



REGULAR MEETING - BOROUGH OF HIGHLANDS LAND USE BOARD

03.12.2026

151 Navesink Ave. - Court Room
Thursday, March 12, 2026 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 Special Meeting of the Borough of Highlands Land Use Board and all requirements have been met. Notice has been posted to the Borough website. Notice has been posted on the public bulletin board. Formal Action will be taken.*

ROLL CALL

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

ACTION ON OTHER BUSINESS

COMMUNICATION AND VOUCHERS

APPROVAL OF MINUTES/REPORTS

1. 12-11-2025 LUB Minutes
2. 12.18.2025 LUB Special meeting Minutes
3. 02.12.2026 LUB Minutes
4. LUB Annual Report - 2025

RESOLUTIONS

1. LUB Res. No. 2026-10 - LUB2023-02 LW Management & Maintenance, LLC; Block 101, Lot 27.04; 17 Locust Street - Extension of Variance Approval

HEARINGS ON OLD BUSINESS

2. LUB25-10: Solar Powered 44 – 44 Miller St., B58 L7.01

HEARINGS ON NEW BUSINESS

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 of the public to be heard.



Borough of Highlands LUB Meeting Minutes
Municipal Building, 151 Navesink Ave., Highlands, NJ
December 11, 2025

Acting Chair Tierney called the meeting to order at 7:00 pm.

ROLL CALL:

Present: Mayor Broullon, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Mr. Sayah, Acting Chair Tierney, Ms. Chang, Mr. Cramer, Mr. Cody, Ms. Vickery

Absent: Chief Burton, Mr. Zill, Chair Knox

Also Present: Board Engineer Carmela Roberts, Board Attorney Dustin Glass, Board Planner Susan Gruel, Board Secretary Nancy Tran, and Assistant Board Secretary Alicia Jones

Ms. LaRussa submitted the Absent Member Certification that she watched the November 13, 2025 LUB meeting recording.

PUBLIC COMMENTS: None

COMMUNICATIONS: Acting Chair Tierney announced that the application LUB25-06: Highlands Landing Corp. – 326 Shore Dr., B100 L27 will be heard at a Special Meeting on Dec. 18th at 7pm at the Community Center, 22 Snug Harbor Ave.

ACTION ON OTHER BUSINESS:

Master Plan Planning – Susan Gruel, Board Planner, explained the purpose and process for the Master Plan. She noted that this is an opportunity for the Borough to realign the Master Plan with goals and objectives. Ms. Gruel the Board and Borough’s role is to listen. She added that we love to hear from the public and will be taking notes.

Mayor Broullon added that she has surveys from the last re-examination to share. Discussion ensued regarding planning, observations, goals, recommendations, process, best practices, and impact from the Federal, State, and County level. Mayor Broullon reminded the Board that the last re-examination happened right after Super Storm Sandy.

Ms. Gruel noted that the Master Plan is a product of the Board and is then implemented by the Council. She suggested for members to forward questions to Nancy who can then forward to the professionals. She added recommendations for how the subcommittees can proceed.

LUB2023-05 Sharkey 9 Shrewsbury B42 L2 - Interpretation & Extension Request - Section 21-17A.9 of Borough Code

Henry Wolff, Esq., applicant’s attorney, reviewed the applicant’s application, approval, and extension request. Mr. Glass further explained the situation, what the applicant is seeking, and the Board’s role. Mr. Wolff concurred with the summary.

Mary Sharkey, applicant and owner, was sworn in and explained her personal and financial situation since the Land Use Board approval. Acting Chair Tierney asked if she was asking for an

extension until June 2-26 and Ms. Sharkey replied yes, 6 additional months. Mr. Glass recommended extending to 1 year and stated that the Board can determine the length of time they will allow.

With no questions or comments from the public, Mr. Sayah motioned to approve with conditions. Mr. Glass noted the conditions.

OFFERED WITH CONDITIONS BY: Mr. Sayah

SECONDED BY: Mayor Broullon

AYES: Mayor Broullon, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Mr. Sayah, Ms. Chang, Mr. Cramer, Mr. Cody, Acting Chair Tierney

NAYS: None

ABSTAIN: None

INELIGIBLE: None

ABSENT: Chief Burton, Mr. Zill, Chair Knox

Ms. Sharkey thanked the Board and noted that it was great to work with the Mayor and Nancy.

APPROVAL OF MINUTES:

November 13, 2025

OFFERED BY: Mr. Sayah

SECONDED BY: Mr. Cody

AYES: Mr. Montecalvo, Mr. Sayah, Ms. Chang, Mr. Cramer, Mr. Cody, Ms. Vickery, Acting Chair Tierney

NAYS: None

ABSTAIN: None

INELIGIBLE: Mayor Broullon, Councilmember Olszewski

ABSENT: Chief Burton, Mr. Zill, Chair Knox

RESOLUTION:

LAND USE BOARD RESOLUTION 2025-27

MEMORIALIZATION OF BULK VARIANCE RELIEF WITH DESIGN WAIVERS

IN THE MATTER OF JAMES KUBIS

Approved: November 13, 2025

APPLICATION NO. LUB2025-02

Memorialized: December 11, 2025

WHEREAS, an application for bulk variance relief with a design waiver has been made to the Borough of Highlands Land Use Board (hereinafter referred to as the "Board") by James Kubis (hereinafter referred to as the "Applicants") on lands known and designated as Block 119, Lot 2.01, as depicted on the Tax Map of the Borough of Highlands (hereinafter "Borough"), and more commonly known as 260 Navesink Avenue, Highlands, New Jersey, in the R-2.03 Single-Family Residential (R-2.03) Zone District (hereinafter "Property"); and

WHEREAS, a live public hearing was held before the Board on November 13, 2025, with regard to this application; and

WHEREAS, the Board has heard testimony and comments from the Applicant, witnesses and consultants, and with the public having had an opportunity to be heard; 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 subject Property is a 7,973-sf lot located in the R-2.03 Zone, improved with a one and a half (1 ½)-single-story frame dwelling with decking, a detached one-story garage, and other site improvements.
2. The subject Property is located on the northwest corner of Navesink Avenue (NJ State Highway No. 36), northbound and South Linden Avenue (one-way). Driveway access to the subject Property occurs via South Linden Avenue. The southern property line borders the Township of Middletown.
3. The subject Property is located within the X Flood Hazard zone and within the Steep Slopes Area, but the Applicant’s licensed Land Surveyor has determined that the average steepest slope is 7%. Therefore, the property is not subject to the steep slope provisions (but remains subject to any and all X Flood Hazard zone provisions).
4. The Applicant proposes constructing two (2) decks and performing related site improvements.
5. More specifically, the Applicant proposes to construct a flat deck (11’-9”x 19’-9”) atop the first story of the existing dwelling, located in the rear of the subject Property.
6. The Applicant also proposes to remove the existing wood deck located off the first story of the existing dwelling and construct a new lower deck (13’-9 ½”x 19’-9”) in its place.
7. The Applicant further proposes to construct staircases from the upper deck to the lower deck, and from the lower deck to the existing patio.
8. The Applicant received a Denial of Zoning Permit on February 3, 2025, for non-compliance of bulk requirements and, therefore, requires Land Use Board approval.
9. The Applicant requires two (2) bulk variances for lot depth and minimum side yard setback, and one (1) design waiver for the location of the existing air conditioning unit.
10. The nature and extent of the two (2) bulk variances is as follows:

Schedule I – Bulk and Area Requirements for R -2.03 Zone			
	Required	Existing	Proposed
Min. Lot Depth (ft.)	100	75**	75*
Min. Side Yard Setback (ft.)	6 (Navesink) 8 (South Linden)	2.8** (Navesink) 34.0 (South Linden)	2.8* (Navesink) 34.0 (South Linden)

*Proposed Variance

**Existing Variance

11. With this application, the Applicant proposes to bring an existing non-conformity, for the minimum deck setback along Navesink Avenue, into compliance as follows:

Schedule I – Bulk and Area Requirements for R -2.03 Zone			
	Required	Existing	Proposed
Min. Deck Setback (ft.) (Navesink)	3	2.3**	3

12. James Kubis, the owner of the subject Property and Applicant, was sworn in and testified about the application.

13. The Applicant summarized the application and noted that the proposed lower deck would be approximately two (2) ft. larger than the proposed upper deck.

14. The Applicant provided additional testimony that the proposed lower deck would extend two (2) feet further into the rear yard than the existing lower deck, but would not trigger any additional variance relief.

15. The Applicant further testified that his proposal would not exacerbate the existing conditions and that the side yard setback along Navesink Avenue would not be changing and would remain at 2.8ft.

16. In response to a comment by the Board Engineer, the Applicant confirmed that the existing rear deck is set back 2.3ft from Lot 3 and that the proposed lower deck is to be set back 3ft from Lot 3, thus bringing an existing nonconformity into conformity.

17. The Applicant’s Architect, Anthony M. Condouris, was sworn in and accepted as an expert in the field of architecture and testified about the application.

18. Mr. Condouris testified that the proposed upper deck would connect to the second floor of the dwelling via a doorway, with new staircases connecting the two (2) proposed decks.

19. Mr. Condouris provided additional testimony that despite the additional deck space proposed, none of the setbacks were exacerbated by the application.

20. In response to a question from the Board Engineer, Mr. Condouris confirmed that the deck setback would be brought into compliance with the proposal.

21. In response to further questions from the Board, the Applicant and Mr. Condouris testified that the Applicant’s fence encroaches upon adjoining Lot 3 by three (3) feet, but that the Applicant has entered into an Encroachment Agreement with the owner of Lot 3, which Agreement permits the fence to remain in its current location.

22. In response to additional questions from the Board, the Applicant agreed to record the Encroachment Agreement with the County of Monmouth.

23. In response to further questions from the Board Professionals, the Applicant confirmed that the A/C unit existed in its current location at the time he purchased the Property and that he did not alter the same.

24. The Board Engineer advised that the existing A/C unit is too close to the property line and that a design waiver would be needed for it to remain in its present location.

25. The Applicant further testified that the A/C unit is proposed to remain in its existing location and that he was, therefore, seeking a design waiver for the same.

26. There were no 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 Applicants should be granted bulk variance relief pursuant to both N.J.S.A. 40:55D-70c(1) and c(2), along with design waiver relief pursuant to N.J.S.A. 40:55D-51, in this instance.

The Board finds that the Applicant has proposed constructing two (2) decks and performing related site improvements, which requires bulk 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 bulk 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 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, the 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. The Board finds that the proposed decks and stairways will upgrade the existing residential structure and will be consistent with neighboring development. The Board further finds that the proposed decks will be aesthetically pleasing and create a desirable visual environment which will be commensurate with other homes in the neighborhood. The Board further finds that the subject Property is unique and unusual with respect to its dimensions. Ultimately, the Board finds that the grant of variance relief will result in a visually desirable dwelling which will not only benefit the Applicant but will also advance the interests of the entire community. The Board therefore concludes that the goals of planning as enumerated in N.J.S.A. 40:55D-2 have been advanced. The Applicant has therefore satisfied the positive criteria.

The Board also finds that the negative criteria has been satisfied. The proposed decks requiring variance relief will not cause a detriment to the community in any discernible way. In fact, the Board finds that proposed decks will still be consistent and fit in seamlessly with the prevailing neighborhood residential scheme. The proposal is consistent with the Borough’s overall goals and objectives of providing new, safe and visually attractive homes and will advance the general

welfare for both the Applicant and the neighbors alike. Granting of the variance sought by the Applicant will also not result in any substantial detriment to the public welfare or impair the purpose or intent of the Zone Plan or Zoning Ordinance.

The Board further finds that the Applicant will bring the Property into further conformity with the Zoning Ordinance, by proposing to eliminate the existing variance for the minimum deck setback. Additionally, the Board finds that the Applicant and the property owner of Lot 3 have entered into an Encroachment Agreement, permitting the fence that encroaches upon Lot 3 to remain in its current location, which Agreement shall be recorded with the County. The Board therefore concludes that the negative criteria has therefore been satisfied pursuant to N.J.S.A. 40:55D-70c(2).

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

The proposal also requires design waiver relief from the requirements of § 21-65.27.C for the location of the existing A/C unit. The MLUL permits site plan design exceptions pursuant to N.J.S.A. 40:55D-51(b). The statute permits the Board to grant a deviation from the requirements for site plan approval if (1) doing so is “reasonable”, (2) within the general purpose and intent of the provisions for site plan review and approval of an ordinance adopted pursuant to Article 4 of the MLUL; and (3) if the literal enforcement of one or more provisions of the ordinance is impracticable or will exact undue hardship because of peculiar conditions pertaining to the land in question.

Based on the testimony provided, the Board has determined that the design the waiver, for the location of the existing air conditioning unit may be reasonably granted because it presents a better planning alternative and safer design overall, and exists in an appropriate location with respect to the subject Property. For the foregoing reasons, the Board therefore finds that it is appropriate to grant design waiver relief pursuant to N.J.S.A. 40:55D-51.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Land Use Board on this 11th day of December 2025, that the action of the Board taken on November 13, 2025, granting application no. LUB 2025-02 of James Kubis for bulk variance relief pursuant to N.J.S.A. 40:55D-70c(1) and “c(2)” and design waiver relief pursuant to N.J.S.A. 40:55D-51 is hereby memorialized 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’s Professionals.
3. The Applicant shall apply for all necessary Zoning Permit(s).
4. With respect to the Applicant’s fence that encroaches upon adjoining Lot 3 by

three (3) feet, the Applicant has entered into an Encroachment Agreement with the owner of Lot 3, which Agreement permits the fence to remain in its current location. The Applicant shall record the Encroachment Agreement with Monmouth County and provide proof of the same. Failure to record the Encroachment Agreement shall require the Applicant to remove the fence or seek further relief from the Land Use Board with respect to the same.

5. Any ambiguities regarding the interpretation of this Resolution related to major site plan modifications shall be resolved by the Land Use Board upon due notice to the public.

6. The Applicant shall provide a certificate that taxes are paid to date of approval.

7. This approval is subject to the Applicant's continuing payment of all fees, costs, escrows due or to become due. Any monies are to be paid within twenty (20) days of said request by the Board Secretary.

8. Prior to the issuance of building permits, the Applicant shall be responsible for obtaining any other approvals or permits from other governmental agencies, as may be required by law, including all applicable Federal, State, County, and Municipal regulations.

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'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: Mr. Cody

SECONDED BY: Mr. Montecalvo

AYES: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski, Mr. Sayah, Ms. Chang, Mr. Cramer, Mr. Cody, Ms. Vickery, Acting Chair Tierney

NAYS: None

ABSTAINED: None

INELIGIBLE: None

ABSENT: Chief Burton, Mr. Zill, Chair Knox

HEARINGS ON OLD BUSINESS:

LUB25-10: Solar Powered 44 – 44 Miller St., B58/7.01

Mayor Broullon and Councilmember Olszewski stepped down from the dais.

Brad Batcha, Esq., applicant's attorney, reviewed the testimony heard so far, the updated plans – what has been changed since and what remained the same. He referenced the 2020 Survey by Charles Surmonte and the proposed project. Acting Chair Tierney noted that Mr. Batcha's statement tonight differed from testimony regarding the applicant's timeline that was given last month. Mr. Batcha corrected himself. Acting Chair Tierney asked for the proof of payment that the Board requested. Mr. Landgrebe shared the bank statement with cancelled check for the demolition and construction permits. He noted additional records he had relating to the project. Acting Chair Tierney asked whether proof of disconnected utilities were also required for lifting

a house. When Mr. Landgrebe answered in the affirmative, Acting Chair Tierney stated that she was looking for a zoning approval for a new construction. Mr. Sayah asked for a demolition permit prior to the house being torn down. Mr. Batcha stated that his client has been working to locate the missing documents the Board requested. Discussion ensued regarding demolition protocol and process, missing demolition permit, hazardous waste removal protocol and process, Mr. Landgrebe's experience in construction and as a builder, and that once a structure is torn down that it has to adhere to the current zoning. Mr. Batcha noted that Mr. Landgrebe had testified that the zoning official said that he could reconstruct if he stayed within the existing footprint. Mr. Landgrebe added that he proceeded based on Middletown's recommendations and that he did the demolition and building himself. Mr. Glass reviewed what the applicant testified and what was presented so far.

Donna Bullock, applicant's engineer, was sworn in and her credentials accepted. She described the property and her firm's services for the applicant. She described the landscaping plans and the turn radius of the driveway. She reviewed Ms. Robert's letter dated 12/11/2025 and noted that applicant's agreement to comply. Ms. Bullock then compared her survey with the 2020 survey.

Ms. Bullock continued testifying about similar neighboring properties that related to Ms. Gregory's, the applicant's planner, testimony. Acting Chair Tierney noted that the Board asked for similar properties along Miller St. Ms. Bullock stated that her firm was engaged with the structure already built. Mr. Glass noted that Ms. Bullock was not testifying whether the structure was built legally or not and suggested that she be allowed to continue her testimony of neighboring properties. Ms. Gruel noted that none of the examples Ms. Bullock gave were 3-story structures.

The Board took a break at 8:47pm and returned at 8:59pm. **SECOND ROLL CALL:**

Present: Mayor Broullon (in public), Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski (in public), Mr. Sayah, Acting Chair Tierney, Ms. Chang, Mr. Cramer, Mr. Cody, Ms. Vickery
Absent: Chief Burton, Mr. Zill, Chair Knox

Also Present: Board Engineer Carmela Roberts, Board Attorney Dustin Glass, Board Planner Susan Gruel, Board Secretary Nancy Tran, and Assistant Board Secretary Alicia Jones.

Jim Daly, applicant's architect, noted that the back deck was removed from the plans, which positively impacted the property and shared the color renderings. Acting Chair Tierney asked about the planter's position over the property line and that the finish will further exacerbate it. Mr. Montecalvo added noted that it obstructs the view point of turning cars and asked for clarification regarding the existing footing and the location of the new foundation. Mr. Batcha stated that their engineer had testified that the foundation was in the same location. Mr. Landgrebe and Mr. Daly further explained the location of the footings.

Carolyn Broullon, Miller St., asked why the current Construction Official's signature was on the 2021 construction permit. Ms. Jones explained that that is how the software produces stored permits. Ms. Broullon asked for the original permit.

Ms. Roberts noted that Ms. Bullock's review addressed the gap between 2021 and 2024 but it did not explain how the applicant was issued a notice of unsafe structure in 2024. Mr. Landgrebe explained. Ms. Roberts, based on the timeline given, still did not understand how the construction became an unsafe structure. Discussion ensued regarding the project timeline. Mr. Landgrebe stated that given approval, he could finish the project within 12 months.

Ms. Gruel asked about the existing nonconforming use and noted that the previous structure was a 1-story and that the proposed project was asking the Board to consider allowing the nonconforming use and addition. Mr. Batcha stated that they are seeking a d2 variance for expanding the nonconformity. He added that if the Board did not approve the d2 variance that they will revert to requesting for a d1 variance.

Mr. Glass asked what the Board wanted the applicant to provide for the next meeting. The Board agreed that Mr. Landgrebe needs to provide proof that are explicitly required for a demolition and not for a house lift. The Board required documentation of the hazardous waste removal.

Jo-Anne Olszewski, Grand Tour, asked if Mr. Landgrebe knew what variances were needed before he started building.

Ms. Chang questioned the dates on the architectural plans.

Mr. Glass asked if the applicant finished their testimony. Mr. Batcha stated that his professionals were done but that his client may provide more testimony. Mr. Glass explained what the Board needs to deliberation on for the next meeting. Acting Chair Tierney wanted a clearer timeline. Mr. Glass stated that no further noticing would be required.

ADJOURNMENT

Offered by Mr. Cody and seconded by Ms. LaRussa. All in favor. None opposed. Meeting adjourned at 10:13 pm.

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board December 11, 2025

Nancy Tran, Land Use Board Secretary



Borough of Highlands LUB Special Meeting Minutes
Community Center, 22 Snug Harbor Ave., Highlands, NJ
December 18, 2025

Chair Knox called the meeting to order at 7:10 pm.

ROLL CALL:

Present: Mayor Broullon, Ms. LaRussa, Mr. Montecalvo, Councilmember Olszewski, Mr. Sayah, Mr. Zill, Chair Knox, Mr. Cramer, Mr. Cody, Ms. Vickery

Absent: Chief Burton, Vice Chair Tierney, Ms. Chang

Also Present: Board Engineer Carmela Roberts, Board Attorney Dustin Glass, Board Planner Susan Gruel, Board Secretary Nancy Tran, and Assistant Board Secretary Alicia Jones

PUBLIC COMMENTS: None

HEARING ON NEW BUSINESS:

LUB25-06: Highlands Landing Corp. – 326 Shore Dr., B100 L27

Mr. Glass explained meeting protocol and procedure. Mayor Broullon, Councilmember Olszewski, and Mr. Montecalvo stepped down from the dais.

Salvatore Alfieri, Esq., applicant’s attorney, explained the application and noted his team. Mr. Sayah asked for clarification of the application. Mr. Alfieri explained why they were in front of the Board and that they will get into more details later and will discuss history of the property and business as needed.

Brad Thompson, applicant’s engineer, was sworn in and his credentials were accepted. He described the property and the business operating at the location. He utilized a colorized rendering of the site plan, which now included landscaping. He continued to describe the business and its use during off peak and peak season. Mr. Thompson explained the proposed changes and reconfiguration of the parking lot, traffic flow, parking lot improvements, paving, striping, car lift, drop-off space, sidewalk, and ADA compliance. He added that proposed plan was to maximize the number of available parking spaces allowed for the property.

Mr. Thompson proceeded to note the variances needed – use variance for ferry, Sandbox, and beach, variance for number of parking spaces, and variance for front and side set back. Mr. Sayah asked about the set back for the lift and Mr. Thompson answered that it was one of the set backs that they will be requesting a variance. Mr. Alfieri asked that his professional be allowed to finish his testimony. Mr. Thompson added that they will also need variance for light intensity and lot coverage. Mr. Thompson then noted that the application will be seeking waivers for parking space size, the number of compact parking spaces, the car lifts, and landscaping.

Mr. Thompson then described the proposed lighting and the stormwater management plan. He added that they received approval from Freehold Soil and NJDEP CAFRA, further explaining the CAFRA approval. He addressed the Fire Marshal’s review, noting that they will comply with the striping for the fire lane and that they will work with the fire officials. Mr. Thompson addressed the

Board Engineer's report and stated that they will comply within DEP's requirements. He then noted the Board Planner's review and stated that they will comply except for the parking space widths as that is one of the waivers that they are seeking. He also addressed trash removal and utilities for the property.

Ms. LaRussa wanted to clarify if the application is seeking for a use variance for current business operations without a variance. Mr. Thompson answered that their planner will speak more on that later. Mr. Zill asked for clarification for the current number of spaces, proposed number of spaces with and without the car lift. Mr. Thompson answered and gave their justification for the proposed number of spaces. He added that he had observed the parking lot situation during peak season. Ms. Vickery asked how the compact parking spaces and fire lane would be enforced. Mr. Thompson answered that the compact parking spaces will be angled and that their proposed plans try to prevent users from parking in non-parking spaces. Mr. Alfieri offered that the Borough could be allowed to enforce parking on the private property. Mr. Sayah wanted to know the number of ferry trips per day to better understand the capacity needed. Mr. Glass stated that the applicant's profession for that matter has not testified yet. Mr. Thompson provided an answer but the applicant's planner will have more details later. Mr. Sayah referenced the applicant's 2001 Planning Board resolution.

Chair Knox opened the floor for public questions.

Susan Flannery, Central Ave., asked about the potential noise level of the lifts. Mr. Thompson noted that they will have to comply with State regulated for daytime and nighttime decibel levels but he will get real numbers.

?? ??, Shore Dr., asked for clarification regarding the car lifts, the exhaust from the elevated cars, and justification for the car lifts. Chair Knox reminded the public that this segment is only for public questions. Mr. Alfieri added that Mr. Thompson is not qualified to answer the concerns.

Patricia Huber, Beach Blvd., asked for clericalization of their parking study. Mr. Alfieri suggested to save the question for their planner. She asked why they proposed less parking spaces, if the lifts will require electrical, and whether the Sandbox has been operating illegally. Mr. Thompson answered the first two questions and stated that he was not qualified to answer the last question. Chair Knox reiterated that public questions be limited to Mr. Thompson's testimony.

John Valkos, DSV Management, Bay Ave., wanted clarification of the car lifts and asked if they would be similar to picture he provided (Ex. O-1). He added that the proposed area for the lifts is 3ft higher than the Bayview Condo and thus making them relatively 20ft high for condo residents.

Cindy Zipf, Mountain St. and Clean Ocean Action, was concerned about water quality and stormwater management. She asked if the stormwater management report referenced could be shared with the public. Ms. Tran asked the applicant to forward the pdf to post to the Borough website. Mr. Alfieri clarified that the applicant did not make a formal written response to the Board Engineer's report. Ms. Zipf continued asking questions regarding the stormwater management plan, control of litter entering the water system, oil, suspended solids, and bathroom spill plans,

Darden ??, PTAK Towers, asked applicant's plans to raise the floodplain level, striping on gravel, frequency of striping, plans for permanent bathrooms, lift operations, and lighting. Mr. Thompson provided some answers and Mr. Alfieri added that his client will provide more details if the Board requires it. Chair Knox noted that the Board prefers to have more details on the operation of the lifts.

Chair Knox and Mr. Glass again explained the meeting procedure and that public comment will be allowed at the conclusion of all testimony.

Rick Jones, Mountain St., asked about the drainage situation, the square footage of the gravel area, drainage during storm event vs. during flooding event. Mr. Thompson noted that his analysis ends after the 25 year storm scenario as the entire property would be underwater in all scenarios thereafter. He addressed the current pipe size and the proposed pipe size, that is required and approved by DEP.

Alyssa Cowen ??, Shore Dr., asked if the lifts could be relocated away from residential properties. Mr. Thompson gave their justification process for the location.

Frank Montecalvo, Portland Rd., asked for clarification of the stormwater pipes and drainage. He asked how any comparison can be made when the pipes are currently clogged. Mr. Thompson answered that their analysis is based on modelling that everything works as it should and that they worked with DEP for the plans.

Nancy Abrams ??, Shore Dr., asked about the noise ordinance. Mr. Thompson and Mr. Alfieri answered that it is a state law that they have to comply.

Dan T??, Sandpiper Condos, asked about the number of lifts.

Mr. Valkos came up again to ask if there will be fencing by the lifts and who will own the lifts. Mr. Thompson answered that there is nothing proposed and that he was not sure who owns the lifts.

Mr. Montecalvo came up again to ask for further clarification of the proposed pipe pitch.

Jim Talcott, Sandpiper Condo, asked about the proposed lighting and their hours of operations. Mr. Thompson answered that there are 30 poles proposed with varying number of lights on each. Mr. Alfieri added that he will get the answer for the lighting hours of operation.

Andy Savas, Beach Blvd., asked about the corrosiveness of the lifts material near saltwater conditions and consideration of flaking rust entering the water system. Mr. Thompson answered that the lifts are designed to work outside.

Carol Schimenek, Shore Dr., asked about users and landscaping of the overflow parking lot and who best to contact regarding landscaping maintenance concerns.

Mr. Zill asked for ridership data as ridership has increased and parking spaces is decreasing. Ms. LaRussa asked for clarification of the actual number of parking spaces.

Ms. Roberts asked for clarification of Mr. Thompson’s response that he would comply with her report except where DEP requires otherwise. She requested that he respond in writing how he will resolve issues she raised in her report. Mr. Thompson responded that he will do so. When Ms. Roberts asked how they will address the parking deficit, Mr. Alfieri suggested that she wait to ask their traffic expert, John Rea. Ms. Roberts asked if they would consider relocating the lifts to the center of the property and additional questions regarding the operation of the lifts. She recommended that they provide a noise expert to testify. Mr. Sayah asked if they considered valet service to the overflow parking lot so that no lift would be needed at all. Ms. Gruel agreed with Ms. Roberts suggestion for a noise expert. She asked for the justification for the proposed number of lifts, whether consideration of adjacent properties were taken into account, bike use, and sidewalk width. Ms. Roberts asked how they calculated the existing number of parking spaces. Mr. Sayah added that the 2001 resolution noted 848 spaces. Ms. Vickery asked what happens to the lifts when there’s no electricity. Mr. Sayah thought that the Highlands ferry was at full capacity.

The Board took a break at 9:14pm and returned at 9:23pm. **Second roll call:**

Present on the dais: Ms. LaRussa, Mr. Sayah, Mr. Zill, Chair Knox, Mr. Cramer, Mr. Cody, Ms. Vickery

Ineligible: Mayor Broullon, Mr. Montecalvo, Councilmember Olszewski,

Absent: Chief Burton, Vice Chair Tierney, Ms. Chang

Also Present: Board Engineer Carmela Roberts, Board Attorney Dustin Glass, Board Planner Susan Gruel, Board Secretary Nancy Tran, and Assistant Board Secretary Alicia Jones

Mr. Alfieri requested to adjourn to allow his traffic expert to address questions raised so far. Mr. Glass stated that the application will be carried to Tuesday, January 13, 2026 – after the Land Use Board Reorganization meeting on January 8, 2026 – without further notice.

Mr. Sayah added that he would like a maritime log to determine the number of ferry trips each day. Someone in the public asked if they could participate remotely and Mr. Glass answered that the meetings are in person only. Another public member asked about the 200ft list and notification requirements and Mr. Glass answered that the applicant is responsible for mailing out the notices to list provided by the tax assessor but not whether the post office delivers the mail.

ADJOURNMENT

Offered by Mr. Sayah and seconded by Mr. Cody. All in favor. None opposed. Meeting adjourned at 9:28 pm.

I, Nancy Tran, certify that this is a true and correct record of the actions of the Borough of Highlands Land Use Board December 18, 2025

Nancy Tran, Land Use Board Secretary



Borough of Highlands LUB Reorganization Meeting
Minutes Municipal Building, 151 Navesink Ave.
Highlands, NJ

February 12, 2026

Robert Knox called the meeting to order at 7:00 pm and asked all to stand for the Pledge of Allegiance.

Mr. Knox read the following statement: As per requirement, notice is hereby given that this is an Abbreviated 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:

Present: Mayor Broullon, Chief Burton, Councilmember Olszewski, Mr. Knox, Mr. Montecalvo, Mr. Sayah, Ms. Tierney, Mr. Zill, Ms. Chang, Mr. Cramer, Mr. Cody, and Ms. Vickery.

Absent: Ms. LaRussa,

Also Present: Dustin Glass Esq. Susan Gruel – Board Planner, Irina Jvarisheishvili-Darrar- Board Secretary

OATH OF OFFICE:

The oath of the office for Halan Chang was administered by Dustin Glass, esq

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

None

ACTION ON OTHER BUSINESS

1. Affordable Housing Update – Board Planner

Board planner Susan Gruel stated that the fair share and affordable housing plan needs to be amended by the Borough Council. The documentation will be coming to the board for the discussion. The deadline for the process is March 15th, 2026.

COMMUNICATION AND VOUCHERS

None

APPROVAL OF MINUTES

2. 12-11-2025 LUB Minutes- Held
3. 12.18.2025 LUB Special meeting Minutes- Held
4. 01.08.2026 LUB Minutes- Motion to approve Olszewski/ Vickery

Affirmative vote: Mayor Broullon, Chief Burton, Councilmember Olszewski, Mr. Knox, Mr. Montecalvo, Mr. Sayah, Ms. Tierney, Mr. Zill, Ms. Chang, Mr. Cramer, Mr. Cody, and Ms. Vickery.

Negative: none

Motion passed.

RESOLUTIONS

5. LUB2023-05 Sharkey 9 Shrewsbury B42 L2 - Interpretation & Extension Request - Section 21- 17A.9 of Borough Code

Motion to approve: Mayor Broullon/Sayah

Affirmative vote: Mayor Broullon, Councilmember Olszewski, Mr. Montecalvo, Mr. Sayah, Ms. Tierney, Mr. Zill, Mr. Cramer, Mr. Cody, and Ms. Vickery.

Negative: None

Motion passed

HEARINGS ON OLD BUSINESS

6. LUB25-10: Solar Powered 44 – 44 Miller St., B58 L7.01

Motion to carry the application to March 12th, 2026, without further notice, Mayor Broullon/ Dayah Affirmation, Chief Burton, Mr. Knox, Mr. Montecalvo, Mr. Sayah, Ms. Tierney, Mr. Zill, Ms. Chang, Mr. Cramer, Mr. Cody, and Ms. Vickery.

Abstain: Mayor Broullon, Councilmember Olszewski

Negative: none

Motion passed

HEARING ON NEW BUSINESS

7. LUB2023-10 LW Management & Maintenance, LLC; Block 101, Lot 27.04; 17 Locust Street - Extension of Variance Approval

Motion to approve the extension: Knox/Sayah

Affirmative vote: Mayor Broullon, Chief Burton, Councilmember Olszewski, Mr. Knox, Mr. Montecalvo, Mr. Sayah, Mr. Zill, Mr. Cramer, Mr. Cody, and Ms. Vickery

Negative: none

ADJOURNMENT

Affirmation: Cody/ Sayah all in favor among present

Board Policy: • All meetings shall adjourn no later than 10:00 P.M. unless a majority of the quorum present at said hour votes 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

Respectfully submitted


Irina Jvarisheishvili- Darrar
Board secretary
Highlands Borough



BOROUGH OF HIGHLANDS
LAND USE BOARD
2025 ANNUAL REPORT

This is the Borough of Highlands' 2025 Annual Report covering the period January 1, 2025 through December 31, 2025.

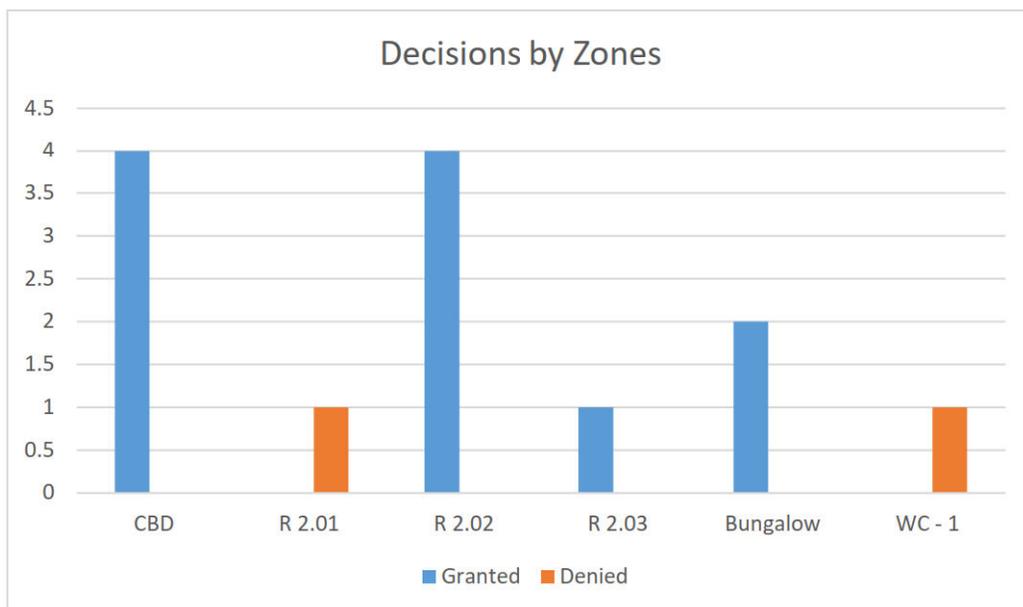
The Borough of Highlands Land Use Board received a total of eight (8) new applications. Six (6) applications were heard, of which, two (2) were from 2022 and one (1) was from 2023. Additionally, the Board reviewed two (2) Council Ordinances and one (1) Council Resolution for consistency with the Master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

1. SUMMARY

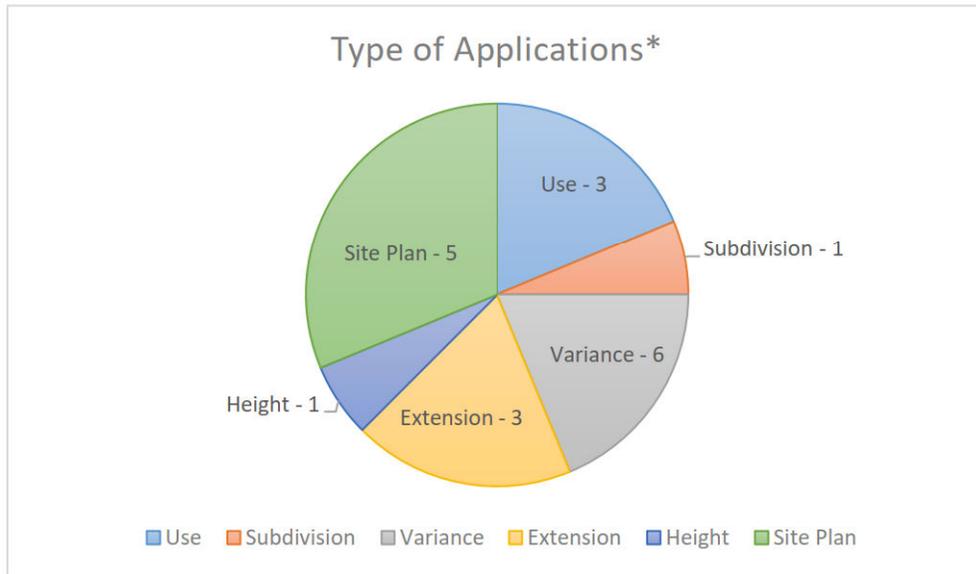
Total applications heard 14 – including 2 from 2024, 1 from 2023, and 2 from 2022

- Applications approved as presented – 9
- Applications denied as presented – 2
- Applications dismissed without prejudice – 0
- Administrative Resolutions – 14
- Litigation – 0
- Applications withdrawn – 1 and then re-applied
- Appeals – 0
- Concept Review – 0
- Extension Requests – 3, with 1 to be memorialized in 2026
- Cancelled meetings – 1
- Special meetings – 1
- Executive Sessions – 3, included in Administrative Resolutions
- Technical Review Committee meetings – 0
- Interpretation of Borough Code – 1

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



BOROUGH OF HIGHLANDS
LAND USE BOARD
2025 ANNUAL REPORT



2. APPLICATIONS GRANTED (11, including 3 extension requests)

Bungalow Colonies (R-2.03)

**LUB Resolution 2025-08 Height Variance and Bulk Variance Relief Approval
(LUB24-05: McGhee – 43 Gravelly Point Rd., B100 L26.43)**

- Applicant proposed to build a new 2-story, 3-bedroom single-family dwelling on an undersized lot in a bungalow colony.
- Previous 1-story, 1-bedroom single-family dwelling was recently demolished.
- Applicant required a height variance because maximum height for bungalow colony is 20ft. Proposed 30ft building height is compliant for R 2.03 Residential Zone.
- Applicant sought bulk variance due to undersized lot.
- Applicant provided positive and negative criteria.
- Applicant provided sufficient stormwater plans.
- Application was approved subject to conditions.
- Application achieved resolution compliance.

**LUB Resolution 2025-14 – Bulk Variance Relief Approval
(LUB25-03: Nastasi – 19 Gravelly Point Rd., B100 L26.19 C00011)**

- Applicant proposed different second-floor deck and building plans than those previously approved by LUB Resolution 2024-17.
- The Board deemed that the applicant satisfied the positive and negative criteria.
- Application was approved with conditions.

BOROUGH OF HIGHLANDS
LAND USE BOARD
2025 ANNUAL REPORT

CBD ZONE

LUB Resolution 2025-13 – Amended Minor Site Plan Approval

(LUB25-04: The Honorable Plant – 123 Bay Ave., B46 L3)

- Applicant sought to amend Sunday hours of operations to be between 8am and 9pm, from previously approved 12pm to 5pm.
- Previously proposed hours of operations were due to consideration of adjacent church and religious service. Adjacent church is no longer in operation and neither are the religious services.
- The Borough recently adopted O-25-01 amending licensed cannabis hours of operations.
- The Board approved with conditions.

LUB Resolution 2025-20: Minor Site Plan Approval and Change in Use with Ancillary Bulk Variance Relief Approval

(LUB25-07: 125 Bay Ave. LLC – 125 Bay Ave., B46 L4)

- Applicant sought to change use of a former house of worship to any one of the permitted principal uses in the CBD Zone as proposed in the Borough's Amended CBD Redevelopment Plan dated August 21, 2024.
- Applicant does not propose any site improvements with pre-existing non-conforming rear yard setback.
- The Board found that the applicant satisfied the positive and negative criteria.
- The Board approved with the condition that future Board approval is required if the once established change of use is changed.
- Application is approved with conditions.

LUB Resolution 2025-21: Minor Site Plan and Change in Use Approval

(LUB25-08: Bay Avenue Property Management LLC – 181 Bay Ave., B59 L11.01)

- Applicant sought to change use of a former house of worship to any one of the permitted principal uses in the CBD Zone as proposed in the Borough's Amended CBD Redevelopment Plan dated August 21, 2024.
- Applicant does not propose any site improvements with pre-existing non-conforming rear yard setback.
- The Board found that the applicant satisfied the positive and negative criteria.
- The Board approved with the condition that future Board approval is required if the once established change of use is changed.
- Application is approved with conditions.

LUB Resolution 2025-25: Amended Preliminary and Final Site Plan Approval with Design Waivers

(LUB25-05: 60 Bay Ave. Highlands LLC – 60 Bay Ave., B42 L1)

- The Monmouth County Planning Board (MCPB) did not approve the applicant's proposed plans for ingress and egress along Bay Ave. that was approved by LUB Resolution 2024-16 on September 12, 2024.

BOROUGH OF HIGHLANDS
LAND USE BOARD
2025 ANNUAL REPORT

- Applicant was represented by an attorney and an architect and an engineer provided testimony for proposed amended plans to eliminate driveway access on Bay Ave. of the approved elevation of five (5) residential units.
- The proposed plans requires design waivers for maximum interior driveway width and maximum driveway width at the curb.
- With redesigned garages and driveways along Shrewsbury Ave., the Board approved application with conditions.

R-2.02 Zone

LUB Resolution 2025-10: Extension Approval for LUB2022-04

- Applicant sought a 75-day extension for LUB Resolution 2024-15 that was memorialized on August 8, 2024.
- Applicant's attorney testified and further explained extension request letter submitted by applicant's planner explaining that they need more time to obtain approval for deed of easement and to record same with the County.

LUB Resolution 2025-16: Second Extension Approval for LUB2022-04

- Applicant sought a 100-day extension for LUB Resolution 2024-15 that was memorialized on August 8, 2024, with subsequently approved extension memorialized on March 13, 2025.
- Applicant's planner submitted two letters requesting and explaining that they needed more time to revise deed of easement for Board approval and to record same with the County.

LUB Resolution 2025-23: Minor Site Plan Approval with Bulk Variance Relief

(LUB25-09: Pahler – 35 Miller St., B54 L13)

- Applicant proposed to construct a 2.5 story, 3-bedroom single-family dwelling on existing undersized vacant lot.
- Applicant sought six (6) bulk variances for lot area, lot frontage/width, front yard setback, side yard setback, rear yard setback, and maximum building coverage.
- Applicant/Owner and his architect provided testimony for the proposed project.
- The Board found that the applicant satisfied the positive and negative criteria.
- Application is approved with conditions.

LUB Resolution 2025-24: Third Extension Approval for LUB2022-04

- Applicant sought a 41-day extension for LUB Resolution 2024-15 that was memorialized on August 8, 2024, with subsequently approved extensions memorialized on March 13, 2025, and June 12, 2025.
- Applicant's planner and attorney submitted letters requesting and explaining that they needed more time to correct a previously executed subdivision deed and to record same with the County.

BOROUGH OF HIGHLANDS
LAND USE BOARD
2025 ANNUAL REPORT

R-2.03 Zone

LUB Resolution 2025-27: Bulk Variance Relief with Design Waivers Approval

(LUB25-02: Kubis – 260 Navesink Ave., B119 L2.01)

- Applicant/Owner and his architect provided testimony for proposed construction of two (2) decks with related site improvements.
- The Board found the applicant satisfied the positive and negative criteria and that the proposed plans will bring the property into further conformity with the Zoning Ordinance.
- The applicant required a design waiver relief for the location of a pre-existing A/C unit.
- The Board required that the Encroachment Agreement for the encroaching fence with the property owner of Lot 3 be recorded.
- Application is approved with conditions.

3. APPLICATIONS DENIED (2); DISMISSED (0)

LUB Resolution 2025-11 Minor Subdivision with Ancillary Variance Relief Denial

(LUB24-03: Wheeler – 63 Washington Ave., B80 L17 – R 2.01 Residential Zone)

- Applicant was represented by an attorney and provided testimonies from their architect, planner, and applicant/owner.
- Application proposed to subdivide a 50ft x 80ft lot into two (2) non-conforming 25ft x 80ft lots
- An existing single-family dwelling remains on proposed lot 17.01, with 2 pre-existing non-conformity and 4 proposed variances.
- Applicant proposed to construct a new, 2.5-story, 3-bedroom, single-family dwelling on proposed lot 17.02, with 5 proposed variances.
- The Board was concerned that their exhibit did not adequately represent the proposed new single-family dwelling and surrounding neighborhood.
- The Board found that the applicant failed to satisfy the positive and negative criteria.
- The Board deemed that the proposed plan would produce self-created the hardships, would increase population density, and would not promote a desirable visual environment

LUB Resolution 2025-18 Use Variance Denial

(LUB25-01: Ayers – 19 Bay Ave., B38.01 L13 – in WC-1 Waterfront Commercial Zone District)

- Applicant was represented by attorney and provided testimony of applicant's employee.
- Property was granted preliminary and final site plan approval by Borough's then Zoning Board of Adjustments (before Borough's now consolidated Land Use Board) on March 4, 2010, to construct a second-story addition and an addition to the first floor.
- Applicant requested to convert second floor office space, accessible via external staircase, to be use as a short-term rental living space – an open-concept room with existing kitchenette and bathroom.
- The Board Planner testified that residential use is inconsistent with the 2016 Master Plan and that the application failed to satisfy the requirements for a use variance.
- The Board did not find that granting a use variance would best serve the public.
- The Board did not find that the applicant satisfied the positive and negative criteria.

BOROUGH OF HIGHLANDS
LAND USE BOARD
2025 ANNUAL REPORT

4. RESOLUTIONS: ADMINISTRATIVE (14)

- LUB Resolution 2025-01: Appointing Board Chair, Robert Knox
- LUB Resolution 2025-02: Appointing Board Vice Chair, Annemarie Tierney
- LUB Resolution 2025-03: Appointing Board Secretary and Assistant Secretary, Nancy Tran and Alicia Jones
- LUB Resolution 2025-04: Appointing Board Attorney, Dustin Glass of Semeraro & Fahrney LLC
- LUB Resolution 2025-05: Appointing Board Engineer, Carmela Roberts of Roberts Engineering Group
- LUB Resolution 2025-06: Setting 2025 Meeting Dates
- LUB Resolution 2025-07: Designating 2025 Official Newspapers, *Asbury Park Press* and *The Two River Times*
- LUB Resolution 2025-09: Enter Executive Session
- LUB Resolution 2025-12: Consistency Determination - O-25-05 Signage
- LUB Resolution 2025-15: Enter Executive Session
- LUB Resolution 2025-17: Consistency Determination of O-25-10 -Steep Slopes
- LUB Resolution 2025-19: Adopting Housing Element Fair Share Plan
- LUB Resolution 2025-22: Enter Executive Session
- LUB Resolution 2025-26: Amending and Authorizing Award for Board Attorney

5. ZONING APPEAL - None

6. LITIGATION – None

7. CARRIED TO 2026

At the December 11, 2025 Meeting, the Board heard the request for Board interpretation of Borough Code and extension request for LUB Resolution 2023-19, memorialized on December 14, 2023, granting bulk variance relief for construction of new 3-story, 2-bedroom single-family dwelling on a vacant lot submitted by LUB2023-05: Sharkey – 9 Shrewsbury Ave., B42 L2. The Board approved the extension request which was presented by applicant’s attorney. The Board will memorialize their resolution at the January 8, 2026 Meeting.

The Board began hearing two (2) applications, LUB25-10: Solar Powered 44 – 44 Miller St., B58 L7.01 and LUB25-06: Highlands Landing Corp – 326 Shore Dr. – B100 L27 and will continue hearing their applications in 2026.

One extension request for LUB Resolution 2023-18: Catcherman LLC – 17 Locust St., B101-L27.04, from December 14, 2023, was submitted by the new owners and will be considered in 2026.

Two (2) applications from 2024, LUB24-06: Ross Builders – Bay St., B26 L9.03, 01, and LUB24-08: Conte – 212 Linden Ave., B110 L12, were still deemed incomplete.

The Board continues to do Master Plan planning.

BOROUGH OF HIGHLANDS
LAND USE BOARD
2025 ANNUAL REPORT

8. OBSERVATIONS / RECOMMENDATIONS

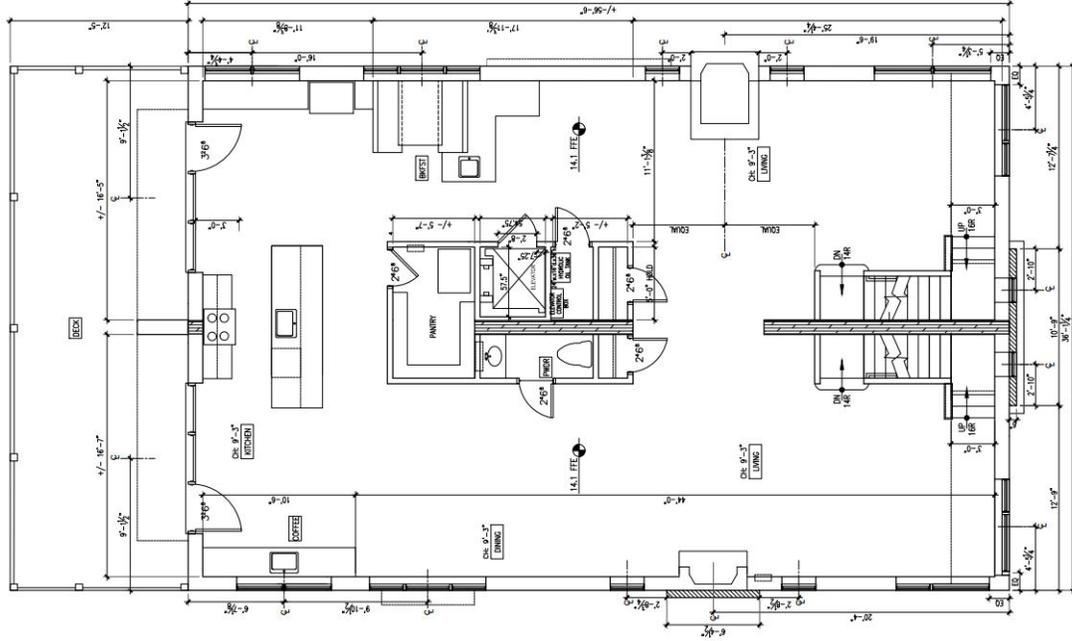
- Fee for Extension Request?
- Set subcommittees for the 2026 Master Plan to review Goals and Objectives of each committee.



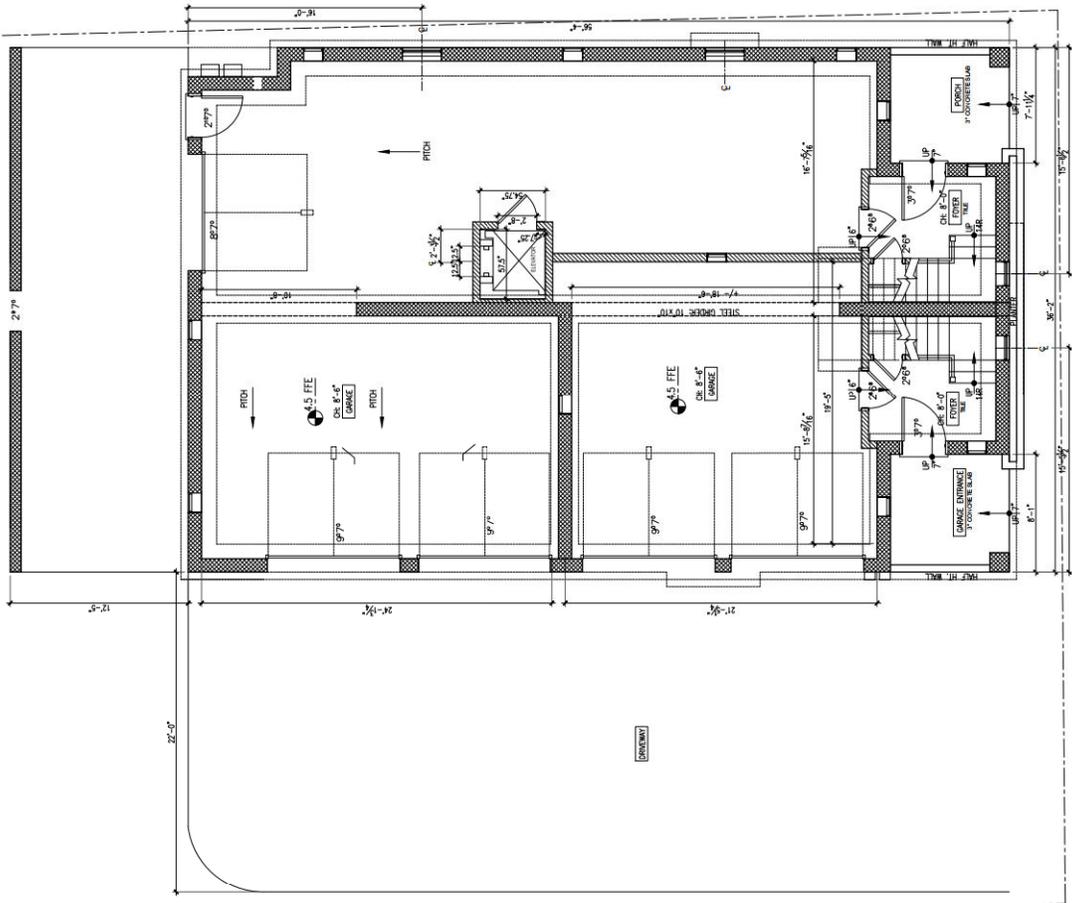
N.J.C.
#1919

Landgrebe - Highlands, NJ
JAMES T. DALEY ARCHITECT ASSOCIATES
370 MARKET STREET, KENNYWOOD, NJ 07033
PHONE 732-798-2884 FAX 732-798-0857

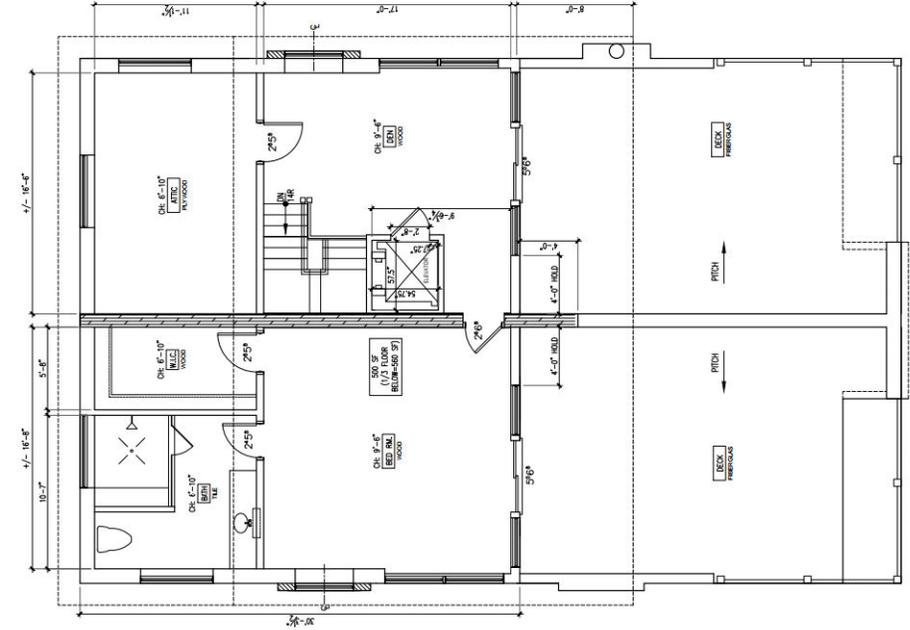
COPYRIGHT 2008 - JAMES T. DALEY ARCHITECT
NO OTHER PERSON, ENTITY, COMPANY, ETC. MAY COPY ANY PORTION OF
THESE PLANS WITHOUT CONSENT & APPROVAL OF THE ARCHITECT



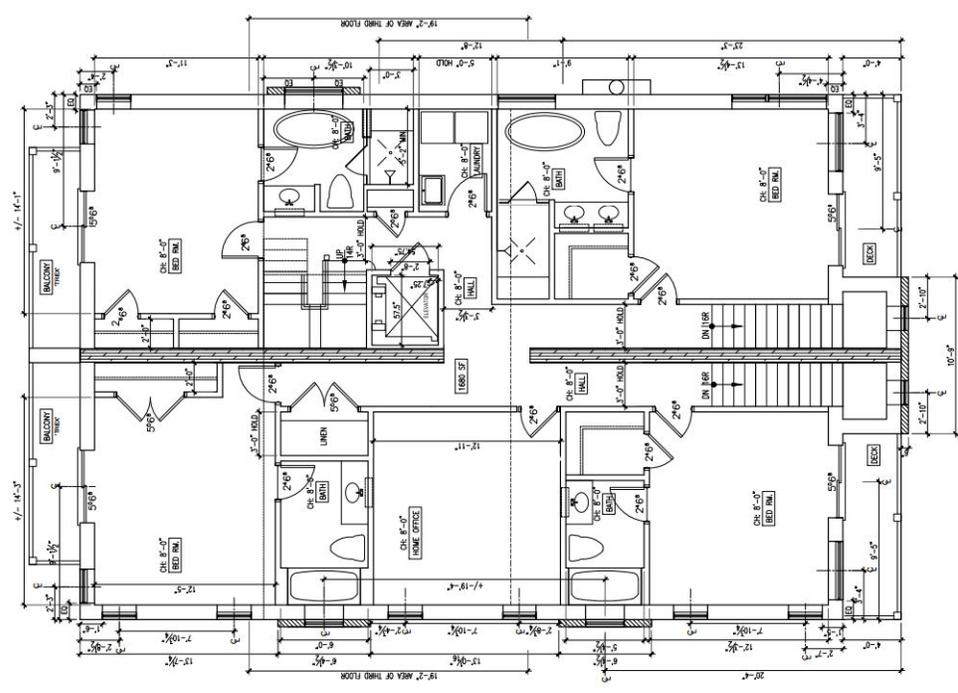
FIRST FLOOR PLAN
Scale: 1/4"=1'-0"



FOUNDATION PLAN
Scale: 1/4"=1'-0"



1/3 FLOOR PLAN
Scale: 1/4"=1'-0"



SECOND FLOOR PLAN
Scale: 1/4"=1'-0"

COPYRIGHT 2026 - JAMES T. DALEY ARCHITECT
NO OTHER PERSON, ENTITY, COMPANY, ETC. MAY COPY ANY PORTION OF THESE PLANS WITHOUT CONSENT & APPROVAL OF THE ARCHITECT

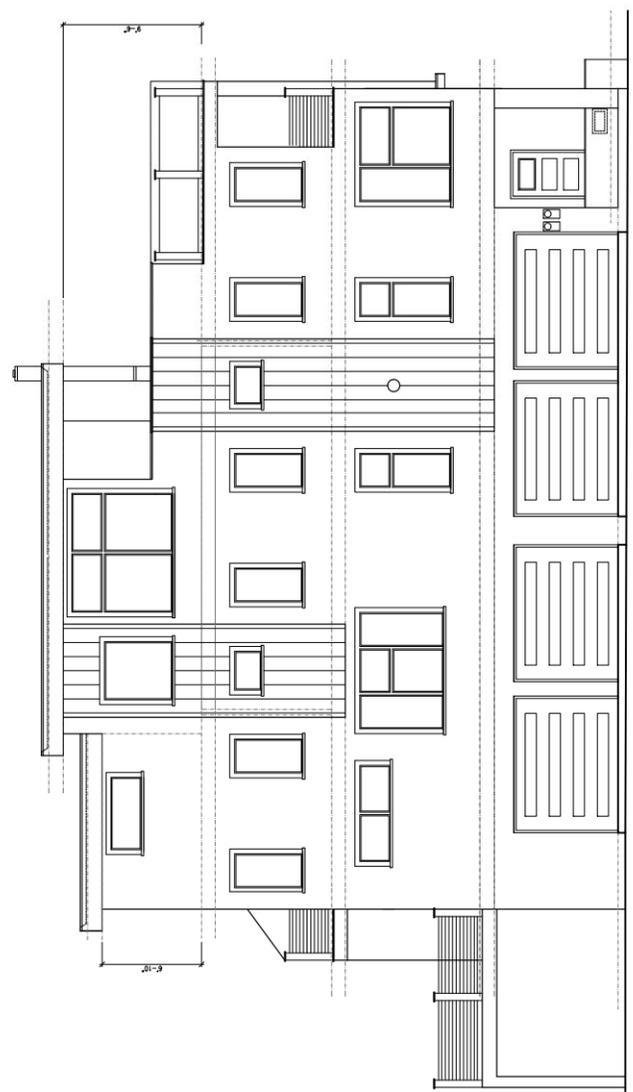
Landgrebe - Highlands, NJ

JAMES T. DALEY ARCHITECT ASSOCIATES
370 WEST STREET, KENYON, NJ 07726
PHONE 732-732-2684 FAX 732-732-0687

N.J.L.C. #19192
EXPIRES 12/31/2026
A-3



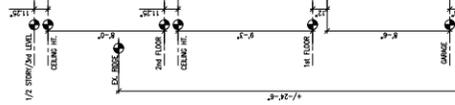
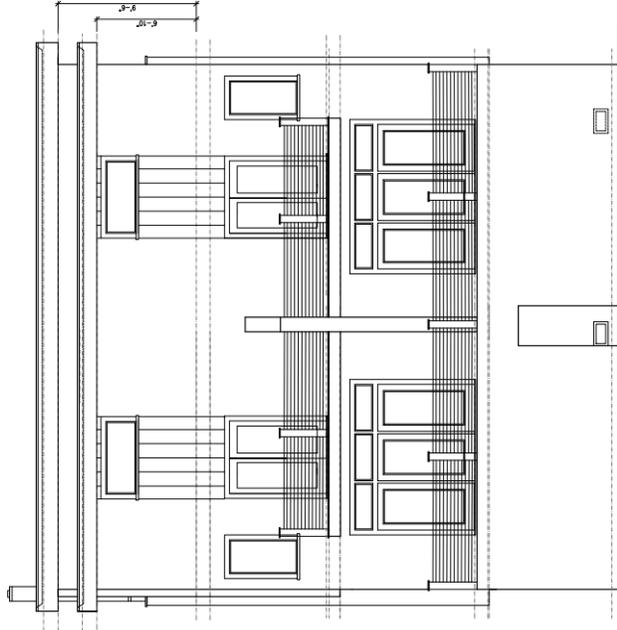
○ FRONT ELEVATION
Scale: 1/4"=1'-0"



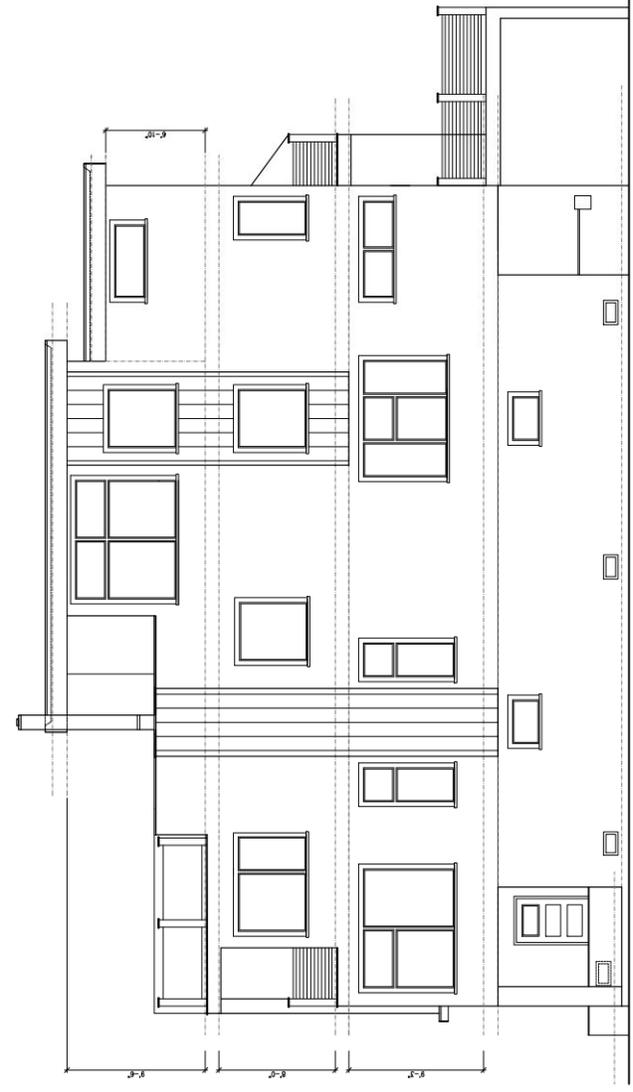
○ SIDE ELEVATION
Scale: 1/4"=1'-0"

COPYRIGHT 2026 - JAMES T. DALEY ARCHITECT
NO OTHER PERSON, ENTITY, COMPANY, ETC. MAY COPY ANY PORTION OF
THESE PLANS WITHOUT CONSENT & APPROVAL OF THE ARCHITECT

	NJ LIC #19192 EXPIRES 12/31/26	A-4
	Landgrebe - Highlands, NJ JAMES T. DALEY ARCHITECT ASSOCIATES 370 FIRST STREET, KEYMOUNT, NJ 07726 phone: 732-798-2684 fax: 732-798-0857	



REAR ELEVATION
Scale: 1/4"=1'-0"



SIDE ELEVATION
Scale: 1/4"=1'-0"

COPYRIGHT 2026 - JAMES T. DALEY ARCHITECT
NO OTHER PERSON, ENTITY, COMPANY, ETC. MAY COPY ANY PORTION OF THESE PLANS WITHOUT CONSENT & APPROVAL OF THE ARCHITECT

Landgrebe - Highlands, NJ

**JAMES T. DALEY
ARCHITECT
FASOCIATES**

370 FIRST STREET, KEYMONT, NJ 07726
PHONE: 732-738-2684 FAX: 732-738-0687

NJLIC #11912
EXPIRES 12/31/26

A-5





Roberts

ENGINEERING GROUP LLC

1670 Whitehorse-Hamilton Square Rd.
Hamilton, New Jersey 08690
609-586-1141 fax 609-586-1143
www.RobertsEngineeringGroup.com

March 6, 2026

Land Use Board Secretary
Borough of Highlands Land Use Board
151 Navesink Avenue
Highlands, New Jersey 07732
Email: landuse@highlandsnj.gov

Re: Review No. 3
Applicant: Mark Landgrebe
Minor Site Plan with Use Variance
Block 58, Lot 7.01
44 Miller Street
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB25-10

Dear Land Use Board Members:

As requested, we have reviewed the above referenced application in accordance with the Borough of Highlands Zoning and Land Use Regulations. The Applicant is seeking bulk variances to construct a 3½-story, single-family dwelling with parking on the existing lot. The existing partially constructed dwelling is situated on a 4,920 sf (0.113 Ac) lot and is located in the R-2.02 Single-Family Residential District and in the AE Flood Hazard area.

The former duplex was demolished, and a new duplex is partially constructed on the former foundation as per the Applicant. A Stop Work Order was issued on March 4, 2024. The Applicant has since modified the scope of the project to propose a single-family dwelling, consistent with zoning requirements.

We have reviewed the following documents submitted in support of the above referenced application for completeness purposes:

1. Copy of plans entitled, "Minor Site Plan w/ 'D' Variance, 44 Miller Street, Lot 7.01, Block 58, Borough of Highlands, County of Monmouth, New Jersey", prepared by Morgan Engineering, dated May 7, 2025, last revised March 2, 2026, consisting of 3 sheets.
2. Copy of a set of architectural plans entitled, "Single Family Residence for Landgrebe, 44 Miller Street, Highlands, NJ, Lot# 7.01, Block# 58", prepared by James T. Daley Architect + Associates, dated February 23, 2021, last revised February 26, 2026, consisting of 5 sheets.

The Applicant has satisfied many of the comments as outlined within the previous Review Letter No. 2 dated December 11, 2025, however, we offer the following comments for the Land Use Board's Consideration:

I. ZONING

1. This property is a corner lot located in the R-2.02 Single-Family Residential District at the northwest corner of Miller Street and Fourth Street.
2. The Applicant requires five (5) bulk variances based on the current information. To be entitled to bulk "c" variance relief, the applicant must provide proof to satisfy the positive and negative criteria pursuant to N.J.S.A 40:55D-70c for bulk variances.

The Applicant will be required to provide proof during testimony.

3. The following bulk requirement summary is provided for the Board's reference.

Schedule I – Bulk and Area Requirements				
R-2.02 Single Family Residential District				
	Required	Existing	Proposed	Variance
Min. Lot Area (sf)	4,000	4,920 (confirm)	4,920 (confirm)	No
Lot Frontage/Width (ft)	50			
Miller Street		61.50	61.50	No
Fourth Street		80.00	80.00	No
Lot Depth (ft)	75	70.75 (confirm)	70.75 (confirm)	Yes
Min. Front Yard Setback (ft)	20 ⁽²⁾			
Miller Street		3.3 ^{(1)F}	3.6	Yes
Fourth Street		1.1 ^{(1)F}	1.25 (confirm)	Yes
Miller Street masonry wall			-0.7	Yes
Min. Side Yard Setback (ft)	6/8			
Miller Street		24.0 F	22.5 (confirm)	No
Fourth Street		20.0 F	7.3 (confirm)	No
Max. Building Height (ft) ⁽³⁾	30	24.5	32.5 (confirm)	No
Max. Lot Coverage (%)	75	Unknown	54.6% (confirm)	No
Max. Building Coverage (%)	33	Unknown	41.3% (confirm)	Yes
Min. Deck/Stairs Setback (ft) ⁽⁵⁾	3	-	0.9	Waiver
On-Site Parking (spaces) ⁽⁴⁾	3	2	4	No

F = Foundation of Former Dwelling per Survey dated 11/11/20.

(1) Existing non-conformity.

(2) Or the average of the existing front yard setback within two hundred (200) feet in the same block and zone, per § 21-79.B.

(3) Where a dwelling is constructed or reconstructed to provide the required parking under the structure, the maximum height shall be increased by two and one-half feet.

(4) 1.5 spaces per unit with 2 bedrooms x 2 units.

(5) Design Waiver from § 21-65.27, "Yards, Courts and Exposures," of the Borough Ordinances.

II. CHECKLIST ITEMS

1. A complete checklist was not provided
2. Update the "Submission Waivers Requested:" list on the plan and provide the corresponding checklist item number. Provide reason for request.

III. COMPLETENESS

We recommend that this application be deemed COMPLETE.

IV. GENERAL COMMENTS

1. The masonry wall located along the Miller Street frontage continues to require a variance of -0.7 feet due to its extension beyond the front property line.

2. Provide the 3 ft deck setback line along the front and side property lines.
3. Building square footage is not consistent between the plan, the coverage table and architectural plan which are 2,475 sf, 2,032 sf, and 1,988 respectively. Please confirm the correct area.
4. Provide the proposed side yard building setback for Fourth Street on the plan. The deck setback is shown.
5. Building heights on the site plan and architectural section do not match the floor elevations and peak roof elevation.

Building height detail does not match architectural dimensions or is calculated incorrectly.

Determine the correct building height.

Revise the Building Height Detail and Calculation Exhibit. Both are incorrect. Refer to the Architectural plans for Roof Peak and grade elevations. Grade elevations are not consistent with the plan.

Refer to §21-8 Definitions for Building Height and Grade Plan part B.

Areas or Portions of the Building Area of a Lot Located Within the Flood Hazard Area: The reference plane shall be the more restrictive of the base flood elevation or advisory base flood elevation of the flood hazard area plus one (1) foot.

6. Provide all building dimensions of the proposed dwelling on the site plan.
7. Confirm building elevations with architectural plans.
8. Please update the zoning information on the Architectural and Site plans to be consistent.
9. The Upper floors project 0.3' over the Fourth Street Right-of-Way. We recommend the overhang be reduced or removed.
10. The existing contours and spot grades are different than the plan dated May 7, 2025. Contour 4 on the previous plan was much closer to the existing concrete apron. Contours 4 and 5 have different configurations. Please explain.
11. The garage elevations are different between the site plan and the architectural plan – please correct.
12. Revise the grading leading to the first garage door. The slope appears to be 20 – 25 percent.
13. Provide dimensions from the proposed driveway curbing to the property line. A dimension from the proposed driveway curbing to the property line is shown as 1.25 feet at the north end of the driveway. The driveway curb at the Miller Street side appears to be on the property line. Please confirm and provide additional dimension to the property line as needed.
14. Confirm the existing elevations of the sidewalk and depressed curb at the proposed gravel driveway. Delineate driveway and apron flares along the sidewalk. Dimension the existing depressed curb.
15. Confirm ADA compliance for the existing apron and sidewalks. Replace as needed.

16. The plan at the rear of the house shows both a section of concrete to be removed and a proposed concrete slab within the same area, making it difficult to clearly differentiate between the limits of removal and the proposed work.

Please revise the plan to clearly distinguish the concrete removal from the proposed concrete slab. Provide clear labeling and limits for the concrete to be removed and the proposed slab.

Please clarify whether the proposed on-site concrete slab is intended to extend to the sidewalk on Fourth Street and update the impervious coverage accordingly.

17. Indicate walls or railings along the porch adjacent to the driveway and sidewalk for the drop in grade.

18. The sidewalk along Fourth Street is in poor condition and will be replaced per plan note.

Label the junction where proposed meets existing. Provide elevations. Indicate grade breaks.

19. What is the purpose of the existing cleanout in the driveway near the proposed dwelling and concrete slab?

20. A Landscaping plan has been provided for this submission. We defer to the planner for comments.

21. A Vehicle Circulation Plan has been provided for this submission for two garages. Please include a demonstration for all other garages. Dimension of the passenger car are not shown; please confirm the size of the car to ensure the circulation plan functions as intended.

22. Update General Note 15. Limit of disturbance is greater than 1,500 sf. The entire site has been disturbed.

23. Please update construction details:

- a. Sidewalk according to § 21-65.17.

Add 6" - ¾" clean crushed stone and compacted subgrade.

- b. Curb Provided

Update concrete curb to be consistent with a gravel driveway and paved road.

24. The title on the plans reference "w/ 'D' variance". Please remove this portion as the variance is no longer required or being requested.

25. The plot plan title sheet is shown as "1 of 1". Please correct the numbering to indicate it as part of the set, "1 of 3".

26. The front yard setback shown in the zoning chart for Fourth Street is listed as 0.9 feet; this appears to reflect the deck rather than the required building setback. Please revise the chart to show the correct front yard setback.

27. During the initial application phase, a permit was issued allowing the applicant to increase the existing 1½-story duplex by one-story, resulting in a 2½-story building. The proposed structure is shown as 3½-stories, exceeding the 2½-story limit. We recommend the building height be reduced to 2 ½-story.

Completeness Review No. 3
Applicant: Mark Landgrebe
Block 58, Lot 7.01
44 Miller Street
Borough of Highlands, Monmouth County, New Jersey
Our File No.: HLPB25-10
Page 5 of 5

28. The applicant has revised the proposal from a duplex to a single-family residence; however, the floor plan is unusual for a single-family home. The plan includes two staircases adjacent to each other, duplicated interior circulation, and a center wall that appears disconnected in places. The layout proposes 5 bedrooms, 5½ bathrooms, and a four-car garage, which appears excessive for a single-family home and may make driveway access and maneuvering difficult. Please provide justification for the proposed layout and need for a four-car garage.

V. APPROVALS

Approval of this application will be conditioned upon the Applicant obtaining or providing approved documents for the following:

1. Freehold Soil Conservation Permit (exemption letter provided)
2. Coastal Area Facilities Review Act (CAFRA) Zone, if required per NJDEP
3. Monmouth County (Bay Avenue is within 200 ft. of the site)

Should you have any questions, please do not hesitate to contact me.

Very truly yours,



Carmela Roberts, PE, CME, CPWM
For the Firm

cc: Michael Muscillo, Borough Administrator, mmuscillo@highlandsnj.gov
Susan Gruel, Borough Planner, mail@hgapa.com
Dustin F. Glass, Esq., Land Use Board Attorney, dglass@padulawgroup.com
Courtney Lopez, Zoning Officer, clopez@highlandsnj.gov
Steven Winters, CFM, Floodplain Administrator, swinters@highlandsnj.gov
Kathy Shaw, CRS Coordinator, kshaw@highlandsnj.gov
Donna M. Bullock, PE, Applicant's Engineer, DonnaB@morganengineeringllc.com
James T. Daley, AIA, Applicant's Architect, gymteedaily@aol.com
Cameron Corini, PE, CME, CPWM, Roberts Engineering Group, LLC
Stephanie Katz, Roberts Engineering Group, LLC