

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

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

Mr. Braswell called the meeting to order at 7:40 PM.

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. Fox, Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Pezzullo,
Ms. Ziemba, Mr. Braswell

Absent: Mr. Gallagher

Also Present: Carolyn Cummins, Borough Clerk
Greg Baxter, Esq., Borough Attorney
Martin Truscott, P.P., Board Planner

**ZB# 2014-13 Shanagan, Francis
Block 69 Lot 15.20 – 15 Cedar Street
Request for Postponement**

Mr. Braswell stated that the applicant has requested a postponement to the October 2nd meeting.

Mr. O'Neil offered the following Resolution and moved on its adoption. Seconded by Mr. Knox and approved on the following roll call vote:

ROLL CALL:

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

NAY: None

ABSTAIN: None

**ZB# 2014-15 Grover, Chris
Block 88 Lot 5 – 321 Bay Ave
Public Hearing on New Business**

Mr. Baxter stated that he has reviewed the public notice and certified mail receipts and has found that one person was not properly served so he recommended that the board table the hearing to the October 2nd meeting and that the applicant be required to republish and serve notice to Shannon Enterprises.

Mr. O'Neil offered a motion to carry the hearing to the October 2nd meeting and that he republish and serve notice to Shannon Ent. Seconded by Mr. Kutosh and approved on the following roll call vote:

ROLL CALL:

**AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Pezzullo,
Mr. Braswell**

NAY: None

ABSTAIN: None

**ZB#2014-16 Seylaz, Geraldine
Block 79 Lot 13 – 27 Washington Ave
Application Review & Set P.H. Date**

**Present: Geraldine Seylaz
Konstantinos Aravantinos, A.I.A.**

The Board reviewed the application and the following was stated:

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

1. The correct zone is the R-2.01.
2. Two Variances for building coverage and side yard setbacks are required.
3. Front deck is 0.9 feet setback.
4. Vertical Addition at 100% where only 80% is permitted.
5. The applicant shall bring photographs of the site to the hearing.
6. The applicant needs survey to scale a zoning chart on it.
7. Applicant must serve public notice.

Mr. Kutosh offered a motion to set a public hearing date for October 2, 2014. Seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

**AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Ms. Pezzullo,
Mr. Braswell**

NAY: None

ABSTAIN: None

**ZB#2014-17 Fitzpatrick, Andrew
Block 100 Lot 26.30 – 30 Gravelly Point Road
Application Review & Set P.H. Date**

Present: Mrs. Fitzpatrick

Conflicts: Mr. Braswell

The Board reviewed the application and the following was stated:

1. Since she downsized project a site plan is no longer needed.
2. Her only issue is the 3 foot setback requirements.
3. The building height is not an issue and applicant will comply.
4. Need Plot Plan to Scale.
5. Need Architectural Plans to scale.
6. It will be a raised bungalow that will be built in same footprint.
7. The applicant is squaring off that's the only enlargement.
8. The applicant does not want to shift location because of loss of parking.
9. The stairs will be located inside the house entrance through front door.

Mr. Kutosh offered a motion to schedule this matter for a public hearing on October 2nd. Seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

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

NAY: None

ABSTAIN: Mr. Braswell

**ZB#2014-12 Markou, George
Block 43 Lots 9 & 9.01 – 36 Shrewsbury Ave
Approval of Resolution**

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

9/4/14

**RESOLUTION APPROVING BULK VARIANCES
FOR MARKOU**

WHEREAS, the applicant, GEORGE MARKOU, is the owner of a residential property at 36 Shrewsbury Avenue (Block 43, Lots 9 and 9.01); and

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

WHEREAS, the applicant filed an application for bulk variance relief, seeking to demolish the existing single-family home and construct a new home raised out of the flood plain, and for related bulk variance relief; 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 August 7, 2014; and

WHEREAS, the Board heard the testimony of the applicant, GEORGE MARKOU, and his architect and planner, KENNETH FOX; and

WHEREAS, three neighbors, TIM _____, KERRY FARRELL, and DOUG CARD, all residents of Shrewsbury Ave., appeared to ask questions regarding the right side yard and the curbing and street drainage, however none were opposed to the application (if the right side yard setback was increased); and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (2 pages);
- A-2 Zoning Officer denial (2 pages);
- A-3 5/20/14 letter from Freehold Soil Conservation Dist.;
- A-4 Elevation certificate by Frank R. DeSantis dated 2/25/14 reflecting property as being in the VE Zone, which is incorrect. It is in the AE Zone;
- A-5 Survey by Frank DeSantis dated 10/31/13;
- A-6 Architectural plans by Kenneth J. Fox, of Fox Architectural Design, dated 1/22/14 and last revised 5/13/14 (3 pages);
- A-7 Colorized enlargement of Sheet SD3 of Exhibit A-6, on board;

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

- B-1 Board Engineer review letter by ROBERT dated 7/31/14 (4 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 WT-R (Waterfront Transitional Residential) Zone.
2. The site currently contains a single-family home.
3. The applicant proposes to demolish the existing home and construct a new raised single-family dwelling to comply with the new flood zone requirements.
4. The Board considered a similar application in 2013, by the same applicant, to demolish a storm-damaged structure on the adjoining lot to the north and build a new single-family home. That application was granted, and the new home has been constructed.
5. The subject lot has no garage. The current structure is a 2-story frame dwelling and has a 4.48-foot setback from the right/south side yard.

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

6. The applicant proposes to square off the bump out on the left/north side toward Shrewsbury Avenue, and do the same in the right/south side to the rear of the home.

7. The proposed internal width of the new home was to be 28 feet; however, the applicant modified his request during the hearing to a width of 27 feet.

8. The “tower” room reflected on the plans is basically a sitting room.

9. This is an undersized lot containing a single-family home, with a jog in the property line to the front left/north side of the lot. This was apparently done to accommodate the garage on the adjoining property to the north. As a result, the lot is irregularly shaped because of the lot being narrower at the front than it is in the middle and rear.

10. There was discussion about the impervious coverage. The applicant’s plans indicated existing impervious coverage of 29.13%, which the Board Engineer indicates was incorrect. It was 42.28%. That is not critical, however, since no variance relief is implicated.

11. The front porch will “hide” the air conditioning. The front porch is what results in the additional lot coverage computation.

12. The proposed home will be approximately 300 square feet larger in living space than the existing home.

13. The asphalt at the street line is proposed to be narrowed to 18 feet for a driveway. This will result in the removal of some of the former impervious coverage area.

14. The first floor elevation will be 15.4 feet.

15. The roof drainage is proposed to drain toward the Shrewsbury River, to the east.

16. There was discussion by one neighbor and the Board and Board Engineer regarding whether there should be curbing with an exposed face along Shrewsbury Avenue to improve the water flow. Since neither the Board nor the Board Engineer had information with which to adequately address this issue, the applicant will be required to submit general elevations, which will be reviewed by the Board Engineer administratively to determine whether or not there shall be curbing with an exposed face or some other handling of the front property line. That shall include sidewalk review. Both issues shall be determined by the Board Engineer.

17. During the hearing, as a result of comments by the neighbor to the south, the applicant proposed to amend his plans to move the proposed home 2.5 feet to the left/north (and reduce the width by one foot), resulting in an 8-foot side yard setback on the right/south side. Correspondingly, the applicant requested a change to his plans to make the side yard setback on the left/north side to be no less than 5.5 feet from the property line to the nearest portion of the new home.

18. Many of the structures in the area of the subject were destroyed by Superstorm Sandy, and many of those property owners, as well as others, have sought to raise their homes to come within the new flood zone requirements. The applicant numbers among them. It would be an undue hardship to deny the applicant the ability to rebuild his home above the flood plain.

19. The applicant seeks the following variance relief:

A. Lot Frontage of 44 feet, where 50 feet are required (same as the existing structure).

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

B. Side yard setbacks of 8 feet on the right/south and 5.5 feet on the left/north, where 8 feet and 12 feet are required.

C. Building coverage of less than 39.32%, where 30% is allowed.

20. The rebuilding of this home with a new home will improve the subject property, as well as the neighborhood. The applicant just rebuilt a home on the lot to the north, which fits well with the neighborhood and is an improvement to the neighborhood. The application, therefore, will both preserve the neighborhood character, but also clean up the property and improve both the subject property and the neighborhood.

21. The Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

22. As to the negative criteria, the Board finds that the bulk variance relief sought can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. The Board further finds that there will be no negative impact on the surrounding properties, nor will any damage be caused to the character of the neighborhood. These findings are also in line with the request and recommendation of the neighbor to the right/south.

WHEREAS, the application was heard by the Board at its meeting on August 7, 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 GEORGE MARKOU to demolish his existing home and construct a new home to be raised out of the flood plain, all as set forth on the applicant's plans be and the same is hereby approved. Variances are hereby granted for the enumerated bulk variances set forth in paragraph 19 above for lot frontage, side yard setbacks and building coverage;

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

A. The first floor elevation shall be 15.4 feet.

B. The applicant will supply the Board Engineer with general elevations and work with the Board Engineer on the issues of curbing, water flow and sidewalk, all of which shall be done administratively by the Board Engineer.

C. The applicant will provide revised drawings setting forth the changes made at the hearing and as set forth in this resolution.

D. Any damage to the existing pavement, sidewalk or curb shall be repaired or replaced to the satisfaction of the Borough.

E. The applicant shall obtain any required approvals from outside agencies: Flood Plain Officer, NJDEP, Construction Official, and any and all other departments and agencies having jurisdiction.

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

ROLL CALL:

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

NAY: None

ABSTAIN: None

**ZB#2014-14 Hamilton, Anne
Block 72 Lot 39 – 3 Seadrift Avenue
Hearing on New Business**

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

**Present: Konstantinos Aravantinos, A.I.A.
 Wayne Hamilton**

Mr. Aravantinos and Mr. Hamilton were both sworn in.

The following exhibits were marked into evidence:

- A-1: Variance Application;
- A-2: Zoning Denial
- A-3: Survey dated 2/25/13;
- A-4: Architectural Plans;
- A-5: Zoning Board Resolution dated October 5, 2006;
- A-6: Two Photos on one sheet;
- A-7: Two pictures of front of house;
- B-1: Board Engineer Report.

Mr. Aravantinos stated the following during his testimony and response to questions by the board:

1. Raise house permit and want to get balcony on second floor on the front of the house and to extend deck in rear.
2. Living Space on second floor and bedrooms on third floor.
3. Need variances for decks.
4. He has reviewed the old zoning board resolution dated 10/5/06 and is aware of condition of approval on decks.
5. He testified about surrounding houses on large board and stated that the proposed is in line with each other.
6. Discussion on decks with board. First floor rear deck requested after 2006 and it did not require a variance.
7. Second floor deck being proposed in rear.
8. He showed photos on his cell phone.

Mr. Keady will make changes to his review letter.

Mr. Aravantinos continued testimony as follows:

9. He explained the spiral stair case and that there is no seating area.
10. The third floor is for mechanics.
11. He discussed windows and bump outs.
12. Front balcony on second floor deck is variance.

Mr. Keady went through B-1 report page 2 reviewed deck setbacks. Change required 20 feet is now a variance because of second floor deck becomes roof to first floor deck so additional variances are needed. Front decks something more variances. Lot coverage no change.

Mr. Baxter reviewed the required variances and said all four decks require variances.

Mr. Hamilton stated that the house to left is gone so it's a vacant lot.

Mr. Keady discussed the aerial photo in B-1 which shows conditions pre Sandy.

Mr. Hamilton stated the end of deck is in line with house to south.

Mr. Keady stated that the height needs to be confirmed and cannot exceed 32.5 feet, which can be a condition of approval.

Mr. Hamilton stated his wife loves views that why the proposed decks. The first floor is so high because he wants to be cautious and have a 19ft high garage.

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

Mr. Mullen stated that there is a marina in the rear yard.

Public Questions

Patricia Skirano asked to see the plans and questioned rear yard decks.

Mr. Aravantinos stated deck setbacks three feet from rear property line.

Discussion continued on conflicting rear property line.

Ms. Skirano wanted to know if she will lose her view.

Mr. Mullen questioned tie backs.

Walt Gunter of 2 Marine Place questioned front yard decks.

Mr. Aravantinos spoke proposed being in character with the neighborhood.

Public Comments – none

Mr. O’Neil believes the proposed is in keeping with the other approvals on that street.

Mr. Fox agrees with Mr. O’Neil.

Ms. Pezzullo also agrees.

Mr. Mullen disagrees and believes it’s being over built. He expressed his concerns.

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

ROLL CALL:

AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. O’Neil, Ms. Pezzullo, Mr. Braswell

NAY: Mr. Mullen

ABSTAIN: None

Approval of Minutes:

Mr. Mullen offered a motion to approve the July 3, 2014 Minutes. Seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. Braswell

NAY: None

ABSTAIN: Ms. Pezzullo

Mr. Mullen offered a motion to approve the August 7th minutes. Seconded by Mr. Knox and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Fox, Mr. Kutosh, Mr. Mullen, Mr. O’Neil, Ms. Ziemba, Mr. Braswell

NAY: None

ABSTAIN: None

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

The meeting adjourned at 9:24 P.M.

**Borough of Highlands
Zoning Board
Regular Meeting
September 4, 2014**

Carolyn Cummins, Board Secretary

HIGHLANDS.NJ.US