



BOROUGH OF HIGHLANDS
LAND USE BOARD REGULAR MEETING
151 Navesink Ave. - Court Room
Thursday, February 13, 2025 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*

APPROVAL OF MINUTES

1. January 9, 2025 LUB Meeting Minutes

RESOLUTIONS

2. Memorialize Resolution for LUB24-05: McGhee – 43 Gravelly Point Rd., B100 L26.43

ACTION ON OTHER BUSINESS

3. LUB Annual Report 2024
4. LUB2022-04: Kirsh Kraft - 9 Fifth St., B57 Ls 8 & 9 - Extension Request

HEARINGS ON NEW BUSINESS

5. LUB24-03: Wheeler – 63 Washington Ave., B80 L17 (*carried from 1/9/2025*)

EXECUTIVE SESSION

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

ADJOURNMENT

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



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2025-08

MEMORIALIZATION OF HEIGHT VARIANCE AND BULK VARIANCE RELIEF

IN THE MATTER OF SUZANNE MCGHEE
APPLICATION NO. LUB24-05

Approved: January 9, 2025
Memorialized: February 13, 2025

WHEREAS, an application for height variance and bulk variance relief has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the “Board”) by Suzanne McGhee (hereinafter referred to as the “Applicant”) on lands known and designated as Block 100, Lot 26.43, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 43 Gravelly Point Road, Highlands, New Jersey, in the Bungalow Colonies area of the R-2.03 Single-Family Residential (R-2.03) Zone District (hereinafter “Property”); and

WHEREAS, a live public hearing was held before the Board on January 9, 2025, with regard to this application; and

WHEREAS, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

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

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

1. The subject Property is an existing undersized lot containing 1,347.50 square feet with 24.50 feet of frontage along Gravelly Point Road within the Bungalow Colonies area of the R-2.03 Single-Family Residential (R-2.03) Zone District. The subject Property is located within the AE Flood Hazard Area.

2. The Applicant's Architect, Brian Baer, RA, testified that the subject Property is identified as Block 100, Lot 26.43, with the address of 43 Gravelly Point Road, Highlands, New Jersey, and located within the Bungalow Colonies area of the R-2.03 Single-Family Residential (R-2.03) Zone District.
3. Mr. Baer testified that the subject Property is currently unimproved as the previous single-story, single-bedroom dwelling has since been demolished.
4. Mr. Baer introduced Exhibit A-1 and provided additional testimony that the Applicant proposes to construct a two-story, three-bedroom dwelling, with a front deck located on the first floor of habitable living space and a rear deck located on the second floor of habitable living space, with two off-street parking spaces provided for using a one-car ground floor garage and driveway (which are not habitable living spaces).
5. Mr. Baer also testified that the proposed first floor deck extends over the front yard setback by 2.91 feet, which is acceptable because the proposed deck conforms with §21-86A.4.b(2)(a) for it extends to a location equivalent to the prior deck and equivalent to the locations of the front decks on the adjacent properties.
6. Mr. Baer further testified that the Applicant was proposing a rain dispersion system, in lieu of gutters and rain leaders, and played a YouTube video for the Board, demonstrating usage of the rain dispersion system, which video was marked as part of Exhibit A-1.
7. Mr. Baer further testified that the proposal would be aesthetically pleasing and not out of character for the zone, in particular, the Bungalow Colonies area, and would be constructed in accordance with applicable flood hazard zone requirements. Mr. Baer also stated that the proposal would not impair the zone or the public good.
8. In response to questions from the Board, Mr. Baer testified that a rain dispersion system is

different from gutters and rain leaders, with the water dispersion system deflecting the water from the roof, onto the decks and area below. Mr. Baer provided additional testimony that the water runoff on the subject Property flows from the rear of the Property to the front of the Property, towards Gravelly Point Road, and does not flow onto the adjacent properties.

9. In response to additional questions from the Board, the Applicant agreed to submit plans, satisfactory to the Board Engineer, demonstrating that the water runoff on the subject Property does not flow onto the adjoining properties.

10. The Applicant confirmed the need for the following variance relief:

Requirement	R-2.03 Residential Zone	Bungalow Colonies Required	Existing Lot 26.43 Bungalow Colonies	Proposed Lot 26.43 Bungalow Colonies
Min. Lot Area (sf)	5,000	5,000	1,347.5**	1,347.5*
Lot Frontage/Width (ft)	50	50	24.50**	24.50*
Min. Lot Depth (ft)	100	100	55**	55.00*
Min. Front Yard Setback (ft)	20	3	-	9.73
Min. Side Yard Setback (ft)	6/8	3	-	3/3
Min. Rear Yard Setback (ft)	20	3	-	3
Max. Building Height (ft)***	30	20	-	26.0*
Max Lot Coverage****	75%	75%	-	71.4% Includes decks
Max Building Coverage****	30%	35%	-	64.5% Includes roof
On-Site Parking (spaces)	2	1	-	2

*Proposed Variance

**Existing non-conformity

*** Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2 ½) feet.

**** §21-86 A.4.b(c) Total building coverage shall not exceed thirty-five (35%) percent of the total lot area and total lot coverage shall not exceed seventy-five (75%) percent except for those situated in Block 100, Lots 26.01-26.76 and Block 69, Lots 15.01-15.28.

11. 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 should be granted bulk variance relief pursuant to both N.J.S.A. 40:55D-70c(1) and c(2), as well as height variance relief pursuant to N.J.S.A. 40:55D-70d(6) in this instance.

The Applicant requires the following variance relief:

- a. **Section 21-86A.4.b(2)(d)** – The maximum permitted building height is 20 feet, whereas 26 feet is proposed.
- b. **Section 21 Attachment I** – The Minimum lot area is 5,000 square feet, whereas 1,347.50 square feet is existing and proposed.
- c. **Section 21 Attachment I** – The Minimum lot frontage/width is 50 feet, whereas 24.50 feet is existing and proposed.
- d. **Section 21 Attachment I** – The Minimum Lot Depth is 100 feet, whereas 55.0 feet is existing and proposed.

I. Height Variance Relief

The Applicant requires height variance approval pursuant to the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-70d(6). The subject Property is located in the Bungalow Colonies area of the R-2.03 Single-Family Residential (R-2.03) Zone District and the maximum permitted height of a principal structure in the zone is 20 feet. The Applicant, therefore, requires height variance relief because the height of the principal structure (i.e., the proposed dwelling) exceeds by 6 feet or 30% the maximum height permitted in the district for a principal structure.

In Grasso v. Borough of Spring Lake Heights, 375 N.J. Super. 41 (App. Div. 2004), the Court explored reasons for adopting height limitations. The Grasso Court found that special reasons may be established by demonstrating an undue hardship, which for a d(6) variance requires a showing that the height restriction prohibits the use of the property for a conforming structure, or in the alternative by demonstrating that the increased height of the building does not offend the purpose of the height restriction which the court characterized as being focused primarily on light and air concerns as well as providing an opportunity to control density.

The Board finds that the Applicant has satisfied the positive criteria. The Board finds that the proposed height comports with the density and aesthetics of the area. The Board finds that the majority of the dwellings in the area are of comparable height. The Board further finds that the proposed height will not block any view corridors for surrounding neighbors or cast undue shade upon adjoining properties. The Board also finds that the proposed height will allow additional on-site parking, using the ground floor garage and driveway, which would alleviate the demand for on-street parking in the area. The proposed height will also better protect the home from flood damage. The Board therefore finds that the positive criteria have been satisfied.

The Board also finds that the negative criteria has been satisfied for the reasons expressed infra in the bulk variance section. The Board concludes that the positive criteria substantially outweighs the negative criteria and height variance relief may be granted pursuant to N.J.S.A. 40:55D-70d(6).

II. Bulk Variance Relief

The Board finds that the Applicant has proposed construction which requires bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the

power to grant variances from strict bulk and other non-use related issues when the Applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the Applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An Applicant may show that exceptional topographic conditions or physical features exist uniquely affect a specific piece of property. Further, the Applicant may also supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the “c(2)” criteria, the Applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the Act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, the Applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinance. It is only in those instances when the Applicant has satisfied both these tests that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the Applicant to establish these criteria.

The Board finds that the Applicant has satisfied the positive criteria. The Board finds that

the proposed single-family dwelling will eliminate a vacant parcel and will be consistent with neighboring developments. The Board further finds that the proposed single-family dwelling will be aesthetically pleasing, provide adequate light, air, and open space, and create a desirable visual environment which will be more commensurate with other homes in the neighborhood in terms of size and setbacks. The Board further finds that the subject Property is unique and unusual with respect to its dimensions. Ultimately, the Board finds that the grant of variance relief will result in a visually desirable dwelling, providing adequate light, air, and open spaces, which will not only benefit the Applicant but will also advance the interests of the entire community. The Board therefore concludes that the goals of planning as enumerated in N.J.S.A. 40:55D-2 have been advanced. The Applicant has therefore satisfied the positive criteria.

The Board also finds that the negative criteria has been satisfied. The proposed improvements requiring variance relief will not cause a detriment to the community in any discernible way. In fact, the Board finds that proposed single-family dwelling will still be consistent and fit in seamlessly with the prevailing neighborhood residential scheme. The proposal is consistent with the Borough's overall goals and objectives of providing new, safe and visually attractive homes and will advance the general welfare for both the Applicant and the neighbors alike. Granting of the variances sought by the Applicant will also not result in any substantial detriment to the public welfare or impair the purpose or intent of the Zone Plan or Zoning Ordinance. The Board therefore concludes that the negative criteria has therefore been satisfied pursuant to N.J.S.A. 40:55D-70c.

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

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Land Use Board on this 13th

day of February 2025, that the action of the Board taken on January 9, 2025, granting application no. LUB 24-05 of Suzanne McGhee for bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) and “c(2)” and height variance relief pursuant to N.J.S.A. 40:55D-70d(6) is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvements shall take place in 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’s Professionals.
3. The Applicant shall provide plans satisfactory to the Board Engineer, demonstrating that the stormwater runoff shall not impact adjoining properties.
4. Applicant represents that all representations and stipulations made either by or on behalf of Applicant to the Highlands Land Use Board are true and accurate and acknowledges that the Land Use Board specifically relied upon Applicant’s stipulations in the Land Use Board’s granting of this approval. If any representation or stipulation is false, this approval is subject to revocation.
5. The Applicant shall apply for all necessary Zoning Permit(s).
6. The Applicant shall provide a certificate that taxes are paid to date of approval.
7. Payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
8. 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 agency having jurisdiction hereunder.

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

Robert Knox, Chairman
Borough of Highlands Land Use Board

ON MOTION OF:
SECONDED BY:
ROLL CALL:
YES:
NO:
ABSTAINED:
INELIGIBLE: Mayor Broullon, Councilmember Olszewski
ABSENT:
DATED: February 13, 2025

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on February 13, 2025.

Nancy Tran, Board Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD
Case No. LUB24-05/McGhee
Height and Bulk Variance Relief
January 9, 2025

EXHIBITS

A-1 Existing Conditions and Proposed Renderings of Subject Property, including video of rain dispersion system

INTEROFFICE REPORTS

B-1 Board Engineer's Completeness Review, dated September 16, 2024 (Completeness Review No. 1)

B-2 Board Engineer's Completeness Review, dated October 25, 2024 (Completeness Review No. 2)

B-2 Board Engineer's Completeness Review, dated December 6, 2024 (Completeness Review No. 3)



February 10, 2025

Nancy Tran
Land Use Board Secretary
Borough of Highlands Land Use Board
151 Navesink Avenue
Highlands, New Jersey 07732

Re: **Applicant: Kirsh Kraft, LLC**
 Nine Fifth Street
 Block 57, Lots 8 & 9
 Borough of Highlands, Monmouth County, New Jersey
 Request for extension of Minor Subdivision Time to File Deed

Dear Ms. Tran,

Kirsh Kraft, LLC is the applicant for the referenced matter. All Things Planning & Development is managing the resolution compliance process on behalf of the applicant. We are in receipt of email correspondence from Dustin Glass on the topic of a possible extension of time to file the subdivision and resolution compliance.

As provided for in N.J.S.A. 40:55D-47.f & g, the applicant is requesting a 75 day extension to April 22, 2025 to file the requisite deeds with the County Planning Board. This time frame coincides with the delay and amount of time necessary to obtain the deed of easement acceptable to the adjacent property owner as provided for in the resolution of approval memorialized on August 8, 2024.

The applicant will address the other comments in Mr. Glass' email under separate cover. Thank you for your cooperation. Please contact me with any questions or concerns.

Very truly yours,

ALL THINGS PLANNING & DEVELOPMENT

John E. Taikina

John E. Taikina, PP, AICP
Managing Member

- c. Trevor Kirsh, Applicant
Walter Hopkin, PE, WJH Engineering, Applicant's Engineer
Henry Wolff, III, Applicant's Attorney
Carmela Roberts, PE, CME, CPWM, Roberts Engineering
Dustin Glass, Esq., Semeraro & Fahrney



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

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: _____ Application #: _____ Fee: _____ Escrow: _____

1. APPLICANT

Name: Edward and Margaret Wheeler
Address: 908 Ocean Avenue
City: Sea Bright State: NJ Zip: 07760
Phone: 732-859-5253
Email: seabrightw@aol.com
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 80 Lot(s) 17 Address: 63 Washington Avenue
Lot size 4,000 sf # of Existing Lots One # of Proposed Lots Two
Zone R-2.01 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 05/01/2024 Sewer paid through 05/01/2024

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

Name: Rick Brodsky, Esq., Ansell Grimm & Aaron PC
Address: 1500 Lawrence Avenue, CN 7807, Ocean, NJ 07712
Phone: 732-922-1000 Email: rbrodsky@ansell.law



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

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

Name: Ronald L. Trinidad, PLS
Address: R and T Land Surveying
PO Box 124, Atlantic Highlands, NJ 07716
Phone: 732-872-2827
Email: tt.randtsurvey@gmail.com

Name: Jeremiah J. Regan, A.I.A., Architect
Address: 147 Brighton Avenue, 2nd Floor
Long Branch, NJ 07740
Phone: 732-870-2977
Email: jeremiahregan@aol.com

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.

Residential property, owned by Applicants since 2022

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.

To subdivide existing residential Lot 17 into two (2) residential lots (Proposed Lot 17.01 and Proposed Lot 17.02), with the existing dwelling to remain on Proposed Lot 17.01, and a new dwelling to be constructed on Proposed Lot 17.02

C. ADDITIONAL INFORMATION:

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



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

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

	Req'd	Exist.	Prop'd	
Minimum Lot Requirements				
Lot Area	3750	4000	2000 prop. 2000 prop.	Lot 17.01 Lot 17.02
Frontage	50	50	25 prop. 25 prop.	Lot 17.01 Lot 17.02
Lot Depth				
Minimum Yard Requirements				
Front Yard Setback	20	6.0	6.0 Prop. 18.0 Prop.	Lot 17.01 Lot 17.02
2 nd Front Yard Setback				
Rear Yard Setback				
Side Yard Setback, right	6	1.2	1.2 Prop. 3.5 Prop.	Lot 17.01 Lot 17.02
Side Yard Setback, left	8	28.6	3.6 Prop. 3.5 Prop.	Lot 17.01 Lot 17.02
Building Height				

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

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

- #21-86A(4): Minimum Lot Area of 3,750 sf is required, where 2,000 sf is proposed for both new lots 17.01 and 17.02
-
- #21-86A(4): Minimum Lot Frontage of 50' is required, where 25' is proposed for both new lots 17.01 and 17.02
-
- #21-86A(4): Minimum Front Yard Setback of 20' is required, where 6' exists for new lot 17.01 and 18' is proposed for new lot 17.02
-
- #21-86A(4): Minimum Side Yard Setback of 6'/8' is required, where 1.2' exists and 3.6' is proposed for new lot 17.01, and
 3.5'/3.5' is proposed for new lot 17.02
-
- #21-86A(4): Maximum Building Coverage of 33% is permitted, where 45.5% is proposed for new lot 17.01 and
 37.8% is proposed for new lot 17.02
-



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

10. NOTARIZED SIGNATURE OF APPLICANT

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

SWORN & SUBSCRIBED to before me this
1st day of MAY 2024 (year)
Alison H. Neary (notary)
(Seal)

[Signature]
Signature _____ Date _____
Edward Wheeler
Print Full Name _____

ALISON H. NEARY
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES SEPT. 13, 2025

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
1st day of MAY 2024 (year)
Alison H. Neary (notary)
(Seal)

[Signature]
Signature _____ Date _____
Edward Wheeler
Print Full Name _____

ALISON H. NEARY
NOTARY PUBLIC OF NEW JERSEY
COMMISSION EXPIRES SEPT. 13, 2025

12A. DISCLOSURE STATEMENT Circle all that apply.

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

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

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



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

12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp: N/A

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

NAME	ADDRESS

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

<p>SWORN & SUBSCRIBED to before me this</p> <p>_____ day of _____ 20____ (year)</p> <p>_____ (notary)</p> <p>(Seal)</p>

_____	_____
Signature (Officer/Partner)	Date
_____	_____
Print Full Name	Title



Block/Lot/Qual:	80. 17.	Tax Account Id:	1578
Property Location:	63 WASHINGTON AVENUE	Property Class:	2 - Residential
Owner Name/Address:	WHEELER, EDWARD & MARGARET	Land Value:	182,700
	908 OCEAN AVENUE	Improvement Value:	219,600
	SEA BRIGHT, NJ 07760	Exempt Value:	0
		Total Assessed Value:	402,300
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Balance Includes any Adjustments to Your Account

Taxes Utilities

Make a Payment		View Tax Rates	View Current Bill	Project Interest				
Year	Due Date	Type	Orig Billed	Adj Billed	Balance	Interest	Total Due	Status
2024	02/01/2024	Tax	1,872.10	0.00	0.00	0.00	0.00	PAID
2024	05/01/2024	Tax	1,872.10	0.00	0.00	0.00	0.00	PAID
Total 2024			3,744.20	0.00	0.00	0.00	0.00	
2023	02/01/2023	Tax	1,687.42	0.00	0.00	0.00	0.00	PAID
2023	05/01/2023	Tax	1,687.41	0.00	0.00	0.00	0.00	PAID
2023	08/01/2023	Tax	2,056.79	0.00	0.00	0.00	0.00	PAID
2023	11/01/2023	Tax	2,056.78	0.00	0.00	0.00	0.00	PAID
Total 2023			7,488.40	0.00	0.00	0.00	0.00	
2022	02/01/2022	Tax	1,855.17	0.00	0.00	0.00	0.00	PAID
2022	05/01/2022	Tax	1,855.17	-647.60	0.00	0.00	0.00	PAID
2022	08/01/2022	Tax	1,519.66	0.00	0.00	0.00	0.00	PAID
2022	11/01/2022	Tax	1,519.66	0.00	0.00	0.00	0.00	PAID
Total 2022			6,749.66	-647.60	0.00	0.00	0.00	
Last Payment: 05/09/24								

[Return to Home](#)



Utility Account:	9930-0
Block/Lot/Qual:	80. 17.
Property Location:	63 WASHINGTON AVENUE
Service Location:	63 WASHINGTON AVENUE
Owner Name/Address:	WHEELER, EDWARD & MARGARET 908 OCEAN AVENUE SEA BRIGHT, NJ 07760

Sewer

Make a Payment		Project Interest		Last Payment: 05/09/24		
Current Charges:						
Service	Due Date	Billed	Balance	Interest	Total Due	Status
Sewer	05/01/2024	140.00	0.00	0.00	0.00	PAID
Total		140.00	0.00	0.00	0.00	
Prior Paid Charges:						
Service	Due Date	Billed	Balance	Interest	Total Due	Status
Sewer	02/13/2024	140.00	0.00	0.00	0.00	PAID
Sewer	11/01/2023	140.00	0.00	0.00	0.00	PAID
Sewer	08/31/2023	140.00	0.00	0.00	0.00	PAID
Total		420.00	0.00	0.00	0.00	

[Return to Home](#)



ANSELL.LAW

ANSELL GRIMM & AARON, PC

Item 5.

1500 LAWRENCE AVENUE
CN7807
OCEAN, NEW JERSEY 07712
732-922-1000
732-922-6161 (FAX)

365 RIFLE CAMP ROAD
WOODLAND PARK, NEW JERSEY 07424
973-247-9000
973-247-9199 (FAX)

214 CARNEGIE CENTER
SUITE 112
PRINCETON, NEW JERSEY 08540
609-751-5551

1177 AVENUE OF THE AMERICAS
5TH FLOOR
NEW YORK, NY 10036
800-569-3886

41 UNIVERSITY DRIVE
SUITE 400
NEWTOWN, PENNSYLVANIA 18940
267-757-8792

website: ansell.law

JAMES G. AARON
ALLISON ANSELL ◊ †
BRIAN E. ANSELL ‡
MITCHELL J. ANSELL
MICHAEL V. BENEDETTO
RICK BRODSKY ◊
DAVID J. BYRNE □
PETER S. FALVO, JR.
PETER B. GRIMM
ROBERT A. HONECKER, JR. □ §
JASON S. KLEIN ◊
JENNIFER S. KRIMKO
DONNA L. MAUL ◊
MELANIE J. SCROBLE
LAWRENCE H. SHAPIRO ◊ □
DAVID B. ZOLOTOROFE

EDWARD J. AHEARN
BRIAN J. ASHNAULT
KELSEY M. BARBER
NICOLE A. BENIS
ELYSA D. BERGENFELD
KRISTINE M. BERGMAN □
GABRIEL R. BLUM ◊
HILLARY H. BRYCE □
BARRY M. CAPP ◊ Δ
ALFRED M. CASO
KEVIN M. CLARK
ANTHONY J. D'ARTIGLIO ◊
LAYNE A. FELDMAN ◊
CRAIG D. GOTTILLA ◊ □
RICHARD A. L'ALTRELLI ◊
NICOLE D. MILLER □ ◊
LEIGH T. OLIVER
SETH M. ROSENSTEIN ◊ □
ANTHONY SANGO

COURTNEY R. SAUER
JONATHAN D. SHERMAN
CAROL J. TRUSS
TARA K. WALSH ◊
ANDREA B. WHITE ◊ ◊

COUNSEL
HON. ANTHONY J. MELLACI, JR., J.S.C. (RET)
STACEY R. PATTERSON ◊
ROY W. HIBBERD Δ ▽
HON. RAYMONDA. HAYSER, J.T.C. (RET)

IN MEMORIAM
LEON ANSCHELEWITZ (1929-1966)
MAX M. BARR (1929-1993)
MILTON M. ABRAMOFF (1935-2004)
DAVID K. ANSELL † (1962-2019)
ROBERT I. ANSELL (1965-2022)
RICHARD B. ANSELL ‡ (1968-2021)

LICENSED ALSO IN:
Δ D.C. ◊ MASS. ◊ N.Y.
□ PENN. ▽ CALIF.

† FELLOW AMERICAN
ACADEMY OF MATRIMONIAL
LAWYERS

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

§ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CRIMINAL TRIAL ATTORNEY

◊ ◊ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
MATRIMONIAL LAW ATTORNEY

May 21, 2024

Via e-mail and UPS Next Day Air

Nancy Tran, Land Use Board Secretary
Borough of Highlands
Municipal Building
151 Navesink Avenue
Highlands, NJ 07732

Re: Edward and Margaret Wheeler/Minor Subdivision
and Variance Application
Premises: 63 Washington Avenue
Block 80, Lot 17
Our File No. 098805-0

Dear Ms. Tran:

This office represents Edward and Margaret Wheeler in connection with the above-referenced matter. Enclosed please find the following in this regard:

1. Three (3) collated sets of the following documents:
 - a. Completed Land Use Board Application;
 - b. Minor Subdivision Plan prepared by R and T Land Surveying and dated August 17, 2023, consisting of one (1) sheet; and

098805.000000 8999412v1

Nancy Tran, Land Use Board Secretary
Borough of Highlands
May 21, 2024
Page 2

c. Architectural Plans prepared by Jeremiah J. Regan, A.I.A., Architect and dated January 15, 2024, consisting of one (1) sheet.

Also enclosed are printouts confirming that property taxes and utilities are current.

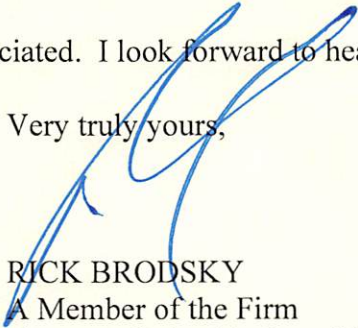
Finally, enclosed are the following two (2) checks, each made payable to the Boro of Highlands:

- Check in the amount of \$725.00 (Subdivision/Variance Application Fees)
- Check in the amount of \$1,450.00 (Escrow Fee)

Upon your review of the enclosed, please advise as to whether you require any additional information and/or documentation and as to when this matter can be listed on the Land Use Board's agenda.

Your attention to this matter is greatly appreciated. I look forward to hearing back from you.

Very truly yours,


RICK BRODSKY
A Member of the Firm
Direct e-mail: rbrodsky@ansell.law
Direct Dial: 732-643-5296

RB/ahn
Encs.

cc w/encs. via e-mail only:
Edward and Margaret Wheeler
Tracy Trinidad, R and T Land Surveying
Jeremiah J. Regan, A.I.A., Architect

098805.000000 8999412v1



Borough of Highlands
151 Navesink Ave
Highlands, NJ 07732
Phone: (732) 872-1224
DENIAL OF ZONING PERMIT

Control #: Z-0014 Item 5.
Date Issued: 1/31/2024

IDENTIFICATION

Work Site Location:	63 WASHINGTON AVENUE	Block:	80	Lot:	17	Zone:	R201
Owner in Fee:	WHEELER, EDWARD & MARGARET	Contractor/Agent:	_____				
Address:	63 WASHINGTON AVENUE HIGHLANDS NJ 07732	Address:	_____ _____				
Telephone:	_____	Telephone:	_____				
		Contractor License No:	_____				

For the project/work located at the above address, your application for a permit to:


Proposed minor subdivision
2 lots
50x80
25x80

has been denied for noncompliance with provisions of Sections: of the Municipal Zoning Ordinance for the following reasons:

Applicant must submit the the Land Use Board.
Proposed lot sizes are 25'x 80' where 50'x 75' is required in the R-2.01

Information on procedures for an appeal of this decision to the Land Use Board can be obtained from the Secretary of the Land Use Board. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not later than (20) days from the date of this notice. You can also file for a variance to the Land Use Board and can obtain from the Secretary of the Land Use Board the required forms.

The permit which you submitted has been placed in the inactive files in the Zoning Department. Please contact this office to reactivate the permit.

Denied by: 

Zoning

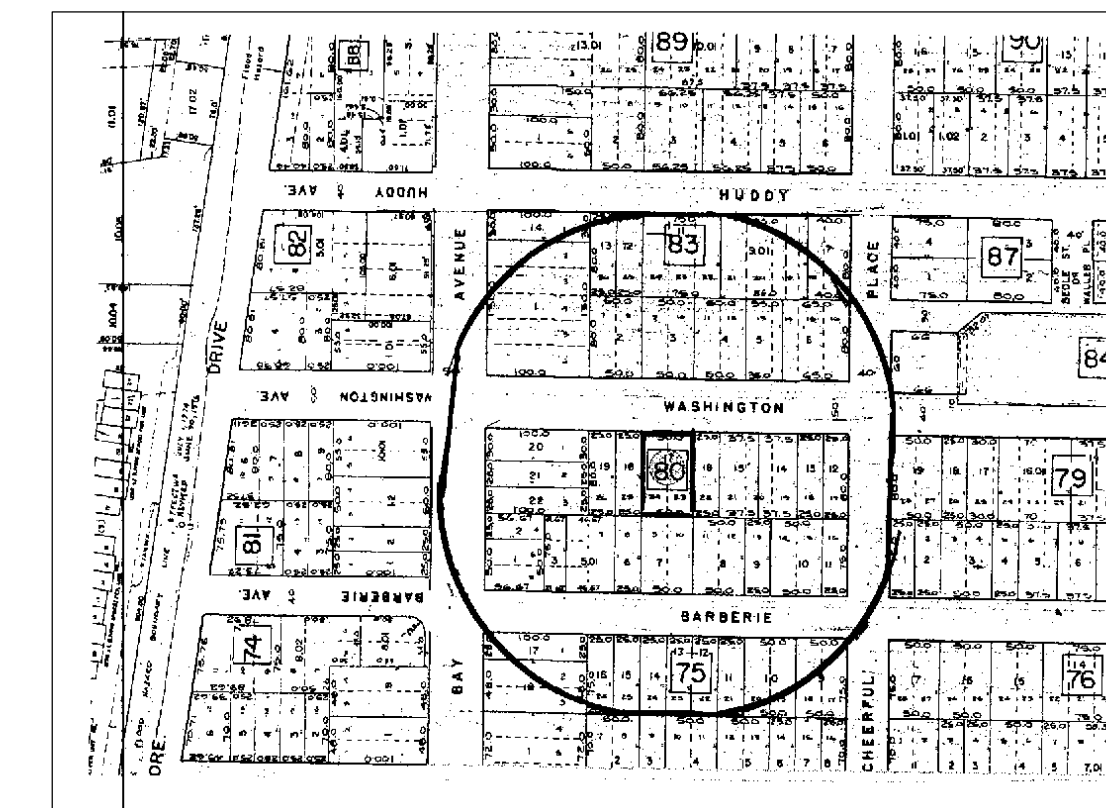
SITE SPECIFIC NOTES

- All utilities servicing the new home shall be placed underground per RSIS standards.
- The applicant intends to construct 1 new home that will be FEMA elevation compliant, and in accordance with municipal regulations.
- Elevations refer to North American Vertical Datum 1988 (NAVD-88)
- The dwelling footprint shown for proposed lot is generic only. A fully executed plot plan and building plans will be submitted to the Municipality for review and approval of the building permit application.
- Property is Located in Flood Zone AE with a Base Flood Elevation 11.0
- Any municipal infrastructure damaged during construction, shall be replaced or repaired to the satisfaction of the Borough Engineer.
- Any Object beneath the surface of the Ground has not been located, and no Guarantee as to existence or location Is expressed or implied.
- THIS SURVEY HAS BEEN PREPARED WITHOUT A FULL TITLE SEARCH AND IS SUBJECT TO SUCH FACTS THAT MIGHT BE REVEALED BY SAID TITLE SEARCH.

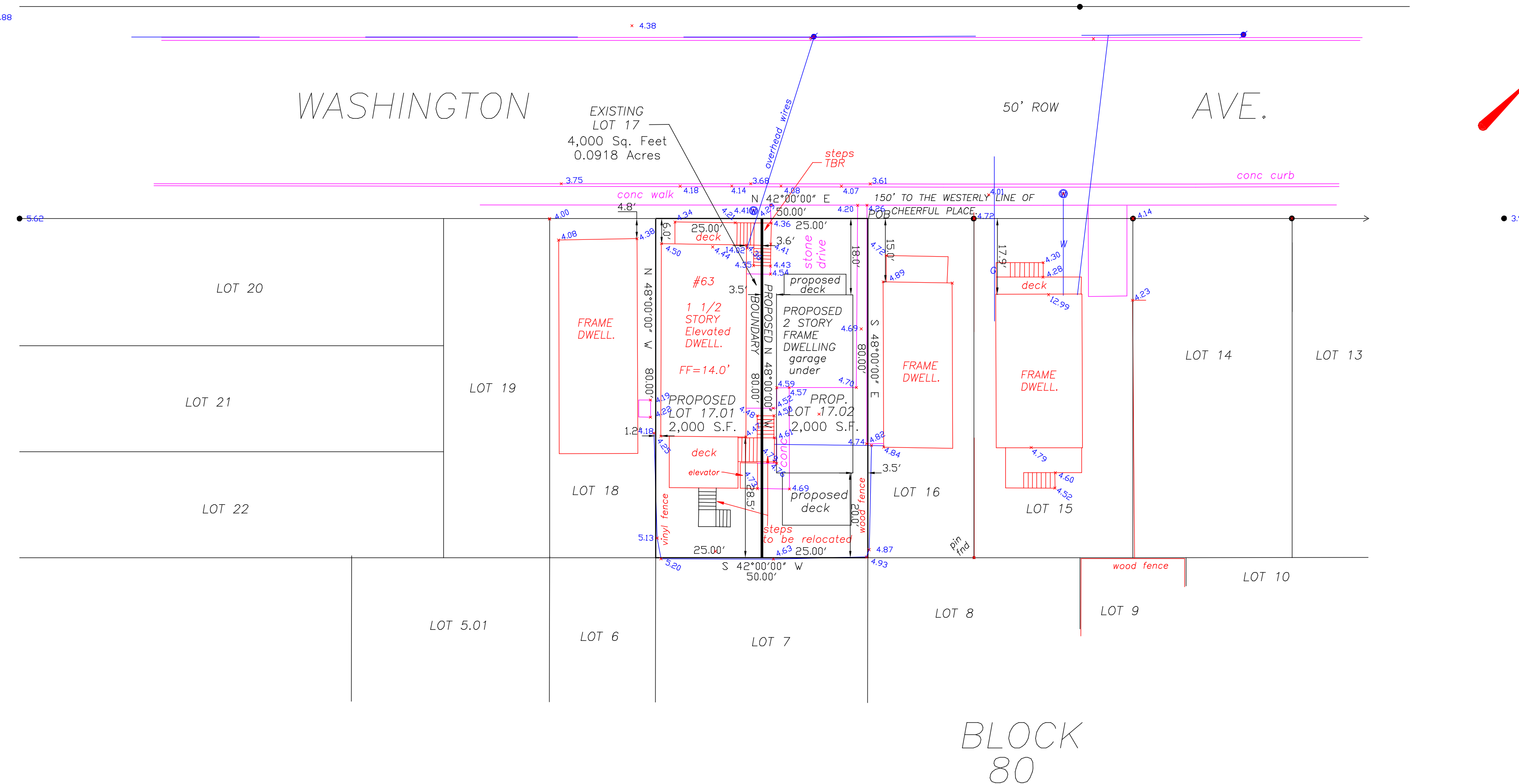
ZONE SCHEDULE

	R-2.01 Single Family Residential Zone District		Required Elements	Current Elements Lot 17	Proposed Elements Lot 17.01 Lot 17.02		Comment
	Lot Area, min.	SF					
Lot Area, min.	SF	3750	4000	2000 *	2000*		
Lot frontage	Ft	50	50	25.00 *	25.00 *		
Lot Depth, min	FT	75	80	80.0	80.0		
Front yard, min	FT	20	6.0**	6.0**	18.0*		
Prevalling	FT		11				
Side yard, min	FT	6/8	12**/28.6	12**/3.6*	3.5*/3.5*		
Rear Yard, min	FT	20	28.5'	28.5	20.0		
Coverage, Bldg	%	33	22.8	45.5*	37.8*		
Lot Coverage	%	75	62	62	64		
Building Height	FT	32.5	< 32.5	<32.5	<32.5		BFE to MP eave to peak
Parking, off street	Spc	2	4	2	Park under. 2		

** Pre-existing non conformity
* Created deficiency, variance required.



KEY MAP



GENERAL NOTES

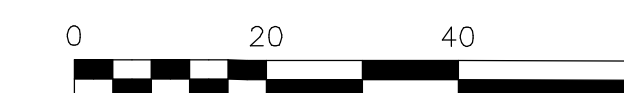
- The Applicant proposes to subdivide one lot creating 2 Lots more in conformance with the neighborhood and requirements of the R-2.01 Single Family residential zone.
- Known and designated as Lot 17 Block 80 as shown on the current tax assessment map of the Borough of Highlands, Monmouth Co., N.J. Sheet 15 Last revised 05-31-16.
- Current Data:

Total tract area	Lot 17	4000 SF
total bldg area		910SF
Impervious cover		2462 SF
Greenscape area		1538 SF
- Developmental Data:

	LOT 17.01	LOT 17.02
Proposed Lot area	2000 SF	2000 SF
Proposed building area	910 SF	756 SF
Proposed Lot coverage	SF	SF
Proposed greenscape	SF	SF
Parking spaces, off street	2	2
- Utilities are from various sources, and location and/or size is not guaranteed. It is advised to contact the appropriate utility company before construction.
- The Entire tract is within a Coastal Flood Hazard Zone, Elevations refer to NAVD-88 datum. All New Construction must be in conformance with the Borough's requirements for construction in a flood zone, and FEMA Flood Zone AE 11.0, Community 345297 Panel 34025C0088H 6/15/2022
- Owner & Applicant: EDWARD WHEELER, 908 OCEAN AVENUE, SEA BRIGHT, NJ

LEGEND:

- 4.87 = SPOT ELEVATION
- = PIN FOUND
- = UTILITY POLE
- = WATER METER



THIS IS TO CERTIFY THAT THE UNIFIED PLANNING BOARD OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY NEW JERSEY, IS THE PROPER AUTHORITY TO APPROVE AND HAS APPROVED THIS MAP ON THIS _____ DAY OF _____ 20____.

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

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

SIGNATURE(S) _____ DATE _____

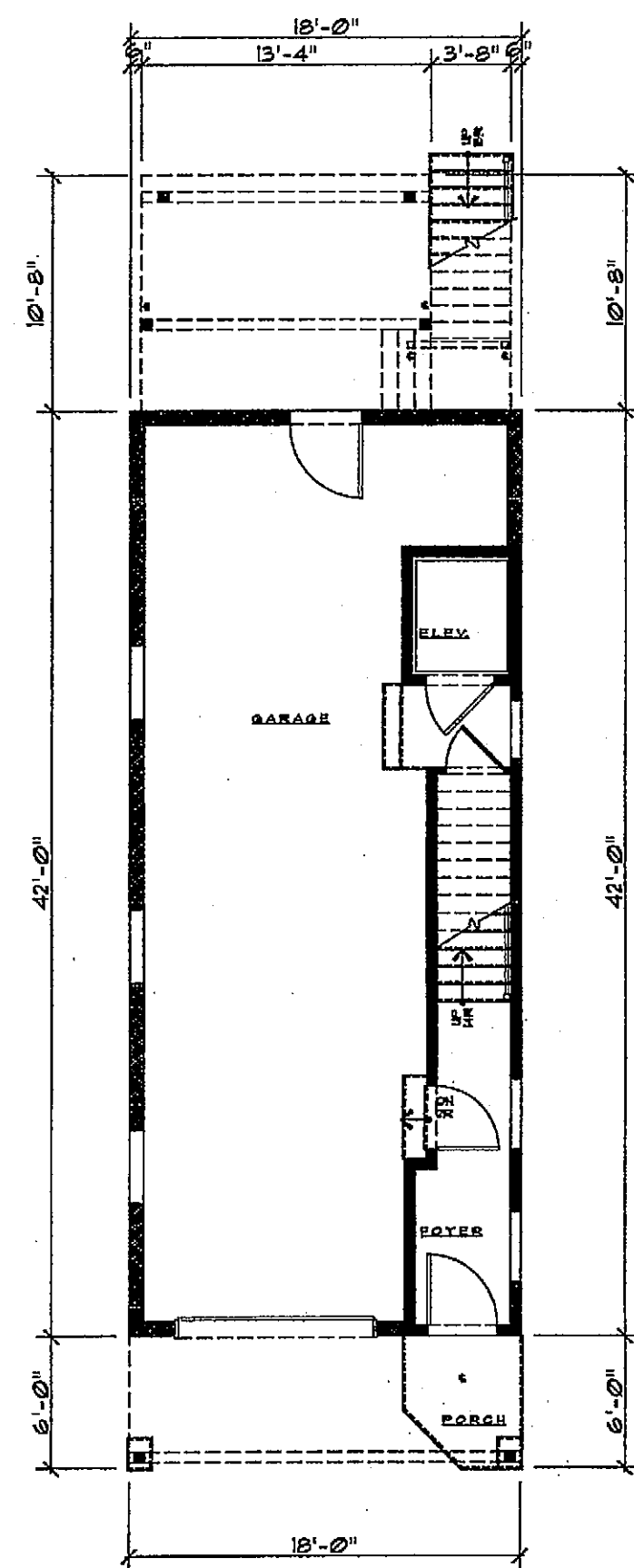
I HEREBY CERTIFY THAT I HAVE CAREFULLY EXAMINED THIS MAP AND FIND IT CONFORMS WITH THE PROVISIONS OF THE ORDINANCES AND RESOLUTION CONDITIONS APPLICABLE THERETO.

BOARD ENGINEER _____ DATE _____

I HEREBY CERTIFY THAT THE ABOVE MAP AND SURVEY HAVE BEEN MADE UNDER MY IMMEDIATE SUPERVISION, FROM ACTUAL MEASUREMENTS TAKEN AT THE SITE. Date of Survey: 08-15-2023

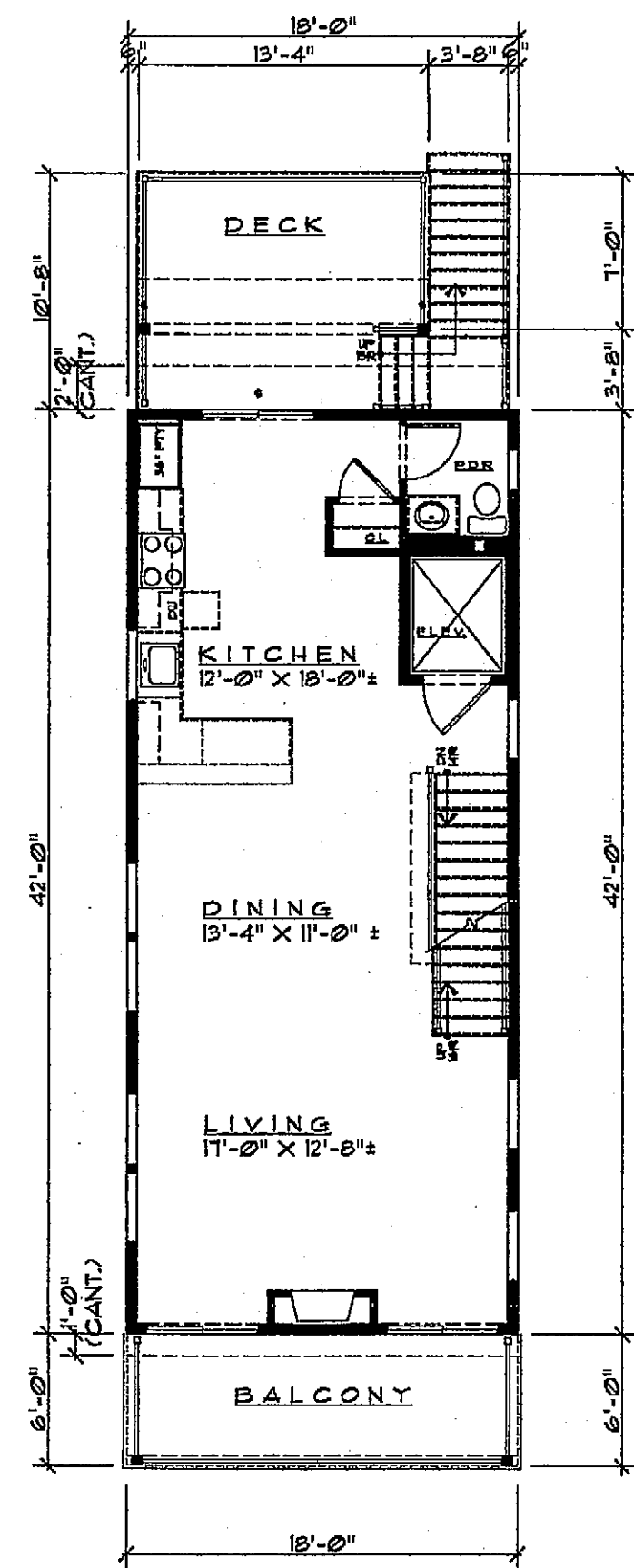
RONALD L. TRINIDAD
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE 43370

REV	DATE	DESCRIPTION	BY	CHK
MINDR SUBDIVISION PLAN FOR: EDWARD WHEELER LOT 17 BLOCK 80 SHEET 15 BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY R AND T LAND SURVEYING SURVEYING & MAPPING < LAND PLANNING > CONSTRUCTION SURVEYING PO BOX 124, ATLANTIC HIGHLANDS, NJ 07716, 732-872-2827				
RONALD TRINIDAD, PROFESSIONAL LAND SURVEYOR 24GS04337000				
DATE: 08/17/23	FILE: 4449	DRAWN: RLT	JOB NO: 8395	
SCALE: 1"=20'	CAD#: W-8395.dwg	CHK: HS	DWG NO: D- 1063	



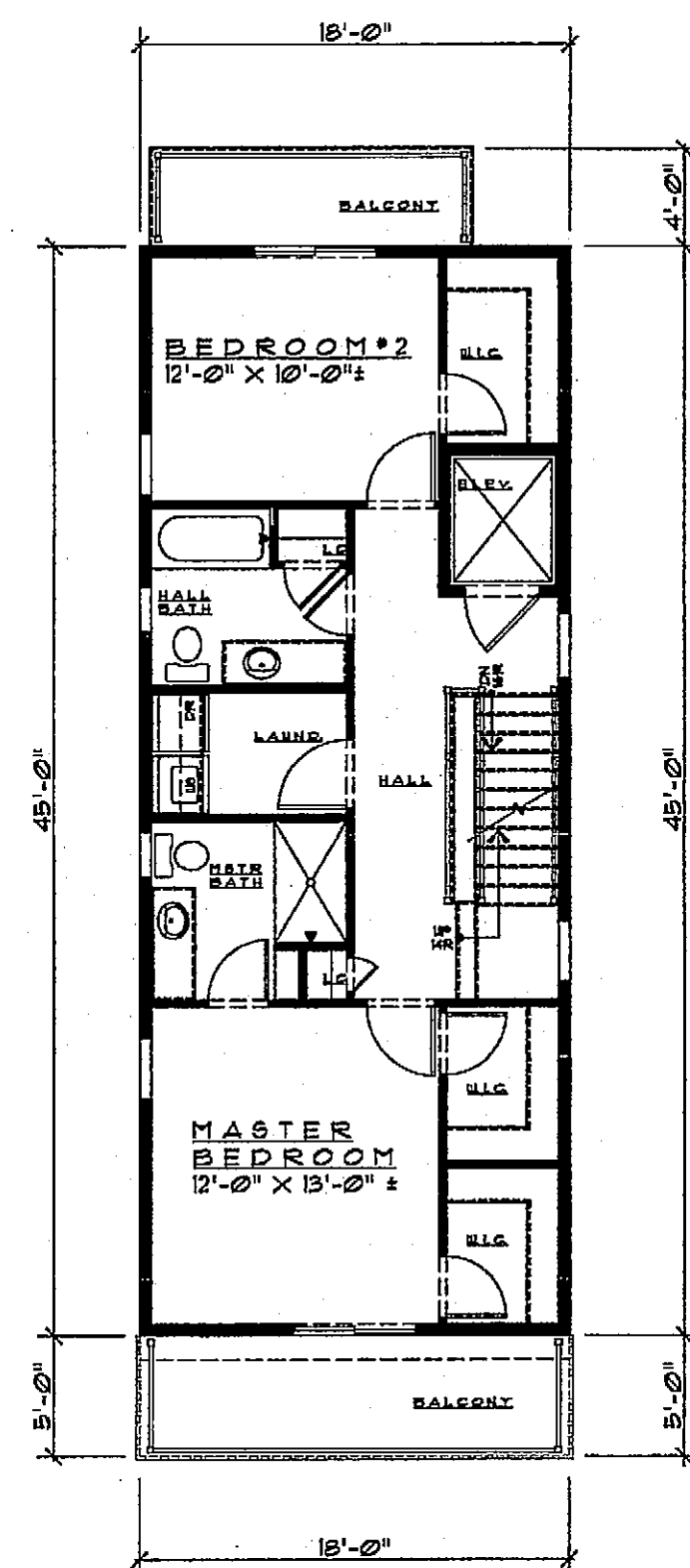
FLOOD ENCLOSURE PLAN

SCALE: 1/8" = 1'-0"



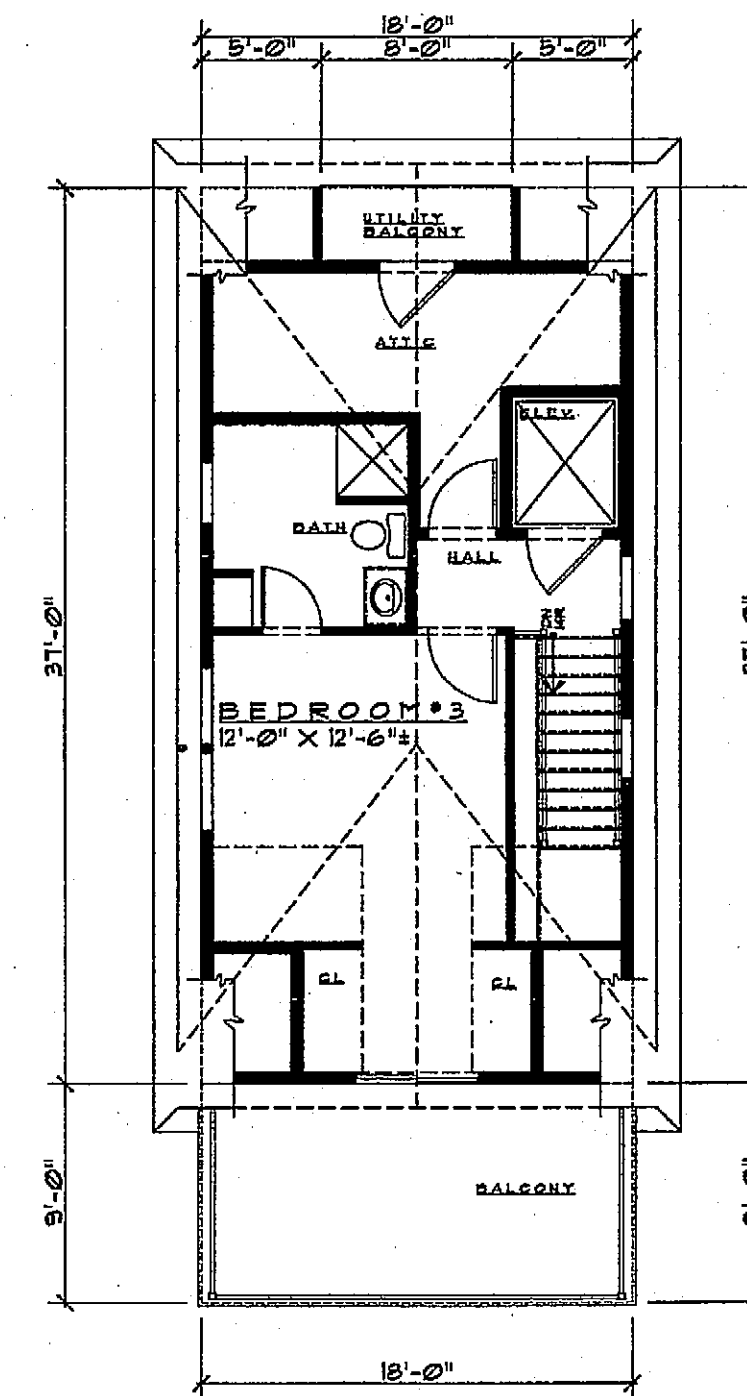
FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"



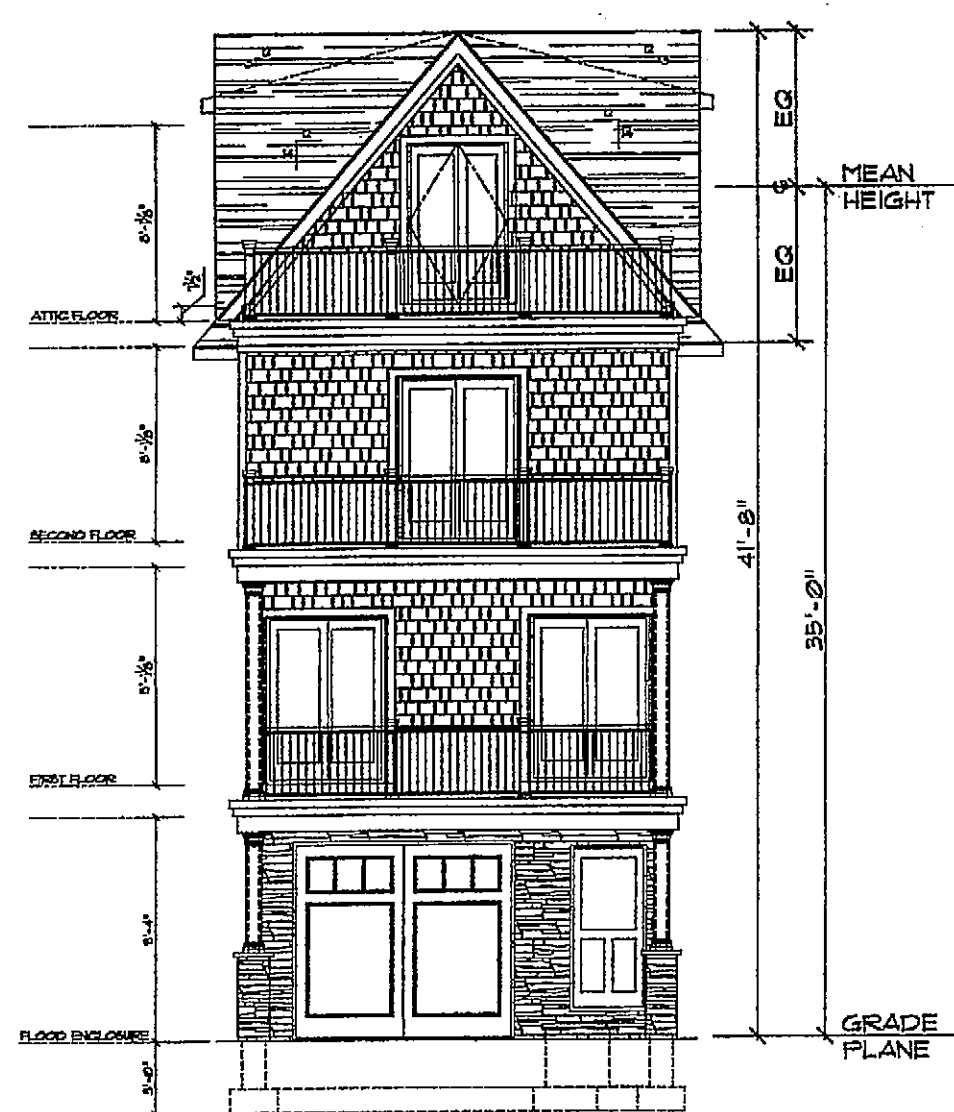
SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"



ATTIC FLOOR PLAN

SCALE: 1/8" = 1'-0"



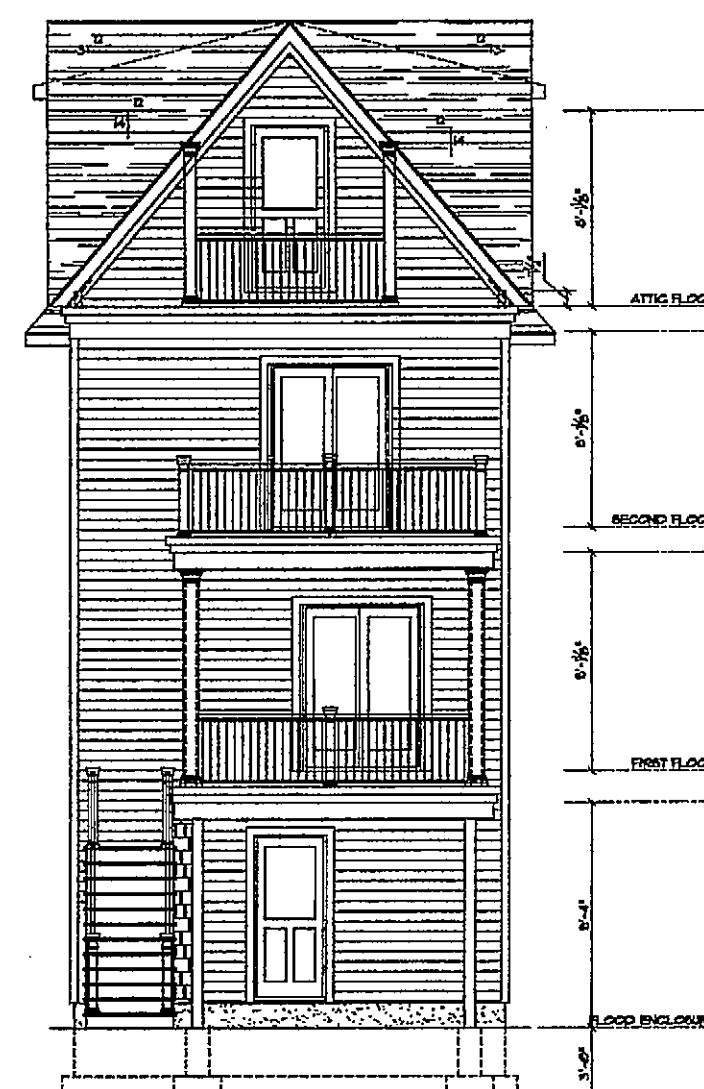
FRONT ELEVATION

SCALE: 1/8" = 1'-0"



RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



REAR ELEVATION

SCALE: 1/8" = 1'-0"



LEFT SIDE ELEVATION

SCALE: 1/8" = 1'-0"

JJR
JEREMIAH J. REGAN, A.I.A.
 ARCHITECT
 147 BRIGHTON AVENUE 2ND FLR LONG BRANCH, NJ 07740
 PH: (732) 870-2977 FAX: (732) 870-1213 EMAIL: jeremiahregan@aol.com
 NEW JERSEY LIC. AL-10726
 MARLAND LIC. 6664-A

PROJECT TITLE
 NEW CONSTRUCTION
 WHEELER RESIDENCE
 WASHINGTON AVENUE
 HIGHLANDS, NJ
 BLOCK-80 LOT-17.02

SUBJECT

SITE PLAN
 FLOOR PLANS
 ELEVATIONS

REVISIONS

NO.	DATE	DESCRIPTION	BY

SCALE AS NOTED	DRAWN BY MH	CHECKED BY JJR
PROJECT NO. 2359	DATE 1/15/24	

DRAWING NO.
V-1
 1 OF 1

COPYRIGHT JEREMIAH J. REGAN ARCHITECT - ALL RIGHTS RESERVED



Roberts
 ENGINEERING GROUP LLC
 Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
 Hamilton, New Jersey 08690
 609-586-1141 fax 609-586-1143
 www.RobertsEngineeringGroup.com

July 5, 2024

Nancy Tran
 Land Use Board Secretary
 Borough of Highlands Land Use Board
 151 Navesink Avenue
 Highlands, New Jersey 07732

Re: Completeness Review No. 1
 Applicant: Wheeler
 63 Washington Avenue
 Block 80, Lot 17
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB24-03

Dear Ms. Tran:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations.

The Applicant received a Zoning Denial Letter, dated January 31, 2024, upon seeking a minor subdivision and was deemed noncompliant per the Municipal Zoning Ordinance and advised to submit to the Land Use Board.

The Applicant seeks a Minor Subdivision to subdivide existing Lot 17 in the R-2.01 Single Family Residential District into two lots of equal size, Lot 17.01 and Lot 17.02. Existing Lot 17 consists of 4,000 sf having an elevated 1 ½ story frame dwelling with decks and garage under parking, stone drive and fencing. The dwelling will remain with decking and garage under parking and be situated on a proposed 2,000 sf lot and will be known as proposed Lot 17.01. The remaining 2,000 sf of Lot 17 will be proposed Lot 17.02 consisting of a proposed elevated 2 story frame dwelling with decking, garage under parking and associated site improvements.

The existing lot is conforming except for the front yard setback. The proposed lots are each non-conforming and will require bulk variances.

We have reviewed the following documents submitted in support of the above referenced application for completeness purposes:

1. Copy of the Land Use Board Application for Minor Subdivision and Variance, dated May 1, 2024.
2. Copy of submission letter addressed to Ms. Nancy Tran, Land Use Board Secretary from Rick Brodsky, Esq., Ansell Grimm & Aaron, PC, dated May 21, 2024.
3. Copy of a Denial of Zoning Permit issued on January 31, 2024, by Courtney Lopez, Zoning Officer for the Borough of Highlands.
4. Copy of plan entitled, "Minor Subdivision Plan for Edward Wheeler, Lot 17, Block 80, Borough of Highlands, Monmouth County, New Jersey", prepared by Ronald Trinidad, PLS, R and T Land Surveying, unsigned and dated August 17, 2023, consisting of 1 sheet.

Completeness Review No. 1
 Applicant: Wheeler
 63 Washington Avenue
 Block 80, Lot 17
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB24-03
 Page 2 of 6

5. Copy of plans entitled, "New Construction, Wheeler Residence, Washington Avenue, Highlands, NJ, Block 80 Lot 17.02", prepared by Jeremiah J. Regan, AIA, Architect, dated and signed January 15, 2024, consisting of 1 sheet.

We offer the following comments and recommendations for the Planning Board's consideration:

I. ZONING

1. This property is located in the R-2.01 Single Family Residential District.
2. The Applicant requires eleven (11) bulk variances. To be entitled to bulk "c" variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A 40:55D-70c for bulk variances.

The Applicant will be required to provide proof during testimony.

3. The following bulk requirement summary is provided for the Board's reference. In accordance with Ordinance §21-86A(4), existing and proposed bulk deficiencies which require bulk "c" variances have been noted:

Schedule I – Bulk and Area Requirements				
R-2.01 Residential Zone	Required	Existing Lot 17	Proposed Lot 17.01	Proposed Lot 17.02
Min. Lot Area (sf)	3,750	4,000	*2,000	*2,000
Lot Frontage/Width (ft)	50	50	*25.00	*25.00
Min. Lot Depth (ft)	75	80	80.00	80.00
Min. Front Yard Setback (ft)***	20	**6.0	**6.0	*18.0
Min. Side Yard Setback (ft)	6/8	**1.2/28.6	**1.2/*3.6	*3.5/*3.5
Min. Rear Yard Setback (ft)	20	0	28.5	20.0
Max. Building Height (ft)****	30	<32.5	<32.5	<32.5
Max Lot Coverage	75%	62%	62.0	64.0
Max Building Coverage	33%	22.8%	*45.5	*37.8
On-Site Parking (spaces)	2	4	2 Under	2 Under

* Proposed Variance
 ** Existing non-conformity
 *** Or average of the existing front yard setback within 200 ft of same block and zone or average of adjacent lots.

**** Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2 ½) feet.

II. APPLICATION FEES (PART 6 FEE SCHEDULE ARTICLE XXIII, ORD. 21-107)

As posted on Borough website under Land Use forms

1. Variances			
Residential "c" (minimum lot area) x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum lot frontage/width) x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum front yard setback) x1	1 EA	\$ 125.00	\$ 125.00
Residential "c" (minimum side yard setback) x4	1 EA	\$ 125.00	\$ 500.00
<u>Residential "c" (maximum building coverage) x2</u>	<u>1 EA</u>	<u>\$ 125.00</u>	<u>\$ 250.00</u>
Subtotal			\$1,375.00
2. B. Subdivisions			
Minor	1 EA	\$ 400.00	\$ 400.00
Total			\$1,775.00

3. Two checks in the amounts of \$725.00 (Subdivision/Variance Application Fees) and \$1,450.00 (Escrow Fee) were submitted with the submission package according to the cover letter by Mr. Brodsky.

Please review for any additional fees that may be required for the submission.

III. CHECKLIST ITEMS

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

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

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

5. All streets or roads and streams within seventy-five (75) feet of the subdivision. **Provided.**
6. Location of existing streets, and existing and proposed property lines, lot sizes, and areas. **Provided.**
7. Metes and bounds descriptions of all new lot and property lines.

The Applicant has provided metes and bounds for all proposed lot lines on the plan.

Metes and bounds descriptions for the new lots shall be provided if the application is approved.

8. The existence and location of any utility or other easement. **Unknown.**
Please confirm any utility easements.
9. Setback, side line and rear yard distances and existing structures. **Provided.**
10. The name and address of the person preparing the plat, the graphic scale, date of preparation and reference meridian. **Provided.**
11. Certification from the Tax Collector that all taxes and assessments for local improvements on the property have been paid up to date. **Provided.**
12. Certification statement for the required municipal signatures, stating: **Update.**

Application No. _____ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Minor Subdivision on _____.
(date)

Chairman

Secretary

13. Certification statement for the County Planning Board approval / disapproval, if required. **Not applicable.**
14. Zone district boundary lines, if any, on or adjoining the property to be subdivided and a schedule indicating the required minimum lot area, lot width, lot depth and front, rear and side yards of each zone district located on the property. **Provided.**
15. A wetlands statement provided by a qualified expert. **Not provided.**

A signed letter by a qualified expert is required.

16. The Board reserves the right to require a feasible sketch plan layout of remaining land not being subdivided if it is deemed necessary. **Provided.**

The applicant has provided a generic house and driveway layouts to demonstrate the sizes of proposed homes and the need for any additional setback relief.

17. A lot grading plan, to be reviewed by the Borough Engineer, if required. **Not provided.**

The minor subdivision plan notes that a fully executed plot plan and building plans will be submitted to the Municipality for review and approval of the building permit plan.

The plans can be provided as a condition of approval. Please provide a response.

IV. COMPLETENESS

Inadequate information has been provided to perform a proper technical review for the application and therefore the application is deemed incomplete.

V. GENERAL COMMENTS

1. The Minor Subdivision is dated but not signed.
2. Please add a note that states, "The Subdivision is to be perfected by the filing of deeds."
3. Please update the Land Use signature block according to the checklist.
4. Please provide existing structures within 75 ft of the property.
5. Please provide the 200 ft owners list on the plan.
6. The architectural plans indicate a mean building height of 35'-0" from grade elevation and the bulk and area requirements table notes <32.5'. Please provide information.
7. The applicant proposes to subdivide a conforming lot into 2 non-conforming lots requiring a total of 11 variances.
8. We recommend that the plan be provided in black and white print and made clearer because some text is difficult to read.
9. According to § 21-79 Yards, "There shall be provided, for each lot, front, rear and side yards as required in the Schedule of Area and Bulk Requirements. In areas where at least seventy-five (75%) percent of the lots within two hundred (200) feet are already developed, the front yard setback may be either the required setback or the prevailing setback. The prevailing setback shall be the average setback of buildings on the same block in the same zone, but not less than the average of the setbacks of the buildings on the two (2) nearest adjacent lots and in no case, less than half the required setback."

The prevailing setback appears to be 11.0' for Proposed Lot 17.02 based on the setbacks of the adjacent lots of Lot 16 and Proposed 17.01.

10. The distance between the proposed building and the existing building on Lot 16 appears to be 7 feet±. Please provide building offset distances between the proposed and existing dwellings to help the Board make an informative decision regarding the side yard setback variance.
11. Please provide a Bulk and Area Requirements chart indicating all the requirements and all the existing and proposed values for the lots.
12. Please provide a breakdown of the individual impervious and pervious coverages with totals for the existing and proposed lots.

Completeness Review No. 1
 Applicant: Wheeler
 63 Washington Avenue
 Block 80, Lot 17
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB24-03
 Page 6 of 6

13. Please provide the existing utilities for the properties and within the right-of-way.
14. Please provide a label or note regarding the material and width of the proposed drive.
15. Please provide information on how the existing front deck on proposed Lot 17.01 will access the ground level. Include this area in the impervious coverage.
16. Please provide information on how the existing concrete walkway on the proposed lot will be altered and its relationship to the existing elevator and dwelling. Include this area in the impervious coverage.
17. Please provide a wetlands letter signed by a wetlands expert and provide a note on the plan.
18. The minor subdivision notes that the proposed dwellings will be FEMA elevation compliant and in accordance with municipal regulations.

A plot and grading plan and updated architectural plans will be required and are deferred as a condition of approval. All runoff must be directed towards the road and away from the existing and proposed dwellings and the adjoining properties.

19. The Applicant is requested to provide a response letter to the checklist and comments upon submission of revised plans.

We will continue our review upon submission of revised plans.

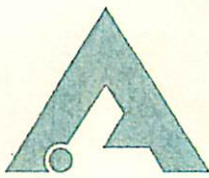
Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Carmela Roberts, P.E., C.M.E., C.P.W.M.
 Land Use Board Engineer

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
 Austin P. Mueller, Assoc., Land Use Board Attorney (amueller@weiner.law)
 Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
 Rick Brodsky, Esq., Applicant's Attorney (rbrodsky@ansell.law)
 Jeremiah J. Regan, AIA, Applicant's Architect (jeremiahregan@aol.com)
 Cameron Corini, P.E., C.M.E., C.P.W.M., Roberts Engineering Group, LLC
 GS Bachman, E.I.T., Roberts Engineering Group, LLC



ANSELL.LAW

ANSELL GRIMM & AARON, PC

Item 5.

1500 LAWRENCE AVENUE
CN7807
OCEAN, NEW JERSEY 07712
732-922-1000
732-922-6161 (FAX)

365 RIFLE CAMP ROAD
WOODLAND PARK, NEW JERSEY 07424
973-247-9000
973-247-9199 (FAX)

214 CARNEGIE CENTER
SUITE 112
PRINCETON, NEW JERSEY 08540
609-751-5551

1177 AVENUE OF THE AMERICAS
5TH FLOOR
NEW YORK, NY 10036
800-569-3886

41 UNIVERSITY DRIVE
SUITE 400
NEWTOWN, PENNSYLVANIA 18940
267-757-8792

website: ansell.law

JAMES G. AARON
ALISON ANSELL ♦ †
BRIAN E. ANSELL ‡
MITCHELL J. ANSELL
MICHAEL V. BENEDETTO
RICK BRODSKY ♦
DAVID J. BYRNE □
PETER B. GRIMM
ROBERT A. HONECKER, JR. □
JASON S. KLEIN ♦
JENNIFER S. KRIMKO
DONNA L. MAUL •
MELANIE J. SCROBLE
LAWRENCE H. SHAPIRO ♦ □
DAVID B. ZOLOTOROFF

EDWARD J. AHEARN
BRIAN J. ASHNAULT
KELSEY M. BARBER
NICOLE A. BENIS
ELYSA D. BERGENFELD
KRISTINE M. BERGMAN □
GABRIEL R. BLUM ♦
HILLARY H. BRYCE □
BARRY M. CAPP ♦ △
ALFRED M. CASO
KEVIN M. CLARK
ANTHONY J. D'ARTIGLIO ♦
LAYNE A. FELDMAN ♦
THOMAS J. GIRONDA
NICOLE D. MILLER □ ♦
LEIGH T. OLIVER
SETH M. ROSENSTEIN ♦ □
ANTHONY SANGO
COURTNEY R. SAUER
JONATHAN D. SHERMAN

ANTHONY J. STORROW
CAROL J. TRUSS
TARA K. WALSH ♦
ANDREA B. WHITE ♦ ♦

COUNSEL
GARY P. EIDELSTEIN ■
ROY W. HIBBERD △ ▽
HON. ANTHONY J. MELLACI, JR., J.S.C. (RET)
STACEY R. PATTERSON ♦
HON. JOSEPH P. QUINN, J.S.C. (RET)

IN MEMORIAM
LEON ANSCHELEWITZ (1929-1986)
MAX M. BARR (1929-1993)
MILTON M. ABRAMOFF (1935-2004)
DAVID K. ANSELL † (1962-2019)
RICHARD B. ANSELL ‡ (1968-2021)
ROBERT I. ANSELL (1965-2022)
PETER S. FALVO, JR. (1967-2023)

LICENSED ALSO IN:
△ D.C. ♦ MASS. ♦ N.Y.
□ PENN. ▽ CALIF. ■ FL

† FELLOW, AMERICAN
ACADEMY OF MATRIMONIAL
LAWYERS

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

• CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
MATRIMONIAL LAW ATTORNEY

October 25, 2024

Via e-mail and UPS Next Day Air

Nancy Tran, Land Use Board Secretary
Borough of Highlands
Municipal Building
151 Navesink Avenue
Highlands, NJ 07732

Re: Edward and Margaret Wheeler/Minor Subdivision
and Variance Application
Premises: 63 Washington Avenue
Block 80, Lot 17
Our File No. 098805-0

Dear Ms. Tran:

In connection with the above, and in response to the Board Engineer's Completeness Review No. 1, enclosed please find the following:

1. Three (3) collated sets of the following documents:
 - a. Minor Subdivision Plan prepared by R and T Land Surveying, with a revision date of July 12, 2024, consisting of one (1) sheet; and

079689.000002 9258929v1

Nancy Tran, Land Use Board Secretary
Borough of Highlands
October 25, 2024
Page 2

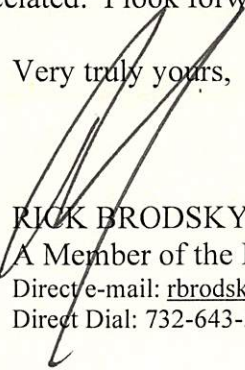
b. Letter Report re: Wetlands prepared by Donald A. DiMarzio, M.S., P.P., and dated August 10, 2024, consisting of six (6) pages.

The requested \$2,500.00 escrow replenishment check is being delivered to you under separate cover.

Upon your review of the enclosed, please advise as to whether you require any additional information and/or documentation and as to when this matter can be listed on the Land Use Board's agenda.

Your attention to this matter is greatly appreciated. I look forward to hearing back from you.

Very truly yours,


RICK BRODSKY
A Member of the Firm
Direct e-mail: rbrodsky@ansell.law
Direct Dial: 732-643-5296

RB/ahn
Encs.

cc w/encs. via e-mail only:

Edward and Margaret Wheeler
Tracy Trinidad, R and T Land Surveying
Jeremiah J. Regan, A.I.A., Architect

079689.000002 9258929v1

ONALD A. DiMARZIO, M.S., P. P.

**Land Use Planning
Environmental Consulting Services**

**104 Oak Avenue
P.O. Box 1172
Island Heights, New Jersey 08732
732-506-9625
FAX 732-506-6999**

Reply to: P.O. Box 1172

August 10, 2024

Mr. Ed Wheeler
908 Ocean Avenue
Sea Bright, NJ 07760

Re: 63 Washington Avenue
Block 80, Lot 17
Borough of Highlands, Monmouth County

Dear Mr. Wheeler:

At your request, I inspected the referenced site in order to determine the nature and approximate extent of any regulated freshwater wetlands, wetlands transition areas, or open waters thereon. The inspection was conducted on August 9, 2024.

During the inspection, I noted that the site is surrounded by relatively dense single family residential development. I noted that the site is totally disturbed. A gravel surface is found within the western two-thirds of the site. A grassed lawn is found within the eastern third of the site; one large holly tree is found at the west end of the lawn.

Wetlands, as you may know, are generally characterized by the simultaneous presence of three indicator parameters – a dominant hydrophytic vegetation community, hydric soils and wetlands hydrology. Lawn grasses and a single holly tree do not constitute a dominant hydrophytic vegetation community. There are no surface waters on or adjacent to the site that would constitute wetlands hydrology. The Natural Resources Conservation Service's Web Soil Survey indicates that Urban land-Klej soils are present throughout the site; this is a non-hydric (non-wetlands) soil. I therefore conclude that there are no wetlands, wetlands transition areas, or open waters within the site.

I have attached site photographs showing existing conditions within the site, along with a copy of the Web Soil Survey and my resume.

Please be advised that a legally reliable statement as to the presence of wetlands, transition areas or open waters can only be obtained from the New Jersey Department of Environmental Protection via a letter of interpretation. I trust, however, that the foregoing information will satisfy your present needs.

Please feel free to call if you have any questions.

Very truly yours,

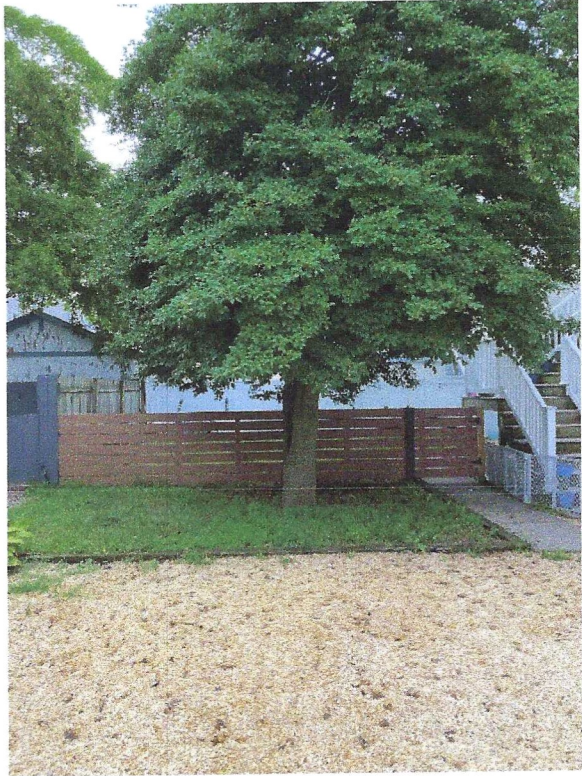


Donald A. DiMarzio, M.S., P.P.

Via email w/attachments



GRAVEL AREA WEST END OF SITE



HOLLY TREE AT END OF GRAVEL AREA



LAWN AT EAST END OF SITE

Search

Map Unit Legend

Monmouth County, New Jersey (NJ025)

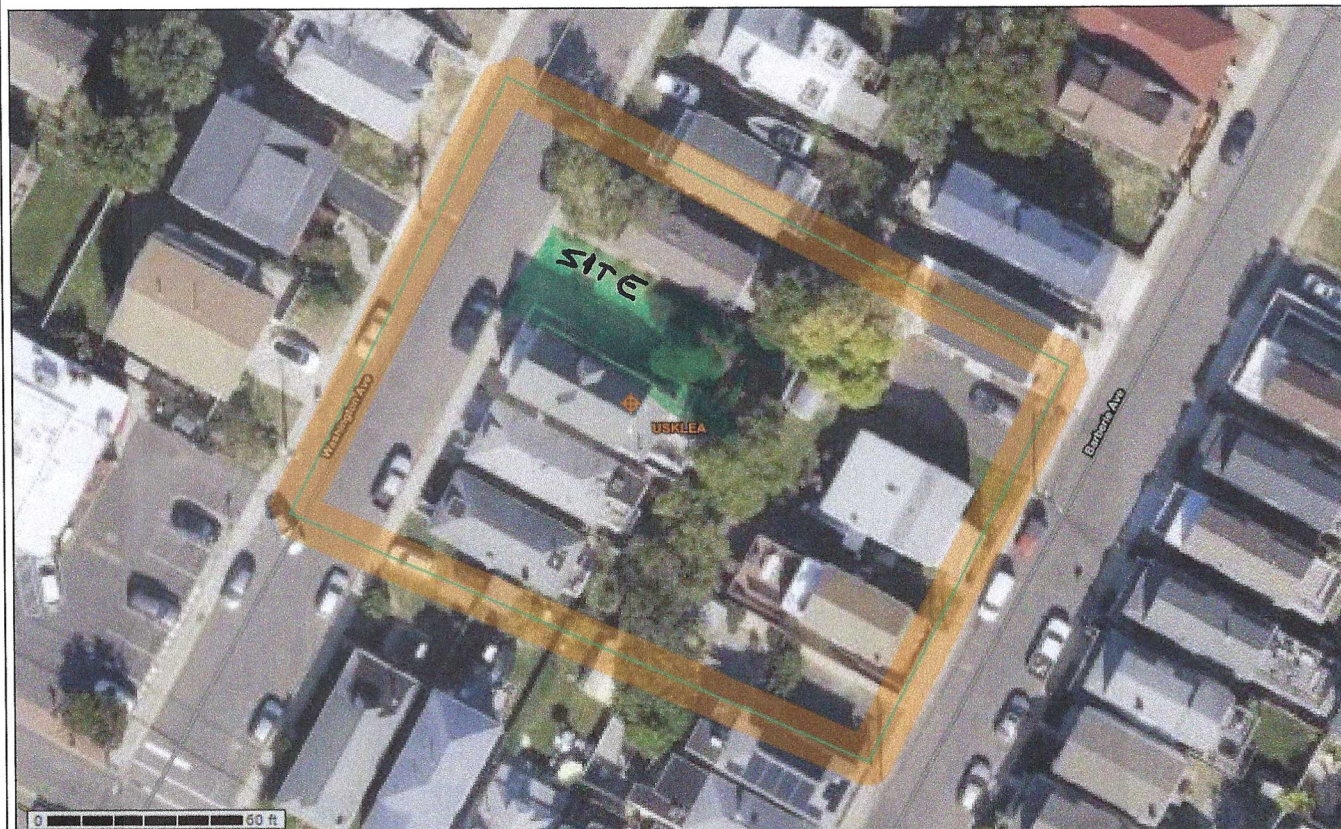
Monmouth County, New Jersey (NJ025)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
USKLEA	Urban land-Klej complex, 0 to 2 percent slopes	0.6	100.0%

Totals for Area of Interest **0.6** **100.0%**

Soil Map

Scale (not to scale) v



Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil surveys that comprise your AOI were mapped at 1:24,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

DONALD A. DiMARZIO, M.S., P.P.
104 OAK AVENUE
P.O. Box 1172
ISLAND HEIGHTS, NJ 08732-1172
(732) 506-9625
Ddimarzio104@comcast.net

EDUCATION

Rutgers University
Graduate Studies, Urban Planning and Policy Development
Continuing Education Courses in Environmental Science, Wetlands Science and
Environmental Policy

Rutgers University
Master of Science, Environmental Science, 1983

University of Rhode Island
Bachelor of Science, Resource Management, 1979

PROFESSIONAL LICENSES AND CERTIFICATIONS

License: Professional Planner, State of New Jersey
Certification: American Institute of Certified Planners (pending)
Certification: US Fish and Wildlife Service, Habitat Evaluation Procedures
Certification: Rutgers University, Wetlands Delineator

PROFESSIONAL EXPERIENCE

November 1993 to present
Self-employed environmental consultant

Performance of due diligence environmental audits, permitting, environmental impact statements, wetlands delineations, and land use studies for development and infrastructure projects. Worked as subcontractor on GSA environmental projects in Georgia.

November 1991 to November 1993
Ocean County Engineering Department, Toms River, NJ
Senior Environmental Scientist

Performance of multi-disciplinary impact assessments and permit applications for county road projects. Evaluation of private sector construction projects' impacts on county roadways and other infrastructure.

September 1990 to October 1991
Enviroplan, Inc. Roseland, NJ
Senior Consultant

Performance of multi-disciplinary impact assessments and air quality permit applications for cogeneration facilities throughout New York and New Jersey. Performance of planning and siting studies, and wetlands delineations throughout New York.

Birdsall Engineering, Inc., Belmar, NJ
Senior Environmental Scientist/Environmental Services Manager

Performance of technical and administrative activities, including supervisory, project management, and marketing functions, as both senior staff member of an engineering company and as manager of the firm's environmental services subsidiary. Technical duties included permit applications, impact assessments, and wetlands delineations. Administered NJPEDS permit, including groundwater and stormwater monitoring, for a major amusement park in central New Jersey. Performed environmental and siting studies for county landfill expansion in central New Jersey. Trained and supervised drafting and environmental staff.

April 1982 to September 1985
Naval Air Engineering Center, Lakehurst, NJ
Environmental Scientist

Preparation of environmental documentation and permit applications for industrial facilities at Department of Defense manufacturing and test facility. Supervised water testing contract, including field sampling. Maintenance of pollution control equipment. Development of biological pest control program.

REPRESENTATIVE PROJECT EXPERIENCE

Bamm Hollow Estates, Middletown, NJ – delineated wetlands for 300 golf course redevelopment project, obtained wetlands letter of interpretation from NJDEP. Obtained regulatory approvals for residential re-development project.

Affordable Housing Alliance of New Jersey, Eatontown, NJ – performed Phase I Environmental Audits for numerous sites throughout Monmouth County, including the Pine Tree Mobile Village Trailer Park, Eatontown; multi-family residential buildings in Bayshore area; multi-family structure in Oceanport; and vacant land site in Middletown Township.

180 Turning Lives Around, Inc., Hazlet, NJ – obtained Flood Hazard Area Control Act Hardship Exception Permit for battered women's shelter project in Middletown Township.

Meridian Quality Care, Inc., Wall, NJ – performed Phase I Environmental Audit for Manor by the Sea Assisted Care facility in Ocean Grove, NJ.

Meridian Quality Care, Inc., Wall, NJ – obtained NJDEP CAFRA and Freshwater Wetlands approvals for assisted living development project, Borough of Shrewsbury. Performed Phase I Environmental Audit for site, including historic farmland research and soil sampling.

CKV Realty, Freehold, NJ – Performed Phase I environmental Audit for site, including historic farmland research and soil sampling, for site in Millstone Township. Delineated wetlands, and prepared Environmental Impact Report per municipal requirements.

River Development, LLC, Port Monmouth, NJ – obtained NJDEP CAFRA, Freshwater Wetlands, Waterfront Development, and Army Corps approvals for Rivers Edge residential development project, Hazlet Township.

County of Ocean/New Jersey Highway Authority, Toms River, NJ – delineated wetlands, and obtained CAFRA, Freshwater Wetlands and Pinelands Commission approval for Garden State Parkway interchange expansion, Stafford Township.

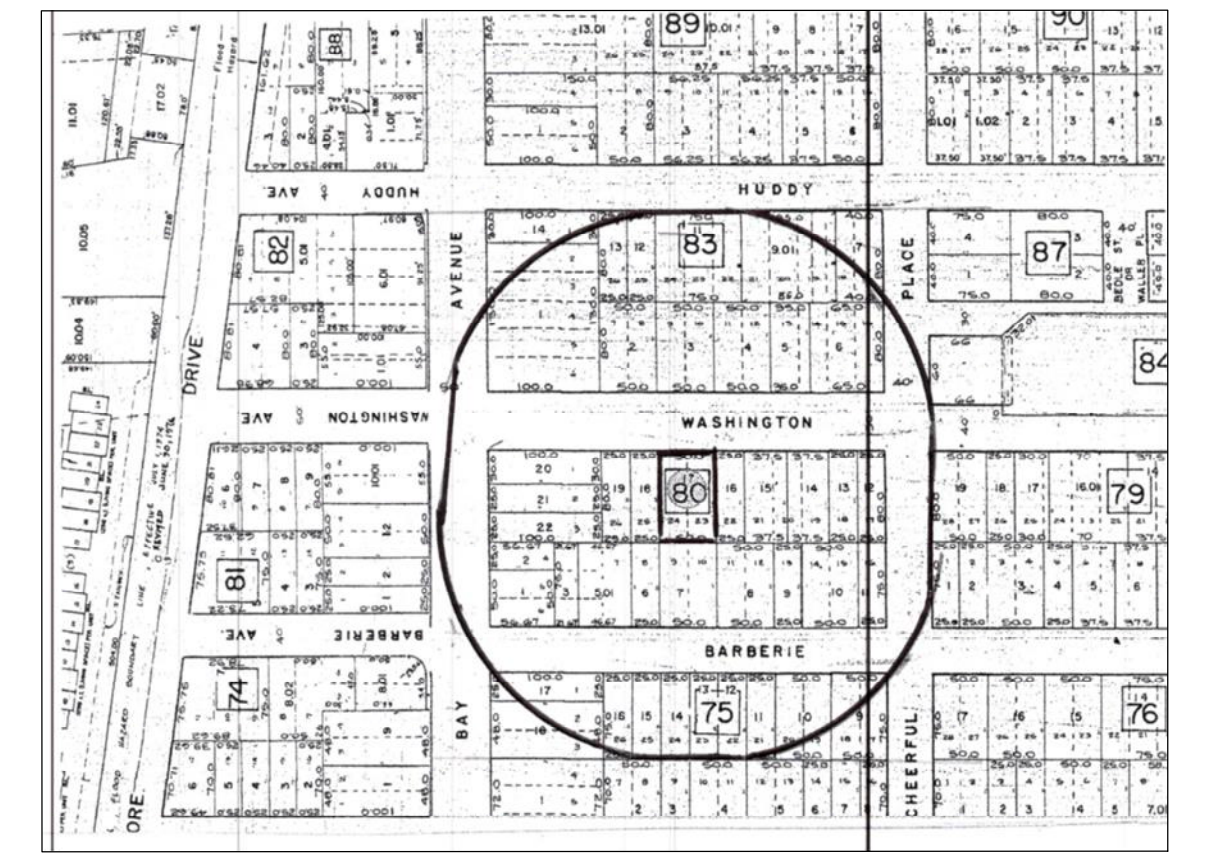
Pfister Chemical Company, Ridgefield, NJ – delineated wetlands, and obtained regulatory approvals for wetlands remediation project at existing manufacturing facility.

Kennedy Consulting Engineers, LLC, Red Bank, NJ – wetland delineations, and regulatory permitting, for numerous projects throughout Monmouth and Middlesex Counties.

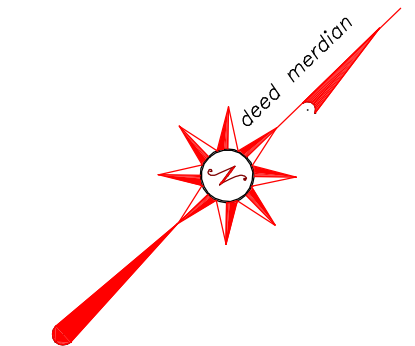
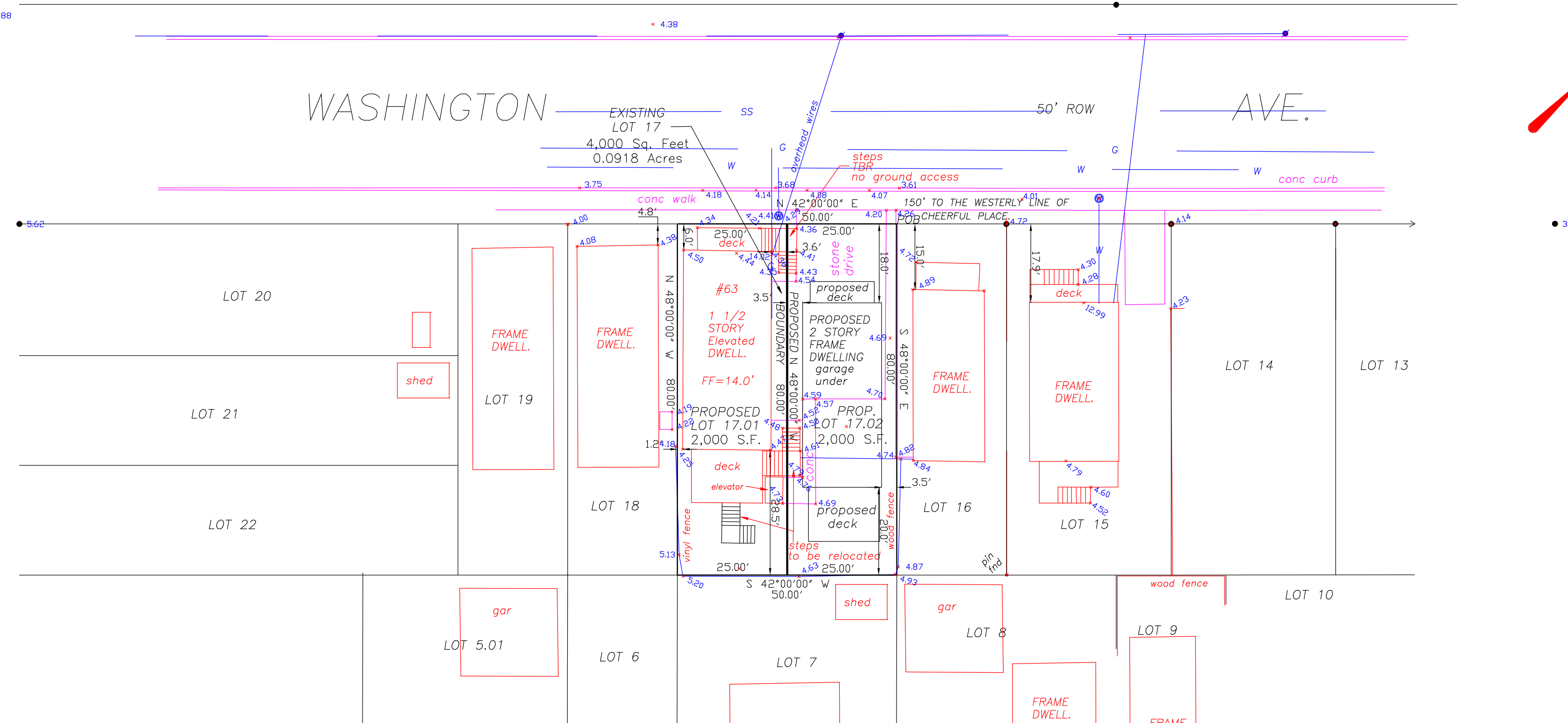
SITE SPECIFIC NOTES

- 1- All utilities servicing the new home shall be placed underground per RSIS standards.
- 2- The applicant intends to construct 1 new home that will be FEMA elevation compliant, and in accordance with municipal regulations.
- 3- Elevations refer to North American Vertical Datum 1988 (NAVD-88)
- 4- The dwelling footprint shown for proposed lot is generic only. A fully executed plot plan and building plans will be submitted to the Municipality for review and approval of the building permit application.
- 5- Property is Located in Flood Zone AE with a Base Flood Elevation 11.0
- 6- Any municipal infrastructure damaged during construction, shall be replaced or repaired to the satisfaction of the Borough Engineer.
- 7- Any Object beneath the surface of the Ground has not been located, and no Guarantee as to existence or location is expressed or implied.
- 8- THIS SURVEY HAS BEEN PREPARED WITHOUT A FULL TITLE SEARCH AND IS SUBJECT TO SUCH FACTS THAT MIGHT BE REVEALED BY SAID TITLE SEARCH.

Block/Lot	Current Owner	Mailing Address	Highlands NJ	07732
1319-81-01	VALNOTI JR JOSEPH	85 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-81-02	ARMS PROPERTY INC	8 STARBUCK LANE	HIGHLANDS NJ	07732
1319-81-03	SHANNON ENTERPRISES LLC	306 BAY AVENUE	HIGHLANDS NJ	07732
1319-83-13	DOSE DAVID	57 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-84-101	CAPTAINS COVE HOMES LLC	P.O. BOX 8100	HIGHLANDS NJ	07732
1319-75-17	CLARK EVELYN ROSE	282 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-11	KELLY TOM	50 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-80-1	CONRADO DOMANADE	288 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-2	HUNANE MARTIN & GENEVEVE	18 DUNCAN AVENUE	CORLAND MANOR NY	10566
1319-80-13	DAVIS JOHN WILLIAM & RACITI CATHY	51 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-70-13	WHEELER EDWARD	306 OCEAN AVE	SEA BRIGHT NJ	07760
1319-80-18	ROHRIG MARLEA & DOROTHY GAY B	2 HICKORY LANE	BERKLEY HEIGHTS NJ	07922
1319-80-19	KRAFT ROBERT & DIANE	5 REDWOOD LOOP	STATEN ISLAND NY	10309
1319-80-20	TROCCOLI MICHELLE E	294 HAY AVE	HIGHLANDS NJ	07732
1319-75-3	PIRO CYNTHIA ALVARO	545 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-81-2	HORNACEK JAMES & DAWN	287 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-3	J JONES HEATHER	72 N BRIDGE AVENUE	HIGHLANDS NJ	07732
1319-80-7	CARROLL JEANETTE	44 BARBERIE AVE	HIGHLANDS NJ	07732
1319-75-18	CLARK EVELYN R	282 BAY AVENUE	HIGHLANDS NJ	07732
1319-83-4	CATCHERMAN LLC	883 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-22	SEWISKO FRANK PETER JR	290 BAY AVENUE	HIGHLANDS NJ	07732
1319-76-9	DAVE CAROL PROPERTIES LLC	65 POVERSHAM ROAD	NUTLEY NJ	07110
1319-83-11	53-55 HUDDY AVENUE LLC	49 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-83-12	DOSE DAVID	57 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-83-7	BUREL ALLISON KONICK & NATHANIEL	45 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-83-8	HEWITT CHRISTINE MARIE & BURTON N	49 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-75-13	ROSS RYAN	61 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-14	SEARCY ELIZABETH	63 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-15	BIRCHWOOD INC	166 WEST END AVE	POINT PEASANT NJ	08049
1319-75-19	NICHOL JAMES & PATRICIA J	67 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-83-5	HOWER TIMOTHY	56 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-83-2	BIANCO-HESS CANDICE	66 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-83-3	PAVAO AL P & LINDA	64 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-80-6	MILLER DANIEL R	66 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-80-12	WATERWITCH GROUP L.L.C.	9 MARINE PLACE	HIGHLANDS NJ	07732
1319-80-8	NEW HORIZON HOME BUYERS LLC	51 OHIO AVENUE	MIDDLETOWN NJ	07748
1319-80-5-01	KALE JEFFREY B JR	70 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-79-1	48 BARBERIE AVE LLC	12 HARBOR COURT	W LONG BRANCH NJ	07764
1319-75-10	PIOTROWSKA ANNA	55 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-11	DEFORREST KENNETH & HERZOG KIM	57 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-6-01	BURTON KELLA & BONNIE M	54 SEADRIFT AVENUE	HIGHLANDS NJ	07732
1319-80-21	MAIN NUNDA GRAYBILL	292 BAY AVENUE	HIGHLANDS NJ	07732
1319-75-2	CHEMENCE DANIELLE M	66 SEADRIFT AVENUE	HIGHLANDS NJ	07732
1319-80-16	HALLANDER ALYSSON	59 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-80-14	WATERWITCH ACQUISITION LLC	55 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-75-4-01	ALSTIN MILES & STACY	62 SEADRIFT AVENUE	HIGHLANDS NJ	07732
1319-75-12	CAN-ULI JOHN T & ILIFF ROBERT W	59 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-79-19	BASS CHARLES & DARREN & JORDAN	45 WASHINGTON AVE	HIGHLANDS NJ	07732
1319-80-9	NES-IE TIMOTHY & MARIA	56 RAF MARIE AVENUE	HIGHLANDS NJ	07732
1319-80-10	BURMAN JEFFREY & HAHN NATALIE	52 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-83-6	ROSS JEFFREY A	328 OCEAN AVENUE	SEA BRIGHT NJ	07760
1319-75-1	NEW HORIZON HOLDINGS LLC	107 MOUNTAINSIDE AVENUE	ATLANTIC HIGHLANDS NJ	07716



KEY MAP



GENERAL NOTES

- 1- The Applicant proposes to subdivide one lot creating 2 Lots more in conformance with the neighborhood and requirements of the R-2.01 Single Family residential zone.
- 2- Known and designated as Lot 17 Block 80 as shown on the current tax assessment map of the Borough of Highlands, Monmouth Co., N.J., Sheet 15 Last revised 05-31-16.
- 3- Current Data:

Lot 17	
Total tract area	4000 SF
total bldg area	910SF
Impervious cover	2462 SF
Greenscape area	1538 SF
- 4- Developmental Data:

LOT 17.01	LOT 17.02	
Proposed Lot area	2000 SF	2000 SF
Proposed building area	910 SF	756 SF
Proposed impervious coverage	1235sf	1275sf
Proposed greenscape	765 SF	725 SF
Parking spaces, off street	2	2
- 5 Utilities are from various sources, and location and/or size is not guaranteed. It is advised to contact the appropriate utility company before construction.
- 6- The Entire tract is within a Coastal Flood Hazard Zone, Elevations refer to NAVD-88 datum. All New Construction must be in conformance with the Borough's requirements for construction in a Flood zone, and FEMA Flood Zone AE 11.0, Community 345297 Panel 34025C0088H 6/15/2022
- 7- Owner & Applicant: EDWARD WHEELER, 908 OCEAN AVENUE, SEA BRIGHT, NJ

ZONE SCHEDULE		Required Elements	Current Elements Lot 17	Proposed Elements Lot 17.01	Proposed Elements Lot 17.02	Comment
R-2.01 Single Family Residential Zone District						
Lot Area, min	SF	3750	4000	2000 *	2000*	
Lot frontage	Ft	50	50	25.00 *	25.00 *	
Lot Depth, min	FT	75	80	80.0	80.0	
Front yard, min	FT	20	6.0**	6.0**	18.0*	
Prevailing	FT		11			
Side yard, min	FT	6/8	1.2**/28.6	1.2**/3.6*	3.5*/3.5*	
Rear Yard, min	FT	20	28.5'	28.5	20.0	
Coverage, Bldg	%	33	22.8	45.5*	37.8*	
Lot Coverage	%	75	62	62	64	
Building Height	FT	32.5	32.5 BFE to MP eave to peak	32.5	35 parking under	
Parking, off street	Spc	2	4	2	Park under. 2	

** Pre-existing non conformity
 * Created deficiency, variance required.

APPLICATION NO. HLPB24-03 approved/disapproved by the HIGHLANDS BOARD/BOARD OF ADJUSTMENT AS A MINOR SUBDIVISION ON _____ DATE

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

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

SIGNATURE(S) _____ DATE _____

I HEREBY CERTIFY THAT I HAVE CAREFULLY EXAMINED THIS MAP AND FIND IT CONFORMS WITH THE PROVISIONS OF THE ORDINANCES AND RESOLUTION CONDITIONS APPLICABLE THERETO.

BOARD ENGINEER _____ DATE _____

I HEREBY CERTIFY THAT THE ABOVE MAP AND SURVEY HAVE BEEN MADE UNDER MY IMMEDIATE SUPERVISION, FROM ACTUAL MEASUREMENTS TAKEN AT THE SITE. Date of Survey: 08-15-2023

RONALD L. TRINIDAD
 PROFESSIONAL LAND SURVEYOR
 N.J. LICENSE 43370

- LEGEND:
- 4.87 = SPOT ELEVATION
 - = PIN FOUND
 - = UTILITY POLE
 - = WATER METER



1	7/12/24	Review 1	ft	RLT
REV	DATE	DESCRIPTION	BY	CHK
MINOR SUBDIVISION PLAN FOR: EDWARD WHEELER LOT 17 BLOCK 80 SHEET 15 BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY R AND T LAND SURVEYING SURVEYING & MAPPING <> LAND PLANNING <> CONSTRUCTION SURVEYING PO BOX 124, ATLANTIC HIGHLANDS, NJ 07716, 732-872-2827				
RONALD TRINIDAD, PROFESSIONAL LAND SURVEYOR 24GS04337000				
DATE: 08/17/23	FILE: 4449	DRAWN: RLT	JOB NO: 8395	
SCALE: 1"=20'	CADW: W-8395r1.dwg	CHK: HS	DWG NO: D- 1063	



Roberts
 ENGINEERING GROUP LLC
 Women Business Enterprise Certified

1670 Whitehorse-Hamilton Square Rd.
 Hamilton, New Jersey 08690
 609-586-1141 fax 609-586-1143
 www.RobertsEngineeringGroup.com

November 15, 2024

Nancy Tran
 Land Use Board Secretary
 Borough of Highlands Land Use Board
 151 Navesink Avenue
 Highlands, New Jersey 07732

Re: Completeness Review No. 2
 Applicant: Wheeler
 63 Washington Avenue
 Block 80, Lot 17
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB24-03

Dear Ms. Tran:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations.

The Applicant received a Zoning Denial Letter, dated January 31, 2024, upon seeking a minor subdivision and was deemed noncompliant per the Municipal Zoning Ordinance and advised to submit to the Land Use Board.

The Applicant seeks a Minor Subdivision to subdivide existing Lot 17 in the R-2.01 Single Family Residential District into two lots of equal size, Lot 17.01 and Lot 17.02. Existing Lot 17 consists of 4,000 sf having an elevated 1 ½ story frame dwelling with decks and garage under parking, stone drive and fencing. The dwelling will remain with decking and garage under parking and be situated on a proposed 2,000 sf lot and will be known as proposed Lot 17.01. The remaining 2,000 sf of Lot 17 will be proposed Lot 17.02 consisting of a proposed elevated 2 story frame dwelling with decking, garage under parking and associated site improvements.

The existing lot is conforming except for the front yard setback. The proposed lots are each non-conforming and will require bulk variances.

We have reviewed the following documents submitted in support of the above referenced application for completeness purposes:

1. Copy of resubmission letter addressed to Ms. Nancy Tran, Land Use Board Secretary from Rick Brodsky, Esq., Ansell Grimm & Aaron, PC, dated October 25, 2024.
2. Copy of plan entitled, "Minor Subdivision Plan for Edward Wheeler, Lot 17, Block 80, Borough of Highlands, Monmouth County, New Jersey", prepared by Ronald Trinidad, PLS, R and T Land Surveying, unsigned and dated August 17, 2023, and last revised July 12, 2024, consisting of 1 sheet.
3. Copy of submission letter addressed to Ms. Nancy Tran, Land Use Board Secretary from Rick Brodsky, Esq., Ansell Grimm & Aaron, PC, dated May 21, 2024.
4. Copy of plans entitled, "New Construction, Wheeler Residence, Washington Avenue, Highlands, NJ, Block 80 Lot 17.02", prepared by Jeremiah J. Regan, AIA, Architect, dated and signed January 15, 2024, consisting of 1 sheet.
5. Copy of the Land Use Board Application for Minor Subdivision and Variance, dated May 1, 2024.
6. Copy of a Letter report Denial of Zoning Permit issued on January 31, 2024, by Courtney Lopez, Zoning Officer for the Borough of Highlands.

Completeness Review No. 1
 Applicant: Wheeler
 63 Washington Avenue
 Block 80, Lot 17
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB24-03
 Page 2 of 6

We offer the following comments and recommendations for the Planning Board’s consideration:

I. ZONING

1. This property is located in the R-2.01 Single Family Residential District.
2. The Applicant requires eleven (11) bulk variances. To be entitled to bulk “c” variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A 40:55D-70c for bulk variances.

The Applicant will be required to provide proof during testimony.

3. The following bulk requirement summary is provided for the Board’s reference. In accordance with Ordinance §21-86A (4), existing and proposed bulk deficiencies which require bulk “c” variances have been noted:

Schedule I – Bulk and Area Requirements				
R-2.01 Residential Zone	Required	Existing Lot 17	Proposed Lot 17.01	Proposed Lot 17.02
Min. Lot Area (sf)	3,750	4,000	*2,000	*2,000
Lot Frontage/Width (ft)	50	50	*25.00	*25.00
Min. Lot Depth (ft)	75	80	80.00	80.00
Min. Front Yard Setback (ft)***	20	**6.0	**6.0	*18.0
Min. Side Yard Setback (ft)	6/8	**1.2/28.6	**1.2/*3.6	*3.5/*3.5
Min. Rear Yard Setback (ft)	20	28.5	28.5	20.0
Max. Building Height (ft)****	30	TBD	TBD	TBD
Max Lot Coverage	75%	62%	62.0	64.0
Max Building Coverage	33%	22.8%	*45.5	*37.8
On-Site Parking (spaces)	2	4	TBD	2 Under

- * Proposed Variance
- ** Existing non-conformity
- *** Or average of the existing front yard setback within 200 ft of same block and zone or average of adjacent lots.
- **** Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2 ½) feet.

II. APPLICATION FEES (PART 6 FEE SCHEDULE ARTICLE XXIII, ORD. 21-107)

As posted on Borough website under Land Use forms

1. Variances

Residential "c" (minimum lot area)	x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum lot frontage/width)	x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum front yard setback)	x1	1 EA	\$ 125.00	\$ 125.00
Residential "c" (minimum side yard setback)	x4	1 EA	\$ 125.00	\$ 500.00
Residential "c" (maximum building coverage)	x2	1 EA	\$ 125.00	\$ 250.00
Subtotal				\$1,375.00

2. B. Subdivisions

Minor		1 EA	\$ 400.00	\$ 400.00
Total				\$1,775.00

III. CHECKLIST ITEMS

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

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

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

The Applicant has provided metes and bounds for all proposed lot lines on the plan.

Metes and bounds descriptions for the new lots shall be provided if the application is approved.

8. The existence and location of any utility or other easement. **Provided with plan note.**
9. Setback, sideline and rear yard distances and existing structures. **Provided.**
10. The name and address of the person preparing the plat, the graphic scale, date of preparation and reference meridian. **Provided.**
11. Certification from the Tax Collector that all taxes and assessments for local improvements on the property have been paid up to date. **Provided.**
12. Certification statement for the required municipal signatures, stating: **Provided.**

Application No. _____ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Minor Subdivision on _____.
(date)

Chairman

Secretary

13. Certification statement for the County Planning Board approval / disapproval, if required. **Not applicable.**
14. Zone district boundary lines, if any, on or adjoining the property to be subdivided and a schedule indicating the required minimum lot area, lot width, lot depth and front, rear and side yards of each zone district located on the property. **Provided.**

15. A wetlands statement provided by a qualified expert. **Provided.**
16. The Board reserves the right to require a feasible sketch plan layout of remaining land not being subdivided if it is deemed necessary. **Provided.**

The applicant has provided a generic house and driveway layouts to demonstrate the sizes of proposed homes and the need for any additional setback relief.

17. A lot grading plan, to be reviewed by the Borough Engineer, if required. **Required.**

The Applicant is required to provide a lot grading plan.

IV. COMPLETENESS

We recommend this application be deemed complete.

V. GENERAL COMMENTS

1. The Minor Subdivision is dated but not signed by the professional. In addition, the signatures of the owners are required.
2. Update the Certification Statement to note the Borough of Highlands Land Use Board.
3. Please provide and update the signature blocks noting the Map Filing Law, updated surveyor's certification, notary public, filing with the county, and setting of monuments.
4. Property corners are required to be set. Please indicate on the plan and the type of survey marker.
5. Please provide coordinates for at least three property corners.
6. Please provide the Point of Beginning for the existing and proposed lots.
7. Please list the deed reference of the survey.
8. Please note the scale of the Key Map.
9. As requested, a wetlands letter which has been prepared and signed by a wetlands expert has been provided and notes the absence of wetlands.
10. Please update the required building height to be 30 ft and include the note, "Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2 ½) feet." in the zoning table.
11. A building height variance is unable to be determined until more information is provided on the plans.

The building heights on the architectural plans (January 15, 2024) and the zoning table are not consistent.

The elevations provided are unclear. One foot is to be added to the BFE within the Flood Hazard Area per §21-8 Definitions for Building Height and Grade Plane.

12. The distance between the proposed building and the existing building on Lot 16 appears to be 7 feet±. Please provide building offset distances between the proposed and existing dwellings to help the Board make an informed decision regarding the side yard setback variance.
13. Please update the front yard and rear yard setbacks for Proposed Lot 17.02.

According to § 21-65.27 Yards, Courts and Exposures, any deck that extends above the elevation of the first floor of the principal structure shall meet the setback requirements for that principal structure.

Provide a prevailing setback analysis according to § 21-79.B:

In areas where at least seventy-five (75%) percent of the lots within two hundred (200) feet are already developed, the front yard setback may be either the required setback or the prevailing setback. The prevailing setback shall be the average setback of buildings on the same block in the same zone, but not less than the average of the setbacks of the buildings on the two (2) nearest adjacent lots and in no case, less than half the required setback.

Please submit for the Board's review.

14. Please clarify the number of proposed parking spaces for Lots 17.01 & 17.02.

There are currently 4 parking spaces for Lot 17 and a total of 4 spaces for Proposed Lots 17.01 & 17.02 according to the application and zoning table. Proposed Lot 17.01 may have insufficient parking.

The existing and proposed dwellings each have 3 bedrooms and are required to provide 2 parking spaces according to § 21-65.14.C, Off-Street Parking, Residential Zones and Uses.

The existing dwelling has an existing garage under layout, but it is unknown if one or two spaces are provided in the garage. The length of the area between the garage and the existing sidewalk does not accommodate a parking space. The existing vacant stone area possibly provides 3 parking spaces for Lot 17, but these spaces have been eliminated by proposed Lot 17.02. Proposed Lot 17.01 with the existing dwelling may only have 1 space and requires 2 spaces.

The proposed dwelling on Proposed Lot 17.02 has a garage under layout and provides 2 spaces. The proposed 18' long driveway possibly accommodates at least one space. This may change depending on the prevailing setback.

According to § 21-65.14.C..2.c., a two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination.

The proposed stone driveway is 18 feet long however the width is not indicated on the plan.

15. Please provide the location of the existing sanitary sewer service and water service for the property.
16. Please provide the proposed sanitary sewer service and cleanout location and provide the proposed water service location.
17. Please provide a label or note regarding the material and width of the proposed drive.
18. Indicate existing and proposed depressed curbing.
19. Please provide information on how the existing concrete walkway on the proposed lot will be altered and its relationship to the elevator and dwelling.

Confirm that this area is included in the impervious coverage.

Provide a listing of the impervious coverages and areas.

20. The minor subdivision notes that the proposed dwellings will be FEMA elevation compliant and in accordance with municipal regulations.

A plot and grading plan and updated architectural plans will be required. All runoffs must be directed towards the road and away from the existing and proposed dwellings and the adjoining properties.

Completeness Review No. 1
Applicant: Wheeler
63 Washington Avenue
Block 80, Lot 17
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB24-03
Page 6 of 6

- 21. Site Specific Note 5 and General Note 6 to list the NJDEP regulatory flood elevation.
- 22. An existing mature holly is discussed and shown in photos referenced with the wetlands letter. It appears that it may be situated within the proposed area of construction.

Should the holly be removed from the lot, Ordinance 0-24-04 §22.1.8 (Tree Replacement Requirements) will be required for the application.

The applicant would need to determine the diameter of the tree at breast height and provide replacement trees according to §22.1.8.A or an alternative according to §22.1.8.B.

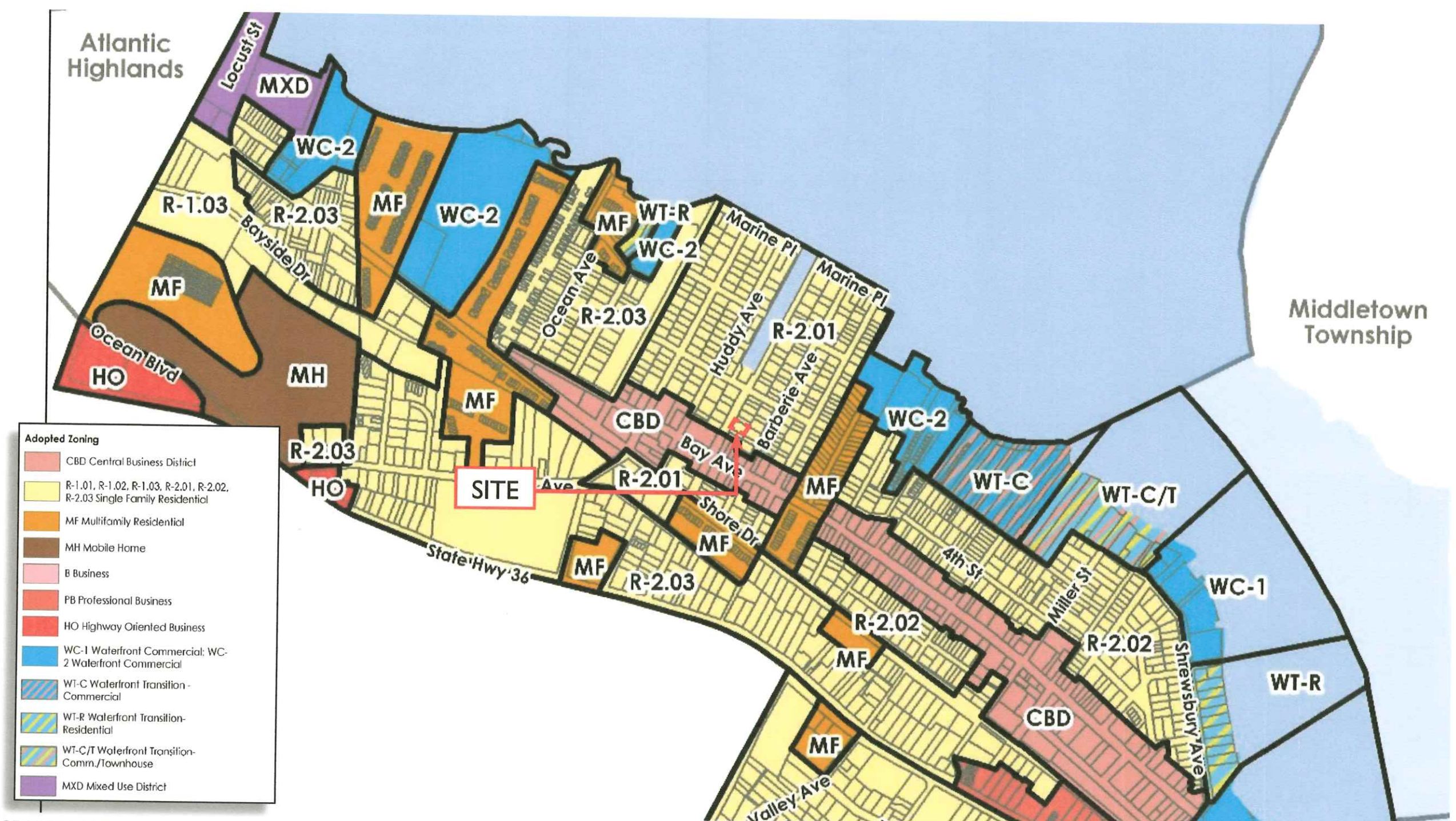
- 23. Provide construction details.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Carmela Roberts, P.E., C.M.E., C.P.W.M.
Land Use Board Engineer

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Austin P. Mueller, Assoc., Land Use Board Attorney (amueller@weiner.law)
Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
Rick Brodsky, Esq., Applicant's Attorney (rbrodsky@ansell.law)
Jeremiah J. Regan, AIA, Applicant's Architect (jeremiahregan@aol.com)
Cameron Corini, P.E., C.M.E., C.P.W.M., Roberts Engineering Group, LLC
GS Bachman, E.I.T., Roberts Engineering Group, LLC



Adopted Zoning

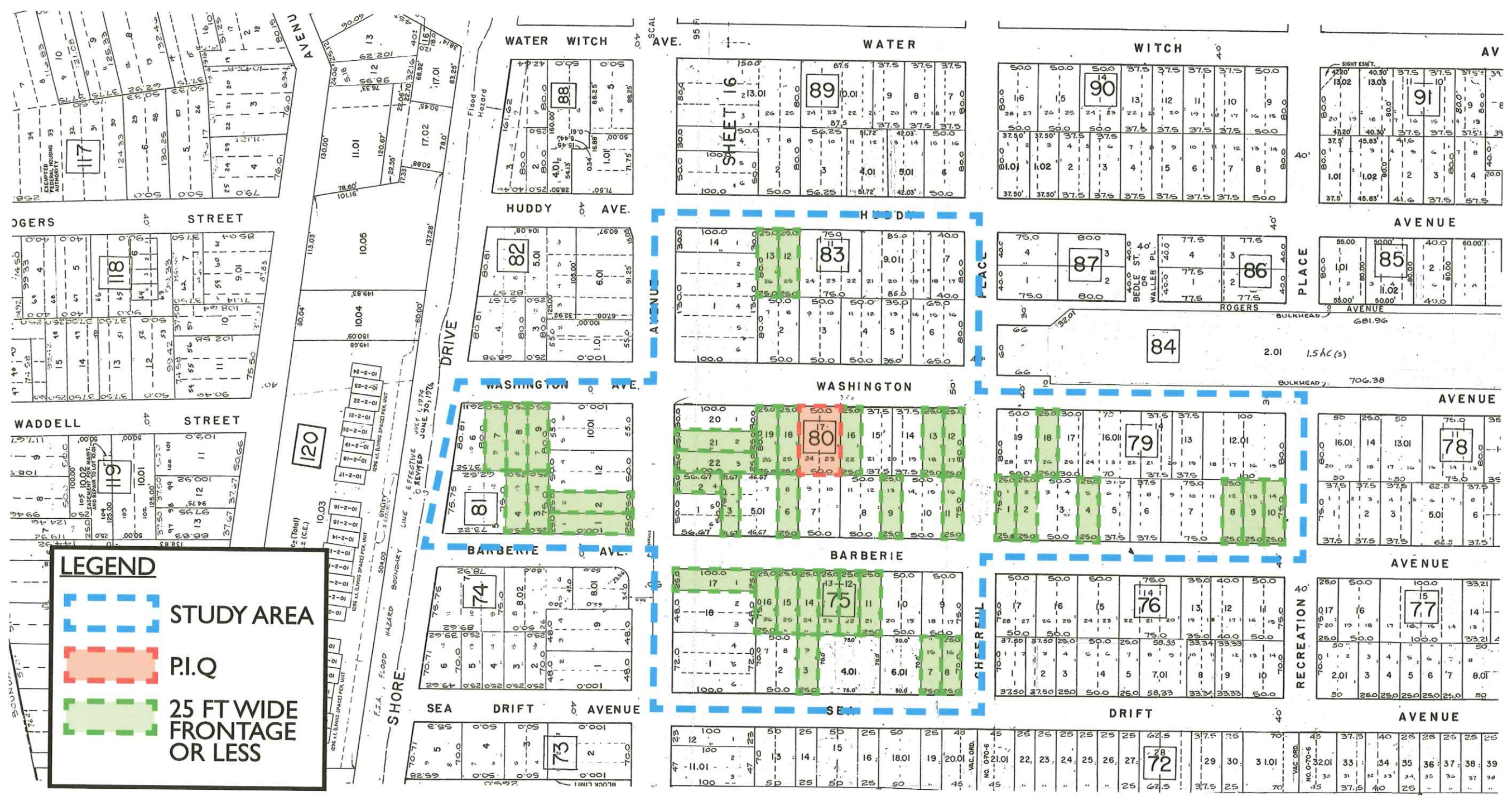
	CBD Central Business District
	R-1.01, R-1.02, R-1.03, R-2.01, R-2.02, R-2.03 Single Family Residential
	MF Multifamily Residential
	MH Mobile Home
	B Business
	PB Professional Business
	HO Highway Oriented Business
	WC-1 Waterfront Commercial; WC-2 Waterfront Commercial
	WT-C Waterfront Transition-Commercial
	WT-R Waterfront Transition-Residential
	WT-C/T Waterfront Transition-Comm./Townhouse
	MXD Mixed Use District

SOURCE: NJGEOWEB
<https://highlandsnj.gov/wp-content/uploads/2021/05/Zoning-Map-HGA-July-2018.pdf>

ZONING MAP
 BLOCK 80, LOT 17
 63 WASHINGTON AVENUE
 THE BOROUGH OF HIGHLANDS

COFONE CONSULTING GROUP

COFONE CONSULTING GROUP, LLC • OFFICE: 732-933-2715 • CELL: 732-439-6400 • FAX: 732-933-2601



TAX MAP REFLECTING STUDY AREA
 SHEET 15 & 16
 63 WASHINGTON AVENUE
 THE BOROUGH OF HIGHLANDS

COFONE CONSULTING GROUP

COFONE CONSULTING GROUP, LLC • OFFICE: 732-933-2715 • CELL: 732-439-6400 • FAX: 732-933-2601



AERIAL - EXISTING CONDITIONS

BLOCK 80, LOT 17
63 WASHINGTON AVENUE
THE BOROUGH OF HIGHLANDS
3

COFONE CONSULTING GROUP, LLC • OFFICE: 732-933-2715 • CELL: 732-439-6400 • FAX: 732-933-2601

COFONE
CONSULTING
GROUP





THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE
63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



THE WHEELER RESIDENCE

63 Washington Avenue ~ Highlands, New Jersey



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2025-09
RESOLUTION TO HOLD A CLOSED SESSION

WHEREAS, the Open Public Meetings Act (N.J.S.A. 10:4. et seq.) provides for the exclusion of the public from meetings of a public body during the discussion of certain matters; and

WHEREAS, prior to the exclusion of the public from a meeting of the Highlands Land Use Board it is required that the Board adopt a Resolution stating the general nature of the subject to be discussed and stating as precisely as possible the time when the minutes of the discussion conducted in closed session can be disclosed to the public; and

WHEREAS, this Board is about to consider a matter which falls within the purview of N.J.S.A. 10-4-12, and can properly exclude the public from such discussions.

NOW THEREFORE BE IT RESOLVED, that the Land Use Board of the Borough of Highlands, now assembled in public session at its regular meeting of February 13, 2025 enter into a closed session to consider the following matter(s).

- () 1. Discussion of any material, the disclosure of which constitutes an invasion of individual privacy.
- () 2. A collective bargaining agreement or the terms of provisions of same.
- () 3. Techniques or tactic utilized to protect the safety and property of the public provided that their disclosure could impair such protection.
- () 4. An investigation of violations or possible violations of the laws of the State of New Jersey and/or the Borough of Highlands Administrative Code.

- (X) 5. Pending or anticipated litigation or contract negotiation in which this body is or maybe a party.
- () 6. A matter falling within the attorney-client privilege to the extent that confidentiality is required in order for the attorney to exercise his ethical duties to this body.
- () 7. Personnel matters.
- () 8. Discussion of any matter which by express provision of Federal law or State statute or rule of Court shall be rendered confidential.
- () 9. Discussion of any matter in which the release of information would impair a right to receive funds from the Government of the United Sates.
- () 10. Discussion of any matter involving the purchase, lease or acquisition of real property with public funds, the setting of banking rates or investment of public funds, where it could adversely affect the public interest if discussion of such matters were disclosed.
- () 11. Deliberations occurring after a public hearing that may result in imposition of a civil penalty or suspension or loss of a license or permit.

More specifically, the Highlands Land Use may discuss in closed session the following topic(s):

LUB RES 2022-09 Appeal

The general subject matter(s) of discussion shall be indicated by a check mark in the appropriate box and shall be more specifically referred to thereafter to the extent such additional disclosure can be made without compromising the need for confidentiality giving rise to the closed session.

BE IT FURTHER RESOLVED that the minutes of said discussion shall be made public as soon as the matter under discussion is no longer of a confidential or sensitive nature such that the public interest will no longer be served by such confidentiality.

Robert Knox, Chairman
Borough of Highlands Land Use Board

ON MOTION OF:
SECONDED BY:
ROLL CALL:
YES:
NO:
ABSTAINED:
INELIGIBLE:
ABSENT:
DATED: February 13, 2025

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on February 13, 2025.

Nancy Tran, Board Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD
Case No. LUB24-05/McGhee
Height and Bulk Variance Relief
January 9, 2025

EXHIBITS

A-1 Existing Conditions and Proposed Renderings of Subject Property, including video of rain dispersion system

INTEROFFICE REPORTS

B-1 Board Engineer's Completeness Review, dated September 16, 2024 (Completeness Review No. 1)

B-2 Board Engineer's Completeness Review, dated October 25, 2024 (Completeness Review No. 2)

B-2 Board Engineer's Completeness Review, dated December 6, 2024 (Completeness Review No. 3)