



BOROUGH OF HIGHLANDS
LAND USE BOARD
2023 ANNUAL REPORT

This is the Borough of Highlands' 2023 Annual Report covering the period January 1, 2023 through December 31, 2023.

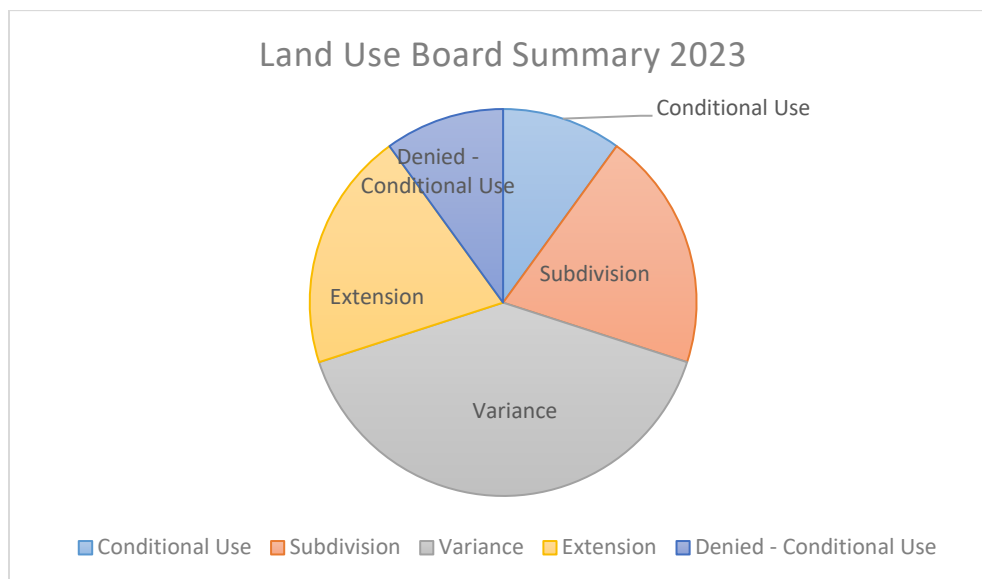
The Borough of Highlands Land Use Board received a total of seven (7) new applications. Eight (8) applications were heard, of which, one (1) was from 2021 and three (3) were from 2022. Additionally, the Board reviewed three (3) Council Ordinances for consistency with the Master Plan and the Highlands Community Energy Plan for the Governing Body. The latest 2023 application/appeal was submitted on December 12th and ready to be heard at the first LUB meeting in 2024.

1. Summary

Total applications heard 8 – including 1 from 2021 and 3 from 2022

- Applications approved as presented – 9
- Applications denied as presented – 1
- Litigation – 0
- Applications withdrawn – 1
- Appeals – 1 Zoning but was then withdrawn; 1 Steep Slope Review yet to be heard
- Concept Review – 0
- Administrative Resolutions – 19
- Cancelled meetings – 2
- Special meetings – 1
- Executive Sessions – 0
- Technical Review Committee meetings – 0

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



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2. Resolutions: Administrative (19)

- LUB Resolution 2023-01: Appointing Board Chair, Robert Knox
- LUB Resolution 2023-02: Appointing Board Vice Chair, Annemarie Tierney
- LUB Resolution 2023-03: Appointing Board Secretary, Nancy Tran
- LUB Resolution 2023-04: Appointing Board Attorney, Ronald Cucchiaro of Weiner Law Group
- LUB Resolution 2023-05: Appointing Board Engineer, Edward Herrman of T&M Associates
- LUB Resolution 2023-06: Setting 2023 Meeting Dates
- LUB Resolution 2023-07: Designating 2023 Official Newspapers, *Asbury Park Press* and *The Two River Times*
- LUB Resolution 2023-08: The Honorable Plant, B46 L3 – Conditional Use with Variance Approval
- LUB Resolution 2023-09: Borough of Highlands, B101 L3 – Granting Preliminary Final Major Subdivision Approval with Ancillary Variance Relief
- LUB Resolution 2023-10: Master Plan Consistency Determination of Ordinance O-23-07
- LUB Resolution 2023-11: Master Plan Consistency Determination of Ordinance O-23-08 - Solar Energy
- LUB Resolution 2023-12: Catcherman LLC, B76 Ls 4, 5, & 7.01 – Granting Preliminary Final Major Subdivision Approval with Ancillary Variance Relief
- LUB Resolution 2023-13: Florit, B103 L8 – Interpretation and Bulk Variance Approval
- LUB Resolution 2023-14: Sea Grass, B72 L12 and B73 L2 – Denial of Conditional Use
- LUB Resolution 2023-15: LDN LLC (LUB2021-01) – Extension Approval
- LUB Resolution 2023-16: Martin (LUB2022-06) – Extension Approval
- LUB Resolution 2023-17: Farrell, B4, L7 – Variance Approval
- LUB Resolution 2023-18: Sharkey, B42 L2 – Bulk Variance Approval
- LUB Resolution 2023-19: Catcherman LLC, B101 L27.04 – Bulk Variance Approval

4. Applications Denied (1)

LUB Resolution 2023-14 for Sea Grass (LUB2022-11) – 272 Bay Ave., B72 L12 and B73 L2

Denied due to:

- Number of deviations and degree of deviations are excessive
- Failure to satisfy burden of proof for sufficient on-site parking
- Proposed FAR would be substantially detrimental to public good and substantially impair intent and purpose of Zone Plan and Zoning Ordinance
- Application does not promote general welfare nor promote public safety
- Neither positive criteria nor negative criteria were satisfied for “c” variance relief
- Location not suitable for proposed use

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5. Applications Granted (9)

CBD ZONE

LUB Resolution 2023-08 for The Honorable Plant (LUB2022-08) – 123 Bay Ave., Block 46 Lot 3

- Application was concluded in 2022 and memorialized in 2023
- Applicant sought a conditional use with minor site plan and variance relief
- Board determined that the instruction provided by the nearby church fell outside the scope of the term “school”
- Applicant satisfied the positive criteria and the negative criteria; and that the positive criteria substantially outweighed the negative criteria
- Application was granted subject to conditions

LUB Resolution 2023-15 for LDN, LLC (LUB2021-01) – 49 Miller St., Block 54 Lot 7.01

- Applicant sought extension of time for resolution memorialized on December 20, 2021
- Application was granted a one-year extension

R-1.03 ZONE

LUB Resolution 2023-19 for Catcherman LLC (LUB2023-02) – 17 Locust St., Block 101 Lot 27.04

- Applicant sought bulk variance relief to construct new single-family dwelling on pre-existing non-conforming and undersized lot
- Applicant satisfied the positive criteria and the negative criteria; and positive criteria substantially outweighed the negative criteria
- Application is granted subject to conditions.

R-2.01 ZONE

LUB Resolution 2023-12 for Catcherman LLC (LUB2023-01) – 30 Sea Drift Ave., Block 76 Lots 4, 5, and 7.01

- Applicant sought to subdivide three (3) lots into four (4) new lots to renovate an existing single-family dwelling on one lot and to construct three new dwelling on the remaining three (3) lots
- Subdivision promotes appropriate population density and desirable visual environment
- Applicant satisfied the positive criteria and the negative criteria; and positive criteria substantially outweighed the negative criteria
- Application was granted subject to conditions

LUB Resolution 2023-16 for Martin (LUB2022-06) – 15 Barberie Ave., Block 77 Lot 15

- Applicant sought extension of time for resolution memorialized on December 20, 2022
- Application was granted a 180-day extension

R-2.02 Zone

LUB Resolution 2023-18 for Sharkey (LUB2023-05) – 9 Shrewsbury Ave., Block 42 Lot 2

- Applicant sought bulk variance relief to build new single-family dwelling on vacant, pre-existing non-conforming, irregularly shaped and undersized lot

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- Applicant satisfied the positive criteria and the negative criteria; and positive criteria substantially outweighed the negative criteria
- Application was granted subject to conditions.

R-2.03 ZONE

LUB Resolution 2023-13 for Florit (LUB2023-04) – 357 Shore Dr., Block 103 Lot 8

- Applicant sought an interpretation of Borough Code §21-98(F)(2) and bulk variance relief
- Applicant satisfied the positive criteria and the negative criteria.
- Previous 2015 LUB Resolution did not limit future applications or applicants
- Code §21-98(F)(2) was intended to simplify the reconstruction process for non-conforming dwellings on larger lots and not prohibiting variance applications involving lots under 2,500 square feet
- Application was granted for specific construction permit plans previously approved by the Construction Code Official

WC-2 ZONE

LUB Resolution 2023-09 for Borough of Highlands (LUB2022-09) – Locust St., Block 101 Lot 3

- Applicant sought major subdivision with the purpose of eliminating multiple existing encroachments onto public land in order to include remainder lot to be on ROSI list
- The three (3) new temporary lots will ultimately be sold to adjoining property owners; and those that don't get sold are not buildable and will remain in public ownership
- The positive criteria substantially outweighs the negative criteria
- Application is granted subject to conditions

WT-R (Waterfront Transition-Residential) ZONE

LUB Resolution 2023-17 for Farrell (LUB2023-03) – 32 Shrewsbury Ave., Block 43 Lot 7

- Applicant sought to reconstruct a one-story garage in original location of a previous garage
- Applicant satisfied the positive criteria and the negative criteria.
- Application was granted to reconstruct an accessory garage along with minor site plan in accordance with plan submitted

6. Application Withdrawn

LUB2023-06: Mascia-Millan – 35 Waterwitch, Bloc 90 Lot 11

Applicant constructed a 6.5 foot fence without a permit where 4 feet was allowed. Applicant sought a temporary variance but then withdrew application when it was explained that the Board does not grant temporary variances.

7. Carried to 2024

One applicant was submitted on December 15, 2023 seeking an appeal to the Borough Engineer's Steep Slope review. This application will be heard at the January 11, 2024 meeting.

There are two (2) applications from 2022 that are yet to be deemed complete.

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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.