Kevin E. Kennedy, Esq.

A Limited Liability Company Attorney at Law 165 Highway 35

Middletown, NJ

Phone: (732) 936-1099 Fax: (732) 936-1960

E-mail: kkennedy@kevinkennedylaw.net

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LAND USE BOARD

Admitted to Practice NJ & Washington DC

Mailing Address: 165 Highway 35 Red Bank, NJ 07701

July 22, 2021

E-MAIL: landuse@highlandsborough.org;

Michelle Hutchinson, Board Secretary Borough of Highlands 42 Shore Drive Highlands, NJ 07732

Re: John D. Giordano & Maxine Gustus-Giordano

26 Ralph Street Highlands, NJ Block 113, Lot 6.01

Appeal / Application Statement

Dear Ms. Hutchinson:

With regard to the above matter, and as a supplement to our prior communications, I would ask that you please note the following:

- 1. As you are aware, the subject appeal / application has been scheduled for August 5, 2021.
- 2. Under separate cover, I will provide you with the confirming Affidavit of Publication / Certification of Service, confirming that notice was effectuated in accordance with Prevailing Provisions of New Jersey Law.
- 3. As indicated, I will not be present at the meeting, and Maxine Gustus-Giordano will be appearing by herself.
- 4. In furtherance thereof, enclosed please find an Appeal / Application Statement, detailing the Applicants' position relative to the Appeal / Variance relief.

5. I would ask that you please forward to the Board Members as part of the agenda package.

If you have any questions or comments, please feel free to contact me at the office.

Very truly yours,

Kevin E. Kennedy, Esq.

KEK/dmp

Z:\KevinKennedyLaw\Land Use\Giordano - Highlands\072321 Hutchinson appeal - application statement.docx

Encl.

cc: John D. Giordano & Maxine Gustus-Giordano (e-mail), w/encl.

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LAND USE BOARD

John D. Giordano & Maxine Gustus-Giordano 15 E. Brook Drive Holmdel, NJ 07733

July 15, 2021

E-MAIL: landuse@highlandsborough.org

Michelle Hutchinson, Board Secretary Borough of Highlands 42 Shore Drive Highlands, NJ 07732

> Re: John D. Giordano & Maxine Gustus-Giordano 26 Ralph Street Highlands, NJ Block 113, Lot 6.01 Appeal / Application Statement

Dear Ms. Hutchinson:

With regard to the above matter, I would ask that you please note the following:

- 1. We are the Owners of the property located at 26 Ralph Street, Highlands, NJ, more formally identified as Block 113, Lot 6.01.
- 2. We have owned the subject property since approximately March 30, 2020.
- 3. The property is located in the Borough's R-2.03 Zone.
- 4. The subject property generally measures 50 ft. X 100 ft., for a total of 4,997 SF.

JUL 2 2 2021

- 6. The subject property is surrounded by other single-family homes and townhouses.
- 7. When we purchased the property, the same was a vacant lot, surrounded by a 6 ft. high fence.
- 8. We are in the process of constructing a brand-new single-family home at the site (and all appropriate Permits have been obtained).
- 9. As indicated, construction of the new home is currently underway.
- 10. As referenced earlier herein, the subject property has historically been surrounded by a 6 ft. high fence.
- 11. Upon information and belief, the subject fence has existed at the site for a number of years.
- 12. The said fence was in a compromised condition. For instance, the same was old, worn, faded, discolored, broken, and certain parts / sections were missing / broken. Likewise, given its age and condition, the overall aesthetic appeal of the fence was lacking.
- 13. We always envisioned that, after construction, we would install a new replacement fence, one that was more modern, more functional, and more aesthetically pleasing.
- 14. We envisioned that we would replace the fence once the construction work was concluded, so that we would not have to negotiate the ability of heavy equipment / machinery / tools to be brought into and out of the property.
- 15. That notwithstanding, the deficiencies associated with the fence just became too severe, and on or about January 14, 2021, we arranged for the remaining portion of the subject fence to be removed.
- 16. We thereafter arranged for a 6 ft. high replacement fence to be installed on or about January 28, 2021. (Respectfully, we were not aware that a permit was needed for such a fence installation.)
- 17. Details pertaining to the replacement fence include the following:

Height: 6 ft. high

Type of fence: White vinyl PVC

Location: Per Plans (Essentially the same location as the fence which previously existed, except for the fact that the prior fence met the neighbor at 28 Ralph Street so we did the same. We squared-off the backyard with the fence with the

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property, ran it up the side yard to 26 Ralph Street. They wanted a fence also, so it serves both of us).

- 18. It is my understanding that a neighbor may have complained about the fence installation, resulting in the Zoning Officer issuing a denial to the fence permit relative to a 6 ft. fence in a front yard. (I believe the Zoning Officer indicated that the maximum height of a fence in a front yard area is only 4 ft.).
- 19. Under separate cover, I officially appealed the said decision.
- 20. I would ask that you please advise if any additional information or fees are necessary in order to process the said appeal.
- 21. Please also advise if the Planning Board requires Notice pursuant to such an appeal.
- 22. I would also ask that you please advise as to the earliest possible Hearing date.
- 23. Please note that we reserve our right to simultaneously apply for Bulk Variance relief (to retroactively legitimize the installation of the fence) on the same evening.
- 24. We respectfully submit that the subject ruling / determination / order of the Zoning Officer is incorrect, and should be reversed. The reasons we believe the subject Zoning Officer Opinion is erroneous is because of the following:
 - a. The 6 ft. replacement fence was merely replacing an older / compromised / dilapidated 6 ft. high fence.
 - b. The previously existing fence was dilapidated and compromised and no longer served an efficient, practical, or functional purpose.
 - c. The previously existing fence was aesthetically compromised and unappealing.
 - d. Per Prevailing Property Maintenance Code Requirements, we were under the impression that we had an affirmative obligation to appropriately maintain / update the compromised / dilapidated conditions.
 - e. The gaps and other deficiencies associated with the previously existing fence essentially failed to contain construction debris / garbage within the confines of the property. As a result, with the broken parts of the fence, and

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- the gaps, construction debris / garbage was being blown onto other properties / the roadway.
- f. The new replacement fence is <u>not</u> located in a front yard area, as maintained by the Zoning Officer. Rather, given the unique layout of the land, it is submitted that the subject fence was, in fact, placed in a rear yard area (where such a 6 ft. high fence is permitted).
- g. Under the unique circumstances associated with the subject property, we maintain that the new / replacement fence is located in a backyard area.
- h. Even if the subject fence turns out to be located in a technical front yard area, the fence is actually located in our functional rear yard area.
- i. The new / replacement fence merely continues the fencing arrangement which has existed at the site for a number of years.
- j. The new replacement 6 ft. high fence does not violate any traditional sight lines.
- k. The new replacement 6 ft. high fence does not violate any know sight triangle easement.
- 1. The new replacement 6 ft. high fence does not compromise motorist / pedestrian safety.
- m. Given the geometry of the subject property and the surrounding properties, a 6 ft. high fence is necessary (as opposed to a 4 ft. fence).
- n. There are no health / safety issues associated with the installation of the new / replacement fence, as aforesaid.
- o. The new / replacement fence will be more aesthetically pleasing, and more in keeping with the brand-new home which is currently under construction.
- p. The positive impacts associated with the new / replacement fence will be beneficial for not only the subject property, but for the neighborhood, and for the Borough of Highlands as a whole
- q. The few hour difference between the removal of the remaining part of the existing fence and the installation of

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the new replacement fence do not justify the draconian remedy essentially sanctioned herein.

Thank you for your attention.

Very truly yours,

John D. Giordano & Maxine Gustus-Giordano

 $KEK/dmp \\ Z:\KevinKennedyLaw\Land\ Use\Giordano\ -\ Highlands\Narrative\ of\ Intent-Appeal\ -\ Application\ Statement.docx$

RECEIVED JUL 2 2 2021 LAND USE BOARD

ARCHITECT

MAXINE GIORDANO – AIA – LLC

NJ-AI 13410 P.O. BOX 155 MIDDLETOWN, NJ 07748 732.391.3905 maxinearchitect@gmail.com

DATE: May 14, 2021

delivered

ATTN: Land Use Board in Highlands

TO:

Borough of Highlands

42 Shore Drive

Highlands, NJ 07732

RE:

Proposed fence permit to a Single-Family Residence for

The Giordano Residence

26 Ralph Street, Highlands, NJ

Block: 113

Lot: 6.01

Dear Sir / Madam;

This letter is in reference to the above-mentioned denial of our fence permit. I have contacted an attorney – Mr. Kevin Kennedy to assist us with this matter.

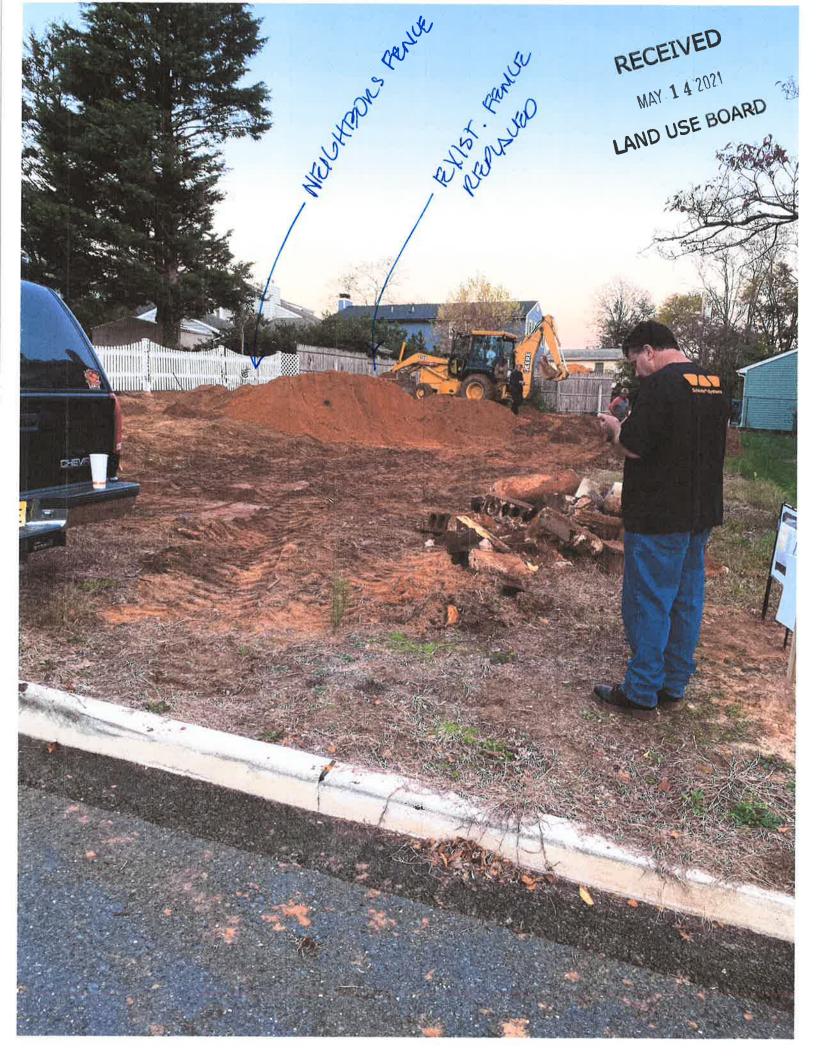
- 1. He suggested that we appeal the denial of the permit.
- 2. He said as per NJSA 40:52-72 we had 20 days to file an appeal not the 10.
- 3. I am enclosing all the variance paperwork in lieu of this appeal until I hear what to do next so we are not out of compliance.
- 4. Our original permit listed our backyard as our backyard and not 2 front yards so I am confused why the fence permit was denied.
- 5. The attorney also asked that since there was a 6' fence there that was replaced why are we now required to seek a variance? In building permits you are permitted to replace like with like - but this is land use and I do not understand all the requirements. I am enclosing a photo of the existing fence.
- 6. I understand that we did not apply for a permit I did not know we had to but why a variance now?
- 7. The Engineer Andrew Stockton is updating our survey to accurately locate the new fence and as soon as I have that survey I will provide copies.

B. Please note that I am also securing variance relief. Please let me know how to file this appeal and I will follow up with the attorney.

Sincerely,

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MAY 1 4 2021





Borough of Highlands Land Use Board 42 Shore Drive, Highlands, NJ 07732

Phone: 732-872-1224 Fax: 732-872-0670

FOR OFFICIAL USE 1. (I/we) MAXINE GIORDANO, the applicant(s), whose Post Office address is PO BOX 155 - MIDDLE TOWN NJ 07748 and whose phone number _____ (am/are) the (owner/contact purchaser) of property located at ______ 20 KALPH STILET _____ and designated as Block 113 Lot(s) O.O. on the Tax Map of the Borough of Highlands. 2. The property is in the $\frac{R-2.03}{2}$ zone. It has a street frontage of $\frac{50}{2}$ feet with an area of <u>4,997</u> Square feet. 3. The proposed percentage of lot coverage by both the existing structure and proposed additions wiRECEIVED N/A textist = 54.1% MAY 1 4 2021 4. The following structures, buildings or uses are located on the property LAND USE BOARD SINGLE FAMILY HOME WITH A 2 CAR GARAGE 5. Application is hereby made for a variance to: KEEP THE WHITE PUC FIENCE INSTALLED THAT REPLACED THE OLD MODDEN FRNCE. 6. The reasons for this request and the grounds urged for the relief are as follows:

DN WILLIAM STREET. WE DID NOT PUT A DRIVEWAY ON WILLIAM STREET

1. THERE WAS A PENCE THERE THE SAME HEIGHT

7. The section of the Borough Zoning Ordinance upon which this application is based is Section #21-05.76

8. Property taxes have been paid through 3RD QUARTER
The sewer bills have been paid through NEW HOME - TUST WINDERTED

9. Has the property been separated from a larger tract of land? (Yes No) *Circle One*

If so, when? _______. Has the Land Use Board approved a subdivision? (Yes No)

When? ______. Attach copies of any approved map or approval resolution.

DO NOT KNOW-PRIOR TO US OWNING THE PROPERTY



Borough of Highlands Land Use Board 42 Shore Drive, Highlands, NJ 07732

Phone: 732-872-1224

Fax: 732-872-0670

10.	10. Has there been any previous appeal involving these premises (Yes	No *Circle One*
	Date of Filing: 5.14.202	
	Character of Appeal: NOT PREVIOUS - BUT APPLYIN	16 FOR APPEAL NOW.
	Disposition and Date:	
	Attach copy of decision	
11.	11. By filing a second application, does applicant and owner, if other the gained in the first application? (Yes No)*Circle One	
12.	12. Are there any outstanding building code or zoning violations or othe	r violations of law on the property in
	question or on any other property in the Borough of Highlands in wh	nich the applicant has any interest, directly
	or indirectly? NO - WE ARE WRRENTLY BHILDI	
	HOME AND PLAN TO DO FINAL INISPECTION	S IN OUNIE.
13.	13. Is the applicant a corporation or a partnership? Yes	No
	(If so, you must be represented by an attorney. If yes, please comple	te a Disclosure Statement and attach the
	same to the application.)	
	Λ.	
	Mugu plain	5.6.2021
	Signature Date	
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		TOLIVED
		MAY 1 4 2021
		I AND
		LAND USE BOARD



Borough of Highlands Land Use Board 42 Shore Drive, Highlands, NJ 07732

Phone: 732-872-1224 Fax: 732-872-0670

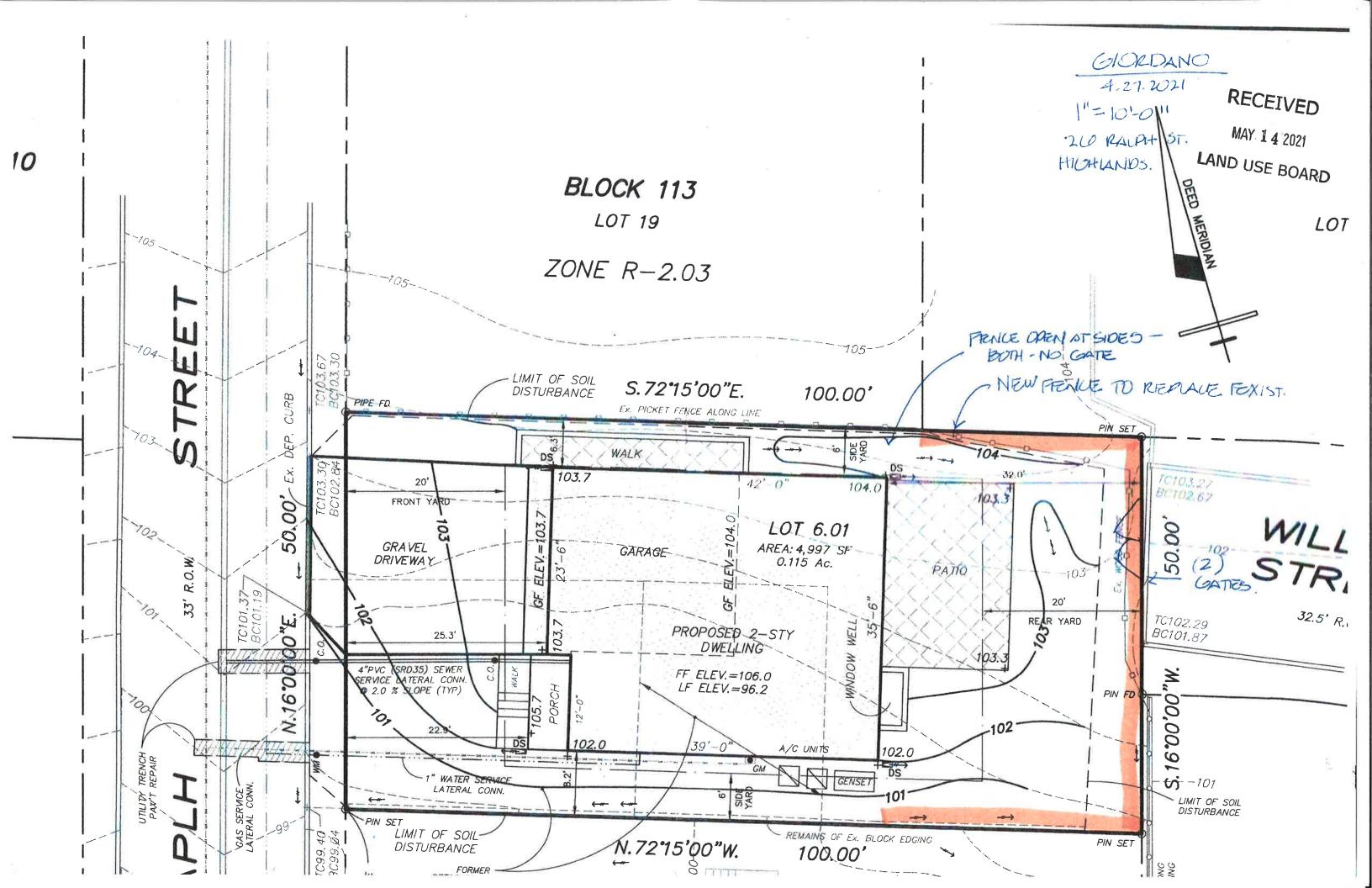
Affidavit of Applicant

State of New Jersey) SS. County of Monmouth) I, the undersigned, certify that all of the statements contained herein are true and correct to the best of my knowledge, information and belief. AXINIE GIONDANO Date 5-14-21 Applicant's Signature Sworn and subscribed before me this day of May CAROLYN BROULLON New Jersey Notary Public My Commission Expires 07/07/2025 Signature of Notary Commission # 50130681

Authorization
(If anyone other than the owner is making this application, the following authorization must be completed.)
To the Land Use Board:
is hereby authorized to make this application.
Date:
Signature of Owner:

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MAY 1 4 2021



maxinearchitect@gmail.com

From:

Nancy Tran, Cashier <cashier@highlandsborough.org>

Sent:

Tuesday, May 11, 2021 4:08 PM maxinearchitect@gmail.com

To: Cc:

Donna Conrad

Subject:

RE: Proof that taxes and sewer are paid Lot: 6.01 and Block: 113 26 Ralph St.

Both Tax and Sewer accounts are up to date for Block 113 Lot 6.01, 26 Ralph St. Please let us know if we may help you with anything else.

Nancy Tran Borough of Highlands (732) 872-1224 x204

From: maxinearchitect@gmail.com < maxinearchitect@gmail.com >

Sent: Tuesday, May 11, 2021 3:29 PM

To: Nancy Tran, Cashier <cashier@highlandsborough.org> **Cc:** Donna Conrad <DConrad@highlandsborough.org>

Subject: Proof that taxes and sewer are paid Lot: 6.01 and Block: 113 26 Ralph St.

Hi-

We are building at 26 Ralph Street in Highlands. We are making a Land Use application to keep the fence we replaced in the yard since there was a complaint.

I need a receipt that we have paid taxes and sewer and they are up to date.

Thank you for your assistance.

Any questions -

Maxine Giordano

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MAY 1 4 2021

BOROUGH OF HIGHLANDS, N. J.

42 SHORE DRIVE HIGHLANDS, NJ 07732 COUNTY OF MONMOUTH

> 732-872-1224 PH 732-872-0670 FX

WWW.HIGHLANDSBOROUGH.ORG



HISTORIC "TWIN LIGHTS"

CAROLYN BROULLON MAYOR

MICHAEL MUSCILLO ADMINISTRATOR

MICHELLE HUTCHINSON ACTING BOROUGH CLERK

May 5, 2021

Maxine and John Giordano

Sent via email

RE:

DP#2021-33 26 Raiph Street Block 113, Lot 2.01

Please be advised that the above referenced application to construct a 6' pvc fence in the rear yard has been reviewed for compliance with the Borough of Highlands Zoning Ordinance. The property is located in the R-2.03 zone.

The following approvals will be necessary:

#21-65.7B

No fence erected in a front yard area shall exceed 4' in height --The fence has been constructed in the Willow Street front yard area.

Be advised that the fence was constructed without obtaining a permit.

Therefore, please complete your Land Use Board application forms within 10 days, Remove the fence.

To proceed with an application/appeal of this decision to the Land Use Board, please contact the Michelle Hutchinson, Board Secretary. Should you have any questions, feel free to contact me at 732-615-2278.

Marianne Dunn Zoning Officer

C:

Land Use Board

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MAY 1 4 2021

MAXINE GUSTUS-GIORDANO, AIA ARCHITECT

MIDDLETOWN, NJ 07748 732.391.3905

WELLS FARGO 62 LEONARDVILLE ROAD BELFORD, NJ 07718 732.471.3041 55-2/212

5/12/2021

PAYTO THE ORDER OF

Borough of Highlands

**750.00

Seven

Seven Hundred Fifty and 00/100********

Borough of Highlands 42 Shore Drive Highlands, NJ 07732 DOLLARS 1

MEMO

26 RALPH STREET - FENCE VARIANCE

Melgu

MAXINE GUSTUS-GIORDANO, AIA / ARCHITECT

Borough of Highlands

5/12/2021

750.00

MAY 14 2021 LAND USE BOARD

First Union

26 RALPH STREET - FENCE VARIANCE

750.00

MAXINE GUSTUS-GIORDANO, AIA / ARCHITECT

Borough of Highlands

5/12/2021

750.00

First Union

26 RALPH STREET - FENCE VARIANCE

750.00



E07200/39297 (7/11) 614727

M/P CHECK

MAXINE GUSTUS-GIORDANO, AIA ARCHITECT PO BOX 155

MIDDLETOWN, NJ 07748 732.391.3905

WELLS FARGO62 LEONARDVILLE ROAD BELFORD, NJ 07718 732.471.3041 55-2/212

5/12/2021

PAYTO THE ORDER OF

Borough of Highlands

**125.00

DOLLARS 1

One Hundred Twenty-Five and 00/100**********

Borough of Highlands 42 Shore Drive Highlands, NJ 07732

MEMO

26 RALPH STREET - FENCE VARIANCE

Mulyu **AUTHORIZED SIGNATURE**

MAXINE GUSTUS-GIORDANO, AIA / ARCHITECT

Borough of Highlands

5/12/2021

125.00

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MAY 1 4 2021

LAND USE BOARD

First Union

26 RALPH STREET - FENCE VARIANCE

125.00

MAXINE GUSTUS-GIORDANO, AIA / ARCHITECT

Borough of Highlands

5/12/2021

125.00

First Union

26 RALPH STREET - FENCE VARIANCE

125.00



M/P CHECK E07200/39297 (7/11) 614727

BOROUGH OF HIGHLANDS LAND USE BOARD NOTICE OF HEARING PUBLIC NOTICE

PLEASE TAKE NOTICE that Maxine Gustus-Giordano has submitted a Development Application to the Borough of Highlands / Highlands Land Use Board relative to the property located at 26 Ralph Street, Highlands, NJ (Block 113, Lot 6.01) (R-2.03 Zone). The subject property hosts a new single-family home. A 6 ft. high fence previously existed at the site and, because of its poor / deteriorated condition, the Applicant recently replaced the previous 6 ft. fence with a new 6 ft. high fence. In response, the Zoning Officer has advised that a 6 ft. high fence cannot be located in a front yard area, absent formal Board / Variance relief. Thus, the Applicant is requesting approval for the following:

- a. An appeal of the Zoning Officer Determination relative to the need to obtain Variance relief relative to the installation of a replacement fence;
- b. An appeal of the Zoning Officer Determination on the issue of whether the subject fence is, in fact, located in a traditional front yard area;
- c. An interpretation of the Prevailing Borough Ordinances relative to front yard areas and fence regulations;
- d. In the alternative, Bulk Variance relief to retroactively legitimize the installation of a 6 ft. high fence in a so-called William Street front yard area (whereas a maximum 4 ft. fence height is otherwise allowed);
- e. The Applicant also reserves the right to request any and all other Variances / Design Waivers / Submission Waivers which are necessary, or which may become necessary, during the Public Hearing process.

Any person or persons who have an interest in the Application, or who have questions, comments, or objections regarding the same will have an opportunity to be heard, either in person, or through an Attorney, at the Highlands Land Use Board Hearing to be held on August 5, 2021, at 7:30 p.m., in the Community Center, 22 Snug Harbor, Highlands, NJ.

A copy of the Application and all pertinent / available drawings / surveys / supporting documents are on file in the Office of the Board Secretary, 42 Shore Drive, Highlands, NJ, and may be inspected Mondays-Fridays, 9:00 a.m.-4:00 p.m., or online at www.highlandsborough.org/departments/land-use-board.

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If necessary, interested persons can also contact the Applicant's Attorney (732-936-1099) for additional assistance in the said regard.

Kevin E. Kennedy, Attorney for Applicant

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JUL 19 2021

Kevin E. Kennedy, Esq.

A Limited Liability Company Attorney at Law 165 Highway 35

Middletown, NJ Phone: (732) 936-1099 Fax: (732) 936-1960

E-mail: kkennedy@kevinkennedylaw.net

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JUL 29 2021

LAND USE BOARD

Admitted to Practice NJ & Washington DC

Mailing Address: 165 Highway 35 Red Bank, NJ 07701

July 19, 2021

VIA FEDERAL-EXPRESS

Michelle Hutchinson, Board Secretary Borough of Highlands 42 Shore Drive Highlands, NJ 07732 RECEIVED

JUL 29 2021

LAND USE BOARD

Re:

John D. Giordano & Maxine Gustus-Giordano

26 Ralph Street Highlands, NJ Block 113, Lot 6.01

Dear Ms. Hutchinson:

Please be advised that I am writing to you on behalf of John D. Giordano & Maxine Gustus-Giordano, Applicants in the above - referenced matter. In that regard, and in anticipation of the **August 5, 2021** Public Hearing, I would ask that you please note the following:

- 1. Enclosed herein please find a copy of the Public Notice issued in connection with the application.
- 2. Enclosed herein please find the original Affidavit of Publication.
- 3. Enclosed herein please find a Certification of Mailing.
- 4. Enclosed herein please find the Certified List of Property Owners.
- 5. Enclosed please find the "green and white" certified slips for the individuals/entities who/which were served with notice of the application.

If I can be of any further assistance, please feel free to contact me at the office.

Very truly yours,

Kevin E. Kennedy

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LAND USE BOARD

Enclosures

John D. Giordano & Maxine Gustus-Giordano (e-mail), w/o encl. cc:

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BOROUGH OF HIGHLANDS LAND USE BOARD NOTICE OF HEARING PUBLIC NOTICE

JUL 29 2021

LAND USE BOARD

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If necessary, interested persons can also contact the Applicant's Attorney (732-936-1099) for additional assistance in the said regard.

Kevin E. Kennedy, Attorney for Applicant

Date

KEK/dmp

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ASBURY PARK PRESS APP.com

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Agency:

Order#

KEVIN KENNEDY 165 STATE ROUTE 35 RED BANK, NJ 07701 ATTN: Denise Pryor, Acct: ASB-166736

Advertisement/Description

Client: KEVIN KENNEDY

165 STATE ROUTE 35, JUL 2 9 2021

RED BANK, NJ 07701

Acct No: ASB-166736 USE BOARD

Cost

Rate

This is not an invoice

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Lines

	•		Lines	Per Line	3333					
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			Affidavit of Publication Charge	2	\$35.00					
			Tearsheet Charge	0	\$0.00					
			Net Total Due:		\$80.90					
Run Dates:	07/13/2021		Check #:							
I, HAVING KNOWLE GOODS HAVE BEEN COMPLIANCE WITH CERTIFICATION IS E PROCEDURES OR \	RECEIVING AGENCY EDGE OF THE FACTS, CERTIFY AND DECLARE THAT THE N RECEIVED OR THE SERVICES RENDERED AND ARE IN THE SPECIFICATIONS OR OTHER REQUIREMENTS, AND SAID BASED ON SIGNED DELIVERY SLIPS OR OTHER REASONABLE VERIFIABLE INFORMATION,	I CER SUFF SHAL APPR	TIFICATION BY APPROVAL OFFICIAL RTIFY AND DECLARE THAT THIS BILL O ICIENT FUNDS ARE AVAILABLE TO SA' L BE CHARGEABLE TO: ROPRIATION ACCOUNT(S) AND AN	R INVOICE IS COR FISFY THIS CLAIM IOUNTS CHARG	RECT, AND THAT THE PAYMENT ED: P.0. #					
TITLE:	DATE:	TITLE:	TLE: DATE:							

CLAIMANT'S CERTIFICATION AND DECLARATION:

linda tutt

I DO SOLEMNLY DECLARE AND CERTIFY UNDER THE PENALTIES OF THE LAW THAT THIS BILL OR INVOICE IS CORRECT IN ALL ITS PARTICULARS; THAT THE GOODS HAVE BEEN FURNISHED OR SERVICES HAVE BEEN RENDERED AS STATED HEREIN; THAT NO BONUS HAS BEEN GIVEN OR RECEIVED BY ANY PERSON OR PERSONS WITHIN THE KNOWLEDGE OF THIS CLAIMANT IN CONNECTION WITH THE ABOVE CLAIM, THAT THE AMOUNT HEREIN STATED IS JUSTLY DUE AND OWING; AND THAT THE AMOUNT CHARGED IS A REASONABLE ONE

Date: 07/13/2021

Federal ID #: 061032273

Signature:

Official Position: Clerk

Kindly return a copy of this bill with your payment so that we can assure you proper credit.

Asbury Park Press

New Jersey Press Media Solutions P.O. Box 677599

AFFIDAVIT OF PUBLICATION

Publisher's Fee \$45.90 Affidavit \$35.00

STATE OF WISCONSIN Brown County	
Personally appeared <u>linda tutt</u>	at County of Brown, State of Wisconsin.
Of the Asbury Park Press , newspaper printed in Freehold, New in State of New Jersey and Monmouth/Ocean Counties, and of g who being duly sworn, deposeth and saith that the advertisement published in the said newspaper 1 times, once in each issue as for	eneral circulation in Monmouth/Ocean Counties, of which the annexed is a true copy, has been
	RECEIVED
07/13/2021 A.D 2021	JUL 29 2021
Notary Public State of Wisconsin County of Brown	LAND USE BOARD
My commission expires	

NANCY HEYRMAN Notary Public State of Wisconsin Ad Number: 0004816403 Run Dates: 07/13/2021

BOROUGH OF HIGHLANDS LAND USE BOARD NOTICE OF HEARING PUBLIC NOTICE

PLEASE TAKE NOTICE that Maxine Gustus-Giordano has submitted a Development Application to the Borough of Highlands / Highlands Land Use Board relative to the property located at 26 Ralph Street, Highlands, NJ (Block 113, Lot 6.01) (R-2.03 Zone). The subject property hosts a new single-family home. A 6 ft. high fence previously existed at the site and, because of its poor / deteriorated condition, the Applicant recently replaced the previous 6 ft. fence with a new 6 ft. high fence. In response, the Zoning Officer has advised that a 6 ft. high fence cannot be located in a front yard area, absent formal Board / Variance relief. Thus, the Applicant is requesting approval for the following:

a. An appeal of the Zoning Officer Determination relative to the need to obtain Variance relief relative to the installation of a replacement fence;
b. An appeal of the Zoning Officer Determination on the issue of whether the subject fence is, in fact, located in a traditional front

yard area;
c. An interpretation of the Prevailing Borough Ordinances relative to front yard areas and fence regulations;
d. In the alternative, Bulk Variance relief to retroactively legitimize the installation of a 6 ft. high fence in a so-called William Street front yard area (whereas a maximum 4 ft. fence height is otherwise allowed);
e. The Applicant also reserves the right to request any and all other Variances / Design Waivers / Submission Waivers which are necessary, or which may become necessary, during the Public Hearing process.

Any person or persons who have an interest in the Application, or who have questions, comments, or objections regarding the same will have an opportunity to be heard, either in person, or through an Attorney, at the Highlands Land Use Board Hearing to be held on August 5, 2021, at 7:30 p.m., in the Community Center, 22 Snug Harbor, Highlands, NJ.

A copy of the Application and all pertinent / available drawings / surveys / supporting documents are on file in the Office of the Board Secretary, 42 Shore Drive, Highlands, NJ, and may be inspected Mondays-Fridays, 9:00 a.m. 4:00 p.m., or online at www.highlandsborough.org/departments/land-use-board.

If necessary, interested persons can also contact the Applicant's Attorney (732-936-1099) for additional assistance in the said regard.

Kevin E. Kennedy, Attorney for Applicant (\$45.90)

July 13th, 2021 Date

-0004816403-01

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CERTIFICATION OF MAILING

JUL 29 2021

LAND USE BOARD

I, **Kevin E. Kennedy**, hereby certify as follows:

- 1. I am the Attorney at the Law Office of Kevin E. Kennedy, located at 165 Highway 35, Red Bank, New Jersey.
- 2. On July 16, 2021, I sent letters (via certified mail) to all the individuals / entities set forth on the attached mailing list.
- 3. The above letters contained the attached Public Hearing Notice evidencing that the John D. Giordano & Maxine Gustus-Giordano Application was scheduled to be heard by the Highlands Land Use Board on August 5, 2021.
- 4. The original receipts, confirming that the above letters were sent via certified mail are attached hereto.
- 5. I am aware that the Highlands Land Use Board will be relying upon the truthfulness of the statements contained herein.

I hereby certify that the foregoing statements made by me are true to the best of my knowledge, information, and belief. Furthermore, I am aware that if any of the statements made by me are willfully false, I am subject to punishment.

Date

Kevin E. Kennedy, Esq.

KEK/dmp

 $Z: \verb|KevinKennedyLaw| Land Use \verb|Giordano-Highlands| CERTIFICATION OF MAILING. doc | A continuous continuous$



BOROUGH OF HIGHLANDS COUNTY OF MONMOUTH

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JUL 29 2021

LAND USE BOARD

Date Issued: July 9, 2021.

CERTIFICATION OF 200-FOOT LIST BLOCK[s] 113 LOT [s] 6.01

PROPERTY LOCATION: 26 Ralph Street

TO THE BEST OF MY KNOWLEDGE this is a true and accurate list, as of this date, taken from the most current tax records of the Borough of Highlands, NJ.

The addresses on this list are pertinent to the Borough of Highlands exclusively. If the subject property is within 200 feet of a neighboring municipality, you MUST contact that municipality, to obtain a listing of any properties that may be inclusive in the 200 foot perimeter. THIS LIST IS VALID FOR 90 DAYS.

Michelle Hutchinson, Acting Borough Clerk 7/9/2021 2:22 PM

NJ Dept. of Transportation 1035 Pkwy Avenue PO Box 600 Trenton, NJ 08625

Monmouth County Planning Board Hall of Records Annex 2nd Floor One East Main St. PO Box 1255 Freehold, NJ 07728

^{*} If you are located within 200 feet of a State Highway, you MUST notify the NJ Department of Transportation:

^{*}If you are within 200 feet of a County owned road, you MUST notify the Monmouth County Planning Board:

You must also notify all utilities located within the 200-foot range of the subject property:

JCP&L

300 Madison Avenue PO Box 1911 Morristown, NJ 07960 **RECEIVED**

JUL 29 2021

NEW JERSEY AMERICAN WATER COMPANY

Attn: Construction Department 661 Shrewsbury Ave Shrewsbury, NJ 07702 LAND USE BOARD

COMCAST COMMUNICATIONS OF MONMOUTH COUNTY

Ron Bertrand, Construction Foreman 403 South St Eatontown, NJ 07724

VERIZON COMMUNICATIONS

 One Verizon Way Basking Ridge, NJ 07920

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY,

Brian Rischman P.E., Executive Director PO Box 205, 100 Beverly Way Belford, NJ 07718

NEW JERSEY NATURAL GAS COMPANY

Attn: Joan Purcaro PO Box 1464 1415 Wyckoff Road Wall, NJ 07719

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY

Attn: Executive Director

200 Harbor Way PO Box 184 Belford, NJ 07718 1319-115-20 CONNORS HOTEL% WOLFFE 236 VAN KIRK AVENUE ATLANTIC HIGHLANDS NJ 07716

1319-113-1 KANE WELLS REBECCASWELLS CHARLES R 194 LINDEN AVENUE HIGHLANDS NJ 07732

1319-110-12 SELEMON GERY & MARY 212 LINDEN AVENUE HIGHLANDS NJ 07732

1319-110-16 01-C0002 GOSSLAU ALEXANDER 17A RALPH STREET HIGHLANDS NJ 0773

1319-110-16 01-C0003 GOSCINSKI PAUL 17B RALPH STREET HIGHLANDS NJ 07732

1319:110-17 MCMAHON RYAN P 21 RALPH STREET HIGHLANDS NJ 07732

1319-113-4
FREMING GUY C & YOLANDA NAYARRA
3 WILLIAM STREET
HIGHLANDS NJ 07732

1319-113-5 SCALA DAVID M 5 WILLIAM STREET HIGHLANDS NJ 07732

1319-113.7 VENTIMIGLIA EUGENE JAMES 22 RALPH STREET HIGHLANDS NJ 07732

1319-113-8 HALLGRING KENNETH DA PATRICIA J 20 RALPH STREET HIGHLANDS NJ 07732

1319-113-9 TEEPLE FRANCIS E & JUDY E 18 RALPH ST HIGHLANDS NJ 07732

1319-113-10 CAPORASO MICHELOUS AAKEISER LEAHN 202 LINDEN AVENUE HIGHLANDS NJ 07732

1319-113-11
DAMS JAMES T SR&PATRICIA E TRUSTEE
200 LINDEN AVENUE
HIGHLANDS NJ 07732

1319-115-15-01 ANDERSON ALFRED S 8 WILLIAM STREET HIGHLANDS NJ 07732

1319-110-16 02 GULIAN DAVID R 19 RALPH STREET HIGHLANDS NJ 07732 1319-113-3 RENTAS STEPHEN 52 CHRISTIE AVENUE RIVER EDGE NJ 07661

1319-110-16 01-C0001 BOSCINSKI PAUL 67 COLUMBIA AVE LONG BRANCH NJ 07740

1319-115-19
SCOTT JAMES T & JAMES T SCOTT TRUS
255 PEOPLES WAY
HOCKESSIN DL 19707

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27 RALPH STREET
HIGHLANDS NJ 07732

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7 1319-115-16 GALLAGHER THOMAS A & MARY GAIL 10 WILLIAM STREET HIGHLANDS NJ 07732

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1319-115-18-03 CARFORA CORINDA 7 WILLIAM STREET-#3 HIGHLANDS NJ 07732

1319-115-18-04 MULLAN KEVIN & LYNNE 7 WILLIAM STREET #4 HIGHLANDS NJ 07732

1319-110-18
GORNWELL GEORGE B
25-A RALPH STREET
MIGHLANDS NJ 07732

Gafger Kyle a Nicole 34 Ralph Street Highlands, NJ 07732

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☐ Agent☐ Addressee☐ C. Date of Delivery

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B. Received by (Printed Name) Jonathan)

- Attach this card to the back of the mailpiece, or on the front if space permits.

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	SENDER: COMPLETE THIS SECTION Complete items 1, 2, and 3. Prin your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece,	or on the front if space permits. 1. Article Addressed to:	Fleming Guy C and Yolanda Navarra 3 William Street Highlands, NJ 07732 Giordano	9402 3952 8060 8292 51 Transfer from service Jabel)	701,9 2015 PSN 7530-02-02-02-02-02-02-02-02-02-02-02-02-02	Complete Items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. Article Addressed to: Scala, David M	5 William Street Highlands, NJ 07732 Giordano	9590 9402 3952 8060 8292 44 3. Article Number (Transfer from service label) 7017 2970 0000 7309	SENDER: COMPLETE THIS SECTION	Complete items 1, 2, and 3, Print your name and address on the reverse so hat we can return the card to you. Attach this card to the back of the mailplece, or on the front if space permits.	Ventimiglia, Eugene James 22 Ralph Street Highlands, NJ 07732 Giordano	9590 9402 5700 9346 4836 89	2. Article Number (Transfer from service label) 701,9 2970 0000 7309	Complete items 1, 2, and 3. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the malipiece, or on the front if space permits.

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■ Complete Items 1, 2, and 3.
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