



**Borough of Highlands LUB Reorganization Meeting Minutes  
Community Center, 22 Snug Harbor Ave., Highlands, NJ  
March 9, 2023**

Vice Chair Annemarie Tierney called the meeting to order at 7:0pm and asked all to stand for the Pledge of Allegiance.

Vice Chair Tierney 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: Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Montecalvo, Mr. Zill, Vice Chair Tierney, Mr. Cramer, Dr. Petersen

Absent: Mayor Broullon, Councilmember Olszewski, Chair Knox, Ms. Chang

Also Present: Ron Cucchiaro, Esq., Edward Herrman, and Board Secretary Nancy Tran

**HEARINGS ON OLD BUSINESS:**

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

Mr. Cucchiaro asked for any attorneys present in the audience to introduce themselves. Arthur Carmano, Esq., introduced himself and stated that he would be representing himself. Mr. Carmano had no objections to the noticing of the applicant. Mr. Montecalvo recused himself and stepped down.

Vice Chair recapped the application hearing from last meeting. Mr. Cucchiaro explained the procedure of the Board. Vice Chair Tierney asked that those who spoke last time to give others the opportunity to speak.

John Anderson, attorney for applicant, reviewed the testimony so far and the testimony to come and listed the exhibits thus far.

Al Shissias, architect for the applicant, described the revised design since the last meeting. Vice Chair Tierney asked for clarification on the impact on waiting area and capacity. Steven James Whalen, owner, testified on capacity. Vice Chair Tierney asked about timing of transaction per customer and Mr. Whalen answered. She then asked about the side awning and Mr. Herrman answered after looking up the answer. Mr. Zill asked about capacity per hour and Mr. Anderson stated that the traffic expert can better answer when he testifies. Chief Burton asked for clarification on capacity. Mr. Cucchiaro asked several questions to which Mr. Shissias answered. Vice Chair Tierney asked Mr. Herrman for verification regarding ADA compliance, and he confirmed that being ADA compliant is a condition of approval.

Vice Chair Tierney opened the floor to the Public.

Justin Mele, Seadrift Ave., asked about capacity, line management, and parking. Mr. Whalen answered operational questions. Vice Chair Tierney and Mr. Anderson noted that no parking variance was needed.

Mr. Carmano, Seadrift Ave., asked about the rear door, delivery procedure, and emergency exit. Mr. Anderson stated that their engineer could better answer the questions. He noted the limits of the Board and the purpose of the application. Mr. Cucchiaro added that fire safety is part of the construction permit compliance.

Steve Solop, Bay Ave., asked about the traffic study. Vice Chair Tierney and Mr. Cucchiaro stated that the expert hasn't testified yet.

Melissa Pedersen, Bay St., asked for clarification about the CBD Zone. Mr. Anderson answered and clarified about the parking lot and distance from the school. Vice Chair Tierney reminded about the testimonies previously given and confirmed Mr. Anderson's response.

Robert Fishler, Gravelly Point Rd., asked about security and onsite parking requirements. Mr. Cucchiaro stated that the applicant will have to abide by Board approval given and if onsite in the future is required, then applicant would have to come back to the Board.

Martin Keily, Shore Dr., asked for clarification about the Land Use Board's role with parking requirements. Mr. Cucchiaro answered and Chief Burton gave an example. Mr. Keily asked for front area clarification and line management. Mr. Shissias answered and Mr. Anderson added that the traffic expert has yet to testify.

Anthony Camarata, Seadrift Ave., asked about security and product handling. Mr. Whalen answered.

Brant Papi, applicant's engineer, summarized the revised site plan. He noted that no current non-conforming items were being exacerbated but rather more compliant.

Mr. Herrman asked about the rear loading area and Mr. Cucchiaro asked about delivery vehicle size. Mr. Anderson noted that his traffic expert can better answer.

Lee Klein, applicant's traffic expert, was sworn in and gave his report. Vice Chair Tierney asked for clarification of his calculations, capacity during peak and non-peak season, parking lot across the street, and pedestrian traffic crossing the street. Mr. Herrman asked if his traffic studies included cannabis businesses. Chief Burton asked about the number of cannabis businesses. Mr. Cramer asked if Mr. Klein's studies considered non-motor vehicle traffic.

Mr. Cucchiaro asked Mr. Anderson to address point from Mr. Herrman's report. Mr. Papi was brought back to testify design compliance. Mr. Cramer asked if there was a discrete ordinance. Mr. Cucchiaro explained the difference between conditional use vs. permitted use. Vice Chair

Tierney asked for assurance that there would be no consumption of the product in the parking lot. Mr. Whalen answered that the parking lot will have camera surveillance.

The Board took a break at 9:01pm and returned at 9:12pm. Present were Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Zill, Vice Chair Tierney, Mr. Cramer, and Ms. Petersen. Also present were Board Attorney Mr. Cucchiaro, Board Engineer Mr. Herrman, and Board Secretary Ms. Tran.

Verna Sawant, professional planner for the applicant, was sworn in and the Board accepted her credentials. She described the property, proposed plans, and listed non-conforming variances. Ms. Sawant testified that the proposed plan, while it doesn't remove non-conformity, does reduce pre-existing non-conformities. Mr. Cucchiaro asked for confirmation of pre-existing conditions.

Due to the late hour, Mr. Cucchiaro announced that the application would be carried to the next meeting on April 13<sup>th</sup> without re-noticing.

Vice Chair Tierney encouraged the public to attend to give their feedback.

**APPROVAL OF MINUTES:**

**February 2, 2023 Reorganization Meeting Minutes**

OFFERED BY: Mr. Kutosh

SECONDED BY: Dr. Petersen

All in Favor. None Opposed.

ABSENT: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski, Chair Knox, Ms. Chang, Mr. Ziemba

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

**ADJOURNMENT**

Offered by: Ms. LaRussa

Seconded: Mr. Kutosh

All in favor

None Opposed

Adjourned at 10:05pm

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on March 9, 2023.

  
\_\_\_\_\_  
Nancy Tran, Land Use Board Secretary