

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

9/7/06

**RESOLUTION APPROVING BULK VARIANCES  
FOR ALVATOR AT 49 CEDAR STREET**

WHEREAS, the applicant, MICHAEL ALVATOR, is the owner of 49 Cedar Street, Highlands, New Jersey (Block 70, Lot 5); and

WHEREAS, the applicant has filed an application to add a 2-story addition to the rear of his single-family home; 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 at a meeting on August 3, 2006; and

WHEREAS, the Board heard the testimony of MICHAEL ALVATOR and DIANE ALVATOR; and

WHEREAS, no persons appeared in objection or to ask questions regarding the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1: Variance application (3 pages);
- A-2: Flood plain review application (1 page);
- A-3: Zoning permit application (denied) with Zoning Officer's chart;

- A-4: 2/3/92 survey by THOMAS FINNEGAN;
- A-5: 3 pages of building plans prepared by the applicant;
- A-6: Portion of the same survey (A-4) with proposed addition drawn thereon by applicant;
- A-7: 15 photographs of subject and other properties in the neighborhood, in 3 folders;
- A-8: Hardship letter regarding daughter's medical problem; and

WHEREAS, the Board received a review letter dated July 27, 2006, from FRANCIS MULLAN, Board Engineer;

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-2.02 Zone.

2. The current home is rather small, and does not adequately accommodate the owners and their three children, all of whom are under the age of 7 years.

3. The applicant requires the following variances for preexisting conditions: Minimum lot size of 3,756 square feet where 4,000 square feet are required; and front yard setback of 13.12 feet where 20 feet are required.

4. The applicant also requires variances for the following: Side yard setback of 1.7 feet and 25 feet where 6 feet and 8 feet are required. It is noted that the 1.7-foot setback on the left (north) side is preexisting; and rear yard setback of 2 feet where 20 feet are required.

5. The applicants want to retain a green/play area on the property, and have designed the proposed addition to accommodate such an area.

6. The existing shed in the right rear of the premises will be removed.

7. The neighbor's garage to the rear is within 2 feet of the property line, as a result of which the proposed addition will be approximately 4 feet from the neighbor's garage.

8. The applicants considered building an addition to the north of the current home, on the current driveway area, or to the rear of the driveway area; however, that addition would be too close to the neighbor's home, which is almost on the

property line. Such a location, therefore, is contraindicated.

9. The applicants have a child at home who needs round-the-clock care. As a result, one of the reasons for the proposed addition is to enlarge her bedroom to allow for the ventilator equipment and a nurse or other person to stay in the room with the child.

10. The proposed addition is configured in such a way as to not adversely impact other neighboring homes.

11. There are no changes in grade planned by the applicant.

12. Because of the 4 dormers at the rear of the property, it was difficult to configure the addition to the home in a design different from the one proposed.

13. The proposed design accommodates for better circulation within the house.

14. There is adequate off-street parking on the property, which meets the requirements of the zoning ordinance.

15. The design proposed by the applicant maximizes the green area on the property.

16. The proposed lot coverage, after the addition, would be approximately 65.3% where 75% is permitted by ordinance. Accordingly, no variance is required.

17. Air circulation is much better with the addition proposed to the rear, rather than to the north of the home.

18. The footprint of the existing home will not change, except for the addition to the rear.

19. The proposed addition will not be a substantial detriment to the public good and will not be a substantial impairment to the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, the application was heard by the Board at its meeting on August 3, 2006, and this resolution shall memorialize the Board's action taken at the August 3, 2006, meeting;

NOW, THEREFORE, BE IT RESOLVED by the Zoning Board of Adjustment of the Borough of Highlands that the application of MICHAEL ALVATOR to add a 2-story addition to the rear of his

home at 49 Cedar Street (Block 70, Lot 5), as defined on the plans submitted and referenced herein, be and is hereby approved, and variances are hereby granted for the preexisting conditions of lot size and front yard setback, as set forth earlier herein; and for side and rear yard setbacks, as described herein;

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

(1) The shed to the rear of the property will be removed and not replaced.

(2) Roof runoff shall be directed toward the street, and not onto adjoining properties.

(3) Approval is required from the Fire Marshal and Fire Subcode Official.

Seconded by Ms. Ryan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Braswell, Mr. Mintzer, Mr. Francy, Ms. Ryan, Mr. Mullen

**NAYES:** None

**ABSTAIN:** None

**DATE:** September 7, 2006

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**Carolyn Cummins, Board Secretary**

I hereby certify this to be a true copy of the Resolution adopted by the Borough of Highlands Zoning Board of Adjustment on September 7, 2006.

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**Board Secretary**