



Borough of Highlands Regular LUB Meeting Minutes
Community Center, 22 Snug Harbor Ave., Highlands, NJ
October 13, 2022

Chair Rob Knox called the meeting to order at 7:04pm. Chair Knox asked all to stand for the Pledge of Allegiance.

Chair Knox read the following statement: As per requirement, notice is hereby given that this is an Abbreviated Meeting of the Borough of Highlands Land Use Board and all requirements have been met. Notice has been transmitted to the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board. Formal Action will be taken.

ROLL CALL:

Present: Mayor Broullon, Chief Burton, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Vice Chair Tierney, Chair Knox, Mr. Zill, Ms. Chang, Mr. Ziemba, Mr. Cramer
Absent: Mr. Kutosh, Mr. Lee

Also Present: Board Attorney Dustin Glass, Esq., Board Engineer Edward Herrman, and Board Secretary Nancy Tran

Chair Knox thanked all for coming out.

OPEN FOR PUBLIC COMMENTS: None

ACTION ON OTHER BUSINESS: None

HEARINGS ON NEW BUSINESS:

LUB2022-06: Martin 15 Barberie Block 77 Lot 15

Marie Martin, applicant, gave description of the property after she was sworn in. Her husband, Bruce Martin, was also sworn in. Mr. Glass asked Mr. Herrman to give a summary of the application. Mr. Herrman obliged and listed the variances the application called for. Mr. Martin asked for the clarification of the variances as he was only asking for a subdivision. Mr. Herrman explained that while the existing structure did not require any variances, the subdivision would trigger necessary variances because of the pre-existing building's proximity to the new property line. Mr. Glass added that the front setback is pre-existing and that, even though the Martins are not changing the existing structure, the variance is needed because of the newly created lots. Chair Knox summarized the necessity.

Mr. Herrman continued review of the application. He asked the Martins how they plan to file the deed within the 190 days allowed. Chair Knox explained that the clock starts after memorialization of the resolution should it be granted. Mr. Herrman asked if the applicant was seeking any variances for the new vacant lot. He noted that the property is in a flood zone so that they would need a flood plain review before they build anything. Mr. Martin answered that they would be

filing by deed and that they were not seeking any variances for the newly vacant lot and were leaving it up to the new owners to do it themselves.

Mayor Broullon asked for clarification of the variances needed.

Chair Knox asked the dais if they had any further questions or comments. With none, he opened to the public. There were no questions or comments from the public.

ON MOTION OF: Mayor Broullon to approve subdivision

SECONDED BY: Chief Burton

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Vice Chair Tierney, Chair Knox

NO:

ABSTAINED:

ABSENT: Mr. Kutosh, Mr. Lee

LUB2022-05: Link 72 Fourth St. Block 65 Lot 25

David Link described the property and his proposed plan after he was sworn in. Andrew Stockton, engineer for Mr. Link, was sworn in and his credentials were accepted by the Board. Mr. Stockton described the property and the history of the previous structure that has since been demolished. He described how the property compared with surrounding properties.

Mr. Herrman suggested that 15ft was a reasonable prevailing setback for reference. Chair Knox added that the proposed front setback sounds consistent with the neighborhood and asked what variances the applicant was seeking.

Mr. Herrman asked for clarification of the height of the proposed structure. Mr. Stockton testified that the proposed structure would be 1.3 feet over the allowed height but that the applicant can modify plans to not need variance if the Board prefers. Mr. Herrman explained how the height was measured. Mr. Stockton submitted Exhibit A1, a rendering of the proposed building, to be passed around the Board, to show how he measured the building height.

Mr. Ziemba asked how the applicant would modify the plans to fall within the height parameters. Mr. Stockton answered that he would let the architect answer the question. Mr. Stockton continued and discussed the Borough's recent street vacation of the alley and its history.

Mr. Herrman noted that the previous dwelling was knocked down and thus any pre-existing characteristics is irrelevant; that such description is only for historical context. The proposed structure would not be entitled the same variance unless the variance was previously granted. Mr. Stockton added that the proposed structure would not be out of character with the neighborhood. Chair Knox asked if the previous house was unlivable and if it was raised. Mr. Stockton answered and noted the differences between the previous house and the proposed dwelling. He noted that the applicant will adjust to comply with each of Mr. Herrman's comments except for trees as he does not think the property can accommodate any. He noted that the

property would not need CAFRA or DEP reviews. Mr. Herrman asked about the number of bedrooms and number of parking spaces. Mr. Stockton answered that it was a 3-bedroom dwelling with 2.5 parking spaces where 2 is needed. Mr. Herrman asked about utilities and if a platform was necessary. Mr. Stockton answered that the architect would answer that and proceeded to address the variances and the Municipal Land Use Law points. Mr. Herrman asked that Mr. Stockton explained the MLUL points for the Board and public.

Salvatore La Ferlita was sworn in as the applicant's architect. He described the proposed dwelling design and proceeded to answer how to lower the structure's height if needed. Chair Knox asked if the stairs were enclosed and Mr. La Ferlita answered yes. Vice Chair Tierney asked where the utilities and condenser would be located. Mr. La Ferlita answered that some components would be off the deck off the kitchen. He asked Mr. Stockton for clarification of the requirements and noted that there was no room in the front for them. Mr. Herrman replied that the power company has specifications that the design needs to meet.

Mr. Glass asked if about the utilities platform. Chief Burton explained the reason for platforms. Mr. Stockton answered that a platform may not be necessary due to the elevation. Mr. Herrman added that this could point could be addressed in the resolution. Mr. Stockton continued his testimony and explained how the recent vacation worked in the applicant's favor. Mr. Herrman asked about the proposed building height as the architect didn't completely adjust the design to comply. Chair Knox stated that he doesn't recall an instance where the Board granted a height variance. Vice Chair Tierney asked about the roof details.

With no further questions from the Board, the floor was open for public questions.

Pat Walsh, 26 Cedar St., asked if new building would block her morning sun. Mr. Link answered. Chief Burton added that a dwelling built without a variance would still block the sun. Ms. Walsh asked about the leaning utility pole. Mr. Link answered that it was not up to him.

Rob Kneller, 27 Cedar St., asked if anything can be done about street parking. Mr. Glass stated that questions had to be specific to the application.

Scott D., Fifth St., asked for clarification about the side setback. Mr. Herrman answered and explained that the current ordinance allows a reduction allowance. He added that the applicant testified that it would be better than before.

There were no further public questions or comments.

Mayor Broullon asked for clarification of the proposed height modification. Chief Burton added that he didn't think the third floor bathroom was doable considering the dormers. Mr. La Ferlita replied that he couldn't figure it out presently but will work on it to make it work. Chair Knox asked if the applicant was agreeing to comply to the height restrictions. Chief Burton suggested that the applicant be given time to consider.

The Board took a 5-minute break at 8:14pm and returned at 8:19pm.

Mr. La Ferlita answered that the applicant will confirm to the height requirement. Mr. Glass listed the resolution compliance points.

ON MOTION OF: Ms. LaRussa to approve

SECONDED BY: Mayor Broullon

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Vice Chair Tierney, Chair Knox

NO:

ABSTAINED:

ABSENT: Mr. Kutosh, Mr. Lee

Patricia Moran, 33 Portland Rd., asked about the construction at 25 Portland Rd. and if there were any variance violations. The Board advised her to see Board Secretary Tran for further information.

APPROVAL OF MINUTES OF SEPTEMBER 8, 2022 MEETING

OFFERED BY: Mayor Broullon

SECONDED BY: Chair Knox

YES: Mayor Broullon, Chief Burton, Mr. Montecalvo, Councilmember Olszewski, Chair Knox

NO:

INELLIGIBLE: Ms. LaRussa, Vice Chair Tierney

ABSENT: Mr. Kutosh, Mr. Lee

EXECUTIVE SESSION

Mr. Glass read LUB Resolution 2022-19 prior to entering into Executive Session at 8:29pm.

LAND USE BOARD RESOLUTION 2022-19 BOROUGH OF HIGHLANDS LAND USE BOARD OPEN PUBLIC MEETINGS ACT – EXECUTIVE SESSION

WHEREAS, N.J.S.A. 10:4-12, Open Public Meetings Act, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist.

NOW, THEREFORE BE IT RESOLVED by the Borough of Highlands Land Use Board, County of Monmouth, State of New Jersey (“Board”), on this 13th day of October 2022, as follows:

1. The public shall be excluded from discussion of the pending litigation, Eric Wokas v. Christopher Mattina, et al., Docket No. MON-L-1016-22, that falls within N.J.S.A. 10:4-12b(7).
2. Minutes will be kept of the meeting in closed session and will be made available to the public at a future date, as required by law and subject to applicable exceptions under the Open Public Records Act, N.J.S.A. 47:1A-1, et. seq.
3. The Board will not reconvene in public at the conclusion of the closed session.

4. This Resolution shall take effect immediately.

ADJOURNMENT

Offered by: Mayor Broullon

Seconded: Chair Knox

All in favor

None Opposed

Adjourned at 8:43pm

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on October 13, 2022.



Nancy Tran, Land Use Board Secretary