

**Borough of Highlands  
Zoning Board  
Regular Meeting  
April 3, 2014**

**Meeting Location: Highlands Elementary School, 360 Navesink Ave., Highlands**

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

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

Mrs. Cummins 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 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. Mullen, Mr. O'Neil, Mr. Braswell, Ms. Ziemba**

**Absent: Mr. Fox, Mr. Gallagher, Ms. Pezzullo**

**Late Arrival: None**

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

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**ZB#2014-5 Davis, Robert  
7 Seadrift Ave., Block 72 Lot 37  
Application Review & Set P.H. Date**

**Present: Robert Davis  
Cynthia Davis**

The Board reviewed the application and the following was stated:

1. The tax info is not filled in on the application and that it needs to be paid.
2. To bring up to code it is better to demo and rebuild on same footprint.
3. The structure will be three stories plus garage – 4 levels.
4. There may be a possible height variance required.
5. Should include height variance in public notice.
6. The applicant should bring photos of current house to hearing.
7. There will be a new foundation on the same footprint.
8. Need Plot Plan showing new construction and include porches, decks and provide a zoning chart.

Mr. Kutosh offered a motion to put this matter on for the May meeting, seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Ziemba, Mr. Braswell**

**NAYES: None**

**ABSTAIN: None**

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**ZB#2014-6 95-99 Bay Ave., LLC  
95-99 Bay Ave. Block 41 Lot 31.0**

Mr. Baxter read letter into the record regarding withdrawal of application.

Mr. Mullen offered a motion to move to dismiss, seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Ziemba, Mr. Braswell**

**NAYES: None**

**ABSTAIN: None**

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**ZB#2014-7 Ernst, Michael  
40 Jackson St/120 Bay Ave. Block 47 Lot 12  
Application Review & Set P.H. Date**

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**Present: Michael Ernst**

The Board reviewed the application.

The board reviewed the application and the following was stated:

1. A driveway and curb cut are proposed
2. The applicant wants to have four parking spaces on site in garage.
3. The applicant needs to provide tax printout.
4. Applicant wants to build existing cottage on existing walls. The first floor will be a garage, Second floor will be living space.
5. A possible use variance for two uses on one property may be required.
6. The applicant must bring photos of site to hearing.
7. The board requested the applicant to provide survey as separate document and Flood certificate.

Mr. O'Neil offered the matter for Public Hearing on May 1st, seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Ziembra, Mr. Braswell**  
**NAYES: None**  
**ABSTAIN: None**

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**ZB#2013-11 Davis, James & Patricia (dismissal)  
139 Bay Ave. Block 46 Lot 5  
Approval of Resolution**

Mr. O'Neil offered the following Resolution and moved on its adoption:

**RESOLUTION DISMISSING USE VARIANCE APPLICATION  
OF DAVIS**

WHEREAS, JAMES and PATRICIA DAVIS are the owners of property located at 139 Bay Avenue (Block 46, Lot 5 on the Highlands tax map); and

WHEREAS, the DAVISes filed an application with the Highlands Zoning Board of Adjustment seeking a use variance to restore a multi-family structure that was substantially damaged in Super Storm Sandy in October 2012; and

WHEREAS, testimony was taken in the matter at the Board's meeting on October 13, 2013, at the conclusion of which the applicants exercised their right to adjourn and have a fully-constituted board vote at the board's next meeting; and

WHEREAS, at the same time that this application was being heard, the governing body was considering, and ultimately adopted, Ordinance O-13-30, which amended Ordinance Section 21-98 to permit certain properties to continue their prior non-conforming uses without the need for variance approval; and

WHEREAS, the matter was continued to the board meeting dates of November 7, 2013, December 5, 2013, February 6 and March 6, 2014, at none of which meetings the applicants appeared; and

WHEREAS, the requested relief has already been undertaken by the applicants, who obtained the necessary permits and undertook the work required thereunder; and

WHEREAS, the borough zoning officer opined that, as the result of the adoption of the new ordinance, the applicants were not in violation of the ordinance and, therefore, did not require variance relief to do what they requested; and

WHEREAS, the board determined that the application was moot and no variance relief is required for the proposal made by the applicants, because of the adoption of Ordinance O-13-30;

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WHEREAS, this resolution shall memorialize the motion made and adopted at the Zoning Board's meeting on March 6, 2014;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of JAMES and PATRICIA DAVIS be and the same is hereby dismissed without prejudice.

AND BE IT FURTHER RESOLVED that any unused escrow funds of the applicant, after satisfying any outstanding invoices by the Board's professionals and any publication costs, shall be refunded to the applicants.

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

**ROLL CALL:**

AYES: Mr. Kutosh, Mr. Knox, Mr. O'Neil

NAYES: None

ABSTAIN: None

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**ZB#2014-1 Castillitto, Anthony  
361 Shore Dr. Block 103 Lot 10**

Mr. Knox offered the following Resolution and moved on its adoption:

**RESOLUTION APPROVING BULK VARIANCES  
FOR CASTELLITTO**

WHEREAS, the applicant, ANTHONY CASTELLITTO, is the owner of a single family residential property at 361 Shore Drive in the Borough of Highlands (Block 103, Lot 10); and

WHEREAS, the applicant filed an application for variance approval to rebuild his home that was substantially damaged during Superstorm Sandy and subsequently demolished by his contractor; and

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 March 6, 2014; and

WHEREAS, the Board heard the testimony of the applicant, ANTHONY CASTELLITTO. No other persons appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial dated 11/25/13;
- A-3 Elevation certificate by Charles Surmonte dated 2/25/13
- A-4 Proposed Plot Plan by Robert Wickel II dated 1/2014
- A-5 a portion of his survey, pre-demolition
- A-6 Architectural drawings by Robert Wickel II of RFW Engineering dated 12/30/13 (7 pages)
- A-7 Highlands Construction Permit receipt dated 9/23/13 (5 pages)

AND, WHEREAS, the following exhibit was marked into evidence as a Board exhibit:

- B-1 Board Engineer, Robert Keady, review letter dated 1/29/14 (4 pages);

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 property located in the R-2.03 Zone, in which single-family residences are permitted.

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2. The site previously contained a single family residence, which home was substantially damaged during Superstorm Sandy in October 2012.

3. The property owner subsequently sought and obtained a construction permit (A-7) to rehabilitate his home and repair the storm damaged structure.

4. During the rehabilitation, and without notice to the property owner, his contractor decided that the damage was too severe and so he, the contractor, demolished the home. The property owner learned of this when a neighbor called him.

5. The applicant's lot is on the south side of Shore Drive, and also has frontage on Fay Street. The home fronts, however, on Shore Drive.

6. Off-street parking for two vehicles is provided, so no parking variance is required.

7. The applicant seeks to raise the structure in order to comply with the new flood zone requirements.

8. The footprint of the structure will be basically the same, however, after hearing initial comments from the board during the scheduling meeting, the applicant placed the home more to the center of the lot, which is an improvement, both from a safety standpoint and aesthetically.

9. The applicant seeks the following relief:

A. Lot area variance for 3,427 square feet, where 5,000 square feet are required; a pre-existing condition.

B. Lot frontage of 28.35 feet where 50 feet are required; a pre-existing condition.

C. Front yard setback of 13.5 feet where 20 feet are required; which is the same setback as the previous home.

D. Side yard setbacks of 2.2/2.5 feet where 6/8 feet are required (the previous setbacks were .6/3.2 feet, so the proposal is a slight improvement over the past).

E. Setback for deck on second floor of 3.5/3.2 feet where 6/8 feet are required. There was no previous second floor deck.

10. Lot depth, building height, lot coverage and building coverage are all within the requirements of the borough ordinance.

11. The raising of this residential structure in accordance with the new flood zone requirements will improve the subject property, make it safer, and also improve the neighborhood. The application will also preserve the neighborhood character.

12. This application was made as a result of damage caused by Superstorm Sandy, which devastated many properties within the borough. The applicant is, basically, seeking to raise his storm-damaged dwelling as a result of his contractor having demolished his home during its rehabilitation. As a result, the Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

13. This application will not cause any substantial detriment to the public good, nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance. Further, it will not have any negative impact on the surrounding properties.

WHEREAS, the application was heard by the Board at its meeting on March 6, 2014, and this resolution shall memorialize the Board's action taken at that meeting;

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NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of ANTHONY CASTELLITTO to rebuild his single family home as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 9 above for lot area, lot frontage, front yard setback, side yard setback and the setback for the second floor deck.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

- A. The existing shed will be removed, as testified.
- B. A signed version of the plan shall be submitted before any construction permits are issued.
- C. Any damage during construction which is caused to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.
- D. Compliance with FEMA, NJDEP and all other outside agencies and departments.

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

ROLL CALL:

AYES: Mr. Kutosh, Mr. Knox, Mr. O'Neil, Mr. Braswell  
NAYES: None  
ABSTAIN: None

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**ZB#2014-2 Yaroli, Steven  
32 Cornwall St. Block 52 Lot 14  
Approval of Resolution**

Mr. O'Neil offered the following Resolution and moved on its adoption:

**RESOLUTION APPROVING BULK VARIANCES  
FOR YAROLI**

WHEREAS, the applicant, STEVEN YAROLI, is the owner of a single family residential property at 32 Cornwall Street in the Borough of Highlands (Block 52, Lot 14); and

WHEREAS, the applicant filed an application for variance approval to construct a new single family home where his prior home was substantially damaged in Super Storm Sandy, which new home would be compliant with the new flood zone requirements; and

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 March 6, 2014; and

WHEREAS, the Board heard the testimony of the applicant, STEVEN YAROLI and his engineer/planner, CATHERINE FRANCO. No other persons appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial dated 2/10/14 with attached email;
- A-3 Survey by Thomas Santry dated 12/3/13;
- A-4 Architectural plans/drawings by CATHERINE FRANCO dated 1/20/14, revised 2/20/14;
- A-5 Neighborhood survey prepared by CATHERINE FRANCO (3 pages)

AND, WHEREAS, the following exhibit was marked into evidence as a Board exhibit:

- B-1 Board Engineer, Robert Keady, review letter dated 2/26/14 (5 pages with aerial photo attached);

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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 property located in the R-2.02 Zone, in which single-family residences are permitted.

2. The site previously contained a single family residence, which home was substantially damaged during Superstorm Sandy in October 2012.

3. The property owner has determined that it would be more cost efficient, and certainly more of an improvement, to rebuild the home, on pilings, to the current flood zone requirements, rather than rehabilitate the damaged home.

5. The applicant's lot fronts on Cornwall Street, but also has frontage on North Street.

6. Off-street parking for two vehicles under the structure is provided, plus there will be available street parking on Cornwall Street. No parking variance is required.

7. The applicant seeks to raise the structure in order to comply with the new flood zone requirements.

8. The new home will face Cornwall Street and bear that address.

9. There will no longer be a deck off the back of the house, as that is being converted to living space.

10. The applicant seeks the following relief:

A. Lot area variance for 2,100 square feet, where 4,000 square feet are required; a pre-existing condition.

B. Lot frontage of 30 feet on each street, where 50 feet are required; a pre-existing condition.

C. Lot depth of 70 feet, where 75 feet are required; a pre-existing condition.

D. Front yard setback of 12 feet on Cornwall Street and 3 feet on North Street, where 20 feet are required; which results in an additional 8 foot setback from Cornwall than the original structure, and a decrease of 4 feet on North Street from the original structure.

E. Side yard setbacks of 3.67/3.0 feet where 6/8 feet are required; an overall decrease in total setbacks of .93 feet (i.e., less than a foot).

F. Building coverage of 56.24% where 33% is permitted. The prior home had coverage of 60.2%, so this is a positive change to the property.

11. Rear yard accessory structure setback, as well as building height and lot coverage and are all within the requirements of the borough ordinance.

12. The raising of this residential structure in accordance with the new flood zone requirements will improve the subject property, make it safer, and also improve the neighborhood. The application will also preserve the neighborhood character, and the new front yard setback will be an improvement over the prior condition on Cornwall Street.

13. This application was made as a result of damage caused by Superstorm Sandy, which devastated many properties within the borough. The applicant is, basically, seeking to rebuild a new home in place of the storm-damaged dwelling, but in conformance with the new flood zone requirements. As a result, the Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

14. This application will not cause any substantial detriment to the public good, nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance. Further, it will not have any negative impact on the surrounding properties.

WHEREAS, the application was heard by the Board at its meeting on March 6, 2014, and this resolution shall memorialize the Board's action taken at that meeting;

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NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of STEVEN YAROLI to build a new single family home, replacing his storm-damaged home, as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 10 above for lot area, lot frontage, lot depth (all of which are pre-existing conditions), and for front yard setbacks, side yard setbacks and building coverage.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

- A. A signed version of the plan shall be submitted before any construction permits are issued.
- B. Any damage during construction which is caused to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.
- C. The Board defers to the Flood Plain Officer to review the building elevation, the property being in the A zone.
- D. Compliance with FEMA, NJDEP and all other outside agencies and departments.

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

**ROLL CALL:**

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

**NAYS: None**

**ABSTAIN: None**

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**ZB#2014-3 Kijiji, Shama  
15 Seadrift Ave. Block 72 Lot 34  
Approval of Resolution**

Mr. Knox offered the following Resolution and moved on its adoption:  
4/3/14

**RESOLUTION APPROVING BULK VARIANCES  
FOR KAJIJI**

WHEREAS, the applicant, SHAMA KAJIJI, is the owner of a single family residential property at 15 Seadrift Avenue in the Borough of Highlands (Block 72, Lot 34); and

WHEREAS, the applicant filed an application for variance approval to elevate her existing dwelling in order to comply with the new flood zone requirements and to construct an addition to the rear of the home and add a roof deck; and 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 March 6, 2014; and

WHEREAS, the Board heard the testimony of the applicant, SHAMA KAJIJI. In addition, a neighbor, PHILLIP HOLLEMBEAK, testified that the applicant had submitted a "nice plan". No other persons appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (2 pages);
- A-2 Zoning Officer denial dated 2/5/14 (2 pages);
- A-3 Plot plan by Thomas Santry dated 1/20/14
- A-4 Architecturals by Michael Wu dated 2/6/14 and revised 2/28/14 and 3/1/14 (3 pages);
- A-4a revisions to A-4 (2 pages);
- A-5 Elevation certificate by Thomas Santry dated 2/4/13 (3 pages), showing the property in the VE Zone;
- A-6 one page hand drawing by Mr. Wu

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AND, WHEREAS, the following exhibit was marked into evidence as a Board exhibit:  
B-1 Board Engineer, Robert Keady, review letter dated 2/26/14 (5 pages with aerial photo attached);

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 property located in the R-2.01 Zone, in which single-family residences are permitted.

2. The site previously contained a single family residence, which home was substantially damaged during Superstorm Sandy in October 2012.

3. As part of the necessary repairs, the property owner has determined that it would be an improvement to the home to enclose the existing deck and to provide a sitting area on the roof.

4. Off-street parking for two vehicles under the plan is provided, so no parking variance is required.

5. The applicant seeks to raise the structure in order to comply with the new flood zone requirements.

6. Though the house will be enlarged to the rear, because of the deck enclosure, there will be an increase, under the ordinance, of building coverage. Also, though the lot coverage is increasing, it still falls within the ordinance limitations. The footprint, however, will remain basically the same.

7. Because of the deck enclosure, a side yard setback variance is required on one side, going from the existing 8.3 feet to 5.3 feet.

8. The applicant seeks the following relief:

A. Lot area variance for 2,800 square feet, where 3,750 square feet are required; a pre-existing condition.

B. Lot frontage of 40 feet on each street, where 50 feet are required; a pre-existing condition.

C. Lot depth of 70 feet, where 75 feet are required; a pre-existing condition.

D. Front yard setback of 10.5 feet where 20 feet are required; a pre-existing condition.

E. Rear yard setback of 13.7 feet where 20 feet are required; a pre-existing condition.

F. Setback for accessory structure (deck) of 0.8 feet where 3 feet are required; a pre-existing condition.

G. Side yard setbacks of 0.8/5.3 feet where 6/8 feet are required; the prior setbacks were 0.8/8.3 feet, resulting in a further encroachment of 3 feet.

G. Building coverage of 50.9% where 33% is permitted. The prior home had coverage of 41.07.

9. Building height and lot coverage and are all within the requirements of the borough ordinance.

10. The raising of this residential structure in accordance with the new flood zone requirements will improve the subject property, make it safer, and also improve the neighborhood. The application will also preserve the neighborhood character.

11. This application was made as a result of damage caused by Superstorm Sandy, which devastated many properties within the borough. The applicant is, basically, seeking to rehabilitate her home, but in conformance with the new flood zone requirements. As a result, the Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

12. This application will not cause any substantial detriment to the public good, nor will it substantially impair the intent and purpose of the zone plan and zoning ordinance. Further, it will not have any negative impact on the surrounding properties.



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WHEREAS, the application was heard by the Board at its meeting on March 6, 2014, 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 SHAMA KAJIJI to rehabilitate her single family home, elevate it, enclose her deck and add a sitting area on her roof, all as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 8 above for lot area, lot frontage, lot depth, front yard setback, rear yard setback (all of which are pre-existing conditions), and for side yard setbacks and building coverage.

AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

- A. Signed architectural renderings/ plans shall be submitted before any construction permits are issued.
- B. Any damage during construction which is caused to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.
- C. The Board defers to the Flood Plain Officer to review the building elevation, the property being in the A zone.
- D. The applicant shall provide either necessary permits from CAFRA or a letter of no interest from the NJDEP.
- E. Compliance with FEMA and all other outside agencies and departments.

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

**ROLL CALL:**

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

**NAYS: None**

**ABSTAIN: None**

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**ZB#2013-A Sommer, Pete  
29 Ocean Ave. Block 99 Lot 29  
Public Hearing on New Business**

**Present: Pete Sommer**

Mr. Baxter stated that the public notice was proper, the Board has jurisdiction to proceed.

The following exhibits were marked into evidence this evening:

- A-1 Variance application, 3 pages;
- A-2 Zoning officer denial letter dated 2/27/14;
- A-3 2 sets of field drawings;
- A-4 Zoning Board resolution dated 12/5/13;
  
- B-1 Engineer's letter dated 3/27/14, 4 pages and aerial photo

Mr. Pete Sommer, 245 Bay Ave., Leonardo, NJ was sworn in and provided the following testimony:

1. The first approval was to move the house back and lifted 10 feet.
2. He is adding a living level below the existing house.
3. The ground level will be a 3 car garage, no living space.
4. Both living levels will be single family.

Mr. Keady stated that the ordinance says that an addition can be a maximum of 80% of the footprint of the house. This application will be 100%.

Mr. Sommer continued as follows:

5. This is not a two-family house, it is a single family house
6. It will be a 17 x 52 house with a total square footage of 800.

The Board discussed the ordinance with regard to this application.

7. He explained the height dimensions of each level.

Mr. Keady stated that it meets the height requirements and there is no variance needed for height.

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Mr. Somers and Mr. Keady discussed the decks.

The Board continued to discuss the decks and the height of the structure.

8. There will be four decks with no stairs to deck and no roofs
9. Front yard deck 4ft deep wants 6 ft deep deck.
10. Second story front deck needs variance.
11. Spoke of neighboring average front yard setbacks.
12. Back decks 6 ft deep which is ok and meets ordinance.
13. Spoke of neighboring structures height.
14. Building coverage variance is preexisting.

The Board opened the public portion.

There were no questions and no comments.

The Board closed the public portion.

Mr. Kutosh offered a motion to grant the application, seconded by Mr. O'Neil and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Ziemba, Mr. Braswell**

**NAYES: None**

**ABSTAIN: None**

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**ZB#2014-4 Gelpin, Prince  
1 Locust Street Block 101 Lot 19  
Hearing on New Business**

**Present: Prince Gelpin**

Mr. Baxter stated that the public notice was proper, the Board has jurisdiction to proceed.

The following exhibits were marked into evidence this evening:

- A-1 Variance application, 3 pages;
- A-2 Zoning officer denial letter dated 3/3/14, 2 pages;
- A-3 Plot Plan by Donna Bullock, Engineering Group, LLC dated 2/20/14;
- A-4 Architects rendering by Emanuel Obiora of Eco Architects, LLC 3/23/14;
  
- B-1 Engineer's letter dated 3/27/14, 4 pgs. with aerial photo.

Mr. Gelpin was sworn in and provided the following testimony:

1. He wants to build a one-family dwelling on same footprint.
2. The difference is garage and upstairs for mechanics.
3. He hired a contractor to lift the house. Then went on vacation. Received a call on 8/23 from the builder saying that he dropped the house. Received a call from town saying they did everything but could not stabilize the house and it had to be demolished..
4. Wants to build on the same footprint but higher.
5. The steps will be out further towards the easement, 4 feet closer to meet height.
6. The house was two stories with an attic and he is proposing two stories plus room for mechanicals. Once final drawings done they will reflect mechanic room, not family room.
7. 1 parking space in garage and one outside.
8. There is room for two cars in garage, but door is for one car.

The Board suggested putting another door for second car on Willow, so no parking variance needed.

The Board discussed height requirements with the applicant.

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The Board questioned the flood elevation issue. Need copy from Building Department.

The Board continued to discuss the application.

The Board opened the public portion.

Joe Hoherichak, Willow St: His chimney will be within two feet of applicant's deck if approved. Who will raise my chimney to exceed his deck? He further expressed concerns with safety and fire hazards with closeness.

Mr. Gelpin: He stated that he has no problem making deck smaller.

A neighbor is in the process of buying lot next door and discussed his requirements to build on new lot.

The Board explained to Mr. Hoherichak that the applicant will have to comply with the construction code.

Mr. Baxter stated that if there is a fire code for distance, applicant will have to meet it no matter what the Board approves.

The Board discussed the setback concerns.

The Board closed the public portion.

Mr. Baxter read into the record: The preexisting variances will be lot area, lot frontage, lot depth. The front yard setback on Locust and Willow Street are new variances. The front steps, going front 3 to 2.1, the building coverage is decreasing from 60.2 to 58.7, that's a variance.

If the chimney at Lot 18 is too close to the deck that needs to be addressed by the Code.

There will be an additional garage door on Willow St. as a result, no parking variance will be necessary, for a total of two garage doors.

The family room description on the architect's plan will be deleted, that is not living space.

The side yard setback, which is 8 feet and 12 feet required. The proposal is to keep it at 2.1 on one side and reduce to 3.36 on the other.

Mr. O'Neil offered a motion for approval seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Ziembra, Mr. Braswell**

**NAYES: None**

**ABSTAIN: None**

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**Approval of Minutes**

Mr. Kutosh offered a motion to approve the March 6, 2014 meeting minutes. Seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Ziembra, Mr. Braswell**

**NAYES:**

**ABSTAIN:**

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**Communications:**

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April 3, 2014**

The Olivera application from 2013 was approved. Applicant never obtained building permits or complied with Board approval.

Mr. Baxter read a letter from Mr. Leubner into the record:

Recently the Board heard the application for 14 Seadrift Ave., Olivera. The Board granted the house to be constructed per the approved plan. The house is currently constructed through the plywood phase (foundation, framing, exterior plywood completed). However, the work took place without permits or inspections and the ignoring of a stop work order issued by the construction official. Yesterday I finally received a foundation location plan which showed the house being constructed about five feet longer than approved and in the wrong locations.

Further encroachments into the front yard and northern side yard setbacks have been approved. I am going to send out a letter rejecting the foundation location plan a request they return to the Board for an amended approval.

Mr. Baxter stated that they will have to file a new application.

The Board discussed the application.

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Mr. O'Neil offered a motion to adjourn the meeting. Seconded by Mr. Kutosh and all were in favor.

The Meeting adjourned at 9:48 P.M.

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Carolyn Cummins, Board Secretary

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