

**Borough of Highlands  
Zoning Board  
Regular Meeting  
November 6, 2014**

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

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

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

Mr. Braswell 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. Mullen, Mr. Braswell, Ms. Ziembra

**Absent:** Mr. Knox, Mr. O'Neil, Ms. Pezzullo

**Note:** Art Gallagher resigned from the board

**Also Present:** Debby Dailey, Deputy Clerk  
Greg Baxter, Esq., Board Attorney  
Rob Keady, P.E., Board Engineer

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**ZB#2014-17 Fitzpatrick, Andrew  
Block 100 Lot 26.30 – 30 Gravelly Point Road  
Request for Postponement to December Meeting**

**Present:** None

Mr. Mullen offered a motion to approve the adjournment request by the applicant to carry to the December meeting. Seconded by Mr. Fox and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Fox, Mr. Kutosh, Mr. Mullen, Mr. Braswell, Ms. Ziembra

**NAY:** None

**Abstain:** None

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**ZB#2014-18 Williams, Christopher  
Block 80 Lot 5.01 – 70 Barberie Avenue  
Application Review & Schedule Public Hearing Date**

**Present:** None

The Board briefly reviewed and discussed the application.

Mr. Kutosh offered a motion to schedule the public hearing for this matter on December 4<sup>th</sup>. Seconded by Mr. Fox and approved on the following roll call vote:

**ROLL CALL:**

**Aye:** Mr. Fox, Mr. Kutosh, Mr. Mullen, Ms. Ziembra, Mr. Braswell

**Nay:** None

**Abstain:** None

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**ZB#2014-19 Sehab Inc.  
Block 48 Lot 7 – 30 Jackson Street  
Application Review & Schedule Public Hearing Date:**

**Present:** Mrs. Weber and her Realtor were present.

The Board reviewed the application and the following was stated:

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1. Mr. Baxter advised the applicant to speak with their attorney and that this would be a difficult chore in proving their case under the ordinance. Advised her to review ordinances 21-122.1 and 21-123.2,
2. The board requested photos.

Mr. Kutosh offered a motion to schedule this matter for a public hearing on December 4<sup>th</sup>. Seconded by Mr. Mullen and approved on the following roll call vote:

**ROLL CALL:**

**AYE:** Mr. Fox, Mr. Kutosh, Mr. Mullen, Ms. Ziemba, Mr. Braswell  
**NAY:** None  
**Abstain:** None

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**ZB#2014-20 Rivera, Paschal  
Block 90 Lot 10 – 31 Waterwitch Avenue  
Application Review & Schedule Public Hearing Date**

**Present:** Tricia Rivera, Applicants daughter

The Board reviewed the application and the following was stated:

1. The board explained the variances required for this application.
2. If the applicant could not be present for the public hearing then she needs to provide Power of Attorney Paperwork.
3. Need photos of site and have her architect provide plot dimensions.
4. She must serve public notice.

Mr. Kutosh offered a motion to schedule this application for December 4<sup>th</sup>. Seconded by Mr. Fox and approved on the following roll call vote:

**ROLL CALL:**

**AYE:** Mr. Fox, Mr. Kutosh, Mr. Mullen, Ms. Ziemba, Mr. Braswell  
**NAY:** None  
**Abstain:** None

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**ZB#2014-13 Shanagan, Francis  
Block 69 Lot 15.20 – 15 Cedar Street #20  
Approval of Resolution**

The Board reviewed the resolution and had a discussion about language in resolution and revisions.

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

11/6/14

**RESOLUTION APPROVING USE AND BULK VARIANCES  
FOR SHANAGAN**

WHEREAS, the applicant, FRANCIS SHANAGAN, and his family are the owners of a bungalow dwelling at 15 Cedar Street in the Borough of Highlands (Block 69, Lot 15.20); and

WHEREAS, the applicant filed an application for a use variance and related bulk variance relief, seeking to rebuild the bungalow dwelling within the existing footprint and comply with flood elevations; 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 October 2, 2014; and

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WHEREAS, the Board heard the testimony of the applicant, FRANCIS SHANAGAN; his planner, ANDREW THOMAS; and a neighbor, BRYAN ADAMS, who supported the application; and

WHEREAS, another neighbor, BARBARA IANUCCI, appeared to ask a question, but neither supported nor opposed the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial dated 6/20/14;
- A-3 8/12/14 survey by Richard Stockton;
- A-4 8/18/14 approval letter from Honeysuckle Lodge Association;
- A-5 Structural details by Joseph Shanagan (5 pages);
- A-6 Elevation certificate dated 9/15/14 by Richard Stockton (3 pages, including a picture);
- A-7 Foundation plan by Dan Skurat (6 pages);
- A-8 Two building subcode sheets;
- A-9 Aerial photo prepared by Andrew Thomas;
- A-10 5 Photos lettered A through E;

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

- B-1 Board Engineer and Planner review letter by ROBERT KEADY and MARTIN TRUSCOTT dated 9/24/14 (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 and his family are the owners of property located in the WC-2 Zone, which does not permit residential uses.

2. The site currently contains a one-level bungalow dwelling which was partially damaged during Super Storm Sandy.

3. This dwelling has been owned by the applicant and his family for four generations, having been built in 1938.

4. The new dwelling will have essentially the same footprint as the old dwelling.

5. It would be an undue hardship to deny the applicant the use of his property for a dwelling which his family has used for over 75 years.

6. The applicant seeks the following variance relief:

A. Use variance for a single-level bungalow dwelling where residential uses are not permitted in the WC-Z Zone.

B. Rear yard setback of 2.2 feet where 3 feet is required (the proposal is the same as the existing dimension).

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C. Side yard setbacks of 1.7/1.7 feet where 3 feet are required (the proposal is the same as the existing dimension).

D. Building coverage of 67.85% where 35% is permitted (the proposal is the same as the existing condition).

7. The rebuilding of this home with a new home will improve the subject property, as well as the neighborhood, which finding is supported by the residential neighbor who appeared. The application, therefore, will both preserve the neighborhood character, but also clean up the property and improve both the subject property and the neighborhood.

8. The replacement dwelling will be approximately 600 square feet.

9. The applicant's family owns six units in Honeysuckle Lodge, which have strictly been used as summer units. This particular dwelling has no heat and is only used as a summer residence for July through Labor Day, then the applicants winterize the dwelling and return the following spring.

10. Though the original structure is livable, it needs upgrading.

11. The outer walls will remain the same as the prior structure. The applicant originally planned to simply rehabilitate the home; however, the contractor who was hired to do the work got carried away with the repairs, as a result of which the work was stopped by the borough.

12. Among other things, this property was partially damaged by Superstorm Sandy. Once the roof work began, it was determined that everything was warped.

13. The proposed change will make this property compatible with all other units. The total 28 units in the bungalow colony are basically the same in size and height.

14. This property has never been rented but, rather, just used for family purposes.

15. There will be no additional living level added to the home.

16. The applicant's planner testified as follows, which testimony the board adopts as credible:

A. It would not be possible to place a commercial structure, as permitted by ordinance, on this lot. The lot is only 750 square feet.

B. The units within Honeysuckle Lodge were built for summer recreational uses.

C. There is no vehicular access to the subject lot.

D. There is no parking on the subject lot but, rather, across the street on Cedar Avenue, and a few north, toward the bay.

E. The proposal will have no substantial negative impact on the community, especially considering that the dwelling was there for over 75 years. The height and size also pose no negative impact. The applicant is simply asking to construct what was always there.

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F. The borough ordinance recognizes the continuation of non-conforming structures.

G. The goals and objectives in the borough Master Plan, particularly page 4, include the preserving and protecting of the residential character of neighborhoods and the continuation of the intensity of uses, which goals are met here.

H. It would be a hardship to any owner to build a conforming use in this zone, on this property. In addition, the construction of a permitted use on this lot would not be in character with the balance of the neighborhood/bungalow colony.

I. There are special reasons for the granting of this variance, which include the preservation of a desirable visual environment (i.e., it fits in with the neighborhood, and is the same size and same height); appropriate densities are being established and preserved, and there will be no increase in density (the Master Plan speaks against increases in density); and the public health and general welfare will be preserved by the upgrading of the structure to a safe condition.

J. The construction of retail sales uses, restaurants, and the like, which are permitted in this zone, are not uses which are potentially developable on this lot or in the bungalow colony.

K. The Municipal Land Use Law and the borough ordinance recognize the grandfathering of preexisting structures being repaired.

L. Because of the long history of the bungalow colony, and this lot in particular, the rebuilding of this particular unit is particularly suited to this property, in conformance with Medici.

17. In accordance with the findings above, the Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

WHEREAS, the application was heard by the Board at its meeting on October 2, 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 FRANCIS SHANAGAN to rebuild the bungalow dwelling in accordance with the plans and documents submitted be and the same is hereby approved. Variances are hereby granted for the use (bungalow dwelling in the WC-2 Zone) and enumerated bulk variances set forth in paragraphs 6B, C and D above.

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

A. Any damage caused to curbing, sidewalk or pavement during construction shall be repaired or replaced to the satisfaction of the borough.

B. The applicant must apply for flood plain review and receive a favorable determination.

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

**ROLL CALL:**

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

**NAY: None**

**ABSENT: None**

**ABSTAIN: None**

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**ZB#2014-15 Grover, Chris  
Block 88 Lot 5 – 321 Shore Drive  
Approval of Resolution**

The Board reviewed the resolution and discussed language in resolution.

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

11/6/14

**RESOLUTION APPROVING USE AND BULK VARIANCES  
FOR GROVER**

WHEREAS, the applicant, CHRISTOPHER GROVER, is the owner of property at 321 Bay Avenue, Highlands, New Jersey (Block 88, Lot 5), which is at the corner of Bay and Waterwitch Avenues; and

WHEREAS, the applicant filed an application for use and bulk variance relief, seeking to construct a new mixed use retail building (on the first floor) with residential uses on the second and third floors; 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 October 2, 2014; and

WHEREAS, the Board heard the testimony of CHRISTOPHER GROVER, DIANA GROVER, and their architect, KEITH MAZUREK; and

WHEREAS, many residents appeared to ask questions and to testify in support of the application. Those testifying in support of the application were ARNOLD FOUG, ED MCNAMARA, NANCY BURTON, KIM SKORKA, GARRETT NEWCOMB, BARBARA IANUCCI, CAROLYN BROULLOM, MELISSA PEDERSEN, ANGUS MAC DOUGAL, BRYAN ADAMS and GREG WALLS; and

WHEREAS, no persons appeared in opposition to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Site plan review application (3 pages);
- A-3 Zoning officer's list of variances necessary;
- A-4 10/16/63 survey by Richard Stockton;
- A-5 Architectural plans by Keith Mazurek dated 7/31/14 (2 sheets);

AND, WHEREAS, the following exhibits were marked into evidence as Board exhibits:

- B-1 8/21/14 Board engineer (ROB KEADY) and planner (MARTIN TRUSCOTT) review letter (6 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 B-1 Overlay Zone.
2. The subject premises were an old hardware store and have been left in the condition where substantial work is required to restore the building to an operating commercial enterprise.
3. The existing building has retail on the first level and two apartments on the second level. The applicant proposes retail use on the first level, three apartments on the second level, and three apartments (for a total of six apartments) on the third level.

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4. The applicant proposes to retain the existing footprint, and simply increase the height of the building to add an additional level. As such, the structure will cover the entire property, as it does now.
5. There are currently the following setbacks: 17.9 feet from Waterwitch Ave.; .1 foot from Bay Avenue; and 5 feet from the southerly side line. All will continue under the applicant's plan.
6. The apartment units will be approximately 750 square feet to 1,100 square feet in size.
7. The applicant, as well as many of those who appeared and testified at the hearing, is desirous of having this corner of the borough become more attractive to the community, especially since it is the entry point for most people coming into the borough.
8. Since 3-bedroom units are not allowed in the zone, the applicant has requested approval for six 2-bedroom apartments.
9. There are no current tenants in the building. There were tenants there for quite some time, however, they were not paying rent. Of the two existing apartments, one is a 4-bedroom unit, and the other is a 2-bedroom unit.
10. There are two municipal parking lots nearby, one approximately 300 feet away, and the other approximately 600 feet away.
11. The applicant also owns 5 feet of an alley alongside of the building.
12. The applicant proposes to flood proof the ground level of the structure.
13. The applicant inquired as to the possible purchase of the neighboring lot, however, it is not for sale.
14. The applicant testified that he posted information on Facebook as to his proposed plan and had 15 responses within the first few days, thereby indicating that there is certainly a demand for residential apartment uses downtown in the Borough of Highlands. He also received numerous calls regarding the retail space.
15. The applicant made his architectural rendering available to people in town to see and also provided it with his application. The response has been overwhelmingly positive, as indicated by many of those who testified at the hearing.
16. This building is a cornerstone of the borough.
17. This particular applicant has been in the construction business for 35 years, and many of those who testified did so by highlighting the attractive projects he has constructed thus far.
18. The owner lives just outside the borough and, therefore, will be nearby to the subject property.
19. There will be washers and dryers in each unit, which are the small stackable type. Each unit will have its own heat and hot water utilities and meters.
20. Several small business owners in the borough have lent their encouragement to this project. Many hope that the reconstruction of this building will be contagious, and form the impetus for others to do the same in other buildings in the downtown area.
21. Since the site does not have any on-street parking, and did not have on-street parking in the past, there was discussion by the board as to the parking requirements. The applicant and several others testified that this structure will be similar to those you see in places such as Hoboken, where people have access to the waterfront for ease of getting to and from work and, therefore, are accustomed to walking to their homes or from their cars to their homes with groceries.
22. As at least one witness testified, the applicant's proposal will create exactly the environment the borough should be encouraging, both of individual properties and those others who may seek to invest in the downtown area, whether current owners or prospective buyers.
23. The board was struck by the overwhelming community support for this project, both from those who own homes in the borough as well as those who have business interests in the borough. On the flip side, no one appeared to give testimony in opposition to the application, nor did anyone ask any questions that might be interpreted as a negative comment about the application.

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24. A plan will need to be constructed for the lighting for the alleyway and sidewalks, which plan shall have to meet the requirements of the borough ordinances.

25. The utilities on the property require upgrading, especially sewer. The details of same, together with the restoration and road repair, will need to be reviewed by the Engineer to see if they satisfy the requirements of the borough ordinance.

26. Similarly, the sidewalk installation will need to be reviewed by the Engineer.

27. Retail sales and services are permitted as principal uses in both the B-1 and B-1 Neighborhood Business Overlay Zones. Residences, however, are not permitted, nor are they conditional uses in the B-1 Zone; yet they are permitted conditional uses in the B-1 Neighborhood Business Overlay Zone, as long as they are above the first (ground) level and meet the standards required in Borough Ordinance 21-97. Since this property is in the B-1 Overlay Zone, but does not meet all of the standards required in Ordinance 21-97, a d(3) variance is required for the following deviations from the standards prescribed for a conditional use:

A. Maximum of 1 floor allowed for residential use. Here 2 floors of residential use are proposed.

B. Maximum of 33% of the floor area is allowed for residential use. Here 67% of the floor area is proposed for residential use.

C. Ordinance requires 15 parking space for residential uses and 11 parking spaces for business use. No parking spaces are proposed with this application.

D. Each apartment must have a minimum gross floor area of 1,000 square feet. 4 of the 6 proposed apartments have less than 1,000 square feet of gross floor area.

E. 350 cubic feet of storage space is to be provided for each apartment, in addition to any storage areas within each dwelling. No additional storage space is provided for any apartment in this application.

F. Adequate provisions must be provided for trash and garbage. Thus far, no provisions have been proposed; however, the applicant did testify that the probability is that the residential trash receptacles will be stored in the alleyway, as a result of which the property owner will need to make arrangements for the removal of the same, since those cans might not otherwise be placed at the curb for collection by the borough.

28. In addition to the deviations from the conditional use standards, and the use variance for mixed uses in the zone, the applicant also requires a variance for floor area ratio (FAR). Ordinance 21-96F1b maximizes the allowable FAR at 2. In this application the proposed FAR is 2.02, which is a *de minimus* change.

29. A variance is also required for maximum density. Ordinance 21-97L1 permits 8 units per acre at a maximum. In this case, the density approximates 60 units per acre.

30. In addition to the variances set forth above, the following bulk variance is also required:

A. The borough ordinances require a total of 26 parking spaces for this application: 2 spaces per residential unit, plus .05 spaces per unit for public parking; and 1 space for every 250 square feet of office use (an additional 11 spaces). The ordinance further provides, however, that if the applicant can demonstrate that municipal parking is available within 1,000 feet of the subject use, which the applicant has done, the parking requirement may be reduced by the zoning board. Section 21-96.02.G states that if the Board reduces or eliminates the parking requirement of the non-commercial portion of the building, then the applicant shall address the one-time fee to the Borough of Highlands Municipal Parking Capital Improvement Fund as



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outlined in Section 21-65-14E.2.C. This equates to fifteen spaces multiplied by \$500.00 per space, totaling \$7,500.00.

B. Furthermore, as stated earlier, there are two municipal parking lots nearby, which the Board acknowledged and accepted as it relates to Borough Ordinance Section 21-65.14E (commercial parking deficiency variance and parking deficiency fee). Therefore, the one-time fee would not be applicable for the commercial portion of the building.

C. At the time of the hearing of this application, the "80% Rule" under Ordinance 21-98A.2 was in effect. That ordinance, however, was repealed, thereby eliminating the requirement to not exceed 80% of the original building footprint, which ordinance amendment was adopted by the Highlands Borough Council on September 17, 2014.

31. In accordance with the language above, a parking variance is needed for the shortage in parking, which variance the Board approves, subject to the applicant making the required contribution.

32. No variance is required for height.

33. This application will take a dilapidated building, dress it up, and improve the appearance of both the building and the streetscape. Many of those appearing at the hearing so testified.

34. The proposed use will preserve the desired downtown business neighborhood character, and also clean it up, and improve both the property and the downtown area.

35. The applicant met the special reasons required by N.J.S.A. 40:55D-70(d) by meeting the special reasons set forth in N.J.S.A. 40:55D-2(a) (the property is particularly suitable to the proposed use, it, promotes the public welfare, and is maintaining the mixed use of the property); and subsection (i) a desirable visual environment will be created by the replacement of an old building in great need of repair, thereby removing an eyesore and creating a nice-looking structure at the entrance to the downtown area of Highlands.

36. The application meets the Medici criteria, in that the property is particularly suitable for the intended commercial use. The residential uses are also compatible with the existing neighborhood uses.

37. With respect to the negative criteria required to be proven under N.J.S.A. 40:50D-70(d), the Board heard from the applicant and many residents and business owners of their full support for having this property developed by the applicant and creating a pleasant streetscape and environment which will hopefully attract other investors who will improve or replace the older structures in the downtown area.

38. The proposed use will not be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the application was heard by the Board at its meeting on October 2, 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 CHRISTOPHER GROVER to construct a new mixed use residential and retail building as set forth on his plans and in his testimony at 321 Bay Avenue, for commercial uses on the first floor and six apartments, three on the second level and three on the third level is hereby approved. Variances are hereby granted for the use variances of (a) mixed residential and commercial use that does not meet the conditional use standards, (b) floor area ratio of 2.01, (c) density of approximately 60 units per acre, (d) parking (no parking on site); and for deviations from the conditional use standards of Ordinance 21-97 requiring a maximum of 1 floor allowed for residential use, maximum 33% of floor area for residential use, 26 parking-space requirement, minimum floor area per apartment unit, minimum storage space per apartment, and provisions for trash and garbage, as more specifically defined in paragraphs 27 through 29 above; and the bulk variances set forth in more detail in paragraph 30.

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

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A. Prior to any building permit or certificate of occupancy issuing, the applicant shall make the required contribution to the borough's parking fund (Ordinance 21-65.14).

B. Providing proof of arrangements being made to have all trash and garbage removed regularly from the property, such proposal to be acceptable to the borough.

C. Adherence to flood zone requirements.

D. Applicant's plans and construction shall meet all state and borough codes.

E. Lighting for both alleyway and sidewalks shall meet the requirements of the borough ordinance.

F. Details for utility upgrade, restoration and repair shall be subject to review and approval by the Borough Engineer.

G. Any damage to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough; and prior to construction a plan for the same shall be subject to review and approval by the Borough Engineer.

H. Safety fencing and shielding shall be installed, subject to the approval of the Borough Engineer, during construction.

I. Sidewalk upgrades, as necessary, which shall be reviewed and approved by the borough engineer for the Waterwitch Avenue frontage. The Bay Avenue frontage falls within the jurisdiction of Monmouth County.

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

**ROLL CALL:**

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

**NAY: None**

**Abstain: None**

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**ZB#2014-16 Seylez, Geraldine  
Block 79 Lot 13 – 27 Washington Avenue  
Approval of Resolution**

The Board reviewed and discussed the Seylez Resolution.

Mr. Keady stated he received two days ago plan and has not yet reviewed them.

Mr. Baxter explained the setbacks and the further point she could build. He feels she wants to enlarge the deck over what the board has approved.

Mr. Keady – then she would have to amend her application.

Discussion continued.

Mr. Kutosh offered the following Resolution for approval and moved on its adoption:  
11/6/14

**RESOLUTION APPROVING BULK VARIANCES  
FOR GERALDINE SEYLAZ**

WHEREAS, the applicant, GERALDINE SEYLAZ, is the owner of a single family residential property at 27 Washington Avenue in the Borough of Highlands (Block 79, Lot 13); and

WHEREAS, the applicant filed an application for variance approval to rebuild her home on a non-conforming lot by raising the building elevation, adding a second story, as well as a porch and staircase; 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 October 2, 2014; and

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WHEREAS, the Board heard the testimony of the applicant, GERALDINE SEYLAZ, her daughter and son-in-law, PATRICIA and MANNY CARAMANO, and her builder, THOMAS O'NEIL. 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 8/14/14;
- A-3 [NOT USED]
- A-4 Floor plans and survey by Joseph M. Tinley, Jr. dated 7/8/14 (3 pages)
- A-5 9/25/14 survey by Richard Stockton
- A-6 photo

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

- B-1 Board Engineer, Robert Keady, review letter dated 9/24/14 (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 one-level single family residence.
3. The applicant proposes to raise the home (not demolish it) and provide for parking underneath, thereby complying with the new flood plain requirements.
4. The applicant proposes a staircase, which will be enclosed, thereby allowing access in bad weather.
5. The house was built in 1953 by the applicant's father-in-law.
6. The proposed stairs will be on the west side of the home.
7. The two decks will be unroofed in the front.
8. There is currently no parking on the property, but the applicant proposes sufficient space to accommodate two parked vehicles on site after construction.
9. Height is not an issue.
10. Several houses in the immediate area of the subject are being raised as a result of Superstorm Sandy.
11. The footprint of the structure will be basically the same, except for the adding of the staircase and decks.
12. The applicant seeks the following relief:
  - A. Lot area variance for 3,000 square feet, where 3,750 square feet are required; which is the same as the previous home.
  - B. Lot frontage of 37.5 feet, where 50 feet are required; which is the same as the previous home.
  - C. Front yard setback of 7.75 feet, where 20 feet are required; a de minimus change from the prior 7.9 foot setback.
  - D. Side yard setbacks of 5.75/5 feet, where 6/8 feet are required. The prior dwelling had setbacks of 10.1/5 feet.
  - E. Building coverage of 38.7% where 33% is permitted. The prior home had coverage of 31.1%.
  - F. First living level deck front yard setback of .75 feet, where 3 feet are required.
  - G. Second level front deck setback of 7.75 feet, where 20 feet are required.
13. 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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14. The fronts and decks of the adjoining houses in both directions are very similar to that proposed by the applicant. The board, however, wants to insure that the applicant does not further encroach on the front setback any more than either of her neighbors.

15. 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 October 2, 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 GERALDINE SEYLAZ to rebuild her 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 12, subparagraphs A through G, for lot area, lot frontage, lot depth, front yard setback, side yard setback, building coverage, first floor deck front setback and second story front yard setback.

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

A. Neither of the front decks shall be any closer to the street than the closest point of her neighbors' on either side, using the neighbors' house and decks, which may negate the approval of para 12F above.

B. The applicant's plans shall be revised to show the distances as required in condition A above.

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

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

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**Approval of Minutes:**

**None**

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**Communications:**

The Board briefly discussed the resignation of Art Gallagher.

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

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Carolyn Cummins, Board Secretary

**Borough of Highlands  
Zoning Board  
Regular Meeting  
November 6, 2014**

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