

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
June 3, 2010**

Mr. Braswell called the meeting to order at 7:35 p.m.

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

Mr. Braswell 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 of Adjustment and all requirements have been met. Notice has been transmitted to the Two River Times and the Asbury Park Press. Notice has been posted on the public bulletin board.

**ROLL CALL:**

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

**Absent:** Mr. Anthony, Mr. Mullen, Ms. Tierney

**Also Present:** Carolyn Cummins, Board Secretary  
Greg Baxter, Esq., Board Attorney  
Joe May, P.E., Board Engineer

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**ZB#2009-6 Sendowski, Oren, Block 43 Lot 6 – 30 Shrewsbury Avenue  
Request for Postponement of Public Hearing to July 1, 2010**

**Present:** Martin A. McGann, Esq., Applicants Attorney

Mr. McGann explained to the Board that the applicant has made significant changes to the application resulting in the elimination of variances. He believes that they should be able to submit the amended plan 10 days before next meeting. He then granted the Board an extension of time to act through the end of August.

Mr. Gallagher offered a motion to approve the applicants request for a postponement to the July 1, 2010 Meeting, seconded by Ms. Ryan and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Ms. Ryan, Mr. Fox, Mr. Gallagher, Mr. Britton, Mr. Kutosh

**NAYES:** None

**ABSTAIN:** None

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**ZB#2010-1 Parzych, Edna Ann  
Block 61 Lot 13.011, 216 Navesink Avenue  
Hearing on New Business**

**Present:** Martin McGann, Esq., Applicants Attorney  
Edna Parzych, Applicant  
Robert Gorsky, A.I.A. Applicants Architect

Mr. Baxter stated that he has reviewed the public notice and receipts and finds them to be in proper form; therefore the Board has jurisdiction to proceed.

Mr. McGann stated that this application involves the removal of existing deck and the construction of new side deck. He also stated that this is a two family home.

The following documents were marked into evidence during the hearing:

- A-1: Variance Application, 3 pages
- A-2: Zoning Officers Denial dated 4/22/10
- A-3: Architectural Plans prepared by R. Gorsky last revised 5/20/10
- A-4a-e: Five Photographs
- A-5: 8 ½ by 11 Color Aerial Photo

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- A-6: Property Record Card showing two units
- A-7: Certificate of Occupancy dated 4/25/01
- A-8: Photo of side of house with sidewalk
- O-1: 8 ½ by 11 Photo of wall.

Joe May, P.E., Board Engineer was sworn in.

Robert Gorsky of 1 Lori Road, Atl. Highlands, NJ was sworn in and stated the following during his testimony and response to questions from the board:

1. He described his professional and educational background to the board and the board accepted his qualifications.
2. He stated that he is familiar with the subject property and the zoning requirements.
3. This is a single-story house on slope piece of land.
4. The property is 73feet wide by 75 feet deep. Sheet one shows existing conditions and the proposed new deck.
5. The existing deck on rear is structurally unsound which he further described.
6. He then described the photographs marked as Exhibits A-4 a-e.
7. He feels that the deck has to be rebuilt.
8. The existing deck to the rear of structure is 8 feet from building to railing. Its 8 by 18 feet and sits one to two inches from property line.
9. The front setback is 20 feet required and 19.75 is existing.
10. The side yard on right side is 5 feet existing and 6 required.
11. An aerial photo is on sheet one of his plans which depicts the existing structure with proposed enhanced on it.
12. Aerial shows about seven houses and all have decks to the rear and have a deck on upper level because everyone tends to live on upper level, which he further explained. People also try to capture view from raised deck.
13. He spoke about the rear adjacent property.
14. There is nine feet of rear yard which portion is covered by existing deck. Only have side yard for recreational use but it has a slope which he further explained sloping condition of property.
15. If he wanted to use side for recreational use he would have to regrade property or fix up deck and not touch topography which would provide recreational area for property.
16. Having deck off side of house provides ready access to deck.. It also provides ability to view Sandy Hook.
17. The expansion of deck results in a variance for side yard 5.6 feet, rear yard 5.2 feet. Neither side yard complies with side yard requirements.
18. The size of the side deck is 16 by 24 which is 350 square feet.
19. The rear deck is 8 by 18 which is 144 square feet.
20. The front yard is not a reasonable area for recreational use. The side yard suffers from topography, rear yard is only nine feet which is covered with existing deck.
21. Architecturally, the proposed deck fits within the neighborhood.
22. This deck would service one family.
23. From an architectural view, not increasing footprint of building, its addition of a deck.
24. No issues with fencing.
25. The deck will be of composite materials.
26. The proposed decks will require building permits.
27. There is no proposal to enclose the deck.
28. The power meters will have to be moved up which he further explained.
29. He then spoke about views and described neighbors house.
30. The new deck would look toward north east.

Mr. Braswell opened up cross examination of Mr. Gorsky to the public.

Jerry Elson of 218 Navesink Avenue stated that he subdivided the subject property. He stated that the deck will look through trees. His concern is with the drainage on hill. He asked if there were any plans to deal with water from the deck.

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Mr. Gorsky stated that the deck is composite material with spaces so the water will run through. His intent is not to interrupt the water runoff.

Mr. McGann stated that the applicant has a Certificate of Occupancy from when the applicant purchased the property showing that the dwelling has two units. He also has a copy of the Tax Assessors Property Record Card which shows it's a two-family.

Mr. Gorsky – there is an apartment on the lower level.

Mr. McGann stated that the lower unit is not currently occupied.

Edna Parzych was sworn in and stated the following:

1. Since she has purchased the property the two unit building has not changed.

Mr. Braswell asked the public if they had any questions for the application but there were none.

Mr. Braswell opened up the Public Comment Portion of the hearing.

Jerome Elson of 218 Navesink Avenue was sworn in. He stated that his concern is water runoff and soil erosion of the hill. He described drains and water runoff from the subject lot and how there is an existing broken wall on the subject property. He then submitted Exhibit O-1 a photo of broken wall.

Mr. McGann stated that he can ask the applicant to fix the broken wall.

Jerome Elson then wanted to know if there is any clearance room with the proposed side deck.

Mr. McGann – yes

Jerome Elson further expressed his concerns with the water runoff. He spoke about a possible water catch drain being installed to catch the water.

Joe May stated that the increase in water is deminimus.

Mr. McGann questioned Mr. Elson about previous drain locations of the property.

Mr. May stated that the deck does increase runoff onto stoned driveway and that decks are not considered impervious.

Mr. McGann stated that the applicant will be glad to fix the wall.

Mr. Gorsky stated that under the deck will be graveled.

There were no further comments from the public; therefore the public hearing was closed.

Mr. Baxter then reviewed the possible conditions of approval as discussed during the hearing as being as follows:

1. No enclosure of the deck.
2. Be slotted deck with opening.
3. The wall must be repaired.
4. Gravel must be under the deck.

The Board briefly deliberated.

Mr. Britton offered a motion to approve the application subject to the conditions as discussed, seconded by Mr. Kutosh and approved on the following roll call vote:

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**ROLL CALL:**

**AYES:** Mr. Braswell, Ms. Ryan, Mr. Fox, Mr. Gallagher, Mr. Britton, Mr. Kutosh  
**NAYES:** None  
**ABSTAIN:** None

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**Approval of Minutes:**

Ms. Ryan offered a motion to approve the May 6, 2010 Zoning Board Minutes, seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Ms. Ryan, Mr. Gallagher, Mr. Britton, Mr. Kutosh  
**NAYES:** None  
**ABSTAIN:** None

Mr. Fox offered a motion to adjourn the meeting, seconded by Mr. Gallagher and all were in favor.

The Meeting adjourned at 8:30 p.m.

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**CAROLYN CUMMINS, BOARD SECRETARY**