

6/6/19

R-2019-02
RESOLUTION APPROVING BULK VARIANCES
FOR IACOBUCCI

WHEREAS, the applicant, RONALD IACOBUCCI, is the owner of 26 Waterwitch Avenue, Highlands, New Jersey (Block 93, Lot 9), and filed an application to demolish the existing single family home and construct a new two-story elevated single-family home with two decks; 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 May 2, 2019; and

WHEREAS, the Board heard the testimony of J. MICHAEL PETRY, the applicant's engineer/planner/architect; 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 Application for Zoning Permit (denied) dated 2/22/19
- A-2 Letter of Denial of Development Permit dated 3/6/19
- A-3 Variance application (3 pages)
- A-4 Grading Plot Plan, Floor plans, and Elevations by J. Michael Petry, architect, dated 3/29/19 (4 pages)

- A-5 Color-rendered Boundary and Topo Survey & Grading Plot Plan
By Petry Engineering, LLC labeled Sheet FIG.-1
- A-6 Aerial photo with tax lots and zoning thereon by Petry Engineering,
LLC labeled FIG.-2;

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

- B-1 Board engineer completeness letter by Edward Herrman dated
4/16/19 (3 pages)
- B-2 Board engineer review letter by Edward Herrman dated 4/25/19
(3 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-2.01 Zone where single-family homes are permitted.

2. The site currently contains a single level, single family dwelling, which the applicant seeks to demolish and build a two-story single-family home.

3. The current home was significantly damaged by Superstorm Sandy, which resulted in floating the floor and cracking the block. It was neither feasible nor safe to lift the home.

4. There is a free-standing garage at the rear of the property, accessing Recreation Place. That garage will be removed.

5. The current home has entrances on both streets (Waterwitch Ave. and Recreation Place), as it is a corner lot.

6. The new home is proposed to be raised above the flood elevation, allowing for parking underneath. As a result of the proposed parking, no parking variance is required.

7. If the replacement home was to meet the front yard setback requirements, the home would only be able to be 21.5 ft. in width, making it a very tight row house type of home in an urban area, which is not what the neighborhood is in Highlands.

8. The applicant's expert testified to the many homes in the immediate area which have 37.5 ft. widths and are corner lots. There were eight, and are now seven (two having been combined into one). Those homes vary between 2.5 and 4.5 ft. in setbacks. The applicant's proposal for the front yard setbacks of 10 ft. and 7.5 ft., therefore, are certainly within the character of the neighborhood.

9. The applicant's expert further testified that virtually the entire neighborhood is non-conforming to the Borough ordinances, so this will not

impose any adverse situation on the subject property or its neighbors.

10. Because this is a corner lot, the variances for front setbacks are required.

11. The applicant testified that there will be no changes to the water runoff, storm water, or sewer.

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

A. Lot area of 3,000 square feet where 3,750 square feet are required.

B. Lot frontage of 37.50/80 feet where 50 feet are required.

C. Lot depth of 37.50/80 feet where 75 feet are required.

13. 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 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 May 2, 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 RONALD IACOBUCCI for bulk variances for the preexisting conditions of minimum lot area, minimum lot frontage and minimum lot depth, as set forth in paragraph 12 above; and for front yard setbacks of 10/7.5 feet where 20 feet are required; are hereby granted.

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

A. Any damage to the existing pavement incurred due to the proposed project shall be repaired or replaced to the satisfaction of the Borough.

B. In accordance with Ordinance 21-65.5.C.1, the dimensions of the driveway shall be revised to reflect 18 ft. maximum at curb.

C. Roof water runoff shall be by roof leaders toward the street, and not towards any adjoining property.

D. The curb cut on Recreation Place shall be removed by replacing it with full height curb, and replacing the abutting sidewalk.

E. The garage currently accessed from Recreation Place shall be removed.

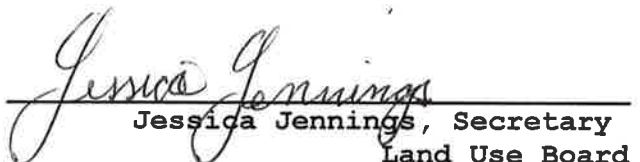
OFFERED BY: Mr. Francy
SECONDED BY: Mr. Lee

ROLL CALL:
AYES: Ms. Mazzola, Mr. Francy, Mr. Knox, Mr. Lee, Mr. Nolan, Mr. Montcalvo
NAYS: None
ABSTAIN: None
ABSENT: Mayor O'Neil, Chief Burton, Mr. Colby, Mr. Gallagher, Mr. Kutosh, Mr. Stockton



**Andrew Stockton, Chairperson
Land Use Board
Borough of Highlands**

I certify that the above is a true and exact copy of the Resolution passed by the Land Use Board Borough of Highlands at its meeting held on June 6, 2019.



**Jessica Jennings, Secretary
Land Use Board
Borough of Highlands**