

**Borough of Highlands
Zoning Board of Adjustment
Regular Meeting
July 3, 2014**

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

Mr. Braswell called the meeting to order at 7:30 P.M.

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

ROLL CALL:

Present: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Mr. Braswell,
Ms. Pezzullo
Absent: Mr. O'Neil, Ms. Ziemba
Also Present: Carolyn Cummins, Board Secretary
Greg Baxter, Esq., Board Attorney
Robert Keady, P.E., Board Engineer

**ZB#2014-9 Colby, Larry
Block 8 Lot 1 – 42 S. Bay Ave
Application Review & Set P.H. Date**

Present: None

Conflict: Mr. Braswell

Mr. Baxter explained the history of this application that it was an interpretation of appeal of Zoning Officers decision. It was carried to the June meeting then the applicant was to bring new information to the Zoning Officer. The information was supplied to the Zoning Officer recently and the Zoning Officer has not yet reviewed it. So this needs to be carried to the August Meeting.

Mr. Gallagher offered a motion to carry the review to the August meeting. Seconded by Mr. Knox and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Ms. Pezzullo
NAY: None
ABSTAIN: None

**ZB#2014-12 Markou, George
Block 43 Lots 9 & 9.01 – 36 Shrewsbury Ave
Application Review & Schedule P.H. Date**

Present: George Markou
Ken Fox, A.I.A

The Board reviewed the application and the following was stated:

1. The application is for new construction
2. Structures all still on site
3. Applicant plans to demolish existing structures
4. Variances needed for side yard and building coverage
5. The applicant wants the public hearing scheduled for August

Mr. Kutosh offered a motion to schedule this for a public hearing at the August meeting. Seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen,
Ms. Pezzullo, Mr. Braswell
NAY: None
ABSTAIN: None

ZB#2014-13 Shanagan, Francis

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**Block 69 Lot 15.20 – 15 Cedar Street #20
Application Review & Schedule P.H. Date**

Present: Francis Shanagan

The Board reviewed the application and the following was stated:

1. This application is for a use variance
2. This property is a unit at the Honey Suckle Lodge.
3. The applicant must obtain a letter of approval from the condo association.
4. The applicant must email a copy of the bylaws.
5. The unit is a summer seasonal house.
6. There is no heat being proposed for the summer cottage.
7. The applicant is not raising the structure.
8. The damaged structure was taken down and new frame was built.
9. The applicant must provide photographs of current structure.
10. Applicant should check with Flood Officer to see if they can build below flood plain.
11. Applicant needs elevation certificate.
12. The applicant may want to hire a professional because of the complication of the application.
13. Applicant must obtain a 200 foot list for legal notifications.
14. Applicant must provide survey of the proposed.
15. The applicant must also provide architectural plans.

Mr. Gallagher offered a motion to schedule the public hearing for August. Seconded by Mr. Knox and approved on the following roll call vote:

ROLL CALL:

**AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Ms. Pezzullo,
Mr. Braswell**
NAY: None
ABSTAIN: None

**ZB#2014-5 Davis, Robert
Block 72 Lot 37 – 7 Seadrift Ave
Adoption of Resolution**

Mr. Kutosh offered the following Resolution and moved on its adoption:
7/3/14

**RESOLUTION APPROVING BULK VARIANCES
FOR ROBERT DAVIS**

WHEREAS, the applicant, ROBERT DAVIS, is the owner of a single family residential property at 7 Seadrift Avenue in the Borough of Highlands (Block 72, Lot 37); and

WHEREAS, the applicant filed an application for variance approval to construct a new single-family dwelling on the same footprint as his prior dwelling which was substantially damaged during Superstorm Sandy; 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 June 5, 2014; and

WHEREAS, the Board heard the testimony of the applicant, ROBERT DAVIS, his wife, CYNTHIA DAVIS, and a neighbor, COLLEEN FLYNN. Testimony was also received by CHRISTOPHER FRANCY, a sitting Councilman, however his testimony was not directed to the application, but rather to advise the board that when Ordinance O-13-5 was adopted, he served

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on the committee that proposed it as well as the Council that adopted it, and at no time was there any intent by the governing body to eliminate the 2.5 foot additional height allowed if a structure provided for under-structure parking. No other person 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 and email dated 2/10/14;
- A-3 Location survey by Richard Stockton dated 5/1/13;
- A-4 Plot Plan by Richard Stockton dated 4/15/14;
- A-5 Preliminary construction plans by John Hyrsi (3 pages);
- A-6 photo of house

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

- B-1 Board Engineer, Robert Keady, review letter dated 4/25/14 (4 pages plus aerial photo);

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. The property owner originally intended to renovate the structure after Superstorm Sandy; but, after speaking to the Zoning Officer and starting demolition on the downstairs portion, it was determined that there were so many situations that violated current codes that the replacement of virtually everything dictated that it would be more prudent to demolish the home and rebuild at a height meeting the current flood plain requirements.

4. There was a rear deck at grade level, which was destroyed in Superstorm Sandy. It will be replaced, but now be on the elevated first level. There will be no cover/roof, and the deck will be approximately 12 feet by 20.8 feet.

5. Questions were raised by the neighbor and the Board regarding the construction of exterior walls when in such close proximity to the neighboring structure. The likelihood is that the fire regulations will require conformance on the side walls and no windows on the side facing Lot 36 to the south.

6. Several houses on this block, especially across the street, are being raised as a result of Superstorm Sandy.

7. When the zoning table was submitted by the applicant, it reflected a height of 34 feet. The Board Engineer has, however, computed the height to be 33 feet.

8. Off-street parking for at least two vehicles is provided, so no parking variance is required.

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

10. The footprint of the structure will be basically the same, however the home will be raised to meet the new flood plain requirements, though no height variance is required.

11. The applicant seeks the following relief:

A. Lot area variance for 1,750 square feet, where 3,750 square feet are required; which is the same as the previous home.

B. Lot frontage of 25 feet, where 50 feet are required; which is the same as the previous home.

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C. Lot depth of 70 feet, where 75 feet are required; which is the same as the previous home.

D. Front yard setback of 9.2 feet, where 20 feet are required; which is the same setback as the previous home.

E. Side yard setbacks of 1.7/2.5 feet, where 6/8 feet are required; which is the same setback as the previous home.

F. Rear yard setback of 18.7 feet, where 20 feet are required; which is the same setback as the previous home.

G. Building height of 33 feet, where 32.5 feet are permitted.

H. Building coverage of 49.8% where 33% is permitted; the prior home had coverage of 49.37%, or almost the same as the proposed new home.

I. First floor deck sideyard setbacks of 1.7/2.5 feet, where 3 feet are required.

J. New third floor deck setbacks of 18.7 feet in the rear, where 20 feet are required; and 2.5 feet on the side, where 6 feet are required.

K. Third floor balcony setback of 6.2 feet, where 20 feet are required.

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.

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 his storm-damaged dwelling. 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 June 5, 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 ROBERT DAVIS to rebuild his single family home as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as requested and set forth in paragraph 11, subparagraphs A through K, for lot area, lot frontage, lot depth, front yard setback, side yard setback, rear yard setback, building coverage, first floor deck setback on two sides, third floor deck setback on the rear and side, and the third floor balcony setback. In addition thereto, a height variance is granted in accordance with paragraph 11, subparagraph G.

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

A. There shall be no roof on the second level (first living floor) deck.

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B. The Construction Official is advised to pay particular attention to the fire ratings, especially as to the southerly side of the home, facing Lot 36.

C. There shall be no windows on the southerly side of the home, facing Lot 36.

D. 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.

E. Applicant shall verify with NJDEP (i.e., he may be eligible for a NJDEP permit by rule), and obtain any and all necessary permits.

F. Review of the building elevation is deferred to the Flood Plain Officer (the site is located in the AE zone).

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

ROLL CALL:

AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Braswell

NAYS: None

ABSTAIN: None

**ZB#2014-8 Gates, Gerald
Block 52 Lot 19 – 20 Cornwall Street
Adoption of Resolution**

Mr. Knox offered the following Resolution and moved on its adoption:
7/3/14

**RESOLUTION APPROVING BULK VARIANCES
FOR GATES**

WHEREAS, the applicant, GERALD GATES, is the owner of a single family residential property at 20 Cornwall Street in the Borough of Highlands (Block 52, Lot 19); and

WHEREAS, the applicant filed an application for variance approval to construct a new single-family dwelling on the same footprint as his prior dwelling which was substantially damaged during Superstorm Sandy; 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 June 5, 2014; and

WHEREAS, the Board heard the testimony of the applicant, GERALD GATES. No other person 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 4/10/14;
- A-3 Plot plan by Gates Architectural Design dated 4/22/14;
- A-4 Plan of survey by Anthony Romeo dated 12/15/06; revised 12/19/06;
- A-5 Architectural plans with Zoning Analysis Chart by Gates Architectural Design dated 4/30/14, revised 5/8/14;
- A-6 Picture;

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A-7 Picture;

A-8 Plans (same as A-5) on board

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

B-1 Board Engineer, Robert Keady, review letter dated 5/29/14 (4 pages plus aerial photo);

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 applicant has decided to build on pilings, which is not required but is thought, by him, to be the wisest choice.

4. The Board discussed the location of the house and the possibility of centering it more on the lot. Because the existing garage poses an impediment to moving the house, that was not doable.

5. The houses on Cornwall Street typically have front yard setbacks of between 5 feet and 8 feet. This one will be similar, and exactly the same setback as the prior home.

6. This house will be similar to but smaller than most of the other houses in the immediate neighborhood.

7. The Board observed that if the applicant built a similar house to the prior home, he would not likely need any new variances; however, because of the use of the existing footprint, variance relief is required.

8. Off-street parking for at least two vehicles is provided, so no parking variance is required.

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

10. The footprint of the structure will be basically the same, however the home will be raised to meet the new flood plain requirements, though no height variance is required.

11. The applicant seeks the following relief:

 A. Lot area variance for 3,675 square feet, where 4,000 square feet are required; which is the same as the previous home.

 B. Lot depth of 70 feet, where 75 feet are required; which is the same as the previous home.

 C. Front yard setback of 4.4 feet on Cornwall Street, where 20 feet are required; which is the same setback as the previous home.

 E. Side yard setbacks of 4.1/23.4 feet where 6/8 feet are required; which is virtually the same setback as the previous home. Variance is only required on southerly side.

 F. Building coverage of 42.1% where 33% is permitted; the prior home had coverage of 39.9%.

 G. Garage front setback on North Street of 1.6 feet where 3 feet are required; which is the same as the existing garage.

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.

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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 his storm-damaged dwelling. 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 June 5, 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 GERALD GATES 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 11 above for lot area, lot depth, front yard setback on Cornwall Street, side yard setback, building coverage and garage front setback on North Street.

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

A. 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.

B. Applicant shall verify with NJDEP (i.e., he may be eligible for a NJDEP permit by rule), and obtain any and all necessary permits.

C. Review of the building elevation is deferred to the Flood Plain Officer (the site is located in the AE zone).

D. Approval from any and all outside agencies or departments that are required.

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

ROLL CALL:

**AYES: Mr. Fox, Mr. Kutosh, Mr. Knox,
Mr. Gallagher, Mr. Mullen, Mr. Braswell**

NAYS: None

ABSTAIN: None

**ZB#2014-10 Gauthier, Florence
Block 56 Lot 11 – 1 Private Road
Adoption of Resolution**

Mr. Mullen offered the following Resolution and moved on its adoption:
7/3/14

**RESOLUTION APPROVING BULK VARIANCES
FOR GAUTHIER**

WHEREAS, the applicant, FLORENCE GAUTHIER, is the owner of a single family residential property at 1 Private Road in the Borough of Highlands (Block 56, Lot 11); and

WHEREAS, the applicant filed an application for variance approval to construct a new single-family dwelling on the same footprint as her prior dwelling which was substantially damaged during Superstorm Sandy; 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 June 5, 2014; and

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WHEREAS, the Board heard the testimony of the applicant's granddaughter, DIANA GROVER, her husband/builder, CHRISTOPHER GROVER. Her neighbor, ANTHONY CATALANO, asked questions and testified regarding the proximity of his house to the applicant's, with specific attention to the roof and gutters as they faced his property. No other persons appeared to ask questions or object to the application; and

WHEREAS, many of the variances sought here are for conditions that would be preexisting if the home were repaired, rather than rebuilt. Those preexisting conditions are lot area, lot frontage, lot depth, front yard (which is an improvement), rear yard (which is an improvement), lot coverage (which is an improvement), and building coverage (which is an improvement); all improvements referring to the proposed structure over the existing structure; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial and email dated 4/10/14;
- A-3 Plot plan by Richard Stockton dated 5/28/14;
- A-4 Architectural plans by Paul Damiano dated 4/10/14 (4 pages);
- A-5 Section of tax map

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

- B-1 Board Engineer, Robert Keady, review letter dated 5/29/14 (4 pages plus aerial photo);

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 contains a single family residence, which home is in total disrepair and not, according to the testimony, repairable. Even the foundation is in bad shape. As a result, the applicant seeks to construct a new dwelling.

3. As a result of reconstruction of the home, the home will meet code requirements.

4. As a result of reconstruction, the home will be a better fit on the lot and, as noted below, will decrease some of the setback encroachments which currently exist.

5. The home currently encroaches over the property line. The reconstruction will remove that encroachment.

6. The proposed home will be slightly smaller than the existing home.

7. Smaller residential lots, such as this one, dictate smaller setbacks.

8. Questions were raised by the Board as to how the home could be constructed and demolition undertaken, with dumpsters, with insufficient space. These issues must be addressed and resolved with the neighbors before construction begins; and any damage caused to their properties must be cured by the applicant.

9. A neighbor, ANTHONY CATALANO, questioned the roof and gutter vis-à-vis his adjoining property line. The Board has addressed those concerns in the conditions at the end of this resolution.

10. Parking is a problem throughout this neighborhood. The subject is no different than the others. It would be unreasonable to require the subject property to provide off-street parking when other neighborhood homes do not.

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

12. The footprint of the structure will be basically the same, however the home will be raised to meet the new flood plain requirements, though no height variance is required.

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13. The applicant seeks the following relief:
- A. Lot area variance for 1,297 square feet, where 4,000 square feet are required; which is the same as the existing home.
 - B. Lot frontage of 25 feet where 50 feet are required; which is the same as the existing home.
 - C. Lot depth of 52 feet, where 75 feet are required; which is the same as the existing home.
 - D. Front yard setback of 3.8 feet, where 20 feet are required; which is an improvement over the existing .5 foot setback.
 - E. Rear yard setback of 1.2 feet, where 20 feet are required; which is a slight improvement over the negative .9 foot setback.
 - F. Side yard setbacks of .5/.5 feet where 6/8 feet are required.
 - G. Lot coverage of 90%, where 75% is permitted; a slight improvement over the existing 93% coverage.
 - H. Building coverage of 76% where 33% is permitted; an improvement over the existing 82% coverage.
 - I. Deck setbacks of zero feet in the front and .5 feet on the side, where 3 feet is required for each.
 - J. A parking variance, since there is currently no parking available on the site, nor does the applicant propose any on site parking.

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

15. The applicant is, basically, seeking to rebuild her dwelling to conform with current building codes. 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.

16. 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 June 5, 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 FLORENCE GAUTHIER to rebuild her single family home as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 12 above for the requested variances for lot area, lot frontage, lot depth, front yard setback, rear yard setback, side yard setback, lot coverage, building coverage, front and side yard setbacks for the deck, and parking.

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

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- A. 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.
- B. Applicant shall verify with NJDEP (i.e., he may be eligible for a NJDEP permit by rule), and obtain any and all necessary permits.
- C. Review of the building elevation is deferred to the Flood Plain Officer (the site is located in the AE zone with a base flood elevation of 12 feet).
- D. All construction and demolition shall be done on-site, and any issues regarding construction as they may affect the neighboring properties shall be resolved before construction begins, without any inconvenience to the neighbors.
- E. Should demolition or reconstruction result in any damage to any neighboring property, the applicant shall be responsible for quickly curing and resolving the same.
- F. All roof water shall be directed to Private Road, such piping to be underground.
- G. Neither the gutters nor the roof may extend beyond the property line.

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

ROLL CALL:

**AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen,
Ms. Pezzullo, Mr. Braswell**

NAYS: None

ABSTAIN: None

**ZB#2013-15A Oliveira, Paul & N.
Block 77 Lot 4 – 14 Seadrift Avenue
Unfinished Public Hearing**

**Present: Armen McOmber, Esq.
Mr. & Mrs. Oliveira
Mr. Vargo**

Mr. McOmber stated that they are here to seek approval of modification of prior board approval. Since the last meeting they have submitted new plans after inspection by Architect. He spoke about the side yards and the neighbor's concerns with the side yard setbacks. Windows are now shown on the plan, which are preexisting. He spoke with Paul Vitale and they are in compliance with building coverage. They will defer to Paul Vitale going forward with fire safety issues.

It was stated that Mr. Vargo was previously sworn in.

The following exhibits were marked in to evidence:

A-5: Architectural Plan, 4 pages dated 6/19/14;
B-3 Board Engineers Letter dated 6/26/14.

Mr. Vargo stated the following:

1. He took into consideration of the June commentary to visit the site and that an as built be prepared.
2. On June 7th he visited the site and reviewed the window locations to implement them into the As built and prepared calculations for code requirements.
3. He bubbled the high view areas.
4. The then referred to A-1 bubbled areas and explained.
5. He spoke about sheet A-2 patched wall area that is defined by elevation right side area.

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6. 140.09 square feet and total area of roof is 1018 square feet. Windows- 8.42% area on right side se it's less than permitted.
7. In compliance with window codes. Fire rating is one hour.
8. Will make certification of compliance available to board.

Mr. McOmber stated they will work with neighbor insurance to comply, Lot coverage reduction from resurfacing from 82.6% to 79.5% which was from the previous approval. The building coverage reduction is proposed at 48.8% to 45.3%. HE also stated that they have centered the building.

Mr. Keady – stated he performed a site visit and the site plan agrees with visit accept rear yard setbacks he believes 6 inches shorter than on the plan but improvement over prior approval. Height needs verification but believes its 32.39 feet where 32.5 is permitted.

Mr. McOmber stated they will comply with height ordinance and will agree with engineer's requirement listed in engineers report. He then explained previous mistakes and they will work with neighbor on her insurance. He said he will go on record that if Paul Vitale comes up with something they will comply. This is only one foot. They will provide something in writing to comply for neighbor. The Construction behavior will not be repeated.

Public Questions

Claudette D-Arrigo, previously sworn wants reassurance that the builder stays away from her property. She stated that the five windows on top is an insurance problem and she has fire safety concerns with the project.

Mr. McOmber stated the location of the windows not used for calculation. If Construction Official feels its code violation they will work then but they want the windows on top.

No further questions from the public.

Public Comments

None

Mr. Baxter then reviewed the variances required for the application with the board.

Mr. Gallagher offered a motion to grant the required variances and to approve the application. Seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

**AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Gallagher, Mr. Mullen, Ms. Pezzullo,
Mr. Braswell**

NAY: None

ABSTAIN: None

**ZB#2014-11 Williams, Ellen
Block 103 Lot 9 – 359 Shore Drive
New Public Hearing**

**Present: Ellen Williams
Chris DeLuca**

Conflict: Mr. Kutosh stepped down

Mr. Baxter stated he reviewed public notice and he approves it.

Mr. Castillito stated he received the public notice.

Neil Tabor stated he did not receive notice.

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Mr. Baxter explained a notice was not required for him.

The following exhibits were marked into evidence:

- A-1: Variance Application;
- A-2 Zoning Denial;
- A-3: Survey dated May 12, 2013;
- A-4: Plot Plan dated 6/25/14;
- A-5: Modified Plans
- A-6: Additional Architectural by Fenelli Group
- B-1: Board Engineer Letter dated 6/26/14

Mr. Baxter stated that an email from Neil Tabor was not distributed to the board because that is not proper.

Ellen William of 359 Shore Drive, Highlands was sworn in.

Chris DeLuca of 302 8th St, Barnegat, NJ was sworn in.

Robert Keady, P.E., was also sworn in.

Chris DeLuca stated the following during his testimony:

1. Building new dwelling, a raised dwelling on under sized lot.
2. Lot demoed and cleared.
3. There is a proposed modular on pilings.
4. Foundation is wood for pilings.
5. There will be parking underneath the structure.
6. There is limited space for stairs.

Mr. Keady reviewed his engineer letter and described the required variances. He also stated that the height is incorrect, it must be under 32 feet if parking underneath.

Ellen Williams stated the following :

1. Previous had a ranch house with a few steps. It was one level with two bedrooms.
2. Sandy destroyed the house she had 4 feet of water in house and 3 feet of water in shed.
3. The shed has been removed.
4. The property has been leveled.
5. To the left are neighbors which are present tonight.
6. The Castillito house removed, right house also got water damage.

Mr. Baxter – three of the four variances are improvement verses the preexisting.

Mr. Mullen – the front yard looks like conforming with surrounding properties.

Ms. Williams stated the houses are pretty much in line.

Public Question

Mr. Tabar – lot 12.01 he is the neighbor to the left read a list of questions to Ms. Williams who tried to answer.

There were no further questions from the public.

Public Comments

Anthony Castellitto was sworn in and said he was concerned with length of house.

Neil Tabor was sworn in and spoke unfavorably about the application and he explained all of his concerns and objections.

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There were no further comments from the public.

Ms. Pezzullo suggested Mr. Tabor install vegetation around house.

Mr. Fox stated he has no problem with the application.

Mr. Gallagher agrees and stated this is an improvement and the applicant satisfied positive criteria and negative criteria and hardship of lot shape.

Mr. Baxter summarized testimony and variances.

Mr. Gallagher offered a motion to approve the application . Seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

AYE: **Mr. Fox, Mr. Knox, Mr. Gallagher, Mr. Mullen, Ms. Pezzullo,
 Mr. Braswell**

NAY: **None**

ABSTAIN: **None**

Minutes

Ms. Pezzullo offered a motion to table the approval of the June 5th Minutes. Seconded by Mr. Gallagher and all were in favor.

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

The meeting adjourned at 10:08 p.m.

Carolyn Cummins, Board Secretary