



**BOROUGH OF HIGHLANDS
LAND USE BOARD MEETING**
151 Navesink Ave. - Court Room
Thursday, March 14, 2024 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

1. Helen Chang

ROLL CALL

OPEN FOR PUBLIC COMMENTS: *General Questions or Comments not pertaining to Applications*

APPROVAL OF MINUTES

2. February 8, 2024 LUB Meeting Minutes

HEARINGS ON NEW BUSINESS

- [3.](#) LUB24-01: Caulfield - 137 Highland Ave., B26 L14

ACTION ON OTHER BUSINESS

4. Master Plan Planning

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

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 11/22/2024 Application #: ck # 117 Fee: 375.00 Escrow: 750.00 ck # 118

1. APPLICANT

Name: David Caulfield
Address: 137 Highland Avenue
City: Highlands State: NJ Zip: 07732
Phone: 732-741-2525
Email: janderson@fsfm-law.com
Relation to property: Owner

2. OWNER

Name: David Caulfield
Address: 137 Highland Avenue
City: Highlands State: NJ Zip: 07732
Phone: 732-741-2525
Email: janderson@fsfm-law.com

3. TYPE OF APPLICATION (Check all that apply)

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

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

4. PROPERTY INFORMATION

Block 26 Lot(s) 14 Address: 137 Highland Avenue, Highlands, New Jersey 07732
Lot size 2,680 # of Existing Lots 1 # of Proposed Lots 1
Zone R 101 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 1st Quarter Sewer paid through 1st Quarter

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

Name: John B. Anderson, III, Esq.
Address: 225 Broad Street, PO Box 896, Red Bank, New Jersey 07701
Phone: 732-741-2525 Email: janderson@fsfm-law.com



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

Name: Lou Moglino
Address: 523 Jessica Lane
Brick, New Jersey 08724
Phone: 732-858-1269
Email: lou@moglinoarchitect.com

Name: _____
Address: _____

Phone: _____
Email: _____

7. LAND USE

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

This is an existing single-family home with attached rear deck. Tax Records date build to c. 1918.

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.

Continued use as a permitted single-family home with a 10'x15' rear addition.

C. ADDITIONAL INFORMATION:

		Existing	Proposed
Residential:	How many dwelling units?	<u>1</u>	<u>1</u>
	How many bedrooms in each unit?	<u>1</u>	<u>1</u>
	How many on-site parking spaces?	<u>0</u>	<u>0</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>



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

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area	5000	2680	2680
Frontage	50	40	40
Lot Depth	100	70	70
Minimum Yard Requirements			
Front Yard Setback	35	17.6	17.6
2 nd Front Yard Setback	n/a	n/a	n/a
Rear Yard Setback	25	3.6	3.6
Side Yard Setback, right	8	6.7	6.7
Side Yard Setback, left	8	5.3	5
Building Height	35	19.1	19.1

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height	n/a	n/a	n/a
Garage/Shed Height	n/a	n/a	n/a
Garage/Shed Area	n/a	n/a	n/a
Pool Setback	n/a	n/a	n/a
Parking Requirements			
On-site Parking Spaces	1.5	0	0
Other (please add)			

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



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42 Shore Drive
Highlands, NJ 07732
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10. NOTARIZED SIGNATURE OF APPLICANT

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

SWORN & SUBSCRIBED to before me this
22nd day of January 2024 (year)
John B. Anderson III (notary)
John B. Anderson III (Seal)

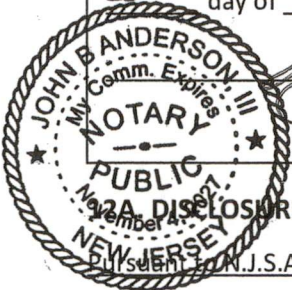
David Caulfield
Signature
1/22/2024
Date
David Caulfield
Print Full Name

11. NOTARIZED CONSENT OF OWNER

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

SWORN & SUBSCRIBED to before me this
22nd day of January 2024 (year)
John B. Anderson III (notary)
John B. Anderson III (Seal)

David Caulfield
Signature
1/22/2024
Date
David Caulfield
Print Full Name



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

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

landuse@highlandsborough.org | 4



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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
N/A	

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

SWORN & SUBSCRIBED to before me this

_____ day of _____ 20____ (year)

_____ (notary)

(Seal)

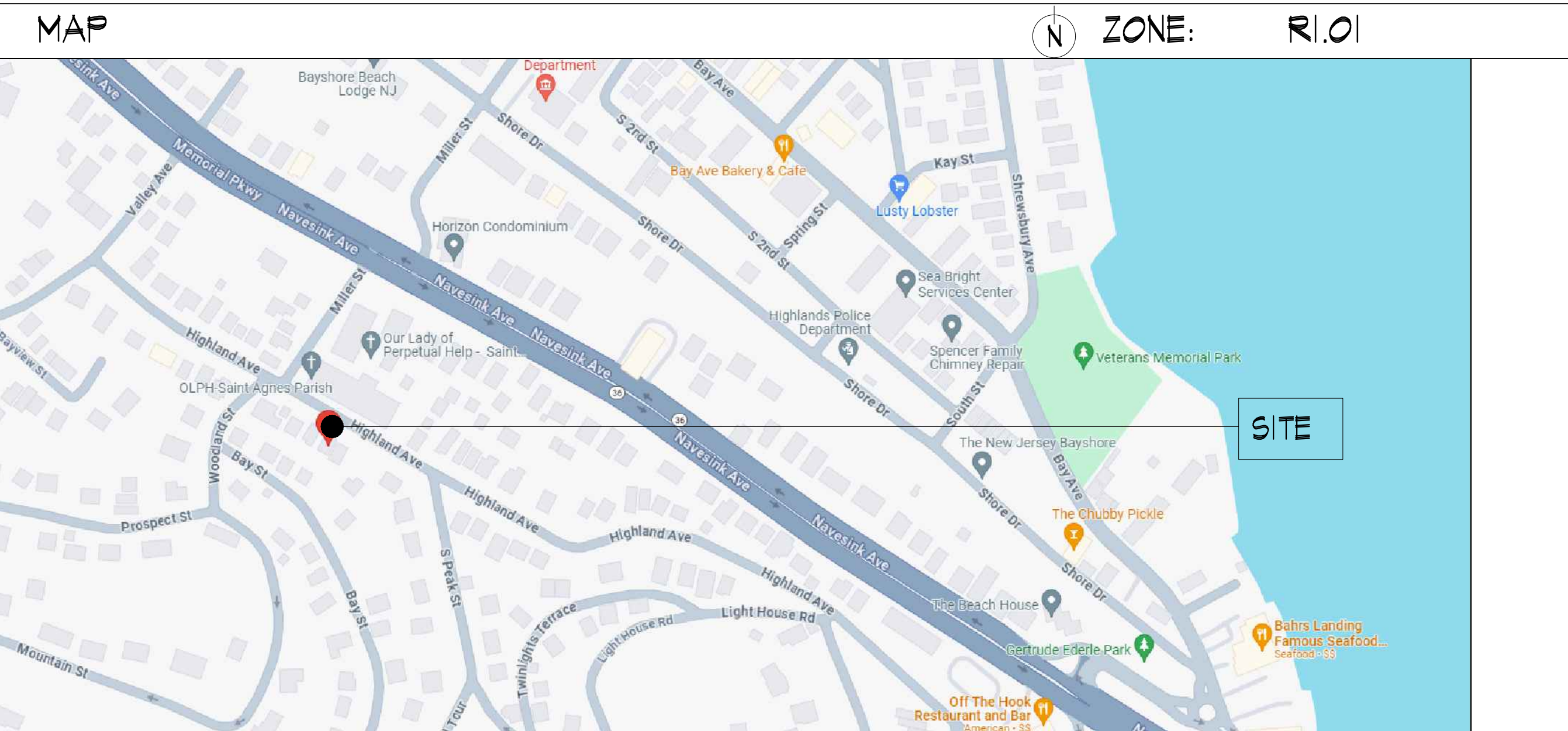
Signature (Officer/Partner)

Date

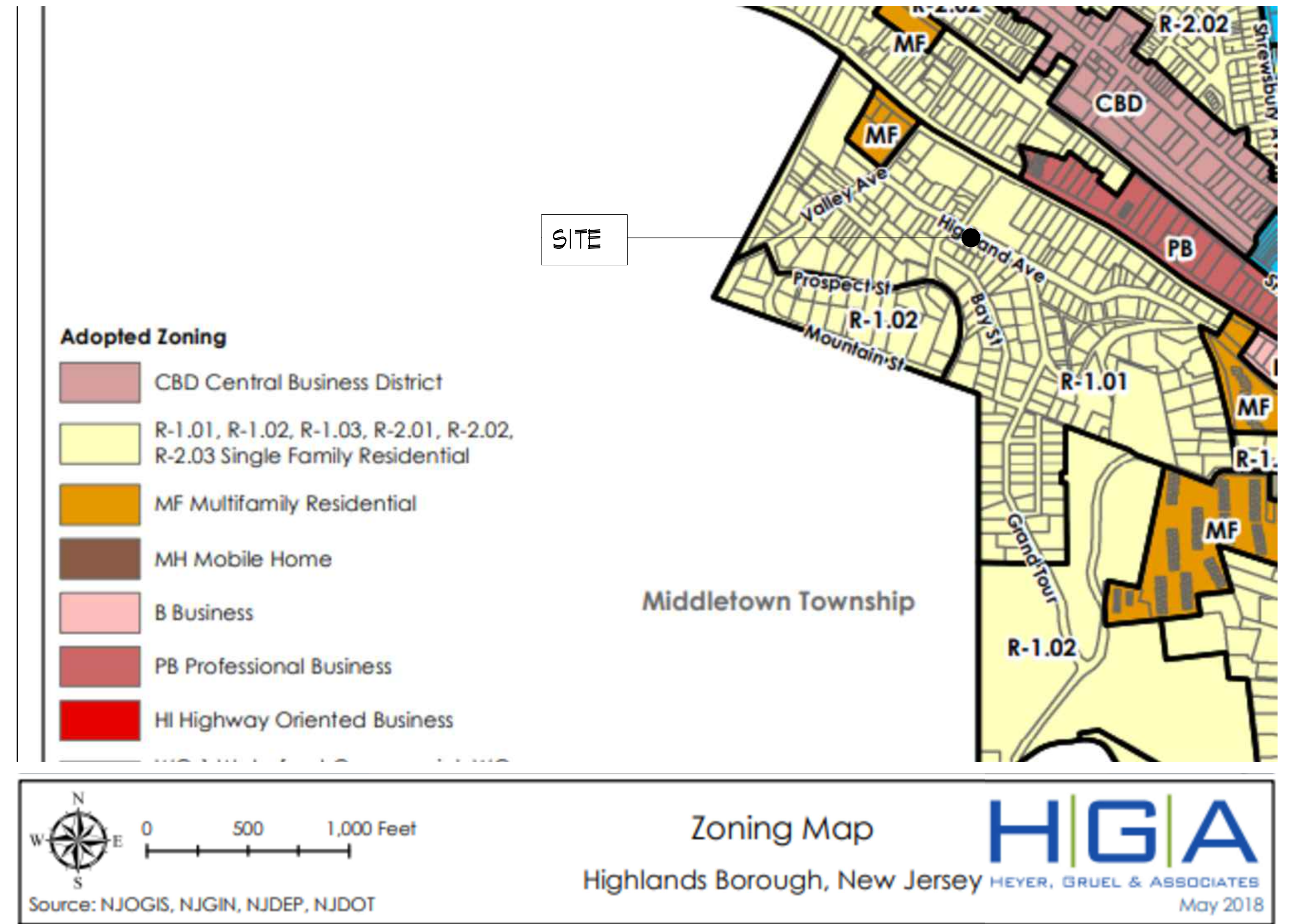
N/A

Print Full Name

Title



PARTIAL HIGHLANDS BOROUGH ZONING MAP



CODE ANALYSIS:

BUILDING CODE:

- INTERNATIONAL BUILDING CODE, NJ EDITION 2021
- INTERNATIONAL RESIDENTIAL CODE, NJ EDITION 2021
- STATE OF NEW JERSEY UNIFORM CONSTRUCTION CODE
- INTERNATIONAL MECHANICAL CODE, 2021
- ASHRAE 90.1 ENERGY CODE, 2021
- THE NATIONAL STANDARD PLUMBING CODE, 2021
- ANSI CABO A117.1, 2003
- N.F.P.A. 13 FIRE CODE, 2015
- NATIONAL ELECTRICAL CODE, 20120
- INTERNATIONAL FUEL GAS, 2021
- ENERGY SUBCODE 2019
- REHABILITAION SUBCODE, NJAC 5:23-6 NJICC SUBCHPTR 6

TABULATED DATA:

CONSTRUCTION TYPE: 5B 2021 IRC
USE GROUP: R5 2021 IRC

	EXISTING	PROPOSED	TOTAL
FIRST FLOOR	855	201.3 SQ FT	1,056.3 SQ FT

PROPOSED VOLUME: 1,760 CU FT

DRAWING LIST:

- A-1 COVER SHEET, SURVEY & PROJECT INFORMATION
A-2 EXISTING CONDITIONS
A-3 PROPOSED PLAN AND ELEVATIONS

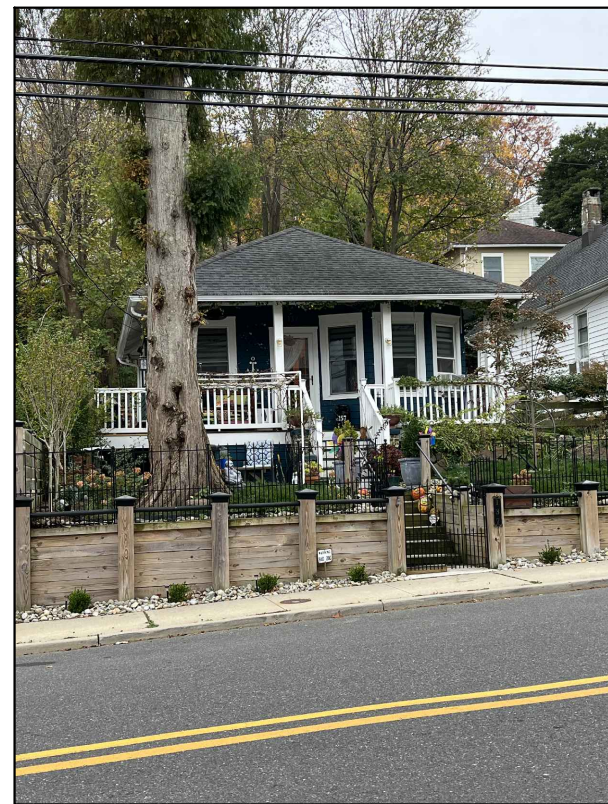
PROPOSED 1-STORY REAR ADDITION FOR:

MR. DAVID CAULFIELD

137 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732

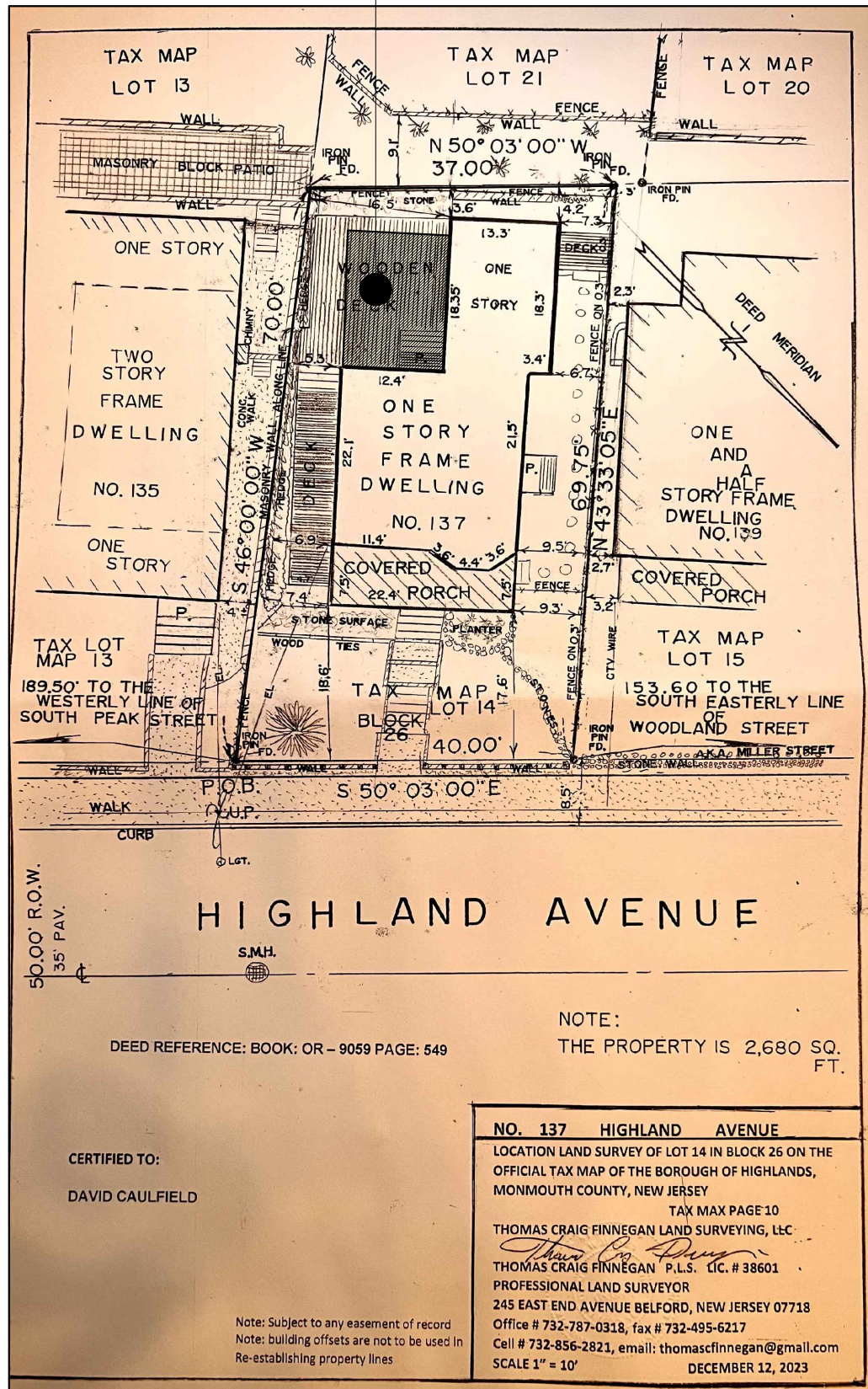
BLOCK : 26 LOT : 14

ZONE: R1.01



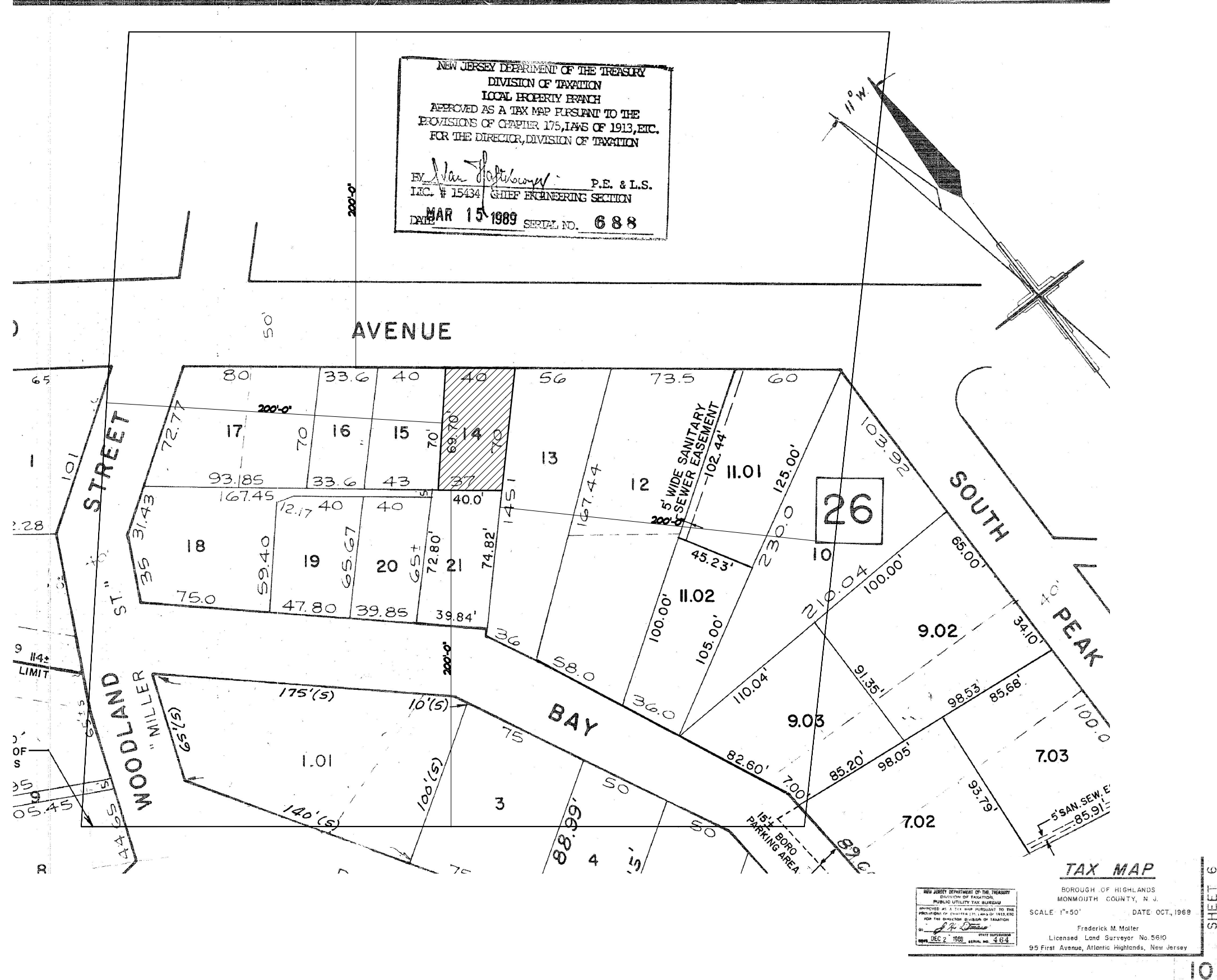
SURVEY

PROPOSED ADDITION



200' RADIUS MAP (TAX MAP# 10)

SHEET 12 SHEET 9



ZONING INFORMATION: R1.01

	REQUIRED	EXISTING	PROPOSED REAR ADDITION	VARIANCE REQ'D
LOT SIZE	5,000 SF	2,680 SF	*	
FRONTAGE & WIDTH	50.0'	40.0'	*	
DEPTH	100.0'	70.0'	*	
YARD FRONT (MIN.)	35.0'	17.6'	*	
SIDE (MIN.)	8'/12'	5.3' / 12'	*	
REAR (MIN.)	25'	3.6'	*	
BLDG HEIGHT / MAX STORIES	35.0'	19.1'	12.33'	
BLDG COVERAGE (MAX.)	30 %	31.9 %	38.5 %	
LOT COVERAGE	70 %	51.9 %	NO CHANGE	
ON-SITE PARKING	1.5 SPACES	0 SPACES	NO CHANGE	

* INDICATES PRE-EXISTING CONDITION

MOGLINO
ARCHITECT

www.moglinarchitect.com T - (732) 858-1269
6745 FARRAGUT LANE BOYNTON BEACH, FL 33437
523 JESSICA LANE, BRICK, NEW JERSEY 08724

[Signature]

Seal:
Lou Moglino, Architect
New Jersey License # AI 13345
Florida License # AR 92069

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PROPOSED REAR SINGLE-FLOOR ADDITION FOR:

MR DAVID CAULFIELD
137 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732
BLOCK: 26 LOT: 14 ZONE: R1.01
COUNTY OF MONMOUTH

Drawing Title

COVER SHEET,
ZONING INFORMATION, MAP
AND SURVEY

Revisions:

No : Date :
01/12/24
ISSUED FINAL DUGS
FOR ZONING AFFRL

Drawn by : L. M.
Checked by : L. M.
Project No : M23-24
Date : JAN 12, 2024
Sheet No : 7

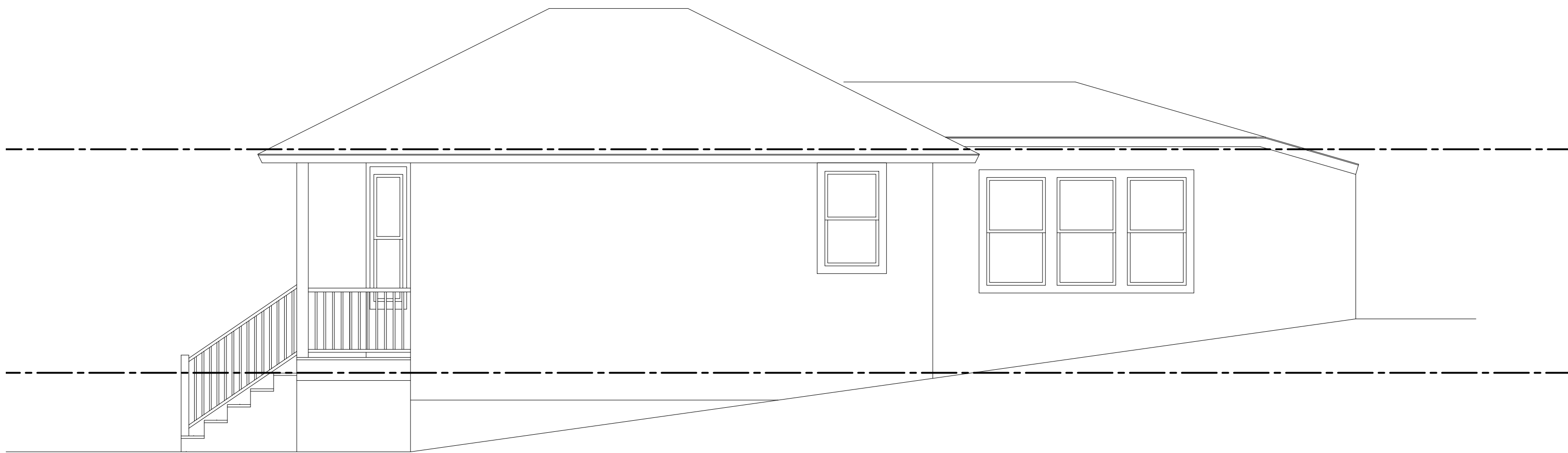
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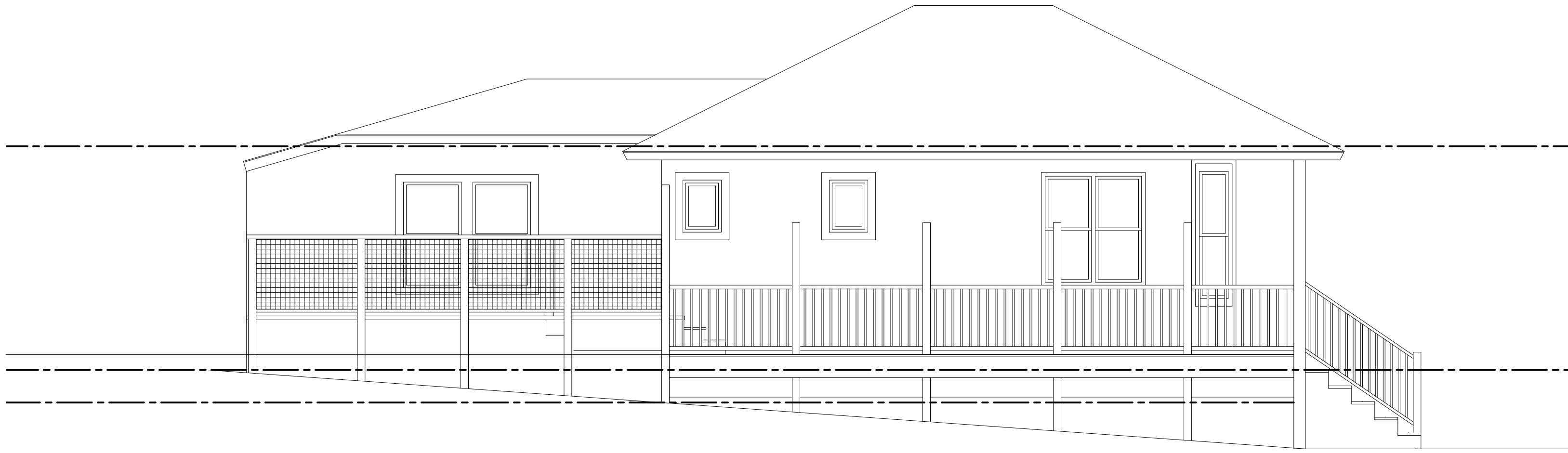
3 EXISTING FRONT ELEVATION
SCALE: 1/4"=1'-0"



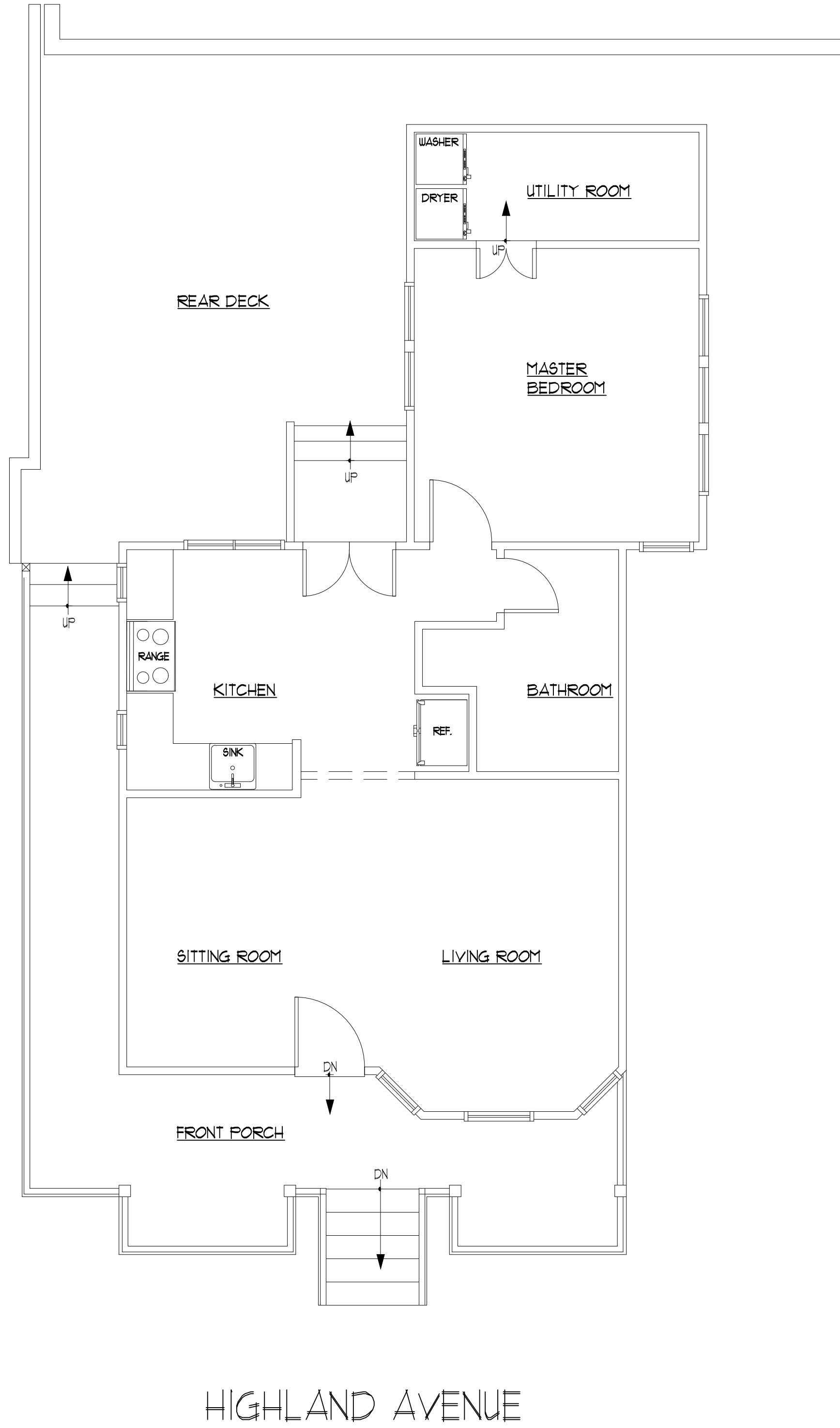
2 EXISTING REAR ELEVATION
SCALE: 1/4"=1'-0"



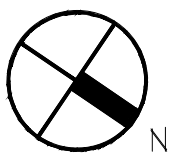
4 EXISTING RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



5 EXISTING LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"



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



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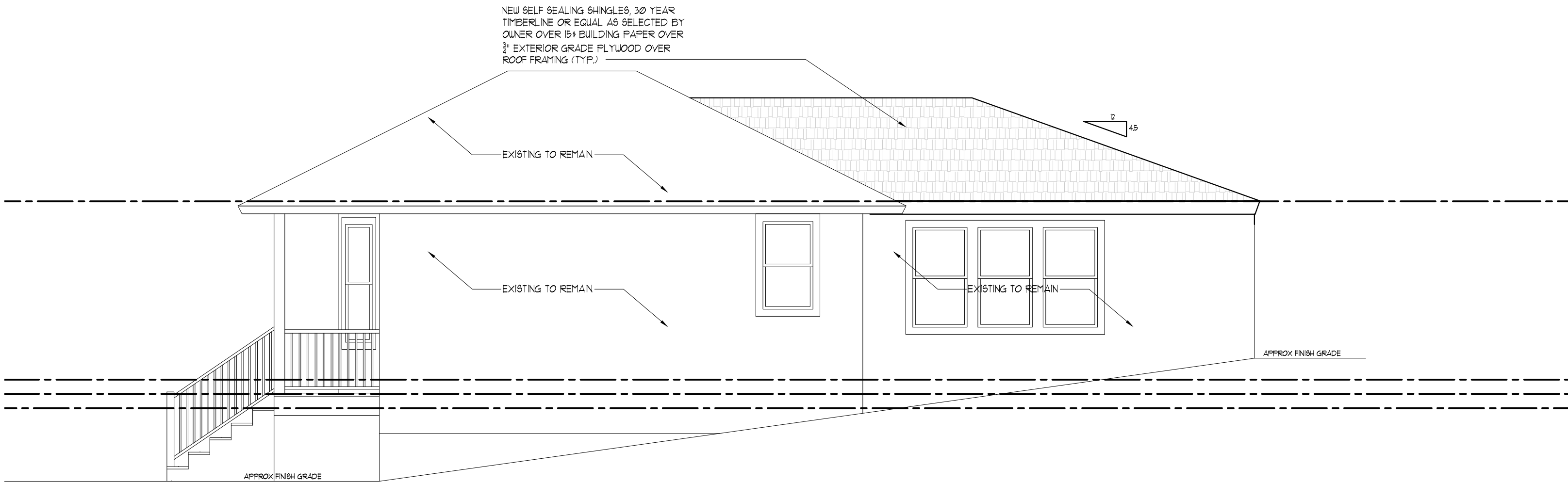
PROPOSED REAR SINGLE-FLOOR ADDITION FOR:
MR DAVID CAULFIELD
131 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732
BLOCK: 26 LOT: 14 ZONE: R10
COUNTY OF MONMOUTH

Drawing Title

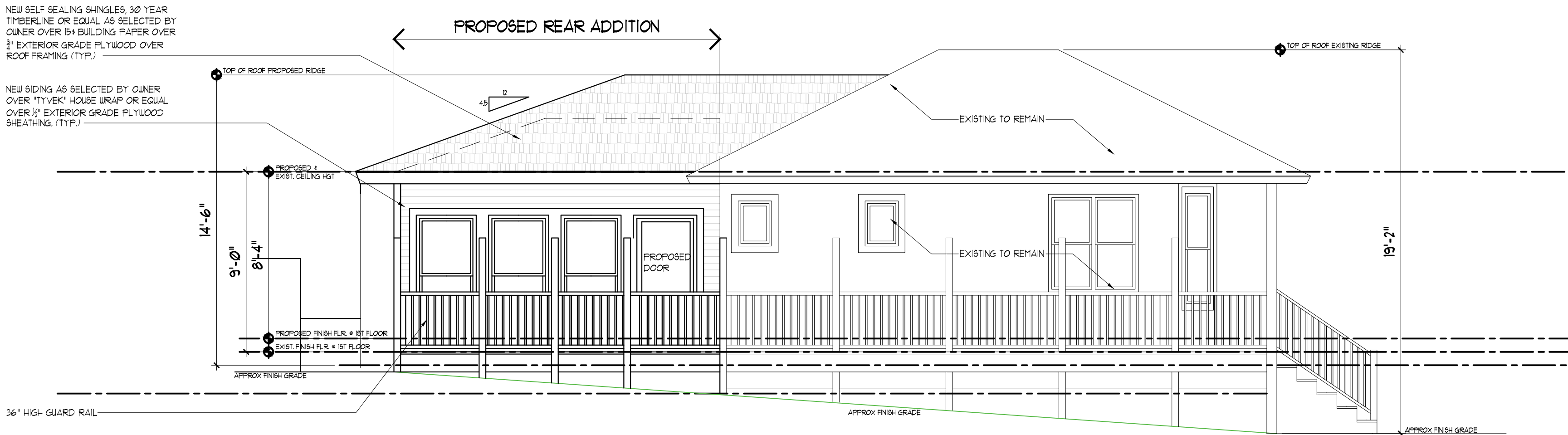
EXISTING CONDITIONS

Revisions:
No : Date :
01/12/24
ISSUED FINAL DUGS
FOR ZONING APPL

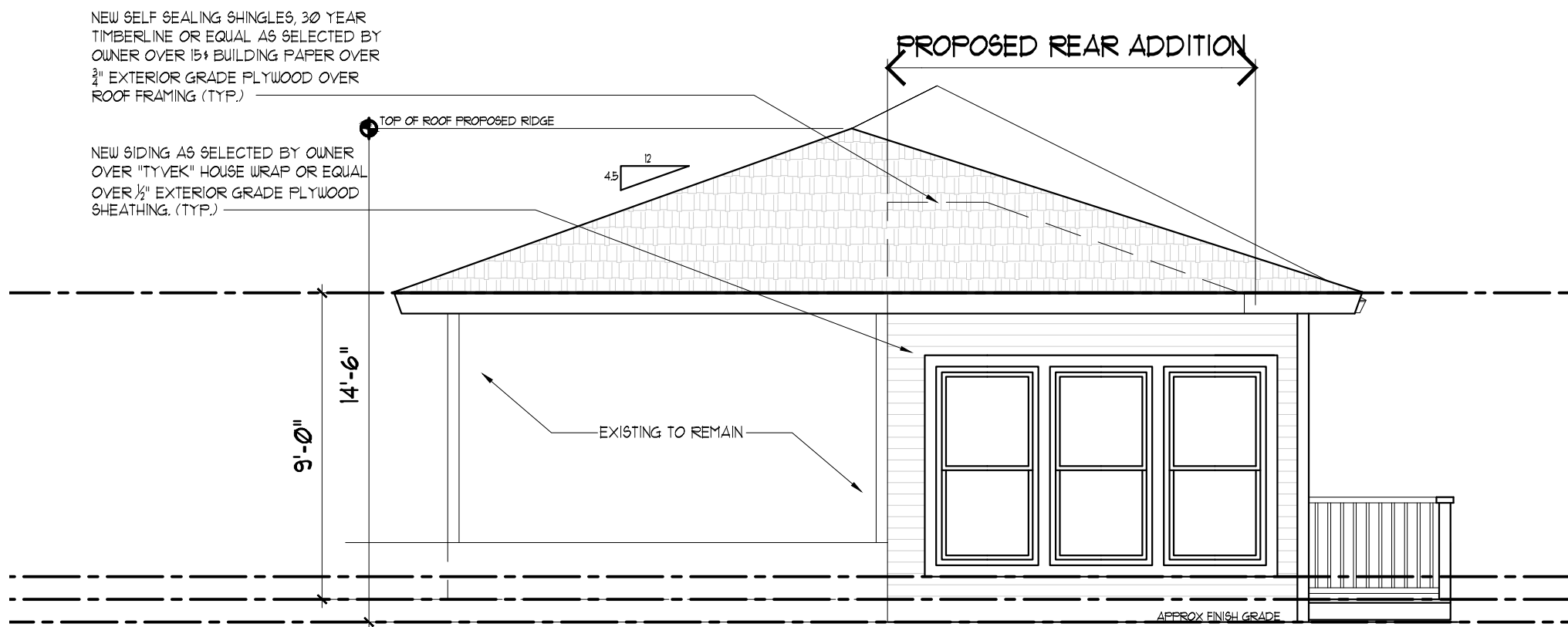
Drawn by : L. M.
Checked by : L. M.
Project No : M23-24
Date : JAN 12, 2024
Sheet No. :



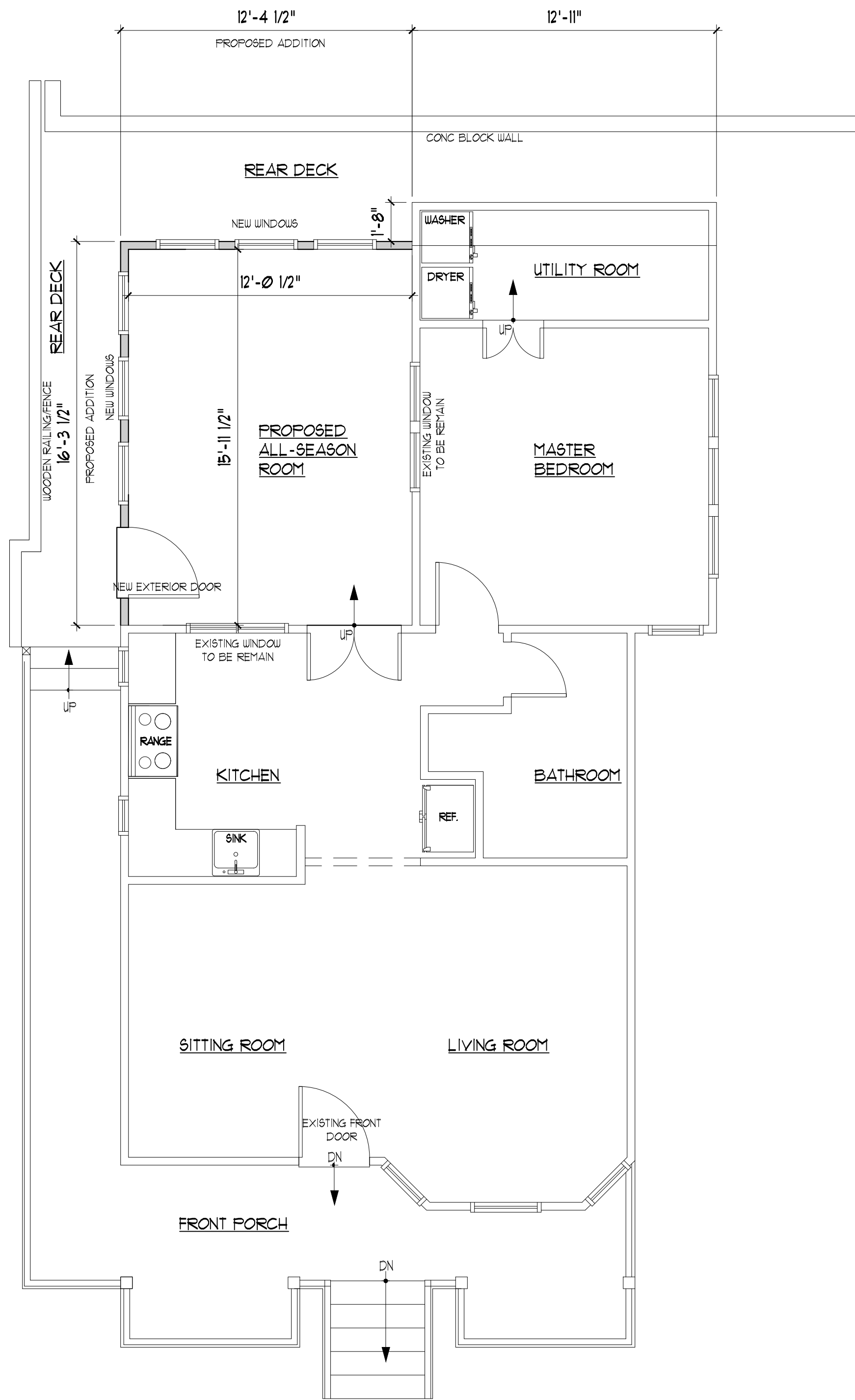
4 PROPOSED RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



3 PROPOSED LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"



2 PROPOSED REAR ELEVATION
SCALE: 1/4"=1'-0"



HIGHLAND AVENUE
1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"

[Signature]

Seal :
Lou Moglino, Architect
New Jersey License # AI 13345
Florida License # AR 92089

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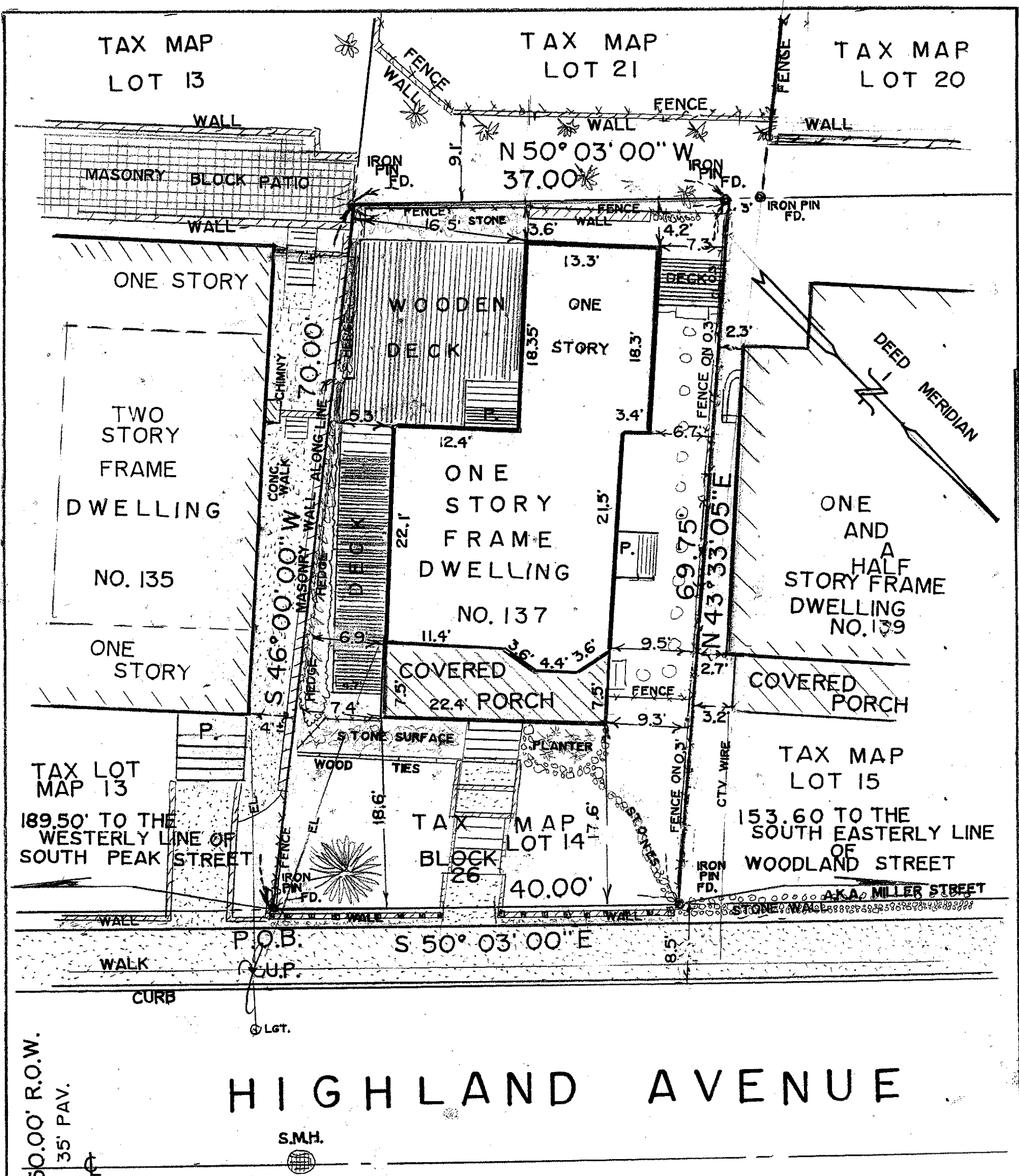
PROPOSED REAR SINGLE-FLOOR ADDITION FOR:
MR DAVID CAULFIELD
137 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732
BLOCK: 26 LOT: 14 ZONE: R10
COUNTY OF MONMOUTH

Drawing Title

PROPOSED FLOOR
PLAN AND ELEVATIONS

Revisions:
No : Date :
01/12/24
ISSUED FINAL DUGGS
FOR ZONING APPEAL

Drawn by : L. M.
Checked by : L. M.
Project No : M23-24
Date : JAN 12, 2024
Sheet No. :



50.00' R.O.W.
35' PAV.

CERTIFIED TO:
DAVID CAULFIELD

Note: Subject to any easement of record
Note: building offsets are not to be used in
Re-establishing property lines

NOTE:
THE PROPERTY IS 2,680 SQ. FT.

DEED REFERENCE: BOOK: OR - 9059 PAGE: 549

NO. 137 HIGHLAND AVENUE
LOCATION LAND SURVEY OF LOT 14 IN BLOCK 26 ON THE
OFFICIAL TAX MAP OF THE BOROUGH OF HIGHLANDS,
MONMOUTH COUNTY, NEW JERSEY
TAX MAX PAGE 10
THOMAS CRAIG FINNEGAN LAND SURVEYING, LLC
Thomas Craig Finnegan
THOMAS CRAIG FINNEGAN P.L.S. LIC. # 38601
PROFESSIONAL LAND SURVEYOR
245 EAST END AVENUE BELFORD, NEW JERSEY 07718
Office # 732-787-0318, fax # 732-495-6217
Cell # 732-856-2821, email: thomascfinnegan@gmail.com
SCALE 1" = 10'
DECEMBER 12, 2023



Borough of Highlands

151 Navesink Ave
Highlands, NJ 07732
Phone: (732) 872-1224

Control #: Z-0001

Date Issued: 1/19/2024

DENIAL OF ZONING PERMIT

IDENTIFICATION

Work Site Location:	137 HIGHLAND AVENUE	Block:	26	Lot:	14	Zone:	R101
Owner in Fee:	CAULFIELD, DAVID	Contractor/Agent:					
Address:	137 HIGHLAND AVENUE	Address:					
	HIGHLANDS NJ 07732						
Telephone:		Telephone:					
		Contractor License No:					

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

201.3 sqft Single-story rear addition in footprint of existing attached deck.

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

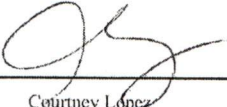
The following bulk variance relief needed to construct the proposed single-story rear addition, consisting of 201.3 sqft

- Side yard minimum of 8'/12', whereas 5'/12.7' is proposed
- Rear yard minimum of 25', whereas 5' is proposed
- Max building coverage 30%, whereas 38.5% is proposed

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:


Courtney Lopez


Zoning Officer

Courtney Lopez, Zoning Officer



Monmouth County Document Summary Sheet

MAR 18 2014

MONMOUTH COUNTY CLERK PO BOX 1251 MARKET YARD FREEHOLD NJ 07728	Transaction Identification Number		2175028	1398822	
	Return Address (for recorded documents) KEITH ARCOMANO 121 MONMOUTH PARKWAY WEST LONG BRANCH NJ 07764				
Official Use Only M CLAIRE FRENCH, CTY CLK MONMOUTH COUNTY, NJ INSTRUMENT NUMBER 2014020773 RECORDED ON Mar 18, 2014 2:30:45 PM BOOK:OR-9059 PAGE:549 Total Pages: 6 REALTY TRANSFER FEES \$540.00 COUNTY RECORDING FEES \$70.00 TOTAL PAID \$610.00	Submission Date (mm/dd/yyyy)		03/17/2014		
	No. of Pages (excluding Summary Sheet)		4		
	Recording Fee (excluding transfer tax)		\$70.00		
	Realty Transfer Tax		\$540.00		
	Total Amount		\$610.00		
	Document Type	DEED/NO EXEMPTION FROM REALTY TRANSFER FEE			
	Electronic Recordation Level		SS - Summary Sheet		
	Municipal Codes		HIGHLANDS 1901		
Bar Code(s)					
 67 95 98					

Additional Information (Official Use Only)

*** DO NOT REMOVE THIS PAGE.**
COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF MONMOUTH COUNTY FILING RECORD.
RETAIN THIS PAGE FOR FUTURE REFERENCE.



Monmouth County Document Summary Sheet

DEED/NO EXEMPTION FROM REALTY TRANSFER FEE	Type	DEED/NO EXEMPTION FROM REALTY TRANSFER FEE				
	Consideration	\$135,000.00				
	Submitted By	KEITH ARCOMANO				
	Document Date	03/06/2014				
	Reference Info					
	Book ID	Book	Beginning Page	Instrument No.	Recorded/File Date	
	GRANTOR	Name			Address	
		MARK KUBICKI				
	GRANTEE	Name			Address	
	DAVID CAULFIELD					
Parcel Info						
Property Type	Tax Dist.	Block	Lot	Qualifier	Municipality	
	19	26	14		1901	
<p align="center">* DO NOT REMOVE THIS PAGE. COVER SHEET (DOCUMENT SUMMARY FORM) IS PART OF MONMOUTH COUNTY FILING RECORD. RETAIN THIS PAGE FOR FUTURE REFERENCE.</p>						

KEITH N. ARCOMANO
ATTORNEY AT LAW
121 HIGHWAY 36
P. O. BOX 222
WEST LONG BRANCH, NJ 07764-0222

Prepared by: Law Offices of William C. Iler

WCD
By:

DEED

This Deed is made on March 6, 2014

BETWEEN MARK KUBICKI, unmarried,

whose post office address is 137 Highland Avenue, Highlands, New Jersey 07732
respectively referred to as the Grantor,

AND DAVID CAULFIELD

whose post office address is about to become 137 Highland Avenue, Highlands, New Jersey 07732 referred to as the Grantee.

the words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the property described below to the Grantee. This transfer is made for the sum of ONE HUNDRED THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$135,000.00). The Grantor acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Borough of Highlands, Block 26, Lot 14 of the official Tax Map of the Borough of Highlands, County of Monmouth, State of New Jersey.

☐ No property tax identification number is available on the date of this deed. (Check box if applicable)

Property. The property consists of the land and all the buildings and structures on the land located at 137 Highland Avenue, Highlands, New Jersey. The legal description is:

See legal description attached hereto.

BEING the same premises as conveyed to Mark Kubicki, by virtue of a Deed from Vincent Migliore and Susan Migliore, husband and wife, dated April 5, 1991, and recorded April 15, 1991 in Deed Book 5061, at Page 239.

TITLE INSURANCE COMMITMENT*Issued by Scott Title Services, LLC***File Number: ST-14959-14****SCHEDULE A - LEGAL DESCRIPTION**

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Highlands, in the County of Monmouth, State of New Jersey:

BEGINNING at a point on the Southwesterly aide of Highland Avenue, said point being North 45 degrees 03 minutes West, a distance of 189.50 feet from the intersection formed by the Southwesterly side of Highland Avenue (as extended) and the Westerly side of South Peak Street (as extended); thence

1. South 51 degrees 00 minutes West, a distance of 70.00 feet to a point; thence
2. North 45 degrees 03 minutes West, a distance of 37.00 feet to a point; thence
3. North 48 degrees 33 minutes East, a distance of 69.75 feet to a point on the Southwesterly side of Highland Avenue; thence
4. South 45 degrees 03 minutes East, along the Southwesterly side of Highland Avenue, a distance of 40.00 feet to the point or place of BEGINNING.

FOR INFORMATION ONLY:

Commonly known as: 137 Highland Avenue
Highlands, NJ 07732
Tax Block 26, Tax Lot 14

End Schedule A - Legal Description

268 Broad Street
Red Bank, NJ 07701
Phone: (732) 842-9900
Fax: (732) 842-9911

Page 2 of 5



NONRESIDENT SELLER'S TAX DECLARATION

(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION

Name(s)

Mark Kubicki

Street Address:

57 Montague Street, 8D

City, Town, Post Office

Brooklyn Heights

State

Zip Code

NY

11201

PROPERTY INFORMATION (Brief Property Description)

Block(s)

26

Lot(s)

14

Qualifier

Street Address:

137 Highland Avenue

City, Town, Post Office

Highlands

State

Zip Code

NJ

07732

Seller's Percentage of Ownership

100%

Consideration

\$135,000.00

Closing Date

03/06/2014

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box ☐ I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

2/27/14

Date

Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact

Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact

Date

(Detach on dotted line)

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

Wm C. De

MARK KUBICKI (Seal)

STATE OF NJ, COUNTY OF Monmouth SS.:

I CERTIFY that on Feb 27, 2014

MARK KUBICKI

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for \$135,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5)

Kimberly A. Erickson
Print Name: Kimberly A. Erickson
Title:

RECORD AND RETURN TO:

Keith N. Arcomano, Esq.
121 Monmouth Parkway
West Long Branch, NJ 07760

KIMBERLY A. ERICKSON
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 14, 2018

Set up to show 12 sines
to 5.1' walk
reg.
20 + 21 (26)
7. appds 45
179

DB 962-479

R 11/24/12

ADDIE A. GERBRACH)
FRANK H.) her hd)
TO)
REVELYN R. SNYDER)
THIS INDENTURE, Made the Twenty-Ninth day of
September, in the year of our Lord One Thousand
Nine Hundred and Thirteen.
BETWEEN Addie A. Gerbrach and Frank H. Gerbrach
her husband, of the Borough of Highlands in the
County of Monmouth and State of New Jersey, party of the first part.
AND REVELYN R. SNYDER of the Borough of Atlantic Highlands in the County of Monmouth
and State of New Jersey, party of the second part.
WITNESSETH, That the said party of the first part, for and in consideration of One
Dollar and other valuable considerations, lawful money of the United States of America, to them
in hand well and truly paid by the said party of the second part, at or before the sealing and
delivery of these presents, the receipt whereof is hereby acknowledged, and the said party of
the first part being therewith fully satisfied, contented and paid, hath given, granted, bargained,
sold, aliened, released, unfeoffed, conveyed and confirmed, and by these presents do give, grant,
bargain, sell, alien, release, convey and confirm unto the said party of the second part
and to her heirs and assigns forever.
A L L those two certain lots, tract- or parcel- of land and premises, hereinafter
particularly described, situate, lying and being in the Borough of Highlands in the County of
Monmouth and State of New Jersey.
BEGINNING at a point in the northeasterly side of Bay Street, distant one hundred and
twenty-two and eight tenths feet (122.8 ft) southeasterly from the point of intersection of the
northeasterly side of said Bay Street with the southeasterly side of Woodland Avenue, thence
running (1) southeasterly, along said Bay Street, eighty feet to lands of Moran, thence (2)
northeasterly, along lands of Moran, seventy feet to a point (said point being distant south-
westerly from Highland Avenue in said line, seventy-five and one tenth feet (75.1) thence (3)
northwesterly parallel with said Highland Avenue, a distance of eighty feet, thence (4) south-
westerly parallel with the second line herein, be the distance what it may, to the said Bay
Street, the point or place of Beginning.
TOGETHER with the right to use ^{walk} five and one-tenth feet (5.1 ft) in width across
the end of said lots next to Highland Avenue and also the walk five feet in width leading from
the last mentioned walk, northeasterly, along the Moran Property, to Highland Avenue.
TOGETHER with all and singular the houses, buildings, trees, ways, waters, profits,
privileges and advantages, with the appurtenances to the same belonging or in anywise appertaining
ALSO, all the estate, right, title, interest, property, claim and demand whatsoever
of the said party of the first part, of, in and to the same, and of, in and to every part and
parcel thereof.
TO HAVE AND TO HOLD, all and singular the above described land and premises, with
the appurtenances, unto the said party of the second part, her heirs and assigns, to the only
proper use, benefit and behoof of the said party of the second part, her heirs and assigns forever.
AND the said Party of the first part, for themselves, their heirs, executors and
administrators, do covenant, promise and agree to and with the said party of the second part,
her heirs and assigns, that they have not made, done, committed, executed or suffered any act
or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and
described premises, or any part or parcel thereof, now are or at any time hereafter shall or may

SIGNED, SEALED AND DELIVERED)
IN THE PRESENCE OF)
Charles R. Snyder

NEW POINT COMFORT BEACH COMPANY,
By William A. Gehlhaus
President. (L.R.)
Attest:
Howard W. Roberts
Secretary

COUNTY OF MONMOUTH) ss.
STATE OF NEW JERSEY,)

BE IT REMEMBERED, That on this Twentieth day of JULY in the year One Thousand Nine Hundred and FOURTEEN before me, personally appeared HOWARD W. ROBERTS, who being by me duly sworn doth depose and make proof to my satisfaction that he is SECRETARY of and well knows the Corporate Seal of NEW POINT COMFORT BEACH COMPANY, the Grantor named in the foregoing Deed, that the seal thereto affixed is the proper Corporate Seal of the said Company, and that the same was so affixed thereto, and the said Deed signed and delivered by WILLIAM A. GEHLHAUS, who was at the date of execution thereof, PRESIDENT of said Company, in the presence of said Deponent, as a voluntary act and deed of the said Company, and that the said Deponent signed the same as subscribing witness.
Sworn and subscribed before me,)
the date aforesaid.) Howard W. Roberts.

Charles R. Snyder
Master in Chancery of New Jersey.

Received and recorded JULY 27th A.D. 1914 at 8 A.M.
Comp'd by Joseph McDermott Clerk.

DB 979-274 R 7/27/14

Addie A. Gerbrach, et)
FRANK H. her hd.)
T O)
CHARLES M. GERBRACH,)
THIS INDENTURE, Made the Twenty-first day of MAY in the year of Our Lord Thousand Nine Hundred and Fourteen BETWEEN ADDIE A. GERBRACH and FRANK GERBRACH, her husband, of the County of Highlands, in the County of Monmouth and State of New Jersey, party of the First Part:

AND CHARLES M. GERBRACH, of EAST RAMBUS, of State of Massachusetts, Party of the Second Part:

WITNESSETH, That the said party of the First Part, for and in consideration of ONE DOLLAR, and other valuable considerations, lawful money of the United States of America, to them in hand well and truly paid by the said party of the Second Part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and the said party of the First Part being thereunto fully satisfied, contented and paid, have given, granted, bargained, sold, aliened, released, enfeoffed, conveyed and confirmed, and by these presents do give, sell,

*Set up to show
R/W before it 244-7 Early chain
(See wording)*

bargain, sell, alien, release, mortgage, convey and confirm unto the said party of the Second Part, and to his heirs and assigns, forever.

All these certain tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Highlands, in the County of Monmouth and State of New Jersey.

BEGINNING at a point in the Southwesterly side of Highland Avenue in the Southwesterly corner of lands of John Norma, and running thence (1) Southwesterly along the said Highland Avenue, Seventy (70) feet to a point; thence (2) Northwesterly, parallel with the said Highland Avenue, Forty (40) feet to a lot of land heretofore conveyed by Addie A. Gerbrach and husband to Charles M. Shroter by deed recorded in Book 962 of Deeds, on pages 445, etc. thence (3) Northwesterly, along said Shroter line, Seventy (70) feet to the said Highland Avenue; thence (4) Southwesterly, along the said Highland Avenue, Forty (40) feet to the point or place of Beginning.

BEING part of the same property conveyed to the said Addie A. Gerbrach by Ernest M. Padlock, et al., by deed dated February 15, 1915, and recorded in the Monmouth County Clerk's Office in Book 951 of Deeds, on Pages 8, etc.

TOGETHER with the right to use a walk five and one-tenth feet in width across the said lot running through the tract of land said to the said Addie A. Gerbrach by Ernest M. Padlock, et al., above mentioned.

TOGETHER with all and singular the houses, buildings, trees, ways, waters, rights, privileges, and advantages, with the appurtenances to the same belonging or in anywise claiming;

ALSO, all the estate, right, title, interest, property, claim and demand whatsoever of the said party of the First Part, of, in and to the same, and of, in and to every part and parcel thereof,

TO HAVE AND TO HOLD, all and singular the above described land and premises, with the appurtenances, unto the said party of the Second Part, his heirs and assigns, to the only use, benefit and behoof of the said party of the Second Part, his heirs and assigns forever.

AND the said ADDIE A. GERBRACH, doth for herself, her heirs, executors and administrators covenant and agree to and with the said party of the Second Part, his heirs and assigns, that she, the said ADDIE A. GERBRACH, is the true, lawful and right owner of all and singular the above described land and premises, and of every part and parcel thereof, with the appurtenances, thereto belonging; and that the said land and premises, or any part thereof, at the time of the sealing and delivery of these presents, are not encumbered by any mortgage, judgment, lien, or by any encumbrance whatsoever, by which the title of the said party of the Second Part, hereby made or intended to be made, for the above described land and premises, shall be changed, charged, altered or defeated in any way whatsoever.

AND ALSO that the said party of the First Part now hath good right, full power and authority to grant, bargain, sell and convey the said land and premises in manner aforesaid.

AND ALSO, that she, the said ADDIE A. GERBRACH, will WARRANT, secure, and forever defend the said land and premises unto the said CHARLES M. GERBRACH, his heirs and assigns, forever, against all claims and demands of all and every person or persons, freely and clearly freed of and from all manner of encumbrance whatsoever.

IN WITNESS WHEREOF, the said party of the First Part have hereunto set their

FOSS, SAN FILIPPO & MILNE, LLC

Counselors at Law

ROGER J. FOSS

GREGORY R. MILNE†

JANE R. PATTWELL

JOHN B. ANDERSON, III
NJ & NY BARS

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

BRITTANY P. TARABOUR

OF COUNSEL

MARTIN A. MCGANN, JR.

PHILIP E. SAN FILIPPO
(RETIRED)

JOHN W. CHRISTIE
(RETIRED)

January 22, 2024

Via Hand Delivery

Borough of Highlands

Land Use Board

42 Shore Drive

Highlands, NJ 07732

Attn: Nancy Tran, Land Use Secretary

Re: David Caulfield
137 Highland Avenue
Block: 26, Lot 14
Highlands, New Jersey
Our File Number: 9557.00001

Dear Ms. Tran:

We represent David Caulfield ("Applicant/Appellant") with regard to 137 Highland Avenue (known and designated as Block 26, Lot 14) Highlands, NJ (the "Property"). The Property is located in the R101 Zone District.

Enclosed please find the following documents in regard to the Applicant's Land Use Board Application:

1. An original and one (1) Land Use Board Application;
2. A copy of the Denial of Zoning Permit dated January 19, 2024;
3. An original Survey dated December 12, 2023, prepared by Thomas Craig Finnegan Land Surveying, LLC;
4. An original, signed and sealed Architectural Plan dated January 12, 2024, prepared by Moglino Architect;
5. The Applicant's check no. 117 payable to the "Borough of Highlands" in the amount of \$375.00, representing the application filing fee;

January 22, 2024
Page - 2 -
Caulfield

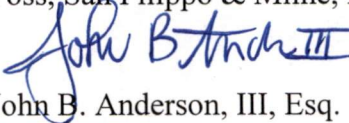
6. The Applicant's check no. 118 payable to the "Borough of Highlands" in the amount of \$750.00, representing the escrow fee; and
7. A copy of deed and easements.

Please advise when this matter has been deemed complete and scheduled for a Public Hearing before the Borough of Highlands Land Use Board.

Would you please acknowledge receipt of the above items on the copy of this letter enclosed, and return the same to us in the stamped, self-addressed envelope provided for your convenience.

Thank you for your attention to this matter, and your courtesies in this regard.

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



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

JBA:hs/encs./Ltr to Boro re intent to proceed
cc: Client (via email)

Receipt is hereby acknowledged this _____ day of January, 2024.

Print Name: _____



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

February 13, 2024

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

Re: Completeness Review Bulk Variances
Applicant: David Caulfield
137 Highland Avenue
Block 26, Lot 14
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB2024-01

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 seeks to construct a 201.3 sf single story rear addition within the footprint of an existing deck and is seeking bulk variances. The Applicant had received a Denial of Zoning Permit on January 19, 2024, for non-compliance of bulk requirements and must seek Planning Board approval.

The subject property is an 855-sf single story frame dwelling with decking and other site improvements on a 2,680-sf lot located in the R-1.01 Zone as Block 26. Lot 14. The property is a pre-existing undersized lot located at 137 Highland Ave dating from the year 1918, according to the application.

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

1. Copy of Land Use Board Application for Variance, dated January 22, 2024.
2. Copy of a Denial of Zoning Permit issued on January 19, 2024, by Courtney Lopez, Zoning Officer for the Borough of Highlands.
3. Copy of a plan set entitled, "Proposed Rear Single-Floor Addition For: Mr. David Caulfield, 137 Highland Avenue, Highlands, New Jersey 07732, Block: 26 Lot: 14, Zone: R101, County of Monmouth", prepared by Moglino Architect, dated January 12, 2024, and signed by Lou Moglino, Architect, consisting of 3 sheets.
4. Copy of plan entitled, "Location Land Survey of Lot 14 in Block 26 on the Official Tax Map of the Borough of Highlands, Monmouth County, New Jersey", prepared by Thomas Craig Finnegan Land Surveying, LLC., dated December 12, 2023.

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

I. ZONING

1. This property is located in the R-1.01 Residential District.

2. The Applicant requires three (3) 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.
3. The following bulk requirement summary is provided for the Board's reference. In accordance with Ordinance §21-85, existing and proposed bulk deficiencies which require bulk "c" variances are noted as follows:

Schedule I – Bulk and Area Requirements				
R-1.01 Residential Zone	Required	Existing	Proposed	Variance
Min. Lot Area (sf)	5,000	2,680	2,680	Existing
Lot Frontage/Width (ft)	50	40	40	Existing
Min. Lot Depth (ft)	100	70	70	Existing
Min. Front Yard Setback (ft)	35	17.6	17.6	Existing
Min. Side Yard Setback (ft)	8/12	5.3/6.7	5.0*/6.7	Yes -2
Min. Rear Yard Setback (ft)	25	3.6	3.6 & 5.0*	Yes -2
Max. Building Height (ft)	30	19.1	19.1	No
Max Lot Coverage	70%	51.9%	51.9%	No
Max Building Coverage	30%	31.9%	39.4%	Yes
On-Site Parking (spaces)	1.5	0	0	Existing

*Proposed Addition

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

1. Variances

Residential "c" (minimum side yard setback) x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum rear yard setback) x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (maximum building coverage)	1 EA	\$ 125.00	\$ 125.00
Subtotal			\$625.00
2. B. Site Plans

Minor	1 EA	\$ 250.00	\$ 250.00
Total			\$875.00

III. ESCROW FEES (PART 6 FEE SCHEDULE ARTICLE XXIII, ORD. 21-108)

1. Escrow Deposits

(twice Application Fee; Minimum \$750)	LS	\$ 1,750.00	\$1,750.00
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IV. CHECKLIST ITEMS

1. A key map at a scale of not less than 1" = 400 ft. **Partially provided.**

Provide lot and block numbers within a 200 ft radius.

2. The Tax Map sheet, block, and lot numbers. **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. **Not provided.**

Please provide a certified list of 200 ft property owners on the plan.

4. Date, name, location of site, name of owner, scale, and reference meridian. **Provided.**
5. Area of the lot and all lot line dimensions and bearings. **Provided.**
6. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures, and any other feature on the property and within seventy-five (75) feet of the property line. **Partially provided.**

Provide additional information within seventy-five feet of the southeasterly property line.

7. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Partially provided.**

Provide building offsets to proposed addition.

8. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Not provided.**

Provide elevations for the proposed addition.

9. The location and widths of existing and proposed streets servicing the site plan. **Provided.**
10. Specifications for and location of proposed surface paving and curbing. **Not applicable.**
11. Location of all structures within seventy-five (75) feet of the property. **Partially provided.**

Provide existing structures within seventy-five feet of the southeasterly property line.

12. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Not applicable.**
13. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable.**

14. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Not provided.**

Provide existing contours and spot elevations.

15. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths, and any other devices necessary to traffic safety and/or convenience. **Not applicable.**
16. The location and identification of proposed open space, parks, or other recreation areas. **Not applicable.**
17. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not applicable.**
18. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Not applicable.**
19. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Not applicable.**
20. Specific location and design of traffic control devices, signs, and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs, and lighting fixtures. **Not applicable.**
21. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided.**

The first-floor elevation is not specified. Building height must be calculated per Borough of Highlands Section 21-8 Attachment 4. Deck location not consistent with the survey and architectural plans.

22. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Not applicable.**
23. A soil erosion and sediment control plan are required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
24. Soil Borings, when required by the Board Engineer. **Dependent upon method of construction.**
25. A wetlands statement provided by a qualified expert. **Not provided.**

Provide a statement by a licensed engineer indicating that wetlands are or are not present on the property.

26. Certification statement for the required municipal signatures, stating: **Not provided.**

Please provide on the plan.

Completeness Review Bulk Variances
 Applicant: David Caulfield
 137 Highland Avenue
 Block 26, Lot 14
 Borough of Highlands, Monmouth County, New Jersey
 Our File No.: HLPB2024-01
 Page 5 of 6

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

 Chairman

 Secretary

27. Certification statement for the County Planning Board approval / disapproval, if required.
Not applicable.

28. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter.

V. COMPLETENESS

The application may be deemed complete if the incomplete checklist items are addressed by the applicant during testimony at the hearing.

VI. GENERAL COMMENTS

1. The zoning chart on the plans is incorrect for the side yard setbacks. The side yard setbacks are individual for each side and are not combined.

A variance is required for the existing and proposed side yard setbacks.

2. The Borough's minimum rear yard setback requirement is 25 ft. The existing dwelling has an existing variance condition at 3.6 ft and a proposed variance condition at 5.0 ft.

A variance is required for the existing and proposed rear yard setbacks.

3. The survey and architectural plans conflict with the presence of a wall and deck under existing and proposed conditions. According to §21-65.27, a terrace or deck shall not be considered in the determination of yard size or lot coverage, provided, however, that such terrace or deck is unroofed and without walls, parapets, or other form of enclosure.

Please confirm the lot coverage.

If applicable, the zoning chart on the plans shall be revised accordingly.

4. The Applicant must provide information to indicate the proper building coverage.

According to our calculations based on the provided information the proposed building coverage would be 39.4%. Applicant indicates a building coverage of 38.5%.

First floor Existing 855 sf + Proposed 201.3 sf = 1,056.3 sf / 2,680 sf * 100 = 39.4%

If applicable, the zoning chart on the plans shall be revised accordingly.

A variance is required for building coverage over 30%.

5. The Application for Section 7. Land Use Part B notes a 10' x 15' Addition. This does not correspond with the dimensions shown on Sheet A-3 Proposed Floor Plan and Elevations.

Completeness Review Bulk Variances
Applicant: David Caulfield
137 Highland Avenue
Block 26, Lot 14
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB2024-01
Page 6 of 6

Please provide testimony.

6. As a condition of approval, it is recommended that the Applicant provide a plot plan for review and approval at the time of obtaining the building permit.

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)
P. Austin Mueller, Assoc., Land Use Board Attorney (amueller@weiner.law)
Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
John B. Andersen, III, Esq., Applicant's Attorney (janderson@fsfm-law.com)
Lou Moglino, Applicant's Architect (lou@moglinoarchitect.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