



BOROUGH OF HIGHLANDS
LAND USE BOARD MEETING
22 Snug Harbor Avenue, Highlands NJ 07732
Thursday, July 14, 2022 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

RESOLUTIONS

1. Memorialization: LUB Res 2022-14 Denial of Minor Site Plan with Ancillary Variance Relief LUB2021-07 Farrell
2. Memorialization: LUB Res 2022-15 Granting Bulk Variance Relief LUB2022-02 Shwom
3. Memorialization: LUB Res 2022-16 Amended Minor Site Plan Approval LUB2022-03 B-Four Enterprises

HEARINGS ON NEW BUSINESS

4. LUB2022-01: Arjika Block 81 Lot 12, 289 Bay Ave

APPROVAL OF MINUTES

5. June 9, 2022 LUB Meeting Minutes

EXECUTIVE SESSION

6. LUB Resolution 2022-17: Executive Session

7. Attorney/Client Privilege: LUB Res 2022-09 Appeal

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

LAND USE BOARD RESOLUTION 2022-14

MEMORIALIZATION MINOR SITE PLAN WITH ANCILLARY VARIANCE RELIEF DENIAL

Denied: May 12, 2022
Memorialized: July 14, 2022

IN THE MATTER OF KERRY M. FARRELL
APPLICATION NO. LUB 2021-07

WHEREAS, an application for minor site plan approval with ancillary variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Kerry M. Farrell (hereinafter referred to as the “Applicant”) on lands known and designated as Block 43, Lot 7, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 32 Shrewsbury Avenue in the WT-R (Waterfront Transition-Residential) Zone; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, proof of service and publication of notice as required by law has been furnished and determined to be in proper order, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised; and

WHEREAS, a live public hearing was held on May 12, 2022, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided with an opportunity to be heard; and

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

1. The subject Property contains 7,180 s.f. with 47.5 feet of frontage on Shrewsbury Avenue and is improved with an existing single-family, two-story dwelling. The subject Property is located within the WT-R (Waterfront Transition Residential) Zone.

2. The Applicant is seeking minor site plan approval along with ancillary variance relief to reconstruct a one-story wood framed garage located in the side yard.

3. In accordance with Section 21-93 of the Ordinance existing/proposed bulk deficiencies are noted as follows. The minimum lot frontage allowed is 50 feet, whereas 47.5 feet is existing and is proposed. The minimum front yard setback for an accessory structure is 55 feet, whereas 54.8 feet is existing and is proposed. The minimum side yard setback for an accessory structure is 3 feet, whereas 0.90 feet is existing and is proposed.

4. The Board had initially heard testimony and approved this application at its March 9, 2022 meeting. It was later found that notice was defective, and the Board lacked jurisdiction. The hearing and vote held by the Board on March 9, 2022 is therefore null and void.

5. Counsel for the Applicant, Thomas Hirsch, Esq. appeared on behalf of the Applicant. He stated that this application had previously been heard by the Board, but due to an issue with noticing, the Applicant had returned to conduct a new hearing. He stated that the Applicant was seeking setback variance relief to rebuild a 212 square foot garage that was destroyed in Hurricane Sandy.

6. The Applicant, Dr. Kerry Farrell, testified that she has owned the subject Property since 2012 and it had been owned by members of her family prior to that time. She stated that the house was built in 1904 and that the garage was built in the 1940s. Dr. Farrell noted that

members of her family had purchased the subject Property in 1954 and it has been in her family since.

7. Dr. Farrell then testified that Hurricane Sandy had punched a hole in the rear wall of the garage. After Sandy, Dr. Farrell removed some of the damaged walls and roof that were in danger of collapse. She stated that the concrete foundation, two (2) walls and beams of the roof remained.

8. Dr. Farrell also stated that she prepared plans with an architect to rebuild the garage in June 2016, and obtained construction and electrical permits from the Borough in July 2016. Dr. Farrell offered additional testimony that upon receipt of those permits, she proceeded to commence construction on the garage consistent with the plans that were approved and ordered materials and framed out the first level of the garage prior to receiving a stop work order in 2018.

9. Dr. Farrell further testified that after her permits were issued, the Borough Construction Official informed her that after Hurricane Sandy, FEMA had changed the flood designation of the surrounding area such that the subject Property was located in the V-zone, which did not permit garages.

10. Dr. Farrell provided additional testimony that again in 2018, FEMA changed the flood designation for the subject Property, designating it as being located in the AE Zone, such that garages were permitted so long as they were constructed to V-zone standards. At the same time, the Borough Construction Official issued a stop-work order because too much (more than 50%) of the original garage had been torn down.

11. Dr. Farrell testified that she was now seeking variance relief from the side yard setback and front yard setback requirements. She explained that variance relief was required because more than 50% of the original structure was taken down and the conditions are not considered “pre-existing”. Dr. Farrell then confirmed that the residential use is not being changed.

12. The Applicant’s Architect, Robert Adler, P.A. testified that the proposed garage would be built upon the existing foundation. The mean height of the roof of an accessory structure in the zone is 15 feet, which the proposed garage meets and does not exceed (and, thus, no variance relief is required). The garage would have vinyl siding. The garage is close to the property line, which will be factored in during construction so as to not trespass on the neighbors’ properties.

13. Mr. Adler further testified that the garage would have breakaway walls as required for the zone. The walls would be comprised of two (2) levels, so the entire wall will not breakaway during a flood. He then stated that only the lower half would breakaway during a flood, with the upper portion only breaking away if the water level rises to that height. The two-level walls help reduce debris during a flood event.

14. Mr. Adler also testified that flood vents would also be included for water events that are more typical and, thus, do not require use of the breakaway walls.

15. Mr. Adler further stated that the garage is setback eleven (11) inches from the side yard property line. The roof eaves overhangs are six (6) inches, so the roof overhang stays on the subject Property by five (5) inches.

16. Mr. Adler provided additional testimony confirming that low maintenance materials will be used; vinyl siding and Azek trim. The garage will have a traditional aesthetic, which fits with the neighborhood and the primary house.

17. The hearing was then opened to the public, at which time Annemarie Tierney asked if the garage next to the house is consistent with the neighborhood. Mr. Adler testified that other houses have attached garages, some detached garages that are spaced further from their respective houses, but this proposal is consistent with what existed prior to Hurricane Sandy.

18. Ms. Tierney further asked if any houses in the neighborhood have a detached garage on the side of the house like this proposal. Mr. Adler testified that he did not know of any.

19. Kathy Campbell appeared before the Board and asked how high the roofline of the proposed garage will be. Mr. Adler stated that the mean height of the garage is 14 feet 10 inches, where 15 feet is the maximum mean allowed for accessory structures. She further asked how high the roofline of the original garage was. Mr. Adler did not know how high the original roofline was, but stated that the proposed height of the garage is consistent with the zone requirements.

20. Gerald (Jay) Beyer asked why the proposed garage is larger than the original garage. Mr. Adler testified that the purpose of the changed roof is to be more consistent with the zone. The proposed roofline is better aesthetically than the original.

21. Mr. Beyer further asked if the Applicant required a variance for the roof. Mr. Adler stated that variance relief was not required for the roof. He added that the Applicant was not

proposing to rebuild the original garage, just proposing to build a garage that fits within the neighborhood.

22. Frank Barbara asked for clarification that the variance for the side yard setback is eleven (11) inches from the property line and the overhang is six (6) inches closer to the property line. Mr. Barbara further asked if the overhang makes the setback five (5) inches. Mr. Adler explained that variances for setbacks are measured at the base of the structure. The Board Engineer explained that the Uniform Construction Code ("UCC") provisions that are incorporated into the Zoning ordinance measure the setbacks from the structure itself. The UCC provisions has ancillary allowances for overhangs, cantilevers, etc. up to two (2) feet from the structure.

23. In response to a question about whether she intended to lift her home because it was located in the AE Flood Zone, Dr. Farrell testified that although she did not know the exact base flood elevation, she had been advised that she did not have to lift the house because the dwelling had not been deemed substantially damaged, such that it was required to be lifted.

24. In response to a question from the Board, Dr. Farrell testified that fencing will exist along the adjoining property where the proposed garage is to be located.

25. The hearing was then opened to the public for comment, at which time Ms. Tierney testified that the original garage had a flat roof and was knocked out by Hurricane Sandy. She testified that the proposed garage will impede the view of the neighbors. She stated that setbacks exist for a reason and that the current swelling is not at a flood elevation. Ms. Tierney further testified that the house is not occupied or rented, therefore she does not understand the need for a garage.

26. Ms. Tierney continued testifying that the garage will have a substantial impact on the view. She did not believe that variances should be given for an accessory building that is not necessary. She concluded by testifying that although a newly-constructed garage would be good, it does not outweigh the value of her view.

27. Ms. Campbell testified that she agreed with Ms. Tierney that the proposed garage would negatively impact the view. She stated that she lives directly across the street from the subject Property. She explained that she once had a better view, but a house was built on the property immediately next to the subject Property.

28. Carl Glickstein, 23 Shrewsbury Avenue, testified that he agreed that the view would be negatively impacted. He testified that he lives diagonally across the street from the subject Property.

29. Jay Beyer, 27 Shrewsbury Avenue testified that the original garage had existed for over 60 years, and that the proposed garage is different. He testified that he had no issue with rebuilding the garage after Hurricane Sandy, but the Applicant should not be able to build a garage that is larger than the original. The height of the garage is his concern and the variance should not be granted.

30. Frank Barbara, 30 Shrewsbury Avenue, testified that the proposed garage would be located right on the property line, which he shares with Dr. Farrell. He referenced page 57 of the application packet, which shows an image of the subject Property, the current two-story dwelling, and existing garage structure. The garage is located right on top of the property line.

31. Mr. Barbara continued testifying that the purpose of setbacks is for safety. Granting the variance in this instance, Mr. Barbara testified would create a safety risk without reward. He is concerned that in case of fire, there is an increased risk of damage to his property.

32. Jake Kimmelman, 34 Shrewsbury Avenue, testified that it was his understanding that setbacks exist for fire safety and uniformity throughout town. The proposal is to build directly on the property line, which will be the only garage of its kind in the neighborhood and would have a negative affect on the neighborhood.

33. Mr. Kimmelman further testified that he was concerned with the fire hazard the proposal may create. He testified that he never has seen anyone stay at the house overnight and that the house is vacant. He was concerned that if a fire breaks out at night, there is no one at the house to respond to the fire. He recommended that the Board deny the application and require the Applicant take down the remaining parts of the garage.

34. Dr. Farrell then testified that Hurricane Sandy had destroyed the original garage and that the proposed garage is slightly taller than the original structure. Dr. Farrell further testified that there would be a very small change in the view that the neighbors had previously enjoyed. She further testified that she did consider the neighbors' view when developing these plans. She conceded that some views may be diminished, also stated that some of the testimony from the public was inaccurate. She further testified that the extra height is crucial for the design element and improves the aesthetics. The extra height is also for parking and storage.

35. In response to questions from the Board, Mr. Adler testified that the house could be higher than base flood elevation, but the garage cannot. If the garage complied with the

setback of three (3) feet, then the Applicant would not have to be before the Board as the height complies with the zone.

36. Mr. Adler provided additional testimony that, within the setback area, there is only about two (2) feet of the garage that blocks the view. He reiterated that the zone allows the height proposed. The Applicant is only before the Board seeking variance for the setbacks, which is the focus of this hearing.

37. In response to concerns from the public, Mr. Adler testified that safety is not a purpose of setbacks and that structures are built on property lines all the time. The setback does not make the garage any more or less likely to catch fire. Whether a person is at the subject Property overnight does not increase the likelihood of a fire.

38. Mr. Adler also testified that the fire code addresses fire concerns, not the setbacks. He further testified that the proposed garage would be built according to the fire building code.

39. The Board commented that there was a fire March 3, 2011, that started at 28 Shrewsbury Avenue and spread to 30 Shrewsbury Avenue, and that the distance between those houses was greater than the proposed distance between the subject Property and 30 Shrewsbury Avenue. In response thereto and from Board member questions, Mr. Adler testified that the homes involved in the fire had been built many years ago and may not have been built to code, whereas the proposed garage would be built to current fire code standards.

40. Ms. Tierney reappeared before the Board to provide further testimony. She showed a picture of the original garage and again testified that garage used to have a flat roof.

41. Ms. Tierney asked what the height of the peak of the proposed roof is. Mr. Adler testified that the peak is 16 feet. Ms. Tierney stated that the proposed garage is six (6) feet higher than the original garage and that setbacks are to preserve sight views.

42. Ms. Tierney testified that there are no other garages like this on Shrewsbury Avenue. There are some detached garages at the rear of properties, but none on the side. She further asked how far the garage would be located from the dwelling, to which Mr. Adler testified that the garage is six (6) inches from the house.

43. Ms. Tierney testified that the proposed garage with the house effectively blocks the view along the entire front of the property, which is a substantial change to the neighbors' views. She testified that she does not support building something this tall and will lose view from the first and second floors of her home.

44. Mr. Adler responded testifying that the roof height complies with the zone requirements. The roof where the variance for the setback is needed is much lower than the peak. The highest point and dormer are within the setback.

45. In response to questions from the Board, Dr. Farrell testified that putting the garage in the backyard would have a worse impact on the views of the neighbors and created a great obstruction for the neighbors to either side of the subject Property.

46. In response to the concern of the Board regarding fire safety, Mr. Adler testified that the fire code is what makes structure safe, not the setbacks. He also addressed the public's concern of the view stating that moving the garage to the backyard would have a more negative effect on views.

47. Dr. Farrell further testified that the proposed garage does not block neighbors' views any more than their current views as the house blocks the view. The height of the garage does not change the current view. She testified that there are other single car garages in the neighborhood that are close to property lines, just this proposed garage faces the road.

48. The Applicant's Attorney, Mr. Hirsch, argued that the Applicant was seeking the variance as a hardship, c(1) variance. The New Jersey courts have recognized that a hardship does not have to be caused by the physical land, but can also be caused by an existing permitted structure. He argued this application meets that hardship because of the existing foundation of the garage and the location of the house on the subject Property. He argued that the roof height is standard for the zone and is based on the percentage of the peak, which the proposal complies. It will be a small section of the roof that is higher. The proposed garage is more aesthetically pleasing. There are structures all over town that are fire hazards. This will be built to the latest fire code, thereby reducing fire hazards. The lot is 2.5 feet narrower than permitted in the zone, so if the lot width complied with the zone, the garage could fit on the subject Property without a need for a variance. The house was built long before the zoning ordinances and the original garage was built not too long after. The house takes up most of the land creating the hardship for c(1). The c(1) variance should be granted because of the existing house, the narrow lot, and the existing foundation of the garage.

49. Mr. Hirsch further argued that the negative impact will be minimal. Fire risk is based on how the structure is built, not how close the structure is to other structures. The setback makes no impact on fire risk. The fire risk is addressed by the fire code, which this proposal will follow thereby mitigating the negative impact of fire risk. He argued the neighbors are not

entitled to the views, but even if they were, there are no changes to their views. The zone allows this height.

50. The Board discussed the merits of granting the c(1) variance, and observed that there was testimony that the garage could be built elsewhere on the subject Property without variance relief. The Board further discussed how Hurricane Sandy created the situation but that the Applicant proposes more than just rebuilding the original garage from Hurricane Sandy. The proposed garage would have a higher roof and the public is concerned with the height of the structure, although no variance was needed or requested for the height of the proposed garage.

51. In response to further questions from the Board, Mr. Adler testified that the garage is six (6) inches from the existing home. The roof lines are not causing the setback issues and there will not be any overhang by the house as there is no room. The garage cannot be moved closer to the house.

52. Mr. Adler further testified that the roof design could be modified as a condition of approval. The Applicant agreed to lower the proposed garage height by two (2) feet to make the total height fifteen (15) feet instead of the mean height of fifteen (15) feet. The dormer would be removed. The roof design would remain with those modifications and Mr. Adler offered additional testimony that these modifications should allay the public's concerns.

53. There were no other members of the public expressing an interest in the application, at which time the public portion was closed.

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 Applicant's request for minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 along with variance relief pursuant to N.J.S.A. 40:55D-70c should be denied in this instance.

The Board finds that the Applicant has proposed a minor site plan which requires 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 ancillary 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 which 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.

The Board finds that the Applicant has failed to satisfy the positive criteria. The Board first addresses the Applicant's request for a hardship variance pursuant to N.J.S.A. 40:55D-70c(1). The Applicant's testimony could be interpreted to allege that the garage structure lawfully existed prior to its destruction in Hurricane Sandy. The Applicant, however, never applied for or obtained a certification of pre-existing non-conforming structure pursuant to N.J.S.A. 40:55D-68. Such an application also has public noticing requirements. Accordingly, to the extent the Applicant's

testimony could be interpreted to allege that the garage structure lawfully existed prior to its destruction in Hurricane Sandy, the Board is therefore constrained to find that the structure was lawfully pre-existing. The Board further finds that the Applicant is not merely seeking to reconstruct the garage at the same dimensions. Rather, the new proposed garage will be larger. The Board also recognizes the testimony which demonstrated that a new garage could be constructed in conformance with Ordinance requirements. The Board also acknowledges the testimony from the Applicant's professional that although constructing a garage in the rear yard could have a negative impact to the neighbors, the garage could be so constructed in conformance with the zoning requirements. The Board therefore does not find a hardship.

The Board also does not find that the positive criteria has been satisfied under the "flexible" variance standard at N.J.S.A. 40:55D-70c(2). The Applicant has not demonstrated that any of the goals of planning enumerated at N.J.S.A. 40:55D-2 would be advanced in the public interest. The Applicant's Architect testified that the grant of variance relief would create a desirable visual environment. The Board, however, finds that variance relief is not required in order achieve this goal. The structure could be rebuilt at the same dimensions and still be visually attractive. It could also be rebuilt in compliance with Ordinance requirements and achieve a desirable visual environment.

Based upon the foregoing, the Board finds that the Applicant has failed to satisfy the positive criteria under either the c(1) or c(2) criteria.

The Board also finds that the Applicant has failed to satisfy the negative criteria. The Board finds that the proposed detached garage design is out of character with the other garages in the neighborhood and would be inconsistent and detrimental to the prevailing neighborhood

scheme. The purpose of the set back is also to maintain adequate light, air and open space between lots. The proposed setbacks are virtually on top of the property line and do not achieve any of these critical goals of the Ordinance. While the Ordinance does not require a “view corridor”, the required bulk standards result in open space and attractive views. Both would be frustrated by the proposed plan. The Board therefore finds that the grant of variance relief would result in substantial detriment to the public good and substantial impairment of the zone ordinance and the zone plan. The Applicant has therefore failed to satisfy the negative criteria.

The Board finds that the failure to satisfy either the positive or the negative criteria results in denial of variance relief pursuant to N.J.S.A. 40:55D-70c(1) and (2).

To the extent that minor site plan approval is required in connection with an application regarding a single family home pursuant to N.J.S.A. 40:55D-46.1, such request has been rendered moot by the denial of variance relief.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 9th day of June 2022, that the action of the Land Use Board taken on May 12, 2022 denying Application No. LUB2021-07, for minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 along with ancillary bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) and (2) is as follows:

The application for variance relief under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70c(1) and (2) and minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 as well as the Land Use of ordinance of the Borough of Highlands is hereby denied.

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 Applicant’ expense and to send a certified copy of this Resolution to the Applicant 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:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on June 9, 2022.

Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

EXHIBITS

Case No. LUB 2021-07/KERRY FARRELL

Minor Site Plan Approval with Ancillary Variance Relief

June 9, 2022

- A-1 Land Use Board Application, dated December 8, 2021.
- A-2 Architectural Plans prepared by Robert W. Adler & Associates, PA, dated November 11, 2021.
- A-3 Engineering Review Letter prepared by Edward W. Herrman, P.E., dated March 6, 2022.
- A-4 Undated photograph of old garage.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-15

MEMORIALIZATION OF BULK VARIANCE RELIEF

Approved: June 9, 2022
Memorialized: July 14, 2022

IN THE MATTER OF RACHEL SHWOM APPLICATION NO. LUB2022-02

WHEREAS, an application for bulk variance relief has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the “Board”) by Rachel Shwom (hereinafter referred to as the “Applicant”) on lands known and designated as Block 101, Lot 9, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more specifically located at 342 Shore Drive Highlands, New Jersey, in 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 June 9, 2022, 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 contains 2,590 s.f. with 27.09 feet of frontage on Shore Drive and 25 feet of frontage on Locust Street within the R-2.03 (Single-Family Residential) Zone. The subject Property is located in flood zone AE-12 and is currently improved with an 834 s.f. elevated, two and one-half story, single-family residential structure with an elevated deck.

2. The Applicant is seeking bulk “c” variance relief from the R-2.03 Zone’s zoning requirements to permit construction of a 463-foot elevated, two and one-half story addition with a new elevated deck and expanded existing elevated deck. The proposed addition would reduce the existing side yard setback from 1.6 feet to 1.2 feet due to the dwelling’s relation to the property line, and would be located on the south/southwest side of the subject Property (Shore Drive).

3. The proposed addition would also increase building coverage from 32.2% to a proposed coverage of 51%, both of which exceed the 30% maximum permitted building coverage.

4. The Applicant testified that she has owned the subject Property for eleven years and was seeking to add an addition on to the existing dwelling. The home was raised after Hurricane Sandy by the prior homeowners.

5. In response to questions from the Board, the Applicant testified that the proposed addition would be to the front of the home, and that the Locust Street side of the subject Property was the rear thereof.

6. The Applicant testified that the following variance relief was proposed:

- a. **Minimum Lot Size:** 5,000 s.ft. is required whereas 2,590 s.f. presently exists and 2,590 s.f. is proposed to remain.

- b. **Minimum Lot Frontage (Locust Street):** 50 feet is required whereas 27.09 feet currently exists and 27.09 feet is proposed to remain.
- c. **Minimum Front Yard Setback (Locust Street):** 20 feet (or 35.8 feet, which is the average of the existing front yard setback within two hundred feet in the same block and zone per Ordinance Section 21-79) is required whereas 11 feet currently exists and 11 feet is proposed to remain.
- d. **Minimum Side Yard Setback:** 6 feet and 8 feet is required whereas 1.6 feet and 3.7 feet presently exist. The 1.6 foot side yard setback is proposed to be decreased to 1.2 feet, whereas the 3.7 foot setback is proposed to remain unchanged.
- e. **Building Coverage:** 30% is permitted whereas 32.2% presently exists and is proposed to be changed to 51%.

7. The Applicant testified that the subject Property has a larger front yard than most other properties in the neighborhood and that, therefore, it would not be inappropriate to, construct an addition on the front of the dwelling.

8. The Board Engineer testified that the subject Property is undersized and located in the R-2.03 Zone. He provided additional testimony that the subject Property is unique in that it has two front yards because it abuts both Shore Drive and Locust Drive.

9. The Board Engineer stated that the Applicant proposed to decrease the side-yard setback on the southwest side of the lot from 1.6 feet to 1.2 feet and to increase building coverage from 32.2% to 51%, both of which required variance relief. The Board Engineer further testified that the Applicant required four (4) additional variances, all of which were pre-existing non-compliant conditions that would not be further exacerbated by this application.

10. The Board Engineer offered additional testimony that the height of the proposed addition was not problematic and did not require variance relief. He stated that the Residential Site Improvement Standards (R.S.I.S.) required three (3) off-street parking spaces as well.

11. In response to questions from the Board Engineer, the Applicant offered two photographs that were marked into evidence as “A-1” and “A-2”, depicting the front side of the subject Property (Shore Drive) and rear side thereof (Locust Street).

12. The Applicant testified that the photos demonstrated that a car could be parked in the rear of the subject Property and that it is setback much more so than the others in the surrounding area, thus making an addition anywhere but in the front-yard difficult.

13. In response to a question from the Board, the Applicant’s Architect, Vincent Minkler, A.I.A., testified that the proposed addition would extend outward towards Shore Drive by approximately twenty-five (25) feet.

14. The Board next inquired whether the proposed building coverage was similar to that of the rest of the neighborhood. Mr. Minkler responded that the building coverage would be similar to the home next door. He provided additional testimony that the subject Property is at most approximately 27 feet wide whereas 50 feet is a more common lot width in Highlands and, thus, the narrowness of the subject Property makes it more likely to need building coverage variance relief.

15. Mr. Minkler provided additional testimony that due to the exceptional narrowness of the subject Property, the current dwelling is a “shotgun” style home.

16. The application was then opened to members of the public who inquired whether the water runoff and/or drainage would be affected by the proposal. The Applicant responded that there would not be any anticipated runoff.

17. The Applicant testified that the application would make the subject Property more consistent with the neighboring properties and anticipates no detriment to the community and/or zoning plan.

18. The Board Engineer noted that per the R.S.I.S., the application required three (3) off-street parking spaces but testified that no-off street parking was to be provided. The Applicant provided testimony that she is able to use one on-street parking space on Locust Street and currently only has one vehicle. In response, the Board advised the Applicant that a de minimis exception from the R.S.I.S. parking requirements, was required.

19. There were no other 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 Applicant should be granted bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2) in this instance.

The Board finds that the Applicant has 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 Applicant has satisfied the positive criteria. The Board finds that the proposed improvements to the subject Property will improve the functionality of the dwelling

by increasing the habitable floor space. 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 in its exceptional narrowness as to width and dual frontage on Shore Drive and Locust Street, and that it is setback further from Shore Drive than other homes in the neighborhood. Ultimately, a more functional and visually desirable dwelling not only benefits the Applicant, but also advances the interests of the entire community by updating the dwelling to more current housing standards. The Board therefore concludes that the goals of planning as enumerated in N.J.S.A. 40:55D-2 have been advanced. The Applicant has therefore satisfied the positive criteria.

The Board also finds that the negative criteria has been satisfied. The proposed improvements do not exacerbate any of the pre-existing non-compliant conditions and, thus, granting the requested variances will also 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. The Board therefore concludes that there is no substantial detriment to the Zone Plan or the Zoning Ordinance. To the extent there were concerns as to potential drainage issues after the proposed addition is constructed, the Applicant has agreed to submit a grading plan to the Board Engineer for his review and approval. The public welfare has also not been substantially detrimented. The negative criteria has therefore been satisfied. 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).

The Applicant requires a de minimis exception from the RSIS parking requirements. The Board finds that the subject Property has off street parking which can accommodate the Applicant. Adequate on-street parking also exists in the area to address any further parking needs. The Board therefore finds that a de minimis exception from the R.S.I.S. is appropriate in this instance.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Land Use Board on this 14th day of July 2022, that the action of the Board taken on June 9, 2022, granting Application No. LUB2022-02 of Rachel Shwom for bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2) with a de minimis exception from the R.S.I.S. is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in the 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 Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. The Applicant shall submit a grading plan to the Board Engineer for his review and approval.
4. The Applicant shall obtain all necessary approvals from the Borough Flood Plain Officer.
5. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The Applicant shall comply with all applicable NJDEP requirements and should confirm any specific restrictions and/or permitting requirements accordingly.

6. The Applicant shall apply for all necessary Zoning Permit(s) and Demolition Permit(s).
7. The Applicant shall provide a certificate that taxes are paid to date of approval.
8. 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.
9. 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 Applicant's expense and to send a certified copy of this Resolution to the Applicant 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:
SECONDED BY:
ROLL CALL:
YES:
NO:
ABSTAINED:
ABSENT:
DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on July 14, 2022.

Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD
EXHIBITS
Case No. LUB 2022-03 / B-Four Enterprises, Inc.
Amended Preliminary and
Amended Final Major Site Plan Approval
June 9, 2022

- A-1 Denial of development permit by Marianne Dunn, Zoning Officer dated 2/19/19
- A-2 Variance application dated 4/3/19 (3 pages)
- A-3 Disclosure of Ownership dated 4/3/19
- A-4 Site Plan Review Application (2 pages)
- A-5 Preliminary & Final Site Plan by Charles Surmonte dated 2/10/18, last revised 12/2/19 (8 pages)
- A-6 Architectural Plans by Brian Berzinskis dated 12/19/19 (1 page)
- A-7 Sheet 4 of site plan on large board, in color
- A-8 Stormwater Management Plan by Mr. Surmonte dated 7/9/19
- A-9 Large photo of property
- A-10 Large colored rendering of proposed building—view from Bay Ave.
- A-10a Reverse side of A-10—view from rear
- A-11 A-6 with modifications
- A-12 Traffic Report by Mr. Surmonte dated 11/5/20
- A-13 Planner presentation by David Roberts (8 pages—two sided)
- B-1 Board engineer incompleteness letter by Edward Herrman dated 4/29/19 (4 pages)
- B-2 Board engineer review letter by Edward Herrman dated 9/25/20 (10 pages)



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-16

MEMORIALIZATION OF AMENDED MINOR SITE PLAN APPROVAL

Approved: June 9, 2022
Memorialized: July 14, 2022

IN THE MATTER OF B-FOUR ENTERPRISES, INC.
APPLICATION NO. LUB 2022-03

WHEREAS, an application for amended minor site plan approval has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by B-Four Enterprises, Inc. (hereinafter referred to as the “Applicant”) on lands known and designated as Block 72, Lots 8, 8.01, 9.001, 9.011, and 9.012, and Block 69, Lots 13, and 13.01, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 1 Marina Court and 1 Atlantic Street in the WC-2 (Central Business) Zone; and

WHEREAS, a live public hearing was held before the Board on June 9, 2022, 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 contains 176,443 s.f. and is currently developed as the Seafarer Tiki Bar with associated dock and parking lot area. The site is located in the Waterfront Commercial (WC-2) Zone with frontage along Atlantic Street. The Applicant previously received preliminary and final site plan approval to permit the establishment of the “Seafarer Tiki Bar” in May 2015.

2. The Applicant is seeking amended minor site plan approval to utilize a 1,500 s.f. river paddle boat for public and private use. This will reduce the available space from a capacity of twelve (12) boats to ten (10) boats on the subject Property. The Applicant further proposes the removal of fourteen (14) seats from the tiki bar, leaving a total of twelve (12) seats. The river paddle boat will be located along the southern dock and consist of eight (8) tables of four (4) seats for a total of 32 seats, for use by patrons of the tiki bar. The existing 29 tables of four (4) seats (a total of 116 seats) are located on the deck and around the center bar, while the food truck and lavatories will remain in place. The Applicant also proposes to use the river boat for private parties.

3. Counsel for the Applicant, Amanda Curley, Esq. stated that the subject Property is the improved and utilized by the Seafarer Tiki Bar and that the Applicant is seeking to add a river paddle boat to the dock to provide for additional patron seating and private parties.

4. The Applicant’s Architect, Mike Monroe, AIA testified that the tiki bar was approved by the Board in 2015 and that the Applicant was seeking to amend the site plan to add a boat to the dock. He stated that ADA improvements had been made to the subject Property since the 2015 approval. Mr. Monroe testified that the Applicant proposed no changes to the

current occupancy limits and was only seeking to move seats around to provide flexibility for events and shelter during inclement weather.

5. Mr. Monroe further testified that the subject Property also operates as a marina and features a tiki bar, a building for storage, food truck, and a deck on the north side of the subject Property. He stated that a minimum of 174 parking spaces is required, whereas 186 are existing and are proposed to continue to exist. The river boat would not be a permanent structure, would not block any view as it is not very tall, and is 65-feet in length. Mr. Monroe also testified that the Applicant was not proposing any changes to the landscaping and drainage.

6. In response to questions from the Board, Mr. Monroe testified that the boat will be permanently used as a restaurant and that it has been in use as a restaurant (elsewhere) for 10 years. He further stated that the river boat would be towed from its current location on Barnegat Bay to the Highlands if the application is approved.

7. Mr. Monroe then explained that the river boat has two levels and there would not be any cooking on the boat. The food operations are located at the food truck. The operation of the restaurant would remain the same, with no additional staff needed. He testified that the Applicant was seeking to provide more space for its patrons.

8. In response to further questions from the Board, Mr. Monroe testified that the boat would not be decommissioned entirely. In case of an emergency, such as a hurricane, the boat would be able to move under its own power. He confirmed that the Applicant was not seeking to increase the occupancy, but rather to move existing seating to the boat.

9. In response to questions from the Board Engineer, Mr. Monroe testified that there are ten (10) dry dock parking spaces at the center of the subject Property, lined up with the dock. Nothing has changed from the 2015 approval until now and there will not be any alterations to the dock.

10. Mr. Monroe provided additional testimony that there is some overlap with parking between the restaurant and the marina, but the restaurant is primarily used at night, whereas the marina is used during the day. There have not been any issues with the overlap of parking since obtaining land use approval in 2015.

11. Mr. Monroe further stated that all conditions of the 2015 resolution remain in effect and will not be altered by this approval. The hours of operation will remain 11 a.m. to 11 p.m. Mr. Monroe testified that there would be no security concerns because the boat can be locked and there are security cameras on the subject Property. Access to the boat will be provided via a gangway and the Applicant will make a reasonable effort to make the first level of the river boat ADA compliant. Mr. Monroe continued, however, that because the upper level is less than 20% of the total area, the Applicant is not required by ADA to provide access to everywhere on site. The boat meets current boat safety standards.

12. The Board Engineer advised that the application is similar to the site plan approved in 2015 and that he is satisfied with the application. There are no variances required. The Applicant is just adding a boat and moving seating around.

13. The hearing was opened to the public for questioning at which time Jerry Sorano asked if live music will be seven (7) days a week. The Applicant stated that the live music schedule

will be the same as it is currently but will be set up on either the boat or at the main tiki bar – not both. Live music will end at 10pm as it does currently.

14. Jeff Wilson asked what the capacity of the boat is. Mr. Monroe testified that the total capacity is 110 persons, including the upper deck, but he has not decided if he will use the upper deck. He does not intend to use all of the permitted 110 capacity.

15. Francis Shoreman asked if the boat has a fire suppression system. Mr. Monroe testified that boat has an up-to-date fire suppression system that is approved by the United States Coast Guard.

16. Mr. Shoreman further asked how the Applicant would accommodate additional parking with the other uses on the subject Property. Mr. Monroe testified that the parking for the tiki bar is based on seating. The marina has 130 parking spaces. The new business near the marina is included in the 130 marina parking spaces. The marina parking is based on one (1) space per boat slip.

17. Mr. Shoreman next voiced his concern as to whether the subject Property had sufficient emergency vehicle access.

18. In response to further questions from the Board, Mr. Monroe testified that the total capacity of the restaurant as per the Fire Marshall is 200. The Applicant was not seeking to increase the capacity. As the Applicant is not increasing the capacity, there is no need for additional parking. The Board Engineer advised that fire capacity is governed by the construction code and is based on fire safety. Mr. Monroe stated that the Applicant was allowed to limit the

amount of people by itself to be less than the fire capacity, which the Applicant is limiting the seating to 160 as per the 2015 approval. Ms. Curley stated that the standard for parking is one (1) space per four (4) seats; capacity is for safety, not parking.

19. Maggie Bourdeux expressed concern that the Applicant would max out the fire capacity and allow another 100 people with the boat. Mr. Monroe testified that his intention was to spread people out and allow covered space in case of rain. The Applicant does not intend to increase the amount of people.

20. Ms. Bourdeux asked what is keeping the Applicant from increasing the amount of people. Ms. Bourdeux further asked what is keeping the Applicant from putting up something else, such as a Ferris wheel. The Applicant's attorney stated that she was confident that ferris wheels are not permitted in the Zone and would require the Applicant to come before the Board for d(1) use variance approval.

21. Maryanne Bower asked why the Applicant would not use the boat and the deck at the same time on a nice day that draws more people requiring more parking. The Applicant's attorney stated that parking is based on the number of seats, not the number of bodies. The plan permits use of both the tiki bar and boat without the need for parking relief. The Applicant is guided by the Ordinance setting the parking standards.

22. Ms. Bower voiced additional concerns about the potential noise, traffic, and use. In response, the Applicant testified that they intended to have approximately 50 people on the boat at any one time.

23. Members of the public next inquired whether the 2015 approval required the Applicant to have a food truck, noting that the current “food truck” does not have wheels and should not be considered a food truck. The Applicant stated that by restaurant standards, it is technically a food truck.

24. Members of the public next asked whether the river boat is effectively a barge and would become a large projectile during a storm and cause damage to structures on land. The Applicant testified that the boat is operational and can be moved in the event of a damaging storm.

25. Meghan Nice asked if the boat could be moved elsewhere. Mr. Monroe testified that after several revisions of the plan, the proposed location is the best location for the boat. The location along the dock is the most secure for the boat and has the least amount of impact on the area.

26. The hearing was opened to the public for comment, at which time Tim Morris stated that he understands the Applicant wants to make money, but the location of the boat is terrible. The boat is too close to the shore and swimming area.

27. Tom Quinn stated that a 65-foot boat is not small and will be an eyesore. It’s effectively a three-story building.

28. Francis Shoreman stated that he has been fine with the Seafarer as is, but the addition of the boat doesn’t make sense him when almost all the neighbors are against it. He believed it is disingenuous of the Applicant to say there will not be more people and disingenuous

for the Board to not listen to the concerns regarding parking. He believed it will be detrimental to the value of the neighboring homes and the purpose of the Board is to protect the value of homes.

29. Maryanne Bower stated that her backyard borders the parking lot. She stated she loves the Seafarer and it has been a good neighbor, but she was concerned that there will be an increase in people and an increase in noise in the parking lot when people come and go. She is also concerned the boat will ruin her view.

30. Scott Doyle stated that parking is an issue and the application is an intensification of the use. He recently moved to the neighborhood and purchased his house from someone who moved because of the Seafarer.

31. Joe Shacky stated that he appreciates the Applicant has improved privacy since the 2015 application, but the boat will change that privacy being in the water. He is concerned with patrons of the restaurant being rowdy in the community with the boat having easier access to the water.

32. Amy Magada stated that the Board should consider that the boat will increase the amount of people and it is not fair to the neighbors.

33. Maggie Bourdeux stated that the boat is an expansion of the restaurant, and it will continue to grow. The guidelines the board follows might have to change. It is not worth it to the neighborhood.

34. Margaret Valor stated that she is concerned with the boat standing out in the water. The Applicant's attorney stated that the height of the boat is approximately 24 feet, which if it were a structure, would be within the height limits of the zone. There are no height requirements for boats in the zone.

35. There were no other 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 Applicant's request for amended minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 should be granted in this instance.

The Board finds it necessary to first express the statutory requirements in a site plan application. The Municipal Land Use Law tightly circumscribes the jurisdiction of a land use board in reviewing a variance free site plan application for a permitted use. The jurisdiction of a land use board is limited to determining compliance with ordinance requirements. The New Jersey courts have consistently held that where an approval is required where all ordinance requirements have been satisfied. The New Jersey Courts have also held that a land use board

cannot deny a site plan for a permitted use due to an increase in traffic, noise or parking where all ordinance requirements have been satisfied.

The Applicant in the instant matter has complied with all ordinance requirements. In view of the above discussed statutory and common law constraints, this Board finds that it is required to grant amended minor site plan approval pursuant to N.J.S.A. 40:55D-46.1.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 14th day of July 2022, that the action of the Land Use Board taken on June 9, 2022, granting Application No. LUB 2022-03, for amended minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in the 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 Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. The conditions of the Planning Board Resolution dated September 10, 2015 continue to be in effect and are incorporated herein.
4. Any future modifications to this approved plan must be submitted to this Board for approval.
5. The Applicant shall provide a certificate that taxes are paid to date of approval.
6. Payment of all fees, costs, escrows due and 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 Applicant's expense and to send a certified copy of this Resolution to the Applicant 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:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on July 14, 2022.

Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS PLANNING BOARD

EXHIBITS

Case No. LUB 2022-03 / B-Four Enterprises, Inc.

Amended Preliminary and
Amended Final Major Site Plan Approval
June 9, 2022

- A-1 Denial of development permit by Marianne Dunn, Zoning Officer dated 2/19/19
- A-2 Variance application dated 4/3/19 (3 pages)
- A-3 Disclosure of Ownership dated 4/3/19
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- A-5 Preliminary & Final Site Plan by Charles Surmonte dated 2/10/18, last revised 12/2/19 (8 pages)
- A-6 Architectural Plans by Brian Berzinskis dated 12/19/19 (1 page)
- A-7 Sheet 4 of site plan on large board, in color
- A-8 Stormwater Management Plan by Mr. Surmonte dated 7/9/19
- A-9 Large photo of property
- A-10 Large colored rendering of proposed building—view from Bay Ave.
- A-10a Reverse side of A-10—view from rear
- A-11 A-6 with modifications
- A-12 Traffic Report by Mr. Surmonte dated 11/5/20
- A-13 Planner presentation by David Roberts (8 pages—two sided)
- B-1 Board engineer incompleteness letter by Edward Herrman dated 4/29/19 (4 pages)
- B-2 Board engineer review letter by Edward Herrman dated 9/25/20 (10 pages)



Item 4.

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 02/23/2022 Application #: _____ Fee: \$ 1,750 Escrow: \$ 3,500

1. APPLICANT

Name: Arjika Properties
Address: 8 Strawberry Lane
City: Monroe State: N.J. Zip: 08839
Phone: 732-558-1928
Email: info@hilliardconstruction.com
Relation to property: owner

2. OWNER

Name: Same
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 81 Lot(s) 12 Address: 289 Bay ave
Lot size 5,000 SF # of Existing Lots _____ # of Proposed Lots _____
Zone CBD 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 2/21/2022 Sewer paid through _____

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

Name: Brad Batcha from Batcha & Batcha
Address: 600 Broad street shrewsbury NJ 07702
Phone: 732-747-8180 Email: brad@batchalaw.com



Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

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

Name: Marc Leiber Engineer
Address: 11 south Main street
Marlboro, NJ.07746
Phone: 732-577-0180
Email: mleber@eastpointeng.com

Name: Patrick Ward Planner
Address: 1955 NJ-34 #1a
Phone: 732-531-7100
Email: patrick@insiteeng.net

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.

There was a single family home, Arjicka went for a subdivision for two single family homes and was
denied

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.

Arjicka is proposing 4 single bedroom apartment on top of one commercial on main level. Parking
will be in the rear of building. Garbage cans will be in the rear of building as well for four units and
commercial portion.

C. ADDITIONAL INFORMATION:

C. ADDITIONAL INFORMATION:		Existing	Proposed
Residential:	How many dwelling units?	<u>0</u>	<u>4</u>
	How many bedrooms in each unit?	<u>0</u>	<u>1</u>
	How many on-site parking spaces?	<u>0</u>	<u>5</u>
Commercial:	How many commercial uses on site?	<u>0</u>	<u>1</u>
	How many on-site parking spaces?	<u>0</u>	



Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

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

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area	no	-	5,000sq
Frontage	0		50ft
Lot Depth	-		100ft
Minimum Yard Requirements			
Front Yard Setback	0		0
2 nd Front Yard Setback			
Rear Yard Setback	12ft		36ft
Side Yard Setback, right	5ft		10ft
Side Yard Setback, left	5ft		10ft
Building Height	36ft		36ft

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces			5
Other (please add)			

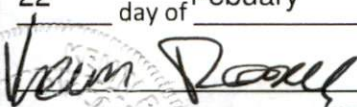
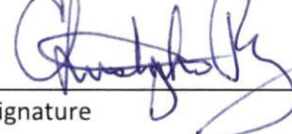
9. OTHER RELIEF REQUESTED Please specify relief(s) and explain below.



Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

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 22 day of February 2022 (year)  (notary) <div style="border: 1px solid black; padding: 2px; display: inline-block;"> KEVIN ROONEY Notary Public, State of New Jersey Commission # 50170501 My Commission Expires Sept. 1, 2026 </div>	Signature  Date 2/22/22
Print Full Name KEVIN ROONEY	

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 22 day of 2 2022 (year) _____ (notary) (Seal)	Signature _____ Date _____ Print Full Name Paul Arora
---	--

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).



Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

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
Paul Arora	8 strawberry Lane Monroe 08839

*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
22 day of 2 2022 (year)
Kevin Rooney (notary)
(Seal)

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

Chris Ruby 2/22/22
Signature (Officer/Partner) Date
Chris Ruby Partner
Print Full Name Title

arjika properties inc
8 strawberry lane
monroe, NJ 08831
7324251475

7669
1-2/210

2/22 2022

PAY TO THE ORDER OF Borough of Highlands \$ 3,500.00
Three Thousand Five Hundred & 00/100 DOLLARS

chase bank
JP MORGAN CHASE BANK, NA

FOR Escrow 289 Pay

⑆021000021⑆890808038⑆ 7669

Majestic America

arjika properties inc
8 strawberry lane
monroe, NJ 08831
7324251475

7670
1-2/210

2/22 2022

PAY TO THE ORDER OF Borough of Highlands \$ 1,750.00
One Thousand Seven Hundred Fifty & 00/100 DOLLARS

chase bank
JP MORGAN CHASE BANK, NA

FOR Escrow 289 Pay

⑆021000021⑆890808038⑆ 7670

Majestic America

RECEIVED

FEB 22 2022

LAND USE BOARD

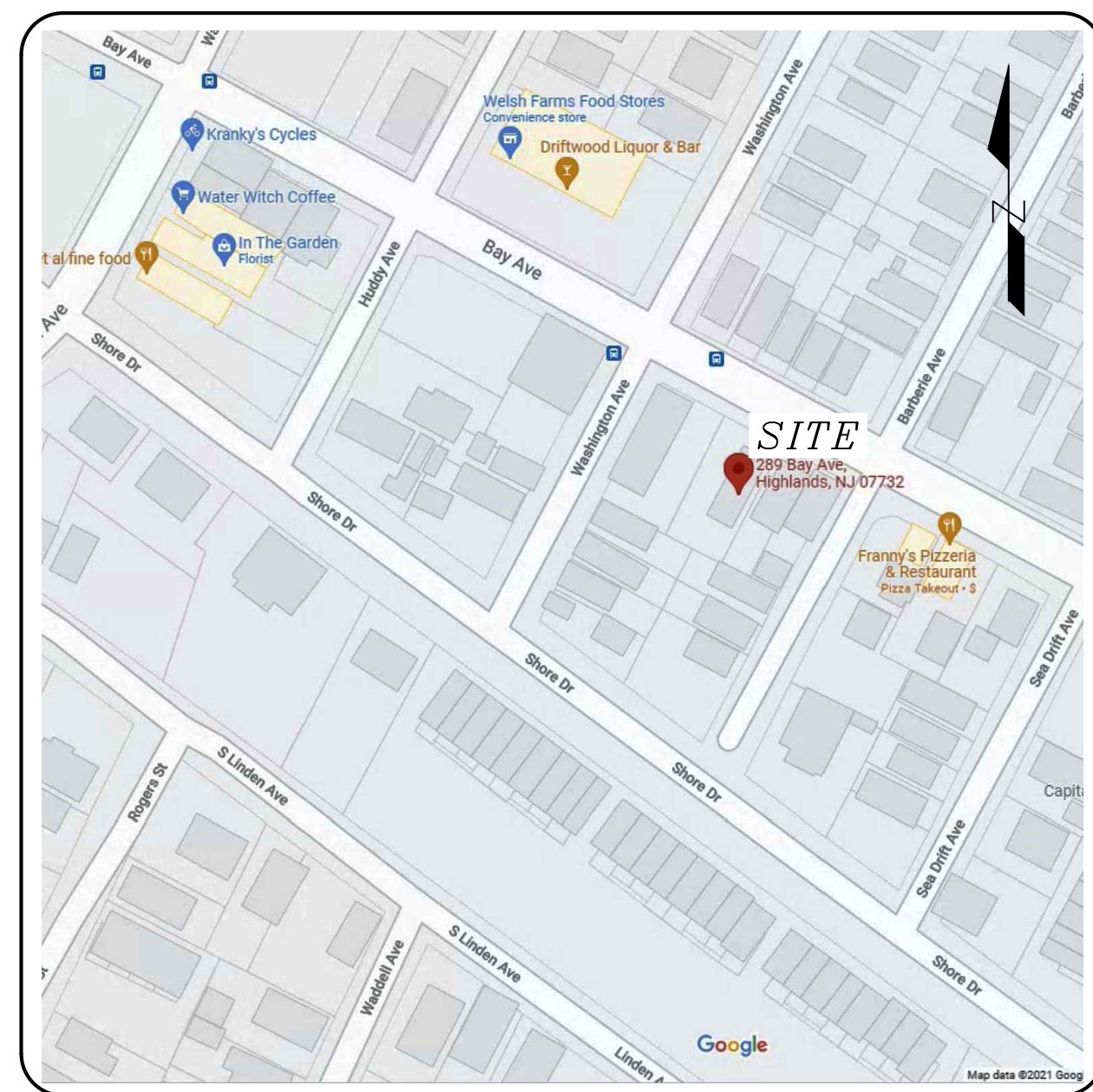
PRELIMINARY & FINAL MAJOR SITE PLAN

289 BAY AVENUE

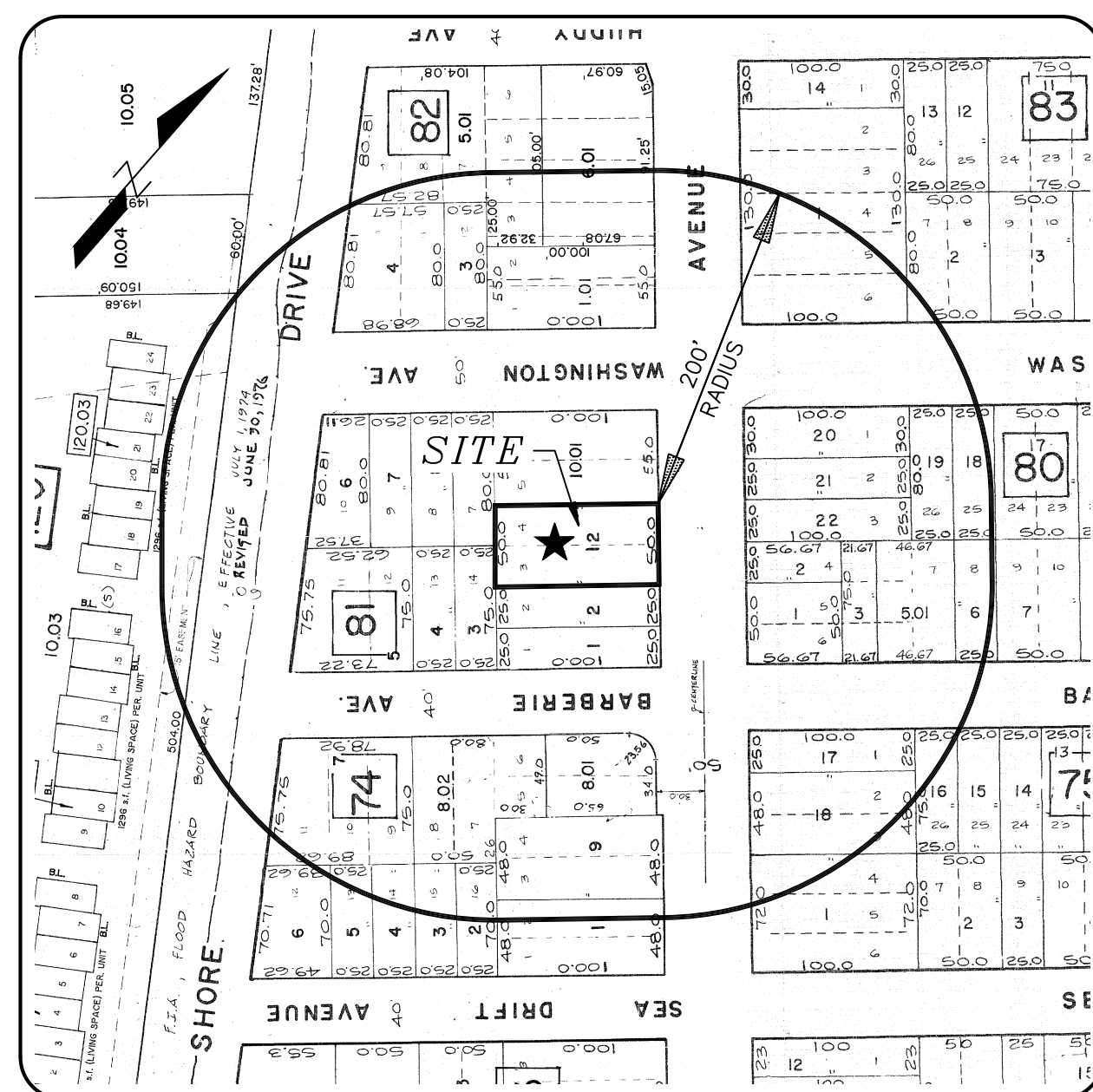
BLOCK 81, LOT 12

BOROUGH OF HIGHLANDS

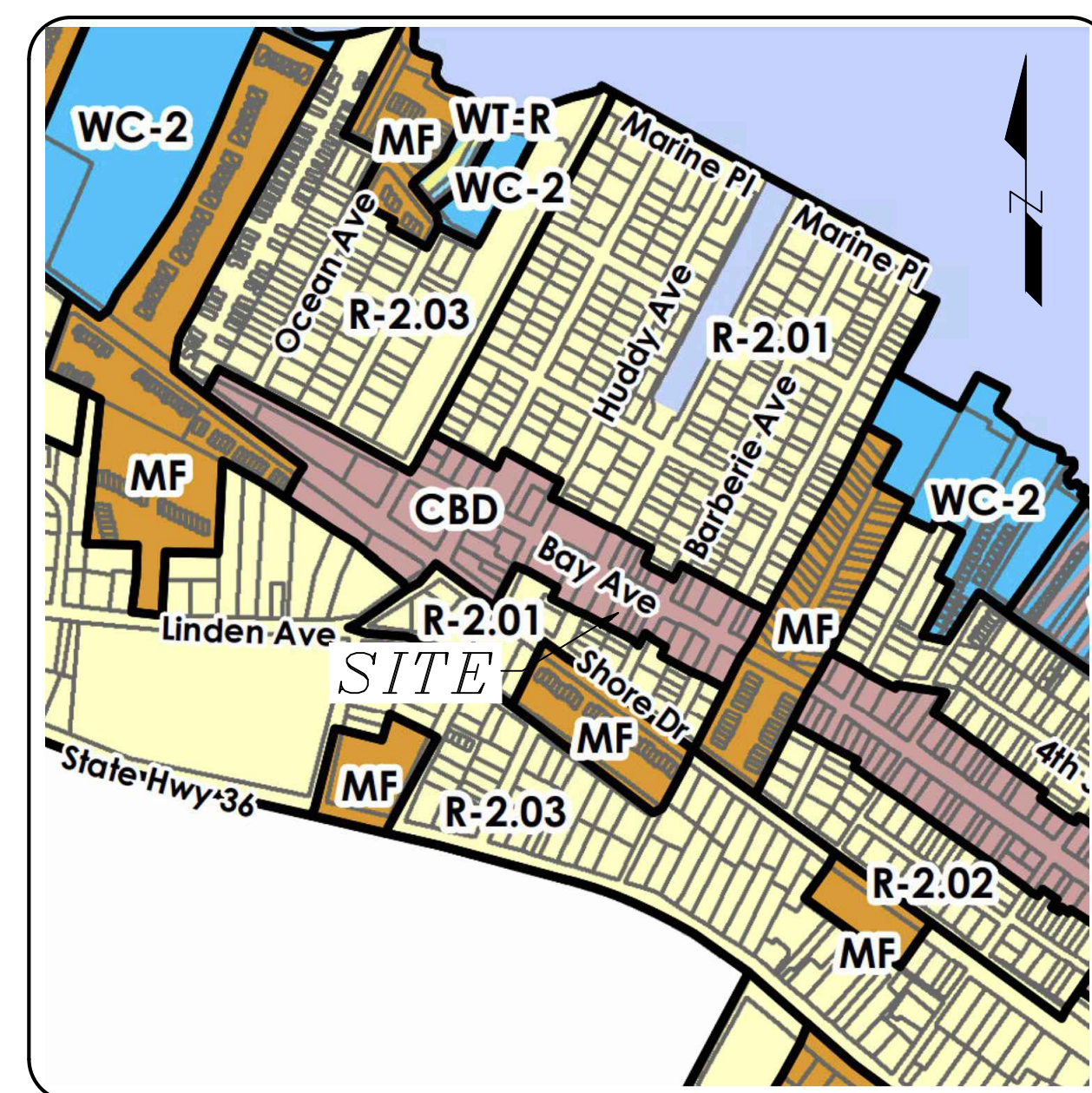
MONMOUTH COUNTY, NEW JERSEY



KEY MAP
SCALE: 1" = 125' ±



TAX MAP SHEET Nos. 15 & 16
SCALE: 1" = 100' ±



ZONING MAP
SCALE: 1" = 450' ±

GENERAL NOTES

- SITE IS KNOWN AS BLOCK 81, LOT 12 AS DEPICTED ON SHEET 15 OF THE BOROUGH OF HIGHLANDS TAX MAPS. TOTAL LOT AREA IS 5,000 S.F. (0.115 AC).
- OWNER/APPLICANT:
ARJKA PROPERTY, INC.
8 STRAWBERRY LANE
MONROE TOWNSHIP, NJ 08831
TEL: (732) 425-1475
E-MAIL: ARJKAPROPERTYINC@GMAIL.COM
- OUTBOUND & TOPOGRAPHICAL SURVEY INFORMATION OBTAINED FROM A PLAN ENTITLED, "TOPOGRAPHICAL SURVEY FOR ARJKA PROPERTIES, INC., BLOCK 81, LOT 12, BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY", PREPARED BY RICHARD STOCKTON, PLS, DATED AUGUST 9, 2021.
- HORIZONTAL CONTROL BASED ON DEED NORTH. VERTICAL DATUM BASED ON NAVD 1988.
- THE SUBJECT PROPERTY IS LOCATED WITHIN FLOOD ZONE "AE" (AREAS INUNDATED WITH 1% ANNUAL CHANCE FLOODING, FOR WHICH BASE FLOOD ELEVATIONS HAVE BEEN DETERMINED. BASE FLOOD ELEVATION MAPPED AS 11 FEET NAVD88) AS SHOWN ON COMMUNITY PANEL No. 3402SC0088G, EFFECTIVE DATE JUNE 20, 2018.
- THERE ARE NO FRESHWATER WETLANDS LOCATED ON THE PROPERTY.
- THE PROPERTY IS LOCATED WITHIN THE CBD "CENTRAL BUSINESS DISTRICT" ZONE. THE PROPOSED USE "MIXED COMMERCIAL/RESIDENTIAL" IS NOT PERMITTED IN THE ZONE, THEREFORE, APPROVAL BY THE BOROUGH BOARD OF ADJUSTMENT IS REQUIRED.
- APPLICANT PROPOSES TO CONSTRUCT A 1,920 S.F. (FOOTPRINT) THREE-STORY MIXED USE BUILDING. THE FIRST FLOOR IS PROPOSED FOR COMMERCIAL SPACE AND THE UPPER FLOORS CONTAIN A TOTAL OF FOUR (4) ONE-BEDROOM APARTMENTS.
- DO NOT SCALE DRAWINGS WITH RESPECT TO THE LOCATION OF SURROUNDING EXISTING FEATURES. ADJACENT AND SURROUNDING PHYSICAL CONDITIONS, BUILDINGS, STRUCTURES, ETC., ARE SCHEMATIC ONLY EXCEPT WHERE DIMENSIONS ARE SHOWN THERETO.
- THIS SET OF PLANS HAS BEEN PREPARED FOR THE APPLICANT NAMED HEREON FOR THE PURPOSE OF MUNICIPAL AND REGULATORY AGENCY REVIEW AND APPROVAL. THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION PLANS UNTIL ALL REQUIRED APPROVALS HAVE BEEN OBTAINED. NO OTHER PURPOSE IS INTENDED OR IMPLIED.
- REFER TO ARCHITECTURAL PLANS PREPARED BY SALVATORE LA FERLITA, R.A. FOR DETAILED BUILDING INFORMATION.
- CONSTRUCTION OF SITE IMPROVEMENTS AND PATIO SHALL BE IN COMPLIANCE WITH THE APPLICABLE BUILDING CODES, FEDERAL AND STATE BARRIER FREE AND A.D.A. REQUIREMENTS, TOWNSHIP DESIGN STANDARDS, AND NOISE CODE.
- THE PROPOSED BUILDING IS TO BE SERVICED BY PUBLIC WATER AND PUBLIC SEWER.
- THE CONTRACTOR SHALL NOTIFY THE UNDERSIGNED PROFESSIONAL IMMEDIATELY IF SITE CONDITIONS OR TOPOGRAPHY DIFFER MATERIALLY FROM THOSE PRESENTED HEREON. THE UNDERSIGNED PROFESSIONAL SHALL BE GRANTED ACCESS TO REVIEW SAID CONDITION, AND/OR RENDER THE DESIGN SHOWN HEREON TO THE APPROPRIATE MUNICIPAL, COUNTY OR STATE OFFICIAL'S AND/OR UNDERSIGNED PROFESSIONAL SATISFACTION.
- STRUCTURAL / GEOTECHNICAL ENGINEER TO PROVIDE PLANS AND CALCULATIONS FOR ALL STRUCTURES AND FOUNDATIONS AS SHOWN ON THIS PLAN. THIS PLAN DOES NOT INCLUDE BUILDING CALCULATIONS EITHER STRUCTURAL OR GEOTECHNICAL AND THE UNDERSIGNED ASSUMES NO RESPONSIBILITY FOR SAME.
- THE OWNER IS RESPONSIBLE FOR SITE SAFETY. THE OWNER, OR HIS REPRESENTATIVE, IS TO DESIGNATE AN INDIVIDUAL RESPONSIBLE FOR CONSTRUCTION SITE SAFETY DURING THE COURSE OF SITE IMPROVEMENTS PURSUANT TO N.J.A.C. 5:23-2.21(e) OF THE N.J. UNIFORM CONSTRUCTION CODE AND CFR 1926.32(f) (OSHA COMPETENT PERSON).
- THESE PLANS DEPICT VARIOUS IMPROVEMENTS TO BE LOCATED ON THE PROPERTY IN QUESTION. IT IS THE DEVELOPER'S RESPONSIBILITY TO ENSURE THAT SAID IMPROVEMENTS ARE STAKED OUT IN THE CORRECT LOCATIONS, BOTH HORIZONTALLY AND VERTICALLY, BY RETAINING A NEW JERSEY LICENSED LAND SURVEYOR. THE ENGINEER SHALL NOT BEAR ANY RESPONSIBILITY OR LIABILITY FOR THE CONSTRUCTION OF ANY PROPOSED IMPROVEMENTS, SPECIFICALLY IF BUILT IN LOCATIONS OTHER THAN THOSE DEPICTED, OR AT ELEVATIONS THAT DIFFER FROM THE PLAN.
- UPON ISSUANCE OF CONSTRUCTION DOCUMENTS, IT IS EXPLICITLY UNDERSTOOD THAT THE ENGINEER IS NOT RESPONSIBLE FOR THE PROSECUTION OF THE WORK, THE MEANS AND METHODS OF CONSTRUCTION, PROTECTION OF ADJACENT STRUCTURES OR PROPERTY, AND IS NOT TO BE HELD RESPONSIBLE FOR ANY DAMAGE WHATSOEVER TO ANY PROPERTY, INCLUDING OFFSITE LANDS, ASSOCIATED WITH CONSTRUCTION OF THE PROJECT.
- EXISTING UTILITY INFORMATION IS BASED ON INFORMATION OF RECORD AND HAS BEEN GATHERED FROM NUMEROUS SOURCES AND IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS. THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE START OF CONSTRUCTION AND REQUEST A MARKOUT BY CONTACTING N.J. ONE-CALL AT (800) 272-1000. IT IS THE CONTRACTOR'S RESPONSIBILITY TO PROTECT ALL EXISTING UTILITIES FROM DAMAGE DURING CONSTRUCTION.

SIGNATURE BLOCKS

APPLICATION NO. _____ APPROVED
BY THE BOROUGH OF HIGHLANDS
BOARD OF ADJUSTMENT AS A MAJOR SITE PLAN
ON _____ DATE

BOARD CHAIRMAN

BOARD SECRETARY

BOROUGH ENGINEER

OFF-STREET PARKING REQUIREMENTS (CH. 21-65.14.D.)

USE	REQUIREMENT	PROPOSED	SPACES REQUIRED
RESIDENTIAL	1.8 SPACES PER ONE-BEDROOM APARTMENT	4 UNITS	7.2
COMMERCIAL	1 SPACE / 250 S.F.	1,450 S.F.	5.8
TOTAL REQUIRED			13 SPACES
TOTAL PROVIDED			5 SPACES *


* VARIANCE REQUESTED FOR 8 SPACE DEFICIENCY

DRAWING INDEX

SHEET NO.	DESCRIPTION	DATE	REVISION DATE
1	COVER SHEET	12-30-21	-
2	EXISTING CONDITIONS PLAN	12-30-21	-
3	SITE LAYOUT & GRADING PLAN	12-30-21	-
4	SOIL EROSION & SEDIMENT CONTROL PLAN	12-30-21	-
5	LIGHTING PLAN	12-30-21	-

CBD CENTRAL BUSINESS DISTRICT ZONE AREA, YARD & BUILDING REQUIREMENTS

	REQUIRED	PROPOSED	VARIANCE REQ.
MIN. LOT AREA	-	5,000 S.F.	NO
MIN. LOT FRONTAGE/WIDTH	-	50 FT	NO
MIN. LOT DEPTH	-	100 FT	NO
MIN. FRONT YARD	0 FT	0 FT	NO
MIN. SIDE YARD	5 FT	10 FT	NO
MIN. REAR YARD	12 FT	36 FT	NO
MAX. BUILDING COVERAGE	35%	34.8% (1,740 S.F.)	NO
MAX. LOT COVERAGE	80%	100% (5,000 S.F.)	YES
MAX. BLDG. HEIGHT	36 FT	36 FT	NO
MAX. FLOOR AREA RATIO	0.65	1.15 (5,760 S.F.)	YES
MIN. OUTDOOR LIVING SPACE	100 S.F./UNIT PLUS 50 S.F./BR (600 S.F.)	600 S.F.	NO

NO.		DATE	DESCRIPTION
PRELIMINARY & FINAL MAJOR SITE PLAN 289 BAY AVENUE COVER SHEET BLOCK 81, LOT 12 TAX MAP SHEET NO. 15 BOROUGH OF HIGHLANDS MONMOUTH COUNTY, NEW JERSEY			
		11 South Main Street Marlboro, NJ 07746 Tel: 732.577.0180	
MARC S. LEBER N.J. PROFESSIONAL ENGINEER, LICENSE NO. 240604452400 N.J. PROFESSIONAL PLANNER, LICENSE NO. 33LI00589600		DATE 12-30-21 SCALE: N/A	PROJECT NUMBER: 21-465 CHECKED BY: BNP
SHEET NO. 1 OF 5			

WASHINGTON 50' ROW AVE.

SHORE DRIVE

BAY 50' ROW AVE.

BARBERIE 40' ROW AVE.



PHOTO OF PROPERTY IN QUESTION

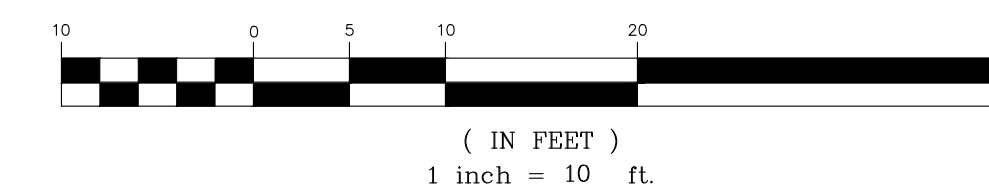
LEGEND:

+ 5.41 = SPOT ELEVATION

NOTE:

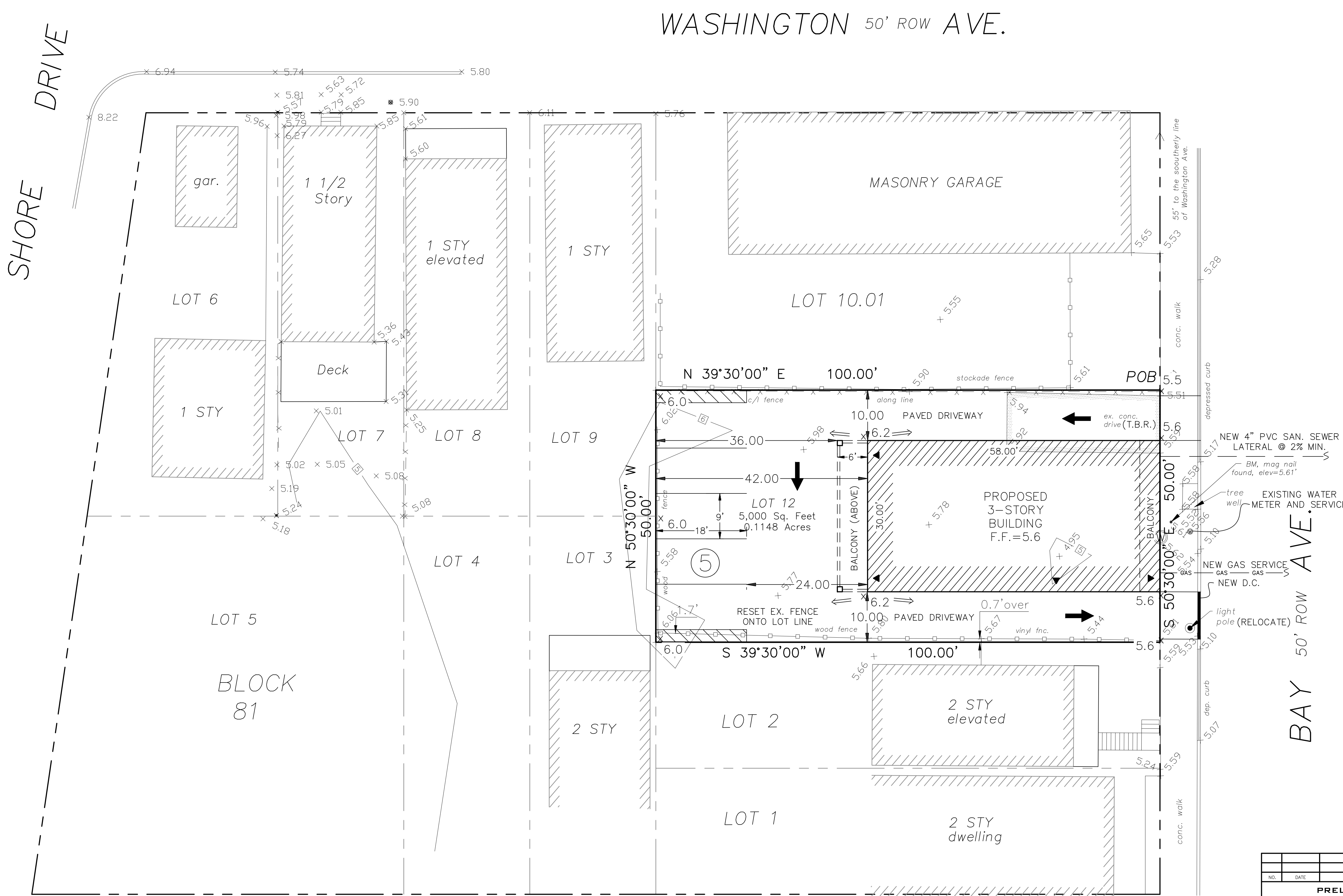
ELEVATIONS REFER TO NGVD-1988 DATUM. LOCAL BM, MAG NAIL FND, CONCRETE WALK, ELEV=5.61', AS SHOWN.

GRAPHIC SCALE



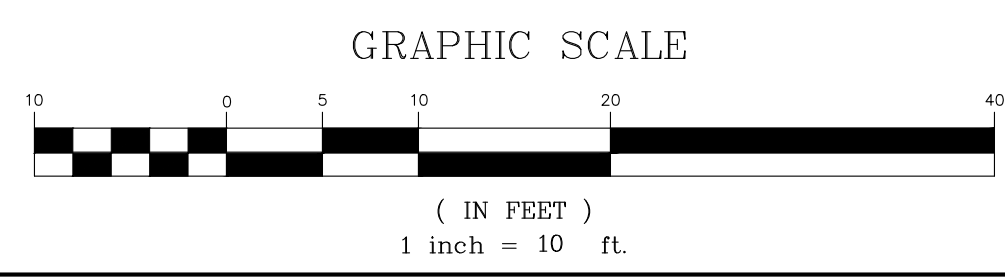
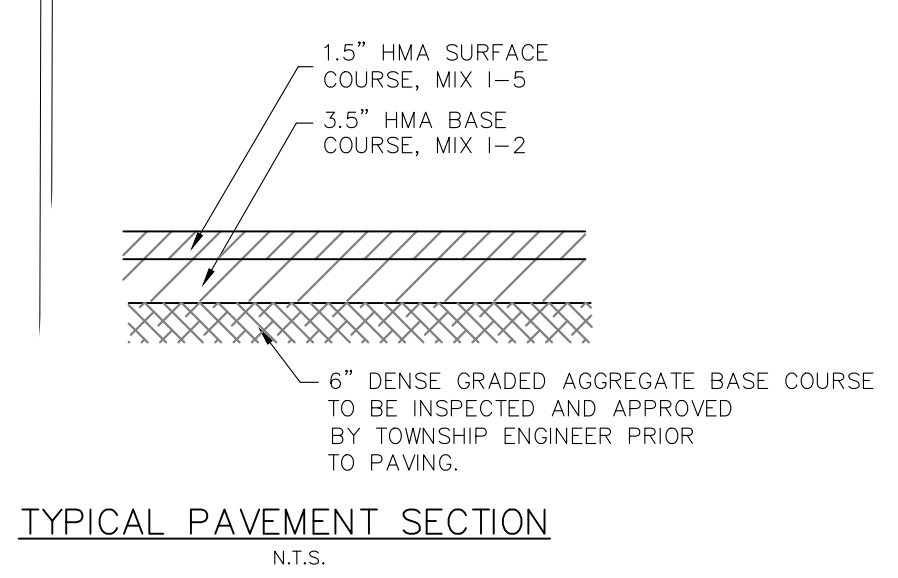
NO.		DATE		DESCRIPTION	
PRELIMINARY & FINAL MAJOR SITE PLAN 289 BAY AVENUE EXISTING CONDITIONS PLAN BLOCK 81, LOT 12 TAX MAP SHEET NO. 15 BOROUGH OF HIGHLANDS MONMOUTH COUNTY, NEW JERSEY					
		EAST POINT ENGINEERING, LLC NEW JERSEY CERTIFICATE OF AUTHORIZATION NO. 246A28169800		11 South Main Street Marlboro, NJ 07746 Tel: 732.577.0180	
DATE: 12-30-21		PROJECT NUMBER: 21-465		CHECKED BY: BNP	
SCALE: 1" = 10'		DATE: 12-30-21		SHEET NO. 2 OF 5	
MARC S. LEBER N.J. PROFESSIONAL ENGINEER, LICENSE NO. 240604452400 N.J. PROFESSIONAL PLANNER, LICENSE NO. 33100589800					

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LEGEND:
+ 5.41 = SPOT ELEVATION

NOTE:
ELEVATIONS REFER TO NGVD-1988 DATUM. LOCAL BM, MAG NAIL FND, CONCRETE WALK, ELEV=5.61', AS SHOWN.



NO.		DATE	DESCRIPTION
PRELIMINARY & FINAL MAJOR SITE PLAN 289 BAY AVENUE SITE LAYOUT & GRADING PLAN BLOCK 81, LOT 12 TAX MAP SHEET NO. 15 BOROUGH OF HIGHLANDS MONMOUTH COUNTY, NEW JERSEY			
		11 South Main Street Marlboro, NJ 07746 Tel: 732.577.0180	
MARC S. LEBER N.J. PROFESSIONAL ENGINEER, LICENSE NO. 240604452400 N.J. PROFESSIONAL PLANNER, LICENSE NO. 33100589600		DATE 12-30-21	PROJECT NUMBER: 21-465 CHECKED BY: BNP
SHEET NO. 3 OF 5			

SOIL EROSION & SEDIMENT CONTROL NOTES

1. THE FREEHOLD SOIL CONSERVATION DISTRICT SHALL BE NOTIFIED FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY SOIL DISTURBING ACTIVITY.
2. ALL SOIL EROSION AND SEDIMENT CONTROL PRACTICES ARE TO BE INSTALLED PRIOR TO SOIL DISTURBANCE, OR IN THEIR PROPER SEQUENCE, AND MAINTAINED UNTIL PERMANENT PROTECTION IS ESTABLISHED.
3. ANY CHANGES TO THE CERTIFIED SOIL EROSION AND SEDIMENT CONTROL PLANS WILL REQUIRE THE SUBMISSION OF REVISED SOIL EROSION AND SEDIMENT CONTROL PLANS TO THE DISTRICT FOR RE-CERTIFICATION. THE REVISED PLANS MUST MEET ALL CURRENT STATE SOIL EROSION AND SEDIMENT CONTROL STANDARDS.
4. N.J.S.A. 4:24-39 ET. SEQ. REQUIRES THAT NO CERTIFICATE OF OCCUPANCY BE ISSUED BEFORE THE DISTRICT DETERMINES THAT A PROJECT OR PORTION THEREOF IS IN FULL COMPLIANCE WITH THE CERTIFIED PLAN AND STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL IN NEW JERSEY AND A REPORT OF COMPLIANCE HAS BEEN ISSUED. UPON WRITTEN REQUEST FROM THE APPLICANT, THE DISTRICT MAY ISSUE A REPORT OF COMPLIANCE WITH CONDITIONS ON A LOT-BY-LOT OR SECTION-BY-SECTION BASIS, PROVIDED THAT THE PROJECT OR PORTION THEREOF IS IN SATISFACTORY COMPLIANCE WITH THE SEQUENCE OF DEVELOPMENT AND TEMPORARY MEASURES FOR SOIL EROSION AND SEDIMENT CONTROL HAVE BEEN IMPLEMENTED, INCLUDING PROVISIONS FOR STABILIZATION AND SITE WORK.
5. ANY DISTURBED AREAS THAT WILL BE LEFT EXPOSED FOR MORE THAN SIXTY (60) DAYS, AND NOT SUBJECT TO CONSTRUCTION TRAFFIC, WILL IMMEDIATELY RECEIVE A TEMPORARY SEEDING. IF THE SEASON PREVENTS THE ESTABLISHMENT OF TEMPORARY COVER, THE DISTURBED AREAS WILL BE MULCHED WITH STRAW, OR EQUIVALENT MATERIAL, AT A RATE OF 2 TO 2½ TONS PER ACRE, ACCORDING TO STATE STANDARD FOR STABILIZATION WITH MULCH ONLY.
6. IMMEDIATELY FOLLOWING INITIAL DISTURBANCE OR ROUGH GRADING, ALL CRITICAL AREAS SUBJECT TO EROSION (I.E. STEEP SLOPES AND ROADWAY EMBANKMENTS) WILL RECEIVE TEMPORARY SEEDING IN COMBINATION WITH STRAW MULCH OR A SUITABLE EQUIVALENT, AND A MULCH ANCHOR IN ACCORDANCE WITH STATE STANDARDS.
7. A SUB-BASE COURSE WILL BE APPLIED IMMEDIATELY FOLLOWING ROUGH GRADING AND INSTALLATION OF THE TEMPORARY STABILIZATION STRIPS, ROADS, DRIVEWAYS, AND PARKING AREAS. IN AREAS WHERE NO UTILITIES ARE PRESENT, THE SUB-BASE SHALL BE INSTALLED WITHIN FIFTEEN (15) DAYS OF PRELIMINARY GRADING.
8. THE STANDARD FOR STABILIZED CONSTRUCTION ACCESS REQUIRES THE INSTALLATION OF A PAD OF CLEAN CRUSHED STONE AT POINTS WHERE TRAFFIC WILL BE ACCESSING THE CONSTRUCTION SITE. AFTER INTERIOR ROADWAYS ARE PAVED, INDIVIDUAL LOTS REQUIRE A STABILIZED CONSTRUCTION ENTRANCE, CONSISTING OF ONE INCH TO TWO INCH (1" - 2") STONE OR A MINIMUM LENGTH OF TEN FEET (10') EQUAL TO THE LOT ENTRANCE WIDTH. ALL OTHER ACCESS POINTS SHALL BE BLOCKED OFF.
9. ALL SOIL WASHED, DROPPED, SPILLED, OR TRACKED OUTSIDE THE LIMIT OF DISTURBANCE OR ONTO THE PUBLIC RIGHT-OF-WAYS WILL BE REMOVED IMMEDIATELY.
10. PERMANENT VEGETATION IS TO BE SEEDED OR SODDED ON ALL EXPOSED AREAS WITHIN TEN (10) DAYS AFTER FINAL GRADING.
11. AT THE TIME THE SITE PREPARATION FOR PERMANENT VEGETATIVE STABILIZATION IS GOING TO BE ACCOMPLISHED, ANY SOIL THAT WILL NOT PROVIDE A SUITABLE ENVIRONMENT TO SUPPORT ADEQUATE VEGETATIVE GROUND COVER SHALL BE REMOVED OR TREATED IN SUCH A WAY THAT IT WILL PERMANENTLY ADJUST THE SOIL CONDITIONS AND RENDER IT SUITABLE FOR VEGETATIVE GROUND COVER. IF THE REMOVAL OR TREATMENT OF SOIL WILL NOT PROVIDE SUITABLE CONDITIONS, NON-VEGETATIVE MEANS OF PERMANENT GROUND STABILIZATION WILL HAVE TO BE EMPLOYED.
12. IN ACCORDANCE WITH THE STANDARD FOR MANAGEMENT OF HIGH ACID PRODUCING SOILS, ANY SOIL HAVING A PH OF 4 OR LESS OR CONTAINING IRON SULFIDES SHALL BE ULTIMATELY PLACED OR BURIED WITH LIMESTONE APPLIED AT THE RATE OF 10 TONS/ACRE, (OR 450 LBS/SQ FT OF SURFACE AREA) AND COVERED WITH A MINIMUM OF 12" OF SETTLED SOIL WITH A PH OF 5 OR MORE, OR 24" WHERE TREES OR SHRUBS ARE TO BE PLANTED.
13. CONDUIT OUTLET PROTECTION MUST BE INSTALLED AT ALL REQUIRED OUTFALLS PRIOR TO THE DRAINAGE SYSTEM BECOMING OPERATIONAL.
14. UNFILTERED Dewatering IS NOT PERMITTED. NECESSARY PRECAUTIONS MUST BE TAKEN DURING ALL Dewatering OPERATIONS TO MINIMIZE SEDIMENT TRANSFER. ANY Dewatering METHODS USED MUST BE IN ACCORDANCE WITH THE STANDARD FOR Dewatering.
15. SHOULD THE CONTROL OF DUST AT THE SITE BE NECESSARY, THE SITE WILL BE SPRINKLED UNTIL THE SURFACE IS WET. TEMPORARY VEGETATIVE COVER SHALL BE ESTABLISHED OR MULCH SHALL BE APPLIED AS REQUIRED BY THE STANDARD FOR DUST CONTROL.
16. STOCKPILE AND STAGING LOCATIONS ESTABLISHED IN THE FIELD SHALL BE PLACED WITHIN THE LIMIT OF DISTURBANCE ACCORDING TO THE CERTIFIED PLAN. STAGING AND STOCKPILES NOT LOCATED WITHIN THE LIMIT OF DISTURBANCE WILL REQUIRE CERTIFICATION OF A REVISED SOIL EROSION AND SEDIMENT CONTROL PLAN. CERTIFICATION OF A NEW SOIL EROSION AND SEDIMENT CONTROL PLAN MAY BE REQUIRED FOR THESE ACTIVITIES IF AN AREA GREATER THAN 5,000 SQUARE FEET IS DISTURBED.
17. ALL SOIL STOCKPILES ARE TO BE TEMPORARILY STABILIZED IN ACCORDANCE WITH SOIL EROSION AND SEDIMENT CONTROL NOTE #6.
18. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR ANY EROSION OR SEDIMENTATION THAT MAY OCCUR BELOW STORMWATER OUTFALLS OR OFFSITE AS A RESULT OF CONSTRUCTION OF THE PROJECT.

SEEDING SCHEDULE -- ZONE 6B

(rev. 2014)

SITE AND SEEDBED PREPARATION: TO BE PERFORMED IN ACCORDANCE WITH CHAPTERS 4-1, 7-1 AND 8-1 OF THE 2014 STANDARDS FOR SOIL EROSION & SEDIMENT CONTROL IN NEW JERSEY.

1. TEMPORARY GRASS SEEDING SHALL CONSIST OF SPRING OATS APPLIED AT A RATE OF 2.0 LBS. PER 1,000 S.F. OPTIMUM SEEDING DATES ARE BETWEEN AUGUST 15 AND OCTOBER 15.
AN ALTERNATIVE TEMPORARY GRASS SEEDING SHALL CONSIST OF WINTER CEREAL RYE APPLIED AT A RATE OF 2.8 LBS. PER 1,000 S.F. OPTIMUM SEEDING DATES ARE BETWEEN AUGUST 1 AND DECEMBER 15.

TEMPORARY SEEDING SHALL BE MAINTAINED UNTIL DISTURBED AREAS ARE PERMANENTLY STABILIZED WITH PERMANENT SEEDING. IF ANY SERIOUS EROSION PROBLEM OCCURS, THE ERODED AREAS SHALL BE REPAIRED AND STABILIZED WITH A MULCH AS INDICATED IN NOTE #6.

2. PERMANENT SEEDING SHALL CONSIST OF THE FOLLOWING MIXTURE AS APPROVED BY THE FREEHOLD SOIL CONSERVATION DISTRICT:

USDA PLANT HARDINESS ZONE 6b, TABLE 4-3

MIX NUMBER 15

ACCEPTABLE SEEDING DATES ARE BETWEEN MARCH 1 AND APRIL 30

ACCEPTABLE SEEDING DATES ARE BETWEEN MAY 1 AND AUGUST 14 (IF IRRIGATION PRESENT)

OPTIMUM SEEDING DATES ARE BETWEEN AUGUST 15 AND OCTOBER 15

MIX DETAILS

- 58% HARD FESCUE (135 LBS/ACRE)
- 19% CHEWINGS FESCUE (45 LBS/ACRE)
- 19% STRONG CREEPING RED FESCUE (45 LBS/ACRE)
- 4% PERENNIAL RYE GRASS (10 LBS/ACRE)

*APPLY AT A SEEDING RATE OF 230 LBS/ACRE OR 5.25 LBS/1000 S.F.

3. PERMANENT SEEDING TO BE APPLIED BY HYDROSEEDING AT A RATE OF 160 LBS. PER ACRE, SLOPED AREAS TO BE COVERED WITH MULCH AS INDICATED IN NOTE 6.

4. FERTILIZER FOR THE ESTABLISHMENT OF TEMPORARY AND PERMANENT VEGETATIVE COVER SHALL BE 10-10-10 (OR EQUIVALENT) APPLIED AT A RATE OF 500 LBS. PER ACRE OR 11 LBS. PER 1,000 S.F. WITH 50% WATER INSOLUBLE NITROGEN UNLESS A SOIL TEST INDICATES OTHERWISE AND INCORPORATED INTO THE SURFACE 4 INCHES.

5. IF THE TIME OF YEAR PREVENTS THE ESTABLISHMENT OF TEMPORARY OR PERMANENT SEEDING, EXPOSED AREA TO BE STABILIZED WITH MULCH AS INDICATED IN NOTE 6.

6. MULCH TO CONSIST OF SMALL GRAIN STRAW OR SALT HAY ANCHORED WITH A WOOD AND FIBER MULCH BINDER OR AN APPROVED EQUAL.

7. ALL SEEDED AREAS SHALL BE MULCHED IN ACCORDANCE WITH THE MULCH AND MULCH ANCHORING SPECIFICATIONS ON THIS SHEET.

8. WORK LIME AND FERTILIZER INTO THE SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH A DISC, SPRINGTOOTH HARROW, OR OTHER SUITABLE EQUIPMENT. THE FINAL HARROWING OR DISCING OPERATION SHOULD BE ON THE GENERAL CONTOUR. CONTINUE TILLAGE UNTIL A REASONABLY UNIFORM, FINE SEEDBED IS PREPARED. ALL BUT CLAY OR SILTY SOILS AND COARSE SANDS SHOULD BE LOOSE TO FIRM THE SEEDBED WHEREVER FEASIBLE.

9. REMOVE FROM THE SURFACE ALL STONES TWO INCHES OR LARGER IN ANY DIMENSION, REMOVE ALL OTHER DEBRIS, SUCH AS WIRE, CABLE, TREE ROOTS, PIECES OF CONCRETE, CLODS, LUMPS OR OTHER UNSUITABLE MATERIAL.

10. INSPECT SEEDBED JUST BEFORE SEEDING. IF TRAFFIC HAS LEFT SOIL COMPACTED, THE AREA MUST BE RETILLED AND FIRMED AS ABOVE.

STANDARDS FOR TOPSOILING

(rev. 2014)

A. MATERIALS

1. Topsoil should be friable, loamy, free of debris, objectionable weeds and stones, and contain no toxic substance or adverse chemical or physical condition that may be harmful to plant growth. Soluble salts should not be excessive (conductivity less than 0.5 millimhos per centimeter. More than 0.5 millimhos may desiccate seedlings and adversely impact growth). Topsoil hauled in from offsite should have a minimum organic matter content of 2.75 percent. Organic matter content may be raised by additives.

2. Topsoil substitute is a soil material which may have been amended with sand, silt, clay, organic matter, fertilizer or lime and has the appearance of topsoil. Topsoil substitutes may be utilized on sites with insufficient topsoil for establishing permanent vegetation. All topsoil substitute materials shall meet the requirements of topsoil noted above. Soil tests shall be performed to determine the components of sand, silt, clay, organic matter, soluble salts and pH level.

B. STRIPPING AND STOCKPILING

1. Field exploration should be made to determine whether quantity and/or quality of surface soil justifies stripping.

2. Stripping should be confined to the immediate construction area.

3. Where feasible, lime may be applied before stripping at a rate determined by soil tests to bring the soil pH to approximately 6.5. In lieu of soil tests, see lime rate guide in seedbed preparation for Permanent Vegetative Cover for Soil Stabilization, Chapter 4-1.

4. A 4-6 inch stripping depth is common, but may vary depending on the particular soil.

5. Stockpiles of topsoil should be situated so as not to obstruct natural drainage or cause off-site environmental damage.

6. Stockpiles should be vegetated in accordance with standards previously described herein; see standards for Permanent (Chapter 4-1) or Temporary (Chapter 7-1) Vegetative Cover for Soil Stabilization. Weeds should not be allowed to grow on stockpiles.

C. SITE PREPARATION

1. Grade at the onset of the optimal seeding period so as to minimize the duration and area of exposure of disturbed soil to erosion. Immediately proceed to establish vegetative cover in accordance with the specified seed mixture. Time is of the essence.

2. Grade as needed and feasible to permit the use of conventional equipment for seedbed preparation, seeding, mulch application and anchoring, and maintenance. See the Standard for Land Grading, Chapter 19-1.

3. As guidance for ideal conditions, subsoil should be tested for lime requirement. Limestone, if needed, should be applied to bring soil to a pH of approximately 6.5 and incorporated into the soil as nearly as practical to a depth of 4 inches.

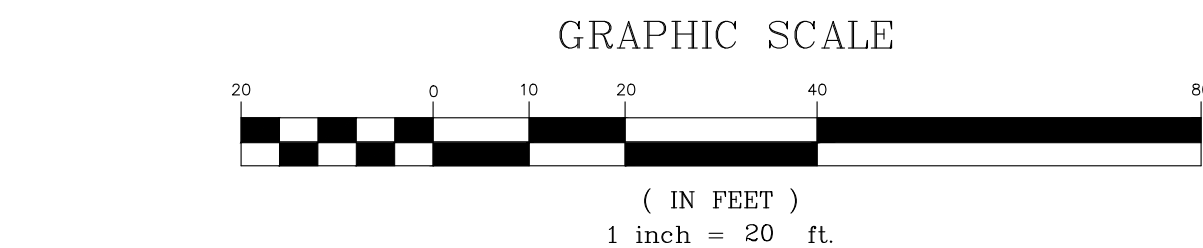
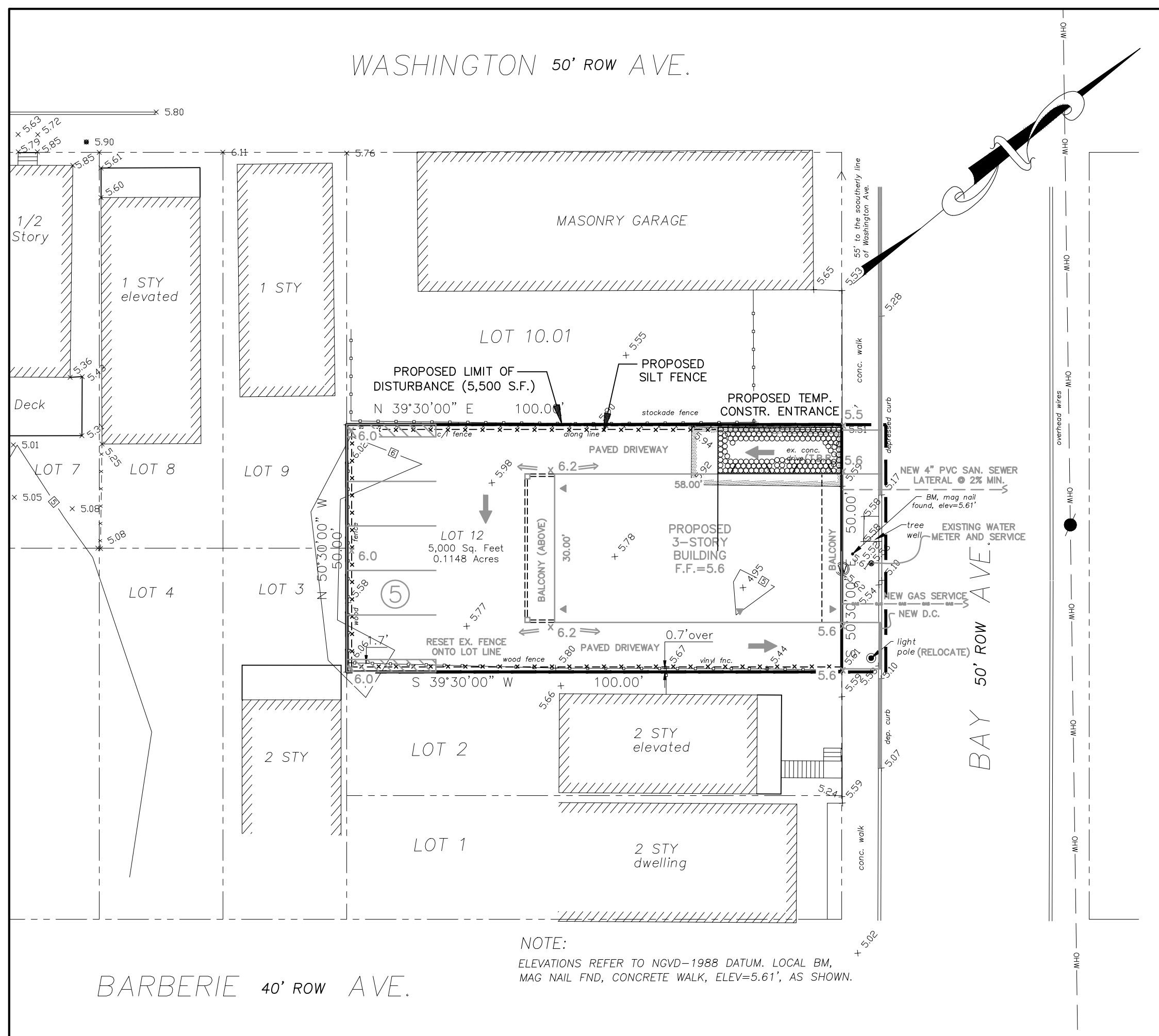
4. Immediately prior to topsoiling, the surface should be scarified 6" to 12" where there has been soil compaction. This will help insure a good bond between the topsoil and subsoil. This practice is permissible only where there is no danger to underground utilities (cables, irrigation systems, etc.).

5. Employ needed erosion control practices such as diversions, grade stabilization structures, channel stabilization measures, sedimentation basins, and waterways. See Standards 11 through 42.

D. APPLYING TOPSOIL

1. Topsoil should be handled only when it is dry enough to work without damaging soil structure; i.e., less than field capacity (see glossary).

2. A uniform application to a depth of 5 inches (unsettled) is recommended. Soils with a pH of 4.0 or less or containing iron sulfide shall be covered with a minimum depth of 12 inches of soil having a pH of 5.0 or more, in accordance with the Standard for Management of High Acid Producing Soil (Chapter 1-1).



MULCH AND MULCH ANCHORING SPECIFICATIONS

(rev. 2014)

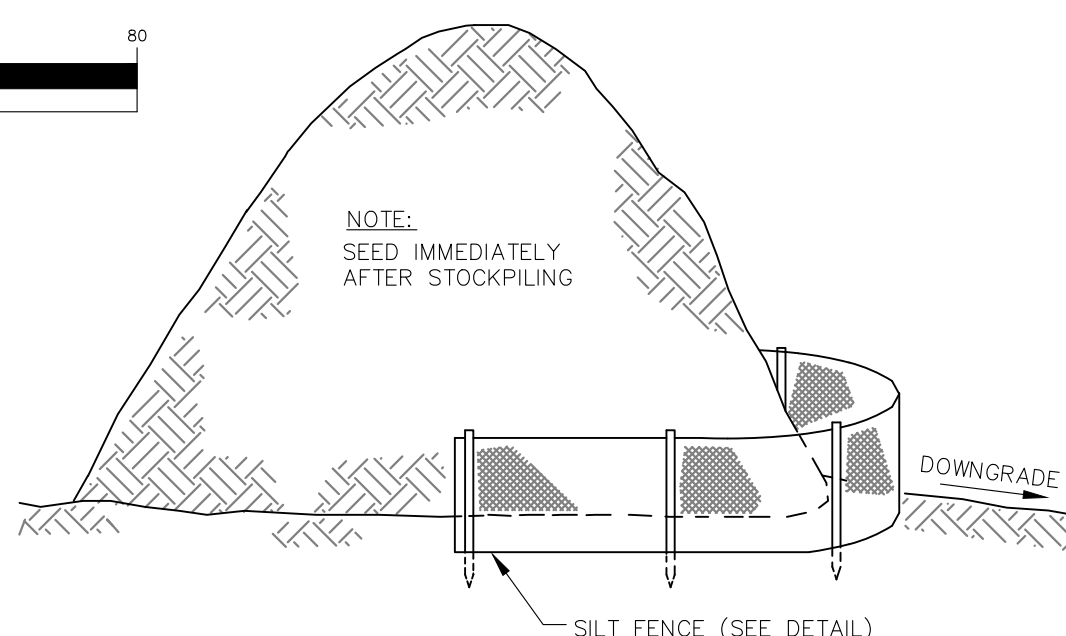
TO BE USED FOR TEMPORARY OR PERMANENT VEGETATIVE COVER:

MULCH

UNROTTED SMALL GRAIN STRAW, AT THE RATE OF 2.0 - 2.5 TONS PER ACRE (90-115 POUNDS PER 1,000 SF) AND ANCHORED WITH A MULCH ANCHORING TOOL, LIQUID MULCH BINDERS, OR NETTING TIE DOWN. OTHER SUITABLE MATERIALS MAY BE USED IF APPROVED BY THE SOIL CONSERVATION DISTRICT. THE APPROVED RATES ABOVE HAVE BEEN MET WHEN THE MULCH COVERS THE GROUND COMPLETELY UPON VISUAL INSPECTION, I.E. THE SOIL CANNOT BE SEEN BELOW THE MULCH.

MULCH ANCHORING

SHOULD BE ACCOMPLISHED IMMEDIATELY AFTER PLACEMENT OF HAY OR STRAW TO MINIMIZE LOSS BY WIND OR WATER. THIS MAY BE DONE UTILIZING PEG AND TWINE, MULCH NETTINGS, OR CRIMPER MULCH ANCHORING COUTLER TOOL IN ACCORDANCE WITH CHAPTER 8-1 OF THE STANDARDS FOR SOIL EROSION & SEDIMENT CONTROL IN NEW JERSEY.



DETAIL
TYPICAL TOPSOIL STOCKPILE
N.T.S.

STANDARDS FOR SEEDBED PREPARATION

(rev. 2014)

A. SITE PREPARATION

1. Grade as needed and feasible to permit the use of conventional equipment for seedbed preparation, seeding, mulch application, and mulch anchoring. All grading should be done in accordance with Standard for Land Grading.

2. Immediately prior to seeding and topsoil application, the subsoil shall be evaluated for compaction in accordance with the Standard for Land Grading.

3. Topsoil should be handled only when it is dry enough to work without damaging the soil structure. A uniform application to a depth of 5 inches (unsettled) is required on all sites. Topsoil shall be amended with organic matter, as needed, in accordance with the Standard for Topsoiling.

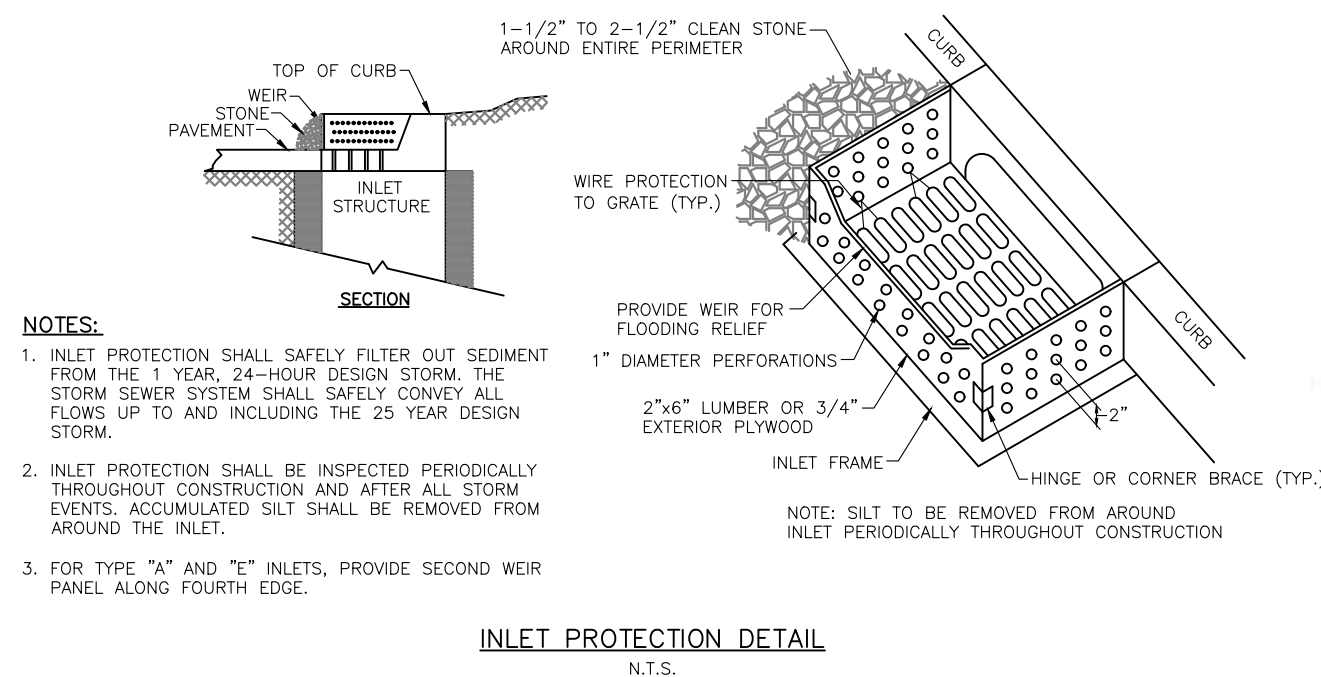
4. Install needed erosion control practices or facilities such as diversions, grade-stabilization structures, channel stabilization measures, sediment basins, and waterways.

B. SEEDBED PREPARATION

1. Uniformly apply ground limestone and fertilizer to topsoil which has been spread and firmed, according to soil test recommendations such as offered by Rutgers Co-operative Extension. Soil sample matters are available from the local Rutgers Cooperative Extension offices (<http://njes.rutgers.edu/county/>). Fertilizer shall be applied at the rate of 500 pounds per acre or 11 pounds per 1,000 square feet of 10-10-10 or equivalent with 50% water insoluble nitrogen unless a soil test indicates otherwise and incorporated into the surface 4 inches. If fertilizer is not incorporated, apply one-half the rate described above during seedbed preparation and repeat another one-half rate application of the same fertilizer within 3 to 5 weeks after seeding.

2. Work lime and fertilizer into the topsoil as nearly as practical to a depth of 4 inches with a disc, spring-tooth harrow, or other suitable equipment. The final harrowing or disking operation should be on the general contour. Continue tillage until a reasonable uniform seedbed is prepared.

3. High acid producing soil. Soils having a pH of 4 or less or containing iron sulfide shall be covered with a minimum of 12 inches of soil having a pH of 5 or more before initiating seedbed preparation. See Standard for Management of High Acid-Producing Soils for specific requirements.

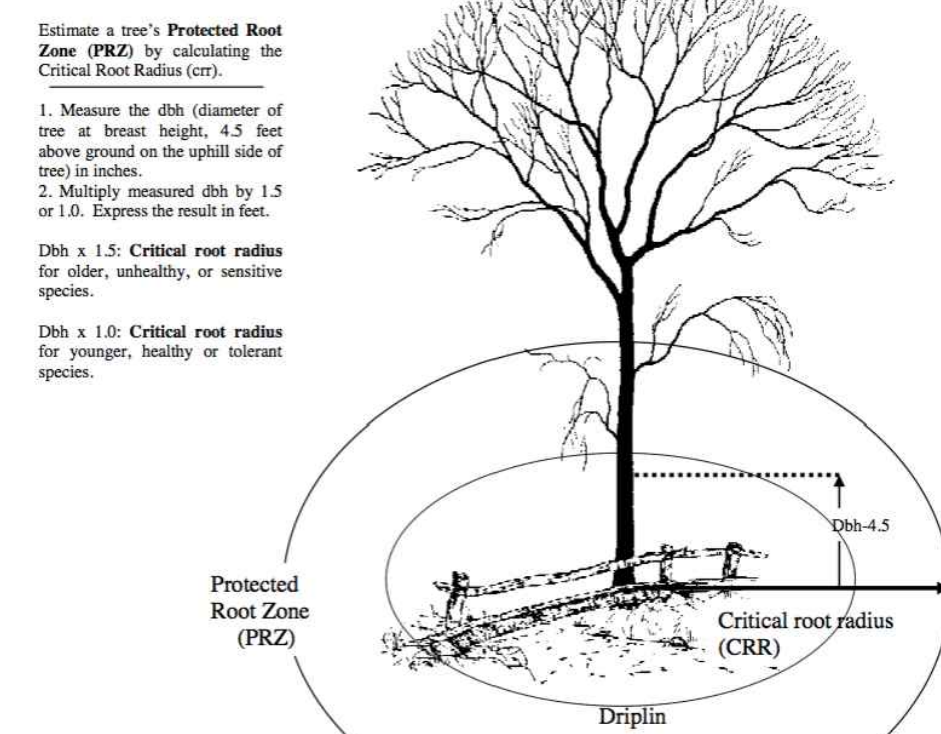


NOTES:

1. INLET PROTECTION SHALL SAFELY FILTER OUT SEDIMENT FROM THE 1 YEAR, 24-HOUR DESIGN STORM. THE STORM SEWER SYSTEM SHALL SAFELY CONVEY ALL FLOWS UP TO AND INCLUDING THE 25 YEAR DESIGN STORM.
2. INLET PROTECTION SHALL BE INSPECTED PERIODICALLY THROUGHOUT CONSTRUCTION AND AFTER ALL STORM EVENTS. ACCUMULATED SILT SHALL BE REMOVED FROM AROUND THE INLET.
3. FOR TYPE "A" AND "E" INLETS, PROVIDE SECOND WEIR PANEL ALONG FOURTH EDGE.

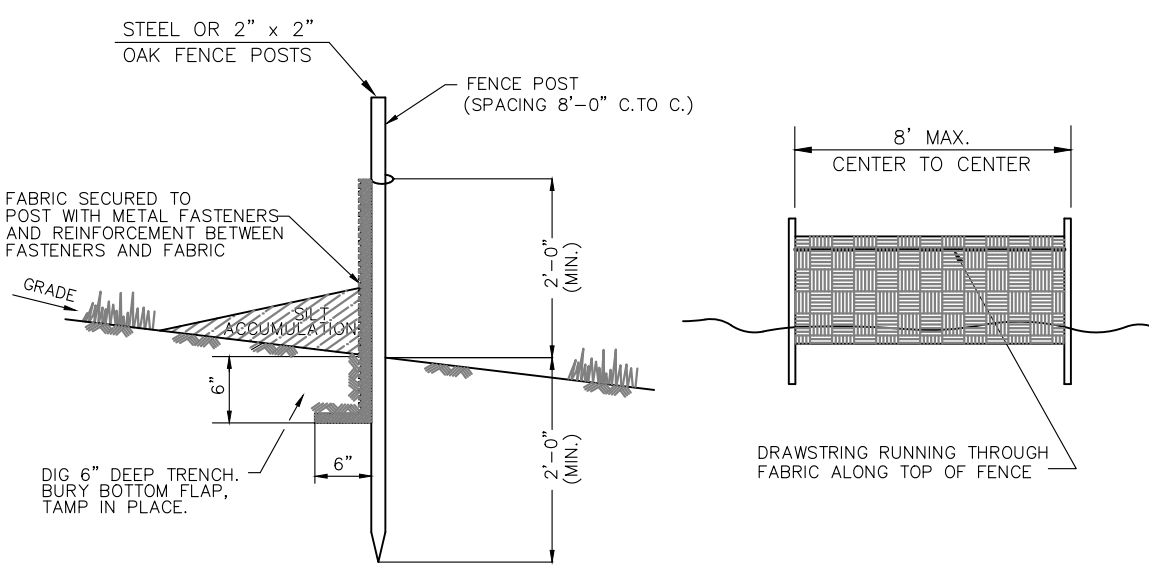
INLET PROTECTION DETAIL

N.T.S.



ROOT PROTECTION DURING CONSTRUCTION GUIDE

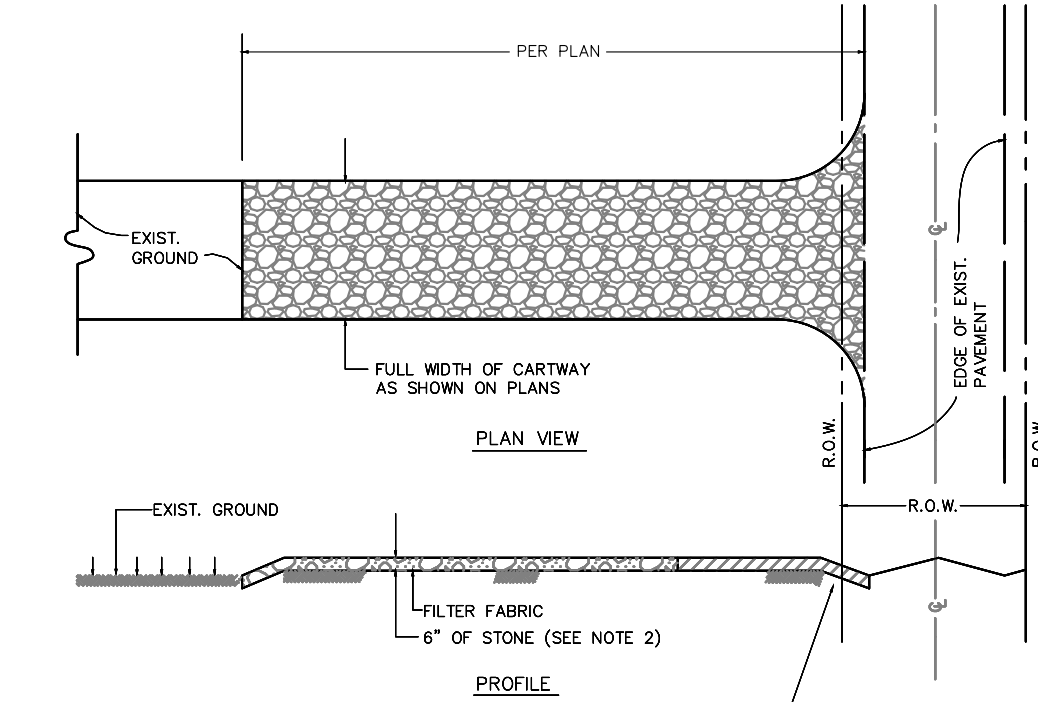
N.T.S.



NOTE: SYNTHETIC FILTER FABRIC SHALL BE FIRMLY ATTACHED TO UPWIND SIDE OF FENCE POSTS. OPEN AREA SHALL BE GREATER THAN 4% BUT LESS THAN 10% MEETING U.S. ARMY CORPS. OF ENGINEERS SPECIFICATION NO. CW02215 FOR STRENGTH.

SILT FENCE DETAIL

N.T.S.



NOTES:

1. PLACE STABILIZED CONSTRUCTION ENTRANCE AT LOCATION(S) AS SHOWN ON THE SOIL EROSION AND SEDIMENT CONTROL PLAN.
2. STONE SIZE SHALL BE ASTM C-33, SIZE NO.2 OR 3, CRUSHED STONE.
3. THE THICKNESS OF THE STAB. CONST. ENT. SHALL NOT BE LESS THAN 6"
4. THE WIDTH AT THE EXIST. PAVEMENT SHALL NOT BE LESS THAN THE FULL WIDTH OF POINTS OF INGRESS AND EGRESS.
5. THE STAB. CONST. ENT. SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO THE R.O.W./PAVEMENT. THIS REQUIRES PERIODIC TOP DRESSING WITH ADDITIONAL STONE OR ADDITIONAL LENGTH AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURE USED TO TRAP SEDIMENT.
6. ALL SEDIMENT SPILLED, DROPPED, WASHED, OR TRACKED ONTO THE PUBLIC ROADWAY MUST BE REMOVED IMMEDIATELY.

Table 29-1: Lengths of Construction Exits on Sloping Roadbeds

Percent Slope of Roadway	Length of Stone Required	
	Coarse Grained Soils	Fine Grained Soils
0 to 2%	50 ft	100 ft
2 to 5%	100 ft	200 ft
>5%	Entire surface stabilized with FABC base course ¹	

1. As prescribed by local ordinance or other governing authority.

STABILIZED CONSTRUCTION ENTRANCE

N.T.S.

CONSTRUCTION SCHEDULE AND PROCEDURE FOR IMPLEMENTATION OF SOIL EROSION AND SEDIMENT CONTROL MEASURES

1. INSTALL SILT FENCE. 1 DAY
2. INSTALL CONSTRUCTION ENTRANCE. 1 DAY
3. STRIP AND STORE TOPSOIL IN STOCKPILE AND STABILIZE STOCKPILE. 2 DAYS
4. CLEAR AND ESTABLISH ROUGH GRADES AS NECESSARY TO CONSTRUCT BUILDING FOUNDATION AND PARKING AREAS. 2 WEEKS
5. CONSTRUCT FOUNDATION AND BUILDING. 9-12 MONTHS
6. CONSTRUCT UTILITIES AND DRIVEWAYS. 2 WEEKS
7. CONSTRUCT FINE GRADING TO FINISHED GRADES AND ESTABLISH PERMANENT VEGETATIVE COVER ON LOT. 2 WEEKS
8. REMOVE SILT FENCE AFTER ALL DISTURBED AREAS HAVE BEEN ADEQUATELY STABILIZED. 1 DAY

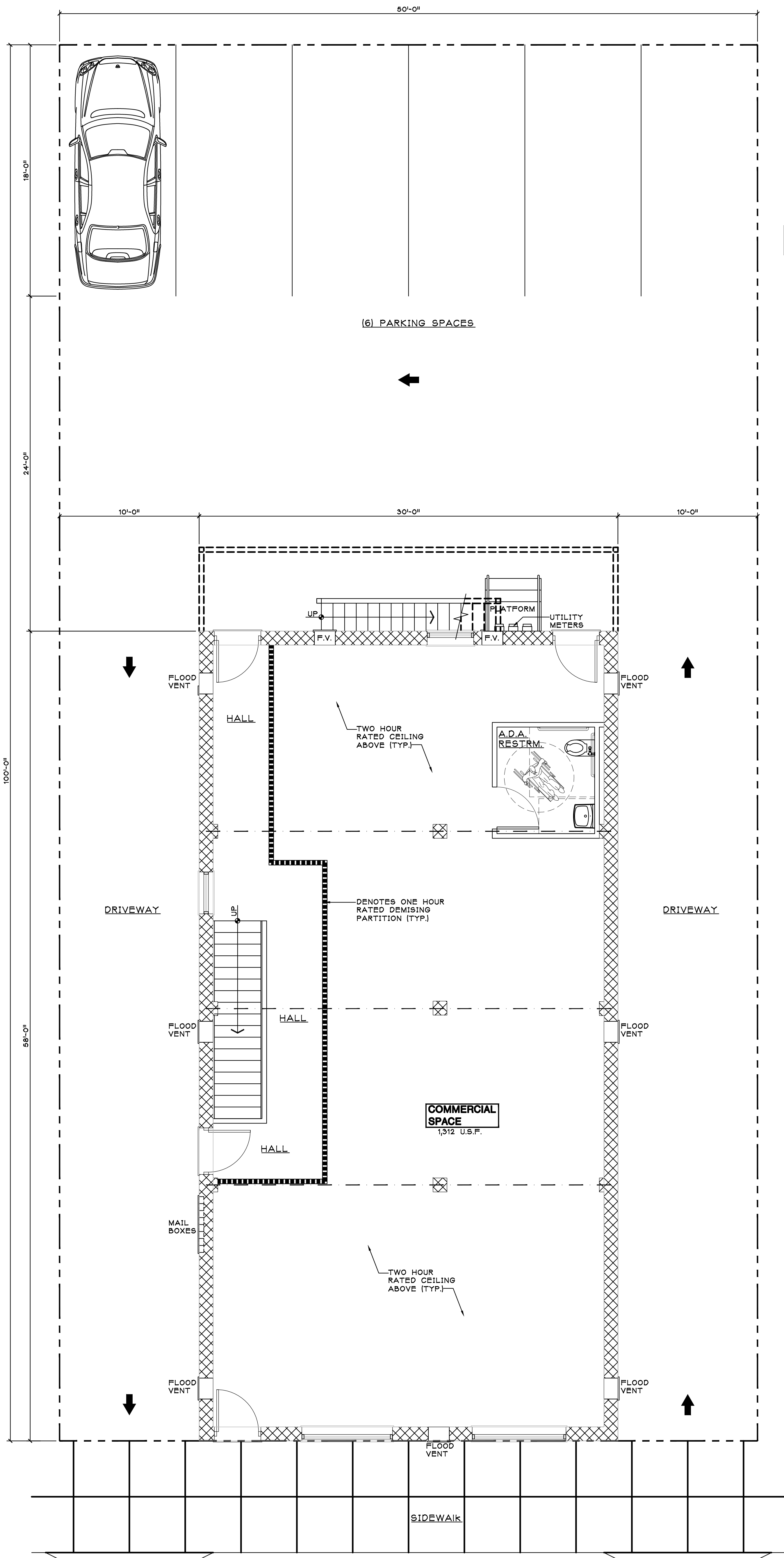
DUST CONTROL NOTES

TO PREVENT BLOWING AND THE MOVEMENT OF DUST FROM EXPOSED SOIL SURFACES, CONSTRUCTION ACTIVITIES, AND TO REDUCE ON-SITE AND OFF-SITE DAMAGE AND HEALTH HAZARDS, DUST CONTROL MEASURES SHALL BE ENACTED ON THE PROJECT SITE.

DURING CONSTRUCTION, THE CONTRACTOR WILL BE REQUIRED TO PROVIDE REMEDIATION TO CONTROL PARTICLES AND DUST THAT WILL ENTER INTO THE AIR DURING THE REMOVAL OFF THE ON-SITE STRUCTURES. THESE PROCEDURES MAY INVOLVE COATING THE DEBRIS WITH WATER OR ANOTHER SPRAY-ON ADHESIVE.

NOTE: IN THAT N.J.S.A. 4:24-39 ET SEQ. REQUIRES THAT NO CERTIFICATE OF OCCUPANCY BE ISSUED BEFORE THE PROVISIONS OF THE CERTIFIED PLAN FOR SOIL EROSION AND SEDIMENT CONTROL HAVE BEEN COMPLIED WITH FOR PERMANENT MEASURES, ALL SITE WORK WILL HAVE TO BE COMPLETED PRIOR TO THE DISTRICT ISSUING A REPORT OF COMPLIANCE FOR THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY BY THE MUNICIPALITY

NO.	DATE	DESCRIPTION
<p align="center">PRELIMINARY & FINAL MAJOR SITE PLAN 289 BAY AVENUE SOIL EROSION & SEDIMENT CONTROL PLAN BLOCK 81, LOT 12 TAX MAP SHEET NO. 15 BOROUGH OF HIGHLANDS MONMOUTH COUNTY, NEW JERSEY</p>		
<p align="center">EAST POINT ENGINEERING, LLC NEW JERSEY CERTIFICATE OF AUTHORIZATION NO. 246A28169800</p>		
<p align="right">11 South Main Street Marlboro, NJ 07746 Tel: 732.577.0180</p>		<p>DATE: 12-30-21 SCALE: 1" = 20' PROJECT NUMBER: 21-465 CHECKED BY: BNP</p>
<p align="center">12-30-21 DATE</p>		<p align="center">SHEET NO. 4 OF 5</p>



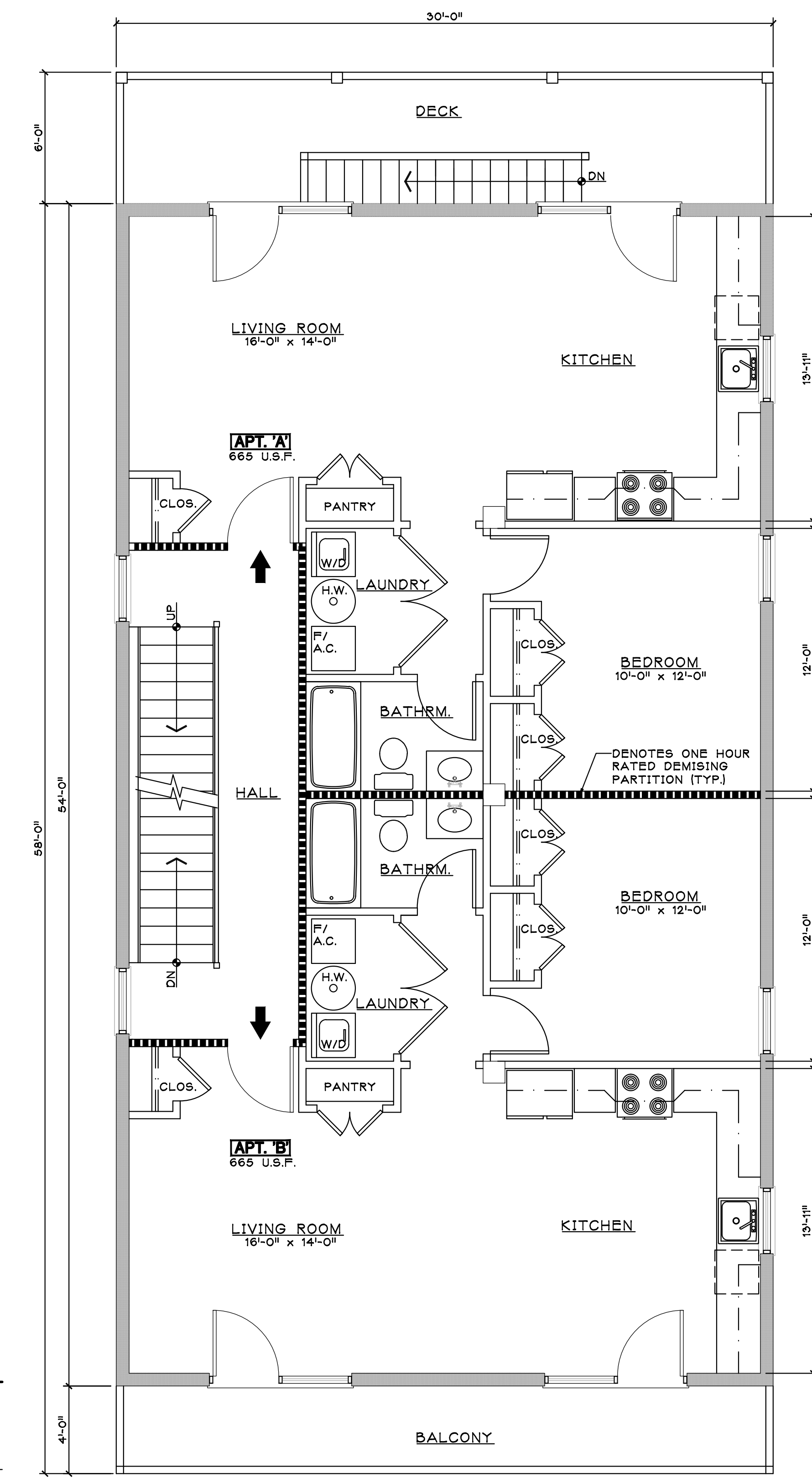
A GROUND FLOOR PLAN RETAIL AND ENTRY
A-100
SCALE: 1/4" = 1'-0"



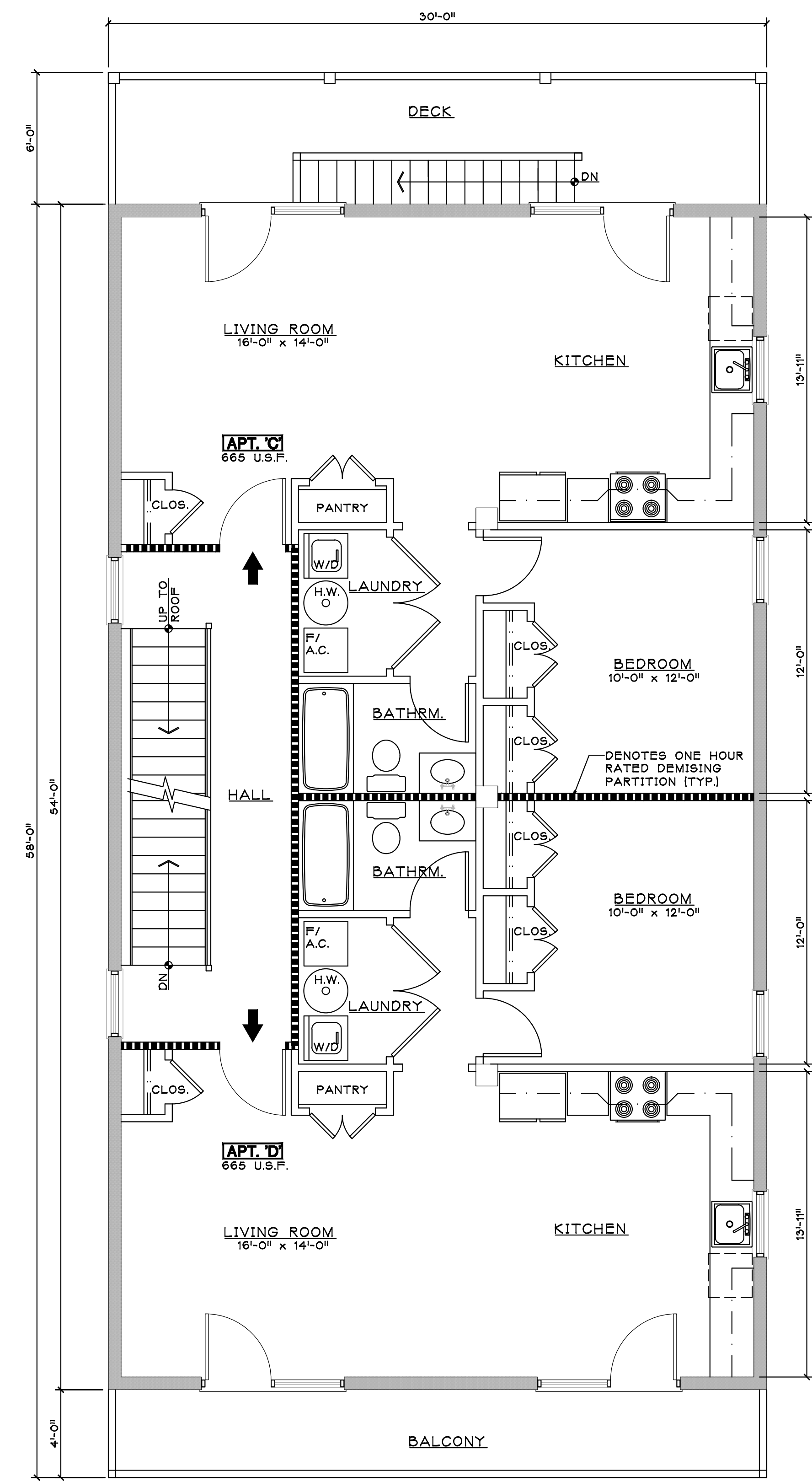
1 PROPOSED FRONT ELEVATION
A-100
SCALE: 1/4" = 1'-0"



2 PROPOSED REAR ELEVATION
A-100
SCALE: 1/4" = 1'-0"



B SECOND FLOOR PLAN APARTMENTS
A-100
SCALE: 1/4" = 1'-0"



C THIRD FLOOR PLAN APARTMENTS
A-100
SCALE: 1/4" = 1'-0"

ZONING DATA		
ZONE: B2	BLOCK: 81	LOT: 12
LOT AREA	REQUIRED	PROVIDED
5,000 S.F.		
F.A.R.	0.65X	1.04X
FRONTAGE		50'-0"
FRONT YARD	N/A	N/A
REAR YARD	0' OR 5'-0"	10'-0" / 10'-0"
ROOF HEIGHT	36'-0"	35'-0"
BLDG. COVERAGE		1,740 S.F.
LOT COVERAGE		1,740 / 5,000 = 34.8%
IMPERVIOUS COVERAGE (MAX)	80X	65.2% = 3,260 S.F.

BUILDING DATA			
	EXISTING AREA	NEW AREA	TOTAL AREA
GROUND FLOOR	N/A	1,570	1,570
SECOND FLOOR	N/A	1,525	1,525
THIRD FLOOR	N/A	1,525	1,525
TOTAL	N/A	4,620	4,620
	EXISTING VOLUME	NEW VOLUME	TOTAL VOLUME
GROUND FLOOR	N/A	15,700 CF	15,700 CF
SECOND FLOOR	N/A	13,725 CF	13,725 CF
THIRD FLOOR	N/A	13,725 CF	13,725 CF
TOTAL	N/A	43,150 CF	43,150 CF

APPLICABLE CODES	
BUILDING:	NJRC 2018
CONSTRUCTION CLASS: SA	
USE GROUP CLASSIFICATION: MIXED USE B/R	
FOUNDATION PLAN & DETAILS ARE DRAWN IN ACCORDANCE WITH ASCE 24	
110 MPH EXPOSURE 'B' WIND ZONE.	

FOR ZONING REVIEW
ISSUED: 6/16/2021

SALVATORE LA FERLITA, R.A. Architectural Services Construction Management	
115 University Drive Lincroft, N.J. 07738 732-741-5105 salloferlita@aol.com	
Revised	Issued
No.	DATE
No.	DATE DESCRIPTION
Client	
289 BAY AVENUE HIGHLANDS, NEW JERSEY	
Title PROPOSED MASONRY AND FRAME 3 STORY MIXED USE BUILDING	
Seal & Signature:	Job Type: - Project No.: - Scale: AS NOTED Date: - Drawn By: - Reviewed By: - Drawing No.: -
A-100	
N.J. LIC. #A115228	
SHEET No.: 1 OF 53	

BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

42 SHORE DRIVE
HIGHLANDS, NJ 07732
COUNTY OF MONMOUTH

732-872-1224 PH
732-872-0670 FX

WWW.HIGHLANDBOROUGH.ORG



HISTORIC "TWIN LIGHTS"

CAROLYN BROULLON
MAYOR

MICHAEL MUSCILLO
ADMINISTRATOR

MICHELLE HUTCHINSON
ACTING BOROUGH CLERK

August 27, 2021

Arjika Properties

Sent via email

RE: DP#2021-67
289 Bay Avenue
Block 81, Lot 12

Please be advised that the above referenced application to construct a mixed use (retail/residential), 3-story, 4,620 s.f. building has been reviewed for compliance with the Borough of Highlands Zoning Ordinance. The property is located in the B-2 (Central Business District) zone.

The following approvals will be necessary:

#21-97L1 Use "d" variance
#21-55 Major site plan approval
#21-91A4 Lot coverage: 80% is permitted, 100% is proposed
Maximum Floor area ratio: 65% is permitted, 99% is proposed

Six off street spaces are proposed. The applicant must provide a parking analysis.

To proceed with an application/appeal of this decision to the Land Use Board, please contact the Michelle Hutchinson, Board Secretary. Should you have any questions, feel free to contact me at 732-615-2278.

Sincerely,


Marianne Dunn
Zoning Officer

C: Land Use Board



HGPD- R1841

April 5, 2022
Via Email

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

**Re: Arjika Properties, Inc.
289 Bay Avenue
Block 81, Lot 12
Review of Preliminary Site Plan Requirements (completeness)
CBD Zone**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, section 21-58.E – Preliminary Site Plan.

The applicant submitted the following documents in support of this application:

1. Land Use Board Application, dated February 22, 2022.
2. Zoning Denial, dated August 27, 2021.
3. One (1) Preliminary and Final Major Site Plan prepared by Marc S. Leber, P.E., of East Point Engineering, LLC, dated, December 30, 2021, consisting of one (1) sheet.
4. One (1) Architectural Plan prepared Salvatore La Ferlita, R.A., dated June 16, 2021, consisting of three (3) sheets.

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.E:

Preliminary Site Plan: The preliminary site plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include such details as may be necessary to properly evaluate the application and determine compliance with this chapter. The site plan shall be drawn by a licensed New Jersey professional engineer and land surveyor and, where applicable to the proposed use or construction, the following information shall be clearly shown:

1. Date, name, location of site, name of owner, scale and reference meridian. **Provided.**
2. Area of the lot and all lot line dimensions and bearings. **Provided.**
3. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures and any other feature on the property and within seventy-five (75) feet of the property line. **Provided.**
4. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Provided.**
5. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Provided.**



Re: Arjika Properties, Inc.
289 Bay Avenue
Block 81, Lot 12
Review of Preliminary Site Plan Requirements (completeness)
CBD Zone

6. The location and widths of existing and proposed streets servicing the site plan. **Provided. (50' ROW shown).**
7. Specifications for and location of proposed surface paving and curbing. **Partially provided. Details for paving and curbing shall be added to the site plans.**
8. Location of all structures within seventy-five (75) feet of the property. **Provided.**
9. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Provided.**
10. Stormwater management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities, plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not provided. Applicant shall provide prior to public hearing.**
11. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Provided.**
12. The location and treatment of proposed entrances and exits to public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration and deceleration lanes, additional widths and any other devices necessary to traffic safety and/or convenience. **Provided.**
13. The location and identification of proposed open space, parks or other recreation areas. **Not applicable.**
14. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not provided.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Provided.**
16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Provided.**
17. Specific location and design of traffic control devices, signs and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs and lighting fixtures. **Provided.**
18. Preliminary architectural plans for the proposed buildings or structures, indicating typical floor plans, elevations, heights and general design or architectural styling. **Provided.**
19. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Not applicable.**
20. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Provided.**
21. Soil borings, when required by the Board Engineer. **Not applicable.**
22. Certification statement for the required municipal signatures, stating: **Provided.**



Re: Arjika Properties, Inc.
289 Bay Avenue
Block 81, Lot 12
Review of Preliminary Site Plan Requirements (completeness)
CBD Zone

- Application No. _____ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Major Site Plan on _____.
(date)

Chairman

Secretary

23. Certification statement for the County Planning Board approval / disapproval, if required. **Not provided. Bay Avenue is County Route 8; therefore, County Planning Board approval will be required.**

24. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter. **Continuing comment.**

At this point, adequate information has been provided for us to perform a technical review and fee calculation for the application. Therefore, at this time the application is deemed **COMPLETE**.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWH:KJO:DV

cc: Michael Muscillo, Borough Administrator (via email)
Ron Cucchiaro, Esq., Land Use Board Attorney (via email)
Rob Knox, Land Use Board Chairman (via email)
Annemarie Tierney, Land Use Board Vice Chairman (via email)
Brad Batcha, Esq., Applicant's Attorney (brad@batchalaw.com)
Salvatore La Ferlita, Applicant's Architect, (Sallaferlita@aol.com)
Marc S. Leber, Applicant's Engineer, (mleber@eastpointeng.com)

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| YOUR GOALS. OUR MISSION.

Item 4.

HGPB- R1841

April 5, 2022

Michelle Hutchinson, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

**Re: Arjika Properties, Inc.
289 Bay Avenue
Block 81, Lot 12
Review of Preliminary Site Plan, Fee and Escrow Calculation
CBD Zone**

Dear Ms. Hutchinson:

As requested, we have reviewed the above-referenced site plan application. The applicant submitted the following documents in support of this application:

1. Land Use Board Application, dated February 22, 2022.
2. Zoning Denial, dated August 27, 2021.
3. One (1) Preliminary and Final Major Site Plan prepared by Marc S. Leber, P.E., of East Point Engineering, LLC, dated, December 30, 2021, consisting of one (1) sheet.
4. One (1) Architectural Plan prepared Salvatore La Ferlita, R.A., dated June 16, 2021, consisting of three (3) sheets.

Please note the following fee calculations:

1. **Application fee:** \$ 2,672.11
2. **Escrow fee:** \$ 5,344.22

We have commenced our technical review and expect to issue that this week.

If you have any questions or require additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.
LAND USE BOARD ENGINEER

EWB:KJO:DV

Enclosure



Re: Arjika Properties, Inc.
289 Bay Avenue
Block 81, Lot 12
Review of Preliminary Site Plan, Fee and Escrow Calculation
CBD Zone

cc: Michael Muscillo, Borough Administrator (via email)
Ron Cucchiaro, Esq., Land Use Board Attorney (via email)
Rob Knox, Land Use Board Chairman (via email)
Annemarie Tierney, Land Use Board Vice Chairman (via email)
Brad Batcha, Esq., Applicant's Attorney (brad@batchalaw.com)
Salvatore La Ferlita, Applicant's Architect, (Sallaferlita@aol.com)
Marc S. Leber, Applicant's Engineer, (mleber@eastpointeng.com)

\\tandmassociates.local\Public\Projects\HGPB\R1841\Correspondence\R1841_ EWH_MH_Arjika_289 Bay Ave_B81_L12_Fee Letter.docx



HGPB-R1841

DETERMINATION OF FEES

289 Bay Avenue
Block 81, Lot 12

A. APPLICATION FEES (Ord. 21-107)

A. Variances

3. Nonresidential "c" (max. lot coverage)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (parking requirement)	1	EA	\$	250.00	\$	250.00
4. Nonresidential "d" (exceeding floor area ratio)	1	EA	\$	500.00	\$	500.00

B. Site Plans

2. Major

b. Preliminary approval (\$1,000+\$50/acre+\$20/floor area; or \$20/unit)	1	EA	\$	1,114.74	\$	1,114.74
c. Final approval (1/2 preliminary fee)	1	EA	\$	557.37	\$	557.37

B. ESCROW FEES (Ord. 21-108)

B. Escrow Deposits (twice Application Fee; Minimum \$750)	1	LS	\$	5,344.22	\$	5,344.22
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Application fees subtotal \$ 2,672.11

Escrow fee subtotal \$ 5,344.22

Total \$ 8,016.33

AFFIDAVIT OF PUBLICATION

Item 4.

Publisher's Fee \$37.84 Affidavit \$35.00

STATE OF WISCONSIN
Brown County

Personally appeared D. Roberts at County of Brown, State of Wisconsin.

Of the **Asbury Park Press**, newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue dated as follows:

07/03/2022 A.D 2022

Nancy Heyrman
Notary Public State of Wisconsin County of Brown
5-15-23

My commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

**BOROUGH OF HIGHLANDS
LAND USE BOARD****NOTICE OF HEARING
Pursuant to NJSA 40:55D-12**

**IN THE MATTER OF THE APPLICATION
ARJKA PROPERTY, INC FOR PREMISES
KNOWN AS LOT 12 IN BLOCK 81 ON THE OFFICIAL
TAX MAP OF THE BOROUGH OF HIGHLANDS**

PLEASE TAKE NOTICE that the Land Use Board of the Borough of Highlands will hold a public hearing on Thursday, July 14, 2022 at 7:00 p.m., in the Community Center, 22 Snug Harbor, Highlands, New Jersey to further consider the application of Arjika Property Inc. for premises known as Lot 12 in Block 81 as shown on the Official Tax Map of the Borough of Highlands and located at 289 Bay Avenue, Highlands, New Jersey 07732. The property is located in the CBD Zone, which is also designated as a 'Redevelopment Area' pursuant to the Central Business District Redevelopment Plan, adopted by the Borough of Highlands in Ordinance No. 22-10."

THE APPLICATION:

The application is to construct 4 one-bedroom apartments on top of one commercial unit. The applicant will seek a variance for lot coverage of 100% where the maximum coverage permitted is 80% and a floor area ratio variance of 1.15 where maximum floor area ratio permitted is .65. The applicant will also seek all other variances required by the board and its professionals including those that may be required under the Redevelopment Ordinance No 22-10.

PUBLIC INSPECTION OF APPLICATION:

The application and supporting documents are on file with the Borough of Highlands' Land Use Board, at the Borough Hall, 42 Shore Drive, Highlands, NJ 07732 and are available for inspection during normal business hours.

F. Bradford Batcha, Esq.
600 Broad Street,
Shrewsbury, New Jersey 07702
732-747-8300
brad@batchalaw.com

(\$37.84)

0005319843-01

AFFIDAVIT OF MAILING

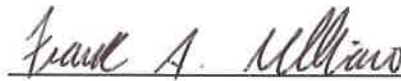
STATE OF NEW JERSEY)
)
COUNTY OF MONMOUTH)

ss:

Frank Illiano

says under oath:

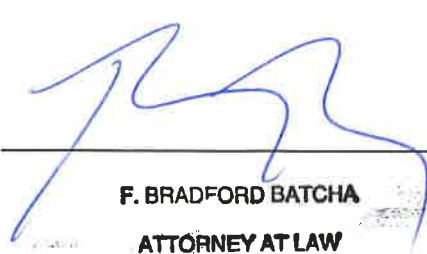
1. On July 1, 2022 I personally mailed by Certified Mail through the U.S. Post Office a copy of the attached notice to the names and addresses on the attached list as evidenced by the attached Certified Mail Receipts.



Frank Illiano

Signed and sworn to before me

On July 13, 2022



F. BRADFORD BATCHA
ATTORNEY AT LAW
STATE OF NEW JERSEY

**BOROUGH OF HIGHLAND
LAND USE BOARD
NOTICE TO OWNERS WITHIN 200 FT OF PROPOSED DEVELOPMENT**

**IN THE MATTER OF THE APPLICATION OF
ARJIKI PROPERTY, INC FOR PREMISES KNOWN
AS LOT 12 IN BLOCK 81 ON THE OFFICIAL
TAX MAP OF THE BOROUGH OF HIGHLANDS**

NOTICE OF HEARING
Pursuant to NJSA 40:55D-12

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F. Bradford Batcha, Esq.
600 Broad Street,
Shrewsbury, New Jersey 07702
732-747-8300
brad@batchalaw.com



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

Date Issued: May 23, 2022

CERTIFICATION OF 200-FOOT LIST

BLOCK 81 LOT 12

PROPERTY LOCATION: **289 Bay Ave., Highlands, NJ 07732**

TO THE BEST OF MY KNOWLEDGE this is a true and accurate list, as of this date, taken from the most current tax records of the Borough of Highlands, NJ.

The addresses on this list are pertinent to the Borough of Highlands exclusively. If the subject property is within 200 feet of a neighboring municipality, you **MUST** contact that municipality, to obtain a listing of any properties that may be inclusive in the 200 foot perimeter. THIS LIST IS VALID FOR 90 DAYS.

A handwritten signature in black ink, appearing to read "Nancy Tran", written over a horizontal line.

Nancy Tran, Acting Borough Clerk

5/23/2022 11:26 AM

* If you are located within 200 feet of a State Highway, you **MUST** notify the NJ Department of Transportation:

NJ Dept. of Transportation
1035 Pkwy Avenue
PO Box 600
Trenton, NJ 08625

*If you are within 200 feet of a County owned road, you **MUST** notify the Monmouth County Planning Board:

Monmouth County Planning Board
Hall of Records Annex 2nd Floor
One East Main St.
PO Box 1255
Freehold, NJ 07728

You must also notify all utilities located within the 200-foot range of the subject property:

JCP&L

300 Madison Avenue
PO Box 1911
Morristown, NJ 07960

NEW JERSEY AMERICAN WATER COMPANY

Attn: Construction Department
661 Shrewsbury Ave
Shrewsbury, NJ 07702

COMCAST COMMUNICATIONS OF MONMOUTH COUNTY

Ron Bertrand, Construction Foreman
403 South St
Eatontown, NJ 07724

VERIZON COMMUNICATIONS

One Verizon Way
Basking Ridge, NJ 07920

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY

Raymond J. Nierstedt, P.E., Executive Director
PO Box 205, 100 Beverly Way
Belford, NJ 07718

NEW JERSEY NATURAL GAS COMPANY

Attn: Joan Purcaro
PO Box 1464
1415 Wyckoff Road
Wall, NJ 07719

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY

Attn: Executive Director
200 Harbor Way
PO Box 184
Belford, NJ 07718

200 Foot Map Block 81 Lot 12 289 Bay Avenue



1319-81-10.01 VALINOTI JR. JOSEPH 85 WASHINGTON AVENUE HIGHLANDS NJ 07732	1319-75-17 CLARK EVELYN ROSE 282 BAY AVENUE HIGHLANDS NJ 07732	1319-74-3 COLACI KATHLEEN 88 SEADRIFT AVENUE HIGHLANDS NJ 07732	1319-120-10.2-23 HOFFMAN JEANNETTE 255 SHORE DR 23 HIGHLANDS NJ 07732
1319-81-12 ARJIKA PROPERTY INC 8 STRAWBERRY LANE MONROE NJ 08831	1319-81-8 EUGENIO JAIME 87 WASHINGTON AVENUE HIGHLANDS NJ 07732	1319-74-1 CHESBRO JAMES B. 273 BAY AVENUE HIGHLANDS NJ 07732	1319-120-10.2-19 HINTZ MARY 17 AMELIA CIRCLE LITTLE SILVER NJ 07739
1319-74-9 RIPRAPS LLC 25 NAUTILUS AVENUE LEONARDO NJ 07737	1319-81-9 VALINOTI JOSEPH JR 85 WASHINGTON AVE HIGHLANDS NJ 07732	1319-83-2 BIANCO-HESS CANDICE 66 WASHINGTON AVENUE HIGHLANDS NJ 07732	1319-81-1 SGALAMBRO DAVID & MELANIE 285 BAY AVENUE HIGHLANDS NJ 07732
1319-83-1 SHANNON ENTERPRISES LLC 300 BAY AVENUE HIGHLANDS NJ 07732	1319-80-19 NAVISTA ENTERPRISES LLC 2 VISTA PLACE RED BANK NJ 07701	1319-74-5 O LOUGHLIN MICHAEL 92 SEADRIFT AVENUE HIGHLANDS NJ 07732	1319-82-5.01 C.X. INVESTMENTS LLC 18 BLEVINS AVENUE MIDDLETOWN NJ 07748
1319-74-6 O LOUGHLIN MICHAEL 92 SEADRIFT AVENUE HIGHLANDS NJ 07732	1319-81-4 BENDER PATRICIA 88 BARBARIE AVENUE HIGHLANDS NJ 07732	1319-74-7 STRANGE MAGIC LLC 25 NAUTILUS DRIVE LEONARDO NJ 07737	
1319-82-1.01 ICE HOLDINGS LLC 494 SYCAMORE AVE STE.100 SHREWSBURY NJ 07702	1319-80-3 ANDREWS HEATHER 72 BARBERIE AVENUE HIGHLANDS NJ 07732	1319-80-17 LAWRENCE CYNTHIA 63 WASHINGTON AVE HIGHLANDS NJ 07732	
1319-82-6.01 BAY AVENUE DEVELOPERS LLC 297 BAY AVENUE HIGHLANDS NJ 07732	1319-81-2 HORNIACEK JAMES & DAWN 287 BAY AVENUE HIGHLANDS NJ 07732	1319-75-16 MORAN JAMES P & PATRICIA J 67 BARBERIE AVENUE HIGHLANDS NJ 07732	
1319-74-8.01 RIPRAPS LLC 25 NAUTILUS AVENUE LEONARDO NJ 07737	1319-80-20 TROCCOLI MICHELLE E 294 BAY AVE HIGHLANDS NJ 07732	1319-75-15 BIRCHWOOD INC 1662 WEST END AVE POINT PLEASANT NJ 08742	
1319-74-8.02 KENNY PAUL & BURKE-KENNY MARY JO 39 EAST TWIN ROAD HIGHLANDS NJ 07732	1319-80-22 SERVIDIO FRANK PETER JR 290 BAY AVENUE HIGHLANDS NJ 07732	1319-82-4 JAPNGIE PATRICIA 88 WASHINGTON AVENUE HIGHLANDS NJ 07732	
1319-74-4 SHANNON ENTERPRISES LLC 300 BAY AVENUE HIGHLANDS NJ 07732	1319-80-6 MURRAY (STEIB) LAURA 49 WATERCREST DRIVE DOYLESTOWN PA 18901	1319-80-21 MAIN %LINDA GRAYBILL 292 BAY AVENUE HIGHLANDS NJ 07732	
1319-80-1 CONRAD DONNA MARIE 286 BAY AVENUE HIGHLANDS NJ 07732	1319-80-7 CARRILLO JEANNETTE 64 BARBERIE AVE HIGHLANDS NJ 07732	1319-81-3 COFFEY CHRISTOPHER & MOYER HENRY 571 HIGHWAY 36 BELFORD NJ 07718	
1319-80-2 HUVANE MARTIN & GENEVIEVE 18 DIMOND AVENUE CORTLANDT MANOR NY 10566	1319-75-18 CLARK EVELYN R. 282 BAY AVENUE HIGHLANDS NJ 07732	1319-80-5.01 KOLE JEFFREY B JR 70 BARBARIE AVENUE HIGHLANDS NJ 07732	
1319-82-3 LUCHNICK ALLISON 746 PARAMOUNT WAY BRICK NJ 08724	1319-81-6 LOW CAROL 91 WASHINGTON AVENUE HIGHLANDS NJ 07732	1319-120-10.04 CARERI JILL 13 RIVERGATE WAY LONG BRANCH NJ 07740	
1319-80-18 ROHRIG HAROLD A & DOROTHY CO V.B 2 MEADOWVIEW LANE BERKELEY HEIGHTS NJ 07922	1319-81-7 BUNTING CONSTANCE 89 WASHINGTON AVENUE HIGHLANDS NJ 07732	1319-75-1 GRAM RIVER DRIVE LLC 32 WEST SUNSET ROAD POMPTON PLAINS NJ 07444	
1319-81-5 CORNELIUSEN JOHN JR & ELEANOR L 118 EAST GARFIELD AVE ATLANTIC HIGHLANDS NJ 07716	1319-74-2 DOS SANTOS KRYSTAL 86 SEADRIFT AVENUE HIGHLANDS NJ 07732	1319-120-10.2-22 WILD LAURA 255-22 SHORE DRIVE HIGHLANDS NJ 07732	

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Hall of Records Annex 2nd Floor
One East Main St.
PO Box 1255
Freehold, NJ 07728

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300 Bay Avenue
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Ice Holdings LLC
494 Sycamore Ave STE. 100
Shrewsbury, NJ 07702

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Kenny, Paul & Burke-Kenny, Mary Jo
39 East Twin Road
Highlands, NJ 07732

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Clark, Evelyn Rose
282 Bay Avenue
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Navista Enterprises LLC
2 Vista Place
Red Bank, NJ 07701

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Horniacek, James & Dawn
287 Bay Avenue
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Servidio, Frank Peter Jr
290 Bay Avenue
Highlands, NJ 07732

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Carrillo, Jeanette
64 Barberie Avenue
Highlands, NJ 07732

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<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$



Andrews, Heather
72 Barberie Avenue
Highlands, NJ 07732

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7021 0950 0001 8939 3526

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$



Troccoli, Michelle E
294 Bay Avenue
Highlands, NJ 07732

for Instructions

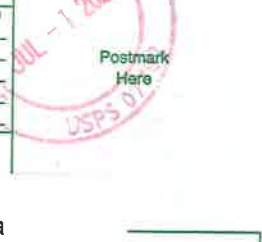
7021 0950 0001 8943 3017

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$



Murray (Steib), Laura
49 Watercrest Drive
Doylestown, PA 18901

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	\$



Clark, Evelyn R.
282 Bay Avenue
Highlands, NJ 07732

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Low, Carol
91 Washington Avenue
Highlands, NJ 07732

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Dos Santos, Krystal
86 Seadrift Avenue
Highlands, NJ 07732

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Chesbro, James B.
273 Bay Avenue
Highlands, NJ 07732

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Strange Magic LLC
25 Nautilus Drive
Leonardo, NJ 07737

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Bunting, Constance
89 Washington Avenue
Highlands, NJ 07732

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Colaci, Kathleen
88 Seadrift Avenue
Highlands, NJ 07732

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Bianco-Hess, Candice
66 Washington Avenue
Highlands, NJ 07732

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$
Postage	



Lawrence, Cynthia
63 Washington Avenue
Highlands, NJ 07732

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7021 0950 0001 8943 3086

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Moran, James P & Patricia J
67 Barberie Avenue
Highlands, NJ 07732



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7021 0950 0001 8943 0535

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Japngie, Patricia
88 Washington Avenue
Highlands, NJ 07732



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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Coffey, Christopher & Moyer, Henry
571 Highway 36
Belford, NJ 07718



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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Careri, Jill
13 Rivergate Way
Long Branch, NJ 07740



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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Birchwood INC
1662 West End Avenue
Point Pleasant, NJ 08742



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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Main %Linda Graybill
292 Bay Avenue
Highlands, NJ 07732



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7021 0950 0001 8943 0238

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Kole, Jeffrey B Jr
70 Barberie Avenue
Highlands, NJ 07732



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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage

Gram River Drive LLC
32 West Sunset Road
Pompton Plains, NJ 07444



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<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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Wild, Laura
255-22 Shore Drive
Highlands, NJ 07732

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
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<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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Hintz, Mary
17 Amelia Circle
Little Silver, NJ 07739

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<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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C.X. Investments LLC
18 Blevins Avenue
Middletown, NJ 07748

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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New Jersey American Water Company
Attn: Construction Department
661 Shrewsbury Avenue
Shrewsbury, NJ 07702

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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Hoffman, Jeannette
255 Shore Drive 23
Highlands, NJ 07732

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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Sgalambro, David & Melanie
285 Bay Avenue
Highlands, NJ 07732

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Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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JCP&L
300 Madison Avenue
PO Box 1911
Morristown, NJ 07960

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Certified Mail Fee	\$
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$
<input type="checkbox"/> Return Receipt (electronic)	\$
<input type="checkbox"/> Certified Mail Restricted Delivery	\$
<input type="checkbox"/> Adult Signature Required	\$
<input type="checkbox"/> Adult Signature Restricted Delivery	\$

Postage	\$
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Comcast Communications of Monmouth County
Ron Bertrand, Construction Foreman
403 South Street
Eatontown, NJ 07724

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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

Verizon Communications
One Verizon Way
Basking Ridge, NJ 07920



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- ☐ Return Receipt (hardcopy) \$ _____
☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

New Jersey Natural Gas Company
Attn: Joan Purcaro
PO Box 1464
1415 Wyckoff Road
Wall, NJ 07719



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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

Township of Middletown
Raymond J. Nierstedt, P
Director
PO Box 205, 100 Be
Belford, NJ 07

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☐ Return Receipt (electronic) \$ _____
☐ Certified Mail Restricted Delivery \$ _____
☐ Adult Signature Required \$ _____
☐ Adult Signature Restricted Delivery \$ _____

Postage

Monmouth County Bayshore
Attn: Executive D
200 Harbor V
PO Box 18
Belford, NJ 07

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BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-17

BOROUGH OF HIGHLANDS LAND USE BOARD
OPEN PUBLIC MEETINGS ACT – EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Land Use Board, County of Monmouth, State of New Jersey (“Board”), on this 14th day of July 2022, as follows:

1. The public shall be excluded from discussion of the pending litigation, Eric Wokas v. Christopher Mattina, et al., Docket No. MON-L-1016-22, that falls within N.J.S.A. 10:4-12b(7).
2. Minutes will be kept of the meeting in closed session and will be made available to the public at a future date, as required by law and subject to applicable exceptions under the Open Public Records Act, N.J.S.A. 47:1A-1, et. seq.
3. The Board will not reconvene in public at the conclusion of the closed session.
4. This Resolution shall take effect immediately.

ATTEST:

BOROUGH OF HIGHLANDS
LAND USE BOARD

Nancy Tran, Secretary

Robert Knox, Chair