



**Borough of Highlands LUB Reorganization Meeting Minutes
Community Center, 22 Snug Harbor Ave., Highlands, NJ
May 11, 2023**

Chair Rob Knox called the meeting to order at 7:03pm 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.

ROLL CALL:

Present: Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Zill, Vice Chair Tierney, Ms. Chang, Mr. Cody, Dr. Petersen, Chair Knox

Absent: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski, Mr. Cramer,

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

Mr. Montecalvo and Councilmember Olszewski came to the meeting and left prior to start as they would be recused again for the Sea Grass application.

PUBLIC COMMENTS: Tina Kemmer, Linden Ave., asked for advice on how to proceed with finding solution to buffer noise from neighbor's inground pool pump/filter. Chair Knox, Mr. Tombalakian, Chief Burton, and Vice Chair Tierney gave suggestions on actions she could take.

Martin Kiely, Overview, voiced his concern about individuals being interrupted when talking at previous meetings. Chair Knox and Mr. Tombalakian noted his concern.

RESOLUTIONS:

LUB Resolution 2023-10 Master Plan Consistency Determination of Ordinance O-23-07 for Electric Vehicles

OFFERED BY: Mr. Kutosh

SECONDED BY: Ms. LaRussa

Ayes: Mr. Kutosh, Ms. LaRussa, Mr. Zill, Mr. Cody, Dr. Petersen, Vice Chair Tierney, Chair Knox

Nays: None

Ineligible: Chief Burton, Ms. Chang

Absent: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski, Mr. Cramer

LUB Resolution 2023-11 Master Plan Consistency Determination of Ordinance O-23-08 for Solar Power

OFFERED BY: Mr. Kutosh

SECONDED BY: Chair Knox

Ayes: Mr. Kutosh, Ms. LaRussa, Mr. Zill, Mr. Cody, Dr. Petersen, Vice Chair Tierney, Chair Knox

Nays: None

Ineligible: Chief Burton, Ms. Chang

Absent: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski, Mr. Cramer

HEARINGS ON OLD BUSINESS:

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

Chair Knox asked Ms. Tran for list of eligible voters. Ms. Tran noted that Chief Burton is eligible to vote since he completed the Absent Member Certification. Mr. Tombalakian stated the number of votes application needed for approval.

Peter Steck continued his testimony for the objector. Mr. Anderson reminded him that Mr. Carmano verified Board jurisdiction to hear application. Mr. Steck stated that the parking lot property is an accessory use rather than a primary use to the application. He noted that removal of any non-conformity that was not approved should be removed anyway. Mr. Steck summarized the applicant's planner's testimony and listed points he disagreed with. He noted that the parking lot is less than 1000ft from the elementary school. Mr. Anderson objected. Chair Knox asked for clarification of the law relating to the parking lot and its distance from the school. Mr. Steck, Mr. Anderson, and Mr. Carmano discussed the ordinance 21-78 A1. Chief Burton asked Mr. Herrman to weigh in. Mr. Herrman noted that Mr. Cucchiaro had approved the parking lot distance from the elementary school. Mr. Steck and Mr. Anderson continued discussing parking code and schedule. Ms. Chang asked for clarification of the distance from the school.

Martin Kiely, Oceanview Terr., asked for clarification of the ownership of the parking lot property and noticing of property owners within 200ft. Mr. Herrman clarified lot property and notification of those 200ft from the lot. Mr. Tombalakian stated that the owner consented for the applicant and that the 1000ft distance applied to the cannabis business and not the parking lot.

Mr. Anderson cross examined Mr. Steck to identify his client, if he has any cannabis client, his area of expertise, parking standards, and the zone the property is located.

Patricia Camarata, Seadrift, asked about the nearby school bus stop.

The Board took a break at 8:44pm and returned at 8:53pm. Present were Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Zill, Vice Chair Tierney, Ms. Chang, 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 continued his cross examination of Mr. Steck.

Chair Knox asked Mr. Herrman to review the variances and the "d" variance being sought by the applicant. Members of the public asked for clarification of the notices they received. Mr. Herrman explained.

Mr. Kiely asked for clarification of the FAR. Steve Solop, Bay Ave., asked about the nearby bus stop. Justin Mealy, Seadrift, asked for clarification about estimated time spent by the customer and traffic study. Anthony Camarata, Seadrift Ave., asked about the applicant's business plan.

Mr. Tombalakian and Chief Burton noted that this is not under the purview of the Board. Bob Fishler, Gravelly Point Rd., asked about ordinance compliance determination.

Dr. Petersen asked about parking buffer and noticing requirements.

Mr. Carmano had not redirect for Mr. Steck.

Mr. Fishler asked for clarification of the Board parking determination and Board procedure. Mr. Tombalakian, Chief Burton, and Mr. Herrman answered.

Chair Knox opened the floor for Public Comment.

Mr. Camarata shared his research on cannabis business and expressed his concern for safety, security and property value of his property that is one door away.

Lorna Milbauer, Marina Bay Ct., voiced her objection to the application.

Mr. Solop, voiced his objection to the application.

Due to the late hour, Chair Knox announced that the application would be carried to the next meeting on June 8th. Mr. Tombalakian announced that no additional noticing is required.

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

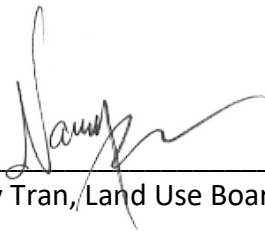
Seconded: Mr. Kutosh

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