

**BOROUGH OF HIGHLANDS**  
**LAND USE BOARD MEETING MINUTES**

**JULY 11, 2018**

**Meeting Location: Robert D. Wilson Community Center**  
**22 Snug Harbor Avenue, Highlands, New Jersey**

**Call to Order:**

**Pledge to Flag:**

**Open Public Meeting Statement:**

As per requirement, notice is hereby given that this is a Regular 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 O'Neil, Chief Burton, Councilman Braswell, Mr. Francy, Mr. Gallagher, Mr. Lee, Mr. Montecalvo, Mr. Nolan and Mr. Stockton

**Absent:** Mr. Colby

**Executive Session:** Personnel Matter – Moved to end of meeting

**Open to public:**

Resident questioned why minutes for March & May 2018 were not yet posted. Board Secretary stated she would look into it and post when approved.

**Motions for Adjourn and Any Other Motions:** None

**Applications Scheduled for Completeness Review:**

- 1) **2018-03 Polaris Retreat, LLC, 181 Bay Avenue** – Minor Site Plan & Non-Permitted Use in Zone

Jack Serpico, Esq., asked Class I & III Board members to recuse themselves for this case as they are not allowed to vote. To which Mayor O'Neil and Councilman Braswell recused themselves.

Mr. James L. Lott, Jr., representing attorney from Riker Danzig Hyland Perretti, LLP, introduced himself, and stated he reviewed the letter from T&M dated July 9, 2018 and asked to go through his response to this letter. Mr. Lott confirmed for the record that he was replacing Mr. Kennedy as attorney for this case.

Mr. Stockton reviewed for the public's benefit that this application was a Minor Site Plan application with architectural drawings, survey map, and brochure were originally submitted along with correspondence including this letter. Mr. Lott asked that the letter from T&M, along with his response letter dated July 11, 2018, be marked into evidence. The letter from T&M, signed by Mr. Yuro dated July 9, 2018 addressed to Mrs. O'Neil was marked into evidence as B1 and Mr. Lott's response letter dated July 11, 2018 addressed to Mrs. O'Neil was marked into evidence as A1.

A member from the public suggested that since the public does not have a copy of the correspondence, it was requested that Mr. Lott read the details of the letter from T&M, as well as his response from Polaris to same. Mr. Lott then began his review clarifying that the following list of items were those requested as a result of T&M's Completeness review of paperwork provided upon application. He then went on with his overview of their response.

In reviewing Item #23, Certification Statement for the County Planning Board Approval/Disapproval if Required, Mr. Stockton reminded Mr. Lott that Bay Avenue is a County road and as such an application will be need to the County. Mr. Lott confirmed his understanding of this need.

Mr. Stockton thanked Mr. Lott for this overview and asked that should the Board approve the waivers in this application and should additional information be needed at a later date; is it safe to assume the applicant would be cooperative in providing such additional information to which Mr. Lott concurred.

Mr. Stockton questioned the off-site parking and asked if this should be provided at this time or was that not part of the completeness requirements. Mr. Yuro confirmed it was not needed for completeness.

Mr. Nolan voiced his concern that there were eleven out of twenty-four waivers mentioned and one is parking stating they were thirty spots short and another regarding the medical waste. Mr. Nolan questioned how medical waste and parking are not needed for completeness.

Mr. Knox asked for a definition of what a waiver is. Mr. Serpico stated that the waivers being asked for in this application is different than a design waiver. Similar to a variance during a Hearing

Mr. Stockton asked the Applicant to make sure they bring all their professionals to the Hearing.

Mr. Stockton asked for a motion for completeness of this application: Mr. Knox offered, Mr. Gallagher second.

**Roll call:**

**Aye:** Chief Burton, Mr. Francy, Mr. Gallagher, Mr. Knox, Mr. Lee, Mr. Montecalvo and Mr. Stockton

**Nay:** Mr. Nolan

The application was deemed complete; Hearing date of August 8, 2018

A five-minute break was called

**Roll call:**

**Present:** Chief Burton, Councilman Braswell, Mr. Francy, Mr. Gallagher, Mr. Knox, Mr. Lee, Mr. Montecalvo, Mr. Nolan and Mr. Stockton

**Absent:** Mr. Colby

Mayor O'Neil returned to meeting 8:07

2) **2018-04 17 Ocean Street** – Construct a Garage for Off-Street Parking

Mr. Dante M. Alfieri, Esq. of Cleary, Giacoffe, Alfieri, Jacob LLC, introduced himself as council for this case and went on to explain the intent of this application, as well as the issues involved in the project.

Mr. Yuro confirmed that since the application is a Variance application with no Site Plan associated with it, T&M is fine with what has been submitted for Completeness.

Mr. Francy questioned a steep slope to which Mr. Serpico requested that T&M review the file for this prior to the Hearing. Mr. said they would be liberal with noticing in the event additional variances will be needed and will plan on having their professionals on site at time of Hearing.

Mr. Nolan made a motion for Completeness, Mr. Knox second.

**Roll call:**

**Aye:** Mayor O'Neil, Chief Burton, Councilman Braswell, Mr. Francy, Mr. Gallagher, Mr. Knox. Mr. Lee, Mr. Montecalvo, Mr. Nolan and Mr. Stockton

Application was deemed Complete and Hearing was set for August 8, 2018 and to be scheduled first on Hearing list for that meeting.

**Hearings on New Business:** None

**Approval/Denial of Resolutions:**

- 1) **2018-02 Ruby, 7 Marine Place** – Denial Minor Subdivision, Bulk Variance to construct three single family dwellings on newly created lots.

Mr. Serpico stated this resolution was not ready at this time and as such was placed on the August 8 meeting.

**Action on Any Other Business:**

- 1) **Review Need for Board to hold Completeness Review Meeting versus Engineer Review**  
Discussion was held amongst the Board members of the pros and cons to each. Jack Serpico read the current Ordinance 21-55E confirming the designee for review can be the Land Use Board (LUB) Engineer.

Mr. Gallagher offered a motion allowing the LUB Engineer to approve Completeness; second by Councilman Braswell

**Roll Call:**

**Aye:** Mayor O'Neil, Chief Burton, Councilman Brawell, Mr. Francy, Mr. Gallagher, Mr. Knox, Mr. Lee, Mr. Montecalvo, Mr. Nolan and Mr. Stockton

**Nay:** None

- 2) **Site Plan and Variance Application Checklist** Mr. Stockton explained he asked to discuss this due to the numerous questions of late regarding how well our checklists follow our Land Use Ordinance. Mr. Stockton asked for suggestions from the Board. Mr. Yuro stated that our Ordinance has requirements for the various checklists and suggested the Board keep what is currently in the Ordinance and draft it into a formal checklist. Mr. yuro said his office was already creating said checklists for these applications for Board review and possible adoption at next meeting.
- 3) **Borough Administration's presentation of webinar-JIF Land Use Liability** – Postponed by Board Attorney to be presented at a future meeting.

**Approval Minutes:** June 13, 2018

**Roll Call:**

**Motion Offered:** Mr. Nolan, second Mr. Knox

**Roll call**

**Aye:** Chief Burton, Councilman Braswell, Mr. Francy, Mr. Knox, Mr. Lee, Mr. Monticalvo, Mr. Nolan

**Abstain:** Mayor O'Neil, Mr. Gallagher and Mr. Stockton

**Motion Carries**

**Communication/Vouchers:**

- 1) Waterfront Permits - Notice from Portland Road, NJDEP Application and copy of response letter. Mr. Stockton asked to review; discussion pursued on Board involvement on this enforcement. Decision made by Board this is DEP's responsibility to enforce.

**Motion to Approved Invoices:** Offered Mayor O'NEIL, second Mr. Nolan

**Meeting Adjourn:** 9PM

