

**BOROUGH OF HIGHLANDS  
PLANNING BOARD  
REGULAR MEETING  
JUNE 8, 2006**

Mr. Stockton called the meeting to order at 7:50 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, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,  
Mr. Schoellner, Mr. Gilson, Mr. Stockton, Mr. Harrison, Mr. Cefalo

**Absent:** Mr. Manrodt

**Also Present:** Carolyn Cummins, Board Secretary  
Jack Serpico, Esq., Board Attorney  
Jaclyn Flor, P.E., Acting Board Engineer

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**PB#2006-4 Reed, Thomas  
Block 92 Lot 8 – 3 Snug Harbor Avenue  
Request for Postponement of P.H. to July 13, 2006**

Mr. Stockton stated that the Board received a written request to reschedule this public hearing to the July 13, 2006 meeting.

Mr. Kovic offered a motion to reschedule the public hearing for Reed to the July 13, 2006 Meeting, seconded by Mayor O'Neil and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,  
Mr. Schoellner, Mr. Gilson

**NAYES:** None

**ABSTAIN:** Mr. Stockton

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**Professional Legal Services Resolution:**

Mayor O'Neil offered the following Resolution and moved on its adoption:

**RESOLUTION AMENDING  
PROFESSIONAL LEGAL SERVICES  
RESOLUTION**

**WHEREAS**, on January 13, 2006 the Borough of Highlands Planning Board adopted a Resolution for Professional Legal Services for Jack Serpico, Esq.: and

**WHEREAS**, the professional services amount that was approved was \$3,375.00 for the period of January 1, 2006 through June 30, 2006; and

**WHEREAS**, due to the amount of professional services needed for this period an increase in the amount is needed: and

**WHEREAS**, certification of availability of funds is hereby provided by the Chief Financial Officer:

Planning Board Budget  
Account #1141-3755 - \$1,500.00

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Stephen Pfeffer, Chief Financial Officer

**NOW, THEREFORE, BE IT RESOLVED** by the Borough of Highlands Planning Board that the professional legal services contract with Jack Serpico, Esq., in the amount of \$3,375.00 is hereby increased an additional \$1,500.00 for a total contract amount of \$4,875.00 for the period of January 1, 2006 through June 30, 2006.

Seconded by Mr. Mullen and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,  
Mr. Schoellner, Mr. Gilson, Mr. Harrison, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

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**PB#2005-2 Johnson, William  
Block 40 Lot 5 – 78 Navesink Avenue  
Unfinished Hearing:**

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**Present:** Mike Letteri, Esq.  
Richard Stockton, Surveyor  
W. Johnson, Applicant

**Conflict:** Mr. Stockton announced that he had a conflict on this matter and stepped down.

Mr. Kovic chaired this portion of the meeting.

Mrs. Cummins stated that there are four affidavits from board members stating that they have listened to meeting tapes on this matter so that they are eligible to vote and they are from Board Members Mayor O'Neil, Mr. Bahrs, Mr. Cefalo and Mr. Kovic. So the members eligible to vote on this matter are Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski, Mr. Gilson and Mr. Cefalo for a total of seven members.

Mr. Letteri stated that this application has had a long history and they hope to obtain a vote tonight. There are three housekeeping issues that have been resolved. Mr. Stockton has prepared a modified sketch of the subdivision plot to provide the board with some guidance as to whether or not the applicant can hold the 25-foot setback of the proposed new construction from where the top of the bank was originally and this sketch will show where the top of the bank was originally and that we can hold the 25-foot setback. There is also a storm water management plan that we will be using and a copy of the ordinance regarding the building abutting the street.

Richard Stockton of 17 Avenue D, Atlantic Highlands is sworn in.

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

1. He is a licensed Land Surveyor and Professional Planner.
2. He was not at the last meeting on this matter and believes that a copy of the previous survey prepared by F. Earnstein was submitted to the board and the top of the bank that was depicted on that survey was scaled to 27-feet. Before that event took place he had prepared a profile of the bank showing the steepness of the bank and what he did to extend the undisturbed portion of the bank north of the property upwards until it intersected the undisturbed portion of the yard area. That point of intersection came out to be 25-feet, so we are somewhere between 27 and 25-feet.
3. The first document that he just referred to was the Frank Earnstein survey which was marked at that last meeting.

The following documents were marked into evidence:

- A-16: Slope Analysis prepared by R. Stockton dated 2/28/06;
- A-17: Storm Water Management Report consisting of two pages.

Mr. Stockton continued his testimony as follows:

- 4. He described how he measured to the top of the bank.
- 5. He then described where the existing wall is and the garage compared to the top of the bank.

Mr. Kovic wanted to know if any of this information was forwarded to the board or board engineer.

Mr. Stockton stated that he did not submit the modified plan to the board engineer.

Mr. Stockton continued his testimony:

- 6. From the point of intersection of the slope to the where the proposed house will be is 25-feet by his scale and 27-feet if you scale it by the previous survey. Twenty five feet would be the minimum.
- 7. The intersection of this slope and the yard slope would take place 9-feet behind the face of the existing wall.
- 8. The elevation of the top of the bank is at 42.
- 9. The 42 contours is north of the garage wall.
- 10. His scale is one inch equals eight feet horizontal and four feet vertically.
- 11. He does not know why copies of his modified plan were not forwarded to the board or board engineer and stated that the modified plan was made at the end of February.
- 12. The proposed structure is 35.7-feet from the wall.
- 13. There is a building permit for the existing wall and there was a structural analysis for the existing wall that was reviewed by the Board Engineer.

Ms. Flor explained that at the last hearing the Board had asked her office to look at the old top of bank and determine if the house could be built 25-feet from the old top of bank. Looking at this from the shortest portion, if you go to the longest portion of the old top of bank the applicant might meet the 25-feet. If you go to that shorter section you are at 20.8, so you would still need a variance. It meets to the top of the wall but it does not meet to the old top of bank. So it's up to the board if they want to look at the top of the wall or the old top of bank.

Ms. Flor – if the board is comfortable with it, she is comfortable and can review this but as a condition of approval should it be approved the applicant has to understand that should she find a problem with the drainage report that can not be rectified at that point the applicant would then have to come back to the board.

Mr. Letteri stated that the applicant agrees to that.

The Board had a discussion about the issue of measuring from the top of the existing wall verses the old top of bank.

Mr. Mullen stated that he doesn't have any questions with regard to the proximity of the house to the slope but he still has great reservations about this subdivision because he does not think that it meets the subdivision requirements of the borough. This site can not be serviced from both streets, Route 36 and Shore Drive because of the steep slope. The property that fronts on Route 36 meets the area requirements but by virtue of the fact that they have to provide an easement for the property owner in the rear, so they don't really have full use of that land. He thinks that because of the steep slope and not being accessible from Shore Drive that this is not a suitable site for a subdivision which he further explained. He stated that he could not support this subdivision.

Mr. Bahrs stated that there is a residence on this property so they are really replacing what appears to be an inferior structure with a modern functional structure.

Mr. Mullen explained that that the person in the back has to drive across the front property in order to get to the house. The owner in the front has to give access for the rear owner.

Mr. Bahrs stated that the applicant may be able to put stairs on Shore Drive to provide for access to the rear property.

Mayor O'Neil stated that he believes that stairs would be very feasible which he further explained. He was also discouraged to hear that the Zoning Officer turned down access to Shore Drive.

Mr. Harrison stated that the shared driveway creates a stressful situation.

William Johnson of 78 Navesink Avenue, Highlands was sworn in and stated the following:

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1. His original plan was to put in stairs and he was told by the town that he could not do that.
2. His original plan was to put two parking spots down on Shore Drive with steps and it was denied by the Zoning Officer.

Mr. Serpico stated that the Planning Board can grant variance for stairs for access from Shore Drive.

Ms. Flor stated that in order to put stairs in basically each riser is going to be about six to eight inches, so then you are going to have a foot wide thread. They are going to have to look at it and see if they can take the stairs vertically or not. They are going to have to look at the height of that slope and see the distance of that slope and see how many risers they can fit. Otherwise they won't be able to go straight with the stairs, he might be going sideways.

Mr. Mullen – I don't see any place that you can put parking on this site.

Mr. Stockton – there is an existing parking which is within Shore Drive frontage of lot 4 adjacent, that is within 50-feet.

Mr. Kovic – do you mean within the borough's right-of-way.

Mr. Stockton – yes

Mr. Serpico – any approval would be subject to borough approval on that.

Mr. Mullen – is the parking dedicated to this property.

Mr. Kovic – no

Mr. Kovic asked if there were any questions from the public.

Ursula Aumann of 72 Navesink Avenue – stated that she is not happy that the slope will be opened up to accommodate stairs and wanted to know how a fire truck is going to get to the property.

Mr. Stockton - there is an existing driveway along house number 78 today and in an emergency he believes that it could be accessed which he further explained.

Ursula Aumann – what about further erosion on the slope from the stairs.

Mr. Stockton – if this were the way we were going to provide access then we would have to look at exactly how that would be done and it would be subject to the board engineer approval. The disturbance on the bank would be minimized which he further explained.

Ursula Aumann asked the board how much building are they going to approve on such a small hill.

Mr. Mullen stated that he does not believe that this is buildable. They can't provide access, they can't provide parking. Are you willing to give borough property away to satisfy his parking? What is the need here? What is the hardship? Why does he have to subdivide this? Are we subdividing things into ever smaller pieces? What is the benefit?

There were no further questions from the public.

Mr. Kovic asked if there were any comments from the public with regard to this application; there were none.

The public portion was closed.

Ms. Flor stated that the applicant owns the property down the slope to about 16-feet off the back of the borough sidewalk.

Mr. Kovic stated that he is not in favor of the application as it appears.

Mr. Mullen – there has been no testimony about any hardship or of why they need to do this.

Mr. Bahrs – this is an improvement to the property.

Mr. Mullen – this doesn't meet the parking requirement, there is no access to the property and it doesn't come on to an improved street.

Mayor O'Neil – he thought that the property to the sidewalk on Shore Drive was owned by the applicant and now if the borough owns 16-feet of that we can't just give it to him. The applicant has to provide off-street parking if he wants to build a house. If the borough owns 16-feet from the shore drive sidewalk to the applicants property then that presents a problem.

The Board discussed the application and the proposed plan and the possible access from Shore Drive.

Mr. Mullen expressed his concerns with the proposed subdivision application.

Mr. Bahrs expressed his support of the application.

Mr. Kovic stated that he would want to see parking on Shore Drive and access to Shore Drive.

Mr. Mullen stated that the requirement is access to an improved road and there isn't.

Mayor O'Neil – there is no pedestrian or vehicular access to Shore Drive.

Mr. Serpico explained the criteria for the variances.

Mr. Letteri stated that the applicant would prefer permission to put up the stairs for access to the rear and that the Borough grant him permission to park on borough property. He understands that all of this would be contingent upon approval from the Board Engineer with regard to the steps and the borough vacating a right-of-way. So he would like board to vote on such a resolution contingent upon getting those approvals.

Ms. Flor – she believes that the board might want to see what the stairs will look like and to see how big the curb cut will be and to see how the parking spots would be laid out and if they could fit.

Mr. Letteri stated that the applicant would prefer a vote and those items could be a condition of approval rather than delaying this.

Mr. Urbanski offered a motion to deny the application, seconded by Mr. Mullen based on the following reasons and approved on the following roll call vote:

Mr. Urbanski stated that his first issue is the shared driveway, he does not think that it's a good idea. The seconded issue is he does not feel that the distance between the houses is good and he does not believe that this is a suitable sight for a subdivision. He also stated that there is no access from Shore Drive.

Mr. Mullen – because of the steep slope there is no way to provide vehicular access to the Road. They can not provide parking on their own site, so they would have to go into the hill to provide parking. Because of the steep slope the property does not create a satisfactory building site. The use of the front property is impaired because of the shared driveway.



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**ROLL CALL:**

**AYES:** Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Urbanski, Mr. Gilson,  
**NAYES:** Mr. Bahrs, Mr. Cefalo  
**ABSTAIN:** None

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Mr. Stockton returned to the meeting table.

The Board took a brief recess which began at 8:58 PM and they returned at 9:06 PM.

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**PB#2006-1 Fleming, Daniel  
Block 26 Lot 12 – 127 Highland Avenue  
Hearings on New Business**

Mr. Stockton announced that due to the late hour they will not be able to hear this matter.

Mike Irene, Esq. – stated that he is appearing on behalf of the applicant and he understands from the status of the agenda that they will not be reached this evening. He then granted the Board an extension

Mr. Mullen offered a motion to carry this matter to the July 13, 2006 Meeting with out the need for further public notice, seconded by Mr. Schoellner and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,  
Mr. Schoellner, Mr. Gilson, Mr. Harrison, Mr. Stockton  
**NAYES:** None  
**ABSTAIN:** None

Mr. Stockton advised the public that the Fleming matter will not be heard this evening and will be carried without further notice to the July 13, 2006 meeting.

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**PB#2006-2 Branin, Gary  
Block 48 Lot 5 – 39 Cornwall Street  
Unfinished Hearing**

**Present:** Mike Letteri, Esq.  
Gary Branin  
Richard Einhorn of FEMA

**Conflict: Mayor O'Neil stepped down for this matter.  
Mr. Gilson stepped down for this matter.  
Mr. Kovic stepped down for this matter.**

Mike Letteri stated that this application was presented in its entirety at the April Meeting. There was no vote taken at that meeting in order to permit Mr. Serpico to obtain some additional information from a representative from FEMA to aide the board in understanding the consequences of granting the variance from the flood plain which this application does request. He understands that a FEMA representative is here this evening to give some information and answer questions.

The Board discussed the FEMA guidelines booklet.

Mr. Mullen stated that there are guidelines that are published by FEMA that specifically say that relief is not granted for personal reasons but that they have to be particularly property related issues. He felt that Mr. Letteri's presentation only focused on the personal issues for granting this relief and not on the specific property issues.

Mr. Letteri stated that property issues and personal issues can't be separated and that they are connected which he further explained.

Mr. Letteri and Mr. Serpico discussed the flood ordinance with regard to the criteria for filing the appeal and the basis of the granting of a variance which should be read together with FEMA's requirements.

Richard Einhorn of FEMA, Region II was sworn in and stated the following during his testimony and response to questions from the board:

1. He is employed by the National Flood Insurance Program out of New York City.
2. With the National Flood Insurance Program FEMA lays a set of minimum standards and the towns agree to the standards and in turn they adopt a local ordinance and they enforce the building criteria and we allow for flood insurance to be sold within the community.
- 3 He does building compliance and is assigned to certain communities and he covers all of Monmouth County. He does community assistance visits where he checks to see that the towns are enforcing their minimum standards.
4. He is some what familiar with this application.

Mr. Serpico stated that this applicant is requesting relief from the base elevation requirements and for construction or reconstruction of a single-family home.

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Mr. Einhorn continued with his testimony as follows:

5. He is familiar with the base flood elevations required for this borough and with the permissible variances and grounds for variances of this borough.

Mr. Serpico stated that the borough has categorized this as a substantial improvement.

Mr. Einhorn continued as follows:

6. If the improvement is a substantial improvement then you are required to elevate and bring the lowest floor up to the requirement.

7. The history of Highlands years ago was not so good with the National Flood Insurance but over the years he has seen a remarkable improvement which he further explained. If a pattern of variances is set then we could remove Highlands from the program. Three variances could create a pattern that FEMA would look into.

8. Variances can be granted for certain reason such as historical structures, dependent use such as a building at a marina. A good and sufficient cause is something that is physical to the property verses personal.

9. FEMA does look at the reasons behind the town granting variances.

10. Lets say you grant 20 variances for historical structures than that's okay thing. If you grant variances for dependent uses, that's okay. Every other year there is a biannual report that goes out and it asks how many variances have you granted, that's how we monitor the variances granted. If it looks as though that you have set a pattern then we will be knocking on your door.

11. Only mortgaged properties are required to have flood insurance.

12. If you grant a variance then it is your job to notify the property owner that there is no relief from the negative rating that they will have for a flood insurance policy.

13. If this board granted relief the applicant would pay a lot more for flood insurance which he further explained.

14. The insurance rate would be very substantial and would probably be in the neighborhood of \$20-\$25 per \$100.

15. The property would probably be difficult to sell because if anyone were to check they will find out that there is no waiver to the flood insurance requirement.

16. If the borough gets suspended from the Flood Insurance Program then all the mortgages would be recalled because flood insurance would not be able to be sold in the Borough of Highlands. That is for any flood insurance that is backed by the Federal Government. There are private companies that you could purchase but there rates are no where comparable to the rates set by the Federal Government.

17. If a pattern was established then the borough would receive a warning. The board needs to see if it's a personal reason for the variance or is it something physical to the lot. Then you need to know what is the physical feature that makes it impossible to comply.

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18. He visits Highlands about five times a year.
19. The Borough is currently in good standing with the National Flood Insurance Program.
20. A substantial improvement is considered to be like new construction.
21. A Flood Administrator does not have the jurisdiction to grant a variance.
22. The variances that are normally granted are for historical structures or dependent uses.
23. Any enclosure that is under the base flood elevation can be used for storage, parking or entrance into a building.
24. Flood proofing is only allowed in a non-residential structure because it may be difficult to elevate a store. So what you are doing is building a store on grade at ground but then you are flood proofing it to one foot above the base flood elevation.

Mr. Letteri cross examined Mr. Einhorn and Mr. Einhorn stated the following:

1. He will occasionally inspect sites at random with a State Person when they do a drive through of Monmouth County.
2. He does have visits with Mr. Gilson.
2. He knows of two or three flood variances that have been granted in Highlands since he started working with Highlands in 1999.
3. He explained that years ago the borough had some building problems and he has worked with a number of building inspectors in this town and flood administrators and when he first came here there were some issues and they were worked on and the issues were fixed and the town has gotten better.
4. He has never physically seen the subject property but has looked at some paper and plans that Mr. Gilson showed him pertaining to this property.
5. Region two and twenty three in the State of New York were suspended for failure to adopt ordinances and there were four municipalities in New Jersey for failure to adopt and enforce ordinances.
6. No town has been suspended for granting variances.
7. If the borough grants this variance and if it meets the criteria then so be it. If it's not for good cause then he will look at it and maybe give the town a black mark.

Mr. Stockton asked if there were any questions from the public.

Ken Braswell of 62 Gravelly Point Road wanted to know if there is a distinction between residential and commercial standards.

Mr. Einhorn – we use a Flood Insurance Rate Map and the only determination that we use is that if its being used as a non-residential structure than it can be flood proofed. If it's being used as a residential home then they would have to meet the flood elevations requirements.

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Ken Braswell continued to question Mr. Einhorn about general flood regulations questions and Mr. Einhorn answered them.

Mike Kovic of Woodland Street asked a general flood prevention question.

Mr. Stockton advised Mr. Kovic that this is a time for questions relevant to this application.

Gary Branin, Applicant of 39 Cornwall Street asked Mr. Einhorn if he was familiar with a project at 43 Cornwall Street last year.

Mr. Einhorn stated that he can't honestly answer that question.

There were no further questions from the public.

Mr. Stockton asked if there were any comments from the public but there were none.

Mr. Mullen stated that he did not hear any testimony from the applicant with regard to the relief that we would be granting as being property based, so far it's been personal based. He wanted to know if the applicant wanted to provide more testimony.

Mr. Bahrs stated that he is still hung up on the value and questioned if this is a substantial improvement.

Mr. Serpico explained that the value is not an issue for the board to decide.

Mr. Letteri stated that we are here asking for a variance from the conditions of the flood plain ordinance.

Mr. Stockton stated that the issue that is weighing on his mind is the question of whether or not the benefit of granting the variance from the flood ordinance outweighs the detriment to the community and that is a substantial detriment to overcome with the threat of being delisted from the program and having all of the federally backed mortgages potentially recalled. He does not feel that the applicant has met his burden of proof.

Mr. Cefalo expressed his opposition to risking people's mortgages by granting this variance.

Mr. Stockton stated that because of the late hour perhaps we should adjourn this to the next meeting to offer the applicant more time to prepare.

Mr. Mullen stated that at the last meeting the applicant provided reasons for the variances as being growing family, change in roof line would detract from the look of the building, not aware of flood regulation and its too expensive to comply. These reasons are not the basis of which this board can make an affirmative decision.

Mr. Letteri stated that he disagrees with Mr. Mullen and believes that it is property related.

Mr. Mullen this board needs some justification for granting this variance.

Mr. Stockton stated that the FEMA guidelines list acceptable reasons such as if the house is a water dependent use like a marina or a historical structure which this is not.

Mr. Letteri no those are not the reasons that we are asking for relief.

Mr. Stockton continued to discuss with Mr. Letteri the required reasons for granting relief.

Mr. Branin stated he wanted to know if having termites was an act of God.

The Board advised him that termites are not an act of God and if that is a property related reason.

Mr. Branin – I have one question then you can vote on this. He then asked why when two years ago when he received a variance for the garage wasn't he told at that point about the flood regulations.

Mr. Letteri expressed his reason on why he believes that the variance can be granted.

Mr. Mullen offered a motion to deny the application because the application has not put forward reasons that are good and sufficient as required which he further described, seconded by Mr. Harrison and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Urbanski, Mr. Schollner, Mr. Harrison, Mr. Cefalo,  
Mr. Stockton

**NAYES:** Mr. Bahrs

**ABSTAIN:** None

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**Present: Kevin Kennedy, Esq.  
Gregory Catsaros**

**Conflicts: Mr. Stockton stepped down for this matter.  
Mr. Bahrs stepped down for this matter.**

Mr. Kennedy stated that he had no witnesses for tonight that he was just going to give a recap.

Mr. Kovic asked if there were any questions from the public but there were none.

Mr. Kovic asked if there were any comments from the public.

Mr. Serpico requested a roll call:

**ROLL CALL:**

**Present: Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Urbanski, Mr. Schoellner, Mr. Gilson, Mr. Harrison, Mr. Cefalo**

**Absent: Mr. Manrodt**

**Stepped Down: Mr. Bahrs, Mr. Stockton**

**Left Early: Mr. Urbanski left the meeting for the night at 10:53PM**

Rachel Stockton of 31 Grand Tour was sworn in.

Rachel Stockton expressed her opposition to this application and showed drawings which were marked up and she referred to them.

Mr. Kennedy objected to Mrs. Stockton drawings and questioned her about who prepared them.

Mrs. Stockton stated that the overlay red marks were drawn by her husband Andrew Stockton.

Mr. Kennedy stated that Mrs. Stockton is not qualified to comment about engineering details.

Mrs. Stockton continued to express her opposition to this application and questioned the board about the application.

Mr. Kovic stated that basically what is shown on the plans will probably not be built once they really look at the site, it will be changed. He thinks that the board should stipulate that any changes that are made should be sent to the board engineer for final review prior to issuance of building permits.

Mrs. Stockton continued to express her opposition to this subdivision and urged the Planning Board to vote against this application.

There were no further comments from the public.

Mr. Kennedy – what we have here is a subdivision, it's an 18,000 square foot lot. The required in this zone is 5,000 square feet. The application is for a lot of 11,300 square feet and the other lot will be 6,800 square feet. The variance that they need is for a front yard setback for the existing structure. The other relief that they are seeking is a waiver for the steep slope. Nothing that we are proposing is going to destabilize or compromise the slope. They have reviewed the board engineers comments in his review letter and have agreed those and the other conditions that were talked about and asked the board to grant this subdivision.

Ms. Flor stated that she requested revised plans be submitted and structural calculations for the wall. She also pointed out that the height of the walls is unknown.

Mr. Mullen – with regard to grading on this site in our steep slope ordinance it states that any properties that have 20% or greater are subject to a site plan. So that with regard to the issue of grading for this site if someone were to develop this house it would have to have a grading plan submitted to the borough engineer. So any approval should be subject to a grading plan.

Mr. Mullen offered a motion to approve the application and then expressed his reasons for an approval.

The Board then discussed conditions of approval as follows;

1. Site Triangle issues must be addressed
2. All Board Engineer & Board Comments

Seconded by Mayor O'Neil and approved on the following roll call vote:



**ROLL CALL:**

**AYES:** Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Schoellner, Mr. Gilson,  
Mr. Harrison, Mr. Cefalo

**NAYES:** None

**ABSTAIN:** None

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**Approval of Minutes:**

Mr. Mullen offered a motion to approve the April 13, 2006 Minutes subject to the following changes:

1. Note that Mr. Kovic was present at the meeting.
2. Page 13, Mr. Mullen's statement in the last paragraph, second line to Add the word "NOT" in he stated that he did feel that the applicant.

Seconded by Mayor O'Neil and all were in favor.

The Board tabled the approval of the May Minutes because there were missing pages.

Mr. Kovic offered a motion to adjourn the meeting, seconded by Mayor O'Neil and all were in favor.

The Meeting adjourned at 11:32 PM.

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**CAROLYN CUMMINS, BOARD SECRETARY**

