



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

AGENDA

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

Mayor Broullon • Chief Burton • Mr. Kutosh • Ms. LaRussa • Mr. Lee • Mr. Montecalvo •
Councilmember Olszewski • Vice Chair Tierney • Chair Knox

Mr. Zill • Ms. Chang • Mr. Ziemba • Mr. Cramer

OATH OF OFFICE: Councilmember Olszewski and Dennis Ziemba

OPEN FOR PUBLIC COMMENTS

*General Questions or Comments **not** pertaining to Applications*

RESOLUTIONS

1. LUB Resolution 2022-08 Memorializing Extension of Bulk Variance Relief:

LUB 2019-01: Alvator, Block 35 Lots 6 & 7 (10 North Peak)

HEARINGS ON OLD BUSINESS: None

HEARINGS ON NEW BUSINESS

2. LUB 2021-05: Mattina, Block 12 Lots 401 & 4.02 (149 Portland Rd.) – Minor subdivision & variances
3. Consistency Review: R 22-059 Resolution Referring Redevelopment Plan to LUB

APPROVAL OF MINUTES

4. January 6, 2022 LUB Meeting Minutes

ANNUAL REPORT

5. Amended 2021 Annual Report

COMMUNICATION AND VOUCHERS

ADJOURNMENT

Board Policy: 1) 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. 2) No new hearing shall commence after 9:15 P.M. unless the Chair shall rule otherwise. 3) The Chair may limit repetitive comments or irrelevant testimony and may limit the time or number of questions or comments from any one citizen to ensure an orderly meeting and allow adequate time for members of the public to be heard.



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

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

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

MATTER OF DONNA ALVATOR

APPLICATION NO. LUB-2019-01

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

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

WHEREAS, on or about December 16, 2021, the Board received a written request for an extension from the Applicant and at the January 6, 2022 hearing, heard statements from the Board Engineer and Board Attorney regarding the request, and with the public having had an opportunity to be heard; and

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

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

1. The Applicant is seeking a two-year extension of time for the bulk variance relief granted by the Board on August 1, 2019 and memorialized in a resolution dated September 5, 2019.

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

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

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

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

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

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

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

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby concludes that good cause has been shown to approve the application of Donna Alvator for a two-year extension of time for bulk variance relief until September 5 2022.

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

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

The application is granted subject to the following conditions:

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

2. All terms and conditions of the Board’s previous approvals, except as satisfied or amended, shall remain in place.
3. The Applicant shall provide a certificate that taxes are paid to date of approval.
4. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
5. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

BE IT FURTHER RESOLVED that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Borough clerk, engineer, attorney and tax assessor, and shall make same available to all other interested parties.

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

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

Nancy Tran, Secretary
Borough of Highlands Land Use Board



Item 2.

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

Subdivision Application

Minor Subdivision:
Preliminary X
Final X

Major Subdivision:
Preliminary _____
Final _____

For Official Use	
Application Fee Paid: \$ _____	Date Received: _____
Received By: _____	Case No: _____
Board Action: _____	Date: _____

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

Applicant Information			
Name	<u>Christopher and Rosemarie Mattina</u>		
Street	<u>54 Bloomfield Road</u>	City	<u>Manalapan</u> State <u>NJ</u> Zip <u>07726</u>
Phone #	<u>[REDACTED]</u>	Email	<u>[REDACTED]</u>

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

Subdivision Information			
Street	<u>149 Portland Road</u>	Block	<u>12</u> Lot <u>4.01/4.02</u> Zone <u>R1.03</u>
Number of existing lots:	<u>1</u>	Number of proposed lots:	<u>2</u>
Area of entire tract:	<u>37,908.72</u>	and portion being subdivided:	<u>entire tract</u>

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OCT 25 2021

LAND USE BOARD



Borough of Highlands Land Use Board Item 2.
 42 Shore Drive, Highlands, NJ 07732
 Phone: 732-872-1224
 Fax: 732-872-0670

Development Plans		
Sell lot only:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Construct houses for sale:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other: _____		

Attach a copy of any deed restrictions or restrictive covering

Information of Person Preparing Sketch Plat			
Name	David F. Wisotsky, P.E. - Bohler Engineering NJ, LLC		
Street	30 Independence Blvd., Suite 200	City	Warren
		State	NJ
	07059	Zip	
Phone #	(732)825-6800		

Sketch Plat Requirements

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

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

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**Affidavit of Applicant**

State of New Jersey)
) SS.
 County of Monmouth)

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

Rosemarie Mattira

 Applicant's Signature

Date October 18, 2021

Sworn and subscribed
 before me this 18
 day of October, 2021



R Panagakos

 Signature of Notary

Authorization

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

To the Land Use Board:

_____ is hereby authorized to make this application.

Date: _____

Signature of Owner: _____

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LAND USE BOARD



FOR OFFICIAL USE

Case No: _____ Fee Paid: _____ Date Filed: _____

1. (I/we) Christopher Mattina, the applicant(s), whose Post Office address is
Rosemarie Mattina 54 Bloomfield Road, Manalapan, NJ 07726

and whose phone number is [REDACTED] (am/are) the (owner/contact purchaser) of
 property located at 149 Portland Road and designated as Block 12
 Lot(s) 4.01/ on the Tax Map of the Borough of Highlands.
4.02

2. The property is in the R1.03 zone. It has a street frontage of _____ feet with an area of
37,908.72 Square feet. Entire Tract

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be
See attached Minor Subdivision Application

4. The following structures, buildings or uses are located on the property
Single family home on Lot 4.01 Lot 4.02 vacant

5. Application is hereby made for a variance to:
See attached.

6. The reasons for this request and the grounds urged for the relief are as follows:
See attached.

7. The section of the Borough Zoning Ordinance upon which this application is based is Section
21-85: C4

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8. Property taxes have been paid through Current
 The sewer bills have been paid through Current

LAND USE BOARD

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



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

Date of Filing: _____

Character of Appeal: _____

Disposition and Date: _____

Attach copy of decision

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

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

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

Rosemarie Mattena
 Signature

10-18-2021
 Date
10-18-2021

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 OCT 25 2021
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Borough of Highlands Land Use Board
 42 Shore Drive, Highlands, NJ 07733 Item 2.
 Phone: 732-872-1224
 Fax: 732-872-0670

Affidavit of Applicant

State of New Jersey)
) SS.
 County of Monmouth)

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

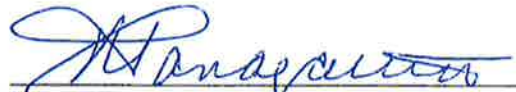


 Applicant's Signature

Date October 18, 2021

Sworn and subscribed
 before me this 18
 day of October, 2021





 Signature of Notary

Authorization

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

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

Date: _____

Signature of Owner: _____

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**ATTACHMENT TO APPLICATION FOR VARIANCE
AND MINOR SUBDIVISION**

5. Applicant proposes to subdivide two existing lots in Block 12 into two new lots which are referred to as proposed Lot 4.01 and proposed Lot 4.02. The variances requested for proposed Lot 4.01 are as follows:

Minimum lot size permitted 14,000 ft.², proposed 10,058.27 ft.².

Minimum depth permitted 200 feet, existing 132.18 feet, proposed 56.61 feet.

Minimum front yard permitted 35 feet/with slope 35 feet, existing .5 proposed .5.

Minimum rear yard permitted 25 feet/with slope 25, existing 90.6 feet, proposed 24.3 feet.

Maximum lot coverage permitted with slope 29.42%, existing 18.17%, proposed 48.2%.

Maximum lot impervious coverage with slope 16.08%, existing 17%, proposed 45.3%.

Maximum lot disturbance with slope 2,103.6ft.² proposed 7,470 ft.² ±

Disturbance distance (top/toe) 15 feet/10 feet, proposed 15/0 feet.

Structure distance (top/toe) 25 feet/15 feet, existing > 25/0 feet
proposed > 25/0.

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VARIANCES REQUESTED FOR PROPOSED LOT 4.02

Minimum depth permitted 200 feet, existing 278.13 feet, proposed 186.29 feet.

Minimum front yard permitted 35', existing-vacant, proposed 21.03 feet.

Maximum lot disturbance with slope 4,793.2 ft.². proposed 9050 ft.²

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6. The reason for this request on the grounds urged for the relief as follows right:

The property in question consists of lots 4.01 and 4.02 in Block #12. The latter being a flag lot. Applicant purchased the property after determining a subdivision had been granted for the property on September 10, 1992 and memorialized in a resolution on October 8, 1992. The subdivision was perfected by deed dated October 2, 1995, which had attached the Board's resolution. Therefore, there are two existing fully approved lots that are the subject matter of this application. The problem arose as a result of the Borough adopting an ordinance which is Section 21-84B entitled "Steep Slopes And Slump Blocks". The fact is that to construct a driveway to Lot 4.02 pursuant to the previously approved subdivision plan, would violate requirements of that ordinance.

The Applicant has presented a plan to the Board to address the steep slope ordinance which requires a resubdivision of the two lots. Without obtaining variances necessary to develop both lots the previously approved Lot 4.02 will be zoned into inutility. Applicant has a hardship directly related to the topography of the lot and the adoption of the new slope ordinance. Applicant is therefore, requesting variances to address that hardship which also provides a better zoning alternative so the lots previously approved by the subdivision can be developed in a new configuration.

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LAND USE BOARD

AFFIDAVIT OF OWNERSHIP

STATE OF NEW JERSEY :
: SS
COUNTY OF :

Christopher and Rosemarie Mattina _____, being of full age, and being duly sworn according to law on oath deposes and says that the deponent resides at 149 Portland Road in the Borough of Highlands, in the County of Monmouth and the State of New Jersey that Christopher Mattina is the owner in fee of all that certain lot, piece of parcel of land situated, lying and being in the municipality aforesaid, and known and designated as Block 12, Lot(s) 4 01 & 4 02.

Sworn to and subscribed before me this 16th day of September 2021.

[Signature]
Property Owner Signature

[Signature]
Property Owner Signature

Notary Seal



AUTHORIZATION
(If anyone other than the above owner is making this application, the following authorization must be executed)

I hereby authorize _____ to make the within application.



Signature

Date

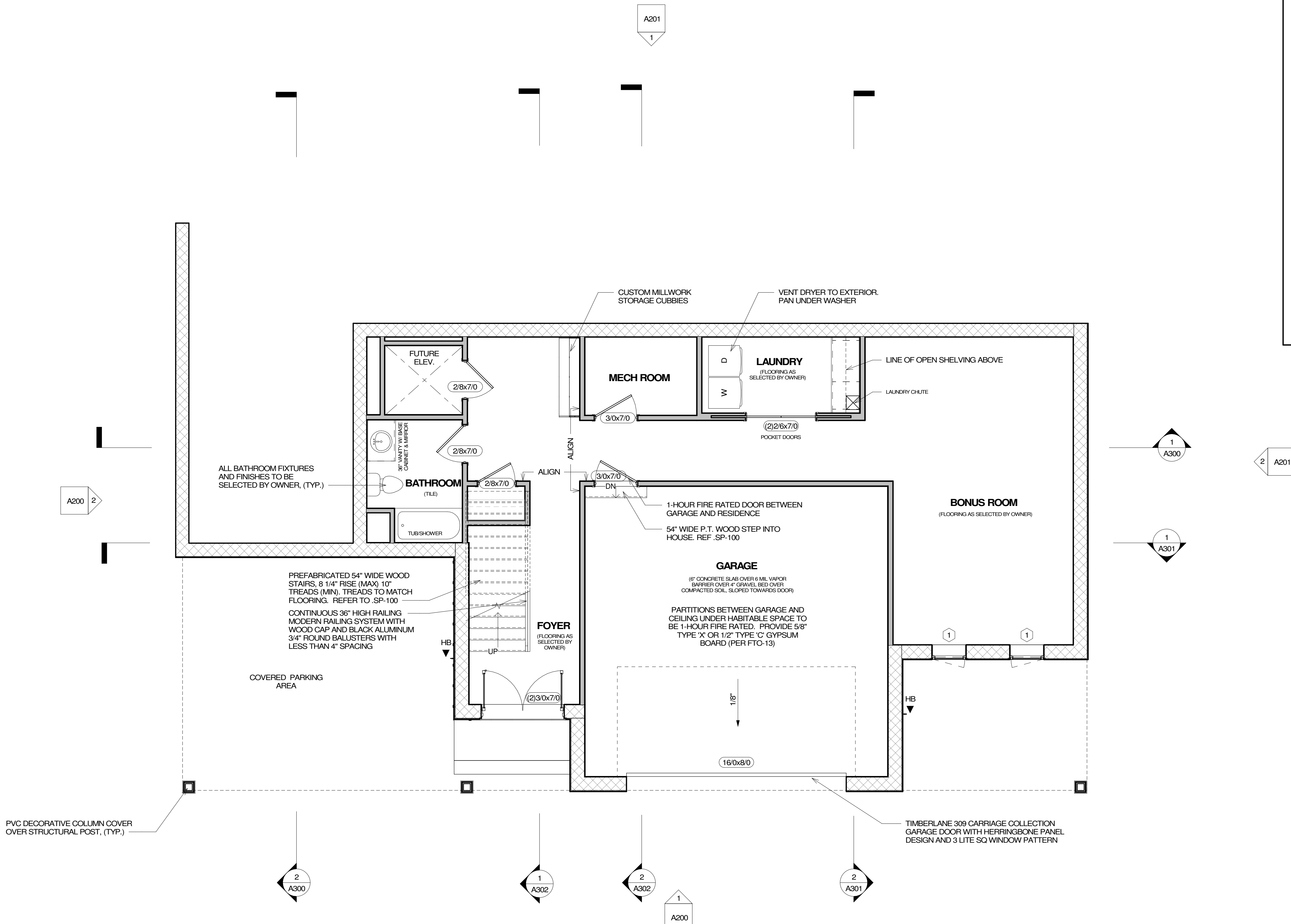
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OCT 25 2021
LAND USE BOARD

WINDOW SCHEDULE (GROUND LEVEL)		
Type Mark	Window Type	Model
1	Ultimate Casement Narrow Frame	UCANF3044
1	Ultimate Casement Narrow Frame	UCANF3044

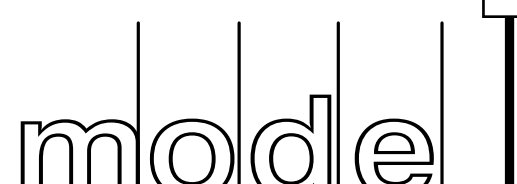
WALL LEGEND	
	NEW STUD WALLS 2X4 WOOD STUDS (2X6 EXTERIOR) @ 16" O.C. WITH 1/2" GYP BD AT EACH SIDE
	CONCRETE WALLS REFER TO STRUCTURAL PLANS FOR MORE INFORMATION

- ### GENERAL NOTES
1. ALL WOOD FRAMING MATERIAL SHALL BE NO.2, KILN DRY, OF ANY SPECIES GRADED UNDER WESTERN WOOD PRODUCTS ASSOCIATION (WWPA). ALL WOOD BELOW BASE FLOOR ELEVATION (BFE) SHALL BE PRESERVATIVE TREATED.
 2. GLUE-LAMINATED BEAMS SHALL BE GEORGIA-PACIFIC 2.0E OR 1.8E LAMINATED VENEER LUMBER (LVL) OR PARALLEL STRAND LUMBER (PSL) BEAMS. INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.
 3. WOOD FRAMING AND CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH METHODS OUTLINED IN THE WOOD FRAMED CONSTRUCTION MANUAL.
 4. ALL CONCRETE SHALL BE MANUFACTURED AND INSTALLED IN ACCORDANCE WITH STANDARD PROVIDED ASTM C94. EXTERIOR SLABS ON GRADE SHALL MEET A COMPRESSIVE STRENGTH OF 4500 PSI WITH A MAXIMUM WATER-CEMENTITIOUS RATIO OF .45 AND 6% AIR ENTRAINMENT. INTERIOR SLABS ON GRADE AND STRUCTURAL CONCRETE SHALL MEET A COMPRESSIVE STRENGTH OF 3000 PSI WITH A MAXIMUM WATER-CEMENTITIOUS RATIO OF .55 AND 6% AIR ENTRAINMENT.
 5. ALL DECORATIVE ELEMENTS AND FINISHES ARE TO BE SELECTED BY OWNER. VERIFY WITH OWNER BEFORE ORDERING AND INSTALLATION, TYP. FOR ENTIRE PROJECT.
 6. DOUBLE UP ALL FLOOR JOISTS OR PROVIDE SOLID BLOCKING BETWEEN ALL JOISTS BELOW ALL BEARING WALLS, TUBS, AND APPLIANCES.
 7. PLUMBING CONTRACTOR TO PROVIDE WASTE AND SUPPLY WATER LINES AND GAS DIAGRAM TO BUILDING DEPARTMENT FOR APPROVAL.
 8. ALL WINDOWS TO HAVE 7' - 0" HEAD HEIGHT TO ALIGN WITH EXTERIOR DOORS, EXCEPT TRANSOM WINDOWS.
 9. ALL DIMENSIONS ARE TO FACE OF CMU, FACE OF CONCRETE, OR FACE OF STUD, UNLESS NOTED OTHERWISE.
 10. WHEN NOTED AS "ALIGN," FACE OF FINISHES ARE TO ALIGN.
 11. INSTALL ICE AND WATER SHIELD AT ALL ROOFS WITH A ROOF SLOPE LESS THAN 4:12



1 GROUND LEVEL PLAN
1/4" = 1'-0"

Item 2



Monmouth Ocean Design Experts
DANIEL M. CONDATORE, RA
619 LAKE AVE/ 3RD FLOOR
ASBURY PARK, NJ 07712
NJ LICENSE #21A10798000
t: 732 800 1958
e: dcondatore@mode-arch.com

ENGINEER: [Signature Box]
ARCHITECT & ENGINEER: [Signature Box]
ARCHITECT & ENGINEER: [Signature Box]
SIGNATURE & SEAL BOX: [Signature Box]
SEAL DATE: [Signature Box]

OWNER: [Signature Box]
PROJECT LOCATION: [Signature Box]

KAPLAN RESIDENCE ~
NEW PRIVATE RESIDENCE

149 PORTLAND ROAD
HIGHLANDS, NEW JERSEY 07732
BLOCK: 12, LOT: 4.02

OWNER

No.	REVISIONS / ISSUES	DATE
	Planning Submission	10/19/2021

CHECKED BY: DMC
DRAWN BY: DMC
SCALE:

DRAWING TITLE:
FLOOR PLANS

DRAWING NO:
A100

OWNER: [Signature Box]
PROJECT LOCATION: [Signature Box]

CHECKED BY: DMC
DRAWN BY: DMC
SCALE:

DRAWING TITLE:
FLOOR PLANS

DRAWING NO:
A100

WINDOW SCHEDULE (LEVEL 1)			
Type Mark	Window Type	Model	Comments
2	Ultimate Casement Narrow Frame	UCANF3254	2 MULLED UNITS
4	Ultimate Casement Narrow Frame Picture	UCANFP3664	
4	Ultimate Casement Narrow Frame Picture	UCANFP3664	
4	Ultimate Casement Narrow Frame Picture	UCANFP3664	
5	Ultimate Casement Narrow Frame	UCANF3044	3 MULLED UNITS
6	Ultimate Awning	UAWN4036	3 MULLED UNITS
7	Ultimate Awning	UAWN3024	2 MULLED UNITS
10	Ultimate Casement Narrow Frame	UCANF2854	
10	Ultimate Casement Narrow Frame	UCANF2854	
10	Ultimate Casement Narrow Frame	UCANF2854	

WALL LEGEND	
	NEW STUD WALLS 2X4 WOOD STUDS (2X6 EXTERIOR) @ 16" O.C. WITH 1/2" GYP BD AT EACH SIDE
	CONCRETE WALLS REFER TO STRUCTURAL PLANS FOR MORE INFORMATION

- ### GENERAL NOTES
- ALL WOOD FRAMING MATERIAL SHALL BE NO.2, KILN DRY, OF ANY SPECIES GRADED UNDER WESTERN WOOD PRODUCTS ASSOCIATION (WWPA). ALL WOOD BELOW BASE FLOOR ELEVATION (BFE) SHALL BE PRESERVATIVE TREATED.
 - GLUE-LAMINATED BEAMS SHALL BE GEORGIA-PACIFIC 2.0E OR 1.8E LAMINATED VENEER LUMBER (LVL) OR PARALLEL STRAND LUMBER (PSL) BEAMS. INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.
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 - INSTALL ICE AND WATER SHIELD AT ALL ROOFS WITH A ROOF SLOPE LESS THAN 4:12

mode
Monmouth Ocean Design Experts

DANIEL M. CONDATORE, RA
619 LAKE AVE/ 3RD FLOOR
ASBURY PARK, NJ 07712
NJ LICENSE #21A10798000
t: 732 800 1958
e: dcondatore@mode-arch.com

ENGINEER
ARCHITECT & ENGINEER

SIGNATURE & SEAL BOX

SIGNATURE: _____ SEAL DATE: _____

OWNER: ~ KAPLAN RESIDENCE ~
PROJECT LOCATION: NEW PRIVATE RESIDENCE

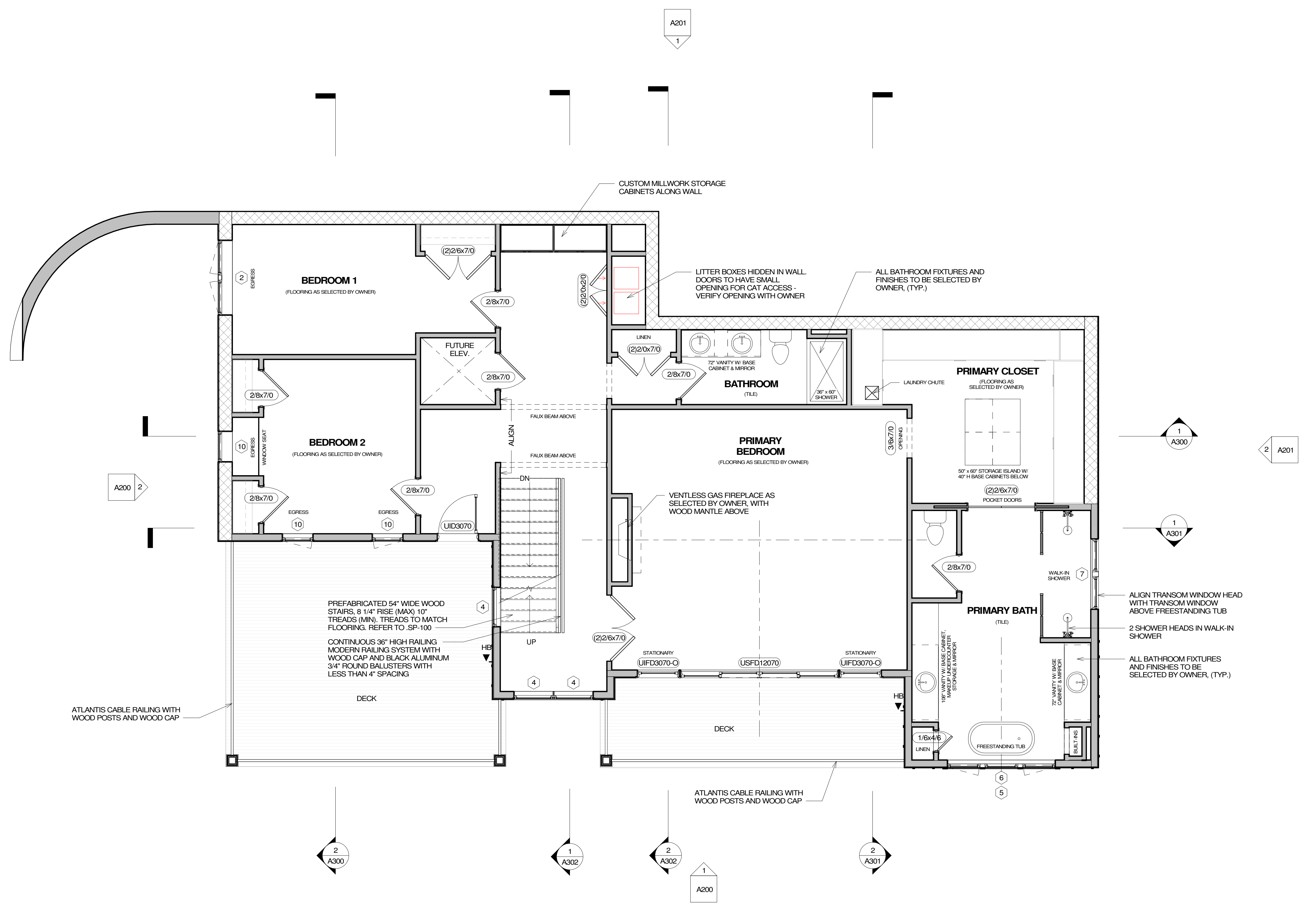
149 PORTLAND ROAD
HIGHLANDS, NEW JERSEY 07732
BLOCK: 12, LOT: 4.02

No.	REVISIONS / ISSUES	DATE
1	Planning Submission	10/19/2021

CHECKED BY: DMC DRAWN BY: DMC

SCALE:
DRAWING TITLE:
FLOOR PLANS

DRAWING NO:
A101



1 LEVEL 1 PLAN
1/4" = 1'-0"

WINDOW SCHEDULE (LEVEL 2)			
Type Mark	Window Type	Model	Comments
8	Ultimate Casement Narrow Frame Picture	UCANFP3664	
8	Ultimate Casement Narrow Frame Picture	UCANFP3664	
8	Ultimate Casement Narrow Frame Picture	UCANFP3664	
8	Ultimate Casement Narrow Frame Picture	UCANFP3664	
8	Ultimate Casement Narrow Frame Picture	UCANFP3664	
8	Ultimate Casement Narrow Frame Picture	UCANFP3664	
8	Ultimate Casement Narrow Frame Picture	UCANFP3664	
9	Ultimate Casement Narrow Frame	UCANF2854	2 MULLED UNITS
10	Ultimate Casement Narrow Frame	UCANF2854	
10	Ultimate Casement Narrow Frame	UCANF2854	
11	Ultimate Casement Narrow Frame	UCANF3654	2 MULLED UNITS
12	Ultimate Casement Narrow Frame Picture	UCANFP4084	
12	Ultimate Casement Narrow Frame Picture	UCANFP4084	
12	Ultimate Casement Narrow Frame Picture	UCANFP4084	
12	Ultimate Casement Narrow Frame Picture	UCANFP4084	
12	Ultimate Casement Narrow Frame Picture	UCANFP4084	
13	Ultimate Casement Narrow Frame	UCANF2844	
13	Ultimate Casement Narrow Frame	UCANF2844	
13	Ultimate Casement Narrow Frame	UCANF2844	
14	Ultimate Casement Narrow Frame	UCANF2844	5 MULLED UNITS

WALL LEGEND	
	NEW STUD WALLS 2X4 WOOD STUDS (2X6 EXTERIOR) @ 16" O.C. WITH 1/2" GYP BD AT EACH SIDE
	CONCRETE WALLS REFER TO STRUCTURAL PLANS FOR MORE INFORMATION

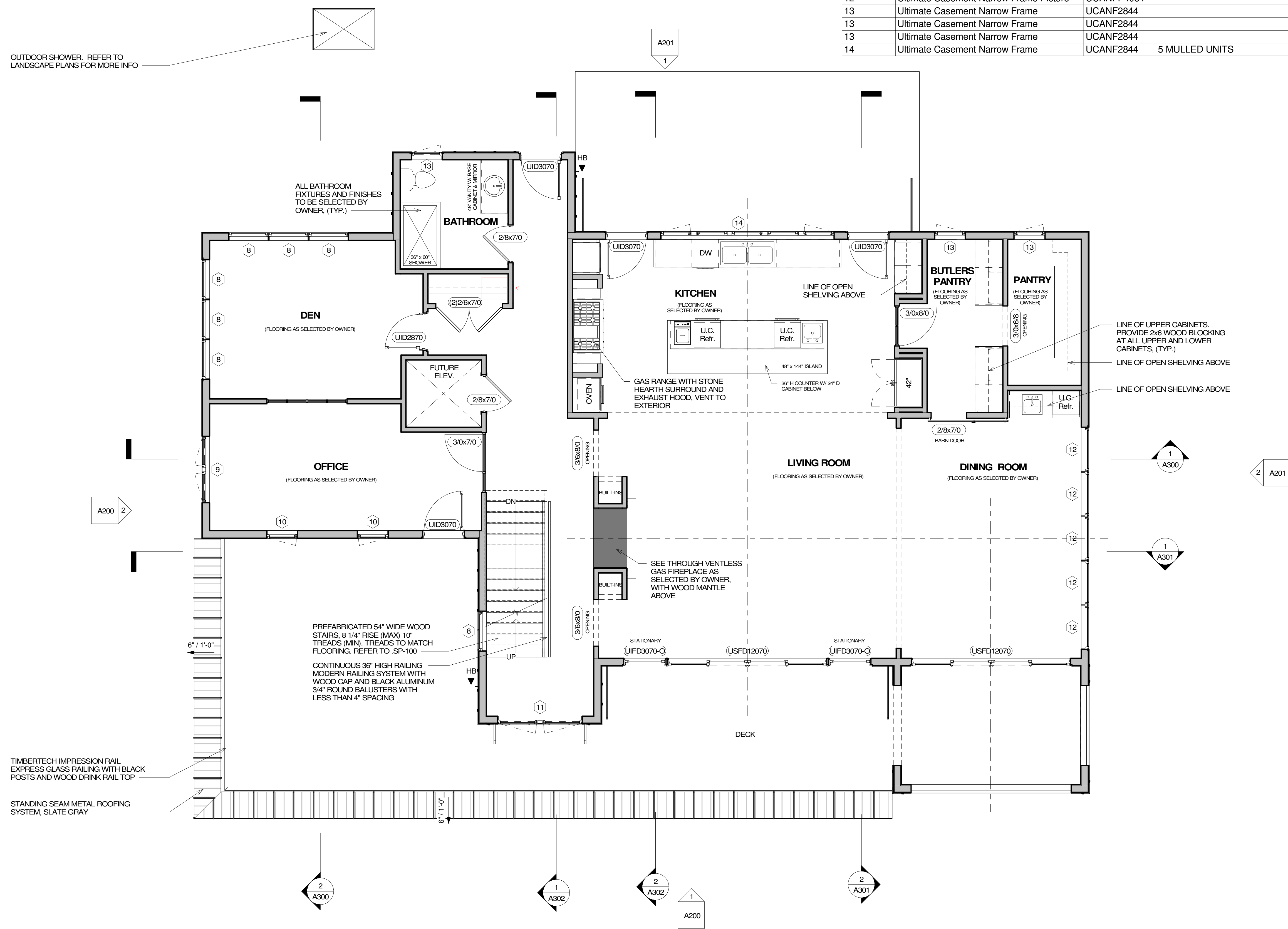
- ### GENERAL NOTES
- ALL WOOD FRAMING MATERIAL SHALL BE NO.2, KILN DRY, OF ANY SPECIES GRADED UNDER WESTERN WOOD PRODUCTS ASSOCIATION (WWPA). ALL WOOD BELOW BASE FLOOR ELEVATION (BFE) SHALL BE PRESERVATIVE TREATED.
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 - INSTALL ICE AND WATER SHIELD AT ALL ROOFS WITH A ROOF SLOPE LESS THAN 4:12

mode
Monmouth Ocean Design Experts

DANIEL M. CONDATORE, RA
619 LAKE AVE/ 3RD FLOOR
ASBURY PARK, NJ 07712
NJ LICENSE #21A10798000
t: 732 800 1958
e: dcondatore@mode-arch.com

ENGINEER: _____
ARCHITECT & ENGINEER: _____
SIGNATURE & SEAL BOX:

SIGNATURE: _____ SEAL DATE: _____



OUTDOOR SHOWER. REFER TO LANDSCAPE PLANS FOR MORE INFO

ALL BATHROOM FIXTURES AND FINISHES TO BE SELECTED BY OWNER, (TYP.)

48" VANITY W/ BASE CABINET & MIRROR

36" x 60" SHOWER

28x70

UID3070

HB

13

UID2870

(2)28x70

FUTURE ELEV.

28x70

30x70

UID3070

DN

UP

36x80 OPENING

BUILT-IN

BUILT-IN

SEE THROUGH VENTLESS GAS FIREPLACE AS SELECTED BY OWNER, WITH WOOD MANTLE ABOVE

STATIONARY (UJFD3070-O)

USFD12070

STATIONARY (UJFD3070-O)

USFD12070

DECK

6' / 1'-0"

6' / 1'-0"

2 A300

1 A302

2 A302

1 A200

2 A301

1 A301

2 A300

1 A300

2 A201

1 LEVEL 2 PLAN
1/4" = 1'-0"

~ KAPLAN RESIDENCE ~
NEW PRIVATE RESIDENCE

149 PORTLAND ROAD
HIGHLANDS, NEW JERSEY 07732
BLOCK: 12, LOT: 4.02

OWNER: _____
PROJECT LOCATION: _____

No.	REVISIONS / ISSUES	DATE
1	Planning Submission	10/19/2021

CHECKED BY: DMC
DRAWN BY: DMC

SCALE: _____

DRAWING TITLE: FLOOR PLANS

DRAWING No. A102

WINDOW SCHEDULE (DORMERS)			
Type Mark	Window Type	Model	Comments
15		WUCAFCIR3950	Wood Ultimate Casement Round Top
16	Ultimate Awning Narrow Frame	UAWNNF2424	
16	Ultimate Awning Narrow Frame	UAWNNF2424	

WALL LEGEND

NEW STUD WALLS
2x4 WOOD STUDS (2x6 EXTERIOR) @ 16" O.C. WITH 1/2" GYP BD AT EACH SIDE

CONCRETE WALLS
REFER TO STRUCTURAL PLANS FOR MORE INFORMATION

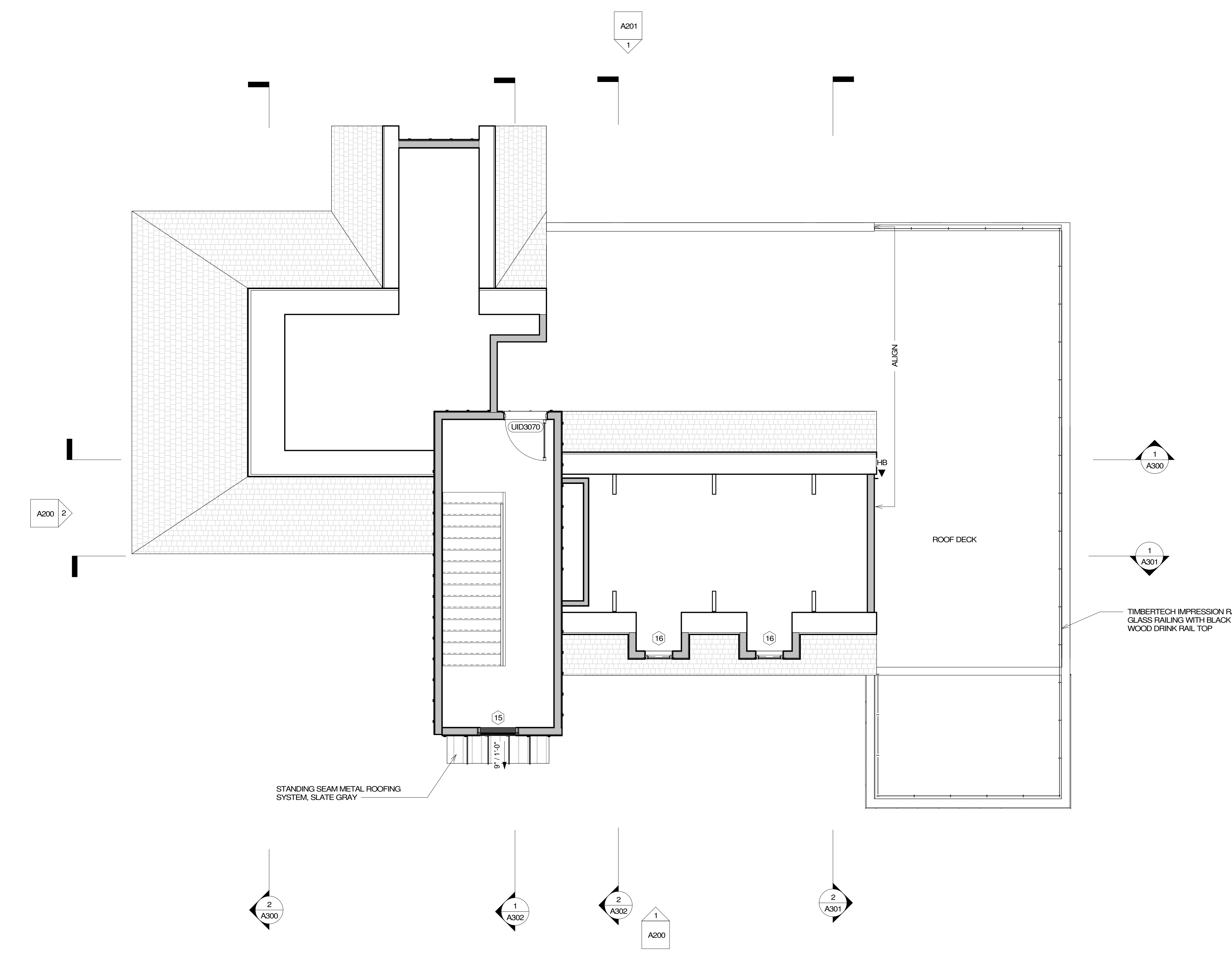
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ENGINEER
ARCHITECT & ENGINEER SIGNATURE & SEAL BOX

SIGNATURE _____
SEAL DATE



1 ROOF DECK PLAN
1/4" = 1'-0"

OWNER
**~ KAPLAN RESIDENCE ~
NEW PRIVATE RESIDENCE**

PROJECT LOCATION
**149 PORTLAND ROAD
HIGHLANDS, NEW JERSEY 07732
BLOCK: 12, LOT: 4.02**

No.	REVISIONS / ISSUES	DATE
	Planning Submission	10/19/2021

CHECKED BY: **DMC** DRAWN BY: **DMC**

SCALE: _____

DRAWING TITLE:
FLOOR PLANS

DRAWING NO.:
A103

WALL LEGEND

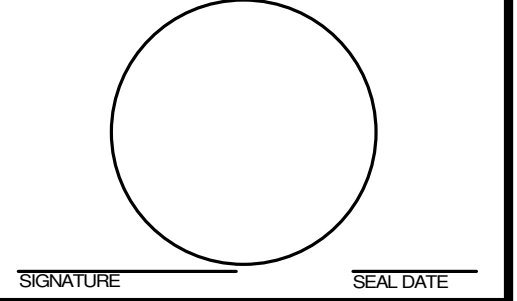
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- CONCRETE WALLS
REFER TO STRUCTURAL PLANS FOR MORE INFORMATION

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mode
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ENGINEER
 ARCHITECT & ENGINEER SIGNATURE & SEAL BOX

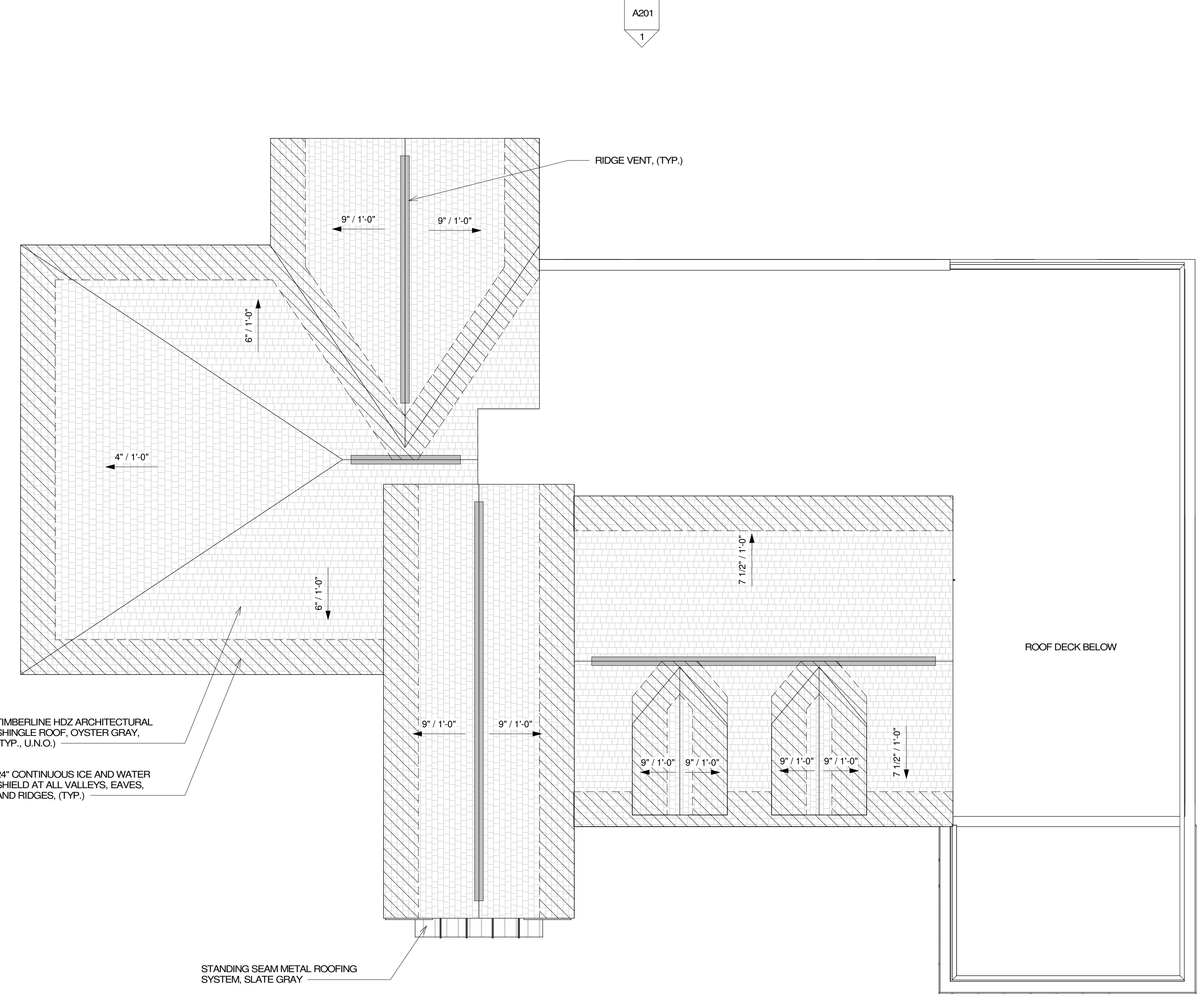


OWNER

No.	REVISIONS / ISSUES	DATE

<small>CHECKED BY:</small> DMC	<small>DRAWN BY:</small> DMC
<small>SCALE:</small>	
<small>DRAWING TITLE:</small>	
FLOOR PLANS	
<small>DRAWING NO.:</small>	
A104	

**KAPLAN RESIDENCE ~
 NEW PRIVATE RESIDENCE**
 149 PORTLAND ROAD
 HIGHLANDS, NEW JERSEY 07732
 BLOCK: 12, LOT: 4.02



A200 2

2 A201

A201 1

1 A200

① ROOF PLAN
 1/4" = 1'-0"

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ENGINEER
 ARCHITECT & ENGINEER
 SIGNATURE & SEAL BOX
 SIGNATURE _____ SEAL DATE _____

~ KAPLAN RESIDENCE ~
 NEW PRIVATE RESIDENCE
 149 PORTLAND ROAD
 HIGHLANDS, NEW JERSEY 07732
 BLOCK: 12, LOT: 4.02

OWNER	PROJECT LOCATION	
No.	REVISIONS / ISSUES	DATE
	Planning Submission	10/19/2021
CHECKED BY:	DMC	DRAWN BY:
SCALE:		DMC
DRAWING TITLE:		
ELEVATIONS		
DRAWING No.:		
A200		



1 FRONT ELEVATION
 1/4" = 1'-0"



2 SIDE (LEFT) ELEVATION
 1/4" = 1'-0"

mode
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 SIGNATURE _____ SEAL DATE _____

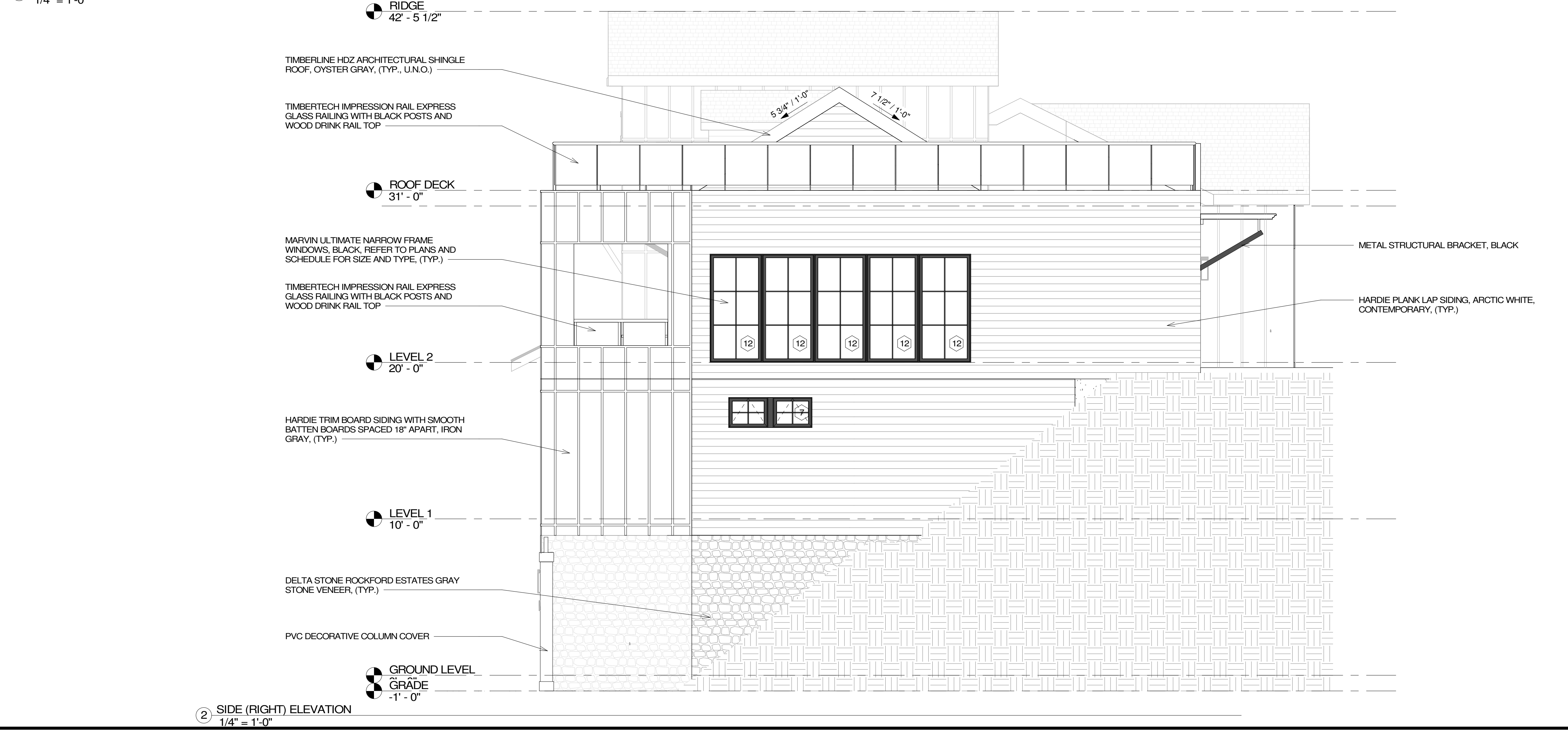
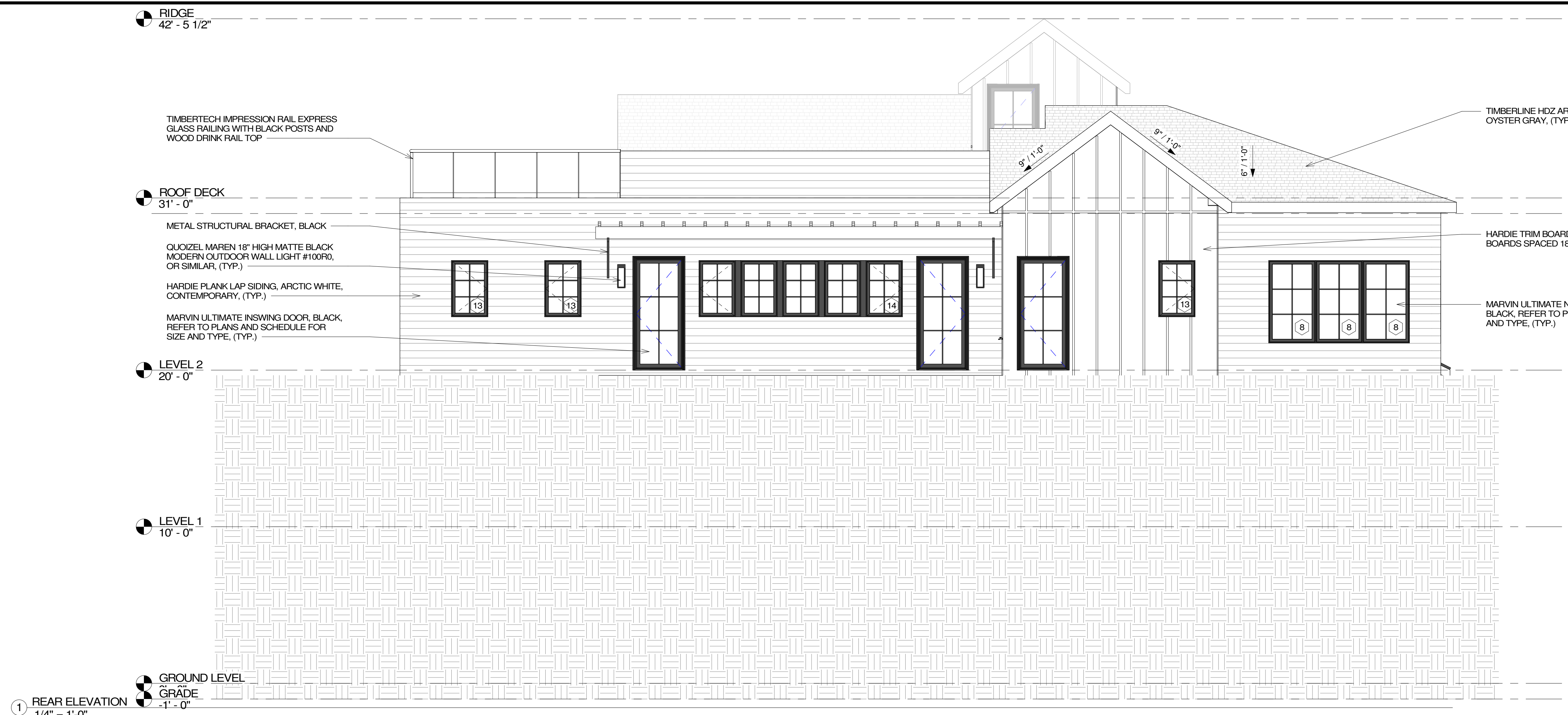
OWNER
 PROJECT LOCATION
 ~ KAPLAN RESIDENCE ~
 NEW PRIVATE RESIDENCE
 149 PORTLAND ROAD
 HIGHLANDS, NEW JERSEY 07732
 BLOCK: 12, LOT: 4.02

No.	REVISIONS / ISSUES	DATE
	Planning Submission	10/19/2021

CHECKED BY: DMC DRAWN BY: DMC

SCALE:
 DRAWING TITLE:
ELEVATIONS

DRAWING NO:
A201

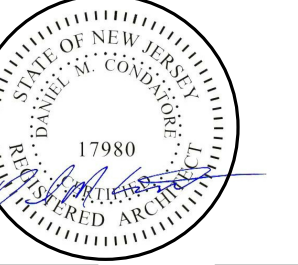


mode

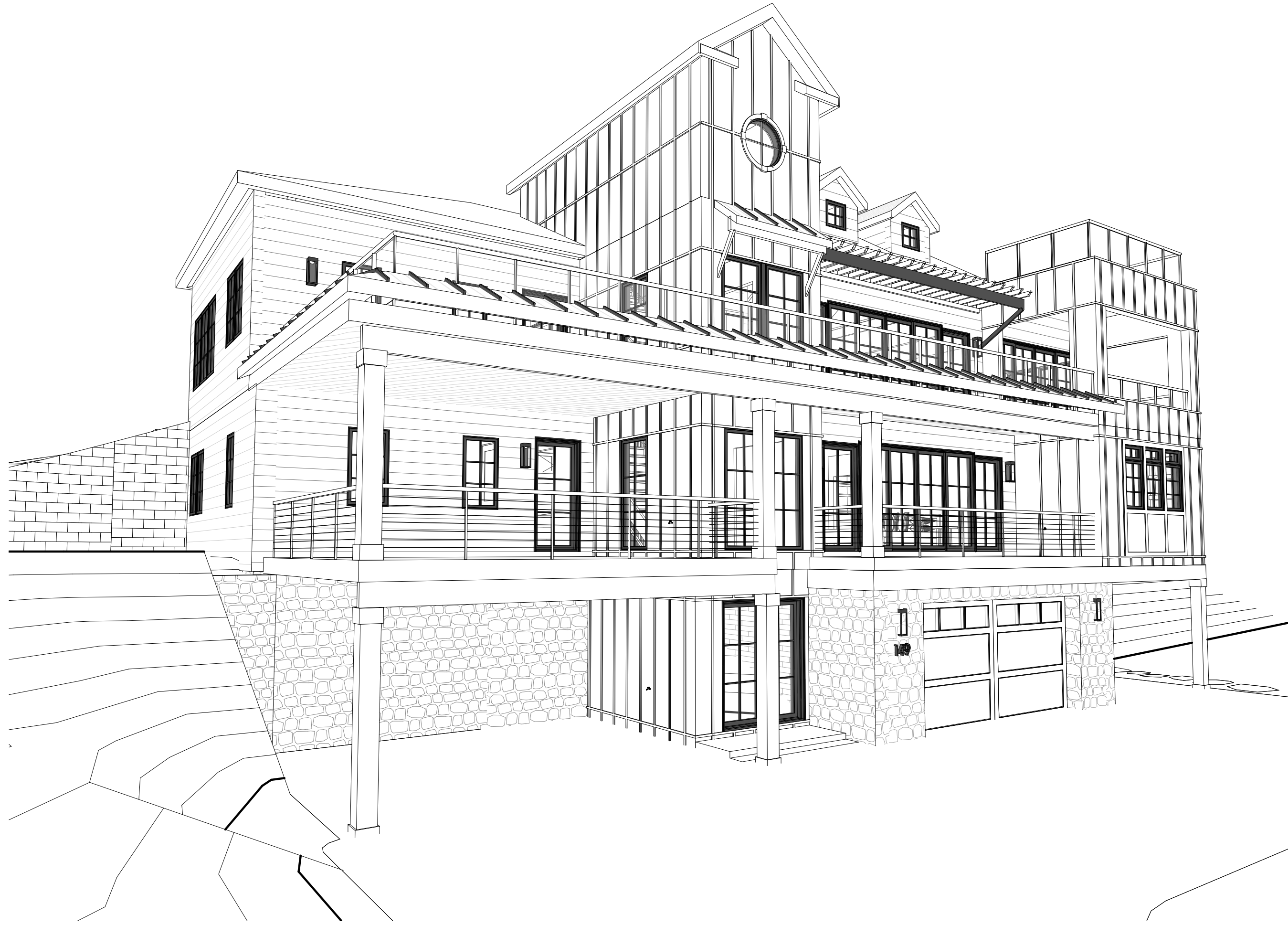
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ENGINEER ARCHITECT & ENGINEER SIGNATURE & SEAL BOX



SIGNATURE SEAL DATE



1 PERSPECTIVE 1 (FRONT)



2 PERSPECTIVE 2 (FRONT)



3 PERSPECTIVE 3 (REAR)

~ KAPLAN RESIDENCE ~
 NEW PRIVATE RESIDENCE

149 PORTLAND ROAD
 HIGHLANDS, NEW JERSEY 07732
 BLOCK: 12, LOT: 4.02

OWNER

PROJECT LOCATION

No.	REVISIONS / ISSUES	DATE
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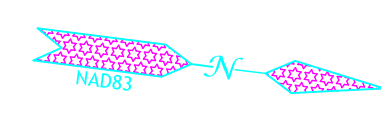
CHECKED BY: DMC DRAWN BY: DMC

SCALE:

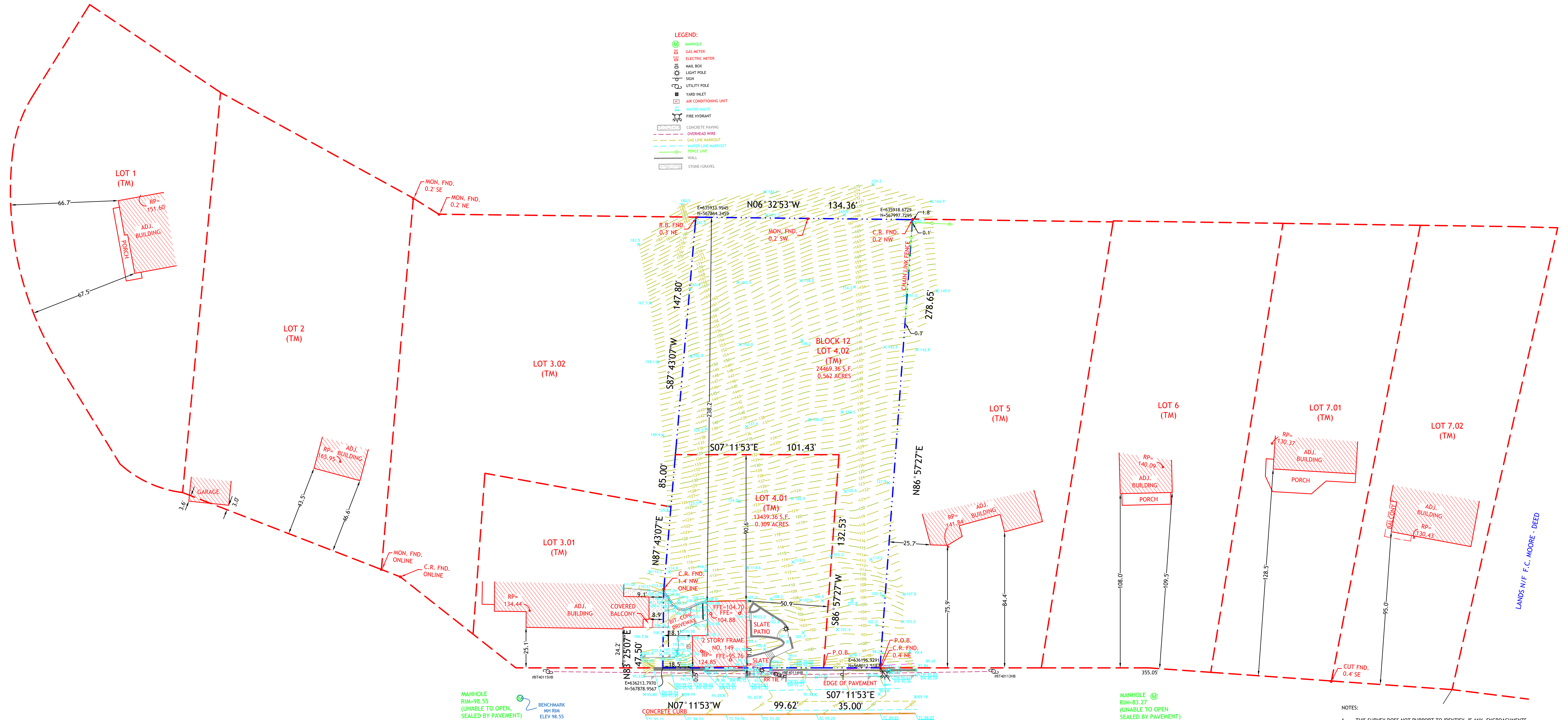
DRAWING TITLE:
EXTERIOR PERSPECTIVES

DRAWING NO:
A210

* A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, C.14 (C45-8-36.3) AND NJAC 13:40-5.1 (D) *



- LEGEND:**
- MANHOLE
 - GAS METER
 - ELECTRIC METER
 - MAIL BOX
 - LIGHT POLE
 - SIGN
 - UTILITY POLE
 - YARD INLET
 - AIR CONDITIONING UNIT
 - WATER VALVE
 - FIRE HYDRANT
 - CONCRETE PAVING
 - OVERHEAD WIRE
 - GAS LINE MARKOUT
 - WATER LINE MARKOUT
 - FENCE LINE
 - WALL
 - STONE/GRAVEL



MANHOLE RIM=98.55 (UNABLE TO OPEN, SEALED BY PAVEMENT)

BENCHMARK HI=98.55 ELEV 98.55

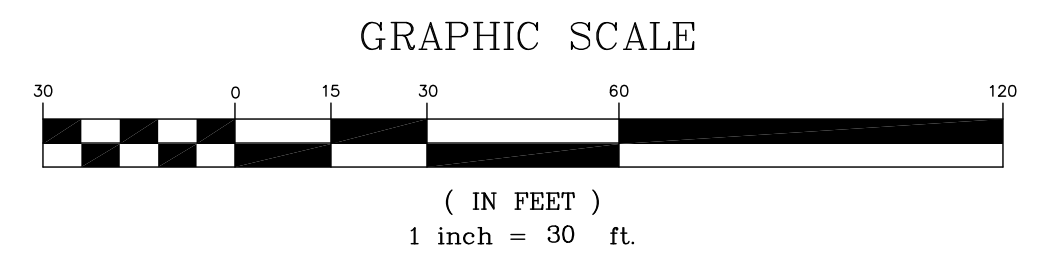
MANHOLE RIM=93.27 (UNABLE TO OPEN, SEALED BY PAVEMENT)

PORTLAND ROAD (VARIED WIDTH)

DESCRIPTION:
BEING KNOWN AS LOTS 4.01 & 4.02 IN BLOCK 12 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY.

CERTIFIED TO:
KBA ENGINEERING SERVICES, LLC.

- NOTES:**
1. THIS SURVEY DOES NOT PURPORT TO IDENTIFY, IF ANY, ENCROACHMENTS, WETLANDS, UTILITIES, SERVICE LINES OR STRUCTURES BELOW GROUND;
 2. PROPERTY SUBJECT TO DOCUMENTS OF RECORD;
 3. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDELANDS;
 4. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE LAND SURVEYOR FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION EITHER DIRECTLY OR INDIRECTLY.
 5. ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL PROFESSIONAL LAND SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED VALID COPIES;
 6. SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS;
 7. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW;
 8. OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION OF PERMANENT STRUCTURES I.E. BUILDINGS, SHEDS, FENCES, ETC.
 9. SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD, IF ANY.
 10. HORIZONTAL AND VERTICAL DATUM ARE ASSUMED.



ALAN R. BOETTGER PROFESSIONAL LAND SURVEYOR N.J. LICENSE NO. 41997	 CLEARPOINT SERVICES LLC Professional Land Surveyors <small>Headquarters 640 Memorial Rd. Suite 1 Jackson, NJ 08527 New York Office 390 Broadway Suite 3 Monticello, NY 12521 716-964-0422 www.clearpointservices.com 10919021000</small>	OUTBOUND & TOPOGRAPHIC PLAN OF SURVEY PREPARED FOR 149 PORTLAND ROAD -LOTS 4.01 & 4.02 - BLOCK 12 - SITUATED IN THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY	
		JOB NO. 20-33112 SCALE 1"=30' DATE: 11-17-2020 SHEET 1 OF 1 PM - TR	

RECEIVED

October 22, 2021
Via Federal Express

OCT 25 2021

LAND USE BOARD

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

**RE: Proposed Single-Family Residential Home
149 Portland Road
Block 12; Lot 4.02
Borough of Highlands
Monmouth County, New Jersey
BENJ File No. JS201043**

Dear Ms. Hutchinson:

Enclosed, please find the following items constituting our formal submission to the Borough of Highlands for the above-referenced project:

- Eighteen (18) copies of completed *Subdivision Application with Affidavit of Applicant*
- Eighteen (18) copies of completed *Variance Application with Affidavit of Applicant*, including attachments regarding Variance and Minor Subdivision
- Eighteen (18) copies of completed *Affidavit of Ownership*
- Eighteen (18) completed *Minor Subdivision Checklist*
- Eighteen (18) copies of the Zoning Officer Denial email prepared by Marianne Dunn, Township of Middletown, dated November 4, 2020 and associated Denial of Development Permit for a previous applicant prepared by the Borough of Highlands, dated March 5, 2019
- One (1) check in the amount of \$705 made payable to the Borough of Highlands to satisfy the balance of the Escrow Fee. Per your email dated October 18, 2021, you have renamed the same escrow account that currently has a credit of \$545, so that has been deducted from escrow payment.
- One (1) copy of the Certification of Payment from Tax Collector/Sewer Dept., dated October 22, 2021
- Four (4) full-size signed and sealed sets of the *Preliminary and Final Site Plan* drawings prepared by our office, dated October 22, 2021
- Fourteen (14) half-scale size sets of the *Preliminary and Final Site Plan* drawings prepared by our office, dated October 22, 2021
- Four (4) full-size signed and sealed sets of the *Architectural Plans* prepared by Monmouth Ocean Design Experts, dated October 19, 2021
- Fourteen (14) half-scale size sets of the *Architectural Plans* prepared by Monmouth Ocean Design Experts, dated October 19, 2021
- Eighteen (18) full-size signed and sealed copies of the *Outbound & Topographic Plan of Survey* prepared by Clearpoint Services, LLC, dated November 17, 2020

Should you have any questions or comments concerning this or any other matter, please do not hesitate to contact our office.

Sincerely,

BOHLER ENGINEERING NJ, LLC



Brad Thompson, P.E.



James F. Thaon, P.E.

/arc G:\2020\JS201043\Admin\Letters-OUT\Boro 01 - Hutchinson.docx

Enclosure(s)

cc: Ms. Marissa Kaplan (via email w/ pdf enclosures)
Thomas Hirsch (via email w/ pdf enclosures)
Chris Mattina (via email w/ pdf enclosures)

RECEIVED
OCT 25 2021
LAND USE BOARD



HGPB- R1880

January 26, 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: Mattina Residence
 149 Portland Road
 Block 12, Lots 4.01 & 4.02
 Minor Subdivision
 First Engineering Review**

Dear Ms. Tran:

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

1. Land Use Board Application for Subdivision, dated October 18, 2021.
2. Land Use Board Application for Variance, dated October 18, 2021.
3. Denial of Development Permit, dated March 5, 2019.
4. Preliminary and Final Site Plan prepared by David F. Wisotsky, P.E., of Bohler Engineering, LLC, dated October 22, 2021, consisting of two (2) sheets.
5. Architectural Plan prepared by Daniel M. Condatore, R.A., of Monmouth Ocean Design Experts, dated October 19, 2021, consisting of eight (8) sheets. (unsigned)
6. Outbound and Topographic Plan of Survey prepared by Alan R. Boetterger, P.L.S., of Clearpoint Services LLC, dated November 17, 2020, 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 37,908 square foot tract consists of two (2) lots; existing Lot 4.01 (13,439 square feet) contains an existing 2-story single-family dwelling and existing Lot 4.02 (24,469 square feet) is currently vacant. The site is located in the Single Family Residential (R1.03) Zone of the Borough with frontage along Portland Road. The property had previously received subdivision approval in 1995, but the Land Use Ordinance had changed soon after approval precluding the disturbance of land where the grade exceeds 35%, rendering the lots inaccessible as any curb cut would disturb steep slopes in excess of 35%. With this application, the applicant is seeking minor subdivision and bulk variance approval to reconfigure the lots into two (2) new lots. Proposed Lot 4.01 will be a non-conforming lot and contain 10,058 square feet with frontage along Portland Road. Proposed Lot 4.02 will be a non-conforming land-locked lot and contain 27,850 square feet with no frontage upon an improved street. No new construction is proposed on Proposed Lot 4.01. The applicant proposes to construct a new, elevated, two-and-a-half-story, single-family dwelling with associated pervious paver patios.

B. Planning and Zoning

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



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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
Minor Subdivision
First Engineering Review**

R-1.03 Zone	Required	Existing Lot 4.01	Proposed Lot 4.01	Existing Lot 4.02	Proposed Lot 4.02
Min. Lot Size	14,000 SF	13,439 SF ^(E)	10,058 SF ^(V)	24,469 SF	27,850 SF
Min. Lot Frontage	75'	102.09'	136.47'	35.0' ^(E)	136.17'
Min. Lot Depth	200'	132.18' (E)	56.61' ^(V)	278.13'	186.29' ^(V)
Min. Front Yard Setback	35'	0.5' (E)	0.5' ^(V)	N/A	21.33' ^(V)
Minimum Rear Yard Setback	25'	90.6'	24.3' ^(V)	N/A	107'
Minimum Side Yard Setback	8' /12'	18.1/50.9	18.1' / 82.3'	N/A	24' / 36.7'
Maximum Building Height	30' (32.5')*	29.09'	29.09'	N/A	29.68'
Maximum Building Coverage	25%	8.64%	11.55%	NA	10.3%**
Maximum Lot Coverage	60%	18.17%	48.2% ^(V)	0%	9.9%**
Maximum Lot Disturbance	N/A	N/A	9,025 ^(V)	N/A	10,035 ^(V)
Disturbance Distance (top/toe) (ft)	15' / 10'	N/A	> 15' / 0' ^(V)	N/A	>15/>10
Structure Distance (top/toe) (ft)	25' / 15'	>25' / 0' (E)	>25' / 0' ^(V)	N/A	>25' / >15'

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

*Per Schedule 1 of Section 21 of the Ordinance, where a dwelling is constructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2-1/2) feet.
 **The applicant indicates that the proposed building coverage exceeds the proposed lot (impervious) coverage. The applicant shall provide testimony on impervious components of the building and this potential discrepancy.

2. The Borough Ordinance defines building height as “The vertical distance as measured from the grade plane to the average height of the highest roof surface. In the case of sloped roofs, the average height is the mid-point between the lowest roof eave of the top floor and the roof ridge. In the case of a building that has multiple roof levels, the highest roof levels must be used to determine the building height. Chimney, elevator equipment and mechanical utility equipment



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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
Minor Subdivision
First Engineering Review**

and any associated screening or enclosures may exceed the permitted "building height" by up to ten (10) feet, or up to ten (10%) percent above the permitted building height, whichever is less."

Based on our calculations, the average grade plane is at approximately elevation 122.05. The Architectural Plans show the building height from elevation 115 to the top ridge as 42.46 feet, and the to the lowest eave as 31 feet. By definition the true building height is calculated as the difference between building height elevation and average grade plane elevation. Therefore, we calculate the true building height as 29.68 feet, whereas the Zoning Table indicates a building height of 26.99 feet. This discrepancy shall be addressed, and the appropriate calculations shall be shown on the plans.

3. Section 21-65.4 of the Ordinance requires curb along tract frontage of existing streets, whereas no curb is existing along the frontage of the subject tract, and this is proposed to be maintained. The plans shall be revised, or a design waiver will be required.
4. Section 21-77.A of the Ordinance requires every principal building be built upon a lot with frontage on a public street, and that the principal building shall have pedestrian and vehicular access for driveway and parking purposes from that improved street. The applicant is proposing to subdivide the property and create a land-locked proposed Lot 4.02. Therefore, a variance will be required.
5. Section 21-84.B of the Ordinance indicates that where slopes exceed 35% there shall be no disturbance of the steep slope areas, whereas the applicant is proposing a curb cut and driveway within steep slopes exceeding 35% on Proposed Lot 4.01. Therefore, a variance will be required.
6. 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



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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
Minor Subdivision
First Engineering Review**

would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

C. Technical Engineering Review

1. Table 4.4 of Section 5:21-4.14 of R.S.I.S. requires two (2) off-street parking spaces for a three-bedroom single family dwelling, and Section 21-65.14.C.1 of the Ordinance requires a minimum of two (2) off-street parking spaces for a residential dwelling, whereas two (2) off-street parking spaces have been provided for Proposed Lot 4.02. The applicant shall provide testimony on the parking conditions of Proposed Lot 4.01. It should be noted that per Section 21-65.14.C.3 of the Ordinance no required parking space shall be located closer to a street line than the right-of-way line, nor within 2 feet of the property line. A design waiver may be required.
2. The applicant shall provide testimony on access and maneuverability associated with Proposed Lot 4.02 from Portland Road through the switch-back driveway into the garage. The proposed driveway is approximately 14 feet wide, steep in grade at approximately 20% incline, and has walls along both sides measuring upwards of 5 feet. This may pose a challenge for vehicles to navigate.
3. The applicant proposes a driveway access easement for Proposed Lot 4.02 on Proposed Lot 4.01. The applicant shall provide testimony on all access easements, along with any other easements, associated with this project and confirm how each proposed lot grants access to driveway/parking areas.
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 stormwater quantity, quality and recharge requirements of a major development.
5. While the project is not considered a major development, the applicant is proposing to increase impervious coverage by approximately 5,275 square feet. The applicant shall provide testimony on the stormwater management calculations provided and how the increase from pre- to post-development stormwater runoff will not have a negative impact on the site and downstream off-site stability affected by stormwater runoff.
6. The applicant has graded the property to follow the existing drainage patterns and drain towards the existing roadways. A drainage network is proposed within the rear patio area that discharges at the south end of the site and allows runoff to drain downhill and appears directed toward the existing dwelling on Proposed Lot 4.01. The applicant shall provide testimony on any adverse drainage impacts to the adjacent properties as a result of the proposed improvements.
7. Roof leader locations and/or downspout discharge locations shall be shown on the plans.



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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
Minor Subdivision
First Engineering Review**

8. 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.
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 a Certificate of Occupancy for any building.
11. The applicant is proposing construction within areas of steep slopes. The applicant shall provide testimony on design methods used to minimize the impact to the steep slopes and how erosion will be controlled along the disturbed steep slopes.
12. Caution shall be taken during construction within critically sloped areas.
13. Detailed structural calculations and plans, signed and sealed by a Professional Engineer licensed in the State of New Jersey, must be provided for the retaining wall. We defer to the Building Department for further review and approval of the wall.
14. 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.
15. 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.
16. The applicant shall indicate if 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 46:26.B-2.b.2 of the Map Filing Law requires lot area be shown as square footage to the nearest square foot or nearest one hundredth of an acre.
 - b. Section 46:26.B-2.b.8 of the Map Filing Law requires a minimum of three corners distributed around the tract shall indicate coordinate values. This coordinate base needs to be either assumed or based on the New Jersey Plane Coordinate System and shown on the map.



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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
Minor Subdivision
First Engineering Review**

- c. 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.
 - d. A Key Map shall be provided.
 - e. A listing of owners within 200' shall be provided on the map.
 - f. The north arrow needs a reference meridian.
 - g. All appropriate certifications as deemed necessary in Section 46:26.B-2.b of the Map Filing Law including but not limited to surveyor preparing the map, surveyor who prepared the boundary survey, municipal clerk, Planning Board, owner, and applicant, with appropriate titles, shall be provided on the plan.
17. The applicant shall submit written certification from the Tax Assessor that proposed lot numbers have been approved. Normally the Assessor will require new lot numbers for any altered lots.
18. Construction details for all proposed improvements shall be provided and comply with the standards of the Borough Ordinance.
19. All existing and proposed easements, along with metes and bounds descriptions, shall be clearly shown on the plans. Metes and bounds descriptions shall be submitted to the Borough Attorney and this office for review and approval.
20. Approvals or waivers should be obtained from any agencies having jurisdiction.

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

Very truly yours,

T&M ASSOCIATES

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



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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
Minor Subdivision
First Engineering Review**

EWH:KJO:DV

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)
Rob Knox, Land Use Board Chairman (rknox@highlandsborough.org)
Annemarie Tierney, Land Use Board Vice Chairman (annemarie@liquidadvisors.com)
Christopher and Rosemarie Mattina, Applicant, (cmattina65@gmail.com)
David Wisotsky, P.E., Applicant's Engineer, 30 Independence Blvd., Suite 200, Warren, NJ 07059

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HGPB- R1880

December 9, 2021
Via Email

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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
R-1.03 Zone
Minor Subdivision
Fee and Escrow Calculation**

Dear Ms. Hutchinson,

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 October 18, 2021.
2. Land Use Board Application for Variance, dated October 18, 2021.
3. Denial of Development Permit, dated March 5, 2019.
4. Preliminary and Final Site Plan prepared by David F. Wisotsky, P.E., of Bohler Engineering, LLC, dated October 22, 2021, consisting of two (2) sheets.
5. Architectural Plan prepared by Daniel M. Condatore, R.A., of Monmouth Ocean Design Experts, dated October 19, 2021, consisting of eight (8) sheets. (unsigned)
6. Outbound and Topographic Plan of Survey prepared by Alan R. Boetterger, P.L.S., of Clearpoint Services LLC, dated November 17, 2020, consisting of one (1) sheet.

Please note the following fee calculations:

1. **Application fee: \$2,175.00**
2. **Escrow fee: \$4,350.00**

The applicant shall post the balance of fees.

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

Very truly yours,

T&M ASSOCIATES

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



**Le: Michelle Hutchinson, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
R-1.03 Zone
Minor Subdivision
Fee and Escrow Calculation**

EWH:KJO:DV

cc: Nancy Tran, Board Office (via email)
Michael Muscillo, Borough Administrator (via email)
Ron Cucchiaro, Esq., Land Use Board Attorney (via email)
Marianne Dunne, Zoning Officer (via email)
David Wisotsky, P.E., applicant's engineer, 30 Independence Blvd., Suite 200, Warren, NJ 07059
Christopher and Rosemarie Mattina, Applicant (cmattina65@gmail.com)

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HGPB-R1880

DETERMINATION OF FEES
 149 Portland Road
 Block 12, Lots 4.01 & 4.02

A. APPLICATION FEES (Ord. 21-107)

A. Variances

3. Residential "c" (minimum lot depth x 2)	2	EA	\$	125.00	\$	250.00
Residential "c" (minimum front yard x 2)	2	EA	\$	125.00	\$	250.00
Residential "c" (maximum lot disturbance x 2)	2	EA	\$	125.00	\$	250.00
Residential "c" (minimum lot size)	1	EA	\$	125.00	\$	125.00
Residential "c" (minimum rear yard)	1	EA	\$	125.00	\$	125.00
Residential "c" (maximum lot coverage)	1	EA	\$	125.00	\$	125.00
Residential "c" (maximum impervious surface)	1	EA	\$	125.00	\$	125.00
Residential "c" (maximum lot disturbance)	1	EA	\$	125.00	\$	125.00
Residential "c" (disturbance distance (top/toe))	1	EA	\$	125.00	\$	125.00
Residential "c" (structure distance (top/toe))	1	EA	\$	125.00	\$	125.00
4. Residential "d" (height exceeds max permitted by 10% or more)	1	EA	\$	150.00	\$	150.00

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	\$	4,350.00	\$	4,350.00
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Application fees subtotal	\$	2,175.00
Escrow fee subtotal	\$	4,350.00
Total	\$	6,525.00



HGPB- R1880

December 9, 2021
Via Email

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

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
R-1.03 Zone
Minor Subdivision
First Completeness Review**

Dear Ms. Hutchinson:

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 October 18, 2021.
2. Land Use Board Application for Variance, dated October 18, 2021.
3. Denial of Development Permit, dated March 5, 2019.
4. Preliminary and Final Site Plan prepared by David F. Wisotsky, P.E., of Bohler Engineering, LLC, dated October 22, 2021, consisting of two (2) sheets.
5. Architectural Plan prepared by Daniel M. Condatore, R.A., of Monmouth Ocean Design Experts, dated October 19, 2021, consisting of eight (8) sheets. (unsigned)
6. Outbound and Topographic Plan of Survey prepared by Alan R. Boetterger, P.L.S., of Clearpoint Services LLC, dated November 17, 2020, 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. **Partially provided. Wooded areas shall be shown on the plan.**
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



Le: Michelle Hutchinson, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
R-1.03 Zone
Minor Subdivision
First Completeness Review

presented from the custodian of tax records to that effect. **Not provided. Owner’s list shall be provided on the plan. It should be noted that the owner indicated on the plans differs from the owners listed on the development application. This discrepancy shall be addressed, and the correct owner indicated on all documents.**

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

Chairman

Secretary

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



**Le: Michelle Hutchinson, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Mattina Residence
149 Portland Road
Block 12, Lots 4.01 & 4.02
R-1.03 Zone
Minor Subdivision
First Completeness Review**

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

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

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

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

Very truly yours,

T&M ASSOCIATES

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

EWH:KJO:DV

cc: Nancy Tran, Board Office (via email)
Michael Muscillo, Borough Administrator (via email)
Ron Cucchiaro, Esq., Land Use Board Attorney (via email)
Marianne Dunne, Zoning Officer (via email)
David Wisotsky, P.E., Applicant's Engineer, 30 Independence Blvd., Suite 200, Warren, NJ 07059
Christopher and Rosemarie Mattina, Applicant, (cmattina65@gmail.com)

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BOROUGH OF HIGHLANDS, N.J.
INCORPORATED 1900

42 SHORE DRIVE
07732
COUNTY OF MONMOUTH
PHONE: 732-872-1224
FAX: 732-872-0670

WWW.HIGHLANDBOROUGH.ORG



HISTORIC "TWIN LIGHTS"

RICHARD W. O'NEIL
MAYOR

KIMBERLY GONZALES
ADMINISTRATOR

BONNIE BROOKES
BOROUGH CLERK

DENIAL OF DEVELOPMENT PERMIT

March 5, 2019

Henry Friedel
1 Hill Pond Lane
Rumson, NJ 07760

RE: DP #2019-15
149 Portland Road
Block 12, Lots 4.1 and 4.2

Please be advised that the above referenced application to amend a previously granted subdivision, dated September 23, 1993, has been reviewed for compliance with the Borough of Highlands Zoning Ordinance. The property is located in the R-1.03 zone.

This application will require the following approvals:

#21-55 Amended minor subdivision

Please contact the Land Use Board Secretary to proceed. Should you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Dunn'.

Marianne Dunn
Zoning Officer

RECEIVED
OCT 25 2021
LAND USE BOARD



Zoning Permit Application

42 Shore Drive
Highlands, N.J. 07732
732-872-1224 Ext. 202

APPLICATION FOR ZONING PERMIT - Z 2019-15

Note: All applications must be accompanied by a property survey showing the sizes of the structure(s) and their location. Applications involving businesses must show the scope of the business and include all activities that will be a part of the business.

The Following Fees Shall Apply:

Residential Applications: New Construction single or two-family - \$50 Fence - \$15.00
Renovations/Additions/Alterations/Repairs - \$10, Other Residential - \$100/unit Shed - \$25.00
Non-Residential Applications - New Construction - \$100, Renovations/Additions - \$25

OWNER/APPLICANT

Name: Henry J. Friedel- Applicant
Address: 1 Hill Pond Lane Rumson, NJ 07760
Telephone: Home: [redacted] Work: [redacted] Preferred Date: 2-20-2019 Fee: \$ 125
Check Cash

LOCATION OF THE WORK

Block: 12 Lot(s): 4.1 and 4.2 Zone R-1.03 Street Address: 149 Portland Road

DESCRIPTION OF THE WORK TO BE PERFORMED (OR USE PROPOSED)

See Attached Description

CHECK ONE: New _____ Addition: X Alteration _____ Repair _____ Other _____

To the applicants knowledge, has this property ever been the subject of any prior application to the NO

Planning Board of the Borough of Highlands? _____ Yes _____ No

Signature: _____ Date: _____

FLOOD HAZARD AREA DETERMINATION

Check Applicable Flood Zone:: AE: _____ VE: _____ X: X

All applications within the AE and VE Flood Zoned, as indicated upon the most recent FEMA Flood Maps, require submission to an applicability determination from the NJDEP.

FOR BOROUGH USE ONLY

Determination: APPROVED _____ DENIED

If your application has been DENIED, it is due to the following:

Ordinance Section Allowed/Required Proposed

#21-SS Amended minor subdivision

Remarks:

Zoning Officer:

Date: 2/20/2019

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OCT 25 2021

LAND USE BOARD

NOTE: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands; A building permit is required (per the requirements of the Uniform Construction Code of N.J.) BEFORE beginning work. The zoning permit is valid for one year, and may be extended for three years by action of the Planning Board.

If your application has been denied, you may appeal this denial to the Planning Board as provided by the New Jersey Municipal Land Use Law. You must submit letter of appeal to Planning Board secretary within 20 days.

If your application has been denied, you may seek relief from the Highlands Planning Board.

Note: If the following box is checked, you must submit a Flood Review Application to the Borough Flood Administrator prior to submitting to the Planning Board.

Local Flood Review Required

Henry Friedel
1 Hill Pond Lane
Rumson, NJ 07760

Zoning Department
1 Kings Highway
John Gill Annex

Middletown, NJ 07748
Attn: Ms. Marianne Dunn

RE: Borough of Highlands, Zoning Application
149 Portland Road Lots-4.1 and 4.2 Block 12

Dear Ms. Dunn,

The following is the description of the work proposed at 149 Portland Road lots 4.1 and 4.2 in Highlands NJ:

Background: My associate and I have entered into contract to purchase the properties noted above from Ms. Joan Schneider of 151-153 Portland Road in Highlands. I have met with the zoning board in Highlands on several occasions regarding this property and the subdivision of same. All documentation held by the borough of Highlands for this property had been lost in storm Sandy and it has taken a couple months to assemble the background information for the initial subdivision which was perfected and recorded in 1995. Subsequent to providing the town with the subdivision plans and recorded documents, it was noted that after the subdivision was granted a borough ordinance was changed which precluded the disturbance of any land on which the grade exceeded 35%. Upon the publishing of this ordinance, it rendered lots 4.01 and 4.02 inaccessible as any curb cut for entry to the properties would disturb land in which the grade is in excess of 35%. On your first day as the zoning official for Highlands, I met with you and the outgoing zoning officer from T&M and stated that I had consulted a land use attorney and that I was informed that because the borough rendered the properties inaccessible by the ordinance that they would have to purchase them from the owner at the fair market value. The T&M representative stated that the borough would not go so far as to buy the property and he was sure that they would approve the curb cut as it was not in an area of danger or "slump" area.

Proposed work: My intention for the property is to build a new home of approximately 3000+- sf for myself on lot 4.2 which would include a curb cut and single width driveway as per my proposed plan and similar to the "approved" subdivision plan from 1995. As the house on lot 4.2 has no off- street parking due to an expired easement, I would like to create a spur off of the single driveway to provide access to

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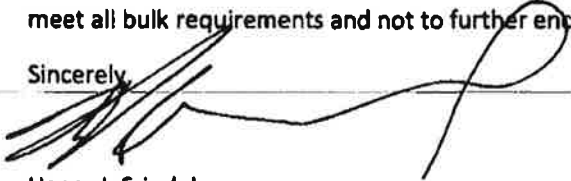
OCT 25 2021

LAND USE BOARD

a new two garage with potential living space above and tie the structure into the existing historic structure on the site.

Request: I am requesting that this proposed scope of work be reviewed and heard by the zoning board for feasibility based on the initial approved subdivision plans and the proposed modifications that I have included in my proposed package. As you are aware, the cost to fully develop site engineering and full architectural plans would be a significant investment if the borough deems this project to be not feasible. The site will be used for my personal residence. My intention for the new construction is to meet all bulk requirements and not to further encroach upon already non-conforming requirements.

Sincerely,



Henry J. Friedel

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OCT 25 2021
LAND USE BOARD





**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

RESOLUTION 22-059

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 5. This Resolution shall take effect immediately.

Motion to Approve R-22-059:

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

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

DATE OF VOTE: February 02, 2022



 Nancy Tran, Acting Municipal Clerk
 Borough of Highlands

EXHIBIT A
THE DRAFT REDEVELOPMENT PLAN

Central Business District REDEVELOPMENT PLAN BOROUGH OF HIGHLANDS, NJ



PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC
Planning and Real Estate Consultants

DRAFT January 13, 2022

Central Business District REDEVELOPMENT PLAN

Borough of Highlands, New Jersey

DRAFT January 13, 2022

Prepared for:
The Borough of Highlands

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

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

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



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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	EXISTING CONDITIONS AND CONTEXT	2
III.	VISION, GOALS AND RELATIONSHIP TO LOCAL OBJECTIVES	11
	A. Vision	11
	B. Redevelopment Plan Goals	11
	C. Relationship to Master Plan	12
	D. Relationship to Local Objectives	13
	E. Relationship to Highlands Zoning Ordinance	15
	Relationship of this Redevelopment Plan to the Zoning Ordinance.....	15
	F. Definitions and Terminology	15
IV.	GENERAL RECOMMENDATIONS	17
	A. Design	17
	B. Coordination	17
	C. Uses	17
	D. Circulation	18
V.	FLOOD REQUIREMENTS	19
	A. General Zoning and Land Use Regulations	19
	From Article II, Definitions	19
	From Article XXIV, Flood Damage Protection.....	19
	B. The Base Flood Elevation in the CBD	22
	C. Adapting the Ground Floor of Existing Buildings	22
	Adapting Mixed-use and Commercial Buildings.....	22
	Adapting Residential Buildings	22
VI.	LAND USE REGULATIONS	24
	A. Introduction	24
	B. Redevelopment Overlay Zones	24
	CBD Redevelopment Overlay 1 (C-RO-1)	24
	CBD Redevelopment Overlay 2 (C-RO-2)	24
	CBD Redevelopment Overlay 3 (C-RO-3)	24
	C. Gateway Parcels	25
	D. Permitted Uses	25
	CBD Redevelopment Overlay 1 (C-RO-1)	25
	CBD Redevelopment Overlay 2 (C-RO-2)	26
	CBD Redevelopment Overlay 3 (C-RO-3)	26
	Active Uses	26
VII.	BULK REGULATIONS	28
	A. Setbacks	28
	Front Setback	28
	Rear Setback.....	28
	Side Setback.....	28
	B. Coverage	28
	Lot Coverage.....	28
	Lot Coverage Bonus for Overlay Zone 3	28
	Building Coverage	28
	C. Floor Area Ratio	29

D.	Building Height	29
	Measurement of Height.....	29
	Bonuses for Additional Height Allowance.....	30
	Definition of Active Uses.....	31
E.	Required Open Spaces	31
	Private Open Space.....	31
	Publicly-Accessible Open Space.....	32
VIII.	PARKING AND CIRCULATION	33
A.	Vehicular Parking	33
	Parking Supply.....	33
	Parking Access	34
	Parking Design and Buffering	34
B.	Bicycle Parking	35
IX.	DESIGN STANDARDS	36
A.	Building Design	36
	Building Orientation and Access	36
	Facade Transparency.....	36
	Preserving the Connection between Upper Floors and the Street	37
	Massing and Articulation	37
	Architectural Style and Materials	39
B.	Public Improvements	39
	Gateway Treatments.....	39
	Street Landscaping and Open Spaces	40
X.	REDEVELOPMENT ACTIONS	41
A.	Outline of Proposed Actions	41
B.	Properties to Be Acquired	41
C.	Relocation	41
D.	Other Actions	41
XI.	GENERAL ADMINISTRATIVE REQUIREMENTS	42
A.	Site Plan and Subdivision Review	42
B.	Easements	42
C.	Adverse Influences	42
D.	Non-Discrimination Provisions	42
E.	Affordable Housing Provisions	42
F.	Deviation Requests	43
G.	Escrows	43
H.	Electric Vehicle Charging Infrastructure	43
XII.	PLAN CONSISTENCY REVIEW	44
A.	Relationship to Master Plans of Adjacent Municipalities	44
B.	Relationship to the Monmouth County Master Plan	44
C.	Relationship to the State Development and Redevelopment Plan	44
XIII.	PROCEDURE FOR AMENDING THE PLAN	45
XIV.	APPENDIX	ii
	Building Height Illustrations	iii
	Highlands CBD Design Manual, Neighborhood Preservation Program, 1995	iv

List of Figures

Figure 1: Locational Context4

Figure 2: Redevelopment Plan Area and CBD Zone5

Figure 3A: Redevelopment Area Tax Lots: Eastern Section6

Figure 3B: Redevelopment Area Tax Lots: Western Section7

Figure 4: Flood Insurance Rate Map for Highlands8

Figure 5: Redevelopment Overlay Zones and Gateways 27

I. INTRODUCTION

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

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

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

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

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

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

II. EXISTING CONDITIONS AND CONTEXT

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

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

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

The Redevelopment Area has been determined to be an “area in need of redevelopment” pursuant to the New Jersey Local Housing and Redevelopment Law (LRHL) at N.J.S.A. 40A:12A-1 et seq. The Mayor and Council of the Borough of Highlands adopted a resolution in February 2021 authorizing the Land Use Board to investigate all properties within the Central Business District zone to determine if they constituted an “area in need of redevelopment” pursuant to the LRHL. The Central Business District Area in Need of Redevelopment Study was prepared in July 2021. All of the properties in the redevelopment study area were designated as “an area in need of redevelopment” by resolution of the Mayor and Council on October 20, 2021 following a recommendation by the Borough of Highlands Land Use Board. The designated redevelopment area includes 155 parcels, which are listed below in **Table 1** and are shown on **Figures 3A** and **3B**.

Highlands’ waterfront location and topography have subjected portions of the Borough to significant flooding. As shown on **Figure 4**, the Redevelopment Area in particular is located almost entirely within the

AE flood zone, according to the Federal Emergency Management Agency's (FEMA's) most recent Flood Insurance Rate Maps. The current Base Flood Elevation (BFE) in this zone is 11 feet, meaning that the BFE is about 5 to 7 feet above grade in most areas of the Redevelopment Area.

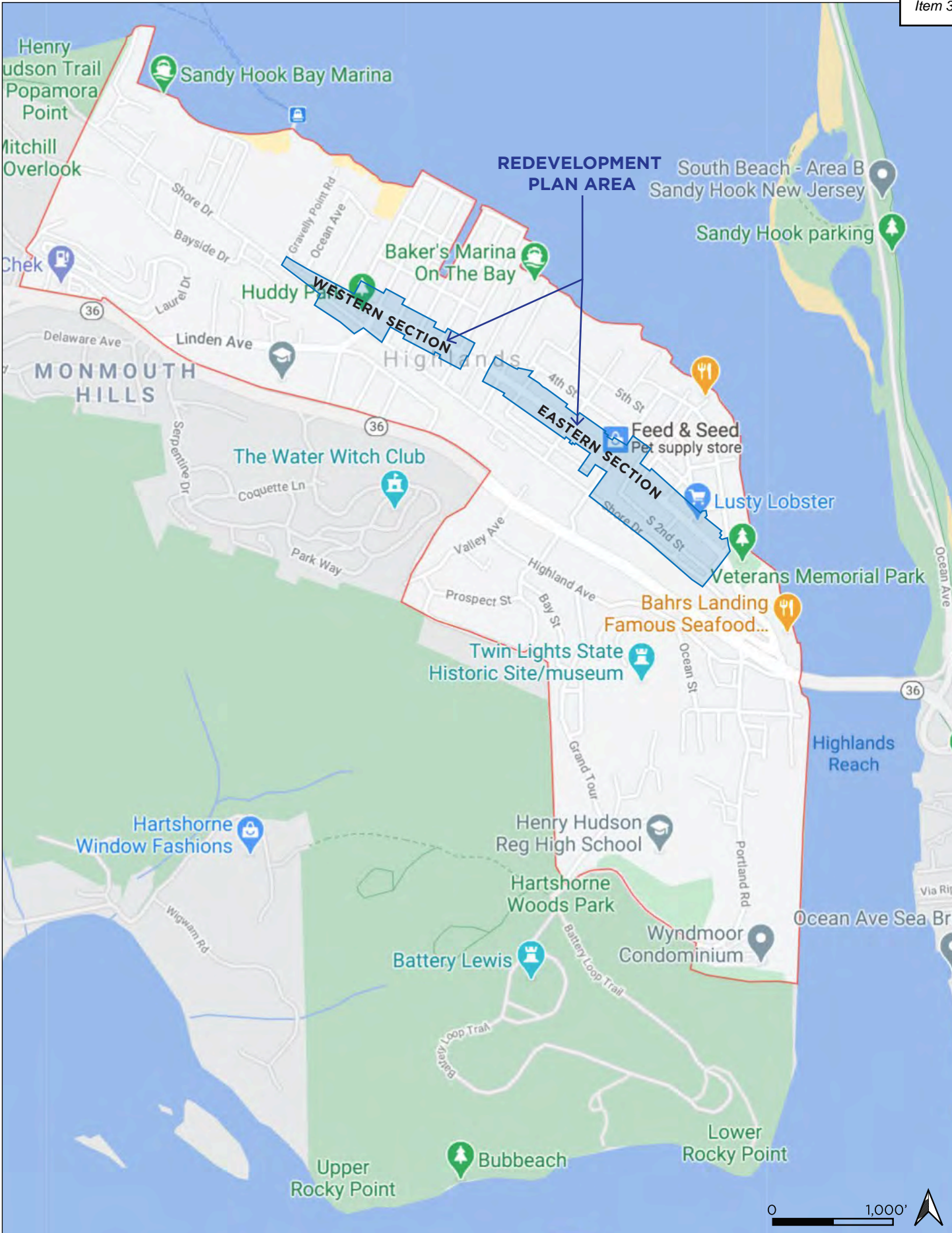


FIGURE 1: LOCAL CONTEXT
REDEVELOPMENT PLAN AREA | BOROUGH OF HIGHLANDS, NJ
 PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022

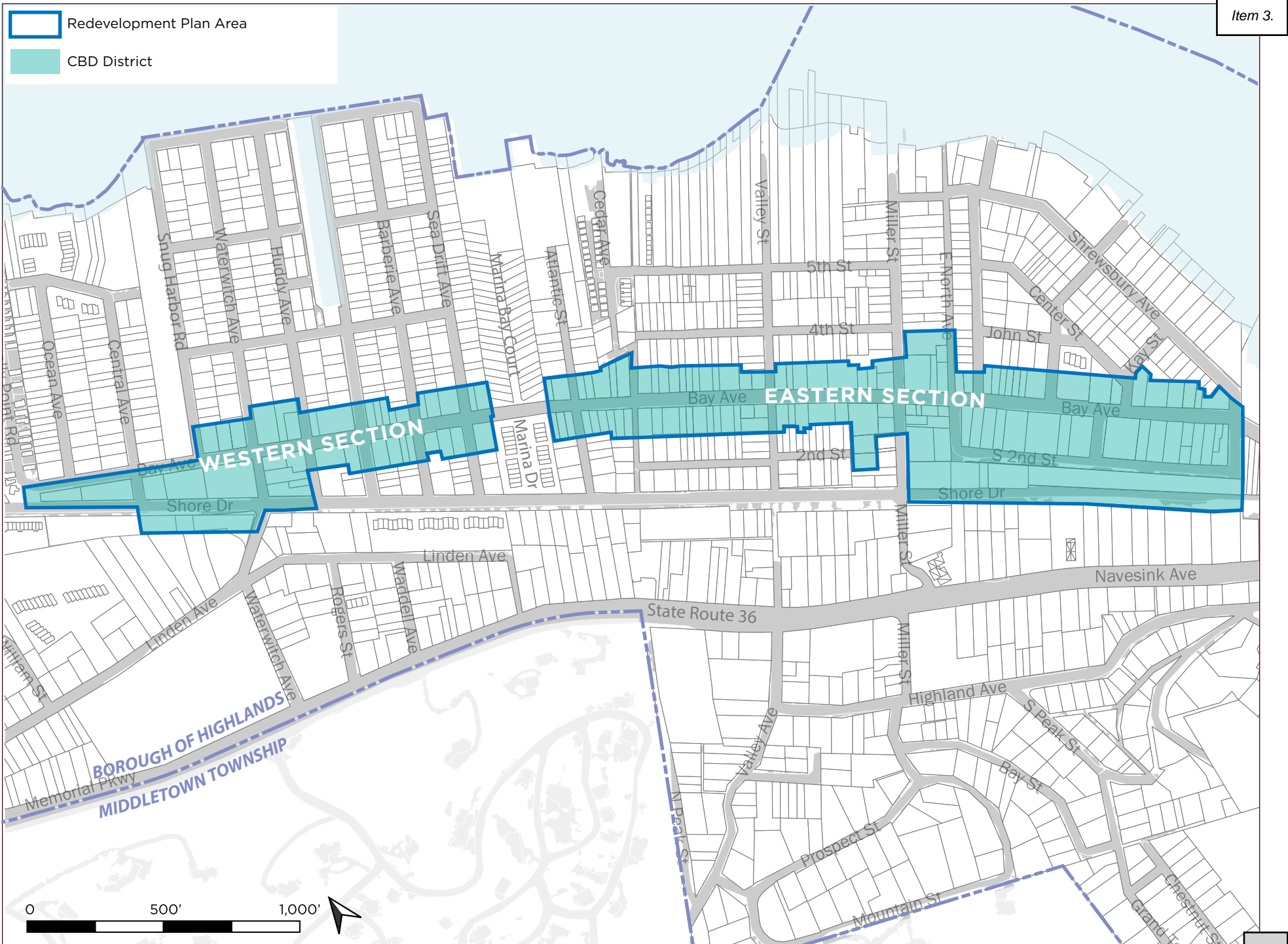


FIGURE 2: REDEVELOPMENT PLAN AREA AND CBD ZONE | BOROUGH OF HIGHLANDS, NJ

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022

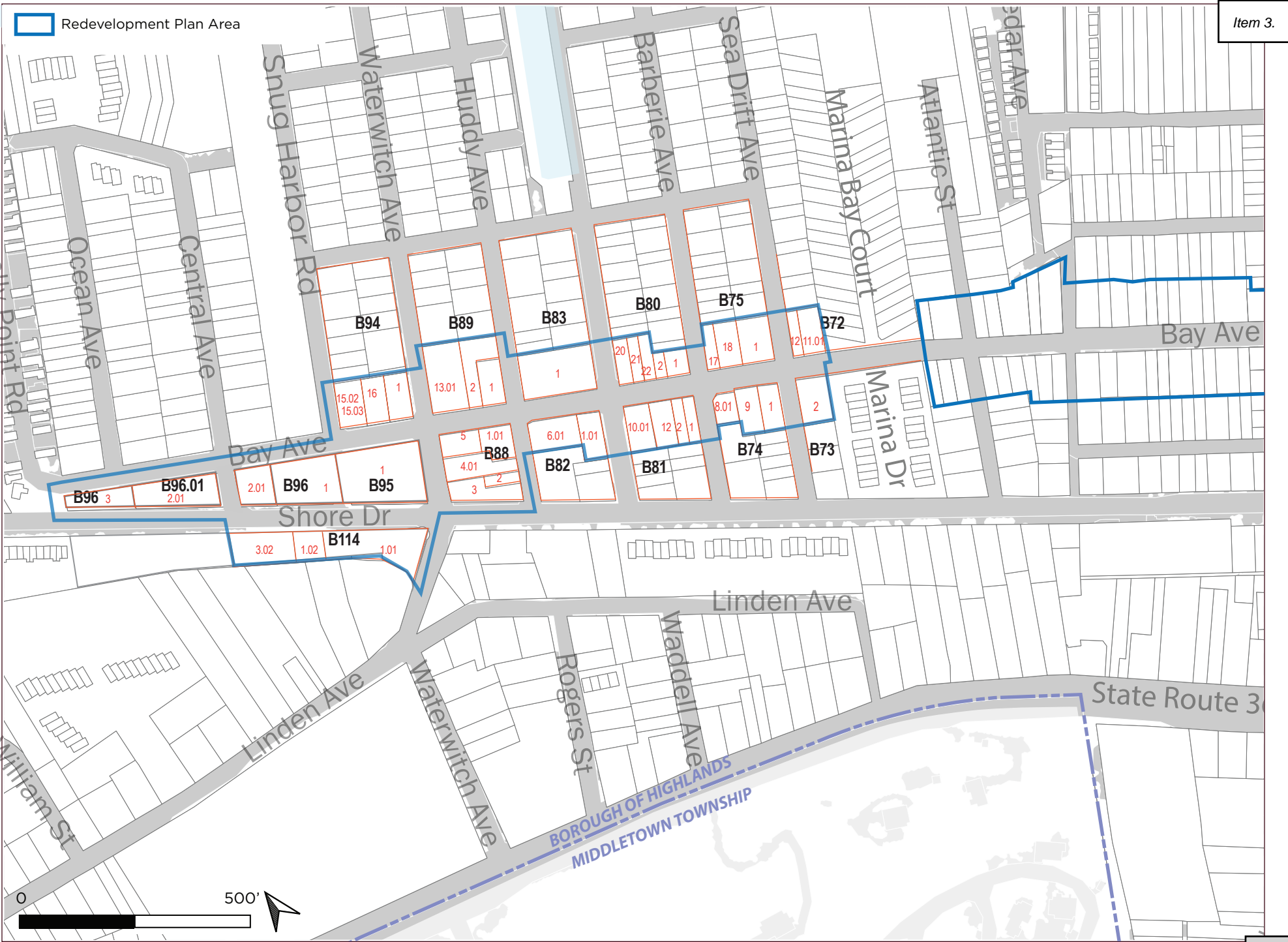


FIGURE 3B: TAX LOTS WITHIN THE PLAN AREA: WESTERN SECTION | BOROUGH OF HIGHLANDS, NJ
 PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022

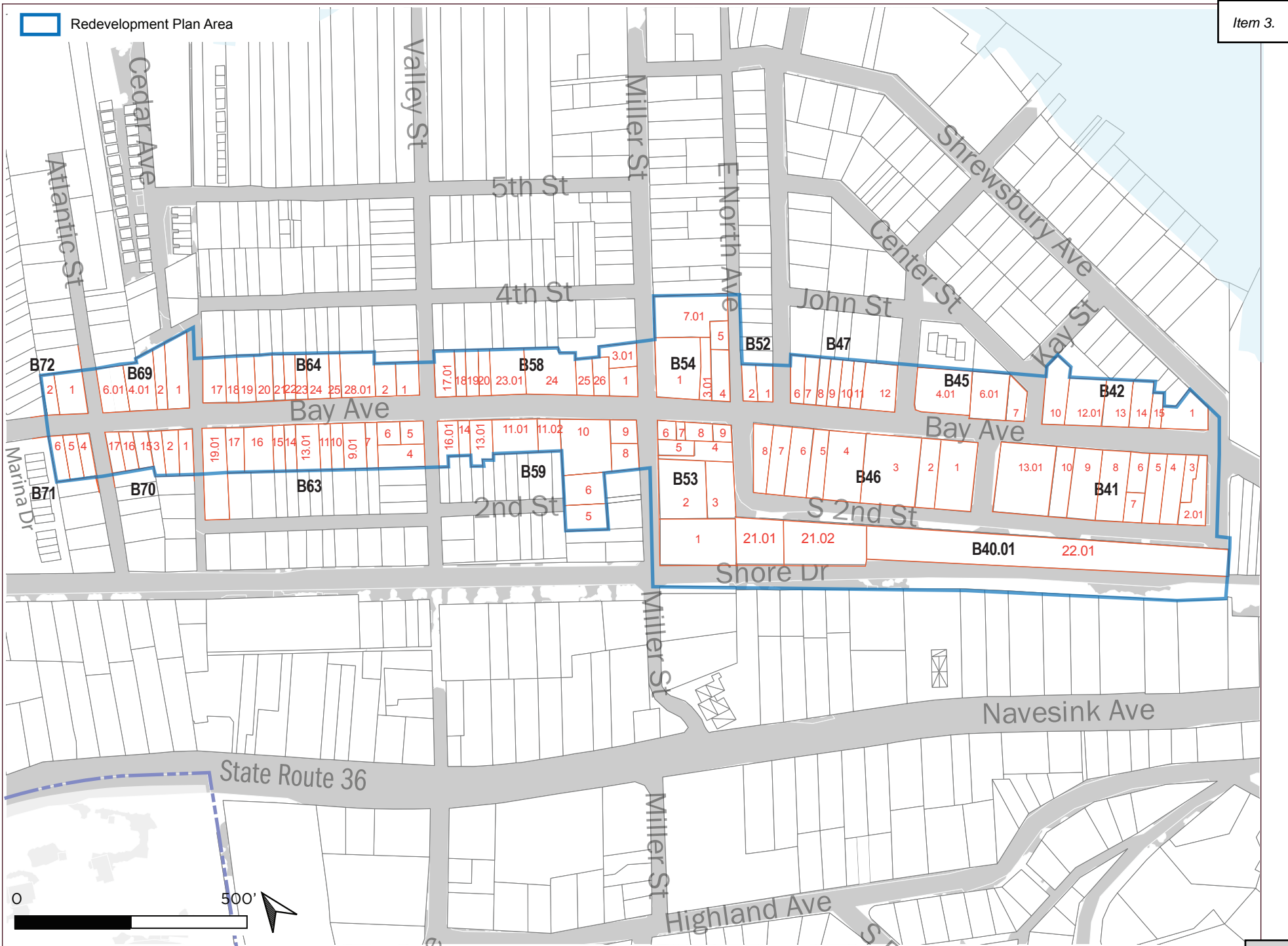
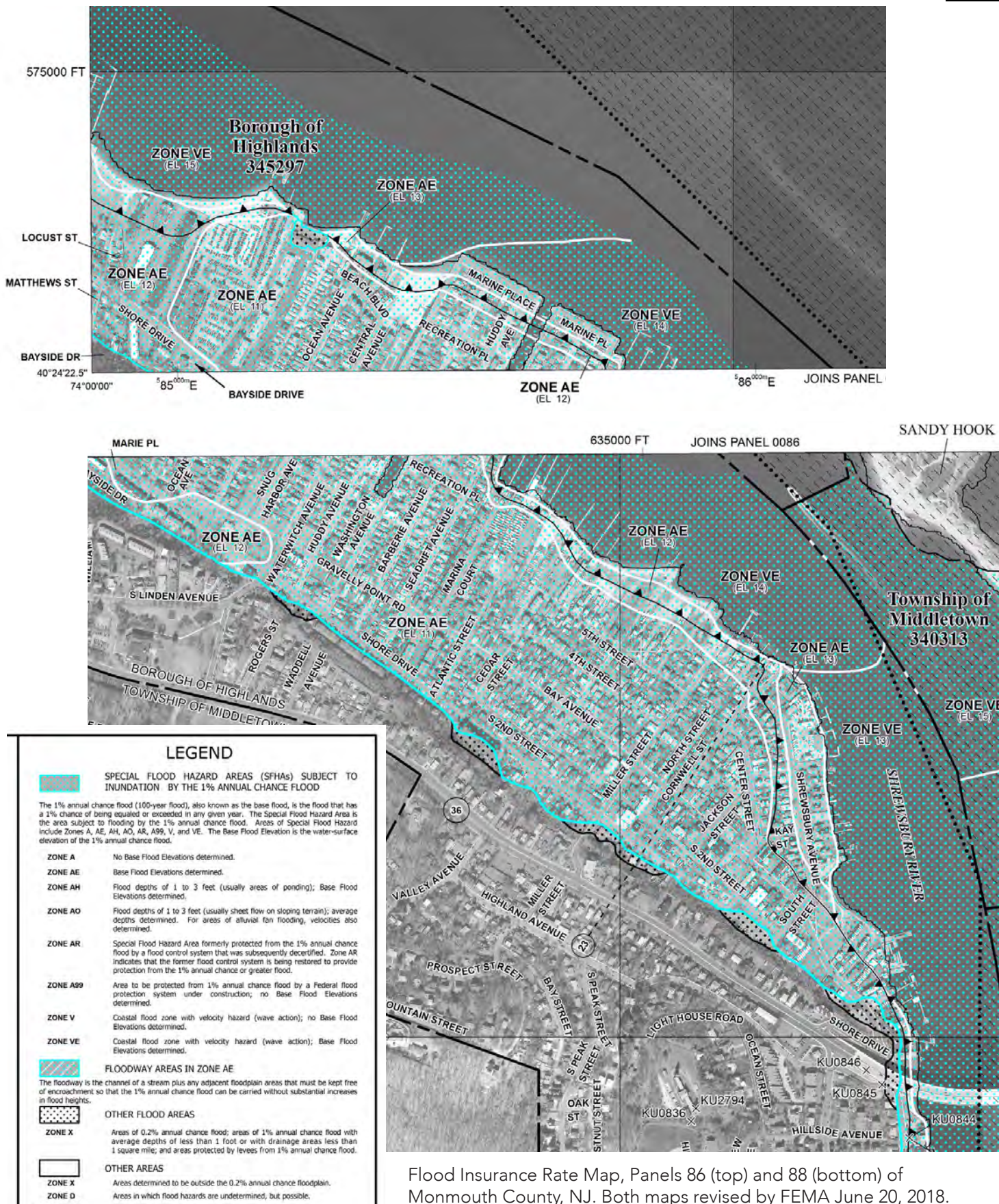


FIGURE 3B: TAX LOTS WITHIN THE PLAN AREA: EASTERN SECTION | BOROUGH OF HIGHLANDS, NJ
 PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022



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

FIGURE 4: FLOOD INSURANCE RATE MAP | BOROUGH OF HIGHLANDS, NJ
 PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022

Table 1: Redevelopment Area Tax Parcels

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

53	1	MILLER ST
53	2	65 MILLER STREET
53	3	9 WEST NORTH STREET
53	4	7 NORTH STREET
53	5	63 MILLER STREET
53	6	BAY AVE & MILLER ST
53	7	BAY AVENUE
53	8	157 BAY AVENUE
53	9	151 BAY AVENUE
54	1	150 BAY AVENUE
54	3.01	146-148 BAY AVE
54	4	144 BAY AVENUE
54	5	38 NORTH STREET
54	7.01	49 MILLER STREET
58	1	154 BAY AVENUE
58	3.01	50 MILLER STREET
58	17.01	192 BAY AVENUE
58	18	190 BAY AVENUE
58	19 (& 20) ¹	188 BAY AVENUE
58	23.01	182 BAY AVENUE
58	24	170 BAY AVENUE
58	25	168 BAY AVENUE
58	26	164 BAY AVENUE
59	5	SECOND ST
59	6	SECOND TO MILLER
59	8	66 MILLER STREET
59	9	165 BAY AVENUE
59	10	171 BAY AVENUE
59	11.01	181 BAY AVENUE
59	11.02	179 BAY AVENUE
59	13.01	187 BAY AVENUE
59	14	191 BAY AVENUE
59	16.01	193-195 BAY AVENUE
63	4	VALLEY STREET
63	5	197 BAY AVENUE
63	6	203 BAY AVENUE
63	7	205 BAY AVENUE
63	9.01	207 BAY AVENUE
63	10	211 BAY AVENUE
63	11	213 BAY AVENUE
63	13.01	215 BAY AVENUE

63	14	219-221 BAY AVENUE
63	15	219-221 BAY AVENUE
63	16	225 BAY AVENUE
63	17	227 BAY AVENUE
63	19.01	231 BAY AVENUE
64	1	196 BAY AVENUE
64	2	208 BAY AVENUE
64	17	230 BAY AVENUE
64	18	228 BAY AVENUE
64	19	226 BAY AVENUE
64	20	222 BAY AVENUE
64	21	218 BAY AVENUE
64	22	218 BAY AVENUE
64	23	216 BAY AVENUE
64	24	214 BAY AVENUE
64	25	210 BAY AVENUE
64	28.01	208 BAY AVENUE
69	1	234 BAY AVENUE
69	2	238 BAY AVENUE
69	4.01	242 BAY AVENUE
69	6.01	29 ATLANTIC STREET
70	1	233 BAY AVENUE
70	2	235 BAY AVENUE
70	3	237 BAY AVENUE
70	15	239 BAY AVENUE
70	16	241 BAY AVENUE
70	17	245 BAY AVENUE
71	4	247 BAY AVENUE- ATLANTIC ST
71	5	249 BAY AVENUE
71	6	251 BAY AVENUE
72	1	28 ATLANTIC STREET
72	2	BAY AVENUE
72	11.01	270 BAY AVENUE
72	12	272 BAY AVENUE
73	2	SEADRIFT AVENUE
74	1	273 BAY AVENUE
74	8.01	83 BARBARIE AVENUE
74	9	277 BAY AVENUE
75	1	274-276 BAY AVENUE
75	17	282 BAY AVENUE
75	18	284 BAY AVENUE
80	1	286 BAY AVENUE

80	2	288 BAY AVENUE
80	20	294 BAY AVENUE
80	21	292 BAY AVENUE
80	22	290 BAY AVENUE
81	1	285 BAY AVENUE
81	2	287 BAY AVENUE
81	10.01	295 BAY AVENUE
81	12	289 BAY AVENUE
82	1.01	297-299 BAY AVENUE
82	6.01	BAY & HUDDY AVE
83	1 (& 14) ¹	300 BAY AVENUE
88	1.01	311 BAY AVENUE
88	2	71 WATERWITCH AVENUE
88	3	71 WATERWITCH AVENUE
88	4.01	67-69 WATERWITCH AVENUE
88	5	321 BAY AVENUE
89	1	310 BAY AVENUE
89	2	58-60 HUDDY AVENUE
89	13.01	65 WATERWITCH AVENUE
94	1	BAY & WATERWITCH AVENUES
94	15.02 & 15.03 (originally 15)	69-71 SNUG HARBOR AVE
94	16	326 BAY AVENUE
95	1	WATERWITCH & BAY AVENUE
96	1	331 BAY AVENUE
96	2.01	171 BAY AVENUE
96.01	2.01	BAY AVENUE
96 (was 96.01)	3	409 BAY AVENUE
114	1.01	SHORE DRIVE
114	1.02	SHORE DRIVE
114	3.02	SHORE DRIVE

¹ Properties have been combined when records combine their ownership and area information.

III. VISION, GOALS AND RELATIONSHIP TO LOCAL OBJECTIVES

A. *Vision*

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

B. *Redevelopment Plan Goals*

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

- 1) Provide regulations for the reuse of buildings and the appropriate redevelopment of properties in the Redevelopment Area with a mix of residential and nonresidential land uses that support the Borough's planning and economic development objectives.
- 2) Address flooding through building and site design that elevates critical areas above flood waters and increases use of green infrastructure.
- 3) Require building and site design that is aesthetically attractive, relates to Highlands' existing character, and incorporates sustainability measures. Incentivize through additional building height the provision of retail or other active uses on the Lowest Floor of new buildings, and offer additional incentives to provide retail or other Active Uses at the ground floor, where it can best contribute to active, pedestrian-friendly streetscapes.
- 4) Provide regulations on specific building design elements such as facade transparency, location of the front door and parking access, and building massing and articulation, to ensure that buildings are best configured for a pedestrian-friendly streetscape. Improve pedestrian safety and comfort in the Redevelopment Area through a program to increase effective sidewalk width through deeper front setbacks and landscaping.
- 5) Provide adequate vehicle and bicycle parking, loading and access for uses in the Redevelopment Area, including flexible shared-use public parking. Provide design guidelines to downplay the visibility of off-street parking.
- 6) Provide additional open space, seating, and gathering areas, and attractions within the Redevelopment Area.
- 7) Make development in the CBD more financially feasible by redefining, or in some cases removing, onerous zoning requirements such as floor area ratio, building coverage and height, and parking ratios. and by providing more flexible standards.
- 8) Emphasize major Gateways into downtown Highlands with incentives for special features in building design and site planning.

C. Relationship to Master Plan

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

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

The Borough of Highlands' most recent comprehensive Master Plan was adopted in 2004 (the "**2004 Master Plan**"). To promote economic development in the downtown, the 2004 Master Plan recommended "investigating the potential for redevelopment within the downtown to address problems, identify opportunities and provide a guide for future reinvestment," and "[a]ssembling sites that can be offered for new business development," among other strategies. At the time of writing the 2004 Master Plan, the Redevelopment Area roughly corresponded to the boundaries of the B-2 Central Business District, which was intended to "accommodate a higher density concentration of retail, service, office and entertainment uses than other commercial districts in the Borough."

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

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

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

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

The **2016 Master Plan Update** contains significant discussion about the Redevelopment Area. In particular, it recommended elimination of the B-1 and B-2 districts and overlay zones, and establishment of a unified Central Business District (CBD) zone “to better accommodate the desired uses for the downtown area [and to] minimize nonconformities and reduce the number of variances that may be required to encourage redevelopment in underutilized lots and areas damaged by Superstorm Sandy or that may be damaged in future storm events.” The 2016 Master Plan Update recommended that the new CBD Zone be governed by a form-based code to “ensure all redevelopment occurs in a manner that is consistent with the image and character of the Borough.” The 2016 Master Plan Update assured consistency with past plans, noting that “many of the recommendations from the 2009 Report will be integrated into the new zone district.” It recommended that the Borough should encourage downtown building design and streetscape features “that promotes and emphasizes the nautical, seaside, small town nature of Highlands.” In addition to the creation of a new CBD Zone, the 2016 Master Plan Update recommended allowing parking as a conditional use in business districts outside of the waterfront to encourage “more opportunities for innovative parking arrangements.” The plan also recommended that residential uses be permitted on all floors above the ground level in mixed-use buildings. In terms of redevelopment, the 2016 Master Plan Update recommended that “[r]edevlopment studies should include the waterfront, downtown neighborhoods, and the Miller Street corridor.”

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

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

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

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

D. Relationship to Local Objectives

This Redevelopment Plan sets forth definite local objectives as to appropriate land uses, density of population, and improved traffic and public transportation, public utilities, recreational and community

facilities and other public improvements. In particular, the Redevelopment Plan provides development regulations that regulate development intensity and residential density, allowing for a range of land uses. The Redevelopment Plan encourages reuse of buildings and new construction, in tandem with upgrading of existing infrastructure and community facilities.

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

Central Business District Design Manual, 1995

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

Intraborough Bicycle Plan, June 2011

Highlands Recovery Plan, 2013

Rutgers Bloustein School Studio Report, Spring 2014

“Getting to Resilience” Recommendations Report, June 2014

Strategic Recovery Planning Report, September 2014

- This report identified 13 priority actions that are “‘most urgently needed to improve public safety, increase resistance to damage from future storms, and stimulate economic recovery’ (NJ DCA).” Of relevance to redevelopment of the Redevelopment Area, priority action #9 was to, “[u]ndertake redevelopment study(ies) and prepare plan(s) for areas determined to be in need of redevelopment. Previous plans have recommended redevelopment efforts in several areas of the borough, including the waterfront and downtown neighborhoods. Moreover, there have also been recommendations to... elevat[e] buildings in the downtown area. All of these recommendations could be reviewed and, if feasible and acceptable, accomplished through the redevelopment planning process.”
- In addition, priority area #11 stated, “The [Getting to Resilience (GTR)] Report... recommends that the Borough’s plans (including the Master Plan and any redevelopment plan) include explicit references and recommendations related to resiliency.”

Coastal Storm Risk Management Presentation/Briefing, March 2017

Capital Improvement Program for 2017

Stormwater Pollution Prevention Plan, April 2018

Final Integrated Feasibility Report and Environmental Assessment, Raritan Bay and Sandy Hook Bay, Highlands, New Jersey, Coastal Storm Risk Management, May 2020

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

E. Relationship to Highlands Zoning Ordinance

RELATIONSHIP OF THIS REDEVELOPMENT PLAN TO THE ZONING ORDINANCE

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

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

F. Definitions and Terminology

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

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

“**BFE+1**” shall mean Base Flood Elevation plus one foot. “Base Flood Elevation” is defined in the Zoning and reproduced below in **Section V, Flood Requirements**.

“**Body piercing, tattoo and skin art studio**” shall mean any establishment where a body piercing and/or tattoo artist conducts the business of piercing the skin or other parts of the body.

“**Land Use Board**” shall mean the Borough of Highlands Land Use Board.

“**Mayor and Council**” shall mean the governing body of the Borough of Highlands.

“Special Flood Hazard Area” shall mean the areas of special flood hazard for the Borough of Highlands, Community No. 345297, which pursuant to Section 21-115 of the Zoning Ordinance are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

1. A scientific and engineering report "Flood Insurance Study, Monmouth County, New Jersey (All Jurisdictions)" dated June 20, 2018.
2. Flood Insurance Rate Map for Monmouth County, New Jersey (All Jurisdictions) as shown on Index and panels 34025C0067G, 34025C0069F, 34025C0086G, and 34025C0088G; whose effective date is June 20, 2018.

“Townhouse” shall mean a “One-family Attached Dwelling” as defined in the Zoning Ordinance (i.e. a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls),

“Two-family dwelling” shall mean “a building designed or used exclusively for occupancy by two (2) families,” as defined in the Zoning Ordinance.

“Multi-family Dwelling” shall mean any dwelling or part thereof containing three or more dwellings per unit, as defined in the Zoning Ordinance.

“Zoning Map” shall mean a document entitled “Zoning Map, Highlands Borough, New Jersey” dated July, 2018, as may be periodically amended.

Except as otherwise provided herein, words not defined above or in this document that appear in this Redevelopment Plan shall be interpreted in accordance with the definitions in the Zoning Ordinance as set forth in Section 21-8: “Definitions.” If a term used in this Redevelopment Plan is not defined in the Zoning Ordinance, the definition in the Municipal Land Use Law (the “MLUL”), N.J.S.A. 40:55D-1 et seq., or the LRHL shall apply.

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

IV. GENERAL RECOMMENDATIONS

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

A. *Design*

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

B. *Coordination*

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

C. *Uses*

- Continue to permit and support a range of commercial uses and attractions. Highlands has a variety of existing businesses, but would benefit from additional complementary uses,

including businesses not currently located in the Redevelopment Area, attractions, arts, culture and entertainment.

- Permit residential-only development in accordance with design that enhances the streetscape. While commercial uses and mixed-use development will continue to be permitted throughout the CBD Zone District, new residential development will also be permitted, subject to flood control, land use, bulk restrictions, and other regulations. Provide housing for a diverse population. New and renovated residential units should include a range of sizes, types and prices.

D. Circulation

- Incorporate “Complete Streets” principles in street and site design. Private and governmental actions implementing this Redevelopment Plan should consider the needs of pedestrians, bicyclists, public transit users, and motorists during design and throughout all stages of any new roadway or streetscape project, in order to make streets safer for all users.
- Promote pedestrian activity and bicycle usage. Taking the above recommendation one step further, building and site design should consider the existing prevalence of non-motorized transportation in the Redevelopment Area and environs and support walking and bicycling.
- Utilize creative design techniques to provide adequate parking. While parking is necessary to support most uses, addressing parking requirements onsite is not feasible or necessary for all uses. Allowing shared parking among uses, providing additional publicly available parking, and allowing payment in lieu of providing parking are some of the measures that should be considered.

V. FLOOD REQUIREMENTS

A. *General Zoning and Land Use Regulations*

FROM ARTICLE II, DEFINITIONS

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

FLOODPROOFING.

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

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

It should be emphasized that for the CBD of Highlands, dry floodproofing is a strategy that can be used to protect retail or commercial space below the Base Flood Elevation (“BFE,” see **next section**); but it is not allowed as a measure to protect residential buildings, except for parts of a building that are used for access, parking, or storage. With dry floodproofing, building walls and foundations may require retrofitting to be strong enough to withstand hydrostatic pressure from water and scouring, shearing, and overturning forces. **Dry floodproofing is most practical when the BFE is less than 3 feet above grade¹, due to the excessive hydrostatic forces.**

FROM ARTICLE XXIV, FLOOD DAMAGE PROTECTION

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

BASE FLOOD ELEVATION (BFE). This is defined (§21-113) as follows:

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

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

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

LOWEST FLOOR. This is defined as follows:

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

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

GENERAL STANDARDS: ENCLOSURE OPENINGS

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

All new construction and substantial improvements having fully enclosed areas below the “lowest floor” that are usable solely for the parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

SPECIFIC STANDARDS: RESIDENTIAL CONSTRUCTION

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

*New construction and substantial improvement of any residential structure located in an A or AE Zone shall have the “lowest floor,” including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the **Base Flood Elevation***

plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive.

SPECIFIC STANDARDS: NONRESIDENTIAL CONSTRUCTION

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

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

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

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

COASTAL A ZONES (§21-126)

The Coastal A Zone of the Special Flood Hazard Area is an area that is subject to ‘Moderate Wave Action,’ and includes a large swath of Highlands along the beach coastline. It does not include the AE zone, and therefore does not affect building in the CBD Zone. Nevertheless, it is instructive to compare the requirements of the Coastal A zone with those of the AE zone, to see how building form could differ. In the Coastal A zone, all new construction and substantial improvements are required to be elevated on pilings or columns to a minimum height of Base Flood Elevation plus one foot. All space below is required to allow *the unimpeded flow of water, except for breakaway walls*. With such requirements, no lobbies, showrooms, or other active retail spaces could be provided below BFE+ 1 foot in the A zone, even if such spaces were dry-floodproofed.

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

B. The Base Flood Elevation in the CBD

Nearly all of Highlands' entire CBD Zone lies in FEMA's designated "AE" zone. The designated Base Flood Elevation here is 11 feet (based on the North American Vertical Datum of 1988)², as shown on Figure 4. The ground elevation along Bay Avenue ranges from roughly 4 feet to nearly 6 feet³. Properties on the south side of Shore Drive within the CBD Zone are generally higher, at 8 to 9 feet elevation.

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

Similarly, a developer required to provide retail or other commercial uses on the Lowest Floor of a building in the CBD will find it more cost-effective to put the retail above BFE+1, over an at-grade level of parking. Because elevated retail does not contribute as well to creating active, interesting sidewalks, this Redevelopment Plan offers strong incentives for retail to be provided at-grade. The Design Standards in **Chapter IX** of this Redevelopment Plan address this challenge.

C. Adapting the Ground Floor of Existing Buildings

ADAPTING MIXED-USE AND COMMERCIAL BUILDINGS

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

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

ADAPTING RESIDENTIAL BUILDINGS

Existing all-residential buildings with residential space on the ground floor may be adapted by dry-floodproofing the ground floor and converting it to retail or commercial use, which is permitted below the

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

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

Base Flood Elevation. Alternately, the ground-floor space could be wet-floodproofed and converted to parking and/or storage. Provided the building still complies with height limits, it might be possible to make up the residential space lost from the ground floor on a new top floor, with structural retrofitting as necessary to support the new floor.

VI. LAND USE REGULATIONS

A. Introduction

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

B. Redevelopment Overlay Zones

The Redevelopment Plan includes three redevelopment overlay zones as designated on **Figure 5, Redevelopment Overlay Zones and Gateways**, Generally, the uses listed for the underlying CBD Zone continue to be permitted throughout the CBD, with some modifications and additions, as follows:

CBD REDEVELOPMENT OVERLAY 1 (C-RO-1)

The C-RO-1 Overlay Zone includes properties on both sides of Bay Avenue between Barberie Avenue and Cedar Avenue. It allows all uses currently permitted in the underlying CBD Zone District. Buildings in Overlay 1 (and in Overlays 2 and 3) are permitted a base maximum height of 40 feet.

CBD REDEVELOPMENT OVERLAY 2 (C-RO-2)

The C-RO-2 Overlay Zone covers the largest portion of the Bay Avenue corridor in the CBD Zone District. It allows all the uses permitted in Overlay 1, and adds Bed and Breakfast uses. In addition, a Height Bonus Option A allows buildings in Overlay 2 to gain an additional four (4) feet (up to 44 feet total) if they comply with certain requirements for active uses and front setbacks. See **Section VII.D., Building Height** for more information.

CBD REDEVELOPMENT OVERLAY 3 (C-RO-3)

The C-RO-3 Overlay Zone is located at the eastern portion of the Borough, in areas where greater building height and larger scale development can be accommodated and would be appropriate. The intention is to focus more intense development in limited locations within the Redevelopment Area. Beyond allowing all these uses permitted in Overlays 1 and 2, Overlay 3 also permits Hotels. The same Height Bonus Option A provided in Overlay 2 is also an option in Overlay 3, for an additional 4 feet (up to 44 feet total). In addition, a Height Bonus Option B allows buildings in Overlay 3 to gain an additional 14 feet (up to 54 feet total) if they comply with certain stronger requirements for active ground-floor uses and front setbacks. See **Section VII.D., Building Height** for more information.

Floodproofing requirements, described below, also restrict what uses may go above and below the Base Flood Elevation.

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

C. Gateway Parcels

Special Gateway treatments are encouraged at certain intersections to reinforce the Central Business District’s identity as a distinct place and create a sense of entry to the Borough. The three “Gateways” are: Waterwitch Avenue at Huddy Park, between Bay Avenue and Shore Drive; Miller Street between Shore and Bay; and the eastern end of Bay Avenue near the Veteran’s Memorial Park. These Gateway locations correspond to the intersections identified for special treatment in the 1995 Highlands CBD Design Manual. **Figure 5, Redevelopment Overlay Zones and Gateways**, shows the designated Gateway parcels.

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

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

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

D. Permitted Uses

All uses permitted in the underlying CBD zoning district shall continue to be permitted. The following additional uses are permitted in certain redevelopment overlay zones, as discussed below.

CBD REDEVELOPMENT OVERLAY 1 (C-RO-1)

In addition to uses permitted in the underlying CBD Zone District, such as existing single-family homes, “residential above the first floor,” stand-alone retail or commercial, and mixed-use buildings with residential over retail or commercial uses, the C-RO-1 Overlay Zone also permits the following uses:

- Public parks and open space.
- Townhouses.
- Multi-family dwellings.
- Mixed-use buildings with any of the permitted uses stacked vertically within a building.
- Body piercing, tattoo and skin art studio as a conditional use, subject to the following requirements:
 - Tattoo samples shall not be displayed in such a manner as to be visible to the general public outside the studio.

- Window displays shall not contain sample artwork or posters that have not been professionally mounted or framed.
All establishments must comply with all health requirements of the Borough of Highlands and the Health Department of the State of New Jersey.

CBD REDEVELOPMENT OVERLAY 2 (C-RO-2)

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

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

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

CBD REDEVELOPMENT OVERLAY 3 (C-RO-3)

The C-RO-3 Overlay Zone includes more parcels with wider lots offering more flexibility in building design, and in a location where greater building height and larger scale development can be accommodated without affecting adjoining single-family homes.

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

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

ACTIVE USES

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

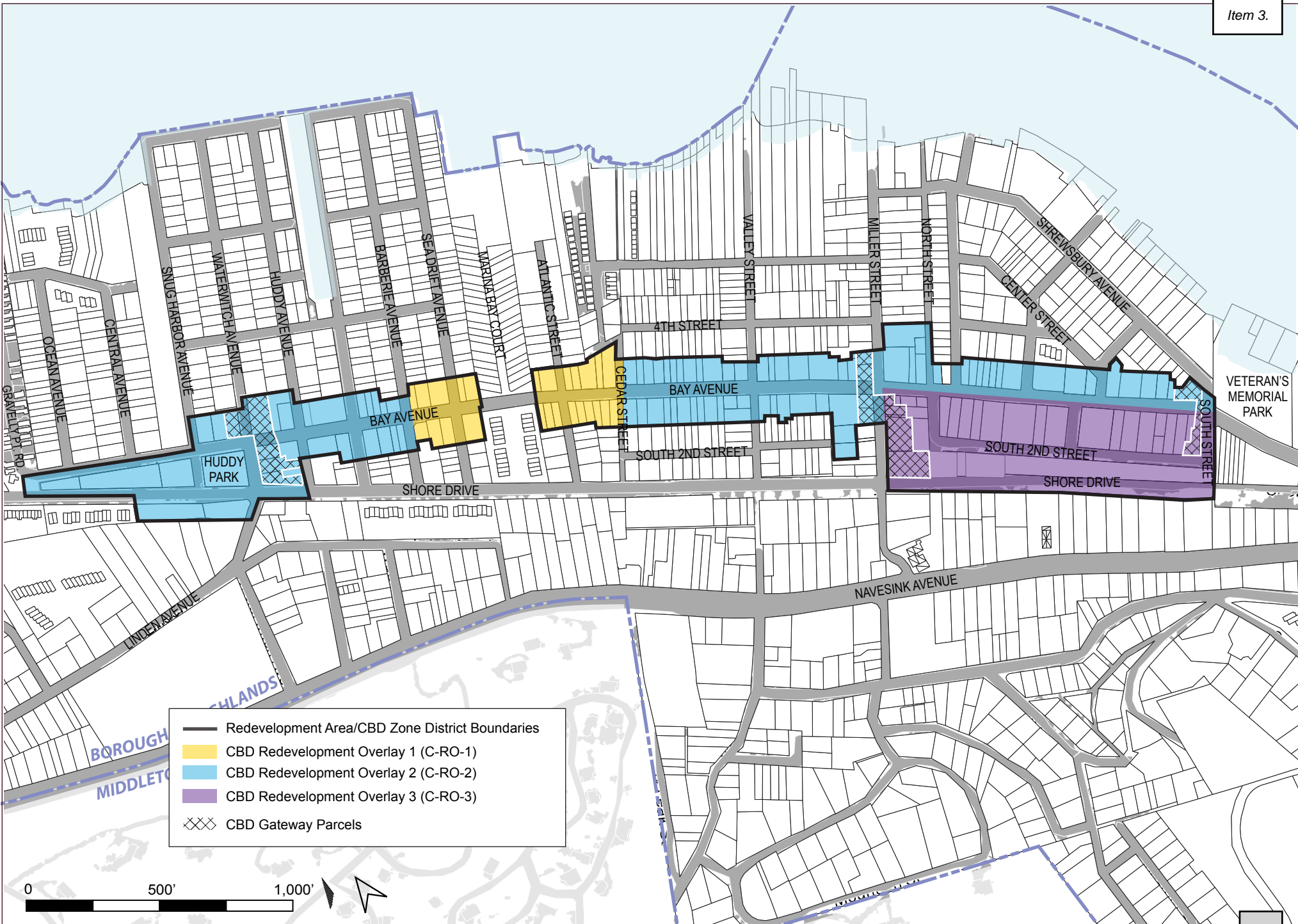


FIGURE 5: REDEVELOPMENT OVERLAY DISTRICTS | BOROUGH OF HIGHLANDS, NJ
 PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2022

VII. BULK REGULATIONS

A. *Setbacks*

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

FRONT SETBACK

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

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

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

REAR SETBACK

The minimum rear setback is 12 feet.

SIDE SETBACK

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

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

B. *Coverage*

LOT COVERAGE

Maximum **lot coverage** is 80 percent.

LOT COVERAGE BONUS FOR OVERLAY ZONE 3

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

BUILDING COVERAGE

Maximum **building coverage** is 80 percent.

C Floor Area Ratio

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

D. Building Height

MEASUREMENT OF HEIGHT

Refer to **the Appendix** for illustrations of how buildings can be constructed within the allowable maximum base height of 40 feet and the allowable maximum bonus heights of 44 feet and 54 feet, described next. The illustrations also show how total maximum possible building height will vary depending on the finished grade.

Existing Zoning Code's Definition of Height

The existing zoning defines building height and grade plane as follows.

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

GRADE PLANE: Shall be defined as follows:

A. Areas Located Outside the Flood Hazard Area: A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be preconstruction grade on level sites and not in excess of two (2) feet above the preconstruction grade on the upland side(s) of a structure on sloping sites.

B. Areas or Portions of the Building Area of a Lot Located Within the Flood Hazard Area: The reference plane shall be the more restrictive of the base flood elevation or advisory base flood elevation of the flood hazard area plus one (1) foot.

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

The zoning requires that height for all parcels within the Flood Hazard Area – which includes nearly the entire CBD – be measured with respect to the Base Flood Elevation plus one foot (“BFE+1”), which is 12 feet for this area. Therefore, parcels on lower ground will have more available buildable height for livable space because there is more height available below the 12-foot BFE that can be used for parking.

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

BONUSES FOR ADDITIONAL HEIGHT ALLOWANCE

Height Bonus Option A (Overlays 2 and 3)

In Overlay Zones 2 and 3, a Height Bonus Option A provides for the option of building height to be increased by an additional four (4) feet, for a total of 44 feet maximum height. The intention of this bonus option is to provide for more generous and higher-quality floor-to-floor heights, such as 12 to 14 feet for the Lowest Floor, and 11 feet for each of the upper floors. Requirements to gain this Height Bonus Option A shall include all of the following:

- The building shall provide a minimum eight (8)-foot deep front setback. The front setback area shall be improved with decorative paving and landscaping and at least a portion shall serve as an extension of the public sidewalk. Larger shade trees are encouraged, particularly to augment any gaps in street trees within the public sidewalk.
- All surfacing in the front setback shall be designed and maintained to permit infiltration of stormwaters, such as via porous paving, rain gardens, coarse gravel, and/or landscaping.
- The building shall provide **active uses** (see definition below) of minimum depth 15 feet on the **Lowest Floor** (as defined in zoning; this might be a dry-floodproofed ground floor or a floor raised above the BFE); and of minimum width of 50 percent of the building frontage.
- Any raised Lowest Floor active uses shall be accessed from the sidewalk by stairs leading up to an elevated deck or porch of minimum five (5) feet depth and occupying at least half of the building facade width. Stairs that are recessed within the building facade, and elevators, are not a means to meet this requirement; however, they may be provided as a secondary means of access.
- The Lowest Floor shall have a minimum internal clear height of 11 feet (floor to ceiling).
- Required setback areas may not be fenced off from the public sidewalk.
- The top floor of buildings that use the Height Bonus Option A shall comply with front and rear **Stepbacks**, as defined in Section IX.A.4. **Massing and Articulation / Stepbacks**, below.

Height Bonus Option B (Overlay Zone 3 only)

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

- The building shall provide a minimum 12-foot deep front setback. A portion of the front setback area shall serve as an extension of the public sidewalk.
- All surfacing in the front setback shall be designed and maintained to permit infiltration of stormwaters, such as via porous paving, rain gardens, coarse gravel, and/or landscaping.
- The building shall provide dry-floodproofed, ground-floor, **active use(s)**, (see definition below) of minimum 25-foot depth and occupying at least 50 percent of the building frontage. “Ground floor” shall mean that the finished floor of the active use is within three (3) feet of the grade of the sidewalk at the store entry. All such ground floor uses shall be constructed in compliance with Borough Zoning §21-125.1 and §21-125.2, which govern Residential and Non-Residential Construction in Areas of Special Flood Hazard.

- The path to ground-floor entries shall remain unobstructed, but the remainder of the setback area shall be designed as a plaza with decorative paving, landscape planters, low and medium-height plantings, and small ornamental trees. Larger shade trees are encouraged, particularly to augment any gaps in street trees within the public sidewalk. Where appropriate to the adjoining use, the setback area shall include seating for outdoor dining or space for merchandise sales; otherwise, informal public seating shall be provided, such as a bench, small tables and chairs, or a low stone wall around a landscaping area. Pedestrian-scaled lighting and bicycle racks are encouraged as well.
- The second floor and all upper floors may include any of the permitted uses for Overlay Zone 3.
- Front porches and decks are permitted for the second floor and upper floors, and may include a staircase from the ground level.
- The ground floor shall have a minimum internal clear height of 12 feet (floor to ceiling).
- Required setback areas may not be fenced off from the public sidewalk.
- The top floor of buildings that use the Height Bonus Option B shall comply with front and rear **Stepbacks**, as defined in Section IX.A.4. **Massing and Articulation / Stepbacks**, below.
- Maximum lot coverage is permitted to increase from 80 percent to 88 percent if all requirements for this Height Bonus Option B are attained. See **Section VII.B, Coverage**, above.

DEFINITION OF ACTIVE USES

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

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

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

- Office-type commercial uses, such as professional offices, law and accountant offices, insurance offices, and medical offices, and private residential units.

E. Required Open Spaces

PRIVATE OPEN SPACE

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

For any building containing residential uses, outdoor living space is required at the rate of one hundred (100) square feet per unit; however, no additional open space is required based on the number of bedrooms. Each unit’s minimum 100 square feet of outdoor space shall be private to and connected

directly to the unit, either adjoining a floor of the unit or connected by a private staircase to the roof or the ground.

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

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

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

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

PUBLICLY-ACCESSIBLE OPEN SPACE

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

VIII. PARKING AND CIRCULATION

A. *Vehicular Parking*

PARKING SUPPLY

Ordinance O-21-29 (2021)

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

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

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

New Minimum Parking Ratios for Residential in the CBD

- Single-family detached and townhouses: follow RSIS for single-family, namely 1.5 spaces for a 2-BR, 2.0 spaces for 3-BR, and 2.5 spaces for 4-BR, and 3.0 spaces for 5+ BR.
- Two-family attached and multi-family buildings with three (3) or more units: follow RSIS for Midrise Apartments, namely 1.8 spaces for 1-BR, 2.0 for 2-BR, and 2.1 for 3-BR.
- **BONUS PARKING REDUCTION:** Any residential units in a building in Overlay Zones 2 or 3 containing retail or other active use on the Lowest Floor or ground floor, as specified for Height Bonuses, Option A or Option B in the **Section VII.D, Building Height**, may elect to follow the lower RSIS standards for High-Rise Apartments, namely: 0.8 spaces for 1-BR, 1.3 spaces for 2-BR, and 1.9 spaces for 3-BR.

New Minimum Parking Ratios for Non-Residential in the CBD

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

PARKING ACCESS

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

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

PARKING DESIGN AND BUFFERING

Surface Parking Lots

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

Parking Garages

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

Exposed Parking Level on Ground Floor of a Building

Where the ground-level of a building, regardless of the building use, includes parking spaces that are exposed along any street frontage, one or more of the following improvements shall be included to soften the view of the parked cars. Any portion of street-facing building frontage that remains open, with the exception of driveways and garage entries, shall be buffered with a low masonry wall of one to three feet in height, a decorative fence of three to four feet in height, and/or a landscaping planter bed. Plantings, if

used, should include a variety of species and should include those that maintain shape and texture through the winter, such as evergreens and tall native grasses. Alternately, the entire parking facade (except for driveways and garage entries) may be covered with a wood or PVD lattice screen, set within or behind regularly-spaced piers or columns.

Solid Walls around Parking Level on Ground Floor of a Building

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

Accordingly, any portion of a ground floor garage’s solid facade wall that faces a public street shall include the following measures. Windows and/or ventilation screens or grates should be provided at least every 20 feet. High clerestory windows with translucent or opaque glazing are suggested for maximizing privacy while creating a sense of visual permeability in the parking facade. Alternately, metal grilles or screens may be used in garage windows to allow inflow and outflow of floodwaters, Large expanses of garage walls should be broken down in scale, for example with a thicker masonry base, accent trim, and/or contrasting textures or brickwork.

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

B. Bicycle Parking

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

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

IX. DESIGN STANDARDS

A. *Building Design*

BUILDING ORIENTATION AND ACCESS

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

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

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

FACADE TRANSPARENCY

Retail / Commercial Uses

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

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

Residential Uses

The primary entry door for residential uses shall include a glazed area, such as a row of glass lites or a large panel of glass. To further accentuate the door, side lite windows and wall-mounted sconce lighting are encouraged.

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

Garages

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

PRESERVING THE CONNECTION BETWEEN UPPER FLOORS AND THE STREET

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

Required Porch or Deck at Raised Lowest Floor

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

For Lowest Floor *non-residential uses*, a series of terraces or landings with seating and landscaping should be incorporated into the stairs or ramps to make them more inviting. The Lowest Floor porch or deck should be designed as an inviting space that encourages people to come up and explore, such as with seating, landscaping, and shade elements, and pedestrian-scaled lighting.

MASSING AND ARTICULATION

Vertical Bays

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

Stepbacks

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

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

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

Roof Form

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

Articulation

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

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

Gateway Massing

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

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

Green Building Design

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

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

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

ARCHITECTURAL STYLE AND MATERIALS

Building Styles

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

Façade Materials

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

Application of Materials

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

B. Public Improvements

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

GATEWAY TREATMENTS

Within the public right-of-way, special Gateway treatments at important intersections could help to reinforce the Central Business District’s identity as a distinct place and create a sense of entry to the Borough. Refer to **Section VI.C., Gateway Parcels**, above for a description of three designated Gateways. It is recommended that the Borough improve the public streetscape in these areas with such features as

unit-paver pedestrian crosswalks at all sides of major intersections, bulb-outs at the ends of parking lanes to shorten pedestrian crossing distances, “Welcome to downtown Highlands” signage, public art, and landscaped sidewalk plantings and accent street trees. A feasibility and design study is needed in order to plan these improvements in more detail.

STREET LANDSCAPING AND OPEN SPACES

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

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

X. REDEVELOPMENT ACTIONS

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

A. Outline of Proposed Actions

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

B. Properties to Be Acquired

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

C. Relocation

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

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

D. Other Actions

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

- Demolition of existing structures as necessary to allow for new construction.
- The option to consolidate and/or resubdivide lots to the extent necessary.
- Provisions for utilities and other infrastructure necessary to service and support new development.
- Environmental remediation as necessary to effectuate the Redevelopment Plan.
- Creation and/or vacation of easements as may be necessary for redevelopment.
- The Borough may from time to time enter into redevelopment agreement(s) with property owners to the facilitate the goals of the Redevelopment Plan in accordance with the LRHL.
- Any and all other actions and powers authorized by State law, including, but not limited to, the LRHL.

XI. GENERAL ADMINISTRATIVE REQUIREMENTS

A. Site Plan and Subdivision Review

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

B. Easements

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

C. Adverse Influences

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

D. Non-Discrimination Provisions

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

E. Affordable Housing Provisions

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

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

F. Deviation Requests

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

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

G. Escrows

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

H. Electric Vehicle Charging Infrastructure

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

XII. PLAN CONSISTENCY REVIEW

A. Relationship to Master Plans of Adjacent Municipalities

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

B. Relationship to the Monmouth County Master Plan

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

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

C. Relationship to the State Development and Redevelopment Plan

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

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

A revised version of the plan was adopted by the State Planning Commission in 2001. While required by the State Planning Act to be revised and re-adopted every three years, the SDRP has only been re-adopted once during the 29 years since its original adoption. A new State Strategic Plan (SSP) has been proposed as the revision to the 2001 SDRP. A timeframe for the adoption of the SSP is uncertain.

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

XIII. PROCEDURE FOR AMENDING THE PLAN

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

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

XIV. APPENDIX

Building Height Illustrations

BOROUGH OF HIGHLANDS
CBD REDEVELOPMENT PLAN

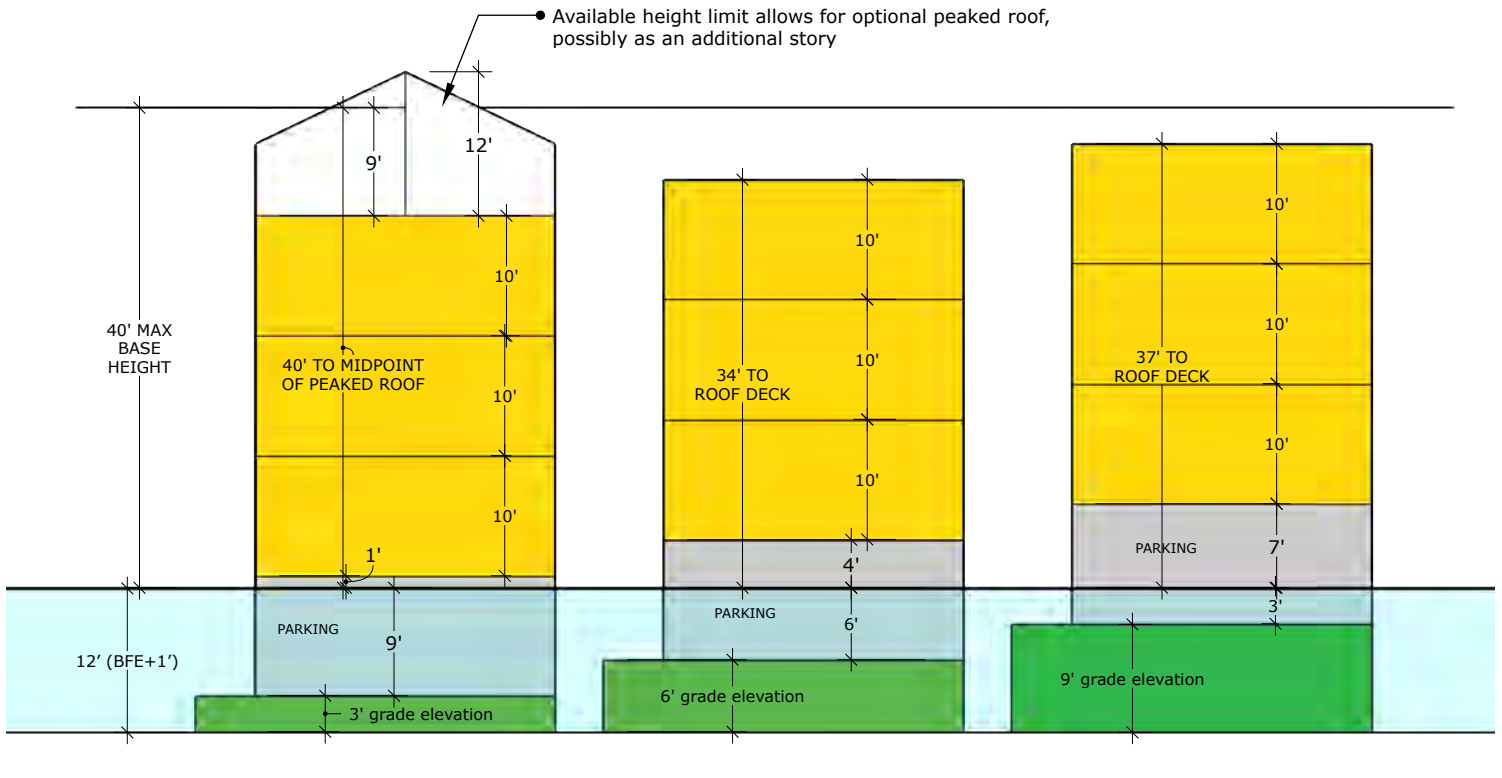


Illustration of Building Heights at three different grade elevations. Height is measured from BFE+1 = 12 feet.

Showing allowable height based on maximum 40' base height

BOROUGH OF HIGHLANDS
CBD REDEVELOPMENT PLAN

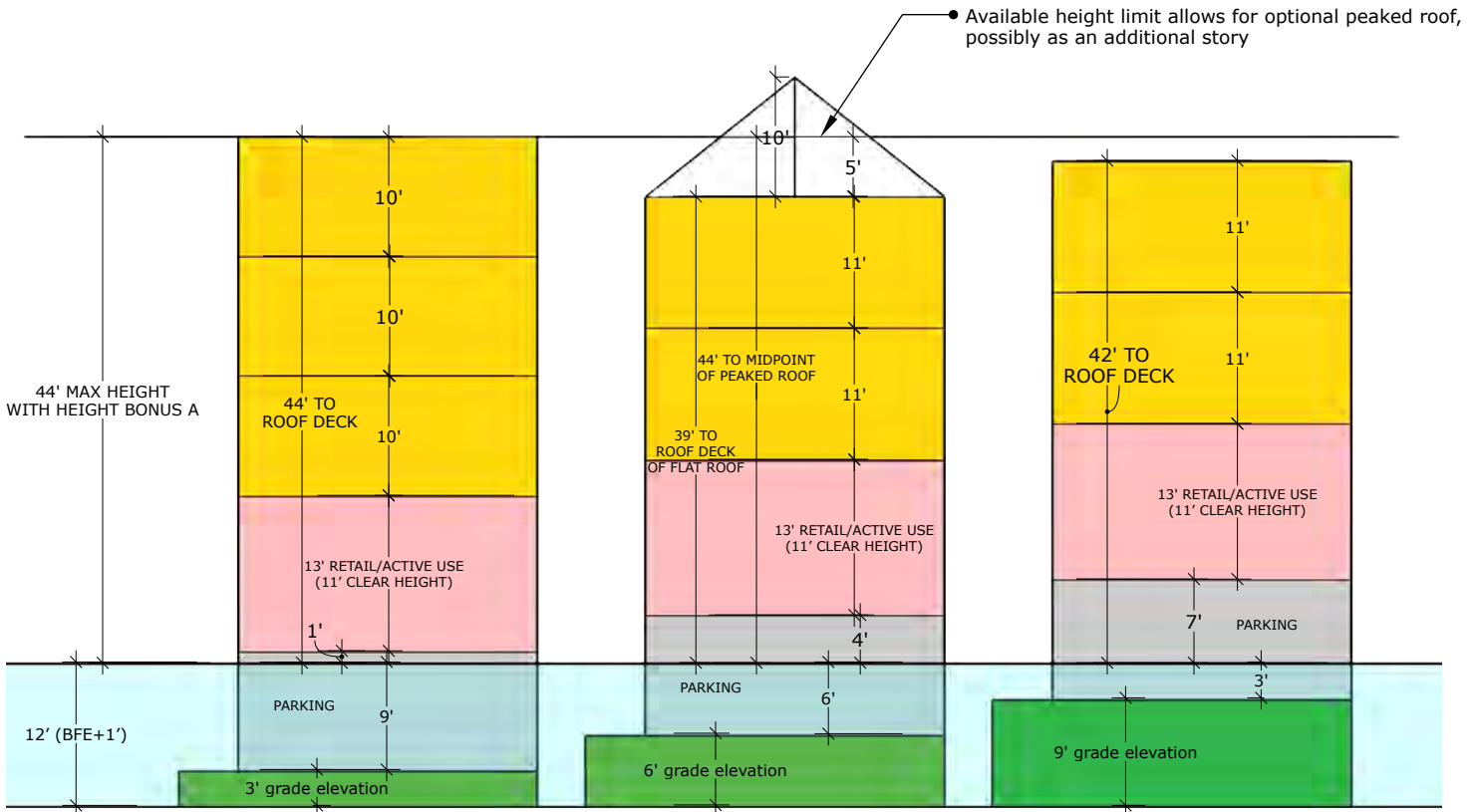


Illustration of Building Heights at three different grade elevations.
Height is measured from BFE+1 = 12 feet.

Showing allowable height based on Height Bonus A to 44' max height

BOROUGH OF HIGHLANDS
CBD REDEVELOPMENT PLAN

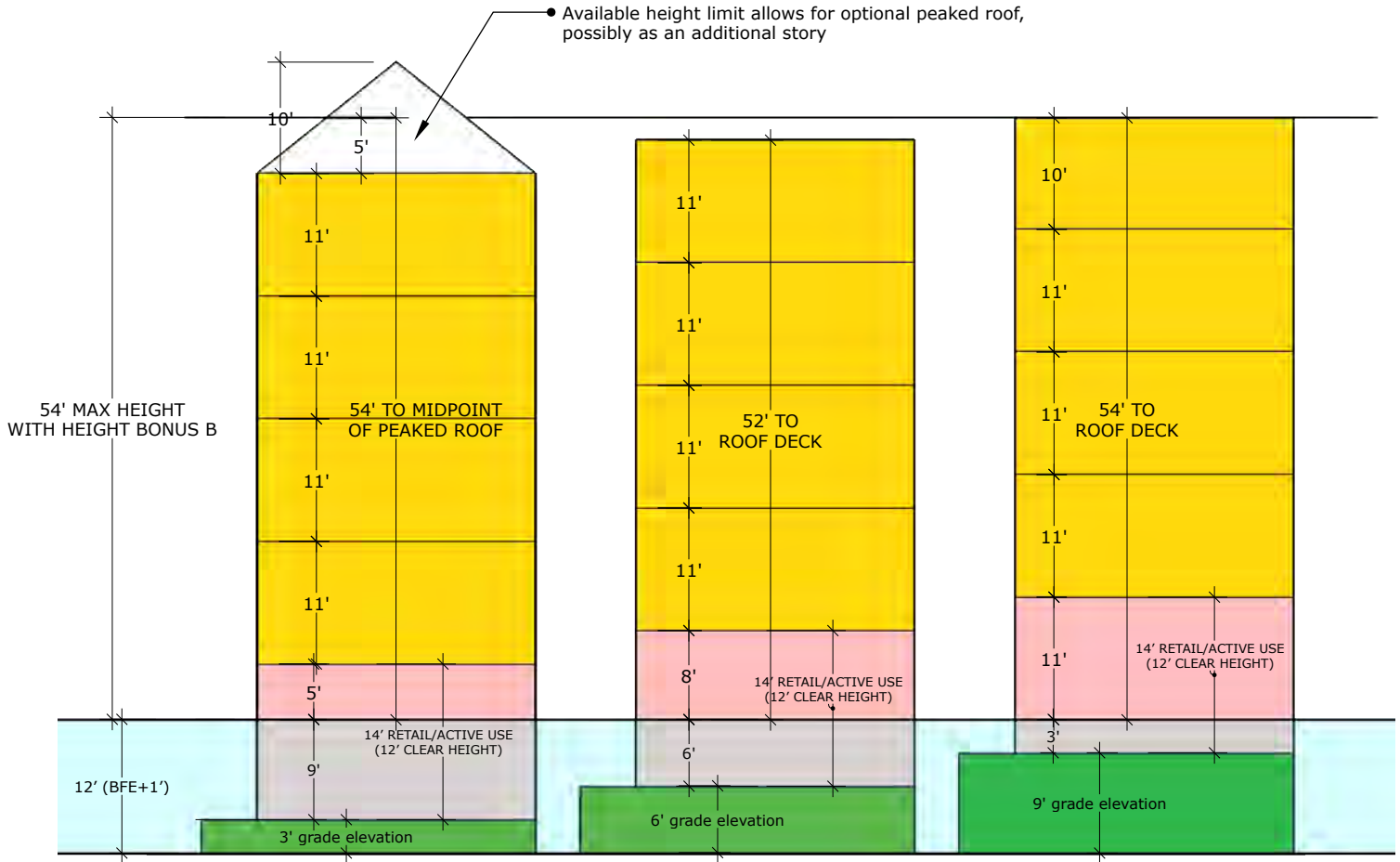


Illustration of Building Heights At three different grade elevations.
Height is measured from BFE+1 = 12 feet.

Showing allowable height based on Height Bonus B to 54' max height

Highlands CBD Design Manual, Neighborhood Preservation Program, 1995