

**Borough of Highlands
LAND USE BOARD
March 4, 2021 Regular Meeting Minutes**

HELD VIA VIDEO CONFERENCE

Chair Knox called the meeting to order at 7:33pm.

Chair Knox asked all to stand for the Pledge of Allegiance.

Chair 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, Chief Burton, Councilmember Martin, Mr. Kutosh, Ms. LaRussa, Mr. Lee, Mr. Montecalvo, Ms. Walsh, Ms. Chang, Ms. Pendleton, Vice Chair Tierney, Chair Knox

Absent: Ms. Nash

Also Present: Board Attorney Mr. Cucchiaro
Board Engineer Mr. Herrman

OPEN FOR PUBLIC COMMENTS: None

RESOLUTIONS:

**RESOLUTION
BOROUGH OF HIGHLANDS LAND USE BOARD
RESOLUTION OF MEMORIALIZATION
MONMOUTH COUNTY, NEW JERSEY
REVIEW OF PROPOSED ORDINANCE 2021-09**

**Approved: February 4, 2021
Memorialized: March 4, 2020**

MATTER OF: Proposed Ordinance 2021-09

WHEREAS, the Borough of Highlands (“Highlands”) has introduced proposed Ordinance 2021-09 which amends Chapter 25 “Stormwater Management and Control” of the Borough of Highlands; and

WHEREAS, this Amendment is intended to delete Chapter 25 in its entirety and adopt a new Chapter 25 “Stormwater Management and Control”; and

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-26, any proposed land use ordinance must be referred to the Land Use Board for a review as to consistency with the Municipal Master Plan.

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

1. The proposed ordinance is substantially consistent with the Land Use and Housing Elements of the Municipal Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Borough of Highlands on this 4th day of March 2021, that pursuant to N.J.S.A. 40:55D-26, the Land Use Board hereby determines proposed Ordinance 2021-09 is substantially consistent with the Municipal Master Plan.

ON MOTION OF: MR. KUTOSH

SECONDED BY: MS. LARUSSA

ROLL CALL:

YES: MAYOR BROULLON, CHIEF BURTON, MR. KUTOSH, MS. LARUSSA, MR. LEE, COUNCILMEMBER MARTIN, MR. MONTECALVO, MS. WALSH, MS. CHANG

NO:

ABSTAINED:

ABSENT:

DATED: 3/4/2021

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on March 4, 2021.

Michelle Hutchinson, Secretary
Borough of Highlands Land Use Board

WHEREAS, pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-26, any proposed land use ordinance must be referred to the Land Use Board for a review as to consistency with the Municipal Master Plan.

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

2. The proposed ordinance is substantially consistent with the Land Use and Housing Elements of the Municipal Master Plan.

NOW, THEREFORE, BE IT RESOLVED, by the Land Use Board of the Borough of Highlands on this 4th day of March 2021, that pursuant to N.J.S.A. 40:55D-26, the Land Use Board hereby determines proposed Ordinance 2021-06 is substantially consistent with the Municipal Master Plan.

ON MOTION OF: MS. LARUSSA

SECONDED BY: MR. KUTOSH

ROLL CALL:

YES: MAYOR BROULLON, CHIEF BURTON, MR. KUTOSH, MS. LARUSSA, MR. LEE, COUNCILMEMBER MARTIN, MR. MONTECALVO, MS. WALSH, MS. CHANG

NO:

ABSTAINED:

ABSENT:

DATED: 3/4/2021

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on March 4, 2021.

Michelle Hutchinson, Secretary
Borough of Highlands Land Use Board

STATE OF NEW JERSEY :
: ss.
COUNTY OF MONMOUTH:

I hereby certify that on March 4, 2020, Michelle Hutchinson personally came before me and acknowledged under oath, to satisfaction, that this person:

- (a) is the Secretary of the Highlands Land Use Board; and
- (b) signed the Resolution as her act and deed.

Ronald D. Cucchiaro
Attorney-at-Law, State of New Jersey

Dated:

HEARINGS ON OLD BUSINESS: None

HEARINGS ON NEW BUSINESS:

LUB2019-12, 5 Lighthouse Road, Block 19 Lot 16.02, Whitfield – Application will not be heard as applicant asked to carry. If we hear them in April, they do not have to re-notice. No vote needed.

1. LUB2020-10, 12 Marine Place, Block 91 Lot 7, Francolino, –Minor Subdivision

Ron Cucchiaro swore in Vivian Esposito, who works with Michael Deruvo, architect, and who will interpret for him as he is hearing impaired. Vivian gave a summary of the proposal to subdivide current vacant lot into two 40 x 100 lots facing Marine Place.

Ron Cucchiaro swore in applicant, Joseph Francolino, who further gave his history and past construction projects within Highlands and a summary of proposed application. Proposed subdivided lots will have single-family dwelling with 4 bedrooms and 3 parking spots. Subdivided lots are comparable to other lots on Marine Place, and bigger than recently approved application.

Chair Knox reminded Mr. Francolino that the Land Use Board does not make its decision based on any other applications and judges each application uniquely.

Ed Herrman summarized the history of the property, the variances that the application needs, the elevation required in the zone, the possible negative and positive criteria.

Ms. Chang asked if a height variance was required. Mr. Herrman replied no.

Vice Chair Tierney stated that there are discrepancies between the plan and the survey and asked which was correct.

Tom Snow, 15 Marine Place, asked about the number of parking spots for each new building and if the enclosed ground floor confirms with FEMA.

Chris Francy, 36 Fifth St, asked about the height limit, parking, and width of garage interior.

Chair Knox reminded public that applicant is not seeking parking relief.

Rob Hanratty, 11 Waterwitch Ave., objects to proposed setback on Waterwitch Ave.

Peter Mullen, 11 Marine Pl., objects to proposed Waterwitch Ave. setback and asked if applicant would consider changing layout, shrink building, or move on lot. He also asked whether corner lot's driveway met edge clearance.

Mr. Francolino stated that he was willing to work to address public's concerns.

Mr. Cucchiaro recommended that applicant comes back with revised plans to show changes that addresses points of concern. No notice would be necessary.

Mr. Herrman gave some advice for applicant for next meeting.

Chair Knox stated that applicant can present first at the April meeting.

Vote to carry application to April 1st meeting with possible submission of revised plans:

Offered by: Vice Chair Tierney

Seconded by: Mr. Kutosh

Ayes: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. Larussa, Mr. Lee, Councilmember Martin, Mr. Montecalvo, Ms. Walsh, Ms. Chang

Nays:

Conflict:

Absent: Ms. Nash

As several members are conflicted out for the next new application, the Board took care of other business first before hearing LUB2019-05.

Christian Lee asked if all members have taken Land Use Board classes. All have except for Ms. Chang.

APPROVAL OF MINUTES OF FEBRUARY 4, 2021 MEETING

Offered by: Mayor Broullon

Seconded by: Mr. Kutosh

Ayes: Mayor Broullon, Chief Burton, Mr. Kutosh, Ms. Larussa, Councilmember Martin, Ms. Walsh, Ms. Chang

Nays:

Ineligible: Mr. Lee, Mr. Montecalvo, Ms. Pendleton

Absent: Ms. Nash

COMMUNICATION AND VOUCHERS:

1. Approval of Invoices from T&M Associates and Weiner Law Group

HEARINGS ON NEW BUSINESS: (continued from above)

2. LUB2019-05, 210 Bay Ave., Block 64 Lot 25, Hung –Multi-use, Site plan
Chair Knox, Mayor Broullon, Councilmember Martin, and Chief Burton conflicted out. Vice Chair Tierney took over.

Richard Sciria, attorney for the applicant, summarized that the proposed application is a construction of a 3-story mixed use building on current 25 x 100 sq. ft. vacant lot. First floor will house a restaurant and 2nd and 3rd floors will house 1 residential unit each.

Mr. Cucchiaro swore in Mr. Yong Huang, the applicant who is also the owner of Block 64 Lots 24 & 25. Mr. Huang discussed the ownership and current situation of both lots and proposed plans for Lot 25 and variances sought.

Mr. Cucchiaro swore in Catherine Franco, architect for applicant, who gave more description of building and parking plans. There will be two parking spots behind new construction with three along side of building. 2nd and 3rd floor residential units will have 2 bedrooms each with balcony in rear and stairway will be in rear to give separate entrance from commercial unit.

Mr. Cucchiaro swore in AJ Garito, engineer for applicant, who gave further overview of lots 24 & 25, existing conditions, floor area ratio (FAR), etc.

Mr. Kutosh asked for clarification of parking and whether easement is needed from Lot 24.

Vice Chair Tierney asked about ventilation details for the commercial units.

Mr. Herrman explained that there are different parking requirements for restaurant vs. retail business.

Mr. Huang explained his experience with current patrons and tenants parking history for Lot 24.

Vice Chair Tierney stated that there is a requirement for number of parking spots per property and usage and that whether they are used or not is not a factor.

Joseph Nardone, 196 Bay Ave., supports another business in the area and asked if the applicant's attorney received anyone contacted him due to the public notice.

Ms. Larussa asked if the applicant considered combining the two lots.

Mr. Cucchiaro asked if applicant would seek an easement for parking or if parking will be shared.

Mr. Sciria asked that the application be carried to further address the Board's concerns.

Mr. Cucchiaro asked that revised plans be available 10 days prior to meeting date. No new notice needed.

Vote to carry application to April 1st meeting with submission of revised plans:

Offered by: Mr. Kutosh

Seconded by: Ms. Larussa

Ayes: Mr. Kutosh, Ms. Larussa, Mr. Lee, Ms. Walsh, Ms. Chang, Vice Chair Tierney, Ms. Pendleton

Nays:

Conflict: Chair Knox, Mayor Broullon, Councilmember Martin, Chief Burton

Absent: Ms. Nash

ADJOURNMENT

Offered by: Ms. LaRussa

Seconded by: Mr. Kutosh

All in favor

None Opposed

Adjourned at 10:52pm

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on March 4, 2021.



Nancy Tran, Land Use Board Assistant Secretary