



**Borough of Highlands LUB Reorganization Meeting Minutes
Community Center, 22 Snug Harbor Ave., Highlands, NJ
April 13, 2023**

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

OATH OF OFFICE: Chair Knox swore in Kevin Cody as Land Use Board Member, Alternate #3.

ROLL CALL:

Present: Mayor Broullon, Mr. Kutosh, Ms. LaRussa, Mr. Zill, Vice Chair Tierney, Mr. Cramer, Mr. Cody, Dr. Petersen, Chair Knox

Absent: Chief Burton, Councilmember Olszewski, Ms. Chang

Also Present: Steve Tombalakian, Esq., Edward Herrman, and Board Secretary Nancy Tran

Mr. Montecalvo came to the meeting and left prior to start as he would be recusing himself again for the Sea Grass application.

PUBLIC COMMENTS: There was none.

ACTION ON OTHER BUSINESS:

Review of O-23-07 EV Ordinance for Master Plan Compliance

Mr. Tombalakian explained Ordinance O-23-07 and O-23-08 and Mayor Broullon added further details. Mr. Herrman explained the Board's role.

OFFERED BY: Mr. Kutosh

SECONDED BY: Mr. Zill

All in Favor. None Opposed.

Review of O-23-08 Solar Ordinance for Master Plan Compliance

OFFERED BY: Vice Chair Tierney

SECONDED BY: Chair Knox

All in Favor. None Opposed.

Mayor stepped down from the dais and left the meeting.

HEARINGS ON OLD BUSINESS:

Conditional Use – LUB2022-11: Sea Grass NJ, 272 Bay Ave., Block 72 Lot 12

John Anderson, attorney for applicant, summarized the application thus far. Mr. Herrman noted that Mayor Brouillon left the meeting due to the “d” variance and reviewed the application at Chair Knox’s request. Mr. Anderson confirmed and noted that pre-existing non-compliance conditions, while not eliminated, that they are being improved.

Verna Sawant was sworn in as the applicant’s planner and listed the deviations of the Seadrift parking lot and the legal standards. Mr. Anderson added that if the “d” variance is approved then “c” variance is subsumed. Ms. Sawant listed the “c” variance. She confirmed that the applicant can meet the parking variance but would lose two parking spots. Ms. Sawant continued clarifying the deviations and deficiencies of the application and how it applies with the 2016 Master Plan. She compared the current use and the proposed use.

Vice Chair Tierney asked if the adjoining property was part of the application and Mr. Anderson confirmed that it was not. Vice Chair Tierney asked if there were plans for expansion and Mr. Anderson answered no. She asked about consideration for pedestrian traffic and ADA compliant crosswalk. Brant Papi, engineer for the applicant, described the proposed plans. Vice Chair Tierney asked if the walkway and sidewalks would be replaced. Mr. Papi answered that they would be brought to County and Borough standards.

Chair Knox opened floor for Public Questions.

Justin Mealy, Seadrift, asked how the determination of no detriment was made by the applicant. Ms. Sawant answered that proposed conditions were compared with existing conditions. Mr. Mealy asked how customer line would be managed to not block residents’ properties.

Steve Solop, Bay Ave., asked Mr. Tombalakian’s role and Mr. Tombalakian explained his role as the Board Attorney. Mr. Solop asked for clarification of pedestrian traffic. Dr. Petersen asked about the security guard and his role in controlling traffic. Mr. Anderson answered that they are required to have a security guard. One of the guard’s duties is controlling traffic and additional facilitators will be hired if necessary.

Al Smuda, Marina Dr., asked for clarification on the meeting procedure, the Board’s role, and cannabis retailer license. Chair Knox and Vice Chair Tierney answered. Mr. Anderson clarified that the zone allows conditional use.

Melissa Pedersen, Bay St., asked for clarification about the traffic study and Mr. Klein stated that he used accepted industry standards. Mr. Cramer asked if number of trips is same as outcome impact.

Anthony Camarata, Seadrift Ave., asked if traffic considerations were made for peak season with increased number of people and traffic. Mr. Klein responded.

Mr. Anderson and the Board reminded the public to limit their speaking to questions for the applicant and their professionals.

Blake Chesbro, Bay Ave., asked a procedural question for when the public can make statements. Chair Knox answered.

Martin Kiely, Oceanview Terr., asked for clarification of ownership of approval of conditional use. Mr. Tombalakian stated that the approval runs with the land. Mr. Kiely asked if there was an expiration date. Mr. Anderson stated that the applicant still needs state approval. Mr. Herrman stated that the applicant has a limited time.

Jill Karshmer, Marina Bay Ct., wanted clarification on traffic plans and consideration.

Danielle Dunn, Seadrift, asked for more clarity on the traffic study presented.

Mr. Camarata, asked about the number of applications and Mr. Tombalakian clarified.

Arthur Carmano, Seadrift, asked for clarification of point in the Engineer's Review letter and clarity of the proposed design. Mr. Papi responded.

Mr. Kiely, asked about population density and Mr. Tombalakian answered that it was not within the Board's role.

Lorna Milbauer, Marina Bay Ct., asked about the cannabis application process. Mr. Caramata expressed concern about rise in crime and presence of armed security guards.

Salvatore Albanese, Seadrift Ave., asked for clarification of the parking lot entrance as he was concerned about loss of available street parking.

Al Sweeney, ?, asked about the traffic study.

The Board took a break at 9:23pm and returned at 9:30pm. Present were Mr. Kutosh, Ms. LaRussa, Mr. Zill, Vice Chair Tierney, Mr. Cramer, Mr. Cody, and Dr. Petersen. Also present were Board Attorney Mr. Tombalakian, Board Engineer Mr. Herrman, and Board Secretary Ms. Tran.

Mr. Anderson cross examined Mr. Carmano. Peter Streck, was sworn in as Mr. Carmano's planner. Mr. Anderson had no objections to Mr. Streck's credentials and experience. Objector's exhibits were entered. Mr. Streck testified on behalf of Mr. Carmano and noted that Block 72 Lot 11.01 should have been part of the application. Mr. Anderson objected and said that it wasn't.

Due to the late hour, Chair Knox announced that the application would be carried to the next meeting on May 11th. Mr. Tombalakian announced that there would be no re-noticing.

APPROVAL OF MINUTES:

March 9, 2023 Meeting Minutes

OFFERED BY: Ms. LaRussa

SECONDED BY: Vice Chair Tierney

All in Favor. None Opposed.

ABSENT: Mayor Broullon, Chief Burton, Mr. Montecalvo, Councilmember Olszewski, Ms. Chang

The Land Use Board 2022 Annual Report was carried for next month.

ADJOURNMENT

Offered by: Vice Chair Tierney

Seconded: Mr. Kutosh

All in favor

None Opposed

Adjourned at 10:06pm

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on April 13, 2023.



Nancy Tran, Land Use Board Secretary