

**Borough of Highlands**  
**LAND USE BOARD**  
**Regular Meeting**  
**January 2, 2020**

***Meeting Location: Robert D. Wilson Memorial Community Center, 22 Snug Harbor Ave, Highlands NJ.***

Mr. Stockton called the meeting to order at 7:38pm

Mr. Stockton asked all to stand for the Pledge of Allegiance.

***Mr. Stockton read the following statement: As per requirement of P.L.1975, Chapter 231 notice is hereby given that this is a Regular Meeting of the Borough of Highlands Land Use Board and all the 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.***

**ROLL CALL:**

Present: Mayor Broullon, Mr. Burton, Chairman Stockton, Mr. Kutosoh, Mr. Lee, Mr. Knox, Mr. Colby, Ms. Walsh, Ms. Nash, Ms. Tierney

Absent: Councilwoman Mazzola, Mr. Montecalvo, Ms. LaRussa

Also Present: Board Attorney Mr. Baxter

Engineer for Ed Herman T&M Associates Greg Zito

**OATH OF OFFICE:**

Attorney Greg Baxter swore in:

Carolyn Broullon as a Class I Member of the Land Use Board

Robert Burton, as a Class IV Member of the Land Use Board

Bruce Kutosh as a Class IV Member of the Land Use Board

Christian Lee as a Class IV Member of the Land Use Board

Jaelyn Walsh as the Alternate 1 Member of the Land Use Board

Miranda Nash as the Alternate 3 Member of the Land Use Board

Annemarie Tierney as the Alternate 4 Member of the Land Use Board

Andrew Stockton, as a Class IV Member of the Land Use Board

**RESOLUTIONS:**

**Motion to Approve LUBR 20-01 A Resolution Electing a Chairman from the Borough of Highlands Land Use Board Class IV Members.**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4 A 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 Andrew Stockton shall be named Chairman in accordance with § 21-17A.4 for a term beginning January 1, 2020 and ending on December 31, 2020.

**RECORD OF THE VOTE**

Mr. Kutosh offered the motion to approve.

Mr. Colby seconded the motion to approve.

There was no debate.

Ayes: Mr. Burton, Mr. Kutsoh, Mr. Lee, Mr. Knox, Mr. Colby, Alternate Ms. Walsh, Alternate Ms. Nash, Mayor Broullon

Nay: None

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

**Motion to Approve LUBR 20-02 A Resolution Electing a Vice Chairman from the Borough of Highlands Land Use Board Class IV Members**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-17A.4 A 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 Robert Knox, shall be named Vice Chairman in accordance with § 21-17A.4 for a term beginning January 1, 2020 and ending on December 31, 2020.

**RECORD OF THE VOTE**

Mr. Colby offered the motion to approve.

Mr. Lee seconded the motion to approve.

There was no debate.

Ayes: Mr. Burton, Mr. Kutsoh, Mr. Lee, Mr. Colby, Alternate Ms. Walsh, Alternate Ms. Nash, Chairman Stockton, Mayor Broullon

Nay: None

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

**Motion to Approve LUBR 20-03 A Resolution Setting the Schedule for Meetings of the Land Use Board of the Borough of Highlands for the Calendar Year 2020**

**WHEREAS**, Pursuant to the Revised General Ordinances of the Borough of Highlands Land Use Volume § 21-10 A 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 State of New Jersey, that Meetings of the Board will begin at **7:30 PM** during the year 2020, at the Robert D. Wilson Community Center, 22 Snug Harbor Ave., Highlands New Jersey 07732 in accordance with § 21-17A.4 as follows:

1. Meetings will be held on the following dates:

Thursday	February 6, 2020
Thursday	March 5, 2020
Thursday	April 2, 2020
Thursday	May 7, 2020
Thursday	June 4, 2020
Thursday	July 2, 2020
Thursday	August 6, 2020
Thursday	September 3, 2020
Thursday	October 1, 2020
Thursday	November 5, 2020
Thursday	December 3, 2020

**RECORD OF THE VOTE**

Mr. Knox offered the motion to approve.

Chairman Stockton seconded the motion to approve.

There was no debate.

Ayes: Mr. Burton, Mr. Kutsoh, Mr. Lee, Mr. Colby, Alternate Ms. Walsh, Alternate Ms. Nash, Vice Chairman Knox, Chairman Stockton, Mayor Broullon

Nay: None

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

**Motion to Approve LUBR 20-04 A Resolution Designating the Official Newspapers of the Borough of Highlands Land Use Board for 2020**

**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 of the municipality;

**WHEREAS** "Official Newspapers" as defined by N.J.S.A. 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 the 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, State of New Jersey, that the **Asbury Park Press, The Two River Times, and The Star Ledger** 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, 2020.

#### **RECORD OF THE VOTE**

Mr. Burton offered the motion to approve.

Vice Chairman Knox seconded the motion to approve.

There was no debate.

Ayes: Mr. Burton, Mr. Kutsoh, Mr. Lee, Mr. Colby, Alternate Ms. Walsh, Alternate Ms. Nash, Vice Chairman Knox, Chairman Stockton, Mayor Broullon

Nay: None

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

#### **Motion to Approve LUBR 20-05 A Resolution Appointing a Land Use Board Attorney for the Calendar Year 220 and Authorizing the award of a Non-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 2020 pursuant to the provisions of N.J.S.A. 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 no later than 11:40 am on



1. Greg Baxter, Esq. of the law office of Caruso & Baxter is hereby appointed as Land Use Board Attorney for the period of January 1, 2020 through December 31, 2020 and said appointment is made as a non-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(l)(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.

### **RECORD OF THE VOTE**

Vice Chairman Knox offered the motion to approve.

Mr. Kutosh seconded the motion to approve.

There was no debate.

Ayes: Mr. Burton, Mr. Kutosh, Mr. Lee, Mr. Colby, Alternate Ms. Walsh, Alternate Ms. Nash, Vice Chairman Knox, Chairman Stockton, Mayor Broullon

Nay: None

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

### **Motion to Approve LUBR 20-06 A Resolution Appointing a Land Use Board Engineer for the Calendar year 2020 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 2020 pursuant to the provisions of N.J.S.A. 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 no later than 11:40 am on November 26, 2019; and

**WHEREAS**, the Land Use Board has reviewed all proposals received and has made the determination to authorize execution of a professional services contracts between the following listed persons/firms and the Borough Land Use Board for the provisions of said services for the year of 2020; and

**WHEREAS**, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year, and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, T & M Associates has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and



member of the Land Use Board or a municipal employee, and fill such other offices as established by ordinance;

**NOW THEREFORE IT IS RESOLVED**, by the Land Use Board of the Borough of Highlands, that Michelle Hutchinson shall be named Land Use Board Secretary in accordance with § 21-17A.4 for a term beginning January 1, 2020 and ending December 31, 2020.

**BE IT FURTHER RESOLVED**, that Matthew Conlon shall be named Land Use Board Assistant Secretary for a term beginning January 1, 2020 and ending December 31, 2020.

**RECORD OF THE VOTE**

Mr. Lee offered the motion to approve.

Mayor Broullon seconded the motion to approve.

There was no debate.

Ayes: Mr. Burton, Mr. Kutsoh, Mr. Lee, Mr. Colby, Alternate Ms. Walsh, Alternate Ms. Nash, Vice Chairman Knox, Chairman Stockton, Mayor Broullon

Nay: None

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

**OPEN FOR PUBLIC COMMENTS:** None

Mr. Stockton welcomed all the new board members and reminded them to sign up for the necessary land use class for board members. He also mentions the case that started at the December 6<sup>th</sup> meeting. He suggested that they listen to the meeting so that they may be able to vote at the February meeting.

**ACTION ON OTHER BUSINESS:**

Referral of Ordinance O-20-01 to the Land Use Board for Master Plan Consistency (Discussion) will be discussed at next meeting on February 6<sup>th</sup>, 2020.

**MEMORIALIZED RESOLUTIONS:** None

**HEARINGS ON NEW BUSINESS:** Chairman Stockton noted that there are two items to discuss: 2019-7 12 Fourth St, Block 57 Lot 14, Arjika Property Inc. – Application for Bulk Variance Approval and 2019-8 40 Ocean Ave, Block 100 Lot 10, Arjika Property Inc. – Application for Bulk Variance Approval

Mr. Stockton opened the hearing on application for 12 Fourth Street.

Board Attorney Baxter read the list of exhibits.

Present were Mr. Chris Ruby, representative for Arjika Property Inc., as the builder of the subject property.

Also present was the attorney for Arjika Property Inc., Brad Batcha, Esq.



Brad Batcha, Esq. submitted a revised survey eliminating side yard setbacks, the AC and stair issue setbacks. The board reviewed the revised survey.

Mr. Chris Ruby was sworn in and presented testimony on behalf of Arjika Property Inc.

Mr. Ruby testified that he has built several homes in town that have similar or identical front covered porches. He feels it is visually more appealing.

Mr. Bactha stated that the prior board has previously approved similar requests.

After hearing Mr. Ruby's testimony Mr. Stockton solicited comments from the public.

1. William Ciazza 14 Fourth Street: Stated his disapproval of the application. He was questioning the encroachment of the easement that allows him to access his property. Mr. Ruby stated he would not be encroaching on the easement. He stated he has five feet on either side by law and would be removing the existing fence and placing new fence within the requirements. Mr. Ruby also stated he had the property staked. Mr. Ciazza also had a concern about the deck in the back yard being so close to his property. Mr. Ruby stated the deck is smaller than the proposed deck and within the requirements, due to existing tree. Mr. Ciazza would like the board to hold Mr. Ruby accountable and not grant the variances he is seeking. Board stated they have addressed the issues with his previous applications and are addressing new applications as they come before the board.
2. Joe Messina 16 Fourth Street: Questioned the street parking. Mr. Messina stated the house will take away two spots on the street. The way the plans are proposed it allows for off street parking. Chairman Stockton and Mr. Knox stated the proposed plan allowed for more parking than currently exists.
3. Charles LaRue 12 Second Street: Questioned if front porch can be enclosed. Stated there is a statute that allows grandfathered structures to enclose covered porches. This was not a request of the applicant. Mr. Ruby stated he would not be enclosing the front porch.

## **RECORD OF THE VOTE**

Mayor Broullon offered the motion to deny.

Mr. Colby seconded the motion to deny.

Ayes: Mr. Lee, Mr. Colby, Mayor Broullon

Nay: Chief Burton, Mr. Kutosh, Ms. Walsh, Ms. Nash, Vice Chairman Knox, Chairman Stockton

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

**MOTION FAILED**

Vice Chairman Knox offered motion to approve.

Mr. Burton seconded the motion to approve.

Ayes: Chief Burton, Mr. Kutosh, Ms. Walsh, Ms. Nash, Vice Chairman Knox, Chairman Stockton

Nay: Mr. Lee, Mr. Colby, Mayor Broullon  
Abstention: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

**THE MOTION TO APPROVE THE RESOLUTION FOR ARJIKA INC. PASSED**

Chairman Stockton called for a five-minute recess at 9:38pm before beginning the next application.

Chairman Stockton called meeting back to order at 9.47pm.

**ROLL CALL:**

Present: Mayor Broullon, Mr. Burton, Chairman Stockton, Mr. Kutsoh, Mr. Lee, Mr. Knox, Mr. Colby, Ms. Walsh, Ms. Nash, Ms. Tierney

Absent: Councilwoman Mazzola, Mr. Montecalvo, Ms. LaRussa

Also Present: Board Attorney Mr. Baxter

Engineer for Ed Herman T&M Associates Greg Zito

Mr. Stockton opened the hearing on application for 40 Ocean Avenue.

Board Attorney Baxter read the list of exhibits.

Present were Mr. Chris Ruby, representative for Arjika Property Inc., as the builder of the subject property.

Also present was the attorney for Arjika Property Inc., Brad Batcha, Esq.

Brad Batcha, Esq. submitted a revised survey changing the original application eliminating the need for the AC unit variance and the stair setback variance because they both have been moved. Applicant is seeking a variance for a covered front porch. The board reviewed the revised survey.

After hearing Mr. Ruby's testimony Mr. Stockton solicited comments from the public.

There were none.

**RECORD OF THE VOTE**

Mr. Lee Offered the motion to approve.

Mr. Knox Seconded the motion to approve.

There was no debate.

Ayes: Mr. Burton, Mr. Kutosh, Mr. Lee, Mr. Colby, Alternate Ms. Walsh, Alternate Ms. Nash, Mayor Broullon, Mr. Knox, Chairman Stockton

Nay: None

Abstentions: None

Absent: Councilmember Mazzola, Ms. LaRussa, Mr. Montecalvo

**THE MOTION TO APPROVE THE RESOLUTION FOR ARJIKA INC. PASSED 9-0**

**OTHER BUSINESS:**

**APPROVAL OF MINUTES OF NOVEMBER 7, 2019 AND DECEMBER 5, 2019**

**RECORD OF THE VOTE**

Motion to approve the November 7, 2019 minutes by Mr. Stockton

Motion to approve the minutes as amended seconded by Mr. Burton

All in Favor, None Opposed

Councilmember Mazzola, Ms. LaRussa, and Mr. Montecalvo were absent

Motion to approve the December 5, 2019 minutes by

All in Favor, None Opposed

Councilmember Mazzola, Ms. LaRussa, and Mr. Montecalvo were absent

Mr. Kutosh and Mayor Broullon would like to make a recommendation to council for a variance review regarding issues of building on smaller lot sizes.

**ADJOURNMENT**

Mr. Stockton requested a motion to adjourn.

Mr. Knox Seconded.

All in favor. None Opposed

Adjourned at 10:39 PM

Offered by Mr. Kutosh

Seconded by Mayor Broullon

There was no debate.

Ayes: Mr. Burton, Mr. Kutosh, Mr. Lee, Mayor Broullon, Ms. Walsh, Mr. Knox, Chairman Stockton

Nays:

Abstentions: Ms. LaRussa, Ms. Mazzola, Mr. Montecalvo

Absent:

I, Michelle Hutchinson, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on March 5, 2020



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Michelle Hutchinson, Land Use Board Secretary