



Borough of Highlands LUB Meeting Minutes
Municipal Building, 151 Navesink Ave., Highlands, NJ
May 9, 2024

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

Acting 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: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa Mr. Zill, Vice Chair Tierney, Mr. Cramer (arrived at 7:10pm), Mr. Cody, Ms. Vickery,
Absent: Mr. Montecalvo, Councilmember Olszewski, Ms. Chang, Chair Knox
Also Present: Board Engineer Carmela Roberts, Board Attorney Austin Mueller, Esq., and Board Secretary Nancy Tran

PUBLIC COMMENTS: None

APPROVAL OF MINUTES:

April 11, 2024 Meeting Minutes

OFFERED BY: Mayor Broullon

SECONDED BY: Vice Chair Tierney

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Zill, Mr. Cody, Ms. Vickery, Acting Chair Tierney

NAYS: None

ABSTAIN: None

INELIGIBLE: Ms. LaRussa

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Chair Knox, Ms. Chang, Mr. Cramer

RESOLUTIONS:

Memorializing Resolution for Consistency Review of O-24-04

LAND USE BOARD RESOLUTION 2024-13

**MEMORIALIZATION OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-24-04
AMENDING CHAPTER 22 (ENVIRONMENTAL PROTECTION) SECTIONS 22-1.2 (PURPOSE), 22-1.3
(DEFINITIONS AND WORD USAGE), 22-1.7 (REVIEW OF APPLICATIONS), ADDING SECTION 22-1.8
(TREE REPLACEMENT REQUIREMENTS) AND APPENDIX A (BOROUGH OF HIGHLANDS SUGGESTED
TREES AND SHRUBS) AND RENUMBERING THE REMAINING SECTIONS OF THE BOROUGH CODE OF
THE BOROUGH OF HIGHLANDS**

MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-24-04

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 March 20, 2024, the Borough of Highlands Governing Body introduced Ordinance No. O-24-04 entitled “Amending Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions and Word Usage), 22-1.7 (Review of Applications), Adding New Section 22-1.8 (Tree Replacement Requirements) and Appendix A (Borough of Highlands Suggested Trees and Shrubs) and Renumbering the Remaining Sections”; and

WHEREAS, the Mayor and Council of the Borough of Highlands referred this matter to the Borough Land Use Board under the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-26a; and

WHEREAS, on April 11, 2024, the Land Use Board considered this matter at a duly-noticed in-person public meeting; and

NOW, THEREFORE, by the Borough of Highlands Land Use Board, having reviewed Ordinance No. O-24-04, 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-24-04 amends Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions and Word Usage), 22-1.7 (Review of Applications), Adding New Section 22-1.8 (Tree Replacement Requirements) and Appendix A (Borough of Highlands Suggested Trees and Shrubs) and Renumbering the Remaining Sections of the Code of the Borough.
2. The purpose of the proposed Ordinance is to adopt the current regulations issued by the New Jersey Department of Environmental Protection (“NJDEP”) regarding tree replacement.
3. The Land Use Board finds that adoption of Ordinance No. O-24-04 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.
4. The Land Use Board concludes that the adoption of Ordinance No. O-24-04 is substantially consistent with the comprehensive goals set forth in the Master Plan and has no comments or recommendations.

NOW THEREFORE, BE IT RESOLVED, by the Highlands Land Use Board that Ordinance No. O-24-04 entitled “Amending Chapter 22 (Environmental Protection) Sections 22-1.2 (Purpose), 22-1.3 (Definitions and Word Usage), 22-1.7 (Review of Applications), Adding New Section 22-1.8 (Tree Replacement Requirements) and Appendix A (Borough of Highlands Suggested Trees and Shrubs) and Renumbering the Remaining Sections” 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 and 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. This Resolution shall serve as the report to the governing body pursuant to N.J.S.A. 40:55D-26a of the Municipal Land Use Law.

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

MOTIONED TO APPROVE: Chief Burton

SECONDED BY: Mr. Kutosh

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Mr. Zill, Mr. Cody, Ms. Vickery, Acting Chair Tierney

NAYS: None

ABSTAIN: None

INELIGIBLE: Ms. LaRussa

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Chair Knox, Ms. Chang, Mr. Cramer

HEARING ON NEW BUSINESS:

LUB2022-06: Martin, 15 Barberie Ave, B77 L15 – Extension Request

Mr. Mueller explained the applicant’s request.

MOTIONED TO APPROVE: Mr. Cody

SECONDED BY: Mayor Broullon

AYES: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. LaRussa, Mr. Zill, Mr. Cody, Ms. Vickery, Acting Chair Tierney

NAYS: None

ABSTAIN: None

ABSENT: Mr. Montecalvo, Councilmember Olszewski, Chair Knox, Ms. Chang, Mr. Cramer

LUB2022-10: Home & Land - 14 & 32 North Peak, B35 Ls 8 & 9 – Application

Evan Zimmerman, Esq., applicant’s attorney, introduced himself and the application. Frank Farrell, applicant’s engineer, was sworn in and listed his credentials. He described the current conditions and the lots. He summarized the proposed project, noting proposed plans for stormwater management, retaining wall, utilities, driveway, and curb.

Mr. Mueller confirmed that the notices were properly served and published. Ms. Roberts began her review of the project and referenced her letter dated May 8, 2024, and explained her concerns. She asked for clarification of the proposed sanitary extension, the requirement for a more detailed plot plan, the classification of the project as a major site plan, and steep slope ordinance. The Board voiced their concern for more information regard the proposed grading plan. Acting Chair Tierney expressed concern about the

proposed stormwater management plan and how the applicant proposes to manage water runoff from their property onto the properties below. Mayor Broullon noted the conditions of the property before trees on the property had been removed. Mr. Farrell explained when his survey was completed and described the property as presented on the survey and not as presently. He detailed the proposed roof water run-off and the stormwater management plan. Acting Chair Tierney and Ms. Roberts stated that the Board will require additional details.

Ms. Roberts continued with her review and explained the difficulties the property posed. She noted and explained her need for architectural plans, her need for more details on the proposed retaining wall and whether the applicant should get permission from the Council prior to the Board deciding on the project, and her concern of the management of water run-off from Monmouth Hills. Mr. Zimmerman stipulated that proper permits and authorization will be acquired. Ms. Roberts repeated her belief that easements from the Borough should be sought first. Mr. Mueller added that the Board could put in easement from Borough as a condition of approval. Ms. Roberts and Mr. Zimmerman discussed the pros and cons of conditional language. Mayor Broullon asked why the applicant doesn't just build the retaining wall on their own property to eliminate the need for council approval. She explained the history of the paving of the right of way. Mr. Farrell stated that the applicant could work out an agreement between property owners about the maintenance of the retaining wall.

Ms. Roberts explained her concern regarding offsite parking and how the number of proposed bedrooms determines the required number of offsite parking. She repeated the need for more details for the proposed project due to the unique characteristics of the property lots. Acting Chair Tierney asked if it was the best use of time for Ms. Roberts to identify what the Board wants to see and Mr. Zimmerman agreed. Ms. Roberts continued listing issues that needed to be further addressed – major subdivision checklist, soil testing, stormwater management and storm events considerations, and construction considerations when putting in the sanitary sewer line and its impact on neighboring properties. She explained the conditions required for approval of Borough for work in the Right of Way and approval of private property owners.

Mr. Farrell explained his cut and full cross sections and his calculations. Acting Chair Tierney asked about the outdoor condition of the walkout basement and impervious coverage conditions. Mr. Farrell noted that the project would conform with impervious coverage requirements. Ms. Roberts noted the applicant's request for a waiver of an environmental impact report. Mayor Broullon voiced her opinion that the waiver should not be granted and Acting Chair Tierney agreed.

The Board discussed its requirements of the applicant to make its decision: environmental impact report; Council easement approval; major site plan and subdivision checklist requirements; architectural plans with note of number of proposed bedrooms; detailed retaining wall proposal, detailed stormwater management proposal. Ms. Roberts stressed the importance of the required stormwater management even if the project may not need the Borough Code requirements and the importance of understanding how stormwater may impact all neighboring properties.

Acting Chair Tierney explained the Land Use Board procedure to the public before opening the floor for public questions.

Vincent DelRiccio, attorney for the property owner of lots 10, 11, and 12, was sworn in and stated that he would reserve his right to cross exam upon submission of future revisions. Mr. Mueller asked the applicant how much time they would need to submit their revisions.

With no further questions, the floor was open for public comment.

Rich Diebold, Navesink Ave., clarified the historical condition of the paper street and the catch basin.

Mr. Mueller announced that the application is carried to the July 11th meeting without further notice. Mr. DelRiccio noted that his expert may not be available.

ADJOURNMENT

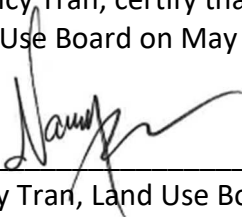
Offered by: Ms. Vickery

Seconded: Mr. Cody

All in favor. None Opposed

Adjourned at 8:57pm

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on May 9, 2024.



Nancy Tran, Land Use Board Secretary