



BOROUGH OF HIGHLANDS  
LAND USE BOARD  
2021 ANNUAL REPORT

This is the Borough of Highlands' 2021 Annual Report covering the period January 1, 2021 through December 31, 2021. 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 Administrative/Dismissed/Withdrawn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 2022

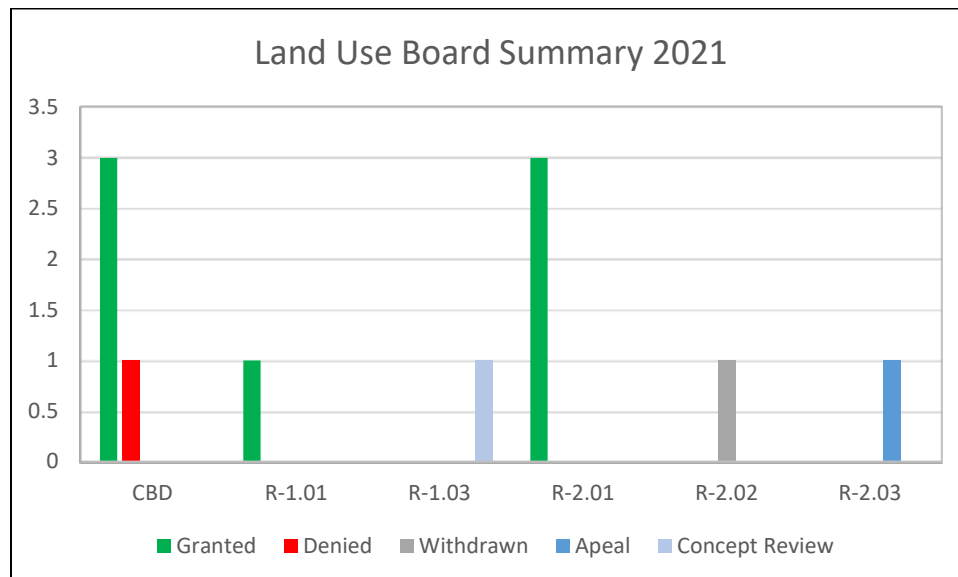
The Borough of Highlands Land Use Board received a total of six (6) new applications, including one (1) submitted alternatively as part of a Zoning Denial Appeal, in 2021. Additionally, there was one (1) conceptual plan review. Nine (9) applications were heard, three (3) of which were applications from 2019, four (4) applications were from 2020, and two (2) were from 2021. One (1) of the four (4) 2020 applications, withdrew while being heard. Of the remaining three (3) 2021 applications, one (1) is ready to be heard at the start of the new year and two (2) were newly submitted after the December meeting.

### 1. Summary

Total applications heard 11 – (including 3 from 2019 and 4 from 2020)

- Applications approved as presented – 7
- Applications denied as presented – 1
- Appeal applications – 1
- Applications withdrawn – 1
- Concept Review – 1

Board actions and activity are as depicted in the following chart.



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## **2. Appeal**

LUB2021-03: Giordano – Block 113 Lot 6.01 (26 Ralph Street)

- Applicant appealed Zoning Officer's denial and, in the alternative, submitted Variance application.
- Applicant's Zoning Application for construction of 6' fence was denied because Zoning Officer deemed that William Street is front yard of property and front yard fences could not exceed 4' in height.
- The Board found that William Street does not extend the full width of the subject Property and thus is not a front yard as defined by the ordinance.
- Based on the definition of the Ordinance, and not by the use of the property owner, the Board reversed the decision of the Zoning Officer and the Applicant's variance application is moot.

## **3. Administrative (10)/Dismissed (0)/Withdrawn (1)**

- LUB Resolution 2021-10 Consistency Review of Proposed Ordinance 2021-06: Prohibited Uses
- LUB Resolution 2021-11 Consistency Review of Proposed Ordinance 2021-09: Stormwater Management & Control
- LUB Resolution 2021-15 Consistency Review of Proposed Ordinance 2021-21: Conditional use
- LUB Resolution 2021-16 Consistency Review of Proposed Ordinance 2021-23: Conditional use
- LUB Resolution 2021-17 Execution of Letter of Support for Skate Park Project
- LUB Resolution 2021-18 Consistency Review of Proposed Ordinance 2021-29: Off-Street Parking
- LUB Resolution 2021-19 Extension of Approval for LUB2020-01
- LUB Resolution 2021-20 Extension of Approval for LUB2020-06
- LUB Resolution 2021-21 Recommending Designation of Certain Properties as Non-Condensation Redevelopment Area
- LUB Resolution 2021-23 Extension of Approval for LUB2020-04

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

Applicant withdrew without prejudice while Board was hearing their application.

## **4. Applications Denied (1)**

LUB2020-08: Arjika Properties – Block 81 Lot 12 (289 Bay Avenue)

Denied due to:

- Consideration of impact of proposed subdivision of property for construction of two (2) single-family homes in the CBD Zone.
- Pursuant to NJSA 40:55D-70d(1), use variance:
  - Applicant failed to satisfy the positive criteria, the enhanced criteria, and the negative criteria.

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- Pursuant to NJSA 40:55D-47, subdivision was denied for same above reasons.

## **5. Applications Granted (7)**

### **CBD Zone**

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

- Construction of two (2) 3-story townhouses with four (4) units each on a current vacant lot.
- Proposal of 16 on-site parking spaces, landscaping, lighting, and utilities.
- Variances sought
  - Use variance – Residential in CBD Zone
  - Parking variance
- Applicant satisfied the positive criteria and the negative criteria.
- Any bulk variances and design waivers are subsumed within approval of use variance relief.
- Application is granted subject to conditions.

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

- Construction of a mixed-use 3-story building with commercial use on ground floor and two (2) 2-bedroom residential units above on a current vacant lot.
- Applicant seeks (d)94) FAR variance relief and parking relief.
- Applicant satisfied positive criteria and negative criteria.
- Application is granted subject to conditions.

LUB2021-01: LDN, LLC – Block 54 Lot 7.01 (49 Miller Street)

- Use variance relief with major subdivision of current vacant lot that is serviced by municipal water and sewer into five (5) new lots for single-family residence on each new lot.
- Four lots would be 30ft x 80ft and one would be 30ft x 120ft.
- Property was previously in R-2.02 Zone but was rezoned as in the CBD Zone in latest Master Plan.
- Although it is a major subdivision application, there is no proposed water retention basin, new roadway, or street lighting proposed.
- Proposed new lots would front existing streets – 3 facing Miller Street and 2 facing North Street.
- Applicant agreed to comply with all aspects of Board Engineer’s Review letter.
- Each new proposed homes would meet require number of off-street parking.
- Applicant satisfied positive criteria and negative criteria.
- Any bulk variances and design waivers are subsumed within approval of use variance relief.
- Application is granted subject to conditions.

### **R-1.01 Zone**

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

- Subdivide lot into two (2) new lots –one (1) containing existing single-family dwelling and one (1) for construction of a new single-family residence.
- Applicant also seeks steep slope variance for construction of new driveway.

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- Applicant satisfied positive criteria and negative criteria.
- Application is granted subject to conditions.

**R-2.01 Zone**

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

- Demolition of existing multi-family dwelling and garage and to subdivide into two (2) new approximate equal-sized lots with new single-family residences.
- Lot historically was two (2) separate lots prior to having been merged as it stands now.
- Proposed subdivision eliminates a non-confirming use in the R-2.01 Zone.
- Proposed new construction eliminates existing dilapidated vacant property.
- Application is granted subject to conditions.

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

- Subdivide vacant lot into two (2) lots facing Marine Place with new single-family residences.
- Applicant would live in one and sell the other.
- Applicant also seeks relief of six (6) variances.
- Applicant satisfied positive criteria and negative criteria.
- Application is granted subject to conditions.

LUB2021-04: Marron – Block 76 Lot 15 (39 Barberie Avenue)

- Bulk variance relief for construction of a two-story addition to the current residence without change in footprint.
- Board Engineer deemed that the increased habitable living space, while increased building coverage and lot coverage do not require variance relief, would not exacerbate preexisting nonconformity.
- Applicant satisfied positive criteria and negative criteria.
- Application is granted subject to conditions.

**6. Applications Carried to 2022 (0)**

One application is ready to be heard and two new Land Use Board applications were submitted after the December meeting.

**7. Observations / Recommendations**

Some possible areas, but not limited to:

- 1) Regulations concerning the location of HVAC units and utilities within required setbacks;
- 2) Consideration of ordinance amendments to reduce the number of undersized lots;
- 3) Regulations concerning the location of staircases in sidewalk areas;
- 4) Regulations concerning setbacks for raised decks; and
- 5) Parking requirements.