



BOROUGH OF HIGHLANDS
LAND USE BOARD
2022 ANNUAL REPORT

This is the Borough of Highlands' 2022 Annual Report covering the period January 1, 2022 through December 31, 2022.

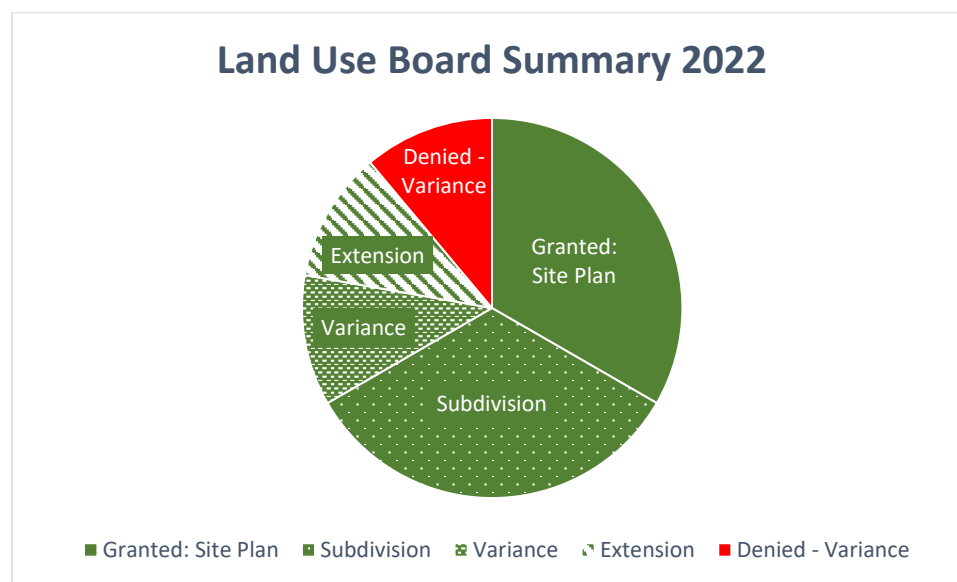
The Borough of Highlands Land Use Board received a total of eleven (11) new applications. Eleven (11) applications were heard, of which one (1) was from 2019 seeking an extension, three (3) were applications from 2021, and seven (7) applications were from 2022. Additionally, the Board reviewed one (1) Council Resolution and two (2) Council Ordinances for consistency with the Master Plan. The latest 2022 application was submitted on December 6th.

1. Summary

Total applications heard 11 – (including 1 extension request from 2019 and 3 from 2021)

- Applications approved as presented – 9
- Applications denied as presented – 1 (Application was presented twice due to notification error. It was approved at first presentation and denied at the second when properly noticed.)
- Litigation – 1
- Applications withdrawn – 0
- Concept Review – 0
- Administrative Resolutions – 13
- Cancelled meetings – 3
- Special meetings – 2
- Executive Sessions – 2
- Technical Review Committee meetings – 3

Board actions and activity are as depicted in the following chart.



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2. Litigation

LUB2021-05: Mattina – Block 12 Lots 4.01 and 4.02 (149 Portland Road)

- Applicant's subdivision with ancillary variance relief was approved at the February 10, 2022 meeting and memorialized at the March 10, 2022 meeting.
- Eric Wokas, 145 Portland Road, filed complaint with Superior Court of NJ Law Division: Monmouth County on April 12, 2022, and acknowledgement of service was signed on May 20, 2022 by Weiner Law Group. (Docket No. MON-L-001016-22)
- Applicant sold Lot 4.02 subsequently to the Kaplans. All parties entered into sales contract with knowledge of pending litigation.
- Litigation is ongoing.

3. Administrative (13)/Dismissed (0)/Withdrawn (0)

- LUB Resolution 2022-01 Appointing Board Secretary, Nancy Tran
- LUB Resolution 2022-02 Appointing Board Attorney, Ronald Cucchiaro of Weiner Law Group
- LUB Resolution 2022-03 Appointing Board Engineer, Edward Herrman of T&M Associates
- LUB Resolution 2022-04 Appointing Board Chair, Robert Knox
- LUB Resolution 2022-05 Appointing Board Vice Chair, Annemarie Tierney
- LUB Resolution 2022-06 Setting 2022 Meeting Dates
- LUB Resolution 2022-07 Designating 2022 Official Newspapers, *Asbury Park Press* and *The Two River Times*
- LUB Resolution 2022-08 Extension of Approval for Application LUB2019-01: Alvator – Block 35 Lots 6 & 7 (10 North Peak Street)
- LUB Resolution 2022-11 Recommending Adoption of Redevelopment Plan
- LUB Resolution 2022-12 Master Plan Consistency Determination of Ordinance O-22-09 Amending Section 21-84B of Borough Municipal Code
- LUB Resolution 2022-13 Master Plan Consistency Determination of Ordinance O-22-11 Repealing Ch. 21, Part VII, Article XXIV, Sections 21-109 Through 21-127 and Replacing it with a New Article XXIV to Adopt Flood Hazard Maps and to Designate a Floodplain Administrator
- LUB Resolution 2022-17 Executive Session – Litigation: Docket No. MON-L-1016-22
- LUB Resolution 2022-19 Executive Session – Litigation: Docket No. MON-L-1016-22

4. Applications Denied (1)

LUB2021-07: Farrell – Block 43 Lot 7 (32 Shrewsbury Avenue)

Denied due to:

- Proposal not being conducive to the orderly development of the site and the general area.
- Applicant failed to satisfy the positive criteria under the NJSA 40:55D-70c(1) and c(2) criteria.
- Applicant failed to satisfy the negative criteria – detached garage design is out of character of the neighborhood:

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5. Applications Granted (9)

CBD ZONE

LUB2022-01: Arjika Properties, Inc. – Block 81 Lot 12 (289 Bay Avenue)

- Applicant sought site plan approval with bulk variance relief to build a mixed-use commercial-residential building on current vacant lot.
- Applicant satisfied the positive criteria and the negative criteria.
- Application is granted subject to conditions.

R-1.01 ZONE

LUB2019-01: Alvator – Block 35 Lots 6 and 7 (10 North Peak Street)

- 2-year extension of time for bulk variance relief that was granted by the Board on August 1, 2019 and memorialized on September 5, 2019.
- Applicant submitted letter testifying that construction plans were delayed due to the COVID-19 pandemic
- Extension granted until September 5, 2022 with conditions.

LUB2021-06: Fahey – Block 14 Lot 6 (38 Grand Tour)

- Applicant sought minor subdivision with ancillary variance relief.
- Applicant proposed to create 2 lots with an existing single-family dwelling on Proposed Lot 6.01 and possibility of building a new building on Proposed Lot 6.02.
- Ancillary variance relief would be for pre-existing non-compliant condition on Proposed Lot 6.01.
- Applicant satisfied the positive criteria and the negative criteria.
- Variance relief is granted as positive criteria substantially outweighed the negative criteria.
- Application is granted subject to conditions.

R-1.03 ZONE

LUB2019-05: Mattina – Block 12 Lots 4.01 and 4.02 (49 Portland Road)

- Applicant sought to modify previously subdivided lots to build a new single-family dwelling on Proposed Lot 4.02 with ancillary variance relief. Current single-family dwelling on Lot 4.01 will remain with no new construction.
- Proposed plan to accommodate the newly adopted steep slope ordinance.
- Applicant satisfied the positive criteria and the negative criteria.
- Variance relief is granted as positive criteria substantially outweighed the negative criteria.
- Application is granted subject to conditions.

R-2.01 ZONE

LUB2022-06: Martin – Block 77 Lot 15 (15 Barberie Avenue)

- Applicant sought to subdivide into two (2) new conforming equal-sized lots with an existing single-family dwelling on Proposed Lot 15.01 and possibility to build single-family dwelling on Proposed Lot 15.02.
- Ancillary variance relief will be necessary by virtue of the subdivision and existing dwelling.

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- Applicant satisfied the positive criteria and the negative criteria.
- Variance relief is granted as positive criteria substantially outweighed the negative criteria.
- Application is granted minor subdivision with ancillary bulk variance relief subject to conditions.

R-2.02 Zone

LUB2022-05: Link – Block 65 Lot 25 (74 Fourth Street)

- Applicant sought site plan approval with bulk variance relief to build new single-family dwelling on newly vacant lot.
- Applicant failed to prove hardship but satisfied the positive criteria and the negative criteria.
- Variance relief is granted as positive criteria substantially outweighed the negative criteria.
- Application is granted minor site plan approval with bulk variance relief subject to conditions.

R-2.03 ZONE

LUB2022-02: Shwom – Block 101 Lot 9 (342 Shore Drive)

- Applicant sought bulk variance relief to build addition and new elevated deck and expansion of existing elevated deck.
- Applicant satisfied the positive criteria and the negative criteria.
- Board found that the proposed improvements would be aesthetically pleasing and not have a substantial detriment to the neighborhood.
- Board found that the proposed improvements was consistent with the neighborhood.
- Application is granted subject to conditions.

WC-2 (CENTRAL BUSINESS) ZONE

**LUB2022-03: B-Four Enterprises, Inc. – Block 72 Lots 8, 8.01, 9.001, 9.011, and 9.012
Block 69 Lots 13 and 13.01 (1 Atlantic Street)**

- Applicant sought amendment of minor site plan.
- Applicant proposed to park paddleboat at dock to provide flexibility during inclement weather while maintaining current occupancy limit.
- Board cannot deny a site plan for a permitted use due to increase traffic, noise, or parking where all ordinance requirements are satisfied.
- Application is granted subject to conditions.

6. Applications Carried to 2023 (1)

One applicant asked to carry their application to the January 12, 2023 meeting. An application was heard at the December 20, 2022 Special Meeting and its approval will be memorialized at the January 2023 meeting.

There are four (4) applications yet deemed to be ready.

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7. Observations / Recommendations

Some possible areas, but not limited to:

- A. Current situation of a neighborhood should have more weight on a variance application. For example, if no other property in the zone has a required 20-foot front yard setback, then that particular variance should have less weight.
- B. LUB Members should familiarize themselves with the property/neighborhood of the application being heard.