

**Borough of Highlands
Planning Board Meeting
Regular Meeting
December 14, 2006**

Mr. Stockton called the meeting to order at 7:35 P.M.

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

Mr. Stockton made 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 Courier, the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

Present: Mr. Kovic, Mr. Mullen, Mr. Schoellner, Mr. Stockton, Mr. Harrison,
Mr. Cefalo

Late Arrival: Mr. Manrodt arrived at 7:47 P.M.
Mayor O'Neil arrived at 7:49 P.M.

Absent: Mr. Bahrs, Mr. Urbanski

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Don Norbut, P.E., Acting Board Engineer

Approval of Minutes

Mr. Mullen offered a motion to approve the November 9, 2006 Planning Board Meeting Minutes, seconded by Mr. Kovic and all eligible members were in favor.

7:37 P.M.

**PB#2006-1 Fleming, Daniel
Block 26 Lot 12 – 127 Highland Avenue
Unfinished Public Hearing**

Present: Mike Irene, Esq.
Daniel Fleming
Ted Maloney, P.E., P.P.
Stephen Leoni, A.I.A.
Mr. Cohen, Esq. Attorney for Objector, Daniel Cohen

**Borough of Highlands
Planning Board Meeting
December 14, 2006 Page 2**

Conflicts: Mr. Kovic stepped down for this matter.

Mrs. Cummins stated that the following Planning Board Members are eligible to vote on this matter this evening:

Mr. Manrodt, Mr. Mullen, Mayor O'Neil, Mr. Harrison, Mr. Cefalo, Mr. Stockton

She pointed out that both Mr. Manrodt and Mayor O'Neil are not present at this time.

Mr. Serpico advised the applicant that they can put forth their case but the board would not be able to vote because there wouldn't be a quorum to vote on this matter this evening.

Mr. Irene stated that his client wishes to proceed with the application tonight with the understanding that a vote would not take place this evening.

Mr. Stockton stated that in the Board Engineer's review letter last revised on 12/14/06 the board has come up with something different from the letter in terms of building height calculations and that difference could mean that the building height is higher and could change it to a use (height) variance.

Mr. Serpico swore in Joseph (Ted) Maloney.

Mr. Maloney stated the following during his testimony and response to questions from the board:

1. He is a licensed Professional Engineer and Professional Planner in the State of New Jersey.
2. He described how he averaged out the grades as shown on A-5.

Mr. Mullen read the definition of grade plain from the Zoning Ordinance which stated that the finish grade shall be pre-construction grade on level sites and not in excess of two feet above pre-construction grade on the up land side of structures on slope sights. He stated that he looked at the plans and the construction elevation, the grade elevations as they go through the site pre-construction where they hit the foundations and he did a calculation of those and he came up with a different grade.

The following Exhibits were marked into evidence:

A-5: Minor Subdivision Plan last revised 12/1/06, consisting of 3 sheets.

**Borough of Highlands
Planning Board Meeting
December 14, 2006 Page 3**

B-1: Board Engineer Letter prepared by T & M Associates dated 12/14/06.

Mr. Maloney continued his testimony as follows:

3. He stated that he asked for the Board Engineers clarification on the grade issue and he was told by them that to average out the grades at the four corners would be insufficient so it was averaged out using points along the lines of the building which he further described in detail.

Donald Norbut, P.E. of T & M Associates, 11 Tindall Road, Middletown, NJ was sworn in by Mr. Serpico.

Mr. Manrodt arrived to the meeting. At 7:47 P.M.

The Board called for a brief recess.

Mayor O'Neil arrived to the meeting at 7:49 P.M.

The Board called the meeting back to order at 7:50 P.M.

ROLL CALL:

**Present: Mr. Manrodt, Mr. Mullen, Mayor O'Neil, Mr. Schoellner,
Mr. Stockton, Mr. Harrison, Mr. Cefalo**

Absent: Mr. Bahrs, Mr. Urbanski

**Note: Mr. Kovic remained in the audience because he is conflicted out on
this application.**

Mr. Irene requested that the previous couple of minutes be disregarded so that they could start fresh for this evening.

Mr. Cohen stated that he had no objection to Mr. Irene's request to start over this evening.

Mr. Irene stated that they had a prior proceeding in this matter and the testimony was not concluded at that time and they are prepared to proceed this evening. They have three witnesses this evening Mr. Maloney, P.E., Dan Fleming, Applicant and Stephen Leoni, A.I.A. He then stated that he is now going to have Mr. Maloney walk us through where we ended up last time, to tell us where we are and what we are proposing.

The following exhibits were remarked into evidence:

A-5: Minor Subdivision Plan last revised 12/1/06, consisting of 3 sheets:

B-1: Board Engineer Letter prepared by T & M Associates dated 12/14/06.

Mr. Irene stated that he understands that there was a questions in terms of how the proposed height was calculated as raised by the Board Engineer and a Board Member.

Mr. Stockton stated that he wants to make sure that we don't get into a jurisdictional issue because one of our board members went through the height computation and came up with something different than noted in the Board Engineers Letter of December 14, 2006 and there may be a difference in how that definition was reviewed with regard to the grade plain.

Mr. Maloney stated the following:

1. He is a licensed Professional Engineer and Professional Planner in the State of New Jersey.
2. He then described how he calculated the building height and consulted the Board Engineer in his building height calculation. Referring to Exhibit B-1, item 9 shows the building height as being 36.2-feet on an elevation 137.4 feet and he originally had the elevation at 139.65 feet and still have that listed on A-5. However, as B-1 was coming in he did adjust the building height to the roof elevation of the building to 167.4 to conform to the 30-foot building height requirements of the ordinance.
3. The applicant is prepared to comply with the building height requirements of the ordinance. There are architectural changes that can be made to accommodate the building height ordinance.
4. He believes that he used pre-construction grading plus some additional when calculating the building height which he further explained.

Mr. Irene stated that it appears that Mr. Maloney used the same methodology as Ms. Flor, Board Engineer although they may have been one foot off in how they reached the final calculation number. So, the question is whether the methodology used by the applicants engineer and the Board Engineer is different then the mythology that is being suggested by a board member.

Mr. Stockton explained that if you look at ordinance O-04-01 there was an adjustment to the building height computation in our ordinance. It was adopted on March 17, 2004 and it says with regard to grade plain "That is a reference plain representing the average of the finished ground level adjoining the building at all exterior walls. Finished grade shall be preconstruction grade on level sites and not in excess of two feet above preconstruction grade on upland side on a structure on sloping sites." So, that means that if you raise the grade higher than two feet on the up hill side of the slope, the grade plain still gets measured to above existing grade and there might be a difference there in how that final building height is calculated.

**Borough of Highlands
Planning Board Meeting
December 14, 2006 Page 5**

Mr. Norbut – when he reviewed with Ms. Flor today the issue of height calculation she indicated that she used the average of the proposed grade around the building. He believes that she looked under the definition of building height but mistakenly did not look at the second page which talks about pre-existing grades. So the calculation in our letter references post construction grades not pre-construction grades. So our calculation is incorrect and will have to be recalculated.

Mr. Irene requested a brief recess to review the ordinance and to see where we are at this point.

Mr. Mullen offered a motion for a brief recess, seconded by Mr. Manrodt and all were in favor.

The Board began a brief recess at 8:03 P.M.

Mr. Stockton called the meeting back to order at 8:17 P.M.

ROLL CALL:

**Present: Mr. Manrodt, Mr. Mullen, Mayor O'Neil, Mr. Schoellner,
Mr. Stockton, Mr. Harrison, Mr. Cefalo**

**Conflicts: Mayor O'Neil – His parents own a house within 200-feet therefore
he has a conflict on this matter and stepped down.
Mr. Kovic remained stepped down for this matter.**

Mr. Irene explained that as a result of the issues that have been raised regarding building height they are requesting a continuance to determine the correct building height.

Mr. Mullen suggested that the following issues be looked at in addition to the building height:

1. Front yard setback – 15 feet on the upper lot is indicated and he believes that 17.5 feet is the minimum which is half of the requirement. They can use the averaging but not go less than half.
2. The Board is looking for suitability of the site in terms of subdividing based on the stability of this hill. Can we subdivide this lot with confidence that it's a buildable lot.

Mr. Manrodt offered a motion to carry this public hearing to the February 8, 2007, seconded by Mr. Schoellner and approved on the following roll call vote:

**Borough of Highlands
Planning Board Meeting
December 14, 2006 Page 6**

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. Harrison, Mr. Cefalo, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Irene stated that this matter has been carried to February meeting without the need for further public notice and he granted the board a time extension.

Mr. Stockton advised the public that this matter has been carried to the February 8, 2007 Meeting without the need for further notice.

Mr. Irene stated that he has just been informed that their Architect is not available for the February meeting and they will try to be ready for the January Meeting.

Mr. Manrodt offered a motion to carry the public hearing to January 11, 2007 without the need for further notice, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Mullen, Mr. Harrison, Mr. Cefalo, Mr. Stockton
Mr. Schoellner**

NAYES: None

ABSTAIN: None

Mr. Stockton advised the public that the Fleming matter has been carried to the January 11, 2007 meeting and that there would be no further public notice.

Mr. Kovic returned to the meeting table.

8:26 P.M.

**Atlantic Highlands/Highlands Regional Sewerage Authority
Capital Project Review – Block 40.01 Lot 22.01**

**Present: David Palamara, AHHSR Administrator
Mike Rybeck, AHHSR Board Member
Roberta McEntee, AHHSR Board Member
Donald Manrodt, AHHSR Board Member
Joe Gunall, Authority Engineer
Jim Grant, Authority Engineer**

Conflicts: Mr. Manrodt stepped down.

**Borough of Highlands
Planning Board Meeting
December 14, 2007 Page 7**

Mr. Stockton stated that this is a request from the AHHRSA for a Capital Project Review for improvements to the Highlands Pump Station.

David Palamara was sworn in.

Mr. Serpico explained the procedures for a Capital Project Review.

Mr. Palamara stated the following during his testimony and response to questions from the board:

1. He described two photographs of the existing site.
2. They are proposing re-grading the rear of the pumping stations site for the installation of a paved area that will allow for vehicle access up to the wet well and equalization basin. To properly re-grade from the hill to the street, a block wall, three to four feet tall will be required from the corner of the equalization basin to the existing fence line along South Second Street. Security fencing will continue above the wall to meet existing fences.
3. Paving Along the west side of the pumping between the pump house and the newly installed block wall for the Boroughs firehouse. The existing curb and storm drain located in the front of the pumping stations site is currently at grade to facilitate access to the paved areas along side the pump house. This will also channel rainwater away from the pump station and firehouse.
4. Installation of a guide rail system along the walls of the equalization basin to protect the well against direct vehicle strikes.
5. Removal of existing gates along the side of the pumping station site between the pump house and the Borough's firehouse. The gates can be reused by reinstalling them along existing fence line in the rear of the pumping station. This will allow access to the pumping station site via South Second Street and the proposed driveway described above during emergency or maintenance operations.
6. Soffit lighting above the front planter box on Shore Drive and enhancing appearance of the westerly roofline by the addition of a metal façade and/or repainting of roof equipment to blend with façade colors.
7. Other minor property improvements and landscaping to improve appearance of the site.
8. He described the sewer collection process to the board.
9. He described back up problems that can occur and how short of time they have to get to this site to make the necessary corrections.
10. He then answered some general sewer questions from the board with regard to the operation of the Sewer Authority.

Mr. Manrodt advised the board of sewer problems that are occurring because people are flushing wipes down the toilets and also problems due to restaurants and grease traps.

**Borough of Highlands
Planning Board Meeting
December 16, 2007 Page 8**

Mr. Rybeck explained the AHHRSA new regulations regarding grease trap inspections and advised the board that they should verify adequate sized grease traps. He stated that the borough has to inspect the grease traps.

Mr. Palamara further explained that the borough has to inspect the grease traps and that the business owner upon business license renewals must provide documentation that they have properly serviced their grease traps.

Mr. Rybeck explained that there are a lot of costs incurred by the authority and the borough for blockage repairs.

Mr. Manrodt explained that the AHHRSA is doing a study on our flows and he stated that we are over the flow amounts which he further described. We are going to have to start looking at development in Highlands and infiltration into the sewer system.

Mr. Palamara further explained the expense and work involved with infiltration into the sewer system.

Ms. McEntee stated that it's important for the board members to spread the word of these problems that are occurring with the sewer system and blockages.

Mr. Mullen questioned the proposed lighting.

Mr. Palamara explained that it's just some soffit lighting over the plants and stuff up their, just some very low intensity back lighting to soften the angular appearance of the building and they will be on timers. If the three neighbors across the street say that they don't like it then they would have more standing on the likes and dislikes of it. He also explained that there is not a real lot of activity at this site.

Mr. Palamara also identified two issues that need to be resolved as follows:

1. The Borough Tax Maps – there property is not shown correctly and he will forward a copy of the deed to the borough for correction on the tax map.
2. The AHHRSA does have restrictions on sewer connections on large projects and advised the board that any projects of three or more units will not be approved by the AHHRSA. Individual or two family units gets an automatic approval as long as they meet all conditions imposed but a large project coming in would not be approved with a stipulation that any approval being conditioned upon them working with the town to correct I & I flow.

**Borough of Highlands
Planning Board Meeting
December 14, 2006 Page 9**

Mr. Serpico advised Mr. Palamara to send the board's documentation and a memo of conditions with regard to AHHRSA approvals for connections.

Mr. Kovic offered a motion to approve the Capital Project Review for the AHHRSA with the recommendation that they keep their improvements attractive to our community and that they need to send reminders to Tax Assessor to update the Tax Maps and that they send the boards sample language with regard to their permit review requirements of three or more units, seconded by Mr. Mullen and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Kovic, Mr. Mullen, Mr. Schoellner, Mr. Harrison, Mr. Cefalo,
Mr. Stockton

NAYES: None

ABSENT: None

Mr. Manrodt returned to the meeting table.

Mr. Mullen offered a motion to adjourn the meeting, seconded by Mr. Schoellner and all were in favor.

The Meeting adjourned at 9:14 P.M.

CAROLYN CUMMINS, Board Secretary