



RECEIVED

NOV 08 2022

LAND USE BOARD

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 11/08/2022 Application #: LUB2022-09 Fee: 0 Escrow: 0

1. APPLICANT

Name: Borough of Highlands
Address: 42 Shore Drive
City: Highlands State: NJ Zip: 07732
Phone: 732-872-1224
Email: aball@respondlaw.com
Relation to property: Owner

2. OWNER

Name: Same as applicant
Address:
City: State: Zip:
Phone:
Email:

3. TYPE OF APPLICATION (Check all that apply)

- Minor Subdivision
Major Subdivision - Preliminary
Major Subdivision - Final
Minor Site Plan
Major Site Plan - Preliminary
Major Site Plan - Final
Variance
Use Variance
Appeal - Zoning Denial date
Appeal - Land Use Decision date
Informal Concept Plan Review
Extension of Approval
Revision/Resubmission of Prior Application
Other

4. PROPERTY INFORMATION

Block 101 Lot(s) 3 Address: Locust Street
Lot size 0.665 acres # of Existing Lots 1 # of Proposed Lots 4
Zone WC-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 N/A Sewer paid through N/A

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

Name: Andrew J. Ball, Esq.
Address: 100 Willow Brook Road, Suite 100, Freehold, NJ 07728
Phone: 732-462-7170 Email: aball@respondlaw.com



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

Name: Bennett Matlack, PE, CME, CFM
 Address: CME Associates
1460 Route 9 South, Howell, NJ 07731
 Phone: 732-462-7400
 Email: BMatlack@cmeusa1.com

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 vacant land. It has been owned by the Borough of Highlands since 2001 upon the recording of a Judgment of in rem foreclosure. A three story framed dwelling and elevated deck, which are part of the adjacent property located at 60 Matthews Street, encroach upon Block 101, Lot 3 owned by the Borough of Highlands and the subject of this application.

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.

To eliminate the encroachment, the Borough of Highlands proposes to subdivide Block 101, Lot 3 into four lots to be known as Block 101, Lots 3.01, 3.02, 3.03 and 3.04. The newly created lot containing the framed dwelling and elevated deck can then be purchased by the property owner of 60 Matthews Street so the encroachment will no longer exist. The Borough will retain the remaining lots and may sell them to adjacent property owners in the future. Public access to the beach will be maintained through a 10 ft. strip of property adjacent to Matthews St.

C. ADDITIONAL INFORMATION:

		Existing	Proposed
Residential:	How many dwelling units?	<u>None</u>	<u>None</u>
	How many bedrooms in each unit?	<u>None</u>	<u>None</u>
	How many on-site parking spaces?	<u>None</u>	<u>None</u>
Commercial:	How many commercial uses on site?	<u>None</u>	<u>None</u>
	How many on-site parking spaces?	<u>None</u>	<u>None</u>



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

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area	N/A		
Frontage	See attachment		
Lot Depth	See attachment		
Minimum Yard Requirements			
Front Yard Setback	N/A		
2 nd Front Yard Setback	N/A		
Rear Yard Setback	N/A		
Side Yard Setback, right	N/A		
Side Yard Setback, left	See attachment		
Building Height	N/A		

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

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

Minimum Lot Width-see attachment for No. 8
 Variance Requests



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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
 8th day of November 2022 (year)
 J. M. Craig (notary)
 (Seal)

Carolyn Broullon 11/8/22
 Signature Date

Carolyn Broullon, Mayor
 Print Full Name



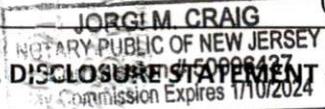
11. NOTARIZED CONSENT OF OWNER

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
 8th day of November 2022 (year)
 J. M. Craig (notary)
 (Seal)

Carolyn Broullon 11/8/22
 Signature Date

Carolyn Broullon, Mayor
 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 No
- Is this application to construct a multiple dwelling of 25 or more units? Yes No
- Is this an application for approval of a site(s) for non-residential purposes? Yes No
- Is this Applicant a corporation? Yes No
- Is the Applicant a limited liability corporation? Yes No
- Is the Applicant a partnership? Yes No

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



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12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp:

Borough of Highlands

Listed below are the names and addresses of all owners of 10% or more of the stock/interest* in the above referenced business organization:

NAME	ADDRESS
None	

*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

SWORN & SUBSCRIBED to before me this
8th day of November 2022 (year)
Joy M. Craig (notary)
 (Seal)

JORGI M. CRAIG
 NOTARY PUBLIC OF NEW JERSEY
 Commission # 50096437
 My Commission Expires 1/10/2024

Carolyn Broullon 11/8/22
 Signature (Officer/Partner) Date
Carolyn Broullon, Mayor
 Print Full Name Title

EASEMENT AGREEMENT



570483

This EASEMENT AGREEMENT, made this 10 day of Dec. 1999, by and between:

MAP "C" NAVESINK PARK TAXPAYERS ASSOCIATION, INC., a corporation of the State of New Jersey having its principal place of business located at P.O. Box 23, Highlands, New Jersey referred to as the "Grantor", and

ARGIRIS SERGHIS and ANDROULA SERGHIS, husband and wife, residing at 203 Shore Drive, Highlands, New Jersey, hereinafter referred to as the "Grantees".

WITNESSETH:

WHEREAS, Grantor is the owner of a certain tract of land presently designated at Lot 3 Block 101 on the Tax Map of the Borough of Highlands, New Jersey;

WHEREAS, Grantee is the owner of a certain tract of land presently designated as Lot 4 Block 101 on the Tax Map of the Borough of Highlands, New Jersey which abuts the Grantor's tract;

WHEREAS, Grantees' structure projects an average of 11 feet onto Grantor's property as shown in the survey of property prepared by August F. Postel, P.E., dated June 6, 1959 attached hereto and made a part hereof as Schedule "A".

In addition, not shown on said survey, a concrete pad exists projecting an additional 29 feet 4 inches in a northerly direction from the rear boundary of the existing structure;

WHEREAS, the Grantor of Lot 3 Block 101 has leased a portion of the subject premises to the Borough of Highlands by virtue of a lease dated November 1990 attached hereto and made a part hereof as Schedule "B";

WHEREAS, pursuant to the chain of title, the encroachment in question has existed from at least 1977 when title was vested in the prior owner, Leonard Countryman and prior to the Borough's leasehold rights;

NOW THEREFORE in consideration of \$1.00 and other good and valuable consideration paid by the Grantees the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby give, grant and convey unto the Grantees, its successors and assigns, a permanent easement for the purpose of permitting use of the 10 foot area around the perimeter of the total encroachment including the path for ingress, egress, repair and maintenance.

TO HAVE AND TO HOLD the above granted Easement unto Grantees, it successors, assigns and designates forever, unless as permitted herein to be modified.

RRP Andrea Serghis 203 Shore Drive Highlands NJ 07732

CLERK'S OFFICE MUMFORD COUNTY NEW JERSEY INSTRUMENT NUMBER 1999193714 RECORDED ON EC 16, 1999 8:44:00 AM DOK:DB-5887 PAGE:638 Total Pages: 6 JANY RECORDING \$23.00 ES DICATED TRUST \$2.00 NO COMMISSION \$25.00 TAL



IT WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

Witness/Attest:

MAP "C" NAVESINK PARK
TAXPAYERS ASSOCIATION, INC.
Corporation of the State of New Jersey,
Grantor

Lillian Kuskowski

Secretary

By: Donald H. Manrodt
DONALD MANRODT
President

STATE OF NEW JERSEY

ss:

COUNTY OF MONMOUTH

I CERTIFY that on 12/10, 1999,
personally came before me and this person acknowledged under oath, to my satisfaction,
that:

- (a) this person is the secretary of MAP "C" NAVESINK PARK TAXPAYERS ASSOCIATION, INC., the corporation named in this Easement Agreement;
- (b) this person is the attesting witness to the signing of this Easement Agreement by the proper corporate officer who is Donald Manrodt the President of the corporation;
- (c) this Easement Agreement was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Easement Agreement;
- (e) this person signed this proof to attest to the trust of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$1.00. (Such consideration is defined in N.J.S.A. 46:15-5).

Mary C. McGarry
MARY C. MCGARRY Secretary

NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 6, 2001

Theresa M. Balland

Argiris Serghis
ARGIRIS SERGHIS

Theresa M. Balland

Androula Serghis
ANDROULA SERGHIS

STATE OF NEW JERSEY

ss

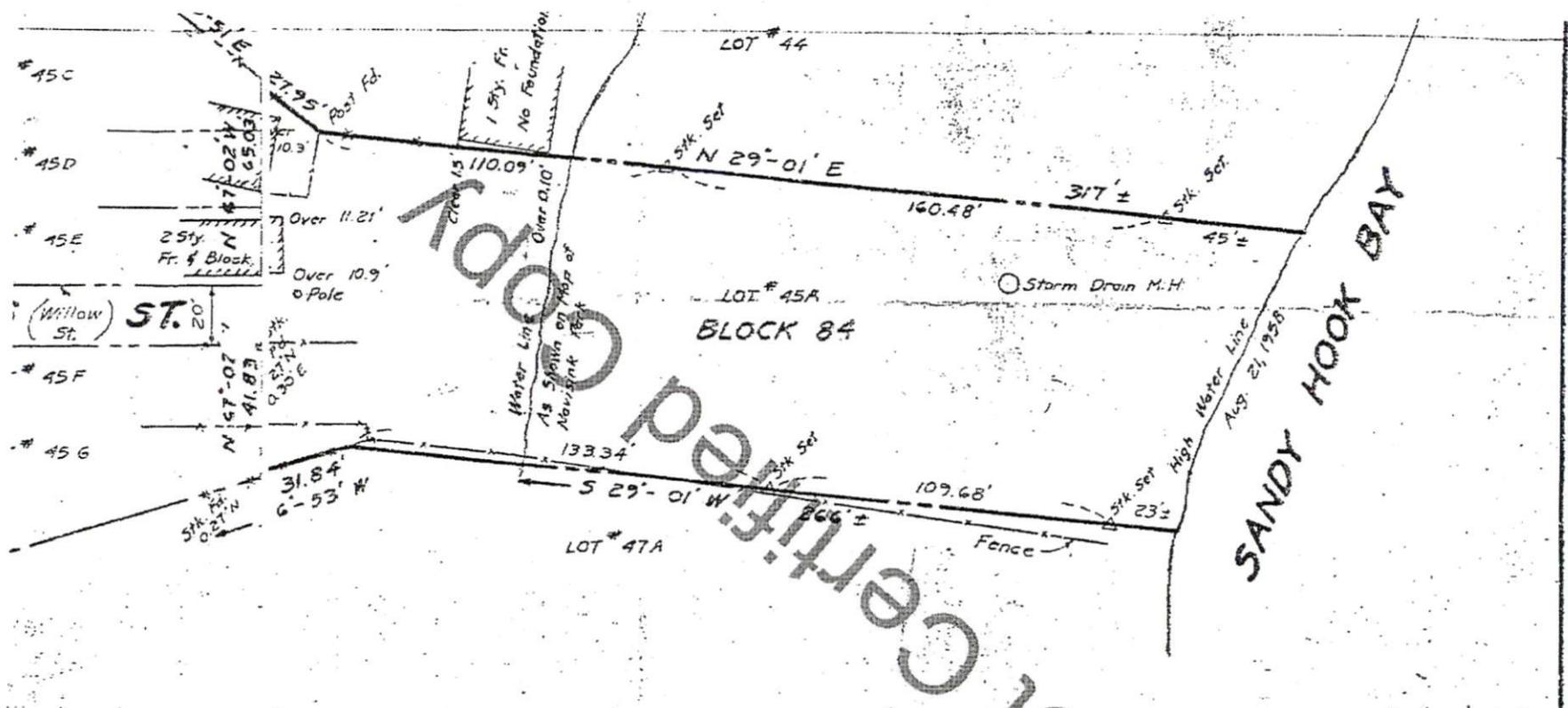
COUNTY OF MONMOUTH

I CERTIFY that on 12/10, 1999, ARGIRIS SERGHIS and ANDROULA SERGHIS, husband and wife, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and Easement Agreement.

Theresa M. Balland

THERESA M. BALLAND
Notary Public, State of New Jersey
My Commission Expires March 19, 2001



SURVEY OF PROPERTY
 IN
BORO OF HIGHLANDS

MONMOUTH COUNTY, N.J.
 JUNE 6, 1959 SCALE: 1" = 40'

REFER TO
 HIGHLANDS,

AUGUST F. POSTEL
 PROFESSIONAL ENGINEER
 & LAND SURVEYOR
 N. J. LIC. 2543
 OAKHURST, N. J.

0251 -- N. J. LEASE -- GENERAL
Ind. or Corp. -- Plain Language

GRVST--1

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One Commerce Drive, Cranford, N. J. 07016

LEASE

This Lease is made on November 19 90

BETWEEN the landlord NAVESINK PARK TAXPAYER ASSOCIATION
MAP "C" BEACH

whose address is

referred to as the ' landlord

AND the Tenant BOROUGH OF HIGHLANDS,

whose address is Borough Hall, Bay Avenue, Highlands, N. J. 07732,

referred to as the Tenant

The word "Tenant" means each Tenant named above.

Property. The Tenant agrees to rent from the Landlord and the Landlord agrees to lease to the Tenant the property known as Lot 3, Block 101 (see attached copy of Tax Map) referred to as the "Property"

Term. The term of this Lease is for 10 starting on December 1, 19 90 and ending November 30, 2000. The Landlord does not represent or warrant that the Tenant possession of the Property at the start of this Lease shall be uninterrupted for the term of the Lease. If the Tenant cannot occupy the Property for a substantial portion of the term of the Lease, the Tenant may cancel this Lease.

Rent. The Tenant agrees to pay \$ 1.00* as rent, to be paid as follows: \$ per month due on the December 1, 1990 day of each month. The Tenant shall be responsible for the payment of all taxes and charges, including the assumption of all tax liabilities.

Use of Property. The Tenant may use the Property only for the following purpose(s): for use as a public beach

Eviction. If the Tenant does not pay the rent within 10 days after notice, the Tenant may be evicted. The Landlord may also evict the Tenant if the Tenant does not comply with all of the terms of this Lease and for all other causes allowed by law. The Tenant shall be responsible for the maintenance and repair of the Property, including the payment of all taxes and charges, including the assumption of all tax liabilities.

Payments by Landlord. If the Tenant fails to comply with the terms of this Lease, the Landlord may take any required action and charge the cost, including reasonable attorney fees, to the Tenant. Failure to pay such costs upon demand is a violation of this Lease.

Care of the Property. The Tenant has examined the Property, including all facilities, furnishings and appliances, and is satisfied with its present condition. The Tenant agrees to maintain the property in good condition and to repair or replace any damaged or worn items. The Tenant shall be responsible for the payment of all taxes and charges, including the assumption of all tax liabilities.

for use as a public beach.

Quiet Enjoyment. The Tenant may remain in and use the Property without interference subject to the terms of this Lease.

Validity of Lease. If a clause or provision of this Lease is legally invalid, the rest of this Lease remains in effect.

Insurance: It shall be the obligation of the "tenant" to provide the landlord with a copy of liability insurance coverage holding the landlord harmless from liability as the result of use by the tenant of the premises.

Not Certified Copy

Parties. The Landlord and each of the Tenants are bound by this Lease. All parties who lawfully succeed to their rights and responsibilities are also bound.

Entire Lease. All promises the Landlord has made are contained in this written Lease. This Lease can only be changed by an agreement in writing by both the Tenant and the Landlord.

Signatures. The Landlord and the Tenant agree to the terms of this Lease. If this Lease is made by a corporation, its proper corporate officers sign and its corporate seal is affixed.

Witnessed or Attested by:

BOROUGH OF HIGHLANDS

BY: *Raymond Ramirez* (Seal)
RAYMOND RAMIREZ, Landlord
Mayor.

NINA FLANNERY, Borough Clerk.

Nina Flannery (Seal)
NINA FLANNERY, Borough Clerk.

Witnesses or Attested by:

NAVESINK PARK TAXPAYER ASSOCIATION MAP "C" BEACH
Joseph A. DeSantis (Seal)
JOSEPH A. DESANTIS, President

LEASE

Dated: November , 19 90.

BOROUGH OF HIGHLANDS,

Expires on November 30, ~~xxxx~~ 2000

Landlord,

TO
NAVESINK PARK TAXPAYER
ASSOCIATION MAP "C" BEACH

Rent \$ 1.00 plus assumption
of all tax liabilities
for use as a public beach

Tenant.

DAVISON • EASTMAN • MUÑOZ • PAONE, P.A.

DUANE O. DAVISON
EDWARD C. EASTMAN, JR.
ROBERT F. MUÑOZ (1988-2021)
JAMES A. PAONE, II †
JAMES M. McGOVERN, JR. ▼ ▲
ROBERT S. BONNEY, JR. ▼
ANNE MARIE MAZZU •
CHRISTINA D. HARDMAN O'NEAL ▼
BLAKE R. LAURENCE • ◊
MATTHEW K. BLAINE ◊
CHRISTOPHER D. OLSZAK ►
BRIAN J. CHABAREK ▼
DOUGLAS J. WIDMAN ◊ ▼
DENNIS M. GALVIN

COUNSEL
NICOLE SOROKOLIT CRODDICK ▼
MICHAEL J. CONNOLLY

OF COUNSEL
DANIEL D. OLSZAK ►
TRACEE A. DANNER
HON. JAMIE S. PERRI, J.S.C. (Ret.)

ANDREW J. BALL
Attorney at Law

aball@respondlaw.com

DIRECT DIAL NUMBER
732-410-2322
DEPARTMENT FAX NUMBER
732-810-1523
NJ ATTORNEY ID NUMBER
022622012

November 3, 2022

ANDREW J. BALL ◊
ALAN L. POLINER ▼ ◊
TIMOTHY C. MORIARTY ▼
ZACHARY J. STYCZYNSKI

CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A:
‡ CIVIL TRIAL ATTORNEY
◻ CRIMINAL TRIAL ATTORNEY

• LL.M. IN TAXATION
◻ R. 1:40 QUALIFIED MEDIATOR

OTHER STATE ADMISSIONS:
▼ NEW YORK
◊ PENNSYLVANIA
▲ ILLINOIS

► CERTIFIED AS AN ELDER LAW ATTORNEY
BY THE ABA APPROVED NATIONAL ELDER
LAW FOUNDATION

WWW.RESPONDLAW.COM

Nancy Tran, Land Use Board Secretary
Borough of Highlands
42 Shore Drive
Highlands, New Jersey 07732

RE: Borough of Highlands Minor Subdivision Application
Block 101, Lot 3, Locust Street

Dear Nancy:

Enclosed please find the original Land Use Board Application, together with an existing Easement in accordance with item No. 4 of the Application. Would you kindly have the Application signed by the Mayor where indicated and notarized. After the Application is signed, please make 16 copies of the Application. Would you kindly email a copy of the signed and notarized Application to me so that I have it for my files.

Also enclosed are 16 copies of the minor subdivision map and metes and bounds descriptions for proposed Lots 3.01-3.04. A PDF of the minor subdivision map and descriptions will be emailed to you. Notice will be sent by certified mail to the surrounding property owners and published in the *Asbury Park Press* no later than 10 days before the hearing which is scheduled for December 8, 2022.

If you have any questions, please feel free to contact me. Thank you.

Very truly yours,


ANDREW J. BALL
Attorney at Law

AJB:tfw
Encs.



HHI00516

August 25, 2022

**Description of Property
Proposed Lot 3.01 in Block 101
Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.01 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a pin found at the common northwesterly corner of existing Lot 2.01 and the northeasterly terminus of Mathews Street (20 foot wide Right-of-Way) (f.k.a. Willow Street); thence,

- 1) Along the common line of proposed Lot 3.01 with the northerly terminus of Mathews Street, North $76^{\circ} 31' 41''$ West, a distance of 10.00 feet to a pin found; thence,
- 2) Along a new line of subdivision, North $13^{\circ} 28' 19''$ East, a distance of 51.37 feet to a pin to be set; thence,
- 3) Continuing along a new line of subdivision, North $75^{\circ} 30' 57''$ West, a distance of 54.63 feet to a pin to be set on the common line of proposed Lot 3.01 and 12.01 in Block 101; thence,
- 4) Along the common line of proposed Lot 3.01 and existing Lot 12.01 in Block 101, North $19^{\circ} 31' 19''$ East, a distance of 246.61 feet to the mean high water line of the Sandy Hook Bay; thence,

Along the mean high water line of the Sandy Hook Bay the following five (5) courses:

- 5) South $63^{\circ} 27' 18''$ East, a distance of 49.87 feet to a point; thence,
- 6) South $65^{\circ} 12' 04''$ East, a distance of 24.32 feet to a point; thence,
- 7) South $68^{\circ} 42' 06''$ East, a distance of 8.47 feet to a point; thence,
- 8) South $59^{\circ} 26' 47''$ East, a distance of 3.71 feet to a point; thence,
- 9) South $37^{\circ} 24' 40''$ East, a distance of 16.18 feet to a point on the common line of proposed Lot 3.01 in Block 101 and existing Lot 30.02 in Block 100; thence,



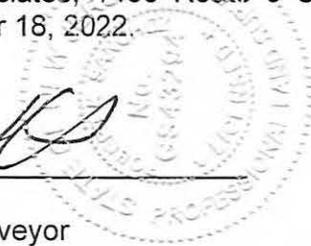
- 10) Along the common line of proposed Lot 3.01 in Block 101 and existing Lot 30.02 in Block 100, South 19° 31' 19" West, a distance of 219.71 feet to a pin to be set; thence,
- 11) Along a new line of subdivision, North 75° 30' 57" West, a distance of 35.13 feet to a pin to be set; thence,
- 12) Continuing along a new line of subdivision, South 13° 28' 19" West, a distance of 51.20 feet to the Point and Place of BEGINNING.

Total area of Proposed Lot 3.01 in Block 101 containing 23,969 Square feet, 0.550 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.

Robert K. Sanchez
Professional Land Surveyor
N.J. License No. 43294



Qtl:rks



HHI00516

August 25, 2022

**Description of Property
Proposed Lot 3.02 in Block 101
Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.02 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a pin found at the common northwesterly corner of existing Lot 2.01 and the northeasterly terminus of Mathews Street (20 foot wide Right-of-Way) (f.k.a. Willow Street); thence,

- 1) Along a new line of subdivision, North $13^{\circ} 28' 19''$ East, a distance of 51.20 feet to a pin to be set; thence,
- 2) Continuing along a new line of subdivision, South $75^{\circ} 30' 57''$ East, a distance of 35.13 feet to a pin to be set on the common line of proposed Lot 3.02 in Block 101 and existing Lot 30.02 in Block 100; thence,
- 3) Along the common line of proposed Lot 3.02 in Block 101 and existing Lot 30.02 in Block 100, South $19^{\circ} 31' 19''$ West, a distance of 20.09 feet to a pin to be set; thence,
- 4) Continuing along the common line of proposed Lot 3.02 in Block 101 and existing Lot 30.02 in Block 100, South $02^{\circ} 36' 41''$ East, a distance of 31.84 feet to a pin to be set at the northeasterly corner of existing Lot 2.01 in Block 101; thence,
- 5) Along the common line of proposed Lot 3.02 and existing Lot 2.01 in Block 101, North $76^{\circ} 31' 41''$ West, a distance of 41.83 feet to the Point and Place of BEGINNING.

Total area of Proposed Lot 3.02 in Block 101 containing 1,836 Square feet, 0.042 Acres.

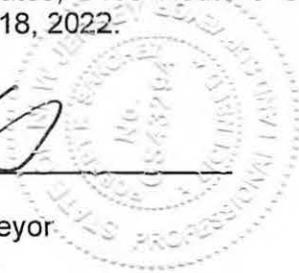
Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.



The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.



Robert K. Sanchez
Professional Land Surveyor
N.J. License No. 43294



Qtl:rks



HHI00516

August 25, 2022

**Description of Property
Proposed Lot 3.03 in Block 101
Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.03 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a pin found on the northeasterly terminus of Mathews Street (20 foot wide Right-of-Way) (f.k.a. Willow Street), said point being distant 10.00 feet on a course bearing North $76^{\circ} 31' 41''$ West from the common northwesterly corner of existing Lot 2.01 with the northeasterly terminus of Mathews Street; thence,

- 1) Along a new line of subdivision, partly along the northeasterly terminus of Mathews Street with existing Lots 3 and 4 in Block 101, North $76^{\circ} 31' 41''$ West, a distance of 35.00 feet to a pipe found; thence,
- 2) Along a new line of subdivision, North $13^{\circ} 28' 19''$ East, a distance of 51.99 feet to a pin to be set; thence,
- 3) Continuing along a new line of subdivision, South $75^{\circ} 30' 57''$ East, a distance of 35.00 feet to a pin to be set; thence,
- 4) Continuing along a new line of subdivision, South $13^{\circ} 28' 19''$ West, a distance of 51.37 feet to the Point and Place of BEGINNING.

Total area of Proposed Lot 3.03 in Block 101 containing 1,809 Square feet, 0.042 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.



The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.



Robert K. Sanchez
Professional Land Surveyor
N.J. License No. 43294



Qtl:rks



HHI00516

August 25, 2022

**Description of Property
Proposed Lot 3.04 in Block 101
Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.04 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a point on the common corner of existing Lots 3 and 5 in Block 101, said point being distant 126.70 feet along the common line of existing Lots 5 and 12.01 in Block 101 on a course bearing North 51° 26' 04" East from the intersection of the northerly line of Locust Street (20 foot wide Right-of-Way) with common front corner of existing Lots 5 and 12.01 in Block 101; thence,

- 1) Along the common line of proposed Lot 3.04 and existing Lot 12.01 in Block 101, North 51° 26' 04" East, a distance of 27.92 feet to a point; thence,
- 2) Continuing along the common line of proposed Lot 3.04 and existing Lot 12.01 in Block 101, North 19° 31' 19" East, a distance of 30.47 feet to a pin to be set; thence,
- 3) Along a new line of subdivision, South 75° 30' 57" East, a distance of 19.63 feet to a pin to be set; thence,
- 4) Continuing along a new line of subdivision, South 13° 28' 19" West, a distance of 51.19 feet to a pipe found at the common corner of existing Lots 4 and 5 in Block 101; thence,
- 5) Continuing along a new line of subdivision, along the common line of proposed Lot 3.04 and existing Lot 5 in Block 101, North 76° 31' 41" West, a distance of 39.98 feet to the Point and Place of BEGINNING.

Total area of proposed Lot 3.04 in Block 101 containing 1,332 Square feet, 0.031 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

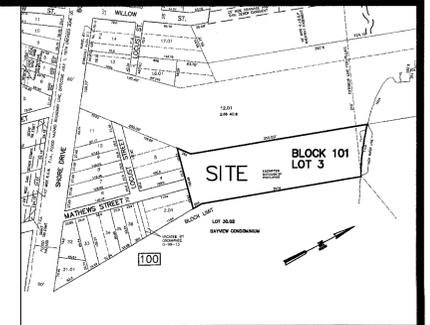
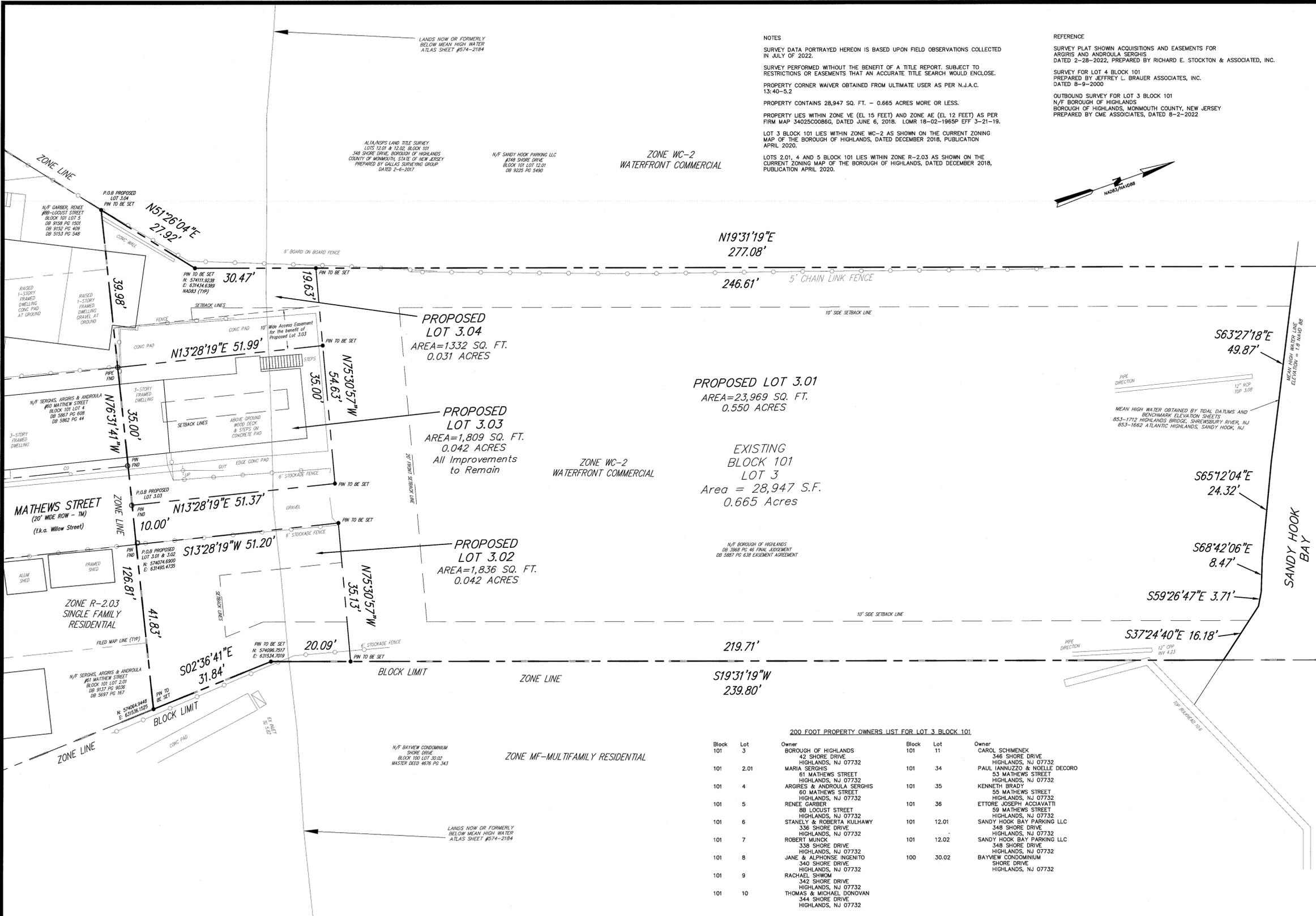


The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.

Robert K. Sanchez
Professional Land Surveyor
N.J. License No. 43294



Qtl:rks



KEY MAP
SCALE: 1" = 200'

NOTES
 SURVEY DATA PORTRAYED HEREON IS BASED UPON FIELD OBSERVATIONS COLLECTED IN JULY OF 2022.
 SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. SUBJECT TO RESTRICTIONS OR EASEMENTS THAT AN ACCURATE TITLE SEARCH WOULD ENCLOSE.
 PROPERTY CORNER WAIVER OBTAINED FROM ULTIMATE USER AS PER N.J.A.C. 13:40-5.2
 PROPERTY CONTAINS 28,947 SQ. FT. - 0.665 ACRES MORE OR LESS.
 PROPERTY LIES WITHIN ZONE WC-2 (EL 15 FEET) AND ZONE AE (EL 12 FEET) AS PER FIRM MAP 34025C0086G, DATED JUNE 6, 2018. LOMR 18-02-1965P EFF 3-21-19.
 LOT 3 BLOCK 101 LIES WITHIN ZONE WC-2 AS SHOWN ON THE CURRENT ZONING MAP OF THE BOROUGH OF HIGHLANDS, DATED DECEMBER 2018, PUBLICATION APRIL 2020.
 LOTS 2.01, 4 AND 5 BLOCK 101 LIES WITHIN ZONE R-2.03 AS SHOWN ON THE CURRENT ZONING MAP OF THE BOROUGH OF HIGHLANDS, DATED DECEMBER 2018, PUBLICATION APRIL 2020.

REFERENCE
 SURVEY PLAT SHOWN ACQUISITIONS AND EASEMENTS FOR ARGIRIS AND ANDROULA SERGHIS DATED 2-28-2022, PREPARED BY RICHARD E. STOCKTON & ASSOCIATED, INC.
 SURVEY FOR LOT 4 BLOCK 101 PREPARED BY JEFFREY L. BRAUER ASSOCIATES, INC. DATED 8-9-2000
 OUTBOUND SURVEY FOR LOT 3 BLOCK 101 N/F BOROUGH OF HIGHLANDS BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY PREPARED BY CME ASSOCIATES, DATED 8-2-2022

- THIS SURVEY IS SUBJECT TO THE FOLLOWING:
- ANY EASEMENTS, DEDICATIONS, OR RESTRICTIONS BOTH RECORDED AND UNRECORDED.
 - SUCH FACTS THAT A TRUE AND ACCURATE TITLE REPORT MAY REVEAL.
 - UNLESS NOTED HEREON THE FOLLOWING ITEMS WERE NOT CONTRACTED FOR OR INCLUDED ON THIS SURVEY.
 - DELINEATION OF THE SHAPE AND/OR DECLARATION OF THE EXISTENCE OF TOXIC WASTES, SANITARY LANDFILLS, DUMPING GROUNDS, BURIED TANKS, UNDERGROUND LINES, WELLS, OR ANY UNDERGROUND UTILITIES NOT OPEN TO VIEW.
 - DELINEATION OF THE EXISTENCE OF WETLANDS AS SPECIFICALLY DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS, NEW JERSEY D.E.P. AND THE U.S. DEPT. OF THE INTERIOR, NATIONAL WETLANDS INVENTORY AND/OR N.J.D.E.P.
 - UNLESS OTHERWISE NOTED HEREON ALL LOTS ARE LISTED BY TAX MAP DESIGNATION.
 - BOROUGH OF HIGHLANDS, MONMOUTH COUNTY TAX MAP SHEET #22.
 - VERTICAL DATUM DERIVED VIA REAL TIME KINEMATIC SURVEY IN COORDINATION WITH KEYSTONE KEYNET VRS NETWORK. VERTICAL DATUM - NORTH AMERICAN DATUM OF 1988. ALL VALUES EXPRESSED IN U.S. SURVEY FOOT.
 - BEARINGS BASED ON N.J.S.P.C.S. (NAD83).

- GENERAL NOTES:
- Property known and designated as Tax Lot 3 in Block 101, as shown on the official tax maps of the Borough of Highlands, Monmouth County, New Jersey, sheet number 22.
 - Boundary and Location Survey prepared by CME Associates, 1460 Route 9 South, Howell, NJ 07731, Robert K. Sanchez, Professional Land Surveyor, dated 8/2/22 with no revisions. Total area of tract = 28,947 SF or 0.655 acres.
 - Subdivision Owner/Applicant
 - Owner: Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
 - Applicant: Borough of Highlands
42 Shore Drive
Highlands, NJ 07732
 - This subdivision proposes to create four (4) new lots from one existing Lot 3, Block 101.
 - The application is being presented for subdivision purposes only. No development or construction is being proposed at this time.
 - All existing structures shall remain.
 - No existing deed restrictions were found in the current cover deed of record and no restrictions are being imposed at this time.
 - The subdivision shall be perfected by filing this map with the Monmouth County Clerk.
 - Tax Map Lot and Block Numbers to be approved by the municipality.

200 FOOT PROPERTY OWNERS LIST FOR LOT 3 BLOCK 101

Block	Lot	Owner	Block	Lot	Owner
101	3	BOROUGH OF HIGHLANDS 42 SHORE DRIVE HIGHLANDS, NJ 07732	101	11	CAROL SCHIMENEK 346 SHORE DRIVE HIGHLANDS, NJ 07732
101	2.01	MARIA SERGHIS 61 MATHEWS STREET HIGHLANDS, NJ 07732	101	34	PAUL IANNUZZO & NOELLE DECORO 53 MATHEWS STREET HIGHLANDS, NJ 07732
101	4	ARGIRES & ANDROULA SERGHIS 60 MATHEWS STREET HIGHLANDS, NJ 07732	101	35	KENNETH BRADY 55 MATHEWS STREET HIGHLANDS, NJ 07732
101	5	RENEE GARBER 88 LOCUST STREET HIGHLANDS, NJ 07732	101	36	ETTORE JOSEPH ACCIATINI 59 MATHEWS STREET HIGHLANDS, NJ 07732
101	6	STANLEY & ROBERTA KULHAWY 336 SHORE DRIVE HIGHLANDS, NJ 07732	101	12.01	SANDY HOOK BAY PARKING LLC 348 SHORE DRIVE HIGHLANDS, NJ 07732
101	7	ROBERT MUNCK 338 SHORE DRIVE HIGHLANDS, NJ 07732	101	12.02	SANDY HOOK BAY PARKING LLC 348 SHORE DRIVE HIGHLANDS, NJ 07732
101	8	JANE & ALPHONSE INGENITO 340 SHORE DRIVE HIGHLANDS, NJ 07732	100	30.02	BAYVIEW CONDOMINIUM SHORE DRIVE HIGHLANDS, NJ 07732
101	9	RACHAEL SHWOM 342 SHORE DRIVE HIGHLANDS, NJ 07732			
101	10	THOMAS & MICHAEL DONOVAN 344 SHORE DRIVE HIGHLANDS, NJ 07732			

THE UNDERSIGNED INDIVIDUAL HEREBY DECLARES THAT HE/SHE IS THE OWNER OF THE LAND DELINEATED HEREON, AND HEREBY CONSENTS TO THE FILING OF THIS MAP IN THE OFFICE OF THE CLERK OF MONMOUTH COUNTY.

OWNER: _____ DATE: _____
 STATE OF NEW JERSEY: _____ S. S.
 COUNTY OF MONMOUTH: _____
 BE IT REMEMBERED THAT ON THIS _____ DAY, 20____, BEFORE ME, A NOTARY PUBLIC, DID PERSONALLY-APPEAR _____
 WHO BY ME BEING DULY SWORN ON HIS/HER OATH DID DEPOSE AND ACKNOWLEDGE THAT THEY ARE THE OWNERS OF THE PREMISES SHOWN ON THIS MAP AND THAT THE FOREGOING CONSENT WAS EXECUTED BY THEM AS AND FOR THEIR VOLUNTARY ACT AND DEED
 I HAVE CAREFULLY EXAMINED THIS MAP AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND IT COMPLES WITH THE PROVISIONS OF "THE MAP FILING LAW," RESOLUTION OF APPROVAL AND APPLICABLE MUNICIPAL ORDINANCES AND REQUIREMENTS.
 I CERTIFY THAT A BOND HAS BEEN GIVEN TO THE MUNICIPALITY, GUARANTEEING THE FUTURE SETTING OF THE MONUMENTS AS DESIGNATED AND SHOWN ON THIS MAP.
 NOTARY PUBLIC - STATE OF NEW JERSEY
 MY COMMISSION EXPIRES ON: _____
 MUNICIPAL ENGINEER: _____ DATE: _____
 MUNICIPAL CLERK: _____ DATE: _____

TRACT IS ZONED WC-2 - WATERFRONT COMMERCIAL

ZONE REQUIREMENTS:	REQUIRED:	LOT 3.01	LOT 3.02	LOT 3.03	LOT 3.04
MINIMUM LOT AREA	N/A	23,969 SF	1,836 SF	1,809 SF	1,332 SF
MINIMUM LOT FRONTAGE	100 FT.	10 FT.*	41.83 FT.*	51.37 FT.*	38.98 FT.*
MINIMUM LOT WIDTH	100 FT.	99.77 FT.*	36.08 FT.*	35.00 FT.*	24.42 FT.*
MINIMUM LOT DEPTH	180 FT.	218.86 FT.	51.20 FT.*	35.00 FT.*	51.99 FT.*
MINIMUM FRONT SETBACK	20 FT.	20 FT.	20 FT.	20 FT.	20 FT.
MINIMUM SIDE SETBACK	10/10 FT.	10 FT.	10 FT.	0 FT.	10 FT.
MINIMUM REAR SETBACK	N/A	N/A	N/A	4.33 FT.	N/A
MINIMUM HEIGHT	36 FT.	N/A	N/A	3 STORY	1 STORY
MAXIMUM LOT COVERAGE	70%	N/A	N/A	74%	40%
MAXIMUM BUILDING COVERAGE	25%	N/A	N/A	11%	N/A
FAR	0.60	14,381 SF	1,102 SF	1,085 SF	799 SF

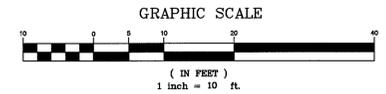
* VARIANCE REQUIRED

● DENOTES CORNER TO BE SET (9) PER N.J.S.A. 46:23-9.11 AND N.J.A.C. 13:40-5.1.

I HEREBY CERTIFY THAT THIS MAP COMPLES WITH THE PROVISIONS OF CHAPTER 141 P.L. 1960 AND FURTHER CERTIFY THAT IT HAS BEEN APPROVED FOR FILING IN THE "MUNICIPAL LAND USE LAW," P.L.1975, c.291 (440:550-1 ET SEQ.) OR LOCAL ORDINANCE.

THIS CERTIFICATION SHALL EXPIRE IF THIS MAP IS NOT PROPERLY FILED WITH SAID COUNTY ON OR BEFORE DESIGNATED AND SHOWN ON THIS MAP.

PLANNING BOARD CHAIRWOMAN: _____ DATE: _____
 PLANNING BOARD SECRETARY: _____ DATE: _____
 MUNICIPAL CLERK: _____ DATE: _____



1. Revisions as per email dated September 29, 2022	10-18-2022	QTL	RKS
No.	DESCRIPTION OF REVISION	DATE	DRAWN CHECKED
BOROUGH OF HIGHLANDS MONMOUTH COUNTY, NEW JERSEY BLOCK 101 LOT 3 N/F Borough of Highlands MINOR SUBDIVISION PLAT			
CONSULTING AND MUNICIPAL ENGINEERS <small>2441 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859-1440 (PARLIN 9 SOUTH HIGHLANDS, NEW JERSEY 07739-1914)</small>			
JOHN H. ALGAR P.E., P.P. <small>(1962-2000)</small>	DAVID J. SAMUEL P.E., P.P. <small>(1952-2000)</small>	JOHN J. STEFANI P.E., L.S. & P.P. <small>(1952-2000)</small>	
JAY B. CORNELL P.E., P.P. <small>(1952-2000)</small>	MICHAEL J. MACCELLANO P.E., P.P. <small>(1952-2000)</small>	CHRISTOPHER E. WALES P.E., P.P. <small>(1952-2000)</small>	
ROBERT K. SANCHEZ P.L.S. <small>DESIGNED BY: RKS</small> <small>DATE: 10/31/2022</small> <small>NEW JERSEY PROFESSIONAL LAND SURVEYOR N.J.L.C. 43294</small>			
SCALE: 1"=10'		QTL	RKS
DATE: 8/25/2022		1 OF 1	



HGPB- R1980

November 21, 2022

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: Borough Property
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Major Subdivision
First Completeness Review**

Dear Ms. Tran:

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 21-58.B – Preliminary Subdivision Plat.

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

1. Land Use Board Application for Subdivision, with supporting documents, dated November 8, 2022.
2. Minor Subdivision Plat prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, consisting of one (1) sheet.
3. Description of property, Block 101, proposed lot 3.01, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
4. Description of property, Block 101, proposed lot 3.02, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
5. Description of property, Block 101, proposed lot 3.03, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
6. Description of property, Block 101, proposed lot 3.04, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.

The property noted lies within the Waterfront Commercial 2 (WC-2) Zone of the Borough. The Borough currently owns the property by way of a prior foreclosure. The applicant (Borough) seeks to subdivide small portions of the property in order to reconcile certain longstanding building encroachments with adjacent neighboring properties. The Borough desires to subdivide these properties first, and then follow up with proceedings seeking to sell these small properties to the affected adjacent owners such that the encroachments will be mitigated, and the newly created lots ultimately consolidated into the pre-existing residential lots.

It is my opinion that since the applicant is proposing to create three (3) new lots plus a lands remaining parcel, a total of four (4) lots are implicated. This number of lots would require classification as a “major” subdivision.



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Borough Property
Locust Street
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Minor Subdivision
First Completeness Review**

While technically a “major” subdivision, the application will act more like a minor subdivision, as there are no proposed roadways, stormwater basins, lighting improvements, etc.

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.B:

Preliminary Subdivision Plat: The preliminary plat shall be designed in accordance with the provisions of this chapter, by a licensed New Jersey Land Surveyor and Professional Engineer, at a scale of not less than one (1) inch equals one hundred (100) feet, for consideration by the Board prior to the granting of preliminary approval. The plat shall show or be accompanied by sufficient information to establish the design, arrangement and dimensions of streets, lots and other planned features as to form, size and location. This information shall form the basis for the general terms and conditions upon which preliminary approval may be granted and shall include:

1. A key map at a scale not less than 1" = 400' showing the entire subdivision and its relation to the surrounding areas. **Provided.**
2. All existing structures, wooded areas and topographical features, such as slump blocks, within the tract to be subdivided and within seventy-five (75) feet thereof. **Provided.**
3. The name and address of all adjoining property owners, within two hundred (200) feet, as disclosed by the most recent municipal tax record. If there is no positive evidence of ownership, a certificate will be presented from the custodian of tax recorders to that effect. **Provided.**
4. The tract name, date, reference meridian and graphic scale. **Provided.**
5. Name and address of the owner and applicant. **Provided.**
6. Certification that the applicant is the owner of the land or his authorized agent or that the owner has given consent under an option agreement. **Provided.**
7. Name and address, seal, signature and license number of the person who prepared the map. **Provided.**
8. Certificate from Tax Collector that all taxes and assessments for local improvements are paid to date. **Not applicable.**
9. Certification statement for the required municipal signatures, stating: **Provided, but will need to be updated.**
 - o Application No. _____ approved/disapproved by the Highlands Land Use Board as a Preliminary Major Subdivision on _____.
(date)

Chairman

Secretary



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Borough Property
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Minor Subdivision
First Completeness Review**

10. Certification statement for the County Planning Board approval/disapproval, if required. **Not applicable.**
11. The Tax Map sheet, block and lot numbers. **Provided.**
12. Acreage of tract to be subdivided, to the nearest hundredth of an acre. **Provided.**
13. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points of the profiles of all proposed new streets, contours at five (5) foot intervals for slopes averaging ten (10%) percent or greater and at one (1) foot intervals for land of lesser slope. All land in the flood hazard area shall be referenced to NGVD (1929). **Not applicable.**
14. The location of existing and proposed property lines, streets, existing buildings, watercourses, bridges, culverts, drain pipes and any natural features such as wooded areas and rock formations, on-tract and within seventy-five (75) feet of the property. **Provided.**
15. The area, in square feet, of each lot. **Provided.**
16. Minimum street setback line and side and rear yard setback lines of each lot. **Provided.**
17. A copy of any proposed protective covenants or deed restrictions applying to the land being subdivided. **Provided.**
18. A grading plan showing existing and final contours (using no less than one (1) foot contours) of each lot. Spot elevations shall be provided in the flood hazard zone. **Not applicable.**
19. A soil erosion and sediment control plan, if required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
20. Soil borings, where required by the Board Engineer. **Not applicable.**
21. A wetlands statement provided by a qualified expert. **Not provided.**
22. Plans, profiles and cross sections of all proposed streets. **Not applicable.**
23. Stormwater management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities, plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable.**
24. Plans and profiles of proposed utility layouts, such as but not limited to sewers, storm drains, water, gas and electricity, showing feasible connections to existing or any proposed utility system. When an individual water supply or sewage disposal system, or both, is or are proposed, the plan for each such system must be approved by the appropriate local, County or State health agency. When a public sewer system is not available, the subdivider shall comply with the requirements of N.J.A.C. 7:9A for the installation of an on-site disposal system. The subdivider shall submit with the preliminary plat the results of all tests which are conducted, whether passing or failing the statutory



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Borough Property
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Minor Subdivision
First Completeness Review**

requirements. The Borough reserves the right to supervise or witness all or any tests which are conducted, and the subdivider shall notify the Board of Health at least forty-eight (48) hours prior to the conducting of any tests. Any subdivision or part thereof which does not meet the requirements of this subsection or other applicable regulations shall not be approved. **Not applicable.**

25. Where public water is available, a certification from the municipal, private, or regional water supply agency that sufficient water is available for each proposed lot for the foreseeable needs of the subdivision. **Not applicable.**

26. Where public sewers are available, a certification from the municipal or regional sewage authority that treatment capacity is available for each proposed lot for the foreseeable needs of the subdivision. **Not applicable.**

At this point, adequate information has been provided for us to perform a technical review of the application, so the application is hereby deemed **COMPLETE**.

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

Very truly yours,

T&M ASSOCIATES

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

EWH

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)
Brian O'Callahan, Zoning Officer (bocallahan@middlestownnj.org)
Andrew Ball, Esq., Asst. Borough Attorney (aball@respondlaw.com)



HGPB- R1980

November 23, 2022

Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board
42 Shore Drive
Highlands, New Jersey 07732

Via Email (ntran@highlandsborough.org)

**Re: Borough Property
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Major Subdivision
First Engineering Review**

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 submitted the following documents in support of this application:

1. Land Use Board Application for Subdivision, with supporting documents, dated November 8, 2022.
2. Minor Subdivision Plat prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, consisting of one (1) sheet.
3. Description of property, Block 101, proposed lot 3.01, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
4. Description of property, Block 101, proposed lot 3.02, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
5. Description of property, Block 101, proposed lot 3.03, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
6. Description of property, Block 101, proposed lot 3.04, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.

Based on our review of the submitted documents, we offer the following comments for the Board's consideration:

A. Project Description

The 0.66-acre property noted lies within the Waterfront Commercial 2 (WC-2) Zone of the Borough. The Borough currently owns the property by way of a prior foreclosure. The applicant (Borough) seeks to subdivide small portions of the property in order to reconcile certain longstanding building encroachments with adjacent neighboring properties. The Borough desires to subdivide these properties first, and then follow up with proceedings seeking to sell these small properties to the affected adjacent owners such that the encroachments will be mitigated, and the newly created lots ultimately consolidated into the pre-existing residential lots.



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Borough Property
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Major Subdivision
First Engineering Review**

It is my opinion that since the applicant is proposing to create three (3) new lots plus a lands remaining parcel, a total of four (4) lots are implicated. This number of lots would require classification as a “major” subdivision.

While technically a “major” subdivision, the application will act more like a minor subdivision, as there are no proposed roadways, stormwater basins, lighting improvements, etc.

B. Zoning and Planning

1. The subject property is located within the Waterfront Commercial 2 Zone (WC-2). The intent of the application is to create new lots for the purpose of mitigating long standing encroachments.
2. The following bulk requirement summary is provided for the Board’s reference:

Standard	WC-2 Zone	Existing Lot 3	Prop. Lot 3.01	Prop. Lot 3.02	Prop. Lot 3.03	Prop. Lot 3.04
Min. Lot Area (sf)	-	28,947	23,969	1,836	1,809	1,332
Min. Lot Frontage (ft)	100	20	10(V)	NA	10(V)	NA
Min. Lot Width (ft)	100	NS	99.77(V)	NA	35(V)	NA
Min. Lot Depth (ft)	150	218.86	218.86	NA	51.37	NA
Min. Front Yard Setback (ft)	20	NA	NA (vacant)	NA	NA	NA
Min. Side Yard Setback (ft)	10/10	NA	NA (vacant)	NA	NA	NA
Min. Rear Yard Setback (ft)	-	NA	NA (vacant)	NA	NA	NA
Max. Building Height (ft)	36	NA	NA (vacant)	NA (vacant)	NA	NA
Max. Lot Coverage (%)	70	NA	NA (vacant)	NA (vacant)	NA	NA
Max. Building Coverage (%)	25	NA	NA (vacant)	NA (vacant)	NA	NA
Max. Floor Area Ratio (FAR)	0.6	NA	NA (vacant)	NA (vacant)	NA	NA

3. The net result of the current proposal would result in small, primarily isolated, land-locked parcels namely proposed lots 3.02 and 3.04. Proposed lots 3.01 and 3.03 would technically have 10’ of frontage on Mathews Street, which is identified as having a 20’ wide right of way.



Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board

Re: Borough Property
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Major Subdivision
First Engineering Review

4. The applicant is proposing a 10' wide flag stem connecting Matthews Street to proposed lot 3.01 (the large lands remaining parcel), but this technically would not be considered a public street. It is presumed that this flag stem would be preserved for access to the lands remaining parcel.
5. The Municipal Land Use Law does not favor the creation of landlocked parcels. In this particular instance, the bulk zoning criteria are somewhat undefined, since most lot standards are based on having public roadway frontage. In this case, only proposed lots 3.01 and 3.03 would have any road frontage, albeit a nominal 10' amount.
6. This application is somewhat unique in that it is proposed as a "temporary" step as noted in the narrative previously. The applicant should provide testimony on what would happen to the proposed three (3) small lots if negotiations with the adjacent property owners are not successful.
7. 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:
 - a. **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.
 - b. **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.
8. It is noted that the properties are situated in mapped flood zones as identified on the plan provided.
9. Should this application secure Board approval, a final major subdivision plat consistent with the State's Title Recordation Act will be required.
10. Approvals or waivers should be obtained from any agencies or departments having jurisdiction. These may include, but shall not be limited to, the following:
 - a. Monmouth County Planning Board
 - b. New Jersey Department of Environmental Protection



**Le: Nancy Tran, Land Use Board Secretary
Borough of Highlands Land Use Board**

**Re: Borough Property
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Major Subdivision
First Engineering Review**

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

Very truly yours,

T&M ASSOCIATES

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

EWH

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)
Andrew Ball, Esq., Asst. Borough Attorney (aball@respondlaw.com)

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DAVISON • EASTMAN • MUÑOZ • PAONE, P.A.

DUANE O. DAVISON
EDWARD C. EASTMAN, JR.
ROBERT F. MUÑOZ (1988-2021)
JAMES A. PAONE, II †
JAMES M. McGOVERN, JR. ▼▲
ROBERT S. BONNEY, JR. ▼
ANNE MARIE MAZZU •
CHRISTINA D. HARDMAN O'NEAL ▼
BLAKE R. LAURENCE • ♦
MATTHEW K. BLAINE ♦
CHRISTOPHER D. OLSZAK ►
BRIAN J. CHABAREK ▼
DOUGLAS J. WIDMAN □ ▼
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MICHAEL J. CONNOLLY

OF COUNSEL
DANIEL D. OLSZAK ►
TRACEE A. DANNER
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Attorney at Law

aball@respondlaw.com

DIRECT DIAL NUMBER
732-410-2322
DEPARTMENT FAX NUMBER
732-810-1523
NJ ATTORNEY ID NUMBER
022622012

November 30, 2022

ANDREW J. BALL ♦
ALAN L. POLINER ▼♦
TIMOTHY C. MORIARTY ▼
ZACHARY J. STYCZYNSKI

CERTIFIED BY THE SUPREME COURT
OF NEW JERSEY AS A:
† CIVIL TRIAL ATTORNEY
□ CRIMINAL TRIAL ATTORNEY

• LL.M. IN TAXATION
□ R. 1:40 QUALIFIED MEDIATOR

OTHER STATE ADMISSIONS:
▼ NEW YORK
♦ PENNSYLVANIA
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Nancy Tran, Land Use Board Secretary
Borough of Highlands
42 Shore Drive
Highlands, New Jersey 07732

RE: Borough of Highlands Major Subdivision Application
Block 101, Lot 3, Locust Street

Dear Nancy:

Enclosed please find our Proof of Service for the above matter.

Very truly yours,



ANDREW J. BALL
Attorney at Law

AJB:tfw
Enc.

**PROOF OF SERVICE
BOROUGH OF HIGHLANDS LAND USE BOARD
APPLICANT: BOROUGH OF HIGHLANDS**

STATE OF NEW JERSEY : SS.
COUNTY OF MONMOUTH :

TONI WHALEN, of full age, being duly sworn, according to law, upon her oath, deposes and says that I am a paralegal with the law firm of Davison, Eastman, Muñoz, Paone, P.A., attorneys for the Applicant, Borough of Highlands. On November 23, 2022, at least ten (10) days prior to the hearing date, I caused to be mailed in the United States Post Office in Freehold, New Jersey, the Notice to the surrounding property owners within two hundred (200) feet of the property. Said Notice was sent by certified mail, return receipt requested to the property owners on the attached list which was provided by the Borough Clerk. The Notice was also sent to the Borough of Highlands Clerk, 42 Shore Drive, Highlands, New Jersey 07732. A copy of the Public Hearing Notice, mailing receipts and green return receipts cards received to date are attached. Please note, the Post Office initially began stamping the mailing receipts as November 32, 2022 but then corrected the stamped date to reflect November 23, 2022. The Notice was also published in the Asbury Park Press on November 26, 2022. A copy of the newspaper publication is attached. The Affidavit of Publication will be sent to you when it is received.



TONI WHALEN

Subscribed and Sworn to
before me this 30th day
of November, 2022



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- Gallons)
- Usage fee (40,001 gallons and Over) \$/1,000 gallons \$5.37
- A. User charge, commercial:
(1) Minimum \$76.66 per unit, per quarter due at the end of the quarter.
(2) Usage \$5.22 per 1,000 gallons.
- B. Connection fees:
(1) House connection: \$3,950.00 per EDU (Equivalent Dwelling Unit); \$1,975.00 for affordable housing units; existing water service to property, Township of Ocean, Department of Utilities, shall provide a water service to any tax lot existing in 1992 which fronted an existing water main in 1992.
(2) Unchanged.
(a) Unchanged.
 [1] Unchanged.
 [2] Unchanged.
(b) Unchanged.
 [1] Unchanged.
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(c) Unchanged.
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 [2] Unchanged.
(d) Unchanged.
(e) Unchanged.
(f) Unchanged.
(g) Unchanged.
(h) Unchanged.
(i) Unchanged.
(j) Unchanged.
- C. Subdivision/development: \$3,950.00 per EDU; developer constructs water mains and service laterals.

SECTION 3. Chapter 400 of the Township Code entitled "Water and Sewer", and specifically 5400-19 thereof entitled "Commercial Water Connection Fee Calculation" is hereby amended and supplemented and shall read as follows:
5400-19 Commercial Water Connection Fee Calculation.
A. Definition of equivalent dwelling unit.
(1) Unchanged.
(2) Meter fees are subject to the annual pricing on file in the office of the Ocean Township Department of Utilities. Applicants must inquire with the Department regarding meter pricing.
(3) Unchanged.
B. Application Fees:
(1) Tentative review: 1% of estimated project costs; minimum fee \$280.00.
(2) Preliminary review: 1 1/2% of estimate project cost; minimum fee \$280.00.
(3) Final review: 1% of estimated project cost; minimum fee \$280.00.
C. Inspection fees: lateral installation, \$389.00. Inspection escrow: any charges beyond the \$389.00 will be billed to the applicant. If the applicant charges do not exceed \$389.00, the balance will be returned to the applicant. Subdivision/development: 5% of the estimated project cost.
D. Unchanged.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.
SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.
SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Ocean on the 22nd day of November, 2022, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 13th day of December, 2022, at 6:00 PM. at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Submitted by: DIANE B. AMBROSIO, RMC, CMC Municipal Clerk, Township of Ocean (\$199.32)

NOTICE OF HEARING
LAND USE BOARD
BOROUGH OF HIGHLANDS

PLEASE TAKE NOTICE THAT the Borough of Highlands (Applicant), will apply to the Land Use Board of the Borough of Highlands, New Jersey, for major subdivision and variance approval for Block 101, Lot 3 as shown on the official Tax Map of the Borough of Highlands and more commonly known as vacant land located on Locust Street, in the Borough of Highlands, County of Monmouth and State of New Jersey. The property is located in the WC-2 Zone. The Applicant seeks major subdivision approval to subdivide the property into four lots in order to potentially sell certain resulting lots to adjacent owners and eliminate an encroachment of the adjacent property owners' three story framed dwelling and deck which are located on the Borough's lot. The Applicant seeks the following variances:

- Minimum Lot Frontage for Lot 3.01 - 100 feet required, 10.00 feet proposed
- Minimum Lot Frontage for Lot 3.02 - 100 feet required, 41.83 feet proposed
- Minimum Lot Frontage for Lot 3.03 - 100 feet required, 51.37 feet proposed
- Minimum Lot Frontage for Lot 3.04 - 100 feet required, 39.98 feet proposed
- Minimum Lot Width for Lot 3.01 - 100 feet required, 99.77 feet proposed
- Minimum Lot Width for Lot 3.02 - 100 feet required, 36.06 feet proposed
- Minimum Lot Width for Lot 3.03 - 100 feet required, 35.00 feet proposed
- Minimum Lot Width for Lot 3.04 - 100 feet required, 24.42 feet proposed
- Minimum Lot Depth for Lot 3.02 - 150 feet required, 51.20 feet proposed
- Minimum Lot Depth for Lot 3.03 - 150 feet required, 35.00 feet proposed
- Minimum Lot Depth for Lot 3.04 - 150 feet required, 51.99 feet proposed
- Minimum Lot coverage for Lot 3.03 - 10 feet required, 0 feet proposed
- Maximum Lot coverage for Lot 3.03 - 70% required, 74% proposed

The Applicant reserves the right to request approval for any and all other variances or design waivers deemed necessary by the Board or its professionals before or during the public hearing. This application is now on the Board's calendar for a public hearing on Thursday, December 8, 2022 at 7:00 p.m. in the Borough of Highlands Land Use Board Community Center, 22 Snug Harbor, Highlands, New Jersey, at which time you may appear either in person, by agent, or attorney and present any comments which you may have to the granting of this application. A copy of the application and documents relating to this application are on file with the Board Secretary and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.
BOROUGH OF HIGHLANDS

By: Andrew J. Ball, Esq.
ANDREW J. BALL, ESQ., 100 Willow Brook Rd., Suite 100, Freehold NJ 07728
Davison, Eastman, Muñoz, Paone, PA, Attorneys for Applicant

(\$54.12)