



**BOROUGH OF HIGHLANDS
LAND USE BOARD MEETING**
151 Navesink Avenue, Highlands NJ 07732
Thursday, January 11, 2024 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.

ROLL CALL

OATH OF OFFICE

1. Robert Burton
2. Jo-Anne Olszewski
3. Laurie LaRussa

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

RESOLUTIONS

4. LUB Resolution 2024-01 Nomination & Vote for Chairperson
5. LUB Resolution 2024-02 Nomination & Vote for Vice-Chairperson
6. LUB Resolution 2024-03 Board Secretary
7. LUB Resolution 2024-04 Awarding Professional Legal Services Contract
8. LUB Resolution 2024-05 Awarding Professional Engineer Services Contract
9. LUB Resolution 2024-06 Designation of 2024 Meeting Dates & 2025 Reorganization Date

[10.](#) LUB Resolution 2024-07 Designation of Asbury Park Press & The Two River Times as the Official Newspapers

[11.](#) LUB Resolution for 2nd Extension Approval for LUB2021-01: LDN, LLC

[12.](#) LUB Resolution Master Plan Consistency for O-23-22 Private Salt Storage

APPROVAL OF MINUTES

13. December 14, 2023 LUB Meeting Minutes

HEARINGS ON NEW BUSINESS

[14.](#) LUB2023-07 Kelly-Hall 40 Grand Tour B14 L6-02

COMMUNICATION AND VOUCHERS

15. LUB Annual Report 2023

16. Master Plan Planning

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 2024-01
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, 2024 and ending on December 31, 2024.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon (2025)						
Class II: Official of Borough						
Chief Rob Burton (2024)						
Class III: Council Member (2024)						
Councilmember Jo-Anne Olszewski						
Class IV: Members						
Robert Knox (2026)						
Bruce Kutosh (2024)						
Laurie LaRussa (2027)						
Frank Montecalvo (2024)						
Annemarie Tierney (2026)						
Mark Zill (2025)						
Alt (in order):						
1 Helen Chang (2025)						
2 Dean Cramer (2024)						
3 Kevin Cody (2025)						
4 Stacy Vickery (2024)						

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 11, 2024.

Nancy Tran
Land Use Board Secretary



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-02
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, 2024 and ending on December 31, 2024.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon (2025)						
Class II: Official of Borough						
Chief Rob Burton (2024)						
Class III: Council Member (2024)						
Councilmember Jo-Anne Olszewski						
Class IV: Members						
Robert Knox (2026)						
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3 Kevin Cody (2025)						
4 Stacy Vickery (2024)						

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Nancy Tran
Land Use Board Secretary



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-03
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, 2024 and ending December 31, 2024.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon (2025)						
Class II: Official of Borough						
Chief Rob Burton (2024)						
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Nancy Tran
Land Use Board Secretary



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-04

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 2024 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 2024 Municipal Budget as follows:

Account # 4-01-21-180-000-242

For Legal Services for the Period of January 1, 2024 through December 31, 2024.

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, 2024 through December 31, 2024 and said appointment is made as a fair and open contract.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.

3. The Chairman and Board Secretary are hereby authorized to sign a contract for Professional Legal Services in accordance with this Resolution.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary and the Borough Clerk.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon (2025)						
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Chief Rob Burton (2024)						
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Nancy Tran
Land Use Board Secretary



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-05

APPOINTING A LAND USE BOARD ENGINEER FOR THE CALENDAR YEAR 2024 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 2024 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 2024 Municipal Budget as follows:

Account # 4-21-180-000-244

For Engineer Services for the Period of January 1, 2024 through December 31, 2024.

Patrick DeBlasio, CFO

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

1. Carmela Roberts, PE, CME, of Roberts Engineering Group LLC is hereby appointed as Land Use Board Engineer for the calendar year 2024 and is awarded a professional service contract for professional engineering services provided for the period of January 1, 2024 through December 31, 2024.
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 2024-06

SETTING THE SCHEDULE FOR LAND USE BOARD MEETINGS OF THE BOROUGH OF HIGHLANDS FOR THE CALENDAR YEAR 2024

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 2024, at the **Municipal Building, 151 Navesink 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 8, 2024
Thursday	March 14, 2024
Thursday	April 11, 2024
Thursday	May 9, 2024
Thursday	June 16, 2024
Thursday	July 11, 2024
Thursday	August 8, 2024
Thursday	September 12, 2024
Thursday	October 10, 2024
Thursday	November 14, 2024
Thursday	December 12, 2024
Thursday	January 9, 2025*

* 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 2025 shall be held at 7:00 PM on Thursday, January 9, 2025, at the **Municipal Building, 151 Navesink Avenue, Highlands, New Jersey 07732.**
4. The Land Use Board Secretary shall post this “Annual Notice” on the official bulletin board in the Municipal Building, transmit it to the Asbury Park Press and Two River Times, and file this notice in the Office of the Land Use Board Secretary and the Municipal Clerk of the Borough of Highlands, all in accordance with the “Open Public Meetings Law”.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
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Chief Rob Burton (2024)						
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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 11, 2024.

Nancy Tran
Land Use Board Secretary



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-07

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, 2024.

Member, Class, and Name	Intro	2nd	Aye	Nay	Abstain	Absent
Class I: Mayor						
Mayor Carolyn Broullon (2025)						
Class II: Official of Borough						
Chief Rob Burton (2024)						
Class III: Council Member (2024)						
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Nancy Tran
Land Use Board Secretary



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-08

MEMORIALIZATION OF SECOND EXTENSION OF USE VARIANCE RELIEF WITH
PRELIMINARY AND FINAL MAJOR SUBDIVISION APPROVAL

Approved: November 9, 2023
Memorialized: January 11, 2024

MATTER OF LDN, LLC
APPLICATION NO. LUB-2021-01

WHEREAS, an application for a second extension of time for use variance relief with preliminary and final major subdivision approval has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by LDN, LLC (hereinafter referred to as the “Applicant”) on lands known and designated as Block 54, Lot 7.01 as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), more commonly known as 49 Miller Street in the CBD (Central Business District) Zone (hereinafter “Property”); and

WHEREAS, a public hearing was held before the Board on November 9, 2023 with regard to this application; and

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

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

1. The Applicant is seeking an extension of time for the use variance relief with preliminary and final major subdivision granted by the Board on November 4, 2021 and memorialized in a Resolution dated December 2, 2021.

2. The Applicant was granted use variance relief with preliminary and final major subdivision relief to create five (5) single-family dwelling lots. Single-family dwellings are not a permitted use in the CBD Zone and, use variance relief pursuant to N.J.S.A. 40:55D-70d(1) was therefore required.

3. The Applicant was previously granted a one (1) year extension of time in a Resolution memorialized on November 9, 2023.

4. The Applicant is now requesting a second one (1) year extension of time.

5. The Applicant did not testify at the hearing but submitted a letter to the Board from attorney requesting the extension of time for the Board to sign off on the Final Plat. The Applicant's letter explained that the reason for the extension request was that the Board had misplaced the Applicant's paperwork submitted for final plat approval in July of 2022, which had to subsequently be resubmitted.

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

7. The Board has received, reviewed, and considered the Applicant's June 30, 2023 written request for an extension, Land Use Board Resolution granting use variance relief with preliminary and final major subdivision approval dated December 2, 2021 pursuant to N.J.S.A. 40:55D-52. All exhibits, resolutions, and statements have been incorporated herein in their entirety.

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to

determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby concludes that good cause has been shown to approve the application of LDN, LLC for a second one (1) year extension of time pursuant to N.J.S.A. 40:55D-52.

The Board acknowledges that the Applicant has diligently pursued outside approvals but that due to circumstances beyond its control the Applicant has faced unavoidable and unexpected delays. The Board, therefore, finds that a second extension of time of one-year pursuant to N.J.S.A. 40:55D-52 is appropriate in this circumstance.

NOW, THEREFORE, BE IT RESOLVED by the Highlands Land Use Board on this 11th day of January, 2024, that the action of the Land Use Board taken on November 9, 2023 granting Application No. LUB-2021-01 of LDN, LLC for a second one (1) year extension of time for use variance relief with preliminary and final major subdivision be and the same is hereby memorialized as follows:

The application is granted subject to the following conditions:

1. The Applicant is granted a second one (1) year extension of time.
2. All terms and conditions of the Board's previous approvals, except as satisfied or amended, shall remain in place.
3. The Applicant shall provide a certificate that taxes are paid to date of approval.
4. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

- 5. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

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

ON MOTION OF:

SECONDED BY:

ROLL CALL:

YES:

NO:

ABSTAINED:

ABSENT:

DATED:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Borough of Highlands Land Use Board, Monmouth County, New Jersey, at a public meeting held on January 11, 2024.

Nancy Tran, Secretary
Borough of Highlands Land Use Board



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2024-08

MEMORIALIZATION OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-23-22
AMENDING CHAPTER 21, ARTICLE XIV, ADDING NEW SECTION 21-81A ENTITLED “PRIVATELY OWNED SALT STORAGE” AND AMENDING SECTION 21-31 ENTITLED “OUTDOOR STORAGE” OF THE BOROUGH CODE OF THE BOROUGH OF HIGHLANDS

Decided: November 9, 2023
Memorialized: January 11, 2024

MATTER OF CONSISTENCY DETERMINATION FOR ORDINANCE NO. O-23-22

WHEREAS, under N.J.S.A. 40:55D-26a of the Municipal Land Use Law (the “MLUL”), prior to the adoption of a development regulation, revision or amendment thereto, the Land Use Board shall make and transmit to the Governing Body, within 35 days after referral, a report including identification of any provisions of the proposed ordinance which are inconsistent with the Master Plan and recommendations concerning these inconsistencies and any other matters as the Board deems appropriate; and

WHEREAS, on November 1, 2023, the Borough of Highlands Governing Body introduced Ordinance No. O-23-22 entitled “Amending Chapter 31, Article XIV (Establishment of Districts) by Adding New Section 21-81A (Privately Owned Salt Storage) and Amending Section 21-81 (Outdoor Storage) of the Revised General Ordinances of the Borough of Highlands, County of Monmouth and State of New Jersey”; and

WHEREAS, the Mayor and Council of the Borough of Highlands referred this matter to the Borough Land Use Board under the MLUL pursuant to N.J.S.A. 40:55D-64; and

WHEREAS, on November 9, 2023, the Land Use Board considered this matter at a duly-noticed in-person public meeting; and

WHEREAS, on or about November 19, 2023, Counsel for the Land Use Board provided a letter to the Board Secretary to be presented to the Governing Body, containing the Board's findings for the consistency review of Ordinance No. O-23-22; and

WHEREAS, on December 20, 2023, Ordinance No. O-23-22 was adopted by the Borough of Highlands Governing Body after second reading and a public hearing.

NOW, THEREFORE, by the Borough of Highlands Land Use Board, having reviewed Ordinance No. O-23-22, memorializes the following findings of fact and conclusions of law in regard to the proposed revisions to the Code of the Borough of Highlands:

1. Ordinance No. O-23-22 amends Chapter 31, Article XIV (Establishment of Districts) by adding new section 21-81A entitled "Privately Owned Salt Storage" and amending Section 21-81 entitled "Outdoor Storage" of the Code of the Borough.

2. At its public meeting on November 9, 2023, Mayor Broullon provided the Land Use Board with an overview of the Ordinance. The Land Use Board and its professionals discussed the Ordinance, which is intended to prevent the Borough's stormwater and stormwater management systems from being exposed to stored salt and other de-icing materials.

3. The Land Use Board finds that the adoption of Ordinance No. O-23-22 is substantially consistent with the comprehensive goals set forth in the Master Plan.

4. The Land Use Board finds that adoption of Ordinance No. O-23-22 is substantially consistent with the comprehensive land use goals, and economic development goals as set forth in the Master Plan or is designed to effectuate such plan elements for the reasons expressed on the record as well as the reasons expressed by its professionals and Mayor Broullon.

5. The Land Use Board finds the Ordinance is consistent as written and has no recommendations for changes to Ordinance O-23-22.

NOW THEREFORE, BE IT RESOLVED, by the Highlands Land Use Board that Ordinance No. O-23-22 entitled “Amending Chapter 31, Article XIV (Establishment of Districts) by Adding New Section 21-81A (Privately Owned Salt Storage) and Amending Section 21-81 (Outdoor Storage) of the Revised General Ordinances of the Borough of Highlands, County of Monmouth and State of New Jersey” has been determined by the Land Use Board to be substantially consistent with the comprehensive land use goals and economic development goals in the Master Plan or is designed to effectuate such plan elements for the Borough of Highlands.

BE IT FURTHER RESOLVED that the Land Use Board Secretary is hereby directed to transmit a copy of this Resolution to the Mayor and Borough Council as a supplement to the letter sent to the Mayor and Council on or about December 19, 2023, and shall serve as the report to the Governing Body pursuant to N.J.S.A. 40:55D-26a of the MLUL.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately.

- ON MOTION OF:
- SECONDED BY:
- YES:
- NO:
- RECUSED:
- INELIGIBLE:
- ABSENT:

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on January 11, 2024.

Nancy Tran, Secretary
Borough of Highlands Land Use Board



LAND USE BOARD APPLICATION

FOR OFFICIAL USE

Date Rec'd: 12/15/2023 Application #: LUB2023-07 Ck# 2605 Escrow: \$750
 Fee: \$125 Ck# 2606

1. APPLICANT

Name: Kim Kelly and Kevin Hall
 Address: 40 Grand Tour
 City: Highlands State: NJ Zip: 07732
 Phone: 732-429-9222
 Email: kimakelly33@gmail.com
 Relation to property: property owners

2. OWNER

Name: Kim Kelly and Kevin Hall
 Address: 40 Grand Tour
 City: Highlands State: NJ Zip: 07732
 Phone: 732-429-9222
 Email: kimakelly33@gmail.com

3. TYPE OF APPLICATION (Check all that apply)

- | | |
|---|--|
| <input type="checkbox"/> Minor Subdivision
<input type="checkbox"/> Major Subdivision – Preliminary
<input type="checkbox"/> Major Subdivision – Final
<input type="checkbox"/> Minor Site Plan
<input type="checkbox"/> Major Site Plan – Preliminary
<input type="checkbox"/> Major Site Plan – Final
<input checked="" type="checkbox"/> Variance
<input type="checkbox"/> Use Variance | <input type="checkbox"/> Appeal – Zoning Denial date _____
<input type="checkbox"/> Appeal – Land Use Decision date _____
<input type="checkbox"/> Informal Concept Plan Review
<input type="checkbox"/> Extension of Approval
<input type="checkbox"/> Revision/Resubmission of Prior Application
<input type="checkbox"/> Other _____ |
|---|--|

4. PROPERTY INFORMATION

Block 14 Lot(s) 6.02 Address: 40 Gand Tour Highlands NJ 07732
 Lot size 5,656 sf # of Existing Lots 1 # of Proposed Lots N/A
 Zone R-1.01 Are there existing Deed Restrictions or Easements? No Yes – Please attach copies
 Has the property been subdivided? No Yes If yes, when? March 2022
 Attach copies of approved map or approved resolution
 Property taxes paid through current Sewer paid through N/A

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

Name: _____
 Address: _____
 Phone: _____ Email: _____



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

Name: Andrew R. Stockton PE/PLS
 Address: Eastern Civil Engineering, LLC
31 Grand Tour Highlands NJ 07732
 Phone: 732-996-5281
 Email: arstockton@gmail.com

Name: Anthony Condouris - Architect
 Address: 20 Bingham Ave 2nd Floor
Rumson NJ 07760
 Phone: 732-842-3800
 Email: info@amcarchitect.com

7. LAND USE

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

 Property created by minor subdivision March 2022.

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.

 Construct a single family home. Zoning approval secured, Freehold SCD approval, Constr Permits

C. ADDITIONAL INFORMATION:

		Existing	Proposed
Residential:	How many dwelling units?	0	1
	How many bedrooms in each unit?	_____	3
	How many on-site parking spaces?	_____	4
Commercial:	How many commercial uses on site?	NA	_____
	How many on-site parking spaces?	NA	_____



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

	Req'd	Exist.	Prop'd
Minimum Lot Requirements			
Lot Area	5000	5656	5656
Frontage	50	50	50
Lot Depth	100	115	115
Minimum Yard Requirements			
Front Yard Setback	35	N/A	35
2 nd Front Yard Setback			
Rear Yard Setback	25	N/A	25
Side Yard Setback, right	8	N/A	8.1
Side Yard Setback, left	12	N/A	12.1
Building Height	30	N/A	27.9

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

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

~~Appeal to hear and decide slope area permit review including provisions at Sect.21-84B.E3 and E4.~~



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
 13th day of December 2023 (year)
 Kevin Rooney (notary)
 KEVIN ROONEY
 Notary Public, State of New Jersey
 Commission # 00170501
 My Commission Expires Sept. 1, 2026

[Signature] *[Signature]* 12.13.23
 Signature Date
 KEVIN F. HALL Kim Ann Kelly
 Print Full Name

11. NOTARIZED CONSENT OF OWNER

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

SWORN & SUBSCRIBED to before me this
 13th day of December 2023 (year)
 Kevin Rooney (notary)
 KEVIN ROONEY
 Notary Public, State of New Jersey
 Commission # 00170501
 My Commission Expires Sept. 1, 2026

[Signature] *[Signature]* 12.13.23
 Signature Date
 KEVIN F. HALL Kim Ann Kelly
 Print Full Name

12A. DISCLOSURE STATEMENT Circle all that apply.

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

- Is this application to subdivide a parcel of land into six (6) or more lots? Yes No
- Is this application to construct a multiple dwelling of 25 or more units? Yes No
- Is this an application for approval of a site(s) for non-residential purposes? Yes No
- Is this Applicant a corporation? Yes No
- Is the Applicant a limited liability corporation? Yes No
- Is the Applicant a partnership? Yes No

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

EASTERN CIVIL ENGINEERING, LLC

Civil Engineering – Surveying & Mapping – Land Use Planning – Site Design
31 Grand Tour, Highlands, NJ 07732 – Phone/Fax: 732.872.7736

December 12, 2023

From the Desk of:
ANDREW R. STOCKTON
Professional Engineer & Land Surveyor
Professional Planner

Ms. Nancy Tran, Secretary
Highlands Borough Land Use Board
151 Navesink Avenue
Highlands, NJ 07732

Re: Grading Plan for Kim Kelly/Kevin Hall
Block 14 Lot 6.02; #40 Grand Tour
Highlands Borough, Monmouth Co., NJ
Project No. 2302235

Dear Ms. Tran:

On behalf of the applicants, Kim Kelly and Kevin Hall, enclosed please find our submission package for appeal to the Highlands Land Use Board for slope area permit review at the above referenced project site. This package contains the following information:

- The original Land Use Board application and checklist form;
- Initial LUB application fee in the amount of \$125.00;
- Initial LUB review escrow fee in the amount of \$750.00;
- Four copies of our grading plan, consisting of one sheet dated 10-01-23 and revised through 11-06-23;
- One copy of our project Zoning Permit, issued by the Borough dated 7-27-23;
- One copy of the Borough Engineer's 12-04-23 project review letter;
- One copy of the prior Minor Subdivision Approval Resolution No. 2022-10 dated 4-14-22; and
- One copy of our approval letter dated 11-22-23 as issued by Freehold Soil Conservation District for the project.

This project involves the construction of a single-family dwelling on a new vacant building lot (LUB Resolution No. 2022-10). The scope of work for the new home construction on this lot requires only very minimal grading activity that does not change existing established drainage patterns.

The subject property is situated with the "slope area" of the Borough as defined by certain lot and block numbers outlined at Ord. Sect. 21-84B.A; however, the project site does not actually contain any steep slope areas meeting the definitions as described at Ord. Sect. 21-8 nor elsewhere within Ord. Sect. 21-84B that should trigger the need for steep slope permit review.

To: Ms. Nancy Tran, Secretary
Highlands Borough Land Use Board
Re: Grading Plan for Kim Kelly/Kevin Hall
Block 14 Lot 6.02; #40 Grand Tour
Highlands Borough, Monmouth Co., NJ
Project No. 2302235

December 12, 2023
Page 2

Item 14.

The Borough Engineer concurs that the project site does not contain any steep slope areas but, as part of his grading plan and slope area permit review, has found the scope of work for the project does not meet criteria outlined at Ord. Sect. 21-84B.E.3 pertaining to the maximum amount of permitted impervious surface area and Ord. Sect. 21-84B.E.4 pertaining to the maximum amount of permitted lot disturbance. Therefore, pursuant to Ord. Sect. 21-84B.J, the applicants respectfully appeal to the Land Use Board to hear and decide on the slope area permit review for this project.

Except for the apparent restrictions at Ord. Sect. 21-84B.E.3 and Ord. Sect. 21-84B.E.4, meant to protect and regulate development on project sites that contain steep slopes, the scope of work at this project site meets the building coverage, lot coverage, and bulk standards of the R-1.01 Zone District.

Please review this information and schedule the matter for the next available Land Use Board hearing date. Feel free to contact me directly if you have any questions or if you need additional information with regard to this matter.

Very truly yours,
EASTERN CIVIL ENGINEERING, LLC

ANDREW R. STOCKTON
Professional Engineer & Land Surveyor
For the firm

cc. Kim Kelly/w encl

BOROUGH OF HIGHLANDS, N. J.

INCORPORATED 1900

42 SHORE DRIVE
HIGHLANDS, NJ 07732
COUNTY OF MONMOUTH

(732) 872-1224 PH
(732) 872-0670 FX

WWW.HIGHLANDBOROUGH.ORG



HISTORIC "TWIN LIGHTS"

CAROLYN BROULLON
MAYOR

MICHAEL MUSCILLO
ADMINISTRATOR

NANCY TRAN
BOROUGH CLERK

7-27-23

Kevin Hall Kim Kelly
33 Arthur Place
Red Bank NJ 07701

RE: 40 Grand Tour
Zone R-1.01

Please be advised that the above referenced application to construct a 2,287 sq. ft. new single family dwelling has been reviewed for compliance with the Borough of Highlands Zoning Ordinance.

The application is subject to the following conditions:

1. The proposed improvements are approved as described on the plans (Condouris 7/23) submitted.
2. The proposed plans are approved as located on the survey (Trinidad 6/23) submitted.
3. The height is approved at 31.8 ft height. This measurement is from pre-existing grade to mid-roofline.
4. A grading plan must be approved by Highlands Engineering prior to building permits being issued.
5. Compliance with: Planning Board requirements; Freehold Soils Conservation District; Sewer Authority; and Borough Engineering FEMA/DEP/CAFRA as required.
6. Foundation location survey will be required, and an "as built" survey will be required for review by the Borough Engineer, prior to issuance of a certificate of occupancy.
7. Approved plans; and a copy of this approval; and survey must be kept on site throughout construction.
8. Obtain all required construction permits.
9. This approval expires one (1) year from the date of this letter.

Should you have any questions, feel free to contact me at 732-615-2278.

Brian O'Callahan

Brian O'Callahan
Zoning Officer
(732) 615-2286



Item 14.

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

Zoning Permit Application

Cash

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

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

APPLICANT Name: Kevin Hall | Kim Kelly Date: July 26, 2023
Address: 33 Arthur Place Red Bank NJ
Phone# Kevin 732-925-2060 Email: khall29@gmail.com
Kim 732-479-9222 Kimakelly33@gmail.com

Block: 14 Lot(s): 6.02 Zone: _____
Street Address: 40 Grand Tour

Construction of new home on above property

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: Kim Kelly Date: 7/26/2023

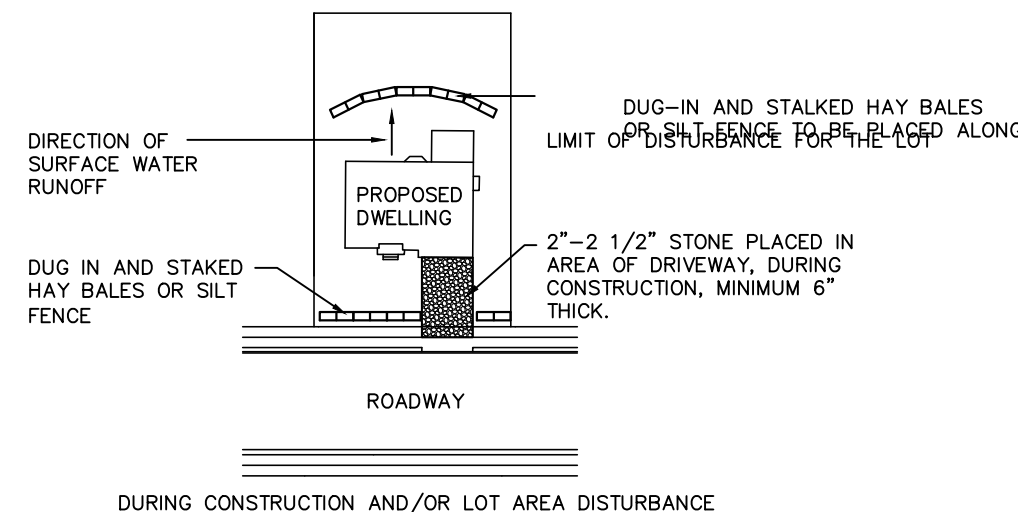
Check applicable Flood Zone: _____ AE _____ VE X X
All applications within the AE and VE Flood Zones, as indicated upon the most recent FEMA Flood Maps, require submission of a determination from the NJDEP.

Determination: Approved Denied _____ Zoning Officer: Ben Gallo
If your application has been DENIED, it is due to the following: Date: 7/27/23
Ordinance Section _____ Allowed/Required _____ Proposed _____

Remarks: PER SURVEY + LETTER

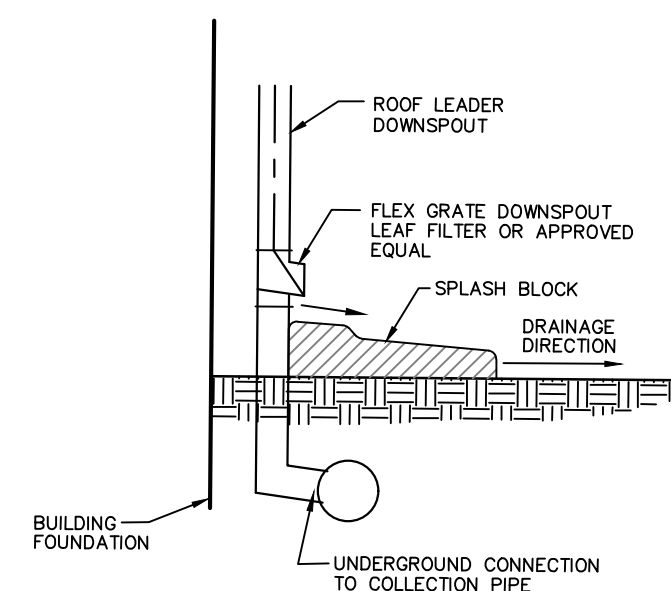
Note: A Zoning Permit indicates that the proposed project conforms to the planning/zoning regulations of the Borough of Highlands. A building permit is required (per the requirements of the Uniform Construction Code of NJ) BEFORE beginning work. The Zoning Permit is valid for one year. If your application 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.



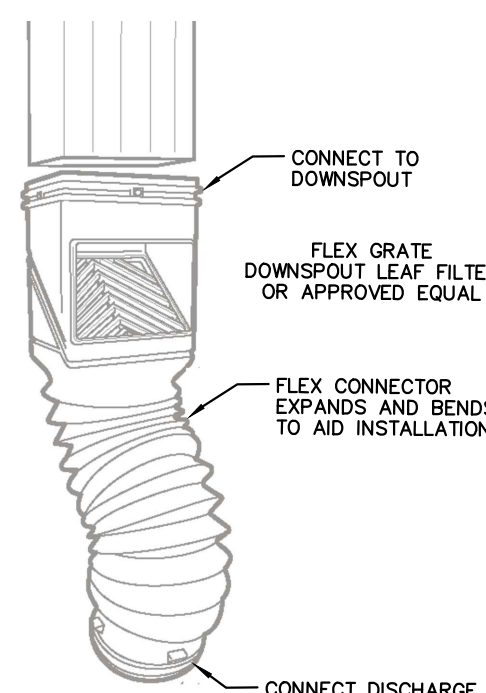
TYPICAL LOT DETAIL

N.T.S.
NOTE: RESPONSIBILITY FOR PLACEMENT AND MAINTENANCE OF SOIL EROSION MEASURES ON ANY GIVEN LOT BELONGS TO THE PERSON(S) DOING THE DISTURBANCE OR CONSTRUCTION.



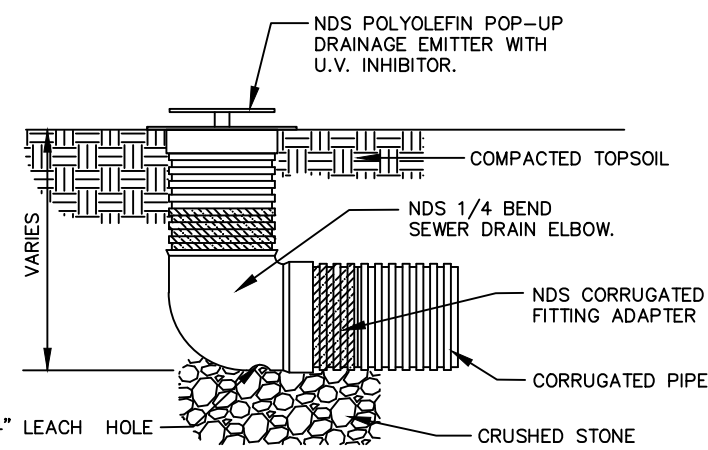
ROOF LEADER DOWNSPOUT DETAIL

N.T.S.



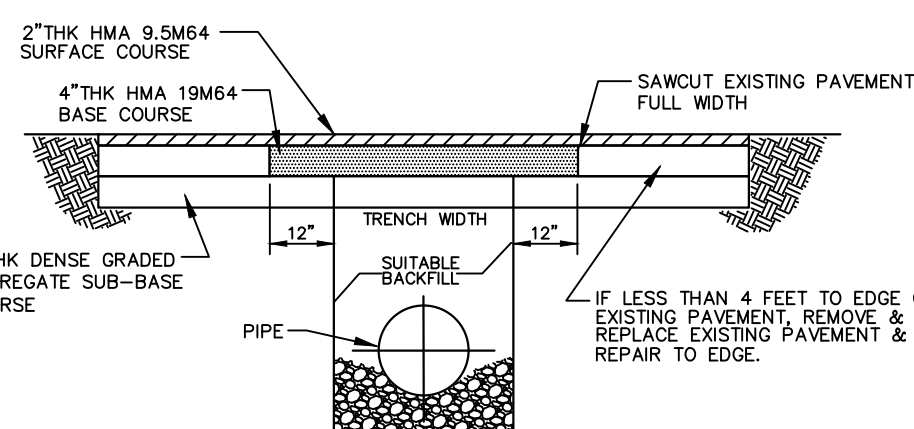
DOWNSPOUT LEAF FILTER DETAIL

N.T.S.



TYPICAL POP-UP DRAINAGE EMITTER

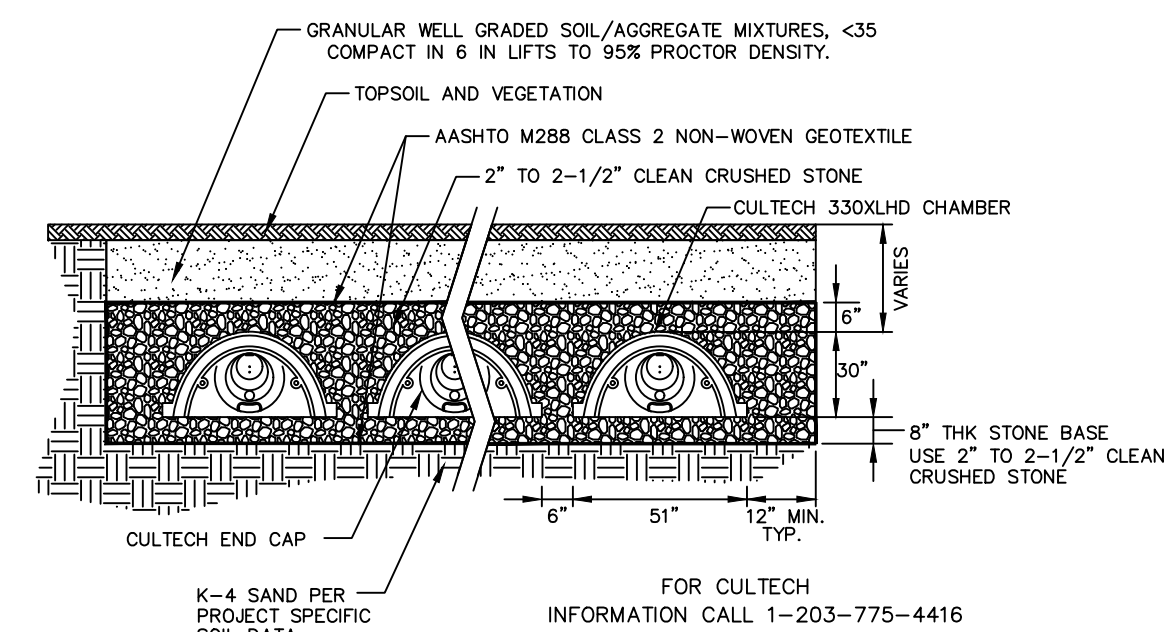
N.T.S.



MUNICIPAL PAVEMENT REPAIR

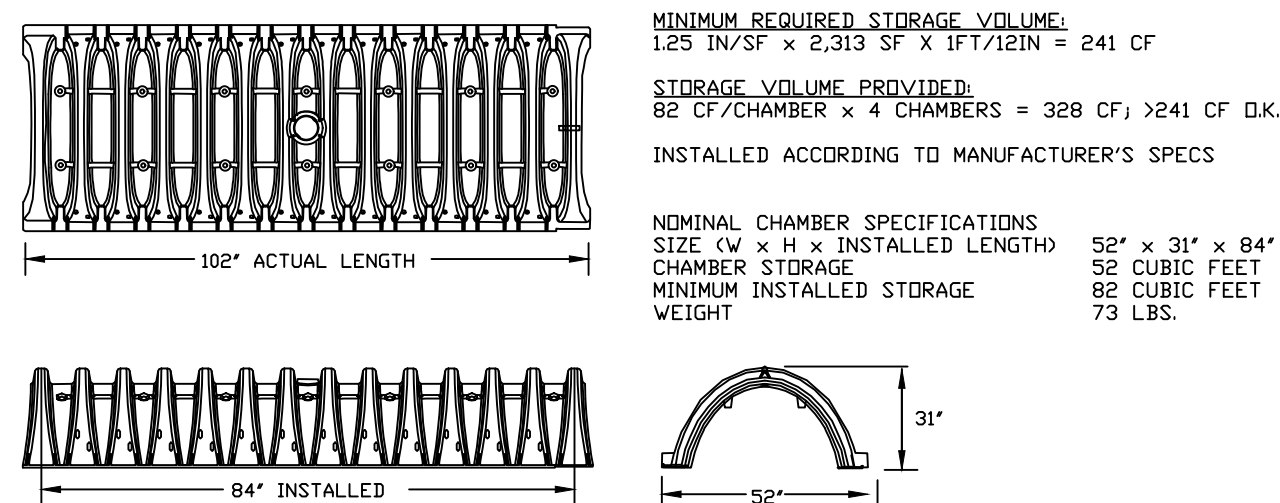
N.T.S.

SUPERFICIAL SURFACE DAMAGE CAUSED BY THE CONTRACTOR OUTSIDE THE LIMIT SHOWN, SHALL BE PAVED WITH SURFACE COURSE. IF THE BASE COURSE OF THE EXISTING PAVEMENT IS DAMAGED BEYOND THE LIMIT SHOWN, THE CONTRACTOR SHALL EXCAVATE 6" BEYOND THE DAMAGED AREA AND REPLACE IT WITH BITUMINOUS STABILIZED BASE COURSE.



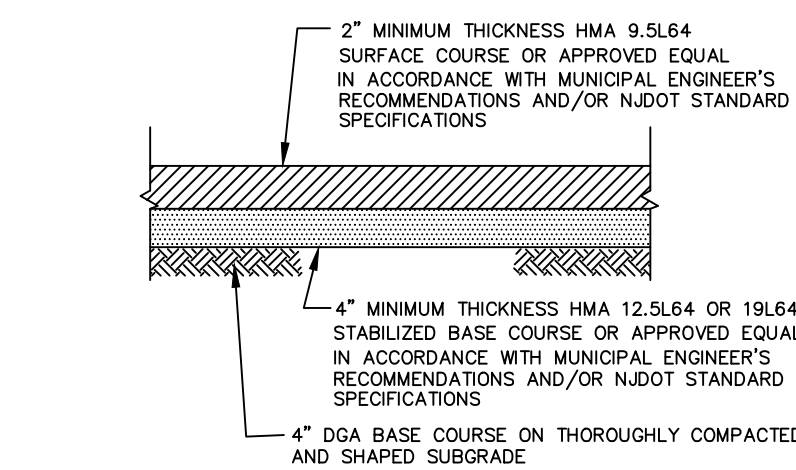
CULTECH 330XLHD CHAMBER SYSTEM
TYPICAL CROSS SECTION DETAIL

N.T.S.



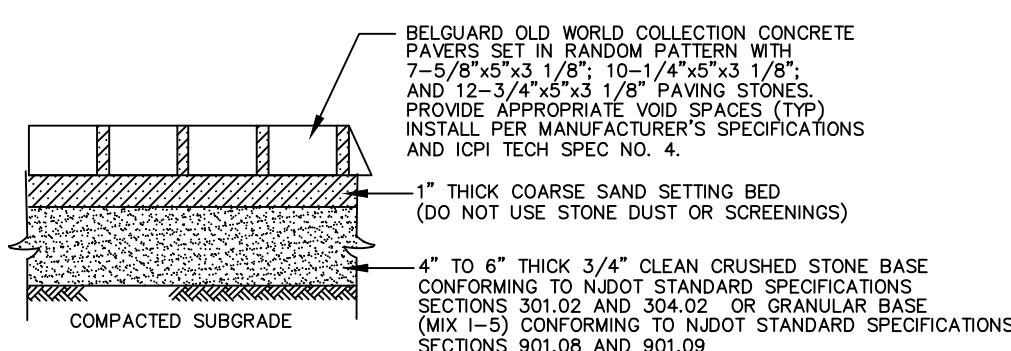
CULTECH RECHARGER 330XLHD STORMWATER CHAMBER

N.T.S.



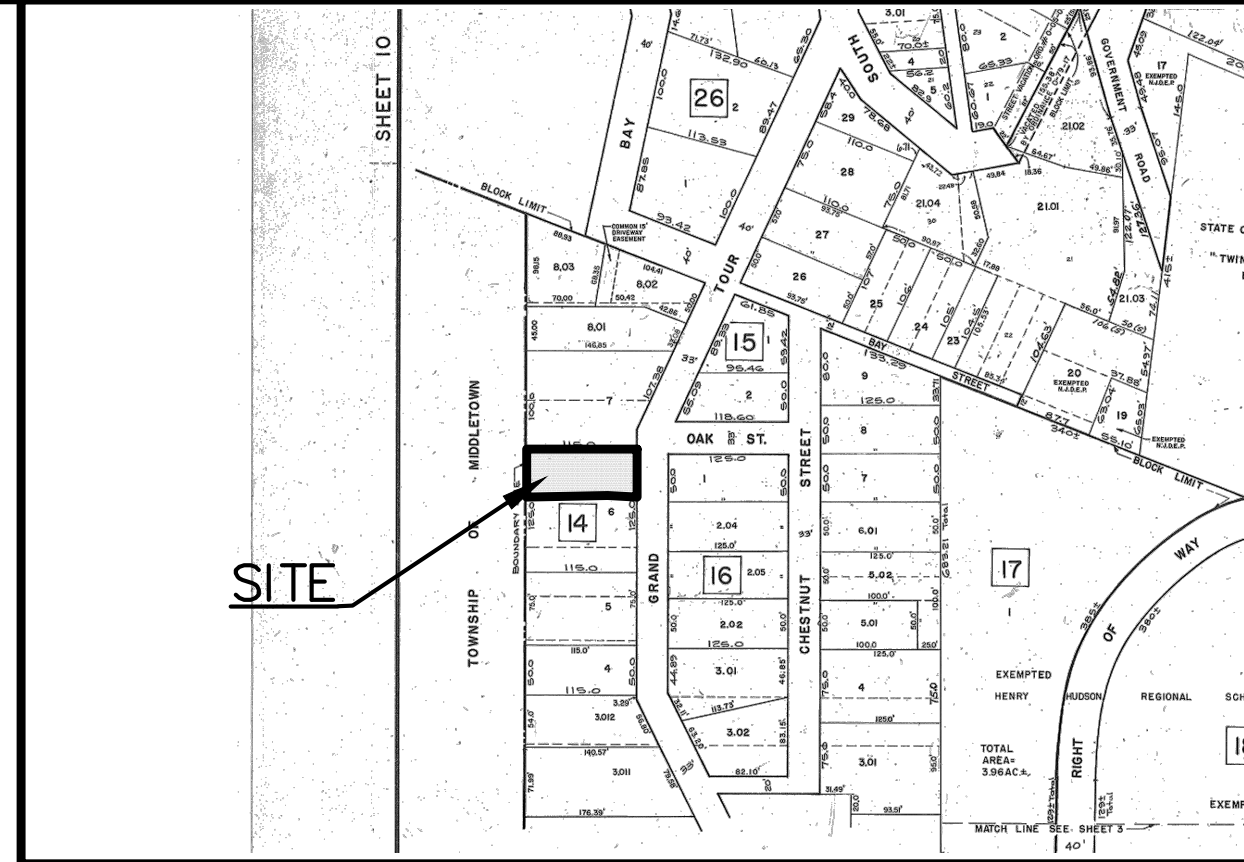
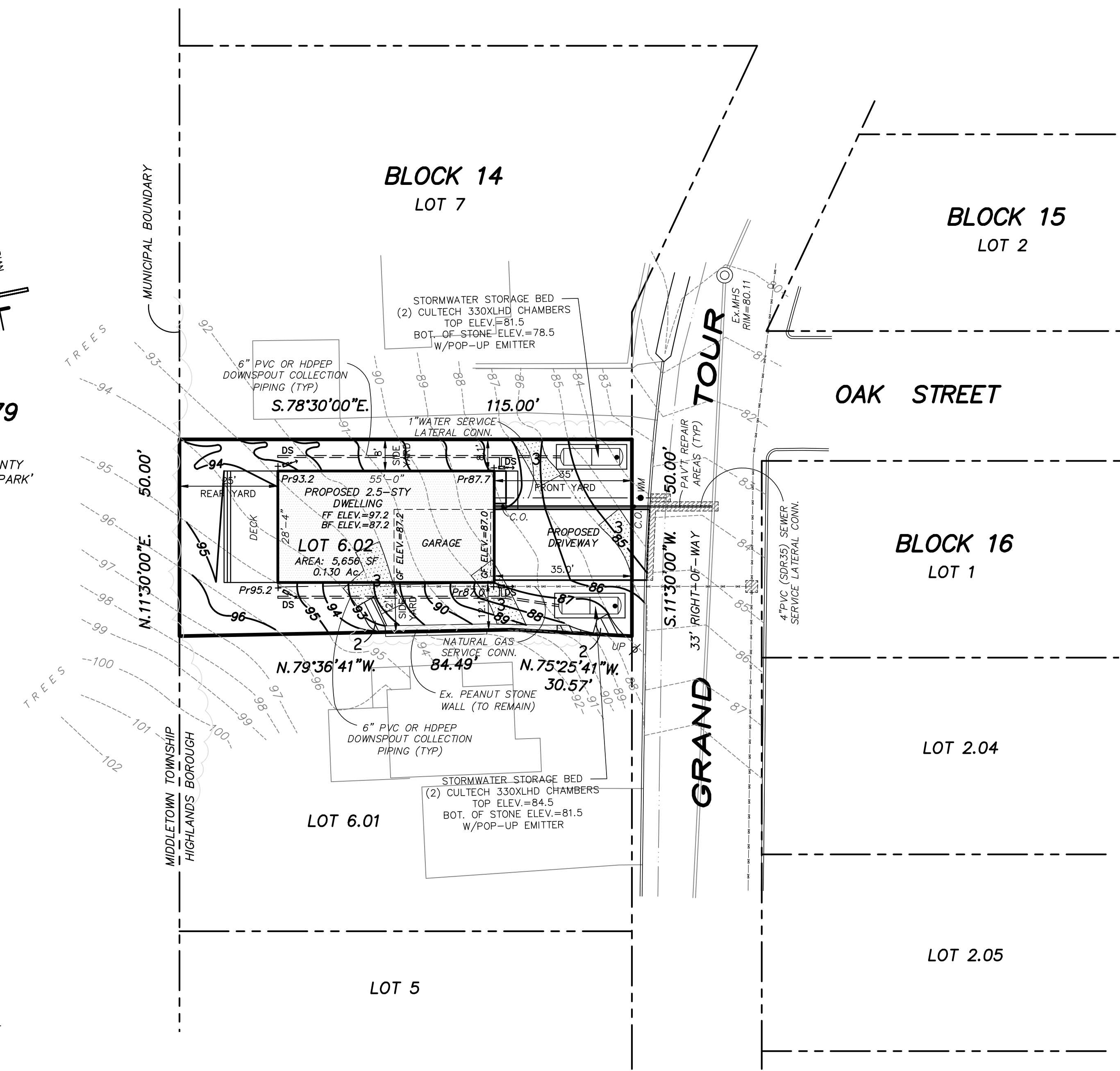
DRIVEWAY PAVEMENT SECTION

N.T.S.



TYPICAL BRICK PAVER WALKWAY

N.T.S.



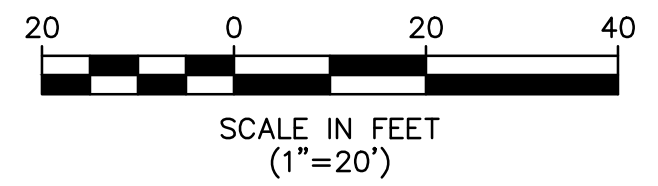
KEY MAP
1" = 200'+-

GENERAL NOTES

1. THE SUBJECT PROPERTY IS KNOWN AS LOT 6.02 IN BLOCK 14 AS SHOWN OR ABOUT TO BE SHOWN ON SHEET 6 OF THE CURRENT TAX MAP FOR HIGHLANDS BOROUGH, MONMOUTH COUNTY, NEW JERSEY.
2. SURVEY INFORMATION SHOWN HEREON IS BASED ON FIELD SURVEYS MADE ON THE GROUND BY R&T LAND SURVEYING DATED 8-01-23. ALL DIMENSIONS, BOTH LINEAR AND ANGULAR, OF THE EXTERIOR BOUNDARIES OF THE TRACT BALANCE AND THEIR DESCRIPTIONS CLOSE WITHIN A LIMIT OF ERROR OF NOT MORE THAN ONE PART IN TEN THOUSAND (1:10,000). ELEVATIONS SHOWN HEREON REFER TO LOCAL ASSUMED DATUM. BENCH MARK AT MANHOLE RIM IN GRAND TOUR JUST DOWN HILL FROM OAK STREET. MHS RIM ELEV.=80.11.
3. THE SUBJECT PROPERTY IS SITUATED IN THE R-1.01 RESIDENTIAL ZONE DISTRICT, RECENTLY CREATED BY MINOR SUBDIVISION. APPLICANT PROPOSES TO CONSTRUCT A NEW SINGLE-FAMILY DWELLING, DRIVEWAY, AND NEW UTILITY SERVICE CONNECTIONS FOR WATER, SEWER, ELECTRIC, GAS, PHONE, AND CABLE-TV. ALL UTILITIES SHALL BE INSTALLED UNDERGROUND.
4. PROPERTY OWNER'S GENERAL CONTRACTOR IS RESPONSIBLE FOR SITE GRADING AND CONSTRUCTION. CONTRACTOR SHALL CONTACT NJ ONE CALL SYSTEM AT (800)272-1000 FOR UTILITY MARK-OUT PRIOR TO EXCAVATION ON-SITE OR WITHIN MUNICIPAL RIGHT-OF-WAY.
5. ATTENTION OF THE CONTRACTOR IS DIRECTED TO THE FACT THAT APPROXIMATE LOCATIONS OF KNOWN UTILITY STRUCTURES AND FACILITIES THAT MAY BE ENCOUNTERED WITHIN OR ADJACENT TO THE SUBJECT PROPERTY OR LIMITS OF WORK ARE SHOWN ON THE PLANS. THE ACCURACY AND COMPLETENESS OF THIS INFORMATION IS NOT GUARANTEED BY THE ENGINEER. CONTRACTOR IS ADVISED TO VERIFY IN THE FIELD ALL THE FACTS CONCERNING THE LOCATION AND GRADE OF THESE UTILITIES OR OTHER CONSTRUCTION OBSTACLES PRIOR TO STARTING WORK. CONTRACTOR SHALL NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES THAT MAY AFFECT THE PROJECT DESIGN.
6. CONTRACTOR IS RESPONSIBLE FOR SITE SAFETY, INCLUDING PROVISIONS FOR APPROPRIATE SAFETY DEVICES AND REQUIRED TRAINING.
7. SILT FENCE SHALL BE PLACED AROUND THE PERIMETER OF THE LIMITS OF WORK AS SHOWN ON THE PLAN AND SHALL REMAIN IN PLACE UNTIL THE LIMITS OF WORK ARE PERMANENTLY STABILIZED.
8. SOIL SHALL BE PERMANENTLY STABILIZED (SEEDED/SOODED) IN ACCORDANCE WITH CURRENT NJ SOIL EROSION AND SEDIMENT CONTROL STANDARDS PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
9. ROOF LEADER DOWNSPOUTS SHALL DISCHARGE TO SPLASH BLOCKS AT GRAD TO DIRECT RUNOFF TOWARD THE STREET, SO AS TO NOT IMPACT ADJACENT PROPERTIES.
10. SPECIAL ATTENTION SHALL BE GIVEN TO SWALES TO ENSURE POSITIVE RUNOFF AND NO PONDING ON PROPERTY.
11. A MINIMUM 2% SLOPE SHALL BE MAINTAINED AWAY FROM BUILDING FOUNDATION.
12. ANY EXISTING CURB, SIDEWALK, PAVEMENT, UTILITY LINES AND/OR STORM DRAINAGE INFRASTRUCTURE DAMAGED AS A RESULT OF THIS PROJECT SHALL BE REPLACED AT THE DIRECTION OF THE MUNICIPAL ENGINEER PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
13. A ROAD OPENING PERMIT IS REQUIRED FROM THE DEPARTMENT OF PUBLIC WORKS PRIOR TO STARTING WORK IN THE RIGHT-OF-WAY, INCLUDING CURB, DRIVEWAY APPROX, AND SIDEWALK IMPROVEMENTS.
14. IT IS THE APPLICANT'S RESPONSIBILITY TO ENSURE ADHERENCE TO BOROUGH ORDINANCES AND TO FRESHOLD SOIL CONSERVATION DISTRICT REGULATIONS REGARDING SOIL EROSION AND SEDIMENT CONTROL MEASURES. APPLICANT SHALL COMPLY WITH FEDERAL, STATE, COUNTY, NJDEP AND LOCAL REGULATIONS PRIOR TO ANY CONSTRUCTION ON THE PROPERTY.
15. SHOULD ANY PORTION OF THE POST-DEVELOPMENT IMPROVEMENTS IMPACT DRAINAGE CONDITIONS ON THE LOT OR ADJACENT PROPERTIES, THE APPLICANT WILL BE REQUIRED TO SUBMIT ADDITIONAL AS-BUILT SURVEYS AND SUBSEQUENTLY CORRECT ANY DEFICIENCIES AT THE DIRECTION OF THE TOWNSHIP ENGINEER.
16. ANY DEVIATIONS FROM THE APPROVED GRADING PLAN, INCLUDING FLIPPING HOUSE AND DRIVEWAY MODIFICATIONS, REQUIRE WRITTEN NOTICE TO THE BOROUGH ENGINEER'S OFFICE AND ARE SUBJECT TO REVIEW.
17. ALL CONSTRUCTION APPROVALS AND THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY ARE SUBJECT TO FINAL INSPECTION BY THE BOROUGH ENGINEER AND BUILDING DEPARTMENT OFFICIALS.

LOT COVERAGE COMPUTATIONS

EXISTING LOT COVERAGE	
TOTAL EXISTING IMPERVIOUS COVERAGE =	0 SF = 0.0 % COVERAGE
PROPOSED LOT COVERAGE	
PROPOSED BUILDING FOOTPRINT AREA =	1,558 SF
PROPOSED COVD FRONT PORCH FOOTPRINT AREA =	25 SF
TOTAL PROPOSED BUILDING COVERAGE =	1,583 SF = 28.0 % COVERAGE
PROPOSED WALKWAY FOOTPRINT AREA =	30 SF
PROPOSED REAR DECK FOOTPRINT AREA =	387 SF (0 SF)
PROPOSED DRIVEWAY FOOTPRINT AREA =	700 SF
TOTAL PROPOSED IMPERVIOUS COVERAGE =	2,313 SF = 40.9 % COVERAGE
PROPOSED CHANGE IN IMPERVIOUS COVERAGE = 2,313 SF(PROP) - 0 SF(EXIST) = 2,313 SF	
PROPOSED AREA OF DISTURBANCE = 5,600 SF = 0.129 Ac.	



STEEP SLOPE REVIEW

ORD. SECT. 21-84B.E.
EXISTING SLOPES ACROSS THE SUBJECT PROPERTY ARE TYPICALLY WITHIN THE RANGE OF 9% TO 11%
SLOPE AREAS:
1- SLOPES GREATER THAN 30% = 0 SF (USE 0 SF OVER 10-FT ELEVATION INTERVAL)
2- SLOPE RANGE 20% TO 30% = 70 SF (USE 0 SF OVER 10-FT ELEVATION INTERVAL)
3- SLOPE RANGE 15% TO 20% = 374 SF (USE 0 SF OVER 10-FT ELEVATION INTERVAL)
4- SLOPES LESS THAN 15% = 5,212 SF (USE 5,656 SF OVER 10-FT ELEVATION INTERVAL)

MINIMUM LOT SIZE FACTOR	
1- SLOPES GREATER THAN 30%	0.1 x 0 SF = 0 SF
2- SLOPE RANGE 20% TO 30%	0.2 x 0 SF = 0 SF
3- SLOPE RANGE 15% TO 20%	0.5 x 0 SF = 0 SF
4- SLOPES LESS THAN 15%	1.0 x 5,656 SF = 5,625 SF (O.K.)
MAXIMUM LOT COVERAGE FACTOR	
1- SLOPES GREATER THAN 30%	0.25 x 0 SF x 70% = 0 SF
2- SLOPE RANGE 20% TO 30%	0.50 x 0 SF x 70% = 0 SF
3- SLOPE RANGE 15% TO 20%	0.75 x 0 SF x 70% = 0 SF
4- SLOPES LESS THAN 15%	1.00 x 5,656 SF x 70% = 3,959 SF (>2,313 SF, O.K.)

MAXIMUM IMPERVIOUS SURFACE AREA FACTOR	
1- SLOPES GREATER THAN 30%	0 SF x 10% = 0 SF
2- SLOPE RANGE 20% TO 30%	0 SF x 15% = 0 SF
3- SLOPE RANGE 15% TO 20%	0 SF x 25% = 0 SF
4- SLOPES LESS THAN 15%	5,656 SF x 35% = 1,980 SF (<2,313 SF, VARIANCE)

MAXIMUM PERMITTED LOT DISTURBANCE
130% x 1,980 SF = 2,574 SF (< 5,600 SF PROPOSED, VARIANCE)

BUILDING HEIGHT COMPUTATION

BUILDING HEIGHT IS MEASURED FROM THE GRADE PLANE TO THE MID-POINT BETWEEN THE ROOF RIDGE AND ROOF EAVES.
GRADE RIDGE ELEVATION = (87.0 FT + 95.2 FT + 83.2 FT + 87.7 FT) / 4 = 90.8 FT
GRADE AT MID-POINT OF ROOF ELEV. = 87.0 FT + 31.7 FT = 118.7 FT
MEASURED BUILDING HEIGHT = 118.7 FT - 90.8 FT = 27.9 FT

ZONE DATA

R-1.01 RESIDENTIAL ZONE DISTRICT REQUIREMENTS			
	REQUIRED	EXISTING	PROVIDED
MINIMUM LOT AREA	5,000 SF	5,656 SF	NO CHANGE
MINIMUM LOT FRONTAGE/WIDTH	50 FT	50.0 FT	NO CHANGE
MINIMUM LOT DEPTH	100 FT	115.0 FT	NO CHANGE
PRINCIPAL BUILDING			
MINIMUM FRONT YARD SETBACK	35 FT*	N/A	35.0 FT
MINIMUM SIDE YARD SETBACK	8 FT	N/A	8.1 FT
MINIMUM OTHER SIDE YARD SETBACK	12 FT	N/A	12.1 FT
MINIMUM REAR YARD SETBACK	25 FT	N/A	25.0 FT
MAXIMUM BUILDING HEIGHT	30 FT	N/A	27.9 FT
MAXIMUM BUILDING COVERAGE	30%	N/A	28.0%
MAXIMUM IMPERVIOUS LOT COVERAGE	70%	N/A	40.9%

(E) = PRE EXISTING NON-CONFORMING CONDITION
(V) = VARIANCE REQUIRED
* = OR THE AVERAGE OF THE EXISTING FRONT YARD SETBACKS WITHIN 200-FT IN THE SAME BLOCK AND ZONE PER ORD. SECT. 21-80

OWNER / APPLICANT:
KEVIN HALL AND KIM KELLY
42 SOUTH BAY AVENUE #4
HIGHLANDS, NJ 07732

No.	DATE	REVISION	BY
1	11-06-23	ADD STEEP SLOPE DATA PER BOROUGH ENGINEER'S 11-01-23 REVIEW	ARS

EASTERN CIVIL ENGINEERING, LLC
CIVIL ENGINEERING - SURVEYING & MAPPING - LAND USE PLANNING - SITE DESIGN
31 GRAND TOUR, HIGHLANDS NJ 07732 PHONE: 732.872.7736

GRADING PLAN FOR
KEVIN HALL AND KIM KELLY
BLOCK 14 LOT 6.02
TAX MAP SHEET No. 6

ANDREW R. STOCKTON
PROFESSIONAL ENGINEER & LAND SURVEYOR
NEW JERSEY LIC. NO. 35405

DATE:	SCALE:	DESIGN BY:	PROJECT NO.:	SHEET NO.:
10-01-23	1" = 20'	ARS	2302235	1 of 1



December 4, 2023

Sent via Electronic & Regular Mail

Borough of Highlands
42 Shore Drive
Highlands, NJ 07732

Attn: Joseph Kachinsky – Construction Official

**Re: Grading Plan Review #2
40 Grand Tour – Block 14, Lot 6.02
Borough of Highlands, Monmouth County, NJ
Our File: HHIE0014.01**

Dear Mr. Kachinsky:

Our office is in receipt of and has reviewed the following for the above referenced property:

- Submission letter, prepared by Andrew R. Stockton, PE, PLS, dated November 8, 2023;
- Plan entitled “Grading Plan For Kevin Hall and Kim Kelly, Block 14, Lot 6.02, Borough of Highlands, Monmouth County, NJ”, consisting of one (1) sheet, prepared by Andrew R. Stockton, PE, PLS, dated October 1, 2023, last revised November 6, 2023;
- Plan entitled “Soil Erosion and Sediment Control Plan for Kevin Hall and Kim Kelly, Block 14 Lot 6.02, Highlands Borough, Monmouth County, New Jersey” consisting of two (2) sheets prepared by Andrew R. Stockton, PE, PLS dated October 1, 2023, last revised November 6, 2023; and,
- FSCD Certification Letter, dated November 22, 2023.

The Applicant is proposing to construct a new 2.5-story dwelling along Grand Tour with an asphalt driveway, deck, and two stormwater storage beds. It appears the existing topography of the property slopes east towards Grand Tour. As depicted on the FEMA Effective Flood Insurance Rate Map (FIRM), the property is not located within a special flood hazard zone. Based upon the NJDEP NJ-GeoWeb online resource, the property is located in a CAFRA zone but no wetlands are identified on or in the immediate proximity of the site.

1. The subject property is located with the steep slope area of the Borough. A slope area permit is required for the proposed work.
2. Based upon our review of this application we find that the proposed improvements exceed the maximum lot disturbance allowed per Ordinance Section 21-84B.E.4. A summary of the approximate allowable steep slope areas is provided in Table 1 below.



Borough of Highlands
 Re: Grading Plan Review #2
 40 Grand Tour– Block 14, Lot 6.01

December 4, 2023
 Our File No. HHIE0014.01
 Page 2

Table 1: Allowable Steep Slope Areas, §21-84(B)(E)			
Standard	Required	Existing	Proposed
Minimum Lot Size	5,413 SF	5,656 SF	5,656 SF
Maximum Lot Coverage	3,869 SF	0 SF	2,313 SF
Maximum Impervious Area	1,928 SF	0 SF	2,313 SF
Maximum Lot Disturbance	2,506 SF	N/A	4,950 SF (V)

(EC): Existing Condition (V): Variance Required (TBP): To Be Provided

Accordingly, we **do not recommend** that this steep slope application be approved at this time pending the submission of additional supporting information to demonstrate compliance with the ordinance requirements of § 21-84B. To confirm compliance with the ordinance requirements the Applicant should address the requested item(s) listed in the comments above.

The scope of this review is limited to Ordinance 21-84B and grading and does not include a full zoning review of any other sections of the Highlands development regulations. Additionally, the structural stability of any existing or proposed improvements were not evaluated as part of this review. Please note the granting of any permit or approval in any slope area shall not constitute a representation, guarantee, or warranty of any kind by the Borough or by any official or employee thereof of the practicability or safety of any structure, use or other plan proposed, and shall create no liability upon, or cause any action against, such public body, official or employee for any damages that may result pursuant hereto.

We trust that this is all the information you require at this time. However, should you have any questions or require any additional information regarding the above, please feel free to contact this office.

Very truly yours,

CME Associates

Drew E. Pavlick, PE, PP, PTOE, CME, CFM
 Borough Engineer's Office

DEP/JM

- cc: Michael Muscillo – Borough Administrator
- Kevin Rooney – Cashier
- Erin Uriarte – Zoning Officer
- Patti Merse – Building Dept.
- Kevin Hall and Kim Kelly – Applicant (peter@1mic1.com)
- Andrew R. Stockton, PE, PLS – Applicant's Engineer



4000 Kozloski Road, P.O. Box 5033
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Fax: (732) 683-9140
E-mail: info@freeholdscd.org
Website: www.freeholdsoil.org
11/22/23

KEVIN HALL & KIM KELLY
33 ARTHUR PLACE
RED BANK NJ 07701

Ref.#: 2023-0868
Proj.: 40 GRAND TOUR
Twp. : HIGHLANDS
Block: 14
Lots : 6.02

CERTIFICATION LETTER

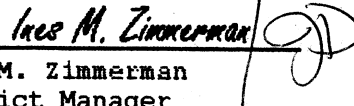
Pursuant to the New Jersey Soil Erosion and Sediment Control Act; N.J.S.A. 4:24-39 et. seq., Chapter 251, P.L. 1975 and as amended by C. 264, P.L. 77 and C. 459, P.L. 79, the Freehold Soil Conservation District hereby grants certification of the soil erosion and sediment control plan for the above referenced project, subject to the following:

1. That the applicant carries out all land disturbance activities in accordance with the Standards for Soil Erosion and Sediment Control in New Jersey, promulgated by the State Soil Conservation Committee.
2. The owner/applicant must obtain a District issued Report of Compliance prior to the issuance of any Certificates of Occupancy by the municipality.
3. Changes in the certified plan relating to, or that will affect land disturbance on the site, must be submitted to the District office for certification.
4. The owner / applicant must notify the District forty-eight (48) hours prior to any land disturbing activity.

A copy of the certified plan must be kept on the job site at all times.

This plan certification is valid for 3 ½ years (valid until 5/22/2027), and is limited to the controls specified in this plan. It is not authorization to engage in proposed land use unless the municipality or other controlling agency has previously approved such use. Failure to comply with the above conditions may result in the issuance of a **STOP CONSTRUCTION ORDER**.

Sincerely,


Ines M. Zimmerman
District Manager

cc: Planning Board
Construction Official
Municipal Engineer
Applicant's Engineer





BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

LAND USE BOARD RESOLUTION 2022-10
RESOLUTION OF MEMORIALIZATION MINOR SUBDIVISION APPROVAL
WITH ANCILLARY VARIANCE RELIEF

Approved: March 10, 2022
Memorialized: April 14, 2022

IN THE MATTER OF THOMAS J. FAHEY

APPLICATION NO. LUB2021-06

WHEREAS, an application for minor subdivision approval with ancillary variance relief has been made to the Highlands Land Use Board (hereinafter referred to as the “Board”) by Thomas J. Fahey (hereinafter referred to as the “Applicant”) on lands known and designated as Block 14, Lot 6, as depicted on the Tax Map of the Borough of Highlands (hereinafter “Borough”), and more commonly known as 38 Grand Tour in the R-1.01 (Single Family Residential) Zone; and

WHEREAS, a complete application has been filed, the fees as required by Borough Ordinance have been paid, proof of service and publication of notice as required by law has been furnished and determined to be in proper order, and it otherwise appears that the jurisdiction and powers of the Board have been properly invoked and exercised; and

WHEREAS, a live public hearing was held on March 10, 2022, at which time testimony and exhibits were presented on behalf of the Applicant and all interested parties were provided with an opportunity to be heard; and

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

1. The subject Property contains a total of 14,375 s.f. and is improved with a single-family, two-story dwelling. The subject Property is located within the R-1.01 Single-Family Residential Zone with frontage on Grand Tour

2. The Applicant is seeking minor subdivision approval along with ancillary variance relief to subdivide Lot 6 and create two (2) lots; Proposed Lot 6.01 and Proposed Lot 6.02. Proposed Lot 6.01 will contain 8,719 s.f. with frontage along Grand Tour and is improved with the existing single-family dwelling. Proposed Lot 6.02 will contain 5,656 s.f. with frontage along Grand Tour. The Applicant proposes a new parking area on Proposed Lot 6.01 along Grand Tour. The Applicant's plans depicted a new single-family dwelling, along with a driveway and a rear wooden deck on Proposed Lot 6.02, but that depiction was solely for purposes of an example of what might be built in a conforming building envelope with an exempt plot plan.

3. Counsel for the Applicant, John B. Anderson, III, Esq. stated that the Public Notice indicated that the hearing would start at 7:30 p.m. whereas the hearing was called to order at 7:00 p.m. (which is the start time for Highlands Land Use Board meetings).

4. Mr. Anderson noted that the application was intentionally not commenced prior to 7:30 p.m. to afford all interested parties an opportunity to appear and be heard. The Board and the Board attorney agreed that waiting to commence the application until after 7:30 p.m. afforded all interest parties an opportunity to appear and be heard, thus, any alleged deficiency with the Public Notice had been cured and that the Board had jurisdiction.

5. Mr. Anderson next stated that the Applicant was seeking minor subdivision approval with ancillary variance relief from the minimum front yard setback requirements for a

pre-existing condition. He described the subject Property, Lot 6, as oversized for the neighborhood.

6. The Applicant testified that he purchased the subject Property in July of 2021 and intends to subdivide the parcel into Proposed Lots 6.01 and 6.02. The Applicant further testified that he intends to make minor improvements to the existing single-family dwelling on Proposed Lot 6.01 and to sell that property, and possibly sell Proposed Lot 6.02 as well (either as a vacant lot for development as a single-family home or as a lot improved with a single-family home).

7. Although the application depicts a proposed dwelling on Proposed Lot 6.02, the Applicant testified that he may not build a dwelling thereon and that the plans provided depict such a dwelling as an example for illustrative purposes. The Applicant further testified that (in the event he builds a home on Lot 6.02), his intention would be to comply with all Borough Zoning Ordinances as to any proposed development on Proposed Lot 6.02.

8. The Applicant testified that the dwelling on Proposed Lot 6.01 has a pre-existing non-compliant condition with an existing 28.9 ft. front yard setback where 35 ft. is required. This pre-existing non-compliant condition will remain unchanged.

9. The Applicant further testified that the existing dwelling has two (2) bedrooms and two (2) bathrooms. The Applicant proposes adding a front parking area.

10. The Applicant testified that the owner of Block 14 Lot 7 had expressed concern over the lack of landscaping at the subject Property. The Applicant agreed to plant six (6)

arborvitaes at a height of eight (8) ft. on the north side of Proposed Lot 6.02 between Lot 7 and Proposed Lot 6.02.

11. The Applicant's Land Surveyor, Ron Trinidad, PLS, testified that the subject Property is sloped and improved with an existing dwelling. He further stated that the subject Property is oversized for the neighborhood and that the proposed lots will be of a similar size and shape as those in the surrounding community. Mr. Trinidad continued that only the existing 28.9 ft. front yard setback required variance relief, but that this condition was an existing condition that was not proposed to change. Otherwise, the minor subdivision complied in all regards with the prevailing bulk and lot criteria for the R 1.01 zone.

12. The Applicant's Engineer and Licensed Professional Planner, Andrew R. Stockton, P.E., PP testified that the Applicant proposed constructing a parking area on Proposed Lot 6.01. He stated that the parking area on Proposed Lot 6.01 and Lot 6.02 would satisfy the RSIS off-street, parking requirements.

13. Mr. Stockton further testified that the subject Property is serviced entirely by public utilities. He also stated that the Applicant would agree to a condition of approval requiring the submission of a Storm Water Management, Drainage, & Grading Plan to the Zoning Officer prior to any construction on Proposed Lot 6.02. Provided that the Storm Water Management, Drainage & Grading Plan met the prevailing ordinance requirements for bulk criteria and lot area, the plan would be reviewed and approved by the Borough Engineer in the exempt plot plan approval process without any requirement for further hearings. Given that the Applicant may subdivide and sell the lots without building a home and given that the Applicant's planned

renovations to Lot 6.01 are entirely within the footprint of the existing structure, this condition is not a condition of approval for perfection of the subdivision or for the issuance of any building permits for Lot 6.01, but a condition of approval for issuance of building permits and commencement of construction on Lot 6.02 (only).

14. Mr. Stockton provided additional testimony as to the landscaping plan, noting that the arborvitaes would be planted along the lot lines of Proposed Lot 6.02 and Lot 7.

15. Mr. Stockton next testified regarding the subject Property's front-yard setback. Relying on the exhibits presented (including aerial photos and historical aerial photos), Mr. Stockton testified that the homes in the neighborhood have similar front yard setbacks as the subject Property, and that the subject Property's front yard setback had not changed since the 1970s.

16. Mr. Stockton also addressed the required variance relief, noting that for Proposed Lot 6.01, a Minimum Front Yard Setback of 35 ft. is required and 28.9 ft. is proposed. This non-compliant condition is pre-existing and will remain unchanged in the application.

17. Mr. Stockton further provided testimony that, but for the pre-existing non-conforming front setback, the Applicant would not need to obtain variance relief at all in connection with the subdivision. He continued that, given that the front-yard setback is not changing, the variance can be granted without a substantial detriment and/or impairment to the Zoning Ordinances.

18. Mr. Stockton provided additional testimony that the application promotes the goals of planning identified at N.J.S.A. 40:55D-2 and benefits the entire community by promoting goals (c), (g), and (i) of the MLUL. Mr. Stockton opined that goal (e) would also be promoted because the Proposed Lots were more in conformity with the neighborhood scheme and, thus, would promote the establishment of appropriate population densities and concentrations. Mr. Stockton testified that the benefits of the application substantially outweighed any detriments associated with maintaining the existing front setback unchanged.

19. The Board asked whether the proposed lot frontage of 50 ft. for Proposed Lot 6.02 would be commensurate with the neighborhood, to which Mr. Stockton replied that it was not undersized when compared to others.

20. The hearing was then opened to the public at which time Richard Sciria, Esq., representing the property owners of Block 14, Lot 7 (Christopher Wallace), expressed his client's concern over the lack of landscaping at the subject Property between Proposed Lot 6.02 and their property (Lot 7).

21. Mr. Sciria continued that he had discussed the matter with the Applicant's attorney and that his client was satisfied with the Applicant's proposed landscaping plan and representations to the Board to plant arborvitae between the properties. Mr. Sciria continued that his clients waived any objection to the form of Notice and as to the application.

22. Kenneth Sedlak of 49 Grand Tour testified that he is a property owner within 200 ft. of the subject Property and that he received Notice of the hearing, but that his neighbor (also a property owner within 200 ft. of the subject Property), did not.

23. The Applicant's attorney responded that his client had relied upon the 200 ft. property list obtained from the Borough dated February 10, 2022, and that his client had submitted an Affidavit of Service, identifying that all property owners within 200 ft. of the subject Property (including those in Middletown) had been mailed a copy of the Notice via certified mail return receipt requested.

24. The Applicant's attorney continued that he could not confirm whether the Notices had been delivered without knowing the name of the neighbor but, could confirm they had been sent by certified mail, return receipt requested to those property owners identified on the 200 ft. property list.

25. Matthew O'Brien of 47 Grand Tour testified that he lives within 200 ft. of the subject Property but did not receive Notice of the application. His neighbor, Mr. Sedlak advised him of the date/time of the hearing. Mr. O'Brien further testified that he purchased and/or moved into the property in July of 2021 (having purchased the property from Dorothy Doherty)

26. The Applicant's attorney responded that he had mailed notice to the record property owners of 47 Grand Tour, as reflected on the 200 ft. list. In this instance, the 200 ft. list (as updated through February of 2022) reflected Dorothy Doherty as the record property owner of 47 Grand Tour and it was to her that notice was provided. He continued that his client was entitled to rely on the accuracy of the 200 ft. list obtained from the Borough.

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

WHEREAS, the Highlands Land Use Board, having reviewed the proposed application and having considered the impact of the proposed application on the Borough and its residents to determine whether it is in furtherance of the Municipal Land Use Law; and having considered whether the proposal is conducive to the orderly development of the site and the general area in which it is located pursuant to the land use and zoning ordinances of the Borough of Highlands; and upon the imposition of specific conditions to be fulfilled, hereby determines that the Applicant's request for minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary variance relief pursuant to N.J.S.A. 40:55D-70c should be granted in this instance.

The Board finds that any alleged deficiency with the Public Notice, as to the time of the hearing, was cured by virtue of the application commencing after 7:30 p.m. The issue has therefore been rendered moot.

The Board also finds that the Applicant relied upon the 200 ft. list provided by the Borough dated February 10, 2022 in mailing individual Notice to the property owners within 200 ft. of the subject Property. The Board further finds that the Applicant had no knowledge that the 200 ft. list was inaccurate. To that end, the Board finds that the Municipal Land Use Law permits the Applicant to rely upon the accuracy of the 200 ft. list, even if the 200 ft. list may not have reflected the current property owner(s) of certain properties. Notice was therefore proper and the Board properly had jurisdiction to hear the application.

The Board finds that the Applicant has proposed a minor subdivision which requires ancillary variance relief. The Municipal Land Use Law, at N.J.S.A. 40:55D-70c provides Boards with the power to grant variances from strict ancillary and other non-use related issues when the applicant satisfies certain specific proofs which are enunciated in the Statute. Specifically, the

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

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

The Board finds that the Applicant has satisfied the positive criteria pursuant to the “flexible” statutory standard. The Board finds that the proposed subdivision promotes

appropriate population densities identified in the Borough Code and also promotes a desirable visual environment, while providing adequate light, air and open space. These attributes both promote the goals of planning identified at N.J.S.A. 40:55D-2 and benefit the entire community. The Applicant has therefore satisfied the positive criteria pursuant to N.J.S.A. 40:55D-70c(2).

The Board further finds that the Applicant has also satisfied the negative criteria. The grant of variance relief will not change a pre-existing non-compliant condition that has existed since the 1970s. Moreover, the proposed front-yard setback is similar to other front-yard setbacks in the neighborhood and, thus, granting the proposed subdivision will not result in increased traffic beyond what is contemplated by the Ordinance, increased noise or noxious odors. The Board therefore finds that the grant of variance relief will not result in substantial detriment to the public welfare or substantially impair the zone plan or zoning ordinance. The negative criteria has therefore been satisfied.

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

With the exception of the above relief, the Applicant complies with all other zoning, subdivision and design criteria ordinance requirements. Minor subdivision approval pursuant to N.J.S.A. 40:55D-47 is therefore appropriate. The Board notes that the Applicant is required to comply with Borough Zoning Ordinances and file an appropriate Storm Water Management, Drainage, and Grading Plan, prior to constructing a dwelling on Proposed Lot 6.02

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Borough of Highlands on this 14th day of April 2022, that the action of the Land Use Board taken on March 10, 2022 granting

Application No. LUB2021-06, for minor subdivision approval pursuant to N.J.S.A. 40:55D-47 along with ancillary bulk variance relief pursuant to N.J.S.A. 40:55D-70c(2) is as follows:

The application is granted subject to the following conditions:

1. All site improvement shall take place in strict compliance with the testimony and with the plans and drawings which have been submitted to the Board with this application, or to be revised.
2. Except where specifically modified by the terms of this Resolution, the Applicant shall comply with all recommendations contained in the reports of the Board professionals.
3. The Subdivision Plat or Deed recorded memorializing this subdivision shall specifically refer to this Resolution and shall be subject to the review and approval of the Board Engineer and Board Attorney. The Applicant shall record the Subdivision Plat or Deed within 190 days of the memorializing Resolution being adopted. Failure to do so shall render this approval null and void.
4. Prior to developing Proposed Lot 6.02, the Applicant shall provide a Storm Water Management, Drainage & Grading Plan to the Board professionals for review, and shall comply with all relevant stormwater management requirements.
5. Any new construction of single-family dwellings on Proposed Lot 6.01 or Proposed Lot 6.02, shall require plot plan approval.
6. The buffer between Block 14, Lot 7 shall be consisted with the representations made on the record.
7. The Applicant shall provide a certificate that taxes are paid to date of approval.
8. Payment of all fees, costs, escrows due and to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.
9. Subject to all other applicable rules, regulations, ordinances and statutes of the Borough of Highlands, County of Monmouth, State of New Jersey or any other jurisdiction.

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



Robert Knox, Chairman
Borough of Highlands Land Use Board

ON MOTION OF: Mayor Broullon

SECONDED BY: Ms. LaRussa

ROLL CALL:

YES: Mayor Broullon, Mr. Kutosh, Ms. LaRussa, Mr. Montecalvo, Chair Knox

NO: None

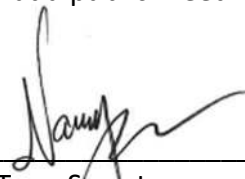
RECUSED: Councilmember Olszewski

INELIGIBLE: Mr. Lee

ABSENT: Chief Burton, Vice Chair Tierney, Mr. Ziemba

DATED: April 14, 2022

I hereby certify this to be a true and accurate copy of the Resolution adopted by the Highlands Land Use Board, Monmouth County, New Jersey at a public meeting held on April 14, 2022.



Nancy Tran, Secretary
Borough of Highlands Land Use Board

BOROUGH OF HIGHLANDS LAND USE BOARD

EXHIBITS

Case No. LUB2021-06/THOMAS J. FAHEY
Minor Subdivision with Ancillary Variance Relief
April 14, 2022

- A-1 Minor Subdivision Plan prepared by Richard E. Stockton & Associates, Inc. dated September 30, 2021.
- A-2 Wetlands Letter Report prepared Eastern Civil Engineering LLC dated February 25, 2022.
- A-3 Photo Board: Consisting of Three Photos of the Existing Home, Proposed New Lot, and Existing Lot.
- A-4 Aerial Photograph of the Subject Area.
- A-5 Historical Photograph of the Subject Area.
- A-6 Jurisdictional Package inclusive of Certified List, Affidavit of Service and White Cards.



HGPB- R2050

January 2, 2024

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: Kelly/Hall application
 40 Grand Tour
 Block 14, Lot 6.02
 Single Family Residential (R-1.01) Zone
 Steep Slope interpretation/appeal/variance
 First Engineering Review**

Dear Ms. Tran:

As requested, our office has reviewed the above referenced application for steep slope interpretation/appeal and in the alternative variance relief. The applicant submitted the following documents in support of this application:

1. Land Use Board Application, dated December 13, 2023.
2. Zoning Approval Letter, dated July 27, 2023.
3. Grading Plan prepared by Andrew Stockton, P.E., P.L.S., of Eastern Civil Engineering, LLC, dated October 1, 2023 and last revised on November 6, 2023, consisting of one (1) sheet.
4. Grading Plan review letter #1, by Drew Pavlick, P.E., P.P., C.M.E., C.F.M., of CME Associates, dated November 1, 2023, consisting of two (2) pages.
5. Grading Plan review letter #2, by Drew Pavlick, P.E., P.P., C.M.E., C.F.M., of CME Associates, dated December 4, 2023, consisting of two (2) pages.
6. Resolution of Approval from Highlands Borough Land Use Board for minor subdivision of subject parcel, adopted on April 14, 2022.

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

A. Project Description

The 5,656 square foot property is currently vacant and was created as a new lot by minor subdivision in April of 2022. The site is located in the Single Family Residential (R-1.01) Zone of the Borough with frontage along Grand Tour. The applicant proposes to build a new dwelling on Proposed Lot 6.02, along with a driveway, a rear deck, and some underground stormwater management tanks. With this application, the applicant is seeking an interpretation/appeal of the Borough's Steep Slope requirements under Land Use Ordinance Section 21-84.B.

B. Planning and Zoning

In accordance with Section 21-85 of the Ordinance, proposed bulk conditions are noted as follows:



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

Re: Kelly/Hall application
 40 Grand Tour
 Block 14, Lot 6.02
 Single Family Residential (R-1.01) Zone
 Steep Slope interpretation/appeal/variance
 First Engineering Review

R-1.01 Zone	Required	Proposed
Min. Lot Size	5,000 SF	5,656 SF
Min. Lot Frontage	50'	50'
Min. Lot Depth	100'	115'
Min. Front Yard Setback	35'	35'
Minimum Rear Yard Setback	25'	25'
Minimum Side Yard Setback	8' /12'	8' /12'
Maximum Building Height*	30'	27.9'
Maximum Building Coverage	30%	28%
Maximum Lot Coverage (Impervious)	70%	40.9%

- (E) – Existing Non-conformity
- (C) – Calculated
- (W) – Waiver
- (V) – Variance
- NA – Not Applicable
- NS – Not Specified, the applicant shall confirm this dimension

*Per Schedule 1 of Section 21 of the Ordinance, where a dwelling is constructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half (2-1/2) feet.

1. The applicant was referred to the Borough Engineer for grading plan review under the Steep Slope Ordinance found at Section 21-84.B. The following commentary speaks to the requirements of that Ordinance Section:
2. Per Section 21-84.B.A, the properties defined as “slope areas” include “any properties south of Shore Drive and Highlands-Sea Bright Bridge, including Blocks 1 through 29 inclusive...”. As the property in question is in block 14, it is included in the areas covered by the Ordinance.
3. Per Section 21-84.B.B., there are three exceptions noted whereby a slope area permit **would not be required** for these identified properties:



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

Re: Kelly/Hall application
40 Grand Tour
Block 14, Lot 6.02
Single Family Residential (R-1.01) Zone
Steep Slope interpretation/appeal/variance
First Engineering Review

- i. Contains no slopes greater than 10%, nor any slope greater than 15% within 100 feet, and the work or disturbance is: **(In this case, the property has slopes ranging from 9% to 11% maximum, so the exception appears to fail immediately).**
 - Soil disturbance of five cubic yards or less;
 - Change in impervious ground cover of 200 square feet or less;
 - Removal of five trees or less, having a circumference of up to 20 inches each, measured at four feet above the ground;
 - Removal or disturbance of vegetation covering 200 square feet or less.
- ii. Contains no slopes greater than 15%, nor any slope greater than 20% within 100 feet; and the work or disturbance is:
 - Soil disturbance of three cubic yards or less; **(fail)**
 - Change in impervious ground cover of 100 square feet or less; **(fail)**
 - Removal of three trees or less, having a circumference of up to 20 inches each, measured at four feet above the ground; **(unknown)**
 - Removal or disturbance of vegetation covering 100 square feet or less. **(fail)**
- iii. Contains slopes greater than 15% and the work or disturbance is:
 - Soil disturbance of one cubic yard or less; **(fail)**
 - Change in impervious ground cover of 25 square feet or less; **(fail)**
 - Removal of one tree, having a circumference of up to 20 inches measured at four feet above the ground; **(unknown)**
 - Removal or disturbance of vegetation covering 25 square feet or less. **(fail)**
 - All items described in Subsection B1, 2 and 3 above represent a cumulative total per lot, per calendar year.
4. Based on our analysis of the criteria noted above, the applicant **does not** qualify for any of the exceptions and therefore is obligated to submit to the Borough Engineer for a slope area permit approval.
5. For reference, there appear to be several inconsistencies in the Steep Slope Ordinance that the Borough should consider clarifying:
 - a. Section 21-8 Definitions: *STEEP SLOPES: Slopes greater than twenty (20%), to be developed in accordance with subsection 21-65.21.* The body of Section 21-84.B suggests that 15% is the threshold where enhancements and further evaluation is needed.
 - b. Section 21-84.B.1 provides qualified exception criteria to the need for a slope area permit for slopes greater than 10%. It is noted that adjustments to minimum lot size and maximum lot coverage only get triggered for slopes of 15% or greater. It



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

**Re: Kelly/Hall application
40 Grand Tour
Block 14, Lot 6.02
Single Family Residential (R-1.01) Zone
Steep Slope interpretation/appeal/variance
First Engineering Review**

is further noted that adjustments to maximum impervious coverage are triggered for all slopes less than 15%.

6. Pursuant to Ordinance Section 21-84.B.E.,

*Lot size, development density, lot coverage and disturbance. To meet the purposes, goals and standards set forth in this section, **in areas of slopes greater than 15%**, the applicable provisions of this chapter relating to minimum lot sizes and density of development, and maximum percentage of lot coverage, shall be modified, and limitations including maximum impervious surfaces and maximum lot disturbance shall be added as follows.*

The text noted in Section E offers adjustments to minimum lot size, maximum lot coverage, maximum lot coverage per slope category, and maximum lot disturbance. **It is our opinion that this entire Section is qualified by the opening paragraph noted above, and since this application has no slopes exceeding 15%, this Section does not apply.**

7. The applicant is seeking an appeal (per Section 21-84.B.J) of the Borough Engineer's decision that the applicant requires a slope area permit that adheres to the reduction criteria specified in Section 21-84.B.E., more specifically:

- Reduction of maximum impervious coverage from 70% to 35%. Applicant is currently proposing 40.9%.
- Maximum permitted lot disturbance of 130% of reduced maximum impervious coverage (or 45.5% in this case). Applicant is proposing total disturbance of 283% of the reduced maximum impervious allowance.

8. If the Board agrees that Section 21-84.B.E does not apply to this application as outlined in comment 6 above, it would appear that the slope area permit could be reviewed by the Borough Engineer under Sections 21-84.B.C and 21-84.B.D without the need for relief from Section 21-84.B.E.

9. The Board should also make recommendations regarding the inconsistencies in the Ordinance as noted in comment 5 above, and whether amendments to the Ordinance should be considered in consultation with Borough Council.

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.



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

Re: Kelly/Hall application
40 Grand Tour
Block 14, Lot 6.02
Single Family Residential (R-1.01) Zone
Steep Slope interpretation/appeal/variance
First Engineering Review

Very truly yours,

T&M ASSOCIATES

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

EWH

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