

**Borough of Highlands
LAND USE BOARD
January 7, 2021 Regular/Reorganization Meeting Minutes**

HELD VIA VIDEO CONFERENCE

Vice Chairman Knox called the meeting to order at 7:32pm.

Vice Chairman Knox asked all to stand for the Pledge of Allegiance.

Vice Chairman 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, Mr. Lee, Ms. Tierney, Ms. Nash, Ms. Pendleton, Vice Chairman Knox, Chairman Stockton

Absent: None

Also Present: Board Attorney Mr. Cucchiaro
Board Engineer Edward Hermann

OPEN FOR PUBLIC COMMENTS: Ms. Carla Cefalo, of 62 Gravelly Point Rd., wanted to comment on Redevelopment Resolution but will hold until item on Agenda is discussed.

Chief Robert Burton and Mayor Carolyn Broullon remarked that a change in order of agenda is necessary due to the reorganization of the Board.

REORGANIZATION OF THE BOARD:

1. LAND USE BOARD RESOLUTION 2021-07

A Resolution Appointing a Land Use Board Secretary and Assistant Secretary for the Calendar Year 2021

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 Michelle Hutchinson shall be named Land Use Board Secretary in accordance with § 21-17A.4 for a term beginning January 1, 2021 and ending December 31, 2021.

BE IT FURTHER RESOLVED, that Nancy Tran shall be named Land Use Board Assistant Secretary for a term beginning January 1, 2021 and ending December 31, 2021.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon			X			
Class II: Official of Borough						
Chief Rob Burton						
Class III: Council Member						
Councilmember Kevin Martin						
Class IV: Members						
Bruce Kutosh	X					
Christian Lee			X			
Robert Knox			X			
Annemarie Tierney		X	X			
Laurie LaRussa			X			
Alt (in order):						
Jaclyn Walsh			X			
Frank Montecalvo						
Miranda Nash			X			
Lorine Pendleton			X			

2. LAND USE BOARD RESOLUTION 2021-05

**A Resolution Appointing a Land Use Board Attorney for the Calendar Year 2021,
Rejecting Proposals that were Received 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 2021 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. and Dustin F. Glass, 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 2021 Municipal Budget as follows:

Account # 1-01-21-180-000-242

For Legal Services for the Period of January 1, 2021 through December 31, 2021.

Patrick DeBlasio, CFO

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

1. Ronald Cucchiaro, Esq. and Dustin F. Glass, Esq. of the Law Office of Weiner Law Group, LLP is hereby appointed as Land Use Board Attorneys for the period of January 1, 2021 through December 31, 2021 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.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon	X		X			
Class II: Official of Borough						
Chief Rob Burton						
Class III: Council Member						
Councilmember Kevin Martin						
Class IV: Members						
Bruce Kutosh						
Christian Lee			X			
Robert Knox			X			
Annemarie Tierney		X	X			
Laurie LaRussa			X			
Alt (in order):						
Jaclyn Walsh			X			
Frank Montecalvo						
Miranda Nash			X			
Lorine Pendleton			X			

3. LAND USE BOARD RESOLUTION 2021-06

A Resolution Appointing a Land Use Board Engineer for the Calendar Year 2021, 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 2021 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 2021 Municipal Budget as follows:

Account # -01-21-180-000-244
 For Legal Services for the Period of January 1, 2021 through December 31, 2021.

Patrick DeBlasio, CFO

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

1. Edward Herman, PE, PP, CME, CFM, of T&M Associates is hereby appointed as Land Use Board Engineer for the calendar year 2021 and is awarded a professional service contract for an amount not to exceed \$6,000 for professional engineering services provided for the period of January 1, 2021 through December 31, 2021.
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. That the services to be rendered shall be in compliance with the Laws of New Jersey.
4. The Chairman and Board Secretary are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
5. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary and the Borough Clerk.
6. The Board Secretary is hereby directed to publish notice of this award as required by law.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon		X	X			
Class II: Official of Borough						
Chief Rob Burton						
Class III: Council Member						
Councilmember Kevin Martin						
Class IV: Members						
Bruce Kutosh	X					
Christian Lee			X			
Robert Knox			X			
Annemarie Tierney			X			
Laurie LaRussa			X			
Alt (in order):						
Jaclyn Walsh			X			
Frank Montecalvo						
Miranda Nash			X			
Lorine Pendleton			X			

4. OATH OF OFFICE:

Attorney Ronald Cucchiaro swore in:

- Kevin Martin as a Class III Member of the Land Use Board.
- Robert Burton as a Class II Member of the Land Use Board.
- Bruce Kutosh as a Class IV Member of the Land Use Board.
- Frank Montecalvo as the Alternate 2 Member of the Land Use Board.
- Lorine Pendleton as the Alternate 4 Member of the Land Use Board.

5. LAND USE BOARD RESOLUTION 2021-01

A Resolution 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, 2021 and ending on December 31, 2021.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon		X	X			
Class II: Official of Borough						
Chief Rob Burton			X			
Class III: Council Member						
Councilmember Kevin Martin			X			
Class IV: Members						
Bruce Kutosh	X		X			
Christian Lee			X			
Robert Knox						
Annemarie Tierney			X			
Laurie LaRussa			X			
Alt (in order):						
Jaclyn Walsh			X			
Frank Montecalvo						
Miranda Nash						
Lorine Pendleton						

6. LAND USE BOARD RESOLUTION 2021-02

A Resolution 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 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, 2021 and ending on December 31, 2021.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon	X		X			
Class II: Official of Borough						
Chief Rob Burton			X			
Class III: Council Member						
Councilmember Kevin Martin			X			
Class IV: Members						
Bruce Kutosh			X			
Christian Lee			X			
Robert Knox			X			
Annemarie Tierney						
Laurie LaRussa		X	X			
Alt (in order):						
Jaclyn Walsh						
Frank Montecalvo						
Miranda Nash						
Lorine Pendleton						

7. **EXECUTIVE SESSION** –It was deemed that an Executive Session was not necessary.

8. LAND USE BOARD RESOLUTION 2021-03

A Resolution Setting the Schedule for Land Use Board Meetings of the Borough of Highlands for the Calendar Year 2021

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 **7:30 PM** during the year 2021, at the **Robert D. Wilson Community Center, 22 Snug Harbor 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 4, 2021
Thursday	March 4, 2021
Thursday	April 1, 2021
Thursday	May 6, 2021
Thursday	June 3, 2021
Thursday	July 1, 2021

Thursday	August 5, 2021
Thursday	September 2, 2021
Thursday	October 7, 2021
Thursday	November 4, 2021
Thursday	December 2, 2021
Thursday	January 6, 2022*

* 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 2022 shall be held at 7:30 PM on Thursday, January 6, 2022, at the Robert D. Wilson Community Center, 22 Snug Harbor 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”.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon	X		X			
Class II: Official of Borough						
Chief Rob Burton			X			
Class III: Council Member						
Councilmember Kevin Martin			X			
Class IV: Members						
Bruce Kutosh		X	X			
Christian Lee			X			
Robert Knox			X			
Annemarie Tierney			X			
Laurie LaRussa						
Alt (in order):						
Jaclyn Walsh						
Frank Montecalvo						
Miranda Nash						
Lorine Pendleton						

9. LAND USE BOARD RESOLUTION 2021-04

**A Resolution Designating the Official Newspapers
of the Borough of Highlands Land Use Board for 2021**

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, 2021.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon			X			
Class II: Official of Borough						
Chief Rob Burton			X			
Class III: Council Member						
Councilmember Kevin Martin			X			
Class IV: Members						
Bruce Kutosh	X		X			
Christian Lee			X			
Robert Knox			X			
Annemarie Tierney			X			
Laurie LaRussa		X				
Alt (in order):						
Jaclyn Walsh						
Frank Montecalvo						
Miranda Nash						
Lorine Pendleton						

RESOLUTIONS: None

HEARINGS ON OLD BUSINESS:

LUB2019-04, 95-99 Bay Ave., Block 41 Lot 13.01, Chia –Use Variance

Hearing complete, vote only

7 Members who are eligible to vote need to be present. If there is not enough, then Alternate Members can.

Applicant's attorney, Mr. Sean Brynes, gave an overview of the application. 5 affirmative votes are needed. Chair Knox as if they had forwarded new plans that included the change of A/C unit locations. Engineer Ed Herrman stated that it's not necessary right now as it's part of resolution compliance –as is the code issues in the Fire Official's note that Vice Chair Tierney brought up; which is not within this Board's purview.

Offered by: Chief Burton

Seconded by: Mr. Kutosh

Ayes: Chair Knox, Chief Burton, Mr. Kutosh, Mr. Lee, Ms. Nash, Ms. Pendleton

Nays: Ms. Tierney

Conflict: Mayor Broullon

Absent:

HEARINGS ON NEW BUSINESS:

LUB2020-06, 1-3 Barberie Ave., Block 77 Lot 13, Gil –Subdivision

Board Attorney swore in Mr. Paul Gil and Robert Davis. Mr. Gil explained that he's asking to subdivide his L-shaped lot into smaller lots to build two residential homes. Mr. Davis is a developer. He partnered with Mr. Gil to buy the property that had been vacant since Irene. The lot is larger than surrounding lots and the existing structure is a multifamily building. With the subdivision, they're looking to demolish the existing multifamily to build two new single-family buildings instead. They are also seeking some variances too. Mr. Herrman gave an overview of the different variances that the applicant is seeking. He also explained the required variances vs. the proposed variances.

Exhibit A-1 was entered. The proposed subdivided lot sizes are comparable to surrounding lot sizes. They proposed removing a nonconforming multifamily to two single-family. The positive and negative points were given. Christian Lee wanted to add that appropriate landscaping with permeable surfaces will be considered that is consistent with the neighborhood.

Applicant is seeking subdivision with building envelope. Once subdivision is approved, they will then design the structure.

Three residents, including Tricia Rivera, within the 200-yard list voiced support for the application and applicant.

Offered by: Mayor Broullon

Seconded by: Ms. Tierney

Ayes: Mayor Broullon, Chief Burton, Councilmember Martin, Chair Knox, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Ms. Tierney, Ms. Walsh

Nays:

Conflict:

Absent:

APPROVAL OF MINUTES OF NOVEMBER 5, 2020 MEETING

Offered by: Mr. Kutosh

Seconded by: Mr. Lee

Ayes: Mayor Broullon, Chief Burton, Chair Knox, Mr. Kutosh, Mr. Lee, Ms. Tierney, Ms. Nash, Ms. Pendleton

Nays:

Conflict:

Absent:

COMMUNICATION AND VOUCHERS:

1. O-21-06 An Ordinance Amending Chapter 21, Article XIV, Section 21-74 of the Borough Code

This is a constancy issue. Statute still prevails.

Offered by: Mr. Kutosh

Seconded by: Ms. LaRussa

Ayes: Mayor Broullon, Chief Burton, Councilmember Martin, Chair Knox, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Ms. Tierney, Ms. Walsh

Nays:

Conflict:

Absent:

2. Redevelopment Resolution 20-225

Mr. Cucchiaro explained what redevelopment entails and its requirements. No discussion of substance until notice is given and public has been given opportunity to review. The Land Use Board is on notice. Notice will be given. No action is required. Discussion can be via Zoom.

ADJOURNMENT

Offered by: Mayor Broullon

Seconded by: Ms. LaRussa

All in favor

None Opposed

Adjourned at 9:30pm

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 7, 2021.



Nancy Tran, Land Use Board Assistant Secretary