

**Borough of Highlands**  
**February 10, 2022 Regular LUB Meeting Minutes**

***At Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave, Highlands NJ***

Chair Rob Knox called the meeting to order at 7:02pm.  
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.

Chair Knox noted that there will be a change in order of agenda due to the reorganization of the Board.

**ROLL CALL:**

Present: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Mr. Montecalvo, Councilmember Olszewski, Vice Chair Tierney, Chair Knox, Mr. Zill, Ms. Chang, Mr. Ziemba (arrived at 7:10pm), Mr. Cramer

Absent: none

Also Present: Paul Grygiel, Planner, Board Attorney Ron Cucchiaro, Esq., Board Engineer Edward Herrman, and Board Secretary Nancy Tran

**OATHS:**

Mr. Cucchiaro swore in new member: Councilmember Olszewski

**RESOLUTIONS:**

LUB Res 2022-08 Memorializing Extension of Bulk Variance Relief Approval

To be brought back for revote at next meeting, March 10, 2022, as Mr. Montecalvo was ineligible to second and/or vote due to his absence at the January 6, 2022 meeting.

**HEARINGS ON OLD BUSINESS:** None

**HEARINGS ON NEW BUSINESS:**

1. LUB 2021-05: Mattina, Block 12 Lots 401 & 4.02 (149 Portland Rd.) – Minor subdivision & variances

Mr. Cucchiaro reminded that Board members who are conflicted out need to step down from the dais.

Thomas Hirsch, attorney for the applicant, described the lots and noted the steep slope ordinance that had since been adopted after the first subdivision. He listed considerations for the property and development of property. He noted that the variances sought are for getting up to the house, not the house itself.

Prior to Mr. Hirsch's first witness, Board Member Dennis Ziemba was sworn in by Mr. Cucchiaro.

After Christopher Mattina was sworn in, Mr. Hirsch asked him questions about his purchase of the property and his plans for it. Mr. Mattina answered.

Mayor Broullon asked where construction vehicles will be staged and Mr. Hirsch answered that Mr. Mattina does not have the expertise to answer. Chair Knox asked if Mr. Mattina bought 3 lots. Mr. Hirsch answered that the 3<sup>rd</sup> lot was not subject to this Land Use application. Mr. Mattina answered that he bought lots as 2 lots, 4.01 and 4.02. Ms. Chang asked if the driveway slope would be same degree as house next door and Mr. Hirsch answered that the engineer will better answer. Ms. LaRussa asked for confirmation that the lots were bought as 2 lots and will remain 2 lots. Mr. Cucchiaro answered that there was a previous subdivision and that the subsequent steep slope ordinance made plans difficult. Applicant is keeping 2 lots but redrawing the property lines. Councilmember Olszewski asked if there was consideration for using the existing driveway on 3<sup>rd</sup> lot. Mr. Hirsch answered that the engineer will better answer. Mr. Zill asked if the sought variance would bring compliance with the steep slope ordinance.

Keith Cahill was sworn in as engineer witness for the applicant and gave his credentials. He used a previously submitted plan as his first exhibit. He described the difficulties of the lot and outlined his proposed solution to the challenges. He explained that the latest plan, as submitted with sought variances, minimized impact of the land and preserved more of the land. Mr. Cahill noted that when the previous subdivision was granted, there was no steep slope ordinance.

Mr. Cahill presented Exhibit A1, an aerial view of the property. He described Lot 4.01 and noted it as a pre-existing undersized lot. The sought variance will make the lot even smaller in order to allow Lot 4.02 its driveway. The proposed driveway will be in character with the neighborhood.

Mr. Cahill presented Exhibit A2, a photo exhibit showing 4 photos of neighboring properties. Exhibit A3 is a site layout. He noted that no improvements will be made to the existing building on Lot 4.01. Proposed plan would give Lot 4.02 no frontage but an easement with Lot 4.01 would provide it. He went on to describe the proposed driveway that minimizes land clearing. He stated that he would work with the LUB engineer to address storm water runoff and answer points the LUB engineer may have. He listed the variances sought for each lot and described the proposed retaining wall, stressing that it would not be visually disturbing.

Mr. Herrman asked for the survey and description of Lot 4.01. He stated that there's no practical way to build as originally subdivided and noted the unconventional lot system.

Vice-Chair Tierney asked if there's a survey of proposed post subdivision and noted that Lot 4.02 is significantly impeding on Lot 4.01. She expressed concern for when Lot 4.01 should be sold in the future. She asked what the distance was from the back of house on Lot 4.01 to Lot 4.02 proposed driveway and the height of the retaining wall. Mr. Cahill answered.

Chair Knox asked if proposed driveway is in keeping with the grading. Councilmember asked about Lot 4.01's parking scenario. Mr. Cahill answered.

Vice-Chair Tierney asked why decision for easement vs. subdividing as easement makes 4.01 much smaller. Mr. Cahill answered.

Mr. Cucchiaro reminded everyone of meeting protocol.

Vice-Chair Tierney stated that easement gives false sense of Lot 4.01 being a bigger lot. She expressed concern of impact to user/tenant of Lot 4.01.

Councilmember Olszewski asked if the driveway was as far right as it can go. Mr. Cahill answered.

Mr. Hirsch asked Mr. Cahill to go over the total lot size, variances and zoning considerations of both lots. Mr. Cahill answered.

Mr. Cucchiaro added that improving lots without frontage have different standards. He asked for testimony on health and safety issues. Mr. Cahill answered that the proposed driveway would not allow for firetrucks to go up to house but noted the placement of the fire hydrant in relation to property. Mr. Cucchiaro asked about garbage pickup. Mr. Cahill answered.

Mr. Zill asked about maximum lot disturbance, environmental concerns, storm water run-off, and impact with respect to the steep slope ordinance variance. Mr. Cahill answered.

Ms. LaRussa asked who maintains the driveway. Mr. Cahill answered that it's spelled out in the easement.

Jason Hanran was sworn in as the applicant's architecture witness and noted that he's not registered in NJ. Mr. Cucchiaro stated that he can represent his architecture company but that he's not qualified as an architect. Mr. Hanran described the house design and its layout. Mr. Hirsch asked Mr. Hanran about the parking situation, materials of the house, and its elevation. Mr. Hanran answered and used Exhibit A200 and A201.

With Mr. Hirsch concluding his presentation, Chair Knox opened Public questions and comments.

John Hackett, 141 Portland, stated that he had 3 letters from neighbors who could not be present. Mr. Hirsch objected. Mr. Cucchiaro stated that MLUL does not allow those letters as evidence. He noted that Mr. Hackett can speak as himself, not his neighbors. Mr. Hackett pointed to applicant's photo exhibit and indicated his property. He stated that his driveway is not similar to proposed driveway as presented. He commented that previous Land Use Board's poor decision is not cause to make new poor decision. Mr. Hackett noted that the owner bought the property after the steep slope ordinance was adopted and that the proposed project is not in keeping with the neighborhood.

Tara Coffey, 135 Portland, echoed Mr. Hackett's sentiment and expressed concern about safety, erosion, steep slope and traffic.

Frank Montecalvo, 104 Portland, reported that the initial subdivision application meant for Lot 4.02 to be accessible from Lot 3.01. He noted the undersized lot and that variance is 3 times more more on some.

Valerie Montecalvo, 104 Portland, gave history property, its previous owner and her original subdivision intention of accessing Lot 4.02. She stated that the proposed project is not in keeping with the neighborhood and expressed concern for stormwater runoff.

Mr. Hirsch addressed the public's concerns. Mr. Cahill stated that he will work with Board engineer to comply with stormwater and soil erosion issues.

Mr. Cucchiaro outlined the process required of the applicant should the Board approves.

Councilmember Olszewski asked about line of sight and if one could see past existing house upon exiting driveway.

Chief Burton asked about access from applicant's Lot 3.01.

Carl West, 1 Portland Rd., #10, asked about hydrolics. Mr. Cahill answered that they will be put back in safe manner.

Ms. Chang asked if applicant looked at original intended access. Mr. Cahill answered.

Chief Burton asked if the Board Engineer had any concerns. Mr. Herrman answered and summarized that lot is difficult to develop but can be done with thought, care, and research. He pointed out the legal ramifications if lot cannot be used.

Chair Knox noted that property is a legal lot. Mr. Cucchiaro outlined the legality of the Board's denial of variance relief. Chair Knox stated that it's not a question of yes or no but how.

ON MOTION OF: Chief Burton motioned to approve

SECONDED BY: Ms. LaRussa

ROLL CALL:

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

NO:

ABSENT:

RECUSE: Mr. Montecalvo

Mr. Hirsch thanked the Board and Public. Board took a break at 9:11pm and resumed at 9:21pm.

ROLL CALL: at 9:21pm

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

NO:  
ABSENT:

Chair Knox turned the meeting over to Vice-Chair Tierney due to conflict with next agenda item.

## 2. Consistency Review: R 22-059 Resolution Referring Redevelopment Plan to LUB

Mr. Cucchiaro gave overview of the redevelopment process and the roles of the Land Use Board and Governing Body. The next step in the redevelopment process is adoption but not tonight. Tonight's focus is the relation of the redevelopment plan with the master plan.

Paul Grygiel was sworn in as the Planner and gave his credentials. He summarized his report, giving main points and history and evolution of the current master plan. He concluded that the redevelopment plan is consistent with the master plan and that it further strengthens its objective.

Acting Chair Tierney stated that the redevelopment plan adopted some of the Land Use Board's previous recommendations but not all. Block buildings are not consistent with the master plan or Land Use's recommendation. She expressed concern with height allowance and how the block would look. Mr. Grygiel noted that the diagram was to show height, not design. He stated that some locations were given higher height allowance. He asked if the town wanted to keep same height, then why do the redevelopment plan.

Acting Chair Tierney commented that the box schematic was discerning and asked about parking and the thinking behind the plan. Mr. Grygiel answered.

Ms. Chang stated that she drove around town and noted that there are already some tall buildings. Mr. Grygiel noted that the current height allowance is not working and that the plan was to incentivize developers. Mr. Cucchiaro reminded that the question is not of attracting developers but the redevelopment plan's relation to the master plan. Ms. Chang referenced some points from the master plan that she felt the redevelopment plan were not consistent. Mr. Grygiel answered that the bonus height was only in some areas, not all, of the Central Business District.

Acting Chair Tierney asked Mr. Herrman the current height allowed in the zone. Ms. Chang asked the percentage of owner-occupied properties. Mr. Cucchiaro noted that it is not a legal question.

Acting Chair Tierney open public comment.

Ed McKenna, Red Bank, gave his credentials and noted that he was representing property owner, Mike Salerno. He stated that if redevelopment was done right, Highlands would benefit. He noted that sacrifices have to be made for redevelopment.

Andrew Jan (?) gave his background and experience as a planner and noted that he was representing a private property owner. He expressed support for the redevelopment plan and addressed some areas that the plan was missing. Mr. Cucchiaro noted that Mr. Jan's comments would be more appropriate at the council meeting when the redevelopment plan will be discussed. Mr. Jan expressed that the redevelopment plan is consistent with the master plan.

Barbara Domings, 247 Bay Ave., expressed concern about height allowance. Mr. Cucchiaro repeated that Ms. Domings' comment might be more appropriate at the governing body meeting and reminded all the focus of the discussion. Ms. Domings thought that the plan is not consistent with the master plan.

Joseph Nardone, Bay Ave., asked the Board about parking and how parking is monitored. Acting Chair Tierney noted that the master plan promotes onsite parking and that the Board recently voted on a parking resolution. Mr. Nardone thought that the redevelopment plan is consistent with the master plan.

Michelle (?), 255 Shore Dr., thought that the plan was inconsistent as it lacked parking considerations.

Acting Chair Tierney stated that the redevelopment plan allows commercial properties on the ground floor and Mr. Grygiel concurred.

Melanie H, 83 Linden, shared that the redevelopment plan included both regulatory and aspirational parts.

Steve Solop, 205 Bay Ave., thought the redevelopment plan is inconsistent with the master plan and suggested that the elevation language should be put in layman's terms for better understanding.

Michelle Pezzulo, Highlands Ave., thought the plan is inconsistent with the master plan and asked about parking considerations.

Robert Burton, 22 Atlantic, noted that there were 2 planners present who stated that the redevelopment plan is consistent with the master plan.

Gary Hoffman, 255 Shore Dr., thought there were inconsistencies but that the master plan does allow flexibility with height; however, parking is an inconsistent issue.

Acting Chair Tierney closed public portion and asked if the Board had any comments. She motioned that the redevelopment plan was inconsistent in parking and height issues but was consistent with other points. Mr. Zill asked what the consequences were for the vote.

ON MOTION OF: Acting Chair Tierney motioned that the redevelopment plan was substantially inconsistent in parking and height issues but was consistent with other points

SECONDED BY: Ms. Chang

ROLL CALL:

YES: Mr. Kutosh, Ms. LaRussa, Mr. Lee, Vice Chair Tierney, Mr. Zill, Ms. Chang, Mr. Cramer

NO: Councilmember Olszewski, Mr. Ziembra

ABSENT:

RECUSE: Mayor Broullon, Chief Burton, Mr. Montecalvo, Chair Knox

Acting Chair Tierney thanked the public.

**ACTION ON OTHER BUSINESS:** None

**APPROVAL OF MINUTES OF JANUARY 6, 2022 MEETING**

Offered by: Mayor Broullon

Seconded by: Mr. Zill

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Acting Chair Tierney, Mr. Zill, Mr. Cramer

NO:

INELLIGIBLE: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

ABSENT: Chair Knox

**ANNUAL REPORT**

Offered by: Mayor Broullon motioned to adopt amended 2021 Annual Report

Seconded by: Acting Chair Tierney

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Acting Chair Tierney, Mr. Zill, Mr. Cramer

NO:

INELLIGIBLE: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Mr. Ziemba

ABSENT: Chair Knox

**COMMUNICATION AND VOUCHERS**

1. Approval of Invoices from T&M Associates and Weiner Law Group

**PUBLIC COMMENTS:** None as there were none in attendance.

**ADJOURNMENT**

Offered by: Mayor Broullon

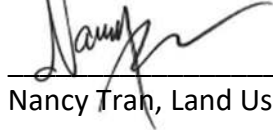
Seconded by: Vice Chair Tierney

All in favor

None Opposed

Adjourned at 10:18pm.

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on February 10, 2022.



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Nancy Tran, Land Use Board Assistant Secretary