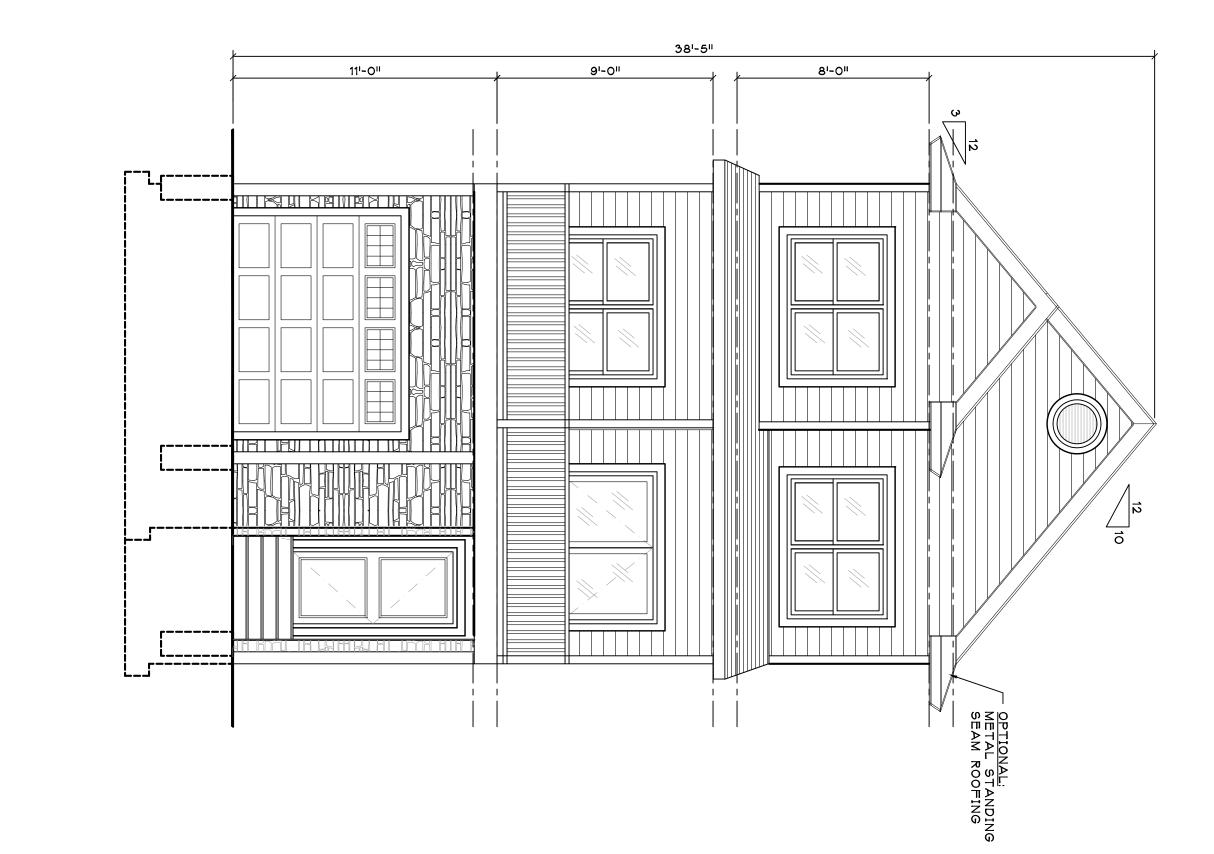


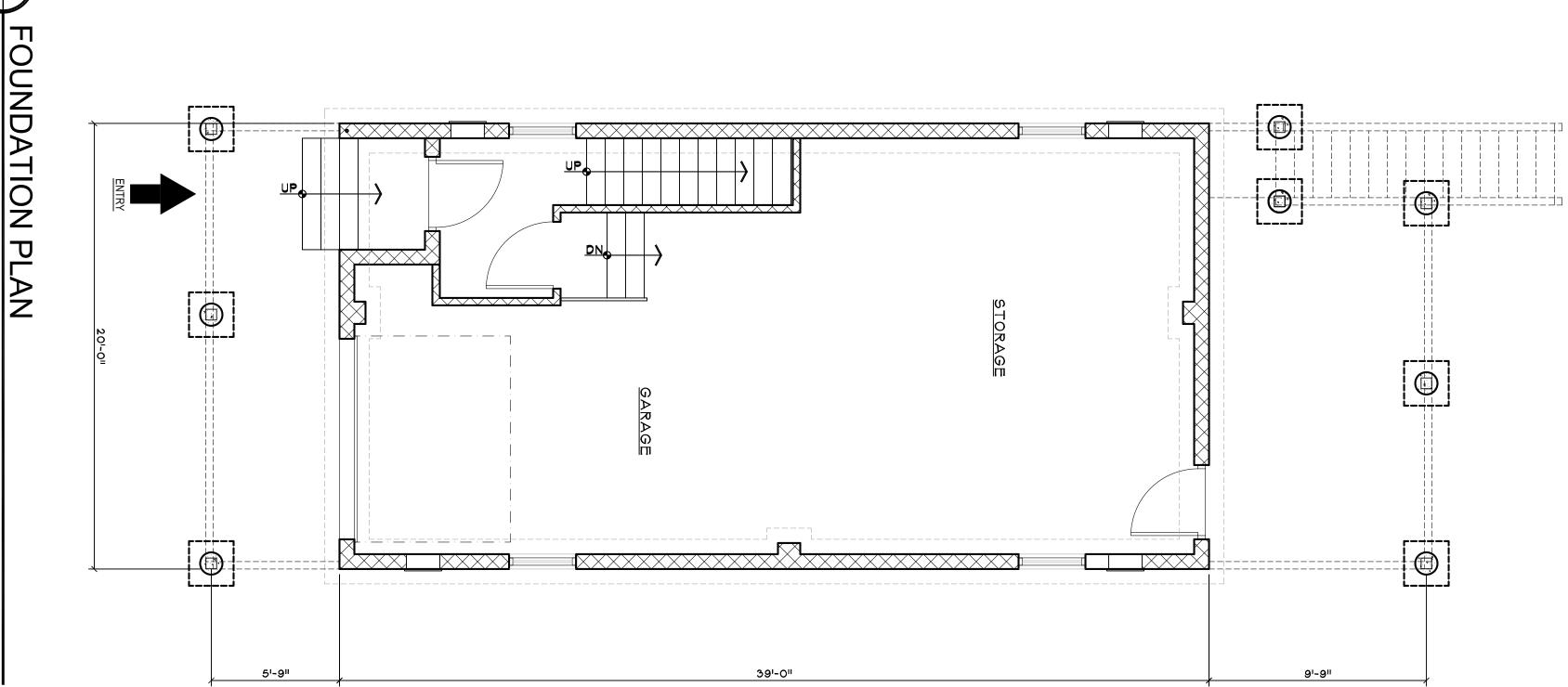






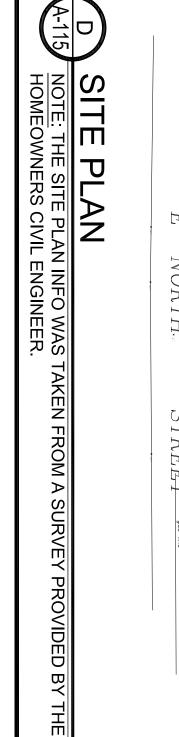
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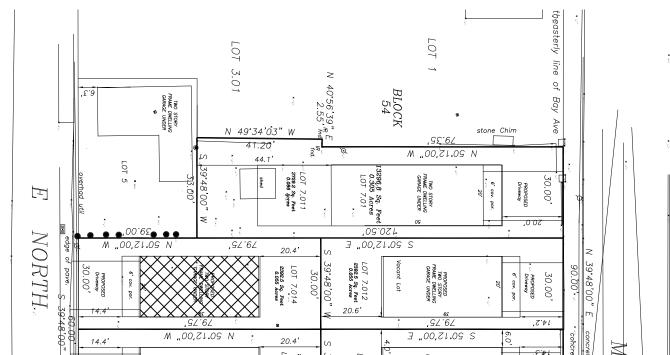


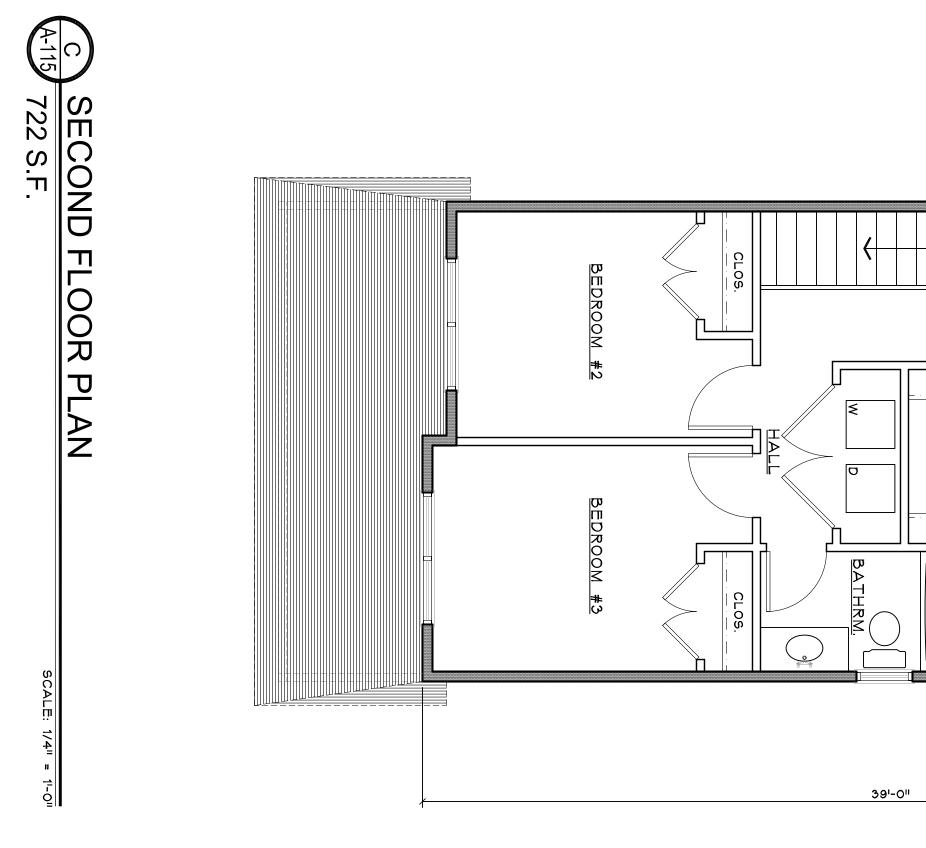


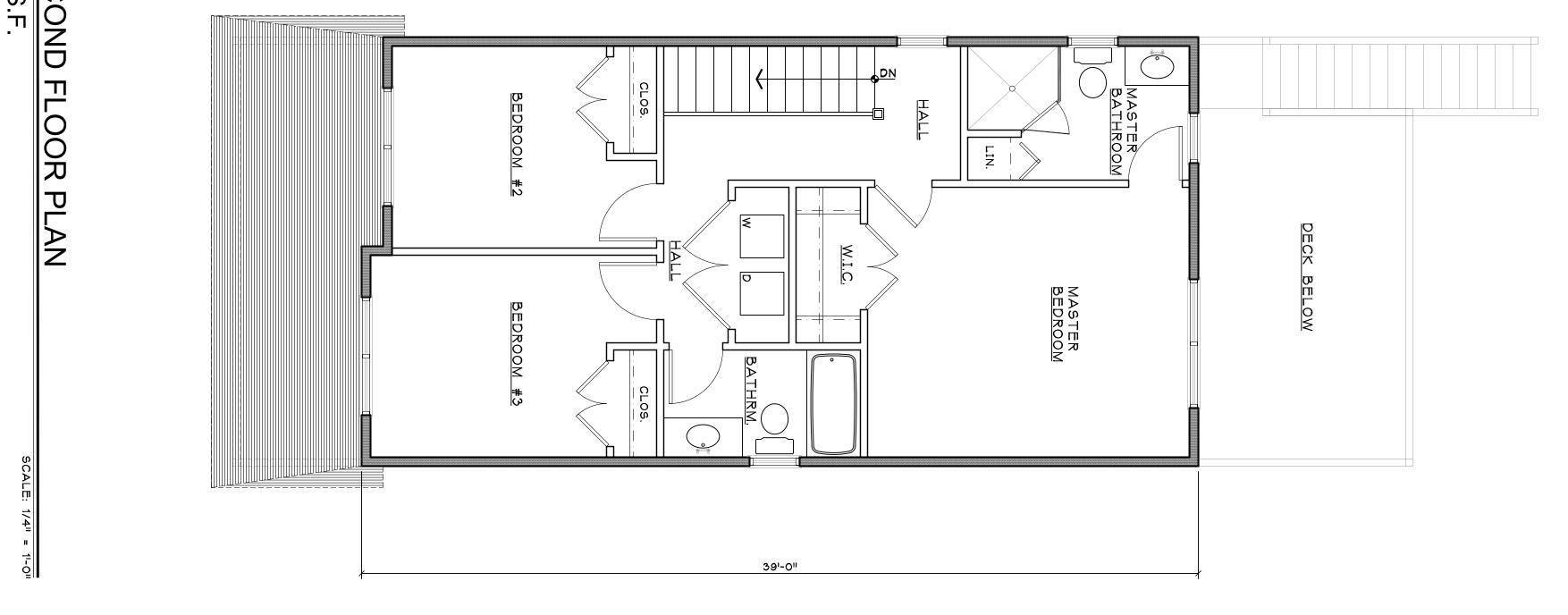


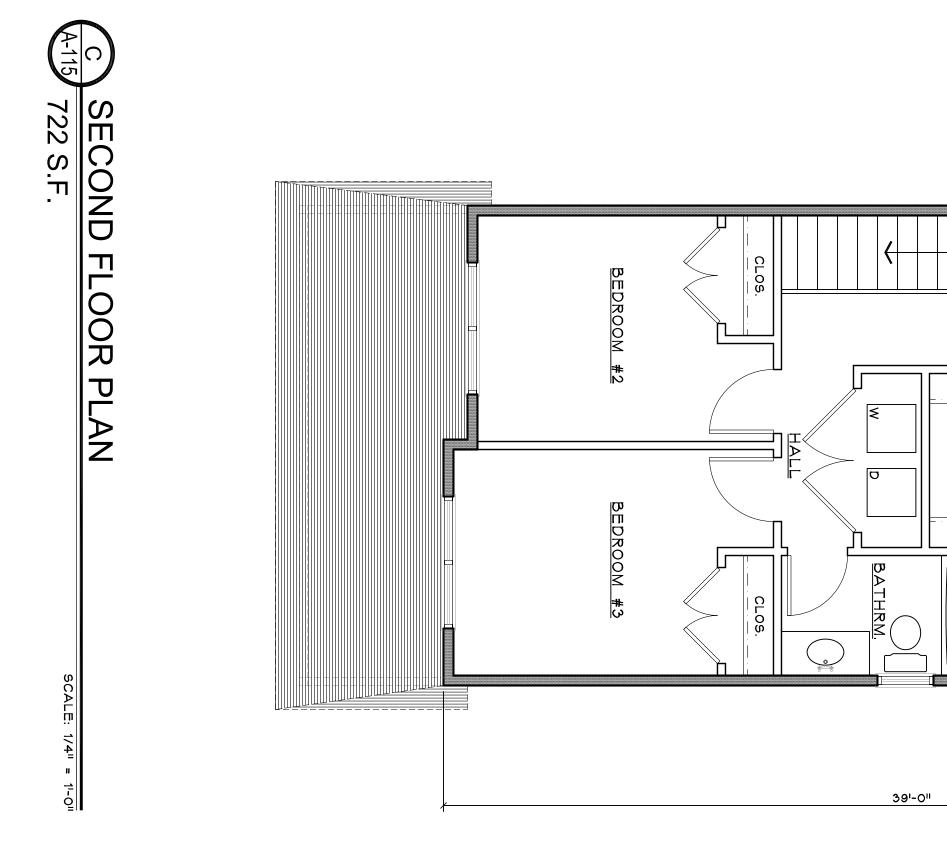


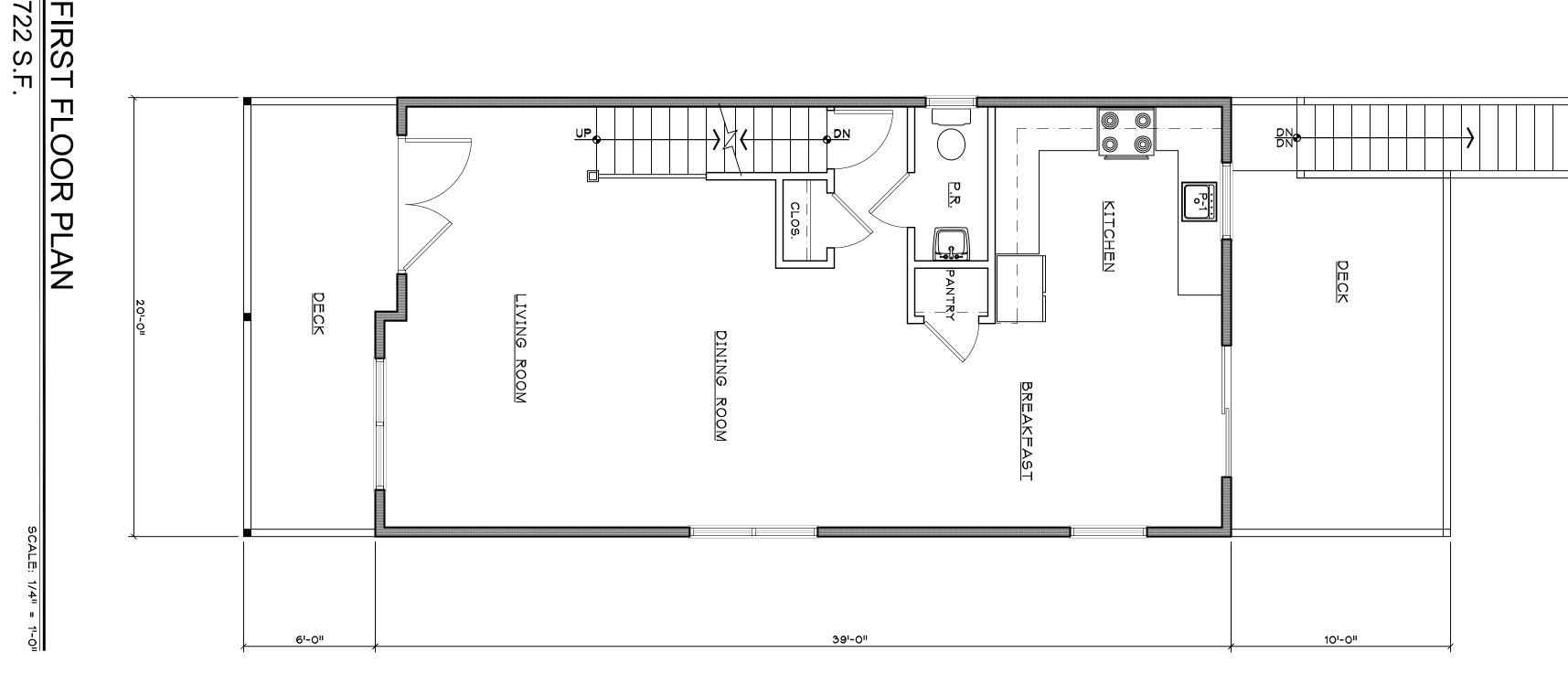


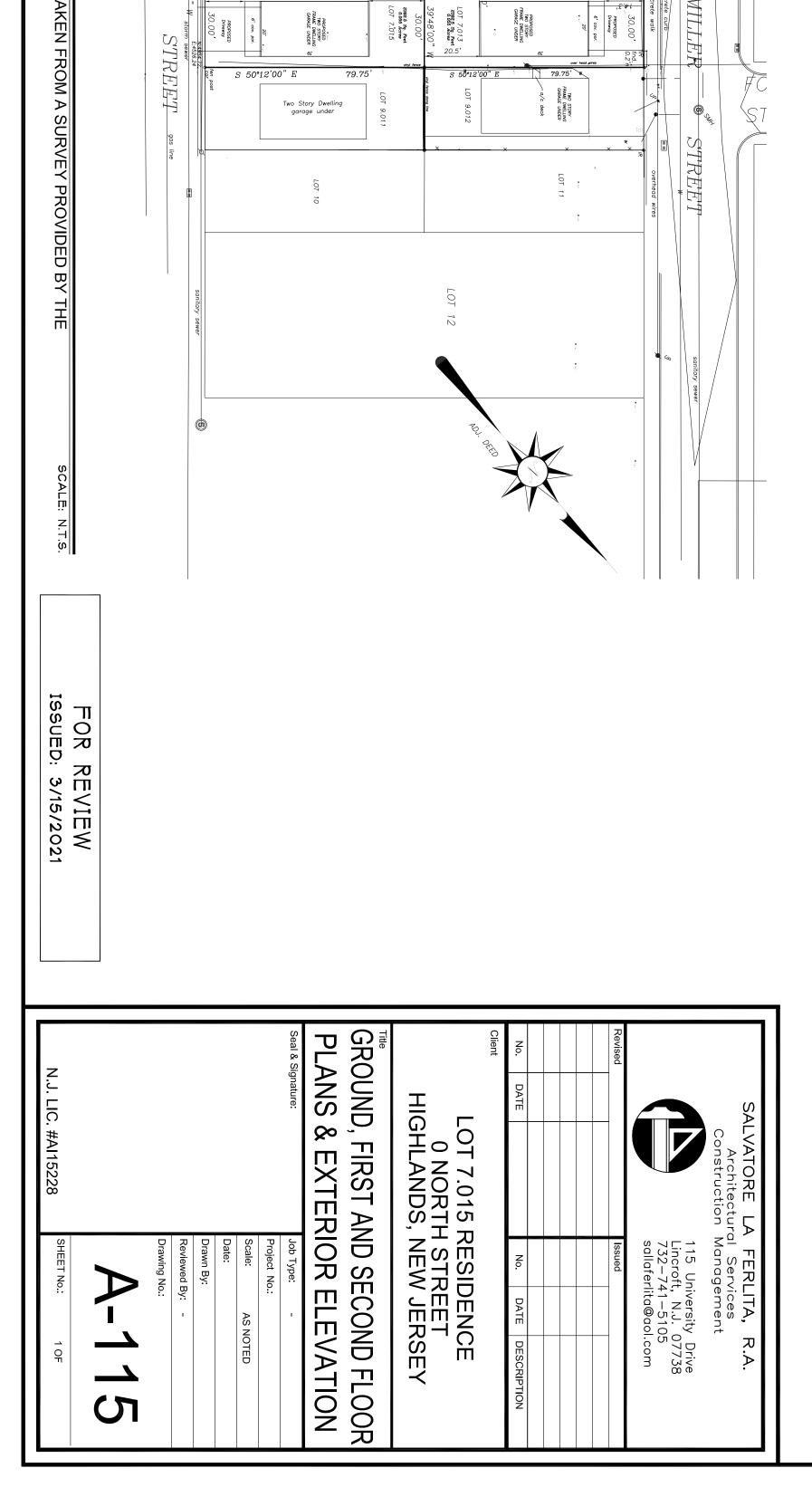








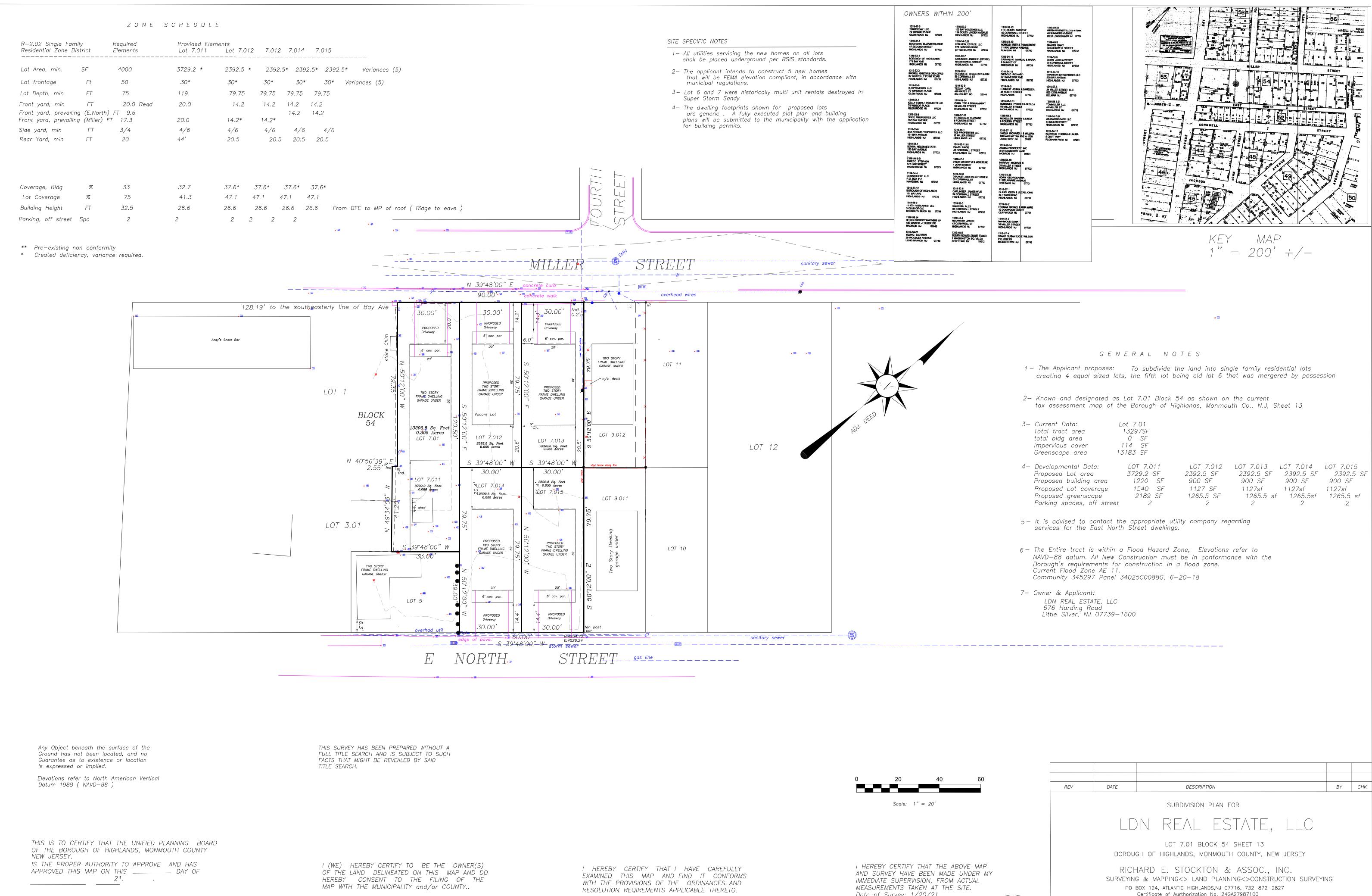






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DATE

SECRETARY

DATE

DATE

Date of Survey: 1/20/21

BOARD ENGINEER

DATE

RICHARD E. STOCKTON PROFESSIONAL LAND SURVEYOR N.J. LICENSE 15102

Greenscape area	13183 SF				
4– Developmental Data:	LOT 7.011	LOT 7.012	LOT 7.013	LOT 7.014	LOT 7.015
Proposed Lot area	3729.2 SF	2392.5 SF	2392.5 SF	2392.5 SF	2392.5 SF
Proposed building are	ea 1220 SF	900 SF	900 SF	900 SF	900 SF
Proposed Lot coverad	ge 1540 SF	1127 SF	1127sf	1127sf	1127sf
Proposed greenscape	2189 SF	1265.5 SF	1265.5 sf	1265.5sf	1265.5 sf
Parking spaces, off	street 2	2	2	2	2

REV	DATE	DESC	RIPTION		BY	-
		SUBDIVISIO)n plan for		·	
	LC	N REAL	ESTATE,			
	BOROU		BLOCK 54 SHEET 13 Monmouth county, Ne	EW JERSEY		
	SURVEYIN	G & MAPPING<> LA	KTON & ASSOC., ND PLANNING<>CONSTR ILANDS,NJ 07716, 732-872-2 tion No. 24GA27987100	UCTION SURVEY	ING	
		·	LAND SURVEYOR & PLANNER			
DATE: 1/20/ SCALE: 1"=		E: 4210 D# D-8067.dwg	DRAWN: TAT CHK: RES	JOB NO: 80 DWG NO: D-	1042	

SOUGH OF MACH	Borough of Highlands 42 Shore Drive Highlands, NJ 07732
	Phone: (732) 872-1224 Fax: (732) 872-0670
Flood Pla	In Review Application
\$50 Residential Fee	$\mu_{\text{Residential Fee}}$ $\mu_{\text{C}} \mathcal{N} \neq [18] - $100 \text{ Non-Residential Fee}$ $\mu_{\text{C}} \mathcal{N} \neq [18] - $131 / A f$
Block # Lot #	Bgrough Hall use Only Flood Zone/ FIRM-FEMA PANEL34529700018
Name: <u>LDN</u> LLC	Date of Application: 3/22/21
street 676 Harden Rd	city Little Silver State NT Zip 07739
Phone # 732-672-1398	Email: Dar @ DJF Construction LLC. com
street 49 miller st	ir ogest tate Information City <u>Highlands</u> State <u>NJ</u> Zip <u>07792</u>
Has the above premises been the subject of a knowledge?	ny prior application to the Land Use Board to the applicant's
Please supply the Borough with a Topograph supply an Elevation Certification before a CO	y Map done by a Land Surveyor or an Engineer. Upon approval, please is issued. RECEIVED
Topography map Elevation Certificate Building plans	MAR 2 2 2021
Describe in detail, the activity or activities to <u>Hyper to Savery Story</u> <u>Structures / houses on</u> <u>coder</u> , we must sub- on the property. We	be performed: <u>A the excepting lot had multiple</u> <u>slapple Lot.</u> Due to very and updated <u>turke</u> to rebuild structures back would regrest Sven lots that fit existing black.
	trasa, h Hat Use tody
Flood Plain Administrator Borough of Highlands / FEMA	pproved Disapproved <u>4/22/212/</u> Date
PROPERTY LOCASED IN FINISHED FIRST FLAD ELELA	AEII SFHA TION TO BE MINIMUM 12' ABOUE BFE

BOROUGH OF HIGHLANDS, N. J.

42 SHORE DRIVE HIGHLANDS, NJ 07732 COUNTY OF MONMOUTH

732-872-1224 PH 732-872-0670 FX WWW.HIGHLANDSBOROUGH.ORG



CAROLYN BROULLON MAYOR

MICHAEL MUSCILLO ADMINISTRATOR

MICHELLE HUTCHINSON ACTING BOROUGH CLERK

AMENDED DENIAL OF DEVELOPMENT PERMIT

May 21, 2021

LDN Real Estate LLC

Sent via email

RE:

49 Miller Street Block 54, Lot 7.01

Please accept this letter as an amendment to my letter of March 3, 2021. Upon review by the Borough Engineer it was discovered that the zone was incorrectly noted as the R-202, when the correct zoning is B-2 (Central Business District).

The following approvals will be necessary:

#21-55 Major subdivision #21-91A1 Use "d" variance

Please have your subdivision plan reflect the zoning data referencing this zone.

To proceed with an application/appeal of this decision to the Land Use Board, please contact the Michelle Hutchinson, Board Secretary. Should you have any questions, feel free to contact me at 732-615-2278.

Marianne Dunn Zoning Officer

C: Land Use Board



HGPB- R1860

YOUR GOALS. OUR MISSION.

June 8, 2021 Via Email

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

Re: 49 Miller Street, LDN Real Estate, LLC Block 54, Lot 7.01 Review of Major Subdivision, 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 21-58.B – Preliminary Subdivision Plat.

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

- 1. Land Use Board Application for Subdivision, dated March 12, 2021.
- 2. Zoning Denial letter, dated March 3, 2021, and updated letter dated May 21, 2021.
- 3. Proposed Subdivision Plan prepared by Richard E. Stockton & Associates, dated January 20, 2021.
- 4. Proposed Architectural Plan for proposed lot 7.011, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 5. Proposed Architectural Plan for proposed lot 7.012, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 6. Proposed Architectural Plan for proposed lot 7.013, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 7. Proposed Architectural Plan for proposed lot 7.014, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 8. Proposed Architectural Plan for proposed lot 7.015, prepared by Salvatore La Ferlita, dated March 15, 2021.

This property falls within the Central Business District (CBD) zone of the Borough, not the R-2.02 zone. New single-family residential dwellings are not permitted uses in the CBD zone. Therefore, in addition to a multitude of bulk variances, a d(1) use variance will also be required. For reference, a zoning chart with the addition of the CBD standards should be provided.

It is my understanding that the property in question is also on the list of properties to be reviewed as an "area in need of redevelopment" by the Borough Council and Land Use Board.

This application, while technically a "major subdivision", will act more like a minor subdivision, as there are no proposed roadways, stormwater basins, lighting, etc. Each proposed lot will have frontage on an existing municipal street.

The applicant should request waivers for the items not provided.



Re: 49 Miller Street, LDN Real Estate, LLC Block 54, Lot 7.01 Review of Major Subdivision, Plat Requirements (completeness) CBD Zone

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

Preliminary Subdivision Plat: The preliminary plat shall be designed in accordance with the provisions of this chapter, by a licensed New Jersey Land Surveyor and Professional Engineer, at a scale of not less than one (1) inch equals one hundred (100) feet, for consideration by the Board prior to the granting of preliminary approval. The plat shall show or be accompanied by sufficient information to establish the design, arrangement and dimensions of streets, lots and other planned features as to form, size and location. This information shall form the basis for the general terms and conditions upon which preliminary approval may be granted and shall include:

- 1. A key map at a scale not less than 1" = 400' showing the entire subdivision and its relation to the surrounding areas. **Provided**.
- 2. All existing structures, wooded areas and topographical features, such as slump blocks, within the tract to be subdivided and within seventy-five (75) feet thereof. **Provided.**
- 3. The name and address of all adjoining property owners, within two hundred (200) feet, as disclosed by the most recent municipal tax record. If there is no positive evidence of ownership, a certificate will be presented from the custodian of tax recorders to that effect. **Provided.**
- 4. The tract name, date, reference meridian and graphic scale. **Provided.**
- 5. Name and address of the owner and applicant. Provided.
- 6. Certification that the applicant is the owner of the land or his authorized agent or that the owner has given consent under an option agreement. **Provided.**
- 7. Name and address, seal, signature and license number of the person who prepared the map. **Provided.**
- 8. Certificate from Tax Collector that all taxes and assessments for local improvements are paid to date. **Not provided.**
- 9. Certification statement for the required municipal signatures, stating: Provided.
 - Application No. _____ approved/disapproved by the Highlands Land Use Board as a Preliminary Major Subdivision on _____.

(date)

Chairman

Secretary

- 10. Certification statement for the County Planning Board approval/disapproval, if required. Not provided.
- 11. The Tax Map sheet, block and lot numbers. **Provided.**
- 12. Acreage of tract to be subdivided, to the nearest hundredth of an acre. Provided.
- 13. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points of the profiles of all proposed new streets, contours at five (5) foot intervals for slopes averaging ten (10%) percent or greater and at one (1) foot intervals for land of lesser slope. All land in the flood hazard area shall be referenced to NGVD (1929). **Provided.**



- Re: 49 Miller Street, LDN Real Estate, LLC Block 54, Lot 7.01 Review of Major Subdivision, Plat Requirements (completeness) CBD Zone
 - 14. The location of existing and proposed property lines, streets, existing buildings, watercourses, bridges, culverts, drain pipes and any natural features such as wooded areas and rock formations, on-tract and within seventy-five (75) feet of the property. **Provided.**
 - 15. The area, in square feet, of each lot. Provided.
 - 16. Minimum street setback line and side and rear yard setback lines of each lot. Provided.
 - 17. A copy of any proposed protective covenants or deed restrictions applying to the land being subdivided. None reported.
 - 18. A grading plan showing existing and final contours (using no less than one (1) foot contours) of each lot. Spot elevations shall be provided in the flood hazard zone. **Not provided.**
 - 19. A soil erosion and sediment control plan, if 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.**
 - 20. Soil borings, where required by the Board Engineer. Not applicable.
 - 21. A wetlands statement provided by a qualified expert. Not provided.
 - 22. Plans, profiles and cross sections of all proposed streets. Not applicable.
 - 23. Stormwater 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**.
 - 24. Plans and profiles of proposed utility layouts, such as but not limited to sewers, storm drains, water, gas and electricity, showing feasible connections to existing or any proposed utility system. When an individual water supply or sewage disposal system, or both, is or are proposed, the plan for each such system must be approved by the appropriate local, County or State health agency. When a public sewer system is not available, the subdivider shall comply with the requirements of N.J.A.C. 7:9A for the installation of an on-site disposal system. The subdivider shall submit with the preliminary plat the results of all tests which are conducted, whether passing or failing the statutory requirements. The Borough reserves the right to supervise or witness all or any tests which are conducted, and the subdivider shall notify the Board of Health at least forty-eight (48) hours prior to the conducting of any tests. Any subdivision or part thereof which does not meet the requirements of this subsection or other applicable regulations shall not be approved. Not provided.
 - 25. Where public water is available, a certification from the municipal, private, or regional water supply agency that sufficient water is available for each proposed lot for the foreseeable needs of the subdivision. **Not provided.**
 - 26. Where public sewers are available, a certification from the municipal or regional sewage authority that treatment capacity is available for each proposed lot for the foreseeable needs of the subdivision. **Not provided.**



Re: 49 Miller Street, LDN Real Estate, LLC Block 54, Lot 7.01 Review of Major Subdivision, Plat Requirements (completeness) CBD Zone

At this point, adequate information has been provided for us to perform a technical review and fee calculation for the application.

UPON CONFIRMATION FROM THE BOARD SECRETARY THAT THE BALANCE OF ALL APPLICATION AND ESCROW FEES HAS BEEN DULY POSTED, THE FOLLOWING SHALL OCCUR:

- 1. The application shall be deemed **<u>COMPLETE.</u>**
- The Board Secretary shall refer the application to the Board Chairman for consideration of scheduling the public hearing, and so notify the applicant and interested parties in writing regarding the public hearing date and any notice requirements. <u>PLEASE NOTE THAT THE</u> <u>SCHEDULING OF HEARINGS MAY BE DELAYED AS A RESULT OF THE COVID-19</u> <u>PANDEMIC.</u>
- 3. The Board Engineer shall commence the technical review.

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

 cc: Michael Muscillo, Borough Administrator (via email) Ron Cucchiaro, Esq., Land Use Board Attorney (via email) LDN Real Estate, applicant (dan@DJFconstructionllc.com) Richard Stockton, P.L.S., applicant's surveyor (via email)

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YOUR GOALS. OUR MISSION.

HGPB-R1860

June 8, 2021 Via Email

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

Re: 49 Miller Street, LDN Real Estate, LLC Block 54, Lot 7.01 Review of Major Subdivision, Fee calculation CBD Zone

Dear Ms. Hutchinson,

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

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

- 1. Land Use Board Application for Subdivision, dated March 12, 2021.
- 2. Zoning Denial letter, dated March 3, 2021, and updated letter dated May 21, 2021.
- 3. Proposed Subdivision Plan prepared by Richard E. Stockton & Associates, dated January 20, 2021.
- 4. Proposed Architectural Plan for proposed lot 7.011, prepared by Salvatore La Ferlita, dated March 15, 2021.
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- 7. Proposed Architectural Plan for proposed lot 7.014, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 8. Proposed Architectural Plan for proposed lot 7.015, prepared by Salvatore La Ferlita, dated March 15, 2021.

Please note the following fee calculations:

- 1. Application fee: \$5,662.50
- 2. Escrow fee: \$11,325.00

The applicant shall post the balance of fees.

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

Very truly yours,

T&M ASSOCIATES

dward and

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

Att.

Re: 49 Miller Street, LDN Real Estate, LLC Block 54, Lot 7.01 Review of Major Subdivision, Fee Calculation CBD Zone

EWH

cc: Michael Muscillo, Borough Administrator (via email) Ron Cucchiaro, Esq., Land Use Board Attorney (via email) LDN Real Estate, applicant (dan@DJFconstructionllc.com) Richard Stockton, P.L.S., applicant's surveyor (via email)

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HGPB-R1860

DETERMINATION OF FEES 49 Miller Street Block 54, Lot 7.01

A. APPLICATION FEES (Ord. 21-107)

A. Variances					
3. Residential "c" (lot area x 5)	5	EA	\$	125.00	\$ 625.00
Residential "c" (lot frontage x 5)	5	EA	\$	125.00	\$ 625.00
Residential "c" (front yard setback x 4)	4	EA	\$	125.00	\$ 500.00
Residential "c" (side yard setback x 5)	5	EA	\$	125.00	\$ 625.00
Residential "c" (building coverage x 4)	4	EA	\$	125.00	\$ 500.00
4. Residential "d" (use not permitted)	1	EA	\$	150.00	\$ 150.00
B. Subdivisions					
3. Major					
b. Preliminary plat	1	EA	\$	500.00	\$ 500.00
Per lot	5	EA	\$	50.00	\$ 250.00
c. Final (50% of preliminary fee)	1	EA		50%	\$ 1,887.50
TOTAL APPLICATION FEE					\$ 5,662.50
B. ESCROW FEES (Ord. 21-108)					
B. Escrow Deposits (twice Application Fee; Minimum \$750)	2	EA	\$	5,662.50	\$ 11,325.00
		A	pplicati	ion fees subtotal	\$ 5,662.50

Application fees subtotal	\$ 5,662.50
Escrow fee subtotal	\$ 11,325.00
Total	\$ 16,987.50



YOUR GOALS. OUR MISSION.

HGPB- R1680

November 2, 2021 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: 49 Miller Street – LDN Real Estate, LLC Block 54, Lot 7.01 Major Subdivision and Use Variance First Engineering Review

Dear Ms. Hutchinson:

As requested, our office has reviewed the above referenced application for preliminary major subdivision approval. The applicant submitted the following documents in support of this application:

- 1. Land Use Board Application for Subdivision, dated March 12, 2021.
- 2. Zoning Denial letter, dated March 3, 2021, and updated letter dated May 21, 2021.
- 3. Proposed Subdivision Plan prepared by Richard E. Stockton & Associates, dated January 20, 2021.
- 4. Proposed Architectural Plan for proposed lot 7.011, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 5. Proposed Architectural Plan for proposed lot 7.012, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 6. Proposed Architectural Plan for proposed lot 7.013, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 7. Proposed Architectural Plan for proposed lot 7.014, prepared by Salvatore La Ferlita, dated March 15, 2021.
- 8. Proposed Architectural Plan for proposed lot 7.015, prepared by Salvatore La Ferlita, dated March 15, 2021.

Based on our review of the submitted documents, we offer the following comments for the Board's consideration:

A. <u>Project Description</u>

The 0.30-acre (+/-13,297 square foot) property is currently an undeveloped through lot which is vacant with no existing principal structures It has frontage on both Miller Street and East North Street. The site is located in the Central Business (CBD) Zone of the Borough since the most recent Zoning Map amendment in 2018. It is noted that the lot previously was in the R-2.02 Zone. With this proposal, the applicant is seeking preliminary major subdivision and use variance approval and is proposing to develop the parcel into five (5) total lots. The proposed single-family development use is a not a permitted use in the CBD Zone. It should also be noted that this property was included in the recent "area in need of redevelopment" study being undertaken by the Borough.

B. Zoning and Planning

1. The subject property is located in the Central Business (CBD) Zone. This zone does not permit single-family developments therefore a d(1) use variance is required.



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.



2. The following bulk requirement summary is provided for the Board's reference. It should be noted that while the proposed use (single-family residential) is not a permitted use in the CBD Zone, it is permitted in the former R-2.02 Zone. <u>The Board will have to determine</u> what bulk zoning standards will be required of the applicant. The various bulk requirements have been provided for the Board's reference below as well:

Standard	R-2.02	Existing	Prop.	Prop.	Prop.	Prop.	Prop.
	Zone	Lot 7.01	Lot	Lot	Lot	Lot	Lot
			7.011	7.012	7.013	7.014	7.015
Min. Lot Area (sf)	4,000	13,297	3,729(V)	2,392(V)	2,392(V)	2,392(V)	2,392(V)
Min. Lot Frontage/ Width (ft)	50	60	30(V)	30(V)	30(V)	30(V)	30(V)
Min. Lot Depth (ft)	75	120.5	119	79.75	79.75	79.75	79.75
Min. Front Yard Setback (ft)	20*	NA (vacant)	20	14.2(V)	14.2(V)	14.2(V)	14.2(V)
Min. Side Yard Setback (ft)	6/8**	NA (vacant)	4/6(V)	4/6(V)	4/6(V)	4/6(V)	4/6(V)
Min. Rear Yard Setback (ft)	20	NA (vacant)	44	20.5	20.5	20.5	20.5
Max. Building Height (ft)	30***	NA	26.6	26.6	26.6	26.6	26.6
Max. Lot Coverage (%)	75	NA	41.3	47.1	47.1	47.1	47.1
Max. Building Coverage (%)	33	NA	32.7	37.6(V)	37.6(V)	37.6(V)	37.6(V)

(E) – Existing Nonconformity

(V) – Variance

NA – Not Applicable

* Section 21-79.B of the Ordinance permits an alternative front yard setback of the average of the existing front yard setback within two hundred (200) feet in the same block and zone.

** 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.

*** Building height measured from the grade plane, which is BFE+1 foot (NAVD88), to the average height of the roof surface. Bonus credit of 2.5 feet for parking underneath.

- 3. The Cover Sheet shall be revised to indicate that the property is located in the CBD Zone.
- 4. The proposed application will ultimately require the bulk 'c' variances noted in the chart above if reviewed under the R-2.02 standards.



5. The proposed application will ultimately require the following bulk 'c' variances if reviewed under the CBD Zone standards. As you can see, the CBD Zone requirements are not well suited for residential projects, but are presented below for information purposes:

Standard	CBD Zone	Existing Lot 7.01	Prop. Lot 7.011	Prop. Lot 7.012	Prop. Lot 7.013	Prop. Lot 7.014	Prop. Lot 7.015
Min. Lot Area (sf)	NA	13,297	NA	NA	NA	NA	NA
Min. Lot Frontage/ Width (ft)	NA	60	NA	NA	NA	NA	NA
Min. Lot Depth (ft)	NA	120.5	NA	NA	NA	NA	NA
Min. Front Yard Setback (ft)	0	NA (vacant)	20	14.2	14.2	14.2	14.2
Min. Side Yard Setback (ft)	NA**	NA (vacant)	4/6(V)	4/6(V)	4/6(V)	4/6(V)	4/6(V)
Min. Rear Yard Setback (ft)	12	NA (vacant)	44	20.5	20.5	20.5	20.5
Max. Building Height (ft)	36***	NA	26.6	26.6	26.6	26.6	26.6
Max. Lot Coverage (%)	80	NA	41.3	47.1	47.1	47.1	47.1
Max. Building Coverage (%)	35	NA	32.7	37.6(V)	37.6(V)	37.6(V)	37.6(V)
Max. FAR	0.65	NA	0.84	1.03	1.03	1.03	1.03

(E) – Existing Nonconformity

(V) – Variance

NA – Not Applicable

** 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.

*** Building height measured from the grade plane, which is BFE+1 foot (NAVD88), to the average height of the roof surface. Bonus credit of 2.5 feet for parking underneath.

**** 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 one (1) four-bedroom unit and four (4) three-bedroom residential units. The four-bedroom unit would require 300 square feet of outdoor living space and the three-bedroom units would require 250 square feet respectively.

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 that privacy and exclusive use. The applicant is proposing a 6 feet by 20 feet (120 s.f.) covered porch for each unit.



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.

C. <u>Site Requirements & Layout</u>

- 1. The applicant is seeking a total of five building lots. Given the dual roadway frontage, each proposed lot will have frontage and access to a municipal street. No new roadways are proposed.
- 2. The applicant is proposing a one-car garage and driveway combination for each unit, yielding at least two (2) off-street parking spaces per dwelling, which is consistent with the RSIS standards for three-bedroom units. The four-bedroom unit (lot 7.011) would require 2.5 parking spaces. The applicant shall provide testimony on the adequacy of the proposed number of parking spaces for this unit, considering the driveway width and length.
- 3. The limits of all proposed curb, sidewalk, and asphalt shall be clearly shown on the plans. There is existing curb and sidewalk along Miller Street that will need to be adjusted. There is no curb or sidewalk along East North Street along the frontage of this property. The Board should determine if adding curb and sidewalk there would be appropriate.
- 4. We recommend half-section milling, base repair where needed, and 2" surface course replacement across the frontage of the project.
- 5. Construction details should be provided for the various improvements that will be required.
- 6. Detailed plot/grading/stormwater management plans should be provided.

D. <u>Traffic Impact</u>

- 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, testimony should be provided regarding the project's impact to the surrounding road networks.
- 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.

E. <u>Grading, Drainage, & Utilities</u>

- 1. The proposed development will not disturb an area exceeding 1 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. While the project is not considered a major development, the applicant is proposing to increase impervious coverage. The applicant shall provide testimony confirming that the increase from pre- to post-development stormwater runoff is de minimis. Additional stormwater runoff mitigation measures may be required.



- 3. The applicant shall confirm there will be no adverse drainage impacts to the adjacent properties as a result of the proposed improvements.
- 4. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application.

F. Landscaping & Lighting

- 1. Per Ordinance Section 21-65.10.A, all areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped, and maintained in accordance with a landscaping plan approved by the Board. No landscaping has been provided.
- 2. We recommend street trees be provided as required under Ordinance Section 21-65.10.B.
- 3. No landscaping is proposed around the proposed buildings and throughout the site. We recommend additional shrubs and tree plantings be provided, along with increasing the diversity of plant species to avoid the hazards of monoculture and enhance visual interest.
- 4. No lighting is indicated on the plans. The applicant should provide testimony on their lighting intent.

G. <u>Miscellaneous</u>

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 shall confirm the elevations on the individual architectural plans. Additionally, it is recommended that the applicant obtain an Elevation Certificate for the subject property.

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 and should confirm any specific restrictions and/or permitting requirements accordingly. We recommend a jurisdictional determination be provided. We defer further review to NJDEP.
- 3. 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.
- 4. The Building Department should review the architectural plans for ADA compliance.
- 5. The applicant will ultimately be obligated to comply with the Borough's Affordable Housing obligations/requirements.
- 6. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.
- 7. 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.



- 8. The applicant should be aware that construction of habitable space below the base flood elevation could subject this space to inundation by floodwaters. This construction could also have an impact on the applicant's future flood insurance premiums. The applicant should clarify any/all uses of ground floor area.
- 9. Should this application ultimately secure Board approval, a plat consistent with the State's Title Recordation Act will be required.
- 10. 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
 - d. Construction Office
 - e. DPU/DPW
 - f. Fire Official

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

Very truly yours,

T&M ASSOCIATES

want

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

EWH

cc: Michael Muscillo, Borough Administrator (via email)
 Ron Cucchiaro, Esq., Land Use Board Attorney (via email)
 Richard Stockton, PLS; Applicant's Surveyor (rstocktonnj3@gmail.com)
 LDN Real Estate, LLC; (dan@djfconstructionllc.com)(emval6@verizon.net)
 Kevin Kennedy, Esq.; (kevinkennedy@verizon.net)

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