

Mr. Knox offered the following Resolution and moved on its adoption:  
7/3/14

**RESOLUTION APPROVING BULK VARIANCES  
FOR GATES**

WHEREAS, the applicant, GERALD GATES, is the owner of a single family residential property at 20 Cornwall Street in the Borough of Highlands (Block 52, Lot 19); and

WHEREAS, the applicant filed an application for variance approval to construct a new single-family dwelling on the same footprint as his prior dwelling which was substantially damaged during Superstorm Sandy; 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 June 5, 2014; and

WHEREAS, the Board heard the testimony of the applicant, GERALD GATES. No other person 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 4/10/14;

- A-3 Plot plan by Gates Architectural Design dated 4/22/14;
- A-4 Plan of survey by Anthony Romeo dated 12/15/06; revised 12/19/06;
- A-5 Architectural plans with Zoning Analysis Chart by Gates Architectural Design dated 4/30/14, revised 5/8/14;
- A-6 Picture;
- A-7 Picture;
- A-8 Plans (same as A-5) on board

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

- B-1 Board Engineer, Robert Keady, review letter dated 5/29/14 (4 pages plus aerial photo);

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 applicant has decided to build on pilings, which is not required but is thought, by him, to be the wisest choice.

4. The Board discussed the location of the house and the possibility of centering it more on the lot. Because the existing garage poses an impediment to moving the house, that was not doable.

5. The houses on Cornwall Street typically have front yard setbacks of between 5 feet and 8 feet. This one will be similar, and exactly the same setback as the prior home.

6. This house will be similar to but smaller than most of the other houses in the immediate neighborhood.

7. The Board observed that if the applicant built a similar house to the prior home, he would not likely need any new variances; however, because of the use of the existing footprint, variance relief is required.

8. Off-street parking for at least two vehicles is provided, so no parking variance is required.

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

10. The footprint of the structure will be basically the same, however the home will be raised to

meet the new flood plain requirements, though no height variance is required.

11. The applicant seeks the following relief:

A. Lot area variance for 3,675 square feet, where 4,000 square feet are required; which is the same as the previous home.

B. Lot depth of 70 feet, where 75 feet are required; which is the same as the previous home.

C. Front yard setback of 4.4 feet on Cornwall Street, where 20 feet are required; which is the same setback as the previous home.

E. Side yard setbacks of 4.1/23.4 feet where 6/8 feet are required; which is virtually the same setback as the previous home. Variance is only required on southerly side.

F. Building coverage of 42.1% where 33% is permitted; the prior home had coverage of 39.9%.

G. Garage front setback on North Street of 1.6 feet where 3 feet are required; which is the same as the existing garage.

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.

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 his storm-damaged dwelling. 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 June 5, 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 GERALD GATES 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 11 above for lot area, lot depth, front yard setback on Cornwall Street, side yard setback, building coverage and garage front setback on North Street.

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. Applicant shall verify with NJDEP (i.e., he may be eligible for a NJDEP permit by rule), and obtain any and all necessary permits.

C. Review of the building elevation is deferred to the Flood Plain Officer (the site is located in the AE zone).

D. Approval from any and all outside agencies or departments that are required.

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

**ROLL CALL:**

**AYES:** Mr. Fox, Mr. Kutosh, Mr. Knox,  
Mr. Gallagher, Mr. Mullen, Mr. Braswell

**NAYS:** None

**ABSTAIN:** None

**DATE:** July 3, 2014

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Carolyn Cummins  
Board Secretary

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

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Board Secretary