

**LAND USE BOARD
BOROUGH OF HIGHLANDS
JANUARY 3, 2019**

Reorganization Meeting: 7:30 pm

Location: Community Center, 22 Snug Harbor Road, Highlands, NJ

Mr. Stockton called the meeting to order by reading a procedural statement indicating that the meeting is being held in compliance with the Open Public Meetings Act. Everyone in attendance stood for the Pledge of Allegiance.

ROLL CALL:

PRESENT: Mayor O'Neil, Chief Burton, Councilmember Mazzola, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee, Mr. Kutosh, Mr. Montecalvo

ABSENT: Mr. Knox, Ms. Compagni

Public Comment – Mr. Stockton opened the meeting for Public Comments for any general Land Use questions. No public comments were received.

Reorganization of the Board – Mr. Stockton noted that several members have been reappointed and their oath had been done by Mr. Baxter prior to the start of the meeting. He welcomed Ms. Mazzola, the Board's new Class III member.

MR. NOLAN OFFERED A MOTION TO NOMINATE ANDREW STOCKTON AS CHAIRMAN OF THE BOARD, SECONDED BY MR. COLBY.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

MR. COLBY OFFERED A MOTION TO NOMINATE ART GALLAGHER AS VICE-CHAIRMAN OF THE BOARD, SECONDED BY MR. FRANCY.

MR. GALLAGHER OFFERED A MOTION TO NOMINATE FRANK NOLAN AS VICE-CHAIRMAN OF THE BOARD, SECONDED BY MR. FRANCY.

Mr. Baxter advised the Secretary to do a Roll Call and each member can state who they vote for.

MAYOR O'NEIL: Mr. Nolan
MS. MAZZOLA: Mr. Nolan
CHIEF BURTON: Mr. Nolan
MR. FRANCY: Mr. Nolan
MR. COLBY: Mr. Nolan
MR. GALLAGHER: Mr. Nolan
MR. NOLAN: Mr. Gallagher
MR. STOCKTON: Mr. Gallagher
MR. LEE: Mr. Nolan
MR. MONTECALVO: Mr. Nolan
MR. KUTOSH: Mr. Nolan

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Mr. Stockton congratulated Mr. Nolan on his election as Vice-Chairman.

MR. NOLAN OFFERED A MOTION TO APPOINT ERIN URIARTE AS BOARD SECRETARY AND ROSA PACE AS ALTERNATE BOARD SECRETARY, SECONDED BY MAYOR O'NEIL.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

MR. NOLAN OFFERED A MOTION TO APPOINT GREG BAXTER, ESQ. AS BOARD ATTORNEY AND TO AWARD A PROFESSIONAL SERVICES CONTRACT FOR NON-FAIR AND OPEN PROFESSIONAL LEGAL SERVICES, SECONDED BY MR. GALLAGHER.

Mr. Baxter explained the terms of his contract, noting that he is requiring a monthly retainer and a few of the hourly fees have gone up a little bit.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

MAYOR O'NEIL OFFERED A MOTION TO APPOINT ROBERT YURO OF T&M ASSOCIATES AS BOARD ENGINEER, SECONDED BY MR. NOLAN.

Board Members held a discussion regarding contract terms and asked that the proposed contract be distributed to the Board for review, prior to awarding the contract.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

MR. NOLAN OFFERED A MOTION TO ADOPT THE FOLLOWING RESOLUTION:

**RESOLUTION SETTING THE SCHEDULE FOR REGULAR MEETINGS OF
THE BOROUGH OF HIGHLANDS LAND USE BOARD FOR THE YEAR 2019**

BE IT RESOLVED by the Borough of Highlands Land Use Board that the following schedule is hereby designated as the official Regular Meeting Calendar of the Land Use Board for the year 2019. The official meeting days shall be the first Thursday of each month unless otherwise noted.

February 7, 2019	July 11, 2019	December 5, 2019
March 7, 2019	August 1, 2019	January 2, 2020 <i>(Regular/Reorganization Meeting)</i>
April 4, 2019	September 5, 2019	
May 2, 2019	October 3, 2019	
June 6, 2019	November 7, 2019	

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BE IT FURTHER RESOLVED that all meetings will be held at the Robert D. Wilson Memorial Community Center, 22 Snug Harbor Avenue, Highlands, NJ at 7:30 p.m.

Ms. Uriarte indicated the first Thursday in July falls on Independence Day. The Board agreed to conduct their meeting for July on the second Tuesday of the month. Ms. Uriarte advised she will have a conflict with her other town's meeting however Ms. Pace will be able to run the meeting.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

MR. FRANCY OFFERED A MOTION TO DESIGNATE THE TWO RIVER TIMES AND ASBURY PARK PRESS AS THE OFFICIAL NEWSPAPERS OF THE BOARD, SECONDED BY MR. GALLAGHER.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Lee, Mr. Kutosh
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

Resolutions

Application 2018-05, 353 Shore Drive, Maier, Resolution Denying Bulk Variance Request –

MR. GALLAGHER OFFERED A MOTION TO ADOPT THE RESOLUTION OF DENIAL, SECONDED BY MR. NOLAN.

Ayes: Mayor O'Neil, Chief Burton, Mr. Francy, Mr. Gallagher, Mr. Nolan, Mr. Lee, Mr. Kutosh
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

Application 2018-08, 38 North Street, Block 54, Lot 5 (Flannery) – Mr. Baxter indicated that the Land Use Office has not heard back from this applicant nor have they noticed for tonight's hearing. The Board agreed to carry this application to the next hearing while Ms. Uriarte attempts to contact the applicant.

MR. NOLAN OFFERED A MOTION TO CARRY APPLICATION 2018-08 (FLANNERY) TO FEBRUARY 7, 2019, NOTICE WILL BE REQUIRED, SECONDED BY MAYOR O'NEIL.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee
Nays: None
Abstain: None

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Absent: Mr. Knox, Ms. Compagni

Application 2018-07, 22-24 Fifth Street, Block 56, Lot 15 (Scanlon) – Eileen Scanlon appeared as the owner of the property.

Mr. Stockton advised that he will be recusing himself from this application and stepped down from the Board. Mayor O’Neil and Councilmember Mazzola also recused themselves from this hearing. Mr. Francy also stepped down, as he is within 200 feet of the subject property.

Mr. Baxter advised that the notices had been sent out for the previous hearing, at which the application was not heard due to the wrong application form being submitted. The notices are in order and the Board has jurisdiction to hear this application. He added that the following exhibits were previously marked:

- A-1 Zoning Permit application and denial by Edward Hermann dated 10/4/18
- A-2 Planning Board Flood Plain Relief Application
- A-3 Architectural plans by Anthony Condouris dated 10/16/18 (3 pages)
- A-4 Variance application (2 pages)
- A-5 Flood Plain Relief Application (2 pages)
- B-1 Board engineer completeness letter by Robert Yuro dated 10/16/18 (4 pages)
- B-2 Board engineer review letter by Robert Yuro dated 11/20/18 (4 pages)

Ms. Scanlon advised that she is proposing to raise and move her home on her property to be more compliant with the setbacks established for her zone. She indicated there are multiple dwellings on the site, which is not an approved use of the zone which is why she needs a Use Variance. She purchased the property in 2010 and the multiple dwellings existed long before that.

Discussion was held regarding the off-site parking requirements. Ms. Scanlon indicated the architect has advised her that the existing basement could be filled in and used as a parking area, once the home is lifted and moved. She will use crushed stone to extend the existing driveway to the new parking area. Mr. Yuro indicated that his calculations show that 13 off-street parking spaces will be required and with the added parking area they could fit 10 or 11 parking spots. Therefore a variance would be necessary for the other 2 or 3 spots.

Ms. Scanlon indicated there is no intention to construct any additional dwelling units on the property. The property has a few pre-existing features that will require a variance. Lot frontage is only 43 feet where 50 feet is required, Side yard setback for the westerly building exists as 1.7 feet where 6 and 8 feet are required and also for the easterly building, which currently sits 2.6 feet off the property line, where 6 and 8 feet are required. The main home, which is being raised and moved closer to the river will remove setback non-conformities that currently exist.

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Mr. Nolan asked if there are any questions or comments from the public on this application. None were received.

MR. GALLAGHER OFFERED A MOTION TO APPROVE THE APPLCIATION WITH CONDITIONS RELATED TO PARKING AND CONFIRMING THAT ALL DEP STANDARDS HAVE BEEN MET, SECONDED BY MR. COLBY.

Ayes: Chief Burton, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Montecalvo, Mr. Kutosh
Nays: Mr. Lee
Abstain: None
Absent: Mayor O'Neil, Ms. Mazzola, Mr. Francy, Mr. Stockton, Mr. Knox, Ms. Compagni

At this time, Mr. Stockton took his seat on the Board.

Minutes for Approval

December 6, 2018 – MR. NOLAN OFFERED A MOTION TO APPROVE THE MINUTES, SECONDED BY MAYOR O'NEIL.

Ayes: Mayor O'Neil, Ms. Mazzola, Chief Burton, Mr. Francy, Mr. Colby, Mr. Gallagher, Mr. Nolan, Mr. Stockton, Mr. Lee
Nays: None
Abstain: None
Absent: Mr. Knox, Ms. Compagni

Adjournment

Seeing no further business, Mr. Stockton asked for a motion to adjourn.

MR. NOLAN OFFEFRED A MOTION TO ADJOURN THE MEETING AT 8:38 PM, SECONDED BY MR. GALLAGHER. ALL PRESENT MEMBERS VOTED IN FAVOR BY VOICE VOTE.

Respectfully submitted,

Erin Uriarte
Land Use Board Secretary