



BOROUGH OF HIGHLANDS
LAND USE BOARD MEETING
22 Snug Harbor Avenue, Highlands NJ 07732
Thursday, January 12, 2023 at 7:00 PM

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 & OATH OF OFFICE

LUB Attorney to swear in reappointed and new members: Chief Robert Burton, Councilmember Jo-Anne Olszewski, Ann Petersen

ROLL CALL

OPEN FOR PUBLIC COMMENTS

General Questions or Comments not pertaining to Applications

RESOLUTIONS

- [1.](#) LUB Resolution 2023-01 Nomination & Vote Chairperson
- [2.](#) LUB Resolution 2023-02 Nomination & Vote Vice-Chairperson
- [3.](#) LUB Resolution 2023-03 Board Secretary
- [4.](#) LUB Resolution 2022-04 Awarding Professional Legal Services Contract
- [5.](#) LUB Resolution 2022-05 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

HEARINGS ON OLD BUSINESS

- [9.](#) Conditional Use - LUB2022-07: Bridge City Collective

HEARINGS ON NEW BUSINESS

- [10.](#) Subdivision - LUB2022-09: Borough of Highlands Block 101 Lot 3, Locust St.

APPROVAL OF MINUTES

COMMUNICATION AND VOUCHERS

11. LUB Annual Report 2022

ADJOURNMENT

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



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
Class I: Mayor						
Mayor Carolyn Broullon						
Class II: Official of Borough						
Chief Rob Burton						
Class III: Council Member						
Councilmember Jo-Anne Olszewski						
Class IV: Members						
Robert Knox						
Bruce Kutosh						
Laurie LaRussa						
Frank Montecalvo						
Annemarie Tierney						
Mark Zill						
Alt (in order):						
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 January 12, 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
Class I: Mayor						
Mayor Carolyn Broullon						
Class II: Official of Borough						
Chief Rob Burton						
Class III: Council Member						
Councilmember Jo-Anne Olszewski						
Class IV: Members						
Robert Knox						
Bruce Kutosh						
Laurie LaRussa						
Frank Montecalvo						
Annemarie Tierney						
Mark Zill						
Alt (in order):						
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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
Class I: Mayor						
Mayor Carolyn Broullon						
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Chief Rob Burton						
Class III: Council Member						
Councilmember Jo-Anne Olszewski						
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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 2022 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 2022 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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Class I: Mayor						
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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 2022 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 2022 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.

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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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I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board on January 12, 2023.

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
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Nancy Tran
Land Use Board Secretary



STEINHARDT
CAPPELLI
TIPTON &
TAYLOR LLC

91 Larry Holmes Dr., Suite 200
Easton, PA 18042

o 610.691.7900
f 610.691.0841

Brian R. Tipton, Esq.
Ext. 1023
btipton@floriolaw.com

October 13, 2022

Via Hand Delivery

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732

Re: Bridge City Collective Highlands, LLC's
Conditional Use and Minor Site Plan application


Dear Nancy,

This firm represents Bridge City Collective Highlands, LLC with respect to the enclosed application including the following:

1. 4 copies of the application with attachments.
2. Escrow check for \$1000, and
3. Application fee check for \$300.

Thank you.

Very truly yours,



Brian R. Tipton

BRT:br
Enclosures

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

LAND USE BOARD

LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Ck# 289

Ck#290

Date Rec'd: 10/14/2022 Application #: LUB2022-07 Fee: \$250 Escrow: \$1,000

1. APPLICANT

Name: Bridge City Collective Highlands LLC

Address: PO Box 2189

City: Pittsfield State: MA Zip: 07732

Phone: (201) 744-9380

Email: breiter@bridgecitycollective.com

Relation to property: Lessor

2. OWNER

Name: 132 Bay Avenue LLC

Address: 75 Crows Mill Road

City: Keasby State: NJ Zip: 08832

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 Conditional use

4. PROPERTY INFORMATION

Block 47 Lot(s) 6 Address: 132 Bay Avenue, Highlands

Lot size _____ # of Existing Lots 1 # of Proposed Lots 1

Zone CBD Are there existing Deed Restrictions or Easements? ☒ No ☐ Yes – Please attach copiesHas the property been subdivided? ☒ No ☐ Yes If yes, when? _____

Attach copies of approved map or approved resolution

Property taxes paid through _____ Sewer paid through _____

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

Name: Brian R. Tipton, Esq.

Address: 91 Larry Holmes Drive, Suite 200, Easton, PA 18042

Phone: 908-454-8300 Email: btipton@floriolaw.com



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Highlands, NJ 07732
(732) 872-1224
www.highlandsborough.org

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

Name: Walter Hopkin, PE
Address: 257 Monmouth Road
Oakhurst, NJ 07755
Phone: 732-223-1313
Email: whopkin@wjhengineering.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 current vacant, prior use was retail and residential.

Owned by 132 Bay Avenue, LLC from November 14, 2020 to present.

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.

Bridge City Collective Highlands is leasing the first floor of the building located at 132 Bay Avenue (Block 47, Lot 6), containing approximately 1,676 rentable square feet.

C. ADDITIONAL INFORMATION:

	Existing	Proposed
Residential:		
How many dwelling units?	<u>2</u>	<u>2</u>
How many bedrooms in each unit?	<u>1</u>	<u>1</u>
How many on-site parking spaces?	<u>2</u>	<u>2</u>
Commercial:		
How many commercial uses on site?	<u>1</u>	<u>1</u>
How many on-site parking spaces?	<u>0</u>	<u>0 1</u>



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

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area	*		
Frontage	*		
Lot Depth	*		
Minimum Yard Requirements			
Front Yard Setback	*		
2 nd Front Yard Setback	*		
Rear Yard Setback	*		
Side Yard Setback, right	*		
Side Yard Setback, left	*		
Building Height	*		

	Req'd	Exist.	Prop'd
Accessory Structures			
Fence/Wall Height			
Garage/Shed Height			
Garage/Shed Area			
Pool Setback			
Parking Requirements			
On-site Parking Spaces	*	3	3
Other (please add)			

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

Please see attached additional information sheet.

* The variance relief request will be set forth in a supplemental submission.



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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
13 day of Oct 2022 (year)
[Signature] (notary)
(Seal)

[Signature]
Signature

10/13/22
Date

Brant Reiter

Print Full Name

KEITH D. KASS
Commission # 50066709
Notary Public, State of New Jersey
My Commission Expires
August 22, 2027

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
13th day of October 2022 (year)
[Signature] (notary)
(Seal)

[Signature]
Signature

10-13-2022
Date

Valerie Montecalvo

Print Full Name

CYNTHIA A. FAIR
NOTARY PUBLIC OF NEW JERSEY
Commission # 50120506
My Commission Expires 1/15/2025

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?

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 company 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



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(732) 872-1224
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12B. BUSINESS ORGANIZATION OWNERSHIP DISCLOSURE STATEMENT

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

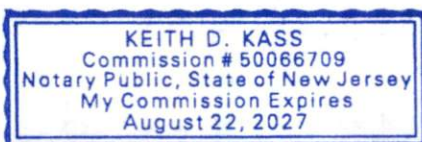
Bridge City Collective Highlands LLC

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
Brant Reiter	PO Box 2189, Pittsfield, MA 07732

*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
13 day of Oct 2022 (year)
[Signature] (notary)
(Seal)



[Signature] 10/13/22
Signature (Officer/Partner) Date
Brant Reiter CEO
Print Full Name Title

9. Other relief requested

Bridge City Collective Highlands LLC ("Applicant") seeks minor site plan approval and conditional use approval of its proposed operations at 132 Bay Avenue (Block 47, Lot 6) (the "Property"). Applicant leases the first floor of the building at the Property, consisting of approximately 1,676 rentable square feet. Applicant has a conditional license from the New Jersey Cannabis Regulatory Commission for the retail sale of marijuana. Applicant is seeking from the Board a conditional approval for the use of the Property for the retail sale of marijuana. Applicant's Property is within the Central Business District, which permits the retail sale of marijuana as a conditional use. Further, Applicant's Property is greater than 1,000 feet from a school. Applicant is making no changes to the exterior of the building on the Property.

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LAND USE BOARD

STATE OF NEW JERSEY CANNABIS REGULATORY COMMISSION

OFFICE OF COMPLIANCE & LICENSING

FINAL RECOMMENDATION FOR:

CLASS 5 - RETAILER

LEGISLATION STATEMENT AS IT PERTAINS TO EACH TYPE OF LICENSING

UNDER THE AUTHORITY OF THE NEW JERSEY CANNABIS REGULATORY, ENFORCEMENT ASSISTANCE,
AND MARKETPLACE MODERNIZATION ACT, P.L.2021, C.16 (C.24:6I-31 ET AL.), THE CANNABIS
REGULATORY COMMISSION HEREBY ISSUES THIS LICENSE TO OPERATE A CANNABIS BUSINESS FOR
THE PURPOSE OF RETAILER TO:

FACILITY NAME: BRIDGE CITY COLLECTIVE HIGHLANDS LLC


LICENSE FACILITY ADDRESS: 132 BAY AVE, , HIGHLANDS, MONMOUTH NJ - 07732

LICENSE NUMBER: RE000154

EXPIRATION DATE: 03/31/2023



DIANNA HOUEYOU
COMMISSION CHAIR



JEFF BROWN
EXECUTIVE DIRECTOR



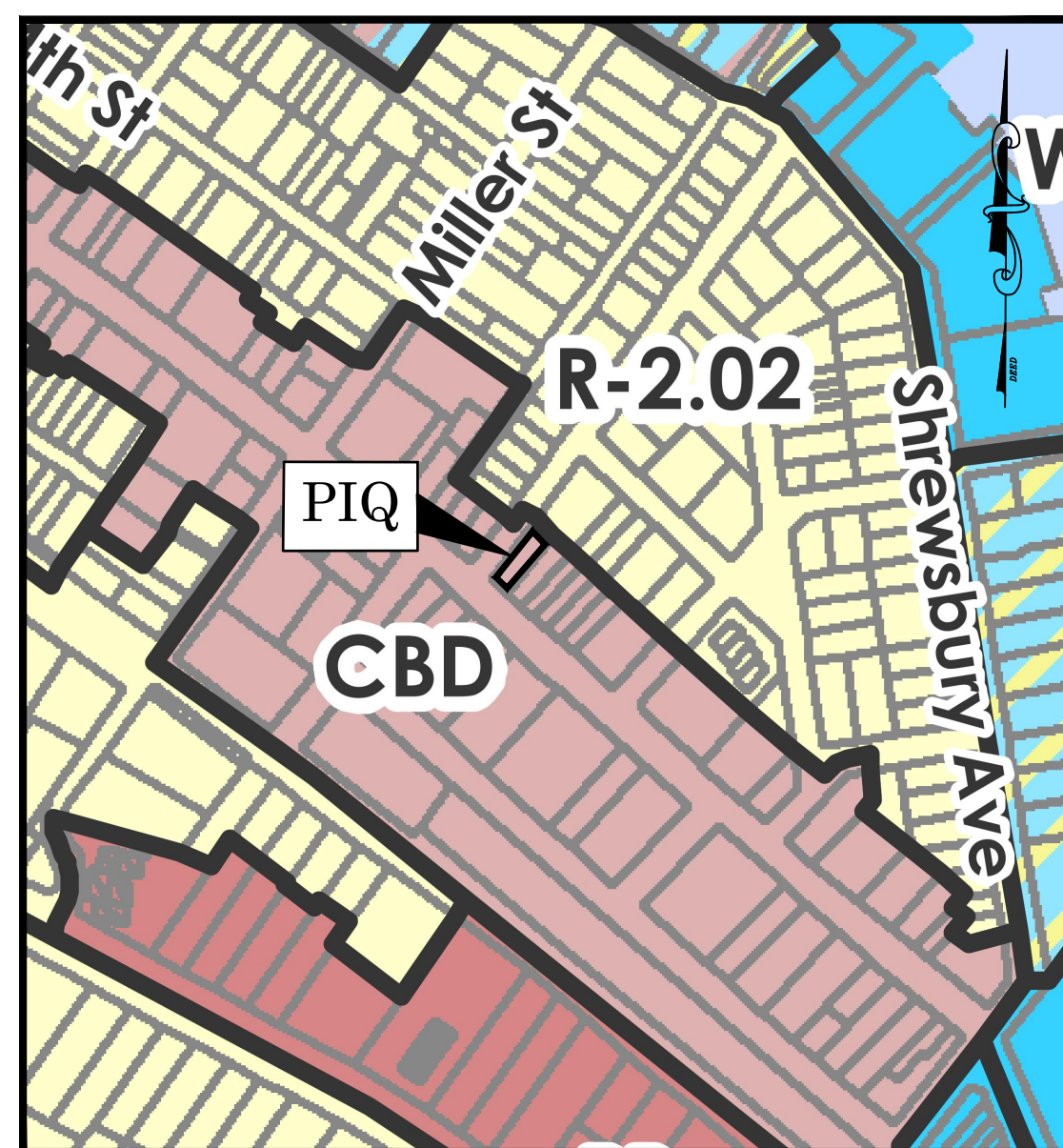
SITE PLAN

LOT 6 OF BLOCK 47

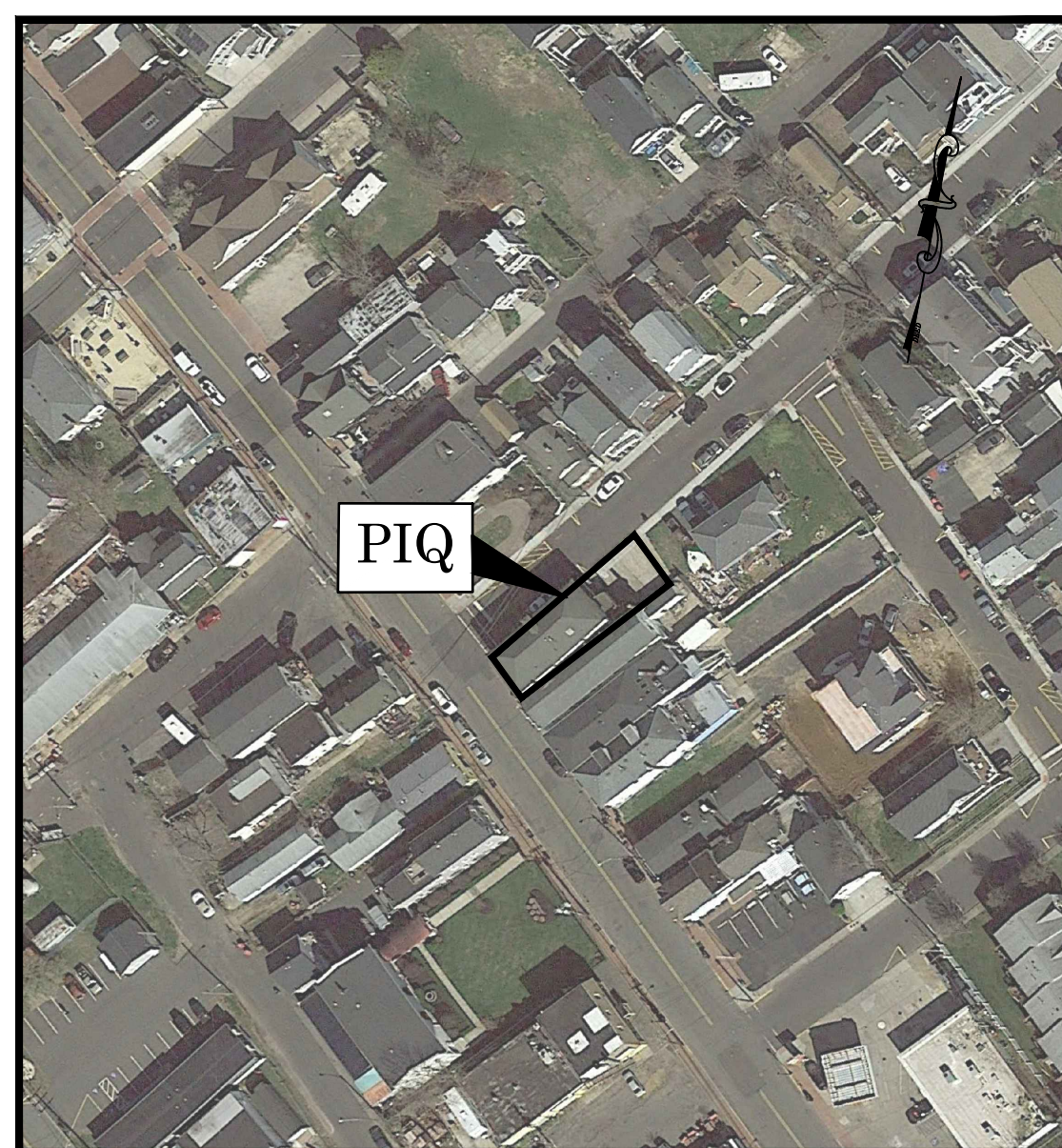
TAX MAP SHEET # 11

BOROUGH OF HIGHLANDS

MONMOUTH COUNTY, NJ



ZONE MAP
SCALE: 1" = 500'



KEY MAP
SCALE: 1" = 100'



TAX MAP
SCALE: 1" = 100'

ZONING TABLE			
CBD: CENTRAL BUSINESS DISTRICT			
MIN. & MAX. REQUIRED	CBD ZONING REQ.	C-RO-2 REDEVELOPMENT ZONE	PROVIDED
MIN. LOT AREA	—	—	3,004.15 S.F.
MIN. LOT FRONTAGE/WIDTH	—	—	130.63 FT.
MIN. LOT DEPTH	—	—	65.91 FT.
MIN. FRONT SETBACK	0 FT.	2 FT.	0 FT. - CORNWELL STREET 0.49 FT. - BAY AVENUE *
MIN. SIDE SETBACK	0 FT.	0 FT.	0.17 FT.
MIN. REAR SETBACK	12 FT.	12 FT.	36.82 FT.
MAX. BUILDING HEIGHT	36 FT.	36 FT.	> 36 FT. **
MAX. LOT COVERAGE	80%	80%	93.03% ***
MAX. BUILDING COVERAGE	35%	80%	57.19% ****
F.A.R.	0.65	N/A	1.10 ****

* EXISTING NON-CONFORMITY (C-RO-2 REDEVELOPMENT ZONE)
 ** TO BE VERIFIED
 *** EXISTING NON-CONFORMITY (BOTH ZONES)
 **** EXISTING NON-CONFORMITY (CBD ZONE) (F.A.R. TO BE VERIFIED)

PARKING CALCULATION:

- FIRST FLOOR: (\$21-65.140)
 - 1 SPACE PER 600 S.F. GROSS FLOOR AREA
 - 1,676± S.F. OF GROSS FLOOR AREA PROVIDED
 - 1,676 S.F. / 600 = 2.79 SPACES REQUIRED
 - SECOND FLOOR: (N.J.A.C. 5:21-4.16)
 - 1.8 SPACES PER 1-BEDROOM APARTMENT
 - 2 1-BEDROOM APARTMENTS PROVIDED
 - 1.8 SPACES x 2 = 3.6 SPACES REQUIRED
- TOTAL PARKING REQUIRED = 2.79 SPACES + 3.6 SPACES
 = 7 SPACES REQUIRED
- PARKING PROVIDED = 3 SPACES

CERTIFICATION OF OWNER:	
I CERTIFY THAT I AM THE OWNER OF THIS PROPERTY & CONSENT TO THE FILING OF THIS APPLICATION.	
SIGNATURE _____	DATE _____

APPLICATION NO. _____ APPROVED/DISAPPROVED BY THE HIGHLANDS BOROUGH LAND USE BOARD	
LAND USE BOARD CHAIRMAN _____	DATE _____
LAND USE BOARD SECRETARY _____ (ATTEST)	
ENGINEER _____	DATE _____

APPROVED BY THE MONMOUTH COUNTY PLANNING BOARD	
PLANNING BOARD CHAIRMAN _____	DATE _____
PLANNING BOARD SECRETARY _____ (ATTEST)	
ENGINEER _____	DATE _____

OWNER
 132 BAY AVENUE, LLC
 75 CROWS MILL ROAD
 KEASBY, NJ 08832

APPLICANT
 BRIDGE CITY COLLECTIVE HIGHLANDS, LLC
 P.O. BOX 2189
 PITTSFIELD, MA 07732
 PH.# (201) 744-9380
 BREITER@BRIDGECITYCOLLECTIVE.COM

SHEET INDEX			
SHEET NO.	SHEET TITLE	ORIG. ISSUE DATE	LATEST REV. DATE
1	COVER SHEET	10/27/2022	—
2	EXISTING CONDITIONS PLAN	10/27/2022	—
3	PROPOSED IMPROVEMENT PLAN	10/27/2022	—

200' ADJOINING OWNERS

200 Foot List Block 47 Lot 6

1319-53-9 BAY AVENUE PROPERTIES LLC 151 BAY AVENUE HIGHLANDS NJ 07732	1319-47-4-01 128 BAY AVENUE LLC 75 CROWS MILL RD PO BOX 290 KEASBY NJ 08832	1319-48-7 30 JACKSON STREET LLC % WILKES ESQ 711 SOUTH EDMERE DRIVE WEST ALLENHURST NJ 07711
1319-54-1 SOYKA, HELEN (ESTATE) 169 BAY AVENUE HIGHLANDS NJ 07732	1319-47-4-02 128 BAY AVENUE LLC % GOLDSTEIN 122 W. 87TH ST NEW YORK NY 10024	1319-47-1 PUGLISI JOHN R 38 JACKSON STREET HIGHLANDS NJ 07732
1319-54-4 CONSIGLIERE LLC P.O. BOX 412 NAVESINK NJ 07752	1319-54-7-01 LDN REAL ESTATE LLC 676 HARDING ROAD LITTLE SILVER NJ 07739	1319-54-3-01 CIRECO STEPHEN 127 OAK STREET WOOD RIDGE NJ 07075
1319-47-10 BOROUGH OF HIGHLANDS 171 BAY AVENUE HIGHLANDS NJ 07732	1319-52-7 CAPLINGER JAMES W (ESTATE) 50 CORNWELL STREET HIGHLANDS NJ 07732	1319-52-5 DORN JOHN & WENDY 50 CORNWELL STREET HIGHLANDS NJ 07732
1319-47-11 MAL DANGELO LLC 812 MAIN STREET BRADLEY BEACH NJ 07720	1319-53-3 SHEA WILLIAM J 67 SOUTH LINDEN AVENUE HIGHLANDS NJ 07732	1319-47-2 WILSON THOMAS & ISRAEL LYSA J 11 JOHN STREET HIGHLANDS NJ 07732
1319-47-12 HINLUCKY MARK 121 OLD WAGON ROAD MIDDLETOWN NJ 07748	1319-52-4 ROEMMELLE CHARLES V & ANN 58 CORNWALL ST HIGHLANDS NJ 07732	1319-46-6 BAY AVENUE VENTURES LLC 404 SYCAMORE AVE STE 100 SHREWSBURY NJ 07702
1319-47-7 KOCHANIK ELIZABETH ANNE 47 SECOND STREET HIGHLANDS NJ 07732	1319-52-9 TEZLAF CARL 420 GATES ST SALISBURY NC 28144	1319-46-7 143 BAY LLC % DINAMI PARTNERS 609 GREENWICH ST 4TH FL NEW YORK NY 10014
1319-47-8 128 BAY AVE LLC 75 CROWS MILL ROAD KEASBY NJ 08832	1319-47-5 LYNCH GREGORY JR & JACQUELINE 1 JOHN STREET HIGHLANDS NJ 07732	1319-46-8 SHANNON ENTERPRISES LLC 300 BAY AVENUE HIGHLANDS NJ 07732
1319-47-9 126 BAY AVENUE LLC % GOLDSTEIN 122 W. 87TH STREET NEW YORK NY 10024	1319-52-8 CAPLINGER JAMES W & CATHERINE M 50 CORNWALL ST HIGHLANDS NJ 07732	1319-48-6 KIELY THOMAS & FAITH 10 JOHN STREET HIGHLANDS NJ 07732
1319-47-6 132 BAY AVE LLC 75 CROWS MILL ROAD KEASBY NJ 08832	1319-53-4 HAMMER ROBERT W & ANN 52 MORFORD ROAD MIDDLETOWN NJ 07748	1319-46-5 THE DAVIS FAMILY LLC 200 LINDEN AVE HIGHLANDS NJ 07732
1319-52-1 BOROUGH OF HIGHLANDS 171 BAY AVE HIGHLANDS NJ 07732	1319-52-6 CAPLINGER JAMES W JR 54 CORNWALL STREET HIGHLANDS NJ 07732	
1319-52-2 BRUSIEL KENNETH S & CARLA (ESTD) 62 GRAVELLY POINT ROAD HIGHLANDS NJ 07732	1319-52-3 SARDINIA ALEX 60 CORNWALL STREET HIGHLANDS NJ 07732	
1319-53-8 SPICE PROPERTIES LLC 157 BAY AVENUE HIGHLANDS NJ 07732	1319-54-5 FLANNERY JOHN M & DANIELLE A 38 NORTH STREET HIGHLANDS NJ 07732	
1319-46-3 BAY AVENUE VENTURES LLC 404 SYCAMORE AVE STE 100 SHREWSBURY NJ 07702	1319-48-4 NEUMIRTH JASON 43 CORNWELL ST HIGHLANDS NJ 07732	
1319-46-4 128 BAY AVE LLC 75 CROWS MILL ROAD KEASBY NJ 08832	1319-48-5 SEBASTIAN ROBERT & GRACIE FRANKO 45 CORNWALL STREET HIGHLANDS NJ 07732	

* If you are located within 200 feet of a State Highway, you **MUST** notify the NJ Department of Transportation:

NJ Dept. of Transportation
 1035 Pkwy Avenue
 PO Box 600
 Trenton, NJ 08625

* If you are within 200 feet of a County owned road, you **MUST** notify the Monmouth County Planning Board:

Monmouth County Planning Board
 Hall of Records Annex 2nd Floor
 One East Main St.
 PO Box 1255
 Freehold, NJ 07728

You must also notify all utilities located within the 200-foot range of the subject property:

JCP&L
 300 Madison Avenue
 PO Box 1911
 Morristown, NJ 07960

NEW JERSEY AMERICAN WATER COMPANY
 Attn: Construction Department
 661 Shrewsbury Ave
 Shrewsbury, NJ 07702

COMCAST COMMUNICATIONS OF MONMOUTH COUNTY
 Ron Bertrand, Construction Foreman
 403 South St
 Eatontown, NJ 07724

VERIZON COMMUNICATIONS
 One Verizon Way
 Basking Ridge, NJ 07920

TOWNSHIP OF MIDDLETOWN SEWERAGE AUTHORITY
 Raymond J. Nierstedt, P.E., Executive Director
 PO Box 205, 100 Beverly Way
 Belford, NJ 07718

NEW JERSEY NATURAL GAS COMPANY
 Attn: Joan Purcaro
 PO Box 1464
 1415 Wyckoff Road
 Wall, NJ 07719

MONMOUTH COUNTY BAYSHORE OUTFALL AUTHORITY
 Attn: Executive Director
 200 Harbor Way
 PO Box 184
 Belford, NJ 07718

GENERAL NOTES

OWNER— 132 BAY AVENUE, LLC
 75 CROWS MILL ROAD
 KEASBY, NJ 08832

APPLICANT— BRIDGE CITY COLLECTIVE HIGHLANDS, LLC
 P.O. BOX 2189
 PITTSFIELD, MA 07732
 (201) 744-9380
 BREITER@BRIDGECITYCOLLECTIVE.COM

- THE PROPERTY IS KNOWN AS LOT 6 OF BLOCK 47, AS SHOWN ON TAX MAP SHEET 11 OF THE OFFICIAL TAX MAPS OF THE BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY.
- BOUNDARY AND TOPOGRAPHY INFORMATION DEPICTED HEREON TAKEN FROM A PLAN ENTITLED "SURVEY OF PROPERTY FOR 132 BAY AVE LLC" PREPARED BY EASTERN CIVIL ENGINEERING, LLC, DATED 11/07/2020. ADDITIONAL TOPOGRAPHY PERFORMED BY WH ENGINEERING.
- PURSUANT TO FIRM MAP NUMBER 24025C0088H THE SITE IS LOCATED WITHIN SPECIAL FLOOD HAZARD ZONE AE (BASE FLOOD ELEVATION = 11 FT.)
- EXISTING USE: COMMERCIAL RETAIL
- PROPOSED USE: RESIDENTIAL APARTMENTS
- ALL PUBLIC UTILITY SYSTEMS CURRENTLY SERVE THE SITE.
- DO NOT SCALE DRAWINGS AS THEY PERTAIN TO ADJACENT AND SURROUNDING PHYSICAL CONDITIONS, BUILDINGS, STRUCTURES, ETC.. THEY ARE SCHEMATIC ONLY, EXCEPT WHERE DIMENSIONS ARE SHOWN THERE TO.
- THIS SET OF PLANS HAS BEEN PREPARED FOR PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL. THESE PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED ON THE DRAWINGS AND EACH DRAWING HAS BEEN REVISED TO INDICATE "ISSUED FOR CONSTRUCTION."
- THE EXISTING UTILITY INFORMATION SHOWN ON THESE PLANS HAS BEEN OBTAINED FROM A VARIETY OF SOURCES AND IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS. THE CONTRACTOR SHALL VERIFY TO HIS OWN SATISFACTION PRIOR TO EXCAVATION OF THE HORIZONTAL AND VERTICAL ALIGNMENT OF ALL EXISTING UTILITIES IN THE AREAS OF THE PROPOSED EXCAVATION AND PROPOSED UTILITY CROSSINGS. THE CONTRACTOR SHALL CALL FOR UTILITY MARK OUT AT 1-800-272-1000 PRIOR TO ANY SOIL DISTURBANCE OR EXCAVATION.
- ALL MATERIALS, WORKMANSHIP, AND CONSTRUCTION FOR SITE IMPROVEMENTS SHOWN HEREON SHALL BE IN ACCORDANCE WITH:
 - N.J. DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", AS CURRENTLY AMENDED.
 - CURRENT, PREVAILING MUNICIPAL AND/OR COUNTY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.
 - CURRENT, PREVAILING UTILITY COMPANY/AUTHORITY SPECIFICATIONS, STANDARDS AND REQUIREMENTS.
- CONTRACTOR SHALL NOTIFY THE UNDERSIGNED PROFESSIONAL IMMEDIATELY IF ANY FIELD CONDITIONS ENCOUNTERED DIFFER MATERIALLY FROM THOSE REPRESENTED HEREON AND/OR IF SUCH CONDITIONS, IN THE CONTRACTOR'S OPINION WOULD OR COULD RENDER THE DESIGN SHOWN HEREON INAPPROPRIATE OR INEFFECTIVE.
- THIS PLAN IS SUBJECT TO ALL LOCAL AND STATE REGULATORY PERMITS, AGENCY REVIEW AND APPROVAL.
- THE OWNER, OR HIS REPRESENTATIVE, IS TO DESIGNATE AN INDIVIDUAL RESPONSIBLE FOR CONSTRUCTION SITE SAFETY DURING THE COURSE OF SITE IMPROVEMENTS PURSUANT TO N.J.A.C. 5:23-2.21(e) OF THE N.J. UNIFORM CONSTRUCTION CODE AND CFR 1926.32(i) (OSHA COMPETENT PERSON)
- ALL SITE IMPROVEMENTS SHALL BE IN ACCORDANCE WITH THE BOROUGH OF HIGHLANDS CONSTRUCTION STANDARDS, WHERE APPLICABLE.
- CONTRACTOR SHALL NOTIFY WH, IF ANY FIELD CONDITIONS ENCOUNTERED DIFFER MATERIALLY FROM THOSE REPRESENTED ON THESE PLANS, AND/OR IF SUCH CONDITIONS, IN THE CONTRACTOR'S OPINION, WOULD RENDER THE DESIGNS SHOWN ON THESE PLANS INAPPROPRIATE OR INEFFECTIVE.
- REFUSE & RECYCLING WILL BE HANDLED BY A PRIVATE HAULER AND WILL COMPLY WITH ALL APPLICABLE REGULATIONS.
- PURSUANT TO 7-7-2.2 (a) 5.i, A CAFRA PERMIT IS NOT REQUIRED, AS THERE ARE LESS THAN 50 PARKING SPACES.
- THIS IS A SITE DEVELOPMENT PLAN AND NOT A SURVEY
- THIS APPLICATION IS FOR A CHANGE OF USE & FOR THE ADDITION OF PARKING LOT STRIPING ALONG WITH A REFUSE & RECYCLING CONTAINER. NO EXTERNAL BUILDING MODIFICATIONS OR NEW IMPERVIOUS AREAS ARE PROPOSED.
- THESE PLANS HAVE BEEN PREPARED FOR THE PURPOSES OF MUNICIPAL AND OTHER AGENCY REVIEW AND APPROVAL.

SITE PLAN

LOT 6 OF BLOCK 47

TAX MAP SHEET # 11

BOROUGH OF HIGHLANDS

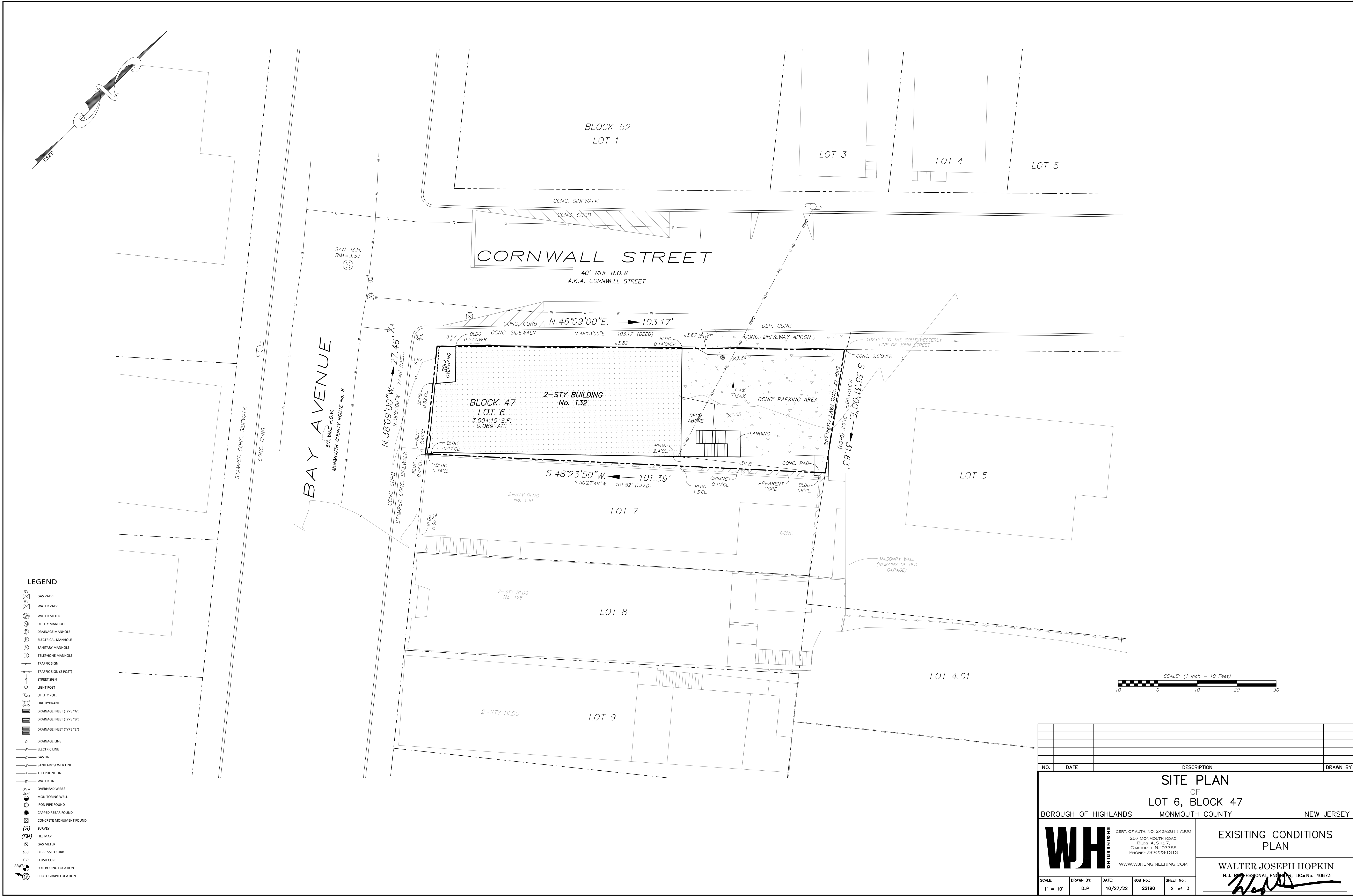
MONMOUTH COUNTY, NJ

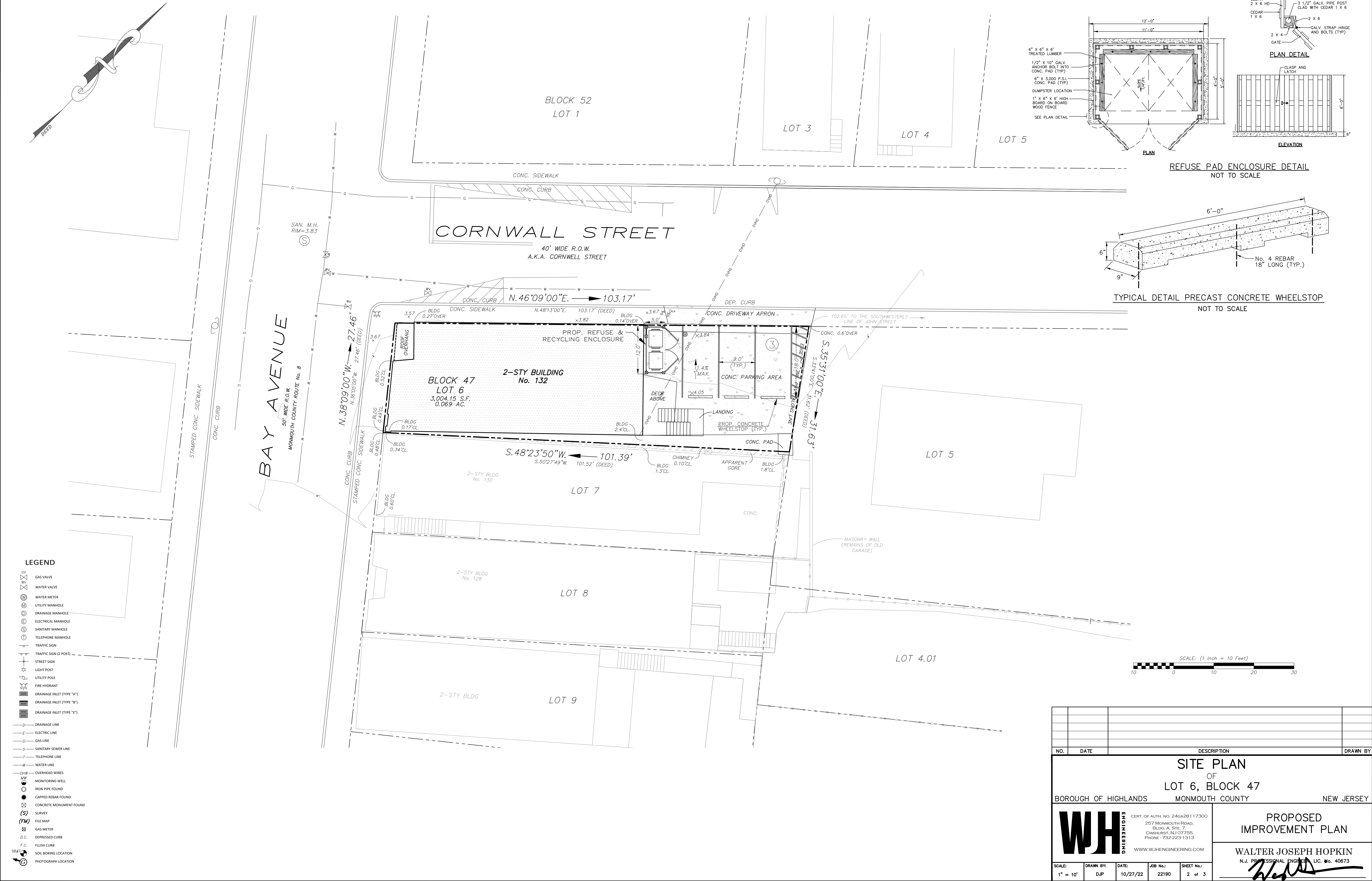
JOB NUMBER 22190

WH ENGINEERING
 CERT. OF AUTH. NO. 246A28117300
 257 MONMOUTH ROAD, BLDG. A, SUITE 7, OAKHURST, NJ 07755
 PHONE - 732-223-1313

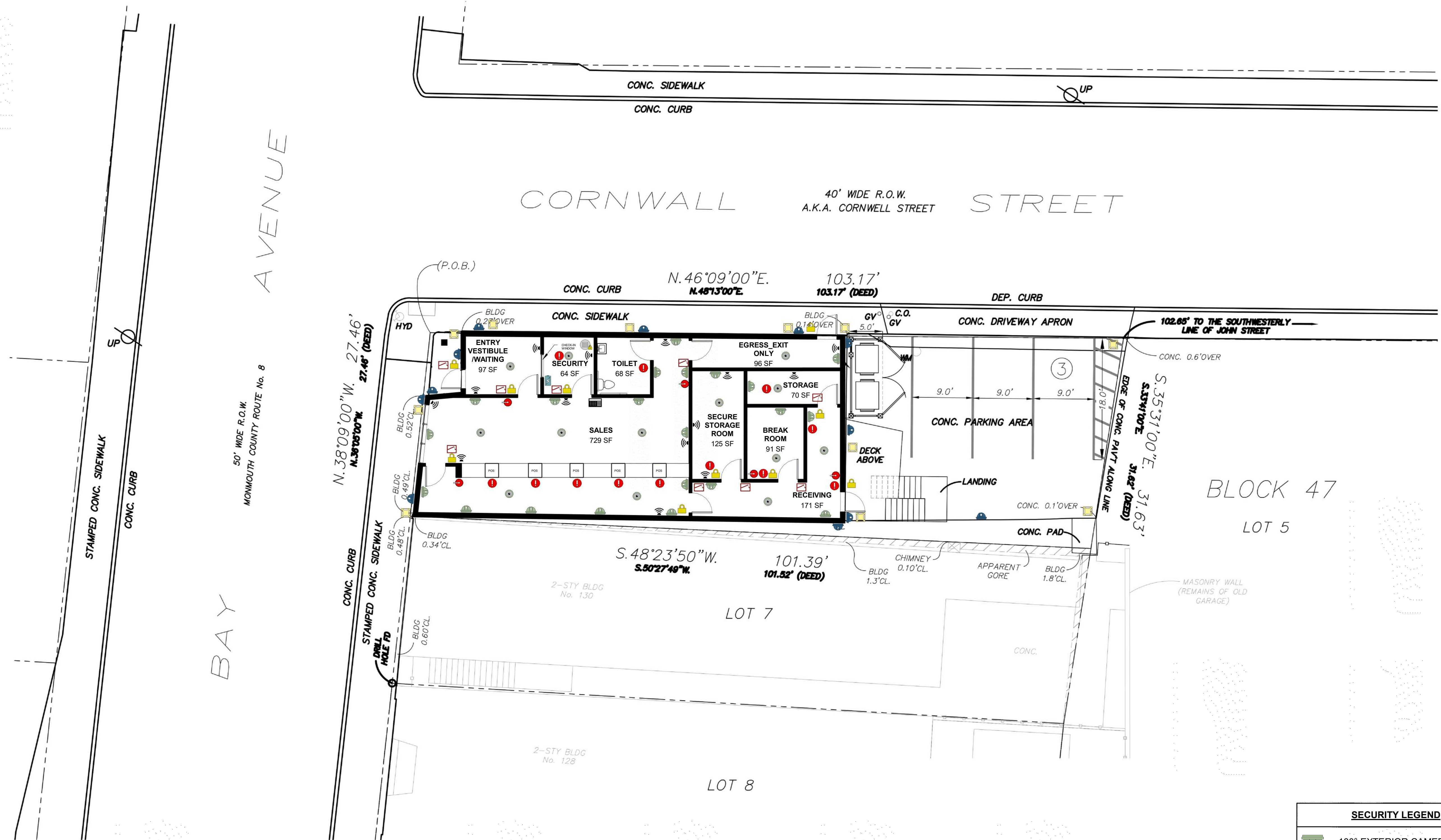
WALTER JOSEPH HOPKIN
 N.J. PROFESSIONAL ENGINEER, LIC. NO. 40673

Walter Joseph Hopkin

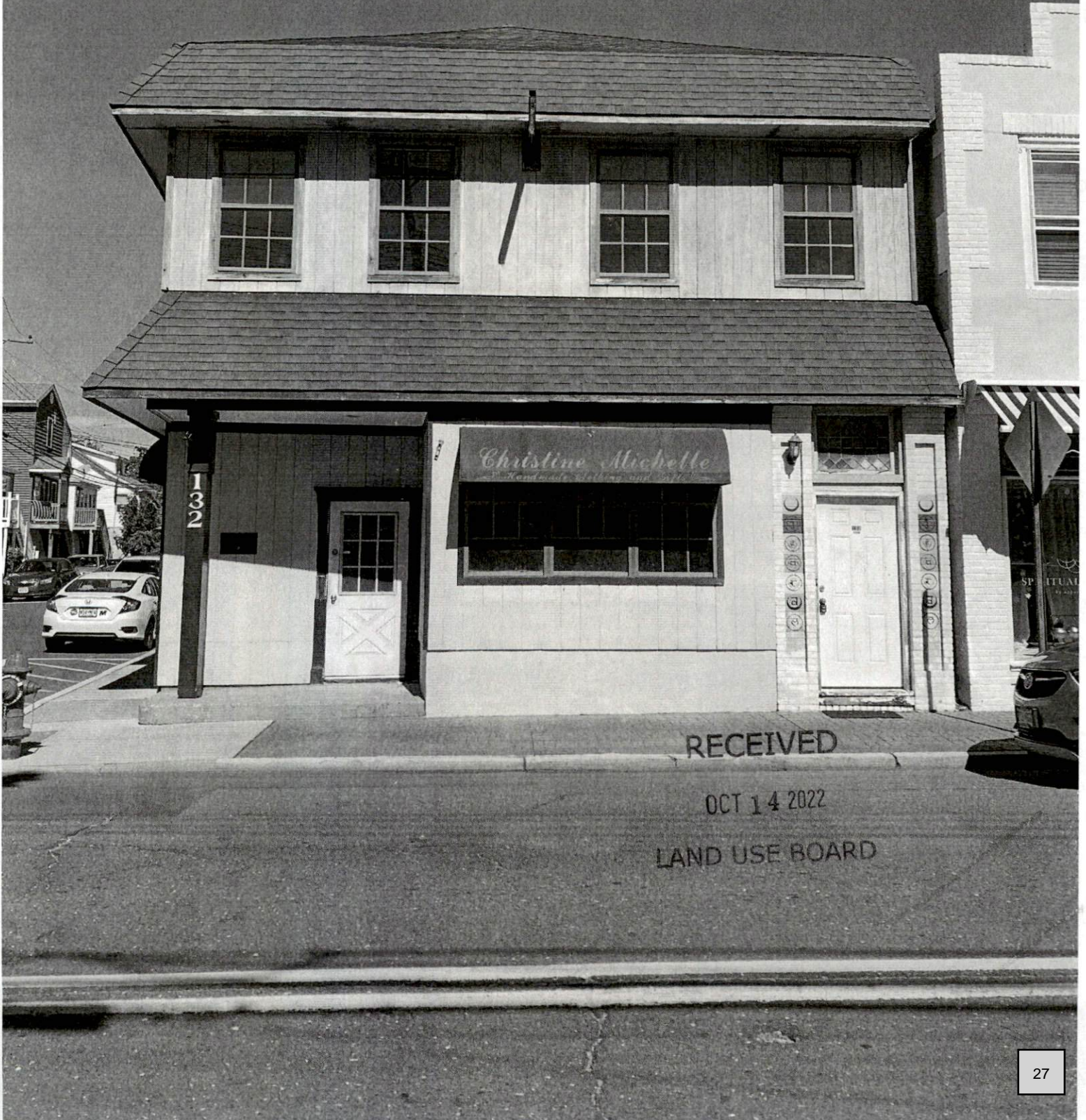


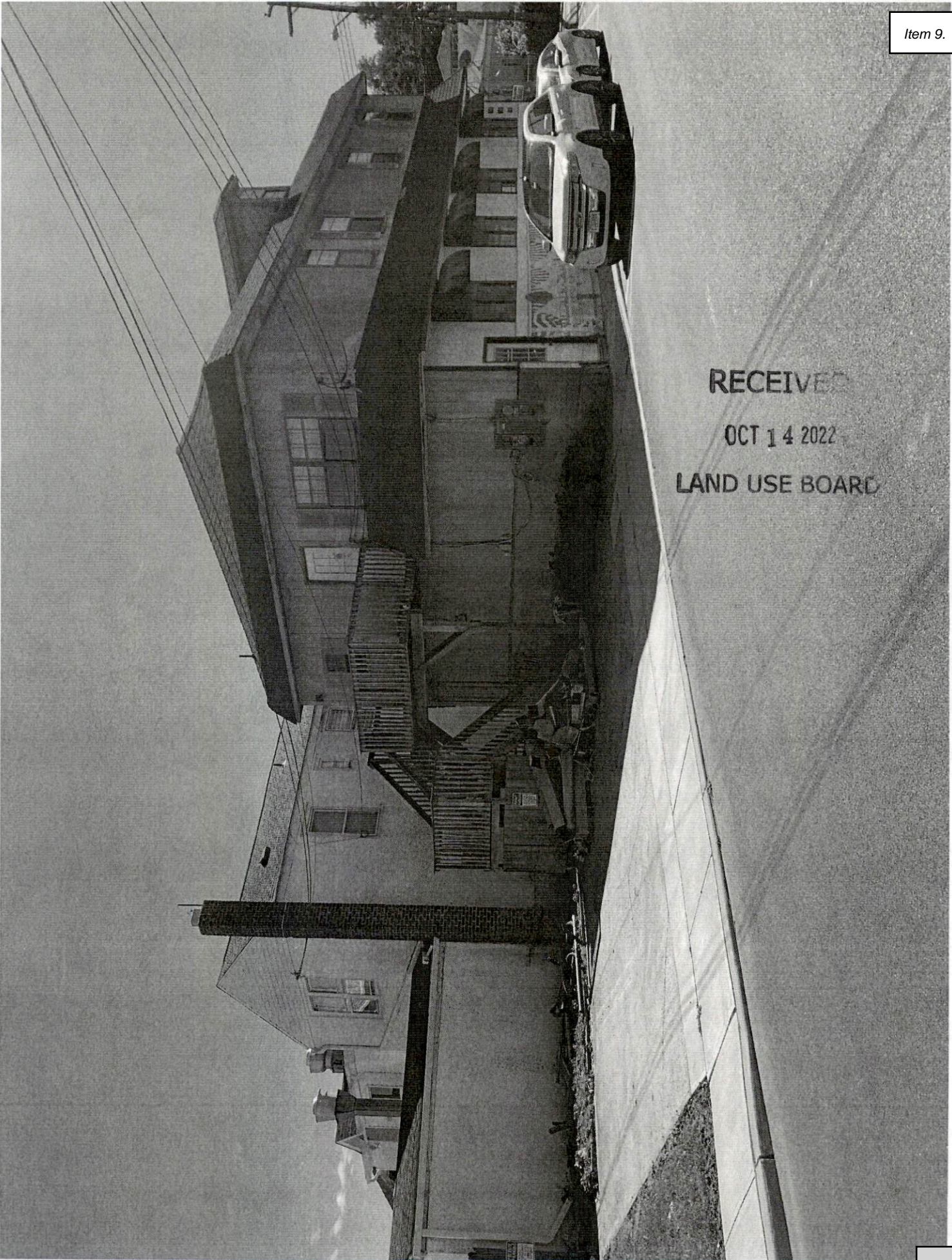






SECURITY LEGEND			
	180° EXTERIOR CAMERA		MOTION SENSOR
	180° INTERIOR CAMERA		DOOR CONTACT
	360° CAMERA		ALARM PANEL
	ACCESS CONTROL		UPS
	SECURE SERVER		PANIC BUTTON
	EXTERIOR SECURITY LIGHTING		HEIGHT STRIP CAM





RECEIVED

OCT 14 2022

LAND USE BOARD



Update

Borough of Highlands
42 Shore Drive, Highlands, NJ 07732
Phone: (202) 872-1224
www.highlandsborough.org

Zoning Permit Application

Already Paid

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 # 283 ☐ Cash ☐

APPLICANT Name: Bridge City Collective Highlands LLC Date: 6/22/2022
Address: PO Box 2189 Pittsfield MA 01202
Phone# 201-744-9380 Email: breiter@bridgecitycollective.com

LOCATION OF THE WORK

Block: 47 Lot(s): 6 Zone: CBD
Street Address: 132 Bay Ave

DESCRIPTION OF THE WORK TO BE PERFORMED (OR USE PROPOSED)

Description of Work: Tenant displays and fixtures, and decorating
Use Proposed: New Jersey Cannabis Regulatory Commission
Class 5 Licensee - Cannabis retail and delivery services.
No onsite use or consumption of marijuana products.

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: _____

Date: 6/22/2022

FLOOD HAZARD AREA DETERMINATION

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.

BOROUGH HALL USE ONLY

Determination: Approved ☐ Denied ☒

Zoning Officer: _____

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

Date: 9-14-22

Ordinance Section

Allowed/Required

Proposed

Remarks: AS A CONDITIONAL USE, NEEDS LAND USE BOARD APPROVAL

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.

BRANT REITER
40 E. 43RD ST. APT. 2
BAYONNE, NJ 07002

289
55-2/212 8836

Item 9.

10/13/22
Date

Pay to the Order of Borough of Highlands \$ 250
Two Hundred Fifty Dollars

N.A. All rights reserved.



Wells Fargo Bank, N.A.
New Jersey
wellsfargo.com

Bee Highlands
132 Bay Ave



Photo Safe Deposit
Details on back

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN.



Valley National Bank

DATE 10/14/2022

CURRENCY	COIN	LIST EACH CHECK	DOLLARS	CENTS
		1 289	250	00
		2		
		3		
		4		
		5		
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		9		
		10		
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		12		
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		14		
		15		
		16		
		17		
			\$ 250	00

PATRICK J DEBLASIO
BOROUGH OF HIGHLANDS
CURRENT FUND
42 SHORE DRIVE
HIGHLANDS, NJ 07732-1756

⑆021201383⑆ ⑈000041935845⑈

CHECKS AND OTHER ITEMS ARE RECEIVED FOR DEPOSIT SUBJECT TO THE PROVISIONS OF THE UNIFORM COMMERCIAL CODE OR ANY APPLICABLE COLLECTION AGREEMENT.
BRANT REITER
40 E. 43RD ST. APT. 2
BAYONNE, NJ 07002

10/13/22
Date

55-2/212 8836

Pay to the Order of Borough of Highlands \$ 1,000
One Thousand Dollars

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Wells Fargo Bank, N.A.
New Jersey
wellsfargo.com

Bee Highlands
132 Bay Ave

For Escrow Payment / Land Use Application



Photo Safe Deposit
Details on back

RECEIVED

⑆021200025⑆ 2587972999⑈ 00290

OCT 14 2022

DEPOSIT TICKET
FOR CLEAR COPY, PRESS FIRMLY WITH BALL POINT PEN.



Valley National Bank

DATE 10/14/2022

CURRENCY	COIN	LIST EACH CHECK	DOLLARS	CENTS
		1 590	1000	00
		2		
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		16		
		17		
			\$ 1,000	00

BOROUGH OF HIGHLANDS
GENERAL TRUST ACCOUNT
42 SHORE DRIVE
HIGHLANDS NJ 07732

Bridge City Coll.

LAND USE BOARD

55-138/212

TOTAL ITEMS

PLEASE BE SURE ALL ITEMS ARE PROPERLY ENDORSED.
DEPOSITS MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL.

1000.00

T-03-56-875-000-175

⑆021201383⑆ ⑈000041936019⑈



HGPB- R1960

November 1, 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: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
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.D – Minor Site Plan.

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

1. Site Plan prepared by Walter J. Hopkin, P.E., dated October 27, 2022, consisting of three (3) sheets.
2. Architectural Floor Plan (Layout and Security Plan) and Site Location Map prepared by USA Architects, dated October 20, 2022, consisting of two (2) sheets.
3. Land Use Board Application and supporting documents, dated October 14, 2022.
4. Cannabis Retailer License Application and supporting documents, dated October 19, 2022.

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

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.**
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. **Not applicable. No new buildings or paved areas are**



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

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan and Conditional Use Variance
First Completeness Review

proposed. The applicant intends to utilize the first floor of the existing building and the existing concrete parking area.

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. **Not applicable. The applicant intends to utilize the existing concrete parking area.**
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. **Not provided, but site is existing and almost fully built out.**
15. The location of sidewalks, walkways, traffic islands and all other areas proposed to be devoted to pedestrian use. **Provided.**
16. The nature and location of public and private utilities, including maintenance and solid waste disposal, recycling and/or storage facilities. **Partially 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,



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

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan and Conditional Use Variance
First Completeness Review

signs and lighting fixtures. **The applicant did not provide information on site lighting or proposed signage.**

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 not specified, but is estimated to be approximately elevation 4.0. 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. **Not applicable.**
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.**

Per Section 21-97.M of the Ordinance, a 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.**



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

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan and Conditional Use Variance
First Completeness Review

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 2 (C-RO-2) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone criteria, but one or the other shall be identified.

Several items noted above have not been submitted to the Board, however 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

EWH:KJO:DV

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 (bcallahan@middletownnj.org)
Bridge City Collective Highlands, LLC, Applicant (breiter@bridgecitycollective.com)
Brian R. Tipton, Esq., Applicant's Attorney (btipton@floriolaw.com)
Walter J. Hopkin, P.E., Applicant's Engineer, (whopkin@wjhengineering.com)

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| YOUR GOALS. OUR MISSION.

Item 9.

HGPB- R1960

November 1, 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: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
Fee Determination**

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. Site Plan prepared by Walter J. Hopkin, P.E., dated October 27, 2022, consisting of three (3) sheets.
2. Architectural Floor Plan (Layout and Security Plan) and Site Location Map prepared by USA Architects, dated October 20, 2022, consisting of two (2) sheets.
3. Land Use Board Application and supporting documents, dated October 14, 2022.
4. Cannabis Retailer License Application and supporting documents, dated October 19, 2022.

Please note the following fee calculations:

1. **Application fee: \$2,350.00**
2. **Escrow fee: \$4,700.00**

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:DV



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

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Minor Site Plan & Conditional Use Variance
Fee Determination**

**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 (bcallahan@middletownnj.org)
Bridge City Collective Highlands, LLC, Applicant (breiter@bridgecitycollective.com)
Brian R. Tipton, Esq., Applicant's Attorney (btipton@floriolaw.com)
Walter J. Hopkin, P.E., Applicant's Engineer, (whopkin@wjhengineering.com)**

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HGPB-R1960

DETERMINATION OF FEES*
 Bridge City Collective Highlands LLC - 132 Bay Avenue
 Block 47 Lot 6

A. APPLICATION FEES (Ord. 21-107)

A. Variances

3. Nonresidential "c" (maximum building coverage)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (maximum lot coverage)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (side yard setback per 21-91.A.4.a)	1	EA	\$	250.00	\$	250.00
Nonresidential "c" (Outdoor living space per 21-91.A.4.b)	1	EA	\$	250.00	\$	250.00
4. Nonresidential "d3" (Section 21-97.M)	1	EA	\$	500.00	\$	500.00
Nonresidential "d4" (maximum floor area ratio)	1	EA	\$	500.00	\$	500.00

C. Site Plans

2. Minor	1	EA	\$	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	\$	4,700.00	\$	4,700.00
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Application fees subtotal \$ 2,350.00

Escrow fee subtotal \$ 4,700.00

Total \$ 7,050.00

*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 2 (C-RO-2) Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone criteria.

HGPB- R1960

November 15, 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: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

DRAFT

Dear Ms. Tran:

As requested, our office has reviewed the above referenced application for Minor Site Plan and Conditional Use (Variance) approval. The applicant submitted the following documents in support of this application:

1. Site Plan prepared by Walter J. Hopkin, P.E., dated October 27, 2022, consisting of three (3) sheets.
2. Architectural Floor Plan (Layout and Security Plan) and Site Location Map prepared by USA Architects, dated October 20, 2022, consisting of two (2) sheets.
3. Land Use Board Application and supporting documents, dated October 14, 2022.
4. Cannabis Retailer License Application and supporting documents, dated October 19, 2022.

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

A. Project Description

The 3,004 square foot property is currently a developed corner lot with a two-story, 1,676 square foot footprint, vacant mixed-use building containing retail space on the first floor and residential apartments on the second floor. The site is located in the Central Business District (CBD) Zone and the CBD Redevelopment Overlay 2 (C-RO-2) Zone of the Borough with frontage along Bay Avenue (County Route 8) and Cornwall Street. With this application, the applicant is seeking minor site plan and conditional use (variance) approval and is proposing 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 in the CBD Zone and C-RO-2 Zone.

B. Planning and Zoning

1. The subject property is located within the CBD Zone and C-RO-2 Zone. The applicant may elect to prepare the application in accordance with either the CBD Zone or C-RO-2 Zone



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

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

criteria and shall provide testimony confirming one or the other. The plans shall be revised to specify which Zone criteria is applicable and be designed in accordance with same.

2. In accordance with Section 21-91 of the Ordinance regarding CBD Zone criteria, existing/proposed bulk deficiencies are noted as follows:

CBD Zone	Required	Existing	Proposed
Minimum Lot Size	NA	3,004 SF	3,004 SF
Minimum Lot Frontage – Bay Avenue (County Route 8)	NA	27.46'	27.46'
Minimum Lot Frontage – Cornwall Street	NA	103.17'	103.17'
Minimum Lot Depth – Bay Avenue (County Route 8)	NA	102.28'	102.28'
Minimum Lot Depth – Cornwall Street	NA	29.55'	29.55'
Minimum Front Yard Setback – Bay Avenue (County Route 8)	0'	0.49'	0.49'
Minimum Front Yard Setback – Cornwall Street	0'	0'	0'
Minimum Rear Yard Setback	12'	36.82'	36.82'
Minimum Side Yard Setback*	5'	0.17' ^(E)	0.17' ^(V)
Maximum Building Height	36'	>36' ^(E)	>36' ^(NS)
Maximum Building Coverage**	35%	57.19% ^(E)	57.19% ^(V)
Maximum Lot Coverage	80%	93.03% ^(E)	93.03% ^(V)
Floor Area Ratio	0.65	1.10 ^(E)	1.10 ^(V)
Open Space Area per Section 21-91.A.4.b of the Ordinance	300 SF	0 SF ^(E)	0 SF ^(V)

(E) – Existing Non-conformity
(C) – Calculated
(W) – Waiver
(V) – Variance
NA – Not Applicable



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

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

NS – Not Specified, the applicant shall confirm this dimension

*Section 21-91.A.4.a of the Ordinance indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.

**The applicant shall provide testimony on the proposed building height to confirm whether a variance is required. The building height shall be provided based on the Ordinance definition from the “grade plane” (BFE + 1’) to the midline of the roof.

3. In accordance with Section VII of the Central Business District Redevelopment Plan regarding C-RO-2 Zone criteria, existing/proposed bulk deficiencies are noted as follows:

C-RO-2 Zone	Required	Existing	Proposed
Minimum Lot Size	NA	3,004 SF	3,004 SF
Minimum Lot Frontage – Bay Avenue (County Route 8)	NA	27.46’	27.46’
Minimum Lot Frontage – Cornwall Street	NA	103.17’	103.17’
Minimum Lot Depth – Bay Avenue (County Route 8)	NA	102.28’	102.28’
Minimum Lot Depth – Cornwall Street	NA	29.55’	29.55’
Minimum Front Yard Setback – Bay Avenue (County Route 8)	2’	0.49’ (E)	0.49’ (V)
Minimum Front Yard Setback – Cornwall Street	2’	0’ (E)	0’ (V)
Minimum Rear Yard Setback	12’	36.82’	36.82’
Minimum Side Yard Setback*	5’	0.17’ (E)	0.17’ (V)
Maximum Building Height**	40’	>36’	>36’ (NS)
Maximum Building Coverage	80%	57.19%	57.19%
Maximum Lot Coverage	80%	93.03% (E)	93.03% (V)
Floor Area Ratio	NA	1.10	1.10



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

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

C-RO-2 Zone	Required	Existing	Proposed
Open Space Area per Section VII of the CBD Redevelopment Plan	200 SF	0 SF ^(E)	0 SF ^(V)

(E) – Existing Non-conformity

(C) – Calculated

(W) – Waiver

(V) – Variance

NA – Not Applicable

NS – Not Specified, the applicant shall confirm this dimension

*Section VII.A of the Central Business District Redevelopment Plan indicates that no side yard is required, however, if any is to be provided it shall be at least 5 feet.

**The applicant shall provide testimony on the proposed building height to confirm whether a variance is required. The building height shall be provided based on the Ordinance definition from the “grade plane” (BFE + 1’) to the midline of the roof.

4. Building height calculations in accordance with the Borough’s definition of “Building Height” and “Grade Plane” as noted in Section 21-8 of the Ordinance shall be provided.
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 numerous applicable design standards.

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:
 - a. Section 21-65.3 of the Ordinance requires buffers be provided on the perimeter of all non-residential uses abutting residential zones or uses, whereas no buffer is provided adjacent to the residential use of Lot 5. The Board should determine if a landscaping buffer plan is required.
 - b. Section 21-65.10A of the Ordinance indicates that all areas not devoted to structures, paving, or other required uses shall be appropriately graded, landscaped, and maintained in accordance with a landscaping plan approved by the Board. No landscaping has been provided as part of this application. The Board should determine if a landscaping plan is required.



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

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Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

- c. Section 21-65.10.C.1 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. The Board should determine if a landscaping plan is required, given that the balance of the site is pre-existing building and concrete 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 nor documentation of compliance with the Ordinance standards.
 - e. Section 21-65.13 of the Ordinance speaks to off-street loading requirements. The applicant did not provide an off-street loading zone nor documentation of compliance with the Ordinance standards.
 - f. Section 21-65.14.D.7a.2 of the Ordinance and Table 4.4 of N.J.A.C. Section 5:21-4.14 of R.S.I.S. require a total of 6 off-street parking spaces, whereas 3 are proposed.
 - g. Section 21-65.14.D.3 of the Ordinance indicates no change in use within a building shall be allowed unless it can be shown how sufficient parking will be provided for the new use. The applicant does not demonstrate adequate parking per the Ordinance.
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.



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

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132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

8. 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.

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.

9. 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 property in question is 3,004 square feet in size and is currently a developed corner lot with a two-story, 1,676 square feet footprint, vacant mixed-use building containing retail space on the first floor and two (2) one-bedroom apartments on the second floor. The applicant proposes to convert the first floor of the mixed-use building into a 1,676 square feet cannabis retail store while maintaining the existing second floor residential apartment space.
3. The site circulation includes one (1) driveway entrance on Cornwall Street. The driveway allows ingress and egress directly into the proposed parking facilities with no circulation around the site.
4. Under the CBD Zone, for the cannabis retail use, Section 21-65.14.D.7.a.2 of the Ordinance requires one (1) off-street parking space per 300 square feet of retail store gross floor area exceeding 1,000 square feet. For the residential use, Table 4.4 of N.J.A.C. Section 5:21-4.14



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

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

of R.S.I.S. requires 1.8 off-street parking spaces per one-bedroom garden apartment. The following is a summary of the required off-street parking spaces:

Cannabis Retail:	1 space/300 SF (over 1,000)	@ 1,676 SF	2.25 spaces
One-Bedroom Apartment:	1.8 spaces per unit	@ 2 units	<u>3.60 spaces</u>

Total Required Spaces: 6 spaces

A total of 6 parking spaces are required per CBD Zone criteria, whereas 3 parking spaces are proposed. A design waiver is therefore required. The applicant shall provide testimony on the anticipated parking demand and adequacy of the proposed number of parking spaces.

5. 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, whereas no ADA accessible parking spaces are provided. The plans shall be revised to provide the appropriate number of ADA accessible parking spaces, or documentation shall be provided regarding any applicable exemption criteria.
6. An ADA accessible route shall be clearly delineated on the plans from the parking lot to the building entrance. It appears that the most likely route would include at least a portion of the existing site driveway apron which does not appear to be an ADA compliant walkway. Grading information (spot shots) shall be provided for the ADA accessible route to confirm compliance with current ADA standards. Reconstruction of the driveway apron and adjoining sidewalks may be required.
7. The applicant shall provide testimony on whether employee and/or apartment-specific parking spaces will be specified on-site.
8. We recommend that the applicant consider installing bike racks for the potential use of employees and/or customers.
9. The applicant shall provide testimony on truck loading areas required as part of the proposed improvements. All loading areas shall be clearly indicated on the plans.
10. It should be noted that should the applicant elect to prepare the application in accordance with the C-RO-2 Zone criteria the application will be subject to all applicable vehicle parking, bicycle parking, buffering, and other redevelopment zone requirements and design standards.

D. Traffic Impact

1. The applicant has not provided a traffic impact report. Though this is an existing site, the property has been vacant for an extended period of time and does not currently see any daily traffic. Additionally, the applicant proposes a change in use to the property and does not currently see daily traffic reflective of this use. The applicant's engineer shall provide



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

Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review

- 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 is 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 along with roof leader locations and/or downspout discharge locations and condition.
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.
6. The applicant shall confirm whether a change in use warrants any upgrades in sanitary sewer service or applicable connection fees.



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

**Re: Bridge City Collective Highlands, LLC
132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
Minor Site Plan & Conditional Use Variance
First Engineering Review**

7. The plans shall be revised to include grading information (spot shots) within the proposed refuse and recycling enclosure to confirm that stormwater runoff will not be trapped in the trash enclosure area.
8. The applicant shall provide testimony on the existing lighting levels throughout the entire site and compliance with Section 21-65.11 of the Ordinance. A lighting plan showing photometric lighting levels of the existing features may be required, and design waivers may be required for any pre-existing non-conformities.
9. 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.
10. The project site is located in the Coastal Area Facilities Review Act (CAPRA) 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.
11. 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.
12. The applicant shall provide testimony on proposed flood mitigation measures.
13. 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 considering the second-floor residential apartment space.
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.



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

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132 Bay Avenue
Block 47, Lot 6
Central Business District (CBD) Zone
Redevelopment Zone C-RO-2
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First Engineering Review**

4. The applicant has indicated that no exterior renovations are proposed for the building. The applicant shall discuss interior renovations they have proposed.
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. Floodplain Official
 - c. Township of Middletown Sewerage Authority
 - d. New Jersey American Water
 - e. Borough Fire Official
 - f. Monmouth County Board of Health
 - g. 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

DRAFT

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: Bridge City Collective Highlands, LLC
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EWB:KJO

**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 (bcallahan@middletownnj.org)
Bridge City Collective Highlands, LLC, Applicant (breiter@bridgecitycollective.com)
Brian R. Tipton, Esq., Applicant's Attorney (btipton@floriolaw.com)
Walter J. Hopkin, P.E., Applicant's Engineer, (whopkin@wjhengineering.com)**

G:\Projects\HGPB\R1960\Correspondence\Tran_ EWH_Bridge City Collective Highlands LLC_First Engineering Review.docx

AFFIDAVIT OF PUBLICATION

Item 9.

Publisher's Fee \$55.44 Affidavit \$35.00

STATE OF WISCONSIN
Brown County

Personally appeared D. Roberts at County of Brown, State of Wisconsin.

Of the **Asbury Park Press**, newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue dated as follows:

11/25/2022 A.D 2022

Nicole Jacobs
Notary Public State of Wisconsin County of Brown

8-21-26
My commission expires

NICOLE JACOBS
Notary Public
State of Wisconsin

Notice of Hearing

Highlands Borough Land Use Board

TAKE NOTICE that on Thursday evening at 7:00 p.m. on the 8th day of December, 2022, a hearing will be held before the Borough of Highlands Land Use Board in the Community Center, 22 Snug Harbor, Highlands, New Jersey on the application of Bridge City Collective Highlands, LLC that has been made to the Borough of Highlands Land Use Board, at which time and place all interested persons will be given an opportunity to be heard.

The property in question is owned by 132 Bay Avenue LLC, located at 132 Bay Avenue, Highlands, NJ, also known as Block 47, Lot 6, on the Highlands Tax Map. The property is located in the C-RO-2 Redevelopment zone.

The applicant is seeking minor site plan and conditional use approval for the operation of a Class 5 Retail Cannabis Dispensary pursuant to Ordinance O-21-21 in an existing building on the property. Because the application does not meet the design standards of the C-RO-2 Zone, the applicant seeks a (d)(3) use variance. The applicant is also seeking variances from the C-RO-2 zoning criteria for minimum front yard setback on Cornwall Street where 2 feet is required and the property has zero feet, for minimum front yard setback on Bay Avenue where 2 feet is required and the property has .49 feet, for minimum side yard setback where 5 feet is required and the property has 0.17 feet, for maximum lot coverage where 80% is permitted, and the property has 93.03 % coverage, and for the open space requirement where 200 SF is required, and the property has zero SF.

With respect to parking requirements for the cannabis retail use and the existing two residential one-bedroom apartments, 6 spaces are required pursuant to the cannabis retail use ordinance Section 21-65.14.D.7a.2 and the RSIS NJAC Section 5:21-4.14, but the property only has 3 parking spaces on site. As such, the applicant is seeking a design waiver for the parking relief and will provide testimony in support for such waiver request.

The applicant is also seeking design waivers from Article XI Design Standards. Section 21-65.3 requires buffers to the adjacent residential properties, where the applicant does not have a buffer other than a fence. Section 21-65.10A and 10C require landscaping on the property, where the applicant does not have a landscaping plan. Section 21-65.11 requires lighting for drives, aisles, and parking areas, where the applicant does not have same. Section 21-65.14.D.3 requires sufficient parking, where the applicant does not have same. Section 21-65.13 requires an off-street loading plan, where the applicant intends to utilize its on-site parking for such plan and will provide testimony accordingly. To the extent such plan is not sufficient, the applicant seeks a design waiver for same.

To the extent the Board determines any other variances or waivers are deemed necessary, the applicant will request such relief from the Board.

A copy of the application and supporting documents are on file with the Board Secretary, and may be inspected from Monday through Friday, 9:00 a.m. to 4:00 p.m at the municipal building.

Applicant's Attorney is Brian R. Tipton – 610-691-7900.
(\$55.44)

0005498529 01

Agency:

BRANT REITER
40 E 43RD STREET UNIT 2
BAYONNE, NJ 07002

ATTN: Brant Reiter

Acct: 2017449380

Client:

BRANT REITER
40 E 43RD STREET UNIT 2,
BAYONNE, NJ 07002

Acct No: 2017449380

This is not an invoice

Order #	Advertisement/Description	# Col x # Lines	Rate Per Line	Cost
0005498529	Notice of Hearing - Bridge City - Dec 8 - Rev. 4 NOTICE OF HEARING HIGHLANDSBOROUGH LAND USE BOARD ENOTICE THAT ON THURSDAY EVENING AT 700 PM ON THE 8TH OF DECEMBER 2022 A HEARING WILL BE HELD	2 col x 63 lines	\$0.44	\$55.44
		Affidavit of Publication Charge	1	\$35.00
		Tearsheet Charge	0	\$0.00
		Net Total Due:		\$90.44

Run Dates: 11/25/2022

Check #: _____

Date: _____

CERTIFICATION BY RECEIVING AGENCY

I, HAVING KNOWLEDGE OF THE FACTS, CERTIFY AND DECLARE THAT THE GOODS HAVE BEEN RECEIVED OR THE SERVICES RENDERED AND ARE IN COMPLIANCE WITH THE SPECIFICATIONS OR OTHER REQUIREMENTS, AND SAID CERTIFICATION IS BASED ON SIGNED DELIVERY SLIPS OR OTHER REASONABLE PROCEDURES OR VERIFIABLE INFORMATION.

SIGNATURE: _____

TITLE: _____ DATE: _____

CERTIFICATION BY APPROVAL OFFICIAL

I CERTIFY AND DECLARE THAT THIS BILL OR INVOICE IS CORRECT, AND THAT SUFFICIENT FUNDS ARE AVAILABLE TO SATISFY THIS CLAIM. THE PAYMENT SHALL BE CHARGEABLE TO:

APPROPRIATION ACCOUNT(S) AND AMOUNTS CHARGED: P.O. # _____

SIGNATURE: _____

TITLE: _____ DATE: _____

CLAIMANT'S CERTIFICATION AND DECLARATION:

I DO SOLEMNLY DECLARE AND CERTIFY UNDER THE PENALTIES OF THE LAW THAT THIS BILL OR INVOICE IS CORRECT IN ALL ITS PARTICULARS; THAT THE GOODS HAVE BEEN FURNISHED OR SERVICES HAVE BEEN RENDERED AS STATED HEREIN; THAT NO BONUS HAS BEEN GIVEN OR RECEIVED BY ANY PERSON OR PERSONS WITHIN THE KNOWLEDGE OF THIS CLAIMANT IN CONNECTION WITH THE ABOVE CLAIM; THAT THE AMOUNT HEREIN STATED IS JUSTLY DUE AND OWING; AND THAT THE AMOUNT CHARGED IS A REASONABLE ONE.

Date: 11/25/2022

Federal ID #: 061032273

Signature: _____

D. Roberts

Official Position: Clerk

Kindly return a copy of this bill with your payment so that we can assure you proper credit.

Asbury Park Press
New Jersey Press Media Solutions
P.O. Box 677599

Landuse Secretary

From: Pr. Marti McGrail <cometnewlife@aol.com>
Sent: Saturday, November 5, 2022 8:24 PM
To: Landuse Secretary
Subject: Conditional Use Ordinance 21-97

To Whom It May Concern:

Please be advised that in accordance with Conditional Use Ordinance 21-97 of the following:

New Life Christian Church, 125 Bay Avenue, Highlands, New Jersey, 07732, has operated both a Sunday School and numerous religious classes throughout the week at this facility since 1996. Prior to that religious studies at this facility date back to 1918.

Currently, teaching is done online from this and other locations due to the Covid Pandemic. New Life does not immediately know when in-person studies will resume at this facility. That decision will be determined by safe guidelines to resume classes and worship as set forth by government and healthcare guidelines.

Thank you.

Sincerely for SOULS,

Reverend Martin D. McGrail, Jr.
Pastor
New Life Christian Church
125 Bay Avenue, Highlands, New Jersey, 07732



RECEIVED

NOV 08 2022

LAND USE BOARD

Item 10.

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



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: 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
Residential:	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>
Commercial:	How many commercial uses on site?	<u>None</u>	<u>None</u>
	How many on-site parking spaces?	<u>None</u>	<u>None</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
Minimum Lot Requirements			
Lot Area	N/A		
Frontage	See attachment		
Lot Depth	See attachment		
Minimum Yard Requirements			
Front Yard Setback	N/A		
2 nd 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
Accessory Structures			
Fence/Wall Height	N/A		
Garage/Shed Height	N/A		
Garage/Shed Area	N/A		
Pool Setback	N/A		
Parking Requirements			
On-site Parking Spaces	N/A		
Other (please add)			

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

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



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
8th day of November 2022 (year)
Joy M. Craig (notary)
 (Seal)

Carolyn Broullon 11/8/22
 Signature Date

Carolyn Broullon, Mayor

Print Full Name

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

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)

Carolyn Broullon 11/8/22
 Signature Date

Carolyn Broullon, Mayor

Print Full Name

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

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?	Yes	<input type="checkbox"/> No
Is this application to construct a multiple dwelling of 25 or more units?	Yes	<input type="checkbox"/> No
Is this an application for approval of a site(s) for non-residential purposes?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is this Applicant a corporation?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the Applicant a limited liability corporation?	Yes	<input type="checkbox"/> No
Is the Applicant a partnership?	Yes	<input type="checkbox"/> 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

8th 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.

R/S
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

STATE OF NEW JERSEY

ss

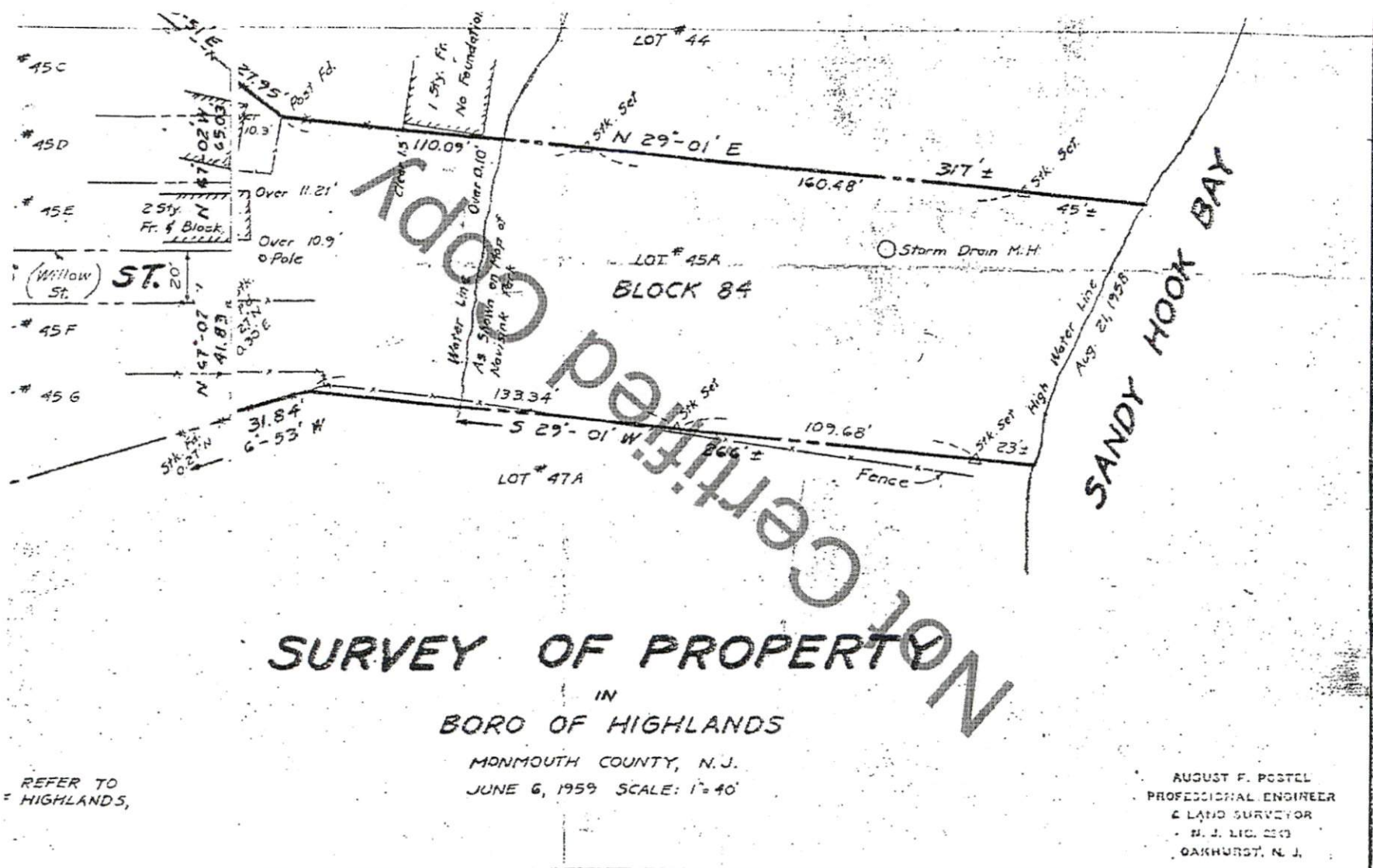
COUNTY OF MONMOUTH

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, ~~xxxx~~ 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, II¹
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@responlaw.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.

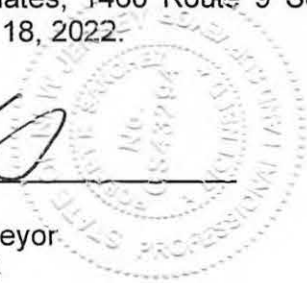
Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.



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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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.

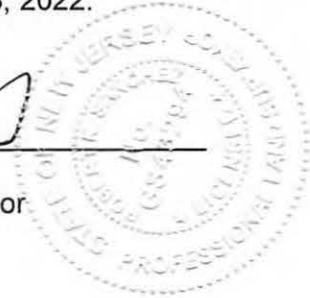
Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.



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.



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Qtl:rks



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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.

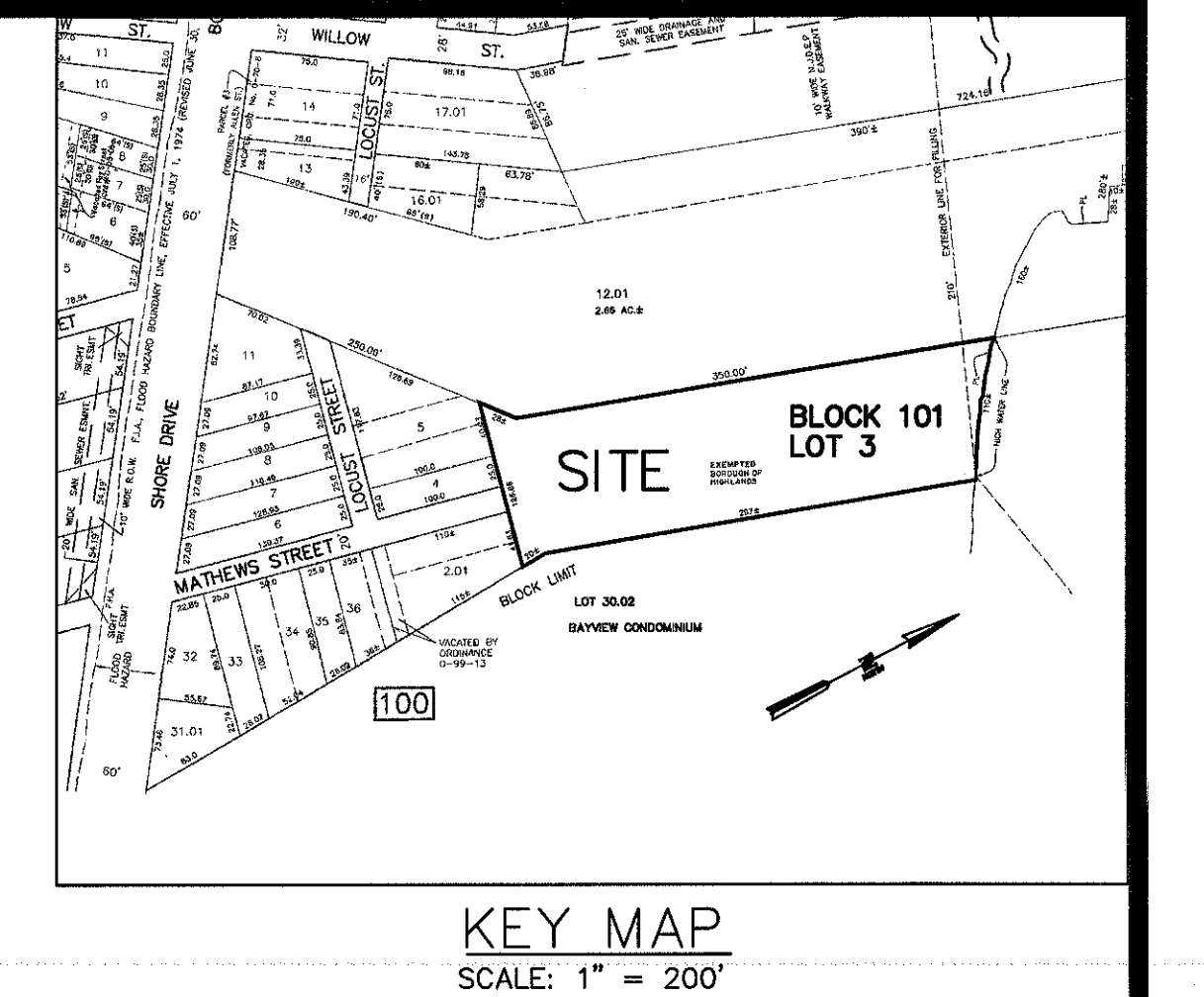
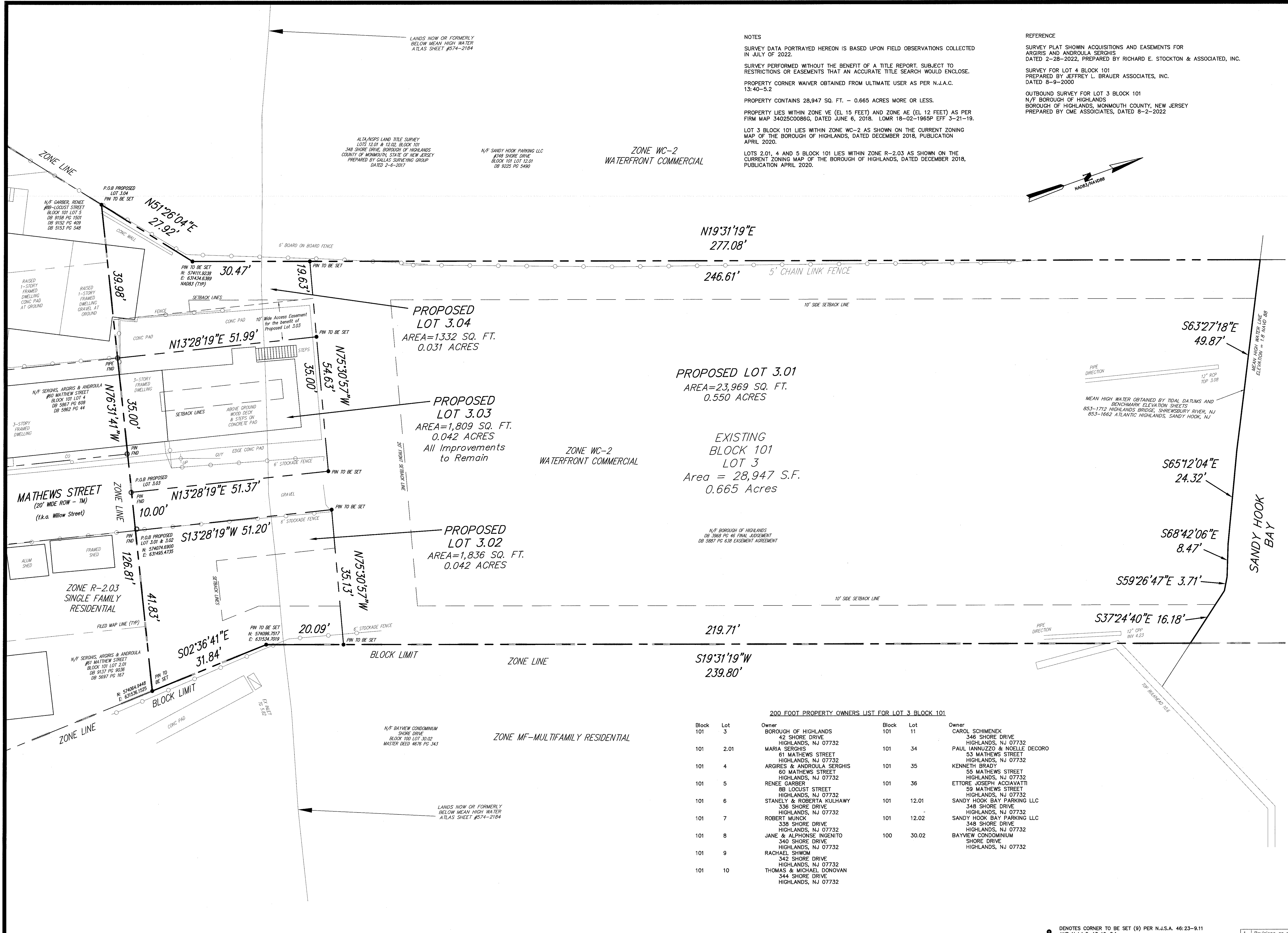


The Description of Property as described herein being and intended to be the same property as depicted on a certain map entitled "Preliminary Major Subdivision Plat, Block 101 Lot 3, N/F Borough of Highlands, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional 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



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:
1. ANY EASEMENTS, DEDICATIONS, OR RESTRICTIONS BOTH RECORDED AND UNRECORDED.
 2. SUCH FACTS THAT A TRUE AND ACCURATE TITLE REPORT MAY REVEAL.
 3. UNLESS NOTED HEREON THE FOLLOWING ITEMS WERE NOT CONTRACTED FOR OR INCLUDED ON THIS SURVEY.
 - a. 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.
 - b. 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.
 4. UNLESS OTHERWISE NOTED HEREON ALL LOTS ARE LISTED BY TAX MAP DESIGNATION.
 5. BOROUGH OF HIGHLANDS, MONMOUTH COUNTY TAX MAP SHEET #22.
 6. 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.
 7. BEARINGS BASED ON N.J.S.P.C.S. (NAD83).

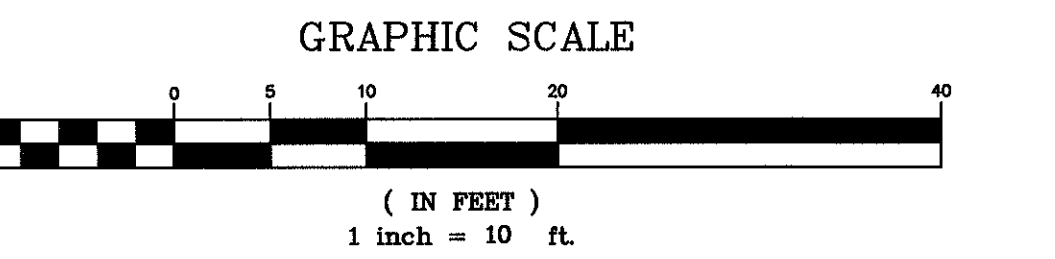
- GENERAL NOTES:
1. Property known and designated as Tax Lot 3 in Block 101, as shown on the official tax maps of the Borough of Highlands, Monmouth County, New Jersey, sheet number 22.
 2. Boundary and Location Survey prepared by CME Associates, 1460 Route 9 South, Howell, NJ 07731, Robert K. Sanchez,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

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



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 (c40:550-1 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 _____

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 BLOCK 101 LOT 3 N/F Borough of Highlands MINOR SUBDIVISION PLAT				
CONSULTING AND MUNICIPAL ENGINEERS				
2441 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859 - 1000 SCOUTS BOY SCOUTS HOWELL, NEW JERSEY 07730-1004				
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.		
ROBERT K. SANCHEZ, P.L.S.				
NEW JERSEY PROFESSIONAL LAND SURVEYOR				
N.J. LIC. 43294				
8/25/2022				
1 OF 1				



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
Locust Street
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Minor Subdivision
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
Block 101, Lot 3
Waterfront Commercial 2 (WC-2) Zone
Minor Subdivision
First Completeness Review

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

Re: Borough Property
Locust Street
Block 101, Lot 3
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Minor Subdivision
First Completeness Review

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.
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.

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
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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	10(V)	NA	10(V)	NA
Min. Lot Width (ft)	100	NS	99.77(V)	NA	35(V)	NA
Min. Lot Depth (ft)	150	218.86	218.86	NA	51.37	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

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

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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

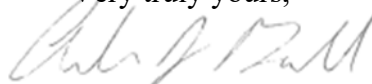
Nancy Tran, Land Use Board Secretary
Borough of Highlands
42 Shore Drive
Highlands, New Jersey 07732

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

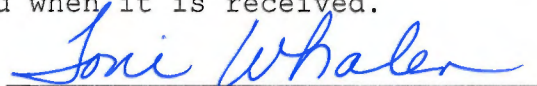
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Enc.

**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


NOTARY PUBLIC OF NEW JERSEY



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.

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)