

**Borough of Highlands
Zoning Board of Adjustment
Regular/Final Meeting
February 4, 2016**

Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave, Highlands, NJ 07732.

Mr. Braswell called the meeting to order at 7:39 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 of Adjustment and all requirements have been met. Notice has been transferred 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. Knox, Mr. Mullen, Mr. Colby, Mr. Braswell

Absent: Ms. Pezzullo, Ms. Ziemba

Also Present: Carolyn Cummins, Board Secretary

Greg Baxter, Esq., Board Attorney

Robert Keady, P.E. Board Engineer

ZB#2015-8 Colaci, Kathleen

Block 74 Lot 3 – 88 Seadrift Ave

Adoption of Resolution

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

**RESOLUTION APPROVING BULK VARIANCES
FOR COLACI**

WHEREAS, the applicant, KATHLEEN COLACI, is the owner of a single-family home at 88 Seadrift Avenue in the Borough of Highlands (Block 74, Lot 3); and

WHEREAS, the applicant filed an application for variance approval to demolish her existing storm-damaged dwelling and construct a new single-family one-story home on a piling foundation; 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 7, 2016; and

WHEREAS, the Board heard the testimony of the applicant, KATHLEEN COLACI and her builder, CHRIS ADLER of America's Home Place. No other persons appeared to ask questions or object to the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Variance application with applicant's narrative (6 pages);
- A-2 Zoning permit denial with email from Zoning Officer dated 6/23/15 (2 pages);
- A-3 Elevation Certificate by Marc J. Cifone dated 3/31/14 (3 pages);
- A-4 Survey by Marc J. Cifone dated 3/31/14;
- A-5 Timber Pile Plan by J. David Calfert, of Matrix Engineering, Inc., with zoning table;
- A-6 RREM Program plans by Richard F. Johnson, of Long Architectural services, Inc., dated 4/7/15 (6 pages);

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A-7 (A to D) Pictures taken within week of Superstorm Sandy;

A-8 Code enforcement information of 12/11/15 from Dave Mercado (6 pages);

A-9 (A to C) Three pictures of streetscape;

A-10 Google photograph of existing house.

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

B-1 Board Engineer, ROBERT R. KEADY, JR. review letter dated 12/23/15 (4 pages);

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 single-family home in the R-2.01 Zone, in which zone single-family residences are permitted.

2. The applicant has been displaced from her home since Superstorm Sandy in October 2012, having gone through several different builders and attempted approvals.

3. The existing single-family home is 1,100 s.f. The new home will be approximately 886 s.f. and, therefore, is smaller.

4. Both the existing and new home are both one story, two bedrooms, one bath, and no garage.

5. There is currently no off-street parking, and none is proposed.

6. The applicant's builder testified that it would not be feasible to put any parking under the structure because of the staircase and because of the additional changes to the entrance from the street and surface area under the home, all of which are additional costs which are not approved by the RREM program.

7. Because of the staircase, which cuts across the home, there is no ability to place parking under the structure, since there would be no way to access it.

8. The applicant obtained RREM approval; however, their requirements restrict building any replacement structure more than 300 s.f. over the prior structure.

9. After the storm, all of the home's utilities were floating; the home was totally destroyed; there was little to save; and all mechanicals were ruined.

10. The applicant received a "substantial damage" letter from the borough.

11. Because the home is unlivable, it needs to be demolished and rebuilt.

12. This house, after reconstruction, will be approximately the same distance from the street as the average homes in the neighborhood, especially on applicant's side of Seadrift Avenue.

13. The applicant's builder testified that the company for which he is division president operates in approximately 12 states with 37 offices. They build approximately 1,000 homes per year, and have been approved by the RREM program for rebuilding. This builder, however, got involved late in the process, after the design was already prepared and approved.

14. The housing choices under the RREM program are very limited. This proposed home is the smallest one in the RREM program.

15. This house has been customized from the DCA-approved plans.

16. This home will be slightly further back from the street than the existing home, and is narrower. The side yards, however, are larger.

17. There is not enough depth in this property to provide for the required front yard setback under the ordinance.

18. The applicant seeks the following relief:

A. Lot area of 1,750 square feet, where 3,750 square feet are required, a preexisting condition.

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B. Lot frontage of 25 feet, where 50 feet are required, a preexisting condition.

C. Lot depth of 70 feet, where 75 feet are required, a pre-existing condition;

D. Front yard setback of 4.0 feet where 20 feet are required. The existing setback is 3.3 feet.

E. Rear yard setback of 16.4 feet, where 20 feet are required. The existing setback is 18.6 feet.

F. Side yard setbacks of 4.0/3.0 feet where 6/8 feet are required. The existing setbacks are 1.6/2.9 feet, so this is an improvement.

G. Building coverage of 48%, where 33% is permitted, an improvement over the existing coverage of 58.6%.

H. A parking variance, since there will be no on-site parking, as currently exists, where 2 spaces are required.

19. Building height meets the requirements of the borough ordinance.

20. 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.

21. The Board finds that the positive criteria required for bulk variance relief under N.J.S.A. 40:55D-70(c) has been met.

22. 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 7, 2016, 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 KATHLEEN COLACI to demolish her single-family home, and construct a new single family home in accordance with her plans is hereby approved. Accordingly, bulk variances are granted for the pre-existing conditions of lot area, lot frontage and lot depth; and variances are granted for front yard setback, rear yard setback, side yard setbacks and building coverage, and for parking (no on-site parking; all as set forth in detail in paragraph 18, subparagraphs A through H above.

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. All improvements shall meet current flood requirements.

C. Flood plain review is deferred to the Flood Plain Officer.

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

ROLL CALL:

AYE: Mr. Knox, Mr. Mullen, Mr. Colby, Mr. Braswell

NAY: None

ABSTAIN: None

Approval of Minutes

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Mr. Fox offered a motion to approve the December 3, 2015 Zoning Board Minutes with a correction on page 1 to change from Joe May to Robert Keady in attendance. Seconded by Mr. Braswell and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Fox, Mr. Colby, Mr. Braswell

NAY: None

ABSTAIN: None

Mr. Mullen offered the approval of the January 7, 2016 minutes with corrections on page 7 item 18 change from illuminated to eliminated and on page 1 change from Planning Board to Zoning Board. Seconded by Mr. Knox and approved on the following roll call vote:

ROLL CALL:

AYE: Mr. Knox, Mr. Mullen, Mr. Colby, Mr. Braswell

NAY: None

ABSTAIN: None

Communications

Board discussed how the February 4th minutes would be approved.

Mr. Baxter explained since some of the Zoning Board Members are on the Planning Board only those members could vote on the February 4th Zoning Board Minutes.

The Board spoke about the time served on the Zoning Board and how this would be the final Zoning Board Meeting.

Mr. Colby offered a motion to adjourn, seconded by Mr. Mullen and all were in favor.

The Meeting adjourned at 7:54 P.M.

Carolyn Cummins, Board Secretary