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December 11, 2025

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

Re: Completeness Review No. 2
Applicant: Mark Landgrebe
Minor Site Plan with Use Variance
Block 58, Lot 7.01
44 Miller Street
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB25-10

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 is currently submitting updated plans for a Minor Site Plan with 'D' Variance. The Applicant seeks to complete the construction of a three-story, two (2) unit duplex with parking on the existing lot. The partially constructed duplex is situated on a 4,920 sf (0.113 Ac) lot and is located in the R-2.02 Single-Family Residential District and in the AE Flood Hazard area.

The former duplex on the lot collapsed and was subsequently demolished. A new duplex is partially constructed on the former foundation as per the Applicant. A Stop Work Order was issued on March 4, 2024, and the following is a property history leading to the current application.

The Applicant purchased the property in 2021 with an existing attached duplex. An approved zoning permit was issued on March 31, 2021, by Middletown Township/Borough of Highlands to lift the existing duplex to meet the required BFE, over existing footprint and having no bedroom increase. The vacant dwelling collapsed and was demolished on August 10, 2021. The Applicant then began new construction (date unknown and approvals unknown).

Ms. Courtney Lopez, Zoning Officer, found a partially constructed two-family structure to be non-conforming within the R-2.02 Single-Family Residential District and issued a Notice of Zoning Violations stating a Stop Work Order on March 4, 2024 under Section 21-98.A of the Municipal Zoning Ordinance (shown at end of the section). The notice stated, "Infraction: The existing nonconforming two-family dwelling has been removed (2021) and a new two-family structure has been constructed without proper zoning. We are issuing you a Stop Work Order for any future property improvements until an application is submitted to the Land Use Board for d(1) use variance approval and all proper permits are issued from any and all required departments prior to any further work being conducted at this site.". To comply by April 3, 2024.

August 20, 2024, the applicant received a Denial of Zoning Permit and construction to halt. The denial referenced Sections 21-98.A and C of the Municipal Zoning Ordinance (shown at end of the section). The Denial of Zoning Permit stated, "Construction of New Two-Family Duplex has been denied for noncompliance with provisions of Sections 21-98.A and C of the Municipal Zoning Ordinance for the following reasons: D(1) use variance approval is required to construct a new two-family duplex in the R2.02 single family zone."

The Applicant received a Notice of Unsafe Structure on September 13, 2024, and was ordered to demolish the new two-family structure by October 4, 2024.

The Applicant received a follow up to the Notice of Unsafe Structure status on December 17, 2024, and was fined on January 12, 2025.

To summarize, the original duplex was an existing non-conforming use in the R-2.02 Single-Family Residential District. In 2021, the original duplex was approved to be raised, however the structure was vacant, collapsed and

was demolished. Once the structure was demolished and removed, the former non-conforming use became invalid for the property according to Sections 21-98.A and C. The Applicant was instructed by the March 4, 2024, and August 20, 2024, denials that a use variance was required and could be submitted for approval by the Land Use Board. However, the Applicant received a Notice of Unsafe Structure on September 13, 2024, and was ordered to demolish the new two-family structure by October 4, 2024.

On September 27, 2024, an application for a Variance and an appeal for the zoning denial was submitted with Surveys and Architectural Plans. Subsequently, on February 10, 2025, sketches and architectural plans were submitted for review.

The Completeness Review letters dated October 21, 2024, and February 19, 2025, noted Sections 21-98.A and C with the full descriptions. Both reviews noted the application as incomplete and that a D (1) Use Variance, Site Plan and checklist were required for the Board to make an informed review and decision regarding the application.

Section 21-98.A.

Continuance. Except as otherwise provided herein, nonconforming uses or structures which lawfully existed at the time of passage of this chapter may be continued even though such uses or structures do not comply with the regulations of this chapter; provided, however, that:

1. *A nonconforming use shall not be expanded or changed to another nonconforming use.*
2. *Any addition to an existing nonconforming building may be constructed to continue the existing building setback but shall not be permitted to encroach further into the required setback than the existing structure.*
3. *Abandonment. A nonconforming use that has been abandoned shall not thereafter be reinstated. A nonconforming use shall be judged to have been abandoned:*
 - a. *When it is changed to a conforming use.*
 - b. *In cases where such nonconforming use is a building or structure designed for such use, when it has been voluntarily discontinued for a period of twenty-four (24) consecutive months.*
 - c. *In cases where such nonconforming use is of a building or structure not designed for such use or is of a lot or land whereon there is no consequential building or structure devoted to such use, when it has been voluntarily discontinued for a period of twelve (12) consecutive months.*

Section 21-98.C.

*Restoration. If a nonconforming use or structure is deemed to be one hundred percent (100%) destroyed (damages equal to or greater than the full equalized value of the structure) **by any cause whatsoever**, it shall only be reestablished so as to conform to all zoning standards in the zone in which it is located.*

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

1. Copy of a plans entitled, "Minor Site Plan w/ 'D' Variance, 44 Miller Street, Lot 7.01, Block 58, Borough of Highlands, Monmouth County, New Jersey", prepared by Morgan Engineering, signed and dated May 7, 2025, revised September 19, 2025 and last revised November 17, 2025, 3 sheets;
2. Copy of a set of architectural plans entitled, "Two Family Residence for Landgrebe, 44 Miller Street, Highlands, NJ, Lot# 7.01, Block# 58", prepared by James T. Daley Architect + Associates, dated February 23, 2021, and last issued date January 23, 2025 and last revised November 22, 2025, 5 sheets;
3. Copy of a plan entitled "Survey of Property, 44 Miller Street, Lot 7.01, Block 58, Borough of Highlands, Monmouth County, New Jersey", prepared and signed by Charles Surmonte, PE, PLS, dated November 11, 2020. Survey provided with first and second submission; under initial submission and review dated August 12, 2025.

The Applicant has satisfied many of the comments as outlined within the previous Completeness Review Letter No. 1 dated August 12, 2025, however, we offer the following comments and recommendations for a Minor Site with Use Variance for the Land Use Board's consideration:

ZONING

1. This property is a corner lot located in the R-2.02 Single-Family Residential District at the northwest corner of Miller Street and Fourth Street.

2. The Lot requires a D Use Variance. A two-family dwelling is not permitted in the R-2.02 Single-Family Residential District.

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

The Applicant will be required to provide proof during testimony.

3. The Applicant requires six (6) bulk variances based on the current information. 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.

4. The following bulk requirement summary is provided for the Board's reference.

Schedule I – Bulk and Area Requirements				
R-2.02 Single Family Residential District				
	Required	Existing	Proposed	Variance
Min. Lot Area (sf)	4,000	4,920	4,920	No
Lot Frontage/Width (ft)	50			
Miller Street		61.50	61.50	No
Fourth Street		80.00	80.00	No
Lot Depth (ft)	75	70.75	70.75	Yes
Min. Front Yard Setback (ft)	20 ⁽²⁾			
Miller Street		3.3 ⁽¹⁾ F	3.6	Yes
Fourth Street		1.1 ⁽¹⁾ F	±1.1 (confirm)	Yes
Miller Street masonry wall			-0.7	Yes
Min. Side Yard Setback (ft)	6/8			
Miller Street		24.0 F	22.5	No
Fourth Street		20.0 F	29.8	No
Max. Building Height (ft) ⁽³⁾	30	24.5	32.5 (confirm)	No
Max. Lot Coverage (%)	75	Unknown	54.6% (confirm)	No
Max. Building Coverage (%)	33	Unknown	41.3% (confirm)	Yes
Min. Deck/Stairs Setback (ft)	3	-	0.8	Yes
On-Site Parking (spaces) ⁽⁴⁾	3	2	4	No

F = Foundation of Former Dwelling per Survey dated 11/11/20

(1) Existing non-conformity

(2) Or the average of the existing front yard setback within two hundred (200) feet in the same block and zone, per § 21-79.B

(3) Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half feet

(4) 1.5 spaces per unit with 2 bedrooms x 2 units

II. CHECKLIST ITEMS

1. A complete checklist was not provided
2. Update the "Submission Waivers Requested:" list on the plan and provide the corresponding checklist item number. Provide reason for request.

III. GENERAL COMMENTS

1. Please update the Certification statement on the engineering plan. Replace Planning Board with Land Use.
2. Indicate Bulk 'c' and 'D' variances in the variances requested list.
3. Add the variance for the lot depth in the variances requested list.
4. Masonry wall (variance) should be -0.7 in variance required list. The wall extends over the front property line.
5. Provide the 3 ft deck setback line along the front and side property lines.
6. Building square footage is not consistent between the plan, the coverage table and architectural plan which are 2,475 sf, 2032 sf, and 1,988 respectively. Please confirm the correct area.
7. There is a mathematical error in calculating the percentage in the Lot Coverage Table. Please correct.
8. Provide the proposed front and side yard setbacks (building) for Fourth Street on the plan. The deck setbacks are shown.
9. The zoning side yards of 6 ft and 2 ft. on the plan are incorrect. The required side yard setbacks of 6 ft and 8 ft. are applicable to each side.

Provide the side yard setback dimensions (to the dwelling) on the plan and update the zoning chart.

10. Building heights on the site plan and architectural section do not match the floor elevations and peak roof elevation.

Building height detail does not match architectural dimensions or is calculated incorrectly.

Determine the correct building height.

Revise the Building Height Detail and Calculation Exhibit. Both are incorrect. Refer to the Architectural plans for Roof Peak and grade elevations. Grade elevations are not consistent with the plan.

Refer to §21-8 Definitions for Building Height and Grade Plan part B.

Areas or Portions of the Building Area of a Lot Located Within the Flood Hazard Area: The reference plane shall be the more restrictive of the base flood elevation or advisory base flood elevation of the flood hazard area plus one (1) foot.

11. Provide all building dimensions of the proposed dwelling on the site plan.
12. Confirm building elevations with architectural plans.
13. Please update the zoning information on the Architectural and Site plans to be consistent.
14. The Upper floors project 0.3' over the Fourth Street Right-of-Way. We recommend the overhang be reduced or removed.

15. The existing contours and spot grades are different than the plan dated May 7, 2025. Contour 4 on the previous plan was much closer to the existing concrete apron. Contours 4 and 5 have different configurations. Please explain.
16. The garage elevations are different between the site plan and the architectural plan – please correct.
17. Revise the grading leading to the first garage door. The slope appears to be 20 – 25 percent.
18. Provide dimensions from the proposed driveway curbing to the property line.
19. Confirm the existing elevations of the sidewalk and depressed curb at the proposed gravel driveway. Delineate driveway and apron flares along the sidewalk. Dimension the existing depressed curb.
20. Confirm ADA compliance for the existing apron and sidewalks. Replace as needed.
21. Continue the concrete pad from the steps of the south unit to the existing sidewalk. Update the impervious coverage accordingly.
22. Indicate walls or railings along the porches adjacent to the driveway and sidewalk for the drop in grade.
23. The sidewalk along Fourth Street is in poor condition and will be replaced per plan note.

Label the junction where proposed meets existing. Provide elevations. Indicate grade breaks.
24. We recommend the depressed curb along Fourth Street be replaced with full face curb matching existing curb.
25. Provide additional grades and slope for proposed concrete pad at deck stairways
26. Utilities-

Please indicate the proposed sanitary connection on the plan.

Please indicate the existing and proposed gas service. An existing gas valve is shown in the roadway.

Please indicate the proposed electric service.
27. What is the purpose of the existing cleanout in the driveway near the proposed dwelling and concrete slab?
28. Label the dashed line on the plan as landscaping border.
29. Landscaping plan has been provided for this submission. We defer to the planner for comments.
30. A Vehicle Circulation Plan has been provided for this submission. Please include a demonstration for the other garages.
31. General notes:

Update Note 2 for c and d variances.

Update Note 15. Limit of disturbance is greater than 1,500 sf. The entire site has been disturbed.
32. Please update construction details:
 - a. Sidewalk according to § 21-65.17.

Add 6" – ¾" clean crushed stone and compacted subgrade.

b. Curb Provided

Update concrete curb to be consistent with a gravel driveway and paved road.

33. Provide Applicant/Owner signature(s):

I HEREBY CERTIFY THAT I AM THE APPLICANT/OWNER OF RECORD OF THE SITE HEREIN DEPICTED AND THAT I CONCUR WITH THE PLAN.

APPLICANT/OWNER

DATE

NAME
STREET
CITY/TOWN ZIP CODE

V. **APPROVALS**

Approval of this application will be conditioned upon the Applicant obtaining or providing approved documents for the following:

1. Freehold Soil Conservation Permit (exemption letter provided)
2. Coastal Area Facilities Review Act (CAFRA) Zone, if required per NJDEP
3. Monmouth County (Bay Avenue is within 200 ft. of the site)

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@highlandsnj.gov
Dustin F. Glass, Esq., Land Use Board Attorney, dglass@padulalawgroup.com
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