



June 14, 2024

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

Re: Completeness Review No. 4
Applicant: Kirsh Kraft, LLC
Nine 5th Street
Block 57, Lots 8 & 9
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB2022-04

Dear Ms. Tran:

I am following up on the above referenced application and the testimony provided by the applicant at the Board meeting held on June 13, 2024.

The Applicant seeks a Minor Subdivision to reconfigure existing Lot 8 and Lot 9 in the R-2.02 Single Family Residential District. Existing Lot 8 and Lot 9 consist of 603.60 sf and 4,827.70 sf, respectively. Lot 8 has an empty unlivable dwelling; Lot 9 has a shed and both buildings are to be removed from the lots. Utility services are available for both lots. Proposed Lot 8.01 and Lot 9.01 are 2,913 sf and 2,618 sf, respectively. The existing lots are non-conforming, and the proposed lots will require bulk variances. The Applicant received a Zoning Denial Letter, dated May 13, 2022. A Notice of Unsafe Structure was issued on April 12, 2024, for Lot 8, by the Construction Department.

The Applicant has satisfied many of the comments outlined within our previous review letters dated February 20, 2024 and May 9, 2024. I am specifically writing in regard to two outstanding issues as follows that are the result of the Board hearing and testimony provided on June 13, 2024:

1. CHECKLIST ITEMS

As you know, my office notified the Board on June 13, 2024, prior to the hearing, that the applicant did not satisfy the checklist item related to a wetlands statement by a qualified expert. As noted in my May 9, 2024 letter:

A wetlands statement provided by a qualified expert.

It has been recommended by Mr. Herrman during the application process that a simple letter stating, "We have reviewed the State's GeoWeb mapping and performed a site review to confirm that there are no regulated freshwater wetlands or buffers impacting the property," would suffice in completing this checklist item.

A signed letter by a qualified expert is required.

- a. **The Applicant has indicated that a signed letter from a wetland expert will be provided prior to the hearing.**

This is acceptable and the letter is a condition of approval.

- b. **The Applicant has provided General Note No 8 on the plan and is stated, "Pursuant to NJDEP Geo-Web, no wetlands exist onsite."**

The plan note is incomplete. Please follow the statement provided by Mr. Herrman.

As discussed during the hearing, submission of the required letter by a qualified wetlands expert must be submitted prior to the next hearing. The Board agreed that a vote will not be held until this item is submitted and approved.

2. ADDITIONAL COMMENTS

Additional testimony was provided during the June 13, 2024 hearing in regard to the encroachment of the existing structure on adjoining Lot 5.

As previously noted, a survey by Seneca Survey Co., Inc. dated August 15, 2016 found that the dwelling on Lot 5 had a maximum encroachment of 1.5-ft. The Minor Subdivision Plan prepared by WJH Engineering, last revised April 5, 2024 indicates a maximum encroachment of approximately 7.2-ft.

During the testimony provided on June 13, the applicant proposed an easement to encompass the encroachment which would include a condition that future improvements/development on Lot 5 be relocated off of proposed Lot 8.01.

While this appears to be a reasonable method for dealing with the encroachment, I recommend that a condition of approval be included which requires an agreement being made between the property owner at Lot 5 and the applicant prior to filing the subdivision.

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

Very truly yours,



Carmela Roberts, P.E., C.M.E., C.P.W.M.
Land Use Board Engineer

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