

**Borough of Highlands
Zoning Board of Adjustment
Regular Meeting
February 5, 2015**

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

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 read 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, Mr. Braswell,
Mr. Booth

Absent: Ms. Pezzullo, Ms. Ziembra

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

**ZB#2014-19 Sehab Inc., 30 Jackson Street – Block 48 Lot 7
Application Withdrawal**

Present: None

The applicant submitted a written letter withdrawing the application.

Mr. Kutosh offered a motion to dismiss the application, seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Mr. Booth,
Mr. Braswell

NAY: None

ABSTAIN: None

**ZB#2014-20 Wikander, Richard, 21 Snug Harbor Ave – Block 93 Lot 13.01
Approval of Resolution**

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

**RESOLUTION APPROVING BULK VARIANCES
AND DESIGN WAIVER FOR WIKANDER**

WHEREAS, the applicant, RICHARD WIKANDER, is the owner of a two-family residential property at 21-23 Snug Harbor Avenue in the Borough of Highlands (Block 93, Lot 13.01); and

WHEREAS, the applicant filed an application for variance approval to elevate his existing dwelling in order to comply with the new flood zone requirements and to add a second driveway and a front deck for access to the dwelling; 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 January 15, 2015; and

WHEREAS, the Board heard the testimony of the applicant, RICHARD WIKANDER. No other persons appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

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- A-1 Variance application (3 pages);
- A-2 Zoning Officer denial dated 10/27/14 with a confirming email dated 11/10/14(2 pages);
- A-3 Plot plan by Ray Carpenter of R C Associates Consulting dated 10/2/14 (1 page);
- A-4 12 8 ½ “ X 11” photos sublettered A through L;
- A-5 Deed dated 6/6/97

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

- B-1 Board Engineer, Robert Keady, review letter dated 1/7/15 (5 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 a two-family home in the R-2.01 Zone, in which two-family residences are not permitted. This structure is a prior non-conforming use.
2. This property is located in the AE Zone, with a base flood elevation of 11 feet.
3. The applicant purchased this property in 1997, at which time it was a two-family home. This house was the homestead on a larger lot which was subdivided many years ago. Neither the applicant nor the borough have been able to locate the subdivision approval documents.
4. The applicant has had Certificates of Occupancy issued for both units throughout his ownership, though one of the units is currently vacant.
5. The applicant proposes a second driveway, which will go under the house, which is to be raised, allowing for parking underneath and thereby increasing the on-site parking to accommodate five vehicles. As a result, no parking variance is required.
6. The front deck and stairs will be open. Exhibit A-4 (A through L) was produced to support the applicant’s testimony that many other houses in the neighborhood are only about one foot off of the sidewalk.
7. There will be no impervious groundcover under the deck, as a result of which lot coverage issues are not implicated.
8. The applicant will not take any action with respect to the existing concrete sidewalk, and there will be no gravel in the area of the sidewalk. In addition, the sidewalk portion of the driveway apron shall be in accordance with ADA regulations.
9. The applicant seeks to raise the structure in order to comply with the new flood zone requirements.
10. Because of the addition of a front deck to provide access to the dwelling, a front yard setback variance is required.
11. The applicant seeks the following relief:
 - A. Front yard setback of 10.26 feet where 20 feet are required; a pre-existing condition.
 - B. Side yard setbacks of 5.42/14.35 feet where 6/8 feet are required; a pre-existing condition.
 - C. Side yard setback for shed of 2.96 feet where 3 feet are required; a pre-existing condition.
 - D. Front setback for front deck of 1.5 feet where 3 feet are required.

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12. Lot area, lot frontage, lot depth, rear yard setback, building height, building coverage and lot coverage and are all within the requirements of the borough ordinance.

13. The raising of this residential structure in accordance with the new flood zone requirements will improve the subject property, make it safer, improve the parking situation, and also improve the neighborhood. The application will also preserve the neighborhood character.

14. This application was made as a result of damage caused by Superstorm Sandy, which devastated many properties within the borough. The applicant is, basically, seeking to raise his home, but in conformance with the new flood zone requirements. As a result, the Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

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 January 15, 2015, 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 RICHARD WIKANDER to raise his two-family home, and add a front deck for access to the dwelling is hereby approved. Accordingly, bulk variances are granted for the pre-existing conditions of front yard setback, side yard setback for the home and shed; for front yard setback for the front deck; and a design waiver to permit a second driveway.

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

- A. Any damage during construction which is caused to the existing pavement, sidewalk and curb shall be repaired or replaced to the satisfaction of the borough.
- B. There shall be no gravel in the area of the sidewalk.
- C. Any driveway apron shall be in accordance with ADA regulations.
- D. Though it appears that the applicant may be eligible for an NJ DEP permit by rule approval, he is to verify that with DEP and obtain any and all necessary permits.

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

ROLL CALL:

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

NAY: None

ABSTAIN: None

**ZB#2013(A) Quick Chek
440 Navesink Ave
Block 108 Lot 1.01
Public Hearing on New Business**

**Present: Mary Elizabeth Worner, Esq.
Robert Streker, P.E.**

Mr. Baxter reviewed all the mailing receipts and publication notice and found it to be proper therefore the board has jurisdiction to proceed.

Ms. Worner stated that they are here for relief to install an emergency generator.

The following exhibits were marked into evidence this evening:

- A-1: Site Plan review application
- A-2: Zoning Permit Application and denial dated 11/6/14

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A-3: Minor site plan by Keith B. Cahill, of Bohler Engineering dated 11/11/14

A-4 As-built survey by James C. Weed, of Control Point Associates, last revised 3/6/13

A-5 Survey by James C. Weed, of Control Point Associates, last revised 1/5/15

A-6 Colorized version of page 3 of Exhibit A-3

A-7 Colorized version of page 4 of Exhibit A-3

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

B-1 Board Engineer review letter dated 1/29/15 by Robert Keady (4 pages, plus aerial photo)

B-2 2/2/15 Letter from David Parker, Highlands Office of Emergency Management Coordinator

B-3 Resolution approving use variance for Quick Chek Corporation dated 2/3/11 (15 pages)

B-4 Resolution granting preliminary and final site plan approval for Quick Check Corporation dated 7/7/11 (18 pages)

B-5 Resolution confirming satisfaction of Condition #6 in 7/4/11 resolution of approval and approving location of remediation equipment for Quick Chek Corporation dated 8/2/12 (4 pages)

Mr. Streker was sworn in and stated the following during his testimony and response to question from the board:

1. He described his educational and professional background as a licensed Professional Engineer.
2. The application is for variance relief for a 25.25 foot setback for the emergency generator.
3. He described Exhibit A-7.
4. Quick Check obtain a grant to install an emergency generator.
5. The proposed is a 125 watt generator, natural gas.
6. The generator will be fully enclosed to screen it.
7. The noise generated from the generator is exempt because its only for use in an emergency.
8. The generator will be located on the westerly side of the property, which he further described.
9. The proposed triggers two variances one for accessory structure in front yard housing between front line and street and a 25.25 foot setback.
10. He described the proposed landscaping to hide the generator.
11. The proposed does not impact parking or traffic circulation.
12. The existing pedestrian walkway will be maintained.
13. There is no addition proposed lighting.
14. The maintenance work will be done during the day.
15. The generator will have weekly test and will be done during the day.
16. Testing can only be done depending on air quality.
17. The generator is programed.
18. No ballards are proposed plus they are installing trees.
19. Remediation trailer believes will still be there a while.
20. The generator is 125 kilo watts and is 12 by 4 feet and is 5 ½ feet tall.

There were no questions or comments from the public.

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

ROLL CALL:

AYE: Mr. Fox, Mr. Kutosh, Mr. Knox, Mr. Mullen, Mr. O'Neil, Mr. Booth,
Mr. Braswell

NAY: None

ABSTAN: None

Approval of Minutes:

Mr. Knox offered a motion to approve the January 15, 2015 meeting minutes, seconded by Mr. Fox and approved on the following roll call vote:

ROLL CALL:

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

NAY: None

ABSTAIN: None

Mr. O'Neil offered a motion to adjourn the meeting, seconded by Mr. Fox and all were in favor.

The meeting adjourned at 7:56 P.M.

Carolyn Cummins, Board Secretary