



AGENDA

Please be advised that the agenda as shown may be subject to change. This meeting is a quasi-judicial proceeding. Any questions or comments must be limited to issues that are relevant to what the board may legally consider in reaching a decision and decorum appropriate to a judicial hearing must be maintained at all times.

CALL TO ORDER: *The chair reserves the right to change the order of the agenda.*

PLEDGE OF ALLEGIANCE

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

OPEN FOR PUBLIC COMMENTS: *General Questions or Comments not pertaining to Applications*

ACTION ON OTHER BUSINESS

COMMUNICATION AND VOUCHERS

APPROVAL OF MINUTES

1. 12-11-2025 LUB Minutes
2. 12.18.2025 LUB Special meeting Minutes

RESOLUTIONS

3. LUB2023-05 Sharkey 9 Shrewsbury B42 L2 - Interpretation & Extension Request - Section 21-17A.9 of Borough Code

HEARINGS ON OLD BUSINESS

4. LUB25-10: Solar Powered 44 – 44 Miller St., B58 L7.01

HEARINGS ON NEW BUSINESS

ADJOURNMENT

Board Policy: • All meetings shall adjourn no later than 10:00 P.M. unless a majority of the quorum present at said hour vote to continue the meeting to a later hour. • No new hearing shall commence after 9:15 P.M. unless the Chairperson shall rule otherwise. • The Chair may limit repetitive comments or irrelevant testimony and may limit the time or number of questions or comments from any one citizen to ensure an orderly meeting and allow adequate time for members of the public to be heard.

HENRY F. WOLFF, III
 Attorney at Law
 79 First Avenue
 Atlantic Highlands, New Jersey 07716
 (732) 291-9000

Facsimile (732) 291-0321

Email: paralegal@lawwoff.com

November 1, 2025

Via Hand-Delivery & Email

Borough of Highlands
 Attention: Board Secretary
 42 Shore Drive
 Highlands, NJ 07732

Re: Sharkey- Highlands Planning Board- Application-Extension
 Block 42 Lot (s) 2 – Zone: R2.02
 Residence of Applicant: 68 Bay Avenue, Highlands, NJ 07732

Dear Sir/Madam:

I represent Mary Sharkey. I understand that Ms. Sharkey is the owner of 9 Shrewsbury Ave, Highlands, New Jersey. On November 9, 2023, she obtained certain variances for the purpose of constructing a two story house. The Resolution was issued on December 14, 2023. Thereafter, because of financial constraints that were entirely unexpected, she was unable to start construction within one year of the grant of the variances.

On or about September 24, 2025, believing that the property owner has up to two years to start construction, Ms. Sharkey asked the Board Secretary for a further extension. It was then that Ms. Sharkey was told that over a year had passed since the variance was granted, she must request an extension from the Board.

Thereafter, Ms Sharkey submitted a email to the Board asking to be put on the Thursday October 9 , 2025 agenda. The letter was rejected on the grounds that it did not set forth a legal reason for the request. Thereafter, I was retained. I did talk to Dustin F. Glass, Esq., Highlands, Planning Board Attorney, about this matter, and based upon my conversation with him and my review of the history of this matter and the ordinance in question, I believe the request for an extension of time should be put on the agenda for December 11 , 2025. I will be prepared to explain the reasons for the request at that time. The ordinance in question is 21-17A.9.provides as follows:

“A Variance granted by the Land Use Board shall expire in one (1) year unless an extension of the time period is granted or the variance is exercised by either the erection or alteration of structures, the commencement of use, the submission of required subdivision or site plan application, or the specific terms of the original variance. Any appeal to the Governing

Body or court of competent jurisdiction shall suspend the running time for the period of the appeal."

Under the specific terms of the ordinance the variance shall expire unless an extension of the time period is granted. The ordinance does not require that the extension be sought prior to the expiration of the one year period (as many such limitations do). Nor does it provide any guidance as to the basis for a grant of the extension. Thus, the Board has the power to grant the extension at any time even after the expiration of the one year period. Boards of adjustment have the inherent powers to construe the meaning of the zoning ordinance. It is submitted that the Board can do what it feels is fair and just as it has in the past.

Very truly yours,



HENRY E. WOLFF, III

Enclosures

Cc w/copy encs:

Dustin Glass dglass@semerarolaw.com

Ms. Nancy Tran – via e-mail: planningboard@ahnj.com

Sharkey clients- via email: msharkey.rnbsn@gmail.com;

msharkey.rnbsn@gmail.com; hsharkey@comcast.net;

HSCHARKEY@COMCAST.NET

Sharkey Extension Request Chronology

8/28/25 Sharkey email to Nancy Tran at LandUse@highlandsborough.org
Request 1-year extension for personal reasons.
Please add to September agenda.
Do I need to attend in person?

9/11/25 Nancy email to Sharkey;
Sorry for late reply. Per Board Attorney, you need to file for interpretation of NJSA 40:55D-70 od section 21-17A.9 of the Code.
Per code, your variance expired one year after the resolution date of 12/14, 2024.

9/16/25 Nancy email to Sharkey
LUB deemed it necessary to file application and check off "Extension of Approval" and "Other-Request for Interpretation" of 21-17A.9 of the Code.

9/24/25 Sharkey dropped off extension request application to Nancy.

9/30/25 Sharkey email to Nancy
Following up on yesterday's voicemail. Anything else is needed with the application? Please confirm we will be on the 10/9 LUB agenda.

9/30/25 Nancy email to Sharkey
Application was sent to LUB and I was waiting to hear back if it will be on the agenda.
Also need notarized signature but this will not hold up application.

9/30/25 Sharkey to Nancy – great will send notarized signature over shortly

9/30/25 Nancy to Sharkey – will leave application with our notary at 1st window.

10/1/25 Nancy to Sharkey – currently considering cancellation of October LUB meeting and if that happens, board will hear application at November meeting.

10/6/25 Sharkey to Nancy – I see 10/9 meeting was cancelled.
We will provide more detailed reasons for requesting the extension and notary page. Please confirm we will be on the November meeting agenda.

10/15/25 Sharkey went to borough hall, Lisa Natale notarized the extension request application.
Nancy reviewed the application, and Mary made two check marks bolder for clarity reasons.
It was acknowledged that all of us were working the two-year time frame.
Sharkey will bring any additional documents required.

10/21/25 Nancy email to Sharkey – following up on additional information for reason of extension to finalize November agenda.

10/22/25 Sharkey email to Nancy
Please keep us on the November Agenda.
With regard to request to elaborate on reason for extension, I have attached Mary's 8/1/25 termination letter was unforeseeable.
Mary will make a statement at the meeting. With regard to the application submitted 9/24/25, two checks under section 3 were a mistake. Mary can come down and initial.

Sharkey Extension Request Chronology

- 10/22/25 Sharkeys' meet with Nancy to review application. Nancy explained the LUB attorney strongly recommended we get our own attorney to address the legal jargon required with the application. Nancy returned the original application so we could revise per our attorney's advice.
- 10/22/25 Sharkey email to Nancy:
Follow up on in person meeting. Our attorney is going to speak with LUB attorney Dustin Glass about our application. We will return all info when we hear back from Mr. Wolff.



Mary Sharkey <msharkey.mbsn@gmail.com>

2023-12-14 LUB Resolution 2023-20; memorialized; REQUEST 1-year extension to build.

3 messages

Mary Sharkey <msharkey.mbsn@gmail.com>

Thu, Aug 28, 2025 at 8:57 PM

To: "Nancy Tran - Secretary (landuse@highlandsborough.org)" <landuse@highlandsborough.org>, Hugh Sharkey <hsharkey@comcast.net>

To: Land Use Board

On December 14, 2023, the Land Use Board memorialized Their approval of My Application and plans to build a Residential Property on 9 Shrewsbury Avenue.

For Personal reasons, I request a one-year extension to build the Residential property.

Please add this item to the September LUB Meeting Agenda. Can the LUB approve this written request, or do I have to attend the Meeting in Person?

Thank you for Your consideration and let Me know if anything else is needed.

Respectfully,
Mary T. Sharkey

Landuse Secretary <landuse@highlandsnj.gov>

Thu, Sep 11, 2025 at 5:12 PM

To: Mary Sharkey <msharkey.mbsn@gmail.com>, Hugh Sharkey <hsharkey@comcast.net>

Cc: Alicia Jones <ajones@highlandsnj.gov>

Howdy, Hugh and Mary,

I just left you a voice mail and am following up with this email. Unfortunately, the Board will NOT be able to consider your application at tonight's meeting. Per our Board Attorney, at the very least, you need to request/file for an interpretation, pursuant to NJSA 40:55D-70, of Section 21-17A.9 of the Code provides that variances "shall expire in one (1) year unless an extension of the time period is granted or the variance is exercised by either the erection or alteration of structures, the commencement of use, the submission of required subdivision or site plan application, or the specific terms of the original variance. Per this Borough Code, your variance has expired beyond your resolution date of December 14, 2024.

As such, consideration for your extension request will take more time than the Board can allot without it impacting the scheduled hearing of another application. Please feel free to call me tomorrow to further discuss if you have questions.

Sincerely,

Nancy

From: Mary Sharkey <msharkey.rnbsn@gmail.com>
Sent: Thursday, August 28, 2025 8:58 PM
To: Landuse Secretary <landuse@highlandsnj.gov>; Hugh Sharkey <hsharkey@comcast.net>
Subject: 2023-12-14 LUB Resolution 2023-20; memorialized; REQUEST 1-year extension to build. .

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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Landuse Secretary <landuse@highlandsnj.gov> Tue, Sep 16, 2025 at 6:00 PM
To: Mary Sharkey <msharkey.rnbsn@gmail.com>, Hugh Sharkey <hsharkey@comcast.net>
Cc: Alicia Jones <ajones@highlandsnj.gov>

Following up. The Board has deemed that it is necessary for you to submit a LUB application and check off the following boxes: "Extension of Approval" and "Other - Request for Interpretation". Section 21-17A.9 of the Code provides that variances "shall expire in one (1) year unless an extension of the time period is granted or the variance is exercised by either the erection or alteration of structures, the commencement of use, the submission of required subdivision or site plan application, or the specific terms of the original variance.

Please submit an application at your earliest convenience to ensure its addition for consideration at the October 9th LUB meeting.

nancy

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Mary Sharkey <msharkey.mbsn@gmail.com>

Extension for 9-Shrewsbury - LUB meeting 10/9

5 messages

HUGH SHARKEY <hsharkey@comcast.net>

Tue, Sep 30, 2025 at 7:11 AM

To: Landuse <landuse@highlandsborough.org>

Cc: "msharkey.mbsn@gmail.com" <msharkey.mbsn@gmail.com>

Hi Nancy

I wanted to follow up with you on the message I left yesterday.

Is there any additional information required with the application?

Please confirm we will be on the 10/9 LUB agenda.

Please call Mary (732-443-7824) or myself (732-822-5194).

Respectfully,

Hugh Sharkey

Landuse Secretary <landuse@highlandsnj.gov>

Tue, Sep 30, 2025 at 12:13 PM

To: HUGH SHARKEY <hsharkey@comcast.net>

Cc: "msharkey.mbsn@gmail.com" <msharkey.mbsn@gmail.com>

Howdy, Hugh and Mary,

Please excuse my delay. Your application has been forwarded to the Board for consideration and I'm waiting to hear back to confirm next week's agenda. In the meantime, Mary's signature and notary is missing on page 4 of the application. Please be sure to correct that when you have a minute – we are not holding up your application for this missing piece.

Nancy

From: HUGH SHARKEY <hsharkey@comcast.net>**Sent:** Tuesday, September 30, 2025 7:11 AM**To:** Landuse Secretary <landuse@highlandsnj.gov>**Cc:** msharkey.mbsn@gmail.com**Subject:** Extension for 9-Shrewsbury - LUB meeting 10/9

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HUGH SHARKEY <hsharkey@comcast.net>

Tue, Sep 30, 2025 at 1:21 PM

11/6/25, 1:12 PM

Gmail - Extension for 9-Shrewsbury - LUB meeting 10/9

To: Landuse Secretary <landuse@highlandsnj.gov>
Cc: "msharkey.mbsn@gmail.com" <msharkey.mbsn@gmail.com>

Thanks Nancy. Will get notary over shortly

[Quoted text hidden]

Landuse Secretary <landuse@highlandsnj.gov>
To: HUGH SHARKEY <hsharkey@comcast.net>
Cc: "msharkey.mbsn@gmail.com" <msharkey.mbsn@gmail.com>

Tue, Sep 30, 2025 at 1:44 PM

Great! I'll leave page with our Notary at 1st window. Please be sure to reach out to her x204 to coordinate.

[Quoted text hidden]

Landuse Secretary <landuse@highlandsnj.gov>
To: HUGH SHARKEY <hsharkey@comcast.net>
Cc: "msharkey.mbsn@gmail.com" <msharkey.mbsn@gmail.com>

Wed, Oct 1, 2025 at 6:05 PM

We are currently discussing possibly cancelling next week's LUB meeting if the main applicant is not ready. If that's the case, the Board will consider your application at the November meeting.

HOWEVER, the Board Attorney quickly reviewed your application and thought that your application does not explain at all your need for an extension. Please provide more details than already provided. Additionally, while we always advise applicants to consult their own professionals, as the Board is considering the Borough Code, you may want to consult with an attorney to assess its impact to your application and request.

nancy

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Mary Sharkey <msharkey.rnbsn@gmail.com>

9 Shrewsbury Ave Extension

3 messages

HUGH SHARKEY <hsharkey@comcast.net>

Mon, Oct 6, 2025 at 1:21 PM

To: Landuse <landuse@highlandsborough.org>, "msharkey.rnbsn@gmail.com" <msharkey.rnbsn@gmail.com>

Hi Nancy,

I see the 10/9 meeting is cancelled.

We will provide more details regarding the reason for our extension request shortly, with the notarized signature page.

Please confirm we will be listed on the November agenda.

Regards,

Hugh & Mary Sharkey

Landuse Secretary <landuse@highlandsnj.gov>

Tue, Oct 21, 2025 at 5:07 PM

To: HUGH SHARKEY <hsharkey@comcast.net>, "msharkey.rnbsn@gmail.com" <msharkey.rnbsn@gmail.com>

Howdy, Hugh and Mary,

I'm following up for the status of the submission for additional information. I need to finalize the November LUB agenda, Please advise.

Nancy

From: HUGH SHARKEY <hsharkey@comcast.net>**Sent:** Monday, October 6, 2025 1:21 PM**To:** Landuse Secretary <landuse@highlandsnj.gov>; msharkey.rnbsn@gmail.com**Subject:** 9 Shrewsbury Ave Extension

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HUGH SHARKEY <hsharkey@comcast.net>

Wed, Oct 22, 2025 at 12:48 PM

To: Landuse Secretary <landuse@highlandsnj.gov>, "msharkey.rnbsn@gmail.com" <msharkey.rnbsn@gmail.com>

Hi Nancy

Please keep us on the agenda for the November LUB meeting.

With regard to your request to elaborate on the reason for granting the extension, I have attached the August 1, 2024 termination letter from Mary's employer which was unforeseeable.

Mary will make a statement at the meeting and answer and board member questions.

With regard to the actual application submitted on 9/24/25, the two checked boxes under section three for minor site plan and variance, are mistakes and should not be checked. Do you want Mary to come down and initial the changes?

Thank you for your kind consideration.

Mary & Hugh Sharkey

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 c genesis termination ltr 8-6-2024.pdf
417K



Mary Sharkey <msharkey.rnbsn@gmail.com>

Sharkey - 9 Shrewsbury Extension

1 message

Mary Sharkey <msharkey.rnbsn@gmail.com>

Wed, Oct 22, 2025 at 4:23 PM

To: "Nancy Tran - Secretary (landuse@highlandsborough.org)" <landuse@highlandsborough.org>, Hugh Sharkey <hsharkey@comcast.net>

Hi Nancy,

Thanks for Taking Your Time to discuss with Hugh and I My 9 Shrewsbury Extension Application Process and Info needed.

We respect Your Request to bring back Today no later than 4:30, All the Supporting Documents. Hugh and I spoke with Our Attorney, Henry Wolff Who said He would contact The Boards Attorney, Dustin Glass and follow up with Him regarding Our Extension Application and get back to Us after.

Hugh and I will return all necessary Info once We hear back from Mr Wolff.

We very much appreciate Your Assistance, Guidance and Patience in This Matter.

Feel Free to reach out to Us with any Questions or Concerns.

Respectfully,

Mary and Hugh Sharkey