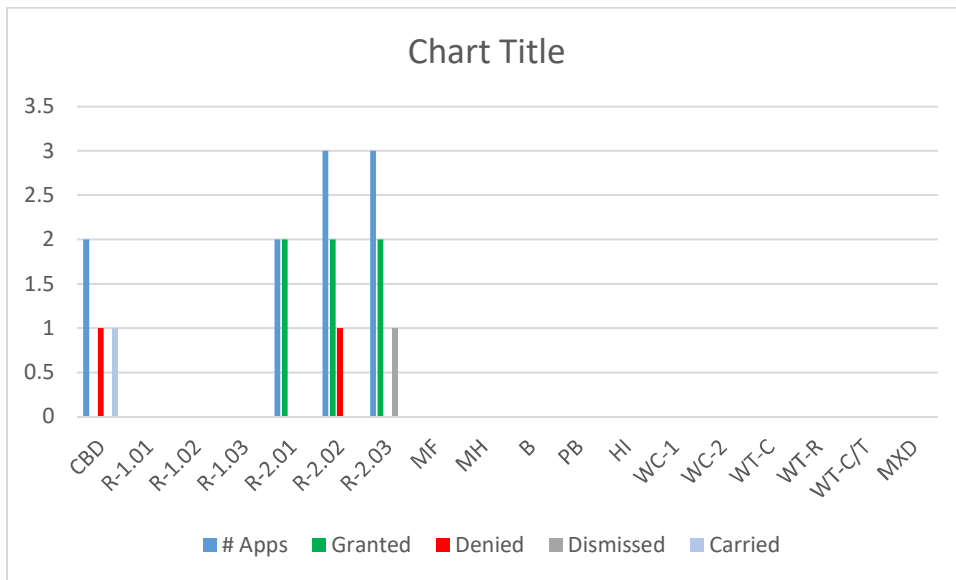


BOROUGH OF HIGHLANDS
LAND USE BOARD
2020 ANNUAL REPORT

This is the Borough of Highlands’ 2020 Annual Report covering the period January 2020 through December 2020. It is organized into the following sections:

1. Summary
2. Litigation
3. Administrative/Dismissed/Withdrawn
4. Applications Denied
5. Applications Granted
6. Applications Carried to 2021
7. Observations/Recommendations

The Borough of Highlands Land Use Board received a total of 10 new applications in 2020. Eight (8) applications were heard, four (4) of which were carried over from 2019. One application was heard and carried to 2021 and seven (7), of which two (2) were carried over from 2019, applications are being carried without being heard. The eight (8) applications heard were decided (granted or denied) as depicted in the following chart.



1. Summary

- Total applications heard – 9
 - 3 – Subdivision
 - 3 – demo and new construction
 - 3 – Bulk variance
- applications approved as presented –6
- applications denied as presented –2
- applications heard and carried to 2021 –1
- appeal applications –1
- applications dismissed without being heard –1

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2. Litigation

None

3. Administrative/Dismissed, Withdrawn (1)

LUB2020-09: Conway – Block 40 Lot 5.02 (57 Shore Drive) –R.2.03? or PB?

Dismissed due to lack of jurisdiction –appeal was not filed within permitted time by state statute

4. Applications Denied (1)

LUB2019-11: Five Star Real Estate Group, LLC – Block 56 Lot 5 (16 Miller Street) –Use Variance Denied due to:

- Borough ordinance 21-86B(1), the R-2.02 zone does not permit townhouses or multi-family uses, only single-family residences and existing bungalow colonies.
- Borough ordinance 21-98A(1) states that “A non-conforming use shall not be expanded or changed to another non-conforming use.”
- Demolishing of previously approved dwelling units is not binding to the number of new units to be constructed.
- Too much structure on a small lot
- Proposal would result in an overdevelopment of the property.
- Application runs contrary to the Master Plan’s objective.
- Granting variance would be with substantial detriment to the public good and impair the intent and purpose of the zone plan and zoning ordinance.

LUB2020-05: Sigman – Block 59 Lot 16.01 (193-195 Bay Avenue) --Subdivision

Denied due to:

- CBD Zone does not allow building of any new single-family home, though existing single-family homes can remain.
- Proposed Lot 16.02 will not meet required minimum rear yard setback of 12 ft.
- Both proposed Lot 16.01 and 16.02 would require side yard setback variance.
- Proposed Lot 16.01 would require building coverage variance.

Board Members were polled for their reasons for denying the application.

5. Applications Granted (6)

R-2.01 Zone

LUB2020-03: Beim – Block 85 Lot 5.01 (13 Marine Place) –Bulk Variance

Granted proposal to demolish existing structure to build new 2-story elevated single family home.

- Variance for lot frontage of 40 ft., where 50 ft. is required –a pre-existing condition.
- Variance for front yard setbacks on Marine Place of 16.4 ft. for dwelling and 12.3 ft. for deck, where 20 ft. are required –both are pre-existing conditions

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- Variance for front yard setback on Huddy Avenue of 7 ft, where 20 ft. are required –pre-existing condition is 6.8 ft.
- New dwelling will be basically same location and footprint as existing structure, but a little longer.

LUB2020-01: Careri – Block 120 Lots 10.04 & 10.05 (273 & 295 Shore Drive) –Minor Subdivision

- Jill Careri owns Block 120 Lot 10.04
- Alfred W. Marker owns Block 120 Lot 10.05
- Granted proposed subdivision of Lot 10.05 to create Lot 10.06
 - Mr. Marker’s property will be reduced to 11,985 sq. ft.
 - Newly created Lot 10.06 will be 6,866 sq. ft. and meets minimum lot area requirements.
 - Newly created Lot 10.06 requires lot frontage variance of 35 ft, where 50 ft. is required.
 - Future dwelling construction will have to comply with Borough’s bulk zone requirements.
 - Ms. Careri will purchase newly created Lot 10.06 with no intention of constructing a home on the new lot.

R-2.02 Zone

LUB2019-07: Arjika Property Inc. – Block 57 Lot 14 (12 Fourth Street) –Bulk Variance

- Granted variances for preexisting conditions:
 - Lot area of 2,500 sq. ft., where 4,000 sq. ft. is required
 - Lot frontage of 40 ft., where 50 ft. are required
 - Lot depth of 61.50 ft., where 75 ft. are required
- Granted additional variances:
 - Front yard setback of 11.1 ft., where 20 ft. are required
 - Rear yard setback of 16.4 ft., where 20 ft. are required
 - Side yard setbacks of 5/7 ft., where 6/8 ft. are required
 - Building coverage of 38.7%, where 33% is permitted
 - Covered deck in front

LUB2019-13: Burton – Block 62 Lot 2 (45 Second Street) –Bulk Variance

- Granted variance
 - Front yard setback of 17.58 ft., where 20 ft. is required

R-2.03 Zone

LUB 2019-08: Arjika Property Inc. – Block 100 Lot 10 (40 Ocean Avenue) –Bulk Variance

- Granted variances for preexisting conditions:
 - Lot area of 2,375 sq. ft., where 4,000 sq. ft. are required
 - Lot frontage of 25 ft., where 50 ft. are required
 - Lot depth of 95 ft., where 100 ft. are required
- Granted additional variances:
 - Front yard setback of 15 ft., where 20 ft. are required

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- Rear yard setback of 16.4 ft., where 20 ft. are required
- Side yard setbacks of 3/4 ft., where 6/8 ft. are required
- Building coverage of 37.5%, where 30% is permitted
- Covered front deck

LUB 2020-04: Gundlach – Block 120 Lots 1 & 2 (220 Navesink Avenue) –Lot Line Adjustment

- Subdivide Lot 2 by reducing and thus increasing Lot 1
 - No changes to existing structures or landscaping
 - Pre-existing non-conforming uses still stands so no bulk variance relief required.
- Lot 2 to be reduced by approximately 60 ft. –100 ft on northerly side and 100 ft. on southerly side.
 - Lot 1 increases to approximately 234 ft. on the northerly side and 232 ft. on the southerly side.

6. Applications Carried to 2021 (8)

CBD Zone

LUB2019-04: Chia Inc. – Block 41 Lots 13.01 (95-99 Bay Avenue) –Use Variance

- Townhouse constructions on a vacant lot
- Variances sought
 - Use variance – Residential in CBD Zone
 - Parking variance

LUB2019-05: Hung – Block 64 Lots 24 & 25 (210 Bay Avenue)

LUB2020-08: Arjika Property Inc. – Block 81 Lot 12 (289 Bay Avenue)

R2.01 Zone

LUB2020-06: Gil – Block 77 Lot 13 (1-3 Barberie Avenue)

Other Outstanding

LUB2019-12: Whitfield – Block 19 Lot 16.02 (5 Lighthouse Road)

LUB2020-02: Tran/Davis – Block 97 Lot 7.01 (17 Central Avenue)

LUB2020-07: Char-Ron Contracting Inc. – Block 42 Lot 2 (9 Shrewsbury Avenue)

LUB2020-10: Francolino – Block 91 Lot 7 (12 Marine Place) –Subdivision

7. Observations / Recommendations