

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
January 15, 2015**

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

Mr. Fox called the meeting to order at 7:36 PM.

Mrs. Cummins made the following statement: As per requirements of P.L. 1975, Chapter 231. Notice is hereby given that this is a Regular Meeting of the Borough of Highlands Zoning Board 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, Ms. Pezzullo,

**Absent:** Mr. O'Neil, Mr. Braswell, Ms. Ziemba, Mr. Wells

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

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**Reorganization**

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

**BOROUGH OF HIGHLANDS  
ZONING BOARD RESOLUTION  
DESIGNATING CHAIRPERSON  
FOR THE YEAR 2015**

**BE IT RESOLVED** by the Borough of Highlands Zoning Board of Adjustment that Ken Braswell be appointed Chairperson of the Zoning Board for a term of one (1) year expiring December 31, 2015.

Seconded by Mr. Kutosh and adopted on the following Roll Call Vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSTAIN:** None

Mr. Kutosh offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS  
ZONING BOARD OF ADJUSTMENT RESOLUTION  
DESIGNATING VICE CHAIRPERSON  
FOR THE YEAR 2015**

**BE IT RESOLVED** by the Borough of Highlands Zoning Board of Adjustment that James Fox be appointed Vice Chairperson of the Zoning Board for a term of one (1) year expiring December 31, 2015.

Seconded by Mr. Knox and adopted on the following Roll Call Vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSTAIN:** None

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

**Borough of Highlands  
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**RESOLUTION APPOINTING ZONING BOARD ATTORNEY  
FOR THE CALENDAR YEAR 2015  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL LEGAL SERVICES**

**WHEREAS**, there exists the need for Professional Legal Services to be provided to the Zoning Board for the calendar year 2015; and

**WHEREAS**, such Professional Legal Services can only be provided by licensed professionals and Greg Baxter, Esq., of the firm of Caruso & Baxter is so recognized; and

**WHEREAS**, the law office of Caruso & Baxter has completed and submitted a Business Entity Disclosure Certification which certifies that the law office of Caruso & Baxter has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit the law office of Caruso & Baxter from making any reportable contributions through the term of the contract, and

**WHEREAS**, the determination of value has been placed on file with this resolution with the Board Secretary; and

**WHEREAS**, has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Zoning Board of Adjustment of the following:

1. Greg Baxter, Esq. of the law office of Caruso & Baxter is hereby appointed as Zoning Board Attorney for the period of January 1, 2015 through December 31, 2015 and said appointment is made as a non-fair and open contract.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by person authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Zoning Board Secretary of the Borough of Highlands.
4. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

**AYES:** Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Mullen, Ms. Pezzullo  
**NAYES:** None  
**ABSTAIN:** None

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

**RESOLUTION AWARDING CONTRACT  
A NON-FAIR AND OPEN CONTRACT  
FOR PROFESSIONAL LEGAL SERVICES  
TO GREG BAXTER, ESQ., OF THE LAW OFFICE OF CARUSO & BAXTER  
&  
APPROVING 2015 CONTRACT**

**Borough of Highlands  
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**WHEREAS**, there exists the need for Professional Legal Services to be provided to the Zoning Board of Adjustment for the period of January 1, 2015 through December 31, 2015; and

**WHEREAS**, such Professional Legal Services can only be provided by licensed professionals and Greg Baxter, Esq. of the law office of Caruso & Baxter is so recognized; and

**WHEREAS**, **Greg Baxter**, Esq. of Caruso & Baxter was appointed as Zoning Board Attorney for the calendar year 2015 on January 15, 2015; and

**WHEREAS**, **Greg Baxter**, Esq. of the law office of Caruso & Baxter has submitted the attached 2015 contract for approval; and

**WHEREAS**, the Zoning Board has reviewed and hereby approves of the attached contract.

**WHEREAS**, the law office of Caruso & Baxter has completed and submitted a Business Entity Disclosure Certification which certifies that Caruso & Baxter has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit Caruso & Baxter from making any reportable contributions through the term of the contract, and

**WHEREAS**, the determination of value has been placed on file with this resolution with the Borough Clerk; and

**WHEREAS**, the law office of Caruso & Baxter has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005,c271, s2).

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

**WHEREAS**, certification of the availability of funds is hereby made contingent upon the adoption of the 2015 Municipal Budget as follows:

Zoning Board Budget           \$ 10,619.00

For Legal Services for the Period of January 1, 2015 through December 31, 2015.

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Patrick DeBlasio, CFO

**NOW, THEREFORE, BE IT RESOLVED** by the Zoning Board of the Borough of Highlands of the following:

1. Greg Baxter, Esq. of the law office of Caruso & Baxter is hereby awarded a non-fair and open contract for professional legal services to be provided to the Zoning Board for the period of January 1, 2015 through December 31, 2015 for an amount not to exceed \$10,619.00 and that the attached contract for 2015 is hereby approved.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by person authorized by law to practice a recognized profession.
3. A copy of this Resolution as well as the contract shall be placed on file with the Board Secretary of the Borough of Highlands.
4. The Board Secretary is hereby directed to publish notice of this award as required by law. Seconded by Mr. Fox and adopted on the following roll call vote:

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**ROLL CALL:**

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

**NAYES:** None

**ABSTAIN:** None

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

**RESOLUTION APPOINTING ZONING BOARD ENGINEER FOR THE CALENDAR  
YEAR 2015 & AUTHORIZING THE AWARD OF  
A NON-FAIR AND OPEN CONTRACT**

**WHEREAS**, the Borough of Highlands Zoning Board has a need for professional engineering services as a non-fair and open contract to be provided to the Board for the calendar year 2015 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and Robert Keady P.E. of the firm of T & M Associates, 11 Tindall Road, Middletown, NJ is so recognized;

**WHEREAS**, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, T & M Associates has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Zoning Board as follows:

1. Robert Keady, P.E. of T & M Associates is hereby appointed as Zoning Board Engineer for the calendar 2015 and said appointment is made as a non-fair and open contract.
2. This contract is awarded without competitive bidding as "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES:** None

**ABSTAIN:** None

Mr. Kutosh offered the following Resolution and moved its adoption:

**Borough of Highlands  
Zoning Board of Adjustment  
Regular Meeting  
January 15, 2015**

**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**RESOLUTION AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES  
T & M ASSOCIATES**

**WHEREAS**, the Borough of Highlands Zoning Board has a need for professional engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, such professional engineering services can only be provided by licensed professionals and Robert Keady, P.E. of the firm of T & M Associates, 11 Tindall Road, Middletown, N.J.07748 is so recognized; and

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, this contract is to be awarded for an amount not to exceed **\$3,600.00** plus reimbursable expenses for Professional Engineering Services provided to the Borough of Highlands Zoning Board for the period January 1, 2015 through December 31, 2015; and

**WHEREAS**, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract, and

**WHEREAS**, **T & M Associates** has completed and submitted a Political Contribution Disclosure form in accordance with P.L. 2005, c 271; and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer of the Borough of Highlands as follows:

I hereby certify funds are available in the 2015 municipal budget contingent upon adoption:

Current Fund:  
1151-3757

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Patrick DeBlasio, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised;

**NOW, THEREFORE, BE IT RESOLVED BY THE** Borough Council of the Borough of Highlands as follows:

1. Robert Keady, P.E. of T & M Associates is hereby retained to provide professional engineering services as described above for an amount not to exceed **\$3,600** plus reimbursable expenses for the period of January 1, 2015 through December 31, 2015.
2. The contract is awarded without competitive bidding as a "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession. The Zoning Board Chairman and Board Secretary are hereby authorized to sign the attached 2015 Contract said contract.
3. A copy of the Resolution as well as the attached approved contract shall be placed on file with the Borough Clerk of the Borough of Highlands.
4. The Borough Clerk is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

Mr. Kutosh offered the following Resolution be memorialized and moved on its adoption:

**BOROUGH OF HIGHLANDS**

**ZONING BOARD OF ADJUSTMENT  
RESOLUTION APPOINTING BOARD SECRETARY  
FOR THE YEAR 2015**

**BE IT RESOLVED** by the Borough of Highlands Zoning Board of Adjustment that Carolyn Cummins be appointed Secretary of the Zoning Board of Adjustment for a term of one (1) year expiring December 31, 2015.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

Mr. Kutosh offered the following Resolution be memorialized and moved its adoption:

**RESOLUTION SETTING THE SCHEDULE FOR REGULAR  
MEETINGS OF THE  
BOROUGH OF HIGHLANDS ZONING BOARD OF ADJUSTMENT  
FOR THE CALENDAR YEAR 2014**

**BE IT RESOLVED** by the Borough of Highlands Zoning Board of Adjustment that the following schedule is hereby designated as the official Regular Meeting Calendar of the Zoning Board of Adjustment for the year 2014. The official meeting days shall be the first Thursday of each month unless otherwise noted.

February 5, 2015  
March 5, 2015  
April 2, 2015  
May 7, 2015  
June 4, 2015  
July 2, 2015  
August 6, 2015  
September 3, 2015  
October 1, 2015  
November 5, 2015  
December 3, 2015  
January 7, 2016 Regular/Reorganization

**BE IT FURTHER RESOLVED** that all meetings will be held at the Highlands Elementary School, 360 Navesink Ave, Highlands, NJ 0772 at 7:30 p.m.

Seconded by Mr. Fox and adopted by the following Roll Call Vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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

**BOROUGH OF HIGHLANDS  
ZONING BOARD OF ADJUSTMENT RESOLUTION  
DESIGNATING OFFICIAL NEWSPAPERS  
FOR THE YEAR 2015**

**BE IT RESOLVED** by the Borough of Highlands Zoning Board of Adjustment that the **ASBURY PARK PRESS, THE TWO RIVER TIMES and Star Ledger** are hereby designated as the official Newspapers for the Borough of Highlands Zoning Board for publications which are required by law for a term of one (1) year, expiring December 31, 2015.

Seconded by Mr. Knox and adopted on the following Roll Call Vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**ZB#2010-3 Amended**

**Quick Chek**

**Block 108 Lot 1.01**

**440 Navesink Avenue**

**Application Review & Schedule P.H.**

**Present: Robert Sterker from Bohler Engineering**

The Board reviewed the application and the following was stated:

1. This is the first amendment to their original site plan approval.
2. The new plans – added a generator location behind the building.
3. Board needs the two previously adopted Resolutions.
4. No photographs are required.
5. They are proposing gas fire generators which only runs when power goes out.
6. The generator only makes noise when it's running.
7. Need to know EPA for public hearing.
8. Applicant must serve public notice and publish as required by law.

Mr. Kutosh offered a motion to schedule the public hearing for this on February 5<sup>th</sup>. Seconded by Mr. Mullen and approved on the following roll call vote:

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

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**ZB#2014-8 Williams, Christopher**

**Block 80 Lot 5.01**

**70 Barberie Avenue**

**Adoption of Resolution**

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

**RESOLUTION APPROVING DESIGN WAIVER AND BULK VARIANCES  
FOR CHRISTOPHER WILLIAMS**

WHEREAS, the applicant, CHRISTOPHER WILLIAMS, is the owner of a single family residential property at 70 Barberie Avenue in the Borough of Highlands (Block 80, Lot 5.01); and

WHEREAS, the applicant filed an application for a design waiver to add a second driveway bulk variance relief for all pre-existing conditions; and

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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 December 4, 2014; and

WHEREAS, the Board heard the testimony of the applicant, CHRISTOPHER WILLIAMS, and his engineer/planner, BRIAN MURPHY. 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 letter and email dated 10/9/14 and 10/15/14 respectively;
- A-3 5/8/14 survey by Frank R. DeSantis;
- A-4 Variance map prepared by Brian P. Murphy, P.E. dated 9/22/14.

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

- B-1 Board Engineer, Robert Keady, review letter dated 11/26/14 (3 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 zone only one driveway is permitted under section 21-65.5.C.2 of the borough ordinances.
2. The site contains a single family residence which has been raised to comply with the new flood elevations, and has a garage underneath.
3. There is an existing gravel driveway to the right/east side of the property. The proposed new driveway will be a concrete, on the left/west side of the property.
4. There is no curb cut now for the second driveway, but one will be created.
5. A full-faced curb of approximately 6 feet in length is proposed between the two driveways.
6. No change to the footprint of the structure is proposed.
7. The property currently has space for two parking spaces. The new proposal is for a total of three parking spaces, which includes the parking under the structure.
8. The sidewalk portion, including across the driveway, of this project will be ADA compliant.
9. The applicant seeks variance relief for all of the following pre-existing conditions:



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A. Lot area of 3,500 square feet, where 3,750 square feet are required;

B. Lot frontage of 45.67 feet, where 50 feet are required; which is the same as the previous home.

C. Front yard setback of 2.4 feet, where 20 feet are required;

D. Side yard setback of 1.8/28.6 feet, where 6/8 feet are required.

E. Side yard setback for accessory structure (a shed) of 2 feet, where 3 feet are required.

F. Rear yard setback of 2.9 feet, where 3 feet are required.

10. The raising of this residential structure in accordance with the new flood zone requirements has improved the subject property, making it safer. It also improves the neighborhood. The application also preserves the neighborhood character.

11. This is a relatively *de minimus* application, since the applicant does not seek any changes to the existing footprint of the home but, rather, only to add a second driveway. Because of the unavailability of sufficient street parking in the borough, the providing of an additional parking space on the property improves the overall parking situation in the borough and in this neighborhood in particular.

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

13. This application meets the requirements of N.J.S.A. 40:55D-70c(2), as the purposes of the Municipal Land Use Act will be advanced by the design waiver for the parking, and the benefits of the deviation substantially outweigh any detriment.

WHEREAS, the application was heard by the Board at its meeting on December 4, 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 WILLIAMS to add a second driveway, as reflected in his plans and testimony, is hereby approved. Additionally, bulk variances are granted as requested and set forth in paragraph 9, subparagraphs A through F for all of the pre-existing conditions set forth therein (i.e., lot area, lot frontage, front yard setback, side yard setback, and accessory structure setbacks).

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

A. The sidewalk portion of the project shall be ADA compliant.

B. Any damages to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.

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

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

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**Borough of Highlands  
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**ZB#2014-20 Rivera, Paschal  
Block 90 Lot 10  
31 Waterwitch Avenue  
Adoption of Resolution**

Mr. Mullen offered the following Resolution and moved on its adoption:  
1/15/15

**RESOLUTION APPROVING A DESIGN WAIVER AND BULK VARIANCES  
FOR RIVERA**

WHEREAS, the applicant, PASCHAL RIVERA, is the owner of a single family residential property at 31 Waterwitch Avenue in the Borough of Highlands (Block 90, Lot 10); and

WHEREAS, the applicant filed an application for bulk variance relief to extend the roof over the rear deck area and a design waiver for a second driveway; 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 December 4, 2014; and

WHEREAS, the Board heard the testimony of the applicant's daughter, PATRICIA RIVERA, who possesses a power of attorney from her father. No persons appeared to object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application (3 pages);
- A-2 Emails to and from Dale Leubner, Zoning Officer, dated 11/5/14 with 3 pages of attachments;
- A-3 Architectural plans by James T. Daley last revised 11/19/14 (3 pages); the block and lot have been corrected to show the property as block 90, lot 10;
- A-4 General durable power of attorney from Paschal Rivera to Patricia Rivera dated 11/19/14 (6 pages);
- A-5 Deck location sketch by Zenon Grybowski, P.L.S., dated 11/18/14;
- A-6 8 ½ X 11 picture of the 7 foot roof at the rear of the house (pre-elevation);
- A-7 Sub-lettered A through E: Five 8½ X 11 photographs depicting flooding, garage and side

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

- B-1 Board Engineer, Robert Keady, review letter dated 11/26/14 (5 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.
2. The site contains a single family residence which has been raised to comply with the new flood elevations.
3. The applicant seeks to extend the rear roof an additional 3 feet (it is now 7 feet deep) over the rear deck area.
4. By extending the roof over the deck it will allow the homeowner to avoid the elements while accessing his home.

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5. The applicant also seeks to add an additional driveway, where only one is permitted in this residential zone. She requests a design waiver for the same.

6. No change to the footprint of the structure is proposed.

7. The shed has been removed and will not be replaced.

8. The sidewalk, including across the driveway, of this project will be ADA compliant. The driveway will be concrete from the street to underneath the home.

9. The applicant seeks variance relief for all of the following pre-existing conditions:

A. Lot area of 3,000 square feet, where 3,750 square feet are required;

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 5 feet, where 20 feet are required;

D. Side yard setback of 2.9/8.6 feet, where 6/8 feet are required.

10. The applicant also seeks approval for the following bulk variances:

A. Building coverage of 46.1%, where 33% is permitted. Note that the prior coverage was 45%, so this will be a de minimus change;

B. Rear yard setback for deck with roof of 18.7 feet where 20 feet are required;

C. Side yard setback for deck with roof of 4.2/9.8 feet where 6/8 feet are required.

11. This home was damaged during Superstorm Sandy and has already been elevated.

12. The applicant seeks to extend the roof from its current 7 feet in depth to a total of 10 feet in depth. The old roof was demolished when the home was elevated.

13. The new roof over the rear deck will be lower in height than the existing rear roof line.

14. The lower deck, which is 15 feet by 14 feet, will remain un-roofed. That deck has no impact on this application, and meets the required setbacks.

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 December 4, 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 PASCHAL RIVERA to add a second driveway and extend the roof at the rear to a total of 10 feet in depth, as reflected in his plans and the testimony, is hereby approved. Additionally, bulk variances are granted as requested and set forth in paragraph 9, subparagraphs A through D for all of the pre-existing conditions set forth therein (i.e., lot area, lot frontage, front yard setback, and side yard setback). Variance relief is also granted for the conditions set forth in paragraph 10, subparagraphs A through C (i.e., building coverage and rear and side yard setbacks for the rear deck roof).

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

A. The sidewalk portion of the project shall be ADA compliant.

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B. Any damages to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.

C. The former shed shall not be replaced.

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

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

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**ZB#2014-19 Sehab, Inc.**

**Block 48 Lot 7**

**30 Jackson Street**

**Postponement**

Mr. Baxter gave the history of the subject application.

Mr. Fox offered a motion to carry the public to the March 5<sup>th</sup> meeting. Seconded by Mr. Kutosh and approved on the following roll call vote:

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

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**ZB#2014-20 Wikander, Richard**

**Block 93 Lot 13.01**

**21 Snug Harbor Avenue**

**Public Hearing**

**Present: Rich Wikander**

Mr. Baxter stated that he has reviewed the public notice and finds it to be proper and that the Board has jurisdiction to proceed.

The following exhibits were marked into evidence this evening:

- A-1: Variance Application;
- A-2: Zoning Denial;
- A-3: Plot Plan dated 10/2/14;
- A-4 (a-1): Twelve Photos;
- A-5: Deed 6/6/97;
- B-1: Board Engineers Letter.

Both Richard Wikander and Robert Keady, P.E. were both sworn in.

Mr. Baxter – the Board Secretary was not able to locate old resolution for the subdivision of this property, so not sure if there were any conditions of approval.

Mr. Wikander gave the stated the following during his testimony and response to questions from the board:

1. He is just putting in a second driveway.
2. The property originally built as a two family.
3. One unit is vacant currently but he already has certificate of occupancy.
4. The Tenant would now have their own driveway under house.
5. The proposed off street parking would have be 5 spaces.
6. Existing onsite parking is for three.
7. There is no parking variance required.
8. The decks and stairs will be open.

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Mr. Baxter read through the Board Engineers Letter and stated the required variances for preexisting is for front, side yard setbacks and the shed. The new variances are for front deck and a design waiver for the driveways./

Mr. Keady – if the deck surface is covered would probably not need variance. Sixty five percent impervious coverage if covers surface under deck . Driveway apron and existing sidewalks, not grave in area of sidewalk. Must meet ADA compliance.

Mr. Mullen – so the applicant is really hear for a setback for front deck and driveway.

Public Portion – Nobody asked a question.

Mr. Wikander then described his photos marked as A-4.

Public Comment – Nobody had any comments.

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

**ROLL CALL:**

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

**NAY: None**

**ABSTAIN: None**

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**Review of Annual Report**

The Board reviewed the 2014 Annual Report.

Mr. Kutosh offered a motion to accept the annual report. Seconded by Mr. Fox and approved on the following roll call vote;

**ROLL CALL:**

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

**NAYE: None**

**ABSTAIN: Ms. Pezzullo**

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**Approval of Minutes**

Mr. Mullen offered a motion to approve the December 4<sup>th</sup> minutes. Seconded by Mr. Knox and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYE: None**

**ABSTAIN: None**

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

**The Meeting adjourned at 8:23 PM.**

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**Carolyn Cummins, Board Secretary**

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