

Meeting Location: Robert D. Wilson memorial Community Center, 22 Snug Harbor Ave Highlands, NJ.

Mr. Stockton called the Special meeting of November 14, 2016 to order at 7:00pm.

Mr. Stockton asked all to stand for the Pledge of Allegiance.

Mrs. Merkel read the following statement: As per requirement of P.L. 1975, Chapter 231 notice is hereby given that this is a Regular Meeting of the Borough of Highlands Planning 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 and formal action may be taken.

Roll Call:

Present: Mr. Card, Mr. Braswell, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mayor Nolan, Mr. Kutosh, Mr. Blewett, Ms. Ryan, Mr. Stockton.

Absent: Mr. Fox, Mr. Wells, Jack Serpico, Esq. Board Attorney

Also Present: Elizabeth Merkel, Acting Board Secretary

Brian Charbek , Borough Attorney

Robert Keady, P.E., Board Engineer

Master Plan:

Mr. Stockton stated that there were no motions for adjournments and any other Motions, there are none.

New Business:

Discussion/vote on a final draft of a master Plan Re-Examination-Open for public comments.

Mr. Stockton stated that at the conclusion of the last meeting the Board had a very good discussion regarding the Master Plan. We gave the Planners our comments and they took some notes on the discussion and we are here tonight to reiterate and discuss it further. We will open up the floor for public comment and any questions.

Mr. Francy stated that we should just go through the bullet-points that were sent to all the members. All the planning board members received a letter from T & M Associates.

Stan from T & M read the points of interest from a letter dated November 4, 2016 from Christine Bell from T & M Associates. It was emailed to all. He indicated that there was five bullet points in the letter and he will go through them now.

Mr. Stockton indicated that this was for new Central Business Zone or for the Bay Avenue Corridor. Stan also mentioned some items that were discussed at the October meeting which are not addressed on Christine Bell's letter that he just read.

Mr. Gallagher stated that he recalled his recommendation to change the zone designation from mobile home to mixed use, not multi family.

Discussion continued amongst all members of the Board regarding the zoning designation of this area.

Mr. Francy stated that a resident indicated that there is a report Highlands Business Partnership Economic Development Committee report date June 2011. He does not recall this being brought to the Board's attention during the commercial stakeholder meeting. He sent a copy to Andrew and Christine, whether the report was considered. Mr. Stockton indicated that it was reviewed. Discussion followed between the members of the Board.

Mr. Knox had questions regarding Bay Ave & Miller St, has been included as the Central Business District and that was confirmed by Stan. He indicated that if he understands the zoning correctly it would mean all along Bay Avenue and Miller St. the only new construction someone could do would be retail first floor and two apartments second floor. It would depend on the use for that area. Mixed use would be permitted within the area.

Mr. Francy asked if something was substantially damaged by Sandy has to come down and then get built up. Mr. Stockton indicated that these homes would have to be brought into compliance somehow.

Mr. Stockton indicated that this is just exhibit and the Master Plan is a general guideline. It can be adjusted when the Ordinance gets written.

Mr. Francy asked for clarification on the parking uses. Mr. Stockton spoke of how some of the Ordinances for parking are currently written and that they need to be reviewed. Stan clarified what a conditional use is compared to the permitted use. Further discussion followed with all members of the Board.

Ms. Ryan also indicated that there was also discussion in regards to construction vehicles parking in the area.

Mr. Stockton asked about regulating AirBnB. Stan indicated that the regulation should be classified as AirBnB type uses and other short term rentals. Mr. Francy stated maybe it should be changed from AirBnB and just make it short term rentals less than 30 days. Right now the limit is 30 days. Perhaps it should be less than 30 days/more than 30 days. Discussion followed.

Mr. Francy indicated that the Board has a letter from Mr. McKenna who is Mr. Rosiak's attorney. Mr. Francy feels this is a very good letter. He indicated that only marina use materials may be stored on site for a period of six months and anything on the property should be tied down in case of inclement/hurricane type storms. Mr. Stockton indicated that FEMA has some required language regarding storage of items.

Attorney, Mr. Charbek indicated that a letter dated November 14, 2016 given to the members of the Board today from Mr. Rosiak, says with regard to certain conditions being included in the zoning requirements for the Captain's Cove Marina (Blk 84, lot 2.01). Mr. Charbek read the six conditions as outlined in the letter. Mr. Stockton indicated that as Mr. Francy stated in item #4, that materials on site be properly secured in case of inclement weather or storms. Mr. Rosiak was sworn in regarding his testimony this evening. The Board asked Mr. Rosiak to clarify what the materials are that were referenced in the letter from his Attorney that would be stored. Discussion followed regarding the letter that was submitted to the Board. The Planner gave suggestions and recommendations regarding the zoning and use for this request. Mr. Stockton stated that when Mr. Rosiak is ready to repair/reconstruct the structure he is going to have to come before the Board for site plan review and

these conditions can be discussed at that time. There are two options that could be considered, a redevelopment plan or having a separate zone district with a specific use. Mr. Rosiak would need a WC3 zone designation would be beneficial for Mr. Roziak for this area. Mr. Gallagher would like to tighten up the language to be primarily for marina parking and operations. Operations could be if there is a piling that needs to be there for a day or two. The purpose is for parking for the marina or construction vehicles that have the construction materials on it. There could be an accessory structure for a restroom facility or a shed for tools and work equipment. Mr. Francy is in support of a separate zone for marina use and used in that zone only. Mr. Stockton asked if there was enough of a discussion for Stan to come up with the new zone wording. Mr. Francy asked that a draft be sent to the members of the Board for review.

The Board discussed the Shadow Lawn trailer park site. Stan discussed the options of the use for the area. It can be left the way it is and not change the density. There are different approaches for that area. The board made recommendations for this area and discussed all the options. Mr. Card had concerns of slump block issues and density issues. The Board needs to come to a consensus as to what should be done as far as the use in the area. Commercial use, mixed use, or multi family.

Mr. Gallagher indicated that there had been a geotechnical study done on this property in regards to slump block issues submitted back in 2009. Maser Consulting in January 2009 submitted a site feasibility and slope stabilization evaluation report. This report was evaluated by a third party, Mieli Tully Associates in August 2009 and their conclusion was to build a 10 story building with piles and that it would improve the stability of the hill. Mr. Card recommends that the Board hold off on this matter until they get the report from the USGS who is hosting a meeting in Atlantic Highlands on December 6, 2016. Mr. Francy feels that the Board is not going to be able to come to a decision tonight regarding this matter and asked if the Board can go around the table and get opinions from everyone.

Mr. Gallagher made a recommendation for 120 feet, 30 units per acre and 10 stories. Height and density are important. There are 5 members in favor of up to 30 units, 3 who are against any change at all, and 3 that want to wait and hear more information. This was not a roll call vote it was for a consensus only.

There was a brief break from the meeting at 9:38pm.

The meeting was called back to order at 9:48pm. The meeting is now being open to the public and roll call was taken again.

Mr. Braswell gave a presentation in regards to current population from some research that he did for Highlands. Information he presented was obtained by ESRI sites. He presented exhibits B1 through B4 for the publics review. B1 represented Highlands HB Socoleconomic, B2 is named Tapestries, B3 is Current Densities, and B4 is Highlands Business Demand.

Mr. Stockton asked all the residents to state their names and addresses for the record. Mr. Charbek will swear in each person who gives a statement or question regarding this matter.

Connie _____ was sworn in and asked how many people from Eastpointe shop in Highlands? Mr. Braswell responded to this question. She asked who is going to make the money from this and she also asked about tax abatements? She indicated that Highlands needs something to draw people to town.

Jimmy _____ who lives on Shore Dr. He is new to the area and recommended a new structure in the area for the elderly. He had recommendations in regards to the CO process and that the town needs to do something to get the people to move here or become interested to come to the area.

Arnie _____ Ballard Street mentioned that this has been presented several times. He feels like half represent the developers and half represent the resident. He said to make the town appeal to the current residence. He also asked about the vacancy on Bay Ave rather than doing anything on Miller St. he stated that perhaps doing a tax abatement to encourage purchases of businesses. He also spoke of the parking on Bay

Kim _____ had a letter that she prepared and read it to the Board and public.

Teresa Rivera Waterwitch Ave indicated that the Board should wait for the USGS report. She indicated that a liability certificate should be in place if the density is going to be increased. Would like Captains Cove be considered regarding redevelopment of the area.

Gloria Sacco Portland Rd It's just her opinion about connecting the dots. Just because it says its safe doesn't mean it is. Keep in mind what is good for the town, not for the Board.

Fred Rosiak Marine Place he feels generalizations are difficult to make about people moving here. He feels if we put too many limitations on the build of an area, he feels this will deter builders from choosing this area.

Carolyn Broullion North Street she agrees with Mr. Roziak's comments. She also spoke regarding density and that the Board should wait until they attend the December 6, 2016 meeting that will take place in Atlantic Highlands. Changing the use would have a huge impact on the developers.

Barbara Ianucci indicated that she is very concerned about the slump block as are the other people who spoke tonight. Mr. Stockton indicated that Highlands has a very strong Steep Slope Ordinance in place currently. Mr. Stockton indicated that they are strengthening the requirements on this matter. She would like to see the studies and that the Board thinks everything through thoroughly. Suggested that designated areas be set for parking as in other towns/municipalities.

Jennifer _____ Barberi Rd she doesn't feel that using the old study is a good idea. The Board should wait and review the new study before making any decisions. She stated that parking is already a problem on Bay Avenue.

Rob Burton feels that people would want to develop Shadow Lawn area. There are a lot of good things happening in Highlands now. There are more people coming to town. He is concerned about the slump blocking.

Ms. Ryan suggested that the Board come to a compromise regarding the amount of units. She suggests 24 units. Mr. Braswell stated that a geological study will still be needed for the build.

There was a recommendation to carry this discussion over for another meeting because it is not going to get tonight. Mr. Stockton closed the public portion at 11:10pm, and will carry the Master Plan discussion until the next meeting which will be on December 8, 2016.

RESOLUTION: BOROUGH OF HIGHALNDS LAND USE BOARD FINDINGS FOR REVIEW OF ORDINANCE 0-16-23, ZONING ORDINANCE AMENDMENTS.

Mr. Francy offered the Resolution, seconded by Mr. Gallagher and adopted by the following roll call:

**Ayes: Mr. Card, Mr. Francy, Mr. Knox, Mr. Colby, Mr. Gallagher, Mayor Nolan,
Mr. Kutosh, Mr. Blewett, Ms. Ryan, Mr. Stockton.**

Nayes: None

Abstain: Mr. Braswell

Motion was made by Mr. Gallagher, seconded by Mr. Nolan to adjourn the meeting at 11:15pm.