



Borough of Highlands LUB Meeting Minutes
Community Center, 22 Snug Harbor Ave., Highlands, NJ
June 8, 2023

Chair Rob Knox called the meeting to order at 7:05pm 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: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Vice Chair Tierney, Chair Knox, Ms. Chang, Mr. Cramer, Mr. Cody, Dr. Petersen

Absent: None

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

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

PUBLIC COMMENTS: None

HEARINGS ON OLD BUSINESS:

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

Mr. Anderson summarized the application and his experts' testimonies.

Chair Knox asked Ms. Tran for list of eligible voters. Ms. Tran noted that Ms. Chang and Mr. Cramer are eligible to vote as they completed the Absent Member Certifications for the meetings where they were absent.

Mr. Anderson continued summarizing the application and asked that priority be given to those in the audience who haven't already spoken. Mayor Broullon, Councilmember Olszewski, Mr. Montecalvo recused themselves and stepped down from the dais. Mr. Cody left the meeting.

Melissa Pedersen, Bay St., expressed concern about increased traffic and her concern for public safety.

Justin Mealey, Seadrift Ave., thought that the property was no adequate for the potential volume of traffic.

Arthur Carmano, Seadrift Ave., thanked the Board members for their time. Mr. Anderson asked if an objector could give a summation. Mr. Tombalakian stated that Mr. Anderson will have his

chance for summation. Mr. Carmano summarized the role of each speaker, legal definitions, security concerns, traffic concerns, and cause and effects.

Maggie Zak, Marina Bay Dr., brought up security concerns and noted the recent robbery in Eatontown. She expressed concern about children's exposure to the products.

Sal Albanese, Seadrift, thought that the Borough was wrong in its zoning designation and thought that residents should have had a vote on the cannabis issue.

Tina Kemmer, Linden Ave., thought that the Board should take the residents' input into consideration. She does not believe the location is ideal for such a business.

Kathleen Hands, Marina Dr., stated that she has no objections to cannabis but does object to the proposed location.

Bob Fishler, Gravelly Point Rd., stated that he does not support the cannabis ordinance. He expressed concern that the applicant cannot meet the cannabis requirement for staff parking on site and the collective bargaining. Mr. Fishler thought that the property ownerships of the different lots was questionable and wasn't clear on the legal implication or deed restrictions for each.

Blake Chesbro, Bay Ave., noted his property in relation to the proposed property and listed his concerns. He implored the Board to do the right thing and vote no to the applicant.

Eileen Skiff, Ocean Ave., shared a story of her friend's experience visiting a business next door to a cannabis business and the cannabis smell that permeated the neighboring business.

Al Smuda, Marina Dr., stated that the current traffic and parking situation from the ferry is already problematic. He noted that neighboring towns' decisions against having a cannabis business in their towns.

Dr. Petersen asked how the State decides if the Borough approves 2 cannabis conditional use applications. Chair Knox, Vice Chair Tierney, and Mr. Anderson answered. Mr. Zill added that the first applicant to get State's approval would get the 1 license in Highlands.

Mr. Anderson thanked the Board and began his summation, including addressing some of Mr. Carmano's points. He passed out a copy of Highlands code to the Board and proceeded to finish his summation.

Mr. Tombalakian explained the procedure and explained the vote prior to Board vote.

ON MOTION TO DENY OF: Ms. LaRussa

SECONDED BY: Vice Chair Tierney

ROLL CALL:

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

NO: Chief Burton

RECUSED: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski, Mr. Cody

ABSENT: None

The Board took a break at 8:39pm and returned at 8:47pm. Present were Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Councilmember Olszewski, Mr. Zill, Vice Chair Tierney, Chair Knox, Ms. Chang, Mr. Cramer, Mr. Cody, and Dr. Petersen. Mr. Montecalvo was absent. Also present were Board Attorney Mr. Tombalakian, Board Engineer Mr. Herrman, and Board Secretary Ms. Tran.

HEARINGS ON NEW BUSINESS:

Subdivision – LUB2023-01: Catcherman LLC, 30 Seadrift Ave., Block 76 Lots 4, 5 & 7.01

Dan O’Hern, attorney for the applicant, described the existing lots and the proposed subdivision.

Robert Davis, applicant, was sworn in and stated his connection with Catcherman LLC. He proceeded to describe the property with the existing structure. Applicant passed out photo Exhibits A-1 through A-4 of other homes he’s built in town and examples of homes he plans to build. Chair Knox asked the number of homes he’s done in town and Mr. Davis replied 3 renovations and 7 new constructions. Mr. Zill asked about architectural plans and Mr. Davis answered that he wanted to see what’s approved first. Chair Knox asked for clarification on the proposed subdivision.

Mr. Herrman explained and noted the required Board actions. He noted his mechanical concerns, and consistency with ordinance standards. Mr. Herrman then listed the setback variances requested. He noted that architectural plans may be helpful for the Board members but that it makes financial sense for the applicant to wait to do them. He asked about the number of decks for the proposed new constructions.

Councilmember Olszewski asked about the proposed staircases and unpaved areas. Mr. Davis described the proposed plans. Ms. Chang asked for further clarification of the subdivision and if Lot 5 ever had a structure on it. Mr. Davis answered.

Andrew Stockton, engineer, surveyor, planner for the applicant, was sworn in. He described the existing lots and the proposed subdivided lots. Mr. Stockton listed the variances that was being sought and introduced Exhibit A-5.

Vice Chair Tierney asked for clarity on the proposed deck plans and Mr. Davis explained that the upper decks were recessed. Ms. Chang shared her observations of the surrounding properties. Board members discussed about details of the neighboring properties and the properties on the street. Councilmember Olszewski noted that she recently walked the area and asked why not keep 3 lots rather than 4 smaller lots.

Mr. Stockton answered that it is not out of character for the area. He then passed out Exhibit A-6 of a picture that was taken the day before. Mr. Stockton addressed the points on the Board Engineer’s review letter and listed outside agency approvals that would be required.

Mr. Herrman asked for the number of bedrooms, parking standards, driveway and garage for each structure. Mr. Herrman asked about drainage considerations with the prevailing flow of the street and storm drainage in the area. He explained his line of questioning to the Board. Mr. Herrman noted the prevailing front setback and reasonable widths. He noted his concern about the depth of the back deck and lack of green space landscaping. He added that the board should weigh the planning options of either subdividing into 3 lots with 3 bigger homes or into 4 lots with 4 smaller homes and their impact of storm drainage and imperviousness.

Mayor Broullon asked why not subdivide into 3 equal lots instead of 4 lots with high lot coverage. Mr. Stockton answered that it is not out of character for the area. The Board discussed the pros and cons of subdividing the existing 2 conforming lots and 1 non-conforming lots into 3 equal, more conforming, lots versus subdividing into 4 less conforming lots. Chief Burton noted that the applicant would still need variance relief. Mr. Zill noted that zoning is what you want to see. Councilmember Olszewski pointed out that the applicant would still have 3 undersized lots. She added that the Board should look to the future rather than repeat history. Vice Chair Tierney noted the difference between the existing surrounding smaller homes and the newer constructed and proposed constructions. Mr. Kutosh stated that the houses may be gone in the future but the lots remain. Chief Burton noted that the Board can make conditions.

Mr. Davis related his experience in building in the area and explained that he explored options factoring in comparables in the neighborhood. He stated that he doesn't see 2 adjacent houses selling at the same time. Vice Chair Tierney noted that he's in that position now. Dr. Petersen asked about price difference for 3 properties vs. 4 properties and about affordability. She asked if there's a study for impact of 3 larger homes to 4 smaller homes to flooding and Mr. Stockton answered. Mr. Davis explained that his goal is to get rid of storm damaged homes. Chief Burton noted that the Board focus on the application that is currently presented. Chair Knox asked if the proposed is similar or different from what's currently there. Mr. Kutosh noted that people want house, not green space.

Chair Knox opened the floor to the Public comment.

Karen Jarmusz, Seadrift Ave., shared that her home was built in 1909 without the foresight that properties were too dense.

Chair Knox observed that the whole neighborhood is noncompliant. Vice Chair Tierney stated that this is a chance to coming closer to compliance. Chief Burton asked if Mr. Davis required variances for his other constructions and Mr. Davis responded. Mayor Broullon asked if Mr. Davis would consider subdividing into 3 equal lots and Mr. Davis responded that he would need to consider the financials. Mr. Zill asked about the economics of 3 newly constructed homes. Mr. Cramer asked about the financials of building 3 new homes vs. 2 new homes. Chair Knox reminded that economics and financials are not of the Board consideration. Mayor Broullon stated that 3 equal lots would be more compliant with zoning rather than 4 smaller lots that are in keeping with the neighborhood. Chief Burton stated that it's what you want vs. what is proposed.

Mr. Tombalakian summarized the application and explained the Board's role in making their vote. Mr. Stockton added that they could shrink the depth of the structure and Mr. Davis suggested the depth of 40ft.

ON MOTION TO APPROVE OF: Mr. Kutosh

SECONDED BY: Chair Knox

ROLL CALL:

YES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Zill, Chair Knox

NO: Councilmember Olszewski, Ms. Chang, Vice Chair Tierney

RECUSED: None

ABSENT: Mr. Montecalvo

APPROVAL OF MINUTES:

April 13, 2023 Meeting Minutes

OFFERED BY: Mr. Kutosh

SECONDED BY: Ms. LaRussa

All who could vote in Favor. None Opposed.

RECUSED: Mayor Broullon, Councilmember Olszewski

ABSENT: Mr. Montecalvo

May 11, 2023 Meeting Minutes

OFFERED BY: Mr. Kutosh

SECONDED BY: Ms. LaRussa

All who could vote in Favor. None Opposed.

RECUSED: Mayor Broullon, Councilmember Olszewski

ABSENT: Mr. Montecalvo

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

ADJOURNMENT

Offered by: Mr. Kutosh

Seconded: Ms. Chang

All in favor. None Opposed

Adjourned at 10:14pm

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on June 8, 2023.



Nancy Tran, Land Use Board Secretary