



**BOROUGH OF HIGHLANDS**  
**LAND USE BOARD MEETING**  
22 Snug Harbor Avenue, Highlands NJ 07732  
Thursday, October 13, 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**

### **HEARINGS ON NEW BUSINESS**

- [1.](#) LUB2022-06: Martin 15 Barberie Block 77 Lot 15
- [2.](#) LUB2022-05: Link 72 Fourth St. Block 65 Lot 25

### **APPROVAL OF MINUTES**

3. September 8, 2022 LUB Meeting Minutes

### **EXECUTIVE SESSION**

- [4.](#) Attorney/Client Privilege: LUB Res 2022-09 Appeal

### **ADJOURNMENT**

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



Item 1.

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

## LAND USE BOARD APPLICATION

### FOR OFFICIAL USE

Date Rec'd: 7/19/2022 Application #: 2022-06 Fee: \$ 225 Escrow: \$ 750 <sup>ck# 120</sup> <sup>ck# 133</sup>

### 1. APPLICANT

Name: MARIE MARTIN  
Address: 90 3RD ST  
City: Hazlet Township State: NJ Zip: 07734  
Phone: 732-900-8830  
Email: MARIEsellsnj@gmail.com  
Relation to property: owner

### 2. OWNER

Name: Bruce & MARIE MARTIN  
Address: 90 3RD ST.  
City: Hazlet Township State: NJ Zip: 07734  
Phone: 732-900-8830  
Email: MARIEsellsnj@gmail.com

### 3. TYPE OF APPLICATION (Check all that apply)

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

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

### 4. PROPERTY INFORMATION

Block 77 Lot(s) 15 Address: 15 BARBERIE AVE  
Lot size 75X100 # of Existing Lots 1 # of Proposed Lots 2  
Zone SF-0 Are there existing Deed Restrictions or Easements? ☒ No ☐ Yes – Please attach copies  
Has the property been subdivided? ☒ No ☐ Yes If yes, when? \_\_\_\_\_  
Attach copies of approved map or approved resolution  
Property taxes paid through 8/1/22 Sewer paid through 8/19/22

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

Name: N/A  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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landuse@highlandsborough.org | 1  
**LAND USE BOARD**

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

Name: THOMAS FINNEGAN Surveyor  
Address: 245 E. End Ave  
Belford, N.J. 07718  
Phone: 732-787-0318  
Email: thomascfinnegan@gmail.com

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

**7. LAND USE**

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

2 family Residential

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

1) Portion to be subdivided 2) sell lot  
only

**C. ADDITIONAL INFORMATION:****Existing****Proposed**

**Residential:** How many dwelling units?  
How many bedrooms in each unit?  
How many on-site parking spaces?

2  
3 9 2  
0

lot 75 x 50

**Commercial:** How many commercial uses on site?  
How many on-site parking spaces?

\_\_\_\_\_  
\_\_\_\_\_

**RECEIVED**

**JUL 19 2022**

**LAND USE BOARD**

landuse@highlandsborough.org





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

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

N/A	Req'd	Exist.	Prop'd
<b>Minimum Lot Requirements</b>			
Lot Area			
Frontage			
Lot Depth			
<b>Minimum Yard Requirements</b>			
Front Yard Setback			
2 <sup>nd</sup> Front Yard Setback			
Rear Yard Setback			
Side Yard Setback, right			
Side Yard Setback, left			
Building Height			

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

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

N/A

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**RECEIVED**

JUL 19 2022

LAND USE BOARD  
landuse@highlandsborough.org

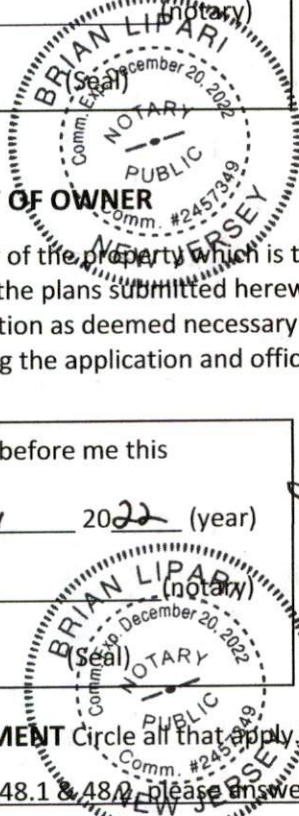


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www.highlandsborough.org

## 10. NOTARIZED SIGNATURE OF APPLICANT

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

SWORN & SUBSCRIBED to before me this  
18 day of July 2022 (year)  
[Signature]



[Signature] 7/18/22  
Signature Date  
MARIE MARTIN  
Print Full Name

## 11. NOTARIZED CONSENT OF OWNER

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

SWORN & SUBSCRIBED to before me this  
18 day of July 2022 (year)  
[Signature]

[Signature] July 18, 2022  
Signature Date  
Bruce R. Martin  
Print Full Name

## 12A. DISCLOSURE STATEMENT

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

Is this application to subdivide a parcel of land into six (6) or more lots? Yes  
Is this application to construct a multiple dwelling of 25 or more units? Yes  
Is this an application for approval of a site(s) for non-residential purposes? Yes  
Is this Applicant a corporation? Yes  
Is the Applicant a limited liability corporation? Yes  
Is the Applicant a partnership? Yes

No  
No  
No  
No  
No  
No

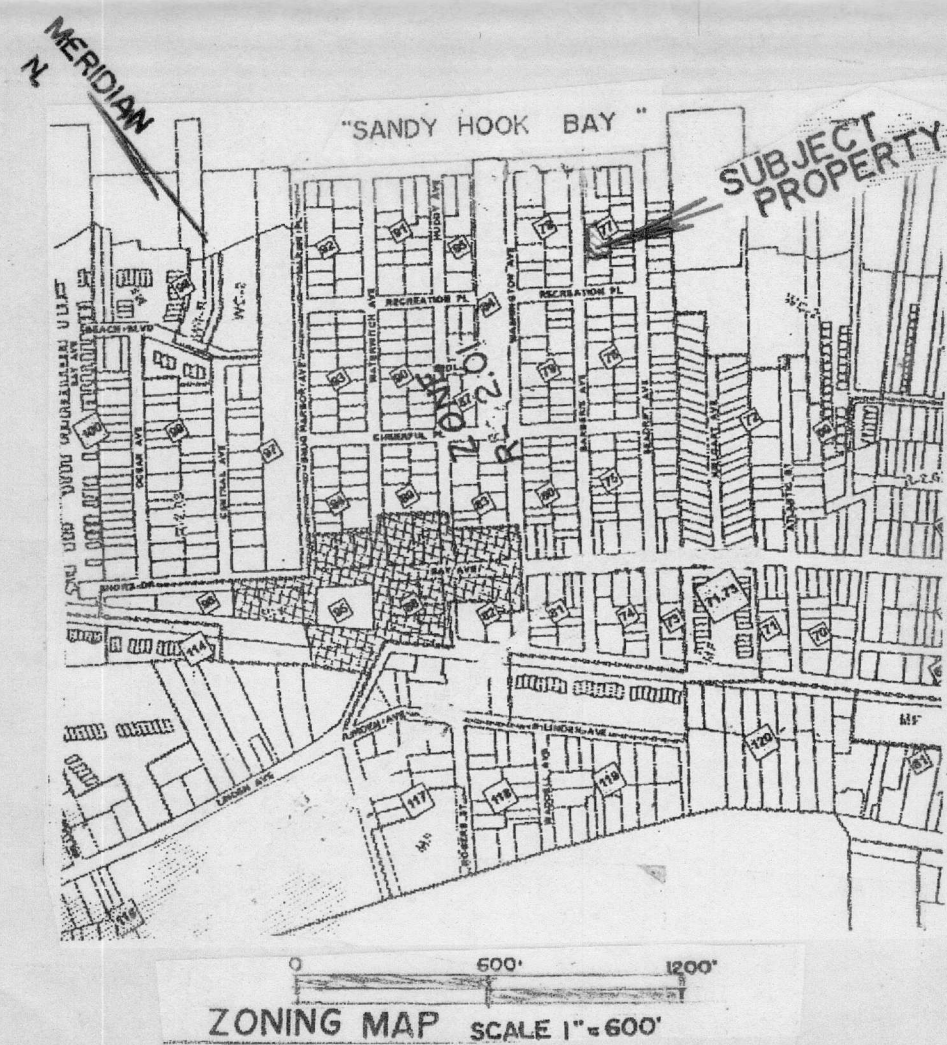
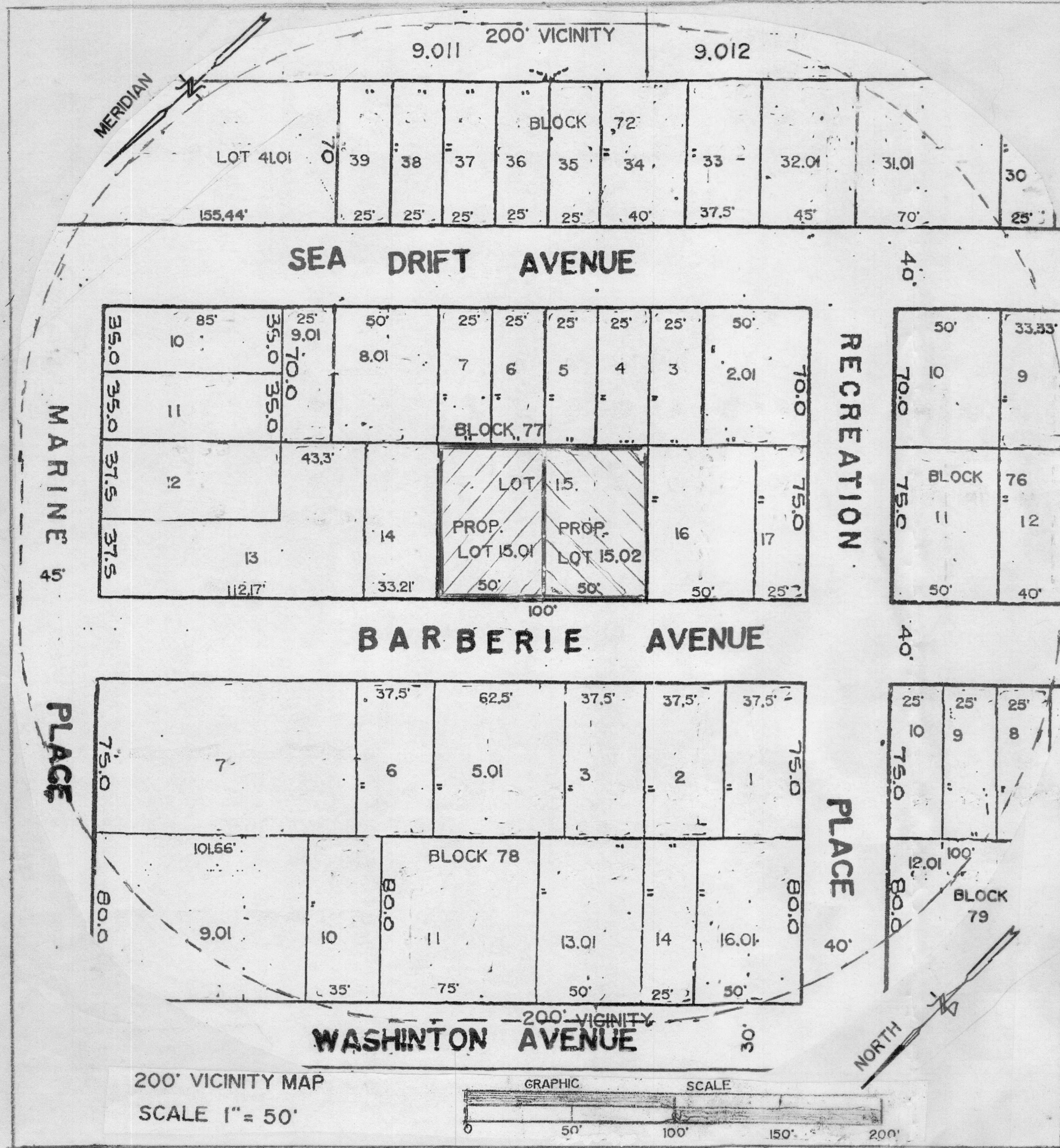
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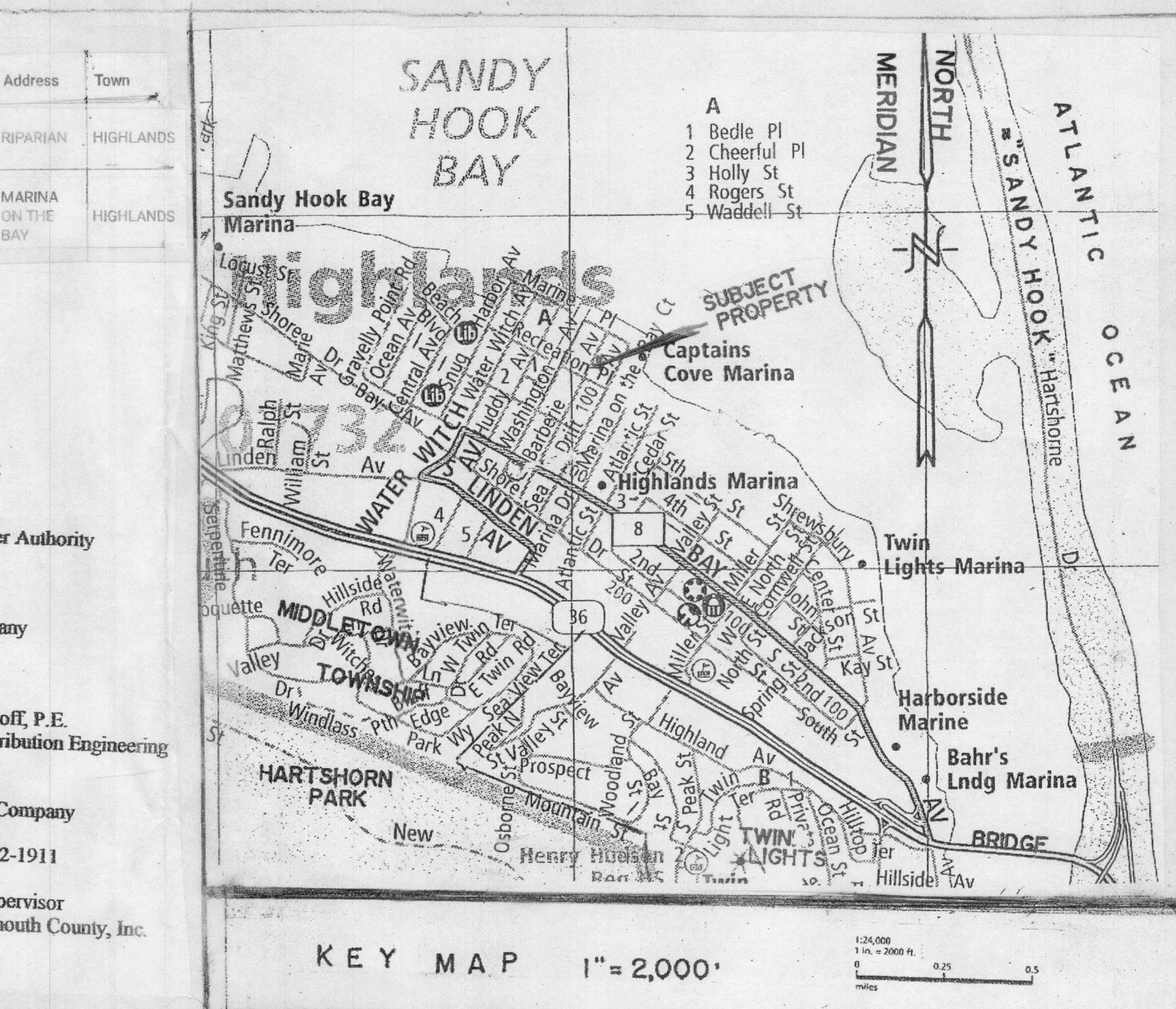
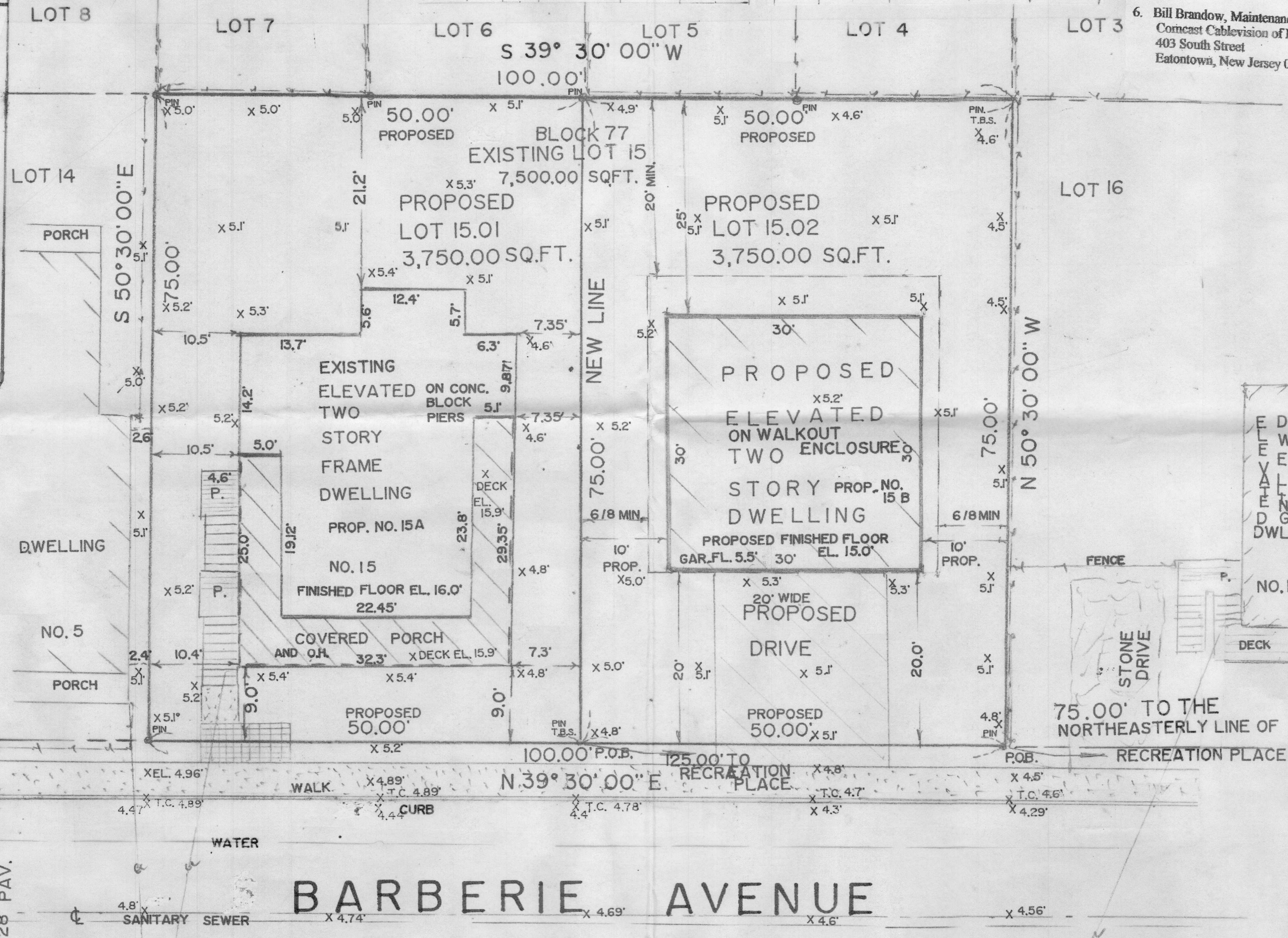
LAND USE BOARD 6





BOROUGH OF HIGHLANDS Schedule I - Bulk and Area Requirements									
Zone	Lot Size sq. feet	Lot Frontage feet	Lot Depth feet	Minimum			Height feet	Lot Coverage	Building Coverage
				Front Setback	Side Setback	Rear Setback			
RESIDENTIAL Single Family R-2.01	3,750	50	75	20	6/8	20	30	75%	33%
EXISTING LOT 15.01	3,750	50'	75'	9'	7/10'	21.2'	30'	39.65%	35.65%
LOT 15.02	3,750	50'	75'	20'	10'	25'	30'	34.66%	24%

OWNERS WITH IN 200 FEET									
Block	Lot	Qual	Owner Name	Address	Town	Block	Lot	Qual	Owner Name
72	31.01		SHANNON ENTERPRISES LLC	21-23 SEADRIFT AVENUE	HIGHLANDS	76	9		MALLOY, BRIAN K
72	32.01		ARIJKA PROPERTY, INC	19 SEADRIFT AVENUE	HIGHLANDS	76	10		OREGO, STEPHEN
72	33		HOLLEMEAK, PHILIP N	17 SEADRIFT AVENUE	HIGHLANDS	76	11		JOHNSON, J
72	34		KAJUL SHAMA	15 SEADRIFT AVENUE	HIGHLANDS	76	12		MINOT, DEBORAH E
72	35		CONNERTY, KIERA P	11 SEADRIFT AVENUE	HIGHLANDS	77	2.01		ROSSETTI, WILLIAM & TOMME JOY
72	36		FLYNN, COLLEEN	9 SEADRIFT AVENUE	HIGHLANDS	77	3		HEBRANK, RONALD
72	37		NESKE, J	7 SEADRIFT AVENUE	HIGHLANDS	77	4		OLIVEIRA, PAUL
72	38		O'MALLEY, BERNARD	5 SEADRIFT AVENUE	HIGHLANDS	77	5		DARRIGO, CLAUDETTE C & LOPEZ FAUSTO
72	39		HAMILTON, WAYNE T & ANNE T	3 SEADRIFT AVENUE	HIGHLANDS	77	6		SEADRIFT HIGHLANDS, LLC
72	41.01		SCARANO, GERARD D & PATRICIA G	1 SEADRIFT AVENUE	HIGHLANDS	77	7		GLADISH, MARY A
77	8.01		GALLAGHER, DANIEL J & PETER & JOHN	4 SEADRIFT AVENUE	HIGHLANDS	77	10		DIGALETO, JOHN
77	9.01		GUENTHER, WALTER P	2 MARINE PLACE	HIGHLANDS	77	11		GUENTHER, WALTER P
77	10		GUENTHER, WALTER P	4 MARINE PLACE	HIGHLANDS	77	12		SCHORIK, EDWARD & BARBARA
77	13		GIL, PAUL J	1-3 BARBERIE AVENUE	HIGHLANDS	77	14		GARRISON, JACQUELINE
77	15		MARTIN, BRUCE & MARIE	15 BARBERIE AVENUE	HIGHLANDS	77	16		HAGER, STEVEN
77	16		ROSSETTI, TOMME J	17 BARBERIE AVENUE	HIGHLANDS	77	17		ROSSETTI, TOMME J



OWNERS WITH IN 200 FEET									
Block	Lot	Qual	Owner Name	Address	Town	Block	Lot	Qual	Owner Name
78	1		KELLEHER, JOSEPH	20 BARBERIE AVENUE	HIGHLANDS	79	8		HUGHES, ROBERT W & JOANNE
78	2		DIBARI, EMANUEL	16 BARBERIE AVENUE	HIGHLANDS	79	9		BROWNING, VALERIE
78	3		ARIJKA PROPERTY INC	14 BARBERIE AVENUE	HIGHLANDS	79	12.01		JODZIEWICZ, DAVID & GLITHEREO, ANYA
78	5.01		ROWE, CRAIG	10 BARBERIE AVENUE	HIGHLANDS				
78	6		ROHRIG, LESLIE W & ALICE ROSE	6 BARBERIE AVENUE	HIGHLANDS				
78	7		ARIJKA PROPERTY INC	7 MARINE PLACE	HIGHLANDS				
78	9.02		STATE OF NEW JERSEY DEPARTMENT OF C	9 MARINE PLACE	HIGHLANDS				
78	9.03		CHELAK, YAROSLAW & KAREN	3 WASHINGTON AVENUE	HIGHLANDS				
78	10		RESILIENCY LLC	5 WASHINGTON AVENUE	HIGHLANDS				
78	11		MONGILLO, ALBERT JR & KATHRYN	9 WASHINGTON AVENUE	HIGHLANDS				
78	13.01		KAMPE, JOHN & MARY ANN	13 WASHINGTON AVENUE	HIGHLANDS				
78	14		GRAHAM, MARK S	15 WASHINGTON AVENUE	HIGHLANDS				
78	16.01		ROGA, WYNES N	17 WASHINGTON AVENUE	HIGHLANDS				

Note: If adjacent to State Highway (Route 35 or 36) Notify: Commissioner of Transportation, Dept. of Transportation, 1035 Parkway Ave. P.O. Box 101, Trenton, N.J. 08625

If adjacent to County or adjoining County Land; notify Monmouth County Planning Board, P.O. Box 1255, Freehold, N.J. 07728.

If situated within 200 feet of another Municipal boundary, you must also serve owners in that municipality.

N.J. Dept. of Environmental Protection, Land Use Regulation Element, Bureau of Regulation, P.O. Box 439, 501 East State Street, Trenton, N.J. 08625-0439 Attn: Monmouth County Section Chief.

PROPOSED LOT 15.01  
3,750.00 SQ.FT.  
EXISTING DWELLING IS 1,337 SQ.FT.  
AT 35.65% COV.  
EXISTING PORCH AND WALKS  
ARE 150 SQ.FT. AT 4% COV.  
TOTAL COVERAGE AT  
39.65 % COV.

PROPOSED LOT 15.02  
3,750.00 SQ.FT.  
PROPOSED DWELLING IS 900 SQ.FT.  
AT 24% COV.  
PROPOSED DRIVE IS 400 SQ.FT.  
AT 10.66 % COV.  
PROPOSED TOTAL COVERAGE AT  
34.66 % COV.

OWNER / APPLICANT: MARIE MARTIN AND BRUCE MARTIN  
90 THIRD STREET  
HAZLET, N.J. 07734  
732-900-8830

**MINOR SUBDIVISION OF LOT 15**  
**PROPOSED LOT 15.01 AND LOT 15.02, BLOCK 77**  
**ON TAX MAP SHEET 16, BOROUGH OF**  
**HIGHLANDS,**  
**MONMOUTH COUNTY, NEW JERSEY.**

THOMAS CRAIG FINNEGAN LAND SURVEYING LLC.

THOMAS CRAIG FINNEGAN P.L.S. N.J. LIC. 38601  
PROFESSIONAL LAND SURVEYOR  
245 EAST END AVENUE, BELFORD, N.J. 07718  
PH. 732-787-0318, FAX 732-495-6217, CELL 732-856-2821

SCALE 1" = 10' E-MAIL: TFINN58810@AOL.COM MAY 16, 2022  
OR THOMASCFINNEGAN@GMAIL

NOTE: SPOT ELEVATIONS ARE ON NAVD 88 DATUM  
THE PROPERTY IS IN FEMA ZONE AE ELEVATION 11FT.  
HIGHLANDS BOROUGH 345297  
FEMA MAP 34025C 0086 G  
DATED 06/20/2018

Certification statement for the required municipal signatures, stating:  
Application No. \_\_\_\_\_ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Minor Subdivision on \_\_\_\_\_ (date)  
Chairman \_\_\_\_\_  
Secretary \_\_\_\_\_





HGPB- R1940

August 16, 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: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residence (R-2.01) 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 July 19, 2022.
2. Minor Subdivision Plan prepared by Thomas C. Finnegan, P.L.S., of Thomas Craig Finnegan Land Surveying, LLC, dated May 16, 2022, 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: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residence (R-2.01) 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 if the application is approved.**
8. Existence and location of any utility or other easement. **Not 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. **Not 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.**
16. The Board reserves the right to require a feasible sketch plan layout of remaining land not being subdivided if it is deemed necessary. **The applicant has provided a house and driveway layout that demonstrate the sizes of proposed homes and the need for any additional setback relief.**
17. A lot grading plan, to be reviewed by the Borough Engineer, if required. **Not provided but can be deferred as a condition of approval.**

Although several 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: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residence (R-2.01) Zone  
Minor Subdivision  
First Completeness Review**

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

Very truly yours,

T&M ASSOCIATES

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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)  
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)  
Thomas C, Finnegan, P.L.S., Applicant's Planner (thomascfinnegan@gmail.com)  
Bruce & Marie Martin, Applicant (mariesellsnj@gmail.com)

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HGPB- R1940

August 16, 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: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
R-2.01 Zone  
Minor Subdivision  
Fee Determination**

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 July 19, 2022.
2. Minor Subdivision Plan prepared by Thomas C. Finnegan, P.L.S., of Thomas Craig Finnegan Land Surveying, LLC, dated May 16, 2022, consisting of one (1) sheet.

Please note the following fee calculations:

1. **Application fee: \$650.00**
2. **Escrow fee: \$1,300.00**

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

EWH:KJO:DV

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)  
Thomas C. Finnegan, P.L.S., Applicant's Planner (thomascfinnegan@gmail.com)  
Bruce & Marie Martin, Applicant (mariesellsnj@gmail.com)



HGPB-R1940

DETERMINATION OF FEES  
Martin Residence - 15 Barberie Avenue  
Block 77, Lot 15

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

## A. Variances

3. Residential "c" (minimum front yard setback, lot 15.01)	1	EA	\$	125.00	\$	125.00
3. Residential "c" (maximum building coverage, lot 15.01)	1	EA	\$	125.00	\$	125.00

## B. Subdivisions

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



HGPB-R1940

September 28, 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: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residential (R-2.01) Zone  
Minor Subdivision  
First Engineering Review**

Dear Ms. Tran:

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

1. Land Use Board Application for Subdivision, dated July 19, 2022.
2. Minor Subdivision Plan prepared by Thomas C. Finnegan, P.L.S., of Thomas Craig Finnegan Land Surveying, LLC, dated May 16, 2022, consisting of one (1) sheet.

Based on our review of the submitted documents, and a recent site visit, we offer the following comments for the Board's consideration:

**A. Project Description**

The 7,500 square feet property is currently developed with an existing elevated two-story single-family dwelling. The site is located in the Single Family Residential (R-2.01) Zone of the Borough with frontage along Barberie Avenue. With this application, the applicant is seeking minor subdivision and bulk variance approval to subdivide the property into two new lots. Proposed Lots 15.01 and 15.02 will contain 3,750 square feet with frontage on Barberie Avenue. The applicant proposes to maintain the existing dwelling on proposed Lot 15.01 and construct a new elevated two-story single-family dwelling on proposed Lot 15.02.

**B. Planning and Zoning**

In accordance with Section 21-86 of the Ordinance existing/proposed bulk criteria noted as follows:

R-2.01 Zone	Required	Existing Lot 15	Proposed Lot 15.01	Proposed Lot 15.02
Min. Lot Size	3,750 SF	7,500 SF	3,750 SF	3,750 SF
Min. Lot Frontage	50'	100'	50'	50'
Min. Lot Depth	75'	75'	75'	75'



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

**Re: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residential (R-2.01) Zone  
Minor Subdivision  
First Engineering Review**

R-2.01 Zone	Required	Existing Lot 15	Proposed Lot 15.01	Proposed Lot 15.02
Min. Front Yard Setback*	20' (10')	9' <sup>(E)</sup>	9' <sup>(V)</sup>	20'
Minimum Rear Yard Setback	20'	21.2'	21.2'	25'
Minimum Side Yard Setback	6'/8'	7'/10'	7'/10'	10'
Maximum Building Height**	30' (32.5')	30'	30'	30'
Maximum Building Coverage	33%	17.82% <sup>(C)</sup>	35.65% <sup>(V)</sup>	24%
Maximum Lot Coverage	70%	19.82% <sup>(C)</sup>	39.65%	34.66%

(E) – Existing Non-conformity

(C) – Calculated

(V) – Variance

\*Per Section 21-79.B and Schedule 1 of Section 21 of the Ordinance, in areas where at least 75% of the lots within 200 feet are already developed, the front yard setback may be either the required setback or the prevailing setback. The prevailing setback shall be the average setback of buildings on the same block in the same zone, but not less than the average of the setbacks of the buildings on the two nearest adjacent lots and in no case less than half the required setback.

\*\*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. Section 21-65.5.C.1 of the Ordinance permits a maximum residential driveway of 18 feet at curb, whereas 20 feet is proposed. The plans shall be revised, or a design waiver will be required.
2. The applicant shall provide testimony on the existing dwelling height on proposed Lot 15.01 and proposed dwelling height on proposed Lot 15.02. Building height calculations in accordance with the Borough's definition of "Building Height" and "Grade Plane" as noted in Section 21-8 of the Ordinance shall be provided.
3. The applicant shall confirm a garage will be provided underneath the proposed dwelling and how many parking spaces it will hold.
4. 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:



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

**Re:** Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residential (R-2.01) Zone  
Minor Subdivision  
First Engineering Review

- 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.

**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. The applicant shall confirm the proposed number of bedrooms for the new dwelling and has appeared to have provided two (2) parking spaces for the new development on proposed Lot 15.02. The applicant shall provide testimony on the existing parking conditions of dwelling on proposed Lot 15.01. A design waiver may be required.
2. 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 stormwater quantity, quality and recharge requirements of a major development.
3. While the project is not considered a major development, the applicant is proposing to increase impervious coverage by approximately 1,300 square feet. The applicant shall provide testimony on 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.
4. The applicant shall provide testimony on any adverse drainage impacts to the adjacent properties as a result of the proposed improvements.
5. 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.



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

**Re: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residential (R-2.01) Zone  
Minor Subdivision  
First Engineering Review**

6. A note shall be added to the plans indicating that all utilities shall be installed underground.
7. The applicant shall be aware that a sanitary sewer connection fee must be paid prior to issuance of building permits.
8. 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.
9. 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.
10. The applicant shall confirm whether the subdivision will be filed by deed or map. If it is to be filed by deed, copies of the deeds and associated metes and bounds descriptions should be submitted to our office and the Board attorney for review and approval. If 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 46:26B-2.b.3 of the Map Filing Law indicates that lot designations shall conform with the municipal tax map. The applicant proposes to subdivide Block 77, Lot 15, into two (2) new lots 15.01 and 15.02, respectively. While this appears to be the correct approach to the proposed number designation, the applicant's surveyor is directed to correspond with the Borough's Tax Assessor's office to request confirmation that this proposed lot numbering in accordance with the Assessor's preference and to assure that that there is no conflict with the Assessor's tax parcel data base numbering system.
  - 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. 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.
  - c. Section 46:26.B-3.10 of the Map Filing Law requires on minor subdivisions a monument be set at each intersection of an outside boundary line of the newly created lot or lots with the right of way line of any side of an existing street.
  - d. Typical setback lines need to be shown with at least one sample (TYP.) of each of the setbacks.





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

**Re: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residential (R-2.01) Zone  
Minor Subdivision  
First Engineering Review**

- e. 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, Land Use Board, owner, and applicant, with appropriate titles, shall be provided on the plan.
11. 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.
12. The applicant has only shown a generic proposed dwelling as part of this subdivision submission. The Board should determine whether a detailed plot plan will be required at this time for their review. Should the minor subdivision be approved, detailed plot plans demonstrating all proposed improvements, site grading, and stormwater management will be required prior to any construction, in addition to a zoning permit. Should any bulk variances be required at that time, the applicant shall return to the Board for approval.
13. It should be noted that both proposed Lots are located within the AE flood zone with a Base Flood Elevation (BFE) of 11 feet, and Proposed Lot 15.01 is partially located within the AE flood zone with a BFE of 12 feet. The applicant has indicated that the existing finished floor elevation of Proposed Lot 15.01 is 16 feet and the proposed finished floor elevation of Proposed Lot 15.02 is 15 feet. Additionally, it is recommended that the applicant obtains an Elevation Certificate for the subject property.  
  
We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
14. 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.
15. Architectural plans shall be provided for review including but not limited to floor plan and elevations.
16. The Building Department should review the architectural plans for ADA compliance.
17. The following construction details shall be provided and comply with the standards of the Borough Ordinance, including but not limited to:



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

**Re: Martin Residence  
15 Barberie Avenue  
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- a. Driveway
  - b. Concrete Apron
  - c. Depressed Curb
  - d. Concrete Sidewalk
  - e. Utility Trenching
  - f. Utility Connections
18. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.
19. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other off-site objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
20. The applicant shall provide testimony regarding any mechanical equipment proposed, such as A/C units and backup power generators, as well as any requirements for electric and other meters including any required platforms.
21. Approvals or waivers should be obtained from any outside agencies having jurisdiction. These may include, but shall not be limited to, the following;
- a. New Jersey Department of Environmental Protection
    - i. CAFRA
  - b. Freehold Soil Conservation District

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



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

**Re: Martin Residence  
15 Barberie Avenue  
Block 77, Lot 15  
Single-Family Residential (R-2.01) Zone  
Minor Subdivision  
First Engineering Review**

**EWB:KJO:DV**

**cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)  
Thomas C, Finnegan, P.L.S., Applicant's Planner (thomascfinnegan@gmail.com)  
Bruce & Marie Martin, Applicant (mariesellsnj@gmail.com)**

G:\Projects\HGPB\R1940\Correspondence\Tran\_EWH\_Martin\_15 Barberie Avenue\_B77\_L15\_First Engineering Review.docx

# The Two River

75 West Fr  
Red Bank,

## Affidavit of

State of New Jersey} ss.  
Monmouth County

Personally appeared Stephen Appezato

of The Two River Times, a newspaper published in  
being duly sworn, depose and saith that the advertisement  
copy, has been published in the said newspaper 1 t

September 29, 2022

*Stephen Appezato*

(Employee Signature)

Sworn and subscribed before me this day 29 of September 2022

Notary Public of New Jersey

Fees: \$25.23 Ad: 22534  
Advertisement (attached)

MELISSA INDIVIGLIO  
Notary Public, State of New Jersey  
Commission # 60048224  
My Commission Expires 10/24/2026

*MJ*

1206 Public Notice



Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, NJ 07732  
Phone: (732) 872-2224  
Fax: (732) 872-0670  
www.highlandsborough.org

### Notice to be Published in Official Newspaper

**Notice of Hearing**  
**Land Use Board**

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the 13th day of October 2022 a hearing will be held before the Borough of Highlands Land Use Board in the Community Center, 22 Snug Harbor, Highlands New Jersey on the application of the undersigned that has been made to the Borough of Highlands Land Use Board, at which time and place all interested persons will be given an opportunity to be heard.

The property in question is located at 15 Barberie Ave.  
also known as Block 77, Lot(s) 15, on the Highlands Tax Map.  
The property is located in the R-2.01 zone.  
The applicant is seeking: A Subdivision

For the purpose of to sell the lot

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

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

[This notice must be published at least 10 days prior to the hearing in the Asbury Park Press or the Two River Times.]

landuse@highlandsborough.org | 6

Sept 29, 2022  
Ad #22534

\$25.23





Item 2.  
Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

## LAND USE BOARD APPLICATION

### FOR OFFICIAL USE

Date Rec'd: 6/22/2022 Application #: 2022-05 Fee: \$375 Escrow: \$750

### 1. APPLICANT

Name: David Link  
Address: 72 4<sup>th</sup> Street  
City: Highlands State: NJ Zip: 07732  
Phone: (848) 468-7998  
Email: ddlson3@yahoo.com  
Relation to property: owner

### 2. OWNER

Name: David Link  
Address: 72 4<sup>th</sup> St  
City: Highlands State: NJ Zip: 07732  
Phone: (848) 468-7998  
Email: DDLson3@yahoo.com

### 3. TYPE OF APPLICATION (Check all that apply)

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

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

### 4. PROPERTY INFORMATION

Block 65 Lot(s) 25 Address: 72 Fourth Street, 07732  
Lot size 27.5 x 100 # of Existing Lots one # of Proposed Lots one  
Zone R-202 Are there existing Deed Restrictions or Easements? ☒ No ☐ Yes – Please attach copies  
Has the property been subdivided? ☒ No ☐ Yes If yes, when? \_\_\_\_\_  
Attach copies of approved map or approved resolution  
Property taxes paid through 2021 Sewer paid through 2021

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

Name: N/A  
Address: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

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JUN 22 2022

LAND USE BOARD



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

**6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.**Name: Salvatore La FerlitaAddress: 115 University Dr  
Lincroft NJ 07738Phone: 732 1673 1347Email: SALLAFERLITA@aol.com  
(Architect)Name: Andrew StocktonAddress: 31 Grand tour  
Highlands NJ 07732Phone: 732 872 7736Email: ARSTOCKTON@gmail.com  
(engineer)**7. LAND USE****A. PROPERTY HISTORY** –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.Abandoned house / Bank owned**B. PROPOSED PLAN** –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.Proposed Use: New home Construction  
Not for subdividing, Not for sale, Single family,  
trash disposal by township regulations, grass/stone  
landscaping, primary residence**C. ADDITIONAL INFORMATION:**

Existing

Proposed

**Residential:** How many dwelling units?  
How many bedrooms in each unit?  
How many on-site parking spaces?0  
0  
0one  
3 one unit  
~~two~~ four**Commercial:** How many commercial uses on site?  
How many on-site parking spaces?N/AN/A**RECEIVED**

landuse@highlandsborough.org | 2

**LAND USE BOARD**



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

	Req'd	Exist.	Prop'd
<b>Minimum Lot Requirements</b>			
Lot Area	4,000 sq ft		2750 sq ft
Frontage	50 ft		27.5 ft
Lot Depth	75 ft		100 ft
<b>Minimum Yard Requirements</b>			
Front Yard Setback	20 ft		20 ft
2 <sup>nd</sup> Front Yard Setback			
Rear Yard Setback	20 ft		30 ft
Side Yard Setback, right	6/8 ft		2/3 ft
Side Yard Setback, left	6/8 ft		2/3 ft
Building Height	32.5 ft		40.75 ft

	Req'd	Exist.	Prop'd
<b>Accessory Structures</b>			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
<b>Parking Requirements</b>			
On-site Parking Spaces			4
<b>Other (please add)</b>			

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

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JUN 22 2022

LAND USE BOARD

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

Item 2.

## 10. NOTARIZED SIGNATURE OF APPLICANT

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

SWORN & SUBSCRIBED to before me this  
20 day of June 2022 (year)  
(notary)  
(Seal)

Signature David Link Date 6-20-2022  
Print Full Name DAVID LINK



CATRINA N DAVIS  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
ID # 50153380  
MY COMMISSION EXPIRES MAR. 02, 2026

## 11. NOTARIZED CONSENT OF OWNER

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

SWORN & SUBSCRIBED to before me this  
20 day of June 2022 (year)  
(notary)  
(Seal)

Signature David Link Date 6-20-22  
Print Full Name DAVID LINK



CATRINA N DAVIS  
NOTARY PUBLIC  
STATE OF NEW JERSEY  
ID # 50153380

## 12A. DISCLOSURE STATEMENT

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

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

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

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JUN 22 2022

LAND USE BOARD



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

## 12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

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

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

NAME	ADDRESS

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

SWORN & SUBSCRIBED to before me this

\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_ (year)

\_\_\_\_\_ (notary)

(Seal)

\_\_\_\_\_  
Signature (Officer/Partner)

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Full Name

\_\_\_\_\_  
Title

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JUN 22 2022

LAND USE BOARD  
landuse@highlandsborough.org

# BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

42 SHORE DRIVE  
HIGHLANDS, NJ 07732  
COUNTY OF MONMOUTH

(732) 872-1224 PH  
(732) 872-0670 FX

[WWW.HIGHLANDBOROUGH.ORG](http://WWW.HIGHLANDBOROUGH.ORG)



CAROLYN BROU  
MAYOR

MICHAEL MUSC  
ADMINISTRATI

NANCY TRAI  
BOROUGH CLE

David Link

[Ddlson3@yahoo.com](mailto:Ddlson3@yahoo.com)

Salvatore La Ferlita, RA

115 University Drive

Lincroft NJ 07738

RE: 72 Fourth St

Block 65, Lot 25

Please be advised that the above referenced application for a single-family residence has been reviewed for compliance with the Borough of Highlands Zoning Ordinance.

The property is located in the R-202 zone.

The following approvals will be necessary:

- Minimum side setbacks required by ordinance should be 6'/8', while the plans call for a shorter 2'/3'.
- Maximum building height required by ordinance is 30' plus 2 ½' for parking, while the plans call for 41'9".
- Maximum building coverage required by ordinance is 30%, while the plans call for 41%

To proceed with an application/appeal of this decision to the Land Use Board, please contact the

Nancy Tran, Board Secretary via email at [landuse@highlandsborough.org](mailto:landuse@highlandsborough.org) or by phone at 732-872-1224.

Should you have any questions, feel free to contact me at 732-615-2278.

Sincerely,

*Brian O'Callahan*

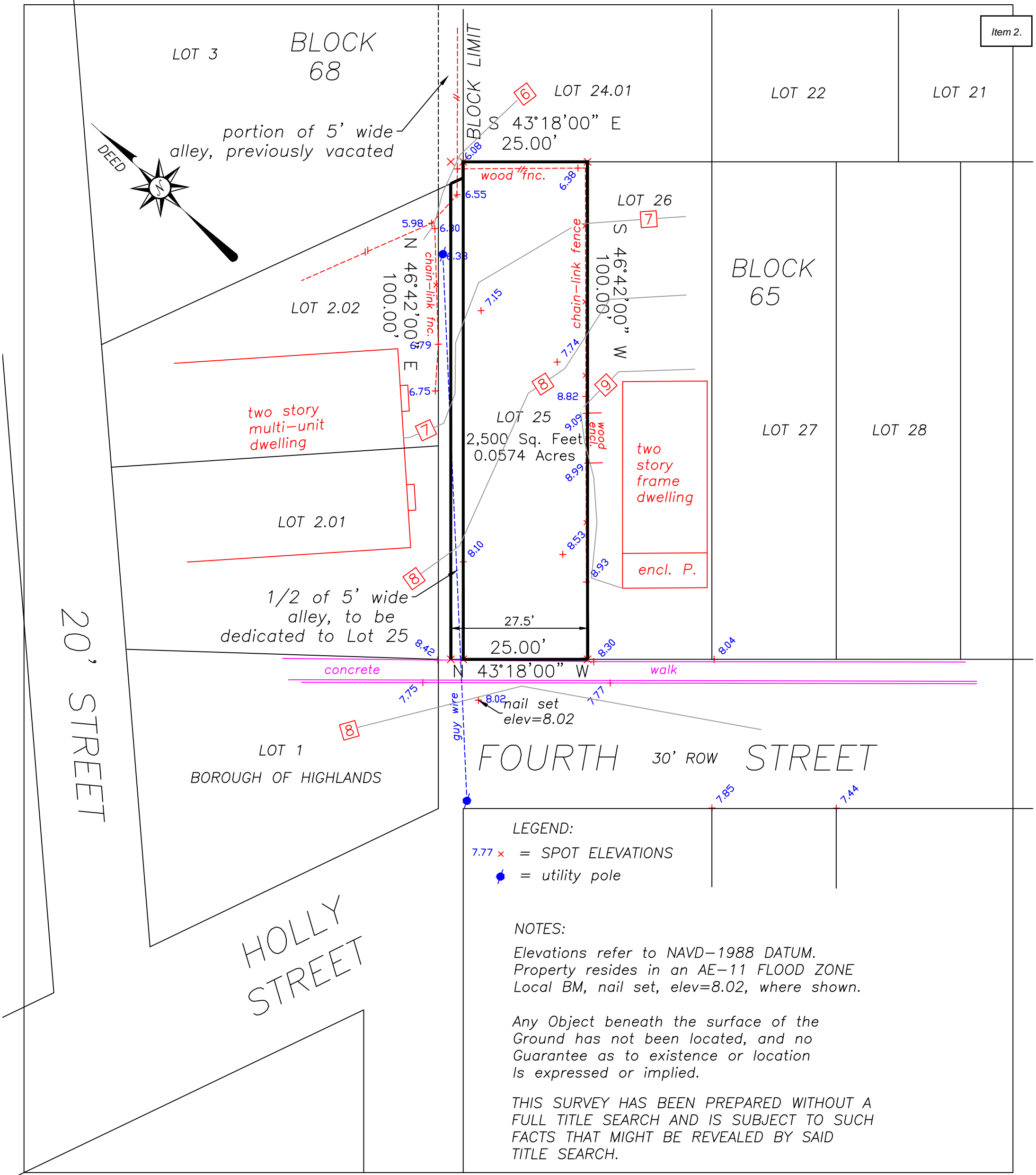
Brian O'Callahan  
Zoning Officer  
(732) 615-2286

RECEIVED

JUN 22 2022

LAND USE BOARD





TOPOGRAPHICAL SURVEY FOR:

DAVID LINK

Being Lot 25 Block 65, as shown on the tax assessment map for the Borough of Highlands, Monmouth County, New Jersey. More commonly known as 72 Fourth Street, Highlands, New Jersey.

I hereby certify to the above mentioned owner, David Link.

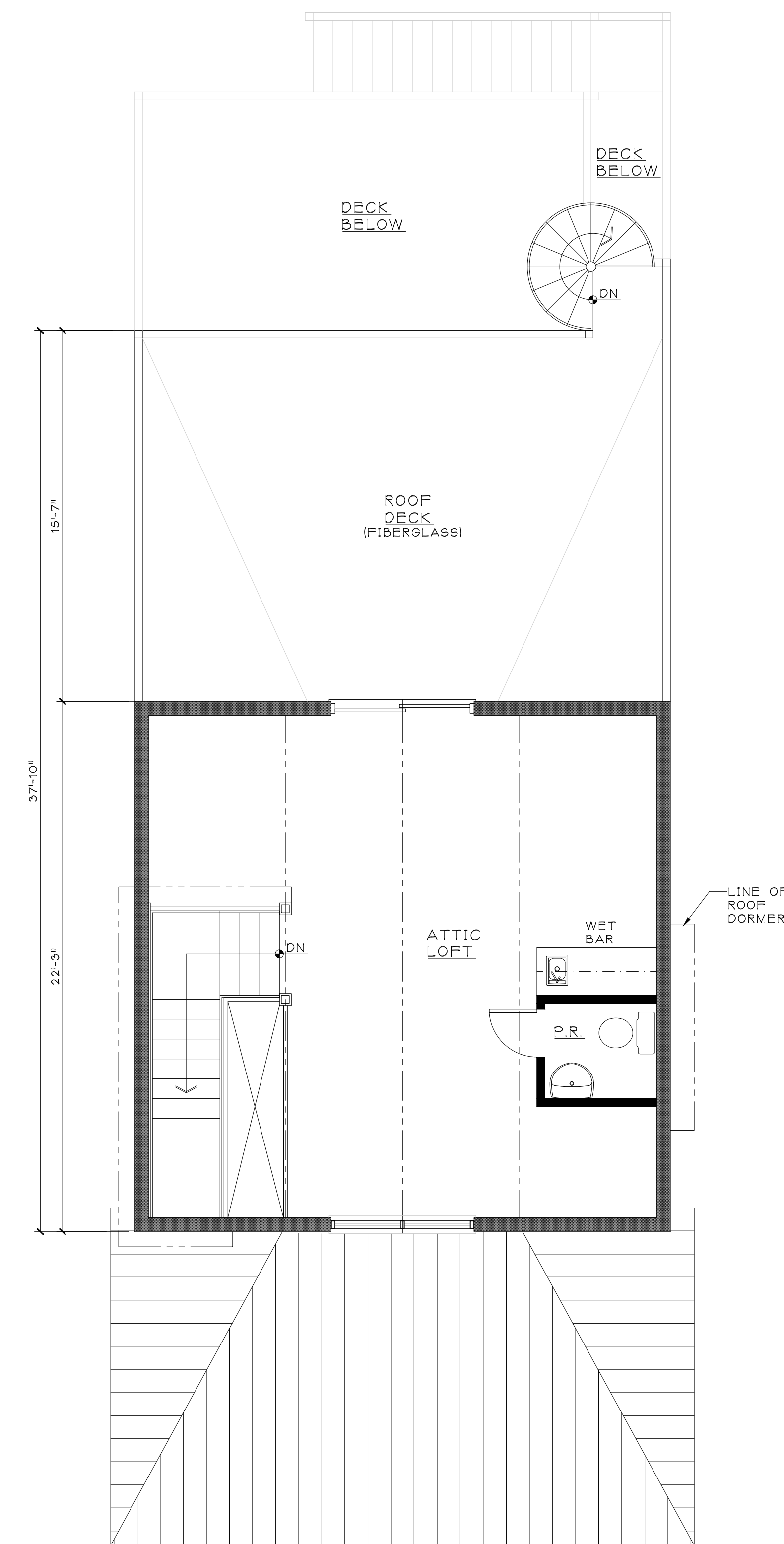
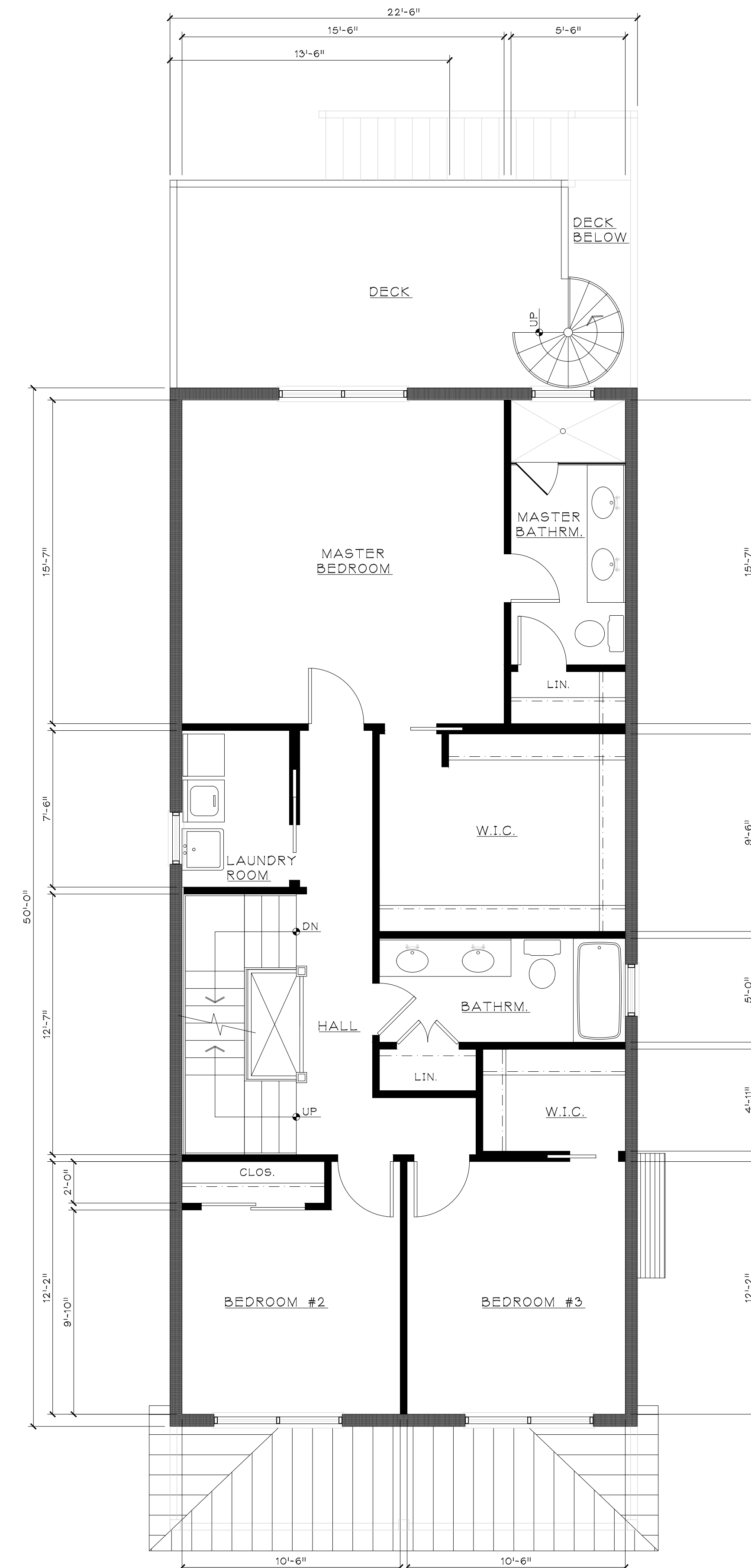
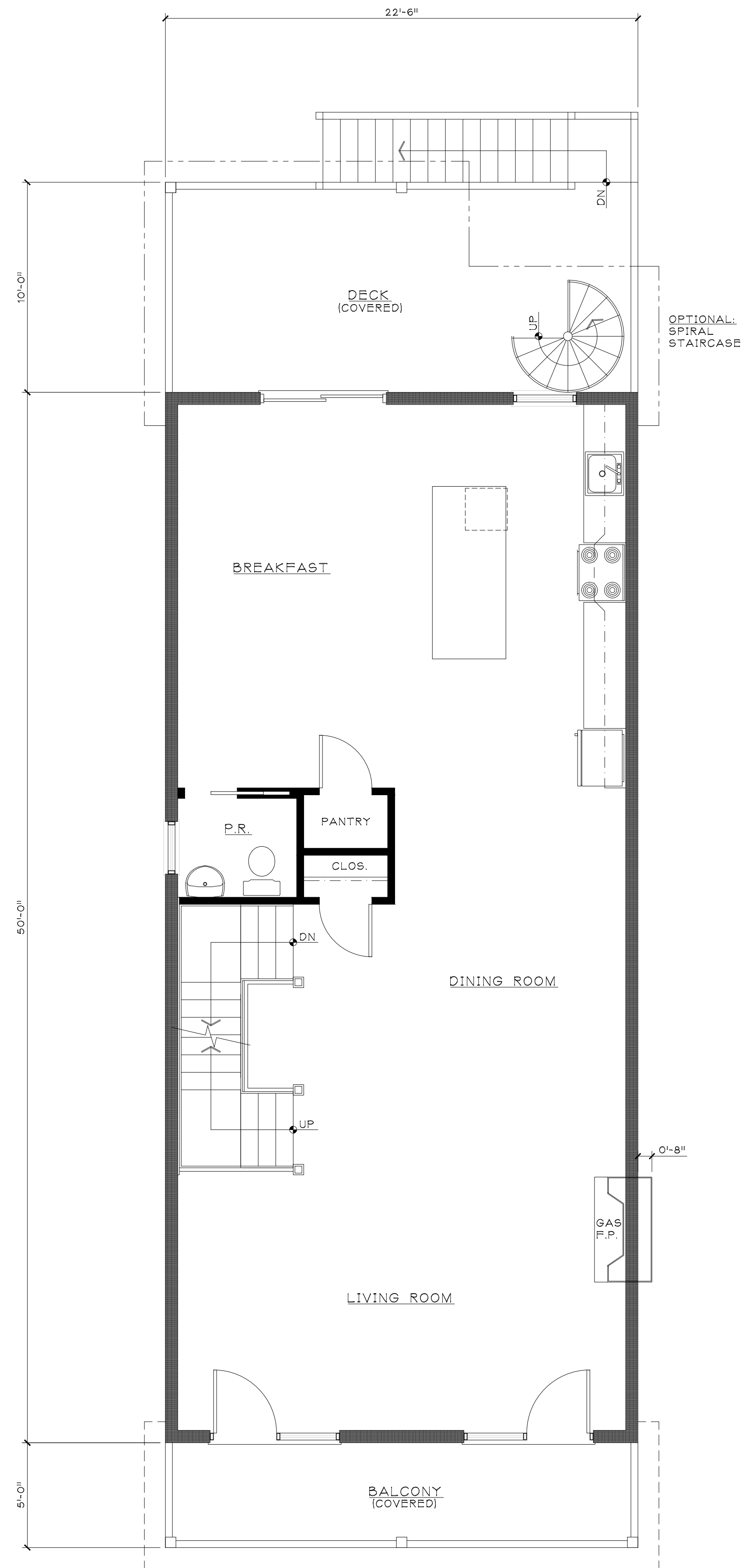
This survey has been accurately prepared with the best of my information, knowledge and belief. No apparent encroachments exist either way across property lines except as shown hereon.

R & T LAND SURVEYING  
LAND SURVEYING \* CONSTRUCTION LAYOUT \* MAPPING  
942 STATE HIGHWAY ROUTE 36, LEONARDO, NJ

JOB: 8303  
SCALE: 1" = 20'  
CAD: L-8303.dwg


RONALD L. TRINIDAD  
LICENSED PROFESSIONAL LAND SURVEYOR  
NJ LICENSE No. 24GS04337000

DATE: 6-01-22  
DWG: B-2785



APPLICABLE CODES			
BUILDING:	NJIRC 2018		
- CONSTRUCTION CLASS: 55 - USE GROUP CLASSIFICATION: R3 RESIDENTIAL - FOUNDATION PLAN & DETAILS ARE DRAWN IN ACCORDANCE WITH ASCE 24 - 10 MPH EXPOSURE B' WIND ZONE			
BUILDING DATA			
HABITABLE AREA	EXISTING AREA	NEW AREA	TOTAL AREA
GROUND FLOOR		1,030	1,030
FIRST FLOOR		1,042	1,042
SECOND FLOOR		1,042	1,042
ATTIC		342	342
TOTAL		2,426	2,426
HABITABLE AREA	EXISTING VOLUME	NEW VOLUME	TOTAL VOLUME
GROUND FLOOR			
FIRST FLOOR		9,378 CF	9,378 CF
SECOND FLOOR		8,336 CF	8,336 CF
ATTIC		2,736 CF	2,736 CF
TOTAL		29,450 CF	29,450 CF

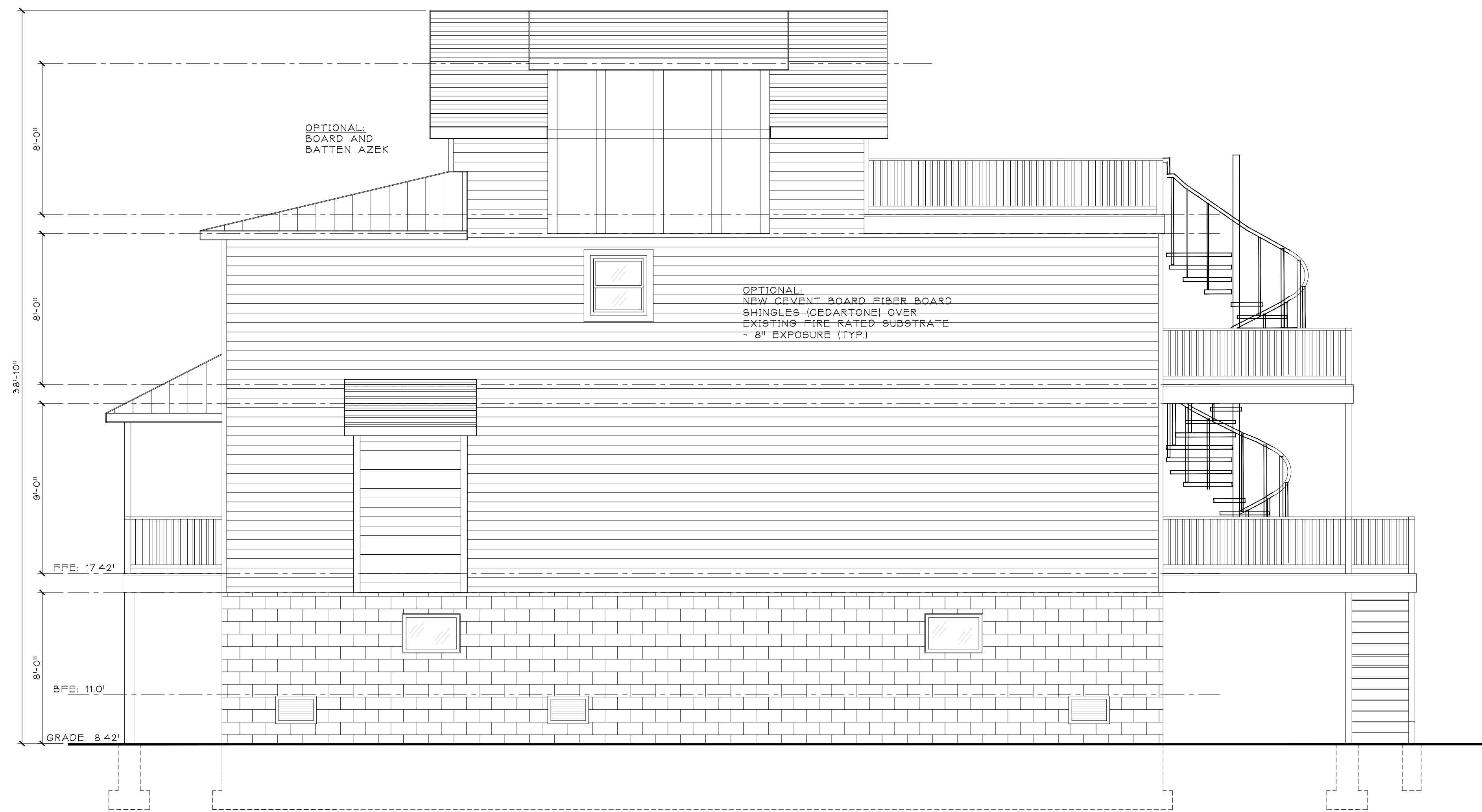
FOR ZONING  
ISSUED: 9/23/2022

<p align="center"><b>SALVATORE LA FERLITA, R.A.</b>          Architectural Services          Construction Management</p>																																																									
				<p>115 University Drive          Lincroft, N.J. 07738          732-471-0105          Sallaferlita@aol.com</p>																																																					
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<p>Title</p> <p align="center"><b>PROPOSED FLOOR</b>  <b>PLANS</b></p>																																																									
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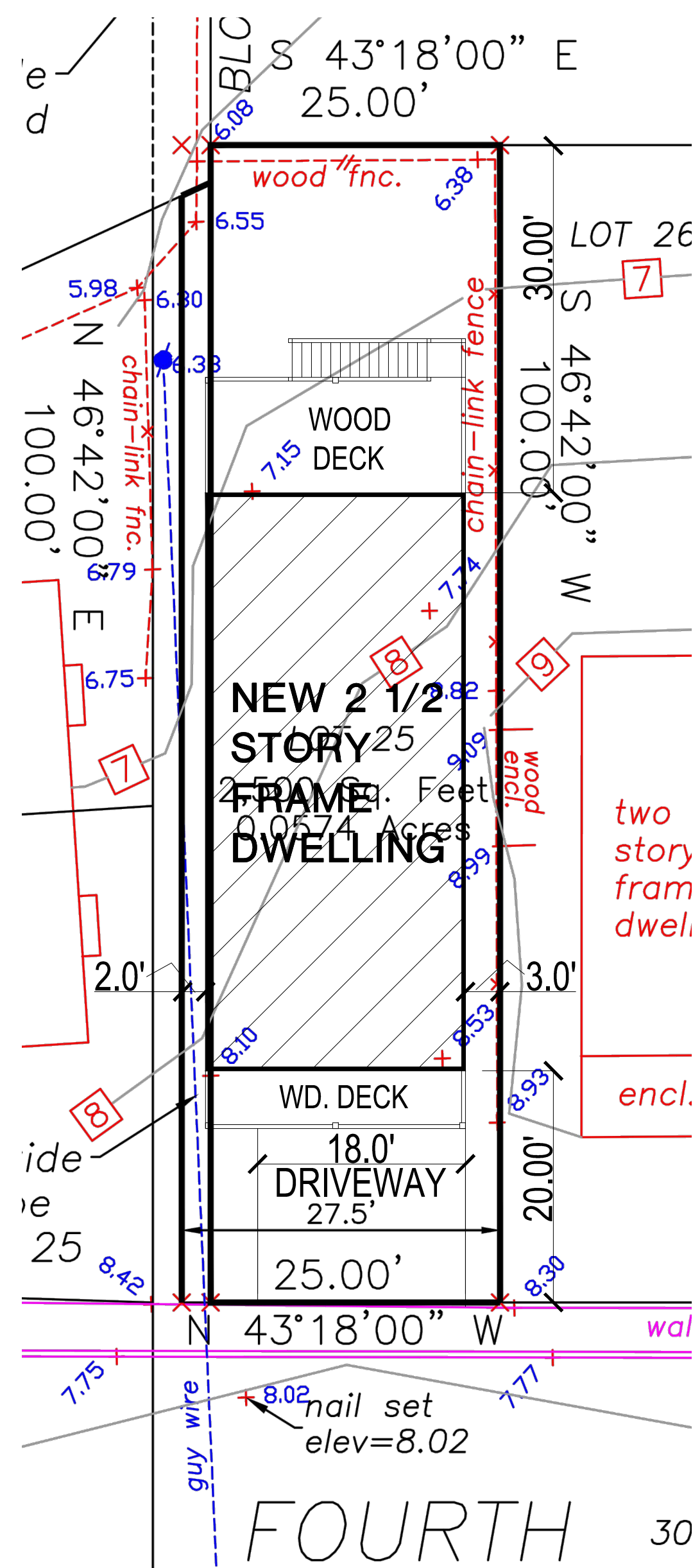




1 FRONT ELEVATION

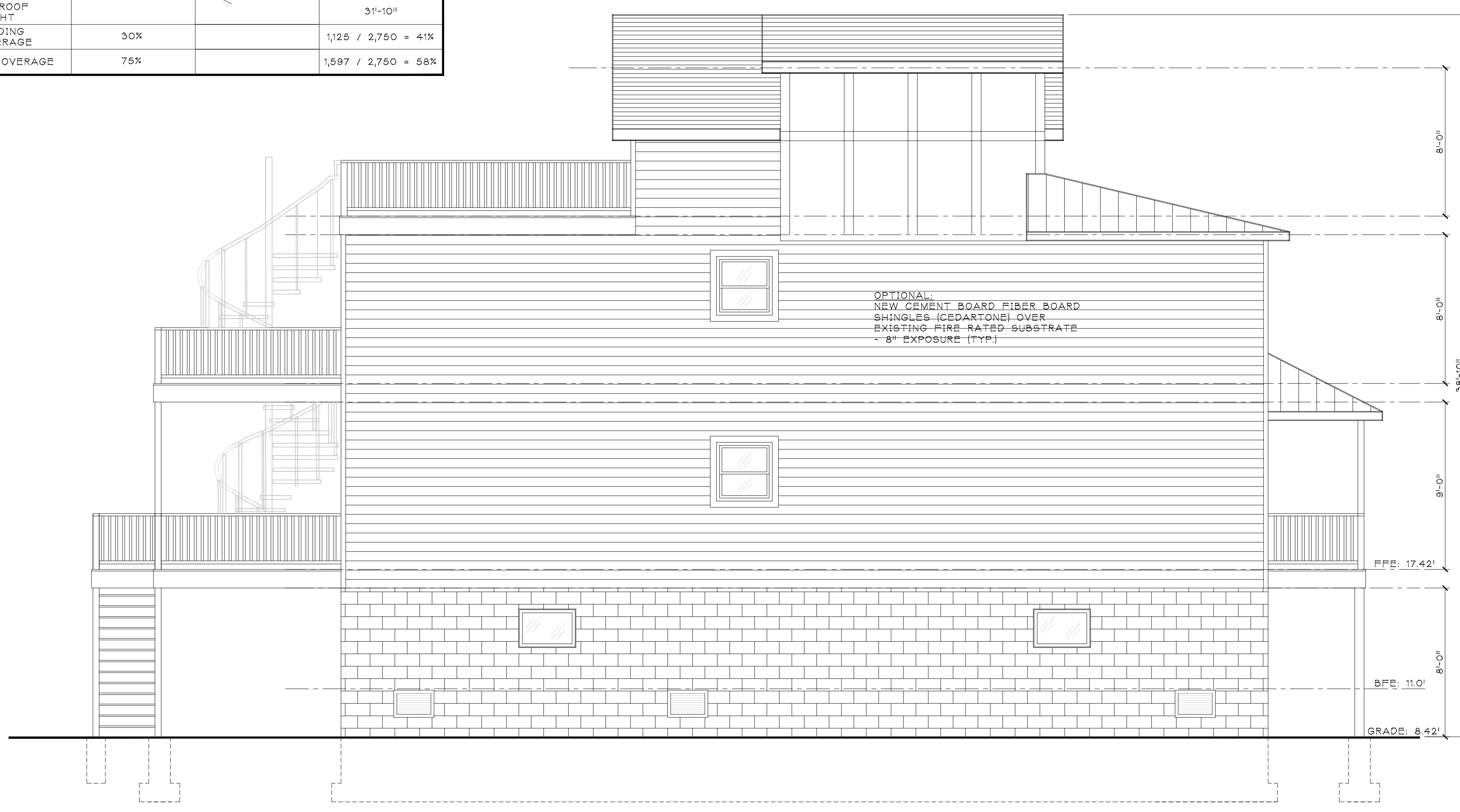


2 RIGHT SIDE ELEVATION

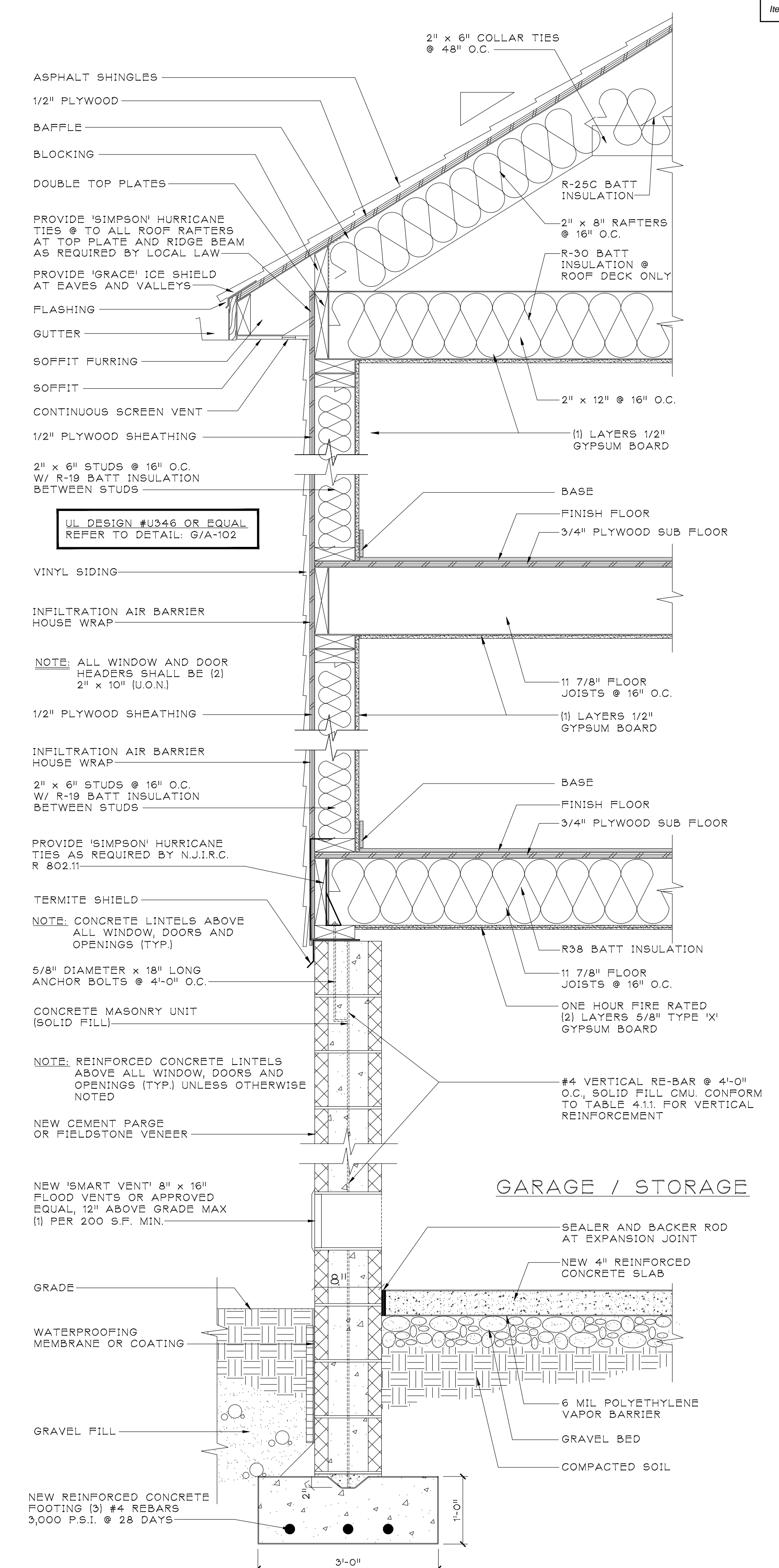


3 SITE PLAN

ZONING DATA			
	ZONE R2.02	BLOCK 65	LOT 25
	REQUIRED	EXISTING	PROVIDED
LOT AREA	4,000 S.F.		2,750 S.F.
LOT FRONTAGE	50.0'		27.5'
LOT DEPTH	75.0'		100.0'
FRONT YARD SETBACK	20.0'		20.0'
REAR YARD SETBACK	20.0'		30.0'
SIDE YARD SETBACK	6.0' / 8.0'		2.0' / 3.0'
ROOF HEIGHT	30.0'		38'-10"
MID ROOF HEIGHT			31'-10"
BUILDING COVERAGE	30%		1,125 / 2,750 = 41%
LOT COVERAGE	75%		1,597 / 2,750 = 58%



4 LEFT SIDE ELEVATION

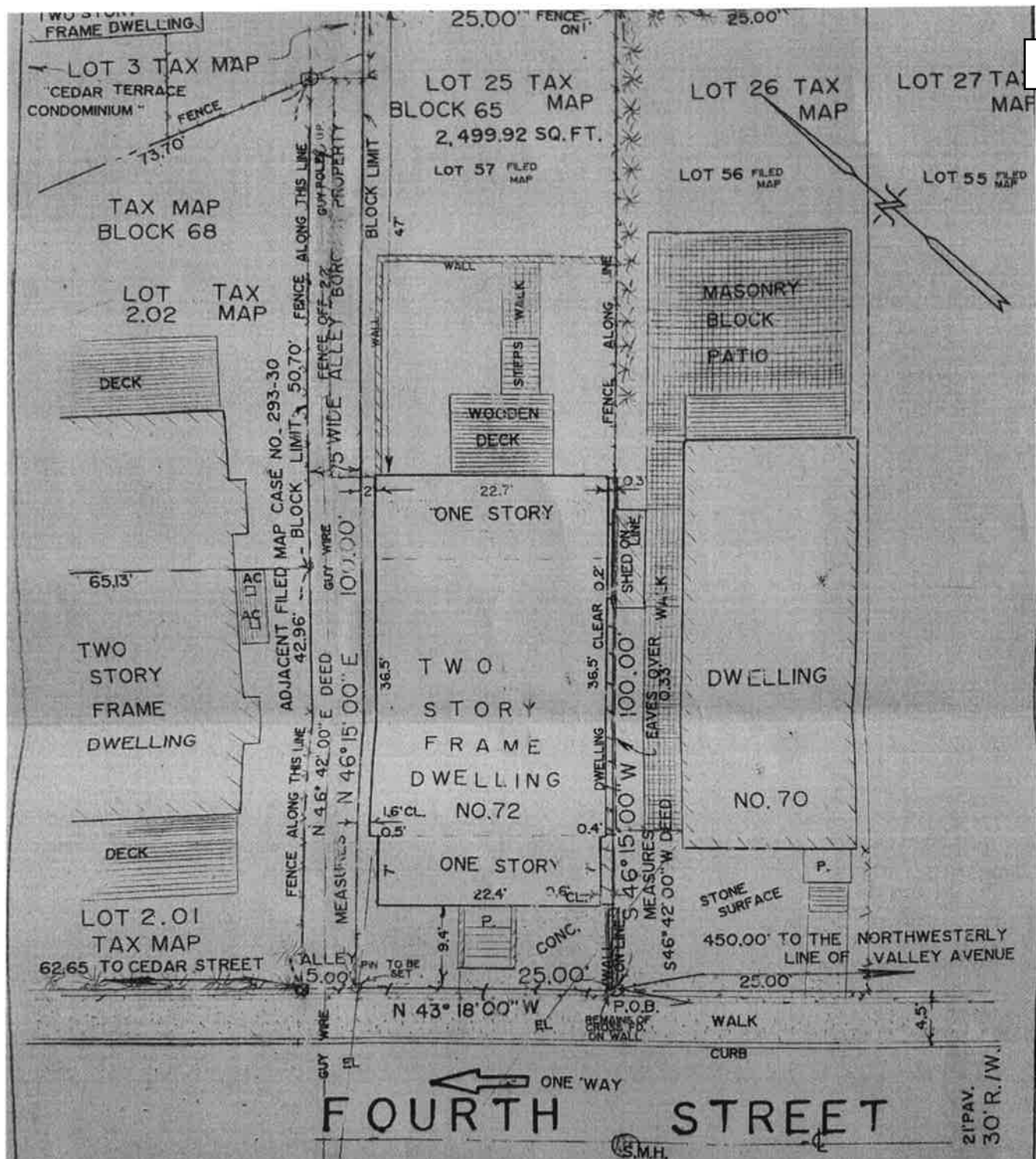


5 FOUNDATION / WALL SECTION

SALVATORE LA FERLITA, R.A. Architectural Services Construction Management	
115 University Drive Lincroft, N.J. 07738 732-741-5105 Sallaferlita@aol.com	
Revised	Issued
No.	DATE
No.	DATE DESCRIPTION
Client LINK RESIDENCE 72 FOURTH STREET HIGHLANDS, NEW JERSEY	
Title PROPOSED EXTERIOR ELEVATION	
Seal & Signature:	Job Type: Project No.: Scale: AS NOTED Date: Drawn By: Reviewed By: Drawing No.: <b>A-101</b>
N.J. LIC. #A115228 SHEET No.: 2 OF 2	

FOR ZONING  
ISSUED: 9/23/2022



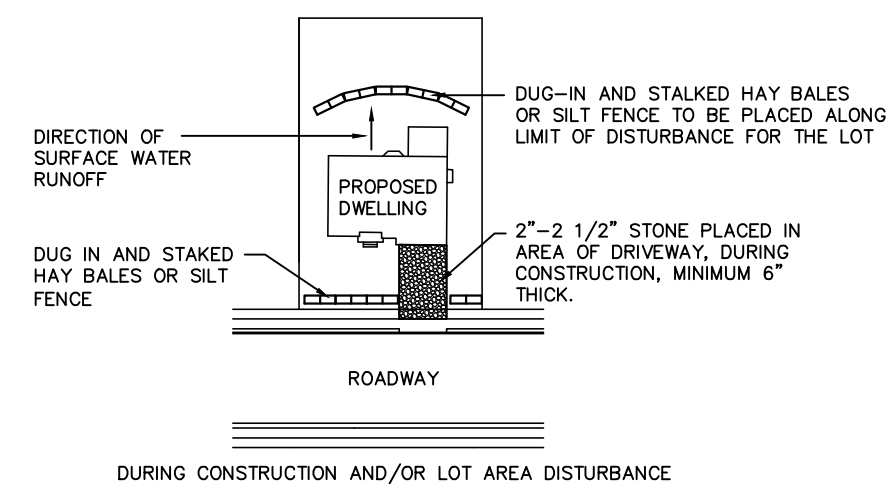


JUN 22 2022

LAND USE BOARD



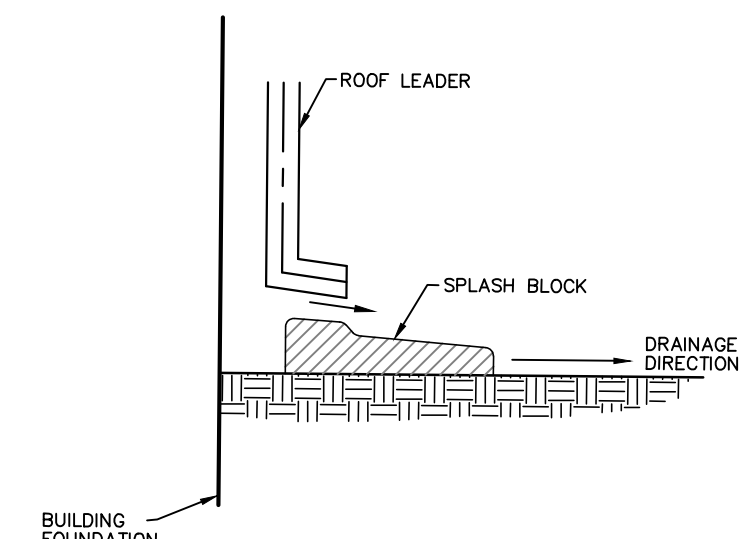




### TYPICAL LOT DETAIL

N.T.S.

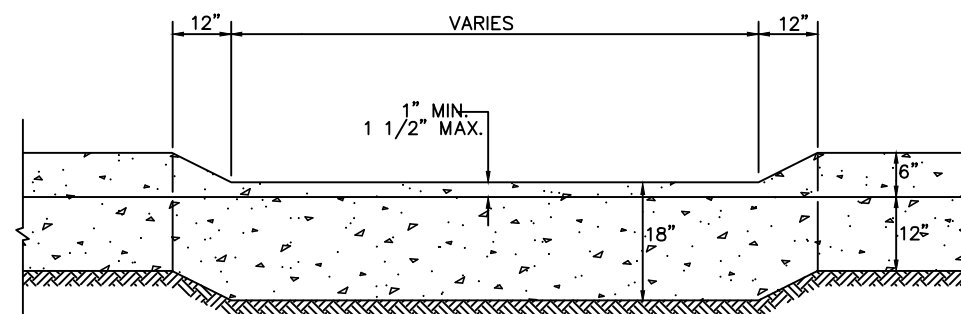
NOTE: RESPONSIBILITY FOR PLACEMENT AND MAINTENANCE OF SOIL EROSION MEASURES ON ANY GIVEN LOT BELONGS TO THE PERSON(S) DOING THE DISTURBANCE OR CONSTRUCTION.



### ROOF LEADER DETAIL

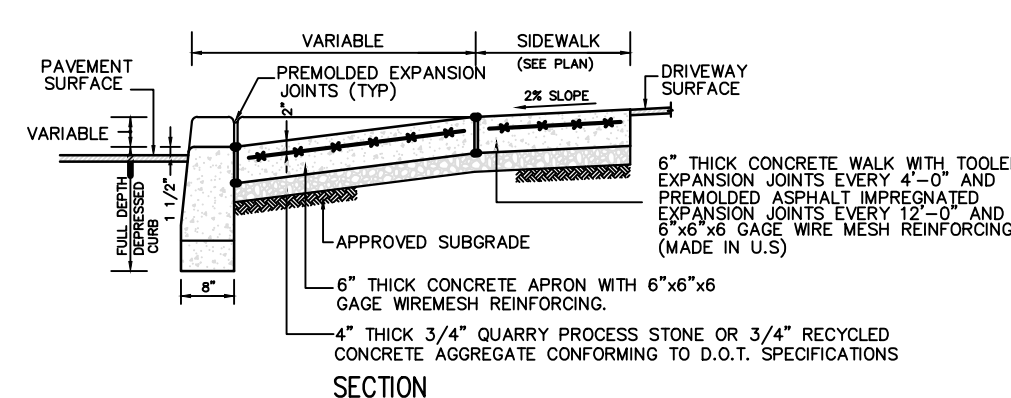
N.T.S.

NOTE: ALL CONCRETE USED IN CONSTRUCTION SHALL BE NDOT CLASS B WITH A COMPRESSIVE STRENGTH OF 4,500 PSI @ 28 DAYS.



### DEPRESSIONED CURB SPOT REPAIR

N.T.S.



### CONCRETE DRIVEWAY APRON SPOT REPAIR

N.T.S.

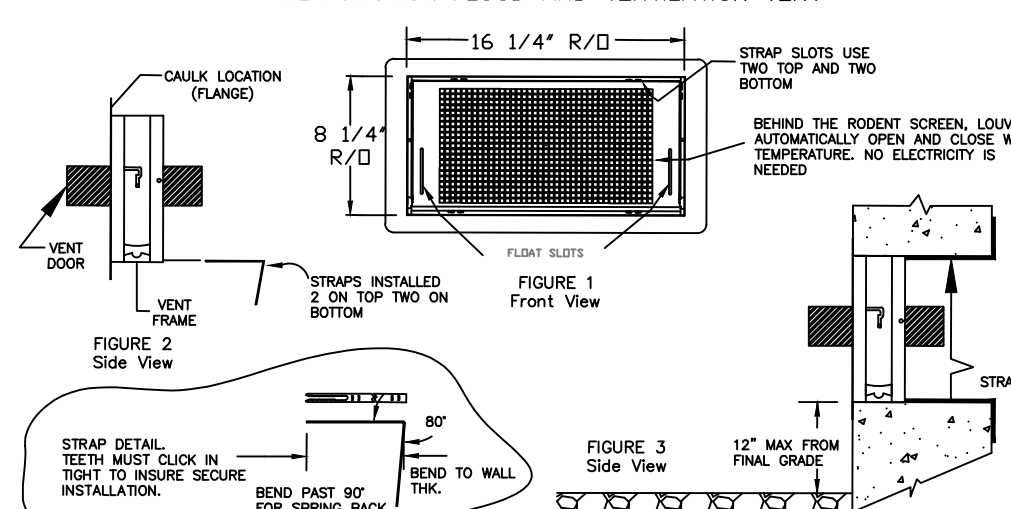
### REQUIRED NUMBER OF FLOOD VENTS:

ENCLOSED FOOTPRINT AREA = 1,125 SF

SMARTVENT MODEL No. 1540-510 PROVIDES EQUALIZATION OF FLOOD WATERS WITH 1 VENT PER 200 SF OF FOOTPRINT AREA AS VERIFIED AND APPROVED BY FEMA AND NJDEP.

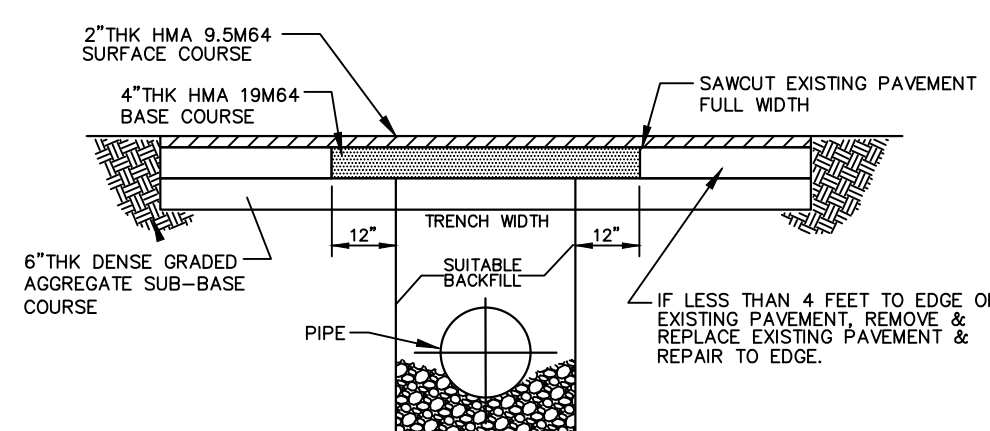
REQUIRED # VENTS = 1,125 SF X 1 VENT/200 SF = 5.6  
TOTAL # VENTS PROVIDED = 7

SMARTVENT - MODEL 1540-510  
DUAL FUNCTION FLOOD AND VENTILATION VENT



### FLOOD VENT DETAIL

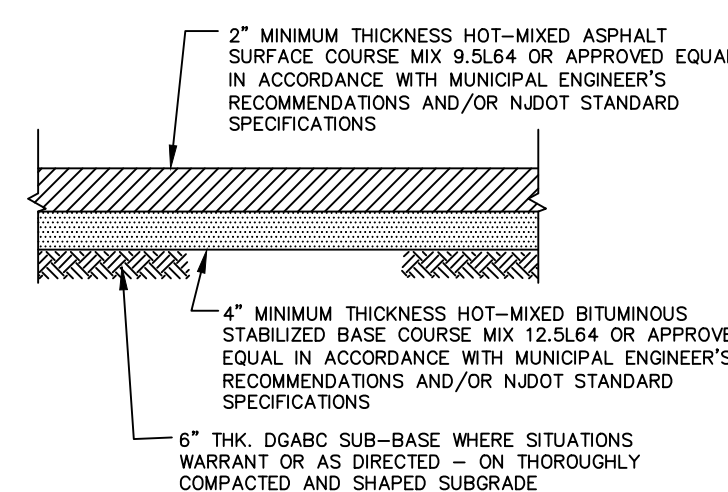
N.T.S.



### MUNICIPAL PAVEMENT REPAIR

N.T.S.

SUPERFICIAL SURFACE DAMAGE CAUSED BY THE CONTRACTOR OUTSIDE THE LIMIT SHOWN, SHALL BE PAVED WITH SURFACE COURSE. IF THE BASE COURSE OF THE EXISTING PAVEMENT IS DAMAGED BEYOND THE LIMIT SHOWN, THE CONTRACTOR SHALL EXCAVATE 6" BEYOND THE DAMAGED AREA AND REPLACE IT WITH BITUMINOUS STABILIZED BASE COURSE.



### DRIVEWAY PAVEMENT SECTION

N.T.S.

### LOT COVERAGE COMPUTATIONS

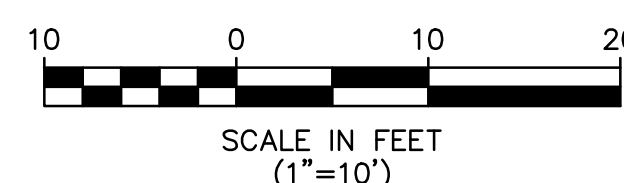
#### EXISTING LOT COVERAGE

EXISTING BUILDING FOOTPRINT AREA (TBR) = 1,008 SF = 36.6 % COVERAGE  
EXISTING WALKWAY & DECK FOOTPRINT AREAS (TBR) = 270 SF  
TOTAL EXISTING LOT COVERAGE = 1,278 SF = 46.7 % COVERAGE

#### PROPOSED LOT COVERAGE

PROPOSED BUILDING FOOTPRINT AREA = 1,125 SF = 41.1 % COVERAGE  
PROPOSED COVERED FRONT DECK FOOTPRINT AREA = 112 SF  
PROPOSED COVERED REAR DECK FOOTPRINT AREA = 196 SF  
PROPOSED PATIO FOOTPRINT AREA = 225 SF (29 SF)  
PROPOSED DRIVEWAY FOOTPRINT AREA = 282 SF  
TOTAL PROPOSED IMPERVIOUS COVERAGE = 1,744 SF = 63.7 % COVERAGE

PROPOSED CHANGE IN IMPERVIOUS COVERAGE = 1,744 SF(EXIST) - 1,278 SF(PROP) = 466 SF  
PROPOSED AREA OF DISTURBANCE = 2,739 SF = 0.063 Ac.



### ZONE DATA

R-2.02 RESIDENTIAL ZONE DISTRICT REQUIREMENTS

	REQUIRED	EXISTING	PROVIDED
MINIMUM LOT AREA	4,000 SF	2,739 SF(E)	NO CHANGE
MINIMUM LOT FRONTAGE	50 FT	27.5 FT(E)	NO CHANGE
MINIMUM LOT DEPTH	75 FT	100.0 FT	NO CHANGE
PRINCIPAL BUILDING			
MINIMUM FRONT YARD SETBACK	20 FT**	9.4 FT(E)	20.0 FT(1)
MINIMUM SIDE YARD SETBACK	6 FT*	0.2 FT(E)	2.5 FT(V)
TOTAL TWO SIDE YARD SETBACKS	14 FT*	1.8 FT(E)	5.0 FT(V)
MINIMUM REAR YARD SETBACK	20 FT	47.1 FT	30.0 FT(2)
MAXIMUM BUILDING/STRUCTURE	32.5 FT	22.0 FT+ =	32.25 FT
ACCESSORY BUILDING/STRUCTURE			
MINIMUM SIDE YARD SETBACK	3 FT	N/A	N/A
MINIMUM REAR YARD SETBACK	3 FT	N/A	N/A
MAXIMUM BUILDING COVERAGE	33 %	36.6 %(E)	41.1 %(V)
MAXIMUM IMPERVIOUS LOT COVERAGE	75 %	46.7 %	63.7 %

(E) = PRE EXISTING NON-CONFORMING CONDITION

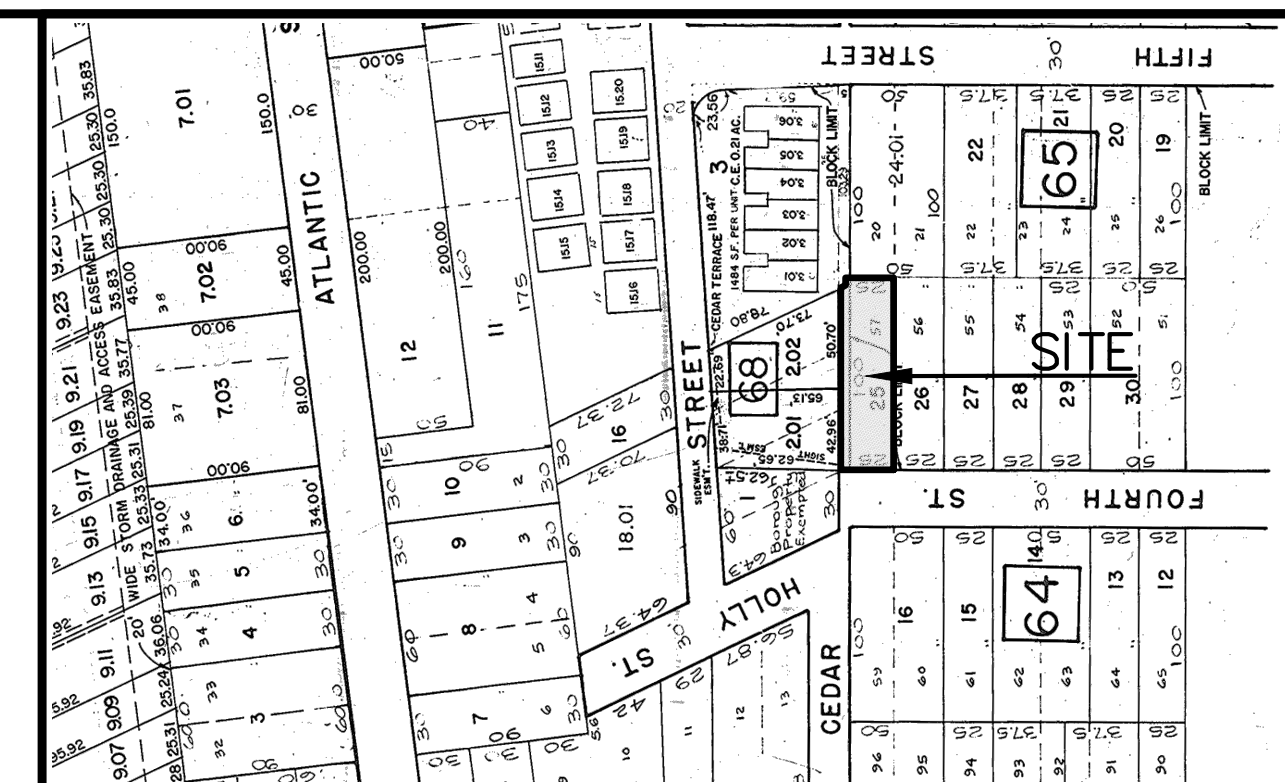
(\*) = VARIANCE PREVIOUSLY GRANTED (RESOLUTION No. 2021-09)

(\*\*) = REFER TO ORD. SECT. 21-98 FOR ADDITIONAL INFORMATION PERTAINING TO EXISTING UNDERSERVED LOTS IN RESIDENTIAL ZONE DISTRICTS.

\*\* = OR PREVAILING SETBACKS WITHIN 200 FT AND WITHIN SAME BLOCK AND ZONE

(1) = 20.0 FT MEASURED TO LINE OF HOUSE OR 15.0 FT MEASURED TO LINE OF COVERED FRONT PORCH DECK.

(2) = 30.0 FT MEASURED TO LINE OF HOUSE OR 20.0 FT MEASURED TO LINE OF COVERED REAR DECKS.



### KEY MAP

1" = 100' +/-

### GENERAL NOTES

- THE SUBJECT PROPERTY IS KNOWN AS LOT 25 IN BLOCK 65 AS SHOWN ON SHEET 14 OF THE CURRENT TAX MAP FOR HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY.
- PROPERTY AND TOPOGRAPHIC SURVEY INFORMATION SHOWN HEREON IS TAKEN FROM A CERTAIN PLANS ENTITLED: "No. 72 FOURTH STREET LOCATION LAND SURVEY ON LOT 25 IN BLOCK 65," PREPARED BY THOMAS CRAIG FINNEGAN LAND SURVEYING, DATED 11-22-21; AND "TOPOGRAPHICAL SURVEY FOR DAVID LINK BEING LOT 25 BLOCK 65," PREPARED BY R & T LAND SURVEYING DATED 6-01-22. ELEVATIONS SHOWN HEREON REFER TO NORTH AMERICAN VERTICAL DATUM OF 1988.
- THE SUBJECT PROPERTY IS AN EXISTING LOT LOCATED IN THE R-2.02 RESIDENTIAL ZONE DISTRICT. APPLICANT RECENTLY DEMOLISHED AND REMOVED THE EXISTING DWELLING IN ORDER TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING IN ITS PLACE TOGETHER WITH NEW DRIVEWAY AND NEW UTILITY SERVICE CONNECTIONS FOR WATER, SEWER, ELECTRIC, GAS, PHONE, AND CABLE-TV. NEW UTILITIES SHALL BE INSTALLED UNDERGROUND.
- THE LIMITS OF WORK AT THE SUBJECT PROPERTY ARE SITUATED WITHIN FEMA FLOOD ZONE AE (BASE FLOOD ELEVATION 11 FT (NAVD88)) AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP NO. 34025C0088H DATED 6-15-22. CERTAIN ACTIVITIES IN FLOOD HAZARD AREAS ARE REGULATED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SOME ACTIVITIES MAY BE PROHIBITED ON THIS SITE OR MAY FIRST REQUIRE A PERMIT. CONTACT THE DIVISION OF LAND USE REGULATION AT (609) 292-0060 FOR MORE INFORMATION PRIOR TO ANY CONSTRUCTION ON SITE.
- THE FLOOD HAZARD AREA DESIGN FLOOD ELEVATION FOR THIS SITE IS ELEVATION 11 FT (NAVD88) AS DETERMINED BY METHOD 2 (FEMA TIDAL METHOD) ACCORDING TO NJDEP FLOOD HAZARD AREA RULES AT NJAC 7:13-3.4(d).
- CONSTRUCTION IN FEMA FLOOD ZONE AE SHALL BE IN ACCORDANCE WITH ASCE24. THE NEW BUILDING CONSTRUCTION SHALL BE ELEVATED ON ENCLOSED FOUNDATION SUCH THAT THE FIRST FLOOR LIVING SPACE IS SET AT LEAST 1-FT ABOVE THE FLOOD HAZARD AREA DESIGN FLOOD ELEVATION AS REQUIRED BY CODE. THE AREA BENEATH THE DWELLING SHALL BE ENCLOSED AS PERMITTED BY NJDEP FLOOD HAZARD AREA RULES AT NJAC 7:13-11.5(N)(O)&(P) AND AS PERMITTED BY FEMA COASTAL CONSTRUCTION GUIDELINES. THE ENCLOSED AREA SHALL BE UN-FINISHED SPACE USED SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS, OR FOR INCIDENTAL STORAGE. ENCLOSURES UNDER ELEVATED BUILDINGS IN FEMA FLOOD ZONE SHALL INCLUDE THE USE OF FLOOD DAMAGE RESISTANT MATERIALS AND THE INSTALLATION OF PERMANENT FLOOD VENT OPENINGS TO ALLOW FOR AUTOMATIC ENTRY AND EXIT OF FLOOD WATERS.
- PROPERTY OWNER'S GENERAL CONTRACTOR IS RESPONSIBLE FOR SITE GRADING AND CONSTRUCTION ACTIVITY. CONTRACTOR SHALL CONTACT NJ ONE CALL SYSTEM AT (800)272-1000 FOR UTILITY MARK-OUT PRIOR TO EXCAVATION ON-SITE OR WITHIN MUNICIPAL RIGHT-OF-WAY.
- ATTENTION OF THE CONTRACTOR IS DIRECTED TO THE FACT THAT APPROXIMATE LOCATIONS OF KNOWN UTILITY STRUCTURES AND FACILITIES THAT MAY BE ENCOUNTERED WITHIN OR ADJACENT TO THE SUBJECT PROPERTY OR LIMITS OF WORK ARE SHOWN ON THE PLANS. THE ACCURACY AND COMPLETENESS OF THIS INFORMATION IS NOT GUARANTEED BY THE ENGINEER. CONTRACTOR IS ADVISED TO VERIFY IN THE FIELD ALL THE FACTS CONCERNING THE LOCATION AND GRADE OF THESE UTILITIES OR OTHER CONSTRUCTION OBSTACLES PRIOR TO STARTING WORK. CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES THAT MAY AFFECT THE PROJECT DESIGN.
- CONTRACTOR IS RESPONSIBLE FOR SITE SAFETY, INCLUDING PROVISIONS FOR APPROPRIATE SAFETY DEVICES AND REQUIRED TRAINING.
- SILT FENCE SHALL BE PLACED AROUND THE PERIMETER OF THE LIMITS OF WORK AS SHOWN ON THE PLAN AND SHALL REMAIN IN PLACE UNTIL THE LIMITS OF WORK ARE PERMANENTLY STABILIZED.
- SOIL SHALL BE PERMANENTLY STABILIZED (SEEDED/SODDED) IN ACCORDANCE WITH CURRENT NJ SOIL EROSION AND SEDIMENT CONTROL STANDARDS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- ROOF LEADER DOWNSPOUTS SHALL DISCHARGE TO SPLASH BLOCKS AT GRADE TO DIRECT RUNOFF TOWARD THE STREET AND/OR INTO EXISTING ESTABLISHED DRAINAGE PATTERNS, SO AS TO NOT IMPACT ADJACENT PROPERTIES.
- SPECIAL ATTENTION SHALL BE GIVEN TO SWALES TO ENSURE POSITIVE RUNOFF AND NO PONDING ON PROPERTY.
- A MINIMUM 2 % SLOPE SHALL BE MAINTAINED AWAY FROM BUILDING FOUNDATION.
- ANY EXISTING CURB, SIDEWALK, PAVEMENT, UTILITY LINES AND/OR STORM DRAINAGE INFRASTRUCTURE DAMAGED AS A RESULT OF THIS PROJECT SHALL BE REPLACED AT THE DIRECTION OF THE MUNICIPAL ENGINEER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- A ROAD OPENING PERMIT IS REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO STARTING WORK IN THE RIGHT-OF-WAY, INCLUDING CURB, DRIVEWAY APRON, AND/OR SIDEWALK IMPROVEMENTS.
- IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE ADHERENCE TO MUNICIPAL ORDINANCES AND TO FRESHOLD SOIL CONSERVATION DISTRICT REGULATIONS REGARDING SOIL EROSION AND SEDIMENT CONTROL MEASURES. APPLICANT SHALL COMPLY WITH FEDERAL, STATE, COUNTY, NJDEP AND LOCAL REGULATIONS PRIOR TO ANY CONSTRUCTION ON THE PROPERTY.
- SHOULD ANY PORTION OF THE POST-DEVELOPMENT IMPROVEMENTS IMPACT DRAINAGE CONDITIONS ON THE LOT OR ADJACENT PROPERTIES, THE APPLICANT WILL BE REQUIRED TO SUBMIT ADDITIONAL AS-BUILT SURVEYS AND SUBSEQUENTLY CORRECT ANY DEFICIENCIES AT THE DIRECTION OF THE BOROUGH ENGINEER.
- ANY DEVIATIONS FROM THE APPROVED GRADING PLAN, INCLUDING FLIPPING HOUSE AND DRIVEWAY MODIFICATIONS, REQUIRE WRITTEN NOTICE TO THE BOROUGH ENGINEER'S OFFICE AND ARE SUBJECT TO REVIEW.
- ALL CONSTRUCTION APPROVALS AND THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY ARE SUBJECT TO FINAL INSPECTION BY THE BOROUGH ENGINEER AND BUILDING DEPARTMENT OFFICIALS.

### OWNER / APPLICANT:

DAVID LINK  
72 FOURTH STREET  
HIGHLANDS, NJ 07732

No.	DATE	REVISION	BY
<b>EASTERN CIVIL ENGINEERING, LLC</b> CIVIL ENGINEERING - SURVEYING & MAPPING - LAND USE PLANNING - SITE DESIGN 31 GRAND TOUR, HIGHLANDS NJ 07732    PHONE: 732.872.7736			
GRADING PLAN FOR <b>DAVID LINK</b> BLOCK 65 LOT 25 TAX MAP SHEET No. 14			
HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY			
DATE: 8-10-22		SCALE: 1" = 10'	DESIGN BY: ARS
PROJECT NO.: 2202092		SHEET NO.: 1 of 1	
ANDREW R. STOCKTON PROFESSIONAL ENGINEER & LAND SURVEYOR NEW JERSEY LIC. NO. 35405			





HGPD- R1950

September 27, 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: Link Residence  
72 4<sup>th</sup> Street  
Block 65, Lot 25  
Single-Family Residential (R-2.02) Zone  
Minor Site Plan  
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.D – Minor Site Plan.

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

1. Land Use Board Application for Minor Site Plan, dated June 22, 2022.
2. Architectural Plan prepared by Salvatore La Ferlita, R.A., dated June 14, 2022, consisting of two (2) sheets.
3. Topographical Survey prepared by Ronald L. Trinidad, P.L.S., of R & T Land Surveying, dated June 1, 2022, consisting of one (1) sheet.
4. Location Land Survey prepared by Thomas C. Finnegan, P.L.S., dated November 22, 2021, consisting of one (1) sheet.
5. Sketch of Cedar Street Road Vacation, part of Lot 25 Block 65, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.
6. Sketch of Cedar Street Road Vacation, part of Lot 2.01 Block 68, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.
7. Sketch of Cedar Street Road Vacation, part of Lot 2.02 Block 68, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.

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

**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.**



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

**Re:** Link Residence  
72 4<sup>th</sup> Street  
Block 77, Lot 15  
Single-Family Residential (R-2.02) Zone  
Minor Site Plan  
First Completeness Review

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.**
6. The location and widths of existing and proposed streets servicing the site plan. **Provided.**
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. **Partially 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.**
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. **Provided.**
16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Partially provided.**



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

Re: Link Residence  
72 4<sup>th</sup> Street  
Block 77, Lot 15  
Single-Family Residential (R-2.02) Zone  
Minor Site Plan  
First Completeness Review

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.**
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.**
  - 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: Link Residence  
72 4<sup>th</sup> Street  
Block 77, Lot 15  
Single-Family Residential (R-2.02) Zone  
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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:KJO:DV

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)  
Andrew Stockton, P.L.S., Applicant's Planner (arstockton@gmail.com)  
Salvatore La Ferlita, R.A., Applicant's Architect (sallaferlita@aol.com)  
David Link, Applicant (ddlson3@yahoo.com)

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HGPB- R1950

September 27, 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: Link Residence  
72 4<sup>th</sup> Street  
Block 65, Lot 25  
Single-Family Residence (R-2.02) Zone  
Minor Site Plan  
Fee Determination**

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 Minor Site Plan, dated June 22, 2022.
2. Architectural Plan prepared by Salvatore La Ferlita, R.A., dated June 14, 2022, consisting of two (2) sheets.
3. Topographical Survey prepared by Ronald L. Trinidad, P.L.S., of R & T Land Surveying, dated June 1, 2022, consisting of one (1) sheet.
4. Location Land Survey prepared by Thomas C. Finnegan, P.L.S., dated November 22, 2021, consisting of one (1) sheet.
5. Sketch of Cedar Street Road Vacation, part of Lot 25 Block 65, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.
6. Sketch of Cedar Street Road Vacation, part of Lot 2.01 Block 68, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.
7. Sketch of Cedar Street Road Vacation, part of Lot 2.02 Block 68, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.

Please note the following fee calculations:

- 1. Application fee: \$1,175.00**
- 2. Escrow fee: \$2,350.00**

The applicant shall post the balance of fees.



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

**Re:** Link Residence  
Block 65, Lot 25  
Single-Family Residence (R-2.02) Zone  
Minor Site Plan  
Fee Determination

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)  
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HGPB-R1950

DETERMINATION OF FEES  
Link Residence - 72 4th Street  
Block 65 Lot 25

A. APPLICATION FEES (Ord. 21-107)

A. Variances						
3. Residential "c" (minimum lot area)	1	EA	\$	125.00	\$	125.00
Residential "c" (minimum lot frontage)	1	EA	\$	125.00	\$	125.00
Residential "c" (minimum side yard setback)	2	EA	\$	125.00	\$	250.00
Residential "c" (maximum building coverage)	1	EA	\$	125.00	\$	125.00
4. Residential "d" (buidling height)	1	EA	\$	150.00	\$	150.00
B. Site Plans						
2. Minor	1	EA	\$	400.00	\$	400.00

B. ESCROW FEES (Ord. 21-108)

B. Escrow Deposits (twice Application Fee; Minimum \$750)	1	LS	\$	2,350.00	\$	2,350.00
					<b>Application fees subtotal</b>	\$ 1,175.00
					<b>Escrow fee subtotal</b>	\$ 2,350.00
					<b>Total</b>	\$ 3,525.00





HGPD- R1950

September 30, 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: Link Residence  
72 4<sup>th</sup> Street  
Block 65, Lot 25  
Single-Family Residential (R-2.02) Zone  
Minor Site Plan  
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 for Minor Site Plan, dated June 22, 2022.
2. Architectural Plan prepared by Salvatore La Ferlita, R.A., dated September 23, 2022, consisting of two (2) sheets.
3. Topographical Survey prepared by Ronald L. Trinidad, P.L.S., of R & T Land Surveying, dated June 1, 2022, consisting of one (1) sheet.
4. Location Land Survey prepared by Thomas C. Finnegan, P.L.S., dated November 22, 2021, consisting of one (1) sheet.
5. Grading Plan prepared by Andrew R. Stockton, P.E., P.L.S., of Eastern Civil Engineering, LLC, dated August 10, 2022, consisting of one (1) sheet.
6. Sketch of Cedar Street Road Vacation, part of Lot 25 Block 65, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.
7. Sketch of Cedar Street Road Vacation, part of Lot 2.01 Block 68, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, consisting of one (1) sheet.
8. Sketch of Cedar Street Road Vacation, part of Lot 2.02 Block 68, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated June 21, 2022, 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 2,750 square feet property is currently vacant and per the applicant previously contained a two-story single-family dwelling and wooden deck. The site is located in the Single Family Residential (R-2.02) Zone of the Borough with frontage along 4<sup>th</sup> Street. With this application, the applicant is seeking minor site plan and bulk variance approval to construct a new elevated two-and-a-half-story single family dwelling.

**B. Planning and Zoning**

In accordance with Section 21-86 of the Ordinance existing/proposed bulk criteria are noted as follows:



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

**Re:** Link Residence  
72 4<sup>th</sup> Street  
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Minor Site Plan  
First Engineering Review

R-2.02 Zone	Required	Existing	Proposed
Min. Lot Size	4,000 SF	2,739 SF <sup>(E)</sup>	2,739 SF <sup>(E)(V)</sup>
Min. Lot Frontage	50'	25' <sup>(E)</sup>	27.5' <sup>(E)(V)</sup>
Min. Lot Depth	75'	100'	100'
Min. Front Yard Setback*	20' (10' min)	NA	15' (porch)
Minimum Rear Yard Setback	20'	NA	20' (elev. deck)
Minimum Side Yard Setback	6'8'	NA	2'3' <sup>(V)</sup>
Maximum Building Height**	30' (32.5')	NA	+/-33.5' <sup>(V)(C)</sup>
Maximum Building Coverage	33%	NA	+/-45% <sup>(V)(C)</sup>
Maximum Lot Coverage	75%	NA	63.7%

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

\*Per Section 21-79.B and Schedule 1 of Section 21 of the Ordinance, in areas where at least 75% of the lots within 200 feet are already developed, the front yard setback may be either the required setback or the prevailing setback. The prevailing setback shall be the average setback of buildings on the same block in the same zone, but not less than the average of the setbacks of the buildings on the two nearest adjacent lots and in no case less than half the required setback.

\*\*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 proposed dwelling height. Building height calculations in accordance with the Borough's definition of "Building Height" and "Grade Plane" as noted in Section 21-8 of the Ordinance shall be provided. It appears that the applicant measured to the average height of the second highest roof surface, as opposed to the highest roof surface which is required by Ordinance. Using the mean height of the upper (smaller) roof



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

**Re: Link Residence  
72 4<sup>th</sup> Street  
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Single-Family Residential (R-2.02) Zone  
Minor Site Plan  
First Engineering Review**

- surface results in a height approximately one (1) foot taller than the Ordinance allows. This can either be clarified/modified to comply, or a bulk “c” variance could be sought.
2. The applicant shall confirm the building coverage calculation. Per the Ordinance, covered porches shall be included. We calculated approximately 45%.
  3. 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.

**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. The applicant shall confirm the proposed number of bedrooms for the new dwelling, as a loft room with wet bar and bathroom has been proposed within the attic space. The applicant provides two (2) off-street parking spaces for the dwelling.
2. The Architectural Plans indicate a paver driveway width with a width of 18 feet, whereas the Grading Plan indicates a paved driveway with a width of 14 feet. This discrepancy shall be addressed, and the appropriate plan revised.
3. The plans shall be revised to show the limits of concrete sidewalk replacement.
4. 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.



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

**Re: Link Residence  
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5. While the project is not considered a major development, the applicant appears to increase impervious coverage by approximately 1,260 square feet. The applicant shall provide testimony on 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.
6. The applicant shall provide testimony on any adverse drainage impacts to the adjacent properties as a result of the proposed improvements.
7. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application. Proper trench restoration for all proposed utilities shall be shown on the plans.
8. Per Ordinance O-22-13 a portion of the western adjacent alley between 72 4<sup>th</sup> Street and 26 Cedar Street was vacated and is proposed as a permanent utility easement/reservation. This increased the original 2,500 SF lot area of Lot 25 to 2,739 SF. The applicant shall provide testimony on all easements associated with this project.
9. A note shall be added to the plans indicating that all utilities are to be installed underground.
10. The applicant shall also be aware that a sanitary sewer connection fee must be paid prior to issuance of building permits.
11. 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.
12. 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.
13. It should be noted that this property is located within the AE flood zone with a Base Flood Elevation (BFE) of 11 feet. The applicant has indicated that the proposed finished floor elevation is 17.42 feet. Additionally, it is recommended that the applicant obtains an Elevation Certificate for the subject property.

We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.

14. 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



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

**Re:** Link Residence  
72 4<sup>th</sup> Street  
Block 65, Lot 25  
Single-Family Residential (R-2.02) Zone  
Minor Site Plan  
First Engineering Review

specific restrictions and/or permitting requirements accordingly. We recommend a jurisdictional determination be provided. We defer further review to NJDEP.

15. The applicant shall provide testimony on proposed flood mitigation measures.
16. The Zoning Table shall be revised to correctly indicate all existing and proposed bulk conditions. Additionally, there are multiple discrepancies between the Zoning Tables of the Architectural Plan and Grading Plan. These plans shall be revised, and the appropriate bulk conditions shall be provided in each Zoning Table.
17. The Building Department should review the architectural plans for ADA compliance.
18. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other off-site objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
19. The applicant shall provide testimony regarding any mechanical equipment proposed, such as A/C units and backup power generators, as well as any requirements for electric and other meters including any required platforms.
20. Approvals or waivers should be obtained from any outside agencies or departments having jurisdiction. These may include, but shall not be limited to, the following:
  - a. New Jersey Department of Environmental Protection
    - i. CAFRA
  - b. Freehold Soil Conservation District

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



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

**Re:** Link Residence  
72 4<sup>th</sup> Street  
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EWB:KJO:DV

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# The Two River

75 West Fr  
Red Bank,

## Affidavit of

State of New Jersey} ss.  
Monmouth County

Personally appeared Stephen Appezzato

of The Two River Times, a newspaper published in  
being duly sworn, depose and saith that the adve  
copy, has been published in the said newspaper 1 t

September 29, 2022

Stephen Appezzato  
(Employee Signature)


Sworn and subscribed before me this day 29 of September 2022

Notary Public of New Jersey

Fees: \$25.23 Ad: 22533  
Advertisement (attached)

MELISSA INDIVIGLIO  
Notary Public, State of New Jersey  
Commission # 50048224  
My Commission Expires 10/24/2026

1205 Public Notice

 Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, NJ 07732  
Phone: (732) 872-1224  
Fax: (732) 872-0670  
www.highlandborough.org

Notice to be Published in Official Newspaper

Notice of Hearing  
Land Use Board

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the 13th day of October  
a hearing will be held before the Borough of Highlands Land Use Board in the Community Center, 22  
Snug Harbor, Highlands New Jersey on the application of the undersigned that has been made to the  
Borough of Highlands Land Use Board, at which time and place all interested persons will be given an  
opportunity to be heard.

The property in question is located at  
72 4th St. Highlands NJ 07732  
also known as Block 45 Lot(s) 25 on the Highlands Tax Map.  
The property is located in the R 202 zone.  
The applicant is seeking:  
build new construction home

for the purpose of  
living there

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

Melissa Indiviglio  
(Name of Applicant, and/or applicant's attorney)

[This notice must be published at least 10 days prior to the hearing  
in the Asbury Park Press or the Two River Times.]

indusee@highlandborough.org | 6

Sept 29, 2022  
Ad #22533

\$25.23





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2022-19

### OPEN PUBLIC MEETINGS ACT – EXECUTIVE SESSION

October 13, 2022

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

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

**NOW, THEREFORE BE IT RESOLVED** by the Borough of Highlands Land Use Board, County of Monmouth, State of New Jersey ("Board"), on this 13th day of October 2022, as follows:

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

**ATTEST:**

**BOROUGH OF HIGHLANDS LAND USE BOARD**

\_\_\_\_\_  
Nancy Tran, Secretary

\_\_\_\_\_  
Robert Knox, Chair