

**BOROUGH OF HIGHLANDS  
PLANNING BOARD MEETING  
MARCH 8, 2007**

Mr. Stockton called the meeting to order at 7:39 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. Mullen, Mayor O'Neil, Mr. Nolan, Mr. Stockton, Mr. Harrison,  
Mr. Cefalo

**Late Arrival:** Mr. Kovic arrived at 7:42 P.M.

**Absent:** Mr. Manrodt, Mr. Bahrs, Mr. Schoellner

**Also Present:** Carolyn Cummins, Board Secretary  
Jack Serpico, Esq., Board Attorney  
Robert Bucco, Board Engineer

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**PB#2006-1 Fleming, Daniel – Request to Postpone P.H. to 4/12/07  
Without the Need for Further Public Notice  
Block 26 Lot 12 – 127 Highland Avenue**

Mr. Stockton stated that the Planning Board received a written request for a postponement of the Fleming public hearing to the April 12<sup>th</sup> meeting without the need for further public notice.

Mr. Mullen offered a motion to reschedule the Fleming Public Hearing to April 12, 2007 without the need for further public notice, seconded by Mr. Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Nolan, Mr. Cefalo, Mr. Harrison, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

Mr. Stockton advised the public that the Fleming hearing has been rescheduled to April 12, 2007 and that there would be no further public notice.

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**PB# 2007-1 Scaturro Irrevocable Trust  
Block 3 Lots 6 & 7 – Portland Road  
Application Review & Set P.H. Date**

**Present:      Martin McGann, Esq., Applicants Attorney**

Mr. Bucco stated that this application was submitted as a minor subdivision but it is actually a major subdivision.

Mr. McGann stated the following:

1.      The unnamed right-of-way is what triggers this application to be a major subdivision.
2.      They have to apply to the Governing Body for a vacation of the right-of-way, which they would like to do first.
3.      He explained that instead of dedicating the grass area to the borough they will now tie it into lot 7.02.
4.      If the Governing Body approves the vacation then they will be back with a minor subdivision application and the board can review it again for completeness.

Mr. Stockton cautioned that if the impervious coverage or amount of disturbance is over the threshold set by State than they have to pay attention to the Stormwater Management Rules.

The Planning Board reviewed the application and deemed the application to be incomplete and Mr. McGann acknowledged that the application was incomplete.

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**Zoning Ordinance O-07-03**

Mr. Nolan offered the following Resolution and moved on its adoption:

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of proposed Borough Ordinance O-07-03, which Ordinance will amend the Borough Zoning Ordinance; and

**WHEREAS**, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepare and transmit a report back to the Governing Body; and

**WHEREAS**, said statute does further require that the report of the Planning Board shall include an identification of any provision or provisions set forth in the proposed ordinance amendment which is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, the Board conducted a review of the proposed amendment on February 8, 2007; and

**WHEREAS**, the Board received comments from Board members, the Board Engineer and Attorney and various members of the public.

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that it hereby adopts the findings of the Board set forth below:

1. The Board finds that the proposed changes are consistent with the Borough Master Plan.
2. The Board recommends that the Mayor and Council review the proposed amendment permitting health and fitness clubs in order to limit their location to the H-O Zone and create on-site parking regulations for said uses ; and

**BE IT FURTHER RESOLVED** that the Board hereby directs its Secretary to transmit said findings to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

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

**ROLL CALL:**

**AYES:** Mayor O'Neil, Mr. Nolan, Mr. Harrison, Mr. Cefalo

**NAYES:** None

**ABSTAIN:** None

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**Other Business:**

**Review of Planning Board By-Laws**

Mr. Stockton suggested the following amendments:

Item 1.5 Application Review Committee – The Board does not have an Application Review Committee. He suggested that Application Review state that the Board Engineer review the applications and make recommendations of the completeness to the full board. The full board then can take action in deeming the applications complete or incomplete and set an appropriate public hearing date.

Mr. Mullen suggested the following amendments:

Item 3.1 Regular Meetings – it should be changed because the board only meets once a month. It should be changed to Regular Meetings are as set and adopted by Resolution at the Annual Reorganization Meeting.

Item 4.5 Assignment of Hearing Date; Notice. – change in third line to “a hearing date by the Board Secretary in consultation with the Board”.

Item 5.3 (h) change in last sentence to Rule 2:2-1.

Mr. Serpico suggested the following amendment to the by-laws.

Item 5.6 Evidence – Remove statement that states that the Board Secretary may return any exhibits to person who offered them upon request. Add – once items are marked into evidence they remain with the board.

The Board discussed conditions of Resolutions making approvals subject to approval from the Atlantic Highlands/Highlands Regional Sewerage Authority. Mr. Serpico stated that he does not believe that this should be a by-law item but rather a standard condition of approvals. The Board then requested that it be added to the check list items.

Mr. Serpico then explained that quite often you can have situations that develop that a site plan may go stale. You may have granted variances in connection with a site or subdivision and he believes that it should be a standing rule with the board that the life of all variances is tied into expiration of subdivision or site plan approvals. This way someone can't argue that there variances are still valid even though their subdivision or site plan has expired. This can be added to the by-laws as a standard condition of approval.

Mr. Serpico stated that he will prepare the by-law amendments for approval.

The Board requested that the requested amendments be made to the by-laws and submitted for approval at the next meeting.

**Review of Building Height Definition**

Mr. Stockton read the current definition of building height and grade plan as defined in Ordinance O-04-01.

Mr. Mullen stated that part of the pending zoning ordinance amendments has a diagram which further explains the text of the definition of building height. He stated that the Board raised the issue that you can fool around with the eave, which he further explained.

The Board had a discussion on the definition of building height and grade plan and the concerns that they have with it.

Mr. Mullen – I think that the diagram in ordinance O-07-03 will help explain the ordinance but perhaps the board should make a recommendation that the eave can be used as long as it is within two feet of the plate and in no case shall it be lower than two feet lower than the plate.

Mr. Stockton stated that the board's discussion on building height will continue after this evening.

**Review of the ZB 2006 Report and Recommendations**

The Planning Board reviewed the Zoning Boards 2006 Annual Report and Recommendations.

Mr. Mullen stated that some of the recommendations have already been acted upon such as item one with regard to changing the uses in the Highway Zone. He believes that they are also going to establish parking requirements for the uses that will be permitted in that zone. They are also looking at the setbacks there because the setbacks currently on the highway are the same as the ones in town which allow for zero front yard setbacks which would not be appropriate on the highway. Item four was a general comment, I don't think that we really ever review the uses and in some cases it makes it a hardship for someone who wants to do a use that isn't in our list of uses. There are new uses and if they don't fall into a generic list of uses then they are not permitted use. So in general the Planning Board should look at the uses permitted in town to make sure that they are fairly comprehensive so that we don't make people go through use variances.

Mr. Serpico explained that the Governing Body is suppose to review this and revisit the ordinances and then send a possible ordinance amendment over to the Planning Board for review and comment, then it goes back to the Governing Body for adoption.

**Possible Need for a Special Planning Board Meeting on March 22, 2007**

Mayor O'Neil requested that the Planning Board schedule a Special Planning Board Meeting for Thursday, March 22, 2007 for the purpose of reviewing an Ordinance Amending the Zoning Ordinance.

Mr. Nolan offered a motion to schedule a Special Planning Board Meeting on Thursday, March 22, 2007 at 7:30 P.M., seconded by Mr. Kovic and approved on the following roll call vote:

**ROLL CALL:**

**AYES:**            **Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Nolan, Mr. Harrison,  
                         Mr. Cefalo, Mr. Stockton**

**NAYES:**        **None**

**ABSTAIN:**      **None**

Mr. Stockton announced to the Public that the Planning Board will hold a special meeting on March 22, 2007 at 7:30 P.M.

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**Approval of Minutes**

Mr. Nolan offered a motion to approve the February 8, 2007 Planning Board Meeting, seconded by Mayor O'Neil and approved on the following roll call vote:

**ROLL CALL:**

**AYES:**            **Mr. Mullen, Mayor O'Neil, Mr. Nolan, Mr. Harrison, Mr. Cefalo**

**NAYES:**        **None**

**ABSTAIN:**      **None**

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**Communications**

Mr. Stockton stated that there were several communications as follows:

1.      Atlantic Highlands/Highlands Regional Sewerage Authority
2.      Monmouth County Planning Board Exemption Letter re: Catsaros
3.      Letter from the Borough of Atlantic Highlands Re: O-07-03

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4.     Invitation to an upcoming Seminar at Brookdale Community College on March 28<sup>th</sup>.

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

The Meeting adjourned at 8:30 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**