



Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, NJ 07732  
Phone: (732) 872-1224  
Fax: (732) 872-0670  
www.highlandsborough.org

# Subdivision Application

Minor Subdivision:  
Preliminary  X   
Final  X

Major Subdivision:  
Preliminary \_\_\_\_\_  
Final \_\_\_\_\_

For Official Use	
Application Fee Paid: \$ _____	Date Received: _____
Received By: _____	Case No: _____
Board Action: _____	Date: _____

Application is hereby made for the classification of a sketch of a proposed subdivision of land hereinafter more particularly described:

Applicant Information			
Name	<u> Christopher and Rosemarie Mattina </u>		
Street	<u> 54 Bloomfield Road </u>	City <u> Manalapan </u>	State <u> NJ </u> Zip <u> 07726 </u>
Phone #	<u> [REDACTED] </u>	Email	<u> [REDACTED] </u>

Owner Information (if other than applicant)			
Name	_____		
Street	_____	City _____	State _____ Zip _____
Phone #	_____	Email	_____
Interest of applicant if other than owner: _____			

Subdivision Information			
Street	<u> 149 Portland Road </u>	Block <u> 12 </u>	Lot <u> 4.01/4.02 </u> Zone <u> R1.03 </u>
Number of existing lots:	<u> 1 </u>	Number of proposed lots:	<u> 2 </u>
Area of entire tract:	<u> 37,908.72 </u>	and portion being subdivided: <u> entire tract </u>	

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42 Shore Drive, Highlands, NJ 07732  
Phone: 732-872-1224  
Fax: 732-872-0670

Development Plans		
Sell lot only:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Construct houses for sale:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Other:	_____	

**Attach a copy of any deed restrictions or restrictive covering**

Information of Person Preparing Sketch Plat			
Name	David F. Wisotsky, P.E. - Bohler Engineering NJ, LLC		
Street	30 Independence Blvd., Suite 200	City	Warren
		State	NJ
		Zip	07059
Phone #	(732)825-6800		

### Sketch Plat Requirements

The Sketch Plat shall be based on the Tax Map information or other similar accurate information based at a scale preferably not less than 100 feet to the inch to enable the entire tract to be shown on one sheet and shall show or include the following information:

- a. The location of that portion which is to be subdivided in relation to the entire tract.
- b. All existing structures and wooded areas within the portion to be subdivided and within 200 feet thereof.
- c. The name of the owners and of adjoining lots within 200 feet as disclosed by the most recent tax record information (Major subdivision, or minor is not waived by the Board).
- d. The Tax Map Sheet, Block and Lot numbers.
- e. All streets or roads and streams within 200 feet of the subdivision.
- f. Sketch of proposed layout of Street, Lots and other features in relation to existing conditions.

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Borough of Highlands Land Use Board  
42 Shore Drive, Highlands, NJ 07732  
Phone: 732-872-1224  
Fax: 732-872-0670

FOR OFFICIAL USE

Case No: \_\_\_\_\_ Fee Paid: \_\_\_\_\_ Date Filed: \_\_\_\_\_

1. (I/we) Christopher Mattina, the applicant(s), whose Post Office address is  
Rosemarie Mattina 54 Bloomfield Road, Manalapan, NJ 07726

and whose phone number is [REDACTED] (am/are) the (owner/contact purchaser) of  
property located at 149 Portland Road and designated as Block 12

Lot(s) 4.01/ on the Tax Map of the Borough of Highlands.  
4.02

2. The property is in the R1.03 zone. It has a street frontage of \_\_\_\_\_ feet with an area of  
37,908.72 Square feet. Entire Tract

3. The proposed percentage of lot coverage by both the existing structure and proposed additions will be  
See attached Minor Subdivision Application

4. The following structures, buildings or uses are located on the property  
Single family home on Lot 4.01 Lot 4.02 vacant

5. Application is hereby made for a variance to:  
See attached.

6. The reasons for this request and the grounds urged for the relief are as follows:  
See attached.

7. The section of the Borough Zoning Ordinance upon which this application is based is Section  
21-85: C4

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8. Property taxes have been paid through Current  
The sewer bills have been paid through Current

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9. Has the property been separated from a larger tract of land? (Yes / No) \*Circle One\*  
If so, when? \_\_\_\_\_. Has the Land Use Board approved a subdivision? (Yes / No)  
When? \_\_\_\_\_. Attach copies of any approved map or approval resolution.



Borough of Highlands Land Use Board  
42 Shore Drive, Highlands, NJ 07732  
Phone: 732-872-1224  
Fax: 732-872-0670

10. Has there been any previous appeal involving these premises ( Yes / No ) \*Circle One\*

Date of Filing: \_\_\_\_\_

Character of Appeal: \_\_\_\_\_

Disposition and Date: \_\_\_\_\_

\*\*Attach copy of decision\*\*

11. By filing a second application, does applicant and owner, if other than applicant, waive any and all rights gained in the first application? (Yes /No) \*Circle One\* N/A

12. Are there any outstanding building code or zoning violations or other violations of law on the property in question or on any other property in the Borough of Highlands in which the applicant has any interest, directly or indirectly? No

13. Is the applicant a corporation or a partnership? Yes \_\_\_\_\_ No X  
(If so, you must be represented by an attorney. If yes, please complete a Disclosure Statement and attach the same to the application.)

Rosemarie Mattena  
Signature

10-18-2021  
Date  
10-18-2021

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**ATTACHMENT TO APPLICATION FOR VARIANCE  
AND MINOR SUBDIVISION**

5. Applicant proposes to subdivide two existing lots in Block 12 into two new lots which are referred to as proposed Lot 4.01 and proposed Lot 4.02. The variances requested for proposed Lot 4.01 are as follows:

Minimum lot size permitted 14,000 ft.<sup>2</sup>, proposed 10,058.27 ft.<sup>2</sup>.

Minimum depth permitted 200 feet, existing 132.18 feet, proposed 56.61 feet.

Minimum front yard permitted 35 feet/with slope 35 feet, existing .5 proposed .5.

Minimum rear yard permitted 25 feet/with slope 25, existing 90.6 feet, proposed 24.3 feet.

Maximum lot coverage permitted with slope 29.42%, existing 18.17%, proposed 48.2%.

Maximum lot impervious coverage with slope 16.08%, existing 17%, proposed 45.3%.

Maximum lot disturbance with slope 2,103.6ft.<sup>2</sup> proposed 7,470 ft.<sup>2</sup> ±

Disturbance distance (top/toe) 15 feet/10 feet, proposed 15/0 feet.

Structure distance (top/toe) 25 feet/15 feet, existing > 25/0 feet  
proposed > 25/0.

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**VARIANCES REQUESTED FOR PROPOSED LOT 4.02**

Minimum depth permitted 200 feet, existing 278.13 feet, proposed 186.29 feet.

Minimum front yard permitted 35', existing-vacant, proposed 21.03 feet.

Maximum lot disturbance with slope 4,793.2 ft.<sup>2</sup>. proposed 9050 ft.<sup>2</sup>

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6. The reason for this request on the grounds urged for the relief as follows right:

The property in question consists of lots 4.01 and 4.02 in Block #12. The latter being a flag lot. Applicant purchased the property after determining a subdivision had been granted for the property on September 10, 1992 and memorialized in a resolution on October 8, 1992. The subdivision was perfected by deed dated October 2, 1995, which had attached the Board's resolution. Therefore, there are two existing fully approved lots that are the subject matter of this application. The problem arose as a result of the Borough adopting an ordinance which is Section 21-84B entitled "Steep Slopes And Slump Blocks". The fact is that to construct a driveway to Lot 4.02 pursuant to the previously approved subdivision plan, would violate requirements of that ordinance.

The Applicant has presented a plan to the Board to address the steep slope ordinance which requires a resubdivision of the two lots. Without obtaining variances necessary to develop both lots the previously approved Lot 4.02 will be zoned into inutility. Applicant has a hardship directly related to the topography of the lot and the adoption of the new slope ordinance. Applicant is therefore, requesting variances to address that hardship which also provides a better zoning alternative so the lots previously approved by the subdivision can be developed in a new configuration.

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**AFFIDAVIT OF OWNERSHIP**

STATE OF NEW JERSEY :  
: SS  
COUNTY OF :

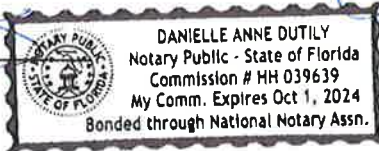
Christopher and Rosemarie Mattina, being of full age, and being duly sworn according to law on oath deposes and says that the deponent resides at 149 Portland Road in the Borough of Highlands, in the County of Monmouth and the State of New Jersey that Christopher Mattina is the owner in fee of all that certain lot, piece of parcel of land situated, lying and being in the municipality aforesaid, and known and designated as Block 12, Lot(s) 4 01 & 4 02.

Sworn to and subscribed before me this 16<sup>th</sup> day of September 2021.

[Signature]  
Property Owner Signature

[Signature]  
Property Owner Signature

Notary Seal



**AUTHORIZATION**

*(If anyone other than the above owner is making this application, the following authorization must be executed)*

I hereby authorize \_\_\_\_\_ to make the within application.

Signature

Date

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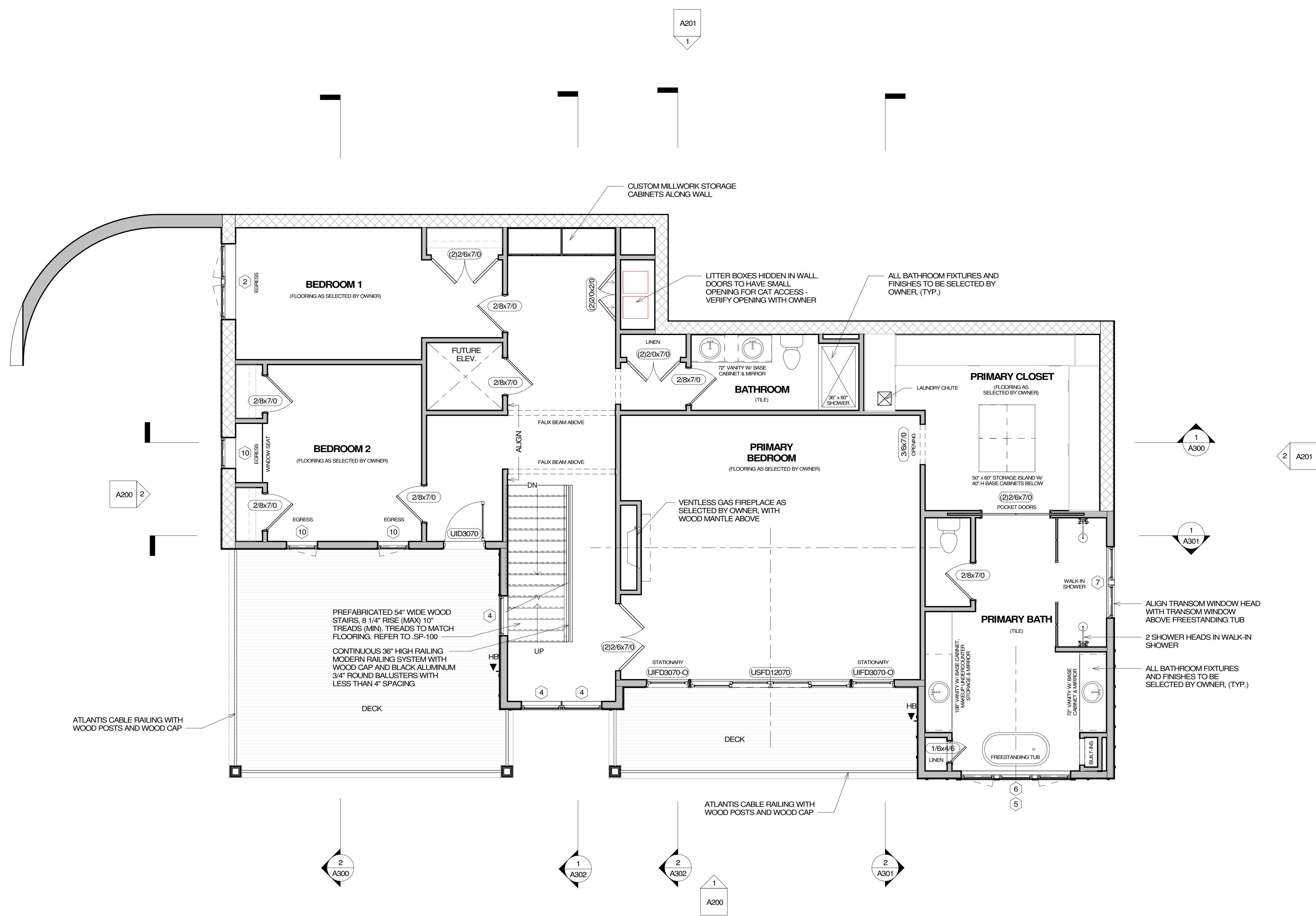
WINDOW SCHEDULE (LEVEL 1)			
Type Mark	Window Type	Model	Comments
2	Ultimate Casement Narrow Frame	UCANF3254	2 MULLED UNITS
4	Ultimate Casement Narrow Frame Picture	UCANFP3664	
4	Ultimate Casement Narrow Frame Picture	UCANFP3664	
4	Ultimate Casement Narrow Frame Picture	UCANFP3664	
5	Ultimate Casement Narrow Frame	UCANF3044	3 MULLED UNITS
6	Ultimate Awning	UAWN4036	3 MULLED UNITS
7	Ultimate Awning	UAWN3024	2 MULLED UNITS
10	Ultimate Casement Narrow Frame	UCANF2854	
10	Ultimate Casement Narrow Frame	UCANF2854	
10	Ultimate Casement Narrow Frame	UCANF2854	

WALL LEGEND	
	NEW STUD WALLS 2X4 WOOD STUDS (2X6 EXTERIOR) @ 16" O.C. WITH 1/2" GYP BD AT EACH SIDE
	CONCRETE WALLS REFER TO STRUCTURAL PLANS FOR MORE INFORMATION

- ### GENERAL NOTES
- ALL WOOD FRAMING MATERIAL SHALL BE NO.2, KILN DRY, OF ANY SPECIES GRADED UNDER WESTERN WOOD PRODUCTS ASSOCIATION (WWPA). ALL WOOD BELOW BASE FLOOR ELEVATION (BFE) SHALL BE PRESERVATIVE TREATED.
  - GLUE-LAMINATED BEAMS SHALL BE GEORGIA-PACIFIC 2.0E OR 1.8E LAMINATED VENEER LUMBER (LVL) OR PARALLEL STRAND LUMBER (PSL) BEAMS. INSTALL IN STRICT ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS AND RECOMMENDATIONS.
  - WOOD FRAMING AND CONNECTIONS SHALL BE INSTALLED IN ACCORDANCE WITH METHODS OUTLINED IN THE WOOD FRAMED CONSTRUCTION MANUAL.
  - ALL CONCRETE SHALL BE MANUFACTURED AND INSTALLED IN ACCORDANCE WITH STANDARD PROVIDED ASTM C94. EXTERIOR SLABS ON GRADE SHALL MEET A COMPRESSIVE STRENGTH OF 4500 PSI WITH A MAXIMUM WATER-CEMENTITIOUS RATIO OF .45 AND 6% AIR ENTRAINMENT. INTERIOR SLABS ON GRADE AND STRUCTURAL CONCRETE SHALL MEET A COMPRESSIVE STRENGTH OF 3000 PSI WITH A MAXIMUM WATER-CEMENTITIOUS RATIO OF .55 AND 6% AIR ENTRAINMENT.
  - ALL DECORATIVE ELEMENTS AND FINISHES ARE TO BE SELECTED BY OWNER. VERIFY WITH OWNER BEFORE ORDERING AND INSTALLATION, TYP. FOR ENTIRE PROJECT.
  - DOUBLE UP ALL FLOOR JOISTS OR PROVIDE SOLID BLOCKING BETWEEN ALL JOISTS BELOW ALL BEARING WALLS, TUBS, AND APPLIANCES.
  - PLUMBING CONTRACTOR TO PROVIDE WASTE AND SUPPLY WATER LINES AND GAS DIAGRAM TO BUILDING DEPARTMENT FOR APPROVAL.
  - ALL WINDOWS TO HAVE 7'-0" HEAD HEIGHT TO ALIGN WITH EXTERIOR DOORS, EXCEPT TRANSOM WINDOWS.
  - ALL DIMENSIONS ARE TO FACE OF CMU, FACE OF CONCRETE, OR FACE OF STUD, UNLESS NOTED OTHERWISE.
  - WHEN NOTED AS "ALIGN," FACE OF FINISHES ARE TO ALIGN.
  - INSTALL ICE AND WATER SHIELD AT ALL ROOFS WITH A ROOF SLOPE LESS THAN 4:12

**mode**  
Monmouth Ocean Design Experts  
DANIEL M. CONDATORE, RA  
619 LAKE AVE/ 3RD FLOOR  
ASBURY PARK, NJ 07712  
NJ LICENSE #21A10798000  
t: 732 800 1958  
e: dcondatore@mode-arch.com

ENGINEER  
ARCHITECT & ENGINEER  
SIGNATURE & SEAL BOX



1 LEVEL 1 PLAN  
1/4" = 1'-0"

OWNER  
PROJECT LOCATION  
~ KAPLAN RESIDENCE ~  
NEW PRIVATE RESIDENCE  
149 PORTLAND ROAD  
HIGHLANDS, NEW JERSEY 07732  
BLOCK: 12, LOT: 4.02

No.	REVISIONS / ISSUES	DATE
1	Planning Submission	10/19/2021

CHECKED BY: DMC  
DRAWN BY: DMC

SCALE:  
DRAWING TITLE:  
FLOOR PLANS

DRAWING NO:  
A101















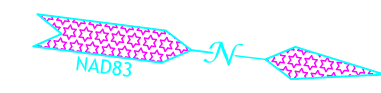




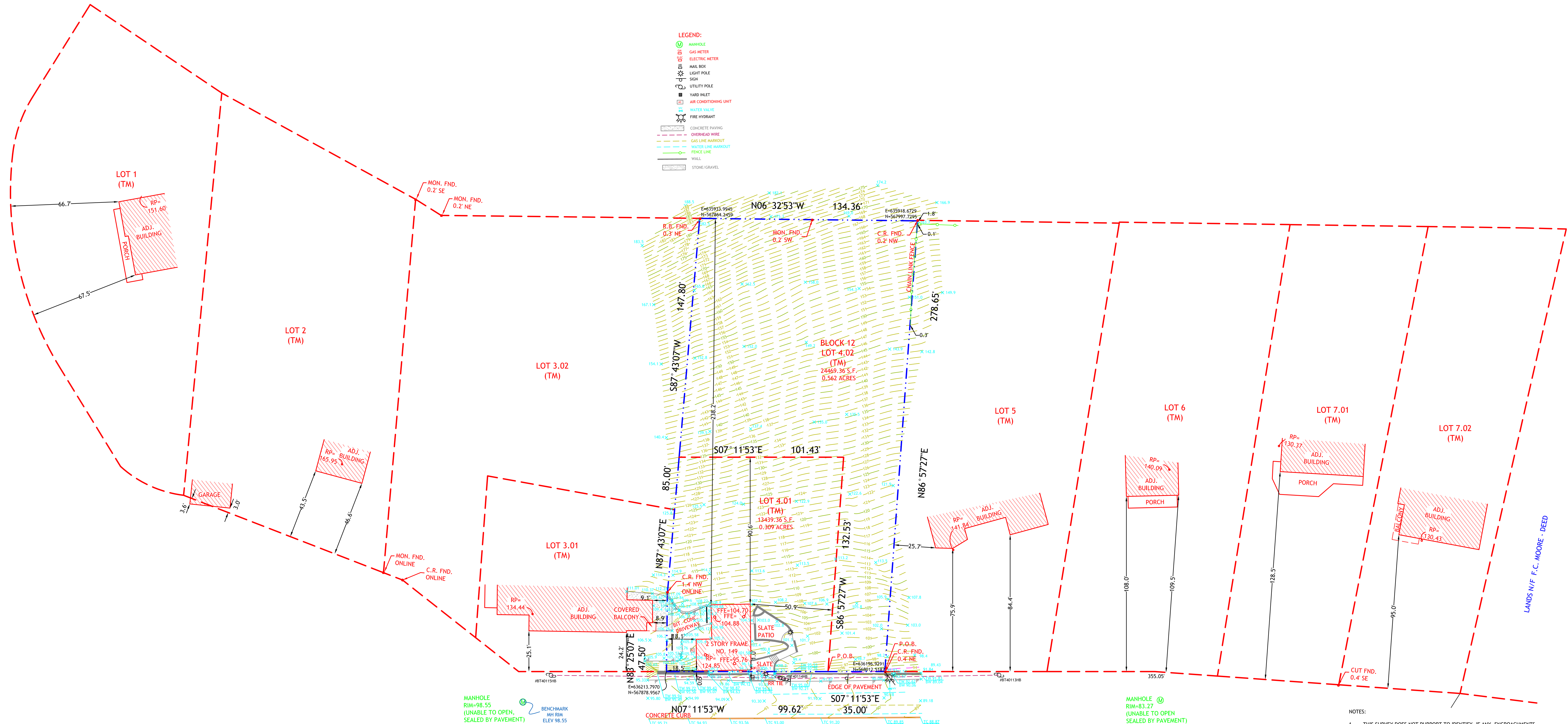




\* A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, C.14 (C45-8-36.3) AND NJAC 13:40-5.1 (D) \*



- LEGEND:**
- MANHOLE
  - GAS METER
  - ELECTRIC METER
  - MAIL BOX
  - LIGHT POLE
  - SIGN
  - UTILITY POLE
  - YARD INLET
  - AIR CONDITIONING UNIT
  - WATER VALVE
  - FIRE HYDRANT
  - CONCRETE PAVING
  - OVERHEAD WIRE
  - GAS LINE MARSHED
  - WATER LINE MARSHED
  - FENCE LINE
  - WALL
  - STONE/GRAVEL



MANHOLE RIM=98.55 (UNABLE TO OPEN, SEALED BY PAVEMENT)

BENCHMARK HI RIM ELEV 98.55

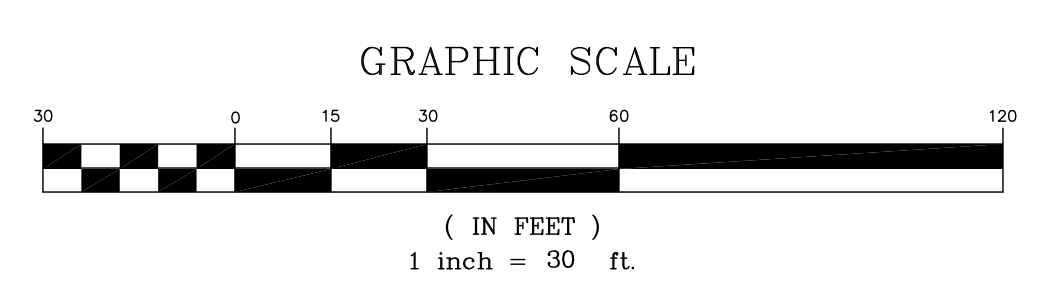
MANHOLE RIM=93.27 (UNABLE TO OPEN, SEALED BY PAVEMENT)

PORTLAND ROAD (VARIED WIDTH)

**DESCRIPTION:**  
BEING KNOWN AS LOTS 4.01 & 4.02 IN BLOCK 12 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY.

**CERTIFIED TO:**  
KBA ENGINEERING SERVICES, LLC.

- NOTES:**
1. THIS SURVEY DOES NOT PURPORT TO IDENTIFY, IF ANY, ENCROACHMENTS, WETLANDS, UTILITIES, SERVICE LINES OR STRUCTURES BELOW GROUND;
  2. PROPERTY SUBJECT TO DOCUMENTS OF RECORD;
  3. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDELANDS;
  4. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE LAND SURVEYOR FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO USE OF SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION EITHER DIRECTLY OR INDIRECTLY.
  5. ONLY COPIES FROM THE ORIGINAL SURVEY MARKED WITH AN ORIGINAL PROFESSIONAL LAND SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED VALID COPIES;
  6. SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE N.J. STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS;
  7. UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW;
  8. OFFSETS SHOWN HEREON ARE NOT TO BE USED AS A BASIS FOR ANY CONSTRUCTION OF PERMANENT STRUCTURES I.E. BUILDINGS, SHEDS, FENCES, ETC.
  9. SUBJECT TO EASEMENTS & RESTRICTIONS OF RECORD, IF ANY.
  10. HORIZONTAL AND VERTICAL DATUM ARE ASSUMED.



ALAN R. BOETTGER PROFESSIONAL LAND SURVEYOR N.J. LICENSE NO. 41997	CLEARPOINT SERVICES LLC Professional Land Surveyors <small>Headquarters   640 Memorial Rd.   Suite 1   Jackson, NJ 08527                  New York Office   390 Broadway   Suite 3   Monticello, NY 12531                  719-964-0422                  www.clearpointservices.com                  02919021000</small>	OUTBOUND & TOPOGRAPHIC PLAN OF SURVEY PREPARED FOR 149 PORTLAND ROAD -LOTS 4.01 & 4.02 ~ BLOCK 12 ~ SITUATED IN THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY	
		JOB NO. 20-33112	SCALE 1"=30'



2430 Highway 34, Building B, Suite 102  
Manasquan, NJ 08736  
732.825.6800

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October 22, 2021  
Via Federal Express

OCT 25 2021

LAND USE BOARD

Michelle Hutchinson  
Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, NJ 07732

**RE: Proposed Single-Family Residential Home  
149 Portland Road  
Block 12; Lot 4.02  
Borough of Highlands  
Monmouth County, New Jersey  
BENJ File No. JS201043**

Dear Ms. Hutchinson:

Enclosed, please find the following items constituting our formal submission to the Borough of Highlands for the above-referenced project:

- Eighteen (18) copies of completed *Subdivision Application with Affidavit of Applicant*
- Eighteen (18) copies of completed *Variance Application with Affidavit of Applicant*, including attachments regarding Variance and Minor Subdivision
- Eighteen (18) copies of completed *Affidavit of Ownership*
- Eighteen (18) completed *Minor Subdivision Checklist*
- Eighteen (18) copies of the Zoning Officer Denial email prepared by Marianne Dunn, Township of Middletown, dated November 4, 2020 and associated Denial of Development Permit for a previous applicant prepared by the Borough of Highlands, dated March 5, 2019
- One (1) check in the amount of \$705 made payable to the Borough of Highlands to satisfy the balance of the Escrow Fee. Per your email dated October 18, 2021, you have renamed the same escrow account that currently has a credit of \$545, so that has been deducted from escrow payment.
- One (1) copy of the Certification of Payment from Tax Collector/Sewer Dept., dated October 22, 2021
- Four (4) full-size signed and sealed sets of the *Preliminary and Final Site Plan* drawings prepared by our office, dated October 22, 2021
- Fourteen (14) half-scale size sets of the *Preliminary and Final Site Plan* drawings prepared by our office, dated October 22, 2021
- Four (4) full-size signed and sealed sets of the *Architectural Plans* prepared by Monmouth Ocean Design Experts, dated October 19, 2021
- Fourteen (14) half-scale size sets of the *Architectural Plans* prepared by Monmouth Ocean Design Experts, dated October 19, 2021
- Eighteen (18) full-size signed and sealed copies of the *Outbound & Topographic Plan of Survey* prepared by Clearpoint Services, LLC, dated November 17, 2020

Should you have any questions or comments concerning this or any other matter, please do not hesitate to contact our office.

Sincerely,

**BOHLER ENGINEERING NJ, LLC**



Brad Thompson, P.E.



James F. Thaon, P.E.

/arc G:\2020\JS201043\Admin\Letters-OUT\Boro 01 - Hutchinson.docx

Enclosure(s)

cc: Ms. Marissa Kaplan (via email w/ pdf enclosures)  
Thomas Hirsch (via email w/ pdf enclosures)  
Chris Mattina (via email w/ pdf enclosures)

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HGPB- R1880

January 26, 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: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
Minor Subdivision  
First Engineering Review**

Dear Ms. Tran:

As requested, our office has reviewed the above referenced application for minor subdivision plan approval. The applicant submitted the following documents in support of this application:

1. Land Use Board Application for Subdivision, dated October 18, 2021.
2. Land Use Board Application for Variance, dated October 18, 2021.
3. Denial of Development Permit, dated March 5, 2019.
4. Preliminary and Final Site Plan prepared by David F. Wisotsky, P.E., of Bohler Engineering, LLC, dated October 22, 2021, consisting of two (2) sheets.
5. Architectural Plan prepared by Daniel M. Condatore, R.A., of Monmouth Ocean Design Experts, dated October 19, 2021, consisting of eight (8) sheets. (unsigned)
6. Outbound and Topographic Plan of Survey prepared by Alan R. Boetterger, P.L.S., of Clearpoint Services LLC, dated November 17, 2020, consisting of one (1) sheet.

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

**A. Project Description**

The 37,908 square foot tract consists of two (2) lots; existing Lot 4.01 (13,439 square feet) contains an existing 2-story single-family dwelling and existing Lot 4.02 (24,469 square feet) is currently vacant. The site is located in the Single Family Residential (R1.03) Zone of the Borough with frontage along Portland Road. The property had previously received subdivision approval in 1995, but the Land Use Ordinance had changed soon after approval precluding the disturbance of land where the grade exceeds 35%, rendering the lots inaccessible as any curb cut would disturb steep slopes in excess of 35%. With this application, the applicant is seeking minor subdivision and bulk variance approval to reconfigure the lots into two (2) new lots. Proposed Lot 4.01 will be a non-conforming lot and contain 10,058 square feet with frontage along Portland Road. Proposed Lot 4.02 will be a non-conforming land-locked lot and contain 27,850 square feet with no frontage upon an improved street. No new construction is proposed on Proposed Lot 4.01. The applicant proposes to construct a new, elevated, two-and-a-half-story, single-family dwelling with associated pervious paver patios.

**B. Planning and Zoning**

1. In accordance with Section 21-85 of the Ordinance existing/proposed bulk deficiencies are noted as follows:





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

**Re: Mattina Residence  
 149 Portland Road  
 Block 12, Lots 4.01 & 4.02  
 Minor Subdivision  
 First Engineering Review**

R-1.03 Zone	Required	Existing Lot 4.01	Proposed Lot 4.01	Existing Lot 4.02	Proposed Lot 4.02
Min. Lot Size	14,000 SF	13,439 SF <sup>(E)</sup>	<b>10,058 SF <sup>(V)</sup></b>	24,469 SF	27,850 SF
Min. Lot Frontage	75'	102.09'	136.47'	35.0' <sup>(E)</sup>	136.17'
Min. Lot Depth	200'	132.18' (E)	<b>56.61' <sup>(V)</sup></b>	278.13'	<b>186.29' <sup>(V)</sup></b>
Min. Front Yard Setback	35'	0.5' (E)	<b>0.5' <sup>(V)</sup></b>	N/A	<b>21.33' <sup>(V)</sup></b>
Minimum Rear Yard Setback	25'	90.6'	<b>24.3' <sup>(V)</sup></b>	N/A	107'
Minimum Side Yard Setback	8' /12'	18.1/50.9	18.1' / 82.3'	N/A	24' / 36.7'
Maximum Building Height	30' (32.5')*	29.09'	29.09'	N/A	29.68'
Maximum Building Coverage	25%	8.64%	11.55%	NA	10.3%**
Maximum Lot Coverage	60%	18.17%	<b>48.2% <sup>(V)</sup></b>	0%	9.9%**
Maximum Lot Disturbance	N/A	N/A	<b>9,025 <sup>(V)</sup></b>	N/A	<b>10,035 <sup>(V)</sup></b>
Disturbance Distance (top/toe) (ft)	15' / 10'	N/A	<b>&gt; 15' / 0' <sup>(V)</sup></b>	N/A	>15/>10
Structure Distance (top/toe) (ft)	25' / 15'	>25' / 0' (E)	<b>&gt;25' / 0' <sup>(V)</sup></b>	N/A	>25' / >15'

- (E) – Existing Non-conformity
- (C) – Calculated
- (W) – Waiver
- (V) – Variance
- NA – Not Applicable
- NS – Not Specified, the applicant shall confirm this dimension

\*Per Schedule 1 of Section 21 of the Ordinance, where a dwelling is constructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2-1/2) feet.  
 \*\*The applicant indicates that the proposed building coverage exceeds the proposed lot (impervious) coverage. The applicant shall provide testimony on impervious components of the building and this potential discrepancy.

2. The Borough Ordinance defines building height as “The vertical distance as measured from the grade plane to the average height of the highest roof surface. In the case of sloped roofs, the average height is the mid-point between the lowest roof eave of the top floor and the roof ridge. In the case of a building that has multiple roof levels, the highest roof levels must be used to determine the building height. Chimney, elevator equipment and mechanical utility equipment



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

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
Minor Subdivision  
First Engineering Review**

and any associated screening or enclosures may exceed the permitted "building height" by up to ten (10) feet, or up to ten (10%) percent above the permitted building height, whichever is less."

Based on our calculations, the average grade plane is at approximately elevation 122.05. The Architectural Plans show the building height from elevation 115 to the top ridge as 42.46 feet, and the to the lowest eave as 31 feet. By definition the true building height is calculated as the difference between building height elevation and average grade plane elevation. Therefore, we calculate the true building height as 29.68 feet, whereas the Zoning Table indicates a building height of 26.99 feet. This discrepancy shall be addressed, and the appropriate calculations shall be shown on the plans.

3. Section 21-65.4 of the Ordinance requires curb along tract frontage of existing streets, whereas no curb is existing along the frontage of the subject tract, and this is proposed to be maintained. The plans shall be revised, or a design waiver will be required.
4. Section 21-77.A of the Ordinance requires every principal building be built upon a lot with frontage on a public street, and that the principal building shall have pedestrian and vehicular access for driveway and parking purposes from that improved street. The applicant is proposing to subdivide the property and create a land-locked proposed Lot 4.02. Therefore, a variance will be required.
5. Section 21-84.B of the Ordinance indicates that where slopes exceed 35% there shall be no disturbance of the steep slope areas, whereas the applicant is proposing a curb cut and driveway within steep slopes exceeding 35% on Proposed Lot 4.01. Therefore, a variance will be required.
6. 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



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

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
Minor Subdivision  
First Engineering Review**

would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

**C. Technical Engineering Review**

1. Table 4.4 of Section 5:21-4.14 of R.S.I.S. requires two (2) off-street parking spaces for a three-bedroom single family dwelling, and Section 21-65.14.C.1 of the Ordinance requires a minimum of two (2) off-street parking spaces for a residential dwelling, whereas two (2) off-street parking spaces have been provided for Proposed Lot 4.02. The applicant shall provide testimony on the parking conditions of Proposed Lot 4.01. It should be noted that per Section 21-65.14.C.3 of the Ordinance no required parking space shall be located closer to a street line than the right-of-way line, nor within 2 feet of the property line. A design waiver may be required.
2. The applicant shall provide testimony on access and maneuverability associated with Proposed Lot 4.02 from Portland Road through the switch-back driveway into the garage. The proposed driveway is approximately 14 feet wide, steep in grade at approximately 20% incline, and has walls along both sides measuring upwards of 5 feet. This may pose a challenge for vehicles to navigate.
3. The applicant proposes a driveway access easement for Proposed Lot 4.02 on Proposed Lot 4.01. The applicant shall provide testimony on all access easements, along with any other easements, associated with this project and confirm how each proposed lot grants access to driveway/parking areas.
4. The proposed development will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a “major development” as defined by NJAC. 7:8, and is not subject to the NJDEP Stormwater Management stormwater quantity, quality and recharge requirements of a major development.
5. While the project is not considered a major development, the applicant is proposing to increase impervious coverage by approximately 5,275 square feet. The applicant shall provide testimony on the stormwater management calculations provided and how the increase from pre- to post-development stormwater runoff will not have a negative impact on the site and downstream off-site stability affected by stormwater runoff.
6. The applicant has graded the property to follow the existing drainage patterns and drain towards the existing roadways. A drainage network is proposed within the rear patio area that discharges at the south end of the site and allows runoff to drain downhill and appears directed toward the existing dwelling on Proposed Lot 4.01. The applicant shall provide testimony on any adverse drainage impacts to the adjacent properties as a result of the proposed improvements.
7. Roof leader locations and/or downspout discharge locations shall be shown on the plans.



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

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
Minor Subdivision  
First Engineering Review**

8. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application. All proposed utility improvements shall be shown on the plans including proper trench restoration.
9. A note shall be added to the plans indicating that all utilities are to be installed underground.
10. The applicant shall also be aware that a sanitary sewer connection fee must be paid prior to issuance of a Certificate of Occupancy for any building.
11. The applicant is proposing construction within areas of steep slopes. The applicant shall provide testimony on design methods used to minimize the impact to the steep slopes and how erosion will be controlled along the disturbed steep slopes.
12. Caution shall be taken during construction within critically sloped areas.
13. Detailed structural calculations and plans, signed and sealed by a Professional Engineer licensed in the State of New Jersey, must be provided for the retaining wall. We defer to the Building Department for further review and approval of the wall.
14. Section 21-65.10A of the Ordinance indicates that all areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped and maintained in accordance with a landscaping plan approved by the Board. No landscaping has been provided as part of this application. The Board should determine if a landscaping plan is required.
15. Section 21-65.10B of the Ordinance indicates that if feasible in residential zones, street trees of at least two (2) to two and one-half (2-1/2) inch caliper will be required, planted a distance on center equivalent to no more than the width of their mature diameter. Where street trees are not appropriate because of views, existing vegetation, or other reason, the equivalent number of trees shall be located elsewhere on the lot. The Board should determine if street trees are required for this application.
16. The applicant shall indicate if the subdivision will be filed by deed or map. If it is to be filed by deed, copies of the deeds and associated metes and bounds descriptions should be submitted to our office and the Board attorney for review and approval. If the subdivision is to be filed by map, the following items must be addressed so the plat is in conformance with the Map Filing Law including but not limited to:
  - a. Section 46:26.B-2.b.2 of the Map Filing Law requires lot area be shown as square footage to the nearest square foot or nearest one hundredth of an acre.
  - b. Section 46:26.B-2.b.8 of the Map Filing Law requires a minimum of three corners distributed around the tract shall indicate coordinate values. This coordinate base needs to be either assumed or based on the New Jersey Plane Coordinate System and shown on the map.



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

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
Minor Subdivision  
First Engineering Review**

- c. Section 46:26.B-2.b.8 of the Map Filing Law requires all monumentation, including monuments found, set, and to be set, be clearly shown on the plat. Appropriate certification that monuments have been set, or will be set at a later date, shall be included on the plat.
  - d. A Key Map shall be provided.
  - e. A listing of owners within 200' shall be provided on the map.
  - f. The north arrow needs a reference meridian.
  - g. All appropriate certifications as deemed necessary in Section 46:26.B-2.b of the Map Filing Law including but not limited to surveyor preparing the map, surveyor who prepared the boundary survey, municipal clerk, Planning Board, owner, and applicant, with appropriate titles, shall be provided on the plan.
17. The applicant shall submit written certification from the Tax Assessor that proposed lot numbers have been approved. Normally the Assessor will require new lot numbers for any altered lots.
18. Construction details for all proposed improvements shall be provided and comply with the standards of the Borough Ordinance.
19. All existing and proposed easements, along with metes and bounds descriptions, shall be clearly shown on the plans. Metes and bounds descriptions shall be submitted to the Borough Attorney and this office for review and approval.
20. Approvals or waivers should be obtained from any agencies having jurisdiction.

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

T&M ASSOCIATES

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



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

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
Minor Subdivision  
First Engineering Review**

EWH:KJO:DV

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@weiner.law)  
Marianne Dunn, Zoning Officer (mdunn@middletownnj.org)  
Rob Knox, Land Use Board Chairman (rknox@highlandsborough.org)  
Annemarie Tierney, Land Use Board Vice Chairman (annemarie@liquidadvisors.com)  
Christopher and Rosemarie Mattina, Applicant, (cmattina65@gmail.com)  
David Wisotsky, P.E., Applicant's Engineer, 30 Independence Blvd., Suite 200, Warren, NJ 07059

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HGPB- R1880

December 9, 2021  
*Via Email*

Michelle Hutchinson, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
R-1.03 Zone  
Minor Subdivision  
Fee and Escrow Calculation**

Dear Ms. Hutchinson,

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

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

1. Land Use Board Application for Subdivision, dated October 18, 2021.
2. Land Use Board Application for Variance, dated October 18, 2021.
3. Denial of Development Permit, dated March 5, 2019.
4. Preliminary and Final Site Plan prepared by David F. Wisotsky, P.E., of Bohler Engineering, LLC, dated October 22, 2021, consisting of two (2) sheets.
5. Architectural Plan prepared by Daniel M. Condatore, R.A., of Monmouth Ocean Design Experts, dated October 19, 2021, consisting of eight (8) sheets. (unsigned)
6. Outbound and Topographic Plan of Survey prepared by Alan R. Boetterger, P.L.S., of Clearpoint Services LLC, dated November 17, 2020, consisting of one (1) sheet.

Please note the following fee calculations:

- 1. Application fee: \$2,175.00**
- 2. Escrow fee: \$4,350.00**

The applicant shall post the balance of fees.

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



**Le: Michelle Hutchinson, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
R-1.03 Zone  
Minor Subdivision  
Fee and Escrow Calculation**

EWH:KJO:DV

cc: Nancy Tran, Board Office (via email)  
Michael Muscillo, Borough Administrator (via email)  
Ron Cucchiaro, Esq., Land Use Board Attorney (via email)  
Marianne Dunne, Zoning Officer (via email)  
David Wisotsky, P.E., applicant's engineer, 30 Independence Blvd., Suite 200, Warren, NJ 07059  
Christopher and Rosemarie Mattina, Applicant (cmattina65@gmail.com)

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DETERMINATION OF FEES  
 149 Portland Road  
 Block 12, Lots 4.01 & 4.02

**A. APPLICATION FEES (Ord. 21-107)**

A. Variances

3. Residential "c" (minimum lot depth x 2)	2	EA	\$	125.00	\$	250.00
Residential "c" (minimum front yard x 2)	2	EA	\$	125.00	\$	250.00
Residential "c" (maximum lot disturbance x 2)	2	EA	\$	125.00	\$	250.00
Residential "c" (minimum lot size)	1	EA	\$	125.00	\$	125.00
Residential "c" (minimum rear yard)	1	EA	\$	125.00	\$	125.00
Residential "c" (maximum lot coverage)	1	EA	\$	125.00	\$	125.00
Residential "c" (maximum impervious surface)	1	EA	\$	125.00	\$	125.00
Residential "c" (maximum lot disturbance)	1	EA	\$	125.00	\$	125.00
Residential "c" (disturbance distance (top/toe))	1	EA	\$	125.00	\$	125.00
Residential "c" (structure distance (top/toe))	1	EA	\$	125.00	\$	125.00
4. Residential "d" (height exceeds max permitted by 10% or more)	1	EA	\$	150.00	\$	150.00

B. Subdivisions

2. Minor	1	EA	\$	400.00	\$	400.00
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**B. ESCROW FEES (Ord. 21-108)**

B. Escrow Deposits (twice Application Fee; Minimum \$750)	1	LS	\$	4,350.00	\$	4,350.00
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<b>Application fees subtotal</b>	\$	2,175.00
<b>Escrow fee subtotal</b>	\$	4,350.00
<b>Total</b>	\$	6,525.00



HGPB- R1880

December 9, 2021  
*Via Email*

Michelle Hutchinson, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
R-1.03 Zone  
Minor Subdivision  
First Completeness Review**

Dear Ms. Hutchinson:

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.A – Minor Subdivision Plat.

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

1. Land Use Board Application for Subdivision, dated October 18, 2021.
2. Land Use Board Application for Variance, dated October 18, 2021.
3. Denial of Development Permit, dated March 5, 2019.
4. Preliminary and Final Site Plan prepared by David F. Wisotsky, P.E., of Bohler Engineering, LLC, dated October 22, 2021, consisting of two (2) sheets.
5. Architectural Plan prepared by Daniel M. Condatore, R.A., of Monmouth Ocean Design Experts, dated October 19, 2021, consisting of eight (8) sheets. (unsigned)
6. Outbound and Topographic Plan of Survey prepared by Alan R. Boetterger, P.L.S., of Clearpoint Services LLC, dated November 17, 2020, consisting of one (1) sheet.

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

**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. **Partially provided. Wooded areas shall be shown on the plan.**
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



**Le: Michelle Hutchinson, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
R-1.03 Zone  
Minor Subdivision  
First Completeness Review**

presented from the custodian of tax records to that effect. **Not provided. Owner’s list shall be provided on the plan. It should be noted that the owner indicated on the plans differs from the owners listed on the development application. This discrepancy shall be addressed, and the correct owner indicated on all documents.**

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. **Not provided. Metes and bounds descriptions for the new lots shall be provided.**
8. Existence and location of any utility or other easement. **Provided.**
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: **Not provided. Certification statement shall be provided on the plan.**
  - o 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. Applicant shall provide prior to public hearing.**
16. The Board reserves the right to require a feasible sketch plan layout of remaining land not being subdivided if it is deemed necessary. **Not applicable.**
17. A lot grading plan, to be reviewed by the Borough Engineer, if required. **Provided.**



**Le: Michelle Hutchinson, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Mattina Residence  
149 Portland Road  
Block 12, Lots 4.01 & 4.02  
R-1.03 Zone  
Minor Subdivision  
First Completeness Review**

At this point, adequate information has been provided for us to perform a technical review and fee calculation for the application.

**UPON CONFIRMATION FROM THE BOARD SECRETARY THAT THE BALANCE OF ALL APPLICATION AND ESCROW FEES HAS BEEN DULY POSTED, THE FOLLOWING SHALL OCCUR:**

1. The application shall be deemed **COMPLETE**.
2. The Board Engineer shall commence the technical review.

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

Very truly yours,

T&M ASSOCIATES

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

EWH:KJO:DV

cc: Nancy Tran, Board Office (via email)  
Michael Muscillo, Borough Administrator (via email)  
Ron Cucchiaro, Esq., Land Use Board Attorney (via email)  
Marianne Dunne, Zoning Officer (via email)  
David Wisotsky, P.E., Applicant's Engineer, 30 Independence Blvd., Suite 200, Warren, NJ 07059  
Christopher and Rosemarie Mattina, Applicant, (cmattina65@gmail.com)

**BOROUGH OF HIGHLANDS, N.J.**

INCORPORATED 1900

42 SHORE DRIVE  
07732  
COUNTY OF MONMOUTH  
PHONE: 732-872-1224  
FAX: 732-872-0670

WWW.HIGHLANDBOROUGH.ORG



HISTORIC "TWIN LIGHTS"

RICHARD W. O'NEIL  
MAYOR

KIMBERLY GONZALES  
ADMINISTRATOR

BONNIE BROOKES  
BOROUGH CLERK

**DENIAL OF DEVELOPMENT PERMIT**

March 5, 2019

Henry Friedel  
1 Hill Pond Lane  
Rumson, NJ 07760

RE: DP #2019-15  
149 Portland Road  
Block 12, Lots 4.1 and 4.2

Please be advised that the above referenced application to amend a previously granted subdivision, dated September 23, 1993, has been reviewed for compliance with the Borough of Highlands Zoning Ordinance. The property is located in the R-1.03 zone.

This application will require the following approvals:

**#21-55 Amended minor subdivision**

Please contact the Land Use Board Secretary to proceed. Should you have any questions, feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Dunn', written over the word 'Sincerely'.

Marianne Dunn  
Zoning Officer

RECEIVED  
OCT 25 2021  
LAND USE BOARD



# Zoning Permit Application

42 Shore Drive  
Highlands, N.J. 07732  
732-872-1224 Ext. 202

APPLICATION FOR ZONING PERMIT - Z 2019-15

Note: All applications must be accompanied by a property survey showing the sizes of the structure(s) and their location. Applications involving businesses must show the scope of the business and include all activities that will be a part of the business.

**The Following Fees Shall Apply:**

Residential Applications: New Construction single or two-family - \$50 Fence - \$15.00  
Renovations/Additions/Alterations/Repairs - \$10, Other Residential - \$100/unit Shed - \$25.00  
Non-Residential Applications - New Construction - \$100, Renovations/Additions - \$25

**OWNER/APPLICANT**

Name: Henry J. Friedel- Applicant  
Address: 1 Hill Pond Lane Rumson, NJ 07760  
Telephone: Home: [redacted] Work: [redacted] Preferred Date: 2-20-2019 Fee: \$ 125  
Check Cash

**LOCATION OF THE WORK**

Block: 12 Lot(s): 4.1 and 4.2 Zone R-1.03 Street Address: 149 Portland Road

**DESCRIPTION OF THE WORK TO BE PERFORMED (OR USE PROPOSED)**

See Attached Description

CHECK ONE: New \_\_\_\_\_ Addition: X Alteration \_\_\_\_\_ Repair \_\_\_\_\_ Other \_\_\_\_\_

To the applicants knowledge, has this property ever been the subject of any prior application to the NO

Planning Board of the Borough of Highlands? \_\_\_\_\_ Yes \_\_\_\_\_ No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**FLOOD HAZARD AREA DETERMINATION**

Check Applicable Flood Zone:: AE: \_\_\_\_\_ VE: \_\_\_\_\_ X: X

All applications within the AE and VE Flood Zoned, as indicated upon the most recent FEMA Flood Maps, require submission to an applicability determination from the NJDEP.

**FOR BOROUGH USE ONLY**

Determination: APPROVED \_\_\_\_\_ DENIED

If your application has been DENIED, it is due to the following:

Ordinance Section Allowed/Required Proposed

#21-SS Amended minor subdivision

Remarks:

Zoning Officer

Date

2/20/2019

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NOTE: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands; A building permit is required (per the requirements of the Uniform Construction Code of N.J.) BEFORE beginning work. The zoning permit is valid for one year, and may be extended for three years by action of the Planning Board.

If your application has been denied, you may appeal this denial to the Planning Board as provided by the New Jersey Municipal Land Use Law. You must submit letter of appeal to Planning Board secretary within 20 days.

If your application has been denied, you may seek relief from the Highlands Planning Board.

Note: If the following box is checked, you must submit a Flood Review Application to the Borough Flood Administrator prior to submitting to the Planning Board.

Local Flood Review Required

Henry Friedel  
1 Hill Pond Lane  
Rumson, NJ 07760

Zoning Department  
1 Kings Highway  
John Gill Annex

Middletown, NJ 07748  
Attn: Ms. Marianne Dunn

**RE: Borough of Highlands, Zoning Application**  
**149 Portland Road Lots-4.1 and 4.2 Block 12**

Dear Ms. Dunn,

The following is the description of the work proposed at 149 Portland Road lots 4.1 and 4.2 in Highlands NJ:

**Background:** My associate and I have entered into contract to purchase the properties noted above from Ms. Joan Schneider of 151-153 Portland Road in Highlands. I have met with the zoning board in Highlands on several occasions regarding this property and the subdivision of same. All documentation held by the borough of Highlands for this property had been lost in storm Sandy and it has taken a couple months to assemble the background information for the initial subdivision which was perfected and recorded in 1995. Subsequent to providing the town with the subdivision plans and recorded documents, it was noted that after the subdivision was granted a borough ordinance was changed which precluded the disturbance of any land on which the grade exceeded 35%. Upon the publishing of this ordinance, it rendered lots 4.01 and 4.02 inaccessible as any curb cut for entry to the properties would disturb land in which the grade is in excess of 35%. On your first day as the zoning official for Highlands, I met with you and the outgoing zoning officer from T&M and stated that I had consulted a land use attorney and that I was informed that because the borough rendered the properties inaccessible by the ordinance that they would have to purchase them from the owner at the fair market value. The T&M representative stated that the borough would not go so far as to buy the property and he was sure that they would approve the curb cut as it was not in an area of danger or "slump" area.

**Proposed work:** My intention for the property is to build a new home of approximately 3000+- sf for myself on lot 4.2 which would include a curb cut and single width driveway as per my proposed plan and similar to the "approved" subdivision plan from 1995. As the house on lot 4.2 has no off- street parking due to an expired easement, I would like to create a spur off of the single driveway to provide access to

**RECEIVED**

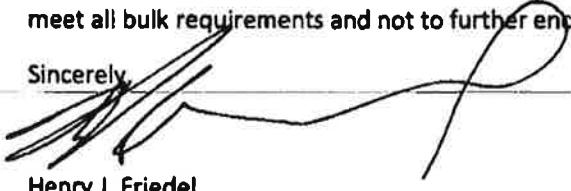
OCT 25 2021

LAND USE BOARD

a new two garage with potential living space above and tie the structure into the existing historic structure on the site.

**Request:** I am requesting that this proposed scope of work be reviewed and heard by the zoning board for feasibility based on the initial approved subdivision plans and the proposed modifications that I have included in my proposed package. As you are aware, the cost to fully develop site engineering and full architectural plans would be a significant investment if the borough deems this project to be not feasible. The site will be used for my personal residence. My intention for the new construction is to meet all bulk requirements and not to further encroach upon already non-conforming requirements.

Sincerely,

A handwritten signature in black ink, appearing to read 'Henry J. Friedel', written over a horizontal line.

Henry J. Friedel

RECEIVED  
OCT 25 2021  
LAND USE BOARD