

Mr. Knox offered the following Resolution and moved on its adoption:
4/3/14

**RESOLUTION APPROVING BULK VARIANCES
FOR CASTELLITTO**

WHEREAS, the applicant, ANTHONY CASTELLITTO, is the owner of a single family residential property at 361 Shore Drive in the Borough of Highlands (Block 103, Lot 10); and

WHEREAS, the applicant filed an application for variance approval to rebuild his home that was substantially damaged during Superstorm Sandy and subsequently demolished by his contractor; 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 March 6, 2014; and

WHEREAS, the Board heard the testimony of the applicant, ANTHONY CASTELLITTO. 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 (3 pages);
- A-2 Zoning Officer denial dated 11/25/13;

- A-3 Elevation certificate by Charles Surmonte dated 2/25/13
- A-4 Proposed Plot Plan by Robert Wickel II dated 1/2014
- A-5 a portion of his survey, pre-demolition
- A-6 Architectural drawings by Robert Wickel II of RFW Engineering dated 12/30/13 (7 pages)
- A-7 Highlands Construction Permit receipt dated 9/23/13 (5 pages)

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

- B-1 Board Engineer, Robert Keady, review letter dated 1/29/14 (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 property located in the R-2.03 Zone, in which single-family residences are permitted.

2. The site previously contained a single family residence, which home was substantially damaged during Superstorm Sandy in October 2012.

3. The property owner subsequently sought and obtained a construction permit (A-7) to rehabilitate his home and repair the storm damaged structure.

4. During the rehabilitation, and without notice to the property owner, his contractor decided

that the damage was too severe and so he, the contractor, demolished the home. The property owner learned of this when a neighbor called him.

5. The applicant's lot is on the south side of Shore Drive, and also has frontage on Fay Street. The home fronts, however, on Shore Drive.

6. Off-street parking for two vehicles is provided, so no parking variance is required.

7. The applicant seeks to raise the structure in order to comply with the new flood zone requirements.

8. The footprint of the structure will be basically the same, however, after hearing initial comments from the board during the scheduling meeting, the applicant placed the home more to the center of the lot, which is an improvement, both from a safety standpoint and aesthetically.

9. The applicant seeks the following relief:

A. Lot area variance for 3,427 square feet, where 5,000 square feet are required; a pre-existing condition.

B. Lot frontage of 28.35 feet where 50 feet are required; a pre-existing condition.

C. Front yard setback of 13.5 feet where 20 feet are required; which is the same setback as the previous home.

D. Side yard setbacks of 2.2/2.5 feet where 6/8 feet are required (the previous setbacks were .6/3.2 feet, so the proposal is a slight improvement over the past).

E. Setback for deck on second floor of 3.5/3.2 feet where 6/8 feet are required. There was no previous second floor deck.

10. Lot depth, building height, lot coverage and building coverage are all within the requirements of the borough ordinance.

11. 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.

12. 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 storm-damaged dwelling as a result of his contractor having demolished his home during its rehabilitation. 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.

13. 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 March 6, 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 ANTHONY CASTELLITTO to rebuild his single family home as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 9 above for lot area, lot frontage, front yard setback, side yard setback and the setback for the second floor deck.

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

A. The existing shed will be removed, as testified.

B. A signed version of the plan shall be submitted before any construction permits are issued.

C. 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.

D. Compliance with FEMA, NJDEP and all other outside agencies and departments.

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

ROLL CALL:

AYES: Mr. Kutosh, Mr. Knox, Mr. O'Neil,
Mr. Braswell

NAYES: None

ABSTAIN: None

DATE: April 3, 2014

Carolyn Cummins
Board Secretary

I hereby certify this to be a true copy of a Resolution adopted by the Borough of Highlands Zoning Board on April 3, 2014.

Board Secretary