



**BOROUGH OF HIGHLANDS
LAND USE BOARD REGULAR MEETING**

151 Navesink Ave. - Court Room
Thursday, April 10, 2025 at 7:00 PM

AGENDA

Please be advised that the agenda as shown may be subject to change. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

CALL TO ORDER: *The chair reserves the right to change the order of the agenda.*

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT: *As per requirement, notice is hereby given that this is a Regular Meeting of the Borough of Highlands Land Use Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.*

ROLL CALL

OPEN FOR PUBLIC COMMENTS: *General Questions or Comments not pertaining to Applications*

APPROVAL OF MINUTES

1. March 13, 2025 LUB Meeting Minutes

ACTION ON OTHER BUSINESS

2. O-25-05 Amendment to Sign Ordinance

HEARINGS ON NEW BUSINESS

3. LUB25-01: Ayers – 19 Bay Ave., B38.01 L13 – Use Variance
4. LUB25-03: Nastasi – 19 Gravelly Point, B100 L26.19 – Variance, revised approval
5. LUB25-04: Honorable Plant – 123 Bay Ave., B46 L3 – Amendment to Resolution

ADJOURNMENT

Board Policy: • All meetings shall adjourn no later than 10:00 P.M. unless a majority of the quorum present at said hour vote to continue the meeting to a later hour. • No new hearing shall commence after 9:15 P.M. unless the Chairperson shall rule otherwise. • The Chair may limit repetitive comments or irrelevant testimony and may limit the time or number of questions or comments from any one citizen to ensure an orderly meeting and allow adequate time for members of the public to be heard.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-25-05

AMENDING CHAPTER 10 (BUILDINGS AND HOUSING), SECTION 10-7 (SIGNS AND OUTDOOR DISPLAY STRUCTURES) AND CHAPTER 21 (ZONING AND LAND USE REGULATIONS), ARTICLE XXII (SIGNS) OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS

WHEREAS, the Borough of Highlands (the "Borough") Revised General Ordinances ("Code") Chapter 10 (Building and Housing), Section 7 (Signs and Outdoor Display Structures) and Chapter 21 (Zoning and Land Use Regulations), Article XXII (Signs) each contain provisions and requirements for signage placement, design, and standards within the Borough; and

WHEREAS, certain portions of these Code sections are duplicative or conflicting; and

WHEREAS, the governing body desires to clearly incorporate Attachment 2 – Sign Schedule of Chapter 21 (Zoning and Land Use Regulations) of the Borough Code into Section 21-103 (Specific Standards by Zone District) of the Borough Code; and

WHEREAS, Attachment A – Sign Design Guidelines of Chapter 21 (Zoning and Land Use Regulations) of the Borough Code was renamed and the governing body desires to incorporate this new name into Code Section 21-102; and

WHEREAS, the governing body desires to amend the aforementioned sections of the Code in order to ensure consistency with the provisions and requirements for signage placement, design, and standards and make minor changes to update the standards regarding signs within the Borough.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Highlands as follows:

SECTION I.

Borough Code Chapter 21 (Zoning and Land Use Regulations) Article XXII (Signs) is hereby amended to provide as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as ~~***strikeovers in bold italics***~~.):

Section 21-101 (Purpose): No Changes.

Section 21-102 (General Standards) A. through B.: No Changes.

C. General Guidelines.

1. Sign messages should be simple and clear, using short messages or graphic symbols, and contrasting colors.
2. Sign materials and colors should harmonize with the building with which the sign is associated.
3. Sign size and orientation should be appropriate to both the building with which the sign is associated and the audience to whom it is directed.
4. Sign design should follow the guidelines established in the "~~***Central Business District, Design Manual***~~ **Signage Design Guidelines**" developed by the Neighborhood Preservation Program and adopted by the Planning Board. However, any conflicts between the requirements of this chapter and the ~~***Design Manual***~~ **Sign Design Guidelines** shall be resolved in favor of ~~the~~ Chapter 21.

D. through F.: No Changes.

Section 21-103 (Specific Standards by Zone District) A. through D.: No Changes.

E. Sign dimensions and placement should follow the guidelines established in the "Sign Schedule". (Please refer to Appendix 2.) However, any conflicts between the requirements of this chapter and the Sign Schedule shall be resolved in favor of Chapter 21.

Section 21-104 (Sign Permits)

A. Applications. A sign permit shall be required for any sign to be erected, displayed, altered or enlarged that has not been approved as part of a site plan application and erected as part of site plan construction. Such permit shall be issued by the Zoning Officer upon the filing of an application including, at minimum, the following information: the name of the owner of the property upon which the sign is to be erected; the name of the owner of the sign and his address; the name and address of the person or firm engaged to construct and erect the sign; a scale drawing specifying dimensions, material, illumination, letter sizes, colors, support systems, and location on land or building. All sign permit applications shall comply with the requirements of this chapter and of NJDOT's outdoor advertising standards if applicable.

B. Fees. The fee for a sign permit is ~~twenty five (\$25.00)~~ **fifty (\$50.00)** dollars per year. **Sign permits must be renewed annually.**

C. Action. The Zoning Officer shall act within thirty (30) days of the receipt of a complete sign application. Appeals of the action or decision of the Zoning Officer under this section may be taken to the Board of Adjustment under the provisions of N.J.S.A. 40:55D-70a.

D. Temporary Signs. Temporary signs shall be subject to the same permit requirements as permanent signs, ~~with the exception of political signs for which no permit shall be required.~~ **Temporary signs related to an event shall be placed no more than one month before the event, and shall be removed within five days after the conclusion of the event.**

Section 21-105 (Exemptions)

- A. The provisions and regulations of this Part shall not apply to the following signs:
 1. Any sign(s) having an aggregate area of less than ~~two (2)~~ **four (4)** square feet.
 2. Nonilluminated directional signs, not exceeding four (4) square feet, which identify parking areas, loading zones, entrances, exits and similar locations ~~and may contain either the company name or logo, but no advertising.~~
 3. Signs for the public convenience and welfare erected by a governmental agency; traffic controls; and legal notices, posters, directions, or warning, no trespassing or other regulatory signs, as may be required by law.
 4. Signs indicating public transportation stops, not to exceed two (2) square feet.
 5. Historical tablets, cornerstones, memorial plaques, and emblems, not to exceed six (6) square feet, installed by governmental, civic or religious organizations, and including flags or emblems flown from the buildings or grounds of such organizations.
 6. Signs which are an integral part of vending machines, including gasoline pumps, which do not exceed two (2) square feet per machine or pump.
 - ~~7. Temporary real estate signs pertaining to the lease or sale of the premises, in conformance with Section 21-104 above.~~
 - ~~8. Temporary signs for charitable, educational, or religious events, erected for a period not to exceed thirty (30) days in any calendar year.~~

Section 21-105A Enforcement

A. The provisions of this Part shall be administered and enforced by the Zoning Officer, or his duly authorized designee, of the Borough. It shall be the duty of the Zoning Officer or his duly authorized designee to inspect any building or premises which may be in

violation of this chapter and to order in writing, the remedying of any conditions found to exist in violation of any provision of this Part. If the violation is not remedied in the time period established by the Zoning Officer, a summons may be issued.

B. Any owner or agent and any person or corporation who shall violate any provisions of this chapter shall be guilty of a violation. Each and every day such violation continues shall be deemed a separate and distinct violation. Pursuant to N.J.S.A. 40:49-5, any person who violates any provisions of this chapter shall, upon conviction, be subject to a to a fine not to exceed two thousand (\$2,000.00) dollars for each day of violation.

SECTION II.

Section 21-102C.4, Land Use Appendix A Signage Design Guidelines shall be amended as follows: (All additions are shown in **bold italics with underlines**. The deletions are shown as **strikeovers in bold italics.**)

LAND USE APPENDIX A SIGNAGE DESIGN GUIDELINES

(Section 21-102C.4)

SIGNS NOT REQUIRING PERMIT:

- a. Non-illuminated directional signs identifying parking areas, loading zones, entrances, exits, and similar locations. ~~***The signs may include a business name or professional name, but shall not include any advertising message and shall not exceed four (4) square feet in area.***~~
- b. through i.: No Changes.

SIGNS PROHIBITED.

Signs are prohibited for various reasons such as: safety, sign pollution or non-contribution to the Highlands Central Business District.

- a. through d.: No Changes.
- e. Signs or advertising matter of an ~~***indecent or***~~ obscene nature.
- f. through o.: No Changes.

SECTION III.

Borough Code Chapter 10 (Building and Housing), Section 10-7 (Signs and Outdoor Display Structures) is hereby deleted in its entirety.

SECTION IV. SEVERABILITY.

If any section, subsection, sentence clause or phrase of the ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of the ordinance, which shall otherwise remain in full force and effect.

SECTION V. REPEALER.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VI: EFFECTIVE DATE.

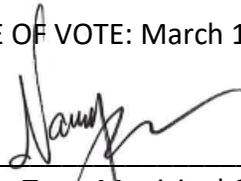
This Ordinance shall take effect after final passage as provided by law.

First Reading and Set Hearing Date for O-25-05:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES		X	X			
CHELAK	X		X			
MELNYK			X			
OLSZEWSKI			X			
BROULLON			X			

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: March 19, 2025



Nancy Tran, Municipal Clerk
Borough of Highlands

Public Hearing for O-25-05:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk's Office.

DATE OF VOTE: April 16, 2025

Carolyn Broullon, Mayor

Nancy Tran, Municipal Clerk
Borough of Highlands



Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732
(732) 872-1224
www.highlandsnj.gov

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 2/19/2025 Application #: UB 25-01 Fee: 500.00 ck # 1331

Escrow: 1,000.00 ck # 1311 Escrow Acct# T-03-56-875-000-206

1. APPLICANT

Name: Tim Ayers

Address: 19 Bay Avenue

City: Highlands State: NJ Zip: 07732

Phone: _____

Email: _____

Relation to property: Owner

2. OWNER

Name: Same as Applicant

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

Email: _____

3. TYPE OF APPLICATION (Check all that apply)

- Minor Subdivision
- Major Subdivision – Preliminary
- Major Subdivision – Final
- Minor Site Plan
- Major Site Plan – Preliminary
- Major Site Plan – Final
- Variance
- Use Variance
- Appeal – Zoning Denial date _____
- Appeal – Land Use Decision date _____
- Informal Concept Plan Review
- Extension of Approval
- Revision/Resubmission of Prior Application
- Other _____

4. PROPERTY INFORMATION

Block 38.01 Lot(s) 13 Address: 19 Bay Avenue

Lot size .07 acres # of Existing Lots 1 # of Proposed Lots _____

Zone B-2 Are there existing Deed Restrictions or Easements? No Yes – Please attach copies

Has the property been subdivided? No Yes If yes, when? _____

Attach copies of approved map or approved resolution

Property taxes paid through current Sewer paid through _____

5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp must be represented by a NJ attorney)

Name: Daniel J. O'Hern Jr.

Address: 195 East Bergen Place Red Bank NJ 07701

Phone: 732-219-7711 Email: dohern@byrnesohern.com



Borough of Highlands
 151 Navesink Ave.
 Highlands, NJ 07732
 (732) 872-1224
 www.highlandsnj.gov

6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: TBD
 Address: _____

 Phone: _____
 Email: _____

Name: _____
 Address: _____

 Phone: _____
 Email: _____

7. LAND USE

A. PROPERTY HISTORY –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

The property is a 1200 sq. ft two story multi use commercial building. The 1st Floor is used as office space. The 2nd Floor is one room with a kitchenette and one bathroom. The 2nd Floor has a private entrance via an exterior stairwell.

B. PROPOSED PLAN –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

C. ADDITIONAL INFORMATION:

		Existing	Proposed
Residential:	How many dwelling units?	<u>0</u>	<u>1</u>
	How many bedrooms in each unit?	<u>5</u>	<u>1</u>
	How many on-site parking spaces?	<u>5</u>	<u>5</u>
Commercial:	How many commercial uses on site?	<u>1</u>	<u>1</u>
	How many on-site parking spaces?	<u>5</u>	<u>5</u>

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8. VARIANCE REQUESTS Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area			
Frontage			
Lot Depth			
Minimum Yard Requirements			
Front Yard Setback			
2 nd Front Yard Setback			
Rear Yard Setback			
Side Yard Setback, right			
Side Yard Setback, left			
Building Height			

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces			
Other (please add)			

9. OTHER RELIEF REQUESTED Please specify relief(s) and explain below.

The applicant seeks use variance relief to utilize the 2nd Floor space as a short term studio apartment rental.



Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732
(732) 872-1224
www.highlandsnj.gov

10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this
 29 day of January 2025 (year)
 _____ (notary)
 JENNIFER L COOK
 Notary Public, State of New Jersey
 Comm. # 2429035
 My Commission Expires 01/22/2028



 Signature
 1/29/2025

 Date
 Tim Ayers

 Print Full Name

11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this
 29 day of January 2025 (year)
 _____ (notary)
 JENNIFER L COOK
 Notary Public, State of New Jersey
 Comm. # 2429035
 My Commission Expires 01/22/2028



 Signature
 1/29/2025

 Date
 Tim Ayers

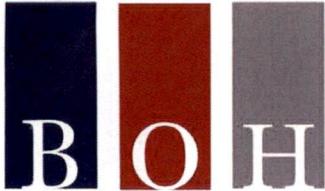
 Print Full Name

12A. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- Is this application to subdivide a parcel of land into six (6) or more lots? Yes No
- Is this application to construct a multiple dwelling of 25 or more units? Yes No
- Is this an application for approval of a site(s) for non-residential purposes? Yes No
- Is this Applicant a corporation? Yes No
- Is the Applicant a limited liability corporation? Yes No
- Is the Applicant a partnership? Yes No

If you circled YES to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).



LAW OFFICES OF
BYRNES, O'HERN & HEUGLE

February 6, 2025

VIA PRIORITY MAIL

Ms. Nancy Tran
Land Use Board Secretary
Borough of Highlands
151 Navesink Avenue
Highlands, NJ 07732

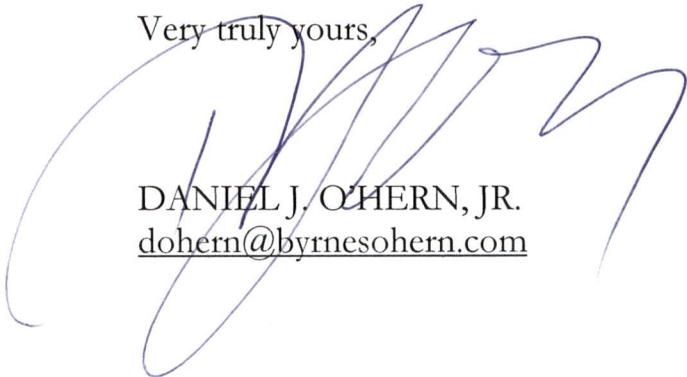
Re: Tim Ayers, 19 Bay Avenue, Block 38.01, Lot 13

Dear Ms. Tran:

My office represents the applicant Tim Ayers regarding the referenced property. Enclosed is an original and one copy of Mr. Ayer's completed application to the Land Use Board. Also enclosed are two checks payable to the Borough of Highlands; one in the amount of \$500 for the application fee; and the other in the amount of \$1,000 for the escrow fee.

Please let me know if you have any questions or require any additional information regarding this application.

Very truly yours,



DANIEL J. O'HERN, JR.
dohern@byrnesohern.com

w/enclosures

NOTE: NO ATTEMPT WAS MADE OR LIABILITY IS ASSUMED TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS ARE NOT LOCATED BY THIS SURVEY.

SETBACKS AS PER FILED MAP AND/OR DEED RESTRICTIONS MAY NOT REFLECT CURRENT ZONING CONDITIONS, IF APPLICABLE.

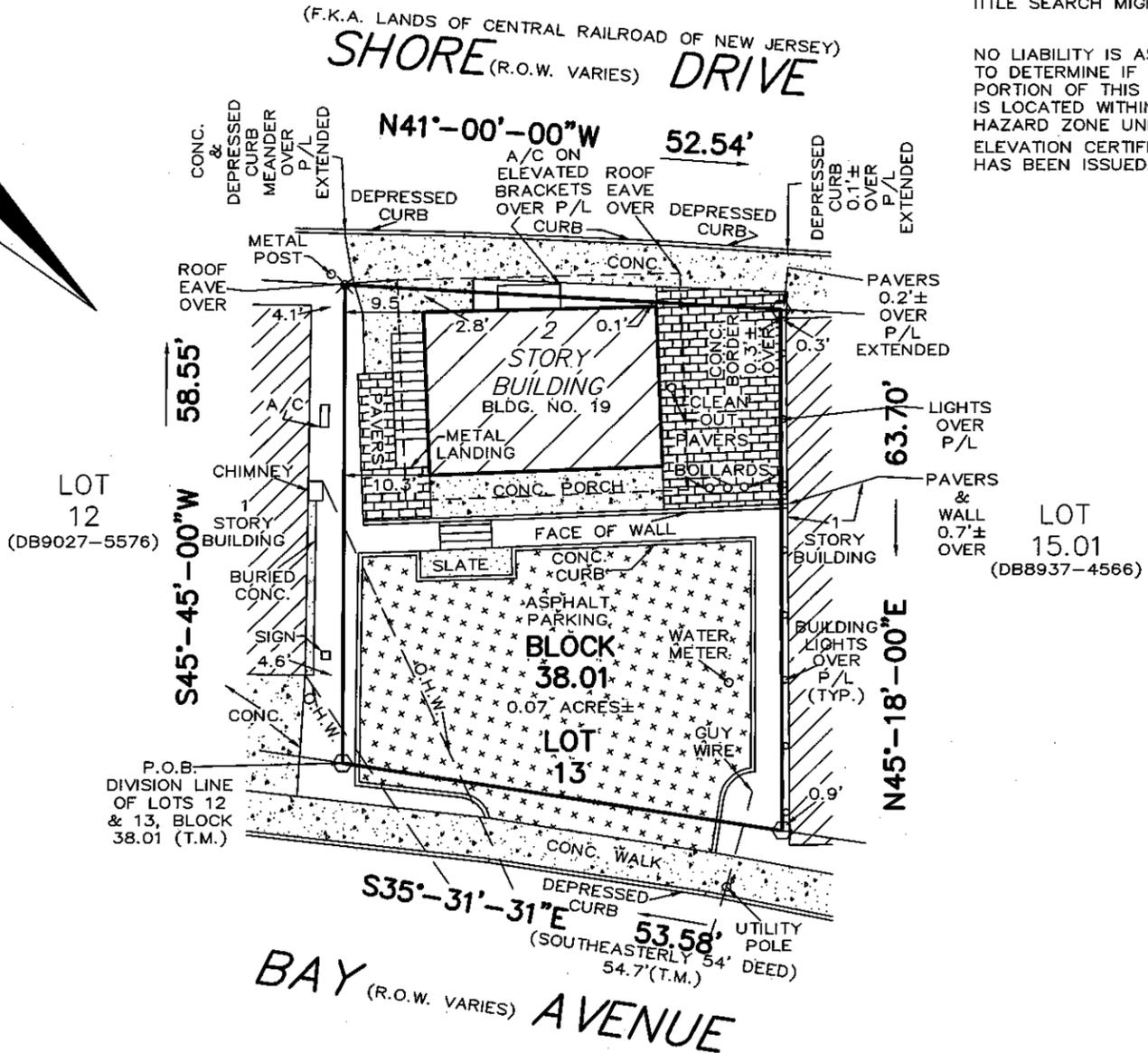
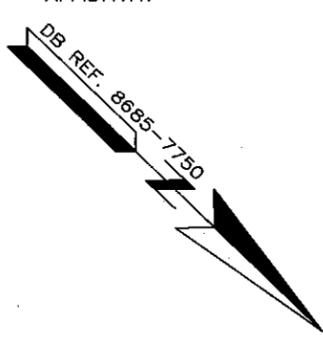
THIS SURVEY IS NOT VALID WITHOUT A RAISED SEAL OR FOR USE AS A SURVEY AFFIDAVIT.

THIS SURVEY IS NOT FOR CONSTRUCTION PURPOSES!

NOTES: PROPERTY CORNERS TO BE SET UNLESS A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003,c14 (C45:8-36.3) AND N.J.A.C. 13:40-5.1(D)."

THIS SURVEY IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE.

NO LIABILITY IS ASSUMED TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD HAZARD ZONE UNLESS AN ELEVATION CERTIFICATE HAS BEEN ISSUED.



SURVEY BASED UPON LINES OF OCCUPATION & CONTROL FOUND

LEGEND:

- - REBAR TO BE SET
- ✕ - NAIL TO BE SET

THIS SURVEY IS PREPARED FOR ONLY:

LB STORAGE, LLC

SCOTT TITLE SERVICES, LLC (ST-16422-17)
STEWART TITLE GUARANTY COMPANY

ZAGER FUCHS, P.C.
RICHARD J. ANGELO, ESQUIRE

KNOWN AS LOT 13 IN BLOCK 38.01, AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY.

DEED REFERENCE(S):
BOOK 8685-7750
BOOK 5274-928 (LOT 16)
BOOK 5202-753 (LOT 11.01)
BOOK 4152-396 (LOT 17.01)
BOOK 5147-986 (LOT 17.06)
F.M. REF. 78-12

"TO ANY INSURER OF TITLE RELYING HEREON AND ANY PARTIES OF INTEREST HEREIN," IN CONSIDERATION OF THE FEE PAID FOR MAKING THIS SURVEY, I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE LAWS IN THE STATE OF NEW JERSEY UNDER MY SUPERVISION.

(EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS OR ON THE SURFACE OF THE LANDS THAT ARE NOT VISIBLE) AS AN INDUCEMENT FOR ANY INSURER OF TITLE TO INSURE THE TITLE TO THE LANDS AND PREMISES SHOWN HEREON. THIS RESPONSIBILITY AND LIABILITY SHALL BE LIMITED TO THE CURRENT MATTER AS OF THE DATE OF THIS SURVEY AND SHALL BE LIMITED TO ONLY THE PARTIES OF INTEREST AS SHOWN ON THE CERTIFICATION HEREIN. IF THIS SURVEY IS USED IN CONJUNCTION WITH A SURVEY AFFIDAVIT FOR THE TRANSFER OF TITLE, ALL LIABILITY SHALL BE WAIVED AND ALL RIGHTS TO ALL PARTIES OF INTEREST SHALL BECOME NULL AND VOID. NO LIABILITY SHALL BE ASSUMED FOR ANY EASEMENTS, DEDICATIONS AND OR INSTRUMENTS NOT SUPPLIED PRIOR TO CLOSING. THE RIGHT SHALL BE RESERVED TO REVIEW ANY SUCH INSTRUMENTS AND TO MAKE SUCH EXCEPTIONS AND OR REVISIONS AS A REVIEW MAY WARRANT.

OFFSETS AS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.

DATE	REVISIONS

8/3/17
DATE

Robert W. Smith, Jr.
ROBERT W. SMITH, JR.
PROFESSIONAL LAND SURVEYOR N.J. LIC. NO. 023934

PLAN OF SURVEY

SITUATE

BOROUGH OF HIGHLANDS

MONMOUTH COUNTY, NEW JERSEY

BLOCK 38.01

LOT 13

SENECA SURVEY CO., INC.

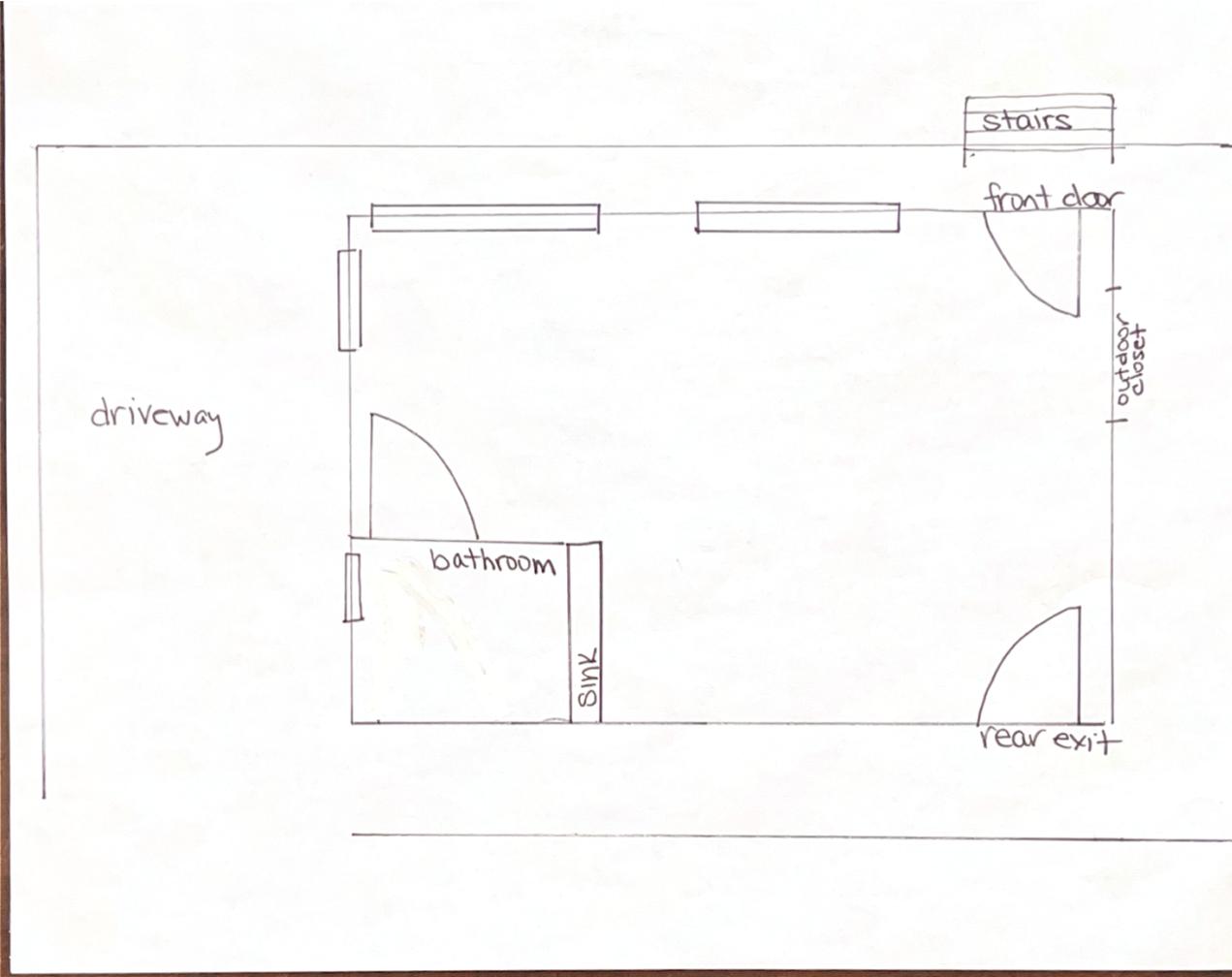
SURVEYORS & PLANNERS
1470 ROUTE No. 88 WEST
BRICK, NEW JERSEY, 08724
CERTIFICATE # 24GA27973900
(732)840-8040 FAX (732)840-8044
EMAIL: SENECACO@COMCAST.NET

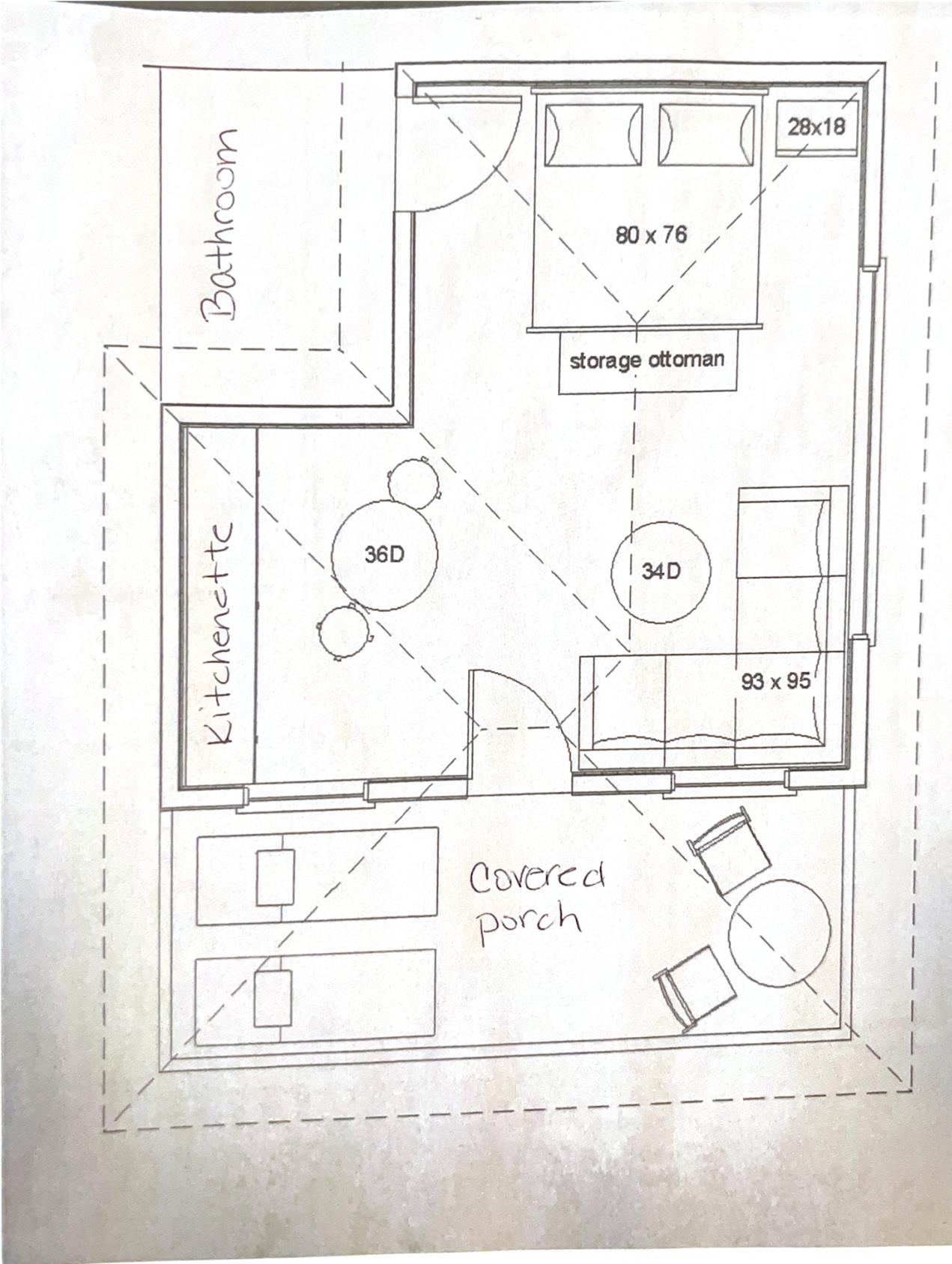
Survey Date: 8/3/17

Drawn by: ACU-PLAT

Scale: 1" = 20'

Proj. No.: 17-62504







Borough of Highlands

151 Navesink Ave
Highlands, NJ 07732
Phone: (732) 872-1224

Control #: Z-0193

Item 3.

Date Issued: 2/21/2025

DENIAL OF ZONING PERMIT

IDENTIFICATION

Work Site Location:	<u>19 BAY AVENUE</u>	Block:	<u>38.01</u>	Lot:	<u>13</u>	Zone:	<u>B-2</u>
Owner in Fee:	<u>AYERS, TIMOTHY</u>	Contractor/Agent:	<u>AYERS, TIMOTHY</u>				
Address:	<u>19 BAY AVENUE</u>	Address:	<u>19 BAY AVENUE</u>				
	<u>HIGHLANDS NJ 07732</u>		<u>HIGHLANDS NJ 07732</u>				
Telephone:	<u></u>	Telephone:	<u>(732)796-1500</u>				
		Contractor License No:	<u></u>				

For the project/work located at the above address, your application for a permit to:

Requesting permission to use the 2nd floor of our building as a residential space so that we can advertise it as an AirBnb short term rental space.

has been denied for noncompliance with provisions of Sections: of the Municipal Zoning Ordinance for the following reasons:

The property is located in the WC-1 Waterfront Commercial zone, where residential uses are not permitted. Approval from the Land Use Board is required for the residential use of the second-floor apartment.

Information on procedures for an appeal of this decision to the Land Use Board can be obtained from the Secretary of the Land Use Board. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not later than (20) days from the date of this notice. You can also file for a variance to the Land Use Board and can obtain from the Secretary of the Land Use Board the required forms.

The permit which you submitted has been placed in the inactive files in the Zoning Department. Please contact this office to reactivate the permit.

Denied by:

Courtney Lopez

Zoning Official



Roberts
 ENGINEERING GROUP LLC
 Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
 Hamilton, New Jersey 08690
 609-586-1141 fax 609-586-1143
 www.RobertsEngineeringGroup.com

March 14, 2025

Nancy Tran
 Land Use Board Secretary
 Borough of Highlands Land Use Board
 151 Navesink Avenue
 Highlands, New Jersey 07732

Re: Completeness Review No. 1
 Use Variance & Appeal
 Applicant: Timothy Ayers
 19 Bay Avenue
 Block 38.01, Lot 13
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB25-01

Dear Ms. Tran:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations.

The Applicant seeks approval for the 2nd floor of an existing 1,200 sf 2-story multi-use commercial building as residential space for an AirBnb short term rental space. The 2nd floor is currently one room with a kitchenette and bathroom having a private entrance via an exterior stairwell.

The lot is approximately 3,220 square feet located in the WC-1 Waterfront Commercial District within the AE Flood Hazard area and partially in Zone X500. The lot is fronted to the north and south by Bay Avenue (County Route No. 8) and Shore Drive (one way), respectively. Parking is provided by a lot with access to Bay Ave and parking onsite along the building having access from Shore Drive. Additional parking is along Shore Drive.

The Applicant received a Denial of Zoning Permit on February 21, 2025, for a non-permitted residential use in the WC-1 Waterfront Commercial District. The Applicant must seek Planning Board approval for a use variance as directed by the Zoning Officer.

The current application is for the use variance and an appeal for the zoning denial.

We have reviewed the following documents submitted in support of the above referenced application for completeness purposes:

1. Copy of the Land Use Board Application dated February 19, 2025.
2. Copy of the Denial of Zoning Permit issued on February 21, 2025, by Courney Lopez, Zoning Officer for the Borough of Highlands.
3. Copy of a Survey entitled, "Plan of Survey situate Borough of Highlands, Monmouth County, New Jersey, Block 38.01 Lot 13, prepared by Seneca Survey Co. Inc. and signed by Robert W. Smith, Jr., PLS, dated August 8, 2017", 1 Sheet.
4. Copies of two (2) sketches of floor plans.

We recommend this application be deemed COMPLETE.

The Applicant is seeking a use variance with existing bulk variances. There are no site improvements other than clarification on the required number of parking spaces.

We offer the following comments and recommendations:

1. This property is located in the WC-1 Waterfront Commercial District.

2. The Applicant has noted a “B-2” zone on the application. This is not a designated zoning district. Please correct.
3. The Applicant requires a D(1) use variance for approval of a non-permitted residential use in the WC-1 Waterfront Commercial District.

To be entitled to a D(1) use variance, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A 40:55D-70d for use variance.

The Applicant will be required to provide proof during testimony.

4. According to the survey submitted, the Applicant will require five (5) bulk variances for the lot frontage/width for Bay Avenue and Shore Drive, minimum lot depth, minimum front yard setback for Shore Drive and maximum lot coverage as shown in Table 1 below.

The Applicant is required to confirm the variances and quantities.

To be entitled to bulk “c” variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A 40:55D-70c for bulk variances.

The Applicant will be required to provide proof during testimony.

The following bulk requirement summary is provided for the Board’s reference. In accordance with Ordinance §21-85, existing and proposed bulk deficiencies which require bulk “c” variances are noted as follows:

Table 1: Schedule I – Bulk and Area Requirements			
WC-1 Non-Residential Zone	Required	Existing	Proposed
Min. Lot Area (sf)	-	3,220±	3,220±
Lot Frontage/Width (ft)			
Bay Avenue	100	52.5±**	52.5±*
Shore Drive	100	52.5±**	52.5±*
Min. Lot Depth (ft)	150	61.1**	61.1*
Min. Front Yard Setback (ft)	20		
Bay Avenue		36.7±	36.7±
Shore Drive		0.1**	0.1*
Min. Side Yard Setback (ft)	8/8	9.5/15.0±	9.5/15.0±
Min. Rear Yard Setback (ft)	-	-	-
Max. Building Height (ft)	36	<36	<36
Max Lot Coverage	65%	87.3±%**	87.3±%*
Max Building Coverage	25%	18.6±%	18.6±%
Min. Deck/Stairs Setback (ft)	3	5.6±	5.6±

Completeness Review No. 1
 Variance & Appeal
 Applicant: Timothy Ayers
 19 Bay Avenue
 Block 38.01, Lot 13
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB25-01
 Page 3 of 3

Off-street Parking (spaces)	3***	5***	5***
Commercial, 1 space/600 sf GFA			
Residential, 1.8 spaces/1 bdrm			

* Proposed Variance
 ** Existing non-conformity
 ***ADA compliance required

5. The survey and the sketches do not indicate the dimensions and square footages of the first and second floors.
6. Please confirm that the building can accommodate the required use and occupancy of space according to *N.J.A.C., Title 5. Community Affairs, Chapter 28. New Jersey State Housing Code, Subchapter 1. Standards of Habitability, §5:28-1.11 Use and occupancy of space:*
 - a. *Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the base of total habitable room area.*
 - b. *Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.*
 - c. *At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area in the room for the purpose of determining the maximum permissible occupancy thereof.*
7. The Applicant is required to provide the number of required parking spaces for the commercial space and residential rental space according to the *N.J.A.C., Title 5. Community Affairs, Chapter 21. Residential Site Improvement Standards New Jersey State Housing Code, Subchapter 4. Street and Parking, §5:28-4.14 Parking: number of spaces and the Borough of Highlands Municipal Code §21-65.14.*

Municipal Code §21-65.14 requires off street parking of 1 parking space for 600 sf commercial gross-floor area and 1.8 spaces for a one bedroom.

Please confirm and indicate the existing and proposed parking spaces.

Provide or indicate the required handicapped accessible parking. Provide required signage.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Carmela Roberts, PE, CME, CPWM
 Land Use Board Engineer

cc: Michael Muscillo, Borough Administrator, (mmuscillo@highlandsborough.org)
 Dustin F. Glass, Esq., Land Use Board Attorney (dglass@semerarolaw.com)
 Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
 Daniel J. O'Hern, Jr., Applicant's Attorney (dohern@byrnesohern.com)
 Cameron Corini, PE, CME, CPWM, Roberts Engineering Group, LLC
 GS Bachman, E.I.T., Roberts Engineering Group, LLC



Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732
(732) 872-1224
www.highlandsnj.gov

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 3/5/2025 Application #: LU25-03 Fee: 125.00 ^{etc # 277}

Escrow: previous balance Escrow Acct# T-03-56-875-000-194

1. APPLICANT

Name: John and Shari Nastasi

Address: 19 Gravelly Point Road

City: Highlands State: NJ Zip: 07732

Phone: (516) 885-4104

Email: beachrx18@yahoo.com

Relation to property: Owner

2. OWNER

Name: John and Shari Nastasi

Address: 19 Gravelly Point Road

City: Highlands State: NJ Zip: 07732

Phone: (516) 885-4104

Email: beachrx18@yahoo.com

3. TYPE OF APPLICATION (Check all that apply)

- Minor Subdivision
- Major Subdivision – Preliminary
- Major Subdivision – Final
- Minor Site Plan
- Major Site Plan – Preliminary
- Major Site Plan – Final
- Variance
- Use Variance
- Appeal – Zoning Denial date _____
- Appeal – Land Use Decision date _____
- Informal Concept Plan Review
- Extension of Approval
- Revision/Resubmission of Prior Application
- Other extension of deck

4. PROPERTY INFORMATION

Block 100 Lot(s) 26.19 Address: 19 Gravelly Point Road

Lot size 0.057 # of Existing Lots 1 # of Proposed Lots 1

Zone R203 Are there existing Deed Restrictions or Easements? No Yes – Please attach copies

Has the property been subdivided? No Yes If yes, when? _____

Attach copies of approved map or approved resolution

Property taxes paid through Current Sewer paid through Current

5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp must be represented by a NJ attorney)

Name: _____

Address: _____

Phone: _____ Email: _____



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 Highlands, NJ 07732
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6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: John NASTASI NASTASI ARCHITECT:
 Address: 321 Newark St
HOBOKEN NJ 07030
 Phone: 201 653 2577
 Email: johnenastasiarchitects.com

Name: _____
 Address: _____
 Phone: _____
 Email: _____

7. LAND USE

A. PROPERTY HISTORY –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.
 see attached approved height variance

B. PROPOSED PLAN –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

19 Gravelly received a variance due to specific design and structural considerations. The initial architect's plans did not account for the weight distribution of the poles, which led to a design flaw where support poles were placed in the middle of the kitchen island. To correct this, a new architect was brought in. The new architect properly redistributed the structural load to remove the obstruction in the kitchen. Additionally, for aesthetic and practical purposes, the deck was expanded to align with the street conformation, creating a more cohesive and visually appealing design. We are keeping the height that was previously approved

C. ADDITIONAL INFORMATION:

	Existing	Proposed
Residential: How many dwelling units?	<u>1</u>	<u>1</u>
How many bedrooms in each unit?	<u>3</u>	<u>3</u>
How many on-site parking spaces?	<u>3</u>	<u>3</u>
Commercial: How many commercial uses on site?	<u>N/A</u>	<u>N/A</u>
How many on-site parking spaces?	<u>N/A</u>	<u>N/A</u>



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8. VARIANCE REQUESTS Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area			
Frontage			
Lot Depth			
Minimum Yard Requirements			
Front Yard Setback			
2 nd Front Yard Setback			
Rear Yard Setback			
Side Yard Setback, right			
Side Yard Setback, left			
Building Height	20	16	29.1

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces			
Other (please add)			

← stays as per PG variance granted

9. OTHER RELIEF REQUESTED Please specify relief(s) and explain below.

NEW RELIEF REQUESTED IS EXPANSION OF DECK TO ALIGN WITH STREET CONFORMATION along with keeping original approvals from first variance and application to continually beautify and improve



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10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this
5th day of March 2025 (year)
Kevin Rooney (notary)

[Signature] Signature
3/5/25 Date

KEVIN ROONEY
Notary Public, State of New Jersey
Commission # 50170501
My Commission Expires Sept. 1, 2026

Shari Nastasi
Print Full Name

11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this
5th day of March 2025 (year)
Kevin Rooney (notary)

[Signature] Signature
3/5/25 Date

KEVIN ROONEY
Notary Public, State of New Jersey
Commission # 50170501
My Commission Expires Sept. 1, 2026

Shari Nastasi
Print Full Name

12A. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- Is this application to subdivide a parcel of land into six (6) or more lots? Yes No
- Is this application to construct a multiple dwelling of 25 or more units? Yes No
- Is this an application for approval of a site(s) for non-residential purposes? Yes No
- Is this Applicant a corporation? Yes No
- Is the Applicant a limited liability corporation? Yes No
- Is the Applicant a partnership? Yes No

If you circled YES to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).



Attachments

Item 4.

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

LAND USE BOARD RESOLUTION 2024-17
MEMORIALIZATION OF HEIGHT VARIANCE AND BULK VARIANCE RELIEF

IN THE MATTER OF JOHN AND SHARI NASTASI
APPLICATION NO. LUB2024-04

Approved: August 8, 2024
Memorialized: September 12, 2024

WHEREAS, an application for height variance and bulk variance relief has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the “Board”) by John and Shari Nastasi (hereinafter referred to as the “Applicants”) on lands known and designated as Block 100, Lot 26.19, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 19 Gravelly Point Road, Highlands, New Jersey, in the Bungalow Colonies area of the R-2.03 Single-Family Residential (R-2.03) Zone District (hereinafter “Property”); and

WHEREAS, a live public hearing was held before the Board on August 8, 2024, with regard to this application; and

WHEREAS, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

NOW, THEREFORE, does the Highlands Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The subject Property is an existing undersized lot containing 2,758.25 square feet (0.06 acres) with 50.15 feet of frontage along Gravelly Point Road within Bungalow Colonies area

of the R-2.03 Single-Family Residential (R-2.03) Zone District. The subject Property is located within the AE Flood Hazard Area.

2. The subject Property is improved with an existing elevated two-story frame dwelling with existing garage under parking, with an elevated addition with garage under parking, decking, and stairs. The Applicants are proposing to construct a third floor which will include one (1) additional bedroom. Utilities will be elevated and located in the proposed attic. The Applicants propose paring in the existing and proposed garage as well as the under-parking area. The existing decking and stairs are proposed to be removed, and the existing shed and attached covered area are proposed to remain unchanged.

3. Counsel for the Applicants, Edward McKenna, Esq., identified the subject Property as Block 100, Lot 26.19, with the address of 19 Gravelly Point Road, Highlands, New Jersey, and located within the Bungalow Colonies area of the R-2.03 Single-Family Residential (R-2.03) Zone District. Mr. McKenna stated that the Applicants were seeking variance relief to permit pre-existing non-compliant conditions. He also represented that revisions had been made to the plans in response to the Board Engineer's Report. Mr. McKenna explained that the Applicants were seeking height variance relief from the Bungalow Colonies standards and noted that the proposed height would be compliant if the R-2.03 zone standards were applicable.

4. The Applicants' Architect, Catherine Franco, AIA, testified that the Applicants were proposing to elevate the existing bungalow to provide needed garage space. She stated that the dwelling would be brought into compliance with the latest building standards and that the ground level would contain the garage. Ms. Franco further testified that the Applicants were proposing to remove an existing bedroom on the first level and enlarge the kitchen. She also stated that the second level would contain three (3) bedrooms and two (2) bathrooms. Ms.

Franco explained that the existing ceiling height was ten (10) feet and nine (9) feet on the first and second levels, respectively. She testified that the roof was not flat.

5. Ms. Franco further testified that the proposal would eliminate the need for on-street parking by providing three (3) parking spaces onsite within the garage. She stated that the parking spaces would be tandem. Ms. Franco further explained that elevating the dwelling would also place the utility out of the flood level by locating them in the attic. She stated that the A/C units would remain in the existing location but would be mounted upon a raised platform.

6. In response to questions from the Board, Ms. Franco testified that the attic was accessed by pull down stairs. She stated that the height of the collar ties in the attic was four (4) feet, therefore the attic would not be living space.

7. Testimony was then taken from John Caruso, how identified himself as the owner of Lil' Johns Construction, LLC, which was serving as the Applicants' General Contractor. Mr. Caruso testified that he had constructed fourteen (14) new houses, ten (10) renovations, and three (3) lifts on Gravelly Point Road. He also stated that he resides on Gravelly Point Road. Mr. Caruso opined that the proposal would be similar to the other houses on the street which he had constructed, renovated and lifted. He, therefore, believed that the proposed dwelling improvements would conform with the surrounding area. He also stated that the proposal would not impair the zone or the public good.

8. The Applicants confirmed the need for the following variance relief:

Requirement	R-2.03 Residential Zone	Bungalow Colonies Required	Existing Lot 26.19 Bungalow Colonies	Proposed Lot 26.19 Bungalow Colonies
Minimum Lot Area	5,000 sf	5,000 sf	2,758.25 sf**	2,758.25 sf*
Lot Frontage/Width	50 ft	50 ft	50.15 ft	50.15 ft
Minimum Lot Depth	100 ft	100 ft	55.0 ft**	55.0 ft*
Minimum Front Yard Setback	20 ft	3 ft	5.1 ft	4.11 ft
Minimum Side Yard Setback	6 ft/8 ft	3 ft	6.56 ft/11.7 ft	5.46 ft/4.1 ft
Minimum Rear Yard Setback	20 ft	3 ft	2.37 ft**	2.37 ft*
Maximum Building Height***	30 ft	20 ft	16.0 ft	29.1 ft*
Maximum Lot Coverage****	75%	75%	53.4%	69.8%
Maximum Building Coverage****	30%	35%	43.3%	59.3%
On-Site Parking	2 spaces	1 space	3 spaces	3 spaces

*Proposed Variance

**Existing non-conformity

*** Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2 ½) feet.

**** §21-86 A.4.b(c) Total building coverage shall not exceed thirty-five (35%) percent of the total lot area and total lot coverage shall not exceed seventy-five (75%) percent except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28.

9. There were no members of the public expressing an interest in this application.

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicants should be granted bulk variance relief pursuant to both N.J.S.A. 40:55D-70c(1) and c(2), as well as height variance relief pursuant to N.J.S.A. 40:55D-70d(6) in this instance.

The Applicants require the following variance relief:

- a. **Section 21-86A.4.b(2)(d)** – The maximum permitted building height is 20 feet, whereas 29.1 feet is proposed.
- b. **Section 21-86A.4.b(2)(a)** – Detached accessory structures are prohibited in the minimum required yard area, whereas the existing shed and covered area are located within the side yard setback and rear yard setback. The existing shed and covered area are to remain.
- c. **Section 21 Attachment I** – The Minimum lot area is 5,000 square feet, whereas 2,758.25 feet is existing and proposed.
- d. **Section 21 Attachment I** – The Minimum Lot Depth is 100 feet, whereas 55.0 feet is existing and proposed.
- e. **Section 21 Attachment I** – The Minimum Rear Yard setback is 3 feet, whereas 2.37 feet is existing and proposed.
- f.

I. **Height Variance Relief**

The Applicants require height variance approval pursuant to the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70d(6). The subject Property is located in the Bungalow Colonies area of the R-2.03 Single-Family Residential (R-2.03) Zone District and the maximum height of a principal structure in the zone is 20 feet. The Applicant, therefore, requires height variance relief because the height of the principal structure exceeds by 9.1 feet or 45.50% the maximum height permitted in the district for a principal structure.

In Grasso v. Borough of Spring Lake Heights, 375 N.J. Super. 41 (App. Div. 2004), the Court explored reasons for adopting height limitations. The Grasso Court found that special reasons may be established by demonstrating an undue hardship, which for a d(6) variance requires a showing that the height restriction prohibits the use of the property for a conforming structure, or in the alternative by demonstrating that the increased height of the building does not offend the purpose of the height restriction which the court characterized as being focused primarily on light and air concerns as well as providing an opportunity to control density.

The Board finds that the Applicants have satisfied the positive criteria. The Board finds that the proposed height comports with the density of the area. The Board finds that the majority of the dwellings in the area are of comparable height. The Board further finds that the proposed height will not block any view corridors for surrounding neighbors or cast undue shade upon adjoining properties. The Board also finds that the proposed height will allow additional on-site parking which would alleviate the demand for on-street parking in the area. The proposed height will also better protect the home from flood damage. The Board therefore finds that the positive criteria have been satisfied.

The Board also finds that the negative criteria has been satisfied for the reasons expressed infra in the bulk variance section. The Board concludes that the positive criteria substantially outweighs the negative criteria and height variance relief may be granted pursuant to N.J.S.A. 40:55D-70d(6).

II. Bulk Variance Relief

The Board finds that the Applicants have proposed construction which requires bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic conditions or physical features exist uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty

or exceptional and undue hardship upon the developer of that property. Additionally, under the “c(2)” criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, the Applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. It is only in those instances when the Applicant has satisfied both these tests that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the Applicant to establish these criteria.

The Board finds that the Applicants have satisfied the positive criteria. The Board finds that the proposed improvements to the subject Property will upgrade the existing residential structure and will be consistent with neighboring development. The Board further finds that the proposed improvements will be aesthetically pleasing and create a desirable visual environment which will be more commensurate with other homes in the neighborhood in terms of size and setbacks. The Board further finds that the subject Property is unique and unusual with respect to its dimensions. Ultimately, the Board finds that the grant of variance relief will result in a visually desirable dwelling which will not only benefit the Applicant but will also advance the interests of the entire community. The Board therefore concludes that the goals of planning as enumerated

in N.J.S.A. 40:55D-2 have been advanced. The Applicants have therefore satisfied the positive criteria.

The Board also finds that the negative criteria has been satisfied. The proposed improvements requiring variance relief will not cause a detriment to the community in any discernible way. In fact, the Board finds that proposed addition will still be consistent and fit in seamlessly with the prevailing neighborhood residential scheme. The proposal is consistent with the Borough's overall goals and objectives of providing new, safe and visually attractive homes and will advance the general welfare by providing increased privacy and sound attenuation for both the Applicants and the neighbors alike. Granting of the variances sought by the Applicants will also not result in any substantial detriment to the public welfare or impair the purpose or intent of the Zone Plan or Zoning Ordinance. The Board therefore concludes that the negative criteria has therefore been satisfied pursuant to N.J.S.A. 40:55D-70c(2).

The Board concludes that the positive criteria substantially outweighs the negative criteria and that bulk variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(2).

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Land Use Board on this 12th day of September 2024, that the action of the Board taken on August 8, 2024, granting application no. LUB 2024-04 of John and Shari Nastasi for bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) and "c(2)" and height variance relief pursuant to N.J.S.A. 40:55D-70d(6) is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.

- 2. Except where specifically modified by the terms of this Resolution, the Applicants shall comply with all recommendations contained in the Reports of the Board's Professionals.
- 3. The Applicants shall apply for all necessary Zoning Permit(s).
- 4. The attic shall not be used as living space.
- 5. The Applicants shall provide a certificate that taxes are paid to date of approval.
- 6. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
- 7. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey, or any other jurisdiction.

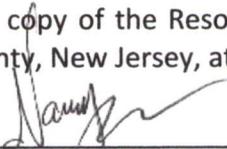
BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicants' expense and to send a certified copy of this Resolution to the Applicants and to the Borough Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.



 Robert Knox, Chairman
 Borough of Highlands Land Use Board

ON MOTION OF: Mayor Broullon
 SECONDED BY: Mr. Montecalvo
 ROLL CALL:
 YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Mr. Zill, Mr. Cramer, Chair Knox
 NO: None
 ABSTAINED: None
 INELIGIBLE: Ms. LaRussa, Vice Chair Tierney
 ABSENT: Councilmember Olszewski, Ms. Vickery
 DATED: September 12, 2024

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on September 12, 2024.



 Nancy Tran, Secretary
 Borough of Highlands Land Use Board

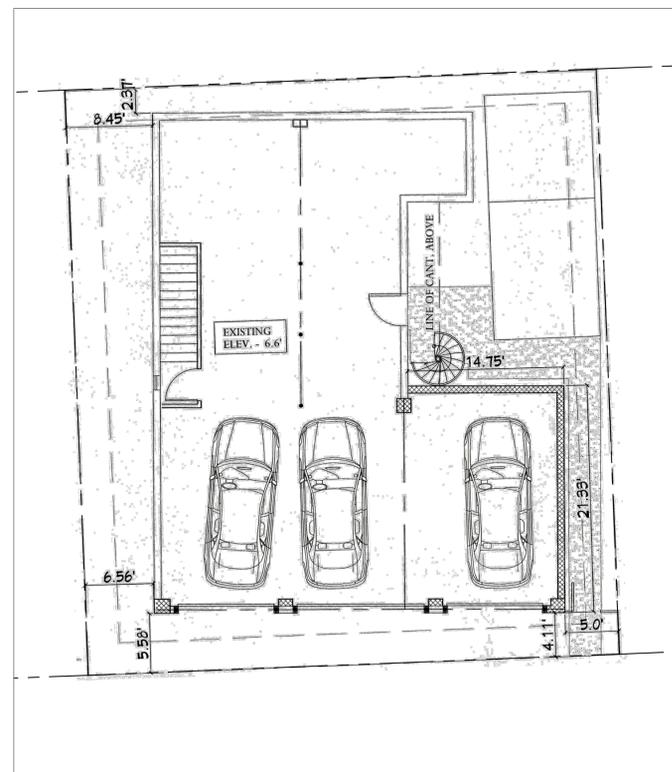
Schedule I - Bulk and Area Requirements §21-86A.4b							
Requirement	R-2.03 Residential Zone	Bungalow Colonies Required	Existing Lot 26.19 Bungalow Colonies	Proposed Lot 26.19 Bungalow Colonies	Updated Proposed Design Lot 26.19 Bungalow Colonies		
1.	Min. Lot Area (sf)	5,000	5,000	2,758.25**	2,758.25*	2,758.25*	NO CHANGE
2.	Lot Frontage/Width (ft)	50	50	50.15	50.15	50.15	NO CHANGE
3.	Min. Lot Depth (ft)	100	100	55.0**	55.00*	55.00*	NO CHANGE
4.	Min. Front Yard Setback (ft)	20	3	5.1	4.11	3.11	CONFORMING
5.	Min. Side Yard Setback (ft)	6/8	3	6.56/11.7	5.46/4.1±	6.56/7.1±	CONFORMING
6.	Min. Rear Yard Setback (ft)	20	3	2.37**	2.37*	2.37*	NO CHANGE
7.	Max. Building Height (ft)***	30	20	16.0	29.1*	29.1*	NO CHANGE
8.	Max Lot Coverage****	75%	75%	53.4±	69.8±	64.8±	CONFORMING
9.	Max Building Coverage****	30%	35%	43.3±	59.3±	53.2±	CONFORMING
10.	On-Site Parking (spaces)	2	1	3	3	3	NO CHANGE

* Proposed Variance
 ** Existing non-conformity
 *** Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2 ½) feet.
 **** §21-86 A.4.b(c) Total building coverage shall not exceed thirty-five (35%) percent of the total lot area and total lot coverage shall not exceed seventy-five (75%) percent except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28.

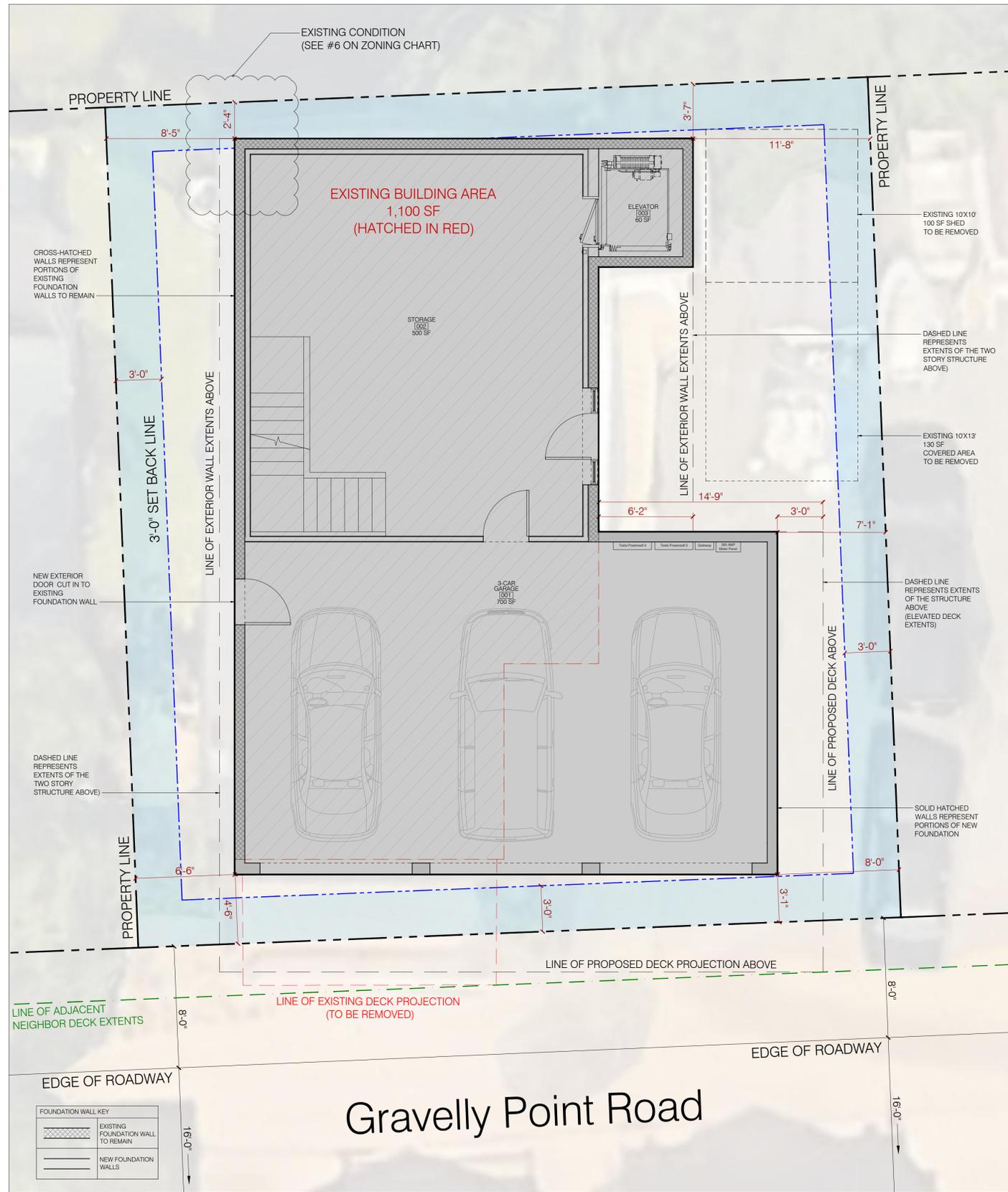
SECOND FLOOR BALCONY CODE

(a) Every unit shall have associated with it a minimum yard requirement around the perimeter of the unit and attached accessory structures of three (3) feet, except for those decks attached to the front of the dwellings situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28, which may extend to locations equivalent to those which existed prior to elevation or reconstruction as determined by prior property surveys conducted by a licensed surveyor. For those properties situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28 that do not have prior property surveys available, any new decks attached to the front of the dwelling can extend to a location which is the equivalent of the location of the front decks located on adjacent properties situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28. Structures shall be located no closer together than the sum of the yard requirements, that is, six (6) feet. Detached accessory structures are prohibited in the minimum required yard area.

** This code defines the scope for projection or (Extension) and not width/length. The proposed deck extends short of the existing deck marked on the licensed survey; however the width/length is greater by ±21'-6" and connects continuously to the elevated deck off of the main living area (Not constrained or defined in the code).



PL02 Planning Board Approved Site Plan
 1/8" = 1'-0"



PL01 Proposed Site Plan
 1/4" = 1'-0"

REVISION		
no.	description	date
1	Corrected Building Height	01-31-2025
4	Zoning Board/ BD	02-13-2025
3	Building Department	01-23-2025
2	Zoning/ Floodplain Review	01-03-2025
1	Zoning Board	10-12-2022
no.	to whom issued	date

ISSUE

19 Gravelly PR
 19 Gravelly Point Road,
 Highlands, NJ 07732

Block: 100
 Lot: 26.19

nastasi
 architects



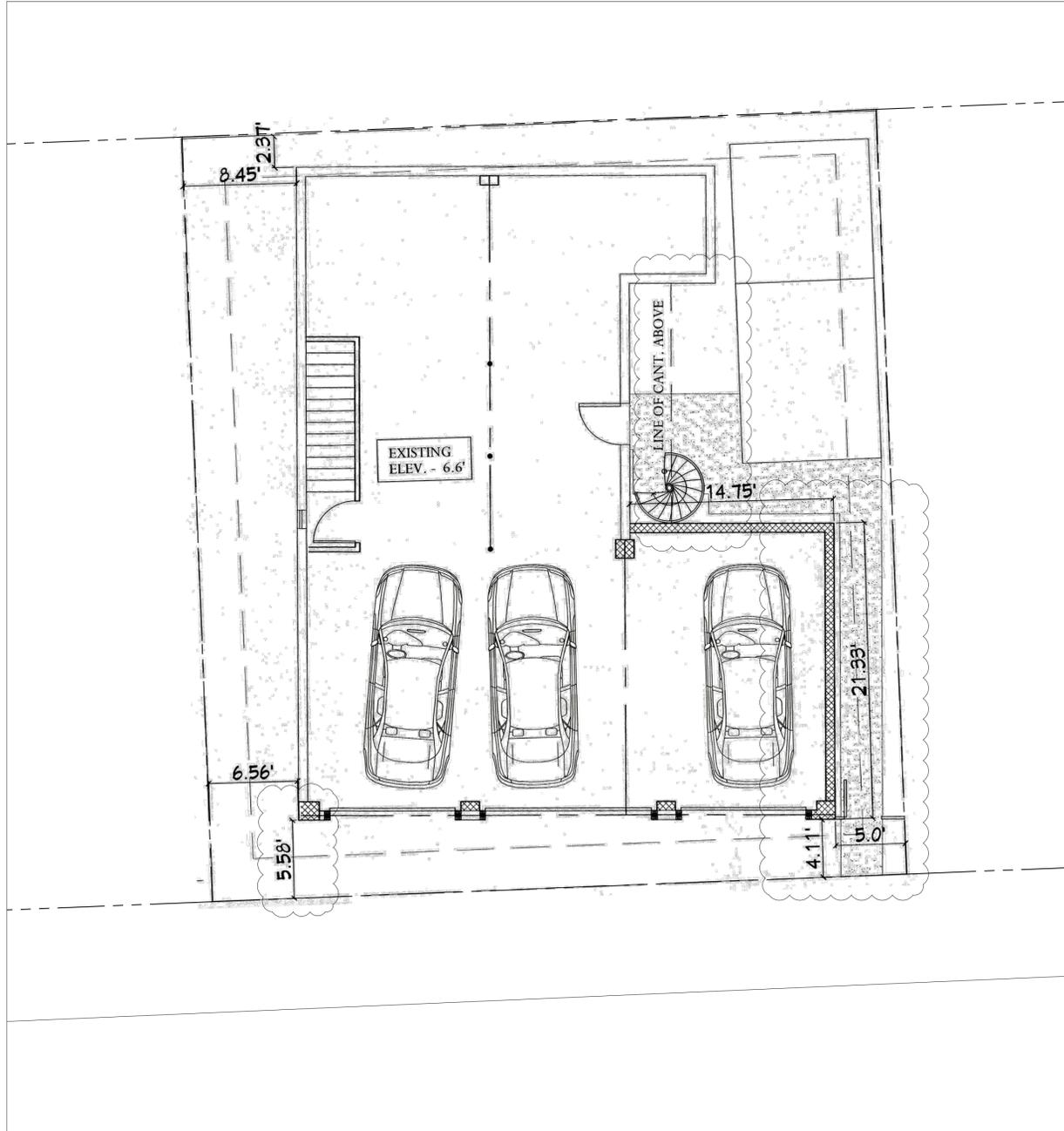
321 newark street hoboken, nj 07030
 t: 201-663-2577 f: 201-662-2577
 www.nastasiarchitects.com
 NJ license: A111550

Proposed Site Plan
 Zoning Information
 Bulk Regulations
 Approved PB Site Plan

date: 10-12-2022
 scale: as shown
 drawn by: NF
 checked by:
 phase: BD

G102.1

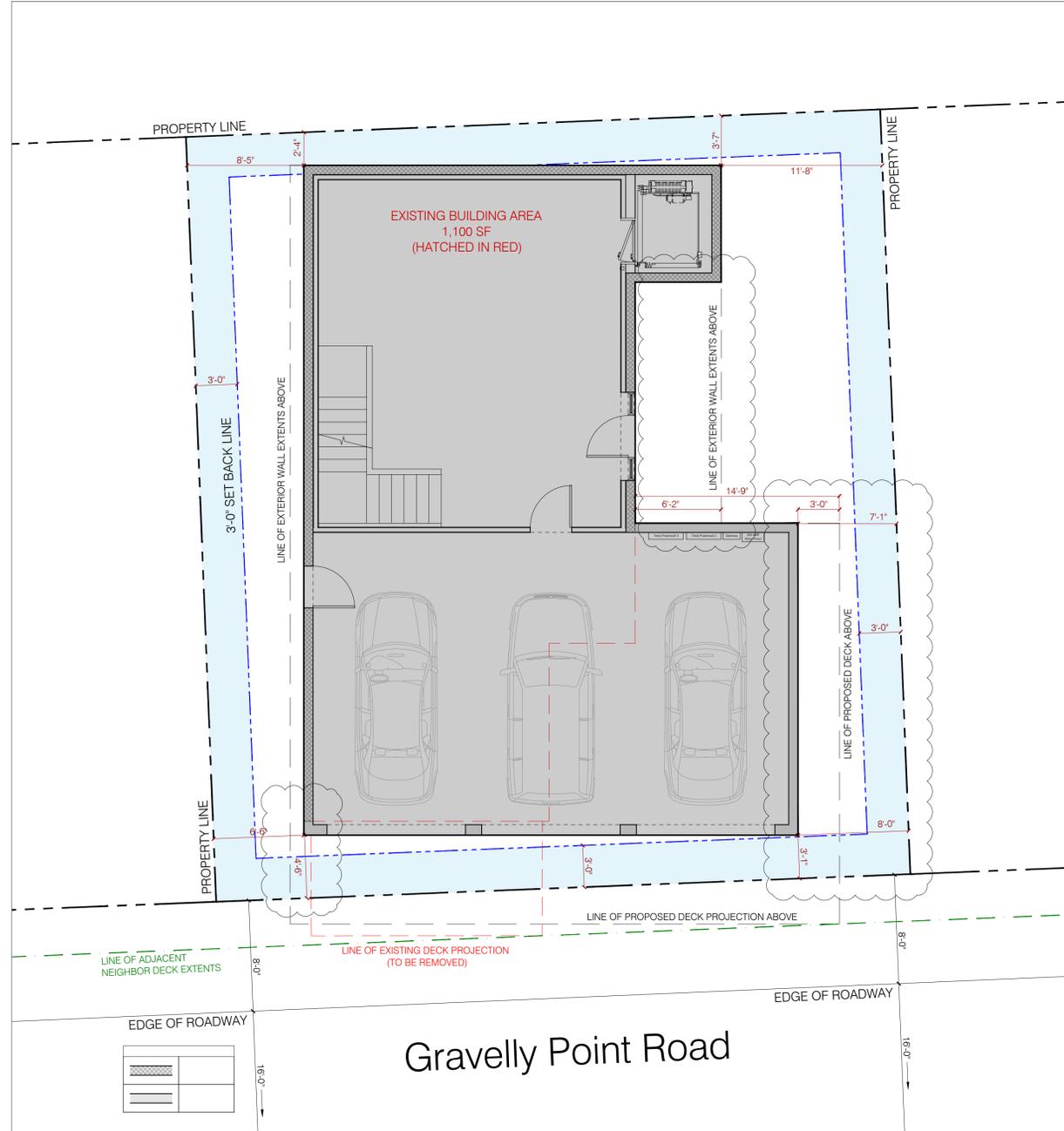
no.	description	date
1	Corrected Building Height	01-31-2025
2		
3		
4	Zoning Board/ BD	02-13-2025
3	Building Department	01-23-2025
2	Zoning/ Floodplain Review	01-03-2025
1	Zoning Board	10-12-2022
no.	to whom issued	date



1 PL01 Planning Board Approved Site Plan
3/16"=1'-0"

AS APPROVED

** This is the original site plan approved by the Planning Board. This shows all existing and proposed setbacks are conforming, less the rear yard setback at the western corner of the property which is an existing non conforming condition to remain **



2 PL02 Proposed Site Plan (Ground Floor)
3/16"=1'-0"

MODIFIED

** This is modified/ proposed site plan with minor design revisions. The proposed changes are bubbled on both the original and modified site plan for reference **

19 Gravelly PR
19 Gravelly Point Road,
Highlands, NJ 07732

Block: 100
Lot: 26.19

nastasi
architects



321 newark street hoboken, nj 07030
t: 201-663-2577 f: 201-662-2577
www.nastasiarchitects.com
NJ license: A111550

Proposed Site Plans:
Aerial Site Plan
Ground Floor Site Plan
Approved PB Site Plan

date: 10-12-2022
scale: as shown
drawn by: NF
checked by:
phase: BD

G102.2



Roberts
 ENGINEERING GROUP LLC
 Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
 Hamilton, New Jersey 08690
 609-586-1141 fax 609-586-1143
 www.RobertsEngineeringGroup.com

April 1, 2025

Nancy Tran
 Land Use Board Secretary
 Borough of Highlands Land Use Board
 151 Navesink Avenue
 Highlands, New Jersey 07732

Re: Variance Application
 Applicant: Nastasi
 19 Gravelly Point Road
 Block 100, Lot 26.19
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB25-03

Dear Ms. Tran:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations.

The Applicant is seeking approval to construct an elevated deck which was not shown on plans recently approved by the Land Use Board.

The Applicant received approval per Resolution 2024-17 (memorialized September 12, 2024) to construct a 3-story dwelling on an existing elevated 2-story frame dwelling. The Resolution granted bulk variance relief and height variance relief for a single-family dwelling.

Please refer to Completeness Review No. 1 letter dated July 11, 2024 (attached).

The Applicant received a Denial of Zoning Permit notification, dated March 10, 2025, upon seeking a new single family dwelling building permit and was deemed noncompliant per the Municipal Zoning Officer and advised to submit to the Land Use Board for approval.

We have reviewed the following documents submitted in support of the above referenced application for completeness purposes:

1. Copy of the Land Use Board Application for Variance, dated March 5, 2025.
2. Copy of a Denial of Zoning Permit issued on March 10, 2025, by Courtney Lopez, Zoning Officer for the Borough of Highlands.
3. Copy of the Borough of Highlands, County of Monmouth, Land Use Land Use Board Resolution 2024-17 Memorialization of Height Variance and Bulk Variance Relief. Approved: August 8, 2024, and Memorialized: September 12, 2023
4. Copy of plans entitled, "19 Gravelly PR, 19 Gravelly Point Road Highlands, NJ, Block: 100 Lot: 26.19", prepared by John Nastasi, Architect, signed and dated October 12, 2022, and having a revision date of February 13, 2025, consisting of 2 sheets
5. Copy of plans entitled, "Proposed Renovations & Addition, 19 Gravelly Point Road, Unit 19, Highlands, NJ, Lot: 26.19 Block: 100", prepared by Catherine Franco, Architect, unsigned and dated January 18, 2024, and having a revision date of October 12, 2022, consisting of 3 sheets (survey & site plan, floor plans and elevations).

Completeness Review No. 1
 Applicant: Nastasi
 19 Gravelly Point Road
 Block 100, Lot 26.19
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB24-04
 Page 2 of 3

We offer the following comments and recommendations for the Land Use Board's consideration:

I. VARIANCES

§21-86.A.4.b(2)(a) for placement of a deck along the frontage of a building in the Bungalow Colonies area.

The Applicant requires one (1) variance for this modification to the approved plan.

II. COMPLETENESS

Adequate information has been provided to perform a technical review and therefore the application is deemed COMPLETE.

III. GENERAL COMMENTS

The proposed elevated deck extends the entire front of the existing dwelling and the proposed addition, 3 ft towards the side yard and continues 3 ft along the addition (garage with first floor deck) towards the rear yard. Additionally, the proposed deck extends past the front yard setback and into Gravelly Point Road right-of-way. The deck was not shown on plans that were approved by Resolution.

The application presents the following items that deviate from the approved plans for a variance:

1. Modified building footprint.
2. Dwelling closer to right-of-way.
3. Construction of new deck.
4. Removal of existing shed and covered area.

Our comments are as follows:

1. A copy of the approved site plan is shown with the proposed site plan with this submission. The maximum building coverage has decreased by 6.1% in comparison to the approved plan
 - a. The proposed addition has been shortened by 3 feet along the front of the dwelling nearest to the right-side yard.
 - b. A foundation wall has been added to the front of the existing dwelling.
 - c. The cantilevered second floor has been extended.

2. The proposed plans indicate a new foundation wall along the front of the existing dwelling which was not delineated on the approved plans. The dwelling is now approximately 1 ft closer to the right-of-way.

However, the closest building offset is outside the 3 ft front yard setback at 3'-1" and no variance is required.

3. According to §21-86.A.4.b(2)(a) under the Bungalow Colonies standards, every unit shall have associated with it a minimum yard requirement *around the perimeter of the unit and attached accessory structures of three (3) feet, except for those decks attached to the front of the dwellings situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28, which may extend to locations equivalent to those which existed prior to elevation or reconstruction as determined by prior property surveys conducted by a licensed surveyor. For those properties situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28 that do not have prior property surveys available, any new decks attached to the front of the dwelling can extend to a location which is the equivalent of the location of the front decks located on adjacent properties situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28. Structures shall be located no closer together than the sum of the yard requirements, that is, six (6) feet. Detached accessory structures are prohibited in the minimum required yard area.*

Two options are noted in the code and are underlined for this discussion.

- a. The first option has a proposed deck replacing an existing deck of the same size as determined by a prior survey.

The Applicant has a prior survey which indicates an existing elevated deck of approximately 9 ft x 17 ft. situated along the front of the existing dwelling. The proposed elevated deck is approximately 39.5ft. The Applicant has indicated that the proposed deck is 21.5± feet longer than the existing deck.

- b. The second option has a proposed deck aligning with a neighboring deck if a survey is not available.

The Applicant is placing the proposed elevated deck based upon the second option and has indicated a "line of adjacent neighbor deck extents" and an outline of the existing deck on the plan.

The proposed deck aligns with the neighboring deck according to the plan

The proposed deck extends into the right-of-way based upon the neighboring deck alignment

The Applicant is required to provide a full view of the neighboring decks. There appears to be no dwelling with decking on the lot to the right.

Please provide internal building and deck dimensions. Please provide deck offsets to the right-of-way.

The Ordinance would indicate the second option is not applicable since the existing survey indicates an existing elevated deck and the proposed deck would be restricted to the existing size under option one.

Therefore, the Applicant requires a variance for option two.

Please provide the proposed front and side offsets of the proposed deck to the property lines and right-of-way on the plan.

4. The existing shed and covered area are now proposed to be removed.
5. The Applicant will be required to provide testimony.

We will continue our review upon submission of revised plans.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Carmela Roberts, P.E., C.M.E., C.P.W.M.
Land Use Board Engineer

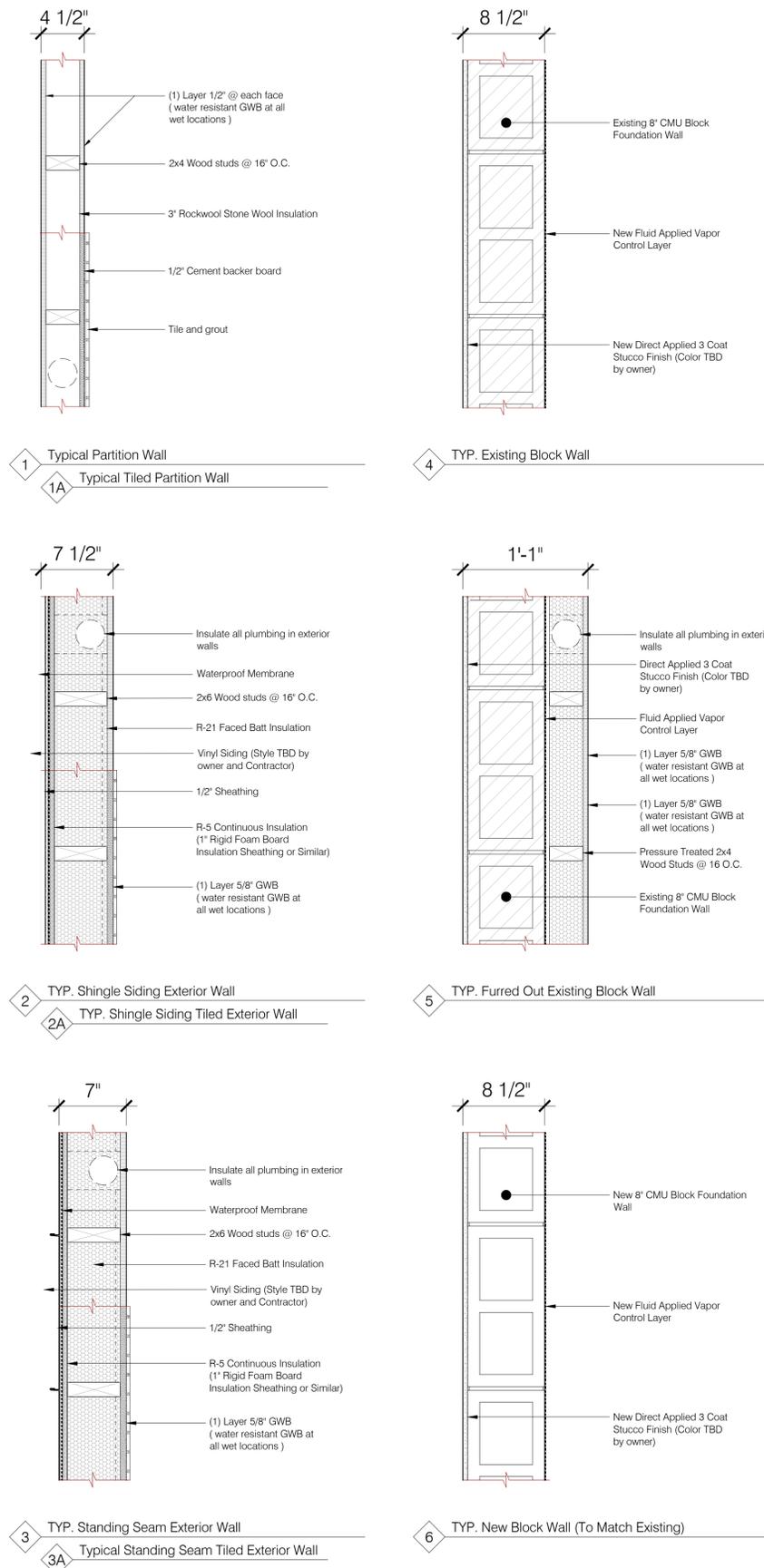
cc: Michael Muscillo, Borough Administrator, (mmuscillo@highlandsborough.org)
Dustin F. Glass, Esq., Land Use Board Attorney (dglass@semerarolaw.com)
Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
Cameron Corini, P.E., C.M.E., C.P.W.M., Roberts Engineering Group, LLC
GS Bachman, E.I.T., Roberts Engineering Group, LLC

General Partition Notes

- ALL WOOD FRAMING SHALL BE DOUG FIR UNLESS OTHERWISE NOTED
- ALL FRAMING SHALL BE AT 16" O.C. UNLESS OTHERWISE NOTED
- ALL 2X FRAMING SHALL BE HORIZONTALLY BRACED AT 48" O.C.
- ENTIRE PERIMETER OF GWB PARTITIONS SHALL BE CAULKED WITH ACOUSTICAL SEALANT
- INSTALL MOISTURE AND MOLD RESISTANT GWB AT ALL WET LOCATIONS
- REFER TO FINISH PLANS FOR FINISHES. FINISHES MAY INCLUDE, BUT ARE NOT LIMITED TO, PAINT, PLASTER, MILLWORK (PANELS) OR SIMILAR MATERIAL APPLICATION
- AT ALL POCKET DOORS, ADJUST FRAMING AS REQUIRED AND AS PER DETAILS
- PROVIDE SOLID WOOD BLOCKING WITHIN FRAMING FOR ALL WALL-MOUNTED ITEMS
- ALL LUMBER USED FOR WOOD BLOCKING / BACK UP SHALL BE FIRE RETARDANT
- INSULATION IS TO BE ROXUL MONOBOARD OR CAVITYROCK DD INSULATION WITHOUT FOIL BACKING AS PER THE BUILDINGS RECOMMENDATION. UNFACED CLOSED CELL POLYISOCYANURATE (A.K.A. ICO) FOAM IS ALSO ACCEPTABLE BUT REQUIRES A 1 HOUR RATED ENCLOSURE TO MEET NYC CODE REQUIREMENTS. NO SPRAY ON INSULATION TO BE USED. FOAM INSULATION DOES NOT MEET NYC CODE REQUIREMENTS FOR SMOKE DEVELOPED / FLAME SPREAD, THEREFORE ALL INSULATION MUST BE ENCLOSED IN AT LEAST 1 LAYER OF GYPSUM BOARD TO CREATE A 1 HOUR RATED ENCLOSURE. VAPOR BARRIERS AND PAPER FACING ARE TO BE AVOIDED AT EXTERIOR WALL CONDITIONS.
- CHOPPING, CUTTING, CHASING OR CHANNELING IS NOT PERMITTED FOR ANY REASON IN BRICK OR BLOCK AT EXTERIOR WALLS, APARTMENT DEMISING WALLS, BUILDING STRUCTURE, STRUCTURAL SLABS, BEAMS, MASONRY COLUMNS OR THEIR ENCLOSURES. TYPICAL UNIT PARTITIONS CAN BE COMPLETELY REMOVED ON CONDITION THEY ARE NOT STRUCTURAL AND NO RISERS ARE DISTURBED IN THE PROCESS. IF IN DOUBT VERIFY WITH THE RESIDENT MANAGER WHICH WALLS MAY/MAY NOT BE REMOVED/CHOPPED/CHASED. ANY UNAPPROVED CHOPPING WILL RESULT IN STOPPAGE OF WORK AND INSPECTION OF THE CONDITIONS BY THE BUILDING'S ARCHITECT TO INDICATE A SOLUTION. FIREPROOF/FIRE STOP AROUND ALL ELECTRICAL BOXES IN RATED PARTITIONS. VERIFY WALL THICKNESS AND VIABILITY OF INSTALLATION OF ELECTRICAL BOXES IN WALL PRIOR TO CUTTING.
- ALL NEW WALL FRAMING MUST BE DOUGLAS FIR CONSTRUCTION AND INCLUDE SOUND ATTENUATION INSULATION WHERE POSSIBLE. FIRE RATED LUMBER TREATED WITH HAZARDOUS MATERIALS MAY NOT BE USED IN CONSTRUCTION. NEW "WET ROOM" WALLS (KITCHEN, BATH, LAUNDRY ETC.) ARE TO HAVE NEW WATER-RESISTANT SHEETROCK BRAND MOLD TOUGH BOARD OR EQUAL, EXCEPT AT WALLS AROUND SHOWERS AND TUBS WHICH ARE CEMENTITIOUS WALLBOARD SIMILAR TO DUROCK INSTALLED ACCORDING TO MANUFACTURER'S GUIDELINES. ONE OR MORE WALLS MAY LIE ON A DEMISING CHASE WALL. GC TO CONFIRM AND MATCH EXISTING GYPSUM GRADE(S) AND SIZE(S) ON SUCH / MAINTAIN EXISTING FIRE RATINGS. ALL WALLS MUST BE COMPLETELY SHEATHED AND ALL OPENINGS PATCHED OR PLASTERED PRIOR TO INSTALLATION OF CABINERY. THE INTEGRITY OF THE FIRE RATING AT DEMISING AND SHAFT WALLS MUST BE MAINTAINED. ALL RATED PARTITIONS MUST BE INSTALLED FROM CONCRETE SLAB TO UNDERSIDE OF CONCRETE SLAB.
- DEMISING WALLS ARE TO REMAIN UNDISTURBED. ALL RESIDENTIAL DEMISING WALLS ARE 2 HOUR FIRE RATED CONSTRUCTION, THIS RATING IS TO BE MAINTAINED. PENETRATIONS OF THE DEMISING WALLS WILL NOT BE PERMITTED.
- ANY ELECTRICAL PANELS / DEVICES / OUTLETS MAY NOT BE INSTALLED INTO DEMISING WALLS AND MAY NOT BE CHOPPED INTO ANY MASONRY PRESENT AT THE BUILDING PERIMETER OR COLUMN / SHAFT ENCLOSURES. ALL ELECTRICAL INSTALLATIONS ARE TO MAINTAIN THE INTEGRITY AND FIRE RATING OF THE WALL INTO WHICH THEY ARE INSTALLED. WALLS TO BE FURRED OUT AS REQUIRED TO INSTALL NEW OUTLETS. ALL INSTALLATIONS MUST MAINTAIN THE FIRE RATING OF THE WALL FROM WHICH THE ARE REMOVED AND / OR ON / INTO WHICH THEY ARE INSTALLED. CERTAIN WALLS DO NOT PROVIDE THE REQUIRED CLEARANCES FOR RECESSED DEVICES. VERIFY WALL THICKNESS WITH RESIDENT MANAGER PRIOR TO INSTALLATION. DO NOT CHOP PLUMBING INTO ANY MASONRY PRESENT AT THE BUILDING PERIMETER OR COLUMN / SHAFT ENCLOSURES.

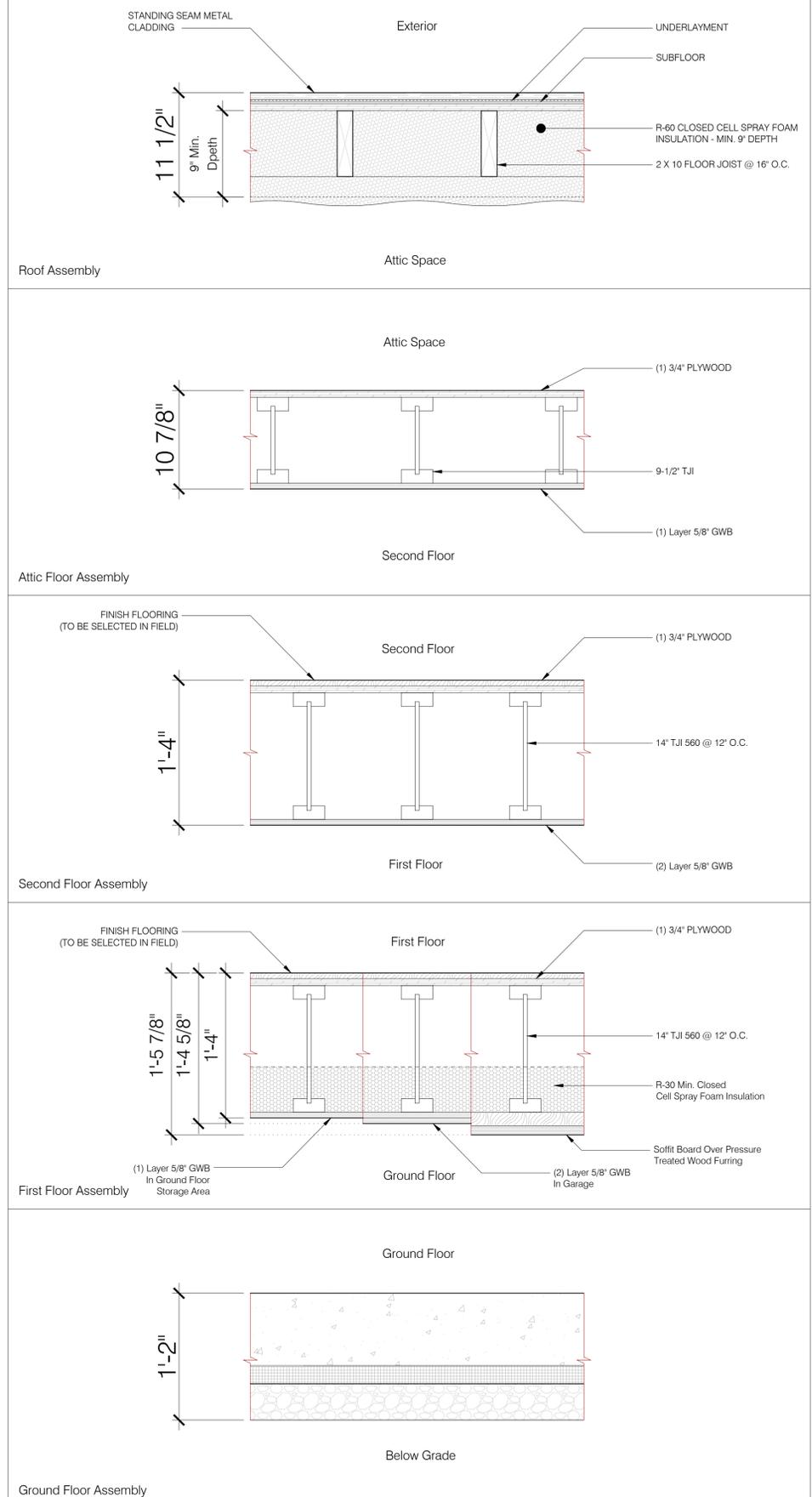
Wall Assemblies

Scale: 1-1/2" = 1'-0"



Horizontal Assemblies

Scale: 1-1/2" = 1'-0"



REVISION

no.	description	date
1	Corrected Building Height	01-31-2025
2	Block & Lot Number	03-31-2025
3	Completeness Review	04-02-2025
3	Building Department	01-23-2025
2	Zoning/ Floodplain Review	01-03-2025
1	Zoning Board	10-12-2022
no.	to whom issued	date

ISSUE

19 Gravelly PR
 19 Gravelly Point Road,
 Highlands, NJ 07732

Block: 100
 Lot: 26 C00011

nastasi
 architects



321 newark street hoboken, nj 07030
 t: 201-663-2577 f: 201-662-2577
 www.nastasiarchitects.com
 NJ license: A11550

General Partition Notes
 Wall Assemblies
 Horizontal Assemblies

date: April 2, 2025
 scale: as shown
 drawn by: VP
 checked by: AG
 phase: BD

A400.0



LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 3/18/2025 Application #: LUB25-04 Fee: \$100.00
 Escrow: balance \$4,222.56 Escrow Acct# T-03-56-875-000-177

1. APPLICANT

Name: The Honorable Plant LLC
 Address: 123 Bay ave
 City: Highlands State: NJ Zip: 07732
 Phone: 732-513-0589
 Email: thehonorableplantnj@gmail.com
 Relation to property: OWNER

2. OWNER

Name: Jacquelyn Bruckmann
 Address: 8 Sailors way
 City: Red Bank State: NJ Zip: 07701
 Phone: 732-513-0589
 Email: thehonorableplantnj@gmail.com

3. TYPE OF APPLICATION (Check all that apply)

- Minor Subdivision
- Major Subdivision – Preliminary
- Major Subdivision – Final
- Minor Site Plan
- Major Site Plan – Preliminary
- Major Site Plan – Final
- Variance
- Use Variance

- Appeal – Zoning Denial date _____
- Appeal – Land Use Decision date _____
- Informal Concept Plan Review
- Extension of Approval
- Revision/Resubmission of Prior Application
- Other _____

4. PROPERTY INFORMATION

Block 46 Lot(s) 3 Address: 123 Bay Ave
 Lot size _____ # of Existing Lots _____ # of Proposed Lots _____
 Zone _____ Are there existing Deed Restrictions or Easements? No Yes – Please attach copies
 Has the property been subdivided? No Yes If yes, when? _____
 Attach copies of approved map or approved resolution
 Property taxes paid through Yes Sewer paid through Y

5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp must be represented by a NJ attorney)

Name: Megan Doyle
 Address: _____
 Phone: 914-772-2896 Email: doyle1law@gmail.com



Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732
(732) 872-1224
www.highlandsnj.gov

6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: NA
Address: _____

Phone: _____
Email: _____

Name: _____
Address: _____

Phone: _____
Email: _____

7. LAND USE

A. PROPERTY HISTORY –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

Na

B. PROPOSED PLAN –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

We propose changing the hours of operation for The Honorable Plant LLC

Dispensary to 8 am to 9 pm Sunday-wednesday. and 8 am to 10 pm Thursday - Saturday.

C. ADDITIONAL INFORMATION:

Existing

Proposed

		Existing	Proposed
Residential:	How many dwelling units?	_____	_____
	How many bedrooms in each unit?	_____	_____
	How many on-site parking spaces?	_____	_____
Commercial:	How many commercial uses on site?	_____	_____
	How many on-site parking spaces?	_____	_____



8. VARIANCE REQUESTS Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area			
Frontage			
Lot Depth			
Minimum Yard Requirements			
Front Yard Setback			
2 nd Front Yard Setback			
Rear Yard Setback			
Side Yard Setback, right			
Side Yard Setback, left			
Building Height			

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces			
Other (please add)			

9. OTHER RELIEF REQUESTED Please specify relief(s) and explain below.

NA



10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this
5 day of March 2025 (year)
[Signature] (notary)
NINO CHOMAKHASHVILI
 Commission # 50220872
 Notary Public, State of New Jersey
 My Commission Expires
 April 12, 2029 (Seal)

[Signature] 3/5/2025
 Signature Date
Jacquelyn C. Bruckmann
 Print Full Name

11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this
17 day of MARCH 2025 (year)
[Signature] (notary)
PHYLLIS A. GERMANO
 Notary Public, State of New Jersey
 Comm. # 2446769
 My Commission Expires 5/29/2029 (Seal)

[Signature] 3-17-25
 Signature Date
Michael Salerno
 Print Full Name

12. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- Is this application to subdivide a parcel of land into six (6) or more lots? Yes No
- Is this application to construct a multiple dwelling of 25 or more units? Yes No
- Is this an application for approval of a site(s) for non-residential purposes? Yes No
- Is this Applicant a corporation? Yes No
- Is the Applicant a limited liability corporation? Yes No
- Is the Applicant a partnership? Yes No

If you circled YES to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).



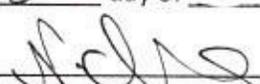
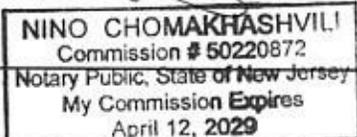
12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

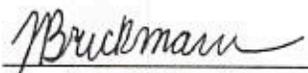
Name of Corporation, Partnership, LLC, LLP, S-Corp:

Listed below are the names and addresses of all owners of 10% or more of the stock/interest* in the above referenced business organization:

NAME	ADDRESS
Jacquelyn C Bruckmann	8 Sailors way Red Bank NJ 07701

*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

SWORN & SUBSCRIBED to before me this
5 day of March 2025 (year)
 (notary)
 (Seal)
 NINO CHOMAKHASHVILI
 Commission # 50220872
 Notary Public, State of New Jersey
 My Commission Expires
 April 12, 2029


 Signature (Officer/Partner) 3/5/2025
 Date
Jacquelyn C. Bruckmann, Owner
 Print Full Name Title



Borough of Highlands
151 Navesink Ave.
Highlands, NJ 07732
(732) 872-1224
www.highlandsnj.gov

Notice to be Published in Official Newspaper

Notice of Hearing

Land Use Board

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the 10th day of April, a hearing will be held before the Borough of Highlands Land Use Board at the Municipal Building, 151 Navesink Ave., Highlands New Jersey on the application of the undersigned that has been made to the Borough of Highlands Land Use Board, at which time and place all interested persons will be given an opportunity to be heard.

The property in question is located at 123 Bay ave, Highlands NJ, 07732 also known as Block 46, Lot(s) 3, on the Highlands Tax Map.

The property is located in the CBD zone.

The applicant is seeking: To utilize the approved hours of operation according to Ordinance O-25-01, Sunday through Wednesday, from 8 AM to 9 PM, and Thursday through Saturday, from 8 AM to 10 PM.

For the purpose of Customer convenience, Market Demand, Operational efficiency.

A copy of the application and documents are on file with the Board Secretary, and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.

A handwritten signature in blue ink that reads "Buckmann".

[Name of Applicant, and/or applicant's attorney]