

**Borough of Highlands
Zoning Board
Regular Meeting
October 1, 2015**

Meeting Location: Highlands Fire Dept., 17-1 Shore Drive, Highlands, NJ 07732

Mr. Braswell called the meeting to order at 7:36 P.M.

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 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, Ms. Pezzullo, Mr. Braswell

Late Arrival: Mr. Knox arrived at 7:38 P.M.

Absent: Ms. Ziemba, Mr. Booth

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

**ZB#2015-7 Abbot, Dolores
65 Snug Harbor Avenue – Block 94 Lot 13
Application Review & Set Public Hearing Date**

**Present: Dolores Abbot
Lori Ann Nolan**

Conflict: Rob Keady, P.E. Board Engineer

Mr. Knox arrived to the meeting.

The Board reviewed the application and the following was stated:

1. Mayor Nolan is the applicant's son-in-law.
2. There is a Zoning Denial for bulk variances.
3. Mr. Keady has a conflict because he is appointed by the Mayor.
4. The Board determined to use Joe May, P.E, to review this application.
5. The application appears to be complete.
6. The applicant was asked to bring photographs to the hearing of the site and surrounding sites.
7. The applicant is raising the existing single-family home out of the flood plain and wants to have the stairs enclosed in the rear.
8. Side yard variance and building lot coverage variance will be required.
9. The applicant was advised about the public notice requirements.
10. The board informed the applicant that the elevations don't match on the plans.
11. There is an existing deck in the front and rear yard.
12. The house has a front deck on both the first and second floor and should be added to the plans.

Mr. Kutosh offered a motion to schedule a public hearing for this application at the November 5th meeting. Seconded by Mr. Knox and approved on the following roll call vote:

ROLL CALL:

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

NAY: None

ABSTAIN: None

Mr. Mullen offered a motion to authorize Professional Engineering Services with Joseph May, P.E. to appear at the Abbot hearing, seconded by Mr. Kutosh and approved on the following roll call:

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ROLL CALL:

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

NAY None

ABSTAIN: None

**ZB#2015-6 Anasoulis, Sandra
357 Shore Drive – Block 103 Lot 8
Approval of Resolution**

Mr. Mullen offered the following Resolution and moved on its adoption:
10/1/15

**RESOLUTION APPROVING BULK VARIANCES
FOR ANASOULIS AT 357 SHORE DRIVE**

WHEREAS, the applicant, SANDRA ANASOULIS is the owner of a single-family home at 357 Shore Drive, Highlands, New Jersey (Block 103, Lot 8); and

WHEREAS, the property owner filed an application to demolish her existing flood-damaged home and construct a new single-family 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 September 3, 2015; and

WHEREAS, the following persons testified before the Board: The applicant, SANDRA ANASOULIS; her engineer, GREGORY BAKER; the board engineer, ROBERT KEADY, and the following neighbors: NEAL TABER, MARY RYAN and ELLEN WILLIAMS; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: Variance application (3 pages);
- A-2: Elevation certificate by RICHARD E. STOCKTON dated 3/28/13 (2 pages);
- A-3: Zoning Officer denial email dated 6/15/15;
- A-4: Topographic survey by MARK A. CONOVER dated 8/9/14 (2 pages);
- A-5: Plot plan by GREGORY S. BAKER of Penn Valley Engineering, LLC dated 7/21/15;
- A-6: Photo of existing house from street;
- A-7: Photo of existing house from street, looking to right;

AND, WHEREAS, the following exhibit was also marked into evidence:

- B-1: Board Engineer review letter dated 8/20/15 (4 pages with aerial photo).

WHEREAS, the Board, after considering the evidence, has made the following factual findings and conclusions:

1. The applicant is the owner of a single-family home located in the R-2.03 Zone.
2. This home was damaged during Super Storm Sandy. As a result of the damage, and considering the age of the structure and the cost of raising and rehabilitating it, the applicant felt it would be more prudent to demolish the existing structure and rebuild.

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3. The applicant proposes a complete rebuild. None of the existing structure, including the foundation, will be retained. The footprint of the new structure, however, will be almost identical to the existing one.

4. The new structure will be raised in order to comply with the flood regulations and will be placed on pilings.

5. There will be only one floor of living space.

6. The current home does not meet the requirements of the zone. Neither will the new home; however, there will be some improvements to the existing setbacks.

7. There will be no roof on either porch.

8. There will be a slab under the house where parking will be provided.

9. The applicant intends to maintain the front yard (from the imaginary line of the front of the house forward to the street); however, the balance of the property will not have stone or any other pavement. It will be grass.

10. The new driveway will be stone.

11. Three neighbors (NEAL TABER, MARY RYAN and ELLEN WILLIAMS) testified and supported the application. They all felt that the applicant keeps her property very nicely, and that the raising of the house, with a new home, will be an improvement---both to the property and to the neighborhood.

12. All three neighboring residents, however, did raise questions regarding the large number of feral cats and raccoons that are on the property and, as a result, come on to their properties, a situation which all were concerned about. The Board determined that this was not an issue that the Board could address from a zoning standpoint, and referred the neighbors, as well as the property owner, to the Borough Administrator and Animal Control Board.

13. The applicant seeks the following bulk variances:

(a) Lot area of 1,811 s.f. where 5,000 s.f. are required (same as existing condition);

(b) lot frontage of 30 feet where 50 feet are required (same as existing condition);

(c) lot depth of 60 feet, where 100 feet are required (same as existing condition);

(d) front yard setback of 11.73 feet for the dwelling, where 20 feet are required (a very slight improvement over the existing setback of 11.65 feet);

(e) rear yard setback of 6.0 feet, where 20 feet are required (a slight improvement to the existing setback of 4.01 feet);

(f) side yard setback of 1.89 (left)/5.76 (right) feet, where 6/8 feet are required (these dimensions are very slightly less than the existing conditions of 3.98/4.38 feet);

(g) building coverage of 48.59%, where 30% is required (a slight improvement over the existing 49.64%);

(h) side yard setback for accessory structure (front stairs) of 1.89 feet where 3 feet are required;

(i) side yard setback for accessory structure (side stairs/deck) 1.5 feet, where 3 feet are required.

14. The proposed use as a single-family home is in conformance with the R-2.03 Zone requirements.

15. The prior dwelling encroached over the rear property line as a result of an existing shed. That shed, however, will be removed and not replaced, removing the encroachment.

16. This home has been approved by the REM Program because of the substantial damage to the home as a result of Superstorm Sandy and the need for reconstruction.

17. This property has a narrow width and narrow depth, creating a hardship for any single family home. According to the applicant's engineer, the applicant has selected an "off the shelf" modular home, which is conservative in

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size and very similar to the size of the existing structure. The home chosen by the applicant is approved by the REM Program.

18. The current layout does not provide the required off-street parking. As a result of the raising of the structure, there will be space for two vehicles, a significant improvement to the existing layout.

19. Height is not an issue.

20. Many homes in this neighborhood have undergone or are undergoing construction or reconstruction as a result of Superstorm Sandy.

21. Because of the dimensions of the property and the fact that this is an existing single-family home in a zone permitting single-family homes, the applicant has met the requirements of proving a hardship under N.J.S.A. 40:55D-70c(1)(a).

22. There will not be a substantial detriment to the public good, nor will the new home be out of character in the neighborhood. All three neighbors so testified.

23. The rebuilding of an old home, meeting new construction requirements, will be a significant improvement to the lot, as well as to the neighborhood and the borough as a whole. As a result, the applicant's plan will serve the purposes advanced by the Municipal Land Use Law, particularly (b) secure safety on the property from flood and other natural and manmade disasters; and (i) promoting a desirable visual environment. In addition, the positive and negative criteria have been met.

WHEREAS, the application was heard by the Board at its meeting on September 3, 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 SANDRA ANASOULIS to rebuild her existing flood-damaged single-family home and construct a new dwelling in accordance with the exhibits and testimony provided be and the same is hereby approved. Bulk variance relief is hereby given for lot area, lot frontage, lot depth, front yard setback, rear yard setback, side yard setback, building coverage, accessory structure side setback for both the front stairs and side stairs, all as more specifically set forth in paragraph 13 and its subparagraphs herein.

AND BE IT FURTHER RESOLVED that this approval is subject to the following conditions:

- A. The existing shed shall be removed and not replaced.
- B. There will not be any stone or driveway-type surface beyond the imaginary line of the front of the house, going to the rear.
- C. The fence at the rear of the property will be removed.
- D. Any damage caused during construction to the existing pavement, sidewalk and curb will be repaired or replaced by the applicant, to the satisfaction of the Borough.

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

ROLL CALL:

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

NAY: None

ABSTAIN: None

Approval of Minutes

Mr. Kutosh offered a motion to approve the September 3, 2015 Minutes, seconded by Mr. Mullen and approved on the following roll call vote:

ROLL CALL:

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

NAY: None

ABSTAIN: None

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Mr. Fox offered a motion to adjourn the meeting, seconded by Ms. Pezzullo and all were in favor.

The meeting adjourned at 7:52 P.M.

Carolyn Cummins, Board Secretary