



**BOROUGH OF HIGHLANDS**  
**LAND USE BOARD MEETING**  
22 Snug Harbor Avenue, Highlands NJ 07732  
Thursday, March 10, 2022 at 7:00 PM

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**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*

**ACTION ON OTHER BUSINESS**

**RESOLUTIONS**

1. LUB Resolution 2022-08 Memorializing Extension of Bulk Variance Approval - LUB 2019-01, Block 35 Lots 6 & 7 (Revote)
2. LUB Resolution 2022-09 Mattina, Block 12 Lots 4.01 & 4.02, 149 Portland Rd. (LUB2021-05)

**HEARINGS ON NEW BUSINESS**

3. LUB2021-06: Fahey, Block 14 Lot 6 (38 Grand Tour) – Subdivision
4. LUB2021-07: Farrell, Block 32 Lot 7 (32 Shrewsbury) – Variance
5. R 22-082 Resolution Referring the Revised Proposed Redevelopment Plan for the Central Business District Redevelopment Area to the Land Use Board of the Borough for Reconsideration

**HEARINGS ON OLD BUSINESS**

**APPROVAL OF MINUTES** February 10, 2022 LUB Meeting Minutes

**COMMUNICATION AND VOUCHERS**

*Board Policy: • All meetings shall adjourn no later than 11:00 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 10:15 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.*

**ADJOURNMENT**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**LAND USE BOARD RESOLUTION 2022-08**  
**MEMORIALIZATION**  
**EXTENSION OF BULK VARIANCE RELIEF**

**Approved: January 6, 2022**  
**Memorialized: February 10, 2022**

**MATTER OF DONNA ALVATOR**

**APPLICATION NO. LUB-2019-01**

**WHEREAS**, an application for a two-year extension of time for bulk variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Donna Alvator (hereinafter referred to as the “Applicant”) on lands known and designated as Block 35, Lots 6 and 7 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), more commonly known as 10 North Peak Street, within the R-1.01 (Residential) Zone (hereinafter “Property”); and

**WHEREAS**, a public hearing was held before the Board on January 6, 2022 with regard to this application; and

**WHEREAS**, on or about December 16, 2021, the Board received a written request for an extension from the Applicant and at the January 6, 2022 hearing, heard statements from the Board Engineer and Board Attorney regarding the request, 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 Applicant is seeking a two-year extension of time for the bulk variance relief granted by the Board on August 1, 2019 and memorialized in a resolution dated September 5, 2019.

2. The Applicant was granted bulk variance relief from the R-1.01 Zone's minimum lot depth, front-yard setback, rear-yard setback, and side-yard setback requirements, to (a) construct a lateral addition on the first floor, (b) construct a new sunroom, (c) enlarge the existing kitchen within the southwesterly side-yard, and (d) construct a second floor addition.

3. The Applicant did not testify at the hearing but submitted a letter to the Board, requesting the extension and stating that she has diligently tried to perform the construction but that the COVID-19 pandemic had caused unexpected and unavoidable delays, which has prohibited the Applicant from working on the Property.

4. The Board Attorney stated that, the variance relief expired one-year from the date of memorialization pursuant to Section 21-12A-0 of the Borough Code. He advised that a request for an extension of time for variance relief could be made at any time.

5. The Borough Engineer testified that the Applicant had been diligently trying to undertake the construction, as required.

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

7. The Board has received, reviewed, and considered the Applicant's December 16, 2021 written request for an extension, Land Use Board Resolution Approving Bulk Variances for Alvator dated September 5, 2019 and its associated exhibits, and the statements made at the

hearing with regard to this application. All exhibits, resolutions, and statements have been incorporated herein in their entirety.

**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 concludes that good cause has been shown to approve the application of Donna Alvator for a two-year extension of time for bulk variance relief until September 5 2022.

The Board acknowledges that the Applicant has diligently attempted to perform construction on the subject Property but that due to circumstances beyond her control, namely the COVID-19 pandemic, she has faced unavoidable and unexpected delays, and been unable to do so. The Board, therefore, finds that an extension of time to September 5, 2022 is appropriate in this circumstance.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Land Use Board on this 10<sup>th</sup> day of February 2022, that the action of the Land Use Board taken on January 6, 2022 granting Application No. LUB-2019-01 of Donna Alvator for an extension of time for bulk variance relief be and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted an extension of time expiring September 2, 2022.

2. All terms and conditions of the Board’s previous approvals, except as satisfied or amended, shall remain in place.
3. The Applicant shall provide a certificate that taxes are paid to date of approval.
4. 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.
5. 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.

ON MOTION OF: Ms. LaRussa

SECONDED BY: Mr. Montecalvo

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee,

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on February 10, 2022.

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Nancy Tran, Secretary  
Borough of Highlands Land Use Board



**BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH**

**LAND USE BOARD RESOLUTION 2022-09  
RESOLUTION OF MEMORIALIZATION  
MINOR SUBDIVISION APPROVAL  
WITH ANCILLARY VARIANCE RELIEF**

**Approved: February 10, 2022  
Memorialized: March 10, 2022**

**IN THE MATTER OF CHRISTOPHER MATTINA**

**APPLICATION NO. LUB2019-05**

**WHEREAS**, an application for minor subdivision approval with ancillary variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Christopher Mattina (hereinafter referred to as the “Applicant”) on lands known and designated as Block 12, Lots 4.01 and 4.02, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 49 Portland Road in the R-1.03 (Single Family 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**, live public hearing was held on February 10, 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,** 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 includes two (2) lots which contain a total of 37,908 sf. Lot 4.01 contains 13, 439 sf and is improved with a two-story single-family dwelling. Lot 4.02 contains 24,469 sf and is vacant. Both lots are located within the R 1.03 Single-Family Residential Zone with frontage along Portland Road. The subject Property previously received minor subdivision approval in 1995, however, the Zone requirements were subsequently amended.

2. The Applicant is now seeking a new minor subdivision approval along with ancillary bulk variance relief to modify the existing lot lines. Proposed Lot 4.01 will contain 10,058 sf with frontage along Portland Road Proposed Lot 4.02 will contain 27,850 sf and will not have frontage along an improved road. The Applicant is not proposing any construction on Proposed Lot 4.01. The Applicant proposes a new 2 ½ story single family dwelling on Proposed Lot 4.02.

3. Counsel for the Applicant, Thomas J. Hirsch, Esq. stated that the Applicant was seeking minor subdivision approval with ancillary bulk variance relief. He described existing Lot 4.02 as a flag lot and existing Lot 4.01 as a standard shaped lot. Mr. Hirsch further explained that a minor subdivision had previously been granted but that amendments to the zoning ordinance required a new approval.

4. The Applicant testified that he had purchased the lots in 2020 but that the title search had not clearly reflected the applicable steep slope ordinance requirements which he asserted necessitated the instant application.



5. The Applicant's Engineer, Kenneth Cahill, P.E. testified that existing Lot 4.01 is improved with a single-family residence and existing Lot 4.02 is currently vacant. He explained that while the Applicant was seeking a minor subdivision approval, the characteristics of the application were really that of a lot line adjustment. Mr. Cahill stated that the proposed plan attempted to accommodate the steep slope ordinance. He identified the following required relief:

**a) Proposed Lot 4.01:**

- 1) Minimum lot area where 14,000 sf is required and 10,058 sf. is proposed.
- 2) Minimum lot depth where 200 ft. is required and 56.6 ft. is proposed.
- 3) Minimum front yard setback where 35' is required and 0.5 ft. is proposed.
- 4) Minimum rear yard setback where 25 ft. is required and 24.3 ft. is proposed.
- 5) Disturbance distance (top/toe) where 15 ft./10 ft. is required >25 ft./ 0 ft. are proposed.

**b) Proposed Lot 4.02:**

- 1) Minimum lot depth where 200 ft. is required and 186.29 ft. is proposed.
- 2) Minimum front yard setback where 35' is required and 21.33 ft. is proposed.
- 3) Disturbance distance (top/toe) where 15 ft./10 ft. is required >25 ft./ >10 ft. are proposed.

6. Mr. Cahill further testified that the following relief was also required to permit a lot not fronting on an improved public street:

- a) **Section 21-77.A** of the Ordinance requires every principal building be built upon a lot with frontage on a public street, and that the principal building shall have pedestrian and vehicular access for driveway and parking purposes from that improved street. The Applicant is proposing to subdivide the property and create a land-locked Proposed Lot 4.02.
- a) **Section 21-84.B** of the Ordinance indicates that where slopes exceed 35% there shall be no disturbance of the steep slope areas, whereas the Applicant is proposing a curb cut and driveway within steep slopes exceeding 35% on Proposed Lot 4.01.

7. Mr. Cahill then explained that design waiver relief was also required from Section 21-65.4 of the Borough Code to permit the existing non-curbed frontage to remain.

8. Mr. Cahill further asserted that the proposed lots shared characteristics with others in the area. In response to Board questions, he also testified that all required access easements would be provided as a condition of approval. He additionally stated that a fire hydrant would be located at the frontage of the subject Property in order to accommodate emergency vehicles. Mr. Cahill then explained that the common driveway would be governed by a maintenance agreement which would be approved by the Board's professionals.

9. The hearing was then opened to the public at which time Mr. Cahill confirmed that the lower level of the proposed new home would have an entry point with a garage and an observation deck. Mr. Cahill further confirmed that all stormwater management requirements would be satisfied. In response to further questions, he also testified that the vacant lot could not be developed in the absence of relief from ordinance requirements.

10. 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 minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c with design waiver relief pursuant to N.J.S.A. 40:55D-51 and a planning variance pursuant to N.J.S.A. 40:55D-35 and 36 should be granted in this instance.

The Board finds that the Applicant has proposed a minor subdivision 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 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. 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, an 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 first addresses the positive criteria pursuant to the hardship standard. The Board finds that the vacant lot cannot be developed in the absence of variance relief. The inability to develop the lot with a permitted use constitutes a hardship. The Board is further aware that denial of variance relief would result in an undevelopable lot which is a taking which would require the Borough to purchase the property pursuant to the requirements of both the New Jersey and United States Constitutions. The Board therefore finds that the Applicant has satisfied the positive criteria pursuant to N.J.S.A. 40:55D-70c(1).

The Board also finds that the positive criteria has been satisfied pursuant to the “flexible” statutory standard. The Board finds that the proposed subdivision promotes appropriate population densities identified in the Borough Code and also replaces a vacant lot with an attractive permitted single-family home which promotes a desirable visual environment. These attributes both promote the goals of planning identified at N.J.S.A. 40:55D-2 and benefit the entire community. The Applicant has therefore satisfied the positive criteria pursuant to N.J.S.A. 40:55D-70c(2).

The Board further finds that the Applicant has also satisfied the negative criteria. The grant of variance relief will not result in additional population density, increased traffic beyond

what is contemplated by the Ordinance, increased noise or noxious odors. The Board therefore finds that the grant of variance relief will not result in substantial detriment to the public welfare or substantially impair the zone plan or zoning ordinance. The negative criteria has therefore been satisfied.

The Board concludes that the positive criteria substantially outweighs the negative criteria and that variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(1) and (2).

The Board also addresses the need for a planning variance pursuant to N.J.S.A. 40:55D-35 and 36. The Board finds that the land locked lot will have access to a public street through an easement which will be governed by a maintenance agreement to be approved by the Board's professionals. A fire hydrant will also be located at the site frontage in order to assist emergency vehicles. The Board therefore finds that adequate access for both home owners as well as emergency vehicles exists and relief may therefore be granted.

The Board also finds that the existing design which does not include curbing is adequate and is also in conformance with the prevailing neighborhood scheme. The Board therefore determines that requiring strict compliance with the requirements of the Ordinance would create practicable difficulty in developing the subject Property with a permitted use. Design waiver relief pursuant to N.J.S.A. 40:55D-51 is therefore appropriate.

With the exception of the above relief, the Applicant complies with all other zoning, subdivision and design criteria ordinance requirements. Minor subdivision approval pursuant to N.J.S.A. 40:55D-47 is therefore appropriate. The Board notes that Plot Plan approval is required for development of the new proposed home.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Highlands on this 10<sup>th</sup> day of March 2022, that the action of the Land Use Board taken on February 10, 2022 granting Application No. LUB2019-05, for minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) and c(2), design waiver relief pursuant to N.J.S.A. 40:55D-51 along with planning variance relief pursuant to N.J.S.A. 40:55D-35 and 36 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 Subdivision Plat or Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Subdivision Plat or Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
4. The Applicant shall submit an access easement subject to the review and approval of the Board Engineer and Board Attorney.
5. The Applicant shall submit a Maintenance Agreement for the common driveway subject to the review and approval of the Board Engineer and Board Attorney.
6. A fire hydrant shall be located at the frontage of the subject Property subject to the review and approval of the Board Engineer and appropriate Borough Fire Official.
7. The Applicant shall obtain plot plan approval for the construction of the new single-family home. This includes compliance with all relevant stormwater management requirements.

- 8. The Applicant shall provide a certificate that taxes are paid to date of approval.
- 9. 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.
- 10. 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' 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.

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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 March 10, 2022.

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Nancy Tran, Secretary  
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

EXHIBITS

Case No. LUB2019-05/ CHRISTOPHER MATTINA

Minor Subdivision

February 10, 2022

- A-1 Aerial Exhibit prepared by Bohler Engineering NJ, LLC dated February 9, 2022.
- A-2 Photo Exhibit prepared by Bohler Engineering NJ, LLC dated February 9, 2022.
- A-3 Site Layout Plan – Sheet No. C-01 prepared by Bohler Engineering NJ, LLC.
- A-200 Floor Plan – Elevations prepared by Mode Monmouth Ocean Design Experts dated 10/19/21.
- A-201 Floor Plan – Elevations prepared by Mode Monmouth Ocean Design Experts dated 10/19/21.



**Thomas J Fahey**  
**7 Ballinswood Rd**  
**Atlantic Highlands, NJ 07716**

**HAND DELIVERED**

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

RECEIVED  
DEC 09, 2021  
LAND USE BOARD

Re: 38 Grand Tour  
Highlands, NJ  
Block 14, Lot 6

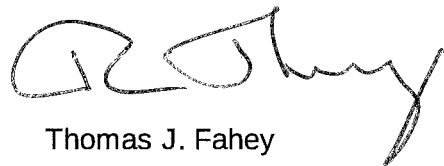
Dear Ms. Tran:

I respectfully submit the attached minor subdivision application and supporting documentation:

1. Subdivision application form
2. Minor subdivision plan prepared by Richard Stockton & Assoc
3. Completed minor subdivision checklist
4. Check in the amount of \$100 for application fee
5. Check in the amount of \$750 for escrow deposit
6. Zoning officer denial letter
7. Certification of taxes paid through 2021
8. Certification of Sewer paid through 2021
9. Certified 200-foot list

I am prepared to provide additional information as necessary upon your continued guidance.  
Thank you for your time and best regards.

Respectfully submitted,



Thomas J. Fahey



Borough of Highlands Land Use Board  
 42 Shore Drive, Highlands, NJ 07732  
 Phone: 732-872-1224  
 Fax: 732-872-0670

Item 3.

# Subdivision Application

RECEIVED  
 DEC-09, 2021  
 LAND USE BOARD

Minor Subdivision:  
 Preliminary   /    
 Final   /  

Major Subdivision:  
 Preliminary \_\_\_\_\_  
 Final \_\_\_\_\_

For Official Use	
Application Fee Paid: \$ <u>100</u>	Date Received: <u>12/9/2021</u>
Received By: <u>NT</u>	Case No: <u>LUB2021-06</u>
Board Action: _____	Date: _____

Application is hereby made for the classification of a sketch of a proposed subdivision of land hereinafter more particularly described:

Applicant Information	
Name <u>Thomas Fahey</u> <u>teafahey@gmail.com</u>	
Street <u>7 Ballinswood Rd</u> City <u>Atl. Highlands</u> State <u>NJ</u> Zip <u>07716</u>	
Phone # <u>[REDACTED]</u>	

Owner Information (if other than applicant)	
Name _____	
Street _____ City _____ State _____ Zip _____	
Phone # _____	
Interest of applicant if other than owner: _____	

Subdivision Information	
Street <u>38 Grand Tour</u> Block <u>14</u> Lot <u>6</u> Zone <u>R101</u>	
Number of existing lots: <u>1</u> Number of proposed lots: <u>2</u>	
Area of entire tract: <u>14,375</u> and portion being subdivided: <u>8,719 / 5,656</u>	



Borough of Highlands Land Use Board  
 42 Shore Drive, Highlands, NJ 07732  
 Phone: 732-872-1224  
 Fax: 732-872-0670

Item 3.

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 DEC 09, 2021  
 LAND USE BOARD

Development Plans		
Sell lot only:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Construct houses for sale:	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other:	<u>Unknown at this time</u>	

Attach a copy of any deed restrictions or restrictive covering

Information of Person Preparing Sketch Plat			
Name	<u>Richard E. Stockton + Assoc Inc</u>		
Street	<u>PO Box 124</u>	City	<u>Atlantic Highlands</u> State <u>NJ</u> Zip <u>07716</u>
Phone #	<u>732-872-2827</u>		

**Sketch Plat Requirements**

The Sketch Plat shall be based on the Tax Map information or other similar accurate information based at a scale preferably not less than 100 feet to the inch to enable the entire tract to be shown on one sheet and shall show or include the following information:

- a. The location of that portion which is to be subdivided in relation to the entire tract.
- b. All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.
- c. The name of the owners and of adjoining lots within 200 feet as disclosed by the most recent tax record information (Major subdivision, or minor is not waived by the Board).
- d. The Tax Map Sheet, Block and Lot numbers.
- e. All streets or roads and streams within 200 feet of the subdivision.
- f. Sketch of proposed layout of Street, Lots and other features in relation to existing conditions.



Borough of Highlands Land Use Board  
 42 Shore Drive, Highlands, NJ 07732  
 Phone: 732-872-1224  
 Fax: 732-872-0670

Item 3.

**FOR OFFICIAL USE**

Case No: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Date Filed: \_\_\_\_\_

1. (I/we) Thomas Fahey, the applicant(s), whose Post Office address is  
7 Ballinswood Rd, Atlantic Highland, NJ 07716  
 and whose phone number is \_\_\_\_\_ (am/are) the (owner/contact purchaser) of  
 property located at 38 Grand Tour and designated as Block 14  
 Lot(s) 6 on the Tax Map of the Borough of Highlands.

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 DEC-09, 2021  
 LAND USE BOARD

2. The property is in the R101 zone. It has a street frontage of 125 feet with an area of  
14,375 Square feet.

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be  
23.8.

4. The following structures, buildings or uses are located on the property  
Single family residential home

5. Application is hereby made for a variance to:  
No variances requested. One existing non-conformity re front yard setback. Seeking minor subdivision.

6. The reasons for this request and the grounds urged for the relief are as follows:  
Minor subdivision to create second building lot for potential single family home. Renovating existing home.

7. The section of the Borough Zoning Ordinance upon which this application is based is Section \_\_\_\_\_

8. Property taxes have been paid through 4th Qtr 2021  
 The sewer bills have been paid through 4th Qtr 2021

9. Has the property been separated from a larger tract of land? (Yes  No) \*Circle One\*  
 If so, when? \_\_\_\_\_. Has the Land Use Board approved a subdivision? (Yes / No)  
 When? \_\_\_\_\_. Attach copies of any approved map or approval resolution.



Borough of Highlands Land Use Board  
42 Shore Drive, Highlands, NJ 07732  
Phone: 732-872-1224  
Fax: 732-872-0670

Item 3.

RECEIVED  
DEC-09, 2021  
LAND USE BOARD

10. Has there been any previous appeal involving these premises ( Yes / No ) \*Circle One\*

Date of Filing: \_\_\_\_\_

Character of Appeal: \_\_\_\_\_

Disposition and Date: \_\_\_\_\_

\*\*Attach copy of decision\*\*

11. By filing a second application, does applicant and owner, if other than applicant, waive any and all rights gained in the first application? (Yes /No) \*Circle One\*

12. Are there any outstanding building code or zoning violations or other violations of law on the property in question or on any other property in the Borough of Highlands in which the applicant has any interest, directly or indirectly? No

13. Is the applicant a corporation or a partnership? Yes \_\_\_\_\_ No ✓  
(If so, you must be represented by an attorney. If yes, please complete a Disclosure Statement and attach the same to the application.)

[Signature]  
Signature

12/8/21  
Date



OWNERS WITHIN 200 FT.

HIGHLANDS BOROUGH

Block 14

Lot 6 PO, Thomas Fahey  
 5 Hines, Richard L.  
 4 Horan, Ray and Jerri  
 3.012 Bullock, Brett and Christine  
 3.011 Siciliano, Edward J. and Nelson, Jennifer  
 8.03 Goanos, Larry and Ilona  
 8.02 Leichter, Richard  
 8.01 Cordasco, Christopher G.  
 7 Wallace, Christopher

Block 15  
 1 Doherty, Dorothy M.  
 2 Patriarca, Bruno A. and Maria

Block 16  
 1 Kennedy, Stephen and Susan  
 2.04 Chandler, Michael D. and Houston, Kath  
 3.01 Linkin-Williams, Margaret  
 3.02 Stockton, Andrew and Rachael  
 2.05 Hoy, Gerald and Kathleen  
 2.02 Nuccio, Andrew and Holly

Block 17  
 6.01 Bellicose, Whitney and Borden, Ronald  
 7 Haug, Mary-Elise  
 8 Dominguez, Carol  
 9 Anderson, Roger  
 5.01 Valenti, L and Lortscher, M JT tennants  
 5.02 Venerus, David

Block 19  
 26 Sedlak, Kenneth D.

MIDDLETOWN TOWNSHIP

Block 779  
 Lot 19.01 County of Monmouth  
 57.01 Mager, Warren and Hillary

LEGEND:  
 x 102.16 = spot elevations  
 92.07 = +/- proposed grades

- Notes:
- The house footprint on proposed lot 6.02 is based on Architectural plans. A full set of these plans will be submitted with the Application for building permit, with grading & storm-water management suited to the house.
  - Any damage to pavement and/or curbing shall be repaired to the satisfaction of the municipal engineer.

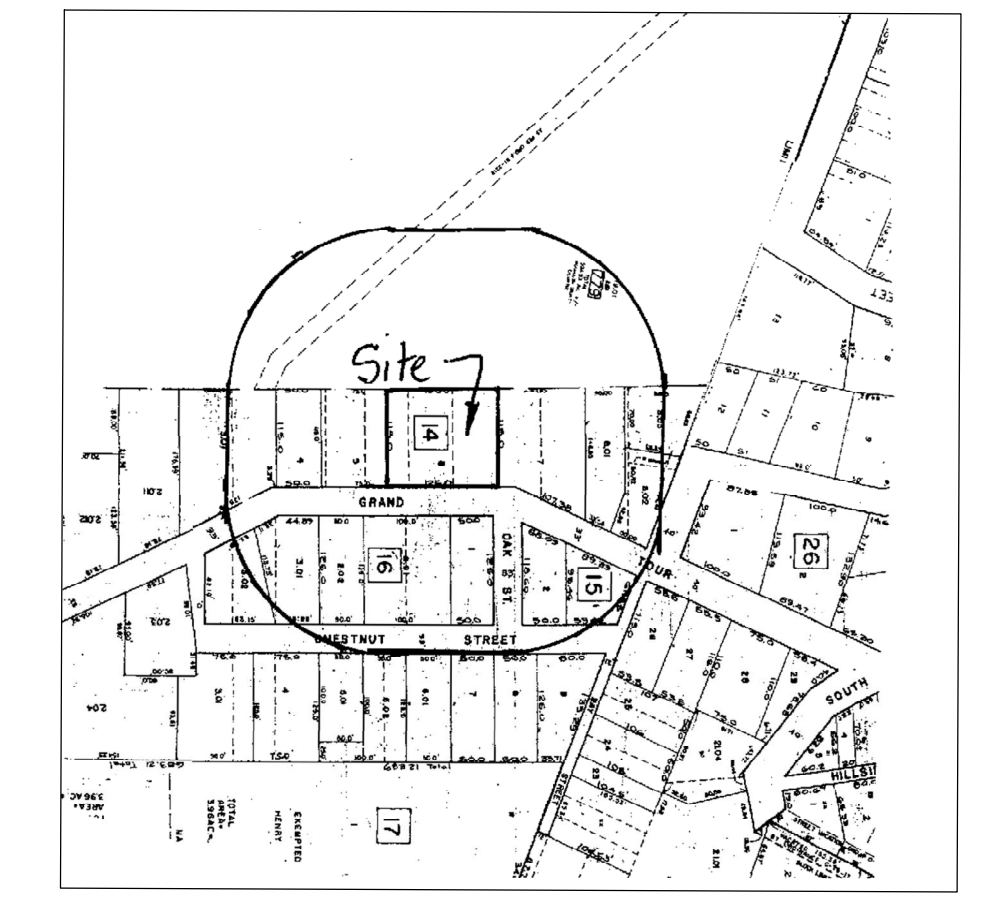
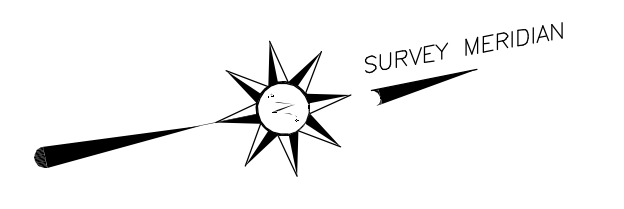
Any Object beneath the surface of the Ground has not been located, and no Guarantee as to existence or location is expressed or implied.

THIS SURVEY HAS BEEN PREPARED WITHOUT A FULL TITLE SEARCH AND IS SUBJECT TO SUCH FACTS THAT MIGHT BE REVEALED BY SAID TITLE SEARCH.

ZONE SCHEDULE

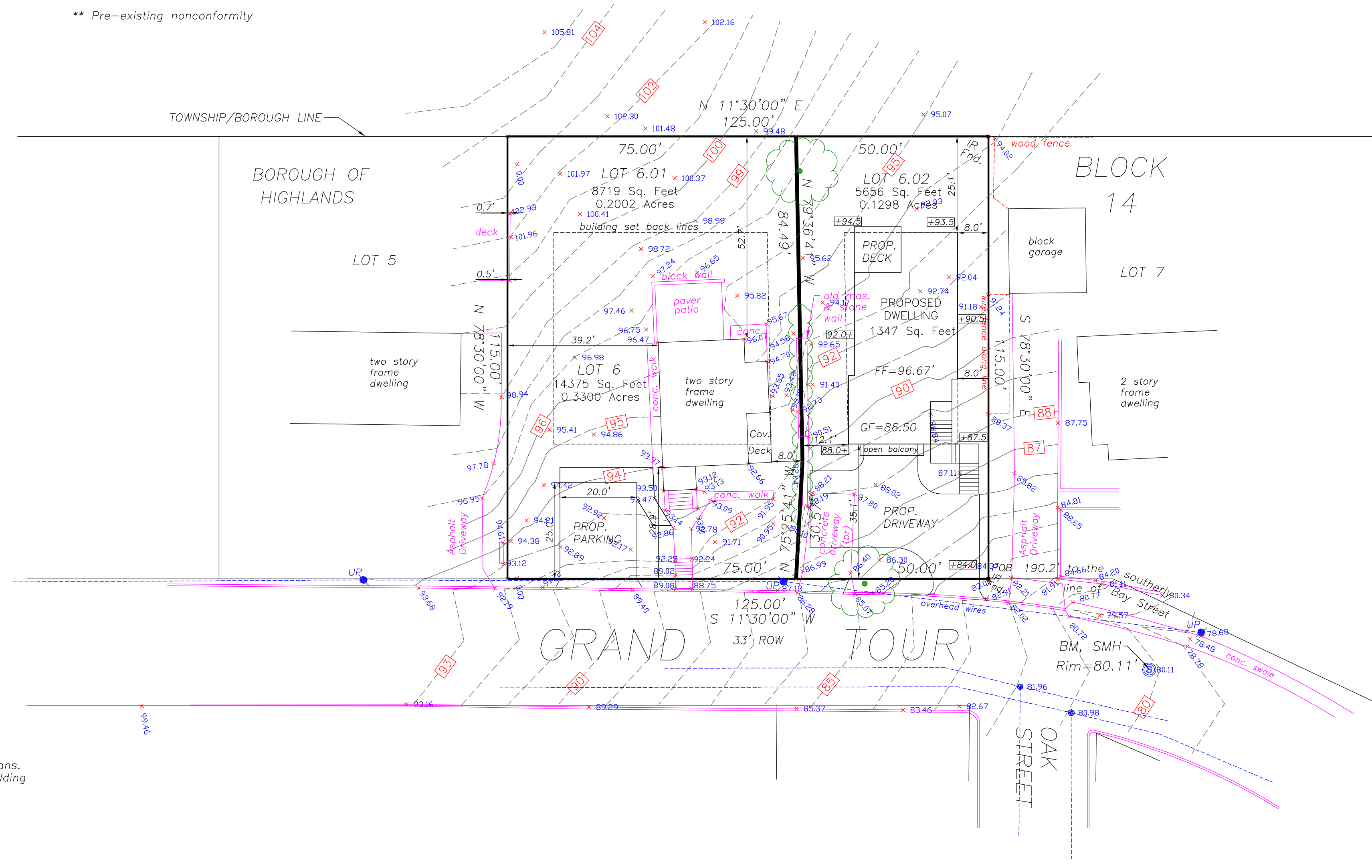
R-1.01 Residential Zone District	Required Elements	Existing Conditions	PROPOSED Lot 6.01	Lot 6.02	Comments
Lot Area, min.	SF 5000	14375	8719	5656	
Lot Frontage	FT 50	125	75	50	
Lot Depth	FT 100	115	115	115	
Front Yard	FT 35	28.9**	28.9**	35.1	
Side Yard	FT 8/12	39.2/56.4	8.0/39.2	8.0/12.1	
Rear Yard	FT 25	52.7	52.7	25.1'	
Coverage, Bldg. %	30	6.1	10.1	23.8	
Impervious Total %	70	12.7	23.7	46.2	
Parking	SPC 2	1**	2	2	
Bldg. Height	FT 30	26	26	N/A	
Parking Under	FT 32.5	N/A	N/A	32.5	

\*\* Pre-existing nonconformity



KEY MAP  
 1"=200'+/-

TOWNSHIP OF MIDDLETOWN  
 BLK 779 LOT 19.01  
 "HARTSHORNE WOODS"  
 MONMOUTH COUNTY PARK



GENERAL NOTES

- The Applicant proposes to subdivide the property into 2 conforming residential building lots. Keeping the existing house on lot 6.01, and building a new single family home on Lot 6.02.
- Known and designated as Lot 6 Block 14 as shown on the current tax assessment map of the Borough of Highlands, Monmouth County, New Jersey.
- Elevations refer to Assumed Vertical Datum. Local bench mark elevation = 80.11 San MH Rim Center of Grand Tour 48' NE of PO.
- Current Data: Lot 6  
 Total tract area 14375 SF ( 0.33 Ac.)  
 total bldg area 879 SF  
 Greenscape area 12546 SF  
 Impervious cover 1829 SF
- Developmental Data:  

Proposed Lot area	8719 SF	Lot 6.02 5656 SF
Proposed building area	879 SF	1347 SF
Proposed driveways	500 SF	970 SF
proposed walks, deck, (patio)	688 SF	298 SF
Proposed landscape area	6652 SF	3041 SF
Parking spaces, offstreet	2	2
Building Height, max	26FT	32.5 FT
- The location of utilities are from information available at time of map preparation. No guarantee is intended as to exact location or size. Contractors are advised to contact the appropriate utility before any new construction.
- Owner/ Applicant:  
 Thomas Fahey,  
 7 Ballinswood Road,  
 Atlantic Highlands, NJ, 07716
- All bearings and distances produce mathematically closed figures one part in ten thousand or greater ( 1 / 10000 ).
- Applicant to provide a stormwater management plan for review by the Borough Engineer prior to the issuance of a building permit.



RECEIVED  
 DEC-09, 2021  
 LAND USE BOARD

I (WE) HEREBY CERTIFY TO BE THE OWNER(S) OF THE LAND DELINEATED ON THIS MAP AND DO HEREBY CONSENT TO THE FILING OF THE MAP WITH THE MUNICIPALITY AND/OR COUNTY.

SIGNATURE(S) DATE

CLASSIFIED AND APPROVED AS A: MINOR SUBDIVISION BY: THE LAND USE BOARD OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NJ  
 ON THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_.

CHAIRMAN DATE  
 SECRETARY DATE

THIS PLAT OR DEEDS MUST BE FILED IN THE OFFICE OF THE COUNTY CLERK ON OR BEFORE \_\_\_\_\_ 20 \_\_\_\_ , WHICH DATE IS 190 DAYS AFTER THE DATE OF FINAL APPROVAL OF A MINOR SUBDIVISION

I HEREBY CERTIFY THAT I HAVE CAREFULLY EXAMINED THIS MAP AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND THAT IT CONFORMS THE RESOLUTION OF APPROVAL AND THE MUNICIPAL ORDINANCES AND REQUIREMENTS APPLICABLE THERETO AND WITH THE PROVISIONS OF THE "MAP FILING LAW" IF APPLICABLE.

LAND USE BOARD ENGINEER DATE

I HEREBY CERTIFY THAT TO THE BEST OF MY INFORMATION KNOWLEDGE AND BELIEF, THIS MAP AND LAND SURVEY, DATED 9-30-21 MEETS THE MINIMUM SURVEY DETAIL REQUIREMENTS AS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND HAS BEEN MADE UNDER MY IMMEDIATE SUPERVISION AND COMPLIES WITH THE PROVISIONS OF THE " MAP FILING LAW ", IF APPLICABLE.

RICHARD E. STOCKTON  
 LICENSED PROFESSIONAL LAND SURVEYOR NO.15102

REV	DATE	DESCRIPTION	BY	CHECK			
MINOR SUBDIVISION PLAN FOR <b>THOMAS FAHEY</b> LOT 6 BLOCK 14 SHEET 6 BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY RICHARD E. STOCKTON & ASSOC., INC. SURVEYING & MAPPING->PLANNING->CONSTRUCTION SURVEYING PO BOX 124, ATLANTIC HIGHLANDS, NJ 07716, 732-872-2827							
RICHARD STOCKTON, LICENSED PROFESSIONAL LAND SURVEYOR & PLANNER PLS15102 PP2267							
DATE:	9-30-21	FILE:	4276	DRAWN:	RLT	JOB NO:	8158
SCALE:	1" = 20'	CAD#:	P-8158sub1.dwg	CHECKED:	Res	DWG NO:	D-1047



Borough of Highlands Land Use Board  
42 Shore Drive, Highlands, NJ 07732  
Phone: 732-872-1224  
Fax: 732-872-0670

### Checklist Minor Subdivision

RECEIVED

DEC 09, 2021

LAND USE BOARD

#### 17-6 Plat Details

17-6.1 *Sketch Plat.* The sketch plat shall be based on tax map information or some other similarly accurate base at a scale not less than 100 feet into the inch to enable tract to be shown on one sheet and shall show or include the following information:

PROVIDED:

YES NO NA WAIVE COMMENT

a. *Key map.* A key map showing the entire subdivision and its relation to the entire tract and surrounding areas.

✓				
---	--	--	--	--

b. *Location of subdivision.* Location of that portion which is to be subdivided in relation to the entire tract.

✓				
---	--	--	--	--

c. *Tract name, block and lot numbers.* The tract name, tax map sheet, block and lot number, date, revision date, if applicable, reference meridian, graphic scale and the following names and addresses:

✓				
---	--	--	--	--

1. Name and address of record owner or owners.

✓				
---	--	--	--	--

2. Name and address of subdivider.

✓				
---	--	--	--	--

3. Name and address of person who prepared map.

✓				
---	--	--	--	--

d. *Acreage of tract.* Acreage of the entire tract and the area being subdivided to nearest tenth of an acre.

✓				
---	--	--	--	--

e. *Easement.* The location, width and purpose of any easement or land reserved or dedicated to public use of sites other than residential shall be noted.

		✓		
--	--	---	--	--

f. *Lot lines.* All proposed lot lines to be eliminated by the proposed subdivision shall be clearly indicated.

		✓		
--	--	---	--	--

g. *Existing structures and wooded areas.* All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof for subdivision including four lots or more.

✓				
---	--	--	--	--

h. *Owners of adjoining property.* The name of the owner and of all adjoining property owners as disclosed by the most recent municipal tax records.

✓				
---	--	--	--	--

i. *Street, roads, etc.* All street, roads, drainage rights of bodies of water and streams within 200 feet of the subdivision.

✓				
---	--	--	--	--





HGPB- R1890

March 6, 2022

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

Via Email (ntran@highlandsborough.org)

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
Single Family Residential (R-1.01) Zone  
Minor Subdivision  
First Engineering Review**

Dear Ms. Tran:

As requested, our office has reviewed the above referenced application for minor subdivision plan approval. The applicant submitted the following documents in support of this application:

1. Land Use Board Application for Subdivision, dated December 8, 2021.
2. Zoning Denial Letter, dated November 30, 2021.
3. Minor Subdivision Plan prepared by Richard E. Stockton, P.L.S., P.P., of Richard E. Stockton & Associates, Inc., dated December 16, 2021, consisting of one (1) sheet.

Based on our review of the submitted documents, we offer the following comments for the Board’s consideration:

**A. Project Description**

The 14,375 square feet property is currently developed with an existing two-story single-family dwelling. The site is located in the Single Family Residential (R-1.01) Zone of the Borough with frontage along Grand Tour. With this application, the applicant is seeking minor subdivision and bulk variance approval to subdivide the property into two new lots. Proposed Lot 6.01 will contain 8,719 square feet with frontage on Grand Tour. Lot 6.02 will contain 5,656 square feet with frontage on Grand Tour. The applicant proposes to build a new dwelling on Proposed Lot 6.02, along with a driveway and a rear wooden deck. Lot 6.01 proposes a new parking area along the lot frontage.

**B. Planning and Zoning**

In accordance with Section 21-85 of the Ordinance existing/proposed bulk deficiencies are noted as follows:

R-1.01 Zone	Required	Existing	Proposed Lot 6.01	Proposed Lot 6.02
Min. Lot Size	5,000 SF	14,375 SF	8,719 SF	5,656 SF
Min. Lot Frontage	50’	125’	75’	50’



**Le: Nancy Tran, Land Use Board Secretary  
 Borough of Highlands Land Use Board**

**Re: Fahey Residence  
 38 Grand Tour  
 Block 14, Lot 6  
 Single Family Residential (R-1.01) Zone  
 Minor Subdivision  
 First Engineering Review**

R-1.01 Zone	Required	Existing	Proposed Lot 6.01	Proposed Lot 6.02
Min. Lot Depth	100'	115'	115'	115'
Min. Front Yard Setback	35'	28.9' <sup>(E)</sup>	<b>28.9'</b> <sup>(E)</sup>	35.1'
Minimum Rear Yard Setback	25'	52.7'	52.7'	25.1
Minimum Side Yard Setback	8' /12'	39.2'/56.4'	8.0'/ 39.2'	8'/12'
Maximum Building Height*	30' (32.5')	26'	26'	32.5'
Maximum Building Coverage	30%	6.1%	10.1%	23.8%
Maximum Lot Coverage	70%	12.7%	23.7%	46.2%

- (E) – Existing Non-conformity
- (C) – Calculated
- (W) – Waiver
- (V) – Variance
- NA – Not Applicable
- NS – Not Specified, the applicant shall confirm this dimension

\*Per Schedule 1 of Section 21 of the Ordinance, where a dwelling is constructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2-1/2) feet.

1. The applicant shall provide testimony on the rear deck of Proposed Lot 6.02 and whether it is elevated or at ground level. This may affect the rear setback requirements if this is considered part of the principal structure.
2. To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
  - a. Positive Criteria. The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
Single Family Residential (R-1.01) Zone  
Minor Subdivision  
First Engineering Review**

- b. Negative Criteria. The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

**C. Technical Engineering Review**

1. Table 4.4 of Section 5:21-4.14 of R.S.I.S. requires two (2) off-street parking spaces for a three-bedroom single family dwelling, and Section 21-65.14.C.1 of the Ordinance requires a minimum of two (2) off-street parking spaces for a residential dwelling, whereas two (2) off-street parking spaces have been provided for both proposed lots.
2. Section 21-65.14.C.3 of the Ordinance indicates that no required parking space shall be located closer to a street line than the right-of-way line, nor within 2 feet of the property line. The applicant shall confirm the distance between the driveway and parking areas of Proposed Lot 6.02 and the side property lines.
3. The proposed development will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a “major development” as defined by NJAC. 7:8 and is not subject to the NJDEP Stormwater Management quantity, quality, and recharge requirements of a major development.
4. While the project is not considered a major development, the applicant is proposing to increase impervious coverage by approximately 3,115 square feet. The applicant shall provide testimony on the stormwater management measures provided and how the increase from pre- to post-development stormwater runoff will not have a negative impact on the site and downstream off-site stability affected by stormwater runoff.
5. The applicant has graded the property to follow the existing drainage patterns and drain towards the existing roadways. The applicant shall provide testimony on any adverse drainage impacts to the adjacent properties as a result of the proposed improvements.
6. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application. All proposed utility improvements shall be shown on the plans including proper trench restoration.
7. A note shall be added to the plans indicating that all utilities are to be installed underground.
8. The applicant shall also be aware that a sanitary sewer connection fee must be paid prior to issuance of building permits.



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
Single Family Residential (R-1.01) Zone  
Minor Subdivision  
First Engineering Review**

9. Caution shall be taken during construction within the sloped areas in excess of 15%.
10. Section 21-65.10A of the Ordinance indicates that all areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped, and maintained in accordance with a landscaping plan approved by the Board. No landscaping has been provided as part of this application. The Board should determine if a landscaping plan is required.
11. Section 21-65.10B of the Ordinance indicates that if feasible in residential zones, street trees of at least two (2) to two and one-half (2-1/2) inch caliper will be required, planted a distance on center equivalent to no more than the width of their mature diameter. Where street trees are not appropriate because of views, existing vegetation, or other reason, the equivalent number of trees shall be located elsewhere on the lot. The Board should determine if street trees are required for this application.
12. The applicant implies that the subdivision is to be filed by map. The following items must be addressed so the plat is in conformance with the Map Filing Law including but not limited to:
  - a. Section 46:26.B-2.b.8 of the Map Filing Law requires a minimum of three corners distributed around the tract shall indicate coordinate values. This coordinate base needs to be either assumed or based on the New Jersey Plane Coordinate System and shown on the map.
  - b. Section 46:26.B-2.b.8 of the Map Filing Law requires all monumentation, including monuments found, set, and to be set, be clearly shown on the plat. Appropriate certification that monuments have been set, or will be set at a later date, shall be included on the plat.
  - c. A listing of owners within 200' shall be provided on the map.
  - d. All appropriate certifications as deemed necessary in Section 46:26.B-2.b of the Map Filing Law including but not limited to surveyor preparing the map, surveyor who prepared the boundary survey, municipal clerk, Planning Board, owner, and applicant, with appropriate titles, shall be provided on the plan.
13. Classification as a minor subdivision shall expire one hundred ninety (190) days from the date of approval unless within such period a plat in conformity with such approval and the provisions of the Map Filing Law, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), or a deed clearly describing the minor subdivision is filed by the developer with the County Recording Officer, the Borough Engineer, and the Borough Tax Assessor. Any such plat or deed accepted for such filing shall have been signed by the Chairman and Secretary of the Board. In reviewing the application for a minor subdivision, the Board shall be permitted to accept a plat not in conformity with the Map Filing Act, P.L. 1960, c. 141 (N.J.S.A. 46:23-9.9 et seq.), provided that, if the developer chooses to file the minor subdivision as provided herein by plat rather than deed, such plat shall conform with the provisions of said act.



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
Single Family Residential (R-1.01) Zone  
Minor Subdivision  
First Engineering Review**

14. Should the application be approved, the applicant shall provide a written confirmation from the tax assessor that the lot numbering is acceptable prior to filing the deeds or plat.
15. Should the application be approved, the applicant shall provide a metes and bounds deed description for review by the Board Engineer, and the legal form to the Board Attorney for review and approval prior to filing.
16. The Board shall determine if Architectural Plans for Proposed Lot 6.02 are required for review. The applicant shall provide testimony on whether the proposed dwelling will be elevated and have garage parking underneath.
17. Construction details for all proposed improvements shall be provided and comply with the standards of the Borough Ordinance.
18. Approvals or waivers should be obtained from any agencies or departments having jurisdiction.

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions regarding this matter, please do not hesitate to contact our office.

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 (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)  
Rob Knox, Land Use Board Chairman (rknox@highlandsborough.org)  
Annemarie Tierney, Land Use Board Vice Chairman (annemarie@liquidadvisors.com)  
Richard E. Stockton, P.L.S., P.P., Applicant's Planner (rstocktonnj3@gmail.com)  
Thomas Fahey, Applicant (teafahey@gmail.com)

G:\Projects\HGPB\R1890\Correspondence\Tran\_EWH\_38 Grand Tour\_B14\_L6\_First Engineering Review.docx

# FOSS, SAN FILIPPO & MILNE, LLC

*Counselors at Law*

ROGER J. FOSS  
GREGORY R. MILNE†  
JANE R. PATTWELL  
JOHN B. ANDERSON, III  
NJ & NY BARS

†CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS  
CIVIL TRIAL ATTORNEY

BRITTANY P. TARABOUR  
JOHN C. TASSINI

OF COUNSEL  
MARTIN A. MCGANN, JR.

PHILIP E. SAN FILIPPO  
(RETIRED)  
JOHN W. CHRISTIE  
(RETIRED)

March 1, 2022

*Via NJ Lawyers' Service*  
Borough of Highlands  
Land Use Board  
42 Shore Drive  
Highlands, NJ 07732  
**ATTN: NANCY TRAN, Land Use Secretary**

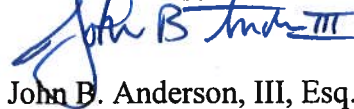
Re: Thomas Fahey  
38 Grand Tour  
Block: 14, Lot: 6  
Highlands, NJ  
Zone District: R-101  
Our File Number: 9179.00001

Dear Ms. Tran:

This letter is being submitted in response to item 7 (on page 2) of T&M Associates' review letter dated January 18, 2022, a copy of which is enclosed.

Enclosed please find copies of Metes and Bounds Descriptions for each of the new, proposed Lots 6.01 and 6.02 on Block 14.

Very truly yours,  
Foss, San Filippo & Milne, LLC



John B. Anderson, III, Esq.  
For the Firm  
janderson@fsfm-law.com

JBA:hs/encs./Ltr to Borough trans legal description

cc: Client (via email)  
T&M Associates (w/encl.)

RICHARD E. STOCKTON & ASSOC., INC.  
Surveying & Mapping<>Land Planning<>Construction Surveying  
PO Box 124, Atlantic Highlands, New Jersey 07716  
Phone: 732-872-2827                      rstocktonnj3@gmail.com

Date: 02/28/22

Page: 1

Description: Lot 6.01 Block 14  
Borough of Highlands  
Monmouth County, NJ

-----  
Known and designated as Lot 6.01 Block 14 as shown on a Minor Subdivision Plan for Thomas Fahey, Lot 6 Block 14 Borough of Highlands, Monmouth County New Jersey, dated 09/30/2021. Said Lot more particularly described as follows;

BEGINNING at a point 240.2' southwesterly along the westerly line of Grand Tour, from the southwesterly intersection of Bay Street and Grand Tour. From said point running thence;

- 1            S 11° 30' 00" W    75.00' along the westerly line of Grand Tour, to a point, thence;
- 2            N 78° 30' 00" W    115.00' to a point on the easterly line of Lot 19.01, Block 779, Middletown TWP., thence,
- 3            N 11° 30' 00" E    75.00' along the easterly line of Lot 19.01, Block 779, Middletown TWP. to a point, thence;
- 4            S 79° 36' 41" E    84.49', along the southerly line of Lot 6.02, Block 14, to an angle point, thence;
- 5            S 75°25'41" E,    30.57' to the point and place of beginning.

AREA: 8719 SF  
0.200 ACRES

Said Description is based on a Survey by Richard E. Stockton & Associates, Dated 5-20-21.



Ronald L. Trinidad  
Professional Land Surveyor  
NJ License No. 43370  
File: (P-8158.1des)





# EASTERN CIVIL ENGINEERING, LLC

Item 3.

Civil Engineering – Surveying & Mapping – Land Use Planning – Site Design  
31 Grand Tour, Highlands, NJ 07732 – Phone/Fax: 732.872.7736

February 25, 2022

Mr. Thomas Fahey  
7 Ballinswood Road  
Atlantic Highlands, NJ 07716

From the Desk of:  
**ANDREW R. STOCKTON**  
Professional Engineer & Land Surveyor  
Professional Planner

Re: Proposed Minor Subdivision  
Block 14 Lot 6, # 38 Grand Tour  
Highlands Borough, Monmouth Co., NJ  
Project No. 2202047

Dear Mr. Fahey:

This is to advise that I have reviewed the subject property and can confirm that freshwater wetlands are not present at this site as requested by the Land Use Board Engineer's 1-18-22 project review letter.

The project site consists of an existing single-family residential property known as Lot 6 in Block 14 and more commonly known as #38 Grand Tour in Highlands Borough. The site has an existing single-family dwelling with an existing concrete driveway for off-street parking and the remainder of the property is presently maintained lawn and landscaped areas with only a few deciduous and ornamental trees.

As outlined at NJAC 7:7E-3.27, freshwater wetlands are areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of hydrophytic vegetation. Useful indicators of wetlands areas are usually identified and mapped on the following: i) National Wetlands Inventory Maps produced by the U.S. Fish and Wildlife Service; ii) Coastal wetland maps, pursuant to the Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.) prepared by the DEP; and iii) Freshwater wetland maps prepared by DEP. Generalized locations of some wetland types may also be found in county soil surveys prepared by the U.S. Department of Agriculture, Soil Conservation Service. None of these resources indicate the potential presence for freshwater wetlands at the subject property.

Project-specific field investigation provides the best useful indicator to the presence or absence of wetlands and definitive wetland limits utilizing the USEPA three-parameter approach (hydrology, soils and vegetation) as outlined in the Federal Wetland Delineation Manual and as specified at NJAC 7:7A-1.3 of the Department's Freshwater Wetlands Protection Act Rules.

With this background, we conducted a project-specific field visit on 2-25-22 to inspect for three parameters: presence or absence of groundwater hydrology; hydric soils; and hydrophytic vegetation, where specifically we found that none of the required three parameters are present on or near the subject property. In fact, a review of the Monmouth County soil survey data indicates site soils to be PhbE – Phalanx loamy sands, which are classified as HSG A soil types that are well drained, where typically depth to groundwater ranges between 48" to 118" below

To: Mr. Thomas Fahey

February 25, 2022

Item 3.

Page 2 of 2

Re: Proposed Minor Subdivision  
Block 14 Lot 6, # 38 Grand Tour  
Highlands Borough, Monmouth Co., NJ  
Project No. 2202047

grade, if encountered at all. And, in addition to the maintained lawn and landscaped area, the dominant species for the few existing trees at the site were determined to be black locust, white oak with a couple of holly trees and a couple of ornamental maple trees, which all are not typical wetland vegetation species.

Please feel free to contact this office if you should have any questions, comments, or if you require additional information with regard to any of the items contained herein, the regulatory review process, or with regard to anything in general pertaining to your project.

Very truly yours,  
EASTERN CIVIL ENGINEERING, LLC

ANDREW R. STOCKTON  
Professional Engineer & Land Surveyor  
For the Firm

cc. Derek Debree  
John B. Anderson III, Esq.  
Nancy Tran, Highlands Land Use Board  
Edward W. Herman PE/PP, Board Engineer



HGPB- R1890

January 18, 2022

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

*Via Email (ntran@highlandsborough.org)*

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
R-1.01 Zone  
Minor Subdivision  
First Completeness Review**

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.A – Minor Subdivision Plat.

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

1. Land Use Board Application for Subdivision, dated December 8, 2021.
2. Zoning Denial Letter, dated November 30, 2021.
3. Minor Subdivision Plan prepared by Richard E. Stockton, P.L.S., P.P., of Richard E. Stockton & Associates, Inc., dated December 16, 2021, consisting of one (1) sheet.

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

**Minor Subdivision Plat:** The plat shall be prepared to scale, based on a current survey or some other similarly accurate base, at a scale of not less than one (1) inch equals one hundred (100) feet, to enable the entire tract to be shown on one (1) sheet. The plat shall be signed and sealed by a licensed New Jersey Land Surveyor and shall show or include the following information:

1. A key map at a scale of not less than 1" = 400' showing the location of that portion which is to be subdivided in relation to the entire tract and the surrounding area. **Provided.**
2. All existing structures, wooded areas and topographical features, such as slump blocks, within the portion to be subdivided and within seventy-five (75) feet thereof. **Provided.**
3. The name of the owner and all adjoining property owners and owners of property directly across the street as disclosed by the most recent municipal tax record. If there is no positive evidence of ownership of any parcel of adjoining property within two hundred (200) feet, a certificate will be presented from the custodian of tax records to that effect. **Provided.**
4. The Tax Map sheet, block and lot numbers. **Provided.**
5. All streets or roads and streams within seventy-five (75) feet of the subdivision. **Provided.**
6. Location of existing streets, and existing and proposed property lines, lot sizes, and areas. **Provided.**



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
R-1.01 Zone  
Minor Subdivision  
First Completeness Review

- 7. Metes and bounds descriptions of all new lot and property lines. **Not provided. Metes and bounds descriptions for the new lots shall be provided.**
- 8. Existence and location of any utility or other easement. **Provided.**
- 9. Setback, side line and rear yard distances and existing structures. **Provided.**
- 10. The name and address of the person preparing the plat, the graphic scale, date of preparation and reference meridian. **Provided.**
- 11. Certification from the Tax Collector that all taxes and assessments for local improvements on the property have been paid up to date. **Provided.**
- 12. Certification statement for the required municipal signatures, stating: **Provided.**
  - o Application No. \_\_\_\_\_ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Minor Subdivision on \_\_\_\_\_.  
(date)

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

- 13. Certification statement for the County Planning Board approval / disapproval, if required. **Not applicable.**
- 14. Zone district boundary lines, if any, on or adjoining the property to be subdivided and a schedule indicating the required minimum lot area, lot width, lot depth and front, rear and side yards of each zone district located on the property. **Provided.**
- 15. A wetlands statement provided by a qualified expert. **Not provided. Applicant shall provide prior to public hearing.**
- 16. The Board reserves the right to require a feasible sketch plan layout of remaining land not being subdivided if it is deemed necessary. **Not applicable.**
- 17. A lot grading plan, to be reviewed by the Borough Engineer, if required. **Provided.**



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
R-1.01 Zone  
Minor Subdivision  
First Completeness Review**

At this point, adequate information has been provided for us to perform a technical review and fee calculation for the application.

**UPON CONFIRMATION FROM THE BOARD SECRETARY THAT THE BALANCE OF ALL APPLICATION AND ESCROW FEES HAS BEEN DULY POSTED, THE FOLLOWING SHALL OCCUR:**

1. The application shall be deemed **COMPLETE**.
2. The Board Engineer shall commence the technical review.

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 (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)  
Richard E. Stockton, L.S., P.P., Applicant's Planner (rstocktonnj3@gmail.com)  
Thomas Fahey, Applicant (teafahey@gmail.com)

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HGPB- R1890

January 18, 2022

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

*Via Email (ntran@highlandsborough.org)*

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
R-1.01 Zone  
Minor Subdivision  
Fee and Escrow Calculation**

Dear Ms. Tran,

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

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

1. Land Use Board Application for Subdivision, dated December 8, 2021.
2. Zoning Denial Letter, dated November 30, 2021.
3. Minor Subdivision Plan prepared by Richard E. Stockton, P.L.S., P.P., of Richard E. Stockton & Associates, Inc., dated December 16, 2021, consisting of one (1) sheet.

Please note the following fee calculations:

- 1. Application fee: \$525.00**
- 2. Escrow fee: \$1,050.00**

The applicant shall post the balance of fees.

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



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Fahey Residence  
38 Grand Tour  
Block 14, Lot 6  
R-1.01 Zone  
Minor Subdivision  
Fee and Escrow Calculation**

EWH:KJO:DV

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)  
Richard E. Stockton, L.S., P.P., Applicant's Planner (rstocktonj3@gmail.com)  
Thomas Fahey, Applicant (teafahey@gmail.com)

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HGPB-R1890

DETERMINATION OF FEES

38 Grand Tour  
Block 14, Lot 6

**A. APPLICATION FEES (Ord. 21-107)**

A. Variances

3. Residential "c" (minimum front yard)

1 EA \$ 125.00 \$ 125.00

B. Subdivisions

2. Minor

1 EA \$ 400.00 \$ 400.00

**B. ESCROW FEES (Ord. 21-108)**

B. Escrow Deposits (twice Application Fee; Minimum \$750)

1 LS \$ 1,050.00 \$ 1,050.00

**Application fees subtotal** \$ 525.00

**Escrow fee subtotal** \$ 1,050.00

**Total** \$ 1,575.00





Item 3.

**Borough of Highlands**  
42 Shore Drive  
Highlands, NJ 07732  
Phone: (732) 872-1224  
Fax: (732) 872-0670  
www.highlandsborough.org

## Application For 200-foot Certified Clerk's List

Property Information			
Address	<u>38 Grand Tour</u>	Block #	<u>14</u>
City:	Highlands	State:	NJ
Zip:	07732	Lot #	<u>6</u>

Requester's Information			
Name	<u>Derek DeBree</u>		
Phone #	[REDACTED]	Email:	<u>derek.debree@foxroach.com</u>
Street	<u>4 Serpentine Dr.</u>	City	<u>Highlands</u>
		Zip	<u>07732</u>

I hereby request a list of property owners within 200 feet of the above referenced block and lot.

Enclosed is a check in the amount of ten dollars (\$10.00) which is the fee for the list. If there is more than one (1) block and lot number, the fee is ten dollars (\$10.00) per block and lot number.

Kindly make checks payable to the Borough of Highlands and please send requests to the Borough Clerk's attention.

Sign: [Signature]

Date: 1/27/22

For Official Use Only	
Fee Paid	<u>\$10 ck# 593</u>
Pick Up	_____
Date Received	<u>1/27/2022</u>
E-Mailed	_____



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

RECEIVED  
DEC '09, 2021  
LAND USE BOARD

Date Issued: July 30, 2021.

CERTIFICATION OF 200-FOOT LIST  
BLOCK[s] 14 LOT [s] 6

PROPERTY LOCATION: 38 Grand Tour

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.*

  
\_\_\_\_\_

Michelle Hutchinson, Municipal Clerk

7/30/2021 1:43 PM

\* 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 2<sup>nd</sup> Floor  
One East Main St.  
PO Box 1255  
Freehold, NJ 07728

1332-779-19.01  
COUNTY OF MONMOUTH  
805 NEWMAN SPRINGS RD  
LINCROFT NJ 07738

1319-16-2.04  
CHANDLER MICHAEL D & HOUSTON KATH  
PO BOX 143  
NAVESINK NJ 07752

1319-17-6.01  
BELICOSE WHITNEY & BORDEN RONALD  
7 CHESTNUT STREET  
HIGHLANDS NJ 07732

1319-16-3.01  
LINKIN-WILLIAMS MARGARET  
33 GRAND TOUR  
HIGHLANDS NJ 07732

1319-15-1  
DOHERTY DOROTHY M  
47 GRAND TOUR  
HIGHLANDS NJ 07732

1319-15-2  
PATRIARCA BRUNO A. & MARIA  
84 ARMSTRONG DRIVE  
CLARK NJ 07066

1319-14-7  
WALLACE CHRISTOPHER  
42 GRAND TOUR  
HIGHLANDS NJ 07732

1319-14-8.01  
CORDASCO CHRISTOPHER G  
46 GRAND TOUR  
HIGHLANDS NJ 07732

1319-14-8.02  
LEICHTER RICHARD  
48 GRAND TOUR  
HIGHLANDS NJ 07732

1319-14-3.011  
SICILIANO EDWARD & NELSON JENNIFER  
30 GRAND TOUR  
HIGHLANDS NJ 07732

1319-14-3.012  
BULLOCK BRETT & CHRISTINE  
516 8 TH AVENUE UNIT B  
BELMAR NJ 07719

1319-14-4  
HORAN RAY & JERRI  
34 GRAND TOUR  
HIGHLANDS NJ 07732

1319-14-5  
HINES RICHARD L.  
5302 COVEVIEW COURT  
GREENSBORO NC 27407

1319-14-6  
BROWN SHEILA T.  
38 GRAND TOUR  
HIGHLANDS NJ 07732

1319-16-1  
KENNEDY STEPHEN & SUSAN  
41 GRAND TOUR  
HIGHLANDS NJ 07732

1332-779.01-57  
MAGER WARREN & HILLARY  
1 MOUNTAIN ST  
HIGHLANDS NJ 07732

1319-16-3.02  
STOCKTON ANDREW & RACHEL  
31 GRAND TOUR  
HIGHLANDS NJ 07732

1319-17-7  
HAUG MARY-ELISE  
5 CHESTNUT STREET  
HIGHLANDS NJ 07732

1319-17-8  
DOMINGUEZ CAROL  
3 CHESTNUT STREET  
HIGHLANDS NJ 07732

1319-17-9  
ANDERSEN ROGER  
1 CHESTNUT STREET  
HIGHLANDS NJ 07732

1319-19-26  
SEDLAK KENNETH D.  
49 GRAND TOUR  
HIGHLANDS NJ 07732

1319-17-5.01  
VALENTI L. & LORTSCHER M. JT TENANTS  
11 CHESTNUT STREET  
HIGHLANDS NJ 07732

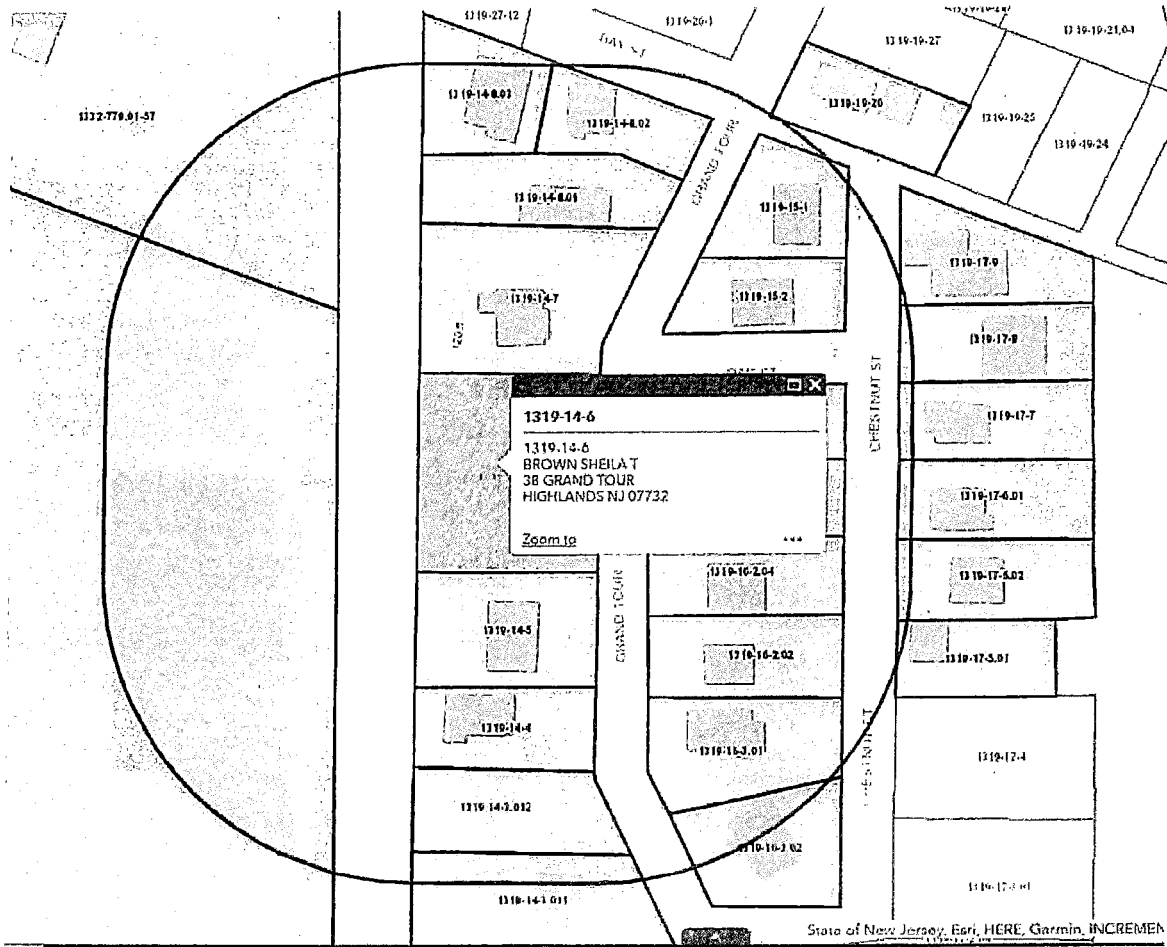
1319-17-5.02  
VENERUS DAVID  
9 CHESTNUT STREET  
HIGHLANDS NJ 07732

1319-16-2.05  
GERALD & KATHLEEN HOY H/W  
37 GRAND TOUR  
HIGHLANDS NJ 07732

1319-18-2.02  
NUCCIO ANDREW & HOLLEY  
173 SMITH STREET  
FAIR HAVEN NJ 07704

1319-14-8.03  
GOANOS LARRY & ILONA  
50 GRAND TOUR  
HIGHLANDS NJ 07732

RECEIVED  
DEC-09, 2021  
LAND USE BOARD



RECEIVED  
DEC-09, 2021  
LAND USE BOARD

*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,***

Brian Rischman 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

RECEIVED  
DEC-09, 2021  
LAND USE BOARD

November 30, 2021

Thomas Fahey  
7 Ballinswood Road  
Atlantic Highlands, NJ 07716

RE: 38 Grand Tour  
Block 14, Lot 6

Please be advised that the above referenced application to subdivide the lot, creating two building lots, has been reviewed for compliance with the Borough of Highlands Zoning Ordinance. The property is located in the R-101 zone.

The following approvals will be necessary:

**#21-55                      Minor subdivision**

To proceed with an application/appeal of this decision to the Land Use Board, please contact the Nancy Tran, Board Secretary at 732-872-1224. Should you have any questions, feel free to contact me at 732-615-2278.

Sincerely,  
  
Marianne Dunn  
Zoning Officer

C: Land Use Board

RECEIVED  
DEC-09, 2021  
LAND USE BOARD



Borough of Highlands Land Use Board  
42 Shore Drive, Highlands, NJ 07732  
Phone: 732-872-1224  
Fax: 732-872-0670

Item 4.

**FOR OFFICIAL USE**

Case No: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Date Filed: \_\_\_\_\_

Mark R. Aikins, Attorney for Applicant

1. (I/we) Kerry M. Farrell, the applicant(s), whose Post Office address is  
c/o Mark R. Aikins, Esq., 3350 Rt. 138, Bldg. 1, Suite 113, Wall, New Jersey 07719

and whose phone number is [REDACTED] (am/are) the (owner/contract purchaser) of  
property located at 32 Shrewsbury Avenue and designated as Block 43  
Lot(s) 7 on the Tax Map of the Borough of Highlands.

2. The property is in the WT-R zone. It has a street frontage of 47.50 feet with an area of  
7,108,00 Square feet.

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be  
36.35%.

4. The following structures, buildings or uses are located on the property  
2 1/2 story single family residence with detached one car garage.

5. Application is hereby made for a variance to:  
Re-construct an existing 212 sq.ft. detached wood-framed garage

6. The reasons for this request and the grounds urged for the relief are as follows:  
Section 21-78A.3: Accessory structure not permitted closer to the front property line than the required front setback of the principle structure.  
Section 21-78B.1a: Accessory structure setback: 3ft. is required; whereas .11 ft. is proposed

7. The section of the Borough Zoning Ordinance upon which this application is based is Section  
Section 21-78A.3: & Section 21-78B.1a

8. Property taxes have been paid through 4th Qtr. 2021  
The sewer bills have been paid through 4th Qtr. 2021

9. Has the property been separated from a larger tract of land? Yes / No) \*Circle One\*  
If so, when? \_\_\_\_\_ Has the Land Use Board approved a subdivision? Yes / No)  
When? \_\_\_\_\_ Attach copies of any approved map or approval resolution.

**RECEIVED**  
**DEC 10 2021**  
**LAND USE BOARD**



Borough of Highlands Land Use Board  
42 Shore Drive, Highlands, NJ 07732  
Phone: 732-872-1224  
Fax: 732-872-0670

Item 4.

10. Has there been any previous appeal involving these premises ( ~~Yes~~ / No ) \*Circle One\*

Date of Filing: \_\_\_\_\_

Character of Appeal: \_\_\_\_\_

Disposition and Date: \_\_\_\_\_

\*\*Attach copy of decision\*\*

11. By filing a second application, does applicant and owner, if other than applicant, waive any and all rights gained in the first application? (Yes /No) \*Circle One\*

12. Are there any outstanding building code or zoning violations or other violations of law on the property in question or on any other property in the Borough of Highlands in which the applicant has any interest, directly or indirectly? Yes \_\_\_\_\_

13. Is the applicant a corporation or a partnership? Yes \_\_\_\_\_ No X \_\_\_\_\_  
(If so, you must be represented by an attorney. If yes, please complete a Disclosure Statement and attach the same to the application.)

Mark R. Aikins  
\_\_\_\_\_  
Signature  
Mark R. Aikins, Attorney for Applicant,  
Kerry M. Farrell

December 8, 2021  
\_\_\_\_\_  
Date

RECEIVED  
DEC 10 2021  
LAND USE BOARD





Borough of Highlands Land Use Board
42 Shore Drive, Highlands, NJ 07732
Phone: 732-872-1224
Fax: 732-872-0670

Affidavit of Applicant

State of New Jersey )
SS.
County of Monmouth )

I, the undersigned, certify that all of the statements contained herein are true and correct to the best of my knowledge, information and belief.

[Handwritten Signature]
Mark R. Aikins, Attorney for Applicant Kerry M. Farrell

Applicant's Signature Date December 8, 2021

Sworn and subscribed before me this day of December, 2021

[Handwritten Signature]

MILICENT L. BHALAI
A Notary Public of New Jersey
My Commission Expires 1/13/24

Signature of Notary Millicent Bhalai

Authorization

(If anyone other than the owner is making this application, the following authorization must be completed.)

To the Land Use Board:
\_\_\_\_\_ is hereby authorized to make this application.

Date: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_

RECEIVED
DEC 10 2021
LAND USE BOARD

# FARRELL RESIDENCE

## PROPOSED ONE-CAR GARAGE RECONSTRUCTION

32 SHREWSBURY AVE.  
HIGHLANDS, NJ  
BLOCK: 43, LOT: 7

PROPOSED GARAGE RECONSTRUCTION FOR FARRELL 32 SHREWSBURY AVE. HIGHLANDS, NJ

DRAWING: COVER PAGE INFORMATION

DATE: NOVEMBER 11, 2021

REVISED:

ROBERT W. ADLER & ASSOCIATES, PA ARCHITECTS WWW.RWAADLERASSOCIATES.COM Tel: 732-571-1010



LICENSES:  
NJ 10795  
NY 02685J  
MD 9678  
PA RA-012365-B  
FL AR-100476

### SCOPE OF WORK

THE PROJECT IS THE RECONSTRUCTION OF AN EXISTING ONE-STORY, WOOD-FRAMED GARAGE. ANY AND OR NON-CONFORMING ZONING CONDITIONS (EXISTING AND PROPOSED) ARE INDICATED ON THE ZONING SCHEDULE.

### NUMERIC SUMMARY

EXISTING TWO-HALF (2-1/2) -STORY, WOOD-FRAMED, SINGLE-FAMILY RESIDENCE WITH DETACHED ONE-CAR GARAGE:

1ST FLOOR	HOUSE (EXIST TO REMAIN) 914 SF.	DETACHED GARAGE (EXIST TO RECONSTRUCT) 212 SF.	FRONT PORCH (EXIST TO REMAIN) 252 SF.	DECK (EXIST TO REMAIN) 225 SF.
-----------	------------------------------------	---	--	-----------------------------------

### BUILDING CHARACTERISTICS

NUMBER OF STORES	2 1/2 - STORES (EXISTING HOUSE TO REMAIN) 1 - STORY (DETACHED GARAGE TO BE RECONSTRUCTED)
HEIGHT OF STRUCTURE	14'-10" (GARAGE MEAN ROOF HEIGHT)
AREA-LARGEST FLOOR	914 SF. (EXIST. HOUSE FIRST FLOOR)
CONSTRUCTION CLASSIFICATION	212 SF. (DETACHED GARAGE)
FEMA FLOOD ZONE	5B IBC 2018 AE-15

### ZONING SCHEDULE

WTR	WATERFRONT TRANSITION-RESIDENTIAL ZONE	REQUIRED	EXISTING	PROPOSED
HEIGHT:	MAX. BLDG.	30 FT. (REFER TO NOTE #2) 2-1/2 STORY	N/A 2-1/2 STORY	N/A 2-1/2 STORY
LOT:	MIN. LOT AREA	9,000	7,108.00 SF.	7,108.00 SF.
	MIN. LOT FRONTAGE	90.00 FT.	47.50 FT. *	47.50 FT. *
	MIN. LOT DEPTH	100.00 FT.	147.10 FT.	147.10 FT.
	MAX. LOT COVERAGE	4,976.00 SF. (70%)	2,584.00 SF. (36.56%)	2,584.00 SF. (36.56%)
	MAX. BLDG. COVERAGE	2,192.00 SF. (30%)	1,378.00 SF. (19.59%)	1,378.00 SF. (19.59%)
BUILDING:	MIN. FRONT SETBACK	35.00 FT.	68.50 FT. (HOUSE)	68.50 FT. (HOUSE)
	MIN. SIDE SETBACK	8.00 FT.	55.00 FT. (CON. PORCH)	55.00 FT. (CON. PORCH)
	MIN. COMP. SETBACK	20.00 FT.	8.50 FT.	8.50 FT.
	MIN. REAR SETBACK	25.00 FT.	44.00 FT. (HOUSE)	44.00 FT. (HOUSE)
ACCESSORY:				
DETACHED GARAGE:	MIN. FRONT SETBACK	55.00 FT. (PORCH)	54.80 FT. * (REFER TO NOTE #1)	54.80 FT. ** (REFER TO NOTE #1)
	MIN. SIDE SETBACK	3.00 FT.	0.90 FT. *	0.90 FT. **
	MIN. REAR SETBACK	3.00 FT.	76.88 FT.	76.88 FT.
	MAX. HEIGHT	15.00 FT. (REFER TO NOTE #2)	14.85 FT. (REFER TO NOTE #2)	14.85 FT. (REFER TO NOTE #2)
	DISTANCE FROM PRINCIPLE BLDG.	N/A	0.50 FT.	0.50 FT.

EXISTING LOT COVERAGE INCLUDES:  
EXISTING FIRST FLOOR (914 SF.)  
EXISTING FRONT COVERED PORCH (252 SF.)  
EXISTING DETACHED GARAGE (212 SF.)  
EXISTING CANOPY (24 SF.)  
EXISTING DECK (0 SF. - REFER TO NOTE #5)  
EXISTING DRIVEWAY (495 SF.)  
EXISTING EXTERIOR STAIRS/BULKHEAD (105 SF.)  
EXISTING WALKWAYS (49 SF.)  
EXISTING PAVER PATIO (94 SF. - NOT COVERED BY CANOPY)

PROPOSED LOT COVERAGE INCLUDES:  
EXISTING FIRST FLOOR TO REMAIN (914 SF.)  
EXISTING FRONT COVERED PORCH TO REMAIN (252 SF.)  
EXISTING DETACHED GARAGE TO BE RECONSTRUCTED (212 SF.)  
EXISTING CANOPY TO BE RECONSTRUCTED (24 SF.)  
EXISTING DECK TO REMAIN (0 SF. - REFER TO NOTE #5)  
EXISTING DRIVEWAY TO REMAIN (495 SF.)  
EXISTING EXTERIOR STAIRS/BULKHEAD TO REMAIN (105 SF.)  
EXISTING WALKWAYS TO REMAIN (49 SF.)  
EXISTING PAVER PATIO (94 SF. - NOT COVERED BY CANOPY)

EXISTING BLDG. COVERAGE INCLUDES:  
EXISTING FIRST FLOOR (914 SF.)  
EXISTING FRONT COVERED PORCH (252 SF.)  
EXISTING DETACHED GARAGE (212 SF.)  
EXISTING CANOPY (24 SF.)

PROPOSED BLDG. COVERAGE INCLUDES:  
EXISTING FIRST FLOOR TO REMAIN (914 SF.)  
EXISTING FRONT COVERED PORCH TO REMAIN (252 SF.)  
EXISTING DETACHED GARAGE TO BE RECONSTRUCTED (212 SF.)  
EXISTING CANOPY (24 SF.)

NOTES:  
1. ACCESSORY STRUCTURES FRONT SETBACK, EXISTING NON-CONFORMING CONDITION WITH ACCESSORY STRUCTURE IN THE FRONT YARD, AS PER THE HIGHLANDS ZONING ORDINANCE, SECTION 21-70A.5. NO ACCESSORY STRUCTURE SHALL BE PERMITTED CLOSER TO THE FRONT PROPERTY LINE THAN THE FRONT SETBACK REQUIREMENT ON THE FRONT FACE OF THE PRINCIPAL STRUCTURE, WHICHEVER IS THE LESSER. THE PROPOSED RECONSTRUCTED GARAGE SHALL MATCH EXISTING SETBACK OF 54.80 FT. WHERE THE PRINCIPLE STRUCTURE SETBACK IS 55.00 FT. \*\* VARIANCE REQUIRED\*\*  
2. BUILDING HEIGHT, AS PER THE HIGHLANDS ZONING DEFINITIONS, THE BUILDING HEIGHT IS THE VERTICAL DISTANCE AS MEASURED FROM THE GRADE PLANE TO THE AVERAGE HEIGHT OF THE HIGHEST ROOF SURFACE. IN THE CASE OF SLOPED ROOFS, THE AVERAGE HEIGHT IS THE MID-POINT BETWEEN THE LOWEST ROOF RISE OF THE TOP FLOOR AND THE RIDGE.  
3. DECKS, AS PER THE HIGHLANDS ZONING ORDINANCE, SECTION 21-69.27, DECKS SHALL NOT BE CONSIDERED IN THE DETERMINATION OF YARD SIZE OR LOT COVERAGE, PROVIDED, HOWEVER, THAT SUCH TERRACE OR DECK IS UNROOFED AND WITHOUT WALLS, PARAPETS, OR OTHER FORM OF ENCLOSURE.  
\* NON-CONFORMING ZONING CONDITION CREATED BY EXISTING CONDITIONS.  
\*\* NON-CONFORMING ZONING CONDITION CREATED BY PROPOSED NEW WORK.

### INDEX

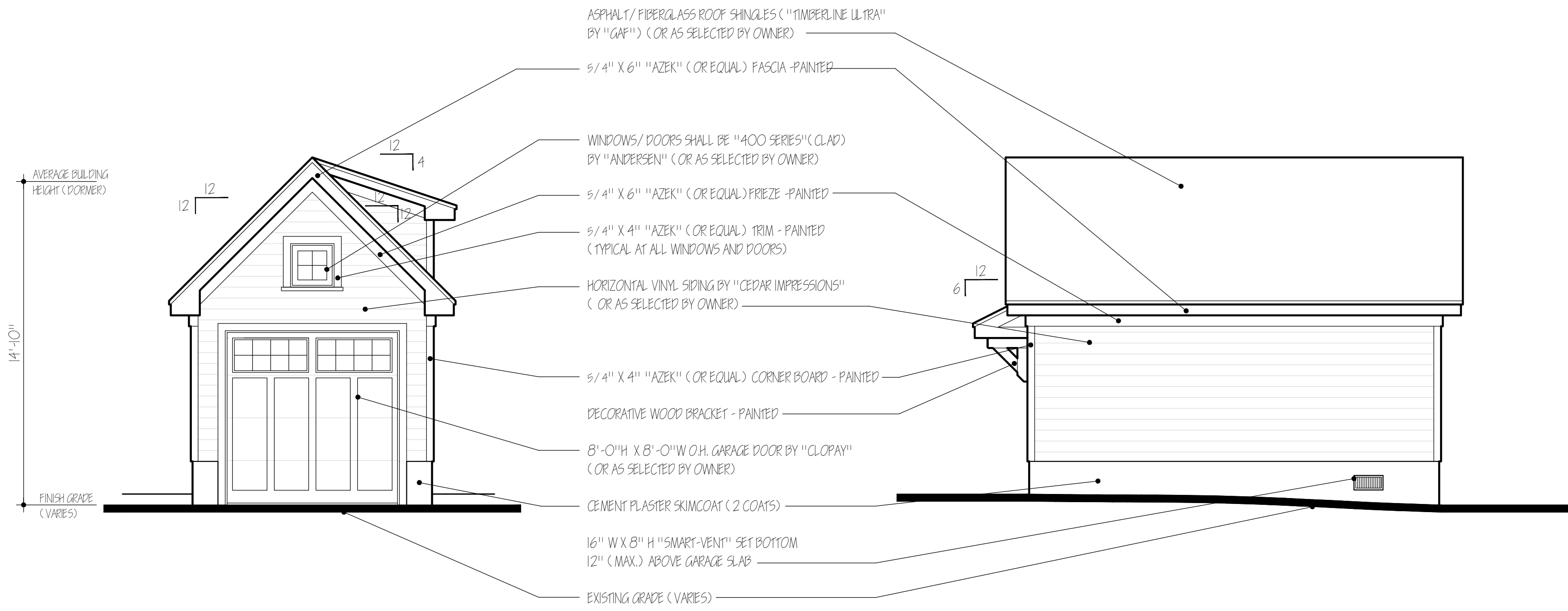
SHEET #1:	USE GROUP CONSTRUCTION TYPE NUMERIC SUMMARY SCOPE OF WORK ZONING SCHEDULE BUILDING CHARACTERISTICS
SHEET #2:	GARAGE FOUNDATION PLAN GARAGE FLOOR PLAN GARAGE FRONT ELEVATION GARAGE LEFT SIDE ELEVATION GARAGE REAR ELEVATION GARAGE RIGHT SIDE ELEVATION
SHEET #3:	PLOT PLAN

### DESIGN LOADS

1ST FLOOR-	40 PSF LIVE LOAD,	20 PSF DEAD LOAD
ROOF-	20 PSF LIVE LOAD, SNOW LOAD 125%	20 PSF DEAD LOAD

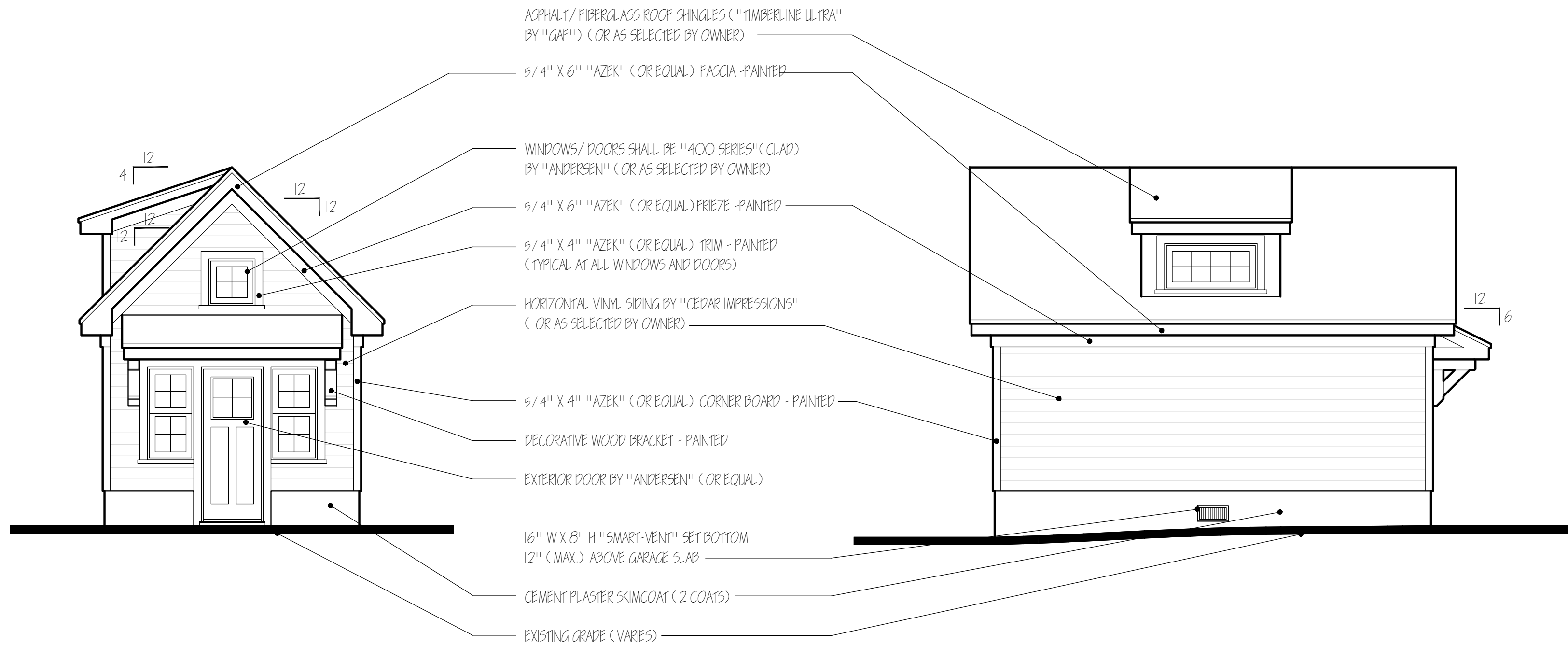
NOTE:  
FOR ALL HORIZONTAL STRUCTURAL MEMBERS THE MAXIMUM ALLOWABLE DEFLECTION UNDER TOTAL LOAD, AT MID-SPAN, SHALL BE .35" MAXIMUM.

USE GROUP: R5 IBC/ IRC 2018  
CONSTRUCTION TYPE: 5B IBC 2018



**GARAGE FRONT ELEVATION**  
SCALE: 1/4" = 1'-0"

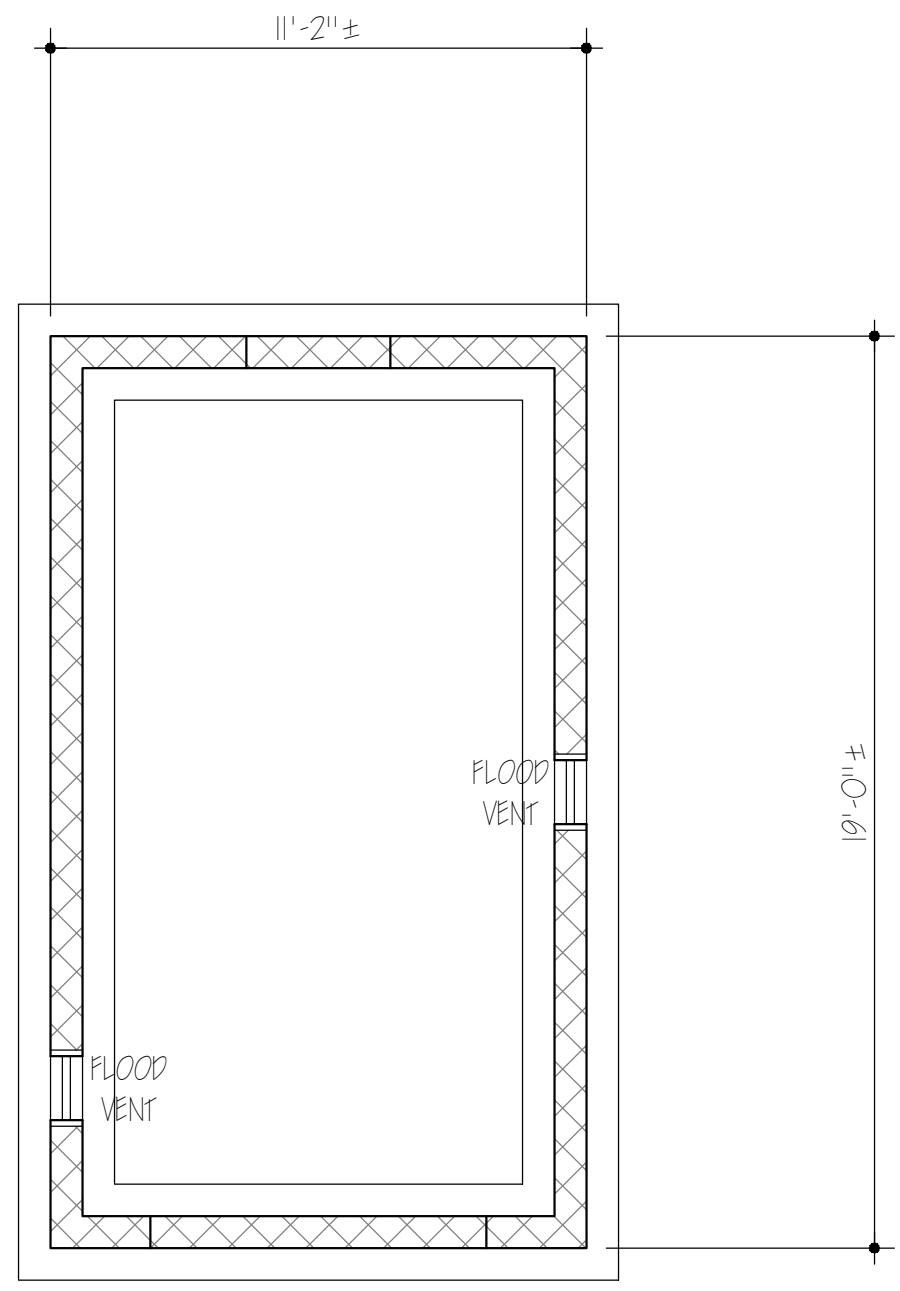
**GARAGE LEFT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"



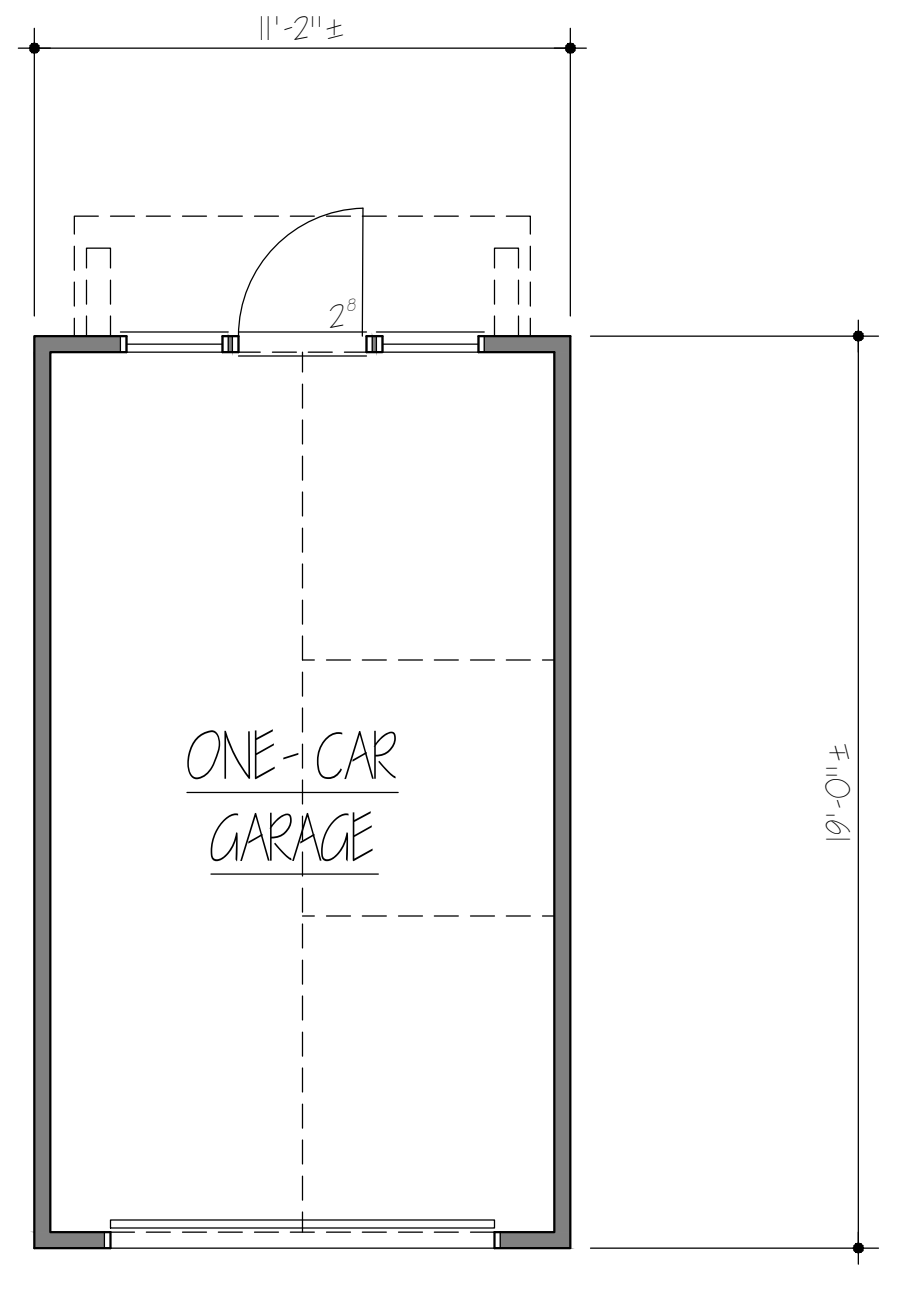
**GARAGE REAR ELEVATION**  
SCALE: 1/4" = 1'-0"

**GARAGE RIGHT SIDE ELEVATION**  
SCALE: 1/4" = 1'-0"

**BLOCK VENT NOTE:**  
 PROVIDE "SMART VENT" MODEL #1940-520 FOR BLOCK WALLS FOR HYDROSTATIC RELIEF OF 200 SQ. FT. INSTALL AS PER MANUFACTURER'S SPECIFICATIONS. COORDINATE VENT COLOR WITH OWNER.  
 - DETACHED GARAGE: 212 S.F. / 200 S.F. = 2 VENTS (2 REQ.)



**FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



**GARAGE FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

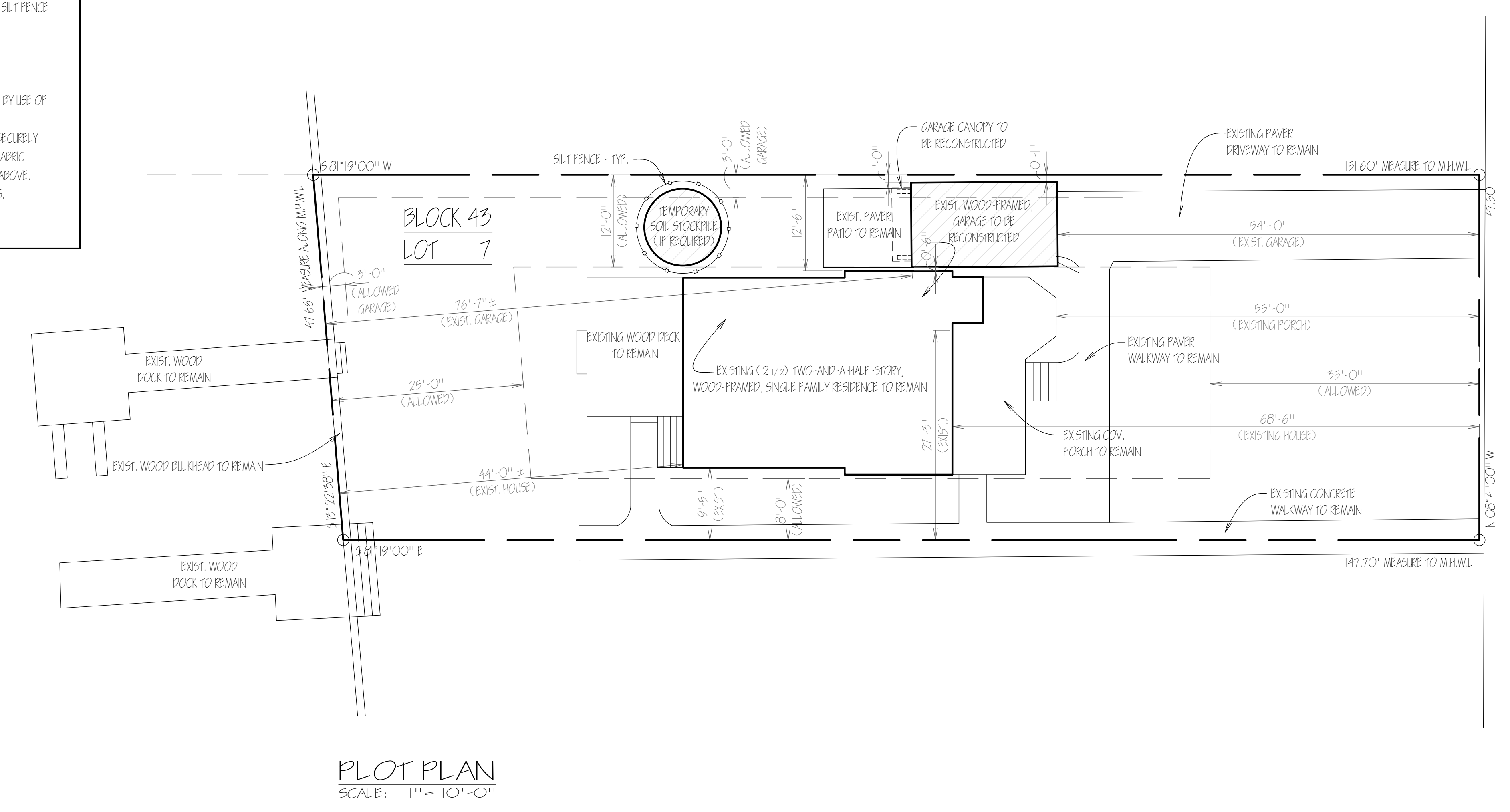
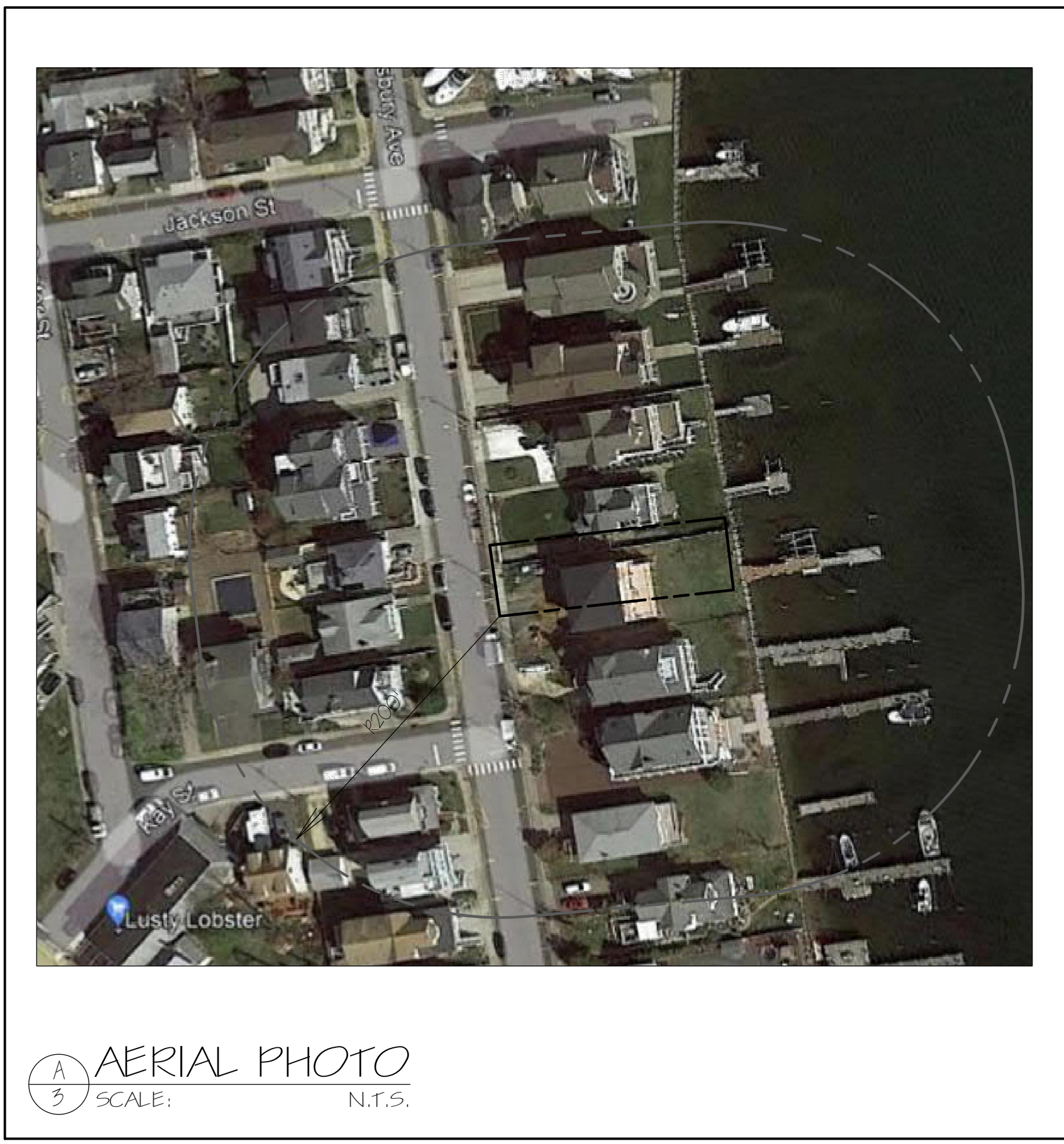
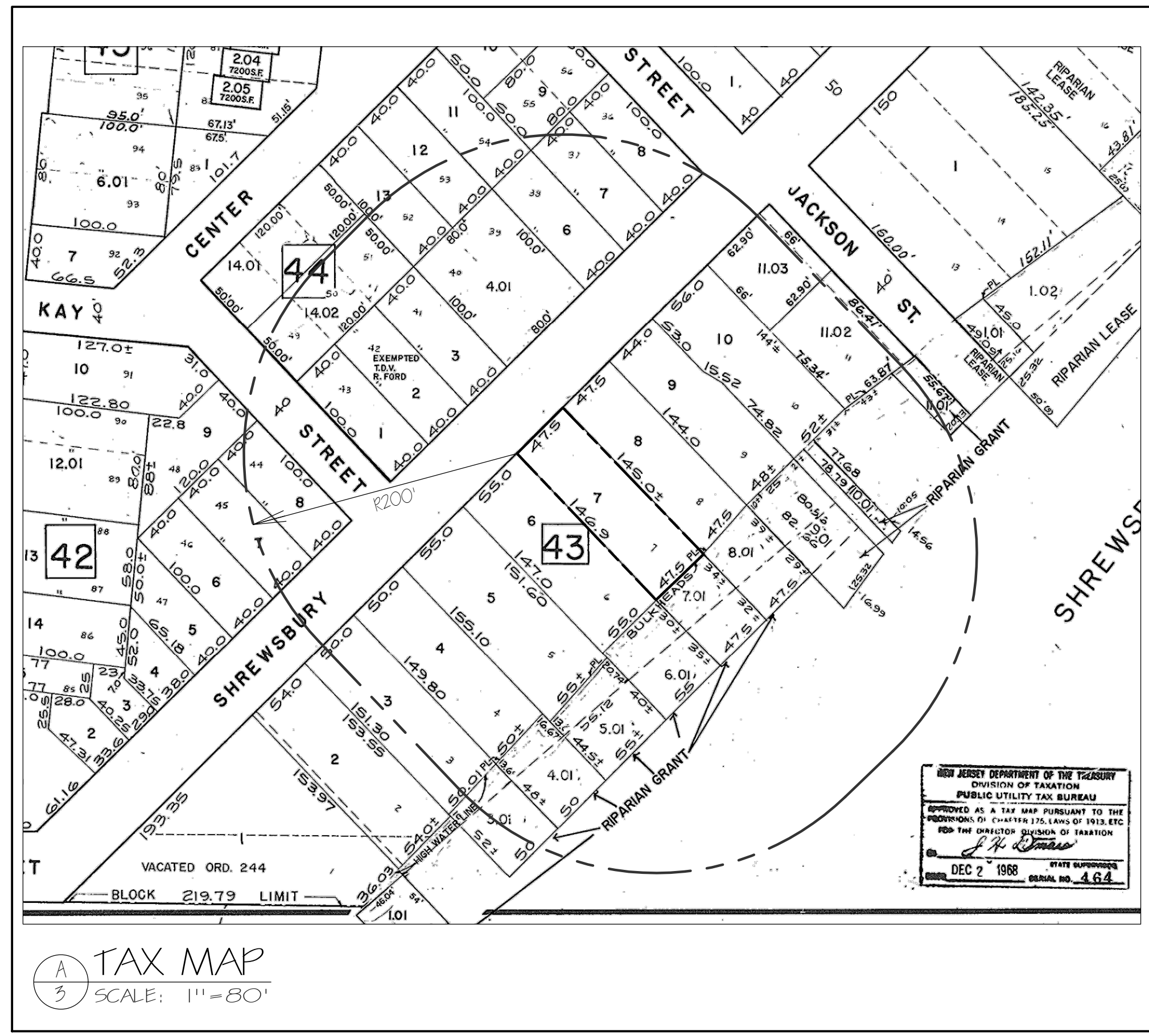
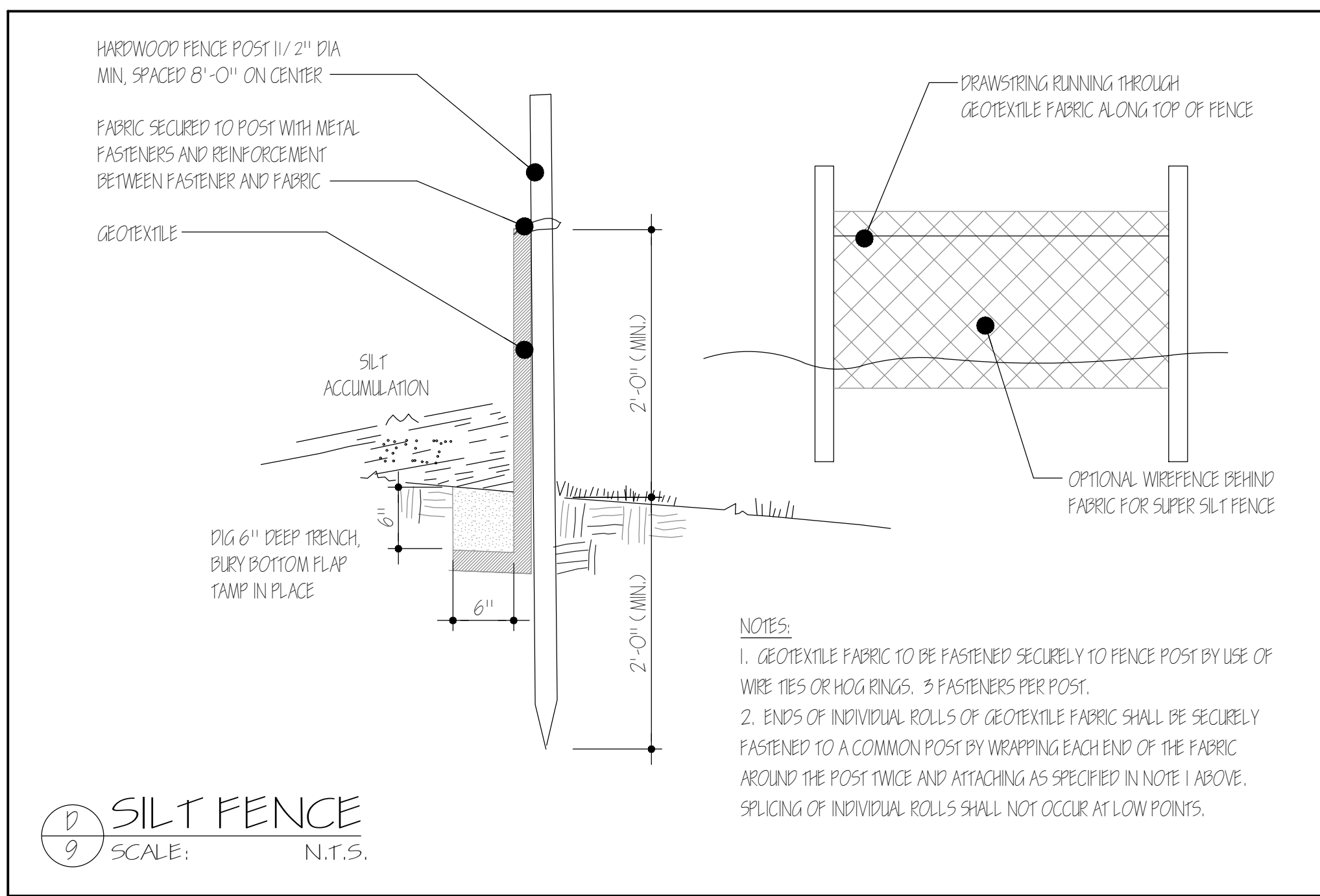
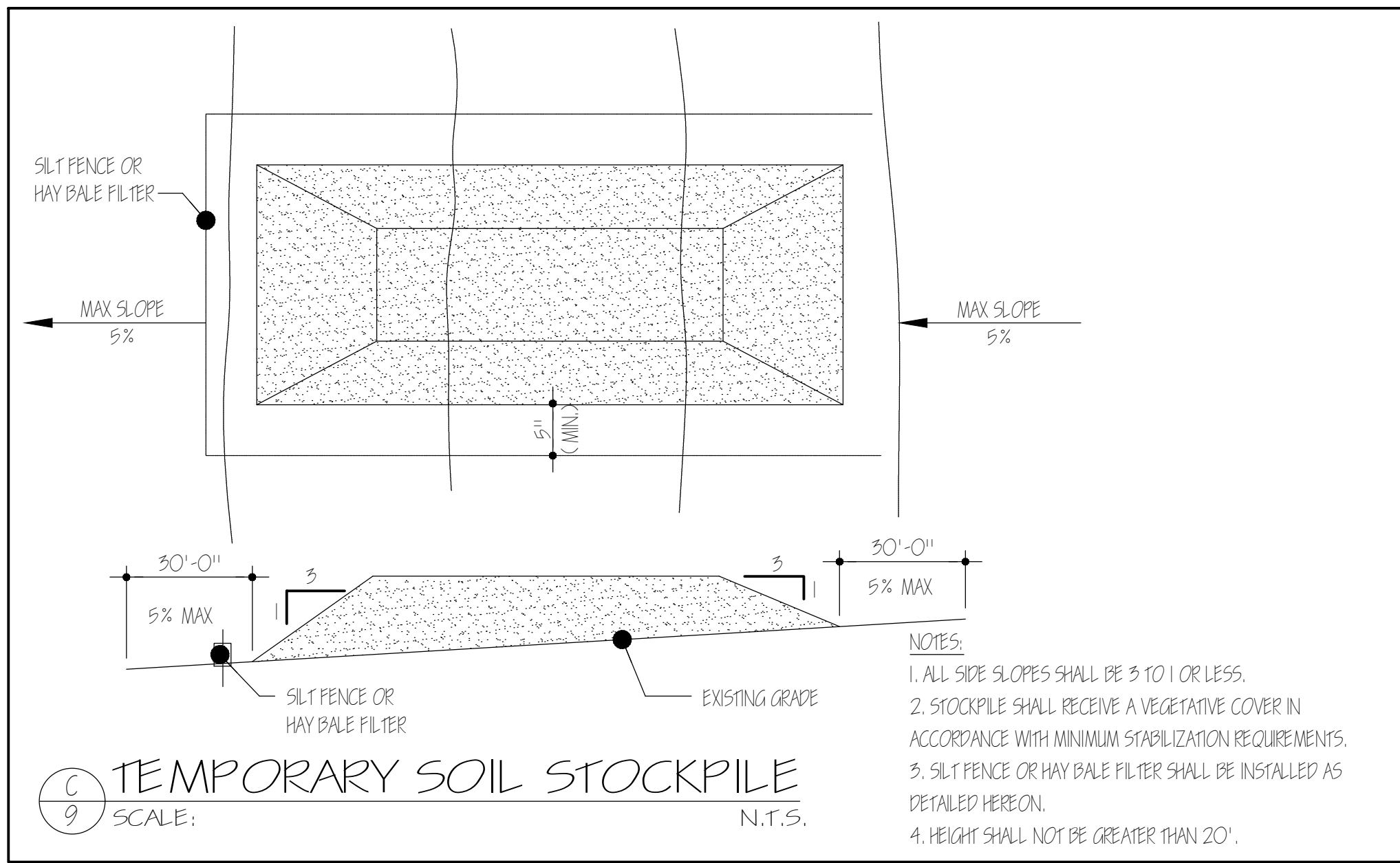
PROPOSED GARAGE RECONSTRUCTION FOR  
**FARRELL**  
 52 SHEWERSBY AVE.  
 HIGHLANDS, NJ

**DRAWING:**  
 FOUNDATION PLAN  
 GARAGE FLOOR PLAN  
 GARAGE ELEVATIONS  
**DATE:**  
 NOVEMBER 11, 2021  
**REVISED:**

**ROBERT W. ADLER & ASSOCIATES, PA ARCHITECTS**  
 WWW.RWAADLERASSOCIATES.COM  
 Tel: 732-571-1010

**RWA**  
 1049 Broadway West Long Branch, NJ 07704

**LICENSES:**  
 NJ 10795  
 NY 02685J  
 MD 9678  
 PA RA-012365-B  
 FL AR-100476



**NOTE:**  
INFORMATION TAKEN FROM SURVEY, PROVIDED BY OWNER, DONE BY "THOMAS FINNEGAN LAND SURVEYING", BELFORD, NEW JERSEY AND DATED JUNE 18, 2019. REFER TO THOSE DRAWINGS FOR ANY ADDITIONAL NOTES AND DIMENSIONS.

PROPOSED GARAGE RECONSTRUCTION FOR  
**FARRELL**  
52 SHREWSBURY AVE.  
HIGHLANDS, NJ

**DRAWING:**  
PLOT PLAN

**DATE:**  
NOVEMBER 11, 2021

**REVISED:**

**ROBERT W. ADLER & ASSOCIATES, PA ARCHITECTS**  
WWW.RWAARCHITECTS.COM  
Tel: 732-571-1010  
1049 Broadway West Long Branch, NJ 07704

**LICENSES:**  
NJ 10795  
NY 02685J  
MD 9678  
PA RA-012365-B  
FL AR-100476



HGPB- R1900

March 6, 2022

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

Via Email (ntran@highlandsborough.org)

**Re: Farrell Residence  
 32 Shrewsbury Avenue  
 Block 43, Lot 7  
 Waterfront Transition-Residential (WT-R) Zone  
 Minor Site Plan with variances  
 First Engineering Review**

Dear Ms. Tran:

As requested, our office has reviewed the above-referenced application for minor site plan approval. The applicant submitted the following documents in support of this application:

1. Land Use Board Application, dated December 8, 2021.
2. Architectural Plans prepared by Robert W. Adler & Associates, PA, dated November 11, 2021, consisting of three (3) sheets.

Based on our review of the submitted documents, we offer the following comments for the Board’s consideration:

**A. Project Description**

The 7,180 square feet property is currently developed with an existing two-story single family dwelling. The site is located in the Waterfront Transition Residential (WT-R) Zone with frontage along Shrewsbury Avenue. With this proposal, the applicant is seeking minor site plan approval with variance relief and proposes to reconstruct the existing partially constructed one-story wood framed garage located in the property’s side yard.

**B. Planning and Zoning**

In accordance with Section 21-93 of the Ordinance existing/proposed bulk deficiencies are noted as follows:

WT-R Zone	Required	Existing	Proposed
Minimum Lot Area (sf)	5,000	7,108	7,108
Minimum Lot Frontage (ft)	50	47.5 <sup>(E)</sup>	47.5 <sup>(E)</sup>
Minimum Lot Depth (ft)	100	147.7	147.7
Minimum Front Yard Setback (ft)	35	55	55



**Le: Nancy Tran, Land Use Board Secretary  
 Borough of Highlands Land Use Board**

**Re: Farrell Residence  
 32 Shrewsbury Avenue  
 Block 43, Lot 7  
 Waterfront Transition-Residential (WT-R) Zone  
 Minor Site Plan with variances  
 First Engineering Review**

WT-R Zone	Required	Existing	Proposed
Minimum Rear Yard Setback (ft)	25	44	44
Minimum Side Yard Setback (ft)	8 / 12	8.5 / 12.5	8.5 / 12.5
Maximum Building Height (ft)	30	NS	NS
Lot Coverage	70%	36.35%	36.35%
Building Coverage	30%	19.39%	19.39%
Minimum Front Yard Setback, Accessory (ft)	55 (principal)	<b>54.8<sup>(V)</sup></b>	<b>54.8<sup>(V)</sup></b>
Minimum Side Yard Setback, Accessory (ft)	3	<b>0.90<sup>(V)</sup></b>	<b>0.90<sup>(V)</sup></b>
Minimum Rear Yard Setback, Accessory (ft)	3	76.58	76.58
Maximum Building Height, Accessory (ft)	15	NS	14.83

- (E) – Existing Non-conformity
- (C) – Calculated
- (W) – Waiver
- (V) – Variance
- NA – Not Applicable
- NS – Not Specified, the applicant shall confirm this dimension

1. To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
  - a. Positive Criteria. The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
  - b. Negative Criteria. The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Farrell Residence  
32 Shrewsbury Avenue  
Block 43, Lot 7  
Waterfront Transition-Residential (WT-R) Zone  
Minor Site Plan with variances  
First Engineering Review**

**C. Technical Engineering Review**

1. The applicant shall provide testimony regarding the prior existence and/or approvals for the accessory garage that is the subject of this application, as well as the circumstances surrounding its demolition. Pursuant to Ordinance Section 21-98.C:

***Restoration.** If a nonconforming use or structure is deemed to be one hundred percent (100%) destroyed (damages equal to or greater than the full equalized value of the structure) by any cause whatsoever, it shall only be reestablished so as to conform to all zoning standards in the zone in which it is located. A nonconforming use or structure, which has been partially destroyed, such that it is deemed to be less than one hundred percent (100%) destroyed (damages less than the full equalized value of the structure) by any cause whatsoever, may only be repaired or rehabilitated to the same size on the same footprint, provided however, that the structure may be modified to conform with the requirements of Part 7, Flood Regulations.*

2. The subject property is located within the “AE” Flood Zone with a Base Flood Elevation (BFE) of 13 feet. It is also noted that this property is within the Limit of Moderate Wave Action (LiMWA), which requires “V” Zone construction standards. We defer further review to the Floodplain Administrator.
3. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements and should confirm any specific restrictions and/or permitting requirements accordingly. We recommend a jurisdictional determination be provided. We defer further review to NJDEP.
4. The applicant shall provide testimony on how the garage was damaged and the need for its reconstruction.
5. Pursuant to Ordinance Section 21-65.10A (Landscaping and Street Trees), “All areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped and maintained in accordance with a landscaping plan approved by the Board”. The Board should determine if a landscaping plan is required.
6. Pursuant to Ordinance Section 21-65.10B (Landscaping and Street Trees), “In residential zones, street trees of at least two (2) to two and one-half (2-1/2) inch caliper will be required, planted a distance on center equivalent to no more than the width of their mature diameter. Where street trees are not appropriate because of views, existing vegetation, or other reason, the equivalent number of trees shall be located elsewhere on the lot”. The Board should determine if a street tree is required for this application.
7. The applicant shall provide testimony on any drainage impacts to the adjacent residential properties as a result of this application.



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Farrell Residence  
32 Shrewsbury Avenue  
Block 43, Lot 7  
Waterfront Transition-Residential (WT-R) Zone  
Minor Site Plan with variances  
First Engineering Review**

8. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other off-site objects damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
9. Approvals or waivers should be obtained from any agencies or departments having jurisdiction.

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions regarding this matter, please do not hesitate to contact our office.

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 (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)  
Rob Knox, Land Use Board Chairman (rknox@highlandsborough.org)  
Annemarie Tierney, Land Use Board Vice Chairman (annemarie@liquidadvisors.com)  
Mark R. Aikins, Applicant's Attorney (maikins@aikinslaw.com)





**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Farrell Residence  
32 Shrewsbury Avenue  
Block 43, Lot 7  
Waterfront Transition-Residential (WT-R) Zone  
Minor Site Plan with variances  
First Engineering Review



Photo taken from Shrewsbury Avenue 2-23-22

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HGPB- R1900

January 21, 2021

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

*Via Email (ntran@highlandsborough.org)*

**Re: Farrell Residence  
 32 Shrewsbury Avenue  
 Block 43, Lot 7  
 Waterfront Transition-Residential (WT-R) Zone  
 First Completeness Review**

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 21-58D – Minor Site Plan.

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

1. Land Use Board Application, dated December 8, 2021.
2. Architectural Plans prepared by Robert W. Adler & Associates, PA, dated November 11, 2021, consisting of three (3) sheets.

The above information was reviewed for completeness purposes as follows:

**Preliminary Site Plan (Minor):** 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. **Not provided, but not required for this application.**
6. The location and widths of existing and proposed streets servicing the site plan. **Partially provided. Width of existing street is not shown on the plans.**



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Farrell Residence  
32 Shrewsbury Avenue  
Block 43, Lot 7  
Waterfront Transition-Residential (WT-R) Zone  
First Completeness Review

7. Specifications for and location of proposed surface paving and curbing. **Not applicable.**
8. Location of all structures within seventy-five (75) feet of the property. **Not 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. **Not applicable.**
10. Storm water 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 applicable.**
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. **Not provided, but not required for this application.**
12. The location and treatment of proposed entrances and exits to the 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. **Not applicable.**
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. **Not applicable.**
16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Not 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. **Not applicable.**
18. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Provided. The proposed structure is located within the Limit of Moderate Wave Action (LimWA) in flood zone AE-13. Therefore, the plans should be designed in accordance with FEMA standards and the Borough of Highlands Flood Damage Prevention Ordinance requirements. I defer to the Borough Floodplain Manager for further review.**



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Farrell Residence  
32 Shrewsbury Avenue  
Block 43, Lot 7  
Waterfront Transition-Residential (WT-R) Zone  
First Completeness Review**

- 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. **Not applicable.**
- 21. Soil Borings, when required by the Board Engineer. **Not required.**
- 22. Certification statement for the required municipal signatures, stating: **Not provided.**
  - o Application No. \_\_\_\_\_ approved/disapproved by the Highlands Land Use Board as a Minor Site Plan on \_\_\_\_\_.

(date)

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary

- 23. Certification statement for the County Planning Board approval / disapproval, if required. **Not applicable.**
- 24. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter.

Although numerous items noted above have not been submitted to the Board, adequate information has been provided in order to perform a technical review of the application. **Upon payment of the balance of the fees required, the application can be deemed COMPLETE and can be referred to the Board Chairman for consideration of scheduling the public hearing.**

The application fee and escrow fee calculation letter will be provided under separate cover. **We will commence our technical review letter upon confirmation from the Board Secretary that the balance of fees due has been properly posted.**



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Farrell Residence  
32 Shrewsbury Avenue  
Block 43, Lot 7  
Waterfront Transition-Residential (WT-R) Zone  
First Completeness Review

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:DV:KJO

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)  
Mark R. Aikins, Applicant's Attorney (maikins@aikinslaw.com)

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HGPB- R1900

January 21, 2022

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

*Via Email (ntran@highlandsborough.org)*

**Re: Farrell Residence  
32 Shrewsbury Avenue  
Block 43, Lot 7  
Waterfront Transition-Residential (WT-R) Zone  
First Completeness Review**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

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

1. Land Use Board Application, dated December 8, 2021.
2. Architectural Plans prepared by Robert W. Adler & Associates, PA, dated November 11, 2021, consisting of three (3) sheets.

Please note the following fee calculations:

- |                            |                   |
|----------------------------|-------------------|
| <b>1. Application fee:</b> | <b>\$650.00</b>   |
| <b>2. Escrow fee:</b>      | <b>\$1,300.00</b> |

Please note that the initial application deposits shall be deducted from the total fees shown.

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:DV:KJO

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)  
Mark R. Aikins, Applicant's Attorney (maikins@aikinslaw.com)

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HGPB-R1900

DETERMINATION OF FEES  
32 Shrewsbury Avenue  
Block 43 Lot 7

**A. APPLICATION FEES (Ord. 21-107)**

A. Variances

3. Residential "c" (minimum accessory front yard)	1	EA	\$	125.00	\$	125.00
Residential "c" (minimum accessory side yard)	1	EA	\$	125.00	\$	125.00

B. Site Plans

2. Minor	1	EA	\$	400.00	\$	400.00
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**B. ESCROW FEES (Ord. 21-108)**

B. Escrow Deposits (twice Application Fee; Minimum \$750)	1	LS	\$	1,300.00	\$	1,300.00
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**Application fees subtotal** \$ 650.00

**Escrow fee subtotal** \$ 1,300.00

**Total** \$ 1,950.00

November 30, 2021

Mark Aikins, Esq.

Sent via email

RE: 32 Shrewsbury Avenue  
Block 43, Lot 7

Please be advised that the above referenced application re-construct an existing 212 s.f. detached garage has been reviewed for compliance with the Borough of Highlands Zoning Ordinance. The property is located in the WT-R zone.

The following approvals will be necessary:

- #21-78A.3                    **Accessory structure not permitted closer to the front property line than the required front setback of the principle structure.**
- #21-78B.1a                **Accessory structure setback: 3' is required, .11' is proposed**

To proceed with an application/appeal of this decision to the Land Use Board, please contact the Nancy Tran, Board Secretary at 732-872-1224. Should you have any questions, feel free to contact me at 732-615-2278.

Sincerely,

Marianne Dunn  
Zoning Officer

C: Land Use Board

RECEIVED  
DEC 10 2021  
LAND USE BOARD



**MARK R. AIKINS, L.L.C.**  
COUNSELORS AT LAW  
AUTUMN RIDGE OFFICE PARK  
3350 ROUTE 138, BUILDING 1, SUITE 113  
WALL, NEW JERSEY 07719

**MARK R. AIKINS**  
E-MAIL: maikins@aikinslaw.com  
WEBSITE: www.aikinslaw.com

TELEPHONE: 732-280-2606

FACSIMILE: 732-280-8084

March 1, 2022

**Hand Delivered**

Ms. Nancy Tran  
Planning/Zoning Board Secretary  
Borough of Highlands  
42 Shore Drive  
Highlands, New Jersey 07732

Re: Kerry M. Farrell  
Block 43, Lot 7 (32 Shrewsbury Avenue)  
Borough of Highlands

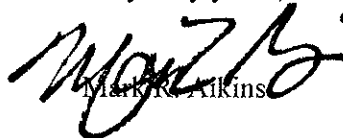
Dear Ms. Tran:

Enclosed please find the following documents in connection with the above matter which is scheduled for hearing before the Land Use Board on March 10, 2022:

- Certified list of property owners within 200 ft. of the above property
- Affidavit of Mailing
- Certified receipt cards
- Affidavit of Publication

Should you require additional information and/or documentation, please do not hesitate to contact me.

Very truly yours,

  
Mark R. Aikins

MRA:mb  
Enclosures

cc: Dr. Kerry M. Farrell, w/o/encs. (via e-mail)  
Robert W. Adler & Associates, P.A., w/o/encs. (via e-mail)

AFFIDAVIT OF PUBLICATION

Publisher's Fee \$0.00 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:

02/25/2022 A.D 2022

*Vicky Felty*  
Notary Public, State of Wisconsin, County of Brown  
9/19/25

VICKY FELTY  
Notary Public  
State of Wisconsin

My commission expires

PUBLIC NOTICE  
BOROUGH OF HIGHLANDS LAND USE BOARD

PLEASE TAKE NOTICE that on Thursday, March 10, 2022 at 7:00 p.m. at the meeting of the Land Use Board, Borough of Highlands, 42 Shore Drive, Highlands, New Jersey 07732, or at such time as the Board may thereafter adjourn, a public meeting will be held with regard to the Application of KERRY M. FARRELL at which time and place all interested persons will be given an opportunity to be heard. The premises is designated on the Tax Map of the Borough of Highlands as BLOCK 43, LOT 7 and is located in the WT-R Zone.

The Applicant propose to re-construct an existing 212 square feet detached wood framed garage on the existing 2 1/2 story single family residence and seek the following variances from the Borough of Highlands Development Regulations:

Section 21-78A-3: Accessory Structure not permitted closer to the front property line than the required front setback of the principal structure. Principal structure is 55 feet and re-constructed existing garage proposed to remain at 54.80 feet.

Section 21:78B.1a: Accessory structure setback: 3 feet required, whereas .11 feet is proposed. Re-constructed existing garage proposed to remain at .11 feet.

In addition, the Applicant seeks any and all variances, waivers and/or related relief which may be necessary to approve the Application as proposed.

A copy of this Application and documents are on file with the Board Secretary, Borough of Highlands, 42 Shore Drive, Highlands, New Jersey 07732 and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.

MARK R. AIKINS, ESQUIRE  
Attorney for Applicant  
Applicant's Name: Kerry M. Farrell  
Address: c/o Mark R. Aikins, L.L.C.  
3350 Route 138, Building 1, Ste 113  
Wall, New Jersey 07719  
Telephone: 732-280-2606

DATE OF PUBLICATION: FEBRUARY 25, 2022  
(\$55.44)

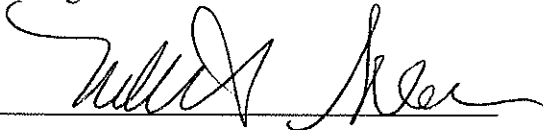
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AFFIDAVIT OF MAILING

Millicent Bhalai, of full age, being duly sworn, according to law, deposes and says:

1. I am employed by the firm of Mark R. Aikins, LLC, attorney for the Applicant herein.

2. On February 24, 2022, I caused to be mailed via certified mail, return receipt requested, a Notice of Hearing (**Exhibit "A"**), of which the attached is a true copy, to the owners of property within two hundred (200') feet of the property designated as **BLOCK 43, LOT 7** on the Tax Map of the Borough of Highlands, shown on the attached lists (**Exhibit "B"**) which was provided by the Tax Collector, Borough of Highlands.



Millicent Bhalai

Sworn and Subscribed to before me

this <sup>24<sup>th</sup></sup> day of February, 2022



NOTARY PUBLIC, STATE OF N.J.

LYDIA D. SANTACROCE  
A NOTARY PUBLIC OF NEW JERSEY  
MY COMMISSION EXPIRES: 10/14/2026

## PUBLIC NOTICE

## BOROUGH OF HIGHLANDS LAND USE BOARD

**PLEASE TAKE NOTICE** that on **Thursday, March 10, 2022 at 7:00 p.m.** at the meeting of the Land Use Board, Borough of Highlands, 42 Shore Drive, Highlands, New Jersey 07732, or at such time as the Board may thereafter adjourn, a public meeting will be held with regard to the Application of **KERRY M. FARRELL** at which time and place all interested persons will be given an opportunity to be heard. The premises is designated on the Tax Map of the Borough of Highlands as **BLOCK 43, LOT 7** and is located in the **WT-R Zone**.

The Applicant propose to re-construct an existing 212 square feet detached wood framed garage on the existing 2 ½ story single family residence and seek the following variances from the *Borough of Highlands Development Regulations*:

*Section 21-78A-3:* Accessory Structure not permitted closer to the front property line than the required front setback of the principal structure. Principal structure is 55 feet and re-constructed existing garage proposed to remain at 54.80 feet.

*Section 21:78B.1a:* Accessory structure setback: 3 feet required, whereas .11 feet is proposed. Re-constructed existing garage proposed to remain at .11 feet.

In addition, the Applicant seeks any and all variances, waivers and/or related relief which may be necessary to approve the Application as proposed.

A copy of this Application and documents are on file with the Board Secretary, Borough of Highlands, 42 Shore Drive, Highlands, New Jersey 07732 and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.

Applicant's Name:	MARK R. AIKINS, ESQUIRE
Address:	Attorney for Applicant
Telephone:	Kerry M. Farrell
	c/o Mark R. Aikins, L.L.C.
	3350 Route 138, Building 1, Ste 113
	Wall, New Jersey 07719
	732-280-2606

**DATE OF PUBLICATION: FEBRUARY 25, 2022**

**EXHIBIT "A"**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

Date Issued: February 4, 2022

### CERTIFICATION OF 200-FOOT LIST

**BLOCK 43 LOT 7**

**PROPERTY LOCATION: 32 Shrewsbury 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.*

Nancy Trah, Acting Borough Clerk

2/4/2022 11:57 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 2<sup>nd</sup> 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**

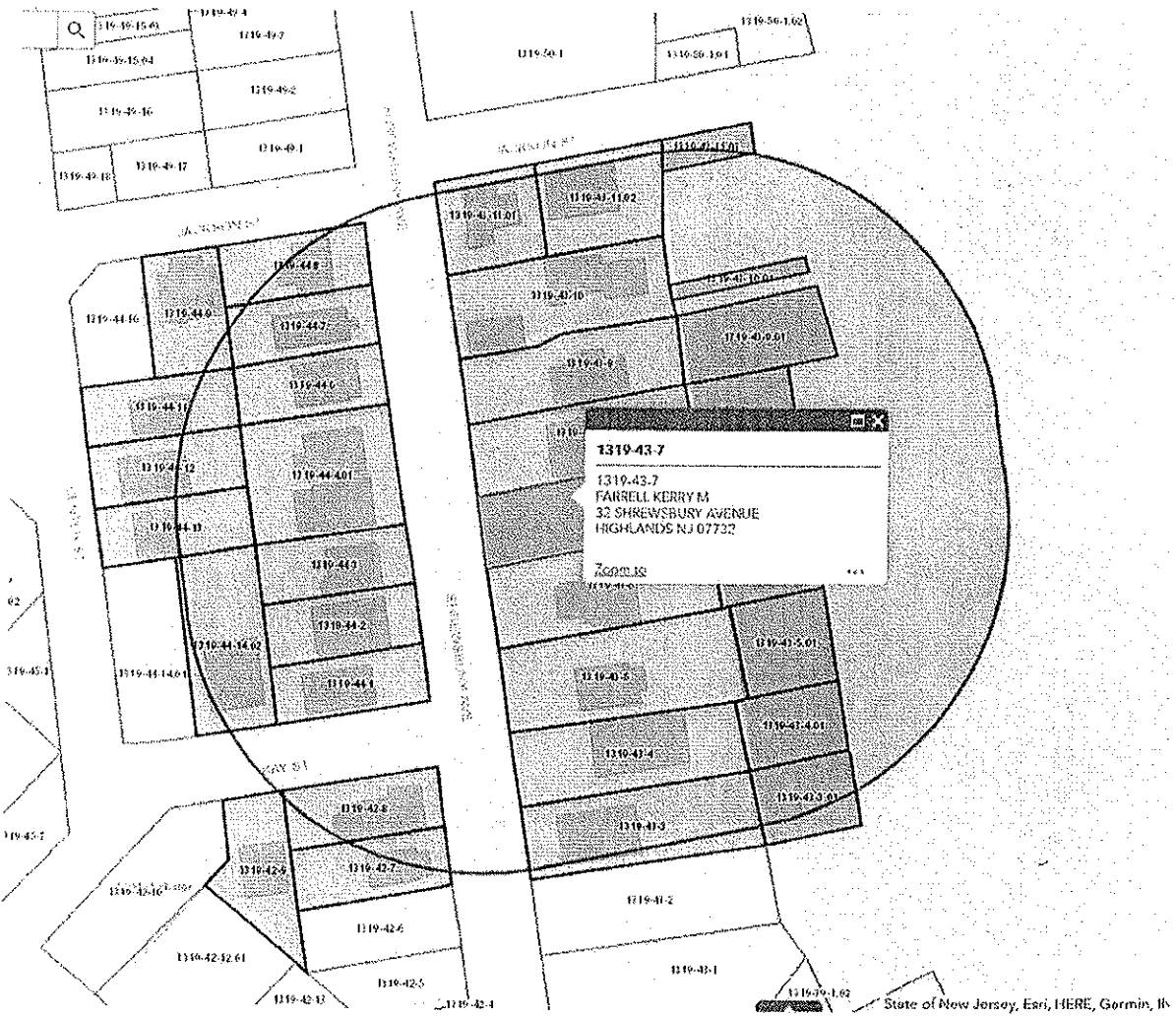
Raymond J. Nierstedt, P.E., Executive Director  
PO Box 205, 100 Beverly Way  
Belford, NJ 07718

✓ **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



BI 43 Lot 7  
32 Shrewsbury



✓ 1319-43-3.01  
REMIAS ROSE MARIE  
22 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-42-9  
KURDES LAWRENCE J & MARY-ALISON  
8 KAY ST  
HIGHLANDS NJ 07732

✓ 1319-43-4  
ZAZZARA JOSEPH & PAULETTE  
303 MOUNT PROSPECT RD  
FAR HILLS NJ 07931

✓ 1319-43-4.01  
ZAZZARA JOSEPH & PAULETTE  
303 MOUNT PROSPECT RD  
FAR HILLS NJ 07931

✓ 1319-44-13  
CUNNIFF MARGARET MARY  
13 CENTER STREET  
HIGHLANDS NJ 07732

✓ 1319-43-9  
JOHNSON THOMAS & ELIZABETH  
36 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-43-5.01  
IANNUCCI BARBARA  
P.O. BOX 775  
NANUET NY 10954

✓ 1319-44-6  
MISZKIEL JANINA O.  
33 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-44-8  
ROUSH JEFFERY BRIAN & SHARON WONG  
37A SHREWSBURY AVE  
HIGHLANDS NJ 07732

✓ 1319-43-6.01  
METZIA TWO LLC  
3 MARIUS LANE  
SEA BRIGHT NJ 07760

✓ 1319-44-14.02  
CASSIDY STEPHEN & CAROL LEE  
7 KAY STREET  
HIGHLANDS NJ 07732

✓ 1319-43-6  
SENDOWSKI OREN  
41 CARMINE STREET  
NEW YORK NY 10014

✓ 1319-43-7.01  
FARRELL ROBERT  
32 SHREWSBURY AVE  
HIGHLANDS NJ 07732

✓ 1319-42-7  
MENZA DAN & KAREN  
19 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-43-8.01  
NESKE TIMOTHY B. & MARA  
34 SHREWSBURY AVE  
HIGHLANDS NJ 07732

✓ 1319-42-8  
LEVY SCOTT  
4 SANT FRANCIS PLACE  
BROOKLYN NY 11216

✓ 1319-43-10.01  
MARKOU GEORGE & CECELIA  
177 HOWARD BLVD.  
MT ARLINGTON NJ 07856

✓ 1319-43-5  
BADAMI ANGELA  
P.O. BOX 775  
NANUET NY 10954

✓ 1319-43-11.01  
CHRISTIE SEAN & JOSEPHSON MERYL  
1 JACKSON AVENUE  
HIGHLANDS NJ 07732

✓ 1319-43-8  
NESKE TIMOTHY C & MARA  
34 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-43-9.01  
JOHNSON THOMAS & ELIZABETH  
33 OVERLOOK ROAD  
BLOOMINGDALE NJ 07403

✓ 1319-43-7  
FARRELL KERRY M  
32 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-44-3  
BEYER GERALD  
27 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-43-10  
MARKOU GEORGE & CECELIA  
177 HOWARD BLVD.  
MT ARLINGTON NJ 07856

✓ 1319-44-7  
FRANCOLINO FAMILY LLC  
35 EAST LOOP ROAD  
STATEN ISLAND NY 10304

✓ 1319-43-11.02  
CHRISTIE SEAN & MERYL  
1 JACKSON STREET  
HIGHLANDS NJ 07732

✓ 1319-44-9  
COPPOTELLI FRANK  
21 JACKSON STREET  
HIGHLANDS NJ 07722

✓ 1319-43-11.03  
SABATINI KENNETH & KIMBERLY  
40 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-44-1  
HART CINDY  
23 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-44-11  
RECK FRANZ & DELL HEATHER  
17 CENTER STREET  
HIGHLANDS NJ 07732

✓ 1319-43-3  
REMIAS ROSE MARIE  
22 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-44-4.01  
TIERNEY ANNEMARIE  
29 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-44-2  
GOLDENBERG CARA  
25 SHREWSBURY AVENUE  
HIGHLANDS NJ 07732

✓ 1319-44-12  
MAMBELLI JULIAN & HOXHA LINDA  
15 CENTER STREET  
HIGHLANDS NJ 07732

*Baro Clerk*

✓ 8  
39  
2/24/11



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 22-082

### RESOLUTION REFERRING THE REVISED PROPOSED REDEVELOPMENT PLAN FOR THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA TO THE LAND USE BOARD OF THE BOROUGH FOR RECONSIDERATION

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

**WHEREAS**, on June 2, 2021, by Resolution No. 21-126, and in accordance with the provisions of the Redevelopment Law, the Municipal Council (the “**Borough Council**”) of the Borough of Highlands (the “**Borough**”) authorized and directed the Land Use Board of the Borough (the “**Land Use Board**”) to conduct a preliminary investigation to determine whether all or a portion of certain properties within the Borough, commonly referred to as the Central Business District/Bay Avenue Corridor and identified by block and lot on the tax map of the Borough listed in such Resolution (the “**Study Area**”), met the criteria in the Redevelopment Law for designation as a non-condemnation redevelopment area, within which the Borough may use all of the powers provided by the Redevelopment Law for use in a redevelopment area except the power of eminent domain, and to make a recommendation as to whether all or a portion of such Study Area should be designated as a non-condemnation redevelopment area; and

**WHEREAS**, the Land Use Board subsequently directed Phillips Preiss Grygiel Leheny Hughes LLC (the “**Planning Consultant**”) to conduct a preliminary investigation to determine whether all or a portion of the Study Area should be designated as a non-condemnation redevelopment area; and

**WHEREAS**, on July 8, 2021, the Land Use Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant, entitled *Area in Need of Redevelopment Study, Central Business District, Borough of Highlands, New Jersey*, dated July 8, 2021 (the “**Report**”), evaluating whether all or a portion of the Study Area met the criteria to be designated as a non-condemnation redevelopment area; and

**WHEREAS**, pursuant to the Redevelopment Law, the Land Use Board caused a duly noticed public hearing to be held on August 5, 2021 (the “**Study Area Hearing**”), at which it reviewed the Report, heard testimony from Paul Grygiel, AICP, PP of the Planning Consultant, and conducted a public hearing during which members of the general public were given an opportunity to present their own evidence, cross-examine the Planning Consultant, and address questions to the Land Use Board and its representatives concerning the potential designation of the Study Area as a non-condemnation redevelopment area; and

**WHEREAS**, at the conclusion of the Study Area Hearing, after reviewing the Report and hearing all of the evidence, testimony from the public, and expert testimony, based on the reasons set forth in the Report and on the record, including the testimony of the Planning Consultant as to criterion “h” of *N.J.S.A. 40A:12A-5* (“**Section 5**”) of the Redevelopment Law, the Land Use Board made recommendations to the Borough Council that the entire Study Area be designated as a non-condemnation redevelopment area pursuant to Section 5 of the Redevelopment Law, which recommendations and reasons for same were memorialized in Resolution No. 2021-21 duly adopted by the Land Use Board on October 7, 2021; and

**WHEREAS**, on October 20, 2021, by Resolution No. 21-199, the Borough Council accepted the Land Use Board’s recommendations set forth in Resolution No. 2021-21 and designated the entire Study Area as a non-condemnation redevelopment area pursuant to the Redevelopment Law (the “**Redevelopment Area**”) and authorized the Planning Consultant to prepare one or more redevelopment plans for the Redevelopment Area; and

**WHEREAS**, the Borough Council desires to adopt a redevelopment plan for the Redevelopment Area; and

**WHEREAS**, the Planning Consultant, at the request of the Mayor and the Borough Council, prepared a draft redevelopment plan for the Redevelopment Area, entitled Central Business District Redevelopment Plan and dated November 24, 2021, which draft redevelopment plan was discussed at an informational meeting held by the Land Use Board on December 2, 2021; and

**WHEREAS**, comments were received on December 2, 2021 at such informational meeting from members of both the public and the Land Use Board; and

**WHEREAS**, thereafter, the Planning Consultant, at the request of the Mayor and the Borough Council, prepared a revised redevelopment plan for the Redevelopment Area, entitled Central Business District Redevelopment Plan and dated January 13, 2022 (the “**Original Redevelopment Plan**”); and

**WHEREAS**, pursuant to the Redevelopment Law, on February 2, 2022 the Borough Council adopted Resolution No. 22-059 directing the Land Use Board to review the Original Redevelopment Plan and transmit its recommendations relating to the Original Redevelopment Plan to the Borough Council in accordance with the provisions of *N.J.S.A. 40A:12A-7(e)*; and

**WHEREAS**, on February 10, 2022 the Land Use Board reviewed the Original Redevelopment Plan and found that the height and parking requirements of the Original Redevelopment Plan were not consistent with the Borough’s Master Plan (the “**LUB Findings**”); and

**WHEREAS**, the Planning Consultant has supplemented the Original Redevelopment Plan with additional information concerning the height requirements (as revised, the “**Redevelopment Plan**”) and the Council President has prepared a letter to the Land Use Board addressing the parking requirements in the Redevelopment Plan (the “**Letter**”); and

**WHEREAS**, the Borough Council desires to authorize and direct the Land Use Board to review the Redevelopment Plan, reconsider the LUB Findings, and issue a report concerning such Redevelopment Plan, such report to include an identification of any provision in the Redevelopment Plan which is inconsistent with the Borough’s Master Plan and recommendations concerning such inconsistencies and any other matters as the Land Use Board deems appropriate, all pursuant to Section 7 of the Redevelopment Law.

**NOW THEREFORE, BE IT RESOLVED**, by the Borough Council of the Borough of Highlands, in the County of Monmouth, New Jersey, as follows:

**Section 1.** The foregoing recitals are herein incorporated as if set forth in full.

**Section 2.** The Land Use Board is authorized and directed to reconsider the LUB Findings, review the Redevelopment Plan and to advise the Borough Council of its findings in connection therewith within 45 days after referral, in accordance with the Redevelopment Law at *N.J.S.A. 40A:12A-7(e)*.

**Section 3.** The Borough Clerk shall deliver a copy of this Resolution, the Redevelopment Plan and the Letter to the Land Use Board for review.

**Section 4.** A certified copy of this Resolution shall be available for public inspection during regular business hours at the office of the Borough Clerk.

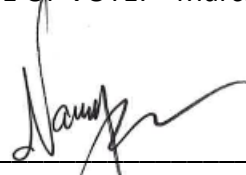
**Section 5.** This Resolution shall take effect immediately.

Motion to Approve R 22-082:

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

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

DATE OF VOTE: March 02, 2022



Nancy Tran, Acting Municipal Clerk  
Borough of Highlands

# BOROUGH OF HIGHLANDS, NJ Central Business District REDEVELOPMENT PLAN



**PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC**  
Planning and Real Estate Consultants

February 28, 2022

BOROUGH OF HIGHLANDS, NEW JERSEY  
**Central Business District  
REDEVELOPMENT PLAN**

February 28, 2022

**Prepared for:**  
The Borough of Highlands

**Prepared by:**  
Phillips Preiss Grygiel Leheny Hughes LLC  
Planning and Real Estate Consultants

33-41 Newark Street  
Third Floor, Suite D  
Hoboken, NJ 07030

The original of this report was signed and sealed in accordance with N.J.S.A. 13:41-1.2



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Paul Grygiel, AICP, PP  
NJ Professional Planner License # 5518

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# I. INTRODUCTION

A redevelopment plan is a powerful planning document that combines the vision of a master plan with the authority of a zoning ordinance. The redevelopment plan's special legal status provides a municipality with a more effective way to control the nature and type of development in a redevelopment area than is possible through standard zoning. Benefits of utilizing redevelopment plans include the ability to create very specific redevelopment plan regulations for uses and design and providing the municipality with greater control of the redevelopment process, such as through the selection of developers.

The preparation and adoption of a redevelopment plan moves the redevelopment process from problem identification to problem solving. With the adoption of a redevelopment plan, the focus shifts from an analysis of existing conditions in a designated area to a discussion of its future use and redevelopment. Adopting a redevelopment plan sends a message to the development community about the Borough's long-term commitment to the redevelopment of an area.

Redevelopment plans may be designed to address a wide range of public purposes and land use issues. The potential scope of a redevelopment plan may include: permitted uses, bulk regulations (e.g., height, setbacks, coverage, etc.), building massing/design, streetscape/open space, sustainability measures, and parking and loading.

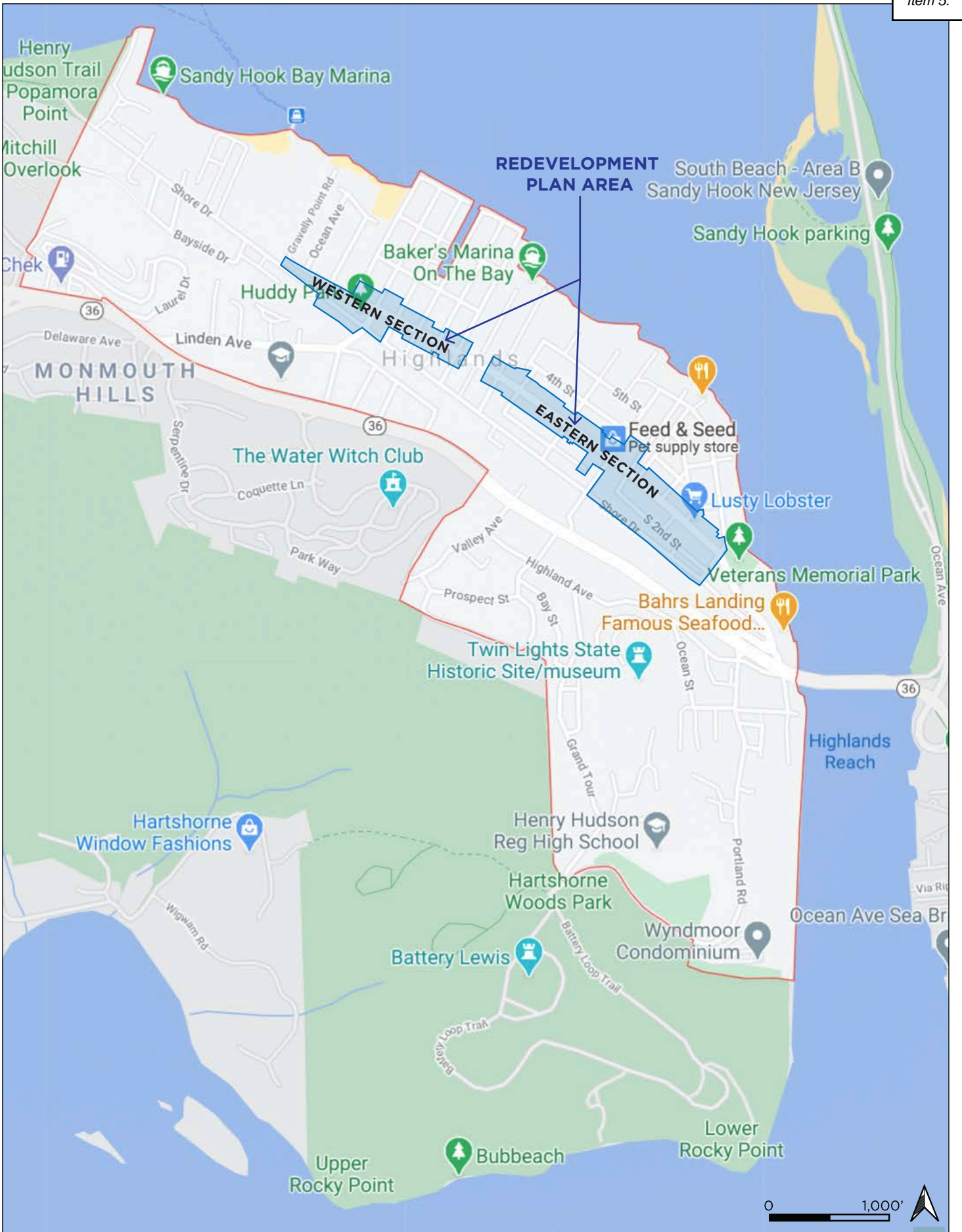
This Redevelopment Plan (the "Redevelopment Plan") has been prepared for an area comprised of 155 parcels on portions of 31 tax blocks known as Blocks 40.01, 41, 42, 45, 46, 47, 52, 53, 54, 58, 59, 63, 64, 69, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 88, 89, 94, 95, 96, 96.01, and 114 (heretofore referred to as the "Redevelopment Area") in the Borough of Highlands, Monmouth County, New Jersey. This Redevelopment Plan provides an overall vision for the Redevelopment Area, as well as general recommendations and specific development regulations. It supports and enhances the Borough's ongoing efforts to improve the Bay Avenue corridor and adjoining areas and to attract additional public and private investment.

This Redevelopment Plan provides development regulations for the Bay Avenue corridor between South Street and Gravelly Point Road and certain adjoining areas, including use and bulk standards for the area, as well as site, building design and other regulations typically found in a Redevelopment Plan. But it also provides a vision, goals and general recommendations for the Redevelopment Area, all of which build upon prior efforts for the Central Business District and nearby areas.

The plan was prepared through a process that included the input from the community through meetings and a survey, as well as the input of Borough staff and officials. Notably, the Bay Avenue Redevelopment Survey obtained input from a cross-section of Highlands residents, property owners and business owners which informs the recommendations and regulations in this Redevelopment Plan. Planning and development documents reviewed in the process of preparing the plan included the Borough's Master Plan and updates, the Zoning Ordinance, the Highlands Central Business District Design Manual, and various reports on prior planning efforts for the Redevelopment Area and nearby areas. The consultants also visited the Redevelopment Area and vicinity on a number of occasions to document existing conditions. Data about demographics, housing and development was reviewed and analyzed, and maps were created based on information obtained from the Borough and other sources.

FIGURE 1. LOCATIONAL CONTEXT

Item 5.



## II. EXISTING CONDITIONS AND CONTEXT

The Borough of Highlands is a unique municipality. Located along Sandy Hook Bay and the Shrewsbury River, its assets include a substantial waterfront, business districts, State Highway frontage, a State Historic Site, a range of residential development types, ferry service to New York City and easy access to the Atlantic Ocean, large parks and trails. **Figure 1** shows the Borough's locational context. However, Highlands faces a number of challenges, including flooding, traffic and fiscal limitations. There have been a number of plans and studies prepared in recent years for the Borough's commercial and residential districts. Actions have been taken to implement some of the recommendations of these documents, including adoption of zoning amendments in 2018. But there remain issues both specific to Highlands as well as those affecting downtowns and small business districts, even prior to the COVID-19 pandemic. This Redevelopment Plan is intended to help Highlands' Central Business District achieve its potential as both a community amenity and a destination.

The Redevelopment Area encompasses parts of 31 tax blocks located in the eastern section of the Borough of Highlands. The Redevelopment Area includes a portion of the parcels on Blocks 40.01, 41, 42, 45, 46, 47, 52, 53, 54, 58, 59, 63, 64, 69, 70, 71, 72, 73, 74, 75, 80, 81, 82, 83, 88, 89, 94, 95, 96, 96.01, and 114, as identified on the official tax maps of the Borough of Highlands. The Redevelopment Area is approximately 20.64 acres in area. It is defined by the boundaries of the CBD Zone as adopted on the Zoning Map by Ordinance 18-22 in December of 2018, which generally follows the north and south sides of Bay Avenue, and certain properties on both South Second Street and Shore Drive. **Figure 2** shows the boundaries of the Redevelopment Plan Area and the CBD zone.

Existing land uses in the Redevelopment Area include commercial, residential (one to four family), residential apartment, public property, municipal parks, a religious institution, a social institution, surface parking lots, and vacant, unimproved land. Land uses within the vicinity are varied and include a mix of residential and nonresidential uses. There are also various attractions and landmarks within the surrounding area. These include municipal and county parks, the Twin Lights State Historic Site and the Sandy Hook section of Gateway National Recreation Area.

The Redevelopment Area has been determined to be an "area in need of redevelopment" pursuant to the New Jersey Local Housing and Redevelopment Law (LRHL) at N.J.S.A. 40A:12A-1 et seq. The Mayor and Council of the Borough of Highlands adopted a resolution in February 2021 authorizing the Land Use Board to investigate all properties within the Central Business District zone to determine if they constituted an "area

FIGURE 2. REDEVELOPMENT PLAN AREA AND CBD ZONE

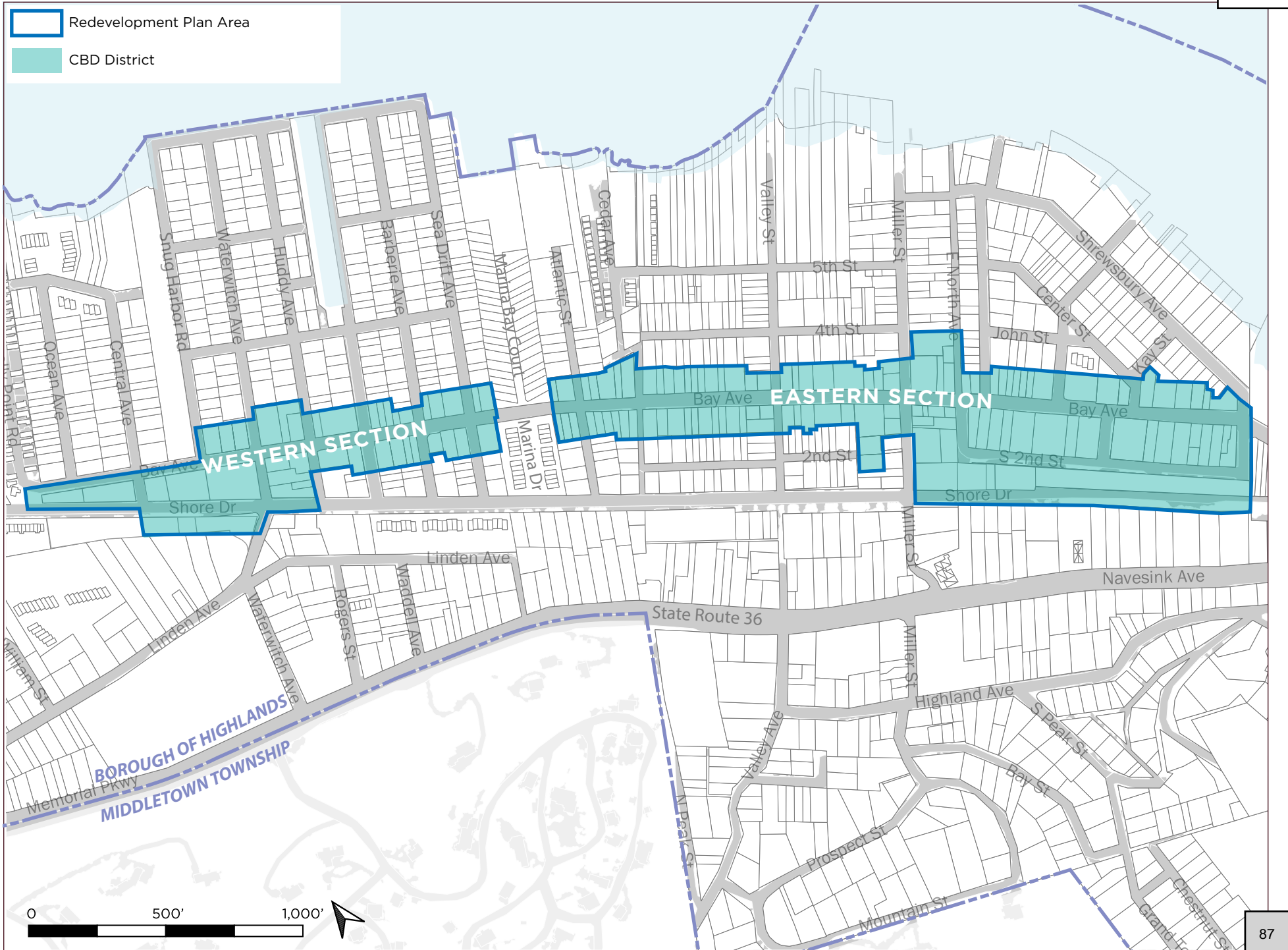


FIGURE 3A. REDEVELOPMENT AREA TAX LOTS: WESTERN SECTION

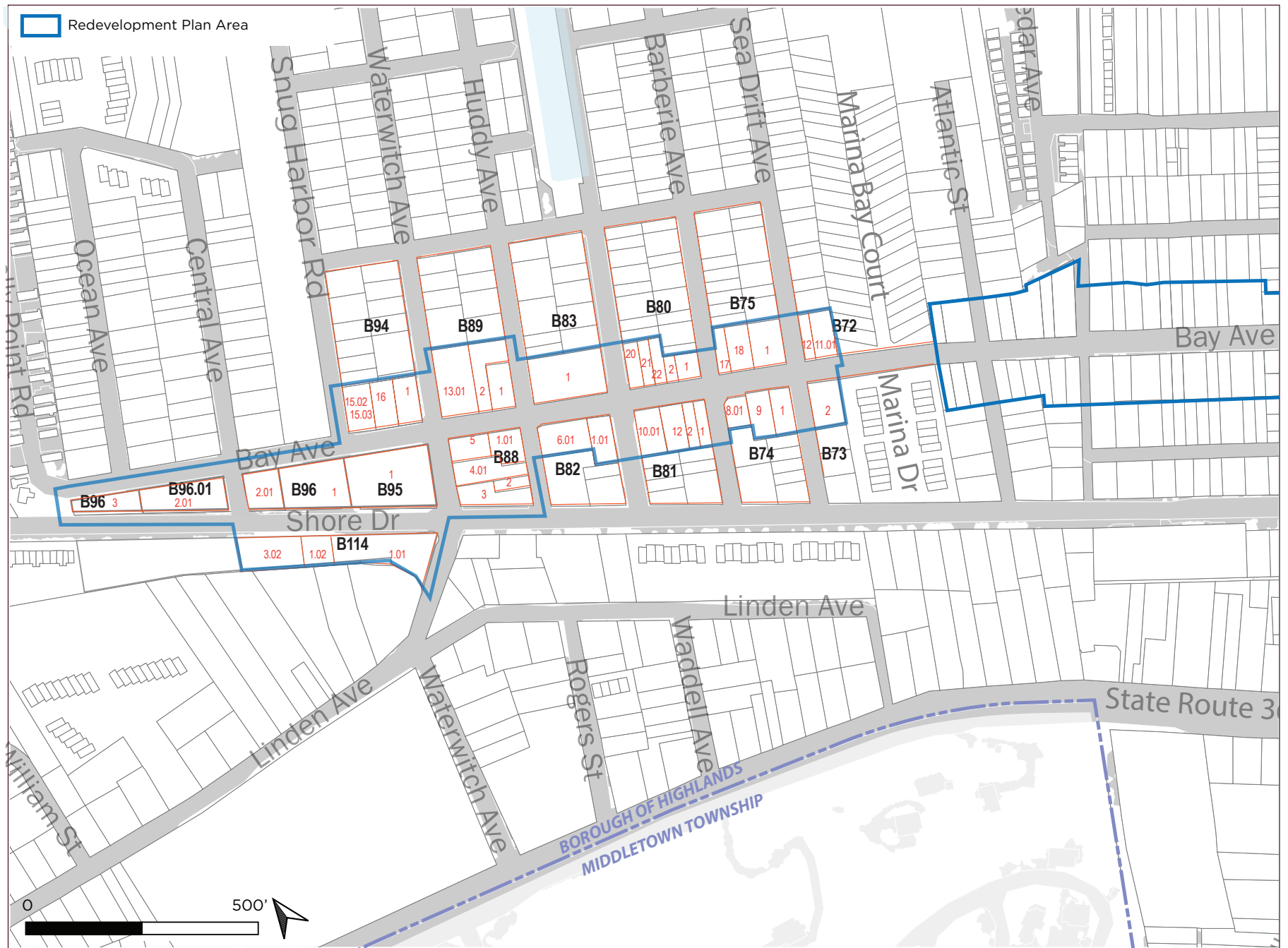
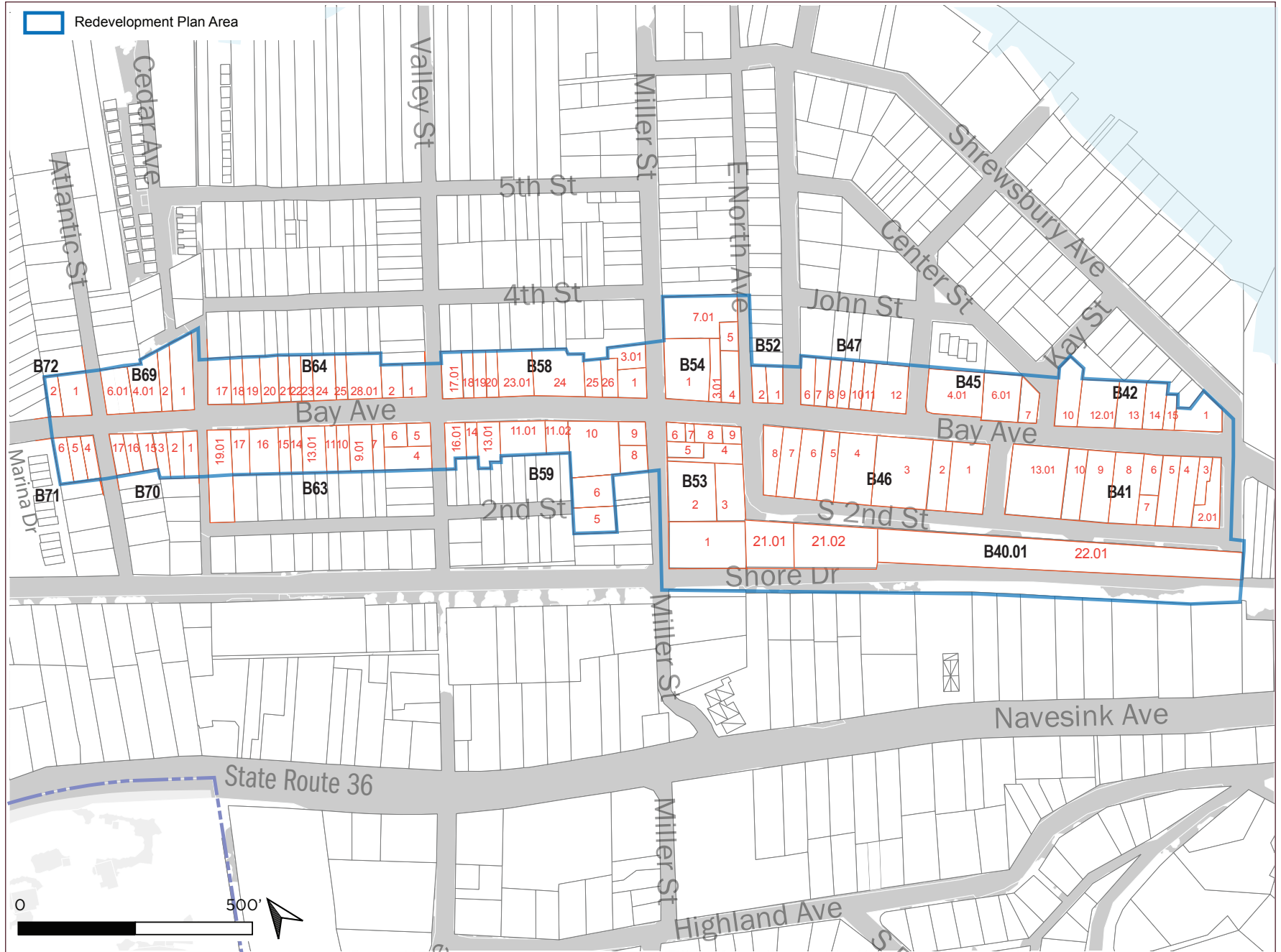




FIGURE 3B. REDEVELOPMENT AREA TAX LOTS: EASTERN SECTION



**TABLE 1: REDEVELOPMENT AREA TAX PARCELS**

BLOCK	LOT	ADDRESS
40.01	21.01	40 WEST NORTH STREET
40.01	21.02	42 WEST NORTH STREET
40.01	22.01	38 WEST NORTH STREET
41	2.01	57 BAY AVENUE
41	3	59 BAY AVENUE
41	4	61 BAY AVENUE
41	5	65-67 BAY AVENUE
41	6	69-71 BAY AVENUE
41	7	30 SECOND STREET
41	8	75 BAY AVENUE
41	9	BAY AVENUE
41	10	85-87 BAY AVENUE
41	13.01	95-99 BAY AVENUE
42	1	60 BAY AVENUE
42	10	88 BAY AVENUE
42	12.01	84 BAY AVENUE
42	13	78 BAY AVENUE
42	14	74 BAY AVENUE
42	15	68 BAY AVENUE
45	4.01	102 BAY AVENUE
45	6.01	98 BAY AVENUE
45	7	92 BAY AVENUE - KAY STREET
46	1	103-107 BAY AVENUE
46	2	111 BAY AVENUE
46	3	123 BAY AVENUE
46	4	125 BAY AVENUE
46	5	139 BAY AVENUE
46	6	141 BAY AVENUE
46	7	143 BAY AVENUE
46	8	BAY AVE & WEST NO ST
47	6	132 BAY AVENUE
47	7	130 BAY AVENUE
47	8	128 BAY AVENUE
47	9	126 BAY AVENUE
47	10	124 BAY AVENUE
47	11	122 BAY AVENUE
47	12	120 BAY AVENUE
52	1	CORNWALL ST & BAY
52	2	140 BAY AVENUE
53	1	MILLER ST
53	2	65 MILLER STREET
53	3	9 WEST NORTH STREET
53	4	7 NORTH STREET
53	5	63 MILLER STREET
53	6	BAY AVE & MILLER ST

BLOCK	LOT	ADDRESS
53	7	BAY AVENUE
53	8	157 BAY AVENUE
53	9	151 BAY AVENUE
54	1	150 BAY AVENUE
54	3.01	146-148 BAY AVE
54	4	144 BAY AVENUE
54	5	38 NORTH STREET
54	7.01	49 MILLER STREET
58	1	154 BAY AVENUE
58	3.01	50 MILLER STREET
58	17.01	192 BAY AVENUE
58	18	190 BAY AVENUE
58	19 (& 20)	188 BAY AVENUE
58	23.01	182 BAY AVENUE
58	24	170 BAY AVENUE
58	25	168 BAY AVENUE
58	26	164 BAY AVENUE
59	5	SECOND ST
59	6	SECOND TO MILLER
59	8	66 MILLER STREET
59	9	165 BAY AVENUE
59	10	171 BAY AVENUE
59	11.01	181 BAY AVENUE
59	11.02	179 BAY AVENUE
59	13.01	187 BAY AVENUE
59	14	191 BAY AVENUE
59	16.01	193-195 BAY AVENUE
63	4	VALLEY STREET
63	5	197 BAY AVENUE
63	6	203 BAY AVENUE
63	7	205 BAY AVENUE
63	9.01	207 BAY AVENUE
63	10	211 BAY AVENUE
63	11	213 BAY AVENUE
63	13.01	215 BAY AVENUE
63	14	219-221 BAY AVENUE
63	15	219-221 BAY AVENUE
63	16	225 BAY AVENUE
63	17	227 BAY AVENUE
63	19.01	231 BAY AVENUE
64	1	196 BAY AVENUE
64	2	208 BAY AVENUE
64	17	230 BAY AVENUE
64	18	228 BAY AVENUE
64	19	226 BAY AVENUE
64	20	222 BAY AVENUE

BLOCK	LOT	ADDRESS
64	21	218 BAY AVENUE
64	22	218 BAY AVENUE
64	23	216 BAY AVENUE
64	24	214 BAY AVENUE
64	25	210 BAY AVENUE
64	28.01	208 BAY AVENUE
69	1	234 BAY AVENUE
69	2	238 BAY AVENUE
69	4.01	242 BAY AVENUE
69	6.01	29 ATLANTIC STREET
70	1	233 BAY AVENUE
70	2	235 BAY AVENUE
70	3	237 BAY AVENUE
70	15	239 BAY AVENUE
70	16	241 BAY AVENUE
70	17	245 BAY AVENUE
71	4	247 BAY AVENUE-ATLANTIC ST
71	5	249 BAY AVENUE
71	6	251 BAY AVENUE
72	1	28 ATLANTIC STREET
72	2	BAY AVENUE
72	11.01	270 BAY AVENUE
72	12	272 BAY AVENUE
73	2	SEADRIFT AVENUE
74	1	273 BAY AVENUE
74	8.01	83 BARBARIE AVENUE
74	9	277 BAY AVENUE
75	1	274-276 BAY AVENUE
75	17	282 BAY AVENUE
75	18	284 BAY AVENUE
80	1	286 BAY AVENUE
80	2	288 BAY AVENUE
80	20	294 BAY AVENUE
80	21	292 BAY AVENUE
80	22	290 BAY AVENUE
81	1	285 BAY AVENUE
81	2	287 BAY AVENUE
81	10.01	295 BAY AVENUE
81	12	289 BAY AVENUE
82	1.01	297-299 BAY AVENUE
82	6.01	BAY & HUDDY AVE
83	1 (& 14)	300 BAY AVENUE
88	1.01	311 BAY AVENUE
88	2	71 WATERWITCH AVENUE
88	3	71 WATERWITCH AVENUE

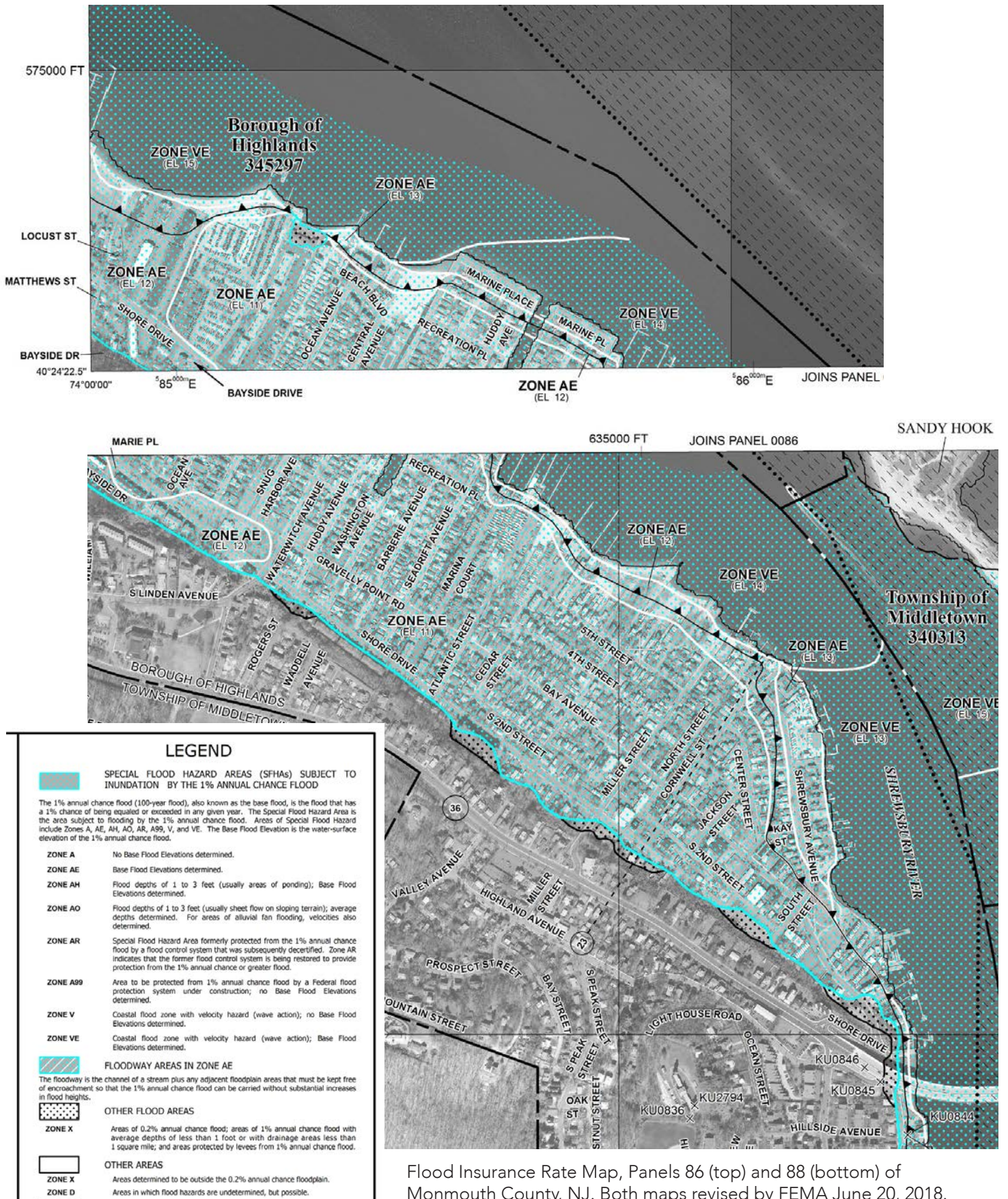
BLOCK	LOT	ADDRESS
88	4.01	67-69 WATERWITCH AVENUE
88	5	321 BAY AVENUE
89	1	310 BAY AVENUE
89	2	58-60 HUDDY AVENUE
89	13.01	65 WATERWITCH AVENUE
94	1	BAY & WATERWITCH AVENUES
94	15.02 & 15.03 (originally 15)	69-71 SNUG HARBOR AVE
94	16	326 BAY AVENUE
95	1	WATERWITCH & BAY AVENUE
96	1	331 BAY AVENUE
96	2.01	171 BAY AVENUE
96.01	2.01	BAY AVENUE
96 (was 96.01)	3	409 BAY AVENUE
114	1.01	SHORE DRIVE
114	1.02	SHORE DRIVE
114	3.02	SHORE DRIVE

<sup>1</sup>PROPERTIES HAVE BEEN COMBINED WHEN RECORDS COMBINE THEIR OWNERSHIP AND AREA INFORMATION.

in need of redevelopment” pursuant to the LRHL. The Central Business District Area in Need of Redevelopment Study was prepared in July 2021. All of the properties in the redevelopment study area were designated as “an area in need of redevelopment” by resolution of the Mayor and Council on October 20, 2021 following a recommendation by the Borough of Highlands Land Use Board. The designated redevelopment area includes 155 parcels, which are listed in **Table 1** and are shown on **Figures 3A** and **3B**.

Highlands’ waterfront location and topography have subjected portions of the Borough to significant flooding. As shown on **Figure 4**, the Redevelopment Area in particular is located almost entirely within the AE flood zone, according to the Federal Emergency Management Agency’s (FEMA’s) most recent Flood Insurance Rate Maps. The current Base Flood Elevation (BFE) in this zone is 11 feet, meaning that the BFE is about 5 to 7 feet above grade in most areas of the Redevelopment Area.

FIGURE 4. FLOOD INSURANCE RATE MAP FOR HIGHLANDS



Flood Insurance Rate Map, Panels 86 (top) and 88 (bottom) of Monmouth County, NJ. Both maps revised by FEMA June 20, 2018.

## III. VISION, GOALS AND RELATIONSHIP TO LOCAL OBJECTIVES

### A. Vision

This Redevelopment Plan aims for a vision of downtown Highlands that acknowledges and works with the constraints of its location within the Flood Hazard Area. The overall vision for the Redevelopment Area is a vibrant, walkable downtown along the Bay Avenue corridor and adjoining areas that includes a mix of old and new commercial and residential uses; additional apartments, stores, services, and attractions; improved parks and public facilities; and stronger connections to the broader community and the Shrewsbury River. Building and site designs will be consistent with Highlands' identity as a waterfront, historic small town, yet allow for a variety of architectural styles and building types. Retail and other active uses will be encouraged on the ground floor, where feasible, or otherwise on a floor raised above the flood elevation. In either case, guidelines are provided to ensure that retail businesses, apartments, and other uses will have a strong connection to the sidewalk. Streets, sidewalks and public spaces will be more inviting and attractive as a result of public and private investments in the Redevelopment Area.

### B. Redevelopment Plan Goals

The specific goals and objectives of the Redevelopment Plan are as follows:

- 1) Provide regulations for the reuse of buildings and the appropriate redevelopment of properties in the Redevelopment Area with a mix of residential and nonresidential land uses that support the Borough's planning and economic development objectives.
- 2) Address flooding through building and site design that elevates critical areas above flood waters and increases use of green infrastructure.
- 3) Require building and site design that is aesthetically attractive, relates to Highlands' existing character, and incorporates sustainability measures. Incentivize through additional building height the provision of retail or other active uses on the Lowest Floor of new buildings, and offer additional incentives to provide retail or other Active Uses at the ground floor, where it can best contribute to active, pedestrian-friendly streetscapes.
- 4) Provide regulations on specific building design elements such as facade transparency, location of the front door and parking access,

and building massing and articulation, to ensure that buildings are best configured for a pedestrian-friendly streetscape.

- 5) Improve pedestrian safety and comfort in the Redevelopment Area through a program to increase effective sidewalk width through deeper front setbacks and landscaping.
- 6) Provide adequate vehicle and bicycle parking, loading and access for uses in the Redevelopment Area, including flexible shared-use public parking. Provide design guidelines to downplay the visibility of off-street parking.
- 7) Provide additional open space, seating, and gathering areas, and attractions within the Redevelopment Area.
- 8) Make development in the CBD more financially feasible by redefining, or in some cases removing, onerous zoning requirements such as floor area ratio, building coverage and height, and parking ratios, and by providing more flexible standards.
- 9) Emphasize major Gateways into downtown Highlands with incentives for special features in building design and site planning.

### **C. Relationship to Master Plan**

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This Redevelopment Plan is consistent with the goals and objectives of the master planning efforts of the Borough of Highlands, as described further below, as it implements various recommendations of the 2004 Master Plan and updates as well other planning studies seeking to strengthen the vitality of the Borough's downtown and other business districts.

The Borough of Highlands has completed several plans and studies which attempt to address an ongoing lack of investment and business activity in the Borough, particularly on the Bay Avenue commercial corridor. These problems were noted prior to the destruction brought about by Superstorm Sandy but were exacerbated after the storm. The Borough has recommended a series of strategies to revitalize the Bay Area commercial corridor in recent years, several of which have been implemented. A previously untapped recommendation is to investigate the designation of eligible properties as areas in need of redevelopment to encourage a rebirth of the commercial corridor.

The Borough of Highlands' most recent comprehensive Master Plan was adopted in 2004 (the "**2004 Master Plan**"). To promote economic development in the downtown, the 2004 Master Plan recommended "investigating the potential for redevelopment within the downtown to address problems, identify opportunities and provide a guide for future

reinvestment,” and “[a]ssembling sites that can be offered for new business development,” among other strategies. At the time of writing the 2004 Master Plan, the Redevelopment Area roughly corresponded to the boundaries of the B-2 Central Business District, which was intended to “accommodate a higher density concentration of retail, service, office and entertainment uses than other commercial districts in the Borough.”

A reexamination of the 2004 plan, along with a land use plan element, was adopted in 2009 (the “**2009 Master Plan Reexamination**”). The 2009 Master Plan Reexamination recommended several changes to the Borough’s Development Regulations for the B-1 Neighborhood Business District and the B-2 Central Business District, which generally comprised the east and west ends of Bay Avenue and Shore Drive. The recommended changes related to flooding, parking, permitted uses, bulk requirements, and design to advance the Borough’s goal to “[s]trengthen commercial districts, especially the Bay Avenue Central Business District.”

The current Master Plan document consists of a reexamination report and amendments, which were adopted by the Borough’s Land Use Board on December 27, 2016 (the “**2016 Master Plan Update**”). The 2016 Master Plan Update “places special emphasis on facilitating recovery from Superstorm Sandy’s impacts, as well as promoting resiliency to future storm impacts and other potential natural hazards.” The plan describes the impact of Superstorm Sandy on the Borough:

Superstorm Sandy struck the coast of New Jersey on October 29, 2012, and caused extensive damage to the Borough of Highlands from both storm surge and wind damage. Approximately 1,250 homes within the Borough were damaged or destroyed as well as over 60% of all Borough businesses. All of the Borough’s sewage pump stations went offline due to floodwater inundation and/or power system failure. Trees and power lines throughout the Borough fell, in many cases damaging buildings and homes. (pp. 23)

A **2014 Strategic Recovery Planning Report** further noted that “14 downtown restaurants were destroyed, of these, six remain closed.” The 2016 Master Plan Update addressed the lack of business investment and activity in the downtown, stating that this “ongoing concern... was only exacerbated by the impacts of Superstorm Sandy.”

The **2016 Master Plan Update** contains significant discussion about the Redevelopment Area. In particular, it recommended elimination of the B-1 and B-2 districts and overlay zones, and establishment of a unified Central Business District (CBD) zone “to better accommodate the desired uses for the downtown area [and to] minimize nonconformities and reduce the number of variances that may be required to encourage

redevelopment in underutilized lots and areas damaged by Superstorm Sandy or that may be damaged in future storm events.” The 2016 Master Plan Update recommended that the new CBD Zone be governed by a form-based code to “ensure all redevelopment occurs in a manner that is consistent with the image and character of the Borough.” The 2016 Master Plan Update assured consistency with past plans, noting that “many of the recommendations from the 2009 Report will be integrated into the new zone district.” It recommended that the Borough should encourage downtown building design and streetscape features “that promotes and emphasizes the nautical, seaside, small town nature of Highlands.” In addition to the creation of a new CBD Zone, the 2016 Master Plan Update recommended allowing parking as a conditional use in business districts outside of the waterfront to encourage “more opportunities for innovative parking arrangements.” The plan also recommended that residential uses be permitted on all floors above the ground level in mixed-use buildings. In terms of redevelopment, the 2016 Master Plan Update recommended that “[r]edevlopment studies should include the waterfront, downtown neighborhoods, and the Miller Street corridor.”

The Borough amended its Development Regulations to remove reference to the B-1 and B-2 districts and overlays, create reference to the CBD Zone, and update permitted uses in the zone, including allowing parking as a permitted conditional use in the CBD Zone (see **Ordinance 18-01**, adopted in February of 2018, and Ordinance 18-06, adopted in May of 2018). No new regulations were adopted related to permitting residential uses on the upper floors of mixed-use buildings.

The most recent **Zoning Map** was adopted by Ordinance 18-22 in December of 2018, which established the Central Business District (CBD) zone and demarcated it “along Bay Avenue from South Street to the VFW and along Miller Street from Bay Avenue to the Waterfront to replace current existing zoning and overlay districts; with the exception of the existing Multi-Family Zone District located along Marina Bay Court.” The Redevelopment Area is entirely within the CBD Zone.

Since the 2016 Master Plan Update, area in need of redevelopment investigations and plans were adopted for the Captain’s Cove Marina and the Shadow Lawn Mobile Home Park, in 2018. No area in need of redevelopment investigations have been conducted for areas within the CBD Zone until the investigation of the Redevelopment Area described herein.

A full list of the 2016 Master Plan Update Goals & Objectives related to commercial land uses and economic development/redevelopment can be found in the publicly-available 2016 Master Plan Update.



## **D. Relationship to Local Objectives**

This Redevelopment Plan sets forth definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community facilities and other public improvements. In particular, the Redevelopment Plan provides development regulations that regulate development intensity and residential density, allowing for a range of land uses. The Redevelopment Plan encourages reuse of buildings and new construction, in tandem with upgrading of existing infrastructure and community facilities.

Beyond the Master Plan-related studies mentioned earlier, a number of other plans and studies have been prepared for the Redevelopment Area, including:

### **CENTRAL BUSINESS DISTRICT DESIGN MANUAL, 1995**

- The Borough’s *Highlands CBD Design Manual, Neighborhood Preservation Program* (the “Design Manual”) was approved in 1995. It is primarily focused on design changes and improvements to historic buildings and retail storefronts & signage. The Design Manual is very detailed in terms of specific building components such as doors, windows, cladding, and cornices, and leans towards traditional materials and architectural styles. However, because it was written before Superstorm Sandy and before flood control regulations became more onerous, it is not well suited to alone guide anticipated new development in the CBD. For new construction and renovations to existing buildings, this Redevelopment Plan supersedes the older Design Manual. Applicants may choose to seek guidance from the Design Manual as well, but where a conflict occurs, this Redevelopment Plan shall govern.

### **INTRABOROUGH BICYCLE PLAN, JUNE 2011**

### **HIGHLANDS RECOVERY PLAN, 2013**

### **RUTGERS BLOUSTEIN SCHOOL STUDIO REPORT, SPRING 2014**

### **“GETTING TO RESILIENCE” RECOMMENDATIONS REPORT, JUNE 2014**

### **STRATEGIC RECOVERY PLANNING REPORT, SEPTEMBER 2014**

- This report identified 13 priority actions that are “most urgently needed to improve public safety, increase resistance to damage from future storms, and stimulate economic recovery” (NJ DCA).” Of relevance to redevelopment of the Redevelopment Area, priority action #9 was to, “[u]ndertake redevelopment study(ies) and prepare plan(s) for areas determined to be in need of redevelopment. Previous plans have recommended redevelopment efforts in several areas of the borough, including the waterfront and downtown neighborhoods. Moreover,

there have also been recommendations to... elevat[e] buildings in the downtown area. All of these recommendations could be reviewed and, if feasible and acceptable, accomplished through the redevelopment planning process.”

- In addition, priority area #11 stated, “The [Getting to Resilience (GTR)] Report... recommends that the Borough’s plans (including the Master Plan and any redevelopment plan) include explicit references and recommendations related to resiliency.”

#### COASTAL STORM RISK MANAGEMENT PRESENTATION/BRIEFING, MARCH 2017

#### CAPITAL IMPROVEMENT PROGRAM FOR 2017

#### STORMWATER POLLUTION PREVENTION PLAN, APRIL 2018

#### FINAL INTEGRATED FEASIBILITY REPORT AND ENVIRONMENTAL ASSESSMENT, RARITAN BAY AND SANDY HOOK BAY, HIGHLANDS, NEW JERSEY, COASTAL STORM RISK MANAGEMENT, MAY 2020

- This document by the U.S. Army Corps of Engineers assesses the feasibility and environmental impact of a series of intervention options to reduce flood risk between the study period of 2026 to 2076.

### **E. Relationship to Highlands Zoning Ordinance**

The Redevelopment Area is located within, and is defined by the boundaries of, the Central Business District (CBD) Zone. The boundaries of the CBD Zone and adjacent zoning districts in the Borough are shown on the Zoning Map adopted in December of 2018. Uses and bulk requirements permitted in the CBD Zone are currently governed by the Borough’s Zoning Ordinance.

This Redevelopment Plan does not supersede the Zoning and Land Use Regulations of the Borough of Highlands in Chapter 21 of the Borough’s Revised General Ordinances (the “Zoning Ordinance”), except as specifically set forth in the development regulations for the Redevelopment Area. The Redevelopment Area shall overlay the existing zoning, and consist of three overlay zone districts, which in a number of instances provide different zone regulations than the underlying zoning district. Final adoption of this Redevelopment Plan by the Mayor and Council shall be considered an amendment of the Borough of Highlands Zoning Map.

### **E. Definitions and Terminology**

The definitions set forth in the Zoning Ordinance shall apply to this Redevelopment Plan.

As used in this Redevelopment Plan, the following terms shall have the meanings indicated:

- “**BFE+1**” shall mean Base Flood Elevation plus one foot. “Base Flood Elevation” is defined in the Zoning and reproduced below in **Section V, Flood Requirements**.
- “**Body piercing, tattoo and skin art studio**” shall mean any establishment where a body piercing and/or tattoo artist conducts the business of piercing the skin or other parts of the body.
- “**Land Use Board**” shall mean the Borough of Highlands Land Use Board.
- “**Mayor and Council**” shall mean the governing body of the Borough of Highlands.
- “**Special Flood Hazard Area**” shall mean the areas of special flood hazard for the Borough of Highlands, Community No. 345297, which pursuant to Section 21-115 of the Zoning Ordinance are identified and defined on the following documents prepared by the Federal Emergency Management Agency:
  - ◊ A scientific and engineering report “Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)” dated June 20, 2018.
  - ◊ Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panels 34025C0067G, 34025C0069F, 34025C0086G, and 34025C0088G; whose effective date is June 20, 2018.
- “**Townhouse**” shall mean a “One-family Attached Dwelling” as defined in the Zoning Ordinance (i.e. a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls),
- “**Two-family dwelling**” shall mean “a building designed or used exclusively for occupancy by two (2) families,” as defined in the Zoning Ordinance.
- “**Multi-family dwelling**” shall mean any dwelling or part thereof containing three or more dwellings per unit, as defined in the Zoning Ordinance.
- “**Zoning Map**” shall mean a document entitled “Zoning Map, Highlands Borough, New Jersey” dated July, 2018, as may be periodically amended.

Except as otherwise provided herein, words not defined above or in this document that appear in this Redevelopment Plan shall be interpreted in accordance with the definitions in the Zoning Ordinance as set forth in Section 21-8: “Definitions.” If a term used in this Redevelopment Plan is not defined in the Zoning Ordinance, the definition in the Municipal Land

Use Law (the “MLUL”), N.J.S.A. 40:55D-1 et seq., or the LRHL shall apply.

Throughout this Redevelopment Plan, a conscious distinction is made in the regulations between “shall” and “should.” “Shall” or “must” means that a developer is required to comply with the specific regulation, without any deviations. “Should” means that a developer is encouraged to comply but is not required to do so. If the exact recommendation cannot be met, the Land Use Board will entertain any modification that meets the underlying spirit and intent of the regulation and/or the Redevelopment Plan generally.

## IV. GENERAL RECOMMENDATIONS

Chapters V through IX of this Redevelopment Plan provide specific regulations for land uses and other development regulations as are typically included in a redevelopment plan. This chapter provides additional recommendations for the Redevelopment Area based on input from survey respondents, developers, the Borough, and others.

### A. Design

- **Implement building and site design to mitigate flooding impacts and improve stormwater management.** Given the Redevelopment Area’s location and history, ensuring that new development and renovations can withstand flood events will help attract investment and types of uses desired by the community.
- **Incorporate sustainability measures.** Green design provides benefits to business and property owners, as well as to the environment.
- **Make downtown more physically attractive and welcoming.** Survey respondents and community meeting attendees cited physical improvements as an important part of this Redevelopment Plan. Improvements to the streetscape and lighting, additional trees and other plantings, murals and burying utility wires were among the suggestions for upgrading the appearance of the Central Business District.
- **Preserve historic character and identity.** At the same time, as changes are made to the area there is still a strong desire to maintain and enhance Highlands’ identity as a waterfront, historic small town.
- **Provide Gateway treatments at important intersections.** Providing streetscape features such as paver crosswalks, signage, public art, and buildings with prominent design elements would reinforce the Central Business District’s identity as a distinct place.
- **Focus on key sites with the potential to spur additional redevelopment.** There are a number of properties within the Redevelopment Area that are adequate in size or possess other factors that make them appropriate for larger-scale development and have the ability to positively influence nearby areas.

## B. Coordination

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- **Improve connections to the Shrewsbury River, Sandy Hook Bay, the Twin Lights and other nearby attractions.** While the waterfront is located outside the Redevelopment Area, Highlands' setting on the Shrewsbury River and Sandy Hook Bay at the northern tip of the Jersey Shore is essential to its character. Nearby beaches and the Twin Lights also bring large numbers of visitors to the area who represent a significant potential market for shops, services and eateries in the Central Business District.
- **Align redevelopment efforts in the Central Business District with other redevelopment and planning initiatives.** There are opportunities for synergy between projects in Highlands such as the Captain's Cove and Shadow Lawn redevelopments, improved waterfront access, upgrades to utility infrastructure and potential "Transit Village" designation.

## C. Uses

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- **Continue to permit and support a range of commercial uses and attractions.** Highlands has a variety of existing businesses, but would benefit from additional complementary uses, including businesses not currently located in the Redevelopment Area, attractions, arts, culture and entertainment.
- **Permit residential-only development in accordance with design that enhances the streetscape.** While commercial uses and mixed-use development will continue to be permitted throughout the CBD Zone District, new residential development will also be permitted, subject to flood control, land use, bulk restrictions, and other regulations.
- **Provide housing for a diverse population.** New and renovated residential units should include a range of sizes, types and prices.

## D. Circulation

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- **Incorporate "Complete Streets" principles in street and site design.** Private and governmental actions implementing this Redevelopment Plan should consider the needs of pedestrians, bicyclists, public transit users, and motorists during design and throughout all stages of any new roadway or streetscape project, in order to make streets safer for all users.
- **Promote pedestrian activity and bicycle usage.** Taking the above recommendation one step further, building and site design should

consider the existing prevalence of non-motorized transportation in the Redevelopment Area and environs and support walking and bicycling.

- **Utilize creative design techniques to provide adequate parking.** While parking is necessary to support most uses, addressing parking requirements onsite is not feasible or necessary for all uses. Allowing shared parking among uses, providing additional publicly available parking, and allowing payment in lieu of providing parking are some of the measures that should be considered.



The eastern end of Bay Avenue includes several traditional mixed-use buildings with ground-floor retail.

## V. FLOOD REQUIREMENTS

### A. General Zoning and Land Use Regulations

#### FROM ARTICLE II, DEFINITIONS

The following is from the Borough of Highlands' Zoning and Land Use Regulations, Article II, Definitions.

##### FLOODPROOFING.

Measures applied to a building that are intended to prevent or provide resistance to displacement, buoyancy and damage from flooding up to a certain elevation, so as to eliminate or reduce potential flood damage to the building and its contents. There are two (2) types of floodproofing:

- **Wet floodproofing**, which are measures that allow floodwaters to enter a building, and thereby balance hydrostatic pressure on the structure during a flood. Wet floodproofing generally includes using flood-resistant materials, protecting mechanical and utility equipment, and using openings or breakaway walls; and
- **Dry floodproofing**, which are measures that prevent floodwaters from entering a building. Dry floodproofing generally includes making the building watertight through sealing openings, installing waterproof doors and windows, or sealing walls with waterproof coatings, impermeable membranes and/or a supplementary layer of masonry or concrete.

It should be emphasized that for the CBD of Highlands, dry floodproofing is a strategy that can be used to protect retail or commercial space below the Base Flood Elevation (“BFE,” see **next section**); but it is not allowed as a measure to protect residential buildings, except for parts of a building that are used for access, parking, or storage. With dry floodproofing, building walls and foundations may require retrofitting to be strong enough to withstand hydrostatic pressure from water and scouring, shearing, and overturning forces. **Dry floodproofing is most practical when the BFE is less than 3 feet above grade<sup>1</sup>, due to the excessive hydrostatic forces.**

<sup>1</sup> Sources: Coastal Flood Resilience Design Guidelines, Boston Planning and Development Agency, Draft, September 2019, page 47; and Resilient Retail, NYC Department of City Planning, July 2016, page 36.



## FROM ARTICLE XXIV, FLOOD DAMAGE PROTECTION

The following sections are from the Borough code chapter on Flood Damage Protection, which deals with the Borough as a whole (that is, it is not specific to the CBD). BASE FLOOD ELEVATION (BFE).

This is defined (§21-113) as follows:

The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year. For zones VE and V1-30 the elevation represents the stillwater elevation (SWEL) plus wave effect (BFE = SWEL + wave effect) resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Most occupiable, usable space in a building is required to be elevated to at least one foot above the BFE. Therefore, for brevity, this Redevelopment Plan often uses the term “**BFE+1**” as shorthand to mean “Base Flood Elevation plus one foot.”

### Lowest Floor

This is defined as follows:

The **lowest floor** of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building’s lowest floor provided that such enclosure is not built so as to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

The Lowest Floor is an important concept because where retail or other active uses are encouraged or required, the Redevelopment Plan permits it to be built at-grade and dry-floodproofed, or raised at least one foot above the Base Flood Elevation, on what is effectively the second floor of the building. In either case, the floor containing the retail or other active space would be considered the Lowest Floor. In certain Overlay and Gateway Areas, an incentive in the form of additional height is provided to encourage retail or other active uses at the ground floor, where it can best create active streetscapes.

### General Standards: Enclosure Openings

The Zoning Ordinance (§21-124.5) specifies that:

All new construction and substantial improvements having fully enclosed areas below the “lowest floor” that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to

automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

### **Specific Standards: Residential Construction**

The Zoning Ordinance (§21-125.1) specifies, in part, that:

New construction and substantial improvement of any residential structure located in an A or AE Zone shall have the “lowest floor,” including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the **Base Flood Elevation plus one (1) foot** or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

### **Specific Standards: Nonresidential Construction**

The Zoning Ordinance (§21-125.2) specifies, in part, that:

All new construction and substantial improvement of any commercial, industrial or other nonresidential structures located in the AE Zone shall have the “lowest floor,” including the basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

- Either elevated to or above the Base Flood Elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; or
- To be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water.

For non-residential uses, the first of the two approaches is more affordable, but would result in a gradual shifting of ground-floor retail spaces to an elevated zone, making for a fragmented downtown sidewalk environment. For this reason, this Redevelopment Plan provides a strong incentive for retail or other active uses to be provided at the ground floor, by means of a height bonus for higher story heights and a full additional story. See **Section VIID, Building Height**.

### **Coastal A Zones (§21-126)**

The Coastal A Zone of the Special Flood Hazard Area is an area that is subject to ‘Moderate Wave Action,’ and includes a large swath of Highlands along the beach coastline. It does not include the AE zone, and therefore does not affect building in the CBD Zone. Nevertheless, it is instructive to compare the requirements of the Coastal A zone with those of the AE zone, to see how building form could differ. In the Coastal A zone, all new construction and substantial improvements are required to be elevated on pilings or columns to a minimum height of Base Flood Elevation plus

one foot. All space below is required to allow *the unimpeded flow of water, except for breakaway walls*. With such requirements, no lobbies, showrooms, or other active retail spaces could be provided below BFE+ 1 foot in the A zone, even if such spaces were dry-floodproofed.

In contrast, the CBD Zone lies in the AE zone, and therefore is permitted to include dry-floodproofed at-grade space for retail or commercial uses, which helps to preserve the traditional downtown feeling of sidewalks lined by shops and restaurants.

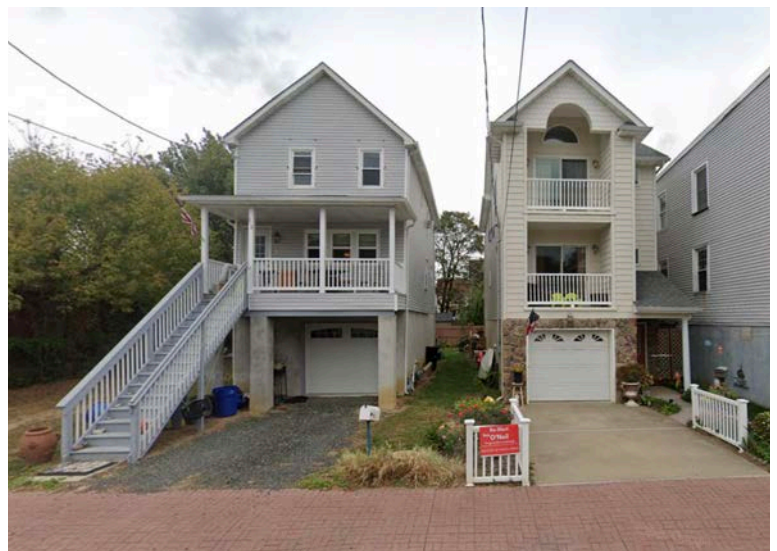
## **B. The Base Flood Elevation in the CBD**

Nearly all of Highlands' entire CBD Zone lies in FEMA's designated "AE" zone. The designated Base Flood Elevation here is 11 feet (based on the North American Vertical Datum of 1988)<sup>2</sup>, as shown on Figure 4. The ground elevation along Bay Avenue ranges from roughly 4 feet to nearly 6 feet<sup>3</sup>. Properties on the south side of Shore Drive within the CBD Zone are generally higher, at 8 to 9 feet elevation.

**As explained above, Borough zoning requires that all residential living spaces be elevated at least one foot above the Base Flood Elevation of 11 feet in the CBD Zone, a "BFE+1" of 12 feet.** Therefore, the "lowest floor" of residential living space will have to be located at least about 5 or 7 feet *above grade* for most parcels along Bay Avenue. Facing this situation, most residential builders will decide to create an even higher space under the building, to accommodate parking, so that the "lowest floor" may be closer to eight (8) to ten (10) feet *above grade*.

**Borough zoning allows non-residential spaces, such as retail storefronts, to be located at-grade and below the BFE+1, provided that they are dry-floodproofed.** Because dry-floodproofing is costly, a developer may find it more cost-effective to put the retail or other active use above BFE+1, over an at-grade level of parking, or omit it entirely. However, since elevated retail does not contribute as well to creating active, interesting sidewalks, this Redevelopment Plan offers strong incentives for retail or other active uses to be provided at-grade (see **Section VII.D., Building Height / Bonuses**). This Redevelopment Plan also provides Design Standards (**Chapter IX**) to

Many residential buildings in Highlands have already been adapted or built new for flood resiliency.



<sup>2</sup> Source: FEMA FIRM for Monmouth County, NJ Panel 88 of 457. Last updated June 20, 2018.

<sup>3</sup> Source: FEMA FIRM map at <https://apps.nationalmap.gov/viewer/>, using Spot Elevation Query in toolbar.

ensure that all buildings maintain an active relationship to the street, regardless of which floor contains the active uses.

## **C. Adapting the Ground Floor of Existing Buildings**

### **ADAPTING MIXED-USE AND COMMERCIAL BUILDINGS**

While existing mixed-use or commercial buildings in the CBD may be adapted by dry-floodproofing their ground floors, such an approach can be prohibitively expensive. Another approach that is possible if the ground floors have a sufficiently high floor-to-ceiling height, is to construct a raised floor area within the ground floor at or above the required BFE+1. The approach is two-fold:

- Where permitted by zoning and flood control regulations, the lower-value, less-critical areas of the ground-floor (such as restaurant seating or merchandise display areas), would be wet-floodproofed, allowing them to flood through intentional openings in the walls. These “sacrificial” floodable areas are best located within the front of the ground-floor space in order to allow views into the space from traditional storefront windows at sidewalk level. At a minimum, an entry lobby for the retail space can be provided in this floodable area at the sidewalk grade.
- The more critical areas of the ground floor (such as mechanical equipment, cash registers, and kitchen appliances) would be elevated above BFE+1 at the rear or center of the space, located on a dry-floodproofed raised-floor podium or hung on brackets from the ceiling, and connected to the wet-floodproofed areas by an internal staircase or ramp. Alternately, if ceiling heights and budgets allow, the majority of the ground-floor uses could be raised on a podium.

### **ADAPTING RESIDENTIAL BUILDINGS**

Existing all-residential buildings with residential space on the ground floor may be adapted by dry-floodproofing the ground floor and converting it to retail or commercial use, which is permitted below the Base Flood Elevation. Alternately, the ground-floor space could be wet-floodproofed and converted to parking and/or storage. Provided the building still complies with height limits, it might be possible to make up the residential space lost from the ground floor on a new top floor, with structural retrofitting as necessary to support the new floor.

## VI. LAND USE REGULATIONS

### A. Introduction

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This section provides regulations for future land uses within the Redevelopment Area. The designations are based on analysis of existing land uses, suitability for new uses and the availability of redevelopable land. The proposed land uses recognize existing conditions within the Redevelopment Area, while in some instances proposing changes in use to further the goals and objectives of this Redevelopment Plan.

It should be noted that uses on properties for which the zoning designation is changed may continue as legal non-conforming uses as a matter of law, regardless of any change in the zoning designation. It is only when the property owner seeks to change the existing use to another use that the new zoning standards will apply.

### B. Redevelopment Overlay Zones

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The Redevelopment Plan includes three redevelopment overlay zones as designated on **Figures 5 and 6, Redevelopment Overlay Zones, Gateways, and Height.**

#### **CBD REDEVELOPMENT OVERLAY 1 (C-RO-1)**

The C-RO-1 Overlay Zone, or “Overlay 1,” includes properties on both sides of Bay Avenue between Barberie Avenue and Cedar Avenue. These parcels flank the condominium development along Marina Bay Court.

#### **CBD REDEVELOPMENT OVERLAY 2 (C-RO-2)**

The C-RO-2 Overlay Zone covers the largest portion of the Bay Avenue corridor in the CBD Zone District. It comprises a large number of fairly small parcels that abut residential zones, generally located along both sides of Bay Avenue between Huddy and Barberie Avenues and between Cedar Avenue and Miller Street, and also on the north side of Bay Avenue between Miller Street and Shrewsbury Avenue.

#### **CBD REDEVELOPMENT OVERLAY 3 (C-RO-3)**

The C-RO-3 Overlay Zone is located at the eastern portion of the Borough, an area with generally wider, larger parcels and currently lower-intensity uses. This overlay zone is envisioned as an area where greater building height and larger scale development could be accommodated without affecting adjoining single-family homes.

FIGURE 5. REDEVELOPMENT OVERLAY ZONES, GATEWAYS, AND HEIGHT: WESTERN PORTION

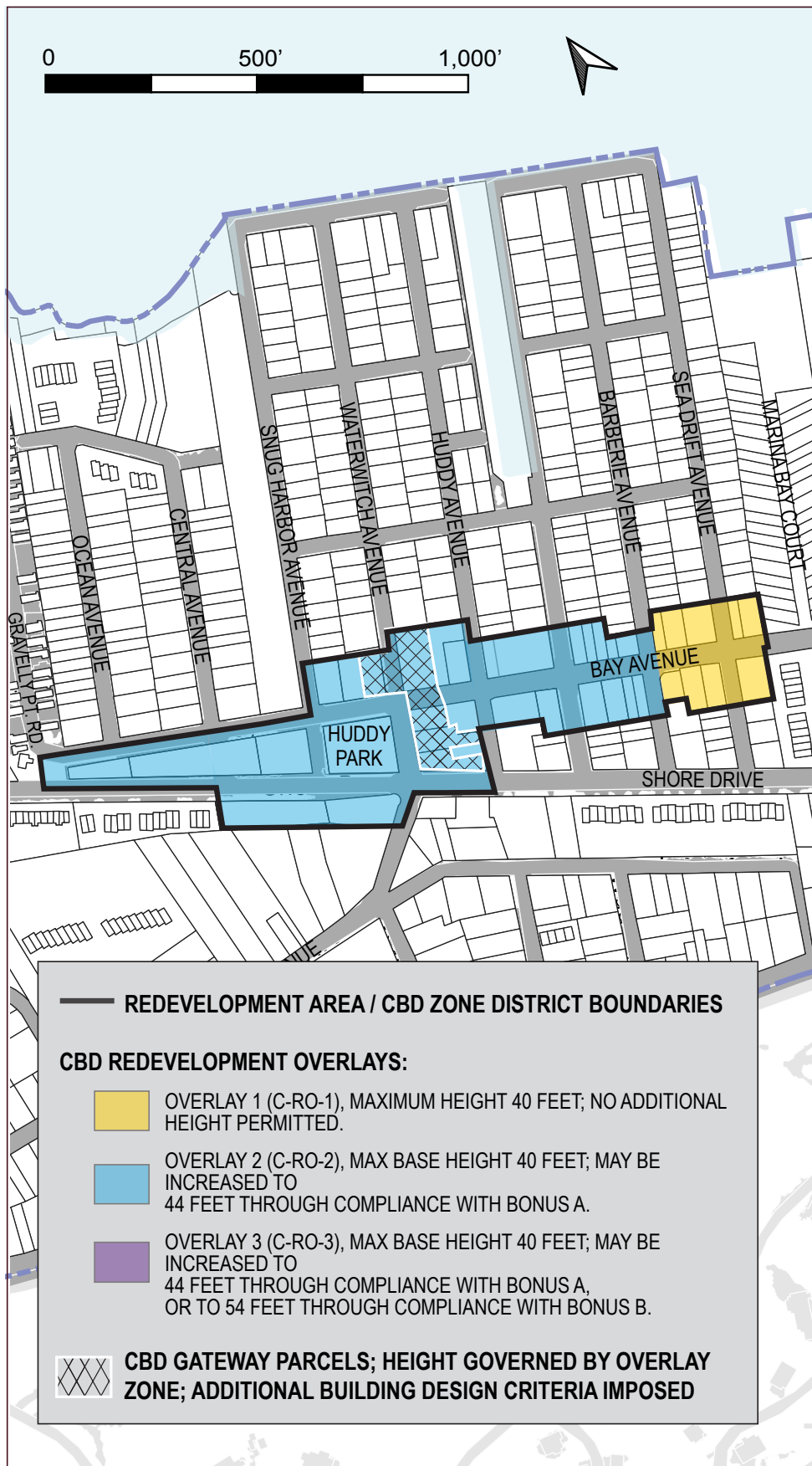
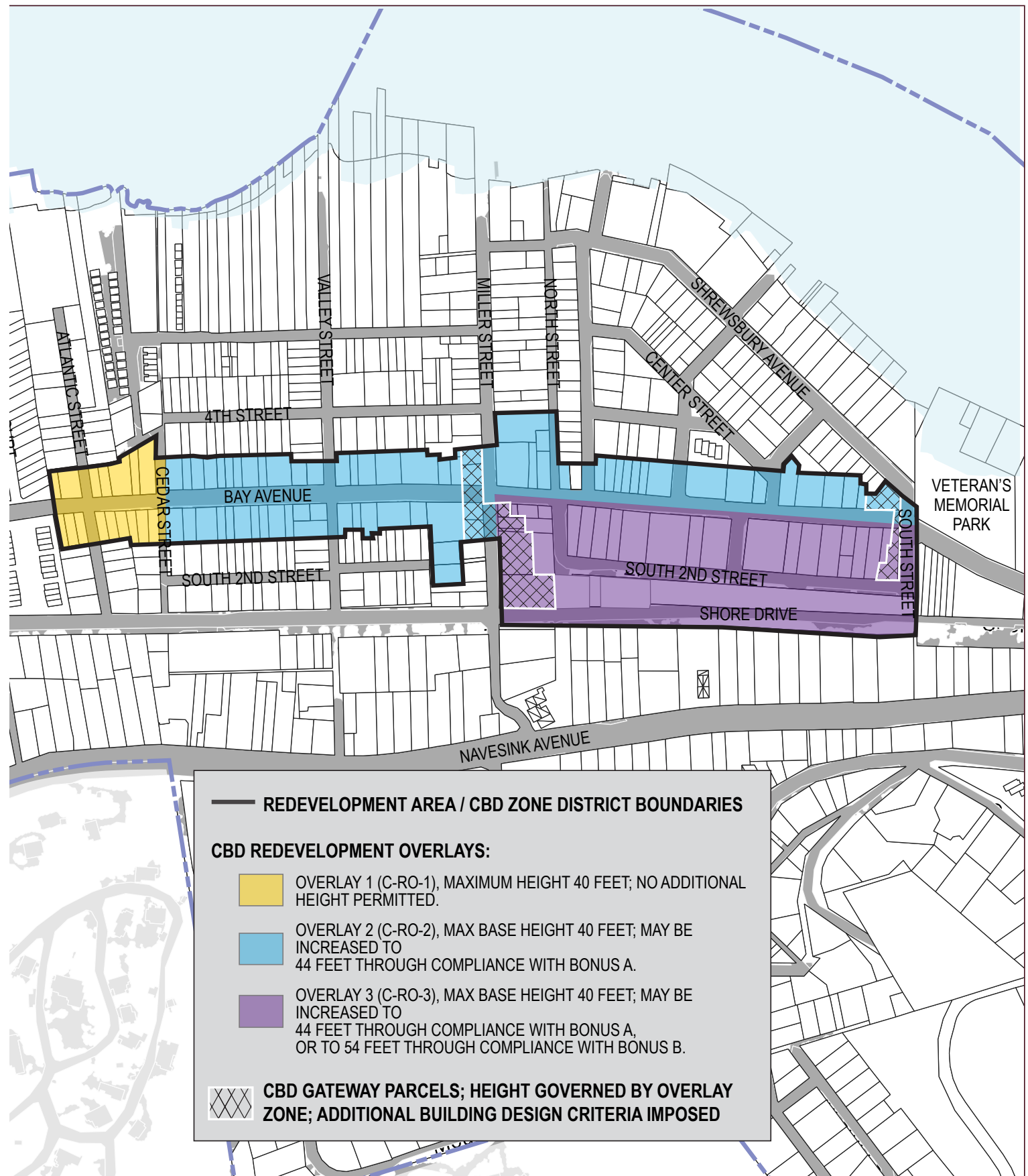


FIGURE 6. REDEVELOPMENT OVERLAY ZONES, GATEWAYS, AND HEIGHT: EASTERN PORTION



## C. Gateway Parcels

Special Gateway treatments are encouraged at certain intersections to reinforce the Central Business District’s identity as a distinct place and create a sense of entry to the Borough. The three “Gateways” are shown in **Figures 5 and 6** and include:

- Waterwitch Avenue at Huddy Park, between Bay Avenue and Shore Drive;
- Miller Street between Shore and Bay; and
- The eastern end of Bay Avenue near the Veteran’s Memorial Park.

These Gateway locations correspond to the intersections identified for special treatment in the 1995 Highlands CBD Design Manual. **Figure 5, Redevelopment Overlay Zones and Gateways**, shows the designated Gateway parcels.

In order to create a sense of arrival at these locations, this Redevelopment Plan requires architectural massing to create a focal point for new construction in the Gateway parcels. Such focal point elements should be located along Bay Avenue; or at the corner of Bay and Waterwitch Avenue or Bay and Miller Street; where a parcel does not adjoin Bay Avenue, the focal element should be along Waterwitch Avenue or Miller Street,

### REQUIRED MASSING ELEMENTS

Specifically, Gateway parcel buildings shall include massing elements that emphasize the Gateway at a corner or along a street corridor, for example: towers, cupolas, bay windows, corner entries, contrasting window or glazing patterns, and/or higher and varied roof heights and shapes. Generous front porches or roof terraces are recommended for residential buildings.

### ACTIVE USES AND DEEPER FRONT SETBACKS ENCOURAGED

In addition, retail or other uses are encouraged at the ground level or on an elevated Lowest Floor of buildings in Gateway parcels, and buildings are encouraged to provide deeper front setbacks that are landscaped as plazas. To help achieve these goals, buildings on Gateway parcels that fall within Overlay 2 or 3 are eligible for an additional four (4) feet of height (to a maximum of 44 feet) if they meet the requirements for the Height Bonus Option A. Buildings on Gateway parcels in Overlay 3 are eligible for an additional 14 feet of height (to a maximum of 54 feet) if they meet the requirements for the Height Bonus Option B. Refer to **Section VII.D, Building Height**, for more information.



## D. Permitted Uses

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### EXISTING CBD ZONING'S PERMITTED USES

All uses currently permitted in the underlying CBD zoning district, such as existing single-family homes, “residential above the first floor,” stand-alone retail or commercial, and mixed-use buildings with residential over retail or commercial uses, shall continue to be permitted in all three redevelopment overlay zones.

### CBD REDEVELOPMENT OVERLAY 1 (C-RO-1)

In addition to uses permitted in the underlying CBD Zone District, the C-RO-1 Overlay Zone also permits the following uses:

- Public parks and open space.
- Townhouses.
- Multi-family dwellings.
- Mixed-use buildings with any of the permitted uses stacked vertically within a building.
- Body piercing, tattoo and skin art studio as a conditional use, subject to the following requirements:
  - o Tattoo samples shall not be displayed in such a manner as to be visible to the general public outside the studio.
  - o Window displays shall not contain sample artwork or posters that have not been professionally mounted or framed.
  - o All establishments must comply with all health requirements of the Borough of Highlands and the Health Department of the State of New Jersey.

### CBD REDEVELOPMENT OVERLAY 2 (C-RO-2)

The C-RO-2 Overlay Zone permits all uses from the underlying CBD Zone District, and also permits all uses allowed in the C-RO-1 Overlay Zone. In addition, the C-RO-2 Overlay zone permits the following uses:

- Bed and breakfasts, which are designated as Conditional Uses in current zoning, are hereby changed to a Permitted Use in this Redevelopment Plan for Overlay 2. Bed and breakfasts shall comply with their conditional use requirements in the current Zoning Ordinance, §21-97.A Conditional Uses: Bed and Breakfasts. However, adherence to such requirements shall not be construed to mean that such businesses are a conditional use in the CBD; they are permitted uses.
- Mixed-use buildings with any of the permitted uses stacked vertically.

### **CBD REDEVELOPMENT OVERLAY 3 (C-RO-3)**

The C-RO-3 zone permits all uses from the underlying CBD Zone District, as well as those from the C-RO-1 and C-RO-2 Overlay Zones. In addition, the C-RO-3 Overlay Zone permits the following uses:

- Hotels, which are designated as Conditional Uses in current zoning, are hereby changed to a Permitted Use in this Redevelopment Plan for Overlay 3. Hotels shall comply with their conditional use requirements in the current Zoning Ordinance, §21-97.K, Conditional Uses: Hotels. However, adherence to such requirements shall not be construed to mean that such businesses are a conditional use in the CBD; they are permitted uses.
- Mixed-use buildings with any of the permitted uses stacked vertically.

### **ACTIVE USES**

See **Section VII.D. Building Height**, further down, for an explanation of Active Uses as related to building height bonuses.

## VII. BULK REGULATIONS

### A. Setbacks

Minimum required building setbacks are largely the same as in underlying zoning, as follows.

#### FRONT SETBACK

**For all properties in the CBD zone, a minimum two (2) foot front setback is required.** This will help to increase the effective sidewalk width. The required two-foot setback area must be paved with concrete in a similar pattern and material as the public sidewalk.

Where a property is a through lot that adjoins Bay Avenue on one side and another public street on the opposite frontage, Bay Avenue shall be defined as the front street.

**Section D, Building Height**, below, discusses optional height bonuses tied to various improvements, including providing a deeper front setback of at least eight (8) or 12 feet.

#### REAR SETBACK

The minimum rear setback is 12 feet.

#### SIDE SETBACK

No side yard setback is required where a property borders another property that is also located in the CBD Zone, however, if any side yard is to be provided, it shall be at least five (5) feet wide.

Where the side lot line of a property in the CBD Zone *directly* adjoins a property in a residence zone (that is, not where an intervening public street creates a separation), a side yard of minimum five (5) feet wide is required, and shall include a buffer as described in existing zoning, Section 21-65.3 Buffers.

## B. Coverage

### LOT COVERAGE

Maximum **lot coverage** is 80 percent.

As an incentive to create more active and pedestrian-friendly streetscapes, lot coverage for buildings in Overlay Zone 3 only may be increased to 88 percent if a building attains the requirements for the Height Bonus Option B, described below. These include having retail or other active uses on the ground floor frontage with minimum depth of 25 feet and a front setback area of minimum depth of 12 feet. Refer to **Section VII.D, Building Height**, below, for the full requirements.



Porous paving in a driveway

### BUILDING COVERAGE

Maximum **building coverage** is 80 percent.

## C Floor Area Ratio

**Floor area ratio (FAR):** No minimum or maximum FAR is required.

### HEIGHT EXAMPLE

#### 152 BAY AVENUE, HIGHLANDS

2 stories, retail and apartments

ESTIMATED TOTAL HEIGHT: ± 28' to 32' high from grade to  
ridgeline / peak of roof.

ESTIMATED ZONING HEIGHT:  
± 17' to 21' from BFE+1 (based  
on an illustrative grade of 5  
feet elevation, meaning BFE+1  
is 7 feet above grade) to the  
midpoint of the gabled roof.



## D. Building Height

### HEIGHT IN THE EXISTING ZONING CODE

#### Definitions

The existing zoning defines *building height* and the related concept of *grade plane* as follows. These definitions continue to apply under this Redevelopment Plan.

**BUILDING HEIGHT:** The vertical distance as measured from the grade plane to the average height of the highest roof surface. In the case of sloped roofs, the average height is the mid-point between the lowest roof eave of the top floor and the roof ridge. In the case of a building that has multiple roof levels, the highest roof levels must be used to determine the building height. Chimney, elevator equipment and mechanical utility equipment and any associated screening or enclosures may exceed the permitted “building height” by up to ten (10) feet, or up to ten (10%) percent above the permitted building height, whichever is less.

**GRADE PLANE:** Shall be defined as follows:

- **Areas Located Outside the Flood Hazard Area:** A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be preconstruction grade on level sites and not in excess of two (2) feet above the preconstruction grade on the upland side(s) of a structure on sloping sites. **[This definition is not applicable to the vast majority of CBD parcels.]**
- **Areas or Portions of the Building Area of a Lot Located Within the Flood Hazard Area:** The reference plane shall be the more restrictive of the base flood elevation or advisory base flood elevation of the flood hazard area plus one (1) foot. **[This definition applies to the vast majority of CBD parcels.]**

Note that the existing building height definition provides an incentive for pitched roofs because it measures height to the midpoint of a sloping roof, but to the deck level of a flat roof.

In addition to the zoning definition above, this Redevelopment Plan adds a clarification for the CBD: rooftop parapets are permitted to exceed maximum building height by up to four (4) feet.

#### Height Variations based on Site Grade

The zoning requires that height for all parcels within the Flood Hazard Area – which includes nearly the entire CBD – be measured with respect to the Base Flood Elevation plus one foot (“BFE+1”), which is 12 feet for this area. Because the finished grade of most parcels within the CBD is between 4 and 9 feet elevation, all such parcels will have some “free”

building height below the BFE+1 of 12 feet. But the parcels on the lowest-elevation ground will have the most effective available buildable height because there is more height available below the 12-foot BFE that can be used for parking. Refer to the **Figure 7** on the next page, in the discussion of **Base Height Allowance**, for an illustration of how different grades permit different total building heights, even within the same base height allowance. The same logic applies to building heights in relation to site grade under the optional Bonuses A and B.

**HEIGHT EXAMPLES**

**170 BAY AVENUE, HIGHLANDS**

2.5 story single-family over storage level.

ESTIMATED TOTAL HEIGHT: ± 32' to 36' high from grade to ridgeline / peak of roof.

ESTIMATED ZONING HEIGHT: ± 21' to 24.5' from BFE+1 (based on an illustrative grade of 5 feet elevation, meaning BFE+1 is 7 feet above grade) to the midpoint of the gabled roof.

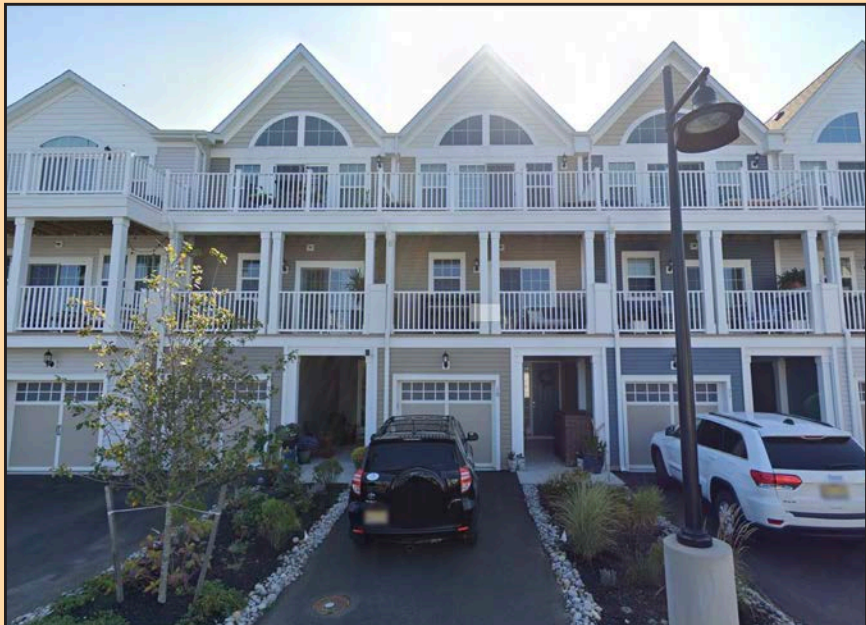


**7 HALFMOON COURT, HIGHLANDS (outside CBD)**

2-story townhouses over garage level

ESTIMATED TOTAL HEIGHT: ± 32' to 35' from grade to ridgeline / peak of roof.

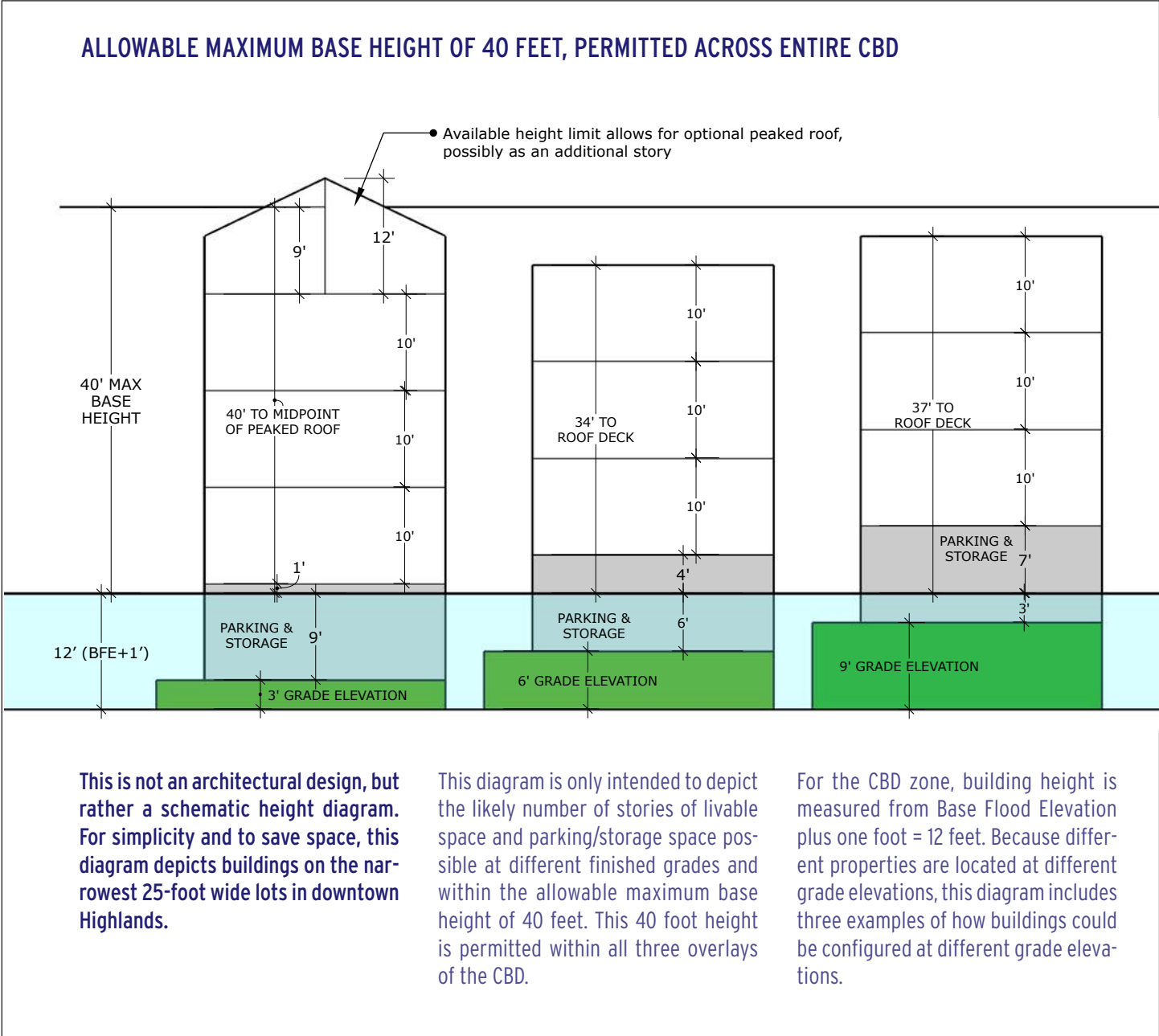
ESTIMATED ZONING HEIGHT: ± 22.5' to 25.5' from BFE+1 (based on an illustrative grade of 5 feet elevation, meaning BFE+1 is 7 feet above grade) to the midpoint of the gabled roof.



### BASE HEIGHT ALLOWANCE

Buildings in all three Overlay areas are permitted an as-of-right maximum height of 40 feet. **Figure 7** shows examples of how buildings can be constructed within this allowable 40 feet. The illustration also shows how total maximum possible building height will vary depending on the finished grade of a particular site.

FIGURE 7. ILLUSTRATION OF 40 FEET MAXIMUM BASE HEIGHT PERMITTED THROUGHOUT CBD



This is not an architectural design, but rather a schematic height diagram. For simplicity and to save space, this diagram depicts buildings on the narrowest 25-foot wide lots in downtown Highlands.

This diagram is only intended to depict the likely number of stories of livable space and parking/storage space possible at different finished grades and within the allowable maximum base height of 40 feet. This 40 foot height is permitted within all three overlays of the CBD.

For the CBD zone, building height is measured from Base Flood Elevation plus one foot = 12 feet. Because different properties are located at different grade elevations, this diagram includes three examples of how buildings could be configured at different grade elevations.

## BONUSES FOR ADDITIONAL HEIGHT ALLOWANCE

This section describes two entirely optional approaches by which a developer may gain additional permitted building height by complying with certain very specific requirements. These additional heights are only permitted in certain defined Overlay areas, not the entire CBD. The requirements are intended to help create a more spacious, engaging, pleasant, and environmentally-beneficial public realm, particularly along Bay Avenue. **Table 2** compares the major requirements necessary to attain Height Bonus A or B.

### Height Bonus Option A (Overlays 2 and 3)

In Overlay Zones 2 and 3, a Height Bonus Option A provides for the *option (not a requirement)* of building height to be increased by an additional four (4) feet, for a total of 44 feet maximum height, *provided that* they comply with certain requirements for active uses and front setbacks. The intention of this bonus option is to provide for more generous and higher-quality floor-to-floor heights, such as 12 to 14 feet for the Lowest Floor, and 11 feet for each of the upper floors. Requirements to gain this Height Bonus Option A shall include all of the following:

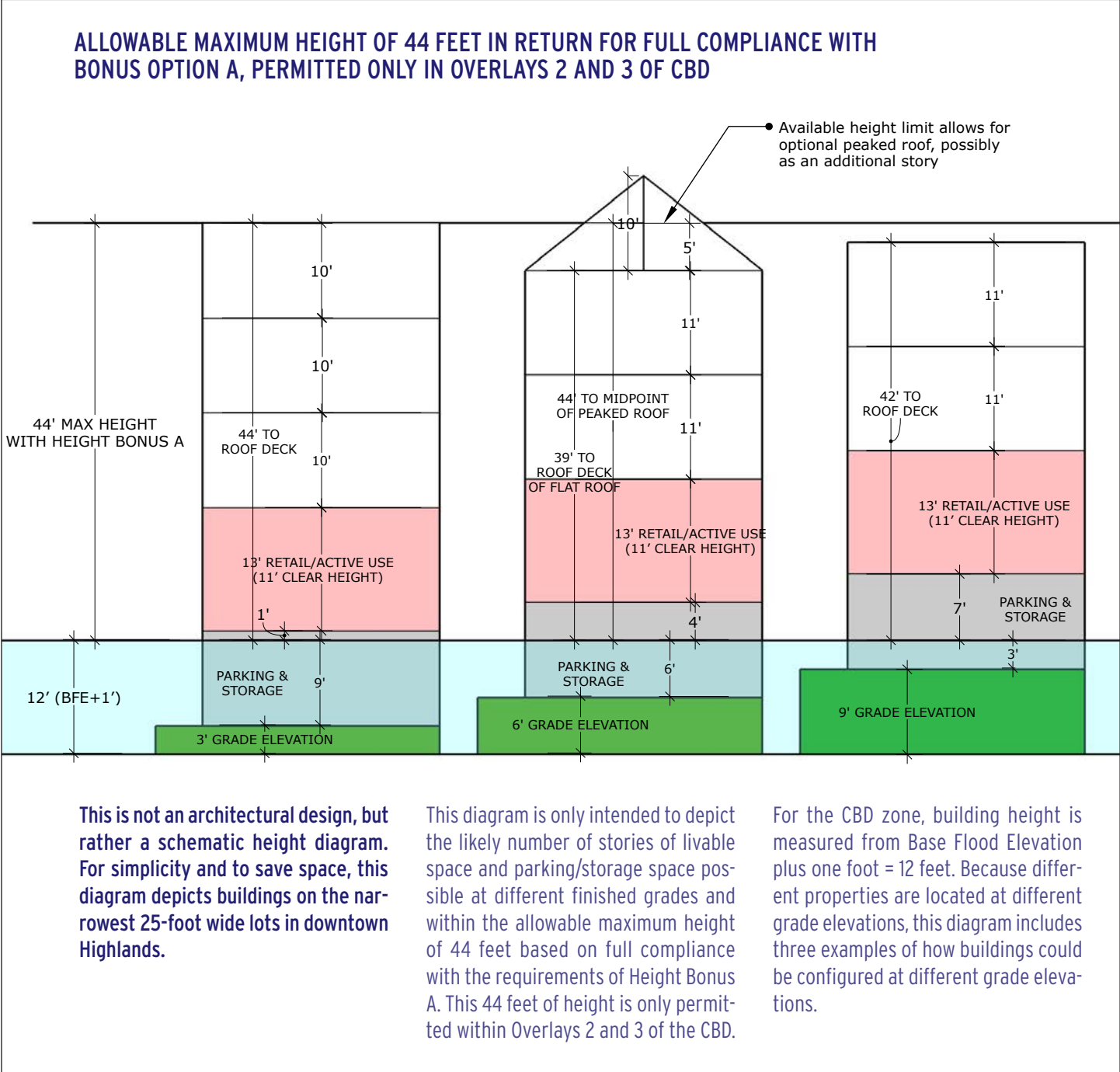
- The building shall provide a minimum eight (8)-foot deep front setback. The front setback area shall be improved with decorative paving and landscaping and at least a portion shall serve as an extension of the public sidewalk. Larger shade trees are encouraged, particularly to augment any gaps in street trees within the public sidewalk.
- All surfacing in the front setback shall be designed and maintained to permit infiltration of stormwaters, such as via porous paving, rain gardens, coarse gravel, and/or landscaping.
- The building shall provide active uses (see definition below) of minimum depth 15 feet on the Lowest Floor (as defined in zoning; this might be a dry-floodproofed ground floor or a floor raised above the BFE); and of minimum width of 50 percent of the building frontage.
- Any raised Lowest Floor active uses shall be accessed from the sidewalk by stairs leading up to an elevated deck or porch of minimum five (5) feet depth and occupying at least half of the building facade width. Stairs that are recessed within the building facade, and elevators, are not a means to meet this requirement; however, they may be provided as a secondary means of access.
- The Lowest Floor shall have a minimum internal clear height of 11 feet (floor to ceiling).
- Required setback areas may not be fenced off from the public sidewalk.



- The top floor of buildings that use the Height Bonus Option A shall comply with front and rear Stepbacks, as defined in **Section IX.A.4. Massing and Articulation / Stepbacks**, below.

**Figure 8** shows how buildings may be constructed within Height Bonus Option A's allowable maximum height of 44 feet, as well as how total maximum possible building height will vary depending on the finished grade of a particular site.

**FIGURE 8. ILLUSTRATION OF 44 FEET MAXIMUM HEIGHT WITH OPTIONAL BONUS A, AS PERMITTED ONLY IN OVERLAYS 2 AND 3**



This is not an architectural design, but rather a schematic height diagram. For simplicity and to save space, this diagram depicts buildings on the narrowest 25-foot wide lots in downtown Highlands.

This diagram is only intended to depict the likely number of stories of livable space and parking/storage space possible at different finished grades and within the allowable maximum height of 44 feet based on full compliance with the requirements of Height Bonus A. This 44 feet of height is only permitted within Overlays 2 and 3 of the CBD.

For the CBD zone, building height is measured from Base Flood Elevation plus one foot = 12 feet. Because different properties are located at different grade elevations, this diagram includes three examples of how buildings could be configured at different grade elevations.

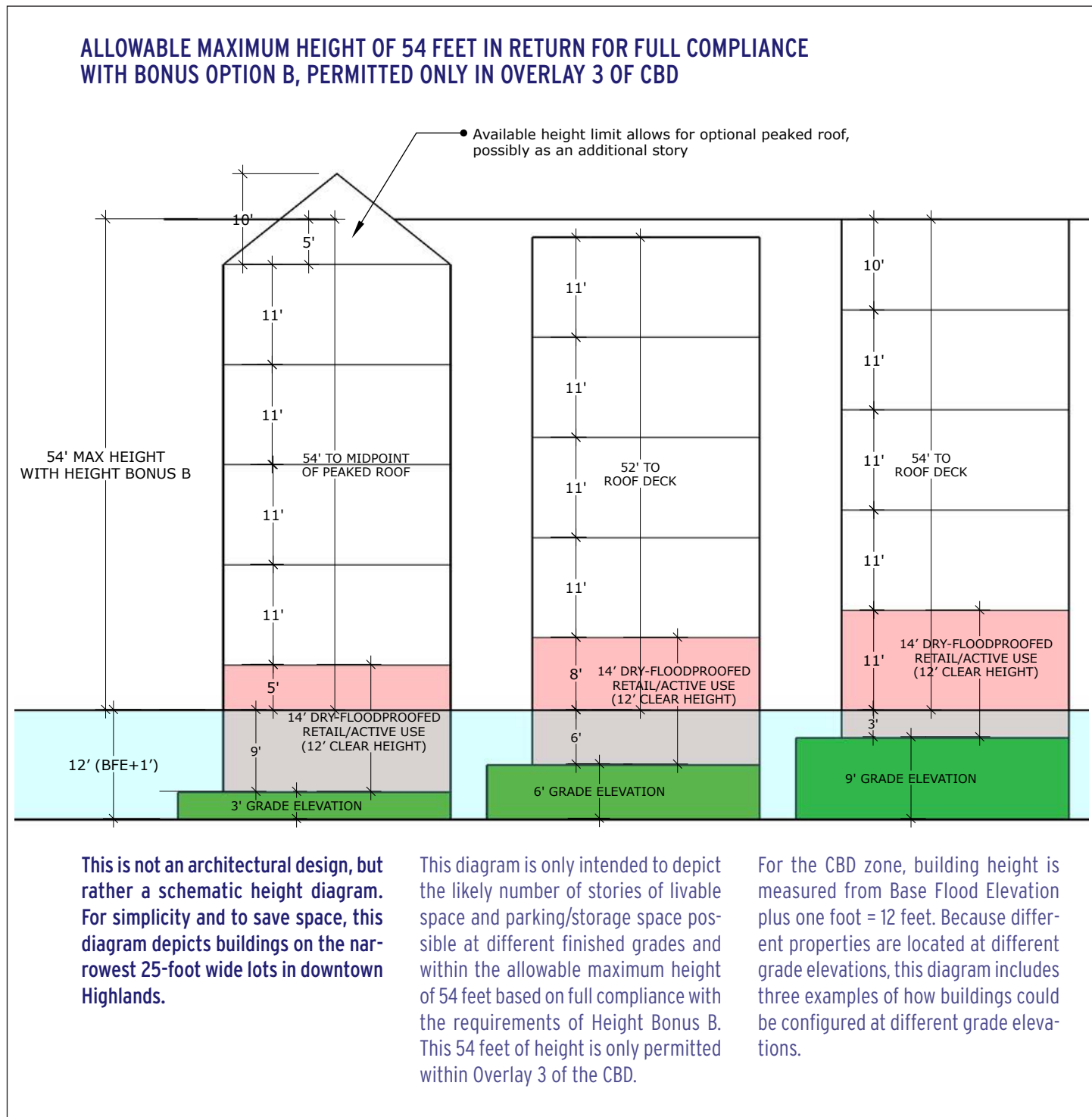
### Height Bonus Option B (Overlay Zone 3 only)

In Overlay Zone 3 only, a Height Bonus Option B provides for the option of building height to be increased by an additional 14 feet, for a total of 54 feet maximum height, *provided that* buildings comply with certain stronger requirements for active ground-floor uses and front setbacks. (This bonus is not cumulative with Height Bonus Option A.) The intention of this bonus is to provide for generous floor-to-floor heights *and* a full additional story, as compensation for the expense of providing dry-floodproofed ground-floor active uses. Requirements to gain this Height Bonus Option B shall include all of the following:

- The building shall provide a minimum 12-foot deep front setback. A portion of the front setback area shall serve as an extension of the public sidewalk.
- All surfacing in the front setback shall be designed and maintained to permit infiltration of stormwaters, such as via porous paving, rain gardens, coarse gravel, and/or landscaping.
- The building shall provide dry-floodproofed, ground-floor, active use(s), (see definition below) of minimum 25-foot depth and occupying at least 50 percent of the building frontage. “Ground floor” shall mean that the finished floor of the active use is within three (3) feet of the grade of the sidewalk at the store entry. All such ground floor uses shall be constructed in compliance with Borough Zoning §21-125.1 and §21-125.2, which govern Residential and Non-Residential Construction in Areas of Special Flood Hazard.
- The path to ground-floor entries shall remain unobstructed, but the remainder of the setback area shall be designed as a plaza with decorative paving, landscape planters, low and medium-height plantings, and small ornamental trees. Larger shade trees are encouraged, particularly to augment any gaps in street trees within the public sidewalk. Where appropriate to the adjoining use, the setback area shall include seating for outdoor dining or space for merchandise sales; otherwise, informal public seating shall be provided, such as a bench, small tables and chairs, or a low stone wall around a landscaping area. Pedestrian-scaled lighting and bicycle racks are encouraged as well.
- The second floor and all upper floors may include any of the permitted uses for Overlay Zone 3.
- Front porches and decks are permitted for the second floor and upper floors, and may include a staircase from the ground level.
- The ground floor shall have a minimum internal clear height of 12 feet (floor to ceiling).
- Required setback areas may not be fenced off from the public sidewalk.
- The top floor of buildings that use the Height Bonus Option B shall comply with front and rear Stepbacks, as defined in **Section IX.A.4. Massing and Articulation / Stepbacks**, below.
- Maximum lot coverage is permitted to increase from 80 percent to 88 percent if all requirements for this Height Bonus Option B are attained. See **Section VII.B, Coverage**, above.

**Figure 9** shows how buildings may be constructed within Height Bonus Option B’s allowable maximum height of 54 feet, as well as how total maximum possible building height will vary depending on finished grade.

**FIGURE 9. ILLUSTRATION OF 54 FEET MAXIMUM HEIGHT WITH OPTIONAL BONUS B, AS PERMITTED ONLY IN OVERLAY 3**



**TABLE 2. COMPARISON OF MAJOR REQUIREMENTS AND DIFFERENCES FOR BASE HEIGHT AND OPTIONAL BONUSES A AND B.**

This is not a complete list of requirements for building and site standards, nor does it fully describe requirements for Bonuses A and B. Please refer to the text of this Redevelopment Plan for complete details, including definitions of Active Use and Lowest Floor.

	<b>BASE AS-OF-RIGHT HEIGHT</b>	<b>WITH INCREASED HEIGHT VIA BONUS A</b>	<b>WITH INCREASED HEIGHT VIA BONUS B</b>
<b>WHERE PERMITTED IN CBD</b>	All three Overlay Areas	Overlays 2 and 3 only	Overlay 3 only
<b>MAX. PERMITTED HEIGHT ABOVE BFE+1</b>	40 feet	44 feet	54 feet
<b>REQUIRED BUILDING ELEMENTS</b>	Ground Floor may only include parking, storage, and other uses compatible with wet-floodproofing.	Active Use at Lowest Floor, of min. 15-foot depth and occupying min. 50 percent of frontage width. Top floor compliance with front and rear building setback requirements. Elevated deck or porch required at any raised Lowest Floor, accessed from front staircase.	Active use in a dry-floodproofed Ground Floor, of min. 25-foot depth and occupying min. 50 percent of frontage width. Top floor compliance with front and rear building setback requirements.
<b>REQUIRED SITE ELEMENTS</b>	2-foot front setback, to be paved with concrete as an extension of the public sidewalk.	8-foot front setback, with landscaping and porous decorative paving.	12-foot front setback, with landscaping and porous decorative paving. Seating encouraged if appropriate to the Ground-Floor use.
<b>LOT COVERAGE</b>	80 percent	80 percent	May be increased to 88 percent if all requirements for Bonus B are met.

**HEIGHT EXAMPLE**

**288 BAY AVENUE, HIGHLANDS**

2-story single-family over garage level.

ESTIMATED TOTAL HEIGHT: ± 32' to 36' high from grade to ridgeline / peak of roof.

ESTIMATED ZONING HEIGHT: ± 21' to 25' from BFE+1 (based on an illustrative grade of 5 feet elevation, meaning BFE+1 is 7 feet above grade) to the midpoint of the gabled roof.



**HEIGHT EXAMPLE**



**5 WASHINGTON AVENUE,  
HIGHLANDS (outside the  
CBD)**

3-story single-family over  
garage level

ESTIMATED TOTAL HEIGHT: ± 34'  
to 42' from grade to ridgeline /  
peak of roof.

ESTIMATED ZONING HEIGHT: ±  
22' to 29' from BFE+1 (based  
on an illustrative grade of 5  
feet elevation, meaning BFE+1  
is 7 feet above grade) to the  
midpoint of the gabled roof.



## ACTIVE USES

Active uses at the ground floor, and to a lesser degree, on an elevated floor, create more pedestrian foot traffic, vibrancy, and visual interest at the sidewalk. Active uses that are permitted to be provided towards meeting the Height Bonuses, Option A or Option B, requirements include, but are not limited to:

- Restaurants, cafes, retail shops, boutiques, and kiosks, grocery stores, banks, certain types of walk-in service retail, such as hair salons and realtors, and art-related uses such as galleries, studios, and workspaces.
- Shared support spaces for upper floor residential units, such as lobbies and amenity areas such as resident lounges, mail rooms, game rooms, and work-out rooms.

The following uses are not permitted to count as active uses in the Height Bonus requirements because they tend not to contribute visual activity or “eyes on the street”:

- Office-type commercial uses, such as professional offices, law and accountant offices, insurance offices, and medical offices, and private residential units.
- Parking garages and entries to parking garages.



Examples of active street fronts with retail spaces, lots of windows, and outdoor seating in setback plaza areas.



## E. Required Open Spaces

### PRIVATE OPEN SPACE

For residential uses, this Redevelopment Plan applies a similar requirement for private open space as in existing zoning §21-91, A.4.b, with a couple of minor changes to remove the per-bedroom open space requirement and to allow porches, as follows.

For any building containing residential uses, outdoor living space is required at the rate of one hundred (100) square feet per unit; however, no additional open space is required based on the number of bedrooms. Each unit's minimum 100 square feet of outdoor space shall be private to and connected directly to the unit, either adjoining a floor of the unit or connected by a private staircase to the roof or the ground.

This private open space may be provided through any combination of outdoor, open-air spaces at ground level, directly adjacent to the unit and elevated in the form of balconies, decks, *porches*, and/or in the form of roof top terraces. Compared to existing zoning, *porches* – which are typically defined as an outdoor space that is covered with a roof -- are a new permitted format for the required private outdoor open space, and should provide more flexibility in building design because they can be covered with a roof or another floor of uses.

The areas provided shall be for the exclusive use of the adjoining residential unit and shall be sufficiently screened or otherwise designed to insure such privacy and exclusive use.

Front setback open spaces may not be counted as Private Open Spaces if they are provided as part of the minimum front setback requirements for Height Bonuses, Option A or Option B, as such spaces are intended to be public or shared communal spaces.

Open spaces must be exterior, out of doors, and open air. Indoor spaces such as resident lounges and gyms do not count as private open space.

### PUBLICLY-ACCESSIBLE OPEN SPACE

Buildings with retail or commercial space are encouraged to provide a plaza or pocket park with room for outdoor dining, café seating, merchandise sales, and/or informal public seating within front setbacks or any street-facing setbacks. This is encouraged even when the front setback is not tied to a Height Bonus. Benches, landscape planters, and small ornamental trees and bushes are encouraged in these front areas as well.



A modern style of covered porch



Private open space on a roof deck

## VIII. PARKING AND CIRCULATION

### A. Vehicular Parking

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#### PARKING SUPPLY

##### Ordinance O-21-29 (2021)

Borough **Ordinance O-21-29 (June 2021)** amended Section 21-65.14 of the Zoning Ordinance to address off-street parking requirements across the entire Borough. The new Ordinance continues to permit required parking to be provided on-site or off-site, and contains provisions that make it easier to provide parking for new development, such as:

- Residential uses are permitted to count first any available on-street parking spaces before determining the number of parking spaces that must be provided off-street.
- Outside the CBD, the non-residential parking requirement (excluding restaurants and bars) was lowered to 1 space per 600 square feet. In the CBD, the requirement remained one space for every 300 square feet GFA; however, a new exemption was added that allows the first 1,000 SF of GFA to be exempt from any parking requirements. The net result of these changes penalizes larger non-residential uses (those over 2,000 SF) in the CBD by imposing higher parking requirements than elsewhere in town.
- If the required non-residential parking supply cannot be provided on-site, the developer is required to pay an annual fee to the Highlands Capital Improvement Fund based on the number of deficient spaces so that the Borough may provide the parking at one of its municipal lots.
- Where a shared parking approach for uses with different peak demand periods could result in a total overall lower parking requirement, the Borough may allow the construction of the lesser number of spaces, provided the site plan shows how the additional space will be provided if necessary.

In order to streamline and unify parking regulations in the CBD, **this Redevelopment Plan includes new parking ratios (below) that shall replace those of Ordinance O-21-29. The Borough shall strike from Ordinance O-21-29 any regulations specific to the CBD.**

##### New Minimum Parking Ratios for Residential in the CBD

- Single-family detached and townhouses: follow NJ Residential Site Improvement Standards (RSIS) for single-family, namely 1.5 spaces for a two-bedroom, 2.0 spaces for three-bedroom, and 2.5 spaces for four-bedroom, and 3.0 spaces for five or more bedrooms.



- Two-family attached and multi-family buildings with three (3) or more units: follow RSIS for Midrise Apartments, namely 1.8 spaces for one-bedroom units, 2.0 for two-bedroom units, and 2.1 for three-bedroom units.
- **BONUS PARKING REDUCTION:** Any residential units in a building in Overlay Zones 2 or 3 containing retail or other active use on the Lowest Floor or ground floor, as specified for Height Bonuses, Option A or Option B in the **Section VII.D, Building Height**, may elect to follow the lower RSIS standards for High-Rise Apartments, namely: 0.8 spaces for one-bedroom units, 1.3 spaces for two-bedrooms, and 1.9 spaces for three-bedrooms.

### **New Minimum Parking Ratios for Non-Residential in the CBD**

- Bars and restaurants shall provide 1 space per 4 seats or stools (same as the Parking Ordinance O-21-29).
- For other non-residential uses: The first 1,000 square feet of non-residential space shall be exempted from parking requirements. After that, parking ratios shall be 1 space per 600 square feet of non-residential space. Where a building contains more than one non-residential space or storefront, the areas of each space shall be combined before deducting the 1,000 SF exemption, and the remaining space shall be used to determine required parking for all the non-residential areas as a whole. In other words, the 1,000 SF exemption may only be used once per building.
- Similar to how residential parking is addressed in Ordinance O-21-29, non-residential uses are now also permitted to first count any available and adjacent on-street parking spaces before determining the number of off-street parking spaces to be provided.

### **PARKING ACCESS**

Where possible on corner lots and through lots, structured parking and open parking areas under buildings should not be accessed from Bay Avenue, but rather should be accessed from the rear of the lot or from a side street. Such access allows for a more inviting and safer street frontage, without the interruption of garage doors or driveways.

The permitted number and width of driveways and curb cuts from a public street are discussed in existing zoning, **Section 21-65.5, Driveways**. In addition, in the CBD, continuous curb cuts (such as lead to a row of pull-in parking spaces) are prohibited.

## PARKING DESIGN AND BUFFERING

### Surface Parking Lots



A low wall and simple chain fencing delineate a parking lot.

The Borough’s **Parking Ordinance (Amending Section 21-65-14 of the Borough Code)** includes regulations that appear to apply to surface parking lots, and require that *non-residential* parking areas be “delineated by a treated wood guide rail ... a minimum of 30 inches above grade and consist of vertical and horizontal members.” The purpose of the guide rail appears to be to screen and improve the appearance of open, exposed parking areas.

### Parking Garages

The Ordinance also specifies that parking garages, where permitted and constructed, shall incorporate “features to add visual interest and improve the overall appearance of the structure as viewed from the street.”

### Exposed Parking Level on Ground Floor of a Building

Where the ground-level of a building, regardless of the building use, includes parking spaces that are exposed along any street frontage, one or more of the following improvements shall be included to soften the view of the parked cars. Any portion of street-facing building frontage that remains open, with the exception of driveways and garage entries, shall be buffered with a low masonry wall of one to three feet in height, a decorative fence of three to four feet in height, and/or a landscaping planter bed. Plantings, if used, should include a variety of species and should include those that maintain shape and texture through the winter, such as evergreens and tall native grasses. Alternately, the entire parking facade (except for driveways and garage entries) may be covered with a wood or PVC lattice screen, set within or behind regularly-spaced piers or columns.

### Solid Walls around Parking Level on Ground Floor of a Building

Where all or a portion of a ground floor garage’s solid facade wall faces a public street, it is important to break down the scale of the garage facade and provide some transparency and connection to the street. This is likely only an issue on wider parcels that have extensive street frontage, or on a corner lot; on the typical interior-block narrow residential lot, the garage door and porch stairs or front door likely occupy the entire street-facing facade, leaving little area of “blank” garage wall along the street.

Accordingly, any portion of a ground floor garage’s solid facade wall that faces a public street shall include the following measures. Windows and/or ventilation screens or grates should be provided at least every 20 feet.

High clerestory windows with translucent or opaque glazing are suggested for maximizing privacy while creating a sense of visual permeability in the parking facade. Alternately, metal grilles or screens may be used in garage windows to allow inflow and outflow of floodwaters. Large expanses of garage walls should be broken down in scale, for example with a thicker masonry base, accent trim, and/or contrasting textures or brickwork.

Garage door design is discussed below in **Section IX. Design Standards / Building Design / Facade Transparency / Garage Doors.**

## **B. Bicycle Parking**

For buildings containing more than three (3) residential units, indoor bicycle parking racks shall be provided within a secure, access-controlled room inside each building or within a separate area within the garage, at a minimum ratio of one indoor bicycle parking space for every 4 residential units. At least 15 square feet of area shall be provided for each bicycle space to account for maneuvering room around handlebars and pedals; double-height racks to stack bicycles are permitted in order to meet this requirement. Bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured.

Outdoor bicycle racks shall also be provided near the primary pedestrian entry, as follows. A minimum ratio of one (1) outdoor bicycle parking space shall be provided for every eight (8) residential units, as well as one (1) outdoor bicycle space for every 2,000 square feet of retail or commercial space. Bicycle racks must be securely anchored and designed to allow the bicycle frame and one wheel to be secured.



Attractive outdoor bicycle parking racks

## IX. DESIGN STANDARDS

### A. Building Design

#### BUILDING ORIENTATION AND ACCESS

For parcels with frontage along Bay Avenue, the front facade shall face Bay Avenue. For parcels not adjoining Bay Avenue, but located along Shore Drive, the front facade shall face Shore Drive. For parcels not located along either of these streets, the orientation of the front facade is flexible.

The primary entry door to ground-floor retail or commercial uses shall be located within the front facade.

The primary entry door to residential uses in an all-residential building shall be located in the front facade, and may be placed within an at-grade residential lobby or vestibule in the front facade at the ground level, connecting via an internal staircase to the elevated “lowest floor”; or on the elevated “lowest floor,” accessed by an external staircase and porch at the front facade. In mixed-use buildings, residential entry doors may be located on a side facade as long as the entry door to the other active use is located in the front facade.

#### FACADE TRANSPARENCY

##### Retail / Commercial Uses

At least 50 percent of the front facade area of retail and commercial spaces (whether ground-floor or elevated) shall have large storefront-style plate glass windows and fully-glazed doors, in order to maximize visibility into the space. Where a building’s retail or commercial space wraps the corner at a side street, the side frontage shall include windows comprising at least 50 percent of that floor’s facade area for at least the front ten (10) feet of the space.

Outdoor dining can help enliven streets.



Roll-up or fold-away windows or walls are encouraged for front facades of restaurants, cafés, and other retail businesses in order to allow the interior space to be more open and well-ventilated during good weather or during a pandemic. Seating for outdoor dining is encouraged as well.

##### Residential Uses

The primary entry door for residential uses shall include a glazed area, such as a row of glass lites or a large panel of

glass. To further accentuate the door, side lite windows and wall-mounted sconce lighting are encouraged.

Residential uses on upper floors shall include windows comprising at least 25 percent of the facade area along all street-facing facades. In order to strengthen the relationship between private interior space and the public sidewalk, multi-family buildings shall place common areas such as lobbies, mail rooms, and amenity spaces at the front facade, where they can take advantage of larger areas of windows.

## Garages

Garage doors shall be paneled, and shall include a row of glazed lites (window panes), which may be frosted or opaque for privacy and security concerns. Alternately, mesh or metal screens are permitted in lieu of lites in garage doors in order to facilitate inflow of floodwaters in a wet-floodproofing configuration. Individually-operable garage doors are preferred over double-wide garage doors, because they have a smaller, pedestrian-friendly scale.

## PRESERVING THE CONNECTION BETWEEN UPPER FLOORS AND THE STREET

Given the requirements to elevate residential uses above BFE+1, and the expensive of dry-floodproofing any non-residential uses placed below BFE+1, it is likely that the Lowest Floor of buildings will be elevated, placing most of the activity – whether residential, retail, or other use -- far above the sidewalk. Where this is the case, the following requirements are intended to strengthen the relationship between the raised uses and the public sidewalk. These requirements are independent of whether a Height Bonus has been used (see **Section VII.D., Building Height / Bonuses**).

### Required Porch or Deck at Raised Lowest Floor

Where the Lowest Floor *containing any use* is raised above the sidewalk, a porch or deck shall be provided at the Lowest Floor, occupying the full width of the front facade. The porch or deck shall be accessed by generously-proportioned stairs and/or ramps; indoor elevators are also permitted but do not remove the need for the front porch or deck. The Lowest Floor facade should include a high proportion of windows. The configuration of the porch or deck's railings should not block views of the Lowest Floor windows from the sidewalk. Any turn in the staircase or ramps should happen at a low-enough height that the elevated front door remains visible from the sidewalk, rather than being obscured by railings.

For Lowest Floor *non-residential uses*, a series of terraces or landings with seating and landscaping should be incorporated into the stairs or ramps



An example of a generous front porch on the Lowest Floor.

to make them more inviting. The Lowest Floor porch or deck should be designed as an inviting space that encourages people to come up and explore, such as with seating, landscaping, and shade elements, and pedestrian-scaled lighting.

## MASSING AND ARTICULATION

### Vertical Bays

The following applies to all new buildings exceeding 40 feet in length or width. Such buildings shall be broken down along all street-facing facades into a series of vertical bays each not to exceed 30 feet in width. Each bay shall be defined by a physical change in plane of at least one (1) foot relative to adjacent bays, such as is provided by a recessed or projecting bay, stacked balconies or porches, or stacked projecting bay windows. Differentiation based only on facade colors or materials is insufficient to define a bay.

### Stepbacks

Buildings using either Height Bonus (see **Section VII.D. Building Height**) shall provide both front and rear stepbacks on the topmost floor, as follows:

- Buildings between 40.1 and 44.0 feet tall (that is, where additional height is permitted through attaining the **Height Bonus Option A**) shall provide front and rear stepbacks, each of a minimum six (6) feet deep.
- Buildings taller than 44.1 feet (that is, where additional height is permitted through attaining the **Height Bonus Option B** for a maximum height of 54.0 feet) shall provide front and rear stepbacks, each of a minimum ten (10) feet deep.

The stepbacks are measured relative to the primary facade plane of the floor below, and shall be designed as balconies, porches, or terraces for adjoining living spaces. A roof is permitted over stepback areas, but any such roof shall be designed and massed as secondary to the main roof mass of the building.

### Roof Form

Sloping roofs with deep eaves or overhangs are the preferred roof forms and are incentivized by the definition of where building height is measured. Cross-gables and dormers are encouraged on sloping roofs. Any areas of flat roof should receive horizontal emphasis such as deep overhangs, parapets, and/or cornices. On larger buildings, the roofline shape should vary in relation to the massing of vertical bays below.

## Articulation

Building facades shall be articulated and enlivened with elements such as bay windows, balconies, piers, corner boards, overhangs, awnings or canopies, porches, windows and varied materials and textures, so as to avoid large uninterrupted areas of blank walls. Shutters, if used, shall be large enough to actually cover the window they frame, even if they will remain fixed in place.

On buildings with ground-floor retail or commercial uses, architectural accents shall be used to highlight the ground floor, such as: a cornice band above the storefront floor, flat sheltering canopies over entryways and large expanses of windows, wall-mounted sconce or gooseneck lighting, decorative tilework, and attractive signage. In addition, higher floor heights are encouraged for ground floors.

## Gateway Massing

Special Gateway treatments are required on new buildings located at important intersections to reinforce the Central Business District's identity as a distinct place and create a sense of entry to the Borough. The three identified Gateways to the CBD are shown in the **Figure 5, Redevelopment Overlay Zones and Gateways**, and include parcels bordering Waterwitch Avenue at Huddy Park, between Bay Avenue and Shore Drive; Bay Avenue at Miller Street; and Bay Avenue at Shrewsbury Avenue and the Veterans Memorial Park.

As explained in more detail above in **Section VI.C, Gateway Parcels**, buildings fronting onto these Gateway intersections are required to have accent massing to emphasize the corner. Additional height is permitted at these Gateways, as specified for their location within either Overlay 2 or 3, if they comply with the requirements for the Height Bonuses, Option A or Option B, as appropriate. Parking lots and garages shall be placed away from these important intersections where possible.

## Green Building Design

On southern exposures, buildings shall include projecting overhangs, flat canopies, brise-soleils / sunshades and the like to shield against solar gain, provide shade, and increase building energy efficiency.

Roof coverings painted in highly-reflective, light colors are encouraged. Green roofs are encouraged as a means to help detain precipitation and provide insulation to floors below.

Where a deeper front setback is required as a condition of attaining the Height Bonuses, Option A or Option B, this entire front setback is required to be surfaced with porous materials. See **Section VII.D. Building Height**

/ **Bonuses** for details on requirements for porous paving in front setback areas.

## ARCHITECTURAL STYLE AND MATERIALS

### Building Styles

A broad design palette is permitted, provided that buildings have high-quality design. Buildings are encouraged to make reference to prevailing historic styles and vernacular materials of the Jersey Shore, such as (but not limited to) shingle cottages, “gingerbread” trim, generous front porches (often on all levels of a building), and gambrel or hipped roof forms with dormers. However, references to historical motifs should be used in moderation and only where they form a cohesive design.

### Façade Materials

Preferred façade materials include fiber cement and wood siding in horizontal clapboards or shingles, board and batten siding, brick, cultivated stone, or other masonry. Stucco and EIFS are discouraged. Materials used below BFE+1 should be able to withstand periodic inundation by floodwaters.

### Application of Materials

No more than three different materials should be used as primary materials within each building bay. Within the chosen primary materials, variation in color, texture, and/or pattern may be employed to create further distinctions. Changes in materials, colors, texture, or pattern that occur across a horizontal line should be marked by a change in plane, dimensional band or belt cornice, a recessed channel, or similar horizontal feature. Materials should be extended around corners and extensions to a logical vertical break in plane, in order to avoid a “pasted on” appearance. The level of materials, detailing, and articulation should be consistent along all building facades, not just street-facing facades.

## B. Public Improvements

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This section discusses possible improvements that the Borough of Highlands could make on its public rights-of-way to help improve the pedestrian environment.

### GATEWAY TREATMENTS

Within the public right-of-way, special Gateway treatments at important intersections could help to reinforce the Central Business District’s identity as a distinct place and create a sense of entry to the Borough. Re-



fer to **Section VI.C., Gateway Parcels**, above for a description of three designated Gateways. It is recommended that the Borough improve the public streetscape in these areas with such features as unit-paver pedestrian crosswalks at all sides of major intersections, bulb-outs at the ends of parking lanes to shorten pedestrian crossing distances, “Welcome to downtown Highlands” signage, public art, and landscaped sidewalk plantings and accent street trees. A feasibility and design study is needed in order to plan these improvements in more detail.

## STREET LANDSCAPING AND OPEN SPACES

Downtown Highlands has few street trees. In part this is due to the very narrow sidewalk widths and the need to provide adequate clear walking paths for pedestrians. Street trees need generous planting volume to grow and thrive. In addition, periodic saltwater flooding may make for an inhospitable tree environment. Some towns with narrow sidewalks plant street trees in curbed planting areas within the parking lane between designated parking spots. Similarly, Highland could plant street trees in the parking lane between garage entry curb cuts. It should be noted, however that trees in the parking lane make it more difficult to street-sweep and plow snow.

Therefore, this Redevelopment Plan provides an incentive for planting of trees and other landscaping within front setbacks (i.e., on private land). The Height Bonuses, Option A and Option B (see **Section VIID. Building Height/Bonuses**, above), grant additional building height in exchange for several requirements, including a front setback area of 8 to 12 feet deep with landscaping. The landscaping in these front setback areas should include large street trees or smaller ornamental trees, either of which would contribute greatly to the appeal of Bay Avenue for pedestrians. In addition, the front setbacks will create an effectively wider sidewalk width, making the walking environment more spacious and comfortable.

## X. REDEVELOPMENT ACTIONS

This Redevelopment Plan provides for several actions in support of the overall Redevelopment Plan goals and objectives, as follows:

### **A. Outline of Proposed Actions**

Construction of new structures and other improvements will take place as proposed in Chapters V through IX of this Redevelopment Plan. Infrastructure will be constructed as set forth in one or more redevelopment agreements or as set forth in connection with site plan approval. Redevelopers should adhere to the overall parameters for development presented in this Redevelopment Plan.

### **A. Properties to Be Acquired**

The Redevelopment Area was designated as a “non-condemnation Redevelopment Area”; no properties are currently identified for acquisition by eminent domain for redevelopment purposes.

### **A. Relocation**

Any redeveloper will be required to provide for the temporary and permanent relocation, as necessary, of residents in the project area in accordance with applicable statutes and regulations.

The Redevelopment Area and surrounding areas include a substantial amount of decent, safe and sanitary dwelling units affordable to displaced residents.

### **A. Other Actions**

In addition to the actions described above, several other actions may be taken to further the goals of this Plan. These actions may include, but shall not be limited to:

- Demolition of existing structures as necessary to allow for new construction.
- The option to consolidate and/or resubdivide lots to the extent necessary.
- Provisions for utilities and other infrastructure necessary to service and support new development.
- Environmental remediation as necessary to effectuate the Redevelopment Plan.
- Creation and/or vacation of easements as may be necessary for redevelopment.

- The Borough may from time to time enter into redevelopment agreement(s) with property owners to the facilitate the goals of the Redevelopment Plan in accordance with the LRHL.
- Any and all other actions and powers authorized by State law, including, but not limited to, the LRHL.

## XI. GENERAL ADMINISTRATIVE REQUIREMENTS

### **A. Site Plan and Subdivision Review**

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For any development plan requiring site plan approval, prior to commencement of construction, a site plan for construction of improvements within the Redevelopment Area, prepared in accordance with the requirements of the MLUL, shall be submitted by the applicant for review and approval by the Highlands Land Use Board, unless such approval has previously been granted. One- and two-family homes are specifically exempt from site plan review. Subdivision approval shall also be required for any lot consolidations or mergers.

### **A. Easements**

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No building shall be constructed over a public easement in the Redevelopment Area without prior written approval of the Engineer of the Borough of Highlands.

### **A. Adverse Influences**

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No use or reuse shall be permitted which, when conducted under proper and adequate conditions and safeguards, will produce corrosive, toxic or noxious fumes, glare, electromagnetic disturbance, radiation, smoke, cinders, odors, dust or waste, undue noise or vibration, or other objectionable features so as to be detrimental to the public health, safety or general welfare.

### **A. Non-Discrimination Provisions**

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No covenant, agreement, lease, conveyance, or other instrument shall be affected or executed by the Borough of Highlands Mayor and Council or by a developer or any of his or her successors or assignees, whereby land within the Redevelopment Area is restricted upon the basis of race, creed, color, ancestry, sex, national origin, family status, disability, or sexual orientation in the sale, lease, use or occupancy thereof. Appropriate covenants, running with the land forever, will prohibit such restrictions and shall be included in the disposition instruments. There shall be no restrictions of occupancy or use of any part of the Redevelopment Area on the basis of race, creed, color, ancestry, sex, national origin, family status, disability, or sexual orientation.

## **A. Affordable Housing Provisions**

This paragraph addresses the requirements of the LRHL at N.J.S.A. 40A:12A-7 pertaining to existing affordable dwelling units. The Redevelopment Area includes 155 tax lots, of which approximately 100 are developed with buildings that include one or more residential units, either as a freestanding residential use or within a mixed-use structure. There are no known dwelling units in the Redevelopment Area subject to formal affordability controls. While there may be existing housing units that are affordable to low and moderate income households, it is not known precisely how many (if any) exist, and whether any such units will be removed as a result of implementation of the redevelopment plan. Any residents displaced by redevelopment of a building containing a dwelling unit will be provided statutory relocation services.

In addition, the mandatory set-aside requirements in Section 26-2 of the Borough of Highlands Affordable Housing Ordinance apply to any multifamily residential development of five (5) dwelling units or more, including the residential portion of a mixed-use project.

## **A. Deviation Requests**

The Highlands Land Use Board may grant deviations from the regulations contained within this Redevelopment Plan where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Redevelopment Plan, would result in peculiar practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Highlands Land Use Board may also grant such relief in an application relating to a specific piece of property where the purposes of this Redevelopment Plan would be advanced by a deviation from the strict requirements of this Redevelopment Plan and the benefits of the deviation would outweigh any detriments. No relief may be granted under the terms of this section unless such deviation or relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the Redevelopment Plan. An application for a deviation from the requirements of this Redevelopment Plan shall provide public notice of such application in accord with the requirements of public notice as set forth in N.J.S.A. 40:55D-12a and b.

Notwithstanding the above, any changes to the uses, heights, and densities permitted in the Redevelopment Area shall be permitted only by means of an amendment of the Redevelopment Plan by the Borough governing body and only upon a finding that such deviation would be consistent with

and the furtherance of the goals and objectives of this Redevelopment Plan.

### **A. Escrows**

Any redeveloper shall be responsible to post sufficient escrows to cover any and all costs of the professional consultants retained by the Borough of Highlands to review the proposed redevelopment project and advise the Borough on any and all aspects of the redevelopment process.

### **A. Electric Vehicle Charging Infrastructure**

Pursuant to the LRHL at N.J.S.A. 40A:12A-7, the Redevelopment Plan mandates the provision of public electric vehicle charging infrastructure in a manner that appropriately connects with an essential public charging network. There are multiple existing municipal parking lots in the Redevelopment Area, of which one or more may be considered for siting of the charging network. In addition, pursuant to P.L. 2021, c.171, which was signed into law on July 9, 2021, electric vehicle supply/service equipment and parking spaces pre-wired for electric vehicle supply/service are now permitted accessory uses in all zoning or use districts Statewide, and certain nonresidential and multifamily residential developments are subject to installation of electric vehicle charging infrastructure.

## XII. PLAN CONSISTENCY REVIEW

### A. Relationship to Master Plans of Adjacent Municipalities

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The Borough of Highlands shares municipal boundaries with the Borough of Atlantic Highlands, the Township of Middletown and the Borough of Sea Bright. However, the Redevelopment Area is located in the interior of Highlands and is not proximate to any of the adjacent municipalities. Furthermore, the Redevelopment Plan continues to permit the uses currently permitted in the Borough’s Central Business District and certain additional complementary uses. Therefore, this Redevelopment Plan will not impact any of the adjacent municipalities or their master plans.

### B. Relationship to the Monmouth County Master Plan

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Monmouth County’s current Master Plan was adopted in 2016. The Monmouth County Master Plan designates Highlands as a “Priority Growth - Reinvestment Area/Site Overlay (PG-RAS).” These are defined as “(a) reas or sites located within the PGIA where more intense or significant development, redevelopment, revitalization, and hazard mitigation investments are highly encouraged.”

The Redevelopment Plan is also consistent with the goals of the Monmouth County Master Plan, notably the following: “Promote beneficial development and redevelopment that continues to support Monmouth County as a highly desirable place to live, work, play, and stay.”

### C. Relationship to the State Development and Redevelopment Plan

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The New Jersey State Development and Redevelopment Plan (the “SDRP”) was originally adopted in 1992. The purpose of the SDRP according to the State Planning Act at N.J.S.A. 52:18A-200(f) is to:

Coordinate planning activities and establish Statewide planning objectives in the following areas: land use, housing, economic development, transportation, natural resource conservation, agriculture and farmland retention, recreation, urban and suburban redevelopment, historic preservation, public facilities and services, and intergovernmental coordination.

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-

adopted every three years, the SDRP has only been re-adopted once during the 29 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP. A timeframe for the adoption of the SSP is uncertain.

This Redevelopment Plan is thoroughly consistent with the SDRP and the draft SSP, as it epitomizes the smart growth principles set forth in both documents. In particular, the Redevelopment Plan promotes the preservation and reuse of developed property, and development of vacant properties, in an area well served by infrastructure, roads and transit, while also promoting upgrades to mitigate impacts from flooding. This Redevelopment Plan therefore furthers the goals, strategies and policies of the SDRP and the proposed SSP.



### **XIII. PROCEDURE FOR AMENDING THE PLAN**

This Redevelopment Plan may be amended from time to time upon compliance with the requirements of law. Applicable fees and escrows shall be payable to the Borough of Highlands for any request to amend this Plan.

No amendment to this Redevelopment Plan shall be approved without the review and recommendation of the Land Use Board, and a public hearing and adoption by the Borough Council. A copy of any proposed change to the Redevelopment Plan shall be filed with the Office of the Borough Clerk.

