



**BOROUGH OF HIGHLANDS**  
**LAND USE BOARD MEETING**  
22 Snug Harbor Avenue, Highlands NJ 07732  
Thursday, February 09, 2023 at 7:00 PM

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## **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.*

### **WELCOME & OATHS**

Chief Robert Burton, Councilmember Jo-Anne Olszewski, Robert Knox, Ann Petersen, Annemarie Tierney, and Mark Zill.

### **ROLL CALL**

### **OPEN FOR PUBLIC COMMENTS**

*General Questions or Comments not pertaining to Applications*

### **RESOLUTIONS**

- [1.](#) LUB Resolution 2023-01 Nomination & Vote for Chairperson
- [2.](#) LUB Resolution 2023-02 Nomination & Vote for Vice-Chairperson
- [3.](#) LUB Resolution 2023-03 Board Secretary
- [4.](#) LUB Resolution 2023-04 Awarding Professional Legal Services Contract
- [5.](#) LUB Resolution 2023-05 Awarding Professional Engineer Services Contract
- [6.](#) LUB Resolution 2023-06 Designation of 2023 Meeting Dates & 2024 Reorganization Date

- [7.](#) LUB Resolution 2023-07 Designation of Asbury Park Press & The Two River Times as the Official Newspapers
- [8.](#) Memorialization for LUB2022-08: The Honorable Plant, Conditional Use with Variance

### **HEARINGS ON NEW BUSINESS**

- [9.](#) Subdivision - LUB2022-09: Borough of Highlands Block 101 Lot 3, Locust St.
- [10.](#) Conditional Use - LUB2022-011: Sea Grass

### **APPROVAL OF MINUTES**

11. December 20, 2022 LUB Special Meeting Minutes

### **COMMUNICATION AND VOUCHERS**

12. LUB Annual Report 2022

*Board Policy: • All meetings shall adjourn no later than 11:00 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 10:15 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.*

### **ADJOURNMENT**



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-01

### 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 XXX shall be named Chairman in accordance with § 21-17A.4A for a term beginning January 1, 2023 and ending on December 31, 2023.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
<b>Class I: Mayor</b>						
Mayor Carolyn Broullon						
<b>Class II: Official of Borough</b>						
Chief Rob Burton						
<b>Class III: Council Member</b>						
Councilmember Jo-Anne Olszewski						
<b>Class IV: Members</b>						
Robert Knox						
Bruce Kutosh						
Laurie LaRussa						
Frank Montecalvo						
Annemarie Tierney						
Mark Zill						
<b>Alt (in order):</b>						
1 Helen Chang						
2 Dean Cramer						
3 Denis Ziemba						
4 Ann Petersen						

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on February 9, 2023.

\_\_\_\_\_  
Nancy Tran  
Land Use Board Secretary



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-02

### 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 XXX shall be named Vice Chairman in accordance with § 21-17A.4A for a term beginning January 1, 2023 and ending on December 31, 2023.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
<b>Class I: Mayor</b>						
Mayor Carolyn Broullon						
<b>Class II: Official of Borough</b>						
Chief Rob Burton						
<b>Class III: Council Member</b>						
Councilmember Jo-Anne Olszewski						
<b>Class IV: Members</b>						
Robert Knox						
Bruce Kutosh						
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Nancy Tran  
Land Use Board Secretary





BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-03

### APPOINTING A LAND USE BOARD SECRETARY

**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 Nancy Tran shall be named Land Use Board Secretary in accordance with § 21-17A.4 for a term beginning January 1, 2023 and ending December 31, 2023.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
<b>Class I: Mayor</b>						
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Nancy Tran  
Land Use Board Secretary



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-04

### APPOINTING A LAND USE BOARD ATTORNEY FOR THE CALENDAR YEAR 2023 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 2023 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. 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 2023 Municipal Budget as follows:

Account # 3-01-21-180-000-242

For Legal Services for the Period of January 1, 2023 through December 31, 2023.

  
\_\_\_\_\_  
Patrick DeBlasio, CFO

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

1. Ronald Cucchiaro, Esq. of the Law Office of Weiner Law Group, LLP is hereby appointed as Land Use Board Attorneys for the period of January 1, 2023 through December 31, 2023 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.

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<b>Class II: Official of Borough</b>						
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Nancy Tran  
Land Use Board Secretary



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-05

### APPOINTING A LAND USE BOARD ENGINEER FOR THE CALENDAR YEAR 2023 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 2023 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 2023 Municipal Budget as follows:

Account # 3-21-180-000-244

For Engineer Services for the Period of January 1, 2023 through December 31, 2023.

A handwritten signature in blue ink, appearing to read "Patrick DeBlasio", written over a horizontal line.

Patrick DeBlasio, CFO

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

1. Edward Herrman, PE, PP, CME, CFM, of T&M Associates is hereby appointed as Land Use Board Engineer for the calendar year 2023 and is awarded a professional service contract for professional engineering services provided for the period of January 1, 2023 through December 31, 2023.
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
<b>Class I: Mayor</b>						
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Nancy Tran  
Land Use Board Secretary



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-06

### SETTING THE SCHEDULE FOR LAND USE BOARD MEETINGS OF THE BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2023

**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 **7:00 PM** during the year 2023, 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 9, 2023
Thursday	March 9, 2023
Thursday	April 13, 2023
Thursday	May 11, 2023
Thursday	June 8, 2023
Thursday	July 13, 2023
Thursday	August 10, 2023
Thursday	September 14, 2023
Thursday	October 12, 2023
Thursday	November 9, 2023
Thursday	December 14, 2023
Thursday	January 11, 2024*

\* 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 2024 shall be held at 7:00 PM on Thursday, January 11, 2024, 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”.

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Nancy Tran  
Land Use Board Secretary



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-07

### DESIGNATING THE OFFICIAL NEWSPAPERS OF THE BOROUGH OF HIGHLANDS LAND USE BOARD

**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, 2023.



Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
<b>Class I: Mayor</b>						
Mayor Carolyn Broullon						
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Nancy Tran  
Land Use Board Secretary



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## LAND USE BOARD RESOLUTION 2023-08

### MEMORIALIZATION OF MINOR SITE PLAN FOR A CONDITIONAL USE APPROVAL WITH ANCILLARY VARIANCE RELIEF

Approved: December 20, 2022

Memorialized: February 9, 2023

**IN THE MATTER OF THE HONORABLE PLANT, LLC.  
APPLICATION NO. LUB 2022-08**

**WHEREAS**, an application for minor site plan approval for a conditional use with ancillary variance relief has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the "Board") by The Honorable Plant, LLC (hereinafter referred to as the "Applicant") on lands known and designated as Block 46, Lot 3, as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), and more commonly known as 123 Bay Avenue in the CBD (Central Business) Zone and CBD Redevelopment Overlay (C-RO-3) Zone; and

**WHEREAS**, a public hearing was held before the Board on December 20, 2022, with regard to this application; and

**WHEREAS**, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; and

**WHEREAS**, a complete application has been filed, the fees as required by Borough Ordinance have been paid, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised.

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

1. The subject Property contains 18,000 s.f. and is improved with a two-story 3,980 square feet footprint, mixed-use building containing vacant retail space on the first floor and residential apartments on the second floor. The subject Property is located in the Central Business District (CBD) Zone and the CBD Redevelopment Overlay 3 (C-RO-3) Zone of the Borough with dual frontage along Bay Avenue (County Route 8) and South Second Street.

2. The Applicant is seeking minor site plan approval for a conditional use with ancillary variance relief to convert the first floor of the mixed-use building into a cannabis retail store while maintaining the existing second floor residential apartment space. The proposed cannabis retail use is a permitted conditional use. The Applicant is seeking variance relief to permit a minimum side yard setback of five (5) feet, whereas a side yard setback of 0.46 feet exists and is proposed to remain. The Applicant is also seeking variance relief from the requirement of a maximum lot coverage of 80%, whereas 86.1% coverage is existing and 90% coverage is proposed.

3. Counsel for the Applicant, Edward J. McKenna, Jr., Esq. stated that the Applicant was seeking minor site plan approval to permit a conditional use. Before proceeding with presenting the application, Mr. McKenna stated that the Applicant complied with all conditional use requirements.

4. The Applicant's Engineer, Andrew Stockton, P.E., P.P. testified that the subject Property was identified as Lot 3 in Block 46 and was located on the southwest side of Bay Avenue across from its intersection with Jackson Street and with frontage on the northeast side of South 2<sup>nd</sup> Street. He stated that the subject Property was in the CBD (Central Business District) Zone and the C-RO-3 Overlay Zone. Mr. Stockton further testified that the existing building was a

mixed-use which previously had a pizzeria on the first floor and two (2) current residential apartments on the second floor. He stated that an associated parking lot existed that was in need of repair.

5. Mr. Stockton testified that the Applicant was proposing to repave the parking lot surface to provide twenty-nine (29) parking spaces. He explained that twenty-seven (27) of the parking spaces would be 9 feet x 18 feet and two (2) parking spaces would be ADA compliant at a size of 8 feet x 18 feet with an 8 foot island between the two (2) ADA compliant spaces. Mr. Stockton further testified that the frontage of the building on Bay Avenue had existing curb and a concrete sidewalk with brick pavers. He stated that an exterior staircase on the side of the building provided access to the residential apartments on the second floor. Mr. Stockton further stated that a concrete sidewalk was located along the side of the building for two-thirds of the building's length. He further stated that a concrete pad was located at the rear of the building adjacent to a loading door and a man door and utility sidewalk. He then explained that a church was located adjacent to the subject Property to the west. Mr. Stockton further testified that the building had a bump out on the first floor that was approximately 0.2-0.3 feet from the property line shared with the church.

6. Mr. Stockton next testified that the existing utilities would remain. He stated that the utilities included gas, water, sewer, and overhead electrical and cable wires connected through Bay Avenue. Mr. Stockton noted that there may be sewer connection to South 2<sup>nd</sup> Avenue, as well. He also stated that a utility pole within the parking lot would be surrounded with a green island and bike rack. Mr. Stockton further testified that the Applicant was proposing to

reconfigure the impervious coverage to provide 1,800 square feet, or 10% of the subject Property as open green space.

7. Mr. Stockton further stated that customers of the adjacent bakery often parked in the subject Property's parking lot. He testified that the bakery leased one (1) or two (2) parking spaces, but that customers often used more. Mr. Stockton explained that the Applicant was proposing twenty-nine (29) parking spaces, but only eleven (11) or fourteen (14) parking spaces were required, depending on conflicting sections of the ordinance. He stated that the Applicant factored in the bakery parking when designing the parking lot. Mr. Stockton further testified that there was no need for an ADA ramp because access to the building and parking lot was at grade.

8. Mr. Stockton next testified that the Applicant did not need "d(3)" variance relief. He stated that cannabis retail was a conditionally permitted use and noted that the conditions were: (1) no consumption of cannabis inside or outside; (2) the use would not be located within 1,000 feet of a school; and (3) that the building comply with the design standards of the overlay zone.

9. Mr. Stockton explained that proposal complied with design standards: §21-65.7 driveways complied; §21-65.9 grade and soil removal was not needed; §21-65.10 landscaping would comply; §21-65.11 lighting would comply; §21-65.13 loading was existing and was proposed to remain unchanged; §21-65.14 sufficient off street parking was provided; §21-65.15 the parking lot would be repaved to specifications; §21-65.17 sidewalk was existing and a new sidewalk along the side of the building at seven (7) feet in width was proposed to the entire length of the building; §21-65.19 signage would comply; §21-65.20 solid waste was in a trash enclosure with a dumpster, which the Applicant may not need the entire dumpster space

because any cannabis trash was separate and complied with State regulations; and, §21-65.21 utilities were sufficient.

10. Mr. Stockton also explained that the Ordinance calculating the number of parking spaces was different in two (2) sections. The first calculation permitted not including the first 1,000 square feet for the Floor Area Ratio (FAR), then required one (1) parking space for every 300 square feet. He stated with the first calculation, would require ten (10) spaces, then an additional four (4) spaces for the residential apartments for a total of fourteen (14) parking spaces. Mr. Stockton next explained that the second calculation using a business use chart required one (1) parking space for every 600 square feet, which would require eleven (11) total parking spaces. He stated that the Applicant was providing twenty-nine (29) parking spaces.

11. Mr. Stockton further testified that the Applicant removed a three (3) foot tall wall from the plans. He stated that removing the wall would discourage potential loitering by customers. Mr. Stockton further testified that the maximum permitted impervious coverage was 80%, whereas 86.1% was existing, and 90% was proposed. He stated that the proposed impervious coverage was compliant with the design standards requiring 10% of the subject Property to be landscaping. Mr. Stockton also testified that there were exterior and interior improvements proposed for the building.

12. The Board Engineer advised that he concurred with the testimony provided that the proposal was compliant with the design standards. He also advised that there was a typographical error in his report stating that the subject Property was in the C-RO-2 Overlay zone, whereas the subject Property was in the C-RO-3 Overlay zone. In response to questions from the

Board, Mr. Stockton testified that the Applicant was not proposing anything that was relevant to the differences between the C-RO-2 Overlay zone and the C-RO-3 Overlay zone.

13. In response to questions from the Board Engineer, Mr. Stockton testified that the Applicant would be providing at least one (1) EV charging parking space. The Board Engineer recommended that the Applicant provide two (2) EV chargers, even though only one (1) was required.

14. In response to further questions from the Board Engineer, Mr. Stockton testified that the ordinance permitted a maximum height of a fence of four (4) feet within the frontage of a property or permitted a maximum height of a fence of six (6) feet within the frontage if it is behind the front yard setback. Mr. Stockton explained that the existing fence along the frontage on South 2<sup>nd</sup> Street and along the adjacent property line was six (6) feet in height. He stated that the Zone did not have any front yard setbacks resulting in the fence being compliant with the part of the ordinance permitting a maximum height of six (6) feet if it is behind the front yard setback. Mr. Stockton further stated that the adjacent church had an existing fence along its frontage on Bay Avenue and along the shared property line. He noted that the fence along the shared property line near the bump out of the Applicant's building was vinyl and four (4) feet tall. Mr. Stockton further testified that the Applicant proposed to replace the existing wooden fence with a higher quality fence. He stated that the replacement fence would have a gate providing access for emergency vehicles and pedestrians from South 2<sup>nd</sup> Street. He stated that the replacement fence would use black vinyl material, not chain linked.

15. The Applicant's Architect, Catherine Franco, AIA, testified that the Applicant proposed to gut the interior of the first floor. She explained that customers would enter the front

door to a waiting area that would contain fifteen (15) seats. Customers would then enter through a door to the sales and merchandise showroom. Ms. Franco testified that the Applicant was proposing a twenty-five (25) person capacity for the showroom, even though fire code capacity would be forty-five (45) persons. She further explained that the rear of the building would contain a manager's office, security room, receiving and loading area, and employee breakroom. Ms. Franco stated that two (2) ADA compliant bathrooms would also be located within the building. She also testified that storage space would be located within the bump out, which was an existing storage space. Ms. Franco stated that the building would have a full security system, which would include cameras, monitors, and alarms.

16. Testimony was taken from the operator of the Applicant, Elizabeth Stavola. Ms. Stavola testified that she was a nationally recognized cannabis retailer for the previous ten (10) years and had received several awards. She stated that she has operated sixty-five (65) dispensaries over twelve (12) states, including eighteen (18) cultivation and manufacturing facilities. Ms. Stavola further testified that the proposed cannabis retailer would be family operated between herself and her daughter. She stated that she lived in neighboring Middletown Township which would allow her to operate the proposed cannabis retailer locally.

17. Ms. Stavola next testified that the security of the building would include a combination of electrical and physical security barriers. She stated that there would be cameras inside and outside of the building. Ms. Stavola also testified that security guards would be hired from an outside company and had former military or law enforcement experience. She stated that the subject Property would be under surveillance 24/7.



18. Ms. Stavola next testified that the hours of operation would be 10am to 7pm Monday through Saturday and 10am to 5pm on Sunday. She stated that the average length of time a customer would be on site would be fifteen (15) to twenty (20) minutes. Ms. Stavola testified that she anticipated having six (6) to eight (8) employees on site, but would adjust that number based on demand needs. Ms. Stavola further testified that the waiting area would accommodate overflow within the building instead of outside the building. She explained that if overflow was greater than what the waiting area could accommodate, a security guard would manage the line outside to keep the line around the building and remain on the subject Property. In response to a concern from the Board, Ms. Stavola agreed to limit the hours of operation on Sunday to 12pm to 5pm in order to not disturb church services next door.

19. Ms. Stavola also stated that the product does not create any nuisances because all of the products would be pre-packaged and vacuum sealed. She also stated that the HVAC system located on the roof would purify the air of any potential unexpected odor. Ms. Stavola also testified that the product was under control of security 24 hours. She explained that each employee would have a classification related to security access. Ms. Stavola stated that the receptionist would only have security access for the waiting room. She further stated that managers and assistant managers would have security access to the office, safe, and loading area. She stated that managers were the only employees authorized to accept deliveries. Ms. Stavola further testified that deliveries would be made by vans operated by secured and licensed delivery services. She stated because the deliveries were made by vans, there was no need for a loading area. Ms. Stavola further testified that trash from the product would be contained within the building in a gun-type safe. She explained that trash from the product could be expired or

defective product. Ms. Stavola explained that the manufacturer would pick up the trash and dispose of it properly at the manufacturer's location.

20. Ms. Stavola next introduced an exhibit of ten (10) pages which were before and after photographs of the Applicant's other locations as Exhibit A-1. Ms. Stavola testified that the Applicant proposed to renovate the existing building similarly to the Applicant's other locations depicted in Exhibit A-1.

21. In response to questions from the Board, Ms. Stavola explained that the initial application did not propose any changes to the exterior of the building, but after discussion with the owner of the building and architect, the Applicant decided to make exterior upgrades. She testified that exterior upgrades would comply with the design standards and the appearance would fit with the surrounding area.

22. In response to further questions from the Board, Ms. Stavola testified that the maximum number of employees she would anticipate having on-site at the same time would be twelve (12). She explained that would be on busy days, such as April 20 (4/20), which is day of celebration within cannabis culture. She stated that as an experienced operator, she often offered discounts on April 19 in order to encourage customers to visit the location on other days than April 20 and spread the demand over multiple days.

23. In response to further questions from the Board, Ms. Stavola testified that the flow of customers would be steady throughout the day and not have a single peak. She explained that customers may visit during their lunch break or after work. Ms. Stavola further testified that she understood the Board's concern of lines of people out the door. She explained that the existing dispensary in Eatontown had a maximum capacity of twenty (20) persons and that a line

of customers would often form outside the door. She stated that this proposed dispensary had much greater capacity with a waiting area within the building, so a line of customers would not form outside the door.

24. Ms. Stavola next explained the State licensing process. She explained that the Applicant has applied for a conditional license. Ms. Stavola stated that the conditional license can be for anywhere in the State. She stated that an Applicant was then required to obtain planning board approval and building permits within the municipality that the dispensary is to be located. She further explained that an Applicant would then convert the conditional license to an annual license. The State regulatory board would then inspect the subject Property for compliance. Ms. Stavola further testified that the Applicant did not presently operate any cannabis dispensaries in New Jersey.

25. Testimony was next taken from Michael Salerno, who was identified as the owner of the subject Property. Mr. Salerno testified that renovations were not proposed with the initial application, however, he stated he was encouraged by the appearance of the Applicant's other locations (depicted in Exhibit A-1) to make renovations to the exterior. Mr. Salerno testified that the renovations would comply with the design standards of the Zone. He stated that the existing façade material would be an imitation stucco. He stated that the material would be upgraded.

26. In response to questions from the Board, Mr. Salerno testified that he chose not to expand the second floor to add more apartments because construction would be too time consuming. He stated that the conditional license had an expiration of six (6) months. Ms. Stavola clarified that the conditional license had six (6) months to convert to an annual license, but there

were no time restrictions on construction. He stated that the Applicant wanted to be operational as soon as possible.

27. The Applicant's Planner, Andrew Janiw, P.P., AICP, testified that the Applicant was seeking a conditionally permitted use. Mr. Janiw testified that the conditions to permit a cannabis retailer included no consumption of cannabis on premises, and not be within 1,000 feet of a school. He stated that the term "school" was not defined in the Ordinance. Mr. Janiw further testified that ordinance was rooted in the State criminal code N.J.S.A. 2C:35-7 (Distribution on or within 1,000 feet of a school property). He further stated that N.J.S.A. 2C:35-7 defined "school" as "any school property used for school purposes which is owned by or leased to any elementary or secondary school or school board." Mr. Janiw further testified that the criminal statute mimicked the Federal statute. He stated that the Redevelopment Plan also made a distinction between "school" and uses that may use the word "school", such as a dance school which were not schools. Mr. Janiw concluded that the Redevelopment Plan intended the term "school" to be defined similarly to the criminal code and not a colloquial meaning of "school."

28. Mr. Janiw next referenced an Aerial Photo of the subject Property with a 1,000-foot radius line, which was included in the Application packet. He stated that the closest school to the subject Property was Highlands Elementary School, which was outside of the 1,000-foot radius. Mr. Janiw therefore testified that the proposal did not require a "d(3)" variance relief because the proposal complied with the conditions of the permitted use.

29. Mr. Janiw next testified that the Applicant was seeking two (2) bulk variances. He stated that the Applicant was seeking relief from the side yard setback for the existing bump out. Mr. Janiw explained that most of the building was compliant with the five (5) foot side yard

setback requirement with the exception of the bump out. He further testified that the Applicant was seeking relief from the maximum permitted impervious coverage requirement. Mr. Janiw stated that the maximum permitted impervious coverage was 80%, whereas 86.1% was existing and 90% was proposed. He explained that the increased impervious coverage would facilitate better circulation of the parking lot. He also stated that with an impervious coverage of 90%, the proposal would still comply with the design standard requiring 10% of the subject Property be landscaped.

30. Mr. Janiw further stated that the variance relief could be granted under the c(2) criteria. He testified that the bump out could be granted under the c(1) hardship criteria, as well, because it was an existing structure and there had not been any negative impact on the surrounding area. Mr. Janiw explained that the increased impervious coverage was a better design of the parking lot because it would improve circulation, number of parking spaces, ADA compliant spaces and pathway, and landscaping. He stated that the subject Property was an appropriate location for the use because it was conditionally permitted in the zone and complied with the conditions. Mr. Janiw also testified that the proposal created a desirable visual environment.

31. Mr. Janiw further testified that he considered whether the proposal would create a nuisance when evaluating the negative criteria. Mr. Janiw concluded that the proposal would not create any nuisance. He stated that ample parking would exist, additional noise or odor would not be created, and the operation as testified to by the professionals and expert would not cause any nuisance. Mr. Janiw further stated that the Applicant had agreed to limit the Sunday hours and that additional trash would not be created because the cannabis related trash would be

contained within the building. Mr. Janiw further testified that the master plan had contemplated this use.

32. In response to questions from the Board, Mr. Janiw testified that other permitted uses in the zone, including the previous restaurant on the subject Property, generated more traffic. He stated that the cannabis retailer would have a consistent flow of customers throughout the day, which was less intense than a restaurant.

33. The Applicant's Traffic Engineer, John McCormack, P.E., PTOE, testified that the Institute of Traffic Engineers (ITE) has created trip calculations for a cannabis dispensary. He stated that a 4,000 square foot cannabis dispensary would generate forty (40) customers per an hour. He also explained that customers would not stay at the location for the entire hour. Mr. McCormack further testified that he examined three (3) other cannabis dispensary in August 2022. He explained that the trip generations he observed were similar or less than the ITE trip generations, typically thirty-five (35) customers per an hour. Mr. McCormack further testified that the ITE recognized the consistent flow of customers as Ms. Stavola had testified to earlier. He stated that the cannabis retailer generated less traffic than the gas station and liquor store across the street and would generate similar traffic to the previous restaurant use on the subject Property.

34. Mr. McCormack further testified that he did not perform a traditional traffic study, instead he relied on NJDOT traffic data. He stated that NJDOT collected data on Bay Avenue in 2018 and 2019. Mr. McCormack testified that the NJDOT data reflected 500 trips per hour on Bay Avenue. He stated that adding thirty-five (35) to forty (40) trips per hour would not result in any noticeable difference. Mr. McCormack testified that the Levels of Service (LOS) in the area would

not change. Mr. McCormack further testified that the parking lot was designed per industry standards and that the number of parking spaces would double the number of parking spaces required.

35. In response to questions from the Board, Ms. Stavola testified that there would not be a need for a roped line like the cannabis dispensary in Eatontown. She stated that there were two (2) presently operating cannabis dispensaries in the area, Eatontown, and Neptune Township. Ms. Stavola testified that the dispensary in Neptune Township was approximately 4,000 square feet, similar to this application, and that there were no issues with lines outside of the building. She stated that the dispensary in Eatontown was only 1,500 square feet and, as a result, had issues with lines outside of the building. Ms. Stavola explained that she did not know the number of parking spaces at the Neptune Township dispensary because it was within a strip mall facility.

36. Mr. McCormack then testified, in response the question from the Board, that the ITE parking standard for a cannabis dispensary was fifteen (15) to twenty (20) parking spaces at peak hours. He explained that the size of the building did not matter in calculating the need for parking because the demand was the same no matter the size of the building.

37. In response to questions from the Board Engineer, Mr. Stockton testified that he had not had any conversations with the Borough Construction Official or Flood Plain Manager concerning the application. He explained that the subject Property was located within the AE Flood Zone as was all of the downtown area. Mr. Stockton also stated that the elevation of the subject Property was five (5) to six (6) feet, so the first floor of the building was within the flood hazard area. He also testified that there were no requirements to make the first floor

compliant with FEMA construction guidelines. Mr. Stockton stated that he could investigate dry proofing or wet proofing the first floor, but he would have to consult with the Borough Construction Official or Flood Plain Manager. Ms. Franco added that the Building Code required commercial buildings in a flood plain to use flood resistant material. She testified that the building would have to comply with that requirement in order to obtain a construction permit.

38. The hearing was opened to the public at which time Steve Solop, 205 Bay Avenue, asked if the traffic calculations included increased traffic generated from the Seastreak Ferry. Mr. McCormack responded that the NJDOT data was collected in 2018 and 2019. He explained that he added a multiplier to bring the traffic count to reflect current conditions. Mr. McCormick testified that the Seastreak Ferry traffic was contemplated within the background traffic and the LOS did not change. He concluded that the proposal would not have any impact on traffic.

39. Mr. Solop next asked if there were any statistics on increase in crime from cannabis retailers. Ms. Stavola testified that crime has generally decreased as a result of cannabis retailers because of the increased security presence in the area. She further stated that security cameras of cannabis retailers have been used by law enforcement to aid in the investigation of crimes in the area.

40. Mr. Solop next asked about the profile of the customers the cannabis retailer would attract. Ms. Stavola state that the profile would be the same as everyone present at this hearing. The Board recognized that it was not appropriate to consider any profile of customers and its decision would not be based upon this testimony.

41. Martin Kiely, 39 Shore Drive, asked if there were negative impact on the traffic or parking in the area.



42. Diane McCoy, 21 Shore Drive, asked if Catholic schools were considered “schools” under the definition of the criminal statute because they were run by the Catholic Diocese, not a board of education.

43. Trisha Romero, 31 Cornwall Street, asked how many cannabis retailers could be approved by the Board. The Board explained that each application before the Board was considered separately and equally. The Board could approval each application that came before the Board, however, the State limited the number of cannabis retailers in the Borough to one (1) retailer. The State would choose which application to approve for licensure for the Borough.

44. Ms. McCoy returned to testify that the sooner an application was approved by the Board, the sooner the application could convert its conditional license to an annual license and be approved by the State to operate within the Borough. The Board reiterated that it was not basing any decision on who applied first, rather was only considering each application on the merits as they come before the Board.

45. The Board recommended that the Applicant mark the parking spaces as parking for the Applicant customers only in order to keep customers of the adjacent bakery from using the Applicant’s parking spaces. The Board believes signage would help with enforcement of the parking spaces. The Applicant agreed to mark the parking spaces.

46. There were no other members of the public expressing an interest in this application.

**WHEREAS**, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered

whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant's request for minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 along with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c(2) as well as conditional use approval pursuant to N.J.S.A. 40:55D-67 should be granted in this instance.

The Applicant has proposed a conditional use. The Board finds that all conditions have been satisfied and that variance relief pursuant to N.J.S.A. 40:55D-70d(3) is not required. In reaching this legal conclusion, the Board specifically considered the definition of the term "school" contained within the conditional use ordinance. Neither the conditional use ordinance nor the Borough Code define "school". The Board defines the term in this context as an institution for the teaching of children. While this would certainly include both public and private schools, the Board finds that the instruction provided at the nearby church falls outside of the scope of the term. This should not diminish the value of such instruction, but it is not contemplated within the term as used in this Ordinance.

The Board finds that the Applicant has proposed a conditionally permitted use in the Zone but does require bulk variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict bulk and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the applicant may be entitled to relief if the specific parcel is limited by exceptional narrowness, shallowness or shape. An applicant may show that exceptional topographic conditions or physical features exist which uniquely affect a specific piece of property. Further, the applicant may also

supply evidence that exceptional or extraordinary circumstances exist which uniquely affect a specific piece of property or any structure lawfully existing thereon and the strict application of any regulation contained in the Zoning Ordinance would result in a peculiar and exceptional practical difficulty or exceptional and undue hardship upon the developer of that property. Additionally, under the c(2) criteria, the applicant has the option of showing that in a particular instance relating to a specific piece of property, the purpose of the act would be advanced by allowing a deviation from the Zoning Ordinance requirements and the benefits of any deviation will substantially outweigh any detriment. In those instances, a variance may be granted to allow departure from regulations adopted, pursuant to the Zoning Ordinance.

Those categories specifically enumerated above constitute the affirmative proofs necessary in order to obtain “bulk” or (c) variance relief. Finally, an applicant must also show that the proposed variance relief sought will not have a substantial detriment to the public good and, further, will not substantially impair the intent and purpose of the zone plan and Zoning Ordinance. It is only in those instances when the applicant has satisfied both these tests, that a Board, acting pursuant to the Statute and case law, can grant relief. The burden of proof is upon the applicant to establish these criteria.

The Board finds the Applicant did not provide any testimony in regard to the origins of the shape of the subject Property. The Board therefore cannot find that any purported hardship was not self-created. A self-created hardship is still relevant even if created by a prior owner. The Board, therefore, cannot grant variance relief pursuant to N.J.S.A. 40:55D-70c(1).

The Board finds, however, that the positive criteria has been satisfied pursuant to N.J.S.A. 40:55D-70c(2). The Board finds the bump out contributes to the characteristics and attractive

aesthetics of the subject Property. It therefore promotes a desirable visual environment. The Board also finds that the proposed impervious coverage is appropriate for the use and provides sufficient landscaping. The Board is also persuaded that the design results in the greatest efficiency and safety for the internal circulation. This promotes the interests of the entire community and not just the Applicant. The goals of planning enumerated at N.J.S.A. 40:55D-2 have been advanced and the positive criteria has been satisfied.

The Board also finds that the negative criteria has also been satisfied. The subject Property will contribute to the aesthetics of the entire neighborhood. The grant of variance relief also will not result in an increase in traffic, noise or odors not already contemplated by the Ordinance. The grant of variance relief will therefore not result in substantial detriment to the public good or substantially impair the intent or purpose of the Zone Plan and Zoning Ordinance. The negative criteria has therefore been satisfied.

The Board finds that the positive criteria substantially outweighs the negative criteria and concludes that variance relief may be granted pursuant to N.J.S.A. 40:55D-70c(2).

The Board finds that with the exception of the above relief, the Applicant complies with all other zoning, site plan and design ordinance requirements. The Applicant has also agreed to comply with all conditions contained herein. Based upon the foregoing, the Board finds that minor site plan approval pursuant to N.J.S.A. 40:55D-46.1 and conditional use approval pursuant to N.J.S.A. 40:55D-67 are appropriate in this instance.

**NOW, THEREFORE, BE IT RESOLVED** by the Land Use Board of the Borough of Highlands on this 9<sup>th</sup> day of February 2023, that the action of the Land Use Board taken on December 20, 2022, granting Application No. LUB 2022-08, for minor site plan approval pursuant to N.J.S.A. 40:55D-46.1

with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c(2) and conditional use approval pursuant to N.J.S.A. 40:55D-67 is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. All site improvements shall take place in the strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
2. Except where specifically modified by the terms of this resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. The Applicant shall comply with all applicable design standards.
4. The Applicant shall depict the parking spaces for the 123 Bay Avenue use as reserved subject to the review and approval of the Board Engineer.
5. The Applicant shall submit a landscaping plan subject to the review and approval of the Board Engineer.
6. Hours of operation on Sundays shall be limited to the hours between 12pm and 5pm.
7. Any future modifications to this approved plan must be submitted to the Board for approval.
8. The Applicant shall provide a certificate that taxes are paid to date of approval.
9. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
10. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

**BE IT FURTHER RESOLVED** that the Board secretary is hereby authorized and directed to cause a notice of this decision to be published in the official newspaper at the Applicant's expense and to send a certified copy of this Resolution to the Applicant and to the Borough Clerk, Engineer, Attorney and Tax Assessor, and shall make same available to all other interested parties.

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Robert Knox, Chairman  
Borough of Highlands Land Use Board

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

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 February 9, 2023.

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Nancy Tran, Secretary  
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS PLANNING BOARDEXHIBITSCase No. LUB 2020-08 / The Honorable Plant, LLCMinor Site Plan Approval withAncillary Variance ReliefDecember 20, 2022

- A-1 Land Use Board Application, dated 10/21/2022 (7 pages)
- A-2 Architectural & Site Plans prepared by Rathunas LLC, dated 10/21/2022 (4 pages)
- A-3 Site Plans prepared by Rathunas LLC dated, 10/21/2022 (1 page)
- A-4 Zoning Permit Application dated, 10/10/2022 (1 page)
- A-5 Letter from Zoning Official, dated 10/19/2022 (1 page)
- A-6 Resolution 22-216 of the Borough of Highlands, dated 10/5/2022 (1 page)
- A-7 Planning Statement prepared by Beacon Planning and Consulting Services, LLC, dated 10/27/2022 (3 pages)
- A-8 Business Plan/Operational report/narrative, undated (15 pages)
- A-9 Architectural & Site Plans prepared by Rathunas LLC, dated 11/23/2022 (7 pages)
- A-10 Color Rendering Exhibit prepared by Andrew R. Stocton, P.E., P.L.S., of Eastern Civil Engineering, LLC, dated 11/29/2022 (1 page)
- B-1 Board Engineer Completeness Letter by Edward Herrman, dated 11/2/2022 (4 pages)
- B-2 Board Engineer Review Letter by Edward Herrman, dated 11/16/2022 (13 pages)
- B-3 Board Engineer Amended Review Letter by Edward Herrman, dated 12/16/2022 (15 pages)

2593470\_1 HIGH-030E The Honorable Plant, LLC. Resolution Granting Minor Site Plan Approval (LUB 2022-08) 2.9.23



RECEIVED

NOV 08 2022

LAND USE BOARD

Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

## LAND USE BOARD APPLICATION

## FOR OFFICIAL USE

Date Rec'd: 11/08/2022 Application #: LUB2022-09 Fee: 0 Escrow: 0

## 1. APPLICANT

Name: Borough of Highlands  
Address: 42 Shore Drive  
City: Highlands State: NJ Zip: 07732  
Phone: 732-872-1224  
Email: aball@respondlaw.com  
Relation to property: Owner

## 2. OWNER

Name: Same as applicant  
Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

## 3. TYPE OF APPLICATION (Check all that apply)

- ☒ Minor Subdivision
- ☐ Major Subdivision – Preliminary
- ☐ Major Subdivision – Final
- ☐ Minor Site Plan
- ☐ Major Site Plan – Preliminary
- ☐ Major Site Plan – Final
- ☐ Variance
- ☐ Use Variance

- ☐ Appeal – Zoning Denial date \_\_\_\_\_
- ☐ Appeal – Land Use Decision date \_\_\_\_\_
- ☐ Informal Concept Plan Review
- ☐ Extension of Approval
- ☐ Revision/Resubmission of Prior Application
- ☐ Other \_\_\_\_\_

## 4. PROPERTY INFORMATION

Block 101 Lot(s) 3 Address: Locust Street  
Lot size 0.665 acres # of Existing Lots 1 # of Proposed Lots 4  
Zone WC-2 Are there existing Deed Restrictions or Easements? ☐ No ☒ Yes – Please attach copies  
Has the property been subdivided? ☒ No ☐ Yes If yes, when? \_\_\_\_\_  
Attach copies of approved map or approved resolution  
Property taxes paid through N/A Sewer paid through N/A

## 5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp must be represented by a NJ attorney)

Name: Andrew J. Ball, Esq.  
Address: 100 Willow Brook Road, Suite 100, Freehold, NJ 07728  
Phone: 732-462-7170 Email: aball@respondlaw.com





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## 6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.

Name: Bennett Matlack, PE, CME, CFM  
Address: CME Associates  
1460 Route 9 South, Howell, NJ 07731  
Phone: 732-462-7400  
Email: BMatlack@cmeusa1.com

Name: \_\_\_\_\_  
Address: \_\_\_\_\_  
\_\_\_\_\_  
Phone: \_\_\_\_\_  
Email: \_\_\_\_\_

## 7. LAND USE

**A. PROPERTY HISTORY** –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

The property is vacant land. It has been owned by the Borough of Highlands since 2001 upon the recording of a Judgment of in rem foreclosure. A three story framed dwelling and elevated deck, which are part of the adjacent property located at 60 Matthews Street, encroach upon Block 101, Lot 3 owned by the Borough of Highlands and the subject of this application.

**B. PROPOSED PLAN** –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

To eliminate the encroachment, the Borough of Highlands proposes to subdivide Block 101, Lot 3 into four lots to be known as Block 101, Lots 3.01, 3.02, 3.03 and 3.04. The newly created lot containing the framed dwelling and elevated deck can then be purchased by the property owner of 60 Matthews Street so the encroachment will no longer exist. The Borough will retain the remaining lots and may sell them to adjacent property owners in the future. Public access to the beach will be maintained through a 10 ft. strip of property adjacent to Matthews St.

### C. ADDITIONAL INFORMATION:

		Existing	Proposed
<b>Residential:</b>	How many dwelling units?	<u>None</u>	<u>None</u>
	How many bedrooms in each unit?	<u>None</u>	<u>None</u>
	How many on-site parking spaces?	<u>None</u>	<u>None</u>
<b>Commercial:</b>	How many commercial uses on site?	<u>None</u>	<u>None</u>
	How many on-site parking spaces?	<u>None</u>	<u>None</u>



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**8. VARIANCE REQUESTS** Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
<b>Minimum Lot Requirements</b>			
Lot Area	N/A		
Frontage	See attachment		
Lot Depth	See attachment		
<b>Minimum Yard Requirements</b>			
Front Yard Setback	N/A		
2 <sup>nd</sup> Front Yard Setback	N/A		
Rear Yard Setback	N/A		
Side Yard Setback, right	N/A		
Side Yard Setback, left	See attachment		
Building Height	N/A		

	Req'd	Exist.	Prop'd
<b>Accessory Structures</b>			
Fence/Wall Height	N/A		
Garage/Shed Height	N/A		
Garage/Shed Area	N/A		
Pool Setback	N/A		
<b>Parking Requirements</b>			
On-site Parking Spaces	N/A		
<b>Other (please add)</b>			

**9. OTHER RELIEF REQUESTED** Please specify relief(s) and explain below.

Minimum Lot Width-see attachment for No. 8  
Variance Requests

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Highlands, NJ 07732  
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# 10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this

8th day of November 2022 (year)

Joy M. Craig (notary)

(Seal)

JORGIM M. CRAIG  
NOTARY PUBLIC OF NEW JERSEY  
Commission # 50098437

Carolyn Broullon  
Signature

11/8/22  
Date

Carolyn Broullon, Mayor

Print Full Name

# 11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the making of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this

8th day of November 2022 (year)

Joy M. Craig (notary)

(Seal)

JORGIM M. CRAIG  
NOTARY PUBLIC OF NEW JERSEY  
Commission # 50098437

Carolyn Broullon  
Signature

11/8/22  
Date

Carolyn Broullon, Mayor

Print Full Name

# 12A. DISCLOSURE STATEMENT

Commission Expires 1/10/2024

Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

Is this application to subdivide a parcel of land into six (6) or more lots?

Yes

No

Is this application to construct a multiple dwelling of 25 or more units?

Yes

No

Is this an application for approval of a site(s) for non-residential purposes?

Yes

No

Is this Applicant a corporation?

Yes

No

Is the Applicant a limited liability corporation?

Yes

No

Is the Applicant a partnership?

Yes

No

If you circled **YES** to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).

landuse@highlandsborough.org | 4





Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

## 12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp:

**Borough of Highlands**

Listed below are the names and addresses of all owners of 10% or more of the stock/interest\* in the above referenced business organization:

NAME	ADDRESS
None	

\*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

SWORN & SUBSCRIBED to before me this

8<sup>th</sup> day of November 2022 (year)

Jorgi M. Craig (notary)

(Seal)

JORGI M. CRAIG  
NOTARY PUBLIC OF NEW JERSEY  
Commission # 50098437  
My Commission Expires 1/10/2024

Carolyn Broullon 11/8/22  
Signature (Officer/Partner) Date

**Carolyn Broullon, Mayor**

Print Full Name

Title

## EASEMENT AGREEMENT



570483

This EASEMENT AGREEMENT, made this 10 day of DEC., 1999, by and between:

MAP "C" NAVESINK PARK TAXPAYERS ASSOCIATION, INC., a corporation of the State of New Jersey having its principal place of business located at P.O. Box 23, Highlands, New Jersey referred to as the "Grantor", and

ARGIRIS SERGHIS and ANDROULA SERGHIS, husband and wife, residing at 203 Shore Drive, Highlands, New Jersey, hereinafter referred to as the "Grantees".

## WITNESSETH:

WHEREAS, Grantor is the owner of a certain tract of land presently designated as Lot 3 Block 101 on the Tax Map of the Borough of Highlands, New Jersey;

WHEREAS, Grantee is the owner of a certain tract of land presently designated as Lot 4 Block 101 on the Tax Map of the Borough of Highlands, New Jersey which abuts the Grantor's tract;

WHEREAS, Grantees' structure projects an average of 11 feet onto Grantor's property as shown in the survey of property prepared by August F. Postel, P.E., dated June 6, 1959 attached hereto and made a part hereof as Schedule "A".

In addition, not shown on said survey, a concrete pad exists projecting an additional 29 feet 4 inches in a northerly direction from the rear boundary of the existing structure;

WHEREAS, the Grantor of Lot 3 Block 101 has leased a portion of the subject premises to the Borough of Highlands by virtue of a lease dated November 1990 attached hereto and made a part hereof as Schedule "B";

WHEREAS, pursuant to the chain of title, the encroachment in question has existed from at least 1977 when title was vested in the prior owner, Leonard Countryman and prior to the Borough's leasehold rights;

NOW THEREFORE in consideration of \$1.00 and other good and valuable consideration paid by the Grantees the receipt and sufficiency of which is hereby acknowledged, Grantor does hereby give, grant and convey unto the Grantees, its successors and assigns, a permanent easement for the purpose of permitting use of the 10 foot area around the perimeter of the total encroachment including the path for ingress, egress, repair and maintenance.

TO HAVE AND TO HOLD the above granted Easement unto Grantees, its successors, assigns and designates forever, unless as permitted herein to be modified.

RRP  
Andrea Serghis  
203 Shore Drive  
Highlands N.J. 07732

CLERK'S OFFICE  
MONMOUTH COUNTY  
NEW JERSEY

INSTRUMENT NUMBER

1999193714

RECORDED ON

EC 16, 1999

8:44:00 AM

BOOK: DB-5887

PAGE: 638

Total Pages: 6

JNTY RECORDING \$23.00

ES

DICATED TRUST \$2.00

NO COMMISSION

TAL \$25.00

IT WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first written above.

Witness/Attest:

MAP "C" NAVESINK PARK  
TAXPAYERS ASSOCIATION, INC.  
Corporation of the State of New Jersey,  
Grantor

Lillian Kowarkowski

Secretary

By: Donald H. Manrodt  
DONALD MANRODT  
President

STATE OF NEW JERSEY

ss:

COUNTY OF MONMOUTH

I CERTIFY that on 12/10, 1999,  
personally came before me and this person acknowledged under oath, to my satisfaction,  
that:

- (a) this person is the secretary of MAP "C" NAVESINK PARK TAXPAYERS ASSOCIATION, INC., the corporation named in this Easement Agreement;
- (b) this person is the attesting witness to the signing of this Easement Agreement by the proper corporate officer who is Donald Manrodt the President of the corporation;
- (c) this Easement Agreement was signed and delivered by the corporation as its voluntary act duly authorized by a proper resolution of its Board of Directors;
- (d) this person knows the proper seal of the corporation which was affixed to this Easement Agreement;
- (e) this person signed this proof to attest to the truth of these facts; and
- (f) the full and actual consideration paid or to be paid for the transfer of title is \$1.00. (Such consideration is defined in N.J.S.A. 46:15-5).

Mary C. McGarry  
MARY C. MCGARRY Secretary  
NOTARY PUBLIC OF NEW JERSEY  
My Commission Expires Dec. 6, 2001

Grantees

Theresa M. Balland

ARGIRIS SERGHIS

Theresa M. Balland

Androula Serghis  
ANDROULA SERGHIS

STATE OF NEW JERSEY

ss

COUNTY OF MONMOUTH

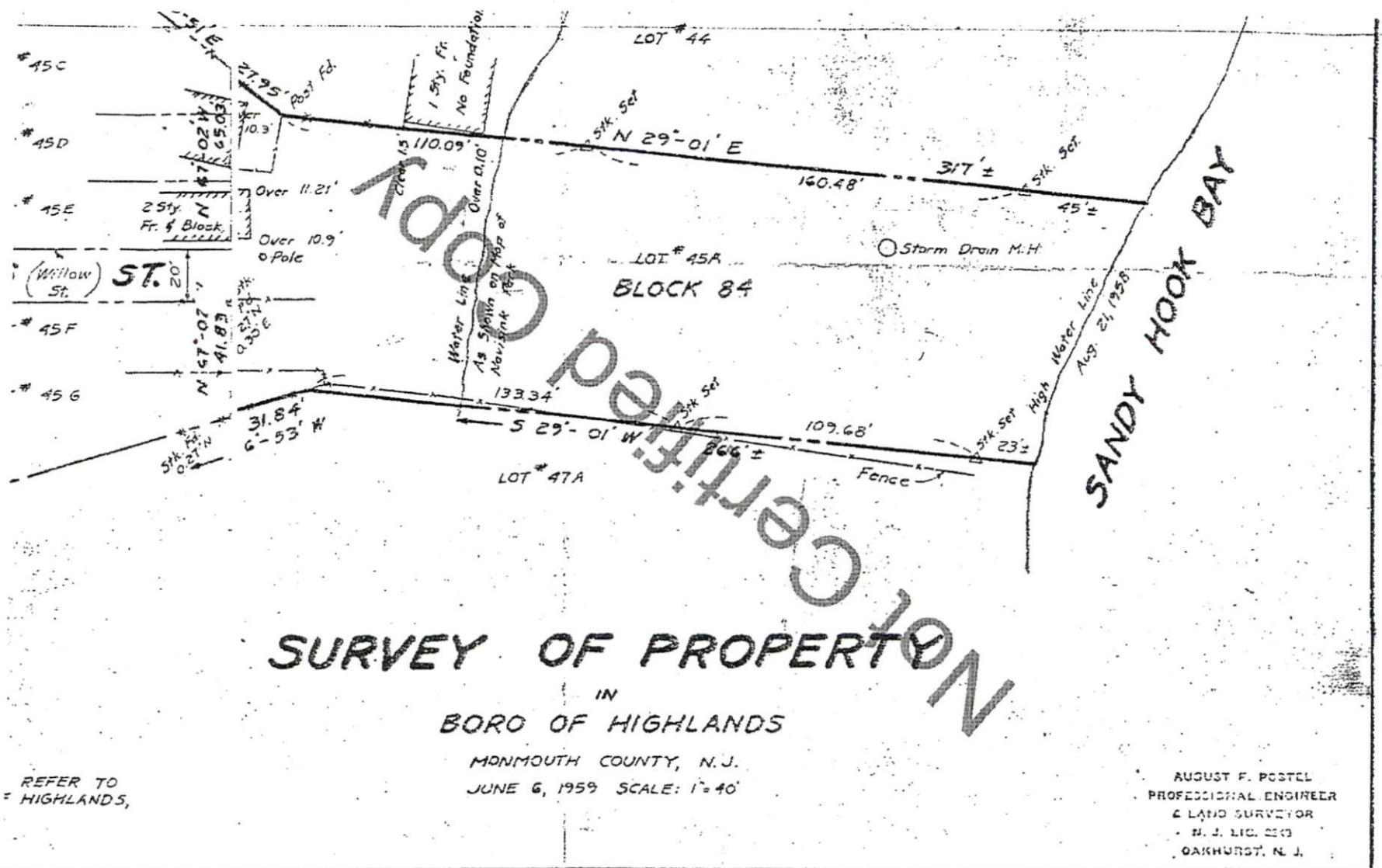
I CERTIFY that on 12/10, 1999, ARGIRIS SERGHIS and ANDROULA SERGHIS, husband and wife, personally came before me and acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his or her act and Easement Agreement.

Theresa M. Balland

Theresa M. Balland  
Notary Public, State of New Jersey  
My Commission Expires March 19, 2001









for use as a public beach.

**Quiet Enjoyment.** The Tenant may remain in and use the Property without interference subject to the terms of this Lease.

**Validity of Lease.** If a clause or provision of this Lease is legally invalid, the rest of this Lease remains in effect.

**Insurance:** It shall be the obligation of the "tenant" to provide the landlord with a copy of liability insurance coverage holding the landlord harmless from liability as the result of use by the tenant of the premises.

Not Certified Copy

**Parties.** The Landlord and each of the Tenants are bound by this Lease. All parties who lawfully succeed to their rights and responsibilities are also bound.

**Entire Lease.** All promises the Landlord has made are contained in this written Lease. This Lease can only be changed by an agreement in writing by both the Tenant and the Landlord.

**Signatures.** The Landlord and the Tenant agree to the terms of this Lease. If this Lease is made by a corporation, its proper corporate officers sign and its corporate seal is affixed.

Witnessed or Attested by:

BOROUGH OF HIGHLANDS

BY: Raymond Ramirez (Seal)  
RAYMOND RAMIREZ, Landlord  
Mayor.

NINA FLANNERY, Borough Clerk.

Witnesses or Attested by:

Donald J. McConnell (Seal)  
NAVESINK PARK TAXPAYER  
ASSOCIATION MAP "C" BEACH  
Ingli A. Deffen (Seal)  
Tenant

## LEASE

BOROUGH OF HIGHLANDS,

Dated: November , 19 90.

Landlord,

TO  
NAVESINK PARK TAXPAYER  
ASSOCIATION MAP "C" BEACH

Expires on November 30, ~~xx/xx~~ 2000

Rent \$ 1.00 plus assumption  
of all tax liabilities  
for use as a public beach

Tenant.

# DAVISON • EASTMAN • MUÑOZ • PAONE, P.A.

DUANE O. DAVISON  
EDWARD C. EASTMAN, JR.  
ROBERT F. MUÑOZ (1988-2021)  
JAMES A. PAONE, II<sup>1</sup>  
JAMES M. McGOVERN, JR. ▼ ▲  
ROBERT S. BONNEY, JR. ▼  
ANNE MARIE MAZZU •  
CHRISTINA D. HARDMAN O'NEAL ▼  
BLAKE R. LAURENCE • ◊  
MATTHEW K. BLAINE ◊  
CHRISTOPHER D. OLSZAK ►  
BRIAN J. CHABAREK ▼  
DOUGLAS J. WIDMAN ◊ ▼  
DENNIS M. GALVIN

COUNSEL  
NICOLE SOROKOLIT CRODDICK ▼  
MICHAEL J. CONNOLLY

OF COUNSEL  
DANIEL D. OLSZAK ►  
TRACEE A. DANNER  
HON. JAMIE S. PERRI, J.S.C. (Ret.)

## ANDREW J. BALL

Attorney at Law

aball@respondlaw.com

DIRECT DIAL NUMBER  
732-410-2322  
DEPARTMENT FAX NUMBER  
732-810-1523  
NJ ATTORNEY ID NUMBER  
022622012

November 3, 2022

ANDREW J. BALL ◊  
ALAN L. POLINER ▼ ◊  
TIMOTHY C. MORIARTY ▼  
ZACHARY J. STYCZYNSKI

CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A:  
◊ CIVIL TRIAL ATTORNEY  
◊ CRIMINAL TRIAL ATTORNEY

• LL.M. IN TAXATION  
◊ E. 1:40 QUALIFIED MEDIATOR

OTHER STATE ADMISSIONS:  
▼ NEW YORK  
◊ PENNSYLVANIA  
▲ ILLINOIS

► CERTIFIED AS AN ELDER LAW ATTORNEY  
BY THE ABA APPROVED NATIONAL ELDER  
LAW FOUNDATION

WWW.RESPONDLAW.COM

Nancy Tran, Land Use Board Secretary  
Borough of Highlands  
42 Shore Drive  
Highlands, New Jersey 07732

RE: Borough of Highlands Minor Subdivision Application  
Block 101, Lot 3, Locust Street


Dear Nancy:

Enclosed please find the original Land Use Board Application, together with an existing Easement in accordance with item No. 4 of the Application. Would you kindly have the Application signed by the Mayor where indicated and notarized. After the Application is signed, please make 16 copies of the Application. Would you kindly email a copy of the signed and notarized Application to me so that I have it for my files.

Also enclosed are 16 copies of the minor subdivision map and metes and bounds descriptions for proposed Lots 3.01-3.04. A PDF of the minor subdivision map and descriptions will be emailed to you. Notice will be sent by certified mail to the surrounding property owners and published in the *Asbury Park Press* no later than 10 days before the hearing which is scheduled for December 8, 2022.

If you have any questions, please feel free to contact me. Thank you.

Very truly yours,

  
ANDREW J. BALL  
Attorney at Law

AJB:tfw  
Encs.



TIMOTHY W. GILLEN, PE, PP, CME  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

HHI00516

August 25, 2022

**Description of Property**  
**Proposed Lot 3.01 in Block 101**  
**Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.01 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a pin found at the common northwesterly corner of existing Lot 2.01 and the northeasterly terminus of Mathews Street (20 foot wide Right-of-Way) (f.k.a. Willow Street); thence,

- 1) Along the common line of proposed Lot 3.01 with the northerly terminus of Mathews Street, North  $76^{\circ} 31' 41''$  West, a distance of 10.00 feet to a pin found; thence,
- 2) Along a new line of subdivision, North  $13^{\circ} 28' 19''$  East, a distance of 51.37 feet to a pin to be set; thence,
- 3) Continuing along a new line of subdivision, North  $75^{\circ} 30' 57''$  West, a distance of 54.63 feet to a pin to be set on the common line of proposed Lot 3.01 and 12.01 in Block 101; thence,
- 4) Along the common line of proposed Lot 3.01 and existing Lot 12.01 in Block 101, North  $19^{\circ} 31' 19''$  East, a distance of 246.61 feet to the mean high water line of the Sandy Hook Bay; thence,

Along the mean high water line of the Sandy Hook Bay the following five (5) courses:

- 5) South  $63^{\circ} 27' 18''$  East, a distance of 49.87 feet to a point; thence,
- 6) South  $65^{\circ} 12' 04''$  East, a distance of 24.32 feet to a point; thence,
- 7) South  $68^{\circ} 42' 06''$  East, a distance of 8.47 feet to a point; thence,
- 8) South  $59^{\circ} 26' 47''$  East, a distance of 3.71 feet to a point; thence,
- 9) South  $37^{\circ} 24' 40''$  East, a distance of 16.18 feet to a point on the common line of proposed Lot 3.01 in Block 101 and existing Lot 30.02 in Block 100; thence,



- 10) Along the common line of proposed Lot 3.01 in Block 101 and existing Lot 30.02 in Block 100, South  $19^{\circ} 31' 19''$  West, a distance of 219.71 feet to a pin to be set; thence,
- 11) Along a new line of subdivision, North  $75^{\circ} 30' 57''$  West, a distance of 35.13 feet to a pin to be set; thence,
- 12) Continuing along a new line of subdivision, South  $13^{\circ} 28' 19''$  West, a distance of 51.20 feet to the Point and Place of BEGINNING.

Total area of Proposed Lot 3.01 in Block 101 containing 23,969 Square feet, 0.550 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.

Robert K. Sanchez  
Professional Land Surveyor  
N.J. License No. 43294

Qtl:rks





TIMOTHY W. GILLEN, PE, PP, CME  
BRUCE M. KOCH, PE, PP, CME  
LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
LAURA J. NEUMANN, PE, PP  
DOUGLAS ROHMEYER, PE, CFM, CME  
ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

HHI00516

August 25, 2022

**Description of Property**  
**Proposed Lot 3.02 in Block 101**  
**Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.02 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a pin found at the common northwesterly corner of existing Lot 2.01 and the northeasterly terminus of Mathews Street (20 foot wide Right-of-Way) (f.k.a. Willow Street); thence,

- 1) Along a new line of subdivision, North  $13^{\circ} 28' 19''$  East, a distance of 51.20 feet to a pin to be set; thence,
- 2) Continuing along a new line of subdivision, South  $75^{\circ} 30' 57''$  East, a distance of 35.13 feet to a pin to be set on the common line of proposed Lot 3.02 in Block 101 and existing Lot 30.02 in Block 100; thence,
- 3) Along the common line of proposed Lot 3.02 in Block 101 and existing Lot 30.02 in Block 100, South  $19^{\circ} 31' 19''$  West, a distance of 20.09 feet to a pin to be set; thence,
- 4) Continuing along the common line of proposed Lot 3.02 in Block 101 and existing Lot 30.02 in Block 100, South  $02^{\circ} 36' 41''$  East, a distance of 31.84 feet to a pin to be set at the northeasterly corner of existing Lot 2.01 in Block 101; thence,
- 5) Along the common line of proposed Lot 3.02 and existing Lot 2.01 in Block 101, North  $76^{\circ} 31' 41''$  West, a distance of 41.83 feet to the Point and Place of BEGINNING.

Total area of Proposed Lot 3.02 in Block 101 containing 1,836 Square feet, 0.042 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.



The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.



Robert K. Sanchez  
Professional Land Surveyor  
N.J. License No. 43294

Qtl:rks



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TREVOR J. TAYLOR, PE, PP, CME  
BEHRAM TURAN, PE, LSRP  
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JOHN J. HESS, PE, PP, CME

HHI00516

August 25, 2022

**Description of Property  
Proposed Lot 3.03 in Block 101  
Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.03 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a pin found on the northeasterly terminus of Mathews Street (20 foot wide Right-of-Way) (f.k.a. Willow Street), said point being distant 10.00 feet on a course bearing North 76° 31' 41" West from the common northwesterly corner of existing Lot 2.01 with the northeasterly terminus of Mathews Street; thence,

- 1) Along a new line of subdivision, partly along the northeasterly terminus of Mathews Street with existing Lots 3 and 4 in Block 101, North 76° 31' 41" West, a distance of 35.00 feet to a pipe found; thence,
- 2) Along a new line of subdivision, North 13° 28' 19" East, a distance of 51.99 feet to a pin to be set; thence,
- 3) Continuing along a new line of subdivision, South 75° 30' 57" East, a distance of 35.00 feet to a pin to be set; thence,
- 4) Continuing along a new line of subdivision, South 13° 28' 19" West, a distance of 51.37 feet to the Point and Place of BEGINNING.

Total area of Proposed Lot 3.03 in Block 101 containing 1,809 Square feet, 0.042 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

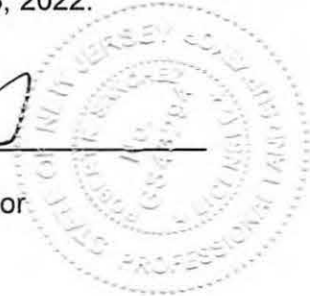




The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.



Robert K. Sanchez  
Professional Land Surveyor  
N.J. License No. 43294



Qtl:rks



TIMOTHY W. GILLEN, PE, PP, CME  
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LOUIS J. PLOSKONKA, PE, CME  
TREVOR J. TAYLOR, PE, PP, CME  
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ROBERT J. RUSSO, PE, PP, CME  
JOHN J. HESS, PE, PP, CME

HHI00516

August 25, 2022

**Description of Property**  
**Proposed Lot 3.04 in Block 101**  
**Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as proposed Lot 3.04 in Block 101, situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a point on the common corner of existing Lots 3 and 5 in Block 101, said point being distant 126.70 feet along the common line of existing Lots 5 and 12.01 in Block 101 on a course bearing North 51° 26' 04" East from the intersection of the northerly line of Locust Street (20 foot wide Right-of-Way) with common front corner of existing Lots 5 and 12.01 in Block 101; thence,

- 1) Along the common line of proposed Lot 3.04 and existing Lot 12.01 in Block 101, North 51° 26' 04" East, a distance of 27.92 feet to a point; thence,
- 2) Continuing along the common line of proposed Lot 3.04 and existing Lot 12.01 in Block 101, North 19° 31' 19" East, a distance of 30.47 feet to a pin to be set; thence,
- 3) Along a new line of subdivision, South 75° 30' 57" East, a distance of 19.63 feet to a pin to be set; thence,
- 4) Continuing along a new line of subdivision, South 13° 28' 19" West, a distance of 51.19 feet to a pipe found at the common corner of existing Lots 4 and 5 in Block 101; thence,
- 5) Continuing along a new line of subdivision, along the common line of proposed Lot 3.04 and existing Lot 5 in Block 101, North 76° 31' 41" West, a distance of 39.98 feet to the Point and Place of BEGINNING.

Total area of proposed Lot 3.04 in Block 101 containing 1,332 Square feet, 0.031 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

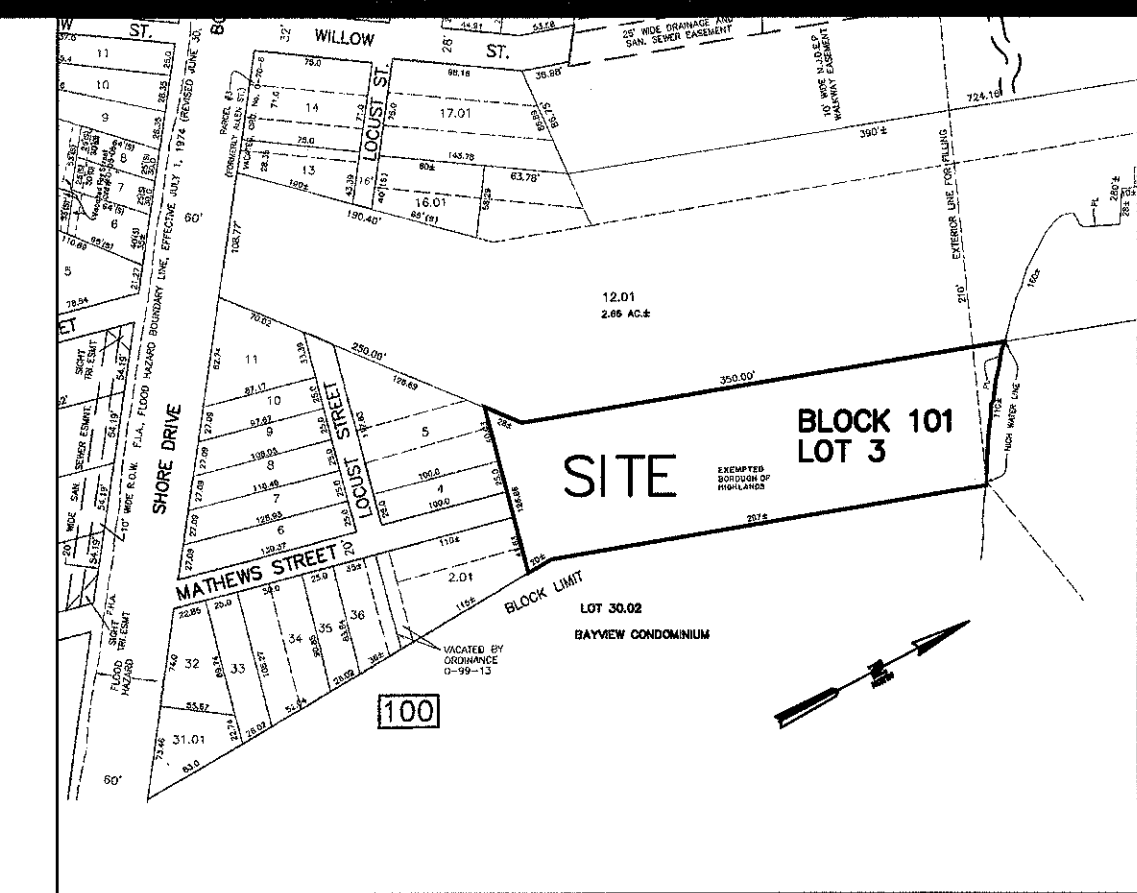
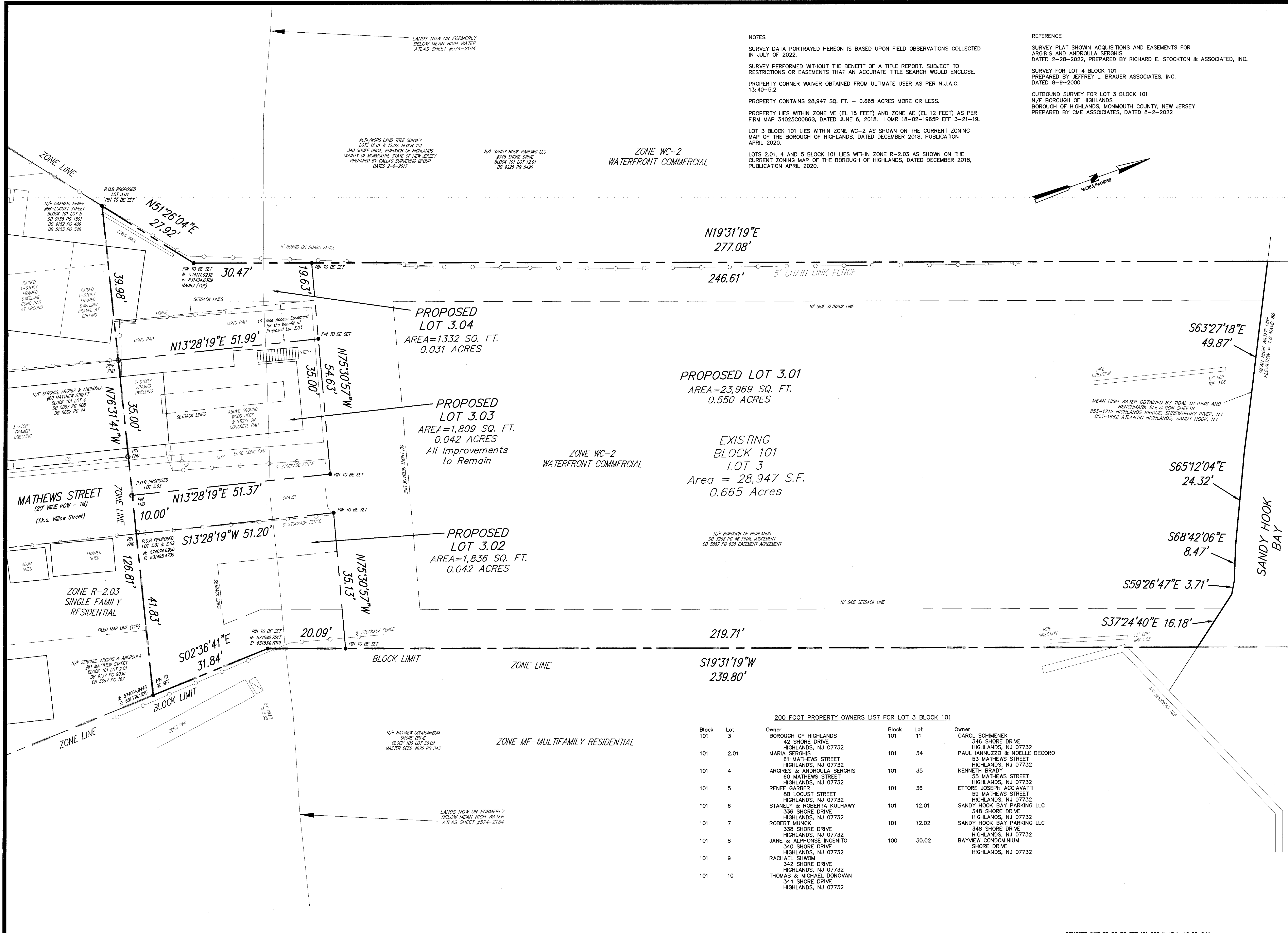


The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 25, 2022, revised to October 18, 2022.

Robert K. Sanchez  
Professional Land Surveyor  
N.J. License No. 43294



Qtl:rks



KEY MAP  
SCALE: 1" = 200'

NOTES

SURVEY DATA PORTRAYED HEREON IS BASED UPON FIELD OBSERVATIONS COLLECTED IN JULY OF 2022.

SURVEY PERFORMED WITHOUT THE BENEFIT OF A TITLE REPORT. SUBJECT TO RESTRICTIONS OR EASEMENTS THAT AN ACCURATE TITLE SEARCH WOULD ENCLOSE.

PROPERTY CORNER WAIVER OBTAINED FROM ULTIMATE USER AS PER N.J.A.C. 13:40-5.2

PROPERTY CONTAINS 28,947 SQ. FT. - 0.665 ACRES MORE OR LESS.

PROPERTY LIES WITHIN ZONE VE (EL 15 FEET) AND ZONE AE (EL 12 FEET) AS PER FIRM MAP 34025C00866, DATED JUNE 6, 2018, LOMR 18-02-1965P EFF 3-21-19.

LOT 3 BLOCK 101 LIES WITHIN ZONE WC-2 AS SHOWN ON THE CURRENT ZONING MAP OF THE BOROUGH OF HIGHLANDS, DATED DECEMBER 2018, PUBLICATION APRIL 2020.

LOTS 2,01, 4 AND 5 BLOCK 101 LIES WITHIN ZONE R-2.03 AS SHOWN ON THE CURRENT ZONING MAP OF THE BOROUGH OF HIGHLANDS, DATED DECEMBER 2018, PUBLICATION APRIL 2020.

REFERENCE

SURVEY PLAT SHOWN ACQUISITIONS AND EASEMENTS FOR ARGIRIS AND ANDROULA SERGHIS DATED 2-28-2022, PREPARED BY RICHARD E. STOCKTON & ASSOCIATED, INC.

SURVEY FOR LOT 4 BLOCK 101 PREPARED BY JEFFREY L. BRAUER ASSOCIATES, INC. DATED 8-9-2000

OUTBOUND SURVEY FOR LOT 3 BLOCK 101 N/F BOROUGH OF HIGHLANDS BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY PREPARED BY CME ASSOCIATES, DATED 8-2-2022

- THIS SURVEY IS SUBJECT TO THE FOLLOWING:
- ANY EASEMENTS, DEDICATIONS, OR RESTRICTIONS BOTH RECORDED AND UNRECORDED.
  - SUCH FACTS THAT A TRUE AND ACCURATE TITLE REPORT MAY REVEAL.
  - UNLESS NOTED HEREON THE FOLLOWING ITEMS WERE NOT CONTRACTED FOR OR INCLUDED ON THIS SURVEY.
    - DELINEATION OF THE SHAPE AND/OR DECLARATION OF THE EXISTENCE OF TOXIC WASTES, SANITARY LANDFILLS, DUMPING GROUNDS, BURIED TANKS, UNDERGROUND LINES, WELLS, OR ANY UNDERGROUND UTILITIES NOT OPEN TO VIEW.
    - DELINEATION OF THE EXISTENCE OF WETLANDS AS SPECIFICALLY DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS, NEW JERSEY D.E.P. AND THE U.S. DEPT. OF THE INTERIOR, NATIONAL WETLANDS INVENTORY AND/OR N.J.D.E.P.
  - UNLESS OTHERWISE NOTED HEREON ALL LOTS ARE LISTED BY TAX MAP DESIGNATION.
  - BOROUGH OF HIGHLANDS, MONMOUTH COUNTY TAX MAP SHEET #22.
  - VERTICAL DATUM DERIVED VIA REAL TIME KINEMATIC SURVEY IN COORDINATION WITH KEYSTONE KEYNET VRS NETWORK. VERTICAL DATUM - NORTH AMERICAN DATUM OF 1988. ALL VALUES EXPRESSED IN U.S. SURVEY FOOT.
  - BEARINGS BASED ON N.J.S.P.C.S. (NAD83).

- GENERAL NOTES:
- Property known and designated as Tax Lot 3 in Block 101, as shown on the official tax maps of the Borough of Highlands, Monmouth County, New Jersey, sheet number 22.
  - Boundary and Location Survey prepared by CME Associates, 1460 Route 9 South, Howell, NJ 07731, Robert K. Sanchez, Professional Land Surveyor, dated 8/2/22 with no revisions. Total area of tract = 28,947 SF or 0.655 acres.
  - Subdivision Owner/Applicant
    - Owner: Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732
    - Applicant: Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732
  - This subdivision proposes to create four (4) new lots from one existing Lot 3, Block 101.
  - The application is being presented for subdivision purposes only. No development or construction is being proposed at this time.
  - All existing structures shall remain.
  - No existing deed restrictions were found in the current cover deed of record title and no restrictions are being imposed at this time.
  - The subdivision shall be perfected by filing this map with the Monmouth County Clerk.
  - Tax Map Lot and Block Numbers to be approved by the municipality.

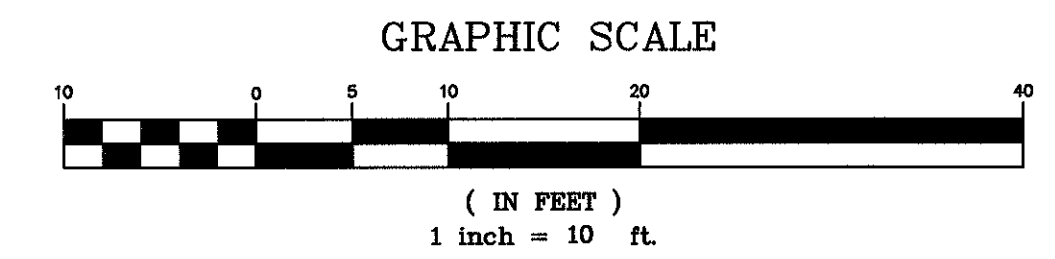
I CERTIFY THAT TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS LAND SURVEY DATED 8/2/22 HAS BEEN MADE UNDER MY SUPERVISION AND MEETS THE MINIMUM SURVEY DETAIL REQUIREMENTS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THAT THE OUTBOUND CORNER MARKERS AS SHOWN HAVE BEEN FOUND, OR SET.

I CERTIFY THAT THIS MAP HAS BEEN MADE UNDER MY SUPERVISION AND COMPLIES WITH THE "MAP FILING LAW."

I FURTHER I CERTIFY THAT THE MONUMENTS AS DESIGNATED AND SHOWN HEREON HAVE BEEN SET.

*RKS* 10/31/2022

ROBERT K. SANCHEZ  
NEW JERSEY PROFESSIONAL LAND SURVEYOR N.J. LIC. 43294



200 FOOT PROPERTY OWNERS LIST FOR LOT 3, BLOCK 101

Block	Lot	Owner	Block	Lot	Owner
101	3	BOROUGH OF HIGHLANDS 42 SHORE DRIVE HIGHLANDS, NJ 07732	101	11	CAROL SCHIMENEK 346 SHORE DRIVE HIGHLANDS, NJ 07732
101	2,01	MARIA SERGHIS 61 MATHEWS STREET HIGHLANDS, NJ 07732	101	34	PAUL IANNUZZO & NOELLE DECORO 53 MATHEWS STREET HIGHLANDS, NJ 07732
101	4	ARGIRIS & ANDROULA SERGHIS 60 MATHEWS STREET HIGHLANDS, NJ 07732	101	35	KENNETH BRADY 55 MATHEWS STREET HIGHLANDS, NJ 07732
101	5	RENEE GARBER 88 LOCUST STREET HIGHLANDS, NJ 07732	101	36	ETTORE JOSEPH ACCIAVATTI 59 MATHEWS STREET HIGHLANDS, NJ 07732
101	6	STANLEY & ROBERTA KULHAWY 336 SHORE DRIVE HIGHLANDS, NJ 07732	101	12,01	SANDY HOOK BAY PARKING LLC 348 SHORE DRIVE HIGHLANDS, NJ 07732
101	7	ROBERT MUNCK 338 SHORE DRIVE HIGHLANDS, NJ 07732	101	12,02	SANDY HOOK BAY PARKING LLC 348 SHORE DRIVE HIGHLANDS, NJ 07732
101	8	JANE & ALPHONSE INGENITO 340 SHORE DRIVE HIGHLANDS, NJ 07732	100	30,02	BAYVIEW CONDOMINIUM SHORE DRIVE HIGHLANDS, NJ 07732
101	9	RACHAEL SHWOM 342 SHORE DRIVE HIGHLANDS, NJ 07732			
101	10	THOMAS & MICHAEL DONOVAN 344 SHORE DRIVE HIGHLANDS, NJ 07732			

TRACT IS ZONED WC-2 - WATERFRONT COMMERCIAL

ZONE REQUIREMENTS:	REQUIRED:	LOT 3.01	LOT 3.02	LOT 3.03	LOT 3.04
MINIMUM LOT AREA	N/A	23,969 SF	1,836 SF	1,809 SF	1,332 SF
MINIMUM LOT FRONTAGE	100 FT.	10 FT.*	41.83 FT.*	51.37 FT.*	39.98 FT.*
MINIMUM LOT WIDTH	100 FT.	99.77 FT.*	36.08 FT.*	35.00 FT.*	24.42 FT.*
MINIMUM LOT DEPTH	150 FT.	218.86 FT.	51.20 FT.*	35.00 FT.*	51.99 FT.*
MINIMUM FRONT SETBACK	20 FT.	20 FT.	20 FT.	12.17 FT.	20 FT.
MINIMUM SIDE SETBACK	10/10 FT.	10 FT.	10 FT.	0 FT.	10 FT.
MINIMUM REAR SETBACK	N/A	N/A	N/A	N/A	N/A
MINIMUM HEIGHT	36 FT.	N/A	N/A	3 STORY	1 STORY
MAXIMUM LOT COVERAGE	70%	N/A	N/A	74%	45%
MAXIMUM BUILDING COVERAGE	25%	N/A	N/A	11%	11%
FAR	0.60	14,381 SF	1,102 SF	1,085 SF	799 SF

\* VARIANCE REQUIRED

THE UNDERSIGNED INDIVIDUAL HEREBY DECLARES THAT HE/SHE IS THE OWNER OF THE LAND DELINEATED HEREON, AND HEREBY CONSENTS TO THE FILING OF THIS MAP IN THE OFFICE OF THE CLERK OF MONMOUTH COUNTY.

OWNER \_\_\_\_\_ DATE \_\_\_\_\_

STATE OF NEW JERSEY: \_\_\_\_\_ S. S.

COUNTY OF MONMOUTH \_\_\_\_\_

BE IT REMEMBERED THAT ON THIS \_\_\_\_\_ DAY, 20\_\_\_\_, BEFORE ME, A NOTARY PUBLIC, DID PERSONALLY-APPEAR \_\_\_\_\_

WHO BY ME BEING DULY SWORN ON HIS/HER OATH DID DEPOSE AND ACKNOWLEDGE THAT THEY ARE THE OWNERS OF THE PREMISES SHOWN ON THIS MAP AND THAT THE FOREGOING CONSENT WAS EXECUTED BY THEM AS AND FOR THEIR VOLUNTARY ACT AND DEED

NOTARY PUBLIC - STATE OF NEW JERSEY  
MY COMMISSION EXPIRES ON \_\_\_\_\_

I HAVE CAREFULLY EXAMINED THIS MAP AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND IT COMPLIES WITH THE PROVISIONS OF "THE MAP FILING LAW," RESOLUTION OF APPROVAL AND APPLICABLE MUNICIPAL ORDINANCES AND REQUIREMENTS.

MUNICIPAL ENGINEER \_\_\_\_\_ DATE \_\_\_\_\_

THE MONUMENTS SHOWN ON THIS MAP SHALL BE SET WITHIN THE TIME LIMIT PROVIDED FOR IN THE "MUNICIPAL LAND USE LAW," P.L.1975, c.291 (c.40:55D-1 ET SEQ.) OR LOCAL ORDINANCE.

I CERTIFY THAT A BOND HAS BEEN GIVEN TO THE MUNICIPALITY, GUARANTEEING THE FUTURE SETTING OF THE MONUMENTS AS DESIGNATED AND SHOWN ON THIS MAP.

MUNICIPAL CLERK \_\_\_\_\_ DATE \_\_\_\_\_

● DENOTES CORNER TO BE SET (9) PER N.J.S.A. 46:23-9.11 AND N.J.A.C. 13:40-5.1.

I HEREBY CERTIFY THAT THIS MAP COMPLIES WITH THE PROVISIONS OF CHAPTER 141 P.L. 1980 AND FURTHER CERTIFY THAT IT HAS BEEN APPROVED FOR FILING IN THE MONMOUTH COUNTY CLERK'S OFFICE BY THE PLANNING BOARD OF THE BOROUGH OF HIGHLANDS.

THIS CERTIFICATION SHALL EXPIRE IF THIS MAP IS NOT PROPERLY FILED WITH SAID COUNTY ON OR BEFORE \_\_\_\_\_ DESIGNATED AND SHOWN ON THIS MAP.

PLANNING BOARD CHAIRWOMAN \_\_\_\_\_ DATE \_\_\_\_\_

PLANNING BOARD SECRETARY \_\_\_\_\_ DATE \_\_\_\_\_

MUNICIPAL CLERK \_\_\_\_\_ DATE \_\_\_\_\_

1. Revisions as per email dated September 29, 2022		10-18-2022	QTL	RKS
No.	DESCRIPTION OF REVISION	DATE	DRAWN	CHECKED
BOROUGH OF HIGHLANDS MONMOUTH COUNTY, NEW JERSEY <b>BLOCK 101 LOT 3</b> N/F Borough of Highlands MINOR SUBDIVISION PLAT				
CONSULTING AND MUNICIPAL ENGINEERS ASSOCIATES 2441 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859 - 1000 ROUTE 9 SOUTH, HOWELL, NEW JERSEY 07731-1004				
JOHN H. ALGAR, P.E., P.P.	DAVID J. SAMUEL, P.E., P.P.	JOHN J. STEFANI, P.E., L.S. & P.P.		
JAY B. CORNELL, P.E., P.P.	MICHAEL J. MOELLAND, P.E., P.P.	GREGORY R. VALES, P.E., P.P.		
<b>ROBERT K. SANCHEZ, P.L.S.</b> NEW JERSEY PROFESSIONAL LAND SURVEYOR 10/31/2022 N.J. LIC. 43294				
8/25/2022		8/25/2022	RKS	1 OF 1

MINOR SUB  
MAJOR SUB

HIST 16





HGPB- R1980

November 21, 2022

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: Borough Property  
Locust Street  
Block 101, Lot 3  
Waterfront Commercial 2 (WC-2) Zone  
Major Subdivision  
First Completeness Review**

Dear Ms. Tran:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, section 21-58.B – Preliminary Subdivision Plat.

The applicant submitted the following documents in support of this application:

1. Land Use Board Application for Subdivision, with supporting documents, dated November 8, 2022.
2. Minor Subdivision Plat prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, consisting of one (1) sheet.
3. Description of property, Block 101, proposed lot 3.01, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
4. Description of property, Block 101, proposed lot 3.02, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
5. Description of property, Block 101, proposed lot 3.03, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.
6. Description of property, Block 101, proposed lot 3.04, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.

The property noted lies within the Waterfront Commercial 2 (WC-2) Zone of the Borough. The Borough currently owns the property by way of a prior foreclosure. The applicant (Borough) seeks to subdivide small portions of the property in order to reconcile certain longstanding building encroachments with adjacent neighboring properties. The Borough desires to subdivide these properties first, and then follow up with proceedings seeking to sell these small properties to the affected adjacent owners such that the encroachments will be mitigated, and the newly created lots ultimately consolidated into the pre-existing residential lots.

It is my opinion that since the applicant is proposing to create three (3) new lots plus a lands remaining parcel, a total of four (4) lots are implicated. This number of lots would require classification as a “major” subdivision.



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Borough Property  
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First Completeness Review

While technically a “major” subdivision, the application will act more like a minor subdivision, as there are no proposed roadways, stormwater basins, lighting improvements, etc.

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.B:

**Preliminary Subdivision Plat:** The preliminary plat shall be designed in accordance with the provisions of this chapter, by a licensed New Jersey Land Surveyor and Professional Engineer, at a scale of not less than one (1) inch equals one hundred (100) feet, for consideration by the Board prior to the granting of preliminary approval. The plat shall show or be accompanied by sufficient information to establish the design, arrangement and dimensions of streets, lots and other planned features as to form, size and location. This information shall form the basis for the general terms and conditions upon which preliminary approval may be granted and shall include:

1. A key map at a scale not less than 1" = 400' showing the entire subdivision and its relation to the surrounding areas. **Provided.**
2. All existing structures, wooded areas and topographical features, such as slump blocks, within the tract to be subdivided and within seventy-five (75) feet thereof. **Provided.**
3. The name and address of all adjoining property owners, within two hundred (200) feet, as disclosed by the most recent municipal tax record. If there is no positive evidence of ownership, a certificate will be presented from the custodian of tax recorders to that effect. **Provided.**
4. The tract name, date, reference meridian and graphic scale. **Provided.**
5. Name and address of the owner and applicant. **Provided.**
6. Certification that the applicant is the owner of the land or his authorized agent or that the owner has given consent under an option agreement. **Provided.**
7. Name and address, seal, signature and license number of the person who prepared the map. **Provided.**
8. Certificate from Tax Collector that all taxes and assessments for local improvements are paid to date. **Not applicable.**
9. Certification statement for the required municipal signatures, stating: **Provided, but will need to be updated.**
  - Application No. \_\_\_\_\_ approved/disapproved by the Highlands Land Use Board as a Preliminary Major Subdivision on \_\_\_\_\_.  
(date)

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Secretary



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Borough Property  
Locust Street  
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10. Certification statement for the County Planning Board approval/disapproval, if required. **Not applicable.**
11. The Tax Map sheet, block and lot numbers. **Provided.**
12. Acreage of tract to be subdivided, to the nearest hundredth of an acre. **Provided.**
13. Sufficient elevations or contours to determine the general slope and natural drainage of the land and the high and low points of the profiles of all proposed new streets, contours at five (5) foot intervals for slopes averaging ten (10%) percent or greater and at one (1) foot intervals for land of lesser slope. All land in the flood hazard area shall be referenced to NGVD (1929). **Not applicable.**
14. The location of existing and proposed property lines, streets, existing buildings, watercourses, bridges, culverts, drain pipes and any natural features such as wooded areas and rock formations, on-tract and within seventy-five (75) feet of the property. **Provided.**
15. The area, in square feet, of each lot. **Provided.**
16. Minimum street setback line and side and rear yard setback lines of each lot. **Provided.**
17. A copy of any proposed protective covenants or deed restrictions applying to the land being subdivided. **Provided.**
18. A grading plan showing existing and final contours (using no less than one (1) foot contours) of each lot. Spot elevations shall be provided in the flood hazard zone. **Not applicable.**
19. A soil erosion and sediment control plan, if required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Not applicable.**
20. Soil borings, where required by the Board Engineer. **Not applicable.**
21. A wetlands statement provided by a qualified expert. **Not provided.**
22. Plans, profiles and cross sections of all proposed streets. **Not applicable.**
23. Stormwater management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities, plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable.**
24. Plans and profiles of proposed utility layouts, such as but not limited to sewers, storm drains, water, gas and electricity, showing feasible connections to existing or any proposed utility system. When an individual water supply or sewage disposal system, or both, is or are proposed, the plan for each such system must be approved by the appropriate local, County or State health agency. When a public sewer system is not available, the subdivider shall comply with the requirements of N.J.A.C. 7:9A for the installation of an on-site disposal system. The subdivider shall submit with the preliminary plat the results of all tests which are conducted, whether passing or failing the statutory



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

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requirements. The Borough reserves the right to supervise or witness all or any tests which are conducted, and the subdivider shall notify the Board of Health at least forty-eight (48) hours prior to the conducting of any tests. Any subdivision or part thereof which does not meet the requirements of this subsection or other applicable regulations shall not be approved. **Not applicable.**

25. Where public water is available, a certification from the municipal, private, or regional water supply agency that sufficient water is available for each proposed lot for the foreseeable needs of the subdivision. **Not applicable.**

26. Where public sewers are available, a certification from the municipal or regional sewage authority that treatment capacity is available for each proposed lot for the foreseeable needs of the subdivision. **Not applicable.**

At this point, adequate information has been provided for us to perform a technical review of the application, so the application is hereby deemed **COMPLETE**.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER

EWB

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)  
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)  
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)  
Andrew Ball, Esq., Asst. Borough Attorney (aball@respondlaw.com)

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HGPB- R1980

November 23, 2022

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: Borough Property  
Locust Street  
Block 101, Lot 3  
Waterfront Commercial 2 (WC-2) Zone  
Major Subdivision  
First Engineering Review**

Dear Ms. Tran:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations.

The applicant submitted the following documents in support of this application:

1. Land Use Board Application for Subdivision, with supporting documents, dated November 8, 2022.
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6. Description of property, Block 101, proposed lot 3.04, prepared by Robert K. Sanchez, P.L.S., of CME Associates, dated August 25, 2022, and last revised on October 18, 2022, consisting of two (2) pages.

Based on our review of the submitted documents, we offer the following comments for the Board's consideration:

**A. Project Description**

The 0.66-acre property noted lies within the Waterfront Commercial 2 (WC-2) Zone of the Borough. The Borough currently owns the property by way of a prior foreclosure. The applicant (Borough) seeks to subdivide small portions of the property in order to reconcile certain longstanding building encroachments with adjacent neighboring properties. The Borough desires to subdivide these properties first, and then follow up with proceedings seeking to sell these small properties to the affected adjacent owners such that the encroachments will be mitigated, and the newly created lots ultimately consolidated into the pre-existing residential lots.



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Borough Property  
Locust Street  
Block 101, Lot 3  
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Major Subdivision  
First Engineering Review

It is my opinion that since the applicant is proposing to create three (3) new lots plus a lands remaining parcel, a total of four (4) lots are implicated. This number of lots would require classification as a “major” subdivision.

While technically a “major” subdivision, the application will act more like a minor subdivision, as there are no proposed roadways, stormwater basins, lighting improvements, etc.

## **B. Zoning and Planning**

1. The subject property is located within the Waterfront Commercial 2 Zone (WC-2). The intent of the application is to create new lots for the purpose of mitigating long standing encroachments.
2. The following bulk requirement summary is provided for the Board’s reference:

Standard	WC-2 Zone	Existing Lot 3	Prop. Lot 3.01	Prop. Lot 3.02	Prop. Lot 3.03	Prop. Lot 3.04
Min. Lot Area (sf)	-	28,947	23,969	1,836	1,809	1,332
Min. Lot Frontage (ft)	100	20	<b>10(V)</b>	NA	<b>10(V)</b>	NA
Min. Lot Width (ft)	100	NS	<b>99.77(V)</b>	NA	<b>35(V)</b>	NA
Min. Lot Depth (ft)	150	218.86	218.86	NA	<b>51.37</b>	NA
Min. Front Yard Setback (ft)	20	NA	NA (vacant)	NA	NA	NA
Min. Side Yard Setback (ft)	10/10	NA	NA (vacant)	NA	NA	NA
Min. Rear Yard Setback (ft)	-	NA	NA (vacant)	NA	NA	NA
Max. Building Height (ft)	36	NA	NA (vacant)	NA (vacant)	NA	NA
Max. Lot Coverage (%)	70	NA	NA (vacant)	NA (vacant)	NA	NA
Max. Building Coverage (%)	25	NA	NA (vacant)	NA (vacant)	NA	NA
Max. Floor Area Ratio (FAR)	0.6	NA	NA (vacant)	NA (vacant)	NA	NA

3. The net result of the current proposal would result in small, primarily isolated, land-locked parcels namely proposed lots 3.02 and 3.04. Proposed lots 3.01 and 3.03 would technically have 10’ of frontage on Mathews Street, which is identified as having a 20’ wide right of way.



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

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4. The applicant is proposing a 10' wide flag stem connecting Matthews Street to proposed lot 3.01 (the large lands remaining parcel), but this technically would not be considered a public street. It is presumed that this flag stem would be preserved for access to the lands remaining parcel.
5. The Municipal Land Use Law does not favor the creation of landlocked parcels. In this particular instance, the bulk zoning criteria are somewhat undefined, since most lot standards are based on having public roadway frontage. In this case, only proposed lots 3.01 and 3.03 would have any road frontage, albeit a nominal 10' amount.
6. This application is somewhat unique in that it is proposed as a "temporary" step as noted in the narrative previously. The applicant should provide testimony on what would happen to the proposed three (3) small lots if negotiations with the adjacent property owners are not successful.
7. To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
  - a. **Positive Criteria.** The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
  - b. **Negative Criteria.** The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
8. It is noted that the properties are situated in mapped flood zones as identified on the plan provided.
9. Should this application secure Board approval, a final major subdivision plat consistent with the State's Title Recordation Act will be required.
10. Approvals or waivers should be obtained from any agencies or departments having jurisdiction. These may include, but shall not be limited to, the following:
  - a. Monmouth County Planning Board
  - b. New Jersey Department of Environmental Protection



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Borough Property  
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First Engineering Review**

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER

EWB

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)  
Dustin Glass, Esq., Land Use Board Attorney (DGlass@Weiner.law)  
Brian O'Callahan, Zoning Officer (bocallahan@middletownnj.org)  
Andrew Ball, Esq., Asst. Borough Attorney (aball@respondlaw.com)

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Review.docx

# DAVISON • EASTMAN • MUÑOZ • PAONE, P.A.

DUANE O. DAVISON  
EDWARD C. EASTMAN, JR.  
ROBERT F. MUÑOZ (1988-2021)  
JAMES A. PAONE, II †  
JAMES M. McGOVERN, JR. ▼ ▲  
ROBERT S. BONNEY, JR. ▼  
ANNE MARIE MAZZU •  
CHRISTINA D. HARDMAN O'NEAL ▼  
BLAKE R. LAURENCE • ♦  
MATTHEW K. BLAINE ♦  
CHRISTOPHER D. OLSZAK ►  
BRIAN J. CHABAREK ▼  
DOUGLAS J. WIDMAN □ ▼  
DENNIS M. GALVIN

COUNSEL  
NICOLE SOROKOLIT CRODDICK ▼  
MICHAEL J. CONNOLLY

OF COUNSEL  
DANIEL D. OLSZAK ►  
TRACEE A. DANNER  
HON. JAMIE S. PERRI, J.S.C. (Ret.)

**ANDREW J. BALL**

Attorney at Law

aball@respondlaw.com

DIRECT DIAL NUMBER

732-410-2322

DEPARTMENT FAX NUMBER

732-810-1523

NJ ATTORNEY ID NUMBER

022622012

November 30, 2022

ANDREW J. BALL ♦  
ALAN L. POLINER ▼ ♦  
TIMOTHY C. MORIARTY ▼  
ZACHARY J. STYCZYNSKI

CERTIFIED BY THE SUPREME COURT  
OF NEW JERSEY AS A:  
† CIVIL TRIAL ATTORNEY  
□ CRIMINAL TRIAL ATTORNEY

• LL.M. IN TAXATION  
□ R. 1:40 QUALIFIED MEDIATOR

OTHER STATE ADMISSIONS:

▼ NEW YORK  
♦ PENNSYLVANIA  
▲ ILLINOIS

► CERTIFIED AS AN ELDER LAW ATTORNEY  
BY THE ABA APPROVED NATIONAL ELDER  
LAW FOUNDATION

WWW.RESPONDLAW.COM

Nancy Tran, Land Use Board Secretary  
Borough of Highlands  
42 Shore Drive  
Highlands, New Jersey 07732

RE: Borough of Highlands Major Subdivision Application  
Block 101, Lot 3, Locust Street

Dear Nancy:

Enclosed please find our Proof of Service for the above matter.

Very truly yours,



ANDREW J. BALL

Attorney at Law

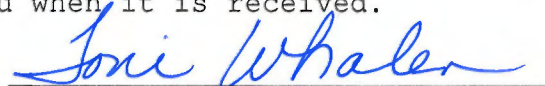
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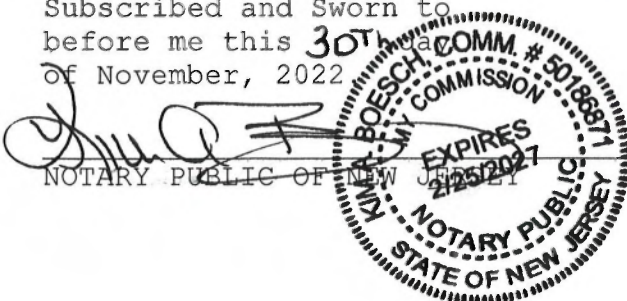
**PROOF OF SERVICE  
BOROUGH OF HIGHLANDS LAND USE BOARD  
APPLICANT: BOROUGH OF HIGHLANDS**

STATE OF NEW JERSEY : SS.  
COUNTY OF MONMOUTH :

TONI WHALEN, of full age, being duly sworn, according to law, upon her oath, deposes and says that I am a paralegal with the law firm of Davison, Eastman, Muñoz, Paone, P.A., attorneys for the Applicant, Borough of Highlands. On November 23, 2022, at least ten (10) days prior to the hearing date, I caused to be mailed in the United States Post Office in Freehold, New Jersey, the Notice to the surrounding property owners within two hundred (200) feet of the property. Said Notice was sent by certified mail, return receipt requested to the property owners on the attached list which was provided by the Borough Clerk. The Notice was also sent to the Borough of Highlands Clerk, 42 Shore Drive, Highlands, New Jersey 07732. A copy of the Public Hearing Notice, mailing receipts and green return receipts cards received to date are attached. Please note, the Post Office initially began stamping the mailing receipts as November 32, 2022 but then corrected the stamped date to reflect November 23, 2022. The Notice was also published in the Asbury Park Press on November 26, 2022. A copy of the newspaper publication is attached. The Affidavit of Publication will be sent to you when it is received.

  
TONI WHALEN

Subscribed and Sworn to  
before me this 30th day  
of November, 2022





Gallons)

Usage fee (40,001 gallons and Over) \$/1,000 gallons \$5.37

- A. User charge, commercial:  
 (1) Minimum \$76.66 per unit, per quarter due at the end of the quarter.  
 (2) Usage \$5.22 per 1,000 gallons.

- B. Connection fees:  
 (1) House connection: \$3,950.00 per EDU (Equivalent Dwelling Unit); \$1,975.00 for affordable housing units; existing water service to property, Township of Ocean, Department of Utilities, shall provide a water service to any tax lot existing in 1992 which fronted an existing water main in 1992.

- (2) Unchanged.  
 (a) Unchanged.  
     (1) Unchanged.  
     (2) Unchanged.  
 (b) Unchanged.  
     (1) Unchanged.  
     (2) Unchanged.  
     (3) Unchanged.  
 (c) Unchanged.  
     (1) Unchanged.  
     (2) Unchanged.  
 (d) Unchanged.  
 (e) Unchanged.  
 (f) Unchanged.  
 (g) Unchanged.  
 (h) Unchanged.  
 (i) Unchanged.  
 (j) Unchanged.

- C. Subdivision/development: \$3,950.00 per EDU; developer constructs water mains and service laterals.

SECTION 3. Chapter 400 of the Township Code entitled "Water and Sewer", and specifically §400-19 thereof entitled "Commercial Water Connection Fee Calculation" is hereby amended and supplemented and shall read as follows:

§400-19 Commercial Water Connection Fee Calculation.

- A. Definition of equivalent dwelling unit.  
 (1) Unchanged.  
 (2) Meter fees are subject to the annual pricing on file in the office of the Ocean Township Department of Utilities. Applicants must inquire with the Department regarding meter pricing.  
 (3) Unchanged.

- B. Application Fees:  
 (1) Tentative review: 1% of estimated project costs; minimum fee \$280.00.  
 (2) Preliminary review: 1 1/2% of estimate project cost; minimum fee \$280.00.

- (3) Final review: 1% of estimated project cost; minimum fee \$280.00.  
 C. Inspection fees: lateral installation, \$389.00. Inspection escrow: any charges beyond the \$389.00 will be billed to the applicant. If the applicant charges do not exceed \$389.00, the balance will be returned to the applicant. Subdivision/development: 5% of the estimated project cost.

D. Unchanged.  
 SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.  
 SECTION 5. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

## NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Ocean on the 22nd day of November, 2022, and will be considered for second and final passage at a meeting of the Township Committee to be held on the 13th day of December, 2022, at 6:00 PM. at the Municipal Building located at 50 Railroad Avenue, Waretown, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

Submitted by: DIANE B. AMBROSIO, RMC, CMC Municipal Clerk, Township of Ocean  
 (\$199.32)

NOTICE OF HEARING  
 LAND USE BOARD  
 BOROUGH OF HIGHLANDS

PLEASE TAKE NOTICE THAT the Borough of Highlands (Applicant), will apply to the Land Use Board of the Borough of Highlands, New Jersey, for major subdivision and variance approval for Block 101, Lot 3 as shown on the official Tax Map of the Borough of Highlands and more commonly known as vacant land located on Locust Street, in the Borough of Highlands, County of Monmouth and State of New Jersey. The property is located in the WC-2 Zone. The Applicant seeks major subdivision approval to subdivide the property into four lots in order to potentially sell certain resulting lots to adjacent owners and eliminate an encroachment of the adjacent property owners' three story framed dwelling and deck which are located on the Borough's lot. The Applicant seeks the following variances:

Minimum Lot Frontage for Lot 3.01 - 100 feet required, 10.00 feet proposed  
 Minimum Lot Frontage for Lot 3.02 - 100 feet required, 41.83 feet proposed  
 Minimum Lot Frontage for Lot 3.03 - 100 feet required, 51.37 feet proposed  
 Minimum Lot Frontage for Lot 3.04 - 100 feet required, 39.98 feet proposed  
 Minimum Lot Width for Lot 3.01 - 100 feet required, 99.77 feet proposed  
 Minimum Lot Width for Lot 3.02 - 100 feet required, 36.06 feet proposed  
 Minimum Lot Width for Lot 3.03 - 100 feet required, 35.00 feet proposed  
 Minimum Lot Width for Lot 3.04 - 100 feet required, 24.42 feet proposed  
 Minimum Lot Depth for Lot 3.02 - 150 feet required, 51.20 feet proposed  
 Minimum Lot Depth for Lot 3.03 - 150 feet required, 35.00 feet proposed  
 Minimum Lot Depth for Lot 3.04 - 150 feet required, 51.99 feet proposed  
 Minimum Side Setback for Lot 3.03 - 10 feet required, 0 feet proposed  
 Maximum Lot coverage for Lot 3.03 - 70% required, 74% proposed

The Applicant reserves the right to request approval for any and all other variances or design waivers deemed necessary by the Board or its professionals before or during the public hearing. This application is now on the Board's calendar for a public hearing on Thursday, December 8, 2022 at 7:00 p.m. in the Borough of Highlands Land Use Board Community Center, 22 Snug Harbor, Highlands, New Jersey, at which time you may appear either in person, by agent, or attorney and present any comments which you may have to the granting of this application. A copy of the application and documents relating to this application are on file with the Board Secretary and may be inspected Monday through Friday, 9:00 a.m. to 4:00 p.m.

BOROUGH OF HIGHLANDS  
 By: Andrew J. Ball, Esq.  
 ANDREW J. BALL, ESQ., 100 Willow Brook Rd., Suite 100, Freehold NJ 07728  
 Davison, Eastman, Muñoz, Paone, PA, Attorneys for Applicant

(\$54.12)



# FOSS, SAN FILIPPO & MILNE, LLC

*Counselors at Law*

ROGER J. FOSS  
GREGORY R. MILNE†  
JANE R. PATTWELL  
JOHN B. ANDERSON, III  
NJ & NY BARS

†CERTIFIED BY THE SUPREME  
COURT OF NEW JERSEY AS  
CIVIL TRIAL ATTORNEY

BRITTANY P. TARABOUR  
JOHN C. TASSINI

OF COUNSEL  
MARTIN A. MCGANN, JR.

PHILIP E. SAN FILIPPO  
(RETIRED)  
JOHN W. CHRISTIE  
(RETIRED)

December 6, 2022

*Via Hand Delivery and email*

Borough of Highlands  
Land Use Board  
42 Shore Drive  
Highlands, NJ 07732  
**ATTN: NANCY TRAN, Land Use Secretary**

Re: Sea Grass NJ, LLC  
272 Bay Avenue, Block: 72, Lot: 12  
And: Seadrift Avenue, Block: 73, Lot: 2  
Highlands, New Jersey  
Our File Number: 9344.00001

Dear Ms. Tran:

This office represents Sea Grass NJ, LLC in regard to the above referenced property and the Zoning Permit approval issued by you on November 3, 2022. Please be advised that the applicant, Sea Grass NJ, LLC, is seeking to change the use of the building located on 272 Bay Avenue (Block 72, Lot 12) and to obtain a conditional use permit to allow 272 Bay Avenue (Block 72, Lot 12) to be utilized as a conditionally permitted cannabis retailer under the Highlands Borough Ordinances Section 21-91 A. 3. D. and 21-97 M. This application will involve interior improvements to the building as well as cosmetic improvements to the exterior of the existing building. This application will also involve landscaping and other enhancements to an existing gravel parking lot located on Block 73, Lot 2, which will conform to the use as parking following the change of use. In that regard, enclosed please find the following:

1. Original and one (1) copy of the completed Land Use Board Application;
2. One (1) copy of the Zoning Permit Approval, dated November 3, 2022;
3. Original Narrative of Development;



December 6, 2022

Page - 2 -

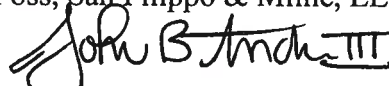
Sea Grass

4. A copy of the Owner's Consent signed by Leonel Cervantes and dated November 2, 2022;
5. Proof that 4<sup>th</sup> quarter real estate taxes have been paid;
6. Resolution 22-217 in support of Cannabis Establishment;
7. Cannabis Regulatory Commission Approval of Conditional License Application;
8. One (1) original, sealed and signed Interior Renovations/Commercial Fit-Out architectural plan prepared by Shissias Design + Development, dated December 2, 2022;
9. One (1) original, sealed and signed Preliminary and Final Major Site Plan prepared by East Point Engineering, LLC, dated November 21, 2022;
10. Check no. 1005, in the sum of \$350.00 made payable to the Borough of Highlands, representing the application filing fees; and
11. Check no. 1006, in the amount of \$750.00 made payable to the Borough of Highlands, representing the escrow deposit required by the Borough.

Kindly acknowledge receipt of the above items on the copy of this letter enclosed, and return it to the person hand delivering this submission to you. Please advise us when this application has been deemed complete, and scheduled for a public hearing before the Land Use Board of the Borough of Highlands.

Thank you for your attention to this matter.

Very truly yours,  
Foss, San Filippo & Milne, LLC



John B. Anderson, III, Esq.

For the Firm

janderson@fsfm-law.com

JBA:hs/Encs./Ltr to Borough trans application  
cc: Client (via email, w/encls.)

Receipt of the above items is hereby acknowledged this \_\_\_\_\_ day of December, 2022.

Print Name: \_\_\_\_\_



Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

## LAND USE BOARD APPLICATION

### FOR OFFICIAL USE

Date Rec'd: \_\_\_\_\_ Application #: \_\_\_\_\_ Fee: \_\_\_\_\_ Escrow: \_\_\_\_\_

#### 1. APPLICANT

Name: Sea Grass NJ, LLC  
Address: c/o S. James Whelan, 135 Maple Ave.  
City: Red Bank State: NJ Zip: 07701  
Phone: 732-595-6700  
Email: idrwhehan@gmail.com  
Relation to property: Contract purchaser

#### 2. OWNER

Name: Leonel Cervantes  
Address: [REDACTED]  
City: Asbury Park State: NJ Zip: 07712  
Phone: [REDACTED]  
Email: [REDACTED]

#### 3. TYPE OF APPLICATION (Check all that apply)

- ☐ Minor Subdivision
- ☐ Major Subdivision – Preliminary
- ☐ Major Subdivision – Final
- ☒ Minor Site Plan
- ☐ Major Site Plan – Preliminary
- ☐ Major Site Plan – Final
- ☐ Variance
- ☐ Use Variance

- ☐ Appeal – Zoning Denial date \_\_\_\_\_
- ☐ Appeal – Land Use Decision date \_\_\_\_\_
- ☐ Informal Concept Plan Review
- ☐ Extension of Approval
- ☐ Revision/Resubmission of Prior Application
- ☒ Other Change of Use with Conditional Use Permit

#### 4. PROPERTY INFORMATION

Block 72 Lot(s) 12 Address: 272 Bay Avenue (+ "Seadrift Avenue", Block 73, Lot 2)  
Lot size 2300 sq. feet # of Existing Lots 2 # of Proposed Lots 2  
Zone CBD Are there existing Deed Restrictions or Easements? ☒ No ☐ Yes – Please attach copies  
Has the property been subdivided? ☒ No ☐ Yes If yes, when? \_\_\_\_\_  
Attach copies of approved map or approved resolution  
Property taxes paid through 4th Quarter Sewer paid through 4th Quarter

#### 5. ATTORNEY (A corporation, LLC, Limited Partnership, or S-Corp must be represented by a NJ attorney)

Name: Foss, San Filippo & Milne, LLC (John B. Anderson, III, Esq.)  
Address: 225 Broad Street, PO Box 896, Red Bank, NJ 07701  
Phone: 732-741-2525 Email: janderson@fsfm-law.com



Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

**6. APPLICANT'S OTHER PROFESSIONAL(S) – Engineer, Planner, Architect, etc.**

Name: Shissias Design & Development  
Address: 27 1st Ave.  
Rumson, NJ 07760  
Phone: 908-601-2647  
Email: kevin966@gmail.com

Name: East Point Engineering, LLC  
Address: 11 South Main Street  
Marlboro, NJ 07746  
Phone: 732-577-0180  
Email: bpapi@eastpointeng.com

**7. LAND USE**

**A. PROPERTY HISTORY** –Describe in detail, nature of prior use(s) on the site, start date of such use, any prior Land Use Board applications for this site (attach copy of resolution, if applicable), history of current ownership, etc.

See attached Narrative of Development.

**B. PROPOSED PLAN** –Describe in detail, proposed use for property, including, but not limited to: 1) portion to be subdivided; 2) sell lot only; 3) construct house(s) for sale; 4) how trash will be disposed; 5) landscaping; 6) hours of operation; 7) type of goods/services; 8) fire lane. Attach additional sheets if necessary.

See attached Narrative of Development.

**C. ADDITIONAL INFORMATION:**

		Existing	Proposed
Residential:	How many dwelling units?	<u>1</u>	<u>0</u>
	How many bedrooms in each unit?	<u>2</u>	<u>0</u>
	How many on-site parking spaces?	<u>17 (on Block 73, Lot 2)</u>	<u>no change</u>
Commercial:	How many commercial uses on site?	<u>1</u>	<u>1</u>
	How many on-site parking spaces?	<u>17 (on Block 73, Lot 2)</u>	<u>no change</u>



Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

**8. VARIANCE REQUESTS** Complete section(s) related to the relief being requested.

	Req'd	Exist.	Prop'd
<b>Minimum Lot Requirements</b>			
Lot Area	n/a	2300	no change
Frontage	n/a	23'	no change
Lot Depth	n/a	100'	no change
<b>Minimum Yard Requirements</b>			
Front Yard Setback	2'	1.78'	no change
2 <sup>nd</sup> Front Yard Setback	0'	1.3'	no change
Rear Yard Setback	12'	10.8'	no change
Side Yard Setback, right	0'	.61'	no change
Side Yard Setback, left	0'	1.3'	no change
Building Height	40'	<40'	no change

	Req'd	Exist.	Prop'd
<b>Accessory Structures</b>			
Fence/Wall Height	n/a	n/a	n/a
Garage/Shed Height	n/a	n/a	n/a
Garage/Shed Area	n/a	n/a	n/a
Pool Setback	n/a	n/a	n/a
<b>Parking Requirements</b>			
On-site Parking Spaces	4	17	17
<b>Other (please add)</b>			

**9. OTHER RELIEF REQUESTED** Please specify relief(s) and explain below.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
See Narrative of Development.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



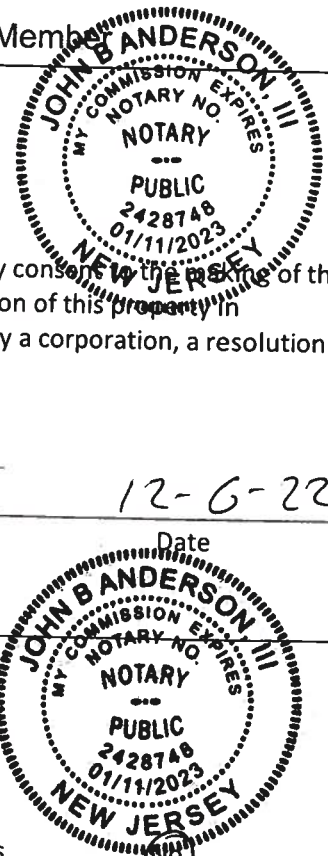
Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
www.highlandsborough.org

### 10. NOTARIZED SIGNATURE OF APPLICANT

I certify that the foregoing statements and the materials submitted are true. I further certify that I am the individual Applicant, or that I am an Officer of the Applicant authorized to sign the application for the business organization. Additionally, I certify that the survey or plans submitted with this application shows and discloses the premises in its entirety, and I further certify that no buildings, fences, or other facilities have been constructed, installed, or otherwise located on the premises after the date of the survey with the exception of the structures shown.

SWORN & SUBSCRIBED to before me this  
6<sup>th</sup> day of December 20 22 (year)  
John B. Anderson, III, Esq. (notary)  
(Seal)

[Signature] 12-6-22  
Signature Date  
Stephen James Whelan, Member  
Print Full Name



### 11. NOTARIZED CONSENT OF OWNER

I certify that I am the Owner of the property which is the subject of this application, hereby consent to the inspection of this application and approval of the plans submitted herewith. I further consent to the inspection of this property in connection with this application as deemed necessary by the municipal agency (if owned by a corporation, a resolution must be attached authorizing the application and officer signature).

SWORN & SUBSCRIBED to before me this  
6<sup>th</sup> day of December 20 22 (year)  
John B. Anderson, III, Esq. (notary)  
(Seal)

[Signature] 12-6-22  
Signature Date  
Leonel Cervantes  
Print Full Name

### 12A. DISCLOSURE STATEMENT Circle all that apply.

Pursuant to N.J.S.A. 40:55D-48.1 & 48.2, please answer the following questions:

- Is this application to subdivide a parcel of land into six (6) or more lots?  
Is this application to construct a multiple dwelling of 25 or more units?  
Is this an application for approval of a site(s) for non-residential purposes?  
Is this Applicant a corporation?  
Is the Applicant a limited liability corporation?  
Is the Applicant a partnership?

Yes ☐ No ☒  
Yes ☐ No ☒  
Yes ☒ No ☐  
Yes ☐ No ☒  
Yes ☒ No ☐  
Yes ☐ No ☒

If you circled YES to any of the above, please complete the following Ownership Discloser Statement (use additional sheets if necessary).



Borough of Highlands  
42 Shore Drive  
Highlands, NJ 07732  
(732) 872-1224  
[www.highlandsborough.org](http://www.highlandsborough.org)

## 12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

Name of Corporation, Partnership, LLC, LLP, S-Corp:

Sea Grass NJ, LLC

Listed below are the names and addresses of all owners of 10% or more of the stock/interest\* in the above referenced business organization:

NAME	ADDRESS
Stephen James Whelan	135 Maple Ave., Unit A, Red Bank, NJ 07701
Nicholas Frangipane, III	93 Black Point Rd., Rumson, NJ 07760

\*If a corporation or a partnership owns 10% or more of the stock of a corporation, or 10% or great interest in a partnership, that corporation or partnership shall list the names and address of its stockholders holding 10% or more of its stock or 10% or greater interest in the partnership, and this requirement shall be followed until the names and addresses of the non-corporate stockholders and individual partners, exceeding the 10% owner ship criterion established have been listed.

SWORN & SUBSCRIBED to before me this

6<sup>th</sup> day of December 2022 (year)

John B. Anderson, III, Esq. (notary)

(Seal)

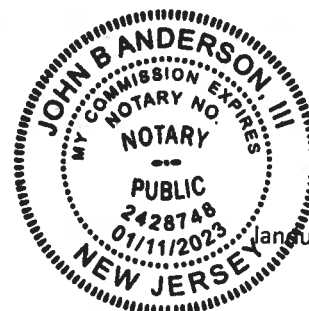
*Stephen James Whelan*  
Signature (Officer/Partner)

12-6-2022  
Date

Stephen James Whelan, Member

Print Full Name

Title



[jan@highlandsborough.org](mailto:jan@highlandsborough.org)

Owner: Leonel Cervantes  
 Applicant: Stephen James Whelan/Sea Grass NJ, LLC  
 272 Bay Avenue (Block 72, Lot 12) and "Sea Drift Avenue" (Block 73, Lot 2)  
 CBD Zone District (C-RO-1 Overlay)  
 Highlands, New Jersey

### **NARRATIVE OF DEVELOPMENT**

Leonel Cervantes owns 272 Bay Avenue (Block 72, Lot 12) ("Property No. 1"). Property No. 1 is fully-developed with a two-story building (the "Building"). The first floor of the Building is a restaurant. The second floor of the Building is a residential apartment.

Leonel Cervantes also owns "Sea Drift Avenue" (Block 73, Lot 2) ("Property No. 2"). Property No. 2 is utilized as a parking lot in connection with the restaurant on Property No. 1.

Both properties are located within the CBD Zone District which conditionally permits cannabis retailers.

Stephen James Whelan/Sea Grass NJ, LLC (the "Applicant") is seeking to change the use of the Building located on Property No. 1 and to obtain a conditional use permit to allow Property No. 1 to be utilized as a conditionally permitted cannabis retailer under the Highlands Borough Ordinances Section 21-91 A. 3. D. and 21-97 M. This application will involve interior improvements to the Building as well as cosmetic improvements to the exterior of the existing Building. Applicant is **not** proposing to enlarge the existing Building or alter any setbacks or buffers.

The interior improvements the Building on Property No. 1 consist of:

- 1) Removal of the existing bar, two (2) existing bathrooms and an existing walk-in refrigerator;
- 2) Construction of a new retail sales floor accessible by means of a new ADA ramp and vestibule;
- 3) Construction of a new unisex bathroom;
- 4) Construction of a secure packing and receiving (backroom) area; and
- 5) Renovation of the existing second floor kitchen and bathroom for use with two (2) new offices on the second floor.

The exterior improvements to the Building on Property No. 1 consist of:

- 1) Installation of a barrier free ramp at the front entry on Bay Avenue;
- 2) Replacement of the existing awnings;
- 3) A new gated refuse area in place of the former walk-in refrigerator;
- 4) A fresh coat of paint; and
- 5) The installation of a new wall sign on the Bay Avenue frontage bearing the words "sea grass" and the company logo.



Property No. 1 meets the conditional use requirements for a cannabis retailer because: a) it is located in the CBD zone district; b) the proposed use will **not** contain any cannabis consumption area; and c) the property is located greater than 1,000 feet from any schools.

Applicant proposes to continue to utilize Property No. 2 as off-street parking in support of the cannabis retailer just as it is presently being used as off-street parking in connection with the existing restaurant on Property No. 1.

Property No. 2 will be improved through the removal of an existing shed and fenced in area. This will enable the lot to be striped for seventeen (17) parking spaces inclusive of one (1) ADA space nearest the corner of Bay Avenue and Sea Drift Avenue. The parking lot will also be improved through the installation of five (5) deciduous trees, twenty (20) shrubs, decorative grasses and perennial flowers. The existing parking sign will be re-faced at the same location. The existing Borough historic sign with placards for adjacent businesses will remain as well.

Applicant will comply with all prevailing hours of operation limitations for cannabis retailers. Applicant will obtain required licensure as a cannabis retailer and display the licensed at the premises.

The parking requirement in connection with the proposed use (first 1,000 square feet exempt and 1 space per 600 square feet thereafter) is less intense than required of the existing use (one per four seats or stools) and there is adequate parking on Property No. 2 to avoid any parking variance. More specifically, Property No. 2 contains seventeen (17) parking spaces where the use only requires four (4) or less parking spaces.





Borough of Highlands  
42 Shore Drive, Highlands, NJ 07732  
Phone: (82) 872-1224  
www.highlandsborough.org

## Zoning Permit Application

Note: All applications must be submitted with a property survey showing the sizes of the structure(s) and their location. Applications involving businesses must show the scope of the business and include all activities that will be a part of the business.

The following **NON-REFUNDABLE** fees shall apply: Residential Single & Two-Family \$25 Check # \_\_\_\_\_ Cash \_\_\_\_\_  
Commercial/Other residential \$50 ☒ Check # \_\_\_\_\_ Cash \_\_\_\_\_

**APPLICANT** Name: S. James Whelan / Sea Grass NJ, LLC Date: 11/3/2022  
Address: 135 Maple Ave. Red Bank, NJ 07701  
Phone# 732-595-6700 Email: JDR Whelan@gmail.com

Block: 72 Lot(s): 12 Zone: CBD (+ Block 73, Lot 2)  
Street Address: 272 Bay Ave. (+ Sea Drift Avenue)

See attached

Check one: ☐ New\* ☐ Addition\* ☐ Alteration ☐ Repair ☒ Other

I certify the attached survey is accurate relating to existing and proposed improvements. In addition, I grant permission to the Borough of Highlands and their Agents to come onto the subject property, for the purposes of conducting inspections, relating to the application.

YES ☒ NO ☐

Signature: [Signature] Date: 11/3/2022

Check applicable Flood Zone: ☐ AE ☐ VE ☒ X

All applications within the AE and VE Flood Zones, as indicated upon the most recent FEMA Flood Maps, require submission of a determination from the NJDEP.

Determination: Approved ☒ Denied ☐

Zoning Officer: [Signature]

If your application has been DENIED, it is due to the following:

Date: 11-3-22

Ordinance Section

Allowed/Required

Proposed

Remarks: \_\_\_\_\_

Note: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands. A building permit is required (per the requirements of the Uniform Construction Code of NJ) BEFORE beginning work. The Zoning Permit is valid for one year. If your application has been denied, you may appeal this denial to the Land Use Board as provided by the New Jersey Municipal Land Use Law. You must submit letter of appeal to the Land Use Board Secretary within 20 days.

\* Note: Applications for New and Addition require a Flood Plain Review Application to the Borough Flood Administrator upon submission of this application.

Owner: Leonel Cervantes  
 Applicant: Stephen James Whelan/Sea Grass NJ, LLC  
 272 Bay Avenue (Block 72, Lot 12) and "Sea Drift Avenue" (Block 73, Lot 2)  
 CBD Zone District (C-RO-1 Overlay)  
 Highlands, New Jersey

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Leonel Cervantes also owns "Sea Drift Avenue" (Block 73, Lot 2) ("Property No. 2"). Property No. 2 is utilized as a parking lot in connection with the restaurant on Property No. 1.

Both properties are located within the CBD Zone District which conditionally permits cannabis retailers.

Stephen James Whelan/Sea Grass NJ, LLC (the "Applicant") is seeking to change the use of the Building located on Property No. 1 and to obtain a conditional use permit to allow Property No. 1 to be utilized as a conditionally permitted cannabis retailer under the Highlands Borough Ordinances Section 21-91 A. 3. D. and 21-97 M. This application will involve interior improvements to the Building as well as cosmetic improvements to the exterior of the existing Building. Applicant is **not** proposing to enlarge the existing Building or alter any setbacks or buffers.

The interior improvements the Building on Property No. 1 consist of:

- 1) Removal of the existing bar, two (2) existing bathrooms and an existing walk-in refrigerator;
- 2) Construction of a new retail sales floor accessible by means of a new ADA ramp and vestibule;
- 3) Construction of a new unisex bathroom;
- 4) Construction of a secure packing and receiving (backroom) area; and
- 5) Renovation of the existing second floor kitchen and bathroom for use with two (2) new offices on the second floor.

The exterior improvements to the Building on Property No. 1 consist of:

- 1) Installation of a barrier free ramp at the front entry on Bay Avenue;
- 2) Replacement of the existing awnings;
- 3) A new gated refuse area in place of the former walk-in refrigerator;
- 4) A fresh coat of paint; and
- 5) The installation of a new wall sign on the Bay Avenue frontage bearing the words "sea grass" and the company logo.

Property No. 1 meets the conditional use requirements for a cannabis retailer because: a) it is located in the CBD zone district; b) the proposed use will **not** contain any cannabis consumption area; and c) the property is located greater than 1,000 feet from any schools.

Applicant proposes to continue to utilize Property No. 2 as off-street parking in support of the cannabis retailer just as it is presently being used as off-street parking in connection with the existing restaurant on Property No. 1.

Property No. 2 will be improved through the removal of an existing shed and fenced in area. This will enable the lot to be striped for seventeen (17) parking spaces inclusive of one (1) ADA space nearest the corner of Bay Avenue and Sea Drift Avenue. The parking lot will also be improved through the installation of five (5) deciduous trees, twenty (20) shrubs, decorative grasses and perennial flowers. The existing parking sign will be re-faced at the same location. The existing Borough historic sign with placards for adjacent businesses will remain as well.

Applicant will comply with all prevailing hours of operation limitations for cannabis retailers. Applicant will obtain required licensure as a cannabis retailer and display the licensed at the premises.

The parking requirement in connection with the proposed use (first 1,000 square feet exempt and 1 space per 600 square feet thereafter) is less intense than required of the existing use (one per four seats or stools) and there is adequate parking on Property No. 2 to avoid any parking variance. More specifically, Property No. 2 contains seventeen (17) parking spaces where the use only requires four (4) or less parking spaces.

FOSS SAN FILIPPO & MILNE, LLC  
 225 Broad Street  
 P.O. Box 896  
 Red Bank, New Jersey 07701-0896  
 (732)-741-2525- Phone  
 (732)-741-2192- Fax  
 janderson@fsfm-law.com  
 Attorneys for Applicant, Stephen James Whelan/Sea Grass NJ, LLC

---

IN THE MATTER OF THE APPLICATION

Leonel Cervantes/Highlands  
 272 Bay Avenue (and 270 Bay Avenue)  
 Block 72, Lot 12 (and Block 73, Lot 2)  
 Highlands, New Jersey 07732

OWNER'S CONSENT

---

STATE OF NEW JERSEY :  
 : SS  
 COUNTY OF Monmouth :

I, Leonel Cervantes, of full age, do hereby certify:

1. I am the owner of real property, located at 272 Bay Avenue, Highlands, New Jersey, and shown as Block 72, Lot 12, on the municipal Tax Map of the Borough of Highlands. I am also the owner of real property, located at 270 Bay Avenue, Highlands, New Jersey, and shown as Block 73, Lot 2, on the municipal Tax Map of the Borough of Highlands. As such, I have full knowledge of the facts contained in this Owner's Consent.

2. As the owner of aforesaid properties, I hereby authorize Stephen James Whelan/Sea Grass NJ, LLC to file one or more applications and/or appeals to the Land Use Board of the Borough of Highlands and also to file any necessary County and State agencies applications (as applicable) for the proposed development of these properties.

3. As the owner of aforesaid properties, I hereby authorize the applicant, their duly authorized representatives, agents and all professionals or experts retained by it to advance the development application and any and all Federal, State, County or Municipal Officials to enter upon the land in order to inspect the same in furtherance of the development application of Stephen James Whelan/Sea Grass NJ, LLC. These persons include, but are not limited to, members of the Land Use Board (as applicable), engineers, health inspectors, Fire and Police Departments, Planners, Zoning Officers, County, State and Federal Officials, and their duly authorized representatives. Authorization is hereby granted to the Borough of Highlands, its agents, employees and representatives to inspect, all or any part of the above properties, whether interior or exterior, at any reasonable hour of the day with respect to any matters relating to the development application, within the judgment of the Borough of Highlands, or such representatives, related thereto. This Authorization shall permit representatives to take photographs, and to make sketches and notes with respect to the subject properties.

4. As the owner of aforesaid properties, I hereby authorize the applicant to attach a "certified to be true copy" of this Owner's Consent to any and all development applications which it is required to file as part of any federal, state, county or municipal permit applications.

5. Throughout this document and unless the context otherwise requires, the singular number shall include the plural, and vice versa.

I certify that the foregoing is true and correct to the best of my knowledge and belief; I am aware that if any of the foregoing is willfully false, I am subject to punishment.

DocuSigned by:  
  
17F7079682894CF  
LEONEL CERVANTES

Dated: 11/2/2022, 2022



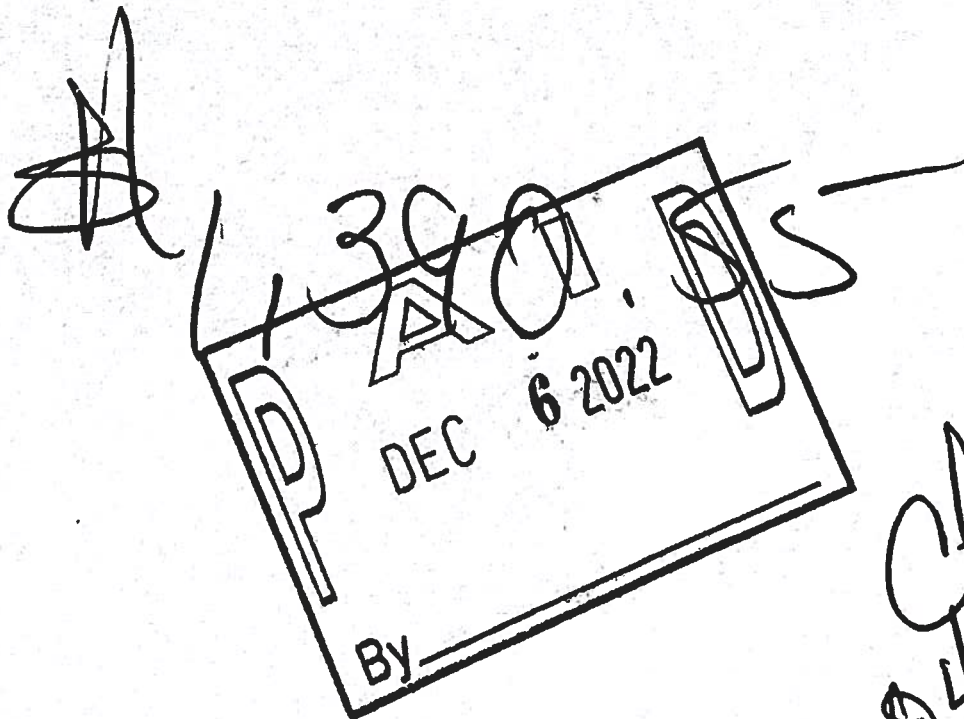
BLOCK 72

CURRENT

DATE

12/6/22

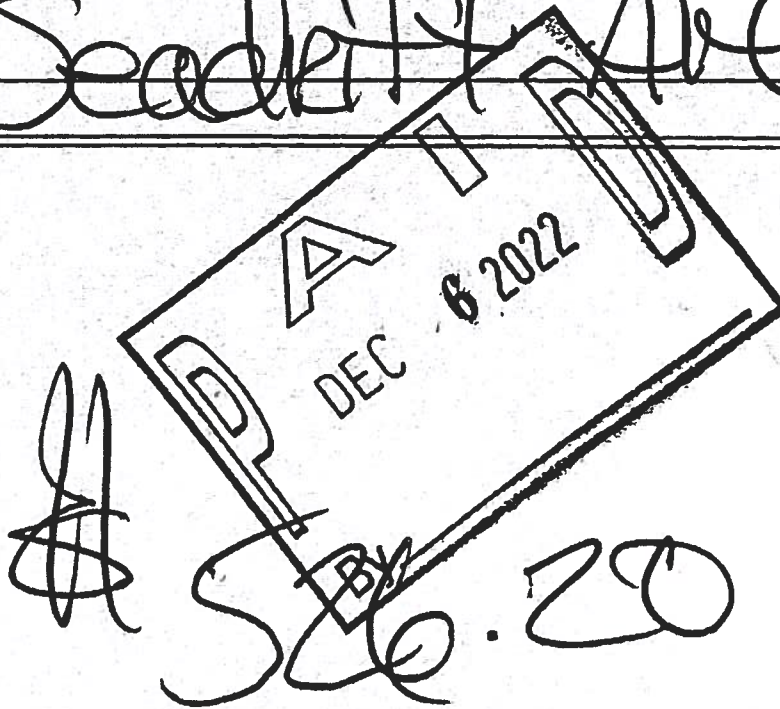
LOT

1272 Bay Ave

BOROUGH OF HIGHLANDS - TAX OFFICE

171 BAY AVENUE HIGHLANDS, N.J.



BLOCK 73 CURRENTDATE 12/6/22LOT 2Seadrift Ave

BOROUGH OF HIGHLANDS - TAX OFFICE  
171 BAY AVENUE HIGHLANDS, N.J.



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## RESOLUTION 22-217

### IN SUPPORT OF CANNABIS ESTABLISHMENT

**WHEREAS**, on January 18, 2010, Governor Jon Corzine signed the New Jersey Compassionate Use Medical Marijuana Act, N.J.S.A. 24:61-1 et seq., which provided for the legalization of medical marijuana and creation of a program to allow persons suffering from qualifying debilitating medical conditions to obtain medical marijuana in a safe, timely and compassionate manner; and

**WHEREAS**, the State of New Jersey in 2018 amended its regulatory scheme so as to expand the scope of citizens to whom medical marijuana may be prescribed and so as to make medical marijuana more accessible and available to many of the citizens who need it; and

**WHEREAS**, on November 3, 2020, the Marijuana Legalization Amendment was approved by voters in New Jersey, which legalized the possession and use of cannabis for residents twenty-one years of age or older;

**WHEREAS**, on February 22, 2021, Governor Phil Murphy signed into law the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Act, which established the adult use cannabis program in the State of New Jersey.

**WHEREAS**, the Borough of Highlands endorses the adult use cannabis program in the State of New Jersey, as well as the medical use program, which provides needed relief to the many persons suffering from chronic and/or debilitating illnesses who may benefit from this program; and

**WHEREAS**, the Borough of Highlands supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of Highlands to the extent consistent with applicable state and local statutes, rules, regulations, and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M); and

**WHEREAS**, Sea Grass NJ LLC has expressed interest in the siting of such a facility within the Borough of Highlands.

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council supports the safe and appropriate siting of an adult-use cannabis dispensary within the Central Business District zone(s) of the Borough of Sea Grass NJ LLC to the extent consistent with applicable state and local statutes, rules, regulations and ordinances, including but not limited to the cannabis retailer licensing provisions of Borough Code Section 4-18 and the conditional use zoning requirements of Section 21-97(M).

**BE IT FURTHER RESOLVED**, that due to the Borough's limit of a single Cannabis Retailer License, upon submission of a complete license application, the license applicant that receives Cannabis Regulatory Commission approval first in time shall be deemed approved by the Borough.

## Motion to Approve R 22-217:

	INTRODUCED	SECOND	AYE	NAY	RECUSE	ABSENT
CERVANTES			X			
CHELAK			X			
MELNYK				X		
OLSZEWSKI		X	X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: October 5, 2022



Nancy Tran, Municipal Clerk  
Borough of Highlands



**State of New Jersey**  
**CANNABIS REGULATORY COMMISSION**

PHILLIP D. MURPHY  
*Governor*

P.O. BOX 216  
TRENTON, N.J. 08625-0216

SHEILA Y. OLIVER  
*Lt. Governor*

DIANNA HOUEYOU, *Chair*  
SAMUEL DELGADO, *Vice Chair*  
KRISTA NASH, *Commissioner*  
MARIA DEL CID-KOSSO, *Commissioner*  
CHARLES BARKER, *Commissioner*  
JEFF BROWN, *Executive Director*

July 29, 2022

Sea Grass NJ  
Nicholas Frangipane  
[nick.frang@gmail.com](mailto:nick.frang@gmail.com)  
135 Maple Ave.  
Red Bank, NJ 07701

*Re: FINAL AGENCY DECISION*  
*APPROVAL OF CONDITIONAL LICENSE APPLICATION*

Dear Nicholas Frangipane:

Congratulations! The New Jersey Cannabis Regulatory Commission ("NJ-CRC") has received and reviewed your application for a Class 5 Cannabis Retailer to operate an adult personal-use cannabis business in the state of New Jersey. Upon the completion of the NJ-CRC's review, your application for a conditional license has been approved.

Pursuant to N.J.A.C. 17:30-7.2(f), the NJ-CRC shall approve a conditional license application where the applicant (1) has submitted a complete conditional license application in accordance with N.J.A.C. 17:30-7.3 and the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1; (2) has scored sufficiently high to be issued a conditional license in accordance with the criteria included in the notice of application acceptance pursuant to N.J.A.C. 17:30-6.1 and 7.3; (3) is qualified to hold a conditional license pursuant to N.J.A.C. 17:30-7.4; and (4) has submitted application fees pursuant to N.J.A.C. 17:30-7.17. The above-referenced entity has satisfied all criteria.

Following this written notice of approval, the license applicant must notify the NJ-CRC within five (5) business days whether it will accept the license, or if it will abandon the license. Acceptance or abandonment of the license can be supplied by a letter from the applicant's listed primary contact, submitted electronically to [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov). Pursuant to N.J.A.C. 17:30-7.5(c), failure of the applicant to notify the NJ-CRC of its decision to accept or abandon the license by the specified deadline shall result in the license being deemed abandoned.

Should you choose to accept this license, the NJ-CRC will continue to verify information contained in your application and notify you when to submit the required conditional license application approval fee established at N.J.A.C. 17:30-7.17. Following receipt of the conditional license application approval fee,

the NJ-CRC will issue the conditional license and provide the same to the applicant.

Acceptance of the license, submission of the conditional license application approval fee, and issuance of the conditional license by the NJ-CRC to the applicant triggers the beginning of the conditional license phase as established at N.J.A.C. 17:30-7.6. During the conditional license phase, the conditional license holder must (1) establish control of the proposed site; (2) gain municipal approval; and (3) develop and submit a conditional license conversion application. The conditional license phase commences on the date the conditional license is issued to the license applicant and expires after 120 calendar days. Pursuant to N.J.S.A. 24:6I-36b.(2)(d)(i) the NJ-CRC may extend the conditional license phase of any applicant for an additional 45 calendar days at its discretion. **To create better efficiency and to support new applicants, the NJ-CRC will automatically extend the conditional license phase for the above-listed applicant for an additional 45 calendar days.** The applicant may satisfy the conditional license phase and begin the process to convert to an annual license at any time prior to the end date for the conditional license phase. The additional 45 calendar days are offered as a courtesy and to prevent the necessity of the applicant submitting a formal request for extension.

**During the conditional license phase, the conditional license holder shall not engage in purchasing, possessing, selling, cultivating, manufacturing, or selling cannabis or cannabis products.** N.J.A.C. 17:30-7.6(e). Failure to adhere to this restriction may subject the applicant to adverse action by the Commission and may expose the applicant to law enforcement action.

The following activities are permitted during the conditional license phase:

1. The conditional license holder may obtain additional funding by adding new loans or gifts from new or existing financial sources not listed in the conditional license application. Conditional license applicants are reminded, however, that during the conversion phase, the NJ-CRC may investigate and may conduct probity review of the license applicant, its owners, principals, and related entities and their finances, ownership, and control structure (See N.J.A.C. 17:30-7.7(e)), and conditional license holders are therefore advised to not execute any additional financing agreements that have not been received and reviewed by the NJ-CRC;
2. The conditional license holder may change the proposed location of the cannabis business, and such new location shall be reflected in the conditional license conversion application;
3. The conditional license holder may notify the NJ-CRC of its intention to abandon the license, which will then be returned to the Commission; and
4. The majority share of the ownership interest in the license holder shall remain the same as at the time of license issuance, however:
  - a. An owner or passive investor of the conditional license holder may transfer ownership interest to another qualified party; and
  - b. The conditional license holder may add new qualified owners and principals.

Certain businesses are subject to the following additional restrictions:

1. A Diversely-Owned Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Diversely-Owned business criteria, pursuant to N.J.A.C. 17:30-6.4;
2. An Impact Zone Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Impact Zone Business criteria, pursuant to N.J.A.C. 17:30-6.5;

3. A Social Equity Business conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Social Equity Business criteria, pursuant to N.J.A.C. 17:30-6.6;
4. A Microbusiness conditional license holder shall not make any ownership interest transfer that causes the license applicant to no longer comply with the Microbusiness criteria, pursuant to N.J.A.C. 17:30-6.7; and
5. A conditional license holder shall not violate the limitations on owners and principals, pursuant to N.J.A.C. 17:30-6.8.

Prior to the end of the conditional license phase, the applicant must submit its conditional cannabis business conversion application pursuant to N.J.A.C. 17:30-7.8. If granted, the license will be converted from a conditional license to an annual license, subject to all conditions set forth in N.J.A.C. 17:30-7.9 through 7.14.

As a conditional license awardee, you are subject to the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization ("CREAMM") Act as well as all regulations implementing the CREAMM Act, set forth at N.J.A.C. 17:30. The NJ-CRC recommends that you familiarize yourself with those sections of the regulation pertaining to conditional cannabis licenses, specifically N.J.A.C. 17:30-7.2 through 7.8.

Again, congratulations on your successful application and thank you for your interest in working with the NJ-CRC to establish a safe and equitable cannabis industry for the state of New Jersey. Should you have any questions regarding this correspondence, please submit your inquiry to the NJ-CRC Licensing inbox at [crc.licensing@crc.nj.gov](mailto:crc.licensing@crc.nj.gov).

Sincerely,



Dianna Houenou  
Chairperson  
New Jersey Cannabis Regulatory Commission



# Sea Grass NJ

Interior Renovations / Commercial Fit-Out  
272 Bay Avenue, Borough of Highlands, NJ 07732  
Block 72, Lot 12

## PROJECT DESCRIPTION

PROJECT: SEA GRASS NJ INTERIOR RENOVATIONS / COMMERCIAL FIT-OUT  
272 BAY AVENUE  
BOROUGH OF HIGHLANDS, NEW JERSEY  
BLOCK 72 - LOT 12  
PROJECT DESCRIPTION: COMMERCIAL 18,800 SQ. FT. INTERIOR RENOVATIONS AND FIT-OUT. THE PROJECT INCLUDES THE REMOVAL OF EXISTING INTERIOR PARTITIONS, WALLS, AND CEILING. NEW PARTITIONS, WALLS, AND CEILING WILL BE INSTALLED TO ACCOMMODATE THE NEW OFFICE LAYOUT. THE PROJECT ALSO INCLUDES THE INSTALLATION OF NEW FLOORING, LIGHTING, AND HVAC SYSTEMS.

## DRAWING LIST

- A1 COVER SHEET & DEMO
- A2 PROPOSED FLOOR PLANS
- A3 EXTERIOR ELEVATIONS

SHISSIAS  
DESIGN + DEVELOPMENT  
154 440 065  
shissias@gmail.com  
www.shissias.com  
277 14th Street, NJ 07030

SHISSIAS  
DESIGN + DEVELOPMENT  
154 440 065  
shissias@gmail.com  
www.shissias.com  
277 14th Street, NJ 07030



SEA GRASS NJ  
INTERIOR RENOVATIONS / COMMERCIAL FIT-OUT  
BLOCK 72, LOT 12  
272 BAY AVENUE, BOROUGH OF HIGHLANDS, NJ 07732

SEA GRASS NJ  
INTERIOR RENOVATIONS / COMMERCIAL FIT-OUT  
BLOCK 72, LOT 12  
272 BAY AVENUE, BOROUGH OF HIGHLANDS, NJ 07732

Sea Grass NJ  
Interior Renovations / Commercial Fit-Out  
Block 72, Lot 12  
272 Bay Avenue, Borough of Highlands, NJ 07732

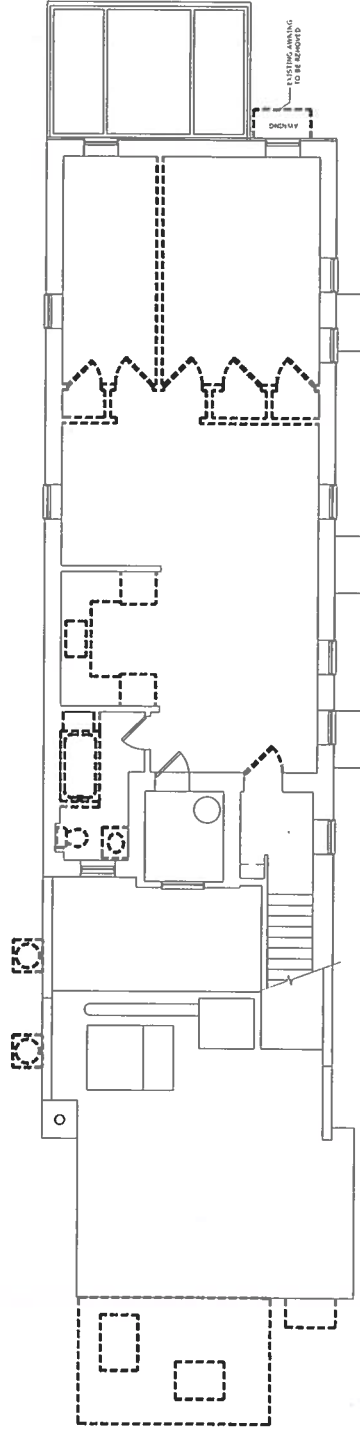
Rev. No. 2023.1  
Issued For: Board Approval  
Date: 12/12/2023

COVER  
SHEET  
& DEMO

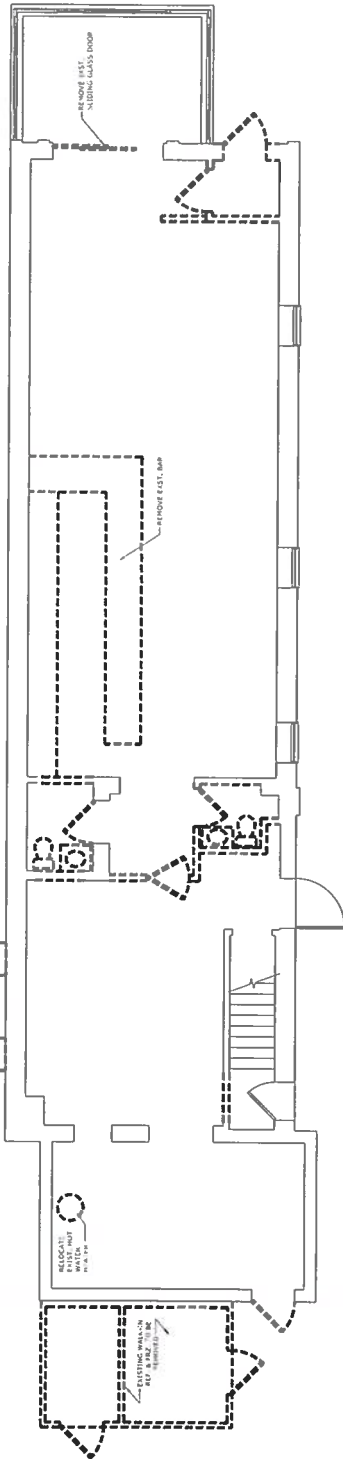
A1

1 of 1

Item 10.



2 SECOND FLOOR DEMOLITION PLAN  
A2 1/4" = 1'-0"



1 FIRST FLOOR DEMOLITION PLAN  
A2 1/4" = 1'-0"

DEMOLITION LEGEND  
EXISTING WALL TO REMAIN  
EXISTING WALL TO BE DEMOLISHED  
EXISTING DOOR TO REMAIN  
EXISTING DOOR TO BE DEMOLISHED

DEMOLITION NOTES  
VERIFY ALL EXISTING CONDITIONS IN FIELD PRIOR TO DEMOLITION. ALL DEMOLITION SHALL BE IN ACCORDANCE WITH THE DEMOLITION PLAN AND THE DEMOLITION SPECIFICATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS PRIOR TO DEMOLITION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REMOVAL OF ALL DEMOLISHED MATERIALS FROM THE SITE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE REPAIR OF ALL DAMAGE TO THE EXISTING STRUCTURE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF ALL NEW MATERIALS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COMPLETION OF ALL DEMOLITION WORK WITHIN THE SPECIFIED TIME FRAME.





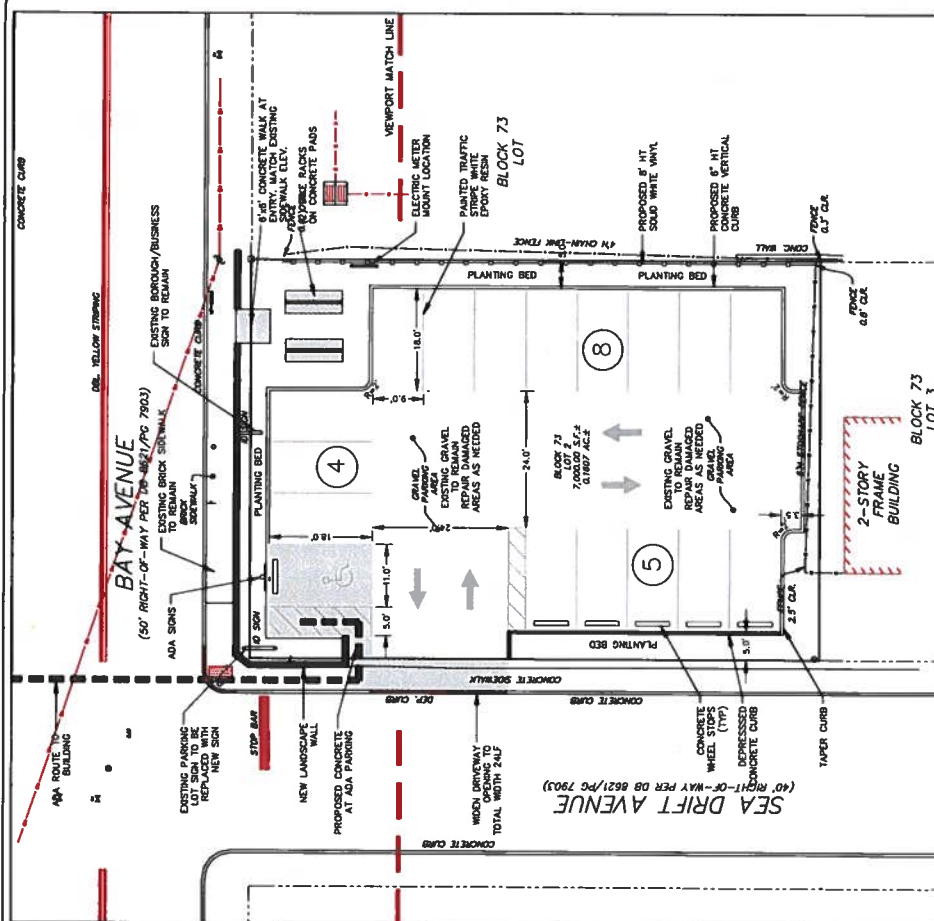
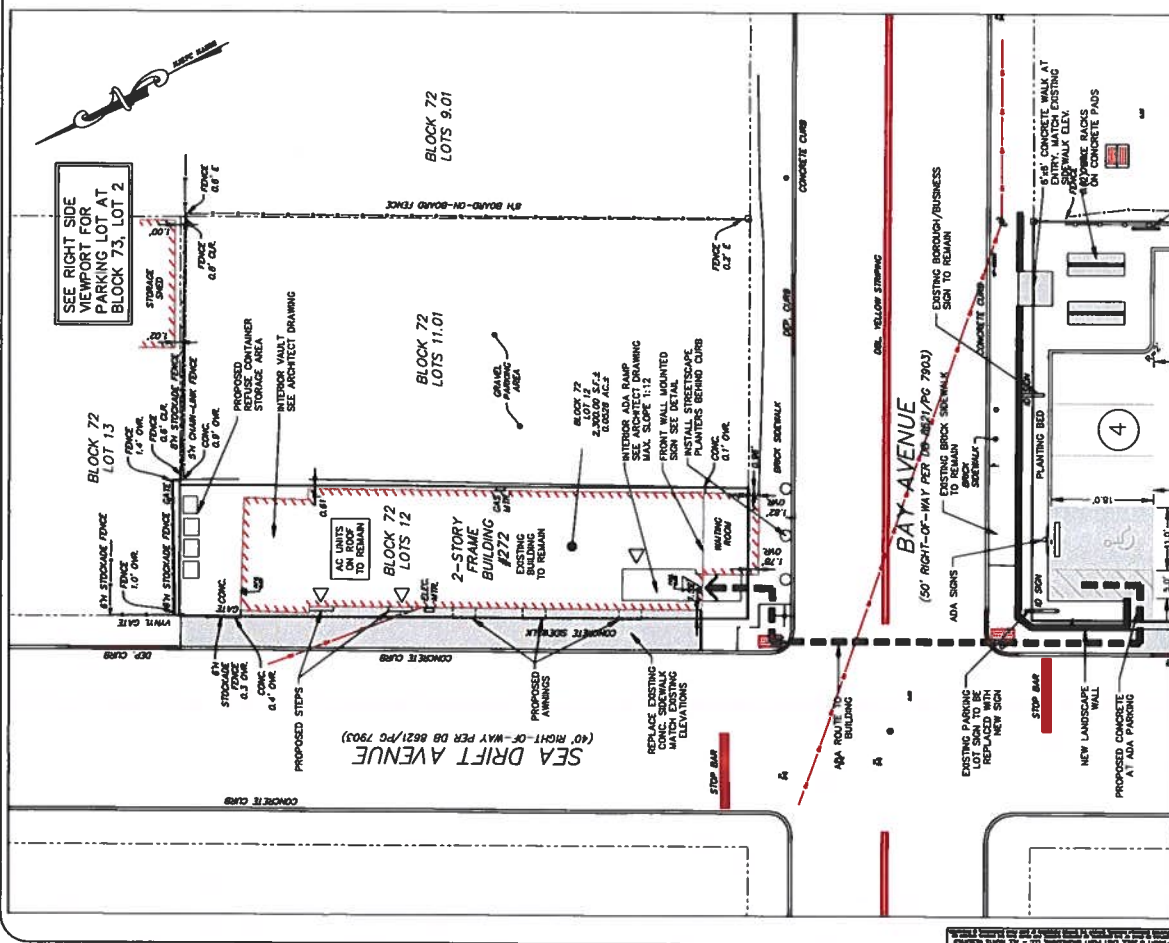












SITE IMPROVEMENT NOTES

- [illegible]

GRAPHIC SCALE

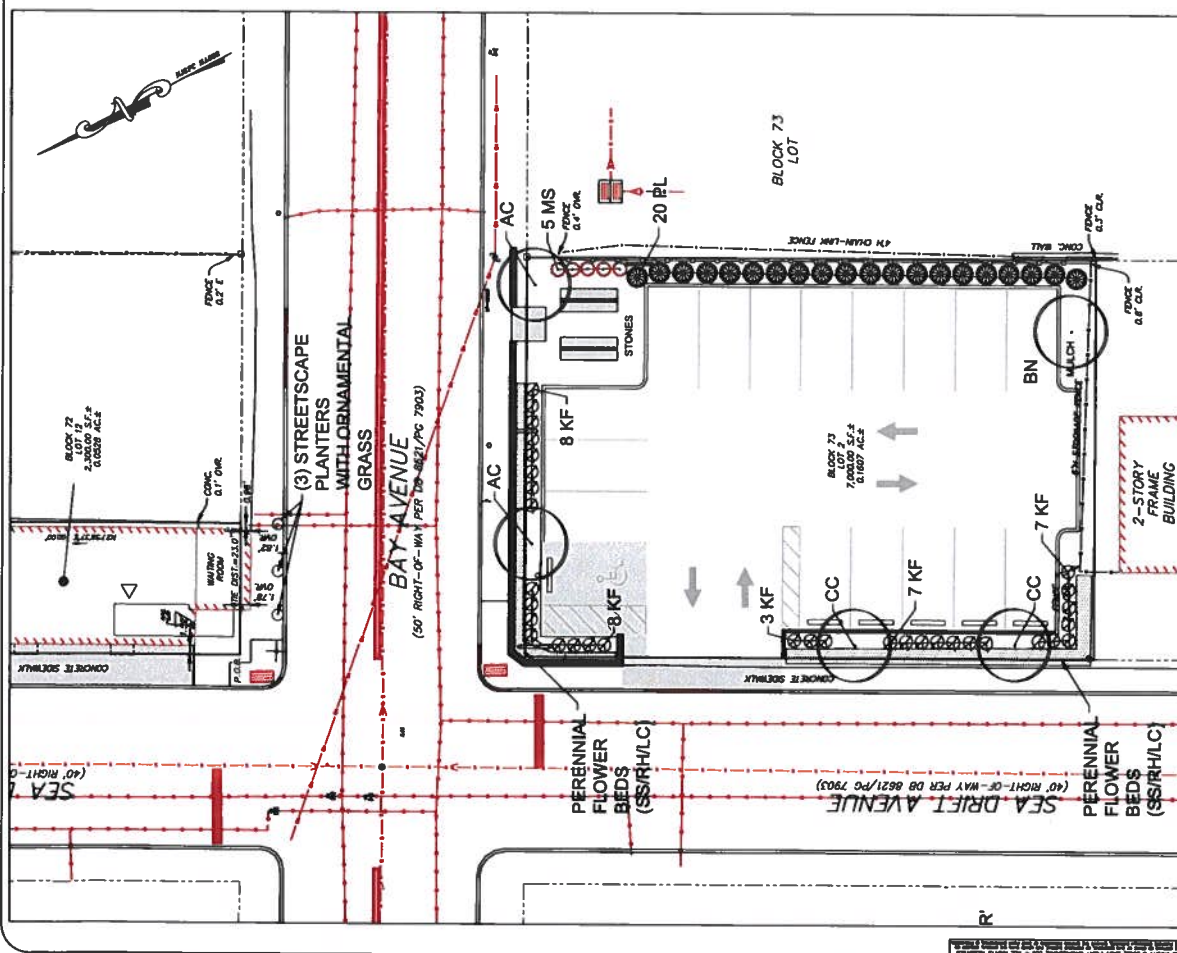


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																																																												<p>PRELIMINARY &amp; FINAL MARINE SITE PLAN</p> <p>SEA GRASS NAT. LTD</p> <p>BITE LAYOUT / SIGNAGE &amp; STRIPING PLAN</p> <p>BLDG. # 101 - 102 - 103 - 104 - 105 - 106 - 107 - 108 - 109 - 110 - 111 - 112 - 113 - 114 - 115 - 116 - 117 - 118 - 119 - 120 - 121 - 122 - 123 - 124 - 125 - 126 - 127 - 128 - 129 - 130 - 131 - 132 - 133 - 134 - 135 - 136 - 137 - 138 - 139 - 140 - 141 - 142 - 143 - 144 - 145 - 146 - 147 - 148 - 149 - 150 - 151 - 152 - 153 - 154 - 155 - 156 - 157 - 158 - 159 - 160 - 161 - 162 - 163 - 164 - 165 - 166 - 167 - 168 - 169 - 170 - 171 - 172 - 173 - 174 - 175 - 176 - 177 - 178 - 179 - 180 - 181 - 182 - 183 - 184 - 185 - 186 - 187 - 188 - 189 - 190 - 191 - 192 - 193 - 194 - 195 - 196 - 197 - 198 - 199 - 200 - 201 - 202 - 203 - 204 - 205 - 206 - 207 - 208 - 209 - 210 - 211 - 212 - 213 - 214 - 215 - 216 - 217 - 218 - 219 - 220 - 221 - 222 - 223 - 224 - 225 - 226 - 227 - 228 - 229 - 230 - 231 - 232 - 233 - 234 - 235 - 236 - 237 - 238 - 239 - 240 - 241 - 242 - 243 - 244 - 245 - 246 - 247 - 248 - 249 - 250 - 251 - 252 - 253 - 254 - 255 - 256 - 257 - 258 - 259 - 260 - 261 - 262 - 263 - 264 - 265 - 266 - 267 - 268 - 269 - 270 - 271 - 272 - 273 - 274 - 275 - 276 - 277 - 278 - 279 - 280 - 281 - 282 - 283 - 284 - 285 - 286 - 287 - 288 - 289 - 290 - 291 - 292 - 293 - 294 - 295 - 296 - 297 - 298 - 299 - 300 - 301 - 302 - 303 - 304 - 305 - 306 - 307 - 308 - 309 - 310 - 311 - 312 - 313 - 314 - 315 - 316 - 317 - 318 - 319 - 320 - 321 - 322 - 323 - 324 - 325 - 326 - 327 - 328 - 329 - 330 - 331 - 332 - 333 - 334 - 335 - 336 - 337 - 338 - 339 - 340 - 341 - 342 - 343 - 344 - 345 - 346 - 347 - 348 - 349 - 350 - 351 - 352 - 353 - 354 - 355 - 356 - 357 - 358 - 359 - 360 - 361 - 362 - 363 - 364 - 365 - 366 - 367 - 368 - 369 - 370 - 371 - 372 - 373 - 374 - 375 - 376 - 377 - 378 - 379 - 380 - 381 - 382 - 383 - 384 - 385 - 386 - 387 - 388 - 389 - 390 - 391 - 392 - 393 - 394 - 395 - 396 - 397 - 398 - 399 - 400 - 401 - 402 - 403 - 404 - 405 - 406 - 407 - 408 - 409 - 410 - 411 - 412 - 413 - 414 - 415 - 416 - 417 - 418 - 419 - 420 - 421 - 422 - 423 - 424 - 425 - 426 - 427 - 428 - 429 - 430 - 431 - 432 - 433 - 434 - 435 - 436 - 437 - 438 - 439 - 440 - 441 - 442 - 443 - 444 - 445 - 446 - 447 - 448 - 449 - 450 - 451 - 452 - 453 - 454 - 455 - 456 - 457 - 458 - 459 - 460 - 461 - 462 - 463 - 464 - 465 - 466 - 467 - 468 - 469 - 470 - 471 - 472 - 473 - 474 - 475 - 476 - 477 - 478 - 479 - 480 - 481 - 482 - 483 - 484 - 485 - 486 - 487 - 488 - 489 - 490 - 491 - 492 - 493 - 494 - 495 - 496 - 497 - 498 - 499 - 500 - 501 - 502 - 503 - 504 - 505 - 506 - 507 - 508 - 509 - 510 - 511 - 512 - 513 - 514 - 515 - 516 - 517 - 518 - 519 - 520 - 521 - 522 - 523 - 524 - 525 - 526 - 527 - 528 - 529 - 530 - 531 - 532 - 533 - 534 - 535 - 536 - 537 - 538 - 539 - 540 - 541 - 542 - 543 - 544 - 545 - 546 - 547 - 548 - 549 - 550 - 551 - 552 - 553 - 554 - 555 - 556 - 557 - 558 - 559 - 560 - 561 - 562 - 563 - 564 - 565 - 566 - 567 - 568 - 569 - 570 - 571 - 572 - 573 - 574 - 575 - 576 - 577 - 578 - 579 - 580 - 581 - 582 - 583 - 584 - 585 - 586 - 587 - 588 - 589 - 590 - 591 - 592 - 593 - 594 - 595 - 596 - 597 - 598 - 599 - 600 - 601 - 602 - 603 - 604 - 605 - 606 - 607 - 608 - 609 - 610 - 611 - 612 - 613 - 614 - 615 - 616 - 617 - 618 - 619 - 620 - 621 - 622 - 623 - 624 - 625 - 626 - 627 - 628 - 629 - 630 - 631 - 632 - 633 - 634 - 635 - 636 - 637 - 638 - 639 - 640 - 641 - 642 - 643 - 644 - 645 - 646 - 647 - 648 - 649 - 650 - 651 - 652 - 653 - 654 - 655 - 656 - 657 - 658 - 659 - 660 - 661 - 662 - 663 - 664 - 665 - 666 - 667 - 668 - 669 - 670 - 671 - 672 - 673 - 674 - 675 - 676 - 677 - 678 - 679 - 680 - 681 - 682 - 683 - 684 - 685 - 686 - 687 - 688 - 689 - 690 - 691 - 692 - 693 - 694 - 695 - 696 - 697 - 698 - 699 - 700 - 701 - 702 - 703 - 704 - 705 - 706 - 707 - 708 - 709 - 710 - 711 - 712 - 713 - 714 - 715 - 716 - 717 - 718 - 719 - 720 - 721 - 722 - 723 - 724 - 725 - 726 - 727 - 728 - 729 - 730 - 731 - 732 - 733 - 734 - 735 - 736 - 737 - 738 - </p>																																							





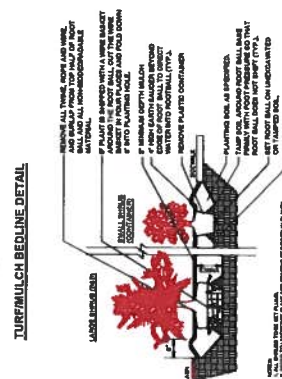
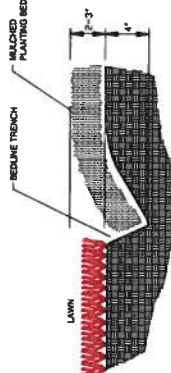
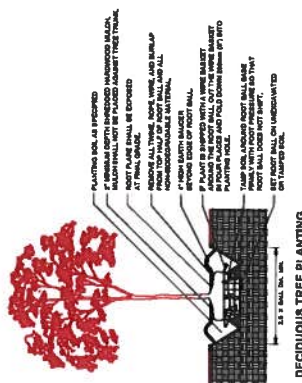




ENTRY	CITY	BOTANICAL NAME	COMMON NAME	HT./CONTAINER SIZE	REMARKS
		Deciduous Trees			
1	BN	Betula Nigra 'Cully'	Heritage River Birch	2.5' - 3.0' cal.	B&B Straight Central leader
2	CC	Cercis Canadensis	Eastern Redbud	4.0' HI.	B&B Straight Central leader
2	AC	Ametanther Canadensis	Shadbowl Serviceberry	4.0' HI.	B&B Straight Central leader
		Shrub			
PL	20	Prunus Laurocerasus 'Schickelensis'	Strip Cherry Laurel	3 Gal.	
		Ornamental Grasses			
MS	5	Miscanthus Sinensis 'Silchik'	Parakee Grass	3 Gal.	
CF	33	Calamagrostis x Acutiflora	Kat Fountains Feathered Reed Grass	3 Gal.	
		Perennial Flowers (Mk)			
SS		Solidago Sempervirens	Sneezle Goldenrod	3 Gal.	
PH		Rudbeckia Hirta	Black-eyed Susan	3 Gal.	
LC		Lobelia Cardinalis	Cardinal Flower	3 Gal.	

**PLANTING NOTES:**

- [illegible]



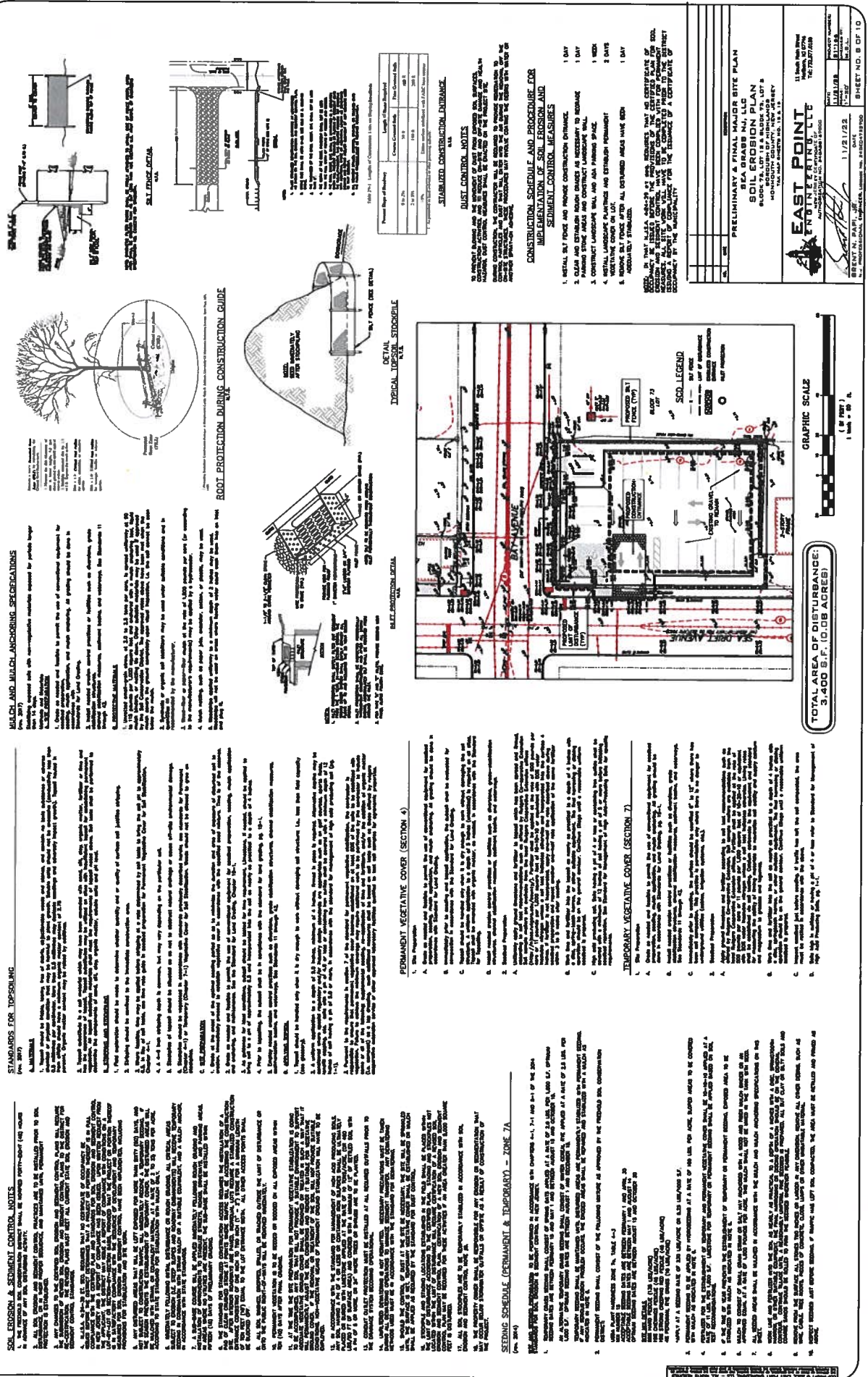
## EVERGREEN TREE PLANTING

PRELIMINARY & FINAL MAJOR SITE PLAN SEA GRAB N.Y. LLC LANDSCAPE PLAN BLOCK 75, LOT 1 & 2 BLOCK 75, LOT 3 HIGHWAY 95/STATE PARKWAY NEW JERSEY 100' WIDE AVENUE 75, 1 & 2, 3 & 4		11 South High Street Newark, NJ 07102 TEL: 973-277-0700	PROJECT NO. 11/01/93 11/18/93 11/18/93 11/18/93
EAST POINT ENGINEERING, LLC 1000 UNIVERSITY DRIVE, SUITE 1000 NEWARK, NJ 07102		DATE 11/21/93 11/21/93 11/21/93	DRAWN BY 11/21/93 11/21/93 11/21/93
PRESENT IN ARCH. 300		11/21/93 11/21/93 11/21/93	11/21/93 11/21/93 11/21/93









**EAST POINT ENGINEERING, LLC**  
 11 South Main Street  
 Suite 200  
 Hoboken, NJ 07030  
 Tel: 201.761.7700  
 Fax: 201.761.7701  
 Email: info@eastpointeng.com  
 Website: www.eastpointeng.com

DATE: 1/21/22  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 PROJECT NO.: 2021-001  
 SHEET NO.: 8 OF 10









## BOROUGH OF HIGHLANDS CANNABIS RETAILER LICENSE APPLICATION

Date of initial submission \_\_\_\_\_

Date of approval by Borough Administrator \_\_\_\_\_

Applicant Business Name Sea Grass NJ LLC

### Contact Information

Contact Name Stephen James Whelan

Phone No: 732-595-6700 E-Mail: idrwhelan@gmail.com

### 1. Business Entity Type

A. ☐ Individual

List name, address and interest in business \_\_\_\_\_

\_\_\_\_\_

B. ☐ Partnership

List name, address and percentage of interest in Partnership \_\_\_\_\_

\_\_\_\_\_

C. ☒ Corporation/LLC

List name, address and interest of all stockholders Nicholas Frangipane 51%

James Whelan 44%, Hannah LaRose 2%, Anthony Locascio 3%

\_\_\_\_\_

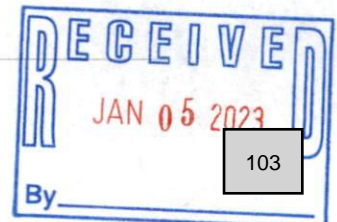
2. Name as it will appear on the State License Sea Grass NJ LLC

\_\_\_\_\_

3. N.J. Sales Tax Certificate of Authority No: 88-2250376

4. Trade names under which the business is to be conducted. Each and every trade name

\_\_\_\_\_



must be listed and registered with the N.J. Secretary of State (if a corporation) or the Monmouth County Clerk (if a partnership or sole proprietor) \_\_\_\_\_

## 5. Business Marketing Information

- a. Business phone number \_\_\_\_\_
- b. Cell phone number of chief operating officer or executive of the business that will be the principal contact with the Borough 704-956-7807
- c. E-mail for business seagrassnj@gmail.com
- d. Website for business (if any) www.njseagrass.com

## 6. Business location where cannabis will be sold to consumers

Street address: 272 Bay Avenue  
 Block 72 Lot 12  
 Zone: ☒ Central Business District or ( ) Highway Oriented Business Zone

## 7. Does the applicant have Conditional Use Approval from the Land Use Board? ( ) Yes ☒ No

- a. If yes, attach copy of the Resolution of Approval.
- b. If no, provide the status of any application to the Land Use Board:  
Application is submitted hearing date is January 12, 2023

## 8. Describe building and attach a picture Two story, CBD zoned on corner lot Approximately 2,373sf retail level

## 9. Does the applicant own the building? ( ) Yes ☒ No Property is under contract for purchase Owner's Consent is attached to DPA

- a. If yes, attach a copy of the deed to the premises.
- b. If no, attach a copy of the lease agreement. It is the duty of the applicant to advise the landlord that if the license is issued to the applicant, it is not transferable.

## 10. Fully describe the business operation with an emphasis on:

- a. Will there be non-cannabis uses on site? No





b. How will the operations remain separate from non-cannabis operations?  
Under no circumstance shall another operation be permitted.

c. How will cannabis be secured? In a DEA cage inside of an access controlled vault.

11. Explain how the Highlands Police Department is to be advised of all security measures.

Highlands Police Department will have 24 hour access to our security

12. Provide the location of all surveillance cameras on site. \_\_\_\_\_

Please see attached security overlay

13. Will there be any special fire suppression equipment? No, unless the town requires

14. Will there be any exhausting of cannabis odors or particulate and how will they be eliminated?

Class 5 retailers do not typically have odor issues, but as a precaution we will.

15. Will there be business offices in addition to the retail operations? If so, describe their size and location. \_\_\_\_\_

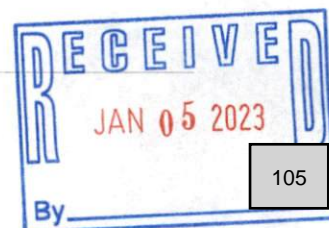
Management offices and employee break area will be located on the second floor

16. Does the applicant have a New Jersey Conditional or Annual Cannabis Retailer License?

a. If yes, please provide your license number: RE000107

b. If no, please provide the documents attached to your New Jersey Conditional or Annual Cannabis Retailer License Application.

17. Provide a signed and notarized Affidavit in Support of Cannabis License Application.



## AFFIDAVIT IN SUPPORT OF CANNABIS LICENSE APPLICATION

STATE OF NEW JERSEY:

SS:

COUNTY OF MONMOUTH:

( ) Individual Applicant ( ) Members of Partnership Applicant (✓) Pres./V.P.

Nicholas Frangipane of Sea Grass NJ LLC (name of business)

Consent(s) that the licensed premises and all portion of the building constituting the licensed premises, including all rooms, cellars, closets, out-buildings, passageways, vaults, yards, attics and every part of the structure of which the licensed premises are a part and all buildings used in connection therewith which are in his/her/their possession or under his/her/their control, may be inspected and searched without warrant at all hours by the N.J. Cannabis Regulatory, Enforcement, Assistance and Marketplace Modernization Act, his or her duly authorized deputies, inspectors or investigators and all other sworn law enforcement officers, and being duly sworn according to law, upon his/her/their oath(s), depose(s) and say(s) that he/she is (they are) the person(s) duly authorized to sign the application, that in stance of corporate ownership, the signator is authorized by corporate resolution to sign on behalf of the corporations; and that the contents of this application represent complete disclosure of the fact, and that the contents of this application are true.

  
Signature of Individual Agent/Sole Prop.

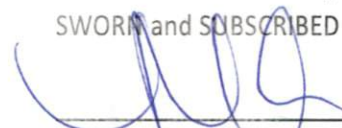
## CORPORATIONS ONLY

Attestation by Corporate Secretary

Attest: Sea Grass NJ LLC  
Corporate Name

Secretary signature: 


SWORN and SUBSCRIBED to before me this 5 day of Jan, 2023

  
Signature of Officer Administering Oath  
Duly Authorized by Notary Public or Attorney at Law

Melissa Indiviglio  
Printed Name of Officer Administering Oath

Sea Grass NJ LLC

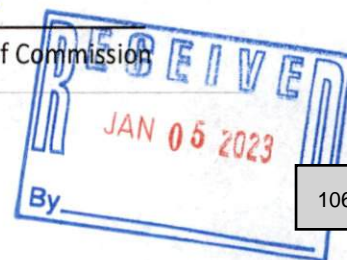
Partnership Name

  
Signature of Partner

  
Signature of Partner

MELISSA INDIVIGLIO  
Notary Public, State of New Jersey  
Commission # 50048224  
My Commission Expires 10/24/2026

10/24/2026  
Date of expiration of Commission





HGPB- R2000

January 16, 2023

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: Sea Grass NJ, LLC  
272 Bay Avenue  
Block 78, Lot 12 & Block 73, Lot 3  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-1  
Minor Site Plan  
& Conditional Use  
First Completeness Review**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, Section 21-58.E – Preliminary Site Plan.

The applicant submitted the following documents in support of this application:

1. Preliminary & Final Major Site Plans prepared by Brent N. Papi, Jr., PE, of East Point Engineering, LLC, dated November 21, 2022, consisting of ten (10) sheets.
2. Architectural Plans prepared Shissias Design + Development, dated December 2, 2022, consisting of three (3) sheets.
3. Land Use Board Application and supporting documents, dated December 6, 2022.
4. Zoning Permit Application and supporting documents, dated November 3, 2022.

The following information was reviewed for completeness purposes pursuant to Ordinance Section 21-58.D – Minor Site Plan:

**Preliminary Site Plan (Minor):** The preliminary site plan shall be drawn at a scale of not more than one hundred (100) feet to the inch and shall include such details as may be necessary to properly evaluate the application and determine compliance with this chapter. The site plan shall be drawn by a licensed New Jersey professional engineer and land surveyor and, where applicable to the proposed use or construction, the following information shall be clearly shown.

1. Date, name, location of site, name of owner, scale and reference meridian. **Provided.**
2. Area of the lot and all lot line dimensions and bearings. **Provided.**
3. The location of all existing watercourses, wooded areas, easements, rights-of-way, streets, roads, highways, rivers, buildings, structures and any other feature on the property and within seventy-five (75) feet of the property line. **Provided.**



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Sea Grass NJ, LLC  
272 Bay Avenue  
Block 78, Lot 12 & Block 73, Lot 3  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-1  
Minor Site Plan  
& Conditional Use  
First Completeness Review

4. Location, use and ground floor area of all existing and proposed buildings, with the building setback, side line and rear yard distance. **Provided.**
5. Elevations at the corners of all proposed buildings and paved areas and at property corners if new buildings or paved areas are proposed. **Provided. It should be noted that no new buildings are proposed as the applicant intends to renovate the existing building.**
6. The location and widths of existing and proposed streets servicing the site plan. **Provided.**
7. Specifications for and location of proposed surface paving and curbing. **Provided. It should be noted that the applicant proposes to retain the existing gravel parking lot and repair as needed.**
8. Location of all structures within seventy-five (75) feet of the property. **Provided.**
9. Location of off-street parking areas, with dimensions, showing proposed parking and loading spaces, with dimensions, width of proposed access drives and aisles and traffic circulation. **Provided.**
10. Storm water management and sanitary sewer reports, including proposed storm drainage and sanitary disposal facilities; specifically, the location, type and size of all existing and proposed catch basins, storm drainage facilities, utilities plus all required design data supporting the adequacy of the existing or proposed facilities to handle future storm flows. **Not applicable. No storm water management features are proposed.**
11. Existing and proposed contours of the property and for seventy-five (75) feet outside the property at one (1) foot intervals when new buildings or parking areas are proposed. Spot elevations for any development in a flood hazard area. **Provided.**
12. The location and treatment of proposed entrances and exits to the public rights-of-way, including the possible utilization of traffic signals, channelization, acceleration, and deceleration lanes, additional widths and any other devices necessary to traffic safety and/or convenience. **Provided.**
13. The location and identification of proposed open space, parks or other recreation areas. **Not applicable.**
14. The location and design of landscaping, buffer areas and screening areas showing size, species and spacing of trees and plants and treatment of unpaved areas. **Provided.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Provided.**





**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Sea Grass NJ, LLC  
272 Bay Avenue  
Block 78, Lot 12 & Block 73, Lot 3  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-1  
Minor Site Plan  
& Conditional Use  
First Completeness Review

16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Provided. A trash enclosure area is shown. The applicant intends to utilize the existing building and retain all utility connections.**
17. Specific location and design of traffic control devices, signs and lighting fixtures. The Board may require of the applicant expert testimony concerning the adequacy of proposed traffic control devices, signs and lighting fixtures. **Provided.**
18. Preliminary architectural plans for the proposed buildings or structures indicating typical floor plans, elevations, heights and general design or architectural styling. **Partially provided. The existing building's first floor elevation is approximately elevation 6.0. The existing building is located within flood zone AE-11. Therefore, the building renovation plans should be designed in accordance with FEMA standards and the Borough of Highlands Flood Damage Prevention Ordinance requirements. I defer to the Borough Floodplain Manager for further review.**
19. The present and past status and use and contemplated use of the property and all existing buildings on the property. A cleanup plan where such is necessary because of the past or present use of the site. **Provided.**
20. A soil erosion and sediment control plan is required. Said plan shall be submitted to the Soil Conservation District and approval of the application shall be conditioned upon certification of the soil erosion and sediment control plan by the District. **Provided.**
21. Soil Borings, when required by the Board Engineer. **Not required.**
22. Certification statement for the required municipal signatures, stating: **Provided.**
  - Application No. \_\_\_\_\_ approved/disapproved by the Highlands Land Use Board as a Minor Site Plan on \_\_\_\_\_.  
(date)  
\_\_\_\_\_  
Chairman  
\_\_\_\_\_  
Secretary
23. Certification statement for the County Planning Board approval / disapproval, if required. **Project fronts on a County Road, therefore approval or letter of no interest will ultimately be required from the County Planning Board.**
24. The Board may require any additional information which is reasonably necessary to ascertain compliance with the provisions of this chapter. **Informational.**



Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

Re: Sea Grass NJ, LLC  
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Redevelopment Zone C-RO-1  
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First Completeness Review

Per Section 21-97.M of the Ordinance, **one** cannabis retailer may be permitted in the Central Business District (CBD) Zone provided that applicable Article XI Design Standards are met together with any other requirements deemed necessary by the Land Use Board and applicable requirements of this chapter. **Prior to the public hearing the applicant shall provide a narrative outlining compliance with all Article XI Design Standards, and any applicable relief required/requested.**

**In addition, the cannabis retailer shall not be located within 1,000 feet of any school. As discussed in the technical review meeting, a legal determination will be required as the proposed parking lot supporting the retail operation may be within 1,000 feet of the Highlands Elementary School property. If the Article XI Design Standards cannot be met, or the determination that the parking lot falls within 1,000 feet of the school (and counts as part of the cannabis retailer operation), then a d(3) conditional use variance may be required.**

**It should be noted that this project is located within the Central Business District (CBD) Zone. The property is also located within the CBD Redevelopment Overlay 1 (C-RO-1) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-1 Zone criteria, but one or the other shall be identified.**

Adequate information has been provided in order to perform a technical review of the application. **The application shall therefore be deemed COMPLETE, pending confirmation from the Board Secretary that the balance of fees and escrows have been posted.**

**We will also commence technical review upon same notification.**

The application fee and escrow fee calculation letter will be provided under separate cover.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER



**Le: Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board**

**Re: Sea Grass NJ, LLC  
272 Bay Avenue  
Block 78, Lot 12 & Block 73, Lot 3  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-1  
Minor Site Plan  
& Conditional Use  
First Completeness Review**

EWB:KJO:KFJ

cc: Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)  
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)  
Sea Grass NJ, LLC, Applicant (idrwhelan@gmail.com)  
Leonel Cervantes, Owner (leocervantes@hotmail.com)  
John B. Anderson, III, Esq., Applicant's Attorney (janderson@fsfm-law.com)  
Brent N. Papi, Jr., PE, Applicant's Engineer (bpapi@eastpointeng.com)  
Shissias Design & Development, Applicant's Architect (kevin966@gmail.com)

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HGPB- R2000

January 16, 2023

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: Sea Grass NJ, LLC  
272 Bay Avenue  
Block 78, Lot 12 & Block 73, Lot 3  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-1  
Minor Site Plan  
& Conditional Use  
Fee and Escrow Calculation**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Land Use Regulations Part 6 - Fee Schedule.

The applicant submitted the following documents in support of this application:

1. Preliminary & Final Major Site Plans prepared by Brent N. Papi, Jr., PE, of East Point Engineering, LLC, dated November 21, 2022, consisting of ten (10) sheets.
2. Architectural Plans prepared Shissias Design + Development, dated December 2, 2022, consisting of three (3) sheets.
3. Land Use Board Application and supporting documents, dated December 6, 2022.
4. Zoning Permit Application and supporting documents, dated November 3, 2022.

Please note the following fee calculations:

- |                            |                   |
|----------------------------|-------------------|
| <b>1. Application fee:</b> | <b>\$1,600.00</b> |
| <b>2. Escrow fee:</b>      | <b>\$3,200.00</b> |

Please note that the initial application deposits shall be deducted from the total fees shown.

Should you have any questions or require any additional information, please call.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER

EWH:KJO:KFJ  
Att.



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Sea Grass NJ, LLC  
272 Bay Avenue  
Block 46, Lot 3  
Central Business District (CBD) Zone  
Minor Site Plan & Conditional Use  
Fee Determination

**cc:** Michael Muscillo, Borough Administrator (mmuscillo@highlandsborough.org)  
Ron Cucchiaro, Esq., Land Use Board Attorney (RCucchiaro@Weiner.law)  
Brian O'Callahan, Zoning Officer (bcallahan@middletownnj.org)  
Sea Grass NJ, LLC, Applicant (idrwhelan@gmail.com)  
Leonel Cervantes, Owner (leocervantes@hotmail.com)  
John B. Anderson, III, Esq., Applicant's Attorney (janderson@fsfm-law.com)  
Brent N. Papi, Jr., PE, Applicant's Engineer (bpapi@eastpointeng.com)  
Shissias Design & Development, Applicant's Architect (kevin966@gmail.com)

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HGPB-R2000

DETERMINATION OF FEES\*  
Sea Grass, LLC - 272 Bay Avenue  
Block 78, Lot 12 & Block 73, Lot 3

**A. APPLICATION FEES (Ord. 21-107)**

## A. Variances

3. Nonresidential "c" (front yard setback)	1	EA	\$	250.00	\$	250.00
3. Nonresidential "c" (side yard setback per 21-91.A.4)	1	EA	\$	250.00	\$	250.00
3. Nonresidential "c" (lot coverage)	1	EA	\$	250.00	\$	250.00
4. Nonresidential "d3" (Section 21-97.M)	1	EA	\$	500.00	\$	500.00

## C. Site Plans

1. Minor	1	LS	\$	100.00	\$	100.00
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## E. Conditional Use Applications

1	EA	\$	250.00	\$	250.00
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**B. ESCROW FEES (Ord. 21-108)**

B. Escrow Deposits (twice Application Fee; Minimum \$750)	1	LS	\$	3,200.00	\$	3,200.00
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**Application fees subtotal** \$ 1,600.00

**Escrow fee subtotal** \$ 3,200.00

**Total** \$ 4,800.00

\*It should be noted that this application is being reviewed under the Central Business District (CBD) Zone criteria. The property is also located within the CBD Redevelopment Overlay 1 (C-RO-1) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-1 Zone criteria, but one or the other shall be identified.

# KLEIN

TRAFFIC CONSULTING, LLC

156 Walker Road  
West Orange, NJ 07052  
973-985-3464  
leekleintraffic@gmail.com

January 27, 2023

Nick Frangipane  
Jim Whelan  
Hannah LaRose  
C/O Sea Grass NJ LLC  
135 Maple Avenue  
Red Bank, NJ 07701

VIA EMAIL: [nick.frang@gmail.com](mailto:nick.frang@gmail.com)

**Re: Traffic Engineering and Parking Evaluation  
Proposed Cannabis Retailer  
272 Bay Avenue, Highlands, Monmouth County, NJ**

Dear Mr. Frangipane:

This Traffic Engineering and Parking Evaluation (TEPE) report outlines our findings and recommendations for the proposed change of use from a 1,575 square foot restaurant and 1 apartment dwelling to a 1,525 square foot cannabis retailer and 848 square foot small office.

## **Familiarization with the Application**

We have reviewed the architectural plan set dated 12/2/2022, prepared by Shissias Design + Development. We reviewed the site plan set dated 11/21/22, prepared by East Point Engineering, LLC. We referenced Google street view and aerial photographs to become familiar with the area.

**Bay Avenue (County Route 8)** is under the jurisdiction of Monmouth County. Bay Avenue is relatively flat, level, and straight near the subject site. Bay Avenue extends from S. Bay Avenue and Shore Drive in the east to Gravelly Point Road in the west. Bay Avenue runs parallel to and connects with Shore Drive at several intersecting streets. Near the subject site, Bay Avenue has one travel lane in each direction, with a posted speed limit of 25 MPH. Parking is permitted on both sides of the street with restrictions of “No Parking Friday between 7 AM and 8 AM” and “No Parking When Road is Snow Covered”. There are sidewalks on both sides of the street. There are curb ramps at the intersection of Bay Avenue with Sea Drift Avenue. In the Google street view images from September and October 2019, there are no painted crosswalks across Bay Avenue at the intersection of Bay Avenue with Sea Drift Avenue.

**Sea Drift Avenue** is a local roadway under the jurisdiction of Highlands Borough. Sea Drift Avenue extends from Shore Drive in the south to Marine Place in the north. Sea Drift Avenue is STOP-controlled at Bay Avenue with a northbound and southbound, single lane approach to Bay Avenue. Parking is permitted on both sides of the street. The statutory speed limit is 25 MPH. There are sidewalks on both sides of the street with no posted restrictions. In the Google street view images from September and October 2019, there are no painted crosswalks across Sea Drift Avenue at the intersection with Bay Avenue.

#### Mass Transportation

The number 834 bus line runs along Bay Avenue and stops at Washington Avenue and at Atlantic Street. The number 834 bus provides service between Highlands, Atlantic Highlands, Leonardo, New Monmouth, Middletown, and portions of Red Bank including the NJ Transit Rail Station. The available mass transportation provides a potential option for employees or customers to access the facility.

#### **Trip Generation Calculations**

According to the Trip Generation Manual, 11<sup>th</sup> Edition published by the Institute of Transportation Engineers (ITE), a High-Turnover (Sit-Down) Restaurant *“use consists of sit-down, full-service eating establishments with a typical duration of stay of 60 minutes or less. This type of restaurant is usually moderately priced, frequently belongs to a restaurant chain, and is commonly referred to as casual dining. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not accept reservations. A patron commonly waits to be seated, is served by wait staff, orders from a menu, and pays after the meal. Some facilities offer carry-out for a small proportion of its customers. Some facilities within this land use may also contain a bar area for serving food and alcoholic drinks.”* Trip generation for the existing High-Turnover (Sit-Down) Restaurant was calculated using the current ITE Trip Generation, 11<sup>th</sup> Edition based on square footage and number of seats, as well as based on the “Peak of the Generator” and the “Peak of the Adjacent Street” (on a weekday the highest one hour of adjacent street traffic between 7-9 AM and 4-6 PM, and the highest one hour of street traffic a Saturday). We chose the larger of the trip generation values, “Peak of Generator” for 1,525 square feet.

According to the Trip Generation Manual, 11<sup>th</sup> Edition published by the ITE, Multifamily Housing (Low-Rise) *includes apartments, townhouses, and condominium located within the same building with at least three other dwelling units and that have two or three (floors) levels.* Trip generation for the existing 1-unit of multifamily housing (low-rise) was calculated using the current ITE Trip Generation, 11<sup>th</sup> Edition.

According to the Trip Generation Manual, 11<sup>th</sup> Edition published by the ITE, *“a Marijuana Dispensary is a stand-alone facility where cannabis is sold to patients or retail consumers in a legal manner.”* Trip generation for the proposed 1,525 square foot cannabis retailer was calculated using the current ITE Trip Generation, 11<sup>th</sup> Edition based on square footage for the

“Peak of the Generator” and the “Peak of the Adjacent Street”. We chose the larger of the trip generation values, “Peak of Generator” for 1,525 square feet.

According to the *Trip Generation Manual, 11<sup>th</sup> Edition* published by the ITE, a Small Office Building “*is the same as a general office building (Land Use 710) but with less than or equal to 10,000 square feet of gross floor area. The building typically houses a single tenant. It is a location where affairs of a business, commercial or industrial organization, or professional person or firm are conducted.*” Trip Generation for the proposed 848 square foot small office was calculated using the current ITE *Trip Generation, 11<sup>th</sup> Edition*.

We calculated the trip generation for the existing restaurant and apartment and for the proposed cannabis retailer and supporting office space. The attached Table 1 – Trip Generation Comparison and Summary tabulates the trip generation of the former restaurant and apartment and the proposed cannabis retailer. The existing restaurant and one apartment would generate 22 vehicle trips during the weekday AM peak hour, 26 vehicle trips during the weekday PM peak hour, and 18 vehicle trips during a Saturday peak hour. The proposed cannabis retailer and small office would generate 27 vehicle trips during the weekday AM peak hour, 39 vehicle trips during the weekday PM peak hour, and 46 vehicle trips during the Saturday peak hour.

Table 1 also shows the change in the number of weekday AM and PM peak hour trips and Saturday peak hour trips. The increase in the number of peak hour trips is 5 vehicle trips during weekday AM peak hour trips, 13 vehicle trips during the weekday PM peak hour, and 28 vehicle trips during the Saturday peak hour.

According to Transportation Impact Analysis for Site Development, published by the Institute of Transportation Engineers (ITE), an increase of less than 100 vehicle trips would not change the level of service of the local street network nor appreciably increase the volume-to-capacity ratio of an intersection approach. Also, NJDOT Access Management Code considers a significant increase in trips greater than 100 peak hour trips AND greater than a 10 percent increase in previously anticipated daily trips. Therefore, the proposed development is not anticipated to significantly impact the operations of the local streets. Based on industry guidelines from the Institute of Transportation Engineers (ITE) as well as the NJDOT Access Code, the new vehicle trips generated by the proposed change of use from a restaurant and apartment to a cannabis retailer would not have a significant impact on traffic operations. Furthermore, the traffic generated to and from the property’s parking lot would be distributed on Sea Drift Avenue to Bay Avenue and to Shore Drive, further lessening any potential traffic impacts.

We were able to research the NJDOT website and find traffic volumes on Bay Avenue between Sea Drift Avenue and Atlantic Street from Monday, June 25 to Thursday, June 28, 2018. These traffic volumes show the two-way traffic volumes on Bay Avenue as between 250 and 325



vehicles per hour during the AM peak period and between 375 and 450 vehicles per hour during the PM peak hour. If all the trips generated by the proposed cannabis retailer were to use Bay Avenue only, those trips would be about 16 percent of the total traffic along Bay Avenue. The restaurant and apartment traffic were about 9 percent of the total traffic volumes on Bay Avenue. But again, the traffic to and from the parking lot would be distributed to Bay Avenue and Shore Drive, further lessening the traffic impacts generated by the property. Typically, traffic volumes can vary from day to day by more than 10 percent. The traffic volumes collected from the NJDOT website show that the traffic volumes during the AM and PM peak period fluctuate by 10 percent to 15 percent between Tuesday, June 26, 2018, and Wednesday, June 27, 2018. Therefore, the increase in traffic volumes generated by the change of use from a restaurant and apartment to a cannabis retailer would be insignificant and not noticed by drivers in the area.

### **Parking Requirements**

The total space within the building is 2,373 square feet. Based on the local parking requirement of 1 parking space per 600 square feet pursuant to the Borough's Ordinance 21-65.14.D(7a), the 2,373 square feet of business/commercial/retail store use would require 4 parking spaces. The parking lot provides 17 parking spaces, including 1 ADA parking space, more than 4 times the required parking.

### **Conclusion**

Based on the number of trips that would be generated during the weekday AM and PM peak hours being less than the industry standard of 100 peak hour trips, and the fact that there are two main roadways, Bay Avenue and Shore Drive, to distribute the traffic generated by the proposed cannabis retailer, the traffic generated by the proposed cannabis retailer would not have a significant impact on the operation of the surrounding streets.

Using the local Ordinance requirements for parking for the currently proposed cannabis retailer, the total parking requirement is 4 parking spaces, whereas 17 parking spaces are provided. The proposed parking supply of 17 parking spaces is over 4 times more than required by the local Ordinance.

Please contact me if you have any questions.

Sincerely,



Lee D. Klein, P.E., PTOE  
NJPE 24GE03710400  
PTOE Certification 1627

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**Table 1 - Trip Generation Comparison and Summary  
272 Bay Avenue, Highlands, Monmouth County, NJ**

CODE	LAND USE	AMOUNT	WEEKDAY						SATURDAY		
			AM PEAK HOUR			PM PEAK HOUR			PEAK HOUR		
			IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
EXISTING											
932	H-T (Sit-Down) Restaurant (Peak of Generator)	1,525 SF	12	9	21	13	12	25	9	8	17
932	H-T (Sit-Down) Restaurant (Street Peak)	1,525 SF	8	7	15	8	5	14	9	8	17
932	H-T (Sit-Down) Restaurant (Peak of Generator)	30 Seats	11	7	18	12	11	23	8	8	16
932	H-T (Sit-Down) Restaurant (Street Peak)	30 Seats	7	6	14	7	5	12	8	8	16
220	Low-Rise Apartment (Average Rate)	1 units	0	1	1	1	0	1	0	1	1
TOTAL EXISTING TRIP GENERATION			12	10	22	14	12	26	9	9	18
PROPOSED											
882	Marijuanna Dispensary (Peak of Generator)	1,525 SF	14	12	26	18	19	37	22	22	44
882	Marijuanna Dispensary (Street Peak)	1,525 SF	8	8	16	14	15	29	22	22	44
712	Small Office Building (General Urban/Suburban)	848 SF	1	0	1	1	1	2	1	1	2
TOTAL EXISTING TRIP GENERATION			15	12	27	19	20	39	23	24	46
CHANGE IN NUMBER OF VEHICLE TRIPS											
			3	2	5	5	8	13	13	14	28

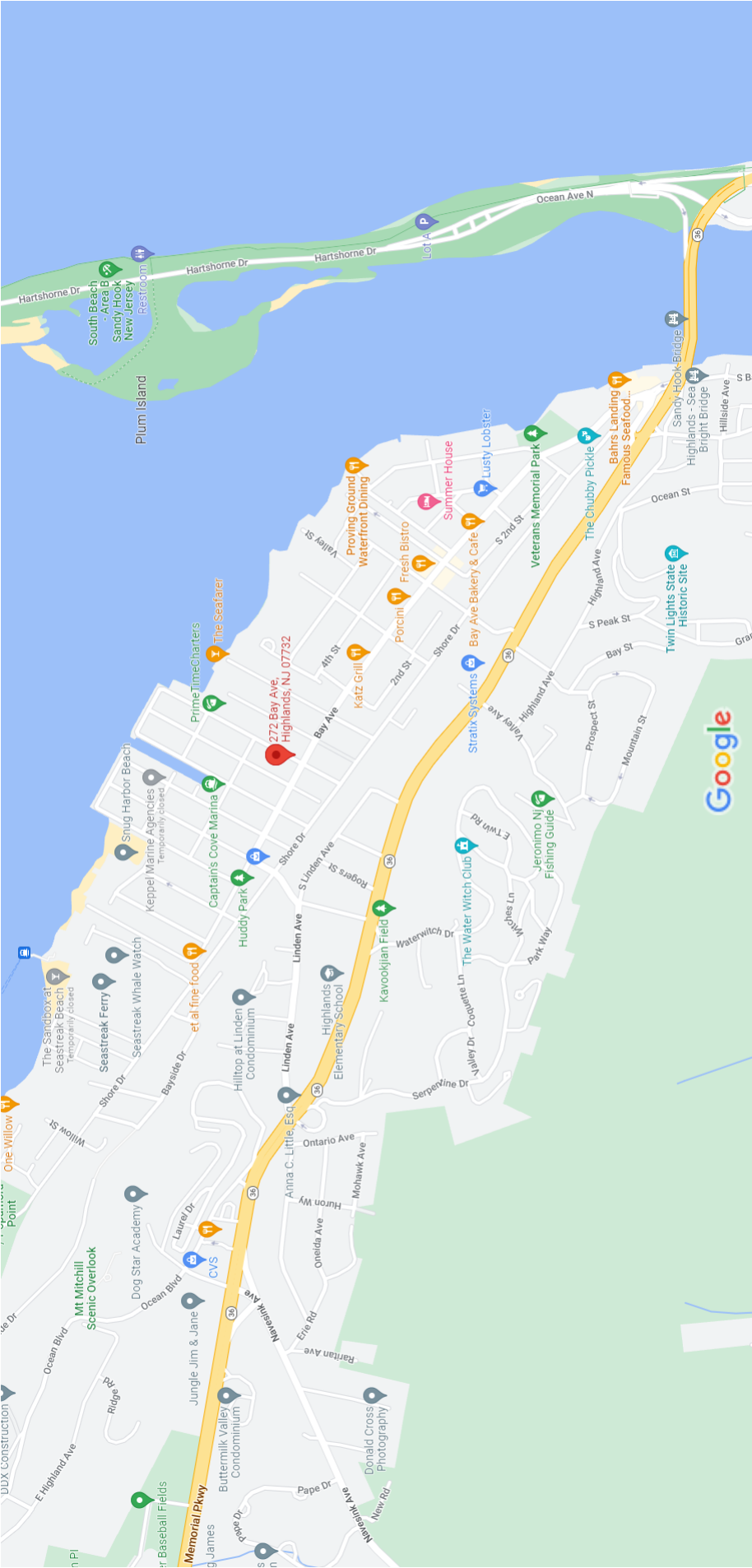
SOURCE: *Trip Generation, 11th Edition*, published by the Institute of Transportation Engineers (ITE)

NOTE: ## - Indicates an INCREASE in the number of trips from existing to proposed

Google Maps

272 Bay Ave

LOCATION MAP



Map data ©2023 Google 500 ft

PROJECT DESCRIPTION

PROJECT: SEA GRASS NJ DISPENSARY  
INTERIOR RENOVATIONS / COMMERCIAL FIT-OUT

272 BAY AVENUE  
BOROUGH OF HIGHLANDS, NEW JERSEY  
MONMOUTH COUNTY  
BLOCK 72 - LOT 12

PROPOSED USE: COMMERCIAL (B & M OCCUPANCY)

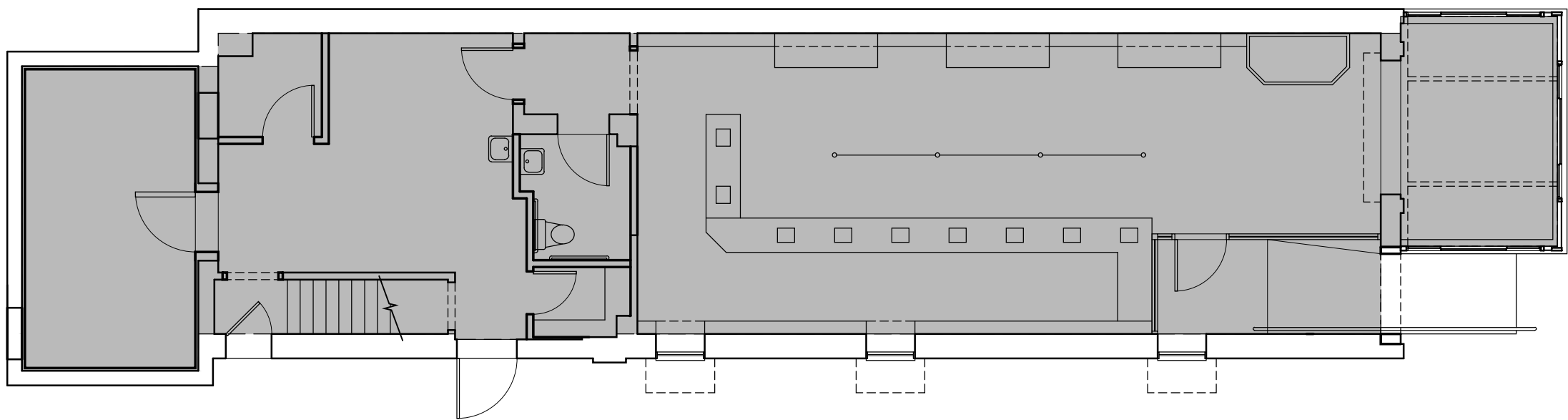
PROJECT DESCRIPTION: INTERIOR RENOVATION OF EXISTING FIRST FLOOR RESTAURANT INTO  
MERCHANTILE SPACE AND INTERIOR RENOVATION OF EXISTING SECOND FLOOR  
RESIDENTIAL APARTMENT INTO A TYPICAL USE (NON-HIGH-CONCENTRATION)  
OFFICE SPACE TO ACCOMPANY FIRST FLOOR BUSINESS.

# Sea Grass NJ

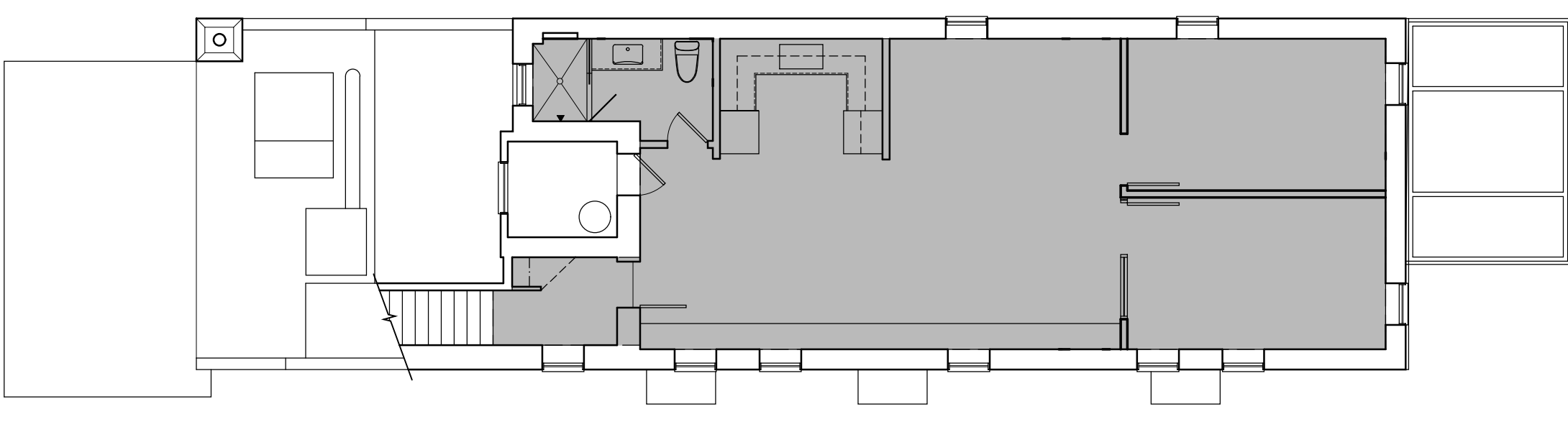
Interior Renovations / Commercial Fit-Out  
272 Bay Avenue, Borough of Highlands, NJ 07732  
Block 72, Lot 12

DRAWING LIST

A1 COVER SHEET & DEMO  
A2 PROPOSED FLOOR PLANS  
A3 EXTERIOR ELEVATIONS

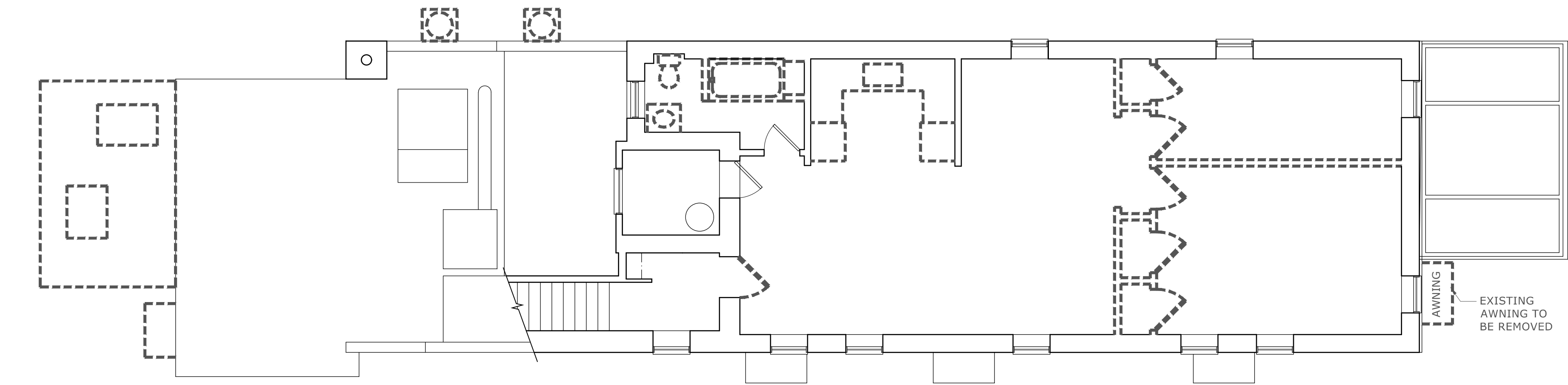


3 1ST FLOOR GROSS FLOOR AREA DIAGRAM  
A2 1/8" = 1'-0"

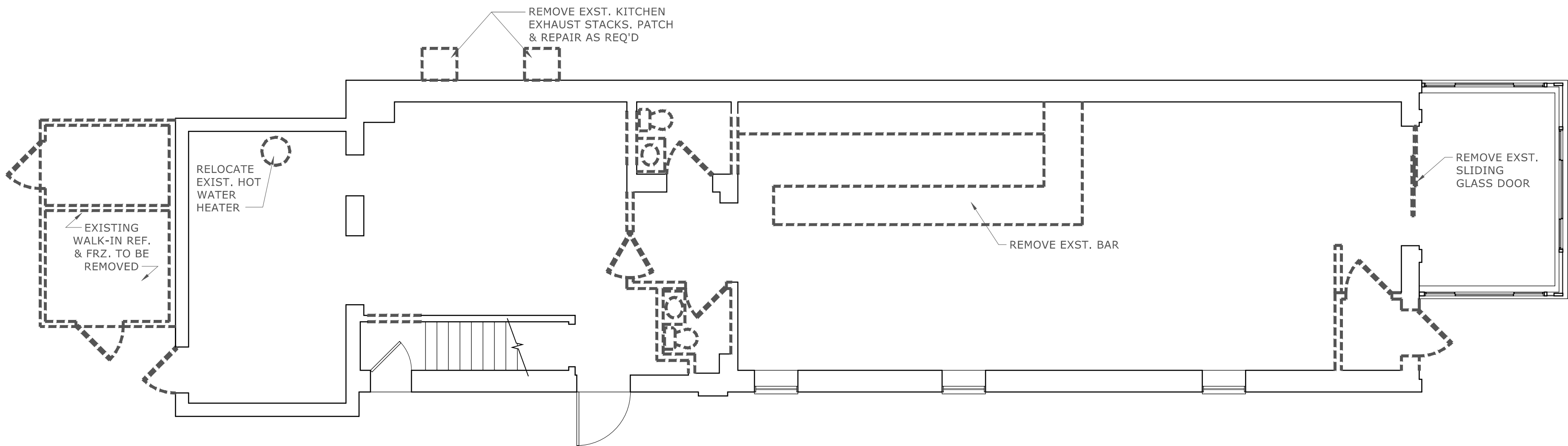


4 2ND FLOOR GROSS FLOOR AREA DIAGRAM  
A2 1/8" = 1'-0"

1ST FL.	1,525 SF
2ND FL.	848 SF
TOTAL G.F.A.	2,373 SF



2 SECOND FLOOR DEMOLITION PLAN  
A2 3/16" = 1'-0"



1 FIRST FLOOR DEMOLITION PLAN  
A2 3/16" = 1'-0"

DEMOLITION LEGEND

- EXISTING WALL TO REMAIN
- EXISTING WALL TO BE DEMOLISHED
- EXISTING DOOR TO REMAIN
- EXISTING DOOR TO BE DEMOLISHED

DEMOLITION NOTES

VERIFY ALL EXISTING CONDITIONS IN FIELD PRIOR TO DEMOLITION. CONTRACTOR TO NOTIFY ARCHITECT IF EXISTING CONDITIONS VARY FROM DRAWINGS.

CONFIRM EXISTING STRUCTURE WITH ARCHITECT

CONTRACTOR TO PROVIDE TEMPORARY SUPPORT FOR ALL STRUCTURAL BEARING MEMBERS PRIOR TO ANY DEMOLITION.

CONTRACTOR TO REMOVE & CAP ALL EXISTING ELECTRICAL & PLUMBING AS REQUIRED FOR DEMOLITION AND NEW WORK.

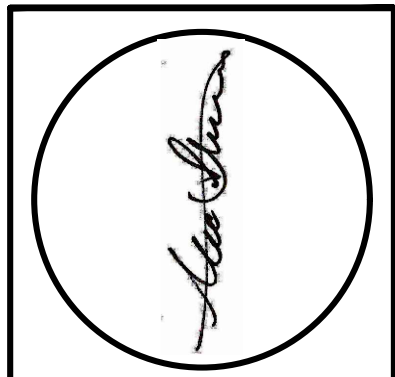
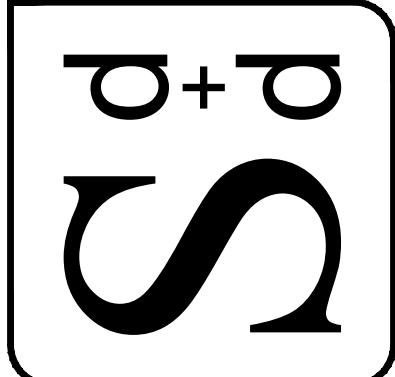
PATCH AND REPAIR EXISTING TO MATCH ADJACENT AS NECESSARY.

EXISTING WINDOWS TO REMAIN UNLESS NOTED OTHERWISE.

CONTRACTOR TO CONDUCT A WALK-THROUGH WITH THE OWNER PRIOR TO COMMENCING DEMOLITION TO CONFIRM WHAT IS TO BE DEMOLISHED, REMOVED, SALVAGED, ETC.

SEE PROPOSED PLANS AND ELEVATIONS TO HELP DETERMINE THE EXTENT OF DEMOLITION THAT IS REQUIRED.

SHISSIAS  
DESIGN + DEVELOPMENT  
ALEX P. SHISSIAS, P.A., R.L.A.  
Professional Engineer  
NJ License # 21A500117900  
908.448.0865  
www.shissias.com  
ashissias@gmail.com  
27 1st St. Rumson, NJ 07764



NOT FOR CONSTRUCTION UNLESS SIGNED & SEALED BY ARCHITECT & APPROVED BY ALL AGENCIES HAVING JURISDICTION.

USE OF THIS DESIGN OR DISSEMINATION IS PROHIBITED WITHOUT PRIOR WRITTEN CONSENT OF SHISSIAS DESIGN AND DEVELOPMENT. ALL COPYRIGHT LAWS ARE RESERVED. DRAWINGS ARE NOT INTENDED FOR PROTOTYPICAL USE. SHISSIAS DESIGN AND DEVELOPMENT © 2022.

ISSUE	REVISIONS

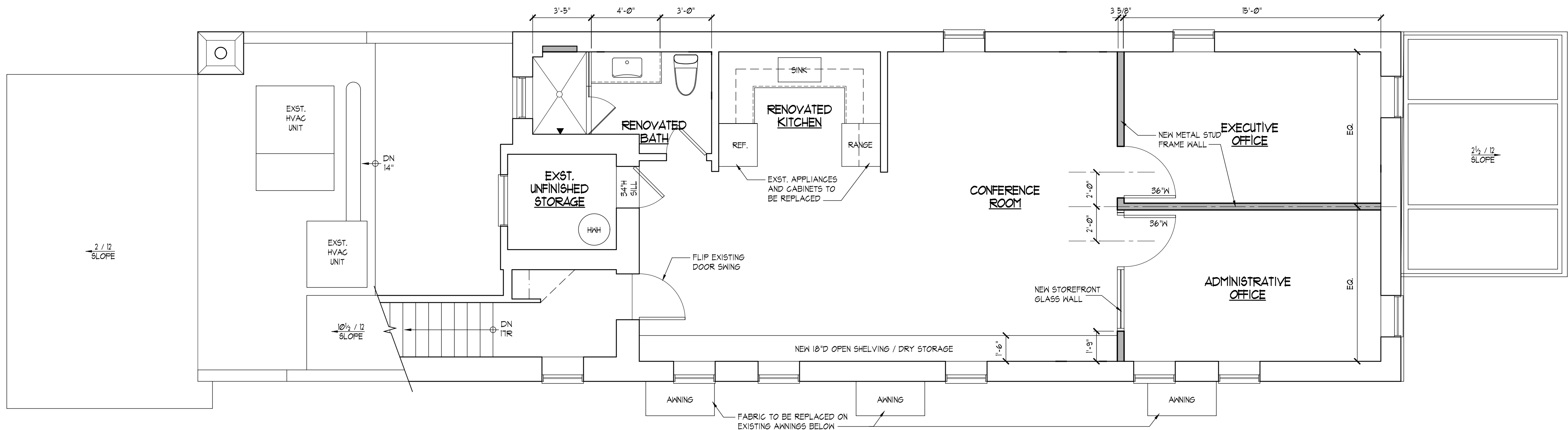
Sea Grass NJ  
Interior Renovations / Commercla Fit-Out  
272 Bay Avenue, Borough of Highlands, NJ 07732  
Block 72, Lot 12

Proj. No: 2022.81  
Issued For: Board Approval  
Date: 1 / 25 / 2023

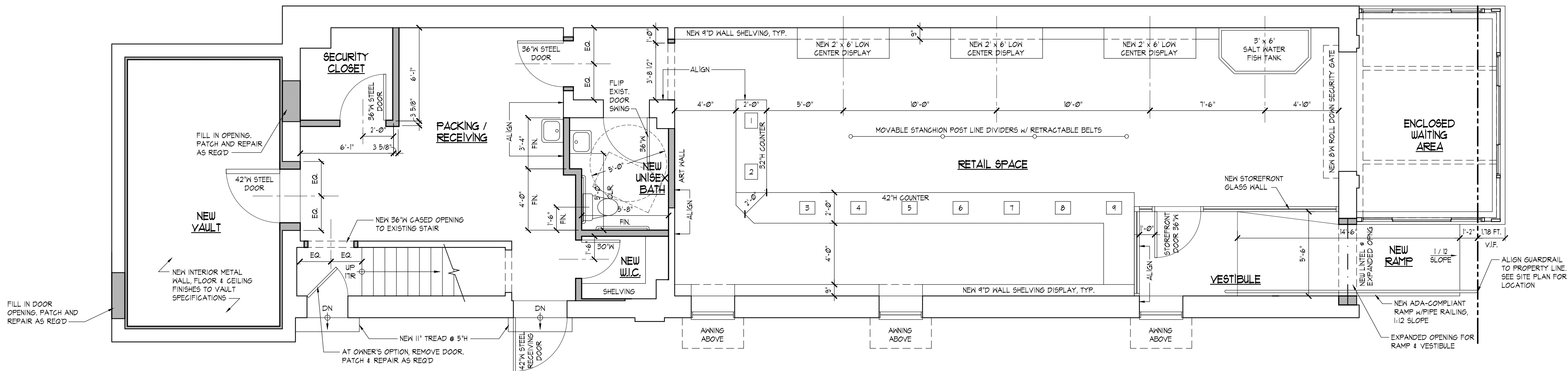
COVER  
SHEET  
& DEMO

A1





2 SECOND FLOOR PLAN  
A3 1/4" = 1'-0"



1 FIRST FLOOR PLAN  
A3 1/4" = 1'-0"

SHISSIAS

DESIGN + DEVELOPMENT

955.448.0865  
www.shissias.com  
ashissias@gmail.com  
27 1st St. Rumson, NJ 07732

Item 10.

SHISSIAS

RA, RLA  
Architect  
NJ License # 21AS0017900

SHISSIAS

Architect

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ISSUE

REVISIONS

Sea Grass NJ

Interior Renovations / Commercial Fit-Out

272 Bay Avenue, Borough of Highlands, NJ 07732  
Block 72, Lot 12

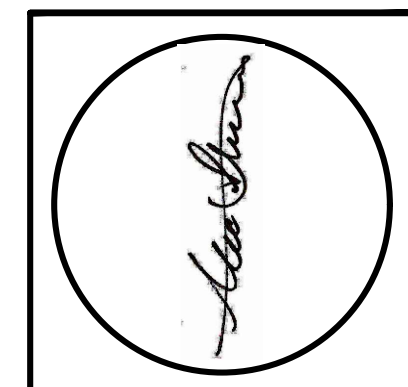
Proj. No: 2022.81  
Issued For: Board Approval  
Date: 1 / 25 / 2023

PROPOSED FLOOR PLANS

A2

2 of 3

NORTH



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ISSUE	REVISIONS

## Interior Renovations / Commercial Fit-Out

272 Bay Avenue, Borough of Highlands, NJ 07732  
Block 72, Lot 12

Proj. No: 2022.81  
Issued For: Board A  
Date: 1 / 25 / 2023

## EXTERIOR ELEVATIONS

A3

123



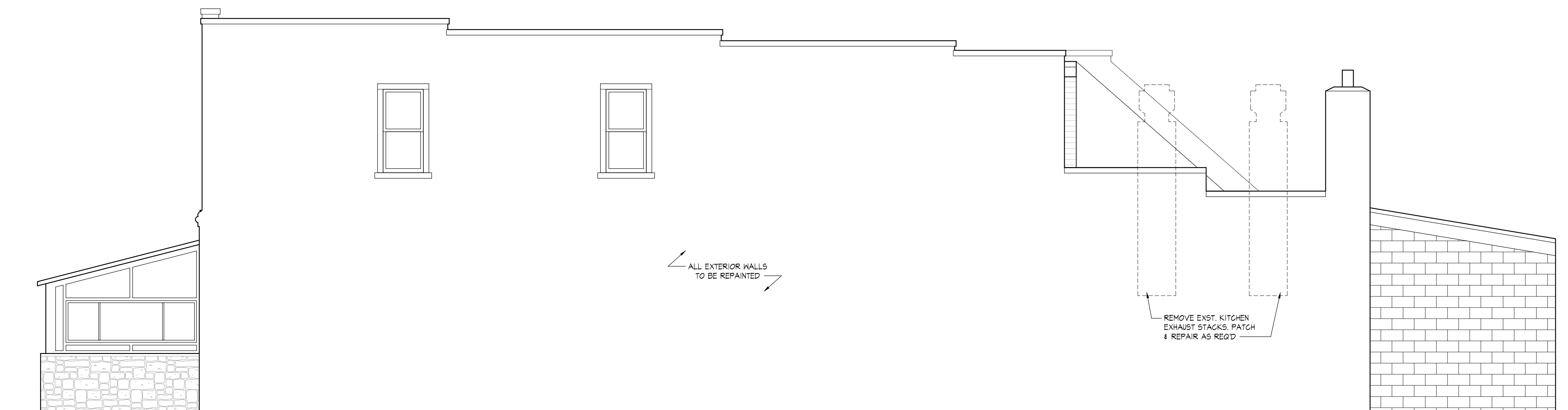
5  
A4

**SIGNAGE DETAIL**

1/2" = 1'-0"



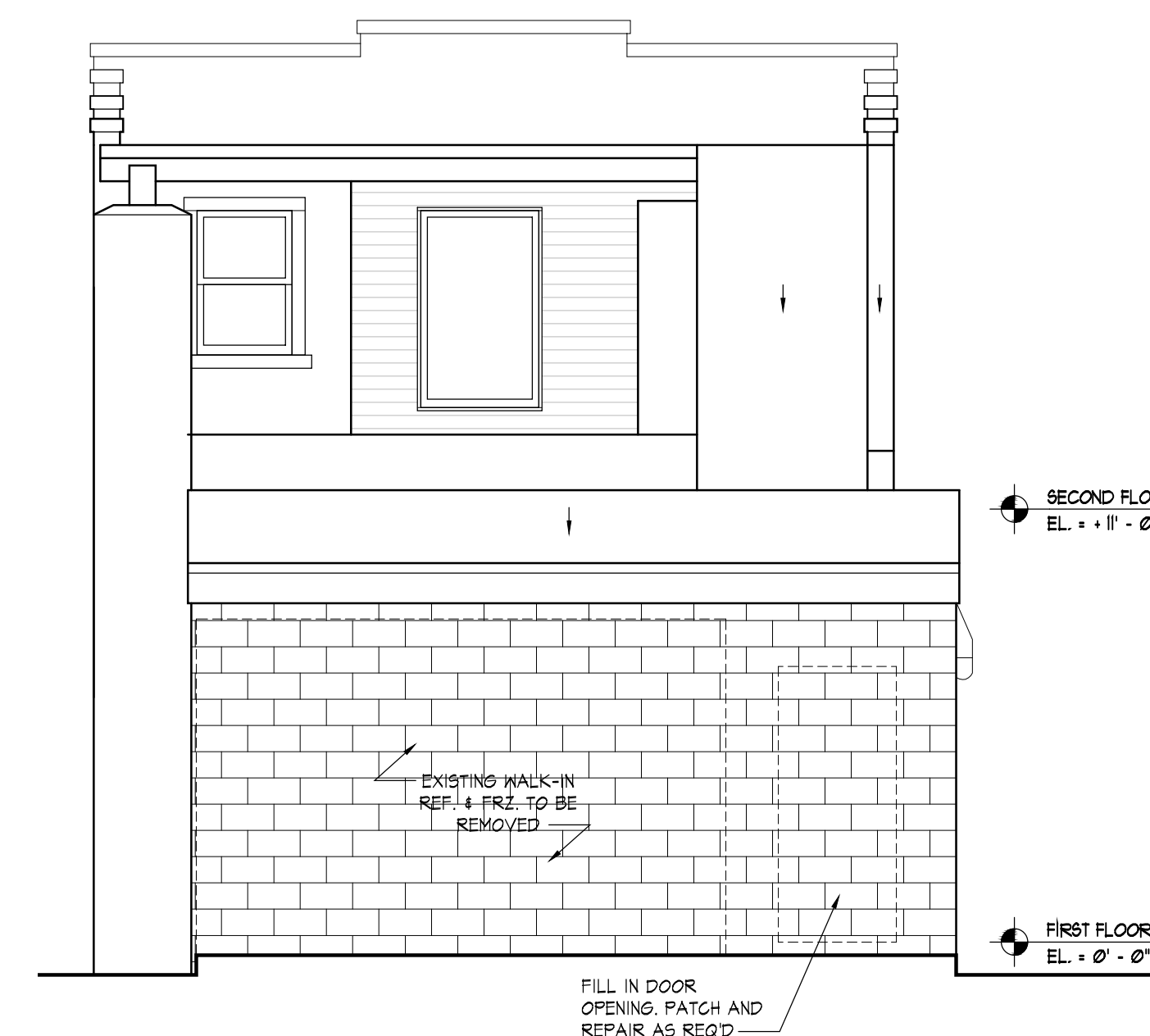
2 SIDE (SEA DRIFT AVE.) ELEVATION  
A4 1/4" = 1'-0"



4 SIDE ELEVATION  
A4 1/4" = 1'-0"



1 FRONT (BAY AVE.) ELEVATION  
A4 1/4" = 1'-0"



3  
A4 REAR ELEVATION  
1/4" = 1'-0"



# KLEIN

TRAFFIC CONSULTING, LLC

156 Walker Road  
West Orange, NJ 07052  
973-985-3464  
leekleintraffic@gmail.com

January 27, 2023

Nick Frangipane  
Jim Whelan  
Hannah LaRose  
C/O Sea Grass NJ LLC  
135 Maple Avenue  
Red Bank, NJ 07701

VIA EMAIL: [nick.frang@gmail.com](mailto:nick.frang@gmail.com)

**Re: Traffic Engineering and Parking Evaluation  
Proposed Cannabis Retailer  
272 Bay Avenue, Highlands, Monmouth County, NJ**

Dear Mr. Frangipane:

This Traffic Engineering and Parking Evaluation (TEPE) report outlines our findings and recommendations for the proposed change of use from a 1,575 square foot restaurant and 1 apartment dwelling to a 1,525 square foot cannabis retailer and 848 square foot small office.

## **Familiarization with the Application**

We have reviewed the architectural plan set dated 12/2/2022, prepared by Shissias Design + Development. We reviewed the site plan set dated 11/21/22, prepared by East Point Engineering, LLC. We referenced Google street view and aerial photographs to become familiar with the area.

**Bay Avenue (County Route 8)** is under the jurisdiction of Monmouth County. Bay Avenue is relatively flat, level, and straight near the subject site. Bay Avenue extends from S. Bay Avenue and Shore Drive in the east to Gravelly Point Road in the west. Bay Avenue runs parallel to and connects with Shore Drive at several intersecting streets. Near the subject site, Bay Avenue has one travel lane in each direction, with a posted speed limit of 25 MPH. Parking is permitted on both sides of the street with restrictions of “No Parking Friday between 7 AM and 8 AM” and “No Parking When Road is Snow Covered”. There are sidewalks on both sides of the street. There are curb ramps at the intersection of Bay Avenue with Sea Drift Avenue. In the Google street view images from September and October 2019, there are no painted crosswalks across Bay Avenue at the intersection of Bay Avenue with Sea Drift Avenue.

**Sea Drift Avenue** is a local roadway under the jurisdiction of Highlands Borough. Sea Drift Avenue extends from Shore Drive in the south to Marine Place in the north. Sea Drift Avenue is STOP-controlled at Bay Avenue with a northbound and southbound, single lane approach to Bay Avenue. Parking is permitted on both sides of the street. The statutory speed limit is 25 MPH. There are sidewalks on both sides of the street with no posted restrictions. In the Google street view images from September and October 2019, there are no painted crosswalks across Sea Drift Avenue at the intersection with Bay Avenue.

#### Mass Transportation

The number 834 bus line runs along Bay Avenue and stops at Washington Avenue and at Atlantic Street. The number 834 bus provides service between Highlands, Atlantic Highlands, Leonardo, New Monmouth, Middletown, and portions of Red Bank including the NJ Transit Rail Station. The available mass transportation provides a potential option for employees or customers to access the facility.

#### **Trip Generation Calculations**

According to the Trip Generation Manual, 11<sup>th</sup> Edition published by the Institute of Transportation Engineers (ITE), a High-Turnover (Sit-Down) Restaurant *“use consists of sit-down, full-service eating establishments with a typical duration of stay of 60 minutes or less. This type of restaurant is usually moderately priced, frequently belongs to a restaurant chain, and is commonly referred to as casual dining. Generally, these restaurants serve lunch and dinner; they may also be open for breakfast and are sometimes open 24 hours a day. These restaurants typically do not accept reservations. A patron commonly waits to be seated, is served by wait staff, orders from a menu, and pays after the meal. Some facilities offer carry-out for a small proportion of its customers. Some facilities within this land use may also contain a bar area for serving food and alcoholic drinks.”* Trip generation for the existing High-Turnover (Sit-Down) Restaurant was calculated using the current ITE Trip Generation, 11<sup>th</sup> Edition based on square footage and number of seats, as well as based on the “Peak of the Generator” and the “Peak of the Adjacent Street” (on a weekday the highest one hour of adjacent street traffic between 7-9 AM and 4-6 PM, and the highest one hour of street traffic a Saturday). We chose the larger of the trip generation values, “Peak of Generator” for 1,525 square feet.

According to the Trip Generation Manual, 11<sup>th</sup> Edition published by the ITE, Multifamily Housing (Low-Rise) *includes apartments, townhouses, and condominium located within the same building with at least three other dwelling units and that have two or three (floors) levels.* Trip generation for the existing 1-unit of multifamily housing (low-rise) was calculated using the current ITE Trip Generation, 11<sup>th</sup> Edition.

According to the Trip Generation Manual, 11<sup>th</sup> Edition published by the ITE, *“a Marijuana Dispensary is a stand-alone facility where cannabis is sold to patients or retail consumers in a legal manner.”* Trip generation for the proposed 1,525 square foot cannabis retailer was calculated using the current ITE Trip Generation, 11<sup>th</sup> Edition based on square footage for the

“Peak of the Generator” and the “Peak of the Adjacent Street”. We chose the larger of the trip generation values, “Peak of Generator” for 1,525 square feet.

According to the *Trip Generation Manual, 11<sup>th</sup> Edition* published by the ITE, a Small Office Building “*is the same as a general office building (Land Use 710) but with less than or equal to 10,000 square feet of gross floor area. The building typically houses a single tenant. It is a location where affairs of a business, commercial or industrial organization, or professional person or firm are conducted.*” Trip Generation for the proposed 848 square foot small office was calculated using the current ITE *Trip Generation, 11<sup>th</sup> Edition*.

We calculated the trip generation for the existing restaurant and apartment and for the proposed cannabis retailer and supporting office space. The attached Table 1 – Trip Generation Comparison and Summary tabulates the trip generation of the former restaurant and apartment and the proposed cannabis retailer. The existing restaurant and one apartment would generate 22 vehicle trips during the weekday AM peak hour, 26 vehicle trips during the weekday PM peak hour, and 18 vehicle trips during a Saturday peak hour. The proposed cannabis retailer and small office would generate 27 vehicle trips during the weekday AM peak hour, 39 vehicle trips during the weekday PM peak hour, and 46 vehicle trips during the Saturday peak hour.

Table 1 also shows the change in the number of weekday AM and PM peak hour trips and Saturday peak hour trips. The increase in the number of peak hour trips is 5 vehicle trips during weekday AM peak hour trips, 13 vehicle trips during the weekday PM peak hour, and 28 vehicle trips during the Saturday peak hour.

According to Transportation Impact Analysis for Site Development, published by the Institute of Transportation Engineers (ITE), an increase of less than 100 vehicle trips would not change the level of service of the local street network nor appreciably increase the volume-to-capacity ratio of an intersection approach. Also, NJDOT Access Management Code considers a significant increase in trips greater than 100 peak hour trips AND greater than a 10 percent increase in previously anticipated daily trips. Therefore, the proposed development is not anticipated to significantly impact the operations of the local streets. Based on industry guidelines from the Institute of Transportation Engineers (ITE) as well as the NJDOT Access Code, the new vehicle trips generated by the proposed change of use from a restaurant and apartment to a cannabis retailer would not have a significant impact on traffic operations. Furthermore, the traffic generated to and from the property’s parking lot would be distributed on Sea Drift Avenue to Bay Avenue and to Shore Drive, further lessening any potential traffic impacts.

We were able to research the NJDOT website and find traffic volumes on Bay Avenue between Sea Drift Avenue and Atlantic Street from Monday, June 25 to Thursday, June 28, 2018. These traffic volumes show the two-way traffic volumes on Bay Avenue as between 250 and 325

vehicles per hour during the AM peak period and between 375 and 450 vehicles per hour during the PM peak hour. If all the trips generated by the proposed cannabis retailer were to use Bay Avenue only, those trips would be about 16 percent of the total traffic along Bay Avenue. The restaurant and apartment traffic were about 9 percent of the total traffic volumes on Bay Avenue. But again, the traffic to and from the parking lot would be distributed to Bay Avenue and Shore Drive, further lessening the traffic impacts generated by the property. Typically, traffic volumes can vary from day to day by more than 10 percent. The traffic volumes collected from the NJDOT website show that the traffic volumes during the AM and PM peak period fluctuate by 10 percent to 15 percent between Tuesday, June 26, 2018, and Wednesday, June 27, 2018. Therefore, the increase in traffic volumes generated by the change of use from a restaurant and apartment to a cannabis retailer would be insignificant and not noticed by drivers in the area.

### **Parking Requirements**

The total space within the building is 2,373 square feet. Based on the local parking requirement of 1 parking space per 600 square feet pursuant to the Borough's Ordinance 21-65.14.D(7a), the 2,373 square feet of business/commercial/retail store use would require 4 parking spaces. The parking lot provides 17 parking spaces, including 1 ADA parking space, more than 4 times the required parking.

### **Conclusion**

Based on the number of trips that would be generated during the weekday AM and PM peak hours being less than the industry standard of 100 peak hour trips, and the fact that there are two main roadways, Bay Avenue and Shore Drive, to distribute the traffic generated by the proposed cannabis retailer, the traffic generated by the proposed cannabis retailer would not have a significant impact on the operation of the surrounding streets.

Using the local Ordinance requirements for parking for the currently proposed cannabis retailer, the total parking requirement is 4 parking spaces, whereas 17 parking spaces are provided. The proposed parking supply of 17 parking spaces is over 4 times more than required by the local Ordinance.

Please contact me if you have any questions.

Sincerely,



Lee D. Klein, P.E., PTOE  
NJPE 24GE03710400  
PTOE Certification 1627

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**Table 1 - Trip Generation Comparison and Summary  
272 Bay Avenue, Highlands, Monmouth County, NJ**

CODE	LAND USE	AMOUNT	WEEKDAY						SATURDAY		
			AM PEAK HOUR			PM PEAK HOUR			PEAK HOUR		
			IN	OUT	TOTAL	IN	OUT	TOTAL	IN	OUT	TOTAL
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932	H-T (Sit-Down) Restaurant (Street Peak)	1,525 SF	8	7	15	8	5	14	9	8	17
932	H-T (Sit-Down) Restaurant (Peak of Generator)	30 Seats	11	7	18	12	11	23	8	8	16
932	H-T (Sit-Down) Restaurant (Street Peak)	30 Seats	7	6	14	7	5	12	8	8	16
220	Low-Rise Apartment (Average Rate)	1 units	0	1	1	1	0	1	0	1	1
TOTAL EXISTING TRIP GENERATION			12	10	22	14	12	26	9	9	18
PROPOSED											
882	Marijuanna Dispensary (Peak of Generator)	1,525 SF	14	12	26	18	19	37	22	22	44
882	Marijuanna Dispensary (Street Peak)	1,525 SF	8	8	16	14	15	29	22	22	44
712	Small Office Building (General Urban/Suburban)	848 SF	1	0	1	1	1	2	1	1	2
TOTAL EXISTING TRIP GENERATION			15	12	27	19	20	39	23	24	46
CHANGE IN NUMBER OF VEHICLE TRIPS											
			3	2	5	5	8	13	13	14	28

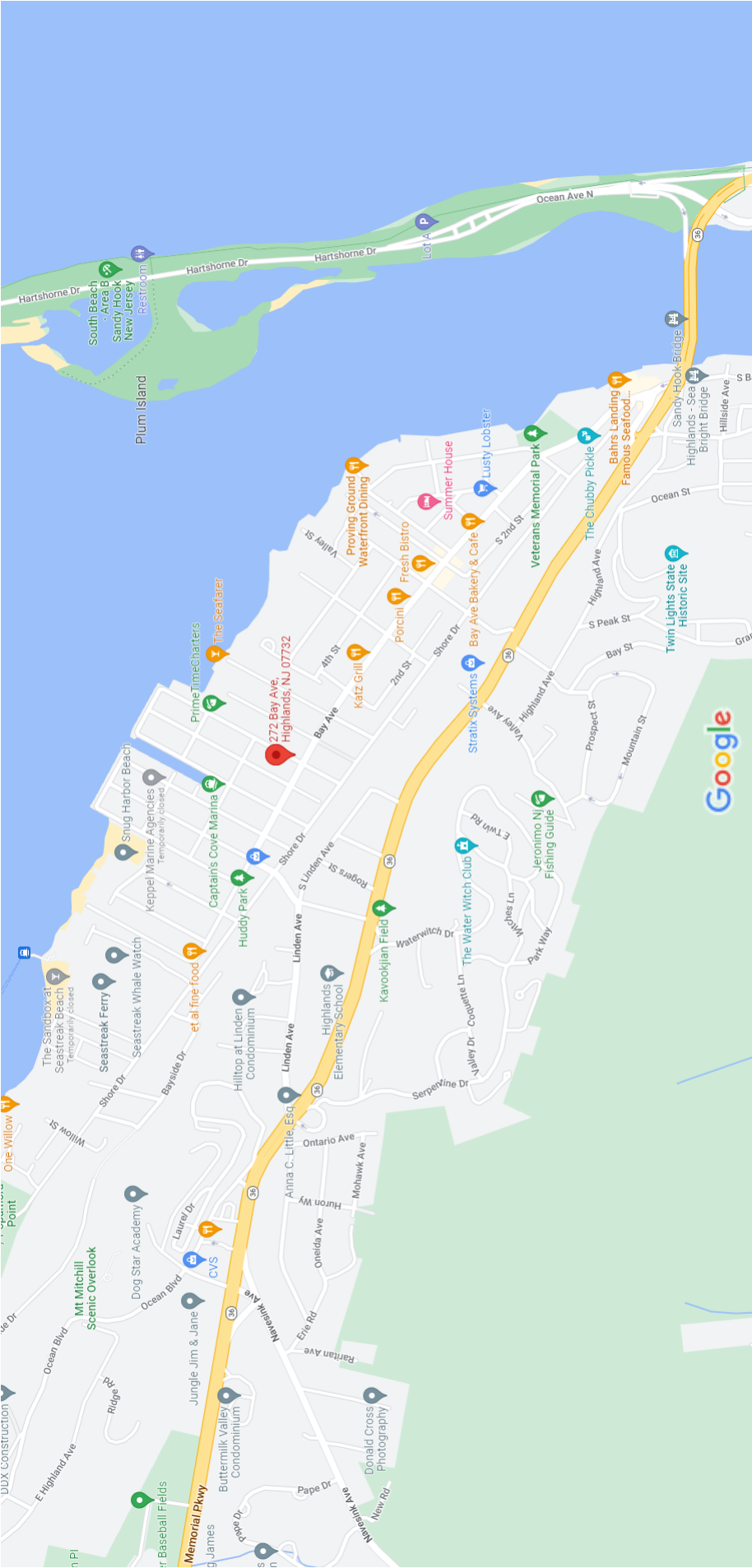
SOURCE: *Trip Generation, 11th Edition*, published by the Institute of Transportation Engineers (ITE)

NOTE: ## - Indicates an INCREASE in the number of trips from existing to proposed

Google Maps

272 Bay Ave

LOCATION MAP



Map data ©2023 Google 500 ft





HGPB- R2000

February 3, 2023

Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board  
42 Shore Drive  
Highlands, New Jersey 07732

*Via Email (ntran@highlandsborough.org)*

**Re: Sea Grass NJ, LLC  
272 Bay Avenue  
Block 72, Lot 12 & Block 73, Lot 2  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-1  
Minor Site Plan  
& Conditional Use Variance  
First Engineering Review**

Dear Ms. Tran:

As requested, we have reviewed the above-referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations section entitled Part 3, Subdivision and Site Plan Review, Article VI, Application Procedure, and Article VIII, Plat and Plan Details, Section 21-58.E – Preliminary Site Plan.

The applicant submitted the following documents in support of this application:

1. Preliminary & Final Major Site Plans prepared by Brent N. Papi, Jr., PE, of East Point Engineering, LLC, dated November 21, 2022, and last revised January 23, 2023, consisting of ten (10) sheets.
2. Architectural Plans prepared Shissias Design + Development, dated January 25, 2023, consisting of three (3) sheets.
3. Land Use Board Application and supporting documents, dated December 6, 2022.
4. Zoning Permit Application and supporting documents, dated November 3, 2022.
5. Statement of Design Waivers, dated January 25, 2023.
6. Traffic Report prepared by Klein Traffic Consulting, LLC, dated January 27, 2023, consisting of six (6) sheets.

Based on our review of the submitted documents, we offer the following comments for the Board's consideration:

**A. Project Description**

The 2,300 square foot property is currently a developed corner lot with an existing commercial building (restaurant/bar) and a 7,000 square foot existing parking lot across the street. The site is located in the Central Business District (CBD) Zone of the Borough with frontage along Bay Avenue (County Route 8). With this application, the applicant is seeking minor site plan and conditional use (variance) approval and is proposing to renovate and convert the existing commercial building into a cannabis retail store and improve the existing parking lot across the street. The proposed cannabis retail use is a permitted conditional use in the CBD Zone.



**Le:** Nancy Tran, Land Use Board Secretary  
Borough of Highlands Land Use Board

**Re:** Sea Grass NJ, LLC  
272 Bay Avenue  
Block 72, Lot 12 & Block 73, Lot 2  
Central Business District (CBD) Zone  
Redevelopment Zone C-RO-1  
Minor Site Plan  
& Conditional Use Variance  
First Engineering Review

**B. Planning and Zoning**

1. The subject property is located within the CBD Zone. The applicant has elected to prepare the application in accordance with the CBD Zone requirements and is not seeking approval under the Redevelopment Plan.
2. In accordance with Section 21-91 of the Ordinance regarding CBD Zone criteria, existing/proposed bulk criteria are noted as follows:

CBD Zone	Required	Existing	Proposed
Minimum Lot Size (Lot 12, Block 72)	NA	2,300 SF	2,300 SF
Minimum Lot Size (Lot 2, Block 73)	NA	7,000 SF	7,000 SF
Minimum Lot Frontage – (Lot 12, Block 72)	NA	23'	23'
Minimum Lot Frontage – (Lot 2, Block 73)	NA	70'	70'
Minimum Lot Depth – (Lot 12, Block 72)	NA	100'	100'
Minimum Lot Depth – (Lot 2, Block 73)	NA	100'	100'
Minimum Front Yard Setback – Bay Avenue (County Route 8)	0'	-1.78' <sup>(E)</sup>	-1.78' <sup>(E)</sup>
Minimum Rear Yard Setback	12'	10.8'	10.8'
Minimum Side Yard Setback*	0' or 5' min.	0.61' <sup>(E)</sup>	<b>0.61'</b> <sup>(E,V)</sup>
Maximum Building Height	36'	<36'	<36'
Maximum Building Coverage**	35%	83.0% <sup>(E)</sup>	<b>77.9%</b> <sup>(V)</sup>
Maximum Lot Coverage (Lot 12, Block 72)	80%	100% <sup>(E)</sup>	<b>100%</b> <sup>(E,V)</sup>
Maximum Lot Coverage (Lot 2, Block 73)	80%	2.8%	2.8%



**Le: Nancy Tran, Land Use Board Secretary  
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CBD Zone	Required	Existing	Proposed
Floor Area Ratio	0.65	1.31 <sup>(E)</sup>	<b>1.26<sup>(V)</sup></b>

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

3. It is noted that the CBD zone considers principal use parking as a “conditional use.”
4. It is also noted that accessory uses are defined in the Ordinance as clearly incidental or subordinate to the principal building or use and *generally* located on the same lot with such principal building or use. In this proposal, the applicant is providing for parking on a separate lot. The Board shall determine the implications accordingly in conjunction with the Board Attorney.
5. Although cannabis retail is a conditionally permitted use in the CBD Zone, the development does not meet the following requirements of Section 21-97.M of the Ordinance:
  - a. Section 21-97.M of the Ordinance permits one (1) cannabis retailer in the CBD Zone provided that applicable Article XI Design Standards are met, whereas the applicant does not meet several applicable design standards.
  - b. It is noted that per Section 21-97.M.2 of the Ordinance, “the cannabis retailer shall not be located within 1,000 feet of any school”. The proposed retail building property appears to be greater than 1,000 feet from the elementary school. The separate parking lot may be within 1,000 feet. It is unclear whether the separate parking lot would count in this respect. The Board should determine if this requires any additional consideration under a d(3) conditional use variance.

**Since all of the conditional use requirements are not met, a “d(3)” use variance is therefore required.**

6. The following design waivers are required for the building lot:
  - a. Section 21-65.1.A of the Ordinance requires that the provisions of the zoning regulations with respect to height, minimum lot area, yard requirements, and the like



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shall be complied with. The existing building does not comply with multiple bulk standards.

- b. Section 21-65.5.C.1 of the Ordinance requires that commercial driveways be a minimum of 15' wide. The applicant proposes 10.8'.
- c. Section 21-65.10.C.1-2 of the Ordinance indicates that in non-residential zones landscape plans shall specify the location of the planting material, their minimum size at time of planting and size at full growth, quantity, variety, species (common name) and method of planting, and that a minimum of 10% of the area of the site shall be landscaped. The applicant cannot provide landscaping accordingly given that the balance of the site is pre-existing building and parking area.
- d. Section 21-65.11 of the Ordinance speaks to lighting requirements for drives, aisles, and parking areas. The applicant did not provide any explicit lighting evaluation for the rear driveway of the building nor documentation of compliance with the Ordinance standards there.

7. The following design waivers are required for the Sea Drift parking lot:

- a. Section 21-65.5.A of the Ordinance requires that driveways be located a minimum of 25' from any intersection, whereas the existing driveway entrance is less than 25'.
- b. Section 21-65.14.A of the Ordinance indicates that in conjunction with any principal building or any use of land, there shall be provided sufficient parking spaces to meet the minimum requirements specified herein. The required parking may either be provided on- or off-site. **Any part of the parking requirement located on a private lot other than the one on which the use is located shall be subject to a cross easement or agreements noted on the deed and recorded at the County Clerk's Office.** The applicant shall confirm how they plan to address this matter.
- c. Section 21-65.14.D.1 of the Ordinance indicates that all parking areas shall be paved, or constructed in accordance with CAFRA regulations with gravel or porous pavers, subject to the review and approval of the Borough or Board Engineer; shall be suitably drained and maintained in good condition; and all spaces and directional instructions shall be clearly marked and maintained so as to be clearly visible. The Sea Drift parking lot is currently gravel. The applicant's proposal is to add hard surface for ADA purposes, but to maintain the balance as gravel. The Board should determine if gravel is acceptable, or whether paving is required. If paving is required, the lot coverage by definition would increase and may require additional relief.



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- d. Section 21-65.14.D.2 of the Ordinance requires that parking spaces or access aisles shall have a minimum setback of at least one-half (1/2) the required setback for the principal building. This condition is not met, but is a pre-existing condition.
8. To be entitled to bulk variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A. 40: 55D-70c for the bulk variances:
  - a. Positive Criteria. The applicant must prove either a hardship in developing the site in conformance to the zone standards due to exceptional narrowness, shallowness, or shape of the property; or due to exceptional topographic conditions or physical features uniquely affecting the property; or due to an extraordinary and exceptional situation affecting the property or its lawful existing structures. Alternatively, the applicant may satisfy the positive criteria by demonstrating that the variance relief will promote a public purpose as set forth in the Municipal Land Use Law (N.J.S.A. 40:55D-2) and thereby provide improved community planning that benefits the public and the benefits of the variance substantially outweigh any detriment.
  - b. Negative Criteria. The applicant must also show that the bulk variances can be granted without substantial detriment to the public good or substantially impairing the intent and purpose of the zone plan. This requires consideration of the impact of the proposed variances on surrounding properties and a determination as to whether or not the variance would cause such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.
9. In order for the Board to approve a "d(3)" variance, the applicant must satisfy the following:

With respect to the "positive criteria", our courts have held that applicants seeking a conditional use variance must show that the site will accommodate the problems associated with the use even though the proposal does not comply with the conditions the Ordinance established to address those problems. This leaves the Board to focus on the *particular suitability* of the site in accommodating the use despite its failure to meet the conditions. The Board shall consider whether there are particular features of the site that lessen or entirely offset the failure to meet the Ordinance conditions and then whether there are conditions that the Board could require that would offset the failure.

With respect to the "negative criteria", the applicant shall demonstrate that the variance can be granted without substantial detriment to the public good. The focus here should be on the impact of the proposed use variance on adjacent properties and a determination of whether or not it will cause such damage to the character of the neighborhood as to constitute substantial detriment to the public good.



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Additionally, the applicant shall demonstrate that the grant of the variance for this specific project at the designated site is reconcilable with the Borough's legislative determination that the condition should be imposed on all conditional uses in that zoning district, such that it will not substantially impair the intent and purpose of the zone plan and zoning ordinance.

10. If the applicant is pursuing consideration under the standard CBD Zone, **a d(4) use variance for floor area may also be implicated**. We note that this is a pre-existing building and condition, and it is unclear whether any prior approvals were granted.

C. **Site Requirements & Layout**

1. The applicant does not propose any off-site improvements as part of this application.
2. The site circulation includes one (1) driveway entrance on Sea Drift Ave. The driveway allows ingress and egress directly into the proposed parking facilities with no circulation around the site.
3. Under the CBD Zone, for the cannabis retail use, Section 21-65.14.D.7.a of the Ordinance requires one (1) off-street parking space per 600 square feet of gross floor area. The following is a summary of the required off-street parking spaces:

Cannabis Retail:	1 space/600 SF	@ 2,373 SF	<u>3.96 spaces</u>
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Total Required Spaces: 4 spaces

A total of 4 parking spaces are required per CBD Zone criteria and 17 parking spaces are provided therefore no design waiver is required. Refer to comment 5.b above regarding reservation of parking spaces.

4. Table 208.2 of the 2010 ADA standards indicates that 1 ADA accessible parking space is to be provided when there are between 0 and 25 parking spaces. The applicant is proposing one van-accessible parking space on the Sea Drift parking lot.
5. The applicant shall provide testimony on whether employee parking spaces will be reserved on-site at the Sea Drift parking lot.
6. The applicant shall provide testimony on truck loading areas required as part of the proposed improvements. The applicant has indicated that a driveway will be constructed at the back of the building that will be suitable for use by the typical Sprinter-type vans that will provide deliveries.





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**D. Traffic Impact**

1. The applicant provided a traffic impact report. The findings were that the proposed use is expected to only slightly increase the expected peak hour trip generation when compared to the pre-existing restaurant/bar and apartment use. The applicant's engineer shall provide testimony on the proposed traffic to be generated, circulation around the site, and whether any additional signage or pavement markings are necessary.
2. In our experience with cannabis retail facilities there can be a significant demand for on-site parking and pedestrian queuing along the facility's building and adjacent sidewalks. The applicant shall provide testimony on vehicular and pedestrian queueing expectations, logistics, and layout.
3. The applicant shall provide testimony as to the frequency and type of trucks that will access the site including those providing deliveries and garbage collection.
4. The applicant shall provide testimony on the trash and recyclables to be generated with the proposed use, along with the process, times, and frequency of refuse pickup.
5. We defer to the Borough Fire Official for review of the application with respect to emergency vehicle access and maneuvering, as well as traffic lane markings.

**E. Technical Engineering**

1. The proposed development will not disturb an area exceeding 1 acre, nor will it create more than a quarter acre of new impervious surfaces. Therefore, the project is not considered a "major development" as defined by NJAC. 7:8, and is not subject to the NJDEP Stormwater Management stormwater quantity, quality and recharge requirements of a major development.
2. The applicant shall provide testimony on existing drainage patterns and any potential changes or impacts.
3. The applicant shall provide testimony regarding the suitability of existing utility connections and/or additional utility connections or improvements necessitated by the subject application. All proposed utility improvements shall be shown on the plans including proper trench restoration.
4. The applicant shall confirm no sanitary sewer or water utilities will be impacted as a result of the subject application.
5. The applicant shall provide testimony on the existing fire service water line size and location. We defer to the Borough Fire Official for review.



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6. The applicant shall provide testimony on the existing lighting levels throughout the entire site and compliance with Section 21-65.11 of the Ordinance.
7. All outdoor lighting during non-operating hours of the business on site, not necessary for safety and security purposes, shall be reduced, activated by motion-sensor devices or turned off. The applicant shall provide testimony on the proposed lights and hours of operation. It is recommended they be placed on a timer.
8. The project site is located in the Coastal Area Facilities Review Act (CAFRA) Zone. The applicant shall comply with any applicable NJDEP requirements. The applicant has indicated that a permit is not required for this application. We defer further review to NJDEP.
9. The subject property is located within the “AE” Flood Zone with a Base Flood Elevation (BFE) of 11 feet. The applicant shall specify on the plans the proposed finished floor elevation. Additionally, it is recommended that the applicant obtains an Elevation Certificate for the subject property.  
  
We defer further review to the Flood Plain Administrator and Construction Official for any applicable building requirements accordingly.
10. The applicant shall provide testimony on any proposed flood mitigation measures.
11. The Building Department should review the architectural plans for ADA compliance.

**F. General**

1. The applicant shall consider all performance standards for the operations of the proposed facility including but not limited to noise, glare, pollutants, and refuse management, and provide testimony on said standards. Specifically, the applicant shall provide testimony on odor control.
2. The applicant shall provide testimony on any proposed signage. All signage shall be indicated on the plans and comply with Section 21-65.19 of the Ordinance.
3. The applicant shall provide testimony regarding any mechanical equipment proposed, such as A/C units and backup power generators, as well as any requirements for electric and other meters including any required platforms.
4. The applicant has indicated that no exterior renovations are proposed for the building. The applicant shall discuss interior renovations they have proposed.



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5. A note shall be added to the plans indicating that all improvements are to be ADA compliant, where applicable.
6. A note shall be added to the plans stating that any/all existing curb, sidewalk, roadway, and other objects either in poor condition or damaged by construction should be repaired and/or replaced to the satisfaction of the Borough Engineer.
7. Testimony shall be provided regarding the proposed uses. The applicant shall be prepared to discuss the following:
  - a. Security and access.
  - b. Hours of operation.
  - c. Number of employees (total and maximum per shift).
  - d. Frequency and type of trucks that will access the site.
  - e. Type of goods to be sold.
8. Approvals or waivers should be obtained from any outside agencies having jurisdiction. These may include, but shall not be limited to, the following:
  - a. New Jersey Department of Environmental Protection
    - i. CAFRA
  - b. New Jersey Cannabis Regulatory Commission
  - c. Floodplain Official
  - d. Township of Middletown Sewerage Authority
  - e. New Jersey American Water
  - f. Borough Fire Official
  - g. Monmouth County Board of Health
  - h. Monmouth County Planning Board

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing. If you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

T&M ASSOCIATES

EDWARD W. HERRMAN, P.E., P.P., C.M.E., C.F.M.  
LAND USE BOARD ENGINEER



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EWB:EJC

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