



**Borough of Highlands LUB Reorganization Meeting Minutes  
Municipal Building, 151 Navesink Ave., Highlands, NJ  
January 11, 2024**

Robert Knox called the meeting to order at 7:00pm and asked all to stand for the Pledge of Allegiance.

Mr. 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:**

Chief Burton and Councilmember Olszewski said their Oath of Office with Austin Mueller, Esq.

**ROLL CALL:**

Present: Mayor Broullon, Chief Burton, Mr. Knox, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Ms. Tierney, Mr. Zill, Mr. Cramer, Ms. Vickery

Absent: Ms. LaRussa, Ms. Chang, Mr. Cody

Also Present: Edward Herrman, Austin Mueller, Esq., Carmela Roberts, and Nancy Tran

**PUBLIC COMMENTS:** None

**RESOLUTIONS:**

**LAND USE BOARD RESOLUTION 2024-01  
APPOINTING THE LAND USE BOARD CHAIRMAN**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4A the Land Use Board shall Elect a Chairman from amongst its Class IV members;

**NOW THEREFORE IT IS RESOLVED**, by the Land Use Board of the Borough of Highlands, that Robert Knox shall be named Chairman in accordance with § 21-17A.4A for a term beginning January 1, 2024 and ending on December 31, 2024.

OFFERED BY: Mr. Kutosh

SECONDED BY: Ms. Tierney

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Ms. Tierney, Mr. Zill, Mr. Cramer, Ms. Vickery

NAYS: None

ABSTAIN: Mr. Knox

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**LAND USE BOARD RESOLUTION 2024-02  
APPOINTING THE LAND USE BOARD VICE CHAIRMAN**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4A the Land Use Board shall Elect a Vice Chairman from amongst its Class IV members;

**NOW THEREFORE IT IS RESOLVED**, by the Land Use Board of the Borough of Highlands, that Annemarie Tierney shall be named Vice Chairman in accordance with § 21-17A.4A for a term beginning January 1, 2024 and ending on December 31, 2024.

OFFERED BY: Chair Knox

SECONDED BY: Mayor Broullon

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Ms. Vickery, Chair Knox

NAYS: None

ABSTAIN: Ms. Tierney

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**LAND USE BOARD RESOLUTION 2024-03  
APPOINTING A LAND USE BOARD SECRETARY**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4 the Land Use Board may elect a Secretary and Assistant Secretary, who may or may not be a member of the Land Use Board or a municipal employee, and fill such other offices as established by ordinance;

**NOW, THEREFORE, BE IT RESOLVED**, by the Land Use Board of the Borough of Highlands that Nancy Tran shall be named Land Use Board Secretary in accordance with § 21-17A.4 for a term beginning January 1, 2024 and ending December 31, 2024.

OFFERED BY: Mr. Kutosh

SECONDED BY: Councilmember Olszewski

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Ms. Vickery, Vice Chair Tierney, Chair Knox

NAYS: None

ABSTAIN: None

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**LAND USE BOARD RESOLUTION 2024-04  
APPOINTING A LAND USE BOARD ATTORNEY FOR THE CALENDAR YEAR 2023 AND AUTHORIZING  
THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL LEGAL SERVICES**

**WHEREAS**, the Borough of Highlands Land Use Board has a need for professional legal services to be provided for the calendar year 2024 pursuant to the provisions of N.J.A.S. 19:44A-20.5; and

**WHEREAS**, the Borough has, through the fair and open process, publicly advertised for a Request for Proposals and Qualifications, and said requests for Professional Services –Land Use Board Attorney were received in the Office of the Municipal Clerk, and

**WHEREAS**, such Professional Legal Services can only be provided by a licensed professional; and

**WHEREAS**, the Land Use Board wishes to appoint Ronald Cucchiaro, Esq. of the firm of Weiner Law Group, LLP; and

**WHEREAS**, the Local Public Contracts Law N.J.S.A 40A:11-1 et. Seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

**WHEREAS**, the Chief Financial Officer has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, certification of the availability of funds is hereby made contingent upon the adoption of the 2024 Municipal Budget as follows:

Account # 4-01-21-180-000-242  
For Legal Services for the Period of January 1, 2024 through December 31, 2024.

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Patrick DeBlasio, CFO

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Highlands that:

1. Ronald Cucchiaro, Esq. of the Law Office of Weiner Law Group, LLP is hereby appointed as Land Use Board Attorneys for the period of January 1, 2024 through December 31, 2024 and said appointment is made as a fair and open contract.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. The Chairman and Board Secretary are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary and the Borough Clerk.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

OFFERED BY: Mayor Broullon

SECONDED BY: Chair Knox

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Vice Chair Tierney, Chair Knox

NAYS: None

ABSTAIN: None

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**LAND USE BOARD RESOLUTION 2024-05**

**APPOINTING A LAND USE BOARD ENGINEER FOR THE CALENDAR YEAR 2024 AND AUTHORIZING THE AWARD OF A FAIR AND OPEN CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

**WHEREAS**, the Borough of Highlands Land Use Board has a need for professional engineering services to be provided for the calendar year 2024 pursuant to the provisions of N.J.A.S. 19:44A-20.5; and

**WHEREAS**, the Borough has, through the fair and open process, publicly advertised for a Request for Proposals and Qualifications, and said requests for Professional Services – Land Use Board Engineer were received in the Office of the Municipal Clerk.

**WHEREAS**, certification of the availability of funds is hereby made contingent upon the adoption of the 2024 Municipal Budget as follows:

Account # 4-21-180-000-244

For Engineer Services for the Period of January 1, 2024 through December 31, 2024.

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Patrick DeBlasio, CFO

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Highlands that:

1. Carmela Roberts, PE, CME, of Roberts Engineering Group LLC is hereby appointed as Land Use Board Engineer for the calendar year 2024 and is awarded a professional service contract for professional engineering services provided for the period of January 1, 2024 through December 31, 2024.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
3. The Chairman and Board Secretary are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary and the Borough Clerk.

5. The Board Secretary is hereby directed to publish notice of this award as required by law.

OFFERED BY: Mayor Broullon

SECONDED BY: Chair Knox

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Vice Chair Tierney, Chair Knox

NAYS: None

ABSTAIN: Mr. Knox

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**LAND USE BOARD RESOLUTION 2024-06  
SETTING THE SCHEDULE FOR LAND USE BOARD MEETINGS OF THE BOROUGH OF HIGHLANDS  
FOR THE CALENDAR YEAR 2024**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-10A the Land Use Board shall fix the time and place for holding its regular meetings for business authorized to be conducted by the Board;

**WHEREAS**, N.J.S.A 10:4-18 provides for “Annual Notice” which means at least once each year, within seven (7) days following the annual organization or reorganization meeting of a public body, every public body shall adopt, post, and distribute a schedule of its regular meetings for the coming year. The schedule must contain the date, time, and location of the meeting, in addition, it shall be mailed, telephoned, telegraphed, or hand delivered to at least two (2) newspapers which newspapers shall be designated by the public body to receive such notices; and

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Highlands, County of Monmouth, and the State of New Jersey, that Meetings of the Board will begin at **7:00 PM** during the year 2024, at the **Municipal Building, 151 Navesink Avenue, Highlands, New Jersey 07732** in accordance with § 21-1.7A.4 as follows:

1. Meetings will be held on the following dates:

Thursday	February 8, 2024
Thursday	March 14, 2024
Thursday	April 11, 2024
Thursday	May 9, 2024
Thursday	June 16, 2024
Thursday	July 11, 2024
Thursday	August 8, 2024
Thursday	September 12, 2024
Thursday	October 10, 2024
Thursday	November 14, 2024
Thursday	December 12, 2024
Thursday	January 9, 2025*

\* Regular/Reorganization Meeting

2. Formal action will be taken at all Regular meetings. Public comments will be permitted at designated periods during all meetings. Executive Sessions, which are closed to the public, may be held to discuss matters authorized for closed sessions under N.J.S.A. 10:4-12. Prior to each Executive Session, the Land Use Board will convene in open session at which time a resolution will be adopted in accordance with N.J.S.A. 10:4-13 to enter Executive Session. Regular meetings may be adjourned, rescheduled, or held on different dates providing such are duly noticed as provided by law.
3. The Reorganization Meeting for 2025 shall be held at 7:00 PM on Thursday, January 9, 2025, at the **Municipal Building, 151 Navesink Avenue, Highlands, New Jersey 07732.**
4. The Land Use Board Secretary shall post this “Annual Notice” on the official bulletin board in the Municipal Building, transmit it to the Asbury Park Press and Two River Times, and file this notice in the Office of the Land Use Board Secretary and the Municipal Clerk of the Borough of Highlands, all in accordance with the “Open Public Meetings Law”.

OFFERED BY: Chief Burton

SECONDED BY: Vice Chair Tierney

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Vice Chair Tierney, Chair Knox

NAYS: None

ABSTAIN: None

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

#### **LAND USE BOARD RESOLUTION 2024-07**

#### **DESIGNATING THE OFFICIAL NEWSPAPERS OF THE BOROUGH OF HIGHLANDS LAND USE BOARD**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-11(8) the Land Use Board shall publish a brief notice of their decisions in the official newspaper(s) of the municipality;

**WHEREAS**, “Official Newspapers” as defined by N.J.A.S. 10:4 means paid, published, and circulated in the municipality, and if there be no such newspaper, then in at least one published in the county in which the municipality is located and said newspaper is circulated, and

**WHEREAS**, P.L. 1975 c.231 provides that a public body may provide electronic notice of any meeting of the public body through the internet and defines “Electronic Notice” as advance notice available to the public via electronic transmission of at least forty-eight (48) hours, giving the time, date, location, and, to the extent known, agenda of any Regular, Special, or Rescheduled Meeting, which notice shall accurately state whether formal action may or may not be taken at such meeting; and

**WHEREAS**, Nothing in P.L. 1975 c.231 shall be construed as affecting or superseding the adequate notice requirements that are imposed by the “Open Public Meetings Act” and no electronic notice

issued pursuant to this act shall be deemed to substitute for, or be considered in lieu of, such adequate notice.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Highlands, in the County of Monmouth, and the State of New Jersey, that the **Asbury Park Press**, and **The Two River Times**, be designated as the official newspapers for the advertising of ordinances and other public notices, which the municipality may be required by any law to publish, for the year ending December 31, 2024.

OFFERED BY: Councilmember Olszewski

SECONDED BY: Vice Chair Tierney

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Vice Chair Tierney, Chair Knox

NAYS: None

ABSTAIN: None

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**LAND USE BOARD RESOLUTION 2024-08  
MEMORIALIZATION OF SECOND EXTENSION OF USE VARIANCE RELIEF WITH  
PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL**

**MATTER OF LDN, LLC  
APPLICATION NO. LUB-2021-01**

**Approved: November 9, 2023  
Memorialized: January 11, 2024**

**WHEREAS**, an application for a second extension of time for use variance relief with preliminary and final major subdivision approval has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by LDN, LLC (hereinafter referred to as the “Applicant”) on lands known and designated as Block 54, Lot 7.01 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), more commonly known as 49 Miller Street in the CBD (Central Business District) Zone (hereinafter “Property”); and

**WHEREAS**, a public hearing was held before the Board on November 9, 2023 with regard to this application; and

**WHEREAS**, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

**NOW, THEREFORE**, does the Highlands Land Use Board make the following findings of fact and conclusions of law with regard to this application:

1. The Applicant is seeking an extension of time for the use variance relief with preliminary and final major subdivision granted by the Board on November 4, 2021 and memorialized in a Resolution dated December 2, 2021.

2. The Applicant was granted use variance relief with preliminary and final major subdivision relief to create five (5) single-family dwelling lots. Single-family dwellings are not a

permitted use in the CBD Zone and, use variance relief pursuant to N.J.S.A. 40:55D-70d(1) was therefore required.

3. The Applicant was previously granted a one (1) year extension of time in a Resolution memorialized on November 9, 2023.

4. The Applicant is now requesting a second one (1) year extension of time.

5. The Applicant did not testify at the hearing but submitted a letter to the Board from attorney requesting the extension of time for the Board to sign off on the Final Plat. The Applicant's letter explained that the reason for the extension request was that the Board had misplaced the Applicant's paperwork submitted for final plat approval in July of 2022, which had to subsequently be resubmitted.

6. There were no members of the public expressing an interest in this application.

7. The Board has received, reviewed, and considered the Applicant's June 30, 2023 written request for an extension, Land Use Board Resolution granting use variance relief with preliminary and final major subdivision approval dated December 2, 2021 pursuant to N.J.S.A. 40:55D-52. All exhibits, resolutions, and statements have been incorporated herein in their entirety.

**WHEREAS**, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby concludes that good cause has been shown to approve the application of LDN, LLC for a second one (1) year extension of time pursuant to N.J.S.A. 40:55D-52.

The Board acknowledges that the Applicant has diligently pursued outside approvals but that due to circumstances beyond its control the Applicant has faced unavoidable and unexpected delays. The Board, therefore, finds that a second extension of time of one-year pursuant to N.J.S.A. 40:55D-52 is appropriate in this circumstance.

**NOW, THEREFORE, BE IT RESOLVED** by the Highlands Land Use Board on this 11<sup>th</sup> day of January, 2024, that the action of the Land Use Board taken on November 9, 2023 granting Application No. LUB-2021-01 of LDN, LLC for a second one (1) year extension of time for use variance relief with preliminary and final major subdivision be and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted a second one (1) year extension of time.
2. All terms and conditions of the Board's previous approvals, except as satisfied or amended, shall remain in place.
3. The Applicant shall provide a certificate that taxes are paid to date of approval.
4. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.



5. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

**BE IT FURTHER RESOLVED** that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Borough clerk, engineer, attorney and tax assessor, and shall make same available to all other interested parties.

OFFERED BY: Vice Chair Tierney

SECONDED BY: Councilmember Olszewski

AYES: Chief Burton, Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Ms. Vickery, Vice Chair Tierney, Chair Knox

NAYS: None

RECUSE: Mayor Broullon

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**LAND USE BOARD RESOLUTION 2024-09**

**MEMORIALIZATION OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-23-22**

**AMENDING CHAPTER 21, ARTICLE XIV, ADDING NEW SECTION 21-81A ENTITLED "PRIVATELY OWNED SALT STORAGE" AND AMENDING SECTION 21-31 ENTITLED "OUTDOOR STORAGE" OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS**

**MATTER OF CONSISTENCY DETERMINATION  
FOR ORDINANCE NO. O-23-22**

**Decided: November 9, 2023  
Memorialized: January 11, 2024**

**WHEREAS**, under N.J.S.A. 40:55D-26a of the Municipal Land Use Law (the "MLUL"), prior to the adoption of a development regulation, revision or amendment thereto, the Land Use Board shall make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions of the proposed ordinance which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, on November 1, 2023, the Borough of Highlands Governing Body introduced Ordinance No. O-23-22 entitled "Amending Chapter 31, Article XIV (Establishment of Districts) by Adding New Section 21-81A (Privately Owned Salt Storage) and Amending Section 21-81 (Outdoor Storage) of the Revised General Ordinances of the Borough of Highlands, County of Monmouth and State of New Jersey"; and

**WHEREAS**, the Mayor and Council of the Borough of Highlands referred this matter to the Borough Land Use Board under the MLUL pursuant to N.J.S.A. 40:55D-64; and

**WHEREAS**, on November 9, 2023, the Land Use Board considered this matter at a duly-noticed in-person public meeting; and

**WHEREAS**, on or about November 19, 2023, Counsel for the Land Use Board provided a letter to the Board Secretary to be presented to the Governing Body, containing the Board’s findings for the consistency review of Ordinance No. O-23-22; and

**WHEREAS**, on December 20, 2023, Ordinance No. O-23-22 was adopted by the Borough of Highlands Governing Body after second reading and a public hearing.

**NOW, THEREFORE**, by the Borough of Highlands Land Use Board, having reviewed Ordinance No. O-23-22, memorializes the following findings of fact and conclusions of law in regard to the proposed revisions to the Code of the Borough of Highlands:

1. Ordinance No. O-23-22 amends Chapter 31, Article XIV (Establishment of Districts) by adding new section 21-81A entitled “Privately Owned Salt Storage” and amending Section 21-81 entitled “Outdoor Storage” of the Code of the Borough.
2. At its public meeting on November 9, 2023, Mayor Broullon provided the Land Use Board with an overview of the Ordinance. The Land Use Board and its professionals discussed the Ordinance, which is intended to prevent the Borough’s stormwater and stormwater management systems from being exposed to stored salt and other de-icing materials.
3. The Land Use Board finds that the adoption of Ordinance No. O-23-22 is substantially consistent with the comprehensive goals set forth in the Master Plan.
4. The Land Use Board finds that adoption of Ordinance No. O-23-22 is substantially consistent with the comprehensive land use goals, and economic development goals as set forth in the Master Plan or is designed to effectuate such plan elements for the reasons expressed on the record as well as the reasons expressed by its professionals and Mayor Broullon.
5. The Land Use Board finds the Ordinance is consistent as written and has no recommendations for changes to Ordinance O-23-22.

**NOW THEREFORE, BE IT RESOLVED**, by the Highlands Land Use Board that Ordinance No. O-23-22 entitled “Amending Chapter 31, Article XIV (Establishment of Districts) by Adding New Section 21-81A (Privately Owned Salt Storage) and Amending Section 21-81 (Outdoor Storage) of the Revised General Ordinances of the Borough of Highlands, County of Monmouth and State of New Jersey” has been determined by the Land Use Board to be substantially consistent with the comprehensive land use goals and economic development goals in the Master Plan or is designed to effectuate such plan elements for the Borough of Highlands.

**BE IT FURTHER RESOLVED** that the Land Use Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Borough Council as a supplement to the letter sent to the Mayor and Council on or about December 19, 2023, and shall serve as the report to the Governing Body pursuant to N.J.S.A. 40:55D-26a of the MLUL.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

OFFERED BY: Chair Knox

SECONDED BY: Mr. Kutosh

AYES: Mayor Broullon, Mr. Kutosh, Councilmember Olszewski, Mr. Zill, Mr. Cramer, Chair Knox

NAYS: None

ABSTAIN: Chief Burton, Mr. Montecalvo, Vice Chair Tierney

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**APPROVAL OF MINUTES:**

December 14, 2023 Meeting Minutes

OFFERED BY: Councilmember Olszewski

SECONDED BY: Chair Knox

AYES: Mr. Kutosh, Mr. Montecalvo, Councilmember Olszewski, Mr. Cramer, Ms. Vickery, Vice Chair Tierney, Chair Knox

NAYS: None

INELIGIBLE: Mayor Broullon, Chief Burton, Mr. Zill

ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

**HEARINGS ON NEW BUSINESS: LUB2023-07 Kelly-Hall 40 Grand Tour B14 L6-02**

Andrew Stockton, applicant's engineer, was sworn in and explained the reason for the application. He described that the property's block was included in the steep slope ordinance but that the property did not have a steep slope.

Mayor Broullon stated that if there is no slope more than 20% grade, then there should be no need for the application to be in front of the Land Use Board. Chief Burton asked if the 2022 subdivision approval resolution included this project and asked for clarity. Mr. Herrman explained the steep slope ordinance and summarized his review. He gave an overview of the current steep slope ordinance and how the application measured up. Mr. Herrman believed that the ordinance was intended for area slopes greater than 15% and noted where the ordinance become unworkable. Mr. Mueller noted the legal implications of the application.

Mr. Stockton asked if his clients needed a variance considering Mr. Herrman's review and if so, did the Board grant it considering that there is no steep slope on the property. Discussion ensued regarding the steep slope ordinance, the Board's authority, and the best process that the Board should follow. Mr. Zill asked if adjacent lots have steep slope. Vice Chair Tierney wanted clarification on Mr. Herrman's recommendation and wanted to use care in the language used in the Board's determination. Mayor Broullon wanted to distinguish between using "disagree" and "error". Ms. Roberts objected to granting a variance for something that didn't apply. Mr. Mueller noted that the Board should vote on the appeal of the steep slope permit denial with instruction to the Borough Engineer to issue the Steep Slope Permit.

The Board agreed that they want to work to fix the steep slope code. Mr. Mueller is to prepare a memo to the Construction Official so that the applicant's project can proceed and to prepare a resolution for the next meeting.

**COMMUNICATION & VOUCHERS: LUB 2023 Annual Report**

Vice Chair Tierney asked about the discrepancy between the number of applications heard and the number of applications approved. Ms. Tran stated that one application that was heard in 2022 and only memorialized in 2023.

OFFERED BY: Mayor Broullon  
SECONDED BY: Chair Knox  
All in favor. None opposed.  
ABSENT: Ms. LaRussa, Ms. Chang, Mr. Cody

Master Plan Planning

Board discussion about forming subcommittee with list to begin planning for 2026 Master Plan for next meeting. Public input will be sought for various areas.

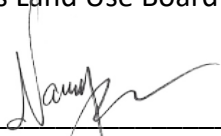
Chief Burton thanked Mr. Herrman for his time as Board Engineer.

Chair Knox suggested that Board Members visit the application property to make more informed decisions.

**ADJOURNMENT**

Offered by: Chair Knox  
Seconded: Vice Chair Tierney  
All in favor. None Opposed  
Adjourned at 8:04pm

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 11, 2024.



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Nancy Tran, Land Use Board Secretary