

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

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

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

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 Meeting 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. Braswell, Ms. Ziemba**

**Absent: Mr. Fox, Mr. O'Neil, Ms. Ziemba**

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

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**ZB#2014-17 Fitzpatrick, Andrew  
Block 100 Lot 26.30 – 30 Gravelly Point Road  
Dismiss Application**

Mr. Braswell stated that the applicant submitted a withdrawal for this application.

Mr. Kutosh offered a motion to dismiss the application without prejudice. Seconded by Mr. Mullen and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Kutosh, Mr. Knox, Mr. Mullen, Ms. Ziemba**

**NAY: None**

**ABSTAIN: Mr. Braswell**

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**ZB#2014-19 Sehab, Inc.  
Block 48 Lot 7 – 30 Jackson Street  
Request for postponement to January 15, 2015**

Mr. Braswell stated that the applicant has requested a postponement to the January 15, 2015 meeting.

Board had brief discussion.

Mr. Mullen questioned if lifting was required.

Mr. Keady explained the application requires a use variance.

Mr. Baxter spoke of the burden of proof and legal representation is required for the applicant.

Mr. Kutosh offered a motion to postpone the hearing to the January 15, 2015 meeting. Seconded by Mr. Braswell and approved on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. Braswell, Ms. Ziemba**

**NAY: None**

**ABSTAIN: None**

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**ZB#2014-20 Wikander, Richard  
Block 93 Lot 13.01 – 21/23 Snug Harbor Ave  
Application Review & Schedule P.H. Date**

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**Present: Richard Wikander**

The Board reviewed the application and the following was stated:

1. The Variance Application is hereby amended to reflect the correct zone as the R-2.01 Zone.
2. The property was previously subdivided
3. His neighbor has a five foot easement on his driveway.
4. Board Secretary to research subdivision.
5. The house is a two-family home.
6. Applicant is elevating.
7. Second driveway variance and front yard setback.
8. The applicant will bring photographs of site to hearing.

Mr. Knox offered a motion to schedule the hearing on this matter for January 15, 2015. Seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Kutosh, Mr. Knox, Mr. Mullen, Ms. Ziemba, Mr. Braswell**

**NAY: None**

**ABSTAIN: None**

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**ZB#2014-18 Williams, Christopher  
Block 80 Lot 5.01 – 70 Barberie Avenue  
Public Hearing**

**Present: Christopher Williams  
Brian Murphy, P.P.**

The following people were sworn in:

Christopher William of 70 Barberie Ave  
Brian Murphy, P.P. of 1856 Rt 9, Toms River, NJ  
Robert Keady, P.E. of 11 Tindall Road

Mr. Baxter stated that he has reviewed the public notice and certified mail receipts and finds all to be proper therefore the board has jurisdiction to proceed.

The following documents were marked into evidence:

- A-1: Variance Application;
- A-2: Zoning Officer Denial Letter dated 10/9/14;
- A-3: Survey dated 5/8/14;
- A-4: Variance Map dated 9/22/14;
- B-1: Board Engineer letter

Mr. Baxter stated all variances are preexisting and then he read through the variances listed in the Board Engineers letter.

Brian Murphy, P.P. stated the following during his testimony and response to letters from the board:

1. He gave his professional and legal background to the board.
2. The existing single-family damaged home is proposed to be raised.
3. The driveway has existing gravel.
4. Need a second driveway.
5. Currently there are two onsite parking spaces on site.
6. If the application is approved there will be three onsite parking spaces.
7. All the required variances are preexisting and they are just adding a second driveway.
8. The applicant will be responsible for any damage to the sidewalk.
9. The applicant is proposing an asphalt driveway.

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10. The driveway width is equivalent of a space.

11. Curb cut for driveways are two separate.

Mr. Braswell asked if there were any questions from the public but there were none.

Mr. Braswell asked if there were any public comments but there were none.

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

**ROLL CALL:**

**AYE: Mr. Kutosh, Mr. Knox, Mr. Mullen, Ms., Ziembra, Mr. Braswell**

**NAY: None**

**ABSTAIN: None**

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**ZB#2014-20 Rivera, Paschal  
Block 90 Lot 10 – 31 Waterwitch Ave  
Public Hearing**

**Present: Trisha Rivera**

Mr. Baxter stated that he has reviewed the public notice and certified mail receipts and finds everything to be proper therefore the board has jurisdiction to proceed.

The following documents were marked into evidence:

- A-1: Variance Application;
- A-2: Dale Leubner Email dated 11/5/14;
- A-3: Architectural Plans dated 11-19/14;
- A-4: Power of Attorney;
- A-5: Deck location plan;
- A-6: Colored 8 x 11 photo of seven foot roof
- A-7: Colored 8 x 11 photo of the flood
- B-1: Board Engineer Letter.

Patricia Rivera was sworn in and stated that she was the applicant's daughter.

Mr. Baxter reviewed the variances as per the Board engineer's letter.

Mr. Keady said that there were some discrepancies.

Ms. Rivera stated the following during her testimony and response to questions from the board:

1. There is a gravel driveway.
2. New garage needs driveway.
3. The existing driveway would keep the same.
4. New driveway will be concrete.
5. New curb cut will be ADA compliant.
6. This is a storm damaged home.
7. Wants to extend roof from 7 feet to 10 feet on back of house.
8. It will be a fixed roof.
9. Permit by rule applies here.
10. Lower deck proposed 15 x 14 feet and it will be unroofed.

Mr. Baxter read the variances from exhibit B-1.

Mr. Braswell asked if there were any questions from the public.

Doug Card of 28 Shrewsbury Avenue asked if it's the same footprint.

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Ms. Rivera – yes.

There were no further public questions.

Mr. Braswell asked if there were any comments from the public but there were none.

Mr. Keady stated that the plans have the wrong block and lot number.

Mr. Francy then complained about the loss of off street parking.

Board briefly discussed application.

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

**ROLL CALL:**

**AYE: Mr. Kutosh, Mr. Knox, Mr. Mullen, Ms. Ziemba, Mr. Braswell**

**NAY: None**

**ABSTAIN: None**

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**Approval of Minutes**

Mr. Mullen offered a motion to approve the October 2, 2014 minutes subject to three corrections being made. Seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

Mr. Mullen offered the approval of the November 6, 2014 minutes subject to the meeting location being corrected. Seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

**AYE: Mr. Kutosh, Mr. Mullen, Ms. Ziemba, Mr. Braswell**

**NAY: None**

**ABSTAIN: None**

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

The meeting adjourned at 8:24 p. m.

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Carolyn Cummins, Board Secretary