

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

**RESOLUTION APPROVING BULK VARIANCES  
FOR YAROLI**

WHEREAS, the applicant, STEVEN YAROLI, is the owner of a single family residential property at 32 Cornwall Street in the Borough of Highlands (Block 52, Lot 14); and

WHEREAS, the applicant filed an application for variance approval to construct a new single family home where his prior home was substantially damaged in Super Storm Sandy, which new home would be compliant with the new flood zone requirements; 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, STEVEN YAROLI and his engineer/planner, CATHERINE FRANCO. 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 2/10/14 with attached email;
- A-3 Survey by Thomas Santry dated 12/3/13;
- A-4 Architectural plans/drawings by CATHERINE FRANCO dated 1/20/14, revised 2/20/14;
- A-5 Neighborhood survey prepared by CATHERINE FRANCO (3 pages)

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

- B-1 Board Engineer, Robert Keady, review letter dated 2/26/14 (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 property located in the R-2.02 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 has determined that it would be more cost efficient, and certainly more of an improvement, to rebuild the home, on pilings, to the current flood zone requirements, rather than rehabilitate the damaged home.

5. The applicant's lot fronts on Cornwall Street, but also has frontage on North Street.

6. Off-street parking for two vehicles under the structure is provided, plus there will be available street parking on Cornwall Street. 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 new home will face Cornwall Street and bear that address.

9. There will no longer be a deck off the back of the house, as that is being converted to living space.

10. The applicant seeks the following relief:

A. Lot area variance for 2,100 square feet, where 4,000 square feet are required; a pre-existing condition.

B. Lot frontage of 30 feet on each street, where 50 feet are required; a pre-existing condition.

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

D. Front yard setback of 12 feet on Cornwall Street and 3 feet on North Street, where 20 feet are required; which results in an additional 8 foot setback from Cornwall than the original structure, and a decrease

of 4 feet on North Street from the original structure.

E. Side yard setbacks of 3.67/3.0 feet where 6/8 feet are required; an overall decrease in total setbacks of .93 feet (i.e., less than a foot).

F. Building coverage of 56.24% where 33% is permitted. The prior home had coverage of 60.2%, so this is a positive change to the property.

11. Rear yard accessory structure setback, as well as building height and lot coverage and are all within the requirements of the borough ordinance.

12. 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, and the new front yard setback will be an improvement over the prior condition on Cornwall Street.

13. 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 rebuild a new home in place of the storm-damaged dwelling, 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.

14. 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 STEVEN YAROLI to build a new single family home, replacing his storm-damaged home, as set forth on the plans submitted is hereby approved. Accordingly, bulk variances are granted as set forth in paragraph 10 above for lot area, lot frontage, lot depth (all of which are pre-existing conditions), and for front yard setbacks, side yard setbacks and building coverage.

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

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

B. 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.

C. The Board defers to the Flood Plain Officer to review the building elevation, the property being in the A zone.

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

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

**ROLL CALL:**

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

**NAYS:** None

**ABSTAIN:** None

**DATE:** April 3, 2014

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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 on April 3, 2014.

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Board Secretar