

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
March 7, 2013**

Meeting Location: Highlands Elementary School, 360 Navesink Ave, Highlands, NJ 07732

Note: This meeting was not electronically recorded.

Mr. Braswell called the meeting to order at 7:30 p.m.

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

Mrs. Cummins read the following statement: As per requirement of Public Law 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 Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present:** Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Mr. O'Neil,  
Ms. Pezzullo, Ms. Maresca, Mr. Braswell

**Absent:** Mr. Fox

**Also Present:** Carolyn Cummins, Board Secretary  
Greg Baxter, Esq., Board Attorney  
Robert Keady, P.E., Board Engineer  
Martin Truscott, P.P., Board Planner  
Debbie Masterton, Court Reporter

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**ZB#2013-1 Markou, George  
Block 43 Lot 10 & 10.01  
38 Shrewsbury Ave  
Request for Postponement**

Mr. Braswell stated that the applicant has requested this matter be carried to the April 4<sup>th</sup> meeting.

Mr. Baxter stated that he reviewed the public notice and mailing receipts and one property owner was not properly notice.

Mr. Gallagher offered a motion to carry this hearing to the April 4<sup>th</sup> meeting and that the applicant is required to notice Gerald Beyer for block 44 lot 3, seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Mr. O'Neil,  
Ms. Pezzullo, Ms. Maresca, Mr. Braswell

**NAYES:** None

**ABSTAIN:** None

The Markou public hearing will be carried to the April 4<sup>th</sup> meeting which will be held at Henry Hudson Regional High School, 1 Grand Tour, Highlands, NJ 07732

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**ZB#2012-5 Camco Resources, Inc.  
Block 66 Lot 12-13.01  
62 Fifth Street  
Hearing on New Business**

**Present:** Jonathan Heilbrunn, Esq., Applicants Attorney  
Tom Galante  
John Vincenti, P.E.  
John McDonough, P.P.

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
March 7, 2013**

**Conflict: Peter Mullen stepped down.**

Mr. Heilbrunn stated that the property was located on Fifth Street, block 66 lots 12 & 13. It's a rectangular shaped piece of property 75 by 340 feet. It has been home to a number of commercial uses, a marina and boating business. The proposed use is located in the WFC Zone and requires a use variance to construct 12 detached town home units. A use variance for height is also required for the proposed height of 387 feet, whereas 30 feet is permitted. The plan proposed is for 12 units in two buildings with six units per building. They meet the requirements for variances. The site is well suited for the proposed use. The property is next door to a similar multi-family and across the street is another multi-family. The site is suited for residential use and is within walking distance to Bay Avenue commercials.

The following exhibits were marked into evidence this evening:

- A-1: Photos of property pre-Sandy on a large board;
- A-2: Colored site plan prepared by John Vincenti dated 1-3-2012;
- A-3: Architectural renderings dated 1/7/2013;
- A-4: Aerial prepared by Confone Consulting;
- A-5: Variance Application;
- A-6: Zoning Permit;
- A-7: Property Survey;
- A-8: Cover Sheet & Floor Plans dated 8/8/2011;
- A-9: Three Page Aerial;
- B-1: Board Engineers Report dated 12/27/2012.

Robert Keady, P.E., of T & M Associates was sworn in.

John Vincenti, P.E., of JV Engineering was sworn in and stated the following during his testimony and response to questions from the board:

1. He is a licensed Professional Engineer in the State of New Jersey.
2. He explained his education and professional background to the board.
3. The site is currently a marina with one building by water and the rest of the property is all gravel and is used for parking and boat storage.
4. He showed the photos in exhibit A-1.
5. The site is in need of redevelopment. Its four lots, lots 12 and 13 are 25,464 square feet and lots 12.01 and 13.01 are Riparian Grants.
6. There are 25 boat slips on the subject property.
7. He described the conditions of the property post Hurricane Sandy and referred to A-1.
8. The proposed application would remove the existing metal building and would construct 12 units in two buildings as shown on A-2.
9. Proposed 24 foot wide paved driveway with two parking spaces under the units, plus six surface parking spots.
10. The parking requirement is 2.13 spaces per unit which is 28 required spaces. The proposed is for 30 parking spaces.
11. The proposed parking under the units is stacked, not side by side.
12. No garage doors, it would be open with lattice.
13. There is a 10-foot wide easement on the property currently.

Mr. Heilbrunn stated that they are only here tonight for the use variance. They will then do a site plan.

Mr. Vincenti continued his testimony as follows:

14. The road widening easement is okay.
15. 25-foot wide driveway width complies.
16. A-3 shows a 30 foot building height being proposed.
17. Stormwater system – nothing currently exists.
18. A stormwater system would be required.
19. It's a dense residential neighborhood, which he further explained.

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
March 7, 2013**

20. The height variance is driven by the flood hazard issues. A discussion regarding the height issues was discussed.
21. The condition of Fifth Street is that it's a narrow one way street, 30 foot right of way with parking on the street. They did not want to take away from on street parking so the proposed meets the parking requirements.
22. Traffic on Fifth Street is currently marina use has traffic during summer.
23. The marina boat slips will be for unit owner's use.
24. Homeowners Association regulations would deal with issue or concerns of board of the slips being rented out by unit owners.
25. Two boat slips per unit could be used for Jet Ski, more than one water craft.
26. There would be no boat storage on site.
27. Each unit has three bedrooms which require 2.3 parking spaces per unit.
28. The marina has a potential to be commercial use for marina with 24 boat slips. Parking potentially another 50 cars per day and that is not what they are proposing.
29. Master Deed will be done on property and Homeowners Association would or could have regulation of no slip rentals.
30. They have exceeded the parking requirements.
31. It's a 40 foot height from grade to top with different elevations.
32. Elevation – clear to bottom of beam not finished floor.
33. They are respecting the 10 foot wide road widening easement.
34. The closest public parking on Fifth Street is Clam Plant.
35. The building height is 38 feet.
36. Flood Elevations, there are two zones on subject site. A V-16 foot and a V 14 foot requirement.
37. Handicap Parking requires one space which is being provided.
38. Bulk requirements, they will conform to all bulk setbacks with single family setbacks.
39. Decks, no rear decks all decks are in front.
40. Front yard setback is 32 feet, sides are 6 and 34 feet and the rear is 45 feet.

Public Questions

Pete Luzzi of 68 Fifth Street questioned the distance from building to building.

Answer – 6 ½ feet plus 3 feet.

Karen Walzak of 68 Fifth Street, unit 3 questioned if emergency vehicles will have access to site.

Answer – the driveway is 24 feet wide which allows access to site.

Pete Luzzi questioned the fact that there are no windows on third floor of units.

Answer – it will have to be addressed. He also stated that there were dormers in front with fire egress windows.

Karen Walzack Houseman questioned the loss of sun access to her unit and wanted to know if the buildings could be moved to other side of property.

Answer – explained why couldn't move buildings.

Robert Konkry of 68 Fifth Street, unit #3 questioned what items he could take home with him.

Board explained to Mr. Konkry that this is a use variance application not a site plan yet.

Mel Cohen of 68 Fifth Street questioned if the proposed will affect his emergency exits in his unit.

Answer – No, 5 feet is fire code and they are proposing 6 feet.

Ronald Dowling of 68 Fifth Street, Unit #1 questioned his condo not in compliance with fire code setback.

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
March 7, 2013**

Mr. Baxter explained it's a pre-existing non-conformance situation at River Front Condos.

Karen Houseman questioned if her building could be damaged during construction.

Answer – they have to comply with construction code.

There were no further public questions for Mr. Vincenti.

Board took a five minute break at 8:55 p.m.

At 9:04 P.M. the meeting was called back to order.

**ROLL CALL:**

**Present:** Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. O'Neil, Ms. Pezzullo,  
Ms. Maresca, Mr. Braswell

**Absent:** Mr. Fox, Mr. Mullen

John McDonough, P.P. was sworn in and stated the following during his testimony and response to questions from the board:

1. He is a licensed Professional Planner in the state of New Jersey.
2. He spoke of site proposal and the neighborhood compatibility and referred to Exhibit A-4 which is an aerial.
3. The length of the property limits its development.
4. He described surrounding sites.
5. Next to subject site is 21 units per acre and the proposed is 20 units per acre.
6. He described the zone and stated that Multi-family is not a permitted use in the zone.
7. He spoke about Exhibit A-9 and the municipal parking lot at the Clam Plant as the edge of the zone.
8. A-9 first sheet described to get sense of mass and scale of neighborhood. Subject site is in yellow. Use variance for multi-family is required and he described other MF uses which were marked out on the aerial.
9. The use is a nice comingling of uses in neighborhood, its good planning.
10. The structures will vary in building height.
11. It's important to introduce residential uses to benefit local commercial businesses.
12. He then described the permitted uses in the WFC and WFT Zone and stated that the site zone promotes traffic to the area.
13. It's a linear piece of property which limits its development.
14. Page 2 of A-9 has four photos of the site which he described.
15. This is a redevelopment application introducing greenery to property with a 20% reduction in impervious coverage.
16. Existing commercial structure would go away.
17. There is a multifamily property that abuts the subject site.
18. We would have two building masses back to back with other multi-family.
19. Riverfront Condo that abuts this site was constructed the 1960's.
20. Use Variance – site betterment. This is the opportunity to improve this zone.
21. Egress Windows of neighboring Riverfront Condo's building to building separation must meet fire code and they will meet the code. The separation also meets the zoning codes.
22. Multi-family units will have fire sprinklers in the units.
23. Sunlight impact - does not improve sunblock by moving proposed buildings to other side of property.
24. A-9 page 3, described photos of other multi-family uses in this zone.
25. The proposed pulls residents in to support local businesses.
26. A-2 – townhouse project with two buildings, six units per building. The parking will be okay and all existing structures will be removed.
27. He spoke of WT permitted hotel use.
28. Bulk requirements – they are not intended.
29. reducing any more than what is required.
30. Variances – multifamily and height of 38 feet.

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
March 7, 2013**

31. Uses – Medici Case, four aspects to satisfy. The site is particularly suited for use. (A) There is a demand and need for single family housing so general welfare providing houses. (M) Efficient uses of land, it's a redevelopment application. (I) promotion of visual environment, it's a multimillion dollar investment. (G) Provides appropriate use for application location. (H) Free flow of traffic meets requirements for parking overflow, parking on municipal lot.
32. Negative Impact – health, not going to generate pollution. Safety, trip generation 12 units equals 6 trips per day times 12 equals 72 hours verses 40 for single family. Area zoned for commercial. Nuisance – no glare, no light spillage. Noise, same as residential development. He does not see this as a substantial detriment. School age children generation is .4 students for townhouses and 1 per unit for single family.
33. Neighborhood Character – this in on scale with neighborhood.
34. Impact on Zone – this property is unique. They are not creating a creeping affect.
35. Height Variance – Greco Case, 8 foot variance. They are not getting more density, spoke of flood elevation requirements. Negative effects of height – don't see detriment.
36. Planning – this is a good application. He looked at Borough Master Plan, the goals and objectives. Social aspects on page 3, balance borough on page 4, Percentage of owner occupied on page 4, preserve and protect residential uses, maintenance of residential properties on page 4, balance of housing option on page 6, #7 aesthetics.
37. He then ran through multi-family setback requirements.

Mrs. Cummins stated that the meeting needed to be adjourned at 10PM.

Mr. Kutosh offered a motion to carry the hearing to the April 4<sup>th</sup> meeting with no need for further public notice. Seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Kutosh, Mr. Knox, Mr. O'Neil, Mr. Braswell, Ms. Pezzullo,  
Ms. Maresca

**NAYES:** Mr. Gallagher

**ABSTAIN:** None

**Mr. Braswell informed the public that this is being carried to the April 4<sup>th</sup> meeting with no further public notice.**

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**Approval of Minutes:**

Mr. Kutosh offered a motion to approve the February 7<sup>th</sup> minutes with a correction to add Mr. O'Neil as being absent. Seconded by Mr. Braswell and all were in favor.

The Meeting adjourned at 10:00 P.M.

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**Carolyn Cummins, Board Secretary**