

**Borough of Highlands
Zoning Board Regular Meeting
April 4, 2013**

Meeting Location: Henry Hudson Regional High School, 1 Grand Tour, Highlands, NJ

Note: This meeting was not electronically recorded.

Mr. Fox called the meeting to order at 7:32 P.M.

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

Mrs. Cummins read 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 Asbury Park Press and the Two River Times. Notice has been posted on the bulletin board.

ROLL CALL:

Present: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Mr. O'Neil

Late Arrival: Ms. Pezzullo arrived at 7:34 P.M.

Absent: Mr. Braswell, Ms. Maresca

Also Present: Carolyn Cummins, Board Secretary
Greg Baxter, Esq., Board Attorney
Rob Keady, P.E., Board Engineer
Debby Masterton, Court Reporter

**ZB#2012-5 Camco Resources, Inc.
62 Fifth Street – Block 66 Lots 12 – 13.01
Unfinished Public Hearing - Request for Postponement**

Mr. Baxter advised the Board that Camco has submitted a letter to the board requesting a postponement without the need for further public notice.

Mr. O'Neil offered a motion to carry this hearing to the May 2nd meeting without the need for further public notice. Seconded by Mr. Kutosh and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. O'Neil, Ms. Pezzullo
NAYES: Mr. Gallagher because he thinks the applicant should have to renounce
ABSTAIN: None

**ZB#2013-3 Hennessey, E.
75 Bay Ave – Block 41 Lot 8
Application Review & Set Public Hearing Date**

Present: Mr. Hennessey

The Board reviewed the application with the applicant and the following was stated:

1. He is the renter of property located at 75 Bay Ave.
2. He is the owner of Sea Bright Service Center Corp.
3. The applicant is a Corporation and must be represented by an Attorney at the hearing.
4. The board requested photographs of site to be provided at the hearing.
5. The applicant must serve public notice.
6. His business was previously located in Sea Bright and has been displaced by Hurricane.
7. His business is an auto repair shop not a gas station.
8. Towing is all at the Atlantic Highlands location.
9. There are no proposed changes to the structure or site.
10. His business will have about 8 to 10 cars per day.
11. The owner of the building uses half of the building.
12. He is currently operating at the subject site.

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Mr. Gallagher offered a motion to schedule the application for a public hearing on May 2, 2013. Seconded by Mr. Kutosh and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen,
Mr. O'Neil, Ms. Pezzullo

NAYES: None

ABSTAIN: None

**ZB#2013-3 Cierco, Stephen
146 Bay Ave – Block 54 Lot 3.01
Application Review & Set P.H. Date**

Present: Mr. Cierco

Mr. Baxter informed the Board that he represented the seller of this property years ago and there is no conflict.

The Board reviewed the application with the applicant and the following was stated:

1. The Applicant must obtain proof of property taxes being paid up to date.
2. The Applicant must provide photographs at the public hearing.
3. The Applicant must provide a survey of the subject property.
4. This is a one floor addition.
5. The Applicant must provide plans for the entire facility.
6. The Applicant is proposing to raise the entire structure.
7. The Applicant must provide plans with elevations, grade and entrance to structure.
8. The Applicant is proposing to put in a third apartment by making existing office space into an apartment.
9. The Applicant must serve public notice.
10. The Applicant is here for a use variance to convert office into an apartment.

Mr. Gallagher offered a motion to schedule this application for a public hearing on June 6, 2013. Seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Mr. O'Neil,
Ms. Pezzullo

NAYES: None

ABSTAIN: None

**ZB#2013-1 Markou, George
38 Shrewsbury Ave – Block 43 Lots 10 & 10.01
Hearing on New Business**

Present: Kenneth Fox, A.I.A., P.P
George Markou

The following documents were marked into evidence this evening:

- A-1: Zoning Permit;**
- A-2: Variance Application, 4 Pages;**
- A-3: Survey dated 8/7/2012;**
- A-4: Site Plan by Fox Architect Design, 3 pages last revised 3/18/2013;**
- A-5: Colored Version of A-4, Sheet 3;**
- B-1: T & M Letter dated 4/3/2013.**

Mr. Baxter spoke about not a permitted use in V-Zone.

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Mr. Keady – Multi-family structures are prohibited in the V-Zone.

Both George Markou and Kenneth Fox were sworn in.

Both Robert Keady, Board Engineer and Martin Truscott, Board Planner were also both sworn in.

Mr. Fox stated the following during his testimony and response to questions from the board.

1. He described his education and professional background to the board. He is a licensed Architect and Professional Planner in the State of New Jersey.
2. The subject dwelling was flooding during Hurricane Sandy.
3. Sheet D-1 shows the existing structure on the site.
4. The house presently is located 14 feet from seawall. There is a 2nd structure on the site it's a garage with an apartment on top.
5. They are here seeking a use variance to expand an non-conforming use.
6. This should be looked at as a two single-family house.
7. They are not proposing to construct new two story structure.
8. The garage will not be raised.
9. They are not proposing to construct new two story structure.
10. They are here for permission to build a new home a few feet wider.
11. Three feet clear on property line verses the existing impedes on north side.
12. Would be new home with deck around to side.
13. Side yard setbacks are 3ft/9ft verses required 8ft/12ft.
14. He described the new proposed structure.
15. They made changes to the original proposal based on the board engineers first review letter.
16. North of property is a two single homes, south is a single family home.
17. The rear setback on water side is 11.7 ft.
18. The structure will be further than the existing structure.
19. A variance is needed on both sides.
20. Hardship, they have existing size house and tried to make living space 4 ft wider and tried to make something fit better on the site verses the existing.
21. This is a very narrow lot of 56 feet.
22. He described the setbacks of the surrounding structures.
23. The height of the apartment is 9 ft above garage.
24. The BFE is 14 ½ ft. to 15 ft.
25. Flood water did not get into the existing apartment above the garage.
26. The have improved the setbacks.
27. He spoke about depth of house on north side.
28. P-1 shows the existing house which he described.
29. The length of the first floor is same as existing, the second floor is larger.
30. Five feet is the required separation between structures.
31. S-2 sheet, he described the proposed house layout.
32. The deck is 11.7 feet to waterline.
33. Can't move house forward south because need to maintain space between structures.
34. They will not be able to move structure without side yard variances.
35. They could move structure with no variances but not with the decks.
36. It looks better as proposed with the landscaping.

Mr. Markou stated that the following:

1. If we move the structure it will block neighbor's water view.
2. He fixed up the garage apartment and wants to do build a new house that is raised so that it complies with the flood regulations.
3. This is his second home.

Public Questions

Douglas card of 28 Shrewsbury Ave spoke in favor of this application.

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Barbara Iannucci of 28 Shrewsbury Ave also supports the application.

Arnie Fuog of Valley Street spoke in favor of the application.

Mr. Keady questioned the dock.

Mr. Markou stated that the NJDEP approved the repairs.

Mr. Keady stated that the dock exceeds property lines.

Mr. Fox – into lot 10.01.

Mr. Markou stated that the dock is the same, 5ft wide.

Mr. Baxter – it appears side of dock exceeds.

Mr. Markou stated that the dock has been repaired to same and the DEP approved it.

Mr. Baxter reviewed the variances as follows: side yard of 3 ft on north side and 9 ft on south side; were 8ft and 12ft are required. Front yard accessory height is 18 ft, where 15 ft is permitted. Rear yard setback of 11.7 feet, where 25 feet is required. No staircase on east side is permitted. A variance for lot coverage of 73.8%, where 70% is permitted. The driveway also needs a variance because existing driveway is less than 20 ft. Additional details are required as per engineer's letter. A use variance for two dwellings on one property is also required.

Public Comments – there were none.

Mr. O'Neil offered a motion to approve the application as recapped by Mr. Baxter. Seconded by Mr. Kutosh and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Mr. O'Neil,
Ms. Pezzullo

NAYES: None

ABSTAIN: None

Approval of Minutes

Mr. O'Neil offered a motion to approve the March 7, 2013 Zoning Board Minutes. Seconded by Mr. Gallagher and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Kutsoh, Mr. Knox, Mr. Gallagher, Mr. O'Neil, Ms. Pezzullo

NAYES: None

ABSTAIN: None

Mr. Gallagher offered a motion to adjourn the meeting. Seconded by Mr. Knox and all were in favor.

The meeting adjourned at 9:12 P.M.

Carolyn Cummins, Board Secretary