



**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

**LAND USE BOARD RESOLUTION 2020-01
RESOLUTION APPROVING MINOR SUBDIVISION
FOR CARERI AT BLOCK 120 LOT 10.05**

WHEREAS, the applicant, JILL CARERI, is the owner of 273 Shore Drive (Block 120, lot 10.04) and ALFRED W. MARKER, JR. is the owner of 295 Shore Drive (Block 120, lot 10.05), the latter of which is the subject lot sought to be subdivided; and

WHEREAS, the applicant proposes to subdivide lot 10.05 into two lots, creating the proposed lot 10.06, which would be a new lot in between the existing Careri and Marker lots; and

WHEREAS, ALFRED W. MARKER, JR. has consented to this application; and

WHEREAS, all jurisdictional requirements have been met, and the Board has jurisdiction to hear this application; and

WHEREAS, the Land Use Board of the Borough of Highlands considered the application at a public hearing on September 3, 2020; and

WHEREAS, the Board heard testimony from the applicant, JILL CARERI and her neighbor, ALFRED W. MARKER, JR.; and

WHEREAS, CHRIS FRANCY testified in support of the application, but no other persons appeared to question, support or oppose the application; and

WHEREAS, the applicant submitted the following documents in evidence:

- A-1 Application for Zoning Permit dated 4/10/19 (3 pages, including survey)
- A-2 Denial of development permit by Marianne Dunn, Zoning Officer dtd 4/10/19
- A-3 Subdivision application dated 4/2/19; received 1/2/20 (4 pages)
- A-4 Monmouth County Planning Board notice of exemption from approval dated 4/13/20
- A-5 Survey by Robert F. Hogan dated 2/12/19
- A-6 1/29/15 deed conveying Merrie Dellert's 25% interest to Alfred W. Marker, Jr., giving him title to the entire property at Block 120, lot 10.05 (recorded 3/11/15)
- A-7 Architectural Plans by Anthony Condouris dated 6/23/20 (3 pages)
- A-8 power point presentation with 13 slides

AND, WHEREAS, the following exhibit was also marked into evidence:

- B-1 Board engineer letter of incompleteness by Edward Herrman dated 1/23/20 (3 pages)
- B-2 Board engineer's completeness letter by Edward Herrman dated 4/26/19, revised 3/4/20 (3 pages)
- B-3 Board engineer's second completeness review letter by Edward Herrman dated 5/26/20 (3 pages)
- B-4 Board engineer's review letter dated 6/15/20 (4 pages)

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

1. The applicant is the owner of a single-family home at 273 Shore Drive and Mr. Marker is the owner of a single-family home at 295 Shore Drive, which properties are contiguous to each other, each being in the R-2.01 Zone.

2. Both the Careri and Marker properties also have frontage on South Linden Ave, however the rear of both of their properties have a steep slope, with no access from South Linden Avenue.

3. The applicant, Jill Careri, is the contract purchaser of the new lot to be created by this subdivision.

4. The applicant proposes to subdivide lot 10.05 in block 120 by reducing its side yard by what is proposed to be a new lot with 35 feet frontage on Shore Drive, 57.82 feet frontage on South Linden Avenue, and side lines of 147.86 on the north and 149.84 on the south.

5. No changes to any of the existing Careri or Marker houses are planned or requested.

6. The shed on the new lot will be removed.

7. The railroad ties forming a border for a playground area, together with any other encroachment onto the new lot from the Careri lot, shall be removed, such that there are no encroachments on the new lot. Also, the existing driveway on the Careri lot (block 120, lot 10.04), together with the fence, shall be relocated if the new lot (10.06) is sold.

8. The Marker and Careri properties were the subject of at least one prior subdivision, however both the applicant and Mr. Marker were unable to locate any subdivision resolution or documentation. Mr. Marker did testify that the Marker, Careri and what is now the neighboring condominium to the north of the Marker home, were once all part of the same lot owned by Mr. Marker's father.

9. The applicant seeks minor subdivision approval pursuant to Section 21-55 of the Borough Ordinance. This subdivision is minor in nature, as it contains three or less properties, does not require a new street or road, and does not adversely affect the development of the parcels.

10. As a result of the subdivision, the Marker property will be reduced to 11,985 square feet, and the new lot (10.06) will be 6,866 square feet. Both meet the minimum lot area requirements. There will be no change in the size or dimensions of the Careri lot (10.04).

11. The new lot (10.06) requires a lot frontage variance of 35 feet, where 50 feet are required. No other bulk variances are required for the new lot, understanding that, if any application to construct a dwelling is made, it will have to comply with the borough's bulk zone requirements.

12. The upward slope behind the lot will not be disturbed.

13. Though many references were made by the applicant to her financing difficulties in order to purchase the newly created lot versus moving the lot line and having a total of two lots, rather than three, the Board does not consider the financing issues as relevant to its consideration.

14. The applicant testified that her only purpose in creating this new lot is to have more space for her children and for gardening. She testified that it is not her intention to construct a home on the new lot at any time in the near future.

15. Based upon the evidence submitted, the Board is satisfied that the proposed application for a lot frontage variance and a minor subdivision will not cause any detriment to any of the surrounding properties.

16. The Board further finds that the variance requested will not substantially impair the intent and purposes of the zoning plan and zoning ordinance.

WHEREAS, the application was heard by the Board at its meeting on September 3, 2020, 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 JILL CARERI for a lot frontage variance for 35 feet on Shore Drive and minor subdivision of lot 10.05 into two lots (referred to on the applicant's plans as lot 10.05 and new lot 10.06 in block 120), pursuant to the plans submitted and the evidence received, is hereby granted; and the board determines that no landscaping plan is required; and no street trees shall be required.

AND BE IT FURTHER RESOLVED that this approval is subject to the following conditions:

A. Should the applicant decide to build a home on the newly-created lot, she shall submit for a zoning permit and also provide a detailed plot/grading/stormwater management plan at a larger detailed scale in order to document that a zoning-compliant dwelling and appurtenances can be constructed without any additional variance relief, and providing a means of managing stormwater runoff, such that it will not impact neighboring properties or the public roadway.

B. The applicant shall provide a metes and bounds description for review and approval by the board engineer.

C. If the applicant files a plat plan, it shall be in conformance with the Map Filing Law (N.J.S.A. 46:23-9.9 et seq.), and any deed to be filed shall clearly describe the minor subdivision. In either or both cases, the document shall first be provided to the board engineer and board attorney for review and approval, before filing, and any deed shall be signed by the board chairman and board secretary before filing. The applicant shall perfect the minor subdivision by plan or deed filing with the County recorder within 190 days from the date of approval.

D. The applicant shall provide a written confirmation from the tax assessor that the lot numbering is acceptable, prior to filing any deeds.

Offered by: Mayor Broullon

Seconded by: Vice Chairman Knox

Ayes: Vice Chairman Knox, Mayor Broullon, Mr. Kutosh, Councilmember Mazzola, Ms. Tierney, Ms. Walsh, Mr. Montecalvo

Nays: None

Abstain: None

Absent: Ms. Nash




Andrew Stockton,

Chairman, Land Use Board

Borough of Highlands

I, Michelle Hutchinson, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on October 1, 2020



Michelle Hutchinson, Land Use Board Secretary