

**Borough of Highlands
Zoning Board of Adjustment
Regular Meeting
October 15, 2009**

Mr. Mullen called the meeting to order at 7:49 P.M.

Mr. Mullen asked all to stand for the Pledge of Allegiance.

Mr. Mullen made the following statement: As per requirement of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Borough of Highlands Zoning Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

**Present: Ms. Ryan, Mr. Fox, Mr. Britton, Mr. Gallagher, Mr. Mullen,
Mr. Kutosh**

Absent: Mr. Braswell, Mr. Anthony, Ms. Tierney

**Also Present: Carolyn Cummins, Board Secretary
Gregory Baxter, Esq., Board Attorney**

**ZB 2009-4 Sarosy, Marie
Block 110 Lot 10 – 224 Linden Avenue
Approval of Resolution**

Mr. Mullen read the title of the following Resolution for approval:

Mr. Britton offered the following Resolution and moved on its adoption:
10/15/09

**RESOLUTION APPROVING BULK VARIANCE
FOR SAROSY AT 224 LINDEN AVENUE**

WHEREAS, the applicant, MARIE SAROSY, is the owner of a single-family home at 224 Linden Avenue, Highlands, New Jersey (Block 110, Lot 10); and

WHEREAS, the property owner filed an application to construct a 24-foot by 24-foot detached garage in the rear of her home; and

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WHEREAS, all jurisdictional requirements have been met, and proper notice has been given pursuant to the Municipal Land Use Law and Borough Ordinances, and the Board has jurisdiction to hear this application; and

WHEREAS, the Board considered the application at a public hearing on September 3, 2009; and

WHEREAS, the Board heard the testimony of MARIE SAROSY and CARL LINDMARK, her builder; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: Variance application (3 pages);
- A-2: Zoning Officer's permit denial dated 7/2/09;
- A-3: 6/4/09 survey by RICHARD STOCKTON;
- A-4: 6/4/09 survey by RICHARD STOCKTON with notes by CATHERINE FRANCO with floor plans, elevations and sections isometric view (4 pages);
- A-5 Revised page 3 of 4 to Exhibit A-4;
- A-6 (a) through (c): 3 photographs of property;

AND, WHEREAS, the following exhibit was also marked into evidence:

- B-1: Board Engineer review letter dated 9/1/09;

AND, WHEREAS, no persons appeared in opposition or to ask questions about this application; and

WHEREAS, the Board, after considering the evidence and testimony, has made the following factual findings and conclusions:

1. The applicant is the owner of a single-family home located in the R-2.03 Zone.
2. The site contains a small house (approximately 1,050 square feet) on a large lot (almost 15,000 square feet).
3. There was previously an old garage at street level. That garage was removed a few years ago.
4. The property owner would like easier access from the garage to the home; and, therefore, has proposed to put the garage behind the house on a more level surface.
5. There were previously stone steps at the front of the property. Those were rickety and have been removed.
6. By placing the driveway at the rear, the steps and grade problems will be eliminated.
7. The applicant proposes to build a 2-car garage, 24 feet by 24 feet, which size is fairly standard.
8. The garage will be approximately 20 feet from the rear of the house.
9. Since the property is approximately 200 feet deep, there is ample room for the addition of a detached garage without violating the lot coverage provisions of the ordinance or impinging on any neighbor.

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10. The proposed height of the garage will be 13 feet to the top of the ridge. The topography of the land will not affect the height, since the builder testified that he would level the property on the site for the garage, in which area the slope is not as dramatic as elsewhere on the property.

11. The applicant and her builder propose to create a swale in order to keep water runoff away from the garage.

12. The leaders from the garage will be directed toward the driveway, which is stone, so that the water may soak into the driveway.

13. The neighbor to the east is at a higher elevation, so there will be no drainage problems from the subject to that neighbor.

14. There is a lack of parking on the street in the area of this property, so the off-street parking is an asset. Also, because of the tightness of the street, the design of the driveway and garage will make it easier to make a K-turn to get in and out onto the busy street.

15. The garage will not have any sewer or water. It will have electric (for a light and garage door).

16. The applicant meets the zoning requirements for minimum lot area, minimum lot frontage, maximum lot coverage, parking, front yard setback, side yard setback, rear yard setback, and building height.

17. The only variance sought is because the proposed garage is approximately 67% of the ground floor area of the principal structure, requiring a variance from Ordinance 21-78A(2).

18. The Board finds that the applicant has met the positive and negative criteria required under the Municipal Land Use Law. The proposed replacement garage will not be a substantial detriment to the intent and purpose of the zone plan and zoning ordinance. The Board is empowered to grant this bulk variance pursuant to N.J.S.A. 40:55d-70c(2), since the purposes of the M.L.U.L. will be advanced, and the benefits of the deviation substantially outweigh any detriment. In fact, the Board sees no detriment.

WHEREAS, the application was heard by the Board at its meeting on September 3, 2009, and this resolution shall memorialize the Board's action taken at that meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of MARIE SAROSY to construct a 24-foot by 24-foot detached garage at the rear of her single-family home, based on the plans submitted, is hereby approved; and a variance is hereby granted to construct the garage, which will have a greater percentage of the ground floor area of the principal structure than is permitted by borough ordinance.

AND BE IT FURTHER RESOLVED that this approval is subject to the condition that a detailed grading plan be provided which addresses the drainage swales around the northern and eastern sides of the proposed garage, to ensure there are no stability issues on the adjacent property and there is no water directed toward the proposed structure. This grading plan must be submitted to the Borough Engineer, and approved, before any permits are issued.

Seconded by Mr. Kutosh and adopted on the following roll call vote:

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ROLL CALL:

AYES: Mr. Britton, Mr. Kutosh, Mr. Mullen

NAYES: None

ABSENT: None

Approval of Minutes:

Mr. Mullen offered a motion to approve the September 3, 2009 Zoning Board Minutes, seconded by Mr. Kutosh and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Britton, Mr. Mullen, Mr. Kutosh

NAYES: None

ABSTAIN: None

The Meeting adjourned at 7:51 P.M.

CAROLYN CUMMINS, BOARD SECRETARY