



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

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 11/22/2024 Application #: _____ Fee: 375.00 Escrow: 750.00
ck # 117 *ck # 118*

1. APPLICANT

Name: David Caulfield
Address: 137 Highland Avenue
City: Highlands State: NJ Zip: 07732
Phone: 732-741-2525
Email: janderson@fsfm-law.com
Relation to property: Owner

2. OWNER

Name: David Caulfield
Address: 137 Highland Avenue
City: Highlands State: NJ Zip: 07732
Phone: 732-741-2525
Email: janderson@fsfm-law.com

3. TYPE OF APPLICATION (Check all that apply)

- | | |
|--|---|
| <input 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 26 Lot(s) 14 Address: 137 Highland Avenue, Highlands, New Jersey 07732
Lot size 2,680 # of Existing Lots 1 # of Proposed Lots 1
Zone R 101 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 1st Quarter Sewer paid through 1st Quarter

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

Name: John B. Anderson, III, Esq.
Address: 225 Broad Street, PO Box 896, Red Bank, New Jersey 07701
Phone: 732-741-2525 Email: janderson@fsfm-law.com



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

Name: Lou Moglino
 Address: 523 Jessica Lane
Brick, New Jersey 08724
 Phone: 732-858-1269
 Email: lou@moglinoarchitect.com

Name: _____
 Address: _____

 Phone: _____
 Email: _____

7. LAND USE

A. PROPERTY HISTORY –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

This is an existing single-family home with attached rear deck. Tax Records date build to c. 1918.

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.

Continued use as a permitted single-family home with a 10'x15' rear addition.

C. ADDITIONAL INFORMATION:

| | | Existing | Proposed |
|---------------------|-----------------------------------|------------|------------|
| Residential: | How many dwelling units? | <u>1</u> | <u>1</u> |
| | How many bedrooms in each unit? | <u>1</u> | <u>1</u> |
| | How many on-site parking spaces? | <u>0</u> | <u>0</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> |



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

| | Req'd | Exist. | Prop'd |
|------------------------------------|-------|--------|--------|
| Minimum Lot Requirements | | | |
| Lot Area | 5000 | 2680 | 2680 |
| Frontage | 50 | 40 | 40 |
| Lot Depth | 100 | 70 | 70 |
| Minimum Yard Requirements | | | |
| Front Yard Setback | 35 | 17.6 | 17.6 |
| 2 nd Front Yard Setback | n/a | n/a | n/a |
| Rear Yard Setback | 25 | 3.6 | 3.6 |
| Side Yard Setback, right | 8 | 6.7 | 6.7 |
| Side Yard Setback, left | 8 | 5.3 | 5 |
| Building Height | 35 | 19.1 | 19.1 |

| | Req'd | Exist. | Prop'd |
|-----------------------------|-------|--------|--------|
| Accessory Structures | | | |
| Fence/Wall Height | n/a | n/a | n/a |
| Garage/Shed Height | n/a | n/a | n/a |
| Garage/Shed Area | n/a | n/a | n/a |
| Pool Setback | n/a | n/a | n/a |
| Parking Requirements | | | |
| On-site Parking Spaces | 1.5 | 0 | 0 |
| Other (please add) | | | |
| | | | |
| | | | |
| | | | |

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



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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.

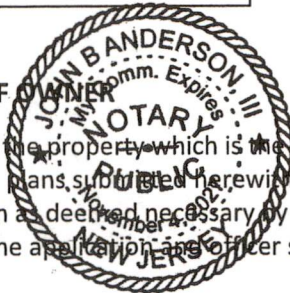
SWORN & SUBSCRIBED to before me this
22nd day of January 2024 (year)
John B. Anderson III (notary)
John B. Anderson III (Seal)

David Caulfield
 Signature 1/22/2024
 Date

David Caulfield
 Print Full Name

11. NOTARIZED CONSENT OF OWNER

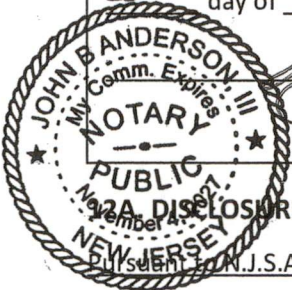
I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).



SWORN & SUBSCRIBED to before me this
22nd day of January 2024 (year)
John B. Anderson III (notary)
John B. Anderson III (Seal)

David Caulfield
 Signature 1/22/2024
 Date

David Caulfield
 Print Full Name



12A. DISCLOSURE STATEMENT Circle all that apply.

Under 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 |
|------|---------|
| N/A | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

*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)

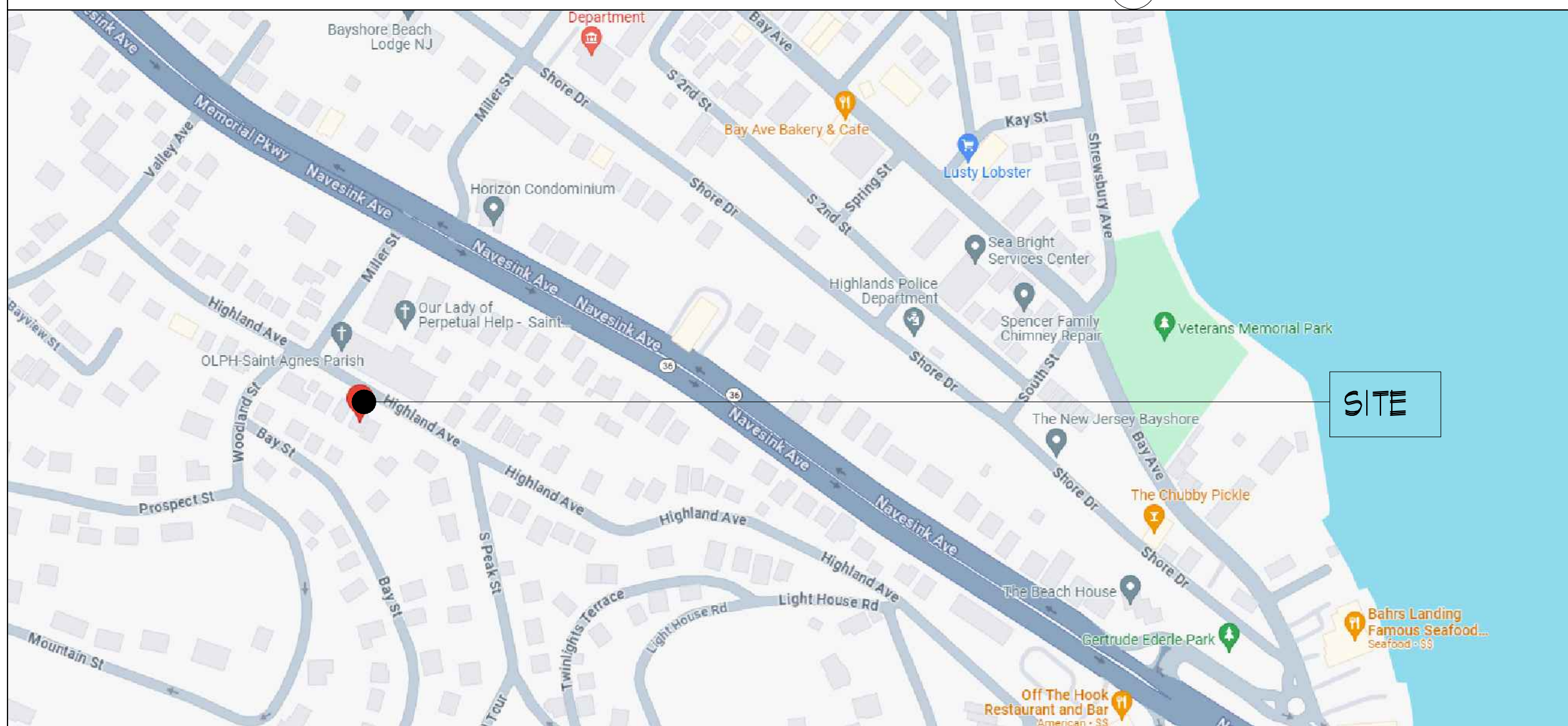
 Signature (Officer/Partner) Date

N/A

 Print Full Name Title

MAP

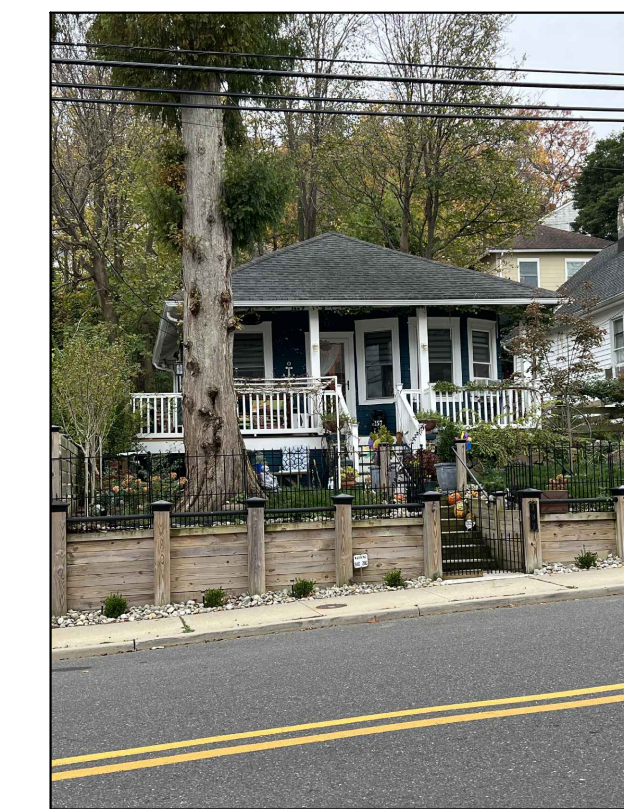
ZONE: R1.01



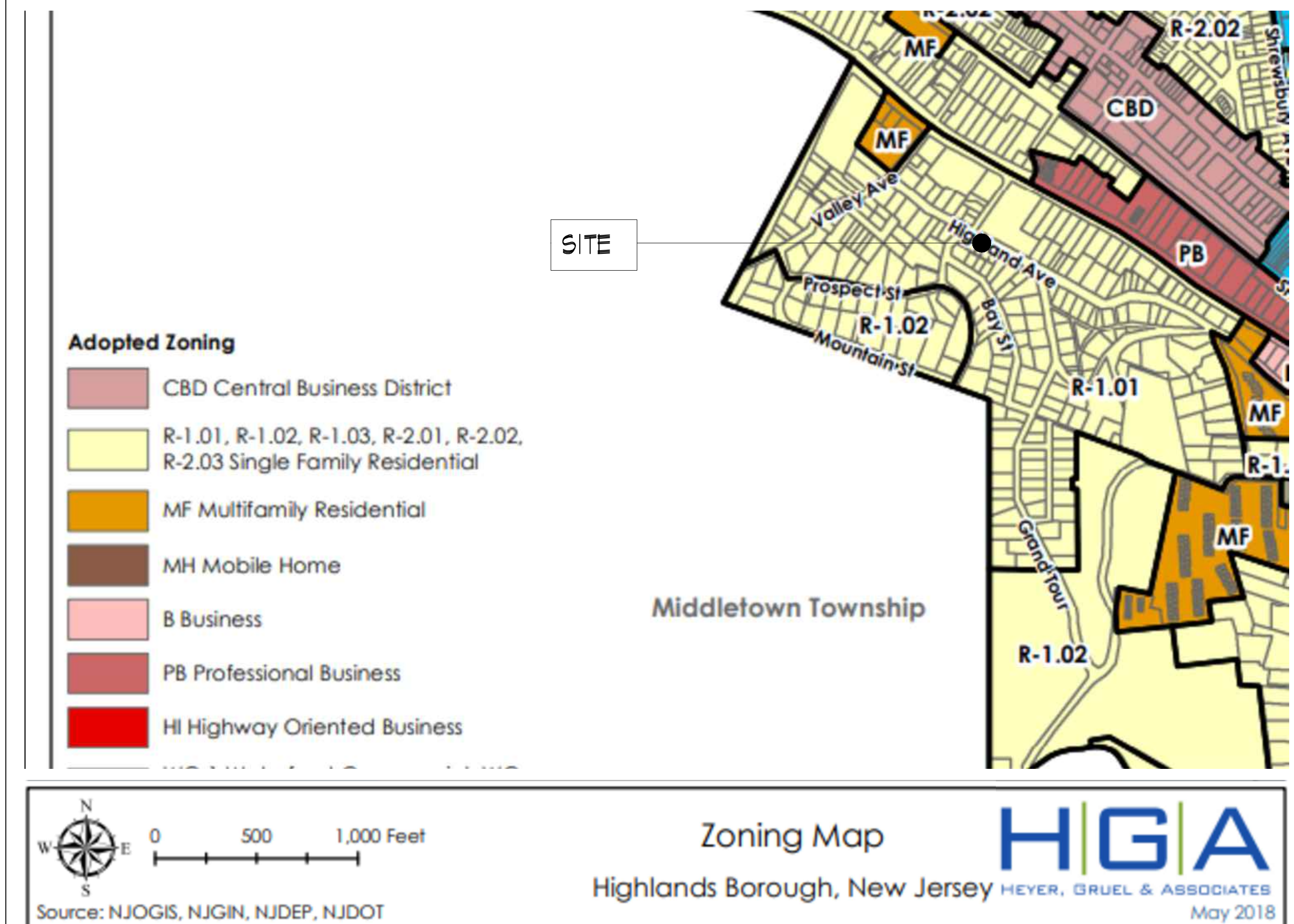
PROPOSED 1-STORY REAR ADDITION FOR:

MR. DAVID CAULFIELD

137 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732
BLOCK : 26 LOT : 14
ZONE: R1.01

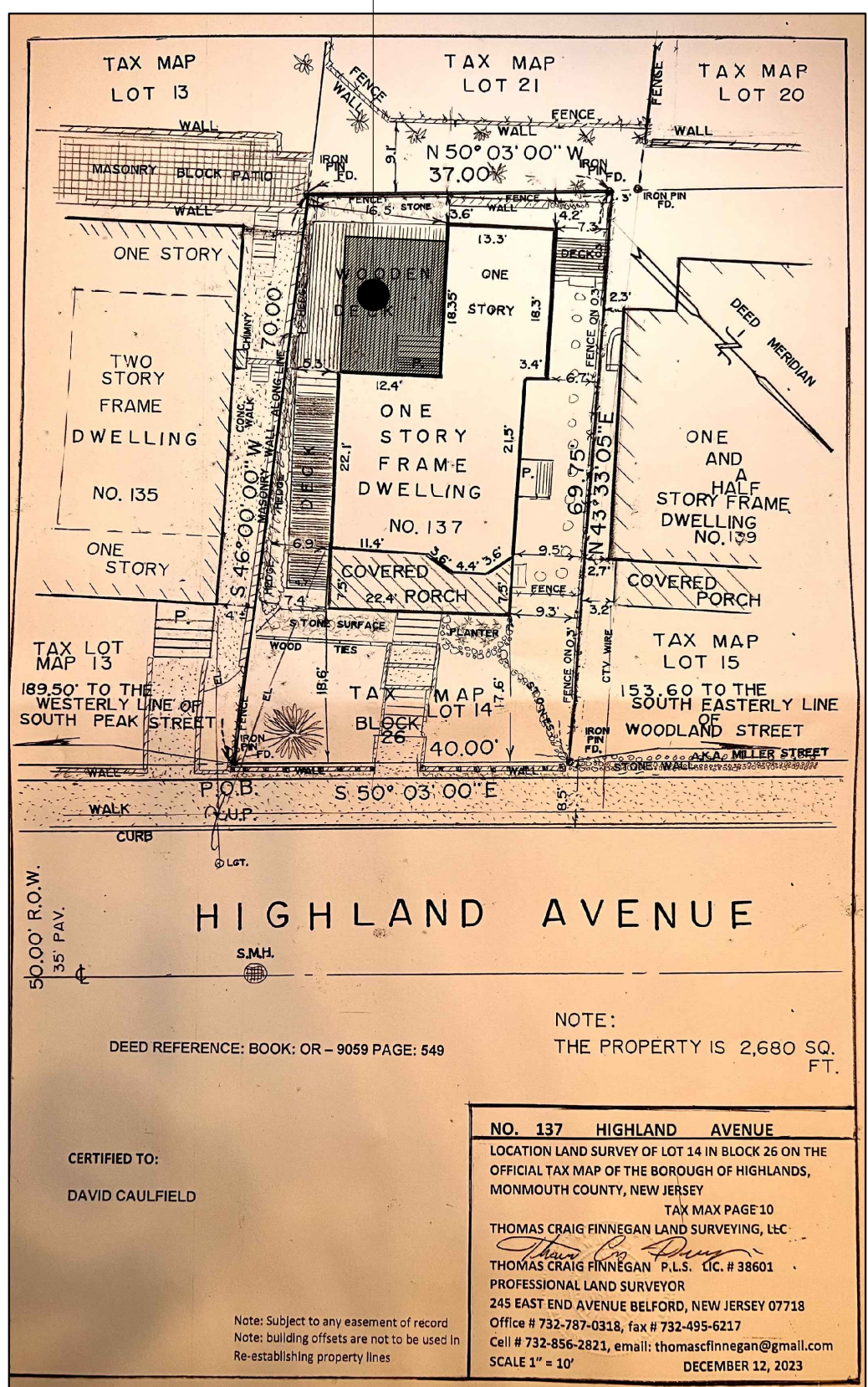


PARTIAL HIGHLANDS BOROUGH ZONING MAP

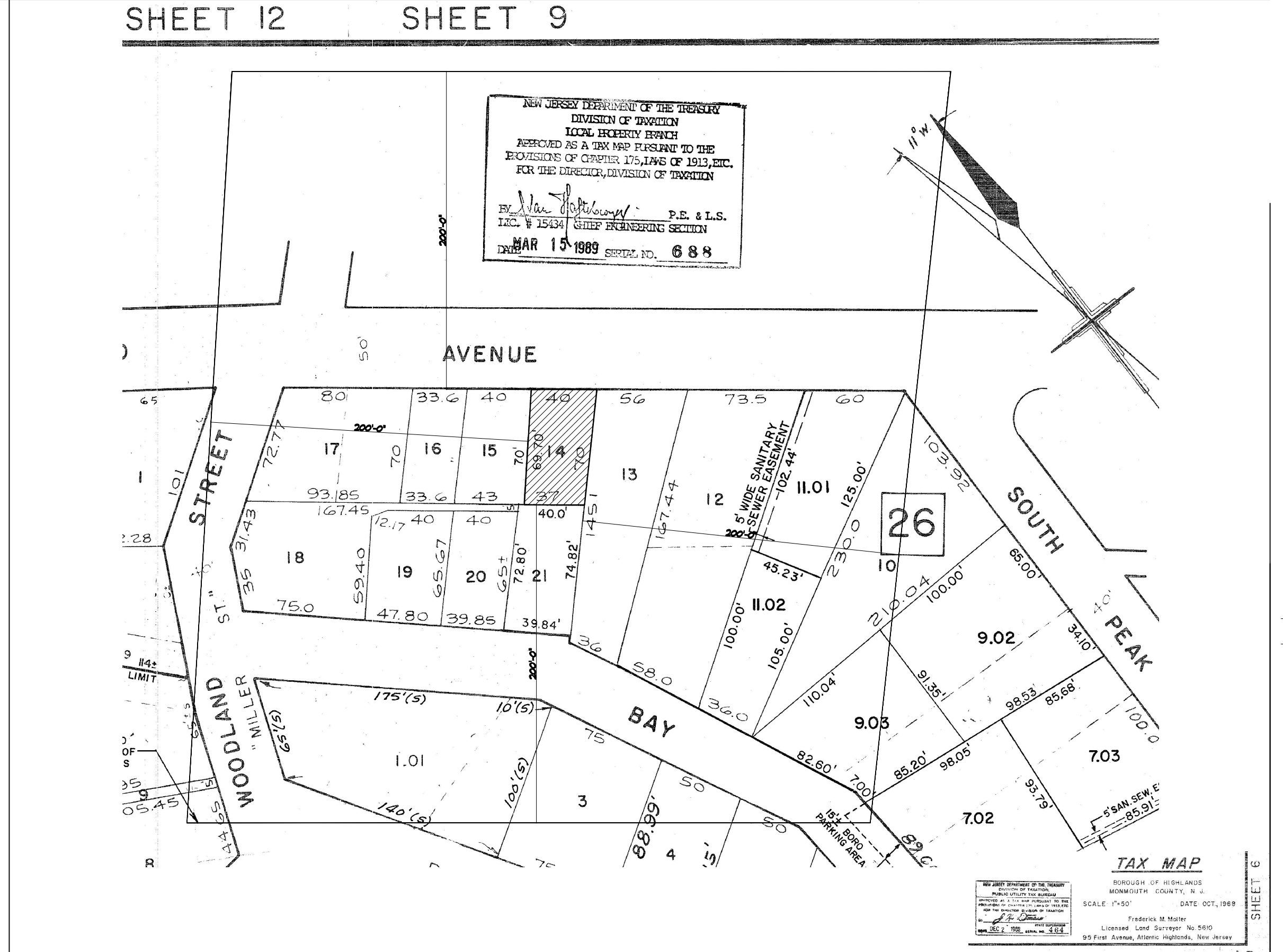


SURVEY

PROPOSED ADDITION



200' RADIUS MAP (TAX MAP# 10)



CODE ANALYSIS:

- BUILDING CODE:**
- INTERNATIONAL BUILDING CODE, NJ EDITION 2021
 - INTERNATIONAL RESIDENTIAL CODE, NJ EDITION 2021
 - STATE OF NEW JERSEY UNIFORM CONSTRUCTION CODE
 - INTERNATIONAL MECHANICAL CODE, 2021
 - ASHRAE 90.1 ENERGY CODE, 2021
 - THE NATIONAL STANDARD PLUMBING CODE, 2021
 - ANSI CABO A117.1, 2003
 - N.F.P.A. 13 FIRE CODE, 2015
 - NATIONAL ELECTRICAL CODE, 20120
 - INTERNATIONAL FUEL GAS, 2021
 - ENERGY SUBCODE 2019
 - REHABILITATION SUBCODE, NJAC 5:23-6 NJICC SUBCHPTR 6

TABULATED DATA:

CONSTRUCTION TYPE: 5B 2021 IRC
USE GROUP: R5 2021 IRC

| FIRST FLOOR | EXISTING | PROPOSED | TOTAL |
|-------------|----------|-------------|---------------|
| | 855 | 201.3 SQ FT | 1,056.3 SQ FT |

PROPOSED VOLUME: 1,760 CU FT

DRAWING LIST:

- A-1 COVER SHEET, SURVEY & PROJECT INFORMATION
- A-2 EXISTING CONDITIONS
- A-3 PROPOSED PLAN AND ELEVATIONS

ZONING INFORMATION: R1.01

| | REQUIRED | EXISTING | PROPOSED REAR ADDITION | VARIANCE REQ'D |
|---------------------------|------------|--------------|------------------------|----------------|
| LOT SIZE | 5,000 SF | 2,680 SF * | NO CHANGE * | NO |
| FRONTAGE & WIDTH | 50.0' | 40.0' * | NO CHANGE * | NO |
| DEPTH | 100.0' | 70.0' * | NO CHANGE * | NO |
| YARD FRONT (MIN.) | 35.0' | 17.6' * | NO CHANGE * | NO |
| SIDE (MIN.) | 8' / 12' | 5.3' / 12' * | 5.0' / 12.7' | YES |
| REAR (MIN.) | 25' | 3.6' * | 5.0' | YES |
| BLDG HEIGHT / MAX STORIES | 35.0' | 19.1' | 12.33' | NO |
| BLDG COVERAGE (MAX) | 30 % | 31.9 % * | 38.5 % | YES |
| LOT COVERAGE | 70 % | 51.9 % | NO CHANGE | NO |
| ON-SITE PARKING | 1.5 SPACES | 0 SPACES * | NO CHANGE * | NO |

* INDICATES PRE-EXISTING CONDITION

MOGLINO ARCHITECT
www.moglinoarchitect.com T - (732) 858-1269
6745 FARRAGUT LANE, BOYNTON BEACH, FL 33437
523 JESSICA LANE, BRICK, NEW JERSEY 08724

[Signature]

Seal:
Lou Moglino, Architect
New Jersey License # AI 13345
Florida License # AR 92069

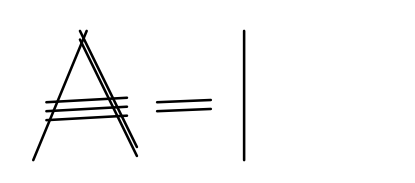
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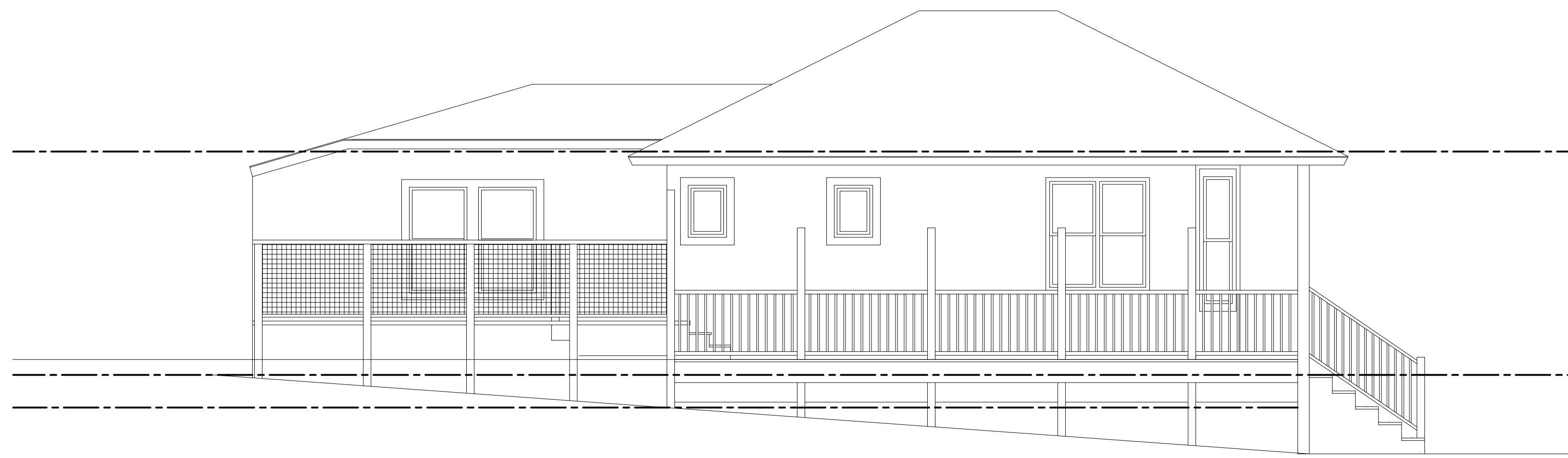
PROPOSED REAR SINGLE-FLOOR ADDITION FOR:
MR DAVID CAULFIELD
137 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732
BLOCK: 26 LOT: 14 ZONE: R1.01
COUNTY OF MONMOUTH

COVER SHEET,
ZONING INFORMATION, MAP
AND SURVEY

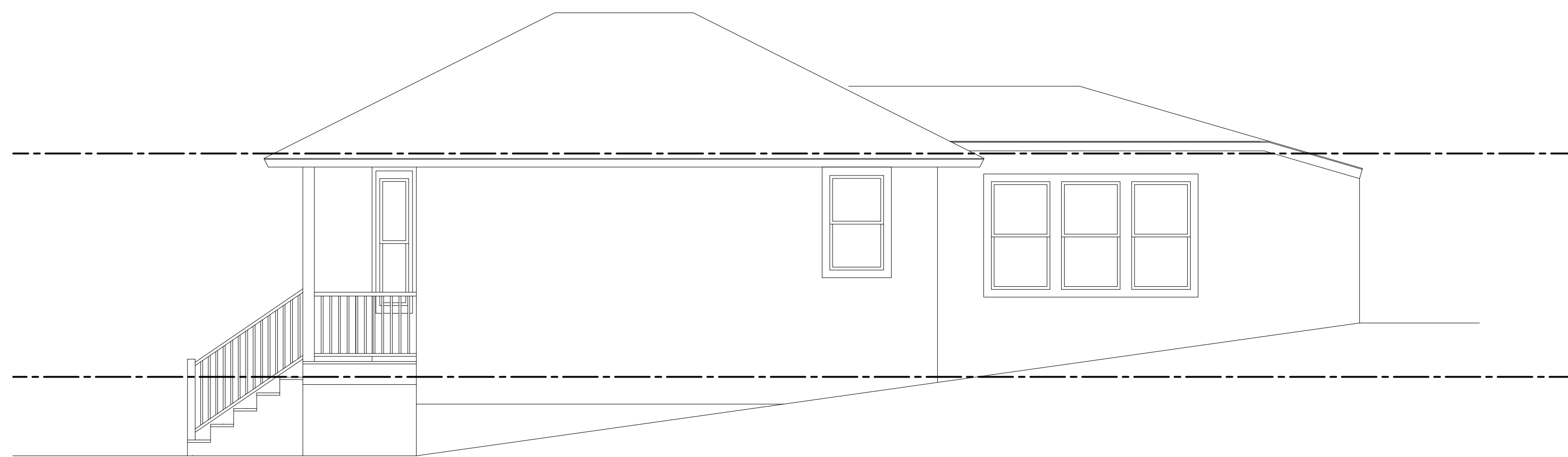
Revisions:
No: Date:
01/12/24
ISSUED FINAL DUGGS FOR ZONING AFFRL

Drawn by: L. M.
Checked by: L. M.
Project No.: M23-24
Date: JAN 12, 2024
Sheet No.:





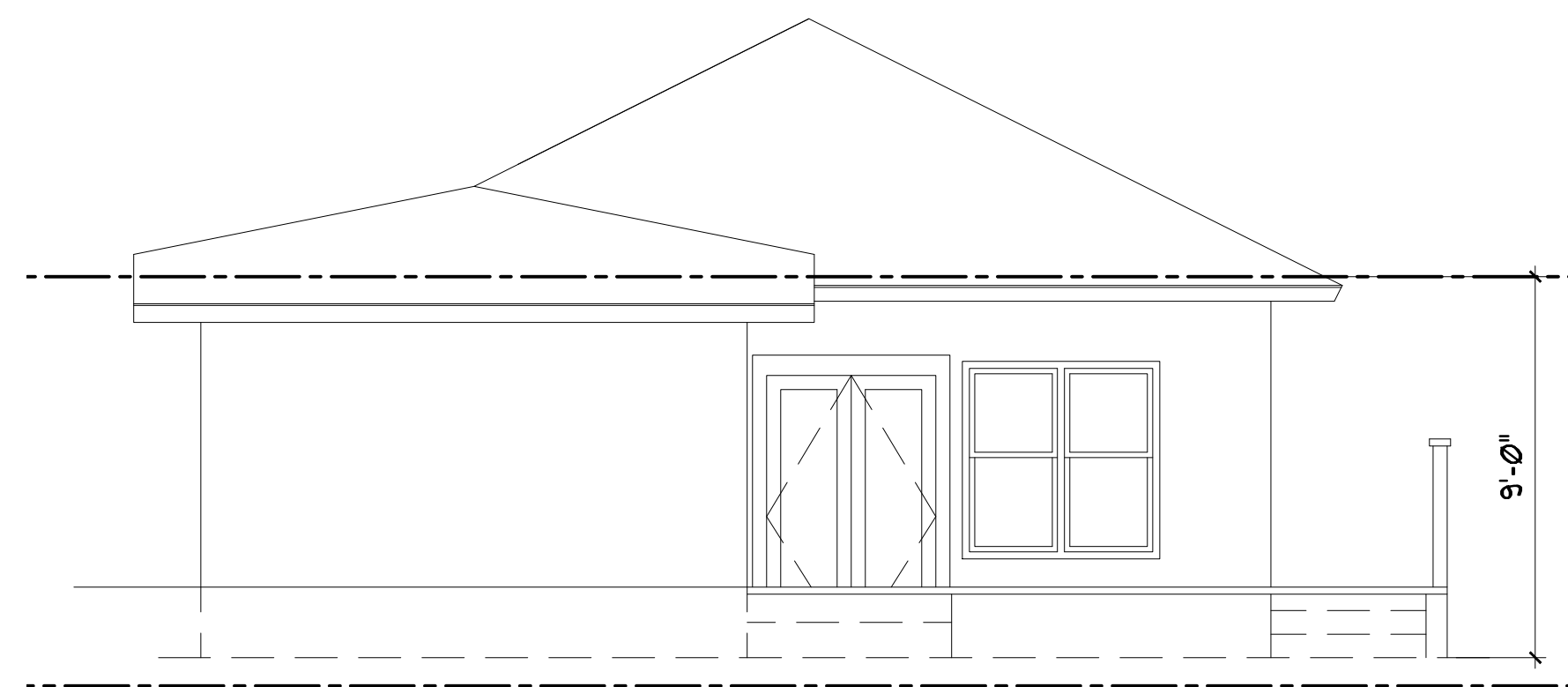
5 EXISTING LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"



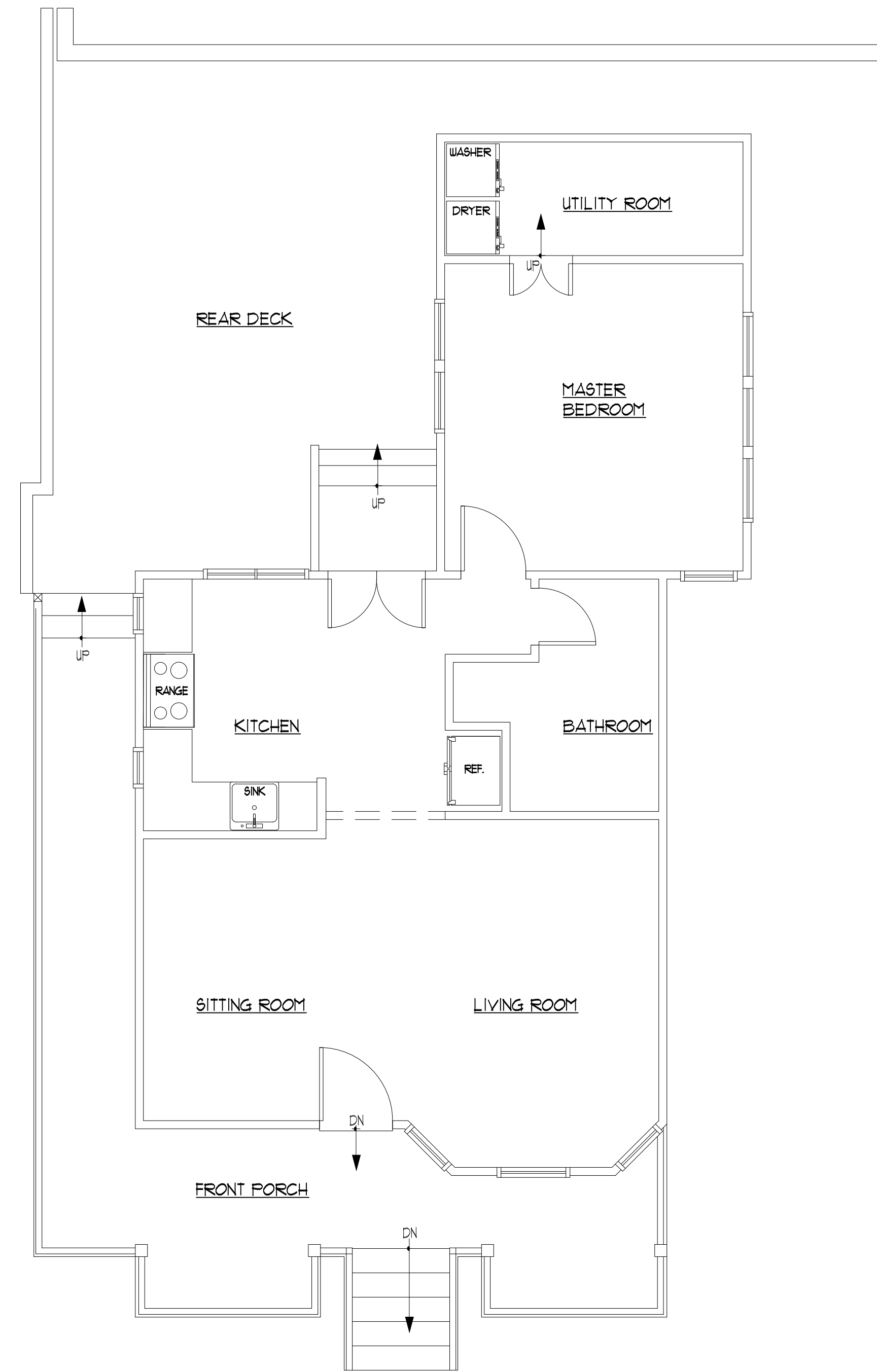
4 EXISTING RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



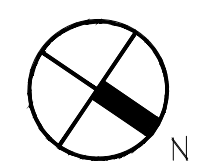
3 EXISTING FRONT ELEVATION
SCALE: 1/4"=1'-0"



2 EXISTING REAR ELEVATION
SCALE: 1/4"=1'-0"



1 EXISTING FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"



Seal:
Lou Moglino, Architect
New Jersey License # AI 13345
Florida License # AR 92069

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PROPOSED REAR SINGLE-FLOOR ADDITION FOR:
MR DAVID CAULFIELD
137 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732
BLOCK: 26 LOT: 14 ZONE: R10
COUNTY OF MONMOUTH

Drawing Title

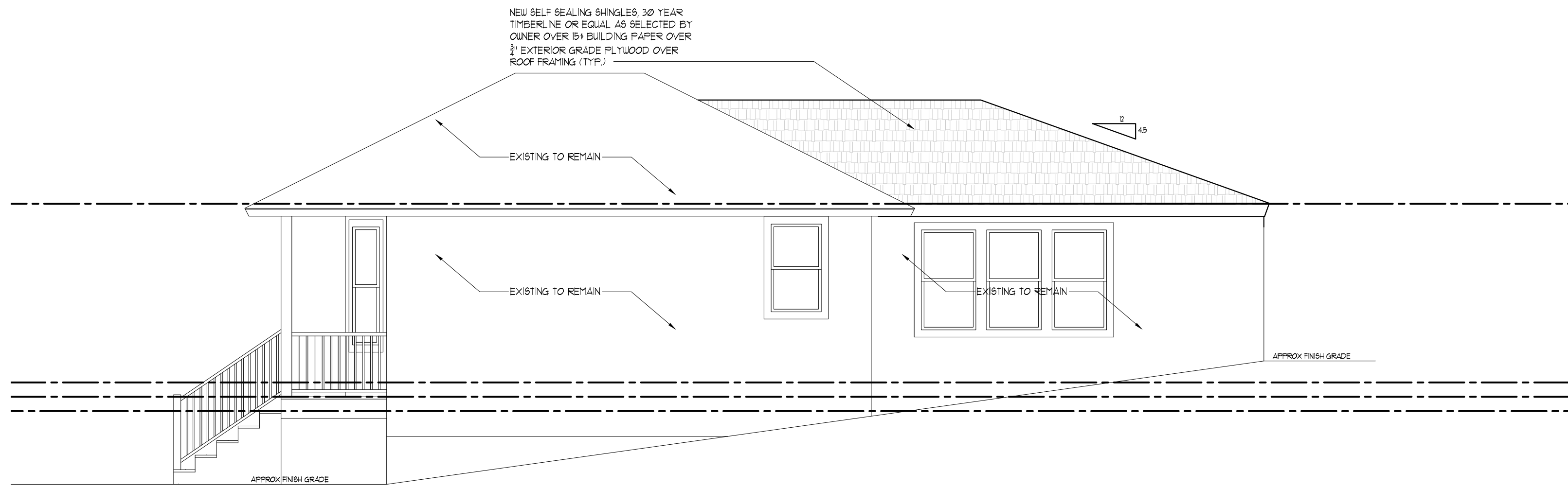
EXISTING CONDITIONS

Revisions:

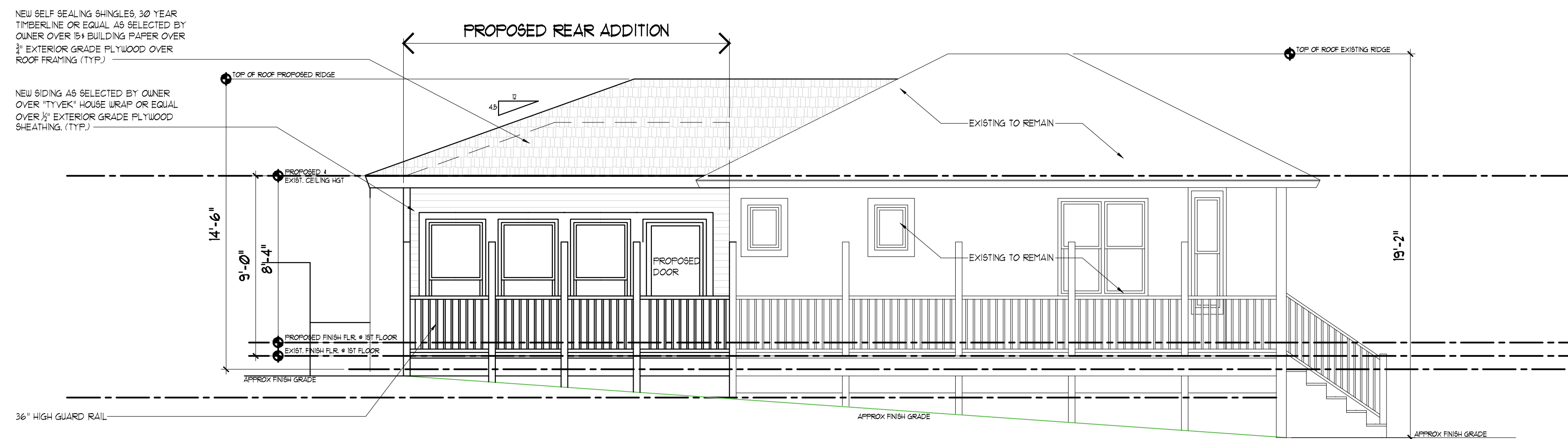
No: Date:

01/12/24
ISSUED FINAL DUGG
FOR ZONING APPEAL

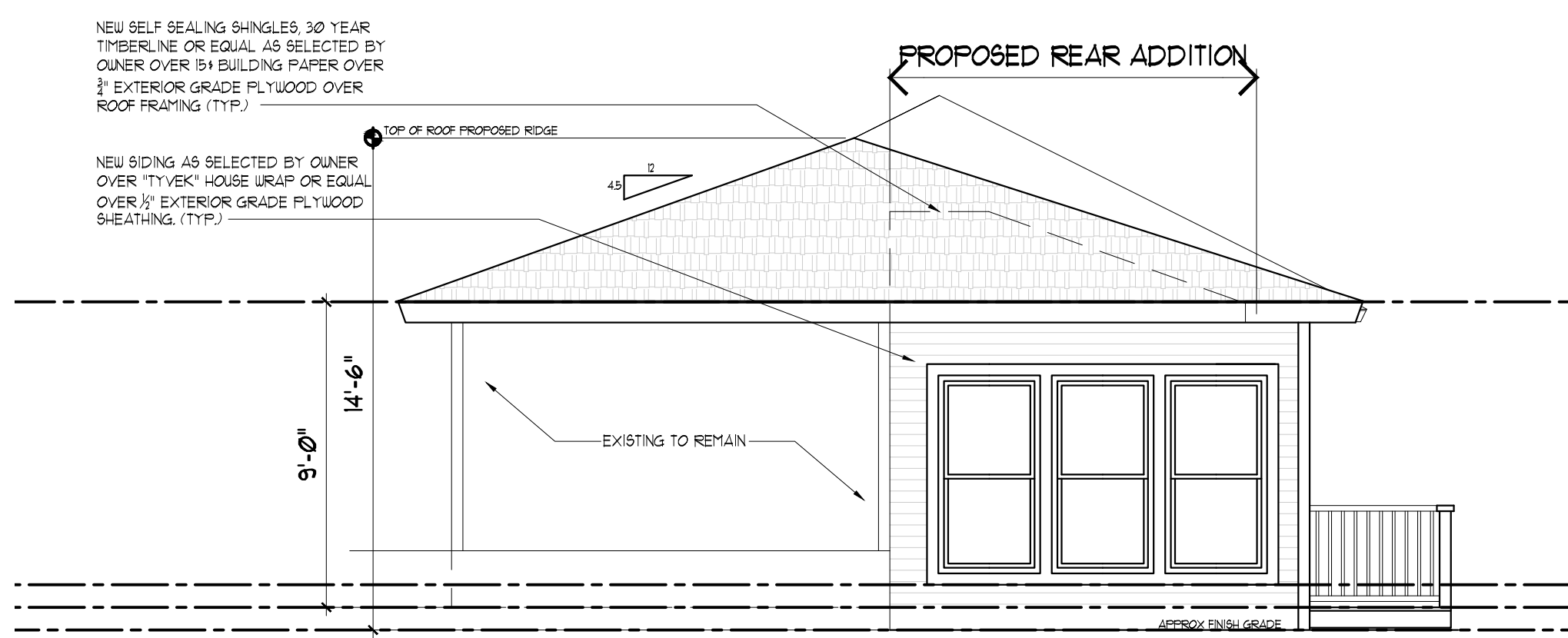
Drawn by: L. M.
Checked by: L. M.
Project No.: M23-24
Date: JAN 12, 2024
Sheet No.:



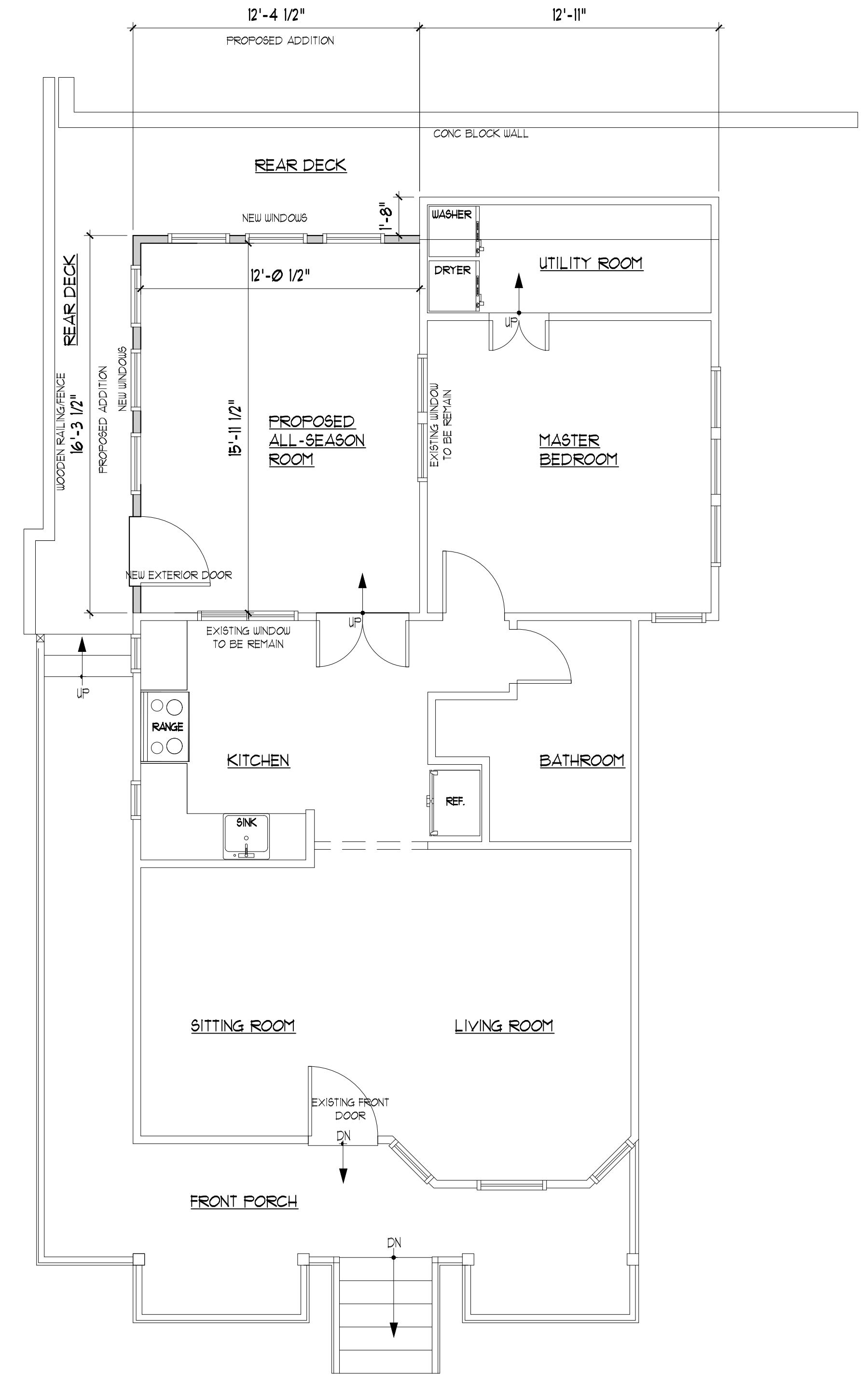
4 PROPOSED RIGHT SIDE ELEVATION
SCALE: 1/4"=1'-0"



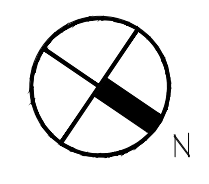
3 PROPOSED LEFT SIDE ELEVATION
SCALE: 1/4"=1'-0"



2 PROPOSED REAR ELEVATION
SCALE: 1/4"=1'-0"



1 PROPOSED FIRST FLOOR PLAN
SCALE: 1/4"=1'-0"



Lou Moglino

Seal:
Lou Moglino, Architect
New Jersey License # AI 13345
Florida License # AR 92069

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MR. DAVID CAULFIELD
137 HIGHLAND AVENUE
HIGHLANDS, NEW JERSEY 07732
BLOCK: 26 LOT: 14 ZONE: R10
COUNTY OF MONMOUTH

Drawing Title
PROPOSED FLOOR PLAN AND ELEVATIONS

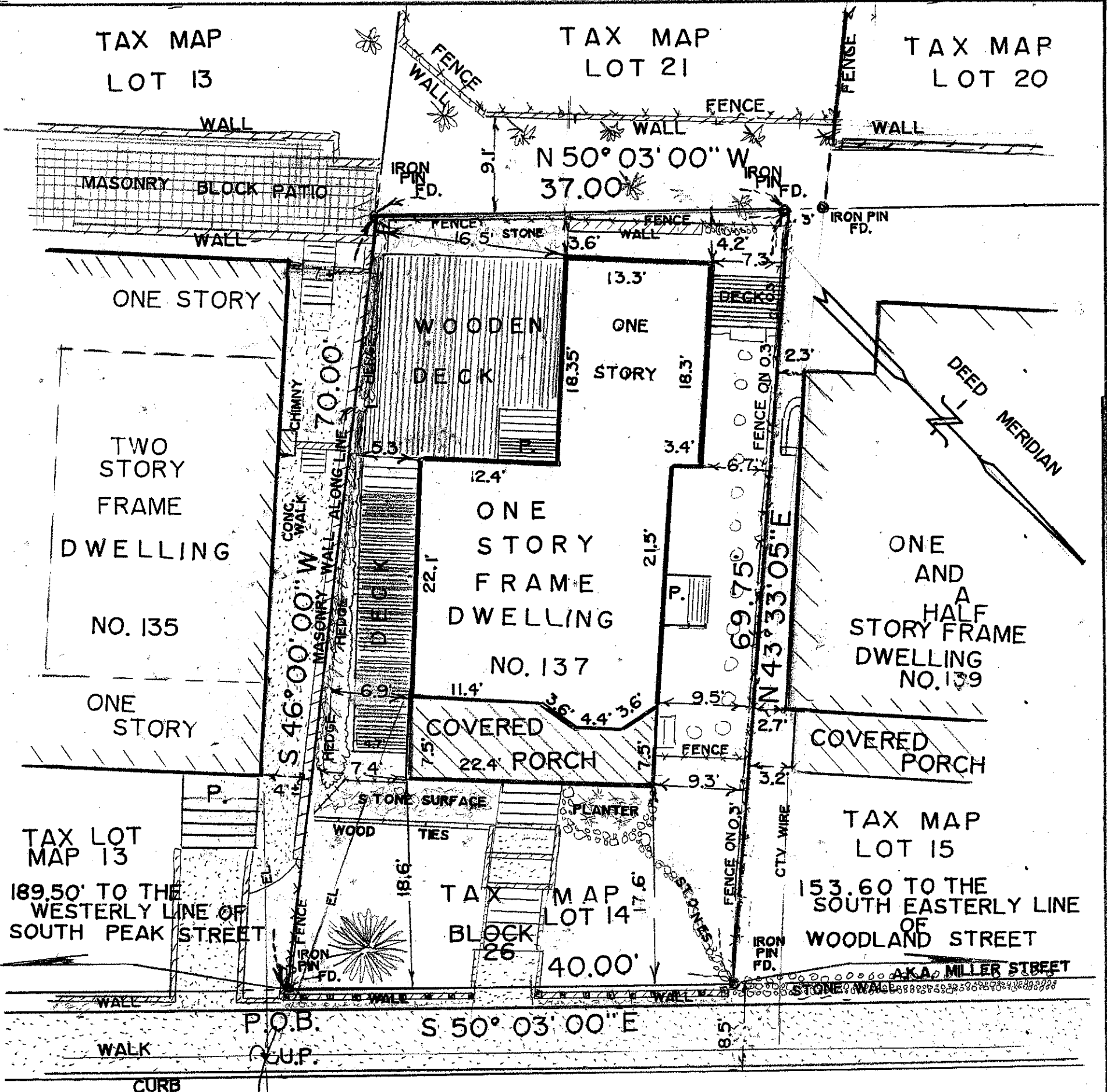
Revisions:
No: Date:
01/12/24
ISSUED FINAL DWGS
FOR ZONING APPEAL

Drawn by: L. M.
Checked by: L. M.
Project No.: M23-24
Date: JAN 12, 2024
Sheet No.:

TAX MAP
LOT 13

TAX MAP
LOT 21

TAX MAP
LOT 20



50.00' R.O.W.
35' PAV.

HIGHLAND AVENUE

S.M.H.

DEED REFERENCE: BOOK: OR - 9059 PAGE: 549

NOTE:
THE PROPERTY IS 2,680 SQ. FT.

CERTIFIED TO:
DAVID CAULFIELD

NO. 137 HIGHLAND AVENUE

LOCATION LAND SURVEY OF LOT 14 IN BLOCK 26 ON THE
OFFICIAL TAX MAP OF THE BOROUGH OF HIGHLANDS,
MONMOUTH COUNTY, NEW JERSEY

TAX MAP PAGE 10

THOMAS CRAIG FINNEGAN LAND SURVEYING, LLC

Thomas Craig Finnegan
THOMAS CRAIG FINNEGAN P.L.S. LIC. # 38601
PROFESSIONAL LAND SURVEYOR

245 EAST END AVENUE BELFORD, NEW JERSEY 07718

Office # 732-787-0318, fax # 732-495-6217

Cell # 732-856-2821, email: thomascfinnegan@gmail.com

SCALE 1" = 10'

DECEMBER 12, 2023

Note: Subject to any easement of record
Note: building offsets are not to be used in
Re-establishing property lines



Borough of Highlands

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

Control #: Z-0001
Date Issued: 1/19/2024

DENIAL OF ZONING PERMIT

IDENTIFICATION

| | | | | | | | |
|----------------------------|----------------------------|-------------------------------|-----------|-------------|-----------|--------------|-------------|
| Work Site Location: | <u>137 HIGHLAND AVENUE</u> | Block: | <u>26</u> | Lot: | <u>14</u> | Zone: | <u>R101</u> |
| Owner in Fee: | <u>CAULFIELD, DAVID</u> | Contractor/Agent: | _____ | | | | |
| Address: | <u>137 HIGHLAND AVENUE</u> | Address: | _____ | | | | |
| | <u>HIGHLANDS NJ 07732</u> | Telephone: | _____ | | | | |
| Telephone: | _____ | Contractor License No: | _____ | | | | |

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

201.3 sqft Single-story rear addition in footprint of existing attached deck.

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

The following bulk variance relief needed to construct the proposed single-story rear addition, consisting of 201.3 sqft

- Side yard minimum of 8'/12', whereas 5'/12.7' is proposed
- Rear yard minimum of 25', whereas 5' is proposed
- Max building coverage 30%, whereas 38.5% is proposed

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:

Courtney Lopez

Zoning Officer



Monmouth County Document Summary Sheet

MAR 18 2014

| | | | |
|--|---|---------|---------|
| MONMOUTH COUNTY CLERK PO BOX 1251 MARKET YARD FREEHOLD NJ 07728 | Transaction Identification Number | 2175028 | 1398822 |
| | Return Address (for recorded documents) KEITH ARCOMANO 121 MONMOUTH PARKWAY WEST LONG BRANCH NJ 07764 | | |

Official Use Only

M CLAIR FRENCH, CTY CLK
MONMOUTH COUNTY, NJ

INSTRUMENT NUMBER
2014020773
RECORDED ON
Mar 18, 2014
2:30:45 PM
BOOK:OR-9059
PAGE:549
Total Pages: 6

REALTY TRANSFER FEES \$540.00
COUNTY RECORDING FEES \$70.00
TOTAL PAID \$610.00

| | | |
|---|--|------------|
| Submission Date (mm/dd/yyyy) | | 03/17/2014 |
| No. of Pages (excluding Summary Sheet) | | 4 |
| Recording Fee (excluding transfer tax) | | \$70.00 |
| Realty Transfer Tax | | \$540.00 |
| Total Amount | | \$610.00 |
| Document Type | DEED/NO EXEMPTION FROM REALTY TRANSFER FEE | |
| Electronic Recordation Level SS - Summary Sheet | | |
| Municipal Codes HIGHLANDS 1901 | | |
| Bar Code(s) | | |



Additional Information (Official Use Only)

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Monmouth County Document Summary Sheet

| | | | | | | |
|---|-----------------------|--|-----------------------|-----------------------|---------------------------|--|
| DEED/NO EXEMPTION FROM REALTY TRANSFER FEE | Type | DEED/NO EXEMPTION FROM REALTY TRANSFER FEE | | | | |
| | Consideration | \$135,000.00 | | | | |
| | Submitted By | KEITH ARCOMANO | | | | |
| | Document Date | 03/06/2014 | | | | |
| | Reference Info | | | | | |
| | Book ID | Book | Beginning Page | Instrument No. | Recorded/File Date | |
| | | | | | | |
| | GRANTOR | Name | | | Address | |
| | | MARK KUBICKI | | | | |
| | GRANTEE | Name | | | Address | |
| | DAVID CAULFIELD | | | | | |
| Parcel Info | | | | | | |
| Property Type | Tax Dist. | Block | Lot | Qualifier | Municipality | |
| | 19 | 26 | 14 | | 1901 | |

Not Certified Copy

* DO NOT REMOVE THIS PAGE.
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KEITH N. ARCOMANO
ATTORNEY AT LAW
121 HIGHWAY 36
P. O. BOX 222
WEST LONG BRANCH, NJ 07764-0222

Prepared by: Law Offices of William C. Iler


By: _____

DEED

This Deed is made on March 6, 2014

BETWEEN MARK KUBICKI, unmarried,

whose post office address is 137 Highland Avenue, Highlands, New Jersey 07732
respectively referred to as the Grantor,

AND DAVID CAULFIELD

whose post office address is about to become 137 Highland Avenue, Highlands, New
Jersey 07732 referred to as the Grantee.

the words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

Transfer of Ownership. The Grantor grants and conveys (transfers ownership of) the
property described below to the Grantee. This transfer is made for the sum of ONE HUNDRED
THIRTY-FIVE THOUSAND AND 00/100 DOLLARS (\$135,000.00). The Grantor
acknowledges receipt of this money.

Tax Map Reference. (N.J.S.A. 46:15-2.1) Borough of Highlands, Block 26, Lot 14 of
the official Tax Map of the Borough of Highlands, County of Monmouth, State of New Jersey.

No property tax identification number is available on the date of this deed. (Check box if
applicable)

Property. The property consists of the land and all the buildings and structures on the
land located at 137 Highland Avenue, Highlands, New Jersey. The legal description is:

See legal description attached hereto.

BEING the same premises as conveyed to Mark Kubicki, by virtue of a Deed from Vincent
Migliore and Susan Migliore, husband and wife, dated April 5, 1991, and recorded April 15,
1991 in Deed Book 5061, at Page 239.

TITLE INSURANCE COMMITMENT

Issued by Scott Title Services, LLC

File Number: ST-14959-14

SCHEDULE A - LEGAL DESCRIPTION

ALL that certain lot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Borough of Highlands, in the County of Monmouth, State of New Jersey:

BEGINNING at a point on the Southwesterly aide of Highland Avenue, said point being North 45 degrees 03 minutes West, a distance of 189.50 feet from the intersection formed by the Southwesterly side of Highland Avenue (as extended) and the Westerly side of South Peak Street (as extended); thence

1. South 51 degrees 00 minutes West, a distance of 70.00 feet to a point; thence
2. North 45 degrees 03 minutes West, a distance of 37.00 feet to a point; thence
3. North 48 degrees 33 minutes East, a distance of 69.75 feet to a point on the Southwesterly side of Highland Avenue; thence
4. South 45 degrees 03 minutes East, along the Southwesterly side of Highland Avenue, a distance of 40.00 feet to the point or place of BEGINNING.

FOR INFORMATION ONLY:

Commonly known as: 137 Highland Avenue
Highlands, NJ 07732
Tax Block 26, Tax Lot 14

End Schedule A - Legal Description



NONRESIDENT SELLER'S TAX DECLARATION

(C.55, P.L. 2004)

(Please Print or Type)

SELLER(S) INFORMATION

Name(s)

Mark Kubicki

Street Address:

57 Montague Street, 8D

City, Town, Post Office

Brooklyn Heights

State

NY

Zip Code

11201

PROPERTY INFORMATION (Brief Property Description)

Block(s)
26

Lot(s)
14

Qualifier

Street Address:
137 Highland Avenue

City, Town, Post Office
Highlands

State
NJ

Zip Code
07732

Seller's Percentage of Ownership
100%

Consideration
\$135,000.00

Closing Date
03/06/2014

SELLER(S) DECLARATION

The undersigned understands that this declaration and its contents may be disclosed or provided to the New Jersey Division of Taxation and that any false statement contained herein could be punished by fine, imprisonment, or both. I furthermore declare that I have examined this declaration and, to the best of my knowledge and belief, it is true, correct and complete. By checking this box I certify that the Power of Attorney to represent the seller(s) has been previously recorded or is being recorded simultaneously with the deed to which this form is attached.

2/27/14
Date

Date



Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact

Signature (Seller) Please indicate if Power of Attorney or Attorney in Fact

Promises by Grantor. The Grantor promises that the Grantor has done no act to encumber the property. This promise is called a "covenant as to grantor's acts" (N.J.S.A. 46:4-6). This promise means that the Grantor has not allowed anyone else to obtain any legal rights which affect the property (such as by making a mortgage or allowing a judgment to be entered against the Grantor).

Signatures. The Grantor signs this Deed as of the date at the top of the first page.

Witnessed by:

Wm C. De

MARK KUBICKI (Seal)

STATE OF NJ, COUNTY OF Monmouth SS.:

I CERTIFY that on Feb 27, 2014

MARK KUBICKI

personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this Deed;
- (b) signed, sealed and delivered this Deed as his or her act and deed; and
- (c) made this Deed for \$135,000.00 as the full and actual consideration paid or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5)

Kimberly A. Erickson
Print Name: Kimberly A. Erickson
Title:

RECORD AND RETURN TO:

Keith N. Arcomano, Esq.
121 Monmouth Parkway
West Long Branch, NJ 07760

KIMBERLY A. ERICKSON
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES OCT. 14, 2018

DB 962-479

R 11/24/13

479

Set up to show 2 s.w.c. to 5.1' walk
26
2012
179

ADDIE A. GERBRACH)
 FRANK H. her hd)
 F O)
 R V E L Y N R. S N Y D E R)

THIS INDENTURE, Made the Twenty-Sixth day of September, in the year of our Lord One Thousand Nine Hundred and Thirteen. BETWEEN Addie A. Gerbrach and Frank H. Gerbrach her husband, of the Borough of Highlands in the County of Monmouth and State of New Jersey, party of the first part.

AND EVELYN R. SNYDER of the Borough of Atlantic Highlands in the County of Monmouth and State of New Jersey, party of the second part.

WITNESSETH, That the said party of the first part, for and in consideration of One Dollar and other valuable considerations, lawful money of the United States of America, to them in hand well and truly paid by the said party of the second part, at or before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, and the said party of the first part being therewith fully satisfied, contented and paid, hath given, granted, bargained, sold, aliened, released, unfeoffed, conveyed and confirmed, and by these presents do give, grant, bargain, sell, alien, release, convey and confirm unto the said party of the second part and to her heirs and assigns forever.

A L L those two certain lots, tract- or parcel- of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Highlands in the County of Monmouth and State of New Jersey.

BEGINNING at a point in the northeasterly side of Bay Street, distant one hundred and twenty-two and eight tenths feet (122.8 ft) southeasterly from the point of intersection of the northeasterly side of said Bay Street with the southeasterly side of Woodland Avenue, thence running (1) southeasterly, along said Bay Street, eighty feet to lands of Moran, thence (2) northeasterly, along lands of Moran, seventy feet to a point (said point being distant southwesterly from Highland Avenue in said line, seventy-five and one tenth feet (75.1) thence (3) northwesterly parallel with said Highland Avenue, a distance of eighty feet, thence (4) southwesterly parallel with the second line herein, to the distance what it may, to the said Bay Street, the point or place of Beginning.

TOGETHER with the right to use a ^{walk} five and one-tenth feet (5.1 ft) in width across the end of said lots next to Highland Avenue and also the walk five feet in width leading from the last mentioned walk, northeasterly, along the Moran Property, to Highland Avenue.

TOGETHER with all and singular the houses, buildings, trees, ways, waters, profits, privileges and advantages, with the appurtenances to the same belonging or in anywise appertaining

ALSO, all the estate, right, title, interest, property, claim and demand whatsoever of the said party of the first part, of, in and to the same, and of, in and to every part and parcel thereof.

TO HAVE AND TO HOLD, all and singular the above described land and premises, with the appurtenances, unto the said party of the second part, her heirs and assigns, to the only proper use, benefit and behoof of the said party of the second part, her heirs and assigns forever.

AND the said Party of the first part, for themselves, their heirs, executors and administrators, do covenant, promise and agree to and with the said party of the second part, her heirs and assigns, that they have not made, done, committed, executed or suffered any act or acts, thing or things whatsoever, whereby or by means whereof the above mentioned and described premises, or any part or parcel thereof, now are or at any time hereafter shall or may

SIGNED, SEALED AND DELIVERED)
IN THE PRESENCE OF)
Charles R. Snyder

NEW POINT COMFORT BEACH COMPANY,
By William A. Gehlhaus
President. (L.S.)
Attest:
Howard W. Roberts
Secretary

COUNTY OF MONMOUTH) ss.
STATE OF NEW JERSEY,)

BE IT REMEMBERED, That on this Twentieth day
JULY in the year One Thousand Nine Hundred and FORTYTHREE before me, personally appearing
HOWARD W. ROBERTS, who being by me duly sworn doth depose and make proof to my satisfaction
that he is SECRETARY of and well knows the Corporate Seal of NEW POINT COMFORT BEACH
COMPANY, the Grantor named in the foregoing Deed, that the seal thereto affixed is the
proper Corporate Seal of the said Company, and that the same was so affixed thereto,
and the said Deed signed and delivered by WILLIAM A. GEHLHAUS, who was at the date of the
execution thereof, PRESIDENT of said Company, in the presence of said Deponent, as
voluntary grant and deed of the said Company, and that the said Deponent signed
the same as subscribing witness.
Sworn and subscribed before me,)
the date aforesaid.)

Charles R. Snyder
Master in Chancery of New Jersey.

Howard W. Roberts.

Received and recorded JULY 27th A.D. 1914 at 8 A.M.

Comp'd by Joseph McDermott Clerk.

DB 979-274 R 7/27/14

Addie A. Gerbrach, et)
FRANK H. her hd.)
T O)
CHARLES M. GERBRACH,)
THIS INDENTURE, Made the Twenty-seventh
day of MAY in the year of Our Lord
Thousand Nine Hundred and Fourteen
BETWEEN ADDIE A. GERBRACH and FRANK
GERBRACH, her husband, of the County
of Highlands, in the County of Monmouth and State of New Jersey, party of the First
Part;

AND CHARLES M. GERBRACH, of EAST RAMBUS, of State of Massachusetts,
Party of the Second Part:

WITNESSETH, That the said party of the First Part, for and in consideration
of ONE DOLLAR, and other valuable considerations, lawful money of the United
States of America, to them in hand well and truly paid by the said party of the
Second Part, at or before the sealing and delivery of these presents, the receipt
whereof is hereby acknowledged, and the said party of the First Part being thereunto
fully satisfied, contented and paid, have given, granted, bargained, sold, aliened,
released, enfeoffed, conveyed and confirmed, and by these presents do give, sell,

*Set up to show below it. D.H.F. Early Chair
R/W (See wording)*

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Early des
and State
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210
bargain, sell, alien, release, mortgage, convey and confirm unto the said party of the Second Part, and to his heirs and assigns, forever.

All those certain tracts or parcels of land and premises, hereinafter particularly described, situate, lying and being in the Borough of Highlands, in the County of Monmouth and State of New Jersey.

B E G I N N I N G at a point in the Southwesterly side of Highland Avenue in the Southwesterly corner of lands of John Horan, and running thence (1) Southwesterly along the said Highland Avenue, Seventy (70) feet to a point; thence (2) Northwesterly, parallel with the said Highland Avenue, Forty (40) feet to a lot of land heretofore conveyed by Addie A. Gerbrach and husband to Charles M. Shroter by deed recorded in Book 928 of Deeds, on pages 445, etc. thence (3) Northwesterly, along said Shroter Line, Seventy (70) feet to the said Highland Avenue; thence (4) Southwesterly, along said Highland Avenue, Forty (40) feet to the point or place of Beginning.

B E I N G part of the same property conveyed to the said Addie A. Gerbrach by deed of Ernest M. Padlock, et als. by deed dated February 15, 1913, and recorded in the Monmouth County Clerk's Office in Book 921 of Deeds, on Pages 8, etc.

T O G E T H E R with the right to use a walk five and one-tenth feet in width across the said lot running through the tract of land said to the said Addie A. Gerbrach by Ernest M. Padlock, et als, above mentioned.

T O G E T H E R with all and singular the houses, buildings, trees, ways, waters, rights, privileges, and advantages, with the appurtenances to the same belonging or in anywise claiming;

A L S O, all the estate, right, title, interest, property, claim and demand whatsoever of the said party of the First Part, of, in and to the same, and of, in and to every part and parcel thereof.

T O H A V E A N D T O H E L D, all and singular the above described land and premises, with the appurtenances, unto the said party of the Second Part, his heirs and assigns, to the only use, benefit and behoof of the said party of the Second Part, his heirs and assigns forever.

A N D the said ADDIE A. GERBRACH, doth for herself, her heirs, executors and assigns, covenants and agrees to and with the said party of the Second Part, his heirs and assigns, that she, the said ADDIE A. GERBRACH, is the true, lawful and right owner of all and singular the above described land and premises, and of every part and parcel thereof, with the appurtenances thereto belonging; and that the said land and premises, or any part thereof, at the time of the sealing and delivery of these presents, are not encumbered by any mortgage, judgment, lien, or by any encumbrance whatsoever, by which the title of the said party of the Second Part, hereby made or intended to be made, for the above described land and premises, is changed, charged, altered or defeated in any way whatsoever.

A N D A L S O that the said party of the First Part now hath good right, full power and authority to grant, bargain, sell and convey the said land and premises in manner aforesaid.

A N D A L S O, that she, the said ADDIE A. GERBRACH, will WARRANT, secure, and forever defend the said land and premises unto the said CHARLES M. GERBRACH, his heirs and assigns, forever, free from all claims and demands of all and every person or persons, freely and clearly freed of and from all manner of encumbrance whatsoever.

I N W I T N E S S W H E R E O F, the said party of the First Part have hereunto set their

FOSS, SAN FILIPPO & MILNE, LLC

Counselors at Law

ROGER J. FOSS
GREGORY R. MILNE†
JANE R. PATTWELL
JOHN B. ANDERSON, III
NJ & NY BARS

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

BRITTANY P. TARABOUR
OF COUNSEL
MARTIN A. MCGANN, JR.

PHILIP E. SAN FILIPPO
(RETIRED)
JOHN W. CHRISTIE
(RETIRED)

January 22, 2024

Via Hand Delivery
Borough of Highlands
Land Use Board
42 Shore Drive
Highlands, NJ 07732
Attn: Nancy Tran, Land Use Secretary

Re: David Caulfield
137 Highland Avenue
Block: 26, Lot 14
Highlands, New Jersey
Our File Number: 9557.00001

Dear Ms. Tran:

We represent David Caulfield (“Applicant/Appellant”) with regard to 137 Highland Avenue (known and designated as Block 26, Lot 14) Highlands, NJ (the “Property”). The Property is located in the R101 Zone District.

Enclosed please find the following documents in regard to the Applicant’s Land Use Board Application:

1. An original and one (1) Land Use Board Application;
2. A copy of the Denial of Zoning Permit dated January 19, 2024;
3. An original Survey dated December 12, 2023, prepared by Thomas Craig Finnegan Land Surveying, LLC;
4. An original, signed and sealed Architectural Plan dated January 12, 2024, prepared by Moglino Architect;
5. The Applicant’s check no. 117 payable to the “Borough of Highlands” in the amount of \$375.00, representing the application filing fee;

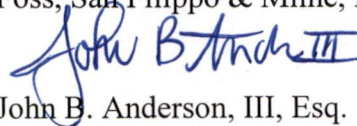
6. The Applicant's check no. 118 payable to the "Borough of Highlands" in the amount of \$750.00, representing the escrow fee; and
7. A copy of deed and easements.

Please advise when this matter has been deemed complete and scheduled for a Public Hearing before the Borough of Highlands Land Use Board.

Would you please acknowledge receipt of the above items on the copy of this letter enclosed, and return the same to us in the stamped, self-addressed envelope provided for your convenience.

Thank you for your attention to this matter, and your courtesies in this regard.

Very truly yours,
Foss, San Filippo & Milne, LLC



John B. Anderson, III, Esq.
For the Firm
janderson@fsfm-law.com

JBA:hS/encs./Ltr to Boro re intent to proceed
cc: Client (via email)

Receipt is hereby acknowledged this _____ day of January, 2024.

Print Name: _____



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

February 13, 2024

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

Re: Completeness Review Bulk Variances
Applicant: David Caulfield
137 Highland Avenue
Block 26, Lot 14
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB2024-01

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 seeks to construct a 201.3 sf single story rear addition within the footprint of an existing deck and is seeking bulk variances. The Applicant had received a Denial of Zoning Permit on January 19, 2024, for non-compliance of bulk requirements and must seek Planning Board approval.

The subject property is an 855-sf single story frame dwelling with decking and other site improvements on a 2,680-sf lot located in the R-1.01 Zone as Block 26. Lot 14. The property is a pre-existing undersized lot located at 137 Highland Ave dating from the year 1918, according to the application.

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

1. Copy of Land Use Board Application for Variance, dated January 22, 2024.
2. Copy of a Denial of Zoning Permit issued on January 19, 2024, by Courtney Lopez, Zoning Officer for the Borough of Highlands.
3. Copy of a plan set entitled, "Proposed Rear Single-Floor Addition For: Mr. David Caulfield, 137 Highland Avenue, Highlands, New Jersey 07732, Block: 26 Lot: 14, Zone: R101, County of Monmouth", prepared by Moglino Architect, dated January 12, 2024, and signed by Lou Moglino, Architect, consisting of 3 sheets.
4. Copy of plan entitled, "Location Land Survey of Lot 14 in Block 26 on the Official Tax Map of the Borough of Highlands, Monmouth County, New Jersey", prepared by Thomas Craig Finnegan Land Surveying, LLC., dated December 12, 2023.

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

I. **ZONING**

1. This property is located in the R-1.01 Residential District.

2. The Applicant requires three (3) 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.

3. The following bulk requirement summary is provided for the Board's reference. In accordance with Ordinance §21-85, existing and proposed bulk deficiencies which require bulk "c" variances are noted as follows:

| Schedule I – Bulk and Area Requirements | | | | |
|--|-----------------|-----------------|-----------------|-----------------|
| R-1.01 Residential Zone | Required | Existing | Proposed | Variance |
| Min. Lot Area (sf) | 5,000 | 2,680 | 2,680 | Existing |
| Lot Frontage/Width (ft) | 50 | 40 | 40 | Existing |
| Min. Lot Depth (ft) | 100 | 70 | 70 | Existing |
| Min. Front Yard Setback (ft) | 35 | 17.6 | 17.6 | Existing |
| Min. Side Yard Setback (ft) | 8/12 | 5.3/6.7 | 5.0*/6.7 | Yes -2 |
| Min. Rear Yard Setback (ft) | 25 | 3.6 | 3.6 & 5.0* | Yes -2 |
| Max. Building Height (ft) | 30 | 19.1 | 19.1 | No |
| Max Lot Coverage | 70% | 51.9% | 51.9% | No |
| Max Building Coverage | 30% | 31.9% | 39.4% | Yes |
| On-Site Parking (spaces) | 1.5 | 0 | 0 | Existing |

*Proposed Addition

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

| | | | |
|--|------|-----------|-----------|
| 1. Variances | | | |
| Residential "c" (minimum side yard setback) x2 | 1 EA | \$ 125.00 | \$ 250.00 |
| Residential "c" (minimum rear yard setback) x2 | 1 EA | \$ 125.00 | \$ 250.00 |
| Residential "c" (maximum building coverage) | 1 EA | \$ 125.00 | \$ 125.00 |
| Subtotal | | | \$625.00 |
| 2. B. Site Plans | | | |
| Minor | 1 EA | \$ 250.00 | \$ 250.00 |
| Total | | | \$875.00 |

III. ESCROW FEES (PART 6 FEE SCHEDULE ARTICLE XXIII, ORD. 21-108)

| | | | |
|--|----|-------------|------------|
| 1. Escrow Deposits | LS | \$ 1,750.00 | \$1,750.00 |
| (twice Application Fee; Minimum \$750) | | | |

IV. CHECKLIST ITEMS

1. A key map at a scale of not less than 1" = 400 ft. **Partially provided.**

Provide lot and block numbers within a 200 ft radius.

2. The Tax Map sheet, block, and lot numbers. **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. **Not provided.**

Please provide a certified list of 200 ft property owners on the plan.

4. Date, name, location of site, name of owner, scale, and reference meridian. **Provided.**
5. Area of the lot and all lot line dimensions and bearings. **Provided.**
6. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures, and any other feature on the property and within seventy-five (75) feet of the property line. **Partially provided.**

Provide additional information within seventy-five feet of the southeasterly property line.

7. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Partially provided.**
8. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Not provided.**

Provide building offsets to proposed addition.

9. The location and widths of existing and proposed streets servicing the site plan. **Provided.**
10. Specifications for and location of proposed surface paving and curbing. **Not applicable.**
11. Location of all structures within seventy-five (75) feet of the property. **Partially provided.**

Provide existing structures within seventy-five feet of the southeasterly property line.

12. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Not applicable.**
13. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable.**

14. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Not provided.**

Provide existing contours and spot elevations.

15. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths, and any other devices necessary to traffic safety and/or convenience. **Not applicable.**
16. The location and identification of proposed open space, parks, or other recreation areas. **Not applicable.**
17. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Not applicable.**
18. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Not applicable.**
19. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Not applicable.**
20. Specific location and design of traffic control devices, signs, and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs, and lighting fixtures. **Not applicable.**
21. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided.**

The first-floor elevation is not specified. Building height must be calculated per Borough of Highlands Section 21-8 Attachment 4. Deck location not consistent with the survey and architectural plans.

22. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Not applicable.**
23. A soil erosion and sediment control plan are required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
24. Soil Borings, when required by the Board Engineer. **Dependent upon method of construction.**
25. A wetlands statement provided by a qualified expert. **Not provided.**

Provide a statement by a licensed engineer indicating that wetlands are or are not present on the property.

26. Certification statement for the required municipal signatures, stating: **Not provided.**

Please provide on the plan.

Application No. _____ approved/disapproved by the Highlands Land Use Board as a
Minor Site Plan on _____.
(date)

Chairman

Secretary

27. Certification statement for the County Planning Board approval / disapproval, if required.
Not applicable.

28. The Board may require any additional information which is reasonably necessary to ascertain
compliance with the provisions of this chapter.

V. COMPLETENESS

The application may be deemed complete if the incomplete checklist items are
addressed by the applicant during testimony at the hearing.

VI. GENERAL COMMENTS

1. The zoning chart on the plans is incorrect for the side yard setbacks. The side yard setbacks
are individual for each side and are not combined.

A variance is required for the existing and proposed side yard setbacks.

2. The Borough's minimum rear yard setback requirement is 25 ft. The existing dwelling has an
existing variance condition at 3.6 ft and a proposed variance condition at 5.0 ft.

A variance is required for the existing and proposed rear yard setbacks.

3. The survey and architectural plans conflict with the presence of a wall and deck under
existing and proposed conditions. According to §21-65.27, a terrace or deck shall not be
considered in the determination of yard size or lot coverage, provided, however, that such
terrace or deck is unroofed and without walls, parapets, or other form of enclosure.

Please confirm the lot coverage.

If applicable, the zoning chart on the plans shall be revised accordingly.

4. The Applicant must provide information to indicate the proper building coverage.

According to our calculations based on the provided information the proposed building
coverage would be 39.4%. Applicant indicates a building coverage of 38.5%.

First floor Existing 855 sf + Proposed 201.3 sf = 1,056.3 sf / 2,680 sf * 100 = 39.4%

If applicable, the zoning chart on the plans shall be revised accordingly.

A variance is required for building coverage over 30%.

5. The Application for Section 7. Land Use Part B notes a 10' x 15' Addition. This does not
correspond with the dimensions shown on Sheet A-3 Proposed Floor Plan and Elevations.

Completeness Review Bulk Variances
Applicant: David Caulfield
137 Highland Avenue
Block 26, Lot 14
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB2024-01
Page 6 of 6

Please provide testimony.

6. As a condition of approval, it is recommended that the Applicant provide a plot plan for review and approval at the time of obtaining the building permit.

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)
P. Austin Mueller, Assoc., Land Use Board Attorney (amueller@weiner.law)
Courtney Lopez, Zoning Officer (clopez@highlandsborough.org)
John B. Andersen, III, Esq., Applicant's Attorney (janderson@fsfm-law.com)
Lou Moglino, Applicant's Architect (lou@moglinoarchitect.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