



BOROUGH OF HIGHLANDS
LAND USE BOARD MEETING
22 Snug Harbor Avenue, Highlands NJ 07732
Thursday, July 13, 2023 at 7:00 PM

AGENDA

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

CALL TO ORDER

The chair reserves the right to change the order of the agenda.

PLEDGE OF ALLEGIANCE

OPEN PUBLIC MEETING STATEMENT

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

ROLL CALL

OPEN FOR PUBLIC COMMENTS

General Questions or Comments not pertaining to Applications

RESOLUTIONS

1. LUB Res 2023-12: Sea Grass - Conditional Use
2. LUB Res 2023-13: Catcherman 30 Seadrift Ave., Block 76 Lots 4, 5, & 7.01 - Subdivision

ACTION ON OTHER BUSINESS

3. LUB2021-01: LDN Real Estate, 49 Miller St., B54 L7.01 - Extension Request
4. LUB2022-06: Martin, 15 Barberie Ave, B77 L15 - Extension Request

HEARINGS ON NEW BUSINESS

5. LUB2023-03: Farrell, 32 Shrewsbury Ave, B43 L7

APPROVAL OF MINUTES

6. June 8, 2023 LUB Meeting Minutes

COMMUNICATION AND VOUCHERS

7. LUB Annual Report 2022

Board Policy: • All meetings shall adjourn no later than 11:00 P.M. unless a majority of the quorum present at said hour vote to continue the meeting to a later hour. • No new hearing shall commence after 10:15 P.M. unless the Chairperson shall rule otherwise. • The Chair may limit repetitive comments or irrelevant testimony and may limit the time or number of questions or comments from any one citizen to ensure an orderly meeting and allow adequate time for members of the public to be heard.

ADJOURNMENT

HANLON NIEMANN & WRIGHT

A PROFESSIONAL CORPORATION

Christopher J. Hanlon, Esq.
 Certified By The New Jersey Supreme
 Court as a Civil Trial Attorney

 Fredrick P. Niemann, Esq.

 Bonnie M. Wright, Esq.

 Richard C. Sciria, Esq.

 Nicole C. Tomlin, Esq.
 L.L.M. (Taxation)

ATTORNEYS AT LAW
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Christopher Balioni, Esq.
 Admitted in NJ and NY

 Stephen W. Kornas, Esq.
 Admitted in NJ

 John C. Tassini, Esq.
 Admitted in NJ

 Eric D. Lee, Esq.
 Admitted in NJ and NY

June 30, 2023

VIA ELECTRONIC AND REGULAR MAIL

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

Re: LDN Real Estate, LLC
49 Miller Street
Highlands, New Jersey 07732
Block 54, Lot 7.01
Final Major Subdivision Approval with Use Variance Relief

Dear Ms. Hutchinson:

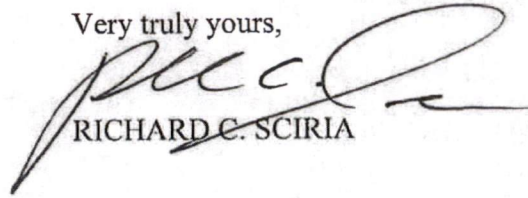
Please be advised that I represented the applicant LDN Real Estate, LLC, regarding their preliminary and final major subdivision approval with use variance relief memorialized by the Board on December 2, 2021.

Accordingly, I am kindly requesting an extension of time for the Board to sign off on the Final Plat which is currently on the Board's agenda for July 13, 2023. The reason for this extension request is that the Board misplaced the applicant's paperwork submitted for final plat approval in July of 2022, which had to be resubmitted by the applicant.

Should you have any questions or problems concerning the above, please feel free to contact me.

Thank you for your kind attention to this matter.

Very truly yours,



RICHARD C. SCIRIA

RCS:jbm

cc: Ron Cucchiaro, Esq. Land Use Board Attorney (via electronic mail)
Edward W. Herrman, P.E., P.P., Land Use Board Engr. (via electronic mail)
Paul Ricci, Planner (via electronic mail)
Ron Tringali, Richard E. Stockton Associates (via electronic mail)
Emily Bahrs Valentino (via electronic mail)
Dan Fers, DJF Construction, LLC (via electronic mail)

BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2021-26
RESOLUTION OF MEMORIALIZATION
USE VARIANCE RELIEF WITH PRELIMINARY AND
FINAL MAJOR SUBDIVISION APPROVAL

Approved: November 4, 2021
Memorialized: December 2, 2021

IN THE MATTER OF LDN, LLC

APPLICATION NO. LUB2021-01

WHEREAS, an application for use variance relief with preliminary and final major subdivision approval has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by LDN, LLC (hereinafter referred to as the “Applicant”) on lands known and designated as Block 54, Lot 7.01, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 49 Miller Street in the CBD (Central Business District) Zone; and

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

WHEREAS, a public hearing was held on November 4, 2021, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided with an opportunity to be heard; and

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

1. The subject Property contains .30 acres (13,297 s.f.) with ninety feet (90ft) of frontage along the southeast side of Miller Street and approximately sixty feet (60ft) of frontage along the northwest side of North Street within the CBD (Central Business District) Zone district. The subject Property is currently unimproved, but is serviced by municipal water and waste systems.

2. The Applicant proposes to subdivide the subject Property into five (5) new lots as follows:

- Proposed Lot 7.011 will contain 3,729 s.f. with 30 feet of frontage along Miller Street to be improved with a proposed 2-story, single-family dwelling.
- Proposed Lot 7.012 will contain 2,392 s.f. with 30 feet of frontage along Miller Street to be improved with a proposed 2-story, single-family dwelling.
- Proposed Lot 7.013 will contain 2,392 s.f. with 30 feet of frontage along Miller Street to be improved with a proposed 2-story, single-family dwelling.
- Proposed Lot 7.014 will contain 2,392 s.f. with 30 feet of frontage along North Street to be improved with a proposed 2-story, single-family dwelling.
- Proposed Lot 7.015 will contain 2,392 s.f. with 30 feet of frontage along North Street to be improved with a proposed 2-story, single-family dwelling.

3. Counsel for the Applicant, Richard Sciria, Esq. stated the Applicant sought Major Sight Plan Approval to subdivide the subject Property into five smaller lots and to construct single family homes on those subdivided lots.

4. Mr. Sciria continued that single-family dwellings are not a permitted use in the CBD zone and, thus, that a (d)(1) “Use” variance was required. He noted that the subject

Property was previously located in the R-2.02 Residential zone where single-family homes are permitted and is, in fact, currently abutted by residential zones.

5. Mr. Sciria stated that despite this being a major subdivision application, the project was more akin to a minor subdivision because there were no proposed water retention basins, new roadways, or street lighting.

6. Mr. Sciria continued that each proposed new lot would have sufficient frontage and front an existing street.

7. Testimony was then taken from Emily Bahrs Valentino, who identified herself as the Managing Member of the Applicant. She stated that the Applicant has owned the subject Property since 2009 and that family members had owned it prior thereto.

8. Ms. Valentino testified that prior to Superstorm Sandy, the subject Property was improved with three structures, containing eight residential units. She explained that the dwellings were heavily damaged in Superstorm Sandy and that leaving them in a dilapidated state would have been unsafe.

9. Ms. Valentino further testified that in 2013, the residential dwellings were demolished and the subject Property was cleared. She stated that the Applicant now intends to subdivide the subject Property and build five single-family residential homes thereon with three (3) facing Miller Street and two (2) fronting North Street.

10. The Applicant's General Contractor Daniel Fers next testified that four (4) of the proposed homes would have three (3) bedrooms and one (1) would be a four-bedroom home

(located on Proposed Lot 7.011). Three of the proposed homes would front Miller Street and two would front North Street.

11. Mr. Fers provided further testimony that each of the homes would be two stories tall and have a rear deck, and that access to the homes would occur at ground level via an interior staircase.

12. Mr. Fers further testified that four (4) of the proposed lots: (Proposed Lots 7.012, 7.013, 7.014, and 7.015) would be thirty feet (30 ft) by eighty feet (80 ft) and that one lot (Proposed Lot 7.011) would have dimensions of thirty feet (30 ft) by one hundred and twenty feet (120 ft).

13. Mr. Fers provided additional testimony that each proposed home would have a six foot (6 ft) covered front deck accessed from the interior of the home, and an uncovered back deck accessed by an exterior stairwell.

14. Mr. Fers next explained that the homes would be elevated above BFE and be two stories tall. He continued that the bottom floor of the homes contains the garage and would be outfitted with flood vents.

15. Mr. Fers continued testifying that each home would have the required number of off-street parking spaces and would be appropriately landscaped. The Applicant would be open to working with the Borough's professionals to develop an appropriate landscaping plan.

16. Mr. Fers then stated that North Street is a one-way street without curbs and that Proposed Lots 7.014 and 7.015 fronting North Street would have driveways connected to the

street. He continued that Miller Street already has curb cuts and that for Proposed Lots 7.011, 7.012, and 7.013 fronting Miller Street, the Applicant would install new sidewalks and curb cuts.

17. Mr. Fers also testified that North Street does not have water access and that water access to homes fronting that street is received from Miller Street. He continued that, therefore, Proposed Lots 7.014 and 7.015 would need easements from Proposed Lots 7.012 and 7.013, respectively to obtain water access thereto.

18. Mr. Fers provided additional testimony that the HVAC systems would be located on the rear deck and, thus, be elevated above BFE.

19. The Board asked how far into the rear yard setback the stairwell to the proposed rear deck would protrude. Mr. Fers responded that the rear deck was ten feet (10 ft) deep and, therefore, he estimated that the rear stairwell would extend fourteen feet (14 ft) from the rear of the home.

20. The Applicant's Surveyor, Ronald Trinidad provided a history of the subject Property, stating that it had initially been two (2) lots (six and seven) but that it was joined at some time to form the subject Property, Lot 7.01.

21. Mr. Trinidad provided further testimony that subdividing the subject Property into five (5) smaller lots would create lots that were commensurate in size with others in the neighborhood. Mr. Trinidad next testified as to the dimensions of the proposed lots.

22. Mr. Trinidad stipulated that the Applicant agreed to comply with all aspects of the Board Engineer's Review Letter.

23. Mr. Trinidad additionally testified that project was RSIS compliant and that all proposed homes would have the required number of off-street parking spaces. He continued that the driveways would be approximately eighteen feet (18 ft) in width and twenty feet (20 ft) in length.

24. The Board Engineer testified that based upon the driveway dimensions, two (2) vehicles could be parked in the driveway and one (1) in the garage and, thus, three (3) off-street parking spaces were provided for, satisfying the RSIS requirements for both the proposed three-bedroom homes (which requires two parking spaces) and four-bedroom home (which requires two and one-half parking spaces).

25. The Board Engineer asked whether the Applicant had inquired as to whether any CAFRA permits and/or approvals were required from the NJDEP. Mr. Trinidad responded that the they had not done so but agreed to make the necessary inquiries as to what the Applicant's obligations may be.

26. The Applicant's Planner, Paul Ricci, PP, AICP testified that the Applicant required (d)(1) variance relief because single-family homes are not permitted in the CBD Zone. Mr. Ricci continued that the Puleio case dictates that there are no bulk standards to be applied to a non-permitted use.

27. Mr. Ricci testified that the subject Property is particularly suitable to the proposed use and must, therefore, meet the "enhanced" criteria.

28. Mr. Ricci provided additional testimony concerning the Borough's Master Plan and the creation of the CBD Zone. He asserted that the subject Property was the only property along Miller Street zoned commercial, but the Board disputed that assertion, noting that the Borough Tax

Map shows multiple properties on Miller Street zoned for commercial use. Mr. Ricci continued that he was trying to demonstrate that the Borough was “in conflict” with how to zone this part of the community.

29. Mr. Ricci next testified that the subject Property is particularly suitable for residential use because it was previously used as such and developing it for commercial use would be problematic. He asserted that it would be easy to raise a residential home above the BFE but doing so with a commercial property would be difficult.

30. Mr. Ricci continued testifying that the neighboring property owners do not want to sell to the Applicant and that the subject Property lacks frontage on Bay Avenue, thereby making it a less appealing option for commercial use. To that end, Mr. Ricci also testified that commercial use as office space was contemplated but that demand for office space is lacking and, thus, not a good use of the subject Property. Mr. Ricci concluded that, to the extent the site was suitable for commercial use, it would likely be occupied by lower-end, less desirable establishments.

31. Mr. Ricci next testified that the Applicant razed structures and cleaned up the subject Property after Superstorm Sandy, not knowing that she could have kept the residential units in perpetuity as a pre-existing, nonconforming use. Mr. Ricci continued that maintaining the subject Property as a vacant parcel would not benefit the community but that subdividing the subject Property and improving the subdivided lots with aesthetically pleasing single-family homes would be beneficial thereto.

32. Mr. Ricci further testified about the prevailing neighborhood characteristics, stating that the proposed subdivision would be consistent with the community, creating lots similar in size to those in the area. He concluded that Applicant has satisfied the positive criteria because the

application furthers the goals of municipal planning by (a) promoting the general welfare; (g) providing adequate air and open space for citizens; and (i) creating homes that are in conformity with the neighborhood scheme.

33. Mr. Ricci next testified as to the negative criteria, stating that the density of the project would decrease from eight homes (which is what it was previously before the subject Property was cleared by the Applicant) to five homes (proposed). He added that the amount of required parking is being reduced by the project and that all off-street parking is provided on-site.

34. Mr. Ricci also stated that single-family homes are contemplated, although not allowed, in the CBD Zone and closed by asserting that the proposed application should be granted.

35. The Board Engineer then questioned whether the Board wanted to require the Applicant to install a new sidewalk and curb cuts to North Street as a condition of approval. The Board Engineer also inquired whether the Board would require the Applicant to repave both Miller Street and North Street in the disturbed areas.

36. The Board Engineer provided additional testimony that the proposed development would not likely cause any traffic impacts.

37. The hearing was then opened to the public at which time testimony was taken from Joanne Olszewsky of 27 Grand Tour who asked whether Andy's Shore Bar was on a double lot. The Applicant responded that lot Andy's Shore Bar is on a lot that is approximately three times as wide as the proposed, subdivided lots.

38. There were no other members of the public or Board expressing an interest in this application.

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant may be granted use variance relief pursuant to N.J.S.A. 40:58D-70d(1) along with preliminary major subdivision approval pursuant to N.J.S.A. 40:55D-48 and final major subdivision approval pursuant to N.J.S.A. 40:55D-50.

The Applicant requires use variance relief in order to permit the proposed single-family use within the CBD Zone. The New Jersey Courts have been willing to accept a showing of extreme hardship as sufficient to constitute a special reason. The courts have indicated that there is no precise formula as to what constitutes special reasons unless the use is determined to be inherently beneficial, and that each case must be heard on its own circumstances. Yet, for the most part, hardship is usually an insufficient criteria upon which the Board can grant a variance. In addition, special reasons have been found where a variance would serve any of the purposes of zoning as set forth in N.J.S.A. 40:55D-2. However, in the last analysis, a variance should only be granted if the Board, on the basis of the evidence presented before it, feels that the public interest, as distinguished from the purely private interests of the Applicant, would be best served by permitting the proposed use.

In these instances, the Board must also find that the granting of the variance will not create an undue burden on the owners of the surrounding properties. The Board also notes the special reasons requirement may be satisfied if the Applicant can show that the proposed use is peculiarly

suited to the particular piece of property. With regard to the question of public good, the Board's focus is on the variance's effect on the surrounding properties and whether such effect will be substantial. Furthermore, in most "d" variance cases, the Applicant must satisfy an enhanced quality of proof and support it by clear and specific findings by this Board that the variance sought is not inconsistent with the intent and purpose of the Master Plan and Zoning Ordinance. The burden of proof is upon the Applicant to establish the above criteria.

The Board finds the Applicant has satisfied the positive criteria. The Board first finds that the subject Property is distinguishable from others in the CBD Zone. This is because it is vacant and surrounded by other residential uses. The subject Property therefore has characteristics of an infill development. Board also finds that the subject Property is currently oversized when compared to other lots in the area.

The proposed subdivided lots will be of a similar size and shape as others in the neighborhood and the proposed homes will also, similarly, be of the same type and size as other homes in the community. Moreover, the Board finds that the application and proposed construction of five, single-family homes furthers the goals of municipal planning by (a) promoting the general welfare; (g) providing adequate air and open space for citizens; and (i) creating homes that are in conformity with the neighborhood scheme. The Board finds that these goals will be promoted, because, consistent with the Master Plan, the proposed scale of infill development is consistent in with the character of the area and therefore does not disturb the neighborhood scheme. The Board further finds that the alternative would be for the Applicant to propose larger subdivided lots with larger homes, which provide less air and open space and which are less consistent with the neighborhood scheme. The addition of new and aesthetically pleasing single-family homes, of the

size and shape proposed, would visually enhance the area and create an aesthetically pleasing infill development. The Board therefore finds that the positive criteria has been satisfied.

The Board further finds that the enhanced criteria has also been satisfied. The Master Plan does not discourage infill development and further promotes harmonious compatible uses which complement each other and are appropriately sited in close proximity. Although located in the CBD Zone where the proposed use is not permitted, the Zoning Ordinances likely did not anticipate infill developments such as is proposed in the instant application. The Board further finds that the subject Property is particularly suitable for the proposed residential use and is distinguishable from other properties because, although located in the CBD Zone, the subject Property does not front Bay Avenue and is situated close to other residential properties. The Board therefore finds the enhanced criteria has been satisfied.

The Board also finds that the negative criteria has been satisfied. The proposed subdivision and construction of single-family homes will likely have negligible impact on the level of noise or traffic in the area. Moreover, the density of the project would decrease from eight residential units (which is what existed previously) to five single-family homes (which is what is proposed). The Board further finds that the amount of required parking is being reduced by the project and that all off-street parking is provided on-site. The proposed new lots and homes will also fit in seamlessly and be in harmony with the prevailing neighborhood scheme. The Board therefore finds there will be no substantial detriment to the zone plan, zoning ordinance or the public welfare. The negative criteria has therefore been satisfied. The Board further finds that the positive criteria substantially outweighs the negative criteria and that use variance relief may be granted in this instance pursuant to N.J.S.A. 40:55D-70d(1).

The Board also finds that any bulk variances and design waivers are subsumed within the granting of use variance relief. Puleio v. Tp. of North Brunswick Zoning Bd. of Adj., 375 N.J. Super. 413 (App. Div.) certif. den. 184 N.J. 212 (2005).

The Board relies on the above and finds that the proposed lots are substantially similar to other lots in the neighborhood. The proposed lots will also be similarly developed with single family homes. Again, based upon the above analysis, the Board finds that preliminary major subdivision approval pursuant to N.J.S.A. 40:55D-48 and final major subdivision approval pursuant to N.J.S.A. 40:55D-50 are appropriate in this instance.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 2nd day of December 2021, that the action of the Land Use Board taken on November 4th, 2021 granting Application No. LUB2021-01, for use variance relief with use variance relief pursuant to N.J.S.A. 40:55D-70d(1) along with preliminary major subdivision approval pursuant to N.J.S.A. 40:55D-46 and final major subdivision approval pursuant to N.J.S.A. 40:55D-50 is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
2. Except where specifically modified by the terms of this Resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. The Applicant shall comply with the Map Filing Law. Failure to do so shall render this approval null and void.
4. The Applicant shall record this Resolution in the Office of the Monmouth County Clerk.
5. The architecture of the new homes shall be consistent with the exhibits presented to this Board.

6. All homes shall be serviced by public sewer and water. The Applicant shall submit easements for water service to (i) Proposed Lot 7.012 from Proposed Lot 7.014 and (ii) to Proposed Lot 7.013 from Proposed Lot 7.015 for review and approval of the Board Engineer and Board Attorney.
7. The Applicant shall obtain a jurisdictional determination from NJDEP regarding CAFRA requirements.
8. The Applicant shall comply with all sidewalk and curb requirements.
9. The Applicant shall submit a landscaping plan for review and approval by the Board's professionals.
10. The Applicant shall submit a grading plan for review and approval by the Board's professionals.
11. The Applicant shall comply with all RSIS requirements.
12. All HVAC units shall be located in the rear of the properties and be elevated subject to the review and approval of the Board Engineer.
13. Any future modifications to this approved plan must be submitted to the Board for approval.
14. The Applicant shall apply for all necessary Zoning Permit(s) and Demolition Permit(s).
15. The Applicant shall comply with all applicable Affordable Housing requirements.
16. The Applicant shall provide a certificate that taxes are paid to date of approval.
17. 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.
18. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

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


Robert Knox, Chairman
Borough of Highlands Land Use Board

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ON MOTION OF: Mr. Kutosh

SECONDED BY: Vice Chair Tierney

ROLL CALL:

YES: Mr. Kutosh, Mr. Lee, Ms. Chang, Vice Chair Tierney, Chair Knox

NO:

ABSTAINED:

ABSENT: Councilmember Martin, Ms. LaRussa, Ms. Walsh, Ms. Nash, Ms. Pendleton

DATED: December 2, 2021

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on December 2, 2021.



Michelle Hutchinson, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

EXHIBITS

Case No. No. LUB2021/LDN, LLC

Major Subdivision with Use Variance Relief

November 4, 2021

December 2, 2021

- A-1 Packet consisting of four sheets (Exhibits 1 through 4) showing a colorized, existing land use map.
- A-2 Borough of Highlands Master Plan, dated 2016
- A-3 Borough of Highlands Zoning Map
- A-4 Land Use Board Application for Subdivision, dated March 12, 2021.
- A-5 Zoning Denial Letter, dated March 3, 2021.
- A-6 Proposed Subdivision Plan prepared by Richard E. Stockton & Associates, dated January 20, 2021.
- A-7 Proposed Architectural Plan for proposed lot 7.011, prepared by Salvatore La Ferlita, dated March 15, 2021.
- A-8 Proposed Architectural Plan for proposed lot 7.012, prepared by Salvatore La Ferlita, dated March 15, 2021.
- A-9 Proposed Architectural Plan for proposed lot 7.013, prepared by Salvatore La Ferlita, dated March 15, 2021.
- A-10 Proposed Architectural Plan for proposed lot 7.014, prepared by Salvatore La Ferlita, dated March 15, 2021.
- A-11 Proposed Architectural Plan for proposed lot 7.015, prepared by Salvatore La Ferlita, dated March 15, 2021.

INTEROFFICE REPORTS

- B-1 Board Engineer's Review of Major Subdivision, Plat Requirements (completeness) letter, dated June 8, 2021.
- B-2 Board Engineer's Review of Major Subdivision, Fee Calculation letter, dated June 8, 2021.
- B-3 Board Engineer's First Engineering Review letter, dated November 2, 2021.

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

June 22, 2023

Dear Ms. Tran,

I am requesting an extension for LUB 2022-06 application 15 Barberie Ave, extending another 180 days. The reason for the extension is to complete the filing with the county clerk due to delays with third-party approvals.

Marie Martin

A handwritten signature in cursive script, appearing to read "Marie Martin", with a large, stylized flourish at the end.

90 Third street
Hazlet Township, NJ 07734
Home 732-787-2547
Mobile 732-900-8830
mariesellsnj@gmail.com



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-20

MEMORIALIZATION OF MINOR SUBDIVISION APPROVAL WITH ANCILLARY VARIANCE RELIEF

Approved: October 13, 2022
Memorialized: December 20, 2022

IN THE MATTER OF MARTIN

APPLICATION NO. LUB2022-06

WHEREAS, an application for minor subdivision approval with ancillary variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Marie Martin (hereinafter referred to as the “Applicant”) on lands known and designated as Block 77, Lot 15, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 15 Barberie Avenue in the R-2.01 (Single Family Residential) Zone; and

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

WHEREAS, an in-person public hearing was held on October 13, 2022, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided with an opportunity to be heard.

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

1. The subject Property contains 7,500 square feet with 100 feet of frontage along the southeast side of Barberie Avenue within the R-2.01 (Residential) Zone district. The subject Property has a Lot depth of 75 feet. The subject Property is currently improved with a two-story single-family dwelling serviced by municipal water and waste systems.

2. The dwelling on Lot 15 has a minimum front yard setback of 9 feet whereas 20 feet is required in the Zone and complies in all other respects with the Zoning Ordinance.

3. The Applicant proposes to subdivide the subject Property into two (2) new lots as follows:

- Proposed Lot 15.01 will contain 3,750 square feet with 50 feet of frontage along Barberie Avenue and will contain the existing two-story, single-family dwelling.
- Proposed Lot 15.02 will contain 3,750 square feet with 50 feet of frontage along Barberie Avenue to be improved with a proposed 2-story, single-family elevated dwelling.

4. The Applicant, Marie Martin, testified that the minimum lot size in the Zone is 3,750 square feet and, therefore, that the proposed subdivision will create two lots that conform to the Zoning Ordinance and are commensurate with other lots in the Zone and neighborhood.

5. The Applicant further testified that by virtue of the proposed subdivision, the dwelling on Proposed Lot 15.01 (which is not being affected by the application) will have a minimum front yard setback of 9 feet, whereas 20 feet is required in the Zone. Accordingly, variance relief is requested, but the deviation from the Zoning ordinance already exists.

6. The Applicant further testified that she needed additional variance relief for the maximum building coverage for Proposed Lot 15.01, where 35.56% is proposed and 33% is permitted in the Zone. The Applicant continued testifying that she was not altering the dwelling

at all and that the home would remain in its current location with regard to all setbacks. Accordingly, the Applicant testified that the variance relief requested occurred by virtue of the subdivision and existing dwelling, and not any proposed construction.

7. The Applicant testified that the subdivision complied in all other respects with the Zoning Ordinance, including as to building height for both the existing and proposed dwellings. The Applicant further testified that the dwelling to be constructed on Proposed Lot 15.02, as proposed, would comply with the Zoning Ordinance. The Applicant agreed that if the dwelling was not constructed in accordance with the Zoning Ordinance or the terms of this resolution that she would need to return for variance relief.

8. The Applicant agreed to comply with the Board Engineer's First Engineering Review Letter and to revise the plans to reflect a driveway length of 18 feet.

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

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant's request for minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c should be granted in this instance.

The Board finds that the Applicant has proposed a minor subdivision which requires bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a

Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Board finds that the Applicant has satisfied the positive criteria with regard to the previously enumerated requests for variance relief from the minimum front yard setback for Proposed Lot 15.01 where 20 feet is required and 9 feet is proposed, and for the maximum building coverage for Proposed Lot 15.01 where a maximum building coverage of 33% is permitted and 35.56% is proposed.

The Board finds that the proposed subdivision and construction of a single-family dwelling on Proposed Lot 15.02 is a permitted use in the R-2.01 zone. The Board finds that the proposed subdivision will create two lots, which are consistent with the prevailing neighborhood scheme, and which comply with the Zoning Ordinance. The dwelling to be constructed on Proposed Lot 15.02 would comply with the Zoning Ordinance and, to the extent the Applicant or a subsequent owner of the subject Property sought to construct a dwelling that neither complied with this Resolution nor the Zoning Ordinance, they would need to seek relief from the Land Use Board.

The Board also accepts the Applicant's testimony that the proposed variance relief would be indiscernible to the public because it affects the existing two-story dwelling on Proposed Lot 15.01 and not the dwelling proposed to be constructed on Proposed Lot 15.02 (which will comply with the Zoning Ordinance). The Board, therefore, finds that the minimum front yard setback of 9 feet proposed for Proposed Lot 15.01 already exists and is not being exacerbated by the application. Similarly, the Board finds that although the maximum building coverage is increasing on a percentage basis, that occurs solely by virtue of the subdivision of Lot 15 and the existence

of the two-story dwelling thereon. Accordingly, the Board finds that proposed building coverage of Proposed Lot 15.01 of 35.56% is not excessive and satisfies the positive criteria.

Based on the foregoing, the Board finds that the application advances the goals of the Municipal Land Use Law as enumerated at N.J.S.A. 40:55D-2. The positive criteria has therefore been satisfied.

The Board also finds that the negative criteria has been satisfied. The proposed subdivision of the existing lot into two smaller lots creates lots that are more similar to other lots in the surrounding neighborhood and which comply with the Zoning Ordinance. The proposed development also does not violate any height requirements and therefore does not impair any view corridors. As previously stated, the proposed density and use also complies with Ordinance requirements. The proposed variance relief will also not create any perceptible additional traffic or noise. The Board finds that the grant of variance relief will not result in substantial impairment to the zone plan or zoning ordinance and will not create a substantial detriment to the public good. The Board therefore finds that the negative criteria has been satisfied.

The Board further finds that the positive criteria substantially outweighs the negative criteria and that variance relief pursuant to N.J.S.A. 40:55D-70c(2) is appropriate in this instance.

With the exception of the above relief, the Applicant has complied with all other zoning, subdivision and design criteria. The Applicant may therefore be granted minor subdivision approval pursuant to N.J.S.A. 40:55D-47.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 20th day of December 2022, that the action of the Land Use Board taken on October 8th, 2022 granting Application No. LUB2022-06, for minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2) as follows:

The application is granted subject to the following conditions:

1. The Subdivision Plat or Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Subdivision Plat or Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
2. All site improvement shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
3. Except where specifically modified by the terms of this resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
4. The Applicant shall obtain an Elevation Certificate.
5. Any future modifications to this approved plan must be submitted to the Board for approval.
6. The Applicant shall provide a certificate that taxes are paid to date of approval.
7. 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.
8. The subject Property is located in a CAFRA Zone and, thus, the Applicant shall comply with all applicable NJDEP requirements and obtain all applicable approvals and/or waivers therefrom.
9. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

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


 Robert Knox, Chairman
 Borough of Highlands Land Use Board

ON MOTION OF: Vice Chair Tierney

SECONDED BY: Mayor Broullon

ROLL CALL:

YES: Mayor Broullon, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Vice Chair Tierney, Chair Knox

NO: None

INELIGIBLE: Chief Burton, Mr. Kutosh, Mr. Lee

ABSENT: None

DATED: December 20, 2022

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on December 20, 2022.

 Nancy Tran, Secretary
 Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

EXHIBITS

Case No. No. LUB2022-06/Martin

Minor Subdivision

October 13, 2022

December 20, 2022

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

INTEROFFICE REPORTS

- B-1 Board Engineer's Review of Minor Subdivision, First Completeness Review letter, dated August 16, 2022.
- B-2 Board Engineer's Fee and Escrow Calculation letter, dated August 16, 2022.
- B-3 Board Engineer's First Engineering Review letter, dated September 28, 2022.



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APR 28 2023

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

Item 5.

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 05/02/2023 Application #: LUB2023-03 Fee: Ck# 259 \$250 Escrow: ck#260 \$750

1. APPLICANT

Name: Kerry M. Farrell
Address: P.O. Box 129
City: Spring Lake State: NJ Zip: 07762
Phone: [REDACTED]
Email: [REDACTED]
Relation to property: Owner

2. OWNER

Name: Same as applicant
Address: _____
City: _____ State: _____ Zip: _____
Phone: _____
Email: _____

3. TYPE OF APPLICATION (Check all that apply)

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

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

4. PROPERTY INFORMATION

Block 43 Lot(s) 7 Address: 32 Shrewsbury Avenue
Lot size 7,180 s.f. # of Existing Lots 1 # of Proposed Lots 1
Zone WT-R Are there existing Deed Restrictions or Easements? ☐ No ☐ Yes – Please attach copies
Has the property been subdivided? ☒ No ☐ Yes If yes, when? _____
Attach copies of approved map or approved resolution
Property taxes paid through Current Sewer paid through Current

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

Name: Thomas J. Hirsch
Address: 3350 Rt. 138, Bldg. 1, Suite 214, Wall, NJ 07719
Phone: 732-280-2100 Email: thomasjhirsch@aol.com



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

Name: Robert W. Adler, Architect
Address: 1049 Broadway West
Long Branch, NJ 07764
Phone: 732-571-1010
Email: radler@rwadlerassociates.com

Name: _____
Address: _____

Phone: _____
Email: _____

7. LAND USE

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

The property has always been utilized as a single-family home which home exists today. The house historically also had an attached one-car garage which was severely damaged during Sandy. Applicant sought a variance to rebuild the garage, however, sought to have a second level for additional storage whereas the original garage was only one story. Applicant sought to put the garage over the same foundation of the original garage and therefore required a side yard setback. That application was originally granted unanimously; however, as a result of a notice issue, the application had to be reheard at which time the application did not receive a majority vote and therefore was denied. Applicant now files a new application with a redesigned one-story attached garage emulating the original garage which requires a side yard setback variance. The front façade of the principal dwelling is set back from the front yard property line by approximately 68.5 feet where only 35 feet is required. The proposed garage, which is being built over the existing slab from the original garage, may be slightly closer to the front yard than the existing façade of front porch. Applicant does not believe they need a front yard setback; however, if one is needed, applicant requests same.

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

C. ADDITIONAL INFORMATION:

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



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Highlands, NJ 07732
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8. VARIANCE REQUESTS Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area	5,000	N/A	N/A
Frontage	50	47.5	47.5
Lot Depth	100	147.7	147.7
Minimum Yard Requirements			
Front Yard Setback	35	68.5*	68.5*
2 nd Front Yard Setback		55**	55**
Rear Yard Setback	25	44*	44*
Side Yard Setback, right			
Side Yard Setback, left			
Building Height	30		

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height	N/A	N/A	N/A
Garage/Shed Height	15	14.83	10.5
Garage/Shed Area			
Pool Setback	N/A	N/A	N/A
Parking Requirements			
On-site Parking Spaces	N/A	N/A	N/A
Other (please add)			
*House			
**Covered Porch			

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

Applicant is reconstructing the garage over the existing concrete slab for the original garage and the side yard setback is 0.90 feet existing and proposed. As set forth under #7, applicant does not believe a front yard setback variance is required, however, requests same if the Board determines it's required for some reason.



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42 Shore Drive
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(732) 872-1224
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10. NOTARIZED SIGNATURE OF APPLICANT

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

SWORN & SUBSCRIBED to before me this

24th day of April 2023 (year)

Barbara D. McArthur (notary)

(Seal)

Kerry M. Farrell 4/24/23
Signature Date

Kerry M. Farrell

BARBARA D. McARTHUR
Notary Public, State of New Jersey
Comm. # 50072671
My Commission Expires 11/28/2027

11. NOTARIZED CONSENT OF OWNER

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

SWORN & SUBSCRIBED to before me this

24th day of April 2023 (year)

Barbara D. McArthur (notary)

(Seal)

Kerry M. Farrell 4/24/23
Signature Date

Kerry M. Farrell

BARBARA D. McARTHUR
Notary Public, State of New Jersey
Comm. # 50072671
My Commission Expires 11/28/2027

12A. DISCLOSURE STATEMENT Circle all that apply.

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

Is this application to subdivide a parcel of land into six (6) or more lots?

Yes ☐ No ☒

Is this application to construct a multiple dwelling of 25 or more units?

Yes ☐ No ☒

Is this an application for approval of a site(s) for non-residential purposes?

Yes ☐ No ☒

Is this Applicant a corporation?

Yes ☐ No ☒

Is the Applicant a limited liability corporation?

Yes ☐ No ☒

Is the Applicant a partnership?

Yes ☐ No ☒

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

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APR 28 2023

Give Form to the requester. Do not send to the IRS.

Form W-9
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

► Go to www.irs.gov/FormW9 for instructions and the latest information.

LAND USE BOARD

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.
Kerry M. Farrell

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only **one** of the following seven boxes.

☒ Individual/sole proprietor or single-member LLC

☐ C Corporation

☐ S Corporation

☐ Partnership

☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ►

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ►

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) _____

Exemption from FATCA reporting code (if any) _____

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.
PO Box 129

6 City, state, and ZIP code
Spring Lake NJ 07762

7 List account number(s) here (optional)

8 Requester's name and address (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN*, later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

or

Employer identification number

_____-_____-_____-_____-_____-_____-_____-_____-

Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
- I am a U.S. citizen or other U.S. person (defined below); and
- The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here

Signature of U.S. person ► *Kerry M. Farrell*

Date ►

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to www.irs.gov/FormW9.

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)

- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, later.

THOMAS J. HIRSCH

ATTORNEY AT LAW

AUTUMN RIDGE OFFICE PARK
3350 ROUTE 138, BUILDING 1, SUITE 214
WALL, NEW JERSEY 07719

(732) 280-2100
TELEFAX (732) 280-2104
email: thomasjirsch@aol.com

April 27, 2023

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

Re: 32 Shrewsbury Avenue
Block 43, Lot 7
Kerry M. Farrell

RECEIVED
APR 28 2023
LAND USE BOARD

Dear Ms. Tran:

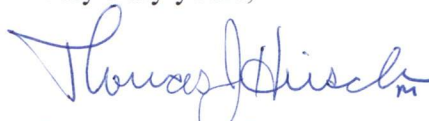
I represent the applicant, Kerry M. Farrell, in the above matter. Enclosed please find the following documents pertaining to her application for a variance:

1. Original plus 3 copies of application
2. 4 sets of sealed architectural plans
3. Check #259 in the amount of \$250 made payable to the Borough of Highlands representing the required application fee
4. Check #260 in the amount of \$750 made payable to the Borough of Highlands representing the required escrow fee

When the application has been deemed complete, please advise as to a date for the hearing.

If you have any questions, please don't hesitate to contact me.

Very truly yours,



THOMAS J. HIRSCH

TJH:bm
Enclosures

FARRELL RESIDENCE

PROPOSED ONE-CAR GARAGE RECONSTRUCTION

32 SHREWSBURY AVE.

HIGHLANDS, NJ

BLOCK: 43, LOT: 7

SCOPE OF WORK

THE PROJECT IS THE RECONSTRUCTION OF AN EXISTING ONE-STORY, WOOD-FRAMED GARAGE WITH BREAK AWAY WALL PANELS AND V-ZONE CONSTRUCTION. ANY AND OR NON-CONFORMING ZONING CONDITIONS (EXISTING AND PROPOSED) ARE INDICATED ON THE ZONING SCHEDULE.

NUMERIC SUMMARY

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

1ST FLOOR	HOUSE (EXIST. TO REMAIN) 914 SF.	DETACHED GARAGE (HOUSE RECONSTRUCTED) 212 SF.	FRONT PORCH (EXIST. TO REMAIN) 262 SF.	DECK (EXIST. TO REMAIN) 229 SF.
-----------	-------------------------------------	--	---	------------------------------------

BUILDING CHARACTERISTICS

NUMBER OF STORIES	2 1/2 - STORIES (EXISTING HOUSE TO REMAIN) 1 - STORY (DETACHED GARAGE TO BE RECONSTRUCTED)
HEIGHT OF STRUCTURE AREA-LARGEST FLOOR	10' -6" (GARAGE ROOF HEIGHT) 914 SF. (EXIST. HOUSE FIRST FLOOR) 212 SF. (DETACHED GARAGE)
CONSTRUCTION CLASSIFICATION FEMA FLOOD ZONE	5B IBC 2018 AE-15 (V-ZONE CONSTRUCTION)

ZONING SCHEDULE

WTR		WATERPROOF TRANSITION-RESIDENTIAL ZONE			
HEIGHT:	MAX. BLDG.	REQUIRED		EXISTING	PROPOSED
		30 FT. (REFER TO NOTE #2) 2-1/2 STORY		N/A 2-1/2 STORY	N/A 2-1/2 STORY
LOT:	MIN. LOT AREA MIN. LOT FRONTAGE MIN. LOT DEPTH MAX. LOT COVERAGE MAX. BLDG. COVERAGE	9,000 90.00 FT. 100.00 FT. 4,976.00 SF. (70%) 2,192.00 SF. (30%)	7,108.00 SF. 47.50 FT. * 147.70 FT. 2,984.00 SF. (36.35%) 1,978.00 SF. (19.59%)	7,108.00 SF. 47.50 FT. * 147.70 FT. 2,984.00 SF. (36.35%) 1,402.00 SF. (19.72%)	
BUILDING:	MIN. FRONT SETBACK MIN. SIDE SETBACK MIN. CORN. SETBACK MIN. REAR SETBACK	36.00 FT. 8.00 FT. 20.00 FT. 29.00 FT.	64.60 FT. (HOUSE) 56.00 FT. (COV. PORCH) 8.50 FT. 21.00 FT. 44.00 FT. (HOUSE)	64.60 FT. (HOUSE) 56.00 FT. (COV. PORCH) 8.50 FT. 21.00 FT. 44.00 FT. (HOUSE)	
ACCESSORY:	DETACHED GARAGE:				
		MIN. FRONT SETBACK MIN. SIDE SETBACK MIN. REAR SETBACK MAX. HEIGHT DISTANCE FROM PRINCIPLE BLDG.	56.00 FT. (PORCH) 3.00 FT. 3.00 FT. 19.00 FT. (REFER TO NOTE #2) N/A	54.80 FT. * (REFER TO NOTE #1) 0.90 FT. * 76.68 FT. 14.85 FT. (REFER TO NOTE #2) 0.50 FT.	54.80 FT. ** (REFER TO NOTE #1) 52.34 FT. ** (ROOF CANOPY) 0.90 FT. ** 76.68 FT. 74.08 FT. (ROOF CANOPY) 10.50 FT. (REFER TO NOTE #2) 0.50 FT.

EXISTING LOT COVERAGE INCLUDES:		PROPOSED LOT COVERAGE INCLUDES:	
EXISTING FIRST FLOOR (914 SF.) EXISTING FRONT COVERED PORCH (262 SF.) EXISTING DETACHED GARAGE (212 SF.) EXISTING CANOPY (24 SF.) EXISTING DECK (0 SF. - REFER TO NOTE #3) EXISTING DRIVEWAY (495 SF.) EXISTING EXTERIOR STAIRS/BULKHEAD (109 SF.) EXISTING WALKWAYS (491 SF.) EXISTING PAVEMENT PATIO (94 SF. - NOT COVERED BY CANOPY)		EXISTING FIRST FLOOR TO REMAIN (914 SF.) EXISTING FRONT COVERED PORCH TO REMAIN (262 SF.) EXISTING DETACHED GARAGE TO BE RECONSTRUCTED (212 SF.) EXISTING CANOPY TO BE RECONSTRUCTED (24 SF.) EXISTING DECK TO REMAIN (0 SF. - REFER TO NOTE #3) EXISTING DRIVEWAY TO REMAIN (491 SF. - NOT COVERED BY CANOPY) EXISTING EXTERIOR STAIRS/BULKHEAD TO REMAIN (109 SF.) EXISTING WALKWAYS TO REMAIN (491 SF.) EXISTING PAVEMENT PATIO (94 SF. - NOT COVERED BY CANOPY) PROPOSED CANOPY (24 SF.)	
EXISTING BLDG. COVERAGE INCLUDES:		PROPOSED BLDG. COVERAGE INCLUDES:	
EXISTING FIRST FLOOR (914 SF.) EXISTING FRONT COVERED PORCH (262 SF.) EXISTING DETACHED GARAGE (212 SF.) EXISTING CANOPY (24 SF.)		EXISTING FIRST FLOOR TO REMAIN (914 SF.) EXISTING FRONT COVERED PORCH TO REMAIN (262 SF.) EXISTING DETACHED GARAGE TO BE RECONSTRUCTED (212 SF.) EXISTING CANOPY (24 SF.) PROPOSED CANOPY (24 SF.)	

NOTES:
1. ACCESSORY STRUCTURES FRONT SETBACK: EXISTING NON-CONFORMING CONDITION WITH ACCESSORY STRUCTURE IN THE FRONT YARD, AS PER THE HIGHLANDS ZONING ORDINANCE, SECTION 21-76A.3. NO ACCESSORY STRUCTURE SHALL BE PERMITTED CLOSER TO THE FRONT PROPERTY LINE THAN THE FRONT SETBACK REQUIREMENT ON THE FRONT FACE OF THE PRINCIPAL STRUCTURE. WHICHEVER IS THE LESSER, THE PROPOSED RECONSTRUCTED GARAGE SHALL MATCH EXISTING SETBACK OF 54.80 FT. WHERE THE PRINCIPLE STRUCTURE SETBACK IS 56.00 FT. ** VARIANCE REQUIRED**

2. BUILDING HEIGHT: AS PER THE HIGHLANDS ZONING DEFINITIONS, THE BUILDING HEIGHT IS THE VERTICAL DISTANCE AS MEASURED FROM THE GRADE PLANE TO THE AVERAGE HEIGHT OF THE HIGHEST ROOF SURFACE. IN THE CASE OF SLOPED ROOFS, THE AVERAGE HEIGHT IS THE MID-POINT BETWEEN THE LOWEST ROOF EAVE OF THE TOP FLOOR AND THE RIDGE.

3. DECKS: AS PER THE HIGHLANDS ZONING ORDINANCE, SECTION 21-69.27, DECKS SHALL NOT BE CONSIDERED IN THE DETERMINATION OF YARD SIZE OR LOT COVERAGE, PROVIDED, HOWEVER, THAT SUCH TERRACE OR DECK IS UNROOFED AND WITHOUT WALLS, PARAPETS, OR OTHER FORM OF ENCLOSURE.

* NON-CONFORMING ZONING CONDITION CREATED BY EXISTING CONDITIONS.
** NON-CONFORMING ZONING CONDITION CREATED BY PROPOSED NEW WORK

INDEX

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

DESIGN LOADS

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

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

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

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

DRAWING:
COVER PAGE INFORMATION

DATE:
NOVEMBER 11, 2021

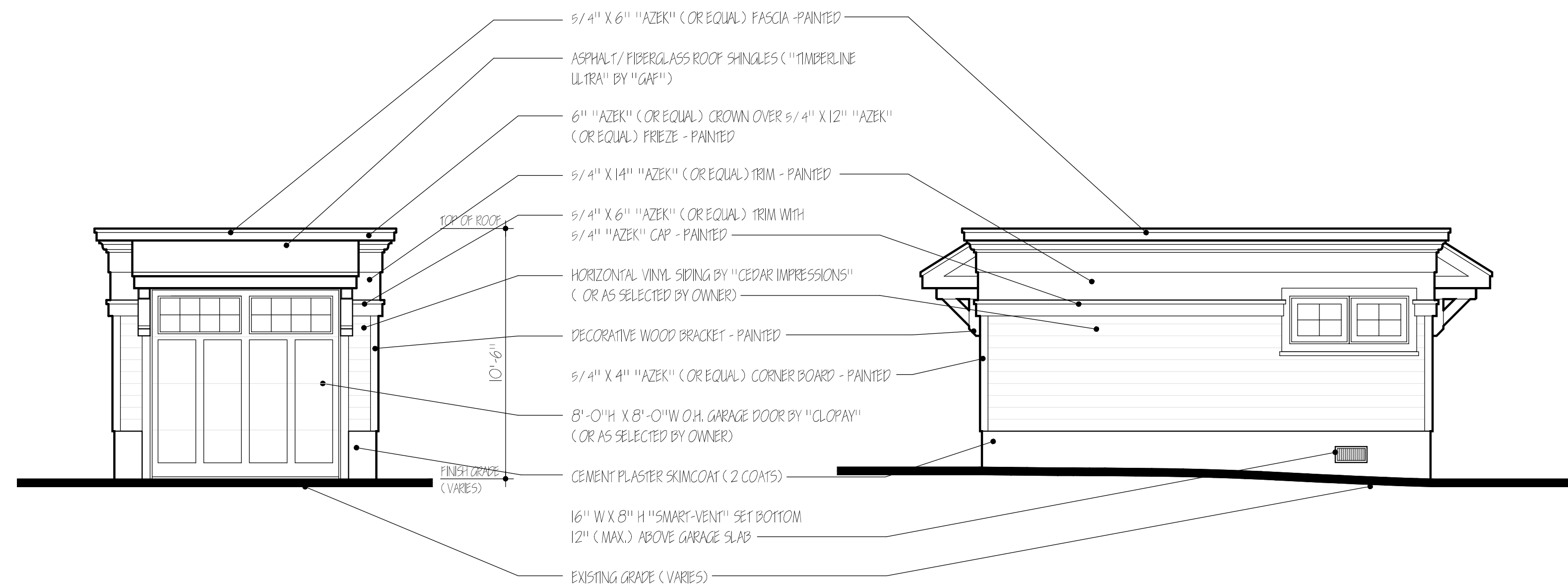
REVISED:
FEBRUARY 15, 2023
APRIL 9, 2023

ROBERT W. ADLER
— & ASSOCIATES, PA —
ARCHITECTS
WWW.ADLERASSOCIATES.COM
Tel: 732-571-1910

RWA
1049 Broadway West Long Branch, NJ 07744

LICENSES:
NJ 10795
NY 026851
MD 9678
PA RA-012365-B
FL AR-100474

1 OF 3

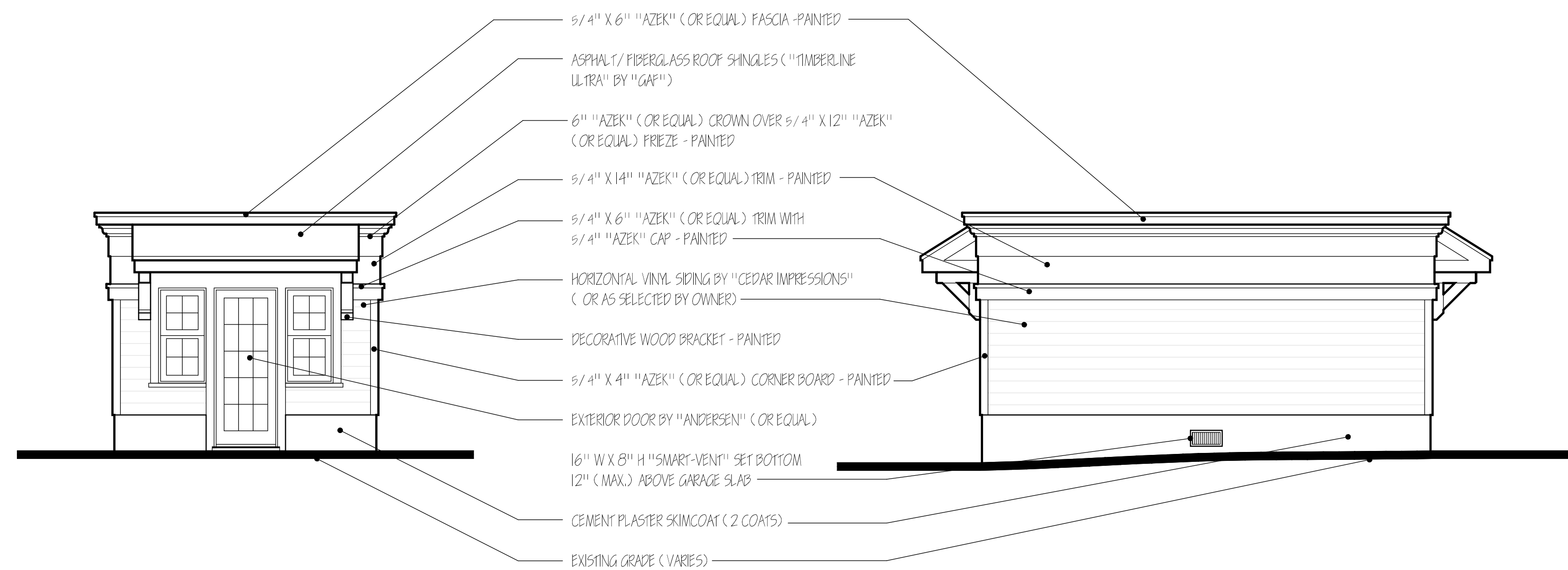


GARAGE FRONT ELEVATION

SCALE: 1/4" = 1'-0"

GARAGE LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



GARAGE REAR ELEVATION

SCALE: 1/4" = 1'-0"

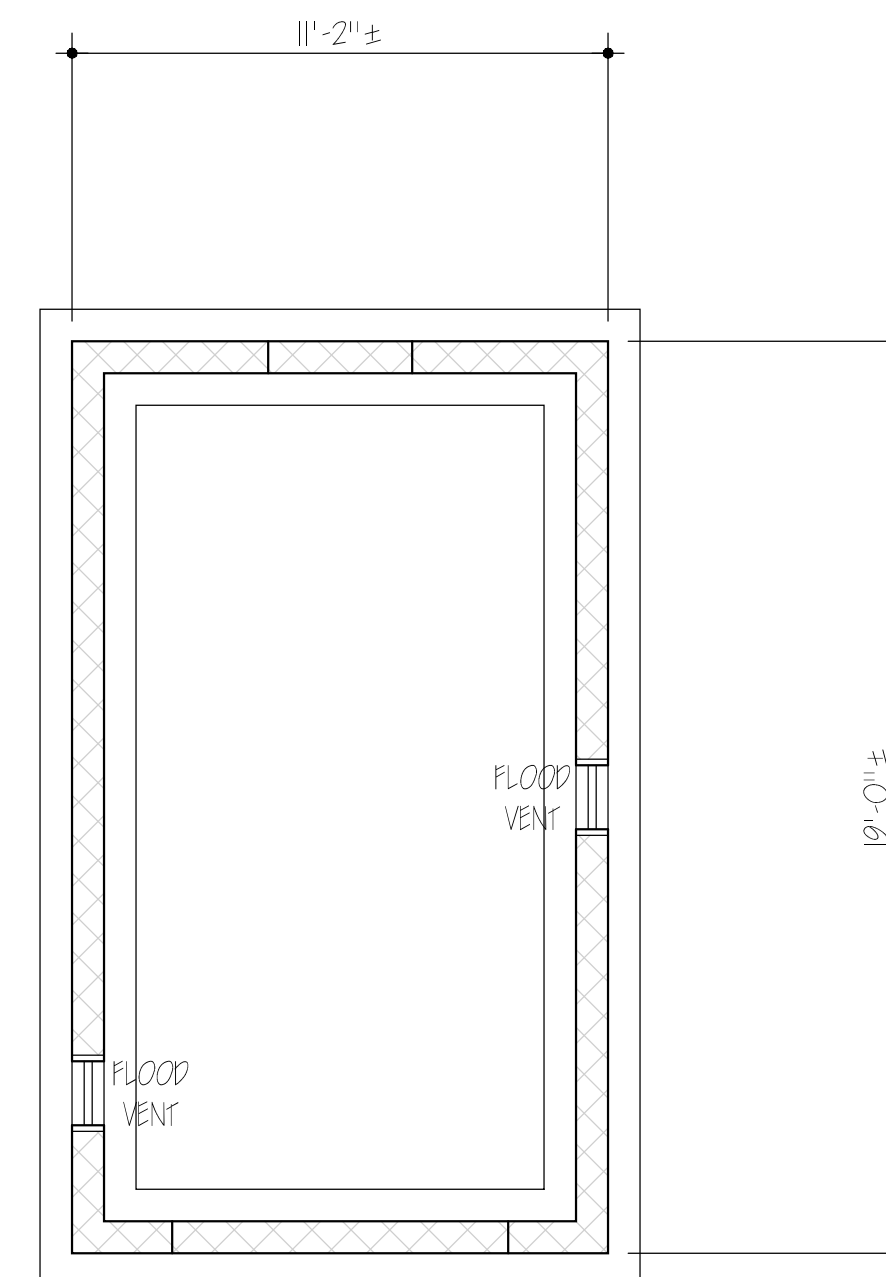
GARAGE RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

BLOCK VENT NOTE:

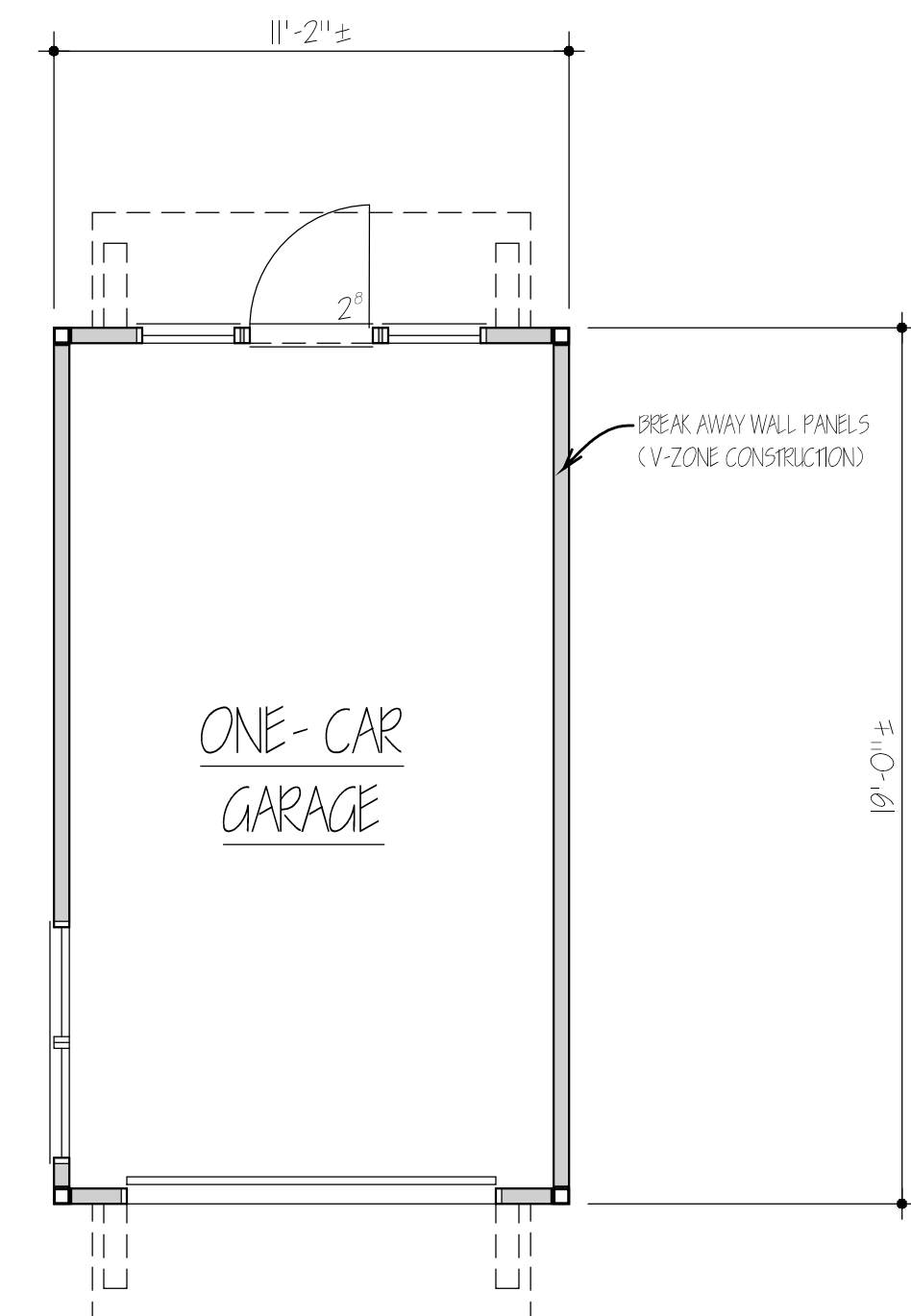
PROVIDE "SMART VENT" MODEL #1540-520 FOR BLOCK WALLS FOR HYDROSTATIC RELIEF OF 200 SQ. FT. INSTALL AS PER MANUFACTURER'S SPECIFICATIONS. COORDINATE VENT COLOR WITH OWNER.

- DETACHED GARAGE: 212 S.F. / 200 S.F. = 2 VENTS (2 REQ.)



FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



GARAGE FLOOR PLAN

SCALE: 1/4" = 1'-0"

PROPOSED
GARAGE
RECONSTRUCTION
FOR
FARRELL
52 SHEVEYBURY AVE.
HIGHLANDS, NJ

DRAWING:
FOUNDATION PLAN
GARAGE FLOOR PLAN
GARAGE ELEVATIONS

DATE:
NOVEMBER 11, 2021

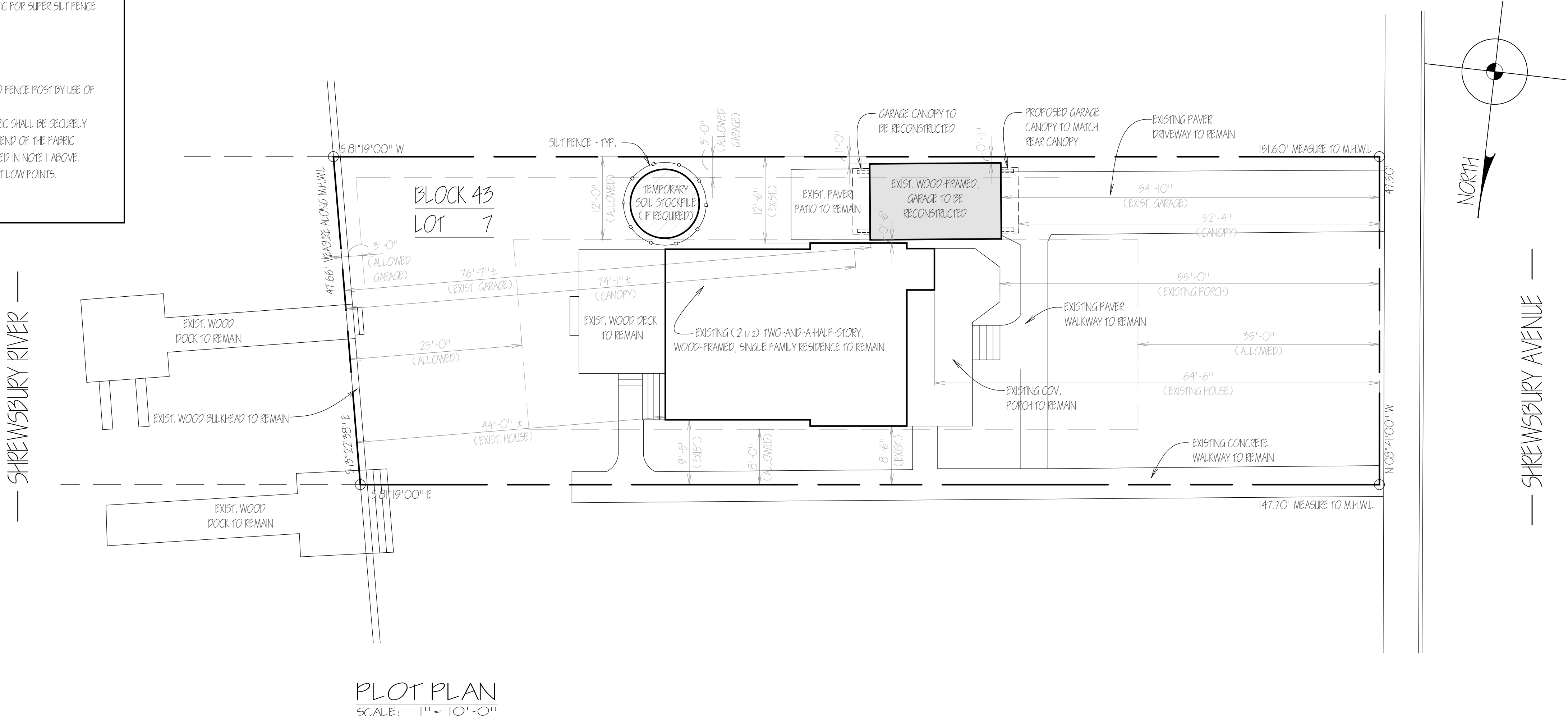
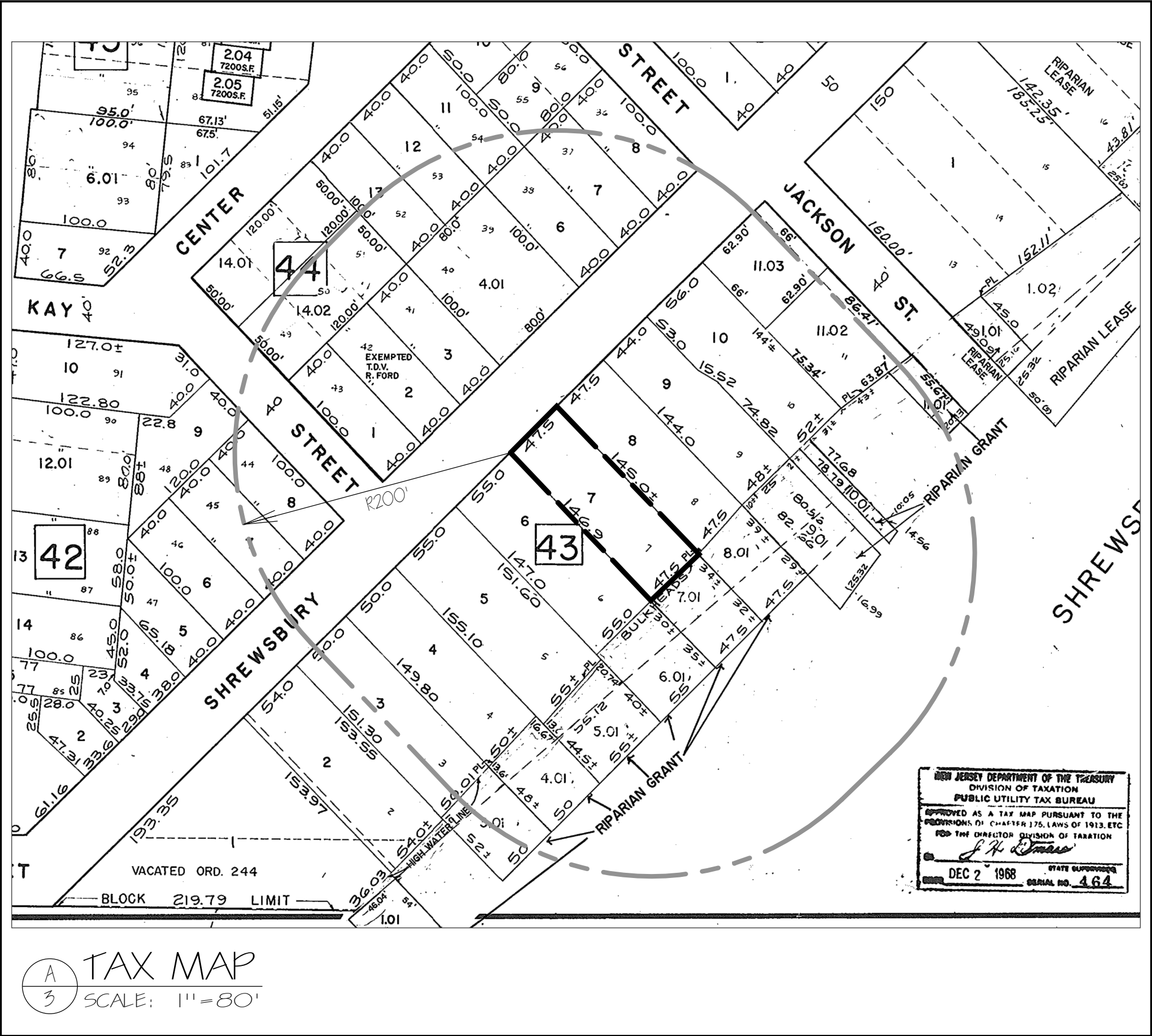
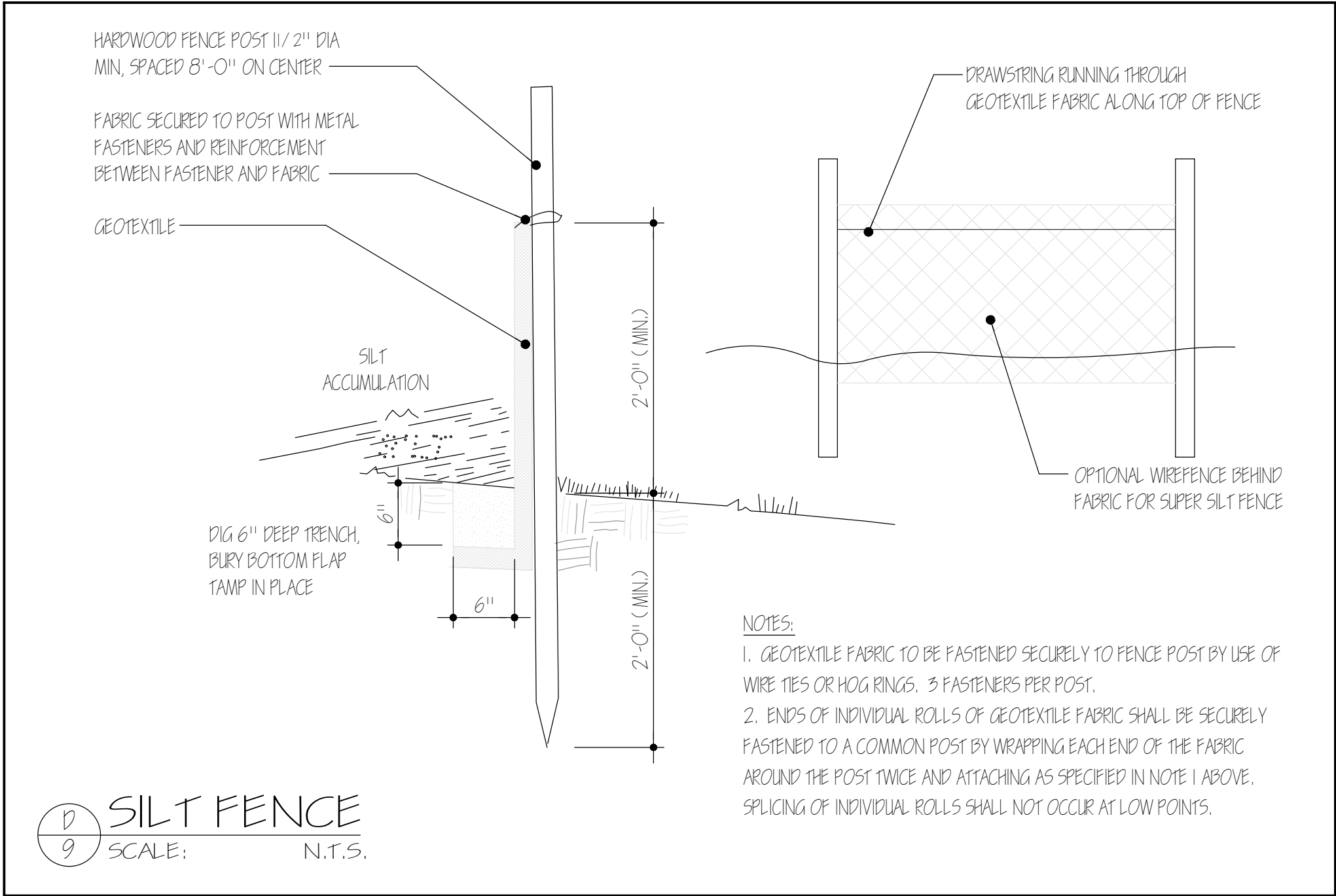
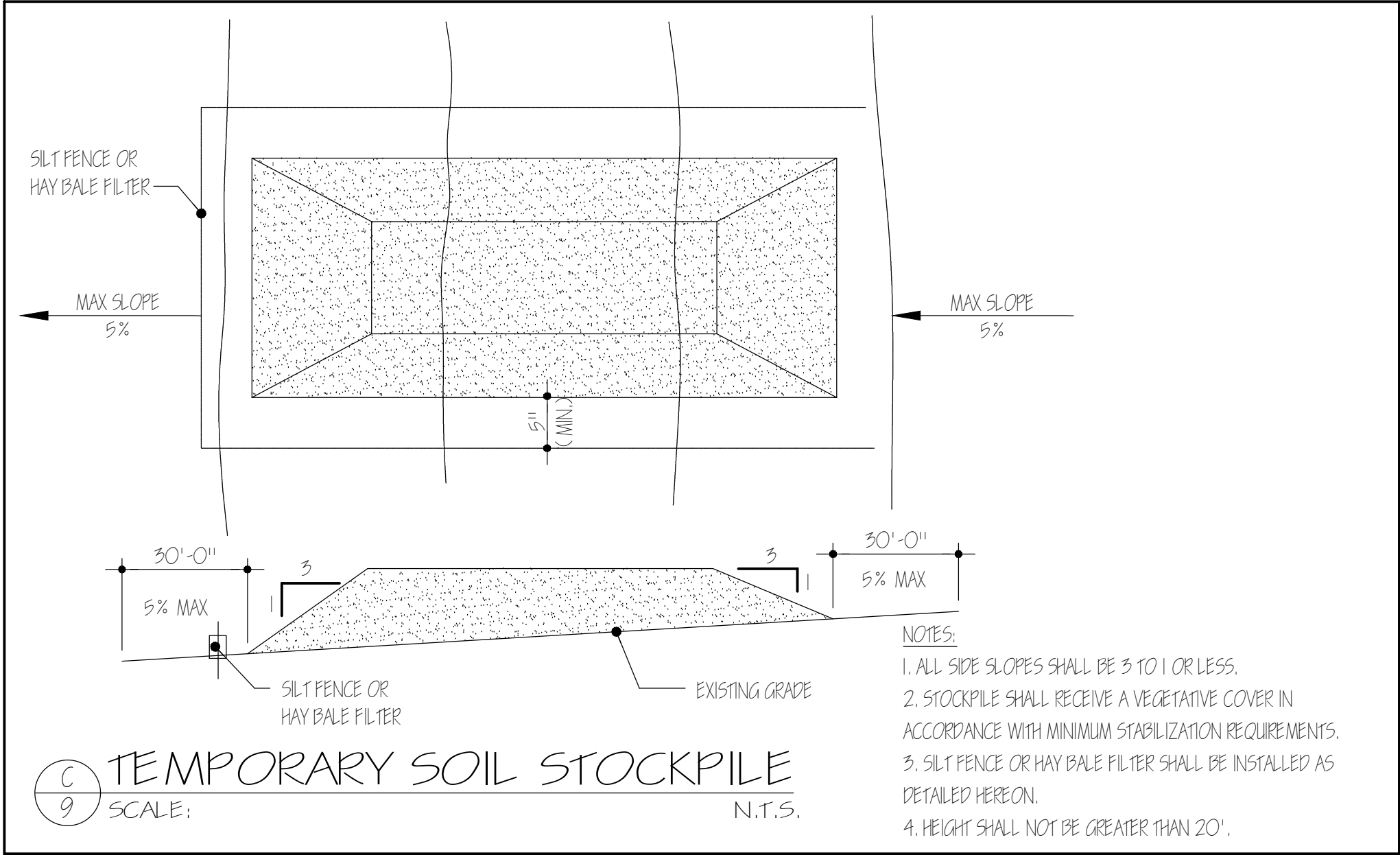
REVISED:
FEBRUARY 15, 2023
APRIL 3, 2023

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

RWA
1049 Broadway West Long Branch, NJ 07764

LICENSES:
NJ 10795
NY 026851
MD 9678
PA RA-012365-B
FL AR-100476

2 OF 3



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

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

DRAWING:
PLOT PLAN

DATE:
NOVEMBER 11, 2021

REVISED:
FEBRUARY 15, 2023
APRIL 9, 2023

ROBERT W. ADLER
— & ASSOCIATES, PA —
ARCHITECTS

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LICENSES:
NJ 10795
NY 026851
MD 9678
PA RA-012365-B
FL AR-100474

3 OF 3



HGPD- R1901

June 15, 2023

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

Via Email (ntran@highlandsborough.org)

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

Dear Ms. Tran:

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

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

1. Land Use Board Application, dated April 24, 2023.
2. Architectural Plans prepared by Robert W. Adler & Associates, PA, dated November 11, 2021, last revised May 3, 2023, consisting of three (3) sheets.

The above information was reviewed for completeness purposes as follows:

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

1. Date, name, location of site, name of owner, scale and reference meridian. **Provided.**
2. Area of the lot and all lot line dimensions and bearings. **Provided.**
3. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures and any other feature on the property and within seventy-five (75) feet of the property line. **Provided.**
4. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Partially provided. The applicant shall revise the plot plan to include existing/proposed building setbacks and required setback lines.**
5. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Not provided, but not required for this application.**



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

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

6. The location and widths of existing and proposed streets servicing the site plan. **Partially provided. Width of existing street is not shown on the plans, but not particularly relevant to this application.**
7. Specifications for and location of proposed surface paving and curbing. **Not applicable.**
8. Location of all structures within seventy-five (75) feet of the property. **Not applicable.**
9. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Not applicable.**
10. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable.**
11. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Not provided, but not required for this application.**
12. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths and any other devices necessary to traffic safety and/or convenience. **Not applicable.**
13. The location and identification of proposed open space, parks or other recreation areas. **Not applicable.**
14. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not provided.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Not applicable.**
16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Not provided. The applicant shall confirm that existing utilities will be reused, and no new utilities lines or service connections are proposed.**
17. Specific location and design of traffic control devices, signs and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs and lighting fixtures. **Not applicable.**
18. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Provided. The proposed structure is located within the Limit of Moderate Wave Action (LiMWA) in flood zone AE-13. Therefore,**



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

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

the plans should be designed in accordance with FEMA standards and the Borough of Highlands Flood Damage Prevention Ordinance requirements. I defer to the Borough Floodplain Manager for further review.

19. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Not applicable.**
20. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
21. Soil Borings, when required by the Board Engineer. **Not applicable.**
22. Certification statement for the required municipal signatures, stating: **Not applicable.**

- Application No. _____ approved/disapproved by the Highlands Land Use Board as a Minor Site Plan on _____.
(date)

Chairman

Secretary

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

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

The applicant shall also provide the following prior to the Board Hearing;

1. Updated plan showing the existing and proposed setbacks and required setback lines.
2. The plan shall include additional detailing of the roof drains associated with the proposed garage including location and direction of discharge.



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

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

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

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

EWB:EJC

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)
Thomas J. Hirsch, Applicant's Attorney (thomasjhirsch@aol.com)

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HGPB- R1901

June 15, 2023

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

Via Email (ntran@highlandsborough.org)

**Re: Farrell Residence
32 Shrewsbury Avenue
Block 43, Lot 7
Waterfront Transition-Residential (WT-R) Zone
Determination of Fees**

Dear Ms. Tran:

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

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

1. Land Use Board Application, dated April 24, 2023.
2. Architectural Plans prepared by Robert W. Adler & Associates, PA, dated November 11, 2021, last revised May 3, 2023, consisting of three (3) sheets.

Please note the following fee calculations:

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

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

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

Very truly yours,

T&M ASSOCIATES

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

EWH:GTG:EJC

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)
Thomas J. Hirsch, Applicant's Attorney (thomasjhirsch@aol.com)

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HGPB-R1901

DETERMINATION OF FEES
32 Shrewsbury Avenue
Block 43 Lot 7

A. APPLICATION FEES (Ord. 21-107)

A. Variances

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

B. Site Plans

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

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

Escrow fee subtotal \$ 1,300.00

Total \$ 1,950.00

HGPB- R1901

July 11, 2023

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

Via Email (ntran@highlandsborough.org)

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

Dear Ms. Tran:

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

1. Land Use Board Application, stamped received on April 28, 2023.
2. Architectural Plans prepared by Robert W. Adler & Associates, PA, dated November 11, 2021, last revised April 3, 2023, consisting of three (3) sheets.

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

A. Project Description

The 7,108 square foot property is currently developed with an existing two-story single family dwelling. The site is located in the Waterfront Transition Residential (WT-R) Zone with frontage along Shrewsbury Avenue. With this proposal, the applicant is seeking minor site plan approval with variance relief and proposes to reconstruct the existing partially constructed one-story wood framed garage located in the property's side yard. The applicant applied to the Board previously seeking approval for a detached garage that was 14'-10" from the ground to the midline of a side dormer on a typical A-frame structure. The current proposal is for a detached garage in the same general location, with a single-story flat-roofed structure with a total height from ground to top of roof of 10'-6".

B. Planning and Zoning

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

WT-R Zone	Required	Existing	Proposed
Minimum Lot Area (sf)	5,000	7,108	7,108
Minimum Lot Frontage (ft)	50	47.5^(E)	47.5^(E)



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

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

WT-R Zone (continued)	Required	Existing	Proposed
Minimum Lot Depth (ft)	100	147.7	147.7
Minimum Front Yard Setback (ft)	35	55	55
Minimum Rear Yard Setback (ft)	25	44	44
Minimum Side Yard Setback (ft)	8 / 12	8.5 / 12.5	8.5 / 12.5
Maximum Building Height (ft)	30	NS	NS
Lot Coverage	70%	36.35%	36.35%
Building Coverage	30%	19.39%	19.72%
Minimum Front Yard Setback, Accessory (ft)	55 (principal)	54.8 ^(V)	54.8 ^(V)
Minimum Side Yard Setback, Accessory (ft)	3	0.92 ^(V)	0.92 ^(V)
Minimum Rear Yard Setback, Accessory (ft)	3	76.58	76.58
Maximum Building Height, Accessory (ft)	15	NA	10.5

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

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



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

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

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

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

2. The applicant notes an eleven-inch (11”) side yard setback to the proposed accessory garage from the southerly side property line abutting lot 6. It is presumed that this dimension is to the lower foundation wall. The elevations show additional eaves/decorative trim that expand the total width of the proposed building. The applicant should provide testimony and a sketch of the front elevation detailing the setbacks at the top of the building, including any gutters so that the outer limit of the structure and appurtenances is identified in relation to the side property line.
3. The subject property is located within the “AE” Flood Zone with a Base Flood Elevation (BFE) of 13 feet. It is also noted that this property is within the Limit of Moderate Wave Action (LiMWA), which requires “V” Zone construction standards. We defer further review to the Floodplain Administrator.
4. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements and should confirm any specific restrictions and/or permitting requirements accordingly. We recommend a jurisdictional determination be provided. We defer further review to NJDEP.
5. The applicant shall provide testimony on how the garage was damaged and the need for its reconstruction.
6. Pursuant to Ordinance Section 21-65.10A (Landscaping and Street Trees), “All areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped and maintained in accordance with a landscaping plan approved by the Board”. The Board should determine if a landscaping plan is required.



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

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

7. Pursuant to Ordinance Section 21-65.10B (Landscaping and Street Trees), "In residential zones, street trees of at least two (2) to two and one-half (2-1/2) inch caliper will be required, planted a distance on center equivalent to no more than the width of their mature diameter. Where street trees are not appropriate because of views, existing vegetation, or other reason, the equivalent number of trees shall be located elsewhere on the lot". The Board should determine if a street tree is required for this application.
8. The applicant shall provide testimony on any drainage impacts to the adjacent residential properties as a result of this application. Gutters/downspouts should be shown if proposed. It is unclear how the flat roof will be drained.
9. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other off-site objects damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
10. Approvals or waivers should be obtained from any agencies or departments having jurisdiction.

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

Very truly yours,

T&M ASSOCIATES

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

EWH

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)
Rob Knox, Land Use Board Chairman (rknox@highlandsborough.org)
Annemarie Tierney, Land Use Board Vice Chairwoman (annemarie@liquidadvisors.com)
Thomas J. Hirsch, Applicant's Attorney (thomasjhirsch@aol.com)
Robert Adler, AIA, Applicant's Architect (radler@rwadlerassociates.com)



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

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



Photo taken from Shrewsbury Avenue 2-23-22

\\tandmassociates.local\\Public\\Projects\\HGPB\\R1901\\Correspondence\\Tran_EWH_Farrell_32 Shrewsbury Ave_First Engineering Review.docx

FARRELL RESIDENCE

PROPOSED ONE-CAR GARAGE RECONSTRUCTION

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

RECEIVED
APR 28 2023
LAND USE BOARD

SCOPE OF WORK

THE PROJECT IS THE RECONSTRUCTION OF AN EXISTING ONE-STORY, WOOD-FRAME GARAGE WITH BRICK VENEER WALL PANELS AND V-ZOPE CONSTRUCTION. ANY AND ALL NON-CONFORMING ZONING CONDITIONS LISTED AND PROPOSED ARE INDICATED ON THE ZONING SCHEDULE.

NUMERIC SUMMARY

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

	HOUSE	DETACHED GARAGE	FRONT PORCH	DECK
1ST FLOOR	994 SF.	212 SF.	252 SF.	224 SF.

BUILDING CHARACTERISTICS

NUMBER OF STOREYS	2 1/2 STOREYS (EXISTING HOUSE TO REMAIN; 1 STORY DETACHED GARAGE TO BE RECONSTRUCTED)
HEIGHT OF STRUCTURE	10' 8" (GARAGE ROOF HEIGHT)
AREA - GROUND FLOOR	994 SF. (EXIST. HOUSE FIRST FLOOR)
CONSTRUCTION CLASSIFICATION	5B IBC 2018
FL. IN FLOOD ZONE	IN FLOOD ZONE (CONSTRUCTION)

ZONING SCHEDULE

USE	APPLICABLE ZONING DISTRICT	PERMITTED	PROPOSED
RES.	R-1A	2 1/2 STORY	2 1/2 STORY
USE	USE	USE	USE
1ST FLOOR	10' 8" (GARAGE ROOF HEIGHT)	10' 8" (GARAGE ROOF HEIGHT)	10' 8" (GARAGE ROOF HEIGHT)
AREA - GROUND FLOOR	994 SF. (EXIST. HOUSE FIRST FLOOR)	994 SF. (EXIST. HOUSE FIRST FLOOR)	994 SF. (EXIST. HOUSE FIRST FLOOR)
CONSTRUCTION CLASSIFICATION	5B IBC 2018	5B IBC 2018	5B IBC 2018
FL. IN FLOOD ZONE	IN FLOOD ZONE (CONSTRUCTION)	IN FLOOD ZONE (CONSTRUCTION)	IN FLOOD ZONE (CONSTRUCTION)

INDEX

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

DESIGN LOADS

1ST FLOOR	40 PSF LIVE LOAD	20 PSF DEAD LOAD
ROOF	20 PSF LIVE LOAD	20 PSF DEAD LOAD

NOTE:
FOR ALL STRUCTURAL MEMBERS THE MAXIMUM ALLOWABLE DEFLECTION UNDER TOTAL LOAD, AT JOINTS, SHALL BE 1/360 OF THE SPAN.

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

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

DRAWING:
CONCEPT SKETCH

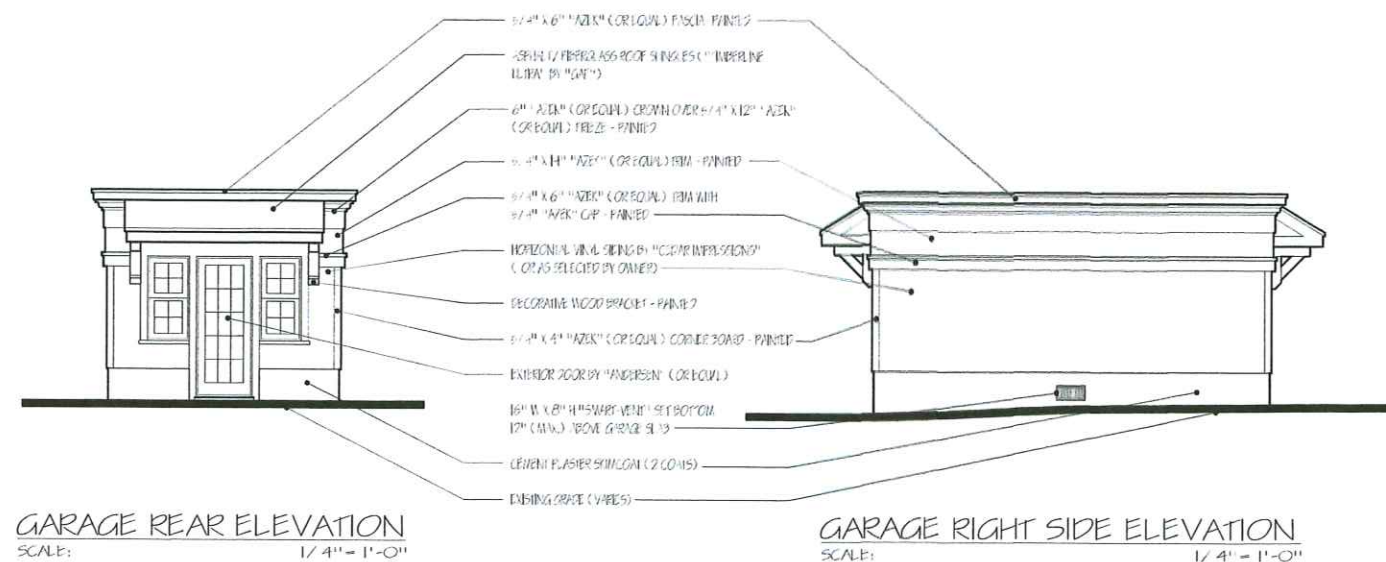
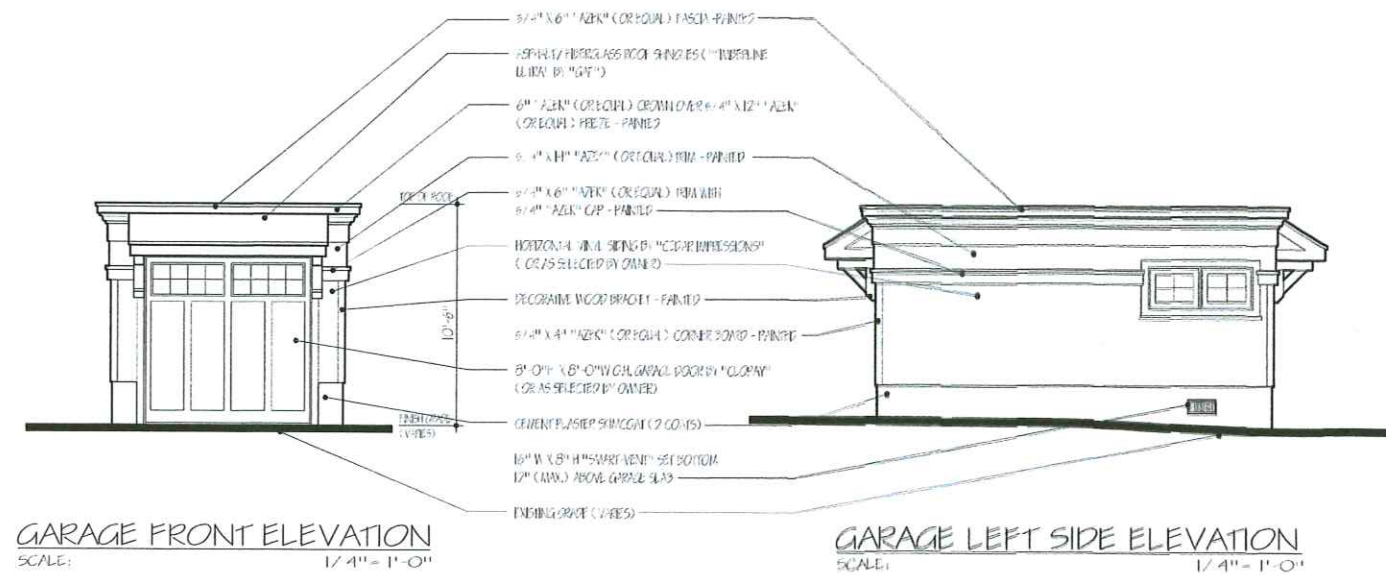
DATE:
MAY 15, 2023

REVISED:
FEBRUARY 15, 2023
AND 3, 2023

ROBERT W. ADLER
— & ASSOCIATES, P.A. —
ARCHITECTS
WWW.RWAASSOCIATES.COM
TEL: 732-571-1000

RWA
1009 Broadway West Long Branch, NJ 07740

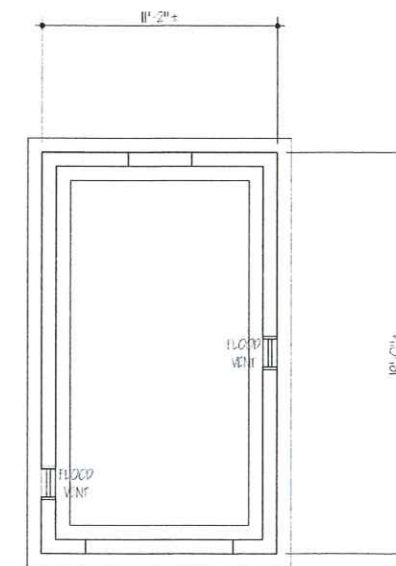
1 OF 3



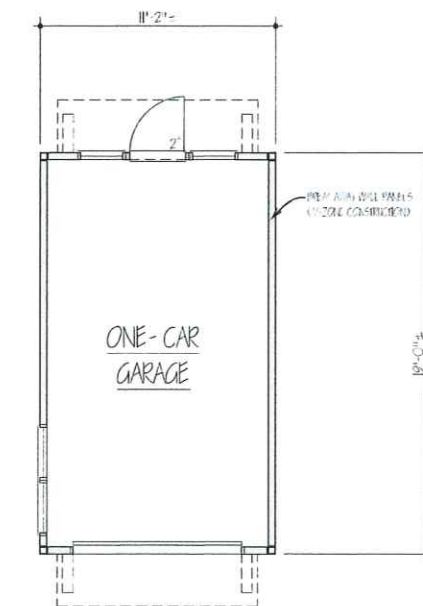
BLOCK VENT NOTE:

PROVIDE "SMART VENT" MODEL #1540-920 FOR BLOCK WALLS FOR HYDROSTATIC RELIEF OF 200 SQ. FT. INSTALL AS PER MANUFACTURER'S SPECIFICATIONS, COORDINATE VENT COLOR WITH OWNER.

DETACH 2 GIRALS: 212 S.F. / 200 S.F. = 2 VLN15 (2 ELQ.)



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



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

RECEIVED

APR 28 2023

LAND USE BOARD

PROPOSED
GARAGE
RECONSTRUCTION
FOR
FARRELL
52-543 130th Ave.
Brooklyn, N.Y. 11234

DRAWING:
FOUNDATION PLAN
GRADE FLOOR PLAN
GRADE ELEVATIONS

DATE: 12/18/2022

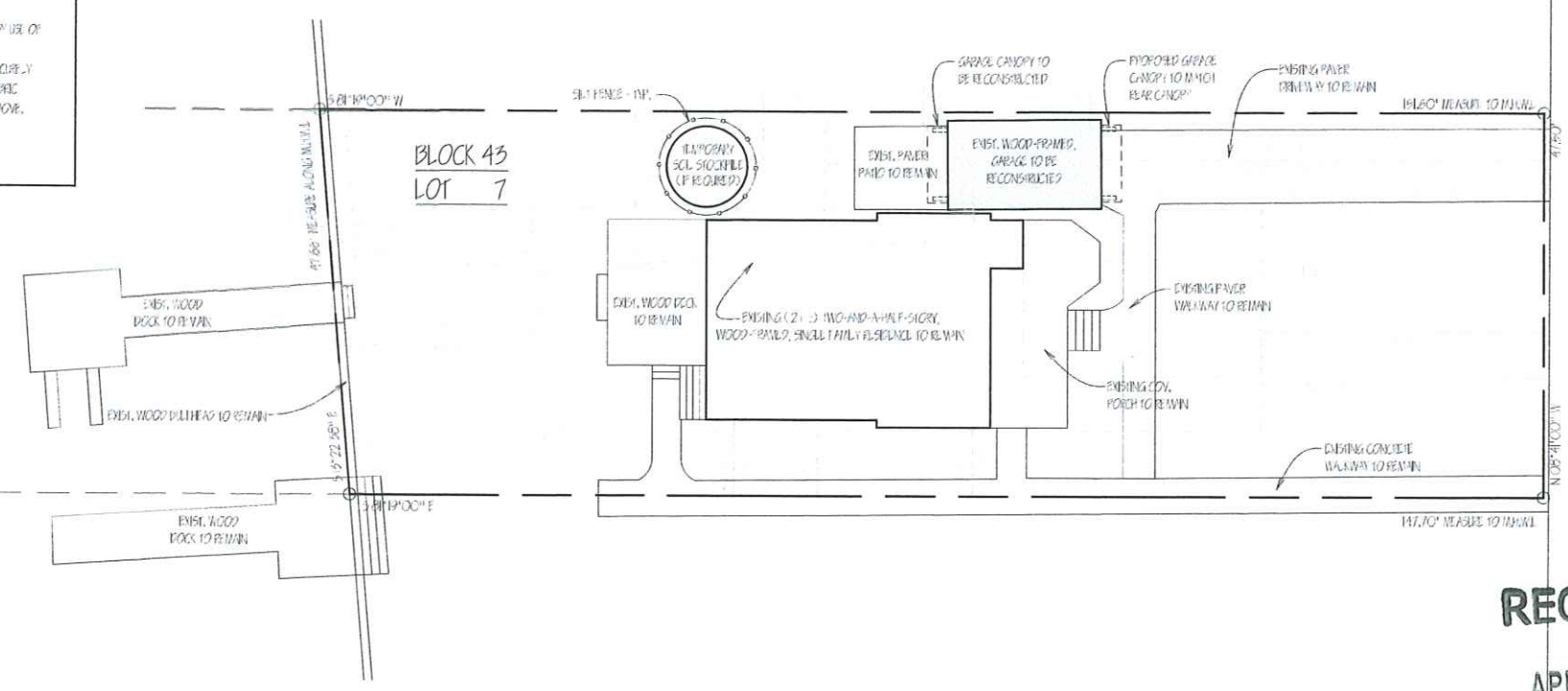
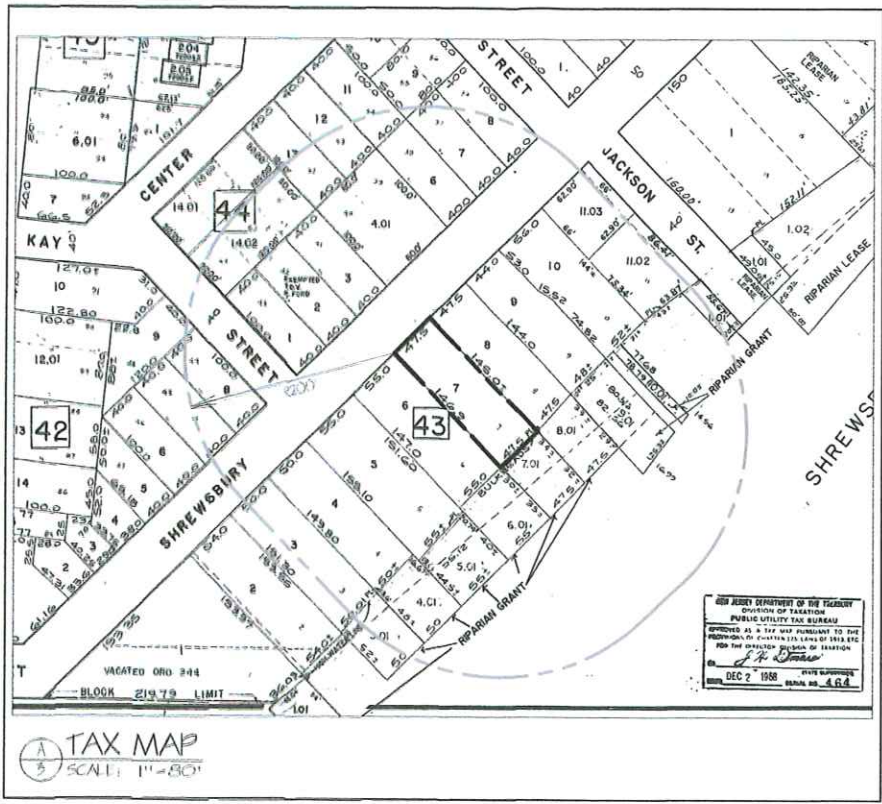
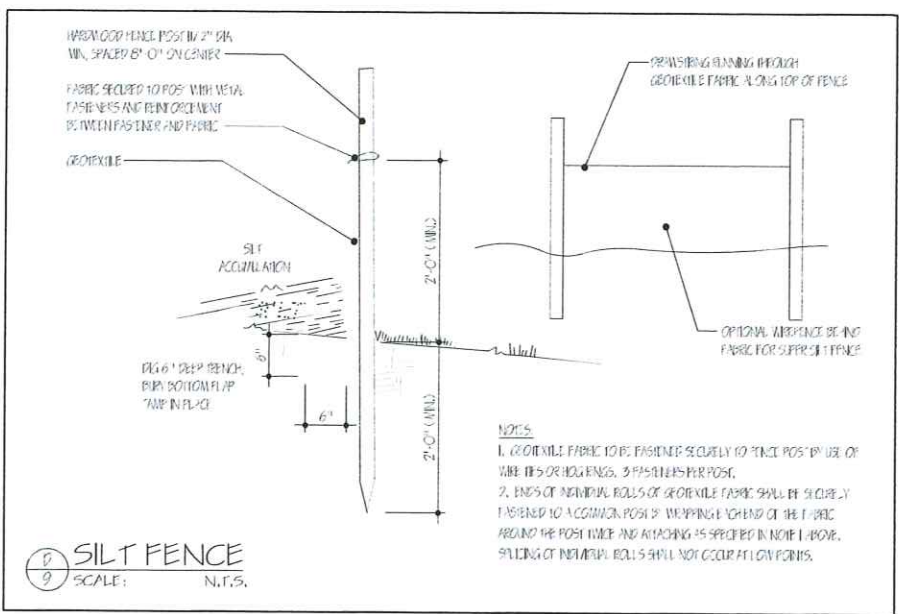
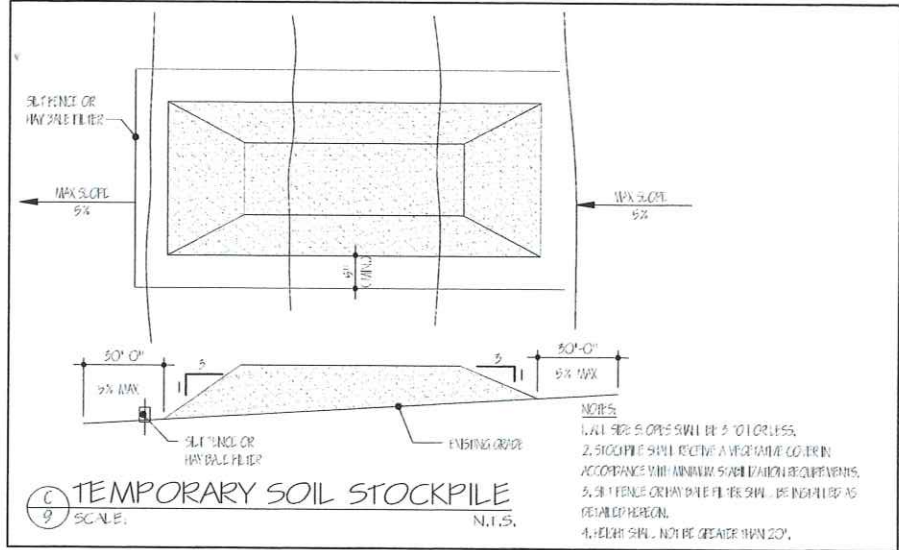
REVISED:
FEBRUARY 2025
MAY 9, 2025

ROBERT W. ADLER
— & ASSOCIATES, PA —
ARCHITECTS
732-521-1010
WWW.ADLERASSOCIATES.COM

RWA

9 LICENCES 9
N1 12/12/1995
N1 12/12/1995
N1 12/12/1995
N1 12/12/1995
N1 12/12/1995

2 OF 3



NOTE:
INFORMATION TAKEN FROM SURVEY PROVIDED BY OWNER, DONE BY "PROVISIONAL LAND SURVEYING", BRIDGE, NEW JERSEY, AND DATE 2/11/15, 2015. REFER TO PLOT DRAWINGS FOR ANY ADDITIONAL NOTES AND DIMENSIONS.

RECEIVED
APR 28 2023
LAND USE BOARD

FRANCOIS GARAGE RECONSTRUCTION FOR FARRELL

DRAWING: 15-01-02

DATE: NOV. 1987, 2003

REVISED: JANUARY 2009

ROBERT W. ADLER & ASSOCIATES, PA ARCHITECTS

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