



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: _____ Application #: _____ Fee: _____ Escrow: _____

1. APPLICANT

Name: Edward and Margaret Wheeler
 Address: 908 Ocean Avenue
 City: Sea Bright State: NJ Zip: 07760
 Phone: 732-859-5253
 Email: seabrightw@aol.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)

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

4. PROPERTY INFORMATION

Block 80 Lot(s) 17 Address: 63 Washington Avenue
 Lot size 4,000 sf # of Existing Lots One # of Proposed Lots Two
 Zone R-2.01 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 05/01/2024 Sewer paid through 05/01/2024

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

Name: Rick Brodsky, Esq., Ansell Grimm & Aaron PC
 Address: 1500 Lawrence Avenue, CN 7807, Ocean, NJ 07712
 Phone: 732-922-1000 Email: rbrodsky@ansell.law



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

Name: Ronald L. Trinidad, PLS
 Address: R and T Land Surveying
PO Box 124, Atlantic Highlands, NJ 07716
 Phone: 732-872-2827
 Email: tt.randtsurvey@gmail.com

Name: Jeremiah J. Regan, A.I.A., Architect
 Address: 147 Brighton Avenue, 2nd Floor
Long Branch, NJ 07740
 Phone: 732-870-2977
 Email: jeremiahregan@aol.com

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.

Residential property, owned by Applicants since 2022

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 subdivide existing residential Lot 17 into two (2) residential lots (Proposed Lot 17.01 and Proposed Lot 17.02), with the existing dwelling to remain on Proposed Lot 17.01, and a new dwelling to be constructed on Proposed Lot 17.02

C. ADDITIONAL INFORMATION:

		Existing	Proposed
Residential:	How many dwelling units?	<u>One</u>	<u>Two</u>
	How many bedrooms in each unit?	<u>Three</u>	<u>Three</u>
	How many on-site parking spaces?	<u>Four</u>	<u>Four</u>
Commercial:	How many commercial uses on site?	<u>N/A</u>	<u>N/A</u>
	How many on-site parking spaces?	<u>N/A</u>	<u>N/A</u>



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

	Req'd	Exist.	Prop'd	
Minimum Lot Requirements				
Lot Area	3750	4000	2000 prop. 2000 prop.	Lot 17.01 Lot 17.02
Frontage	50	50	25 prop. 25 prop.	Lot 17.01 Lot 17.02
Lot Depth				
Minimum Yard Requirements				
Front Yard Setback	20	6.0	6.0 Prop. 18.0 Prop.	Lot 17.01 Lot 17.02
2 nd Front Yard Setback				
Rear Yard Setback				
Side Yard Setback, right	6	1.2	1.2 Prop. 3.5 Prop.	Lot 17.01 Lot 17.02
Side Yard Setback, left	8	28.6	3.6 Prop. 3.5 Prop.	Lot 17.01 Lot 17.02
Building Height				

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

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

- #21-86A(4): Minimum Lot Area of 3,750 sf is required, where 2,000 sf is proposed for both new lots 17.01 and 17.02
-
- #21-86A(4): Minimum Lot Frontage of 50' is required, where 25' is proposed for both new lots 17.01 and 17.02
-
- #21-86A(4): Minimum Front Yard Setback of 20' is required, where 6' exists for new lot 17.01 and 18' is proposed for new lot 17.02
-
- #21-86A(4): Minimum Side Yard Setback of 6'/8' is required, where 1.2' exists and 3.6' is proposed for new lot 17.01, and
 3.5'/3.5' is proposed for new lot 17.02
-
- #21-86A(4): Maximum Building Coverage of 33% is permitted, where 45.5% is proposed for new lot 17.01 and
 37.8% is proposed for new lot 17.02
-



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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
1st day of MAY 2024 (year)
Alison H. Neary (notary)
 (Seal)

Edward Wheeler
 Signature Date
 Edward Wheeler
 Print Full Name

ALISON H. NEARY
 NOTARY PUBLIC OF NEW JERSEY
 COMMISSION EXPIRES SEPT. 13, 2025

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
1st day of MAY 2024 (year)
Alison H. Neary (notary)
 (Seal)

Edward Wheeler
 Signature Date
 Edward Wheeler
 Print Full Name

ALISON H. NEARY
 NOTARY PUBLIC OF NEW JERSEY
 COMMISSION EXPIRES SEPT. 13, 2025

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: N/A

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

*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 _____ day of _____ 20____ (year) _____ (notary) (Seal)
--

_____	_____
Signature (Officer/Partner)	Date
_____	_____
Print Full Name	Title



Block/Lot/Qual:	80. 17.	Tax Account Id:	1578
Property Location:	63 WASHINGTON AVENUE	Property Class:	2 - Residential
Owner Name/Address:	WHEELER, EDWARD & MARGARET	Land Value:	182,700
	908 OCEAN AVENUE	Improvement Value:	219,600
	SEA BRIGHT, NJ 07760	Exempt Value:	0
		Total Assessed Value:	402,300
		Additional Lots:	None
Special Taxing Districts:		Deductions:	

Balance Includes any Adjustments to Your Account

Taxes Utilities

[Make a Payment](#)

[View Tax Rates](#)

[View Current Bill](#)

[Project Interest](#)

Year	Due Date	Type	Orig Billed	Adj Billed	Balance	Interest	Total Due	Status
2024	02/01/2024	Tax	1,872.10	0.00	0.00	0.00	0.00	PAID
2024	05/01/2024	Tax	1,872.10	0.00	0.00	0.00	0.00	PAID
	Total 2024		3,744.20	0.00	0.00	0.00	0.00	
2023	02/01/2023	Tax	1,687.42	0.00	0.00	0.00	0.00	PAID
2023	05/01/2023	Tax	1,687.41	0.00	0.00	0.00	0.00	PAID
2023	08/01/2023	Tax	2,056.79	0.00	0.00	0.00	0.00	PAID
2023	11/01/2023	Tax	2,056.78	0.00	0.00	0.00	0.00	PAID
	Total 2023		7,488.40	0.00	0.00	0.00	0.00	
2022	02/01/2022	Tax	1,855.17	0.00	0.00	0.00	0.00	PAID
2022	05/01/2022	Tax	1,855.17	-647.60	0.00	0.00	0.00	PAID
2022	08/01/2022	Tax	1,519.66	0.00	0.00	0.00	0.00	PAID
2022	11/01/2022	Tax	1,519.66	0.00	0.00	0.00	0.00	PAID
	Total 2022		6,749.66	-647.60	0.00	0.00	0.00	

Last Payment: 05/09/24

[Return to Home](#)



Utility Account:	9930-0
Block/Lot/Qual:	80. 17.
Property Location:	63 WASHINGTON AVENUE
Service Location:	63 WASHINGTON AVENUE
Owner Name/Address:	WHEELER, EDWARD & MARGARET 908 OCEAN AVENUE SEA BRIGHT, NJ 07760

Sewer

[Make a Payment](#)

[Project Interest](#)

Last Payment: 05/09/24

Current Charges:

Service	Due Date	Billed	Balance	Interest	Total Due	Status
Sewer	05/01/2024	140.00	0.00	0.00	0.00	PAID
Total		140.00	0.00	0.00	0.00	

Prior Paid Charges:

Service	Due Date	Billed	Balance	Interest	Total Due	Status
Sewer	02/13/2024	140.00	0.00	0.00	0.00	PAID
Sewer	11/01/2023	140.00	0.00	0.00	0.00	PAID
Sewer	08/31/2023	140.00	0.00	0.00	0.00	PAID
Total		420.00	0.00	0.00	0.00	

[Return to Home](#)



ANSELL.LAW

ANSELL GRIMM & AARON, PC

1500 LAWRENCE AVENUE
CN7807
OCEAN, NEW JERSEY 07712
732-922-1000
732-922-6161 (FAX)

365 RIFLE CAMP ROAD
WOODLAND PARK, NEW JERSEY 07424
973-247-9000
973-247-9199 (FAX)

214 CARNEGIE CENTER
SUITE 112
PRINCETON, NEW JERSEY 08540
609-751-5551

1177 AVENUE OF THE AMERICAS
5TH FLOOR
NEW YORK, NY 10036
800-569-3886

41 UNIVERSITY DRIVE
SUITE 400
NEWTOWN, PENNSYLVANIA 18940
267-757-8792

website: ansell.law

JAMES G. AARON
ALLISON ANSELL ◊ †
BRIAN E. ANSELL ‡
MITCHELL J. ANSELL
MICHAEL V. BENEDETTO
RICK BRODSKY ◊
DAVID J. BYRNE ◻
PETER S. FALVO, JR.
PETER B. GRIMM
ROBERT A. HONECKER, JR. ◻ §
JASON S. KLEIN ◊
JENNIFER S. KRIMKO
DONNA L. MAUL ◊
MELANIE J. SCROBLE
LAWRENCE H. SHAPIRO ◊ ◻
DAVID B. ZOLOTOROFE

EDWARD J. AHEARN
BRIAN J. ASHNAULT
KELSEY M. BARBER
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ANDREA B. WHITE ◊ ◊

COUNSEL
HON. ANTHONY J. MELLACI, JR., J.S.C. (RET)
STACEY R. PATTERSON ◊
ROY W. HIBBERD Δ ▽
HON. RAYMONDA. HAYSER, J.T.C. (RET)

IN MEMORIAM
LEON ANSCHELEWITZ (1929-1966)
MAX M. BARR (1929-1993)
MILTON M. ABRAMOFF (1935-2004)
DAVID K. ANSELL † (1962-2019)
ROBERT I. ANSELL (1965-2022)
RICHARD B. ANSELL ‡ (1968-2021)

LICENSED ALSO IN:
Δ D.C. ◊ MASS. ◊ N.Y.
◻ PENN. ▽ CALIF.

† FELLOW AMERICAN
ACADEMY OF MATRIMONIAL
LAWYERS

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

§ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CRIMINAL TRIAL ATTORNEY

◊ ◻ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
MATRIMONIAL LAW ATTORNEY

May 21, 2024

Via e-mail and UPS Next Day Air

Nancy Tran, Land Use Board Secretary
Borough of Highlands
Municipal Building
151 Navesink Avenue
Highlands, NJ 07732

Re: Edward and Margaret Wheeler/Minor Subdivision
and Variance Application
Premises: 63 Washington Avenue
Block 80, Lot 17
Our File No. 098805-0

Dear Ms. Tran:

This office represents Edward and Margaret Wheeler in connection with the above-referenced matter. Enclosed please find the following in this regard:

1. Three (3) collated sets of the following documents:
 - a. Completed Land Use Board Application;
 - b. Minor Subdivision Plan prepared by R and T Land Surveying and dated August 17, 2023, consisting of one (1) sheet; and

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Nancy Tran, Land Use Board Secretary
Borough of Highlands
May 21, 2024
Page 2

c. Architectural Plans prepared by Jeremiah J. Regan, A.I.A., Architect and dated January 15, 2024, consisting of one (1) sheet.

Also enclosed are printouts confirming that property taxes and utilities are current.

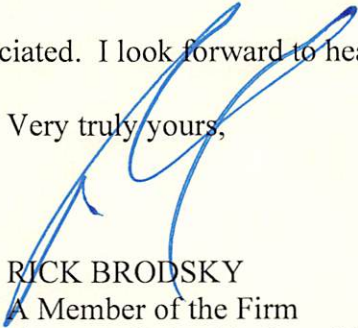
Finally, enclosed are the following two (2) checks, each made payable to the Boro of Highlands:

- Check in the amount of \$725.00 (Subdivision/Variance Application Fees)
- Check in the amount of \$1,450.00 (Escrow Fee)

Upon your review of the enclosed, please advise as to whether you require any additional information and/or documentation and as to when this matter can be listed on the Land Use Board's agenda.

Your attention to this matter is greatly appreciated. I look forward to hearing back from you.

Very truly yours,


RICK BRODSKY
A Member of the Firm
Direct e-mail: rbrodsky@ansell.law
Direct Dial: 732-643-5296

RB/ahn
Encs.

cc w/encs. via e-mail only:

Edward and Margaret Wheeler
Tracy Trinidad, R and T Land Surveying
Jeremiah J. Regan, A.I.A., Architect

098805.000000 8999412v1



Borough of Highlands

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

Control #: Z-0014
Date Issued: 1/31/2024

DENIAL OF ZONING PERMIT

IDENTIFICATION

Work Site Location:	<u>63 WASHINGTON AVENUE</u>	Block:	<u>80</u>	Lot:	<u>17</u>	Zone:	<u>R201</u>
Owner in Fee:	<u>WHEELER, EDWARD & MARGARET</u>	Contractor/Agent:	_____				
Address:	<u>63 WASHINGTON AVENUE</u> <u>HIGHLANDS NJ 07732</u>	Address:	_____				
Telephone:	_____	Telephone:	_____				
		Contractor License No:	_____				

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

Proposed minor subdivision
2 lots
50x80
25x80

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

Applicant must submit the the Land Use Board.
Proposed lot sizes are 25'x 80' where 50'x 75' is required in the R-2.01

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: 

Zoning

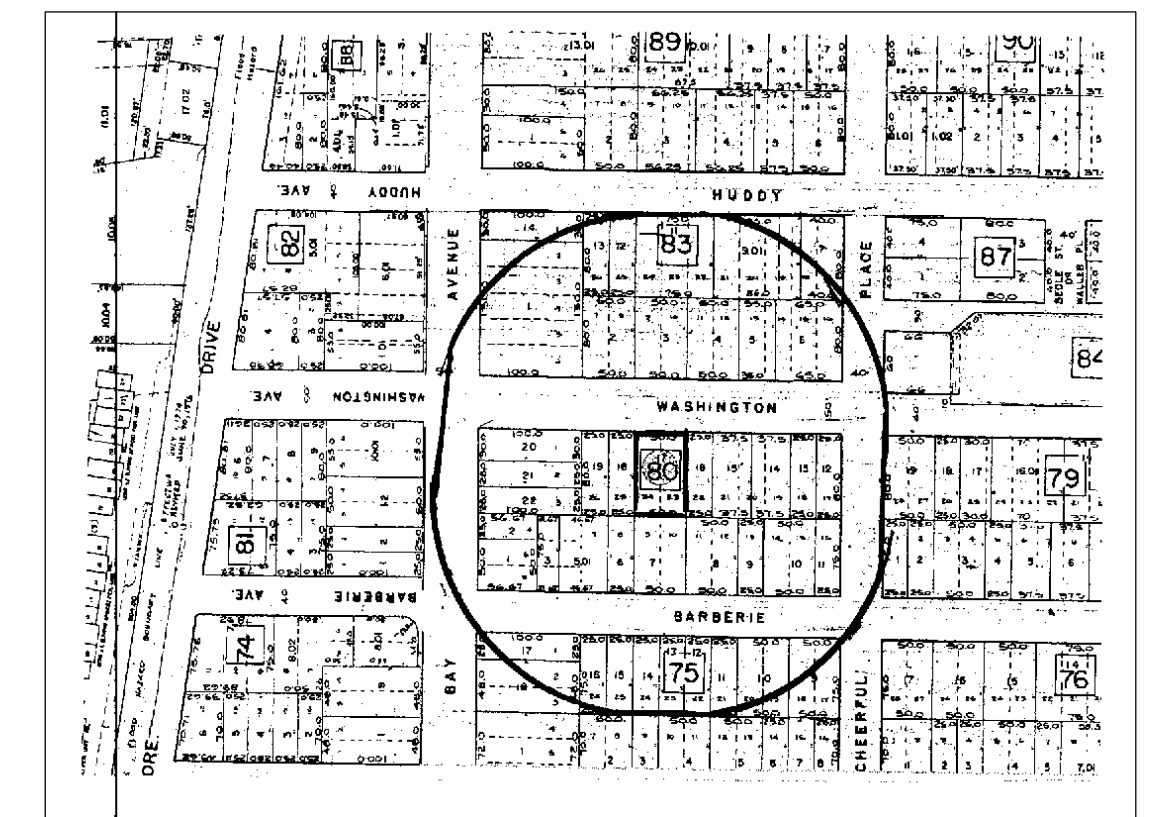
SITE SPECIFIC NOTES

- All utilities servicing the new home shall be placed underground per RSIS standards.
- The applicant intends to construct 1 new home that will be FEMA elevation compliant, and in accordance with municipal regulations.
- Elevations refer to North American Vertical Datum 1988 (NAVD-88)
- The dwelling footprint shown for proposed lot is generic only. A fully executed plot plan and building plans will be submitted to the Municipality for review and approval of the building permit application.
- Property is Located in Flood Zone AE with a Base Flood Elevation 11.0
- Any municipal infrastructure damaged during construction, shall be replaced or repaired to the satisfaction of the Borough Engineer.
- Any Object beneath the surface of the Ground has not been located, and no Guarantee as to existence or location Is expressed or implied.
- THIS SURVEY HAS BEEN PREPARED WITHOUT A FULL TITLE SEARCH AND IS SUBJECT TO SUCH FACTS THAT MIGHT BE REVEALED BY SAID TITLE SEARCH.

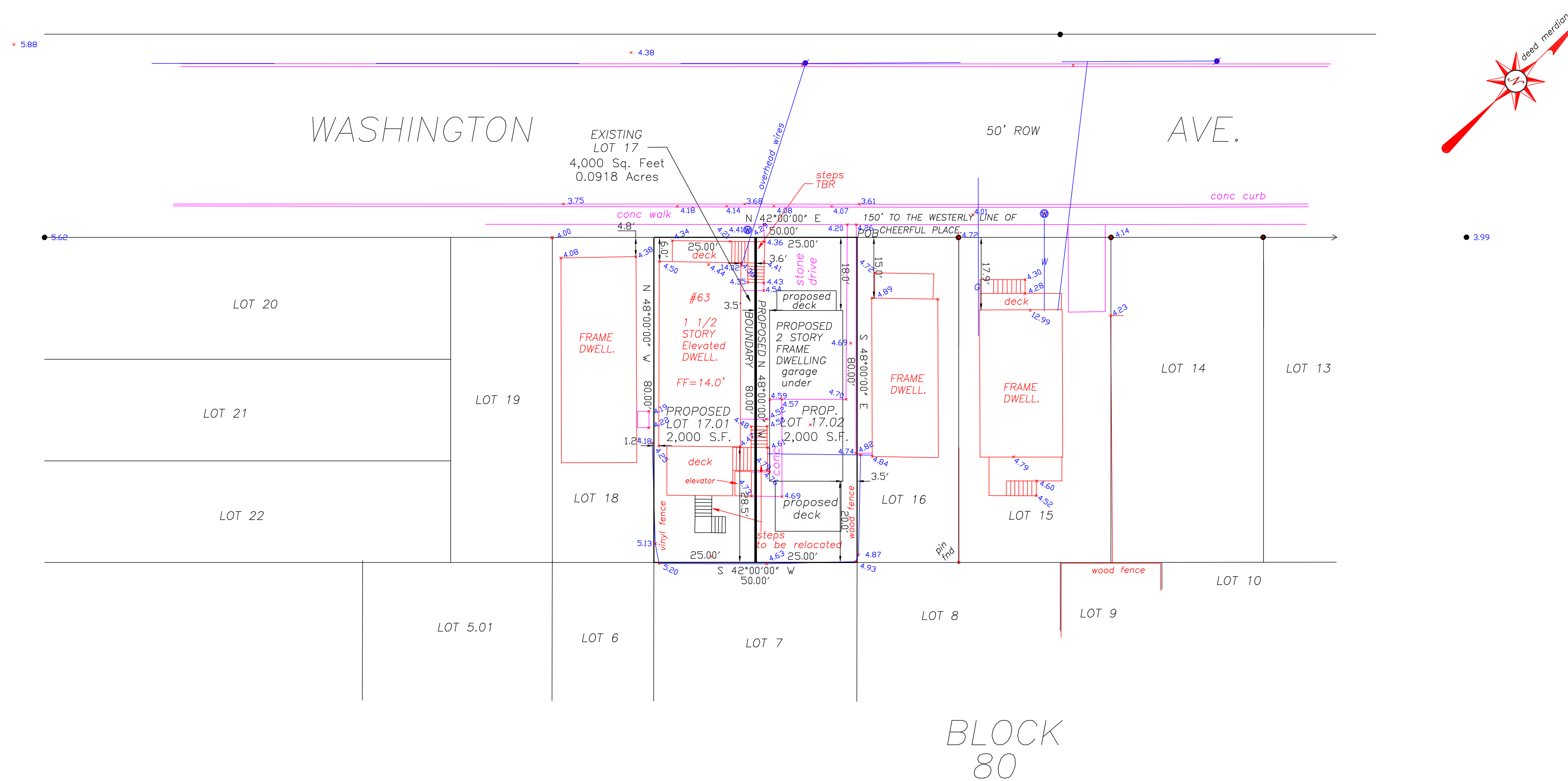
ZONE SCHEDULE

R-2.01 Single Family Residential Zone District	Required Elements		Current Elements Lot 17		Proposed Elements Lot 17.01 Lot 17.02		Comment
	Lot Area, min.	SF	4000	4000	2000 *	2000*	
Lot Area, min.	SF	3750	4000	2000 *	2000*		
Lot frontage	Ft	50	50	25.00 *	25.00 *		
Lot Depth, min	FT	75	80	80.0	80.0		
Front yard, min	FT	20	6.0**	6.0**	18.0*		
Prevalling	FT		11				
Side yard, min	FT	6/8	12**/28.6	1.2**/3.6*	3.5*/3.5*		
Rear Yard, min	FT	20	28.5'	28.5	20.0		
Coverage, Bldg	%	33	22.8	45.5*	37.8*		
Lot Coverage	%	75	62	62	64		
Building Height	FT	32.5	< 32.5	<32.5	<32.5		BFE to MP eave to peak
Parking, off street	Spc	2	4	2	Park under. 2		

** Pre-existing non conformity
* Created deficiency, variance required.



KEY MAP



GENERAL NOTES

- The Applicant proposes to subdivide one lot creating 2 Lots more in conformance with the neighborhood and requirements of the R-2.01 Single Family residential zone.
- Known and designated as Lot 17 Block 80 as shown on the current tax assessment map of the Borough of Highlands, Monmouth Co., N.J., Sheet 15 Last revised 05-31-16.
- Current Data:

Total tract area	Lot 17	4000 SF
total bldg area		910SF
Impervious cover		2462 SF
Greenscape area		1538 SF
- Developmental Data:

	LOT 17.01	LOT 17.02
Proposed Lot area	2000 SF	2000 SF
Proposed building area	910 SF	756 SF
Proposed Lot coverage	SF	SF
Proposed greenscape	SF	SF
Parking spaces, off street	2	2
- Utilities are from various sources, and location and/or size is not guaranteed. It is advised to contact the appropriate utility company before construction.
- The Entire tract is within a Coastal Flood Hazard Zone, Elevations refer to NAVD-88 datum. All New Construction must be in conformance with the Borough's requirements for construction in a flood zone, and FEMA Flood Zone AE 11.0, Community 345297 Panel 34025C0088H 6/15/2022
- Owner & Applicant:
EDWARD WHEELER
908 OCEAN AVENUE
SEA BRIGHT, NJ

LEGEND:

- 4.87 = SPOT ELEVATION
- = PIN FOUND
- = UTILITY POLE
- = WATER METER



THIS IS TO CERTIFY THAT THE UNIFIED PLANNING BOARD OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY NEW JERSEY, IS THE PROPER AUTHORITY TO APPROVE AND HAS APPROVED THIS MAP ON THIS _____ DAY OF _____ 20____.

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

I (WE) HEREBY CERTIFY TO BE THE OWNER(S) OF THE LAND DELINEATED ON THIS MAP AND DO HEREBY CONSENT TO THE FILING OF THE MAP WITH THE MUNICIPALITY and/or COUNTY.

SIGNATURE(S) _____ DATE _____

I HEREBY CERTIFY THAT I HAVE CAREFULLY EXAMINED THIS MAP AND FIND IT CONFORMS WITH THE PROVISIONS OF THE ORDINANCES AND RESOLUTION CONDITIONS APPLICABLE THERETO.

BOARD ENGINEER _____ DATE _____

I HEREBY CERTIFY THAT THE ABOVE MAP AND SURVEY HAVE BEEN MADE UNDER MY IMMEDIATE SUPERVISION, FROM ACTUAL MEASUREMENTS TAKEN AT THE SITE. Date of Survey: 08-15-2023

RONALD L. TRINIDAD
PROFESSIONAL LAND SURVEYOR
N.J. LICENSE 43370

REV	DATE	DESCRIPTION	BY	CHK
MINDR SUBDIVISION PLAN FOR: EDWARD WHEELER LOT 17 BLOCK 80 SHEET 15 BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY R AND T LAND SURVEYING SURVEYING & MAPPING < LAND PLANNING > CONSTRUCTION SURVEYING PO BOX 124, ATLANTIC HIGHLANDS, NJ 07716, 732-872-2827				
RONALD TRINIDAD, PROFESSIONAL LAND SURVEYOR 24GS04337000				
DATE: 08/17/23	FILE: 4449	DRAWN: RLT	JDB ND: 8395	
SCALE: 1"=20'	CAD#: W-8395.dwg	CHK: HS	DWG NO: D- 1063	



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

July 5, 2024

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

Re: Completeness Review No. 1
Applicant: Wheeler
63 Washington Avenue
Block 80, Lot 17
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB24-03

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 received a Zoning Denial Letter, dated January 31, 2024, upon seeking a minor subdivision and was deemed noncompliant per the Municipal Zoning Ordinance and advised to submit to the Land Use Board.

The Applicant seeks a Minor Subdivision to subdivide existing Lot 17 in the R-2.01 Single Family Residential District into two lots of equal size, Lot 17.01 and Lot 17.02. Existing Lot 17 consists of 4,000 sf having an elevated 1 ½ story frame dwelling with decks and garage under parking, stone drive and fencing. The dwelling will remain with decking and garage under parking and be situated on a proposed 2,000 sf lot and will be known as proposed Lot 17.01. The remaining 2,000 sf of Lot 17 will be proposed Lot 17.02 consisting of a proposed elevated 2 story frame dwelling with decking, garage under parking and associated site improvements.

The existing lot is conforming except for the front yard setback. The proposed lots are each non-conforming and will require bulk variances.

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 for Minor Subdivision and Variance, dated May 1, 2024.
2. Copy of submission letter addressed to Ms. Nancy Tran, Land Use Board Secretary from Rick Brodsky, Esq., Ansell Grimm & Aaron, PC, dated May 21, 2024.
3. Copy of a Denial of Zoning Permit issued on January 31, 2024, by Courtney Lopez, Zoning Officer for the Borough of Highlands.
4. Copy of plan entitled, "Minor Subdivision Plan for Edward Wheeler, Lot 17, Block 80, Borough of Highlands, Monmouth County, New Jersey", prepared by Ronald Trinidad, PLS, R and T Land Surveying, unsigned and dated August 17, 2023, consisting of 1 sheet.

- Copy of plans entitled, "New Construction, Wheeler Residence, Washington Avenue, Highlands, NJ, Block 80 Lot 17.02", prepared by Jeremiah J. Regan, AIA, Architect, dated and signed January 15, 2024, consisting of 1 sheet.

We offer the following comments and recommendations for the Planning Board's consideration:

I. ZONING

- This property is located in the R-2.01 Single Family Residential District.
- The Applicant requires eleven (11) bulk variances. 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 §21-86A(4), existing and proposed bulk deficiencies which require bulk "c" variances have been noted:

Schedule I – Bulk and Area Requirements				
R-2.01 Residential Zone	Required	Existing Lot 17	Proposed Lot 17.01	Proposed Lot 17.02
Min. Lot Area (sf)	3,750	4,000	*2,000	*2,000
Lot Frontage/Width (ft)	50	50	*25.00	*25.00
Min. Lot Depth (ft)	75	80	80.00	80.00
Min. Front Yard Setback (ft)***	20	**6.0	**6.0	*18.0
Min. Side Yard Setback (ft)	6/8	**1.2/28.6	**1.2/*3.6	*3.5/*3.5
Min. Rear Yard Setback (ft)	20	0	28.5	20.0
Max. Building Height (ft)****	30	<32.5	<32.5	<32.5
Max Lot Coverage	75%	62%	62.0	64.0
Max Building Coverage	33%	22.8%	*45.5	*37.8
On-Site Parking (spaces)	2	4	2 Under	2 Under

* Proposed Variance
 ** Existing non-conformity
 *** Or average of the existing front yard setback within 200 ft of same block and zone or average of adjacent lots.

**** 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 (2 ½) feet.

II. APPLICATION FEES (PART 6 FEE SCHEDULE ARTICLE XXIII, ORD. 21-107)

As posted on Borough website under Land Use forms

1. Variances			
Residential "c" (minimum lot area) x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum lot frontage/width) x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum front yard setback) x1	1 EA	\$ 125.00	\$ 125.00
Residential "c" (minimum side yard setback) x4	1 EA	\$ 125.00	\$ 500.00
<u>Residential "c" (maximum building coverage) x2</u>	<u>1 EA</u>	<u>\$ 125.00</u>	<u>\$ 250.00</u>
Subtotal			\$1,375.00
2. B. Subdivisions			
Minor	1 EA	\$ 400.00	\$ 400.00
Total			\$1,775.00

3. Two checks in the amounts of \$725.00 (Subdivision/Variance Application Fees) and \$1,450.00 (Escrow Fee) were submitted with the submission package according to the cover letter by Mr. Brodsky.

Please review for any additional fees that may be required for the submission.

III. CHECKLIST ITEMS

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

Minor Subdivision Plat: The plat shall be prepared to scale, based on a current survey or some other similarly accurate base, at a scale of not less than one (1) inch equals one hundred (100) feet, to enable the entire tract to be shown on one (1) sheet. The plat shall be signed and sealed by a licensed New Jersey Land Surveyor and shall show or include the following information:

1. A key map at a scale of not less than 1" = 400' showing the location of that portion which is to be subdivided in relation to the entire tract and the surrounding area. **Provided.**
2. All existing structures, wooded areas, and topographical features, such as slump blocks, within the portion to be subdivided and within seventy-five (75) feet thereof. **Not provided. Please provide.**
3. The name of the owner and all adjoining property owners and owners of property directly across the street as disclosed by the most recent municipal tax record. If there is no positive evidence of ownership of any parcel of adjoining property within two hundred (200) feet, a certificate will be presented from the custodian of tax records to that effect. **Not Provided. Please provide the list on the plan.**
4. The Tax Map sheet, block, and lot numbers. **Provided.**

5. All streets or roads and streams within seventy-five (75) feet of the subdivision. **Provided.**
6. Location of existing streets, and existing and proposed property lines, lot sizes, and areas. **Provided.**
7. Metes and bounds descriptions of all new lot and property lines.

The Applicant has provided metes and bounds for all proposed lot lines on the plan.

Metes and bounds descriptions for the new lots shall be provided if the application is approved.

8. The existence and location of any utility or other easement. **Unknown.**
Please confirm any utility easements.
9. Setback, side line and rear yard distances and existing structures. **Provided.**
10. The name and address of the person preparing the plat, the graphic scale, date of preparation and reference meridian. **Provided.**
11. Certification from the Tax Collector that all taxes and assessments for local improvements on the property have been paid up to date. **Provided.**
12. Certification statement for the required municipal signatures, stating: **Update.**

Application No. _____ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Minor Subdivision on _____.
(date)

Chairman

Secretary

13. Certification statement for the County Planning Board approval / disapproval, if required. **Not applicable.**
14. Zone district boundary lines, if any, on or adjoining the property to be subdivided and a schedule indicating the required minimum lot area, lot width, lot depth and front, rear and side yards of each zone district located on the property. **Provided.**
15. A wetlands statement provided by a qualified expert. **Not provided.**

A signed letter by a qualified expert is required.

16. The Board reserves the right to require a feasible sketch plan layout of remaining land not being subdivided if it is deemed necessary. **Provided.**

The applicant has provided a generic house and driveway layouts to demonstrate the sizes of proposed homes and the need for any additional setback relief.

17. A lot grading plan, to be reviewed by the Borough Engineer, if required. **Not provided.**

The minor subdivision plan notes that a fully executed plot plan and building plans will be submitted to the Municipality for review and approval of the building permit plan.

The plans can be provided as a condition of approval. Please provide a response.

IV. COMPLETENESS

Inadequate information has been provided to perform a proper technical review for the application and therefore the application is deemed incomplete.

V. GENERAL COMMENTS

1. The Minor Subdivision is dated but not signed.
2. Please add a note that states, "The Subdivision is to be perfected by the filing of deeds."
3. Please update the Land Use signature block according to the checklist.
4. Please provide existing structures within 75 ft of the property.
5. Please provide the 200 ft owners list on the plan.
6. The architectural plans indicate a mean building height of 35'-0" from grade elevation and the bulk and area requirements table notes <32.5'. Please provide information.
7. The applicant proposes to subdivide a conforming lot into 2 non-conforming lots requiring a total of 11 variances.
8. We recommend that the plan be provided in black and white print and made clearer because some text is difficult to read.
9. According to § 21-79 Yards, "There shall be provided, for each lot, front, rear and side yards as required in the Schedule of Area and Bulk Requirements. In areas where at least seventy-five (75%) percent of the lots within two hundred (200) feet are already developed, the front yard setback may be either the required setback or the prevailing setback. The prevailing setback shall be the average setback of buildings on the same block in the same zone, but not less than the average of the setbacks of the buildings on the two (2) nearest adjacent lots and in no case, less than half the required setback."

The prevailing setback appears to be 11.0' for Proposed Lot 17.02 based on the setbacks of the adjacent lots of Lot 16 and Proposed 17.01.

10. The distance between the proposed building and the existing building on Lot 16 appears to be 7 feet±. Please provide building offset distances between the proposed and existing dwellings to help the Board make an informative decision regarding the side yard setback variance.
11. Please provide a Bulk and Area Requirements chart indicating all the requirements and all the existing and proposed values for the lots.
12. Please provide a breakdown of the individual impervious and pervious coverages with totals for the existing and proposed lots.

Completeness Review No. 1
Applicant: Wheeler
63 Washington Avenue
Block 80, Lot 17
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB24-03
Page 6 of 6

13. Please provide the existing utilities for the properties and within the right-of-way.
14. Please provide a label or note regarding the material and width of the proposed drive.
15. Please provide information on how the existing front deck on proposed Lot 17.01 will access the ground level. Include this area in the impervious coverage.
16. Please provide information on how the existing concrete walkway on the proposed lot will be altered and its relationship to the existing elevator and dwelling. Include this area in the impervious coverage.
17. Please provide a wetlands letter signed by a wetlands expert and provide a note on the plan.
18. The minor subdivision notes that the proposed dwellings will be FEMA elevation compliant and in accordance with municipal regulations.

A plot and grading plan and updated architectural plans will be required and are deferred as a condition of approval. All runoff must be directed towards the road and away from the existing and proposed dwellings and the adjoining properties.

19. The Applicant is requested to provide a response letter to the checklist and comments upon submission of revised plans.

We will continue our review upon submission of revised plans.

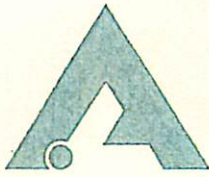
Should you have any questions, please do not hesitate to contact me.

Very truly yours,



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

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Austin P. Mueller, Assoc., Land Use Board Attorney (amueller@weiner.law)
Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
Rick Brodsky, Esq., Applicant's Attorney (rbrodsky@ansell.law)
Jeremiah J. Regan, AIA, Applicant's Architect (jeremiahregan@aol.com)
Cameron Corini, P.E., C.M.E., C.P.W.M., Roberts Engineering Group, LLC
GS Bachman, E.I.T., Roberts Engineering Group, LLC



ANSELL.LAW

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732-922-6161 (FAX)

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WOODLAND PARK, NEW JERSEY 07424
973-247-9000
973-247-9199 (FAX)

214 CARNEGIE CENTER
SUITE 112
PRINCETON, NEW JERSEY 08540
609-751-5551

1177 AVENUE OF THE AMERICAS
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800-569-3886

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SUITE 400
NEWTOWN, PENNSYLVANIA 18940
267-757-8792

website: ansell.law

JAMES G. AARON
ALISON ANSELL ♦ †
BRIAN E. ANSELL ‡
MITCHELL J. ANSELL
MICHAEL V. BENEDETTO
RICK BRODSKY ♦
DAVID J. BYRNE □
PETER B. GRIMM
ROBERT A. HONECKER, JR. □
JASON S. KLEIN ♦
JENNIFER S. KRIMKO
DONNA L. MAUL •
MELANIE J. SCROBLE
LAWRENCE H. SHAPIRO ♦ □
DAVID B. ZOLOTOROFF

EDWARD J. AHEARN
BRIAN J. ASHNAULT
KELSEY M. BARBER
NICOLE A. BENIS
ELYSA D. BERGENFELD
KRISTINE M. BERGMAN □
GABRIEL R. BLUM ♦
HILLARY H. BRYCE □
BARRY M. CAPP ♦ △
ALFRED M. CASO
KEVIN M. CLARK
ANTHONY J. D'ARTIGLIO ♦
LAYNE A. FELDMAN ♦
THOMAS J. GIRONDA
NICOLE D. MILLER □ ♦
LEIGH T. OLIVER
SETH M. ROSENSTEIN ♦ □
ANTHONY SANGO
COURTNEY R. SAUER
JONATHAN D. SHERMAN

ANTHONY J. STORROW
CAROL J. TRUSS
TARA K. WALSH ♦
ANDREA B. WHITE ♦ ♦

COUNSEL
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ROY W. HIBBERD △ ▽
HON. ANTHONY J. MELLACI, JR., J.S.C. (RET)
STACEY R. PATTERSON ♦
HON. JOSEPH P. QUINN, J.S.C. (RET)

IN MEMORIAM
LEON ANSCHELEWITZ (1929-1986)
MAX M. BARR (1929-1993)
MILTON M. ABRAMOFF (1935-2004)
DAVID K. ANSELL † (1962-2019)
RICHARD B. ANSELL ‡ (1968-2021)
ROBERT I. ANSELL (1965-2022)
PETER S. FALVO, JR. (1967-2023)

LICENSED ALSO IN:
△ D.C. ♦ MASS. ♦ N.Y.
□ PENN. ▽ CALIF. ■ FL

† FELLOW, AMERICAN
ACADEMY OF MATRIMONIAL
LAWYERS

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

• CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
MATRIMONIAL LAW ATTORNEY

October 25, 2024

Via e-mail and UPS Next Day Air

Nancy Tran, Land Use Board Secretary
Borough of Highlands
Municipal Building
151 Navesink Avenue
Highlands, NJ 07732

Re: Edward and Margaret Wheeler/Minor Subdivision
and Variance Application
Premises: 63 Washington Avenue
Block 80, Lot 17
Our File No. 098805-0

Dear Ms. Tran:

In connection with the above, and in response to the Board Engineer's Completeness Review No. 1, enclosed please find the following:

1. Three (3) collated sets of the following documents:
 - a. Minor Subdivision Plan prepared by R and T Land Surveying, with a revision date of July 12, 2024, consisting of one (1) sheet; and

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Nancy Tran, Land Use Board Secretary
Borough of Highlands
October 25, 2024
Page 2

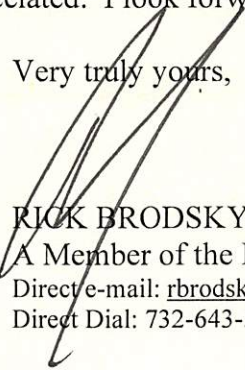
b. Letter Report re: Wetlands prepared by Donald A. DiMarzio, M.S., P.P., and dated August 10, 2024, consisting of six (6) pages.

The requested \$2,500.00 escrow replenishment check is being delivered to you under separate cover.

Upon your review of the enclosed, please advise as to whether you require any additional information and/or documentation and as to when this matter can be listed on the Land Use Board's agenda.

Your attention to this matter is greatly appreciated. I look forward to hearing back from you.

Very truly yours,


RICK BRODSKY
A Member of the Firm
Direct e-mail: rbrodsky@ansell.law
Direct Dial: 732-643-5296

RB/ahn
Encs.

cc w/encs. via e-mail only:

Edward and Margaret Wheeler
Tracy Trinidad, R and T Land Surveying
Jeremiah J. Regan, A.I.A., Architect

079689.000002 9258929v1

ONALD A. DIMARZIO, M.S., P. P.

**Land Use Planning
Environmental Consulting Services**

104 Oak Avenue
P.O. Box 1172
Island Heights, New Jersey 08732
732-506-9625
FAX 732-506-6999

Reply to: P.O. Box 1172

August 10, 2024

Mr. Ed Wheeler
908 Ocean Avenue
Sea Bright, NJ 07760

Re: 63 Washington Avenue
Block 80, Lot 17
Borough of Highlands, Monmouth County

Dear Mr. Wheeler:

At your request, I inspected the referenced site in order to determine the nature and approximate extent of any regulated freshwater wetlands, wetlands transition areas, or open waters thereon. The inspection was conducted on August 9, 2024.

During the inspection, I noted that the site is surrounded by relatively dense single family residential development. I noted that the site is totally disturbed. A gravel surface is found within the western two-thirds of the site. A grassed lawn is found within the eastern third of the site; one large holly tree is found at the west end of the lawn.

Wetlands, as you may know, are generally characterized by the simultaneous presence of three indicator parameters – a dominant hydrophytic vegetation community, hydric soils and wetlands hydrology. Lawn grasses and a single holly tree do not constitute a dominant hydrophytic vegetation community. There are no surface waters on or adjacent to the site that would constitute wetlands hydrology. The Natural Resources Conservation Service's Web Soil Survey indicates that Urban land-Klej soils are present throughout the site; this is a non-hydric (non-wetlands) soil. I therefore conclude that there are no wetlands, wetlands transition areas, or open waters within the site.

I have attached site photographs showing existing conditions within the site, along with a copy of the Web Soil Survey and my resume.

Please be advised that a legally reliable statement as to the presence of wetlands, transition areas or open waters can only be obtained from the New Jersey Department of Environmental Protection via a letter of interpretation. I trust, however, that the foregoing information will satisfy your present needs.

Please feel free to call if you have any questions.

Very truly yours,

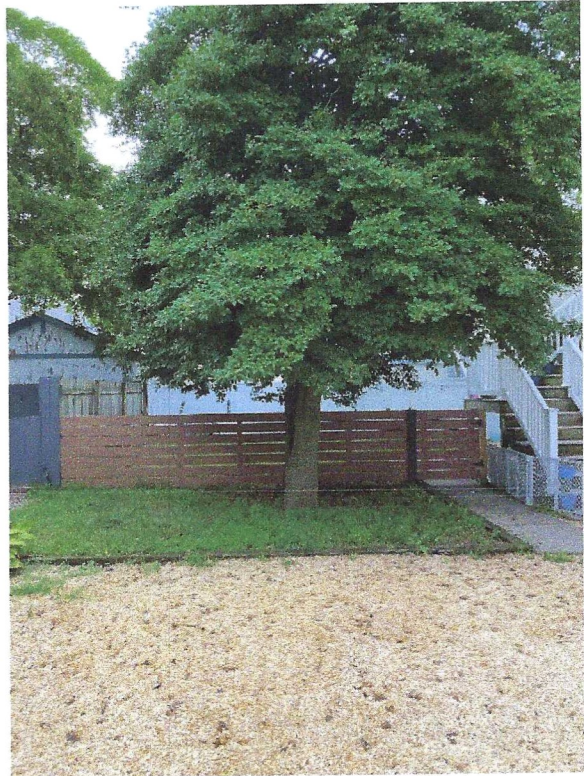


Donald A. DiMarzio, M.S., P.P.

Via email w/attachments



GRAVEL AREA WEST END OF SITE



HOLLY TREE AT END OF GRAVEL AREA



LAWN AT EAST END OF SITE

Area of Interest (AOI)

Soil Map

Soil Data Explorer

Download Soils Data

Shopping Cart (Free)

[Printable Version](#)

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Search

Map Unit Legend

Monmouth County, New Jersey (NJ025)

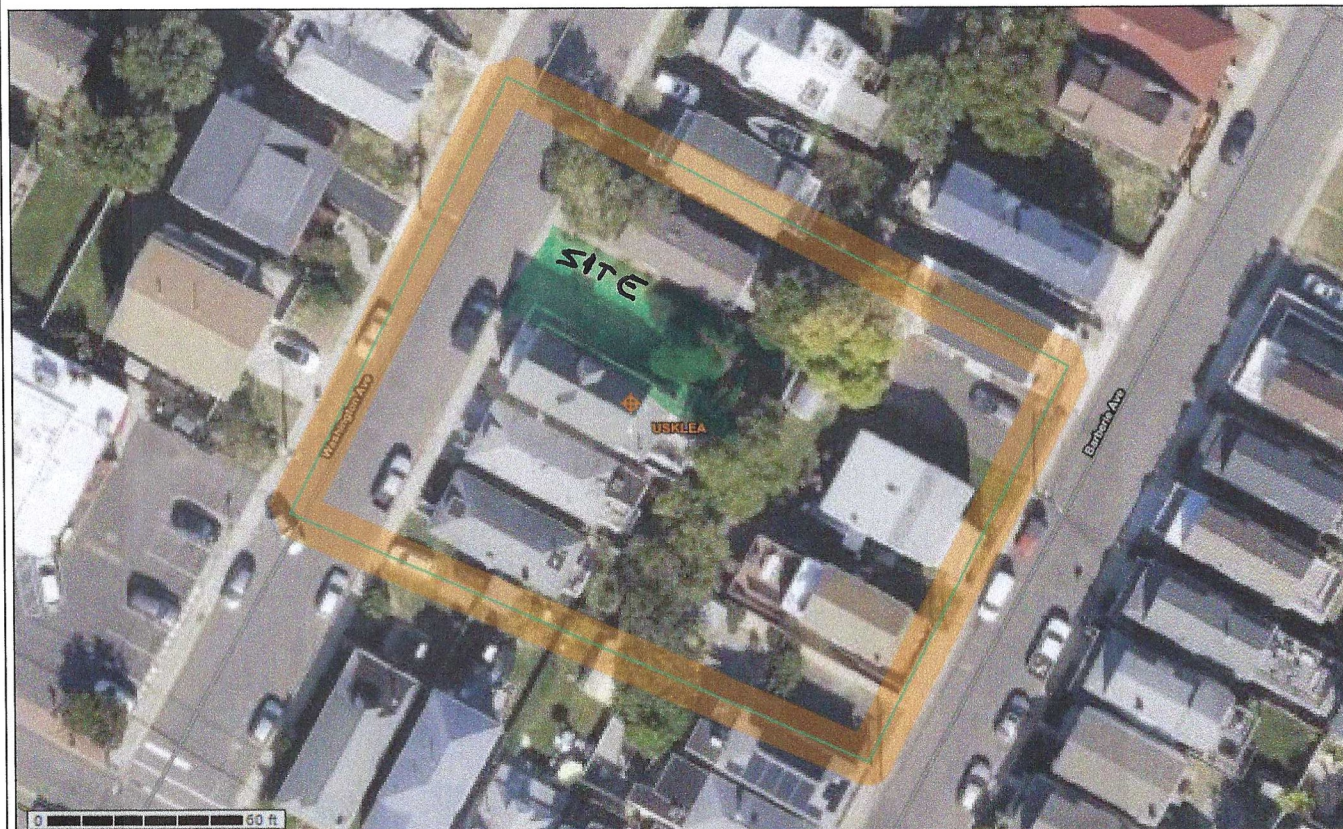
Monmouth County, New Jersey (NJ025)

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
USKLEA	Urban land-Klej complex, 0 to 2 percent slopes	0.6	100.0%

Totals for Area of Interest	0.6	100.0%
------------------------------------	------------	---------------

Soil Map

Scale (not to scale) v



Warning: Soil Map may not be valid at this scale.

You have zoomed in beyond the scale at which the soil map for this area is intended to be used. Mapping of soils is done at a particular scale. The soil surveys that comprise your AOI were mapped at 1:24,000. The design of map units and the level of detail shown in the resulting soil map are dependent on that map scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

DONALD A. DiMARZIO, M.S., P.P.
104 OAK AVENUE
P.O. Box 1172
ISLAND HEIGHTS, NJ 08732-1172
(732) 506-9625
Ddimarzio104@comcast.net

EDUCATION

Rutgers University
Graduate Studies, Urban Planning and Policy Development
Continuing Education Courses in Environmental Science, Wetlands Science and
Environmental Policy

Rutgers University
Master of Science, Environmental Science, 1983

University of Rhode Island
Bachelor of Science, Resource Management, 1979

PROFESSIONAL LICENSES AND CERTIFICATIONS

License: Professional Planner, State of New Jersey
Certification: American Institute of Certified Planners (pending)
Certification: US Fish and Wildlife Service, Habitat Evaluation Procedures
Certification: Rutgers University, Wetlands Delineator

PROFESSIONAL EXPERIENCE

November 1993 to present
Self-employed environmental consultant

Performance of due diligence environmental audits, permitting, environmental impact statements, wetlands delineations, and land use studies for development and infrastructure projects. Worked as subcontractor on GSA environmental projects in Georgia.

November 1991 to November 1993

Ocean County Engineering Department, Toms River, NJ

Senior Environmental Scientist

Performance of multi-disciplinary impact assessments and permit applications for county road projects. Evaluation of private sector construction projects' impacts on county roadways and other infrastructure.

September 1990 to October 1991

Enviroplan, Inc. Roseland, NJ

Senior Consultant

Performance of multi-disciplinary impact assessments and air quality permit applications for cogeneration facilities throughout New York and New Jersey. Performance of planning and siting studies, and wetlands delineations throughout New York.

Birdsall Engineering, Inc., Belmar, NJ

Senior Environmental Scientist/Environmental Services Manager

Performance of technical and administrative activities, including supervisory, project management, and marketing functions, as both senior staff member of an engineering company and as manager of the firm's environmental services subsidiary. Technical duties included permit applications, impact assessments, and wetlands delineations. Administered NJPEDS permit, including groundwater and stormwater monitoring, for a major amusement park in central New Jersey. Performed environmental and siting studies for county landfill expansion in central New Jersey. Trained and supervised drafting and environmental staff.

April 1982 to September 1985

Naval Air Engineering Center, Lakehurst, NJ

Environmental Scientist

Preparation of environmental documentation and permit applications for industrial facilities at Department of Defense manufacturing and test facility. Supervised water testing contract, including field sampling. Maintenance of pollution control equipment. Development of biological pest control program.

REPRESENTATIVE PROJECT EXPERIENCE

Bamm Hollow Estates, Middletown, NJ – delineated wetlands for 300 golf course redevelopment project, obtained wetlands letter of interpretation from NJDEP. Obtained regulatory approvals for residential re-development project.

Affordable Housing Alliance of New Jersey, Eatontown, NJ – performed Phase I Environmental Audits for numerous sites throughout Monmouth County, including the Pine Tree Mobile Village Trailer Park, Eatontown; multi-family residential buildings in Bayshore area; multi-family structure in Oceanport; and vacant land site in Middletown Township.

180 Turning Lives Around, Inc., Hazlet, NJ – obtained Flood Hazard Area Control Act Hardship Exception Permit for battered women's shelter project in Middletown Township.

Meridian Quality Care, Inc., Wall, NJ – performed Phase I Environmental Audit for Manor by the Sea Assisted Care facility in Ocean Grove, NJ.

Meridian Quality Care, Inc., Wall, NJ – obtained NJDEP CAFRA and Freshwater Wetlands approvals for assisted living development project, Borough of Shrewsbury. Performed Phase I Environmental Audit for site, including historic farmland research and soil sampling.

CKV Realty, Freehold, NJ – Performed Phase I environmental Audit for site, including historic farmland research and soil sampling, for site in Millstone Township. Delineated wetlands, and prepared Environmental Impact Report per municipal requirements.

River Development, LLC, Port Monmouth, NJ – obtained NJDEP CAFRA, Freshwater Wetlands, Waterfront Development, and Army Corps approvals for Rivers Edge residential development project, Hazlet Township.

County of Ocean/New Jersey Highway Authority, Toms River, NJ – delineated wetlands, and obtained CAFRA, Freshwater Wetlands and Pinelands Commission approval for Garden State Parkway interchange expansion, Stafford Township.

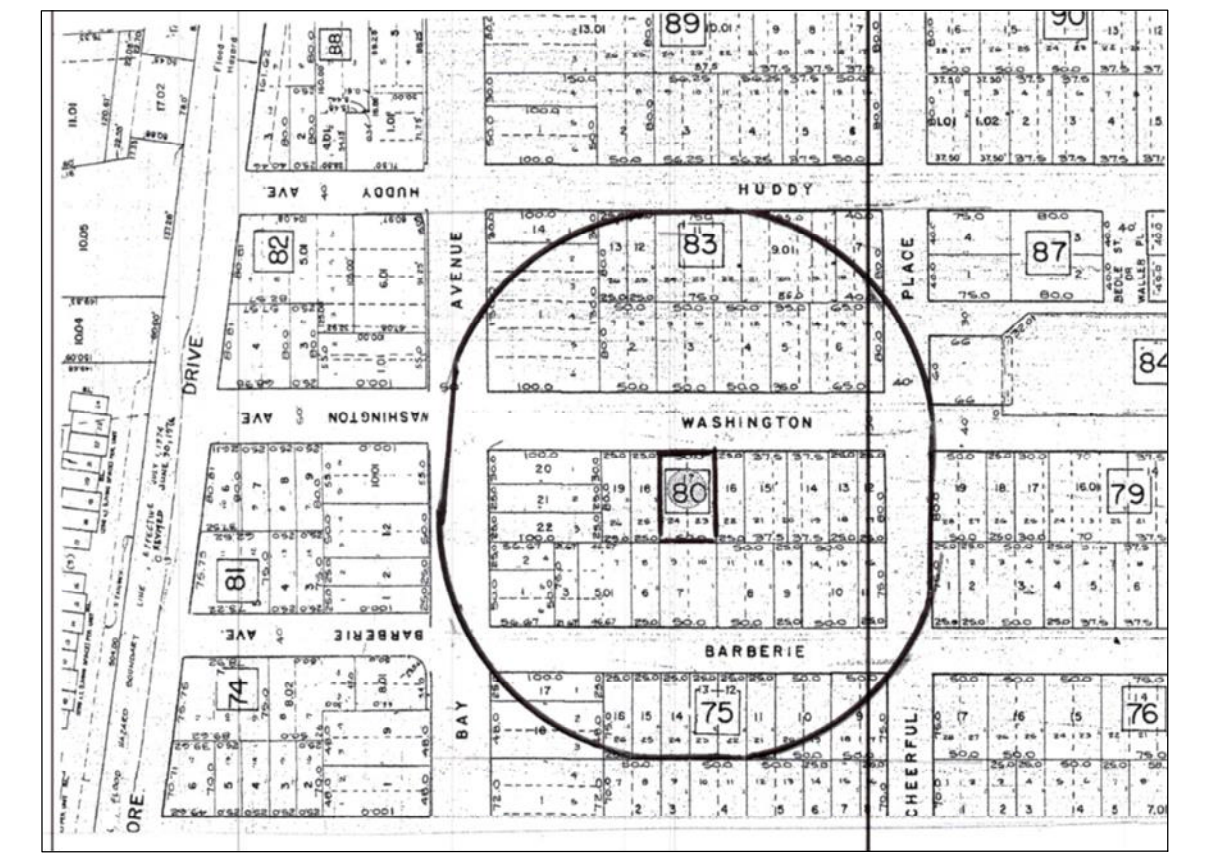
Pfister Chemical Company, Ridgefield, NJ – delineated wetlands, and obtained regulatory approvals for wetlands remediation project at existing manufacturing facility.

Kennedy Consulting Engineers, LLC, Red Bank, NJ – wetland delineations, and regulatory permitting, for numerous projects throughout Monmouth and Middlesex Counties.

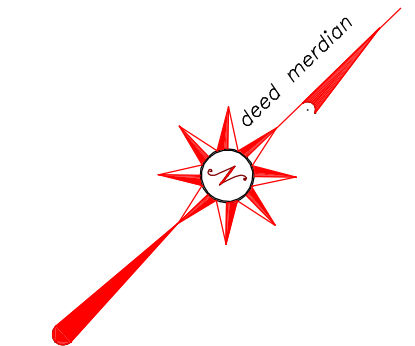
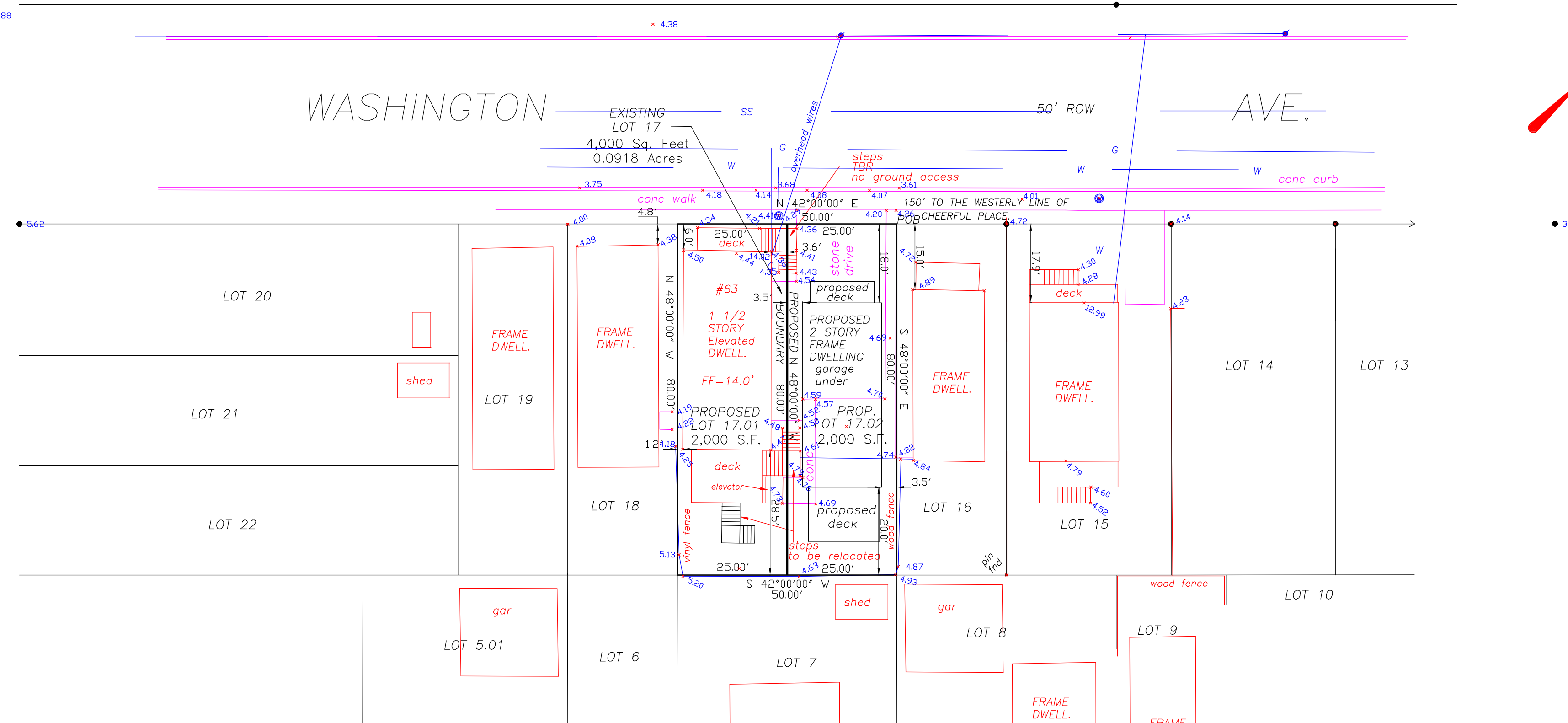
SITE SPECIFIC NOTES

- All utilities servicing the new home shall be placed underground per RSIS standards.
- The applicant intends to construct 1 new home that will be FEMA elevation compliant, and in accordance with municipal regulations.
- Elevations refer to North American Vertical Datum 1988 (NAVD-88)
- The dwelling footprint shown for proposed lot is generic only. A fully executed plot plan and building plans will be submitted to the Municipality for review and approval of the building permit application.
- Property is Located in Flood Zone AE with a Base Flood Elevation 11.0
- Any municipal infrastructure damaged during construction, shall be replaced or repaired to the satisfaction of the Borough Engineer.
- Any Object beneath the surface of the Ground has not been located, and no Guarantee as to existence or location is expressed or implied.
- THIS SURVEY HAS BEEN PREPARED WITHOUT A FULL TITLE SEARCH AND IS SUBJECT TO SUCH FACTS THAT MIGHT BE REVEALED BY SAID TITLE SEARCH.

Block/Lot	Current Owner	Mailing Address	Highlands NJ	07732
1319-81-01	VALNOTI JR JOSEPH	85 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-81-02	ABRAHAM PROPERTY INC	8 STARBUCK LANE	HIGHLANDS NJ	07732
1319-81-03	SHANNON ENTERPRISES LLC	306 BAY AVENUE	HIGHLANDS NJ	07732
1319-81-04	DOSE DAVID	57 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-81-05	CAPTAINS COVE HOMES LLC	P.O. BOX 8100	HIGHLANDS NJ	07732
1319-75-17	CLARK EVELYN ROSE	202 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-11	KELLY TOM	50 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-80-01	CONRADO DOMANADE	288 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-02	HUNANE MARTIN & GENEVEVE	18 DUNCAN AVENUE	CORLAND MANOR NY	10566
1319-80-13	DAVIS JOHN WILLIAM & RACITI CATHY	51 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-80-15	WHEELER EDWARD	306 OCEAN AVE	SEA BRIGHT NJ	07760
1319-80-16	ROHRIG MARLEA & DOROTHY GAY B	2 HICKORYVIEW LANE	BERKLEY HEIGHTS NJ	07922
1319-80-19	KRAFT ROBERT & DIANE	5 REDWOOD LOOP	STATEN ISLAND NY	10309
1319-80-20	TROCCOLI MICHELLE E	294 HAY AVE	HIGHLANDS NJ	07732
1319-75-9	PIRO CYNTHIA ALVARO	545 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-81-2	HORNACEK JAMES & DAWN	287 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-3	J JONES HEATHER	72 N BRIDGE AVENUE	HIGHLANDS NJ	07732
1319-80-7	CARROLL JEANETTE	44 BARBERIE AVE	HIGHLANDS NJ	07732
1319-75-18	CLARK EVELYN R	282 BAY AVENUE	HIGHLANDS NJ	07732
1319-81-4	CATCHERMAN LLC	883 BAY AVENUE	HIGHLANDS NJ	07732
1319-80-22	SEWDOO FRANK PETER JR	290 BAY AVENUE	HIGHLANDS NJ	07732
1319-76-9	DAVE CAROL PROPERTIES LLC	65 FOVERSHAM ROAD	NUTLEY NJ	07110
1319-81-11	53-55 HUDDY AVENUE LLC	49 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-81-12	DOSE DAVID	57 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-81-7	BUREL ALLISON KONICK & NATHANIEL	45 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-81-8	HEWITT CHRISTINE MARIE & BURTON N	41 HUDDY AVENUE	HIGHLANDS NJ	07732
1319-75-13	ROSS RYAN	67 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-14	SEARCY ELIZABETH	63 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-15	BIRCHWOOD INC	160 WEST END AVE	POINT PEASANT NJ	08060
1319-75-19	NICHOL JAMES & PATRICIA J	67 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-81-5	HOWER TIMOTHY	56 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-81-2	BIANCO-HESS CANDICE	68 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-81-3	PAVAO AL P & LINDA	64 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-80-6	MILLER DANIEL R	66 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-80-12	WATERWITCH GROUP L.L.C.	9 MARINE PLACE	HIGHLANDS NJ	07732
1319-80-8	NEW HORIZON HOME BUYERS LLC	51 OHIO AVENUE	MIDDLETOWN NJ	07748
1319-80-5-01	KALE JEFFREY B JR	70 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-79-1	48 BARBERIE AVE LLC	12 HARBOR COURT	W. LONG BRANCH NJ	07764
1319-75-10	PIOTROWSKA ANNA	55 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-11	DEFORREST KENNETH & HERZOG KIM	57 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-75-6-01	BURTON KELLA & BONNIE M	54 SEADRIFT AVENUE	HIGHLANDS NJ	07732
1319-80-21	MAIN NUNDA GRAYBILL	292 BAY AVENUE	HIGHLANDS NJ	07732
1319-75-2	CHEMENCE DANIELLE M	66 SEADRIFT AVENUE	HIGHLANDS NJ	07732
1319-80-16	HALLANDER ALYSON	59 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-80-14	WATERWITCH ACQUISITION LLC	55 WASHINGTON AVENUE	HIGHLANDS NJ	07732
1319-75-4-01	ALSTIN MILES & STACY	62 SEADRIFT AVENUE	HIGHLANDS NJ	07732
1319-75-12	CAN-NUJI JOHN T & ILIFF ROBERT W	50 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-79-19	BASS CHARLES & DARREN & JORDAN	45 WASHINGTON AVE	HIGHLANDS NJ	07732
1319-80-9	NES-IE TIMOTHY & MARIA	56 RAF MARIE AVENUE	HIGHLANDS NJ	07732
1319-80-10	BURMAN JEFFREY & HAHN NATALIE	52 BARBERIE AVENUE	HIGHLANDS NJ	07732
1319-81-6	ROSS JEFFREY A	328 OCEAN AVENUE	SEA BRIGHT NJ	07760
1319-75-1	NEW HORIZON HOLDINGS LLC	107 MOUNTAINSIDE AVENUE	ATLANTIC HIGHLANDS NJ	07716



KEY MAP



GENERAL NOTES

- The Applicant proposes to subdivide one lot creating 2 Lots more in conformance with the neighborhood and requirements of the R-2.01 Single Family residential zone.
- Known and designated as Lot 17 Block 80 as shown on the current tax assessment map of the Borough of Highlands, Monmouth Co., N.J., Sheet 15 Last revised 05-31-16.
- Current Data:

Lot 17	
Total tract area	4000 SF
total bldg area	910SF
Impervious cover	2462 SF
Greenscape area	1538 SF
- Developmental Data:

LOT 17.01	LOT 17.02	
Proposed Lot area	2000 SF	2000 SF
Proposed building area	910 SF	756 SF
Proposed impervious coverage	1235sf	1275sf
Proposed greenscape	765 SF	725 SF
Parking spaces, off street	2	2
- Utilities are from various sources, and location and/or size is not guaranteed. It is advised to contact the appropriate utility company before construction.
- The Entire tract is within a Coastal Flood Hazard Zone, Elevations refer to NAVD-88 datum. All New Construction must be in conformance with the Borough's requirements for construction in a Flood zone, and FEMA Flood Zone AE 11.0, Community 345297 Panel 34025C0088H 6/15/2022
- Owner & Applicant: EDWARD WHEELER, 908 OCEAN AVENUE, SEA BRIGHT, NJ

ZONE SCHEDULE		Required Elements	Current Elements Lot 17	Proposed Elements Lot 17.01	Proposed Elements Lot 17.02	Comment
R-2.01 Single Family Residential Zone District						
Lot Area, min	SF	3750	4000	2000*	2000*	
Lot frontage	Ft	50	50	25.00*	25.00*	
Lot Depth, min	FT	75	80	80.0	80.0	
Front yard, min	FT	20	6.0**	6.0**	18.0*	
Prevailing	FT		11			
Side yard, min	FT	6/8	1.2**/28.6	1.2**/3.6*	3.5*/3.5*	
Rear Yard, min	FT	20	28.5'	28.5	20.0	
Coverage, Bldg	%	33	22.8	45.5*	37.8*	
Lot Coverage	%	75	62	62	64	
Building Height	FT	32.5	32.5 BFE to MP eave to peak	32.5	35 parking under	
Parking, off street	Spc	2	4	2	Park under. 2	

** Pre-existing non conformity
* Created deficiency, variance required.

LEGEND:
 4.87 = SPOT ELEVATION
 ● = PIN FOUND
 ● = UTILITY POLE
 ● = WATER METER



APPLICATION NO. HLPB24-03 approved/disapproved by the HIGHLANDS BOARD/BOARD OF ADJUSTMENT AS A MINOR SUBDIVISION ON _____ DATE

CHAIRMAN _____ DATE _____

SECRETARY _____ DATE _____

I (WE) HEREBY CERTIFY TO BE THE OWNER(S) OF THE LAND DELINEATED ON THIS MAP AND DO HEREBY CONSENT TO THE FILING OF THE MAP WITH THE MUNICIPALITY and/or COUNTY.

SIGNATURE(S) _____ DATE _____

I HEREBY CERTIFY THAT I HAVE CAREFULLY EXAMINED THIS MAP AND FIND IT CONFORMS WITH THE PROVISIONS OF THE ORDINANCES AND RESOLUTION CONDITIONS APPLICABLE THERETO.

BOARD ENGINEER _____ DATE _____

I HEREBY CERTIFY THAT THE ABOVE MAP AND SURVEY HAVE BEEN MADE UNDER MY IMMEDIATE SUPERVISION, FROM ACTUAL MEASUREMENTS TAKEN AT THE SITE. Date of Survey: 08-15-2023

RONALD L. TRINIDAD
 PROFESSIONAL LAND SURVEYOR
 N.J. LICENSE 43370

1	7/12/24	Review 1	tt	RLT
REV	DATE	DESCRIPTION	BY	CHK
MINOR SUBDIVISION PLAN FOR: EDWARD WHEELER LOT 17 BLOCK 80 SHEET 15 BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY R AND T LAND SURVEYING SURVEYING & MAPPING <> LAND PLANNING <> CONSTRUCTION SURVEYING PO BOX 124, ATLANTIC HIGHLANDS, NJ 07716, 732-872-2827				
RONALD TRINIDAD, PROFESSIONAL LAND SURVEYOR 24GS04337000				
DATE: 08/17/23	FILE: 4449	DRAWN: RLT	JOB NO: 8395	
SCALE: 1"=20'	CADW: W-8395r1.dwg	CHK: HS	DWG NO: D- 1063	

The subdivision is to be perfected by the filing of deeds



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

November 15, 2024

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: Wheeler
63 Washington Avenue
Block 80, Lot 17
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB24-03

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 received a Zoning Denial Letter, dated January 31, 2024, upon seeking a minor subdivision and was deemed noncompliant per the Municipal Zoning Ordinance and advised to submit to the Land Use Board.

The Applicant seeks a Minor Subdivision to subdivide existing Lot 17 in the R-2.01 Single Family Residential District into two lots of equal size, Lot 17.01 and Lot 17.02. Existing Lot 17 consists of 4,000 sf having an elevated 1 ½ story frame dwelling with decks and garage under parking, stone drive and fencing. The dwelling will remain with decking and garage under parking and be situated on a proposed 2,000 sf lot and will be known as proposed Lot 17.01. The remaining 2,000 sf of Lot 17 will be proposed Lot 17.02 consisting of a proposed elevated 2 story frame dwelling with decking, garage under parking and associated site improvements.

The existing lot is conforming except for the front yard setback. The proposed lots are each non-conforming and will require bulk variances.

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

1. Copy of resubmission letter addressed to Ms. Nancy Tran, Land Use Board Secretary from Rick Brodsky, Esq., Ansell Grimm & Aaron, PC, dated October 25, 2024.
2. Copy of plan entitled, "Minor Subdivision Plan for Edward Wheeler, Lot 17, Block 80, Borough of Highlands, Monmouth County, New Jersey", prepared by Ronald Trinidad, PLS, R and T Land Surveying, unsigned and dated August 17, 2023, and last revised July 12, 2024, consisting of 1 sheet.
3. Copy of submission letter addressed to Ms. Nancy Tran, Land Use Board Secretary from Rick Brodsky, Esq., Ansell Grimm & Aaron, PC, dated May 21, 2024.
4. Copy of plans entitled, "New Construction, Wheeler Residence, Washington Avenue, Highlands, NJ, Block 80 Lot 17.02", prepared by Jeremiah J. Regan, AIA, Architect, dated and signed January 15, 2024, consisting of 1 sheet.
5. Copy of the Land Use Board Application for Minor Subdivision and Variance, dated May 1, 2024.
6. Copy of a Letter report Denial of Zoning Permit issued on January 31, 2024, by Courtney Lopez, Zoning Officer for the Borough of Highlands.

We offer the following comments and recommendations for the Planning Board's consideration:

I. ZONING

1. This property is located in the R-2.01 Single Family Residential District.
2. The Applicant requires eleven (11) bulk variances. 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.

3. The following bulk requirement summary is provided for the Board's reference. In accordance with Ordinance §21-86A (4), existing and proposed bulk deficiencies which require bulk "c" variances have been noted:

Schedule I – Bulk and Area Requirements				
R-2.01 Residential Zone	Required	Existing Lot 17	Proposed Lot 17.01	Proposed Lot 17.02
Min. Lot Area (sf)	3,750	4,000	*2,000	*2,000
Lot Frontage/Width (ft)	50	50	*25.00	*25.00
Min. Lot Depth (ft)	75	80	80.00	80.00
Min. Front Yard Setback (ft)***	20	**6.0	**6.0	*18.0
Min. Side Yard Setback (ft)	6/8	**1.2/28.6	**1.2/*3.6	*3.5/*3.5
Min. Rear Yard Setback (ft)	20	28.5	28.5	20.0
Max. Building Height (ft)****	30	TBD	TBD	TBD
Max Lot Coverage	75%	62%	62.0	64.0
Max Building Coverage	33%	22.8%	*45.5	*37.8
On-Site Parking (spaces)	2	4	TBD	2 Under

- * Proposed Variance
- ** Existing non-conformity
- *** Or average of the existing front yard setback within 200 ft of same block and zone or average of adjacent lots.
- **** 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 (2 ½) feet.

II. APPLICATION FEES (PART 6 FEE SCHEDULE ARTICLE XXIII, ORD. 21-107)

As posted on Borough website under Land Use forms

1. Variances

Residential "c" (minimum lot area)	x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum lot frontage/width)	x2	1 EA	\$ 125.00	\$ 250.00
Residential "c" (minimum front yard setback)	x1	1 EA	\$ 125.00	\$ 125.00
Residential "c" (minimum side yard setback)	x4	1 EA	\$ 125.00	\$ 500.00
Residential "c" (maximum building coverage)	x2	1 EA	\$ 125.00	\$ 250.00
Subtotal				\$1,375.00

2. B. Subdivisions

Minor		1 EA	\$ 400.00	\$ 400.00
Total				\$1,775.00

III. CHECKLIST ITEMS

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

Minor Subdivision Plat: The plat shall be prepared to scale, based on a current survey or some other similarly accurate base, at a scale of not less than one (1) inch equals one hundred (100) feet, to enable the entire tract to be shown on one (1) sheet. The plat shall be signed and sealed by a licensed New Jersey Land Surveyor and shall show or include the following information:

1. A key map at a scale of not less than 1" = 400' showing the location of that portion which is to be subdivided in relation to the entire tract and the surrounding area. **Provided.**
2. All existing structures, wooded areas, and topographical features, such as slump blocks, within the portion to be subdivided and within seventy-five (75) feet thereof. **Provided.**
3. The name of the owner and all adjoining property owners and owners of property directly across the street as disclosed by the most recent municipal tax record. If there is no positive evidence of ownership of any parcel of adjoining property within two hundred (200) feet, a certificate will be presented from the custodian of tax records to that effect. **Provided.**
4. The Tax Map sheet, block, and lot numbers. **Provided.**
5. All streets or roads and streams within seventy-five (75) feet of the subdivision. **Provided.**
6. Location of existing streets, and existing and proposed property lines, lot sizes, and areas. **Provided.**
7. Metes and bounds descriptions of all new lot and property lines.

The Applicant has provided metes and bounds for all proposed lot lines on the plan.

Metes and bounds descriptions for the new lots shall be provided if the application is approved.

8. The existence and location of any utility or other easement. **Provided with plan note.**
9. Setback, sideline and rear yard distances and existing structures. **Provided.**
10. The name and address of the person preparing the plat, the graphic scale, date of preparation and reference meridian. **Provided.**
11. Certification from the Tax Collector that all taxes and assessments for local improvements on the property have been paid up to date. **Provided.**
12. Certification statement for the required municipal signatures, stating: **Provided.**

Application No. _____ approved/disapproved by the Highlands Borough Planning Board/Board of Adjustment as a Minor Subdivision on _____.
(date)

Chairman

Secretary

13. Certification statement for the County Planning Board approval / disapproval, if required. **Not applicable.**
14. Zone district boundary lines, if any, on or adjoining the property to be subdivided and a schedule indicating the required minimum lot area, lot width, lot depth and front, rear and side yards of each zone district located on the property. **Provided.**

15. A wetlands statement provided by a qualified expert. **Provided.**
16. The Board reserves the right to require a feasible sketch plan layout of remaining land not being subdivided if it is deemed necessary. **Provided.**

The applicant has provided a generic house and driveway layouts to demonstrate the sizes of proposed homes and the need for any additional setback relief.

17. A lot grading plan, to be reviewed by the Borough Engineer, if required. **Required.**

The Applicant is required to provide a lot grading plan.

IV. COMPLETENESS

We recommend this application be deemed complete.

V. GENERAL COMMENTS

1. The Minor Subdivision is dated but not signed by the professional. In addition, the signatures of the owners are required.
2. Update the Certification Statement to note the Borough of Highlands Land Use Board.
3. Please provide and update the signature blocks noting the Map Filing Law, updated surveyor's certification, notary public, filing with the county, and setting of monuments.
4. Property corners are required to be set. Please indicate on the plan and the type of survey marker.
5. Please provide coordinates for at least three property corners.
6. Please provide the Point of Beginning for the existing and proposed lots.
7. Please list the deed reference of the survey.
8. Please note the scale of the Key Map.
9. As requested, a wetlands letter which has been prepared and signed by a wetlands expert has been provided and notes the absence of wetlands.
10. Please update the required building height to be 30 ft and include the note, "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 (2 ½) feet." in the zoning table.
11. A building height variance is unable to be determined until more information is provided on the plans.

The building heights on the architectural plans (January 15, 2024) and the zoning table are not consistent.

The elevations provided are unclear. One foot is to be added to the BFE within the Flood Hazard Area per §21-8 Definitions for Building Height and Grade Plane.

12. The distance between the proposed building and the existing building on Lot 16 appears to be 7 feet±. Please provide building offset distances between the proposed and existing dwellings to help the Board make an informed decision regarding the side yard setback variance.
13. Please update the front yard and rear yard setbacks for Proposed Lot 17.02.

According to § 21-65.27 Yards, Courts and Exposures, any deck that extends above the elevation of the first floor of the principal structure shall meet the setback requirements for that principal structure.

Provide a prevailing setback analysis according to § 21-79.B:

In areas where at least seventy-five (75%) percent of the lots within two hundred (200) feet are already developed, the front yard setback may be either the required setback or the prevailing setback. The prevailing setback shall be the average setback of buildings on the same block in the same zone, but not less than the average of the setbacks of the buildings on the two (2) nearest adjacent lots and in no case, less than half the required setback.

Please submit for the Board's review.

14. Please clarify the number of proposed parking spaces for Lots 17.01 & 17.02.

There are currently 4 parking spaces for Lot 17 and a total of 4 spaces for Proposed Lots 17.01 & 17.02 according to the application and zoning table. Proposed Lot 17.01 may have insufficient parking.

The existing and proposed dwellings each have 3 bedrooms and are required to provide 2 parking spaces according to § 21-65.14.C, Off-Street Parking, Residential Zones and Uses.

The existing dwelling has an existing garage under layout, but it is unknown if one or two spaces are provided in the garage. The length of the area between the garage and the existing sidewalk does not accommodate a parking space. The existing vacant stone area possibly provides 3 parking spaces for Lot 17, but these spaces have been eliminated by proposed Lot 17.02. Proposed Lot 17.01 with the existing dwelling may only have 1 space and requires 2 spaces.

The proposed dwelling on Proposed Lot 17.02 has a garage under layout and provides 2 spaces. The proposed 18' long driveway possibly accommodates at least one space. This may change depending on the prevailing setback.

According to § 21-65.14.C..2.c., a two-car garage and driveway combination shall count as 3.5 off-street parking spaces, provided a minimum parking area width of 20 feet is provided for a minimum length of 18 feet as specified for a one-car garage and driveway combination.

The proposed stone driveway is 18 feet long however the width is not indicated on the plan.

15. Please provide the location of the existing sanitary sewer service and water service for the property.
16. Please provide the proposed sanitary sewer service and cleanout location and provide the proposed water service location.
17. Please provide a label or note regarding the material and width of the proposed drive.
18. Indicate existing and proposed depressed curbing.
19. Please provide information on how the existing concrete walkway on the proposed lot will be altered and its relationship to the elevator and dwelling.

Confirm that this area is included in the impervious coverage.

Provide a listing of the impervious coverages and areas.

20. The minor subdivision notes that the proposed dwellings will be FEMA elevation compliant and in accordance with municipal regulations.

A plot and grading plan and updated architectural plans will be required. All runoffs must be directed towards the road and away from the existing and proposed dwellings and the adjoining properties.

Completeness Review No. 1
Applicant: Wheeler
63 Washington Avenue
Block 80, Lot 17
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB24-03
Page 6 of 6

21. Site Specific Note 5 and General Note 6 to list the NJDEP regulatory flood elevation.
22. An existing mature holly is discussed and shown in photos referenced with the wetlands letter. It appears that it may be situated within the proposed area of construction.

Should the holly be removed from the lot, Ordinance 0-24-04 §22.1.8 (Tree Replacement Requirements) will be required for the application.

The applicant would need to determine the diameter of the tree at breast height and provide replacement trees according to §22.1.8.A or an alternative according to §22.1.8.B.

23. Provide construction details.

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

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)
Austin P. Mueller, Assoc., Land Use Board Attorney (amueller@weiner.law)
Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
Rick Brodsky, Esq., Applicant's Attorney (rbrodsky@ansell.law)
Jeremiah J. Regan, AIA, Applicant's Architect (jeremiahregan@aol.com)
Cameron Corini, P.E., C.M.E., C.P.W.M., Roberts Engineering Group, LLC
GS Bachman, E.I.T., Roberts Engineering Group, LLC