



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

LAND USE BOARD RESOLUTION 2019-10

**RESOLUTION APPROVING USE AND BULK VARIANCES
FOR CARUSO AT 22 GRAVELLY POINT ROAD**

WHEREAS, the applicants, JOHN and NICHOLE CARUSO, are the owners of 22 Gravelly Point Road, Highlands, New Jersey (Block 100, Lot 26.20), and filed an application to construct a new single-family dwelling with stair access to the roof deck and garage underneath; and

WHEREAS, all jurisdictional requirements have been met, and proper notice has been given pursuant to the Municipal Land Use Law and Borough Ordinances, and the Board has jurisdiction to hear this application; and

WHEREAS, the Board considered the application at a public hearing on October 3, 2019; and

WHEREAS, the Board heard the testimony of JOHN J. CARUSO; and

WHEREAS, no one appeared in opposition, or to ask questions about the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Zoning Permit denial letter dated 7/19/19
- A-2 Variance application (2 pages)
- A-3 Resolution approving height variance for Block 100, lot 26.20 (20 Gravelly Pt Rd) dated 5/1/17
- A-4 Plot plan, foundation plan and elevations by Catherine Franco, Architect and planner, dated 6/2/19 (3 pages)

AND, WHEREAS, the following exhibits were marked into evidence as Board

exhibits:

- B-1 Board engineer completeness letter by Edward Herrman dated 9/10/19 (3 pages)
- B-2 Board engineer review letter by Edward Herrman dated 9/27/19 (4 pages)

AND, WHEREAS, the Board, after considering the evidence and testimony, has made the following factual findings and conclusions:

1. The applicant is the owner of property located in the R-2.03 Zone where single-family homes are permitted.
2. The site previously contained a single-family home, which has been demolished, and the applicants seek to build a new single-family dwelling with stair access to the roof deck and garage underneath.
3. The new home is proposed to be raised above the flood elevation, allowing for parking underneath. No parking variance is required.
4. Height variances were previously granted to the properties on either side of the applicant, 20 and 24 Gravely Point Road. The proposed new home on the subject property will be no higher than either of those.
5. The applicant testified that, of the 51 homes on Gravely Point Road, only 6 have not yet been lifted.
6. The building of the structure as proposed by the applicants would actually be more conforming to the requirements of the borough, especially flood plain requirements. This application seeks de minimus relief from the zoning ordinance, requiring only a height variance which falls under N.J.S.A. 40:55D-70d(6).

7. The owner seeks bulk variances for the following preexisting conditions:

A. Lot area of 2,195 square feet where 5,000 square feet are required.

B. Lot frontage of 37.40 feet where 50 feet are required.

C. Lot depth of 58.70 feet where 100 feet are required.

8. Because of the raising of the structure above the flood plain requirements, a height variance of 27.75 feet is requested, where 20 feet are allowed.

9. The Board finds that the applicant has proven its case for a variance under N.J.S.A. 40:55D-70c(2) in that the purposes of the Municipal Land Use Law will be advanced by a deviation from the zoning ordinance requirements set forth above herein, and the benefits of those deviations would substantially outweigh any detriment. In fact, the Board finds as a fact that there will be no detriment to the subject property or the neighborhood. The applicants' proposal will actually be in keeping with the neighborhood. The Board further finds that there will be no substantial detriment to the public good, nor will the proposed application substantially impair the intent and purpose of the zone plan. No damage to the character of the neighborhood will be caused by the granting of this application.

WHEREAS, the application was heard by the Board at its meeting on October 3, 2019, and this resolution shall memorialize the Board's action taken at that meeting;

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands that the application of JOHN and NICHOLE CARUSO for bulk variances for the preexisting conditions of minimum lot area, minimum lot frontage and minimum lot depth, as set forth above; and for a use variance for height to 27.75 feet where 20 feet are allowed; are hereby granted.

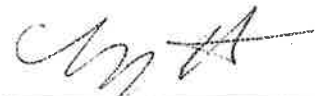
AND BE IT FURTHER RESOLVED that this approval is conditioned upon the following:

A. The applicant shall obtain outside agency approvals, as required, from the NJDEP, Flood Plain Officer, Construction Official, and any other departments and agencies having jurisdiction.

Board Member, Class	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
Mr. Burton						X
Mr. Colby						X
Mr. Francy			X			
Mr. Gallagher		X	X			
Mr. Knox						X
Councilmember Mazzola					X	
Mayor O'Neil						X
Mr. Lee (Alternate)			X			
Mr. Montecalvo (Alternate)			X			
Mr. Kutosh (Alternate)			X			
Mr. Nolan	X		X			
Chairman Stockton					X	

Bulk Variances Approved 6-0

I, Michelle Hutchinson, Land Use Board Secretary of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Land Use Board at its Meeting, held November 7, 2019. WITNESS my hand this 13th day of November 2019.



Michelle Hutchinson
Land Use Board Secretary
Borough of Highlands, New Jersey