



BOROUGH OF HIGHLANDS  
LAND USE BOARD  
2024 ANNUAL REPORT

This is the Borough of Highlands' 2024 Annual Report covering the period January 1, 2024 through December 31, 2024.

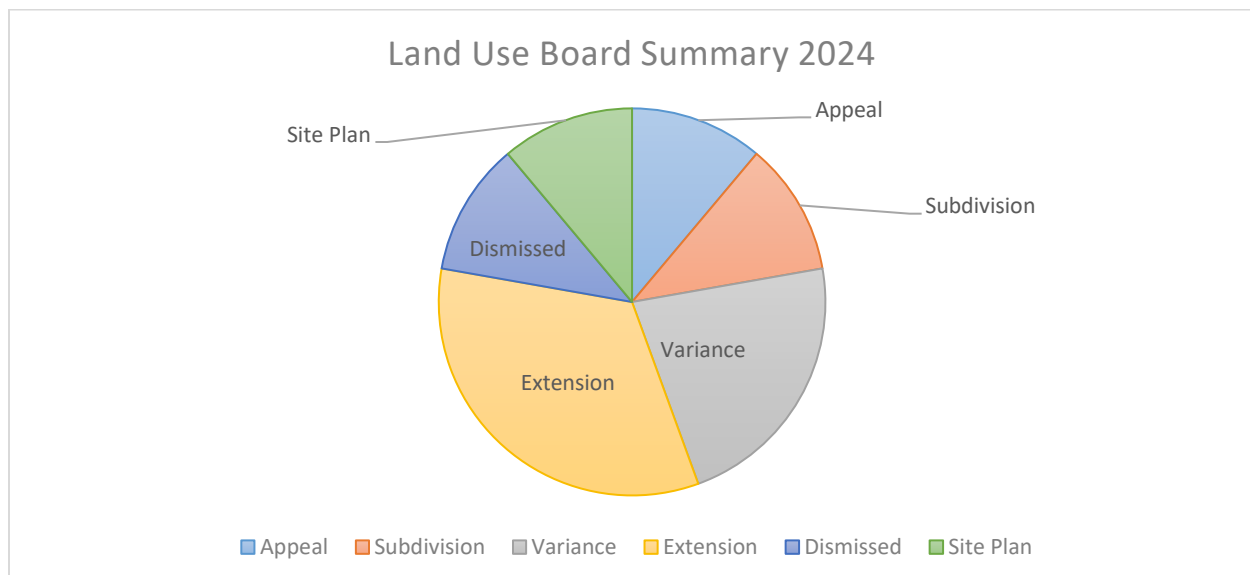
The Borough of Highlands Land Use Board received a total of eight (8) new applications. Six (6) applications were heard, of which, two (2) were from 2022 and one (1) was from 2023. Additionally, the Board reviewed two (2) Council Ordinances and one (1) Council Resolution for consistency with the Master Plan for the Governing Body. (The Board memorialized a Council Ordinance that it reviewed at the end of 2023.)

### 1. SUMMARY

Total applications heard 9 – including 2 from 2022 and 1 from 2023

- Applications approved as presented – 4
- Applications denied as presented – 0
- Applications dismissed without prejudice – 1
- Administrative Resolutions – 12
- Litigation – 0
- Applications withdrawn – 0
- Appeals – 1 Steep Slope Review
- Concept Review – 0
- Extension Requests – 3
- Cancelled meetings – 0
- Special meetings – 0
- Executive Sessions – 0
- Technical Review Committee meetings – 0

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



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**2. APPLICATIONS GRANTED (7)**

**CBD ZONE**

**LUB Resolution 2024-16: Preliminary and Final Site Plan Approval - 60 Bay Ave Highlands LLC (LUB2024-02: Bay Ave., Block 42 Lot 1)**

- Applicant proposed to expand the existing multi-family residential building to add an additional unit for a total of five (5) units with one (1) one-car garage, two (2) 1.5-car garages, and one (1) two-car garage.
- Subject property contains three (3) frontages on Bay Ave., South St., and Shrewsbury Ave.
- Proposed to relocate, elevate, and expand the multi-family residential building.
- Applicant initially requested several design waivers but then agreed to comply with all requirements of the site plan, zoning, and design criteria Ordinances.
- Application was granted subject to conditions

**LUB Resolution 2024-08: 2<sup>nd</sup> Extension Approval for LUB2021-01: LDN – 49 Miller, B54 L7.01**

- Applicant sought second extension for resolution memorialized on December 20, 2021.
- Application was granted another one-year extension.

**LUB Resolution 2024-21 Extension: Approval for Arjika - 289 Bay Ave B81 L12**

- Applicant sought extension of time for resolution memorialized on September 8, 2022.
- Application was granted one-year extension.

**R-1.01 ZONE**

**LUB Resolution 2024-12: Bulk Variance Relief for LUB24-01 Caulfield - 137 Highland Ave B26L14**

- Applicant proposed to build backyard deck and other site improvements on their existing undersized lot, needing three (3) bulk variances to existing non-compliant bulk conditions.
- Existing house has existed since 1918 and non-compliant bulk conditions were created prior to any zoning laws.
- Applicant opined that the proposed 200ft addition within the footprint of the existing deck would need some minor excavation and would reduce the noise impact of outdoor entertainment on the deck.
- The property backs up to neighboring property's steep slope, and thus, the proposed rear setback would not impact neighboring property much.
- Board found that application satisfied both positive and negative criteria.
- Application was granted subject to conditions.
- Additionally, Board granted relief for the existing non-compliant bulk conditions.

**R-2.01 ZONE**

**LUB Resolution 2024-14: 2<sup>nd</sup> Extension Approval of LUB2022-06 Martin B77 L15**

- Applicant sought second extension for resolution memorialized on December 20, 2022
- Application was granted another 180-day extension

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**R-2.02 Zone**

**LUB Resolution 2024-15: Minor Subdivision Approval w/Ancillary Variance - 9 Fifth St B57 Ls 8&9 (LUB2022-04: Kirsh Kraft LLC – 9 Fifth St., Block 57 Lots 8 & 9)**

- Applicant sought minor subdivision – proposed Lot 8.01 will be 2,618 sq. ft. and proposed Lot 9.01 will be 2,913 sq. ft. – with fifteen (15) variance relief, with ten (10) pre-existing conditions.
- Applicant proposed to demolish existing structures, merge both lots, to subdivide into two (2) new lots, and build two (2) new dwellings.
- Applicant proposed an easement agreement to address existing encroachment of dwelling on Lot 5 to proposed Lot 8.01.
- Board deemed that “d” use variance for two (2) principal structures was unnecessary as second principal structure was encroaching principal structure on Lot 5.
- Application was granted subject to conditions.

**R-2.03 Zone**

**LUB Resolution 2024-17 Height and Bulk Variance Relief - 19 Gravelly (LUB24-04: Nastasi – 19 Gravelly Point Rd., Block 100 Lot 26.19)**

- Applicant proposed to improve existing dwelling with third floor addition and under-parking area on existing undersized lot within Bungalow Colony.
- Proposed height would be compliant within R-2.03 Zone not in Bungalow Colony.
- Applicant sought height variance in addition to four (4) existing non-conformity.
- Applicant satisfied both positive and negative criteria.
- Application was granted subject to conditions, including attic to not be used as living space.

**3. APPLICATIONS DENIED (0); DISMISSED (1)**

**LUB Resolution 2024-19: Home & Land B35 Ls 8&9 -14 & 32 North Peak - Dismissal Without Prejudice (LUB2022-10: Home & Land – 14 & 32 North Peak St., Block 35 Lots 8 & 9)**

Facts and conclusions of law with regard to this application:

- Application was originally filed in November 2022. After multiple reviews many identified issues remain open.
- Applicant’s request to construct a new sewer line the Boroughs’s lower right-of-way was denied by Borough Council.
- Vast majority of identified information necessary to make a full, fair, and informed decisions remain unsatisfied and open still.
- Board accepted that representation of adjoining property owner that delays in application would harm said property.

**4. RESOLUTIONS: ADMINISTRATIVE (21)**

- LUB Resolution 2024-01: Appointing Board Chair, Robert Knox
- LUB Resolution 2024-02: Appointing Board Vice Chair, Annemarie Tierney
- LUB Resolution 2024-03: Appointing Board Secretary, Nancy Tran

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- LUB Resolution 2024-04: Appointing Board Attorney, Ronald Cucchiaro/Austin Mueller of Weiner Law Group
- LUB Resolution 2024-05: Appointing Board Engineer, Carmela Roberts of Roberts Engineering Group
- LUB Resolution 2024-06: Setting 2024 Meeting Dates
- LUB Resolution 2024-07: Designating 2024 Official Newspapers, *Asbury Park Press* and *The Two River Times*
- LUB Resolution 2024-09: Consistency Determination - O-23-22 Private Salt Storage
- LUB Resolution 2024-11: Memorialization of 2023 Annual Report
- LUB Resolution 2024-13: Consistency Determination of O-24-04 -Tree Removal
- LUB Resolution 2024-18: Consistency Determination Ordinance O-24-15
- LUB Resolution 2024-20: Master Plan Consistency Determination O-24-19 - Minor Subdivision Checklist

## **5. ZONING APPEAL**

### **LUB Resolution 2024-10: Appeal Approval for LUB 2023-07 Kelly-Hall**

- Applicants sought an interpretation/appeal of Borough Engineer's decision regarding the Borough's Steep Slope Ordinance.
- Subject property is located within the Steep Slope area of the Borough but the property does not contain any steep slopes.
- Board addressed the definition and applicability of the Steep Slope Ordinance.
- Board disagreed with the Borough Engineer's application of the Ordinance.
- Board reversed the Borough Engineer's decision and directed that the Slope Area Permit be issued.

## **6. LITIGATION – None**

## **7. CARRIED TO 2025**

At the December 12, 2024 Meeting, the Board was prepared to hear the Amended Captain's Cove Redevelopment Study. Due to the lateness of receipt of an objector's letter, the Board adjourned the matter to allow the Board Professionals more time to review it.

Two (2) applications, LUB24-03: Wheeler – 63 Washington Ave., B80 L17 and LUB24-05: McGhee – 43 Gravelly Point Rd., B100 L26.43, were deemed complete and ready to be heard.

Three (3) applications, LUB24-06: Ross Builders – Bay St., B26 L9.03, LUB24-07: Landgrebe – 44 Miller St., B58 L7.01, and LUB24-08: Conte – 212 Linden Ave., B110 L12, were deemed incomplete.

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**8. OBSERVATIONS / RECOMMENDATIONS / 2026 MASTER PLAN PLANNING**

- Review of Steep Slope Ordinance?
- Review of Bungalow Colony height variance?
- Stormwater management/runoff onto neighboring properties requirement for applications?
- Fee for Extension Request?
- Increase escrow fee?
- The Board started planning for the 2026 Master Plan and assigning Board Members to committees.