



Borough of Highlands  
 151 Navesink Ave.  
 Highlands, NJ 07732  
 (732) 872-1224  
 www.highlandsnj.gov

## LAND USE BOARD APPLICATION

**FOR OFFICIAL USE**

Date Rec'd: 2/19/2025 Application #: UB 25-01 Fee: 500.00 ck # 1331

Escrow: 1,000.00 ck # 1311 Escrow Acct# T-03-56-875-000-206

**1. APPLICANT**

Name: Tim Ayers  
 Address: 19 Bay Avenue  
 City: Highlands State: NJ Zip: 07732  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_  
 Relation to property: Owner

**2. OWNER**

Name: Same as Applicant  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

**3. TYPE OF APPLICATION (Check all that apply)**

- |   |  |
|---|--|
| <input type="checkbox"/> Minor Subdivision<br><input type="checkbox"/> Major Subdivision – Preliminary<br><input type="checkbox"/> Major Subdivision – Final<br><input type="checkbox"/> Minor Site Plan<br><input type="checkbox"/> Major Site Plan – Preliminary<br><input type="checkbox"/> Major Site Plan – Final<br><input type="checkbox"/> Variance<br><input checked="" type="checkbox"/> Use Variance | <input type="checkbox"/> Appeal – Zoning Denial date _____<br><input type="checkbox"/> Appeal – Land Use Decision date _____<br><input type="checkbox"/> Informal Concept Plan Review<br><input type="checkbox"/> Extension of Approval<br><input type="checkbox"/> Revision/Resubmission of Prior Application<br><input type="checkbox"/> Other _____ |
|---|--|

**4. PROPERTY INFORMATION**

Block 38.01 Lot(s) 13 Address: 19 Bay Avenue  
 Lot size .07 acres # of Existing Lots 1 # of Proposed Lots \_\_\_\_\_  
 Zone B-2 Are there existing Deed Restrictions or Easements?  No  Yes – Please attach copies  
 Has the property been subdivided?  No  Yes If yes, when? \_\_\_\_\_  
 Attach copies of approved map or approved resolution  
 Property taxes paid through current Sewer paid through \_\_\_\_\_

**5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp must be represented by a NJ attorney)**

Name: Daniel J. O'Hern Jr.  
 Address: 195 East Bergen Place Red Bank NJ 07701  
 Phone: 732-219-7711 Email: dohern@byrnesohern.com



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**6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.**

Name: TBD  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

**7. LAND USE**

**A. PROPERTY HISTORY** –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

\_\_\_\_\_

The property is a 1200 sq. ft two story multi use commercial building. The 1st Floor is used as office space. The 2nd Floor is one room with a kitchenette and one bathroom. The 2nd Floor has a private entrance via an exterior stairwell.

**B. PROPOSED PLAN** –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C. ADDITIONAL INFORMATION:**

		Existing	Proposed
Residential:	How many dwelling units?	<u>0</u>	<u>1</u>
	How many bedrooms in each unit?	<u>                    </u>	<u>1</u>
	How many on-site parking spaces?	<u>5</u>	<u>5</u>
Commercial:	How many commercial uses on site?	<u>1</u>	<u>1</u>
	How many on-site parking spaces?	<u>5</u>	<u>5</u>



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**8. VARIANCE REQUESTS** Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
<b>Minimum Lot Requirements</b>			
Lot Area			
Frontage			
Lot Depth			
<b>Minimum Yard Requirements</b>			
Front Yard Setback			
2 <sup>nd</sup> Front Yard Setback			
Rear Yard Setback			
Side Yard Setback, right			
Side Yard Setback, left			
Building Height			

	Req'd	Exist.	Prop'd
<b>Accessory Structures</b>			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
<b>Parking Requirements</b>			
On-site Parking Spaces			
<b>Other (please add)</b>			

**9. OTHER RELIEF REQUESTED** Please specify relief(s) and explain below.

The applicant seeks use variance relief to utilize the 2nd Floor space as a short term studio apartment rental.






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**10. NOTARIZED SIGNATURE OF APPLICANT**

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

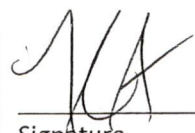
SWORN & SUBSCRIBED to before me this  
 29 day of January 2025 (year)  
 \_\_\_\_\_ (notary)  
 JENNIFER L COOK  
 Notary Public, State of New Jersey  
 Comm. # 2429035  
 My Commission Expires 01/22/2028

  
 Signature \_\_\_\_\_ Date 1/29/2025  
 Tim Ayers  
 Print Full Name \_\_\_\_\_

**11. NOTARIZED CONSENT OF OWNER**

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this  
 29 day of January 2025 (year)  
 \_\_\_\_\_ (notary)  
 JENNIFER L COOK  
 Notary Public, State of New Jersey  
 Comm. # 2429035  
 My Commission Expires 01/22/2028

  
 Signature \_\_\_\_\_ Date 1/29/2025  
 Tim Ayers  
 Print Full Name \_\_\_\_\_

**12A. DISCLOSURE STATEMENT** Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- |  |     |                                     |
|--|-----|-------------------------------------|
| Is this application to subdivide a parcel of land into six (6) or more lots?   | Yes | <input checked="" type="radio"/> No |
| Is this application to construct a multiple dwelling of 25 or more units?      | Yes | <input checked="" type="radio"/> No |
| Is this an application for approval of a site(s) for non-residential purposes? | Yes | <input checked="" type="radio"/> No |
| Is this Applicant a corporation?   | Yes | <input checked="" type="radio"/> No |
| Is the Applicant a limited liability corporation?                              | Yes | <input checked="" type="radio"/> No |
| Is the Applicant a partnership?  | Yes | <input checked="" type="radio"/> No |

If you circled YES to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).





LAW OFFICES OF  
BYRNES, O'HERN & HEUGLE

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February 6, 2025

**VIA PRIORITY MAIL**

Ms. Nancy Tran  
Land Use Board Secretary  
Borough of Highlands  
151 Navesink Avenue  
Highlands, NJ 07732

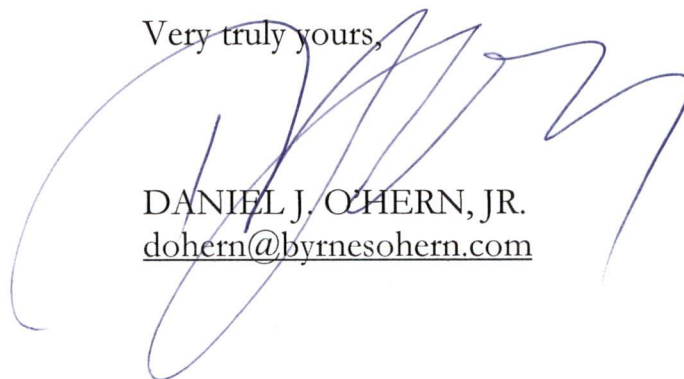
**Re: Tim Ayers, 19 Bay Avenue, Block 38.01, Lot 13**

Dear Ms. Tran:

My office represents the applicant Tim Ayers regarding the referenced property. Enclosed is an original and one copy of Mr. Ayer's completed application to the Land Use Board. Also enclosed are two checks payable to the Borough of Highlands; one in the amount of \$500 for the application fee; and the other in the amount of \$1,000 for the escrow fee.

Please let me know if you have any questions or require any additional information regarding this application.

Very truly yours,



DANIEL J. O'HERN, JR.  
[dohern@byrnesohern.com](mailto:dohern@byrnesohern.com)

w/enclosures

NOTE: NO ATTEMPT WAS MADE OR LIABILITY IS ASSUMED TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS ARE NOT LOCATED BY THIS SURVEY.

SETBACKS AS PER FILED MAP AND/OR DEED RESTRICTIONS MAY NOT REFLECT CURRENT ZONING CONDITIONS, IF APPLICABLE.

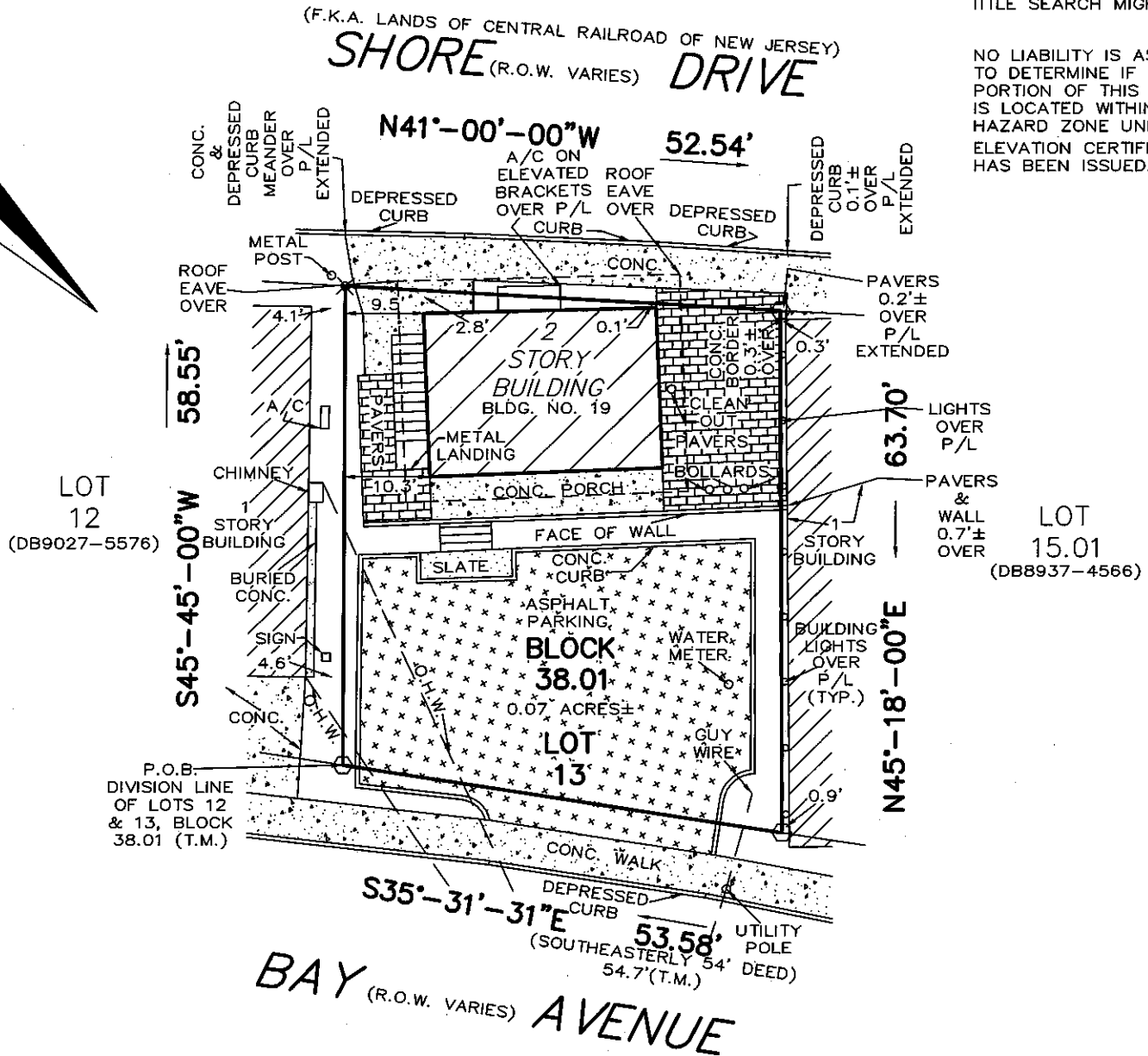
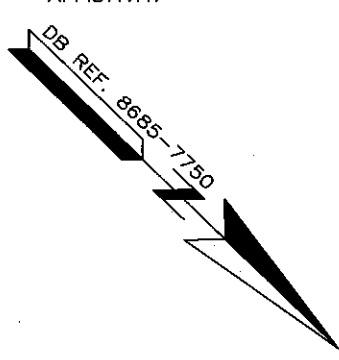
THIS SURVEY IS NOT VALID WITHOUT A RAISED SEAL OR FOR USE AS A SURVEY AFFIDAVIT.

**THIS SURVEY IS NOT FOR CONSTRUCTION PURPOSES!**

NOTES: PROPERTY CORNERS TO BE SET UNLESS A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003,c14 (C45:8-36.3) AND N.J.A.C. 13:40-5.1(D)."

THIS SURVEY IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE.

NO LIABILITY IS ASSUMED TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS LOCATED WITHIN A FLOOD HAZARD ZONE UNLESS AN ELEVATION CERTIFICATE HAS BEEN ISSUED.



**SURVEY BASED UPON LINES OF OCCUPATION & CONTROL FOUND**

**LEGEND:**

- - REBAR TO BE SET
- ✕ - NAIL TO BE SET

THIS SURVEY IS PREPARED FOR ONLY:

LB STORAGE, LLC

SCOTT TITLE SERVICES, LLC (ST-16422-17)  
STEWART TITLE GUARANTY COMPANY

ZAGER FUCHS, P.C.  
RICHARD J. ANGELO, ESQUIRE

KNOWN AS LOT 13 IN BLOCK 38.01, AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY.

DEED REFERENCE(S):  
BOOK 8685-7750  
BOOK 5274-928 (LOT 16)  
BOOK 5202-753 (LOT 11.01)  
BOOK 4152-396 (LOT 17.01)  
BOOK 5147-986 (LOT 17.06)  
F.M. REF. 78-12

"TO ANY INSURER OF TITLE RELYING HEREON AND ANY PARTIES OF INTEREST HEREIN," IN CONSIDERATION OF THE FEE PAID FOR MAKING THIS SURVEY, I HEREBY CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND IN ACCORDANCE WITH THE LAWS IN THE STATE OF NEW JERSEY UNDER MY SUPERVISION.

(EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS OR ON THE SURFACE OF THE LANDS THAT ARE NOT VISIBLE) AS AN INDUCEMENT FOR ANY INSURER OF TITLE TO INSURE THE TITLE TO THE LANDS AND PREMISES SHOWN HEREON. THIS RESPONSIBILITY AND LIABILITY SHALL BE LIMITED TO THE CURRENT MATTER AS OF THE DATE OF THIS SURVEY AND SHALL BE LIMITED TO ONLY THE PARTIES OF INTEREST AS SHOWN ON THE CERTIFICATION HEREIN. IF THIS SURVEY IS USED IN CONJUNCTION WITH A SURVEY AFFIDAVIT FOR THE TRANSFER OF TITLE, ALL LIABILITY SHALL BE WAIVED AND ALL RIGHTS TO ALL PARTIES OF INTEREST SHALL BECOME NULL AND VOID. NO LIABILITY SHALL BE ASSUMED FOR ANY EASEMENTS, DEDICATIONS AND OR INSTRUMENTS NOT SUPPLIED PRIOR TO CLOSING. THE RIGHT SHALL BE RESERVED TO REVIEW ANY SUCH INSTRUMENTS AND TO MAKE SUCH EXCEPTIONS AND OR REVISIONS AS A REVIEW MAY WARRANT.

OFFSETS AS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR CONSTRUCTION OF FENCES OR OTHER PERMANENT STRUCTURES.

DATE	REVISIONS

8/3/17  
DATE

*Robert W. Smith, Jr.*  
**ROBERT W. SMITH, JR.**  
PROFESSIONAL LAND SURVEYOR N.J. LIC. NO. 023934

**PLAN OF SURVEY**

SITUATE

BOROUGH OF HIGHLANDS

MONMOUTH COUNTY, NEW JERSEY

BLOCK 38.01

LOT 13

**SENECA SURVEY CO., INC.**

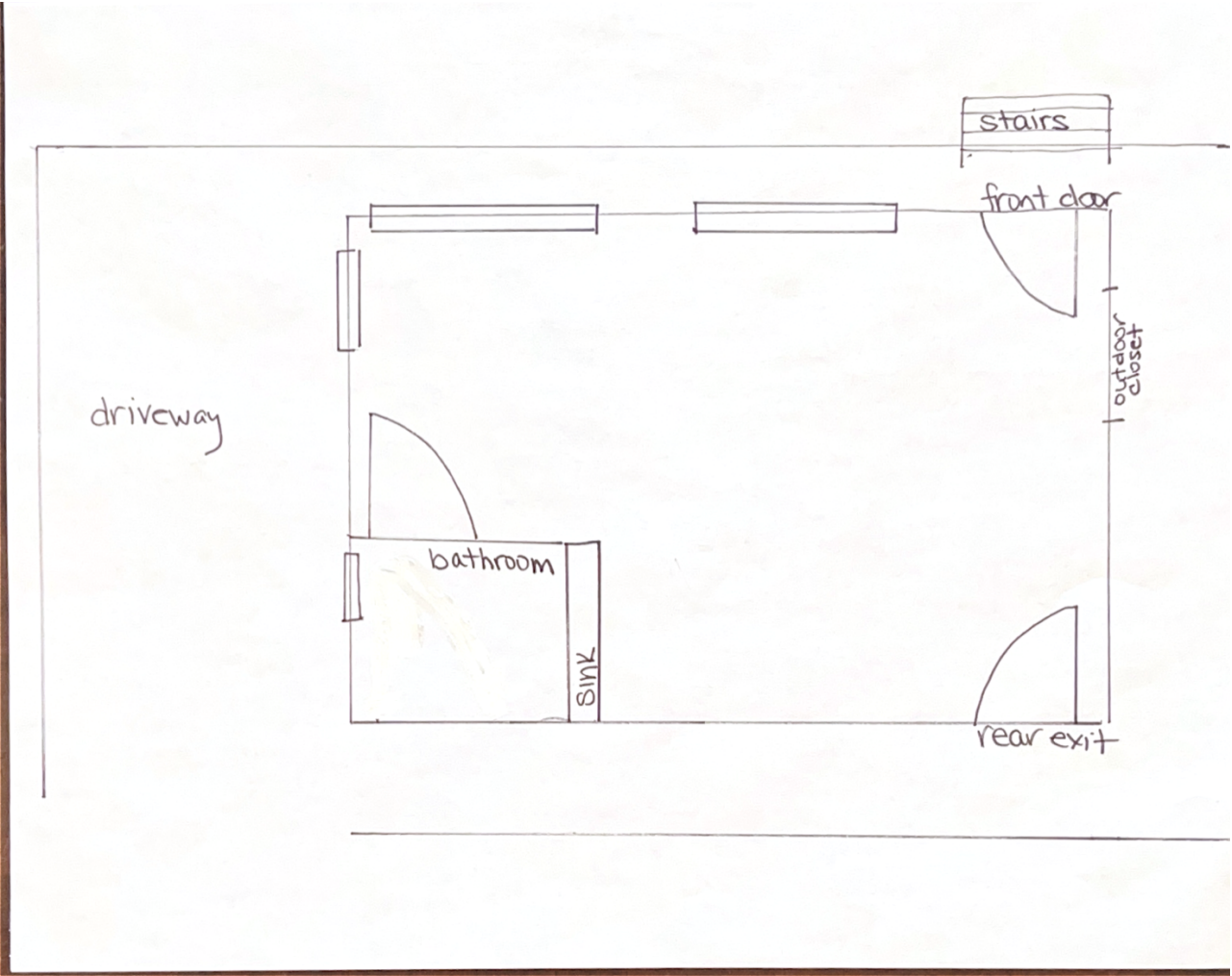
SURVEYORS & PLANNERS  
1470 ROUTE No. 88 WEST  
BRICK, NEW JERSEY, 08724  
CERTIFICATE # 24GA27973900  
(732)840-8040 FAX (732)840-8044  
EMAIL: SENECACO@COMCAST.NET

Survey Date: 8/3/17

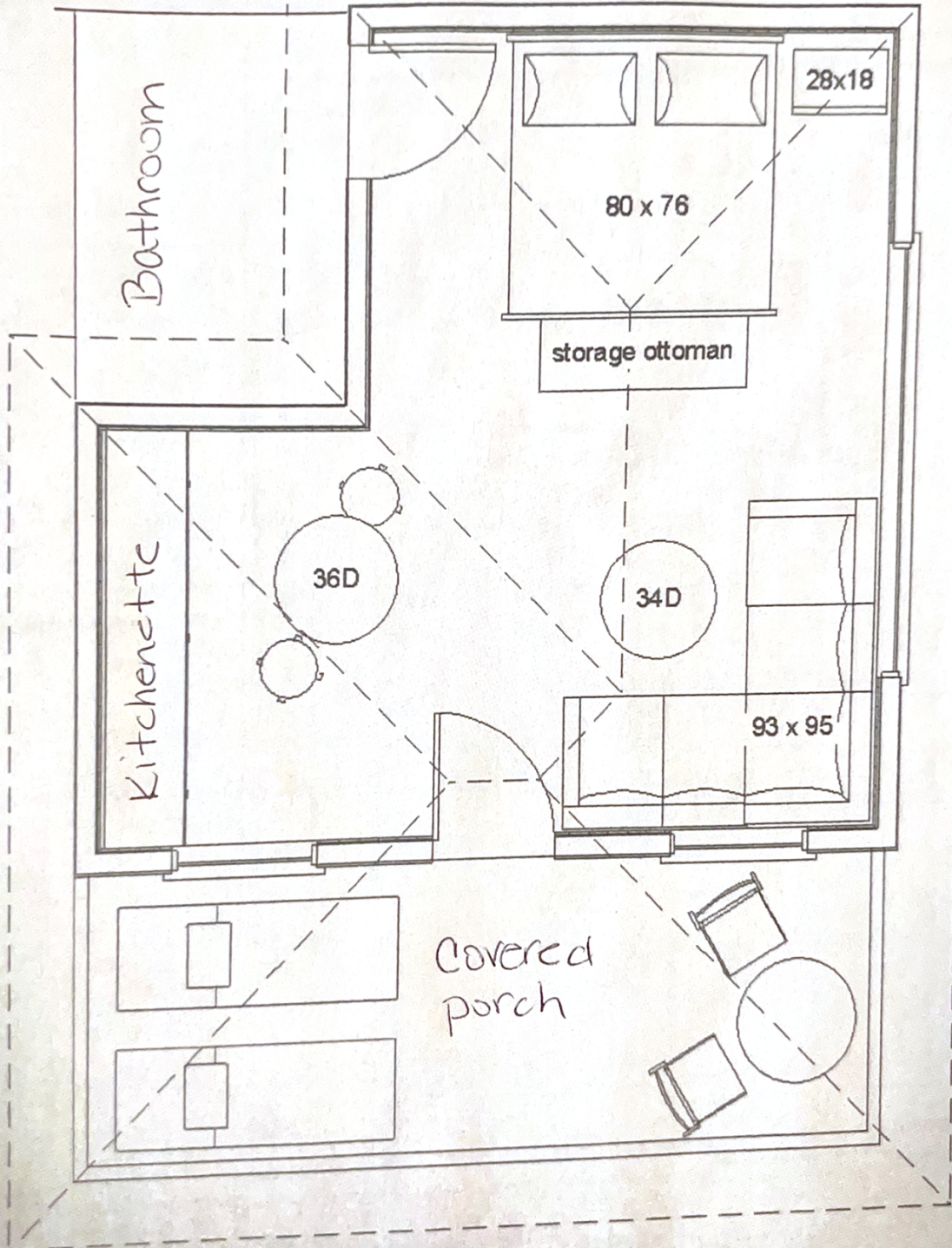
Drawn by: ACU-PLAT

Scale: 1" = 20'

Proj. No.: 17-62504









# Borough of Highlands

151 Navesink Ave  
Highlands, NJ 07732  
Phone: (732) 872-1224

Control #: Z-0193

Date Issued: 2/21/2025

## DENIAL OF ZONING PERMIT

### IDENTIFICATION

<b>Work Site Location:</b>	<u>19 BAY AVENUE</u>	<b>Block:</b>	<u>38.01</u>	<b>Lot:</b>	<u>13</u>	<b>Zone:</b>	<u>B-2</u>
<b>Owner in Fee:</b>	<u>AYERS, TIMOTHY</u>	<b>Contractor/Agent:</b>	<u>AYERS, TIMOTHY</u>				
<b>Address:</b>	<u>19 BAY AVENUE</u>	<b>Address:</b>	<u>19 BAY AVENUE</u>				
	<u>HIGHLANDS NJ 07732</u>		<u>HIGHLANDS NJ 07732</u>				
<b>Telephone:</b>	<u></u>	<b>Telephone:</b>	<u>(732)796-1500</u>				
		<b>Contractor License No:</b>	<u></u>				

For the project/work located at the above address, your application for a permit to:

Requesting permission to use the 2nd floor of our building as a residential space so that we can advertise it as an AirBnb short term rental space.

has been denied for noncompliance with provisions of Sections: of the Municipal Zoning Ordinance for the following reasons:

The property is located in the WC-1 Waterfront Commercial zone, where residential uses are not permitted. Approval from the Land Use Board is required for the residential use of the second-floor apartment.

Information on procedures for an appeal of this decision to the Land Use Board can be obtained from the Secretary of the Land Use Board. It should be noted that under State Statute, notice of appeal of this decision must be filed with this office not later than (20) days from the date of this notice. You can also file for a variance to the Land Use Board and can obtain from the Secretary of the Land Use Board the required forms.

The permit which you submitted has been placed in the inactive files in the Zoning Department. Please contact this office to reactivate the permit.

Denied by:

Courtney Lopez

Zoning Official



**Roberts**  
ENGINEERING GROUP LLC  
*Women Business Enterprise Certified*

1670 Whitehorse-Hamilton Square Rd.  
Hamilton, New Jersey 08690  
609-586-1141 fax 609-586-1143  
www.RobertsEngineeringGroup.com

March 14, 2025

Nancy Tran  
Land Use Board Secretary  
Borough of Highlands Land Use Board  
151 Navesink Avenue  
Highlands, New Jersey 07732

Re: Completeness Review No. 1  
Use Variance & Appeal  
Applicant: Timothy Ayers  
19 Bay Avenue  
Block 38.01, Lot 13  
Borough of Highlands, Monmouth County, New Jersey  
Our File No.: HLPB25-01

Dear Ms. Tran:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations.

The Applicant seeks approval for the 2<sup>nd</sup> floor of an existing 1,200 sf 2-story multi-use commercial building as residential space for an AirBnb short term rental space. The 2<sup>nd</sup> floor is currently one room with a kitchenette and bathroom having a private entrance via an exterior stairwell.

The lot is approximately 3,220 square feet located in the WC-1 Waterfront Commercial District within the AE Flood Hazard area and partially in Zone X500. The lot is fronted to the north and south by Bay Avenue (County Route No. 8) and Shore Drive (one way), respectively. Parking is provided by a lot with access to Bay Ave and parking onsite along the building having access from Shore Drive. Additional parking is along Shore Drive.

The Applicant received a Denial of Zoning Permit on February 21, 2025, for a non-permitted residential use in the WC-1 Waterfront Commercial District. The Applicant must seek Planning Board approval for a use variance as directed by the Zoning Officer.

The current application is for the use variance and an appeal for the zoning denial.

We have reviewed the following documents submitted in support of the above referenced application for completeness purposes:

1. Copy of the Land Use Board Application dated February 19, 2025.
2. Copy of the Denial of Zoning Permit issued on February 21, 2025, by Courney Lopez, Zoning Officer for the Borough of Highlands.
3. Copy of a Survey entitled, "Plan of Survey situate Borough of Highlands, Monmouth County, New Jersey, Block 38.01 Lot 13, prepared by Seneca Survey Co. Inc. and signed by Robert W. Smith, Jr., PLS, dated August 8, 2017", 1 Sheet.
4. Copies of two (2) sketches of floor plans.

We recommend this application be deemed COMPLETE.

The Applicant is seeking a use variance with existing bulk variances. There are no site improvements other than clarification on the required number of parking spaces.

We offer the following comments and recommendations:

1. This property is located in the WC-1 Waterfront Commercial District.



2. The Applicant has noted a “B-2” zone on the application. This is not a designated zoning district. Please correct.
3. The Applicant requires a D(1) use variance for approval of a non-permitted residential use in the WC-1 Waterfront Commercial District.

To be entitled to a D(1) use variance, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A 40:55D-70d for use variance.

The Applicant will be required to provide proof during testimony.

4. According to the survey submitted, the Applicant will require five (5) bulk variances for the lot frontage/width for Bay Avenue and Shore Drive, minimum lot depth, minimum front yard setback for Shore Drive and maximum lot coverage as shown in Table 1 below.

The Applicant is required to confirm the variances and quantities.

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

The Applicant will be required to provide proof during testimony.

The following bulk requirement summary is provided for the Board’s reference. In accordance with Ordinance §21-85, existing and proposed bulk deficiencies which require bulk “c” variances are noted as follows:

<b>Table 1: Schedule I – Bulk and Area Requirements</b>			
<b>WC-1 Non-Residential Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Min. Lot Area (sf)	-	3,220±	3,220±
Lot Frontage/Width (ft)			
Bay Avenue	100	52.5±**	52.5±*
Shore Drive	100	52.5±**	52.5±*
Min. Lot Depth (ft)	150	61.1**	61.1*
Min. Front Yard Setback (ft)	20		
Bay Avenue		36.7±	36.7±
Shore Drive		0.1**	0.1*
Min. Side Yard Setback (ft)	8/8	9.5/15.0±	9.5/15.0±
Min. Rear Yard Setback (ft)	-	-	-
Max. Building Height (ft)	36	<36	<36
Max Lot Coverage	65%	87.3±%**	87.3±%*
Max Building Coverage	25%	18.6±%	18.6±%
Min. Deck/Stairs Setback (ft)	3	5.6±	5.6±

Off-street Parking (spaces)	3***	5***	5***
Commercial, 1 space/600 sf GFA			
Residential, 1.8 spaces/1 bdrm			

\* Proposed Variance  
 \*\* Existing non-conformity  
 \*\*\*ADA compliance required

5. The survey and the sketches do not indicate the dimensions and square footages of the first and second floors.
6. Please confirm that the building can accommodate the required use and occupancy of space according to *N.J.A.C., Title 5. Community Affairs, Chapter 28. New Jersey State Housing Code, Subchapter 1. Standards of Habitability, §5:28-1.11 Use and occupancy of space:*
  - a. *Every dwelling unit shall contain at least 150 square feet of floor space for the first occupant thereof and at least 100 additional square feet of floor space for every additional occupant thereof, the floor space to be calculated on the base of total habitable room area.*
  - b. *Every room occupied for sleeping purposes by one occupant shall contain at least 70 square feet of floor space, and every room occupied for sleeping purposes by more than one occupant shall contain at least 50 square feet of floor space for each occupant thereof.*
  - c. *At least one-half of the floor area of every habitable room shall have a ceiling height of at least seven feet. The floor area of that part of any room where the ceiling is less than five feet shall not be considered as part of the floor area in computing the total floor area in the room for the purpose of determining the maximum permissible occupancy thereof.*
7. The Applicant is required to provide the number of required parking spaces for the commercial space and residential rental space according to the *N.J.A.C., Title 5. Community Affairs, Chapter 21. Residential Site Improvement Standards New Jersey State Housing Code, Subchapter 4. Street and Parking, §5:28-4.14 Parking: number of spaces and the Borough of Highlands Municipal Code §21-65.14.*

Municipal Code §21-65.14 requires off street parking of 1 parking space for 600 sf commercial gross-floor area and 1.8 spaces for a one bedroom.

Please confirm and indicate the existing and proposed parking spaces.

Provide or indicate the required handicapped accessible parking. Provide required signage.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

Carmela Roberts, PE, CME, CPWM  
 Land Use Board Engineer

cc: Michael Muscillo, Borough Administrator, (mmuscillo@highlandsborough.org)  
 Dustin F. Glass, Esq., Land Use Board Attorney (dglass@semerarolaw.com)  
 Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)  
 Daniel J. O'Hern, Jr., Applicant's Attorney (dohern@byrnesohern.com)  
 Cameron Corini, PE, CME, CPWM, Roberts Engineering Group, LLC  
 GS Bachman, E.I.T., Roberts Engineering Group, LLC