



HGPB- R1820

August 3, 2021  
Via Email

Michelle Hutchinson, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

**Re: CharRon Contracting, Inc.  
9 Shrewsbury Avenue  
Block 42, Lot 2  
R-2.02 Zone  
Second Engineering Review**

Dear Ms. Hutchinson,

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, section 21-58D – Minor Site Plan.

The applicant submitted the following documents in support of this application:

1. Planning Board Application, dated June 4, 2020.
2. Zoning Denial, dated May 6, 2020.
3. Tax Payment History, dated June 10, 2020.
4. Architectural Plan prepared by Tekton Architecture Studio, dated April 20, 2020, consisting of one (1) sheet. **New Architectural Plan prepared by Tekton Architecture Studio, dated July 22, 2021, consisting of one (1) sheet.**
5. Variance Plan / Building Permit Plot Plan prepared by East Point Engineering, dated October 30, 2020, **and last revised on June 3, 2021**, consisting of one (1) sheet.
6. **Conforming setback exhibit, undated and unsigned.**
7. **Front yard setback exhibit for Shrewsbury Avenue, undated and unsigned.**
8. **Owner's consent form, dated June 3, 2021.**

**A. Project Description**

The subject property is a pre-existing non-conforming lot located in the R-2.02 Zone. The lot is oddly shaped, undersized, and currently vacant. The applicant is proposing to construct a single-family dwelling on the lot and is seeking relief for eight (8) bulk variances. The dwelling is proposed to have three (3) bedrooms and will consist of a ground floor (garage/storage only), two living space floors, and a rooftop deck with an enclosed great room and bathroom.

**B. Planning and Zoning**

The bulk requirements are as shown on the chart below:



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R-2.02 Zone	Required	Existing	Proposed
Min. Lot Area (sf)	4,000	1,757 or 0.04 AC	1,757 or 0.04 AC (V)
Min. Lot Frontage/Width (ft)	50	32.5 ft	32.5 ft (V)
Min. Lot Depth (ft)	75	47.3 ft	47.3 ft (V)
Min. Front Yard Setback (ft)	20*	NA	2.0 (V)
Minimum Rear Yard Setback (ft)	20	NA	3.63 (V)
Min. Side Yard Setback (ft)	6/8	NA	4.05 / 6.00 (V)
Maximum Building Height (ft)	32.5**	NA	28.4 ft**
Lot Coverage	75%	NA	52.4%
Building Coverage	33%	NA	50.1% (V)

E= Existing Condition V= Variance Required N/A= Not Applicable

\* Or the average of the existing front yard setback within two hundred (200) feet in the same block and zone, but in no case less than half the required setback per Section 21-79.B. **Applicant notes prevailing setback at 9.6' per submitted exhibit plan, however the Ordinance requires no less than half the requirement, or 10' minimum in this case.**

\*\*Building height measured from the grade plane, which is BFE+1', or 13' (NAVD88) to the midline of the highest roof. Bonus credit of 2.5' for parking underneath. Value scaled from architectural drawing.

To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:

- **Positive Criteria.** The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
- **Negative Criteria.** The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.



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The application does not require any “d” variance relief pursuant to NJSA 40:55D-70.d as follows:

- a. A d(1) variance is not required, as a single-family dwelling is a permitted use in the R-2.02 zone.
- b. A d(2) variance is not required, as this application does not represent an expansion of a non-conforming use (see item “a” above, the lot is currently vacant, and the proposed use is permitted).
- c. A d(4) variance is not required, as there is no floor area ratio standard required in the R-2.02 zone.
- d. A d(6) variance is not required, as the proposed dwelling height complies with the Ordinance standards.

Additionally, Section 21-98.F of the Ordinance reads as follows:

*“Nonconforming Lots in a Residential Zone. Any parcel of land with an area, width, or depth less than required in the zone in which such lot is located may be used as a lot for purposes permitted in the zone **without a variance (emphasis added)**, provided that it meets the requirements below.*

*Pre-existing nonconforming vacant lots may be used for single-family residential purposes; and single-family or two-family uses on pre-existing nonconforming lots may be enlarged, **if the following requirements are met (emphasis added)**:*

- (a) *The proposed use will be a new single-family dwelling or the enlargement of an existing single- or two-family use. A single-family dwelling shall not be converted to a two-family dwelling.*
- (b) *(Reserved)*
- (c) *There is no available vacant land abutting the lot.*
- (d) *The lot either provides off-street parking or the proposed enlargement includes the provision of off-street parking.*
- (e) *The building and lot coverage will not be exceeded.*
- (f) *For lots which do not meet the lot width requirements, the side yards may be reduced in the same proportion as the reduced width bears to the required width, but in no case shall the proposed side yards be less than one-half of the required side yards.*
- (g) *For lots which do not meet the lot depth requirement, the front and rear yards may be reduced in the same proportion as the reduced lot depth to the required lot depth, but in no case shall the proposed front yard be less than the smallest front yard allowed under § 21-79B nor the proposed rear yard be less than eighty (80%) percent of the required rear yard for the zone.*

This Ordinance section provides an opportunity for pre-existing vacant lots that do not meet the minimum area, width, or depth requirements to get certain relief **without having to go to the Land Use Board for variances**, but only if all requirements enumerated in items “a” through “g” are met. In this case, several of the enumerated items are not met, therefore this section does not apply, and the applicant is therefore requesting various bulk standard relief as noted in the chart above.



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**C. Additional Comments**

1. The proposed structure is located within the AE-12 Flood Zone, and within the Limit of Moderate Wave Action (LiMWa). The architectural plans should be revised to include piling or column foundations and breakaway walls in compliance with V zone construction requirements. Additionally, the Base Flood Elevation should be shown on the Architectural Elevations, with height measurements noted in accordance with the Ordinance definition and FEMA requirements. **Continuing comment, the revised architectural plans do not address these comments.**
2. The applicant notes a two-car garage with a door width of 16'. The proposed driveway will only be approximately 8' long, which will not support a parking space. The Ordinance and RSIS requires 2 parking spaces, which appears to be satisfied.
3. The proposed driveway limits shall be clarified on the engineering plan, documenting the proposed width and limits of concrete curb/gutter/apron modifications required.
4. The applicant shall provide testimony regarding the dimensions of the driveway, and whether the existing depressed curb will be retained.
5. A copy of the referenced property survey should be provided for record purposes. **Not provided.**
6. If approved by the Board, the applicant shall be required to obtain any and all outside agency and department approvals, including but not limited to:
  - a. Construction Department
  - b. Floodplain Official
  - c. NJDEP
  - d. Any other agency or department having jurisdiction.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

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EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER



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**cc: Michael Muscillo, Borough Administrator (via email)  
Ron Cucchiaro, Esq., Land Use Board Attorney (via email)  
Rob Knox, Land Use Board Chairman (via email)  
Annemarie Tierney, Land Use Board Vice Chairman (via email)  
CharRon Contracting, (charroncontractinginc@gmail.com)  
Marc Leber, PE, PP; Applicant's Engineer (mleber@eastpointeng.com)  
Konstantinos Aravantinos, AIA, Applicant's Architect (kondesignbuild@gmail.com)**

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Google Streetview Image, Photography dated September, 2019