

**Borough of Highlands
Planning Board
Regular Meeting
July 12, 2007**

Mr. Stockton called the meeting to order at 7:38 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 Mayor and Council of the Borough of Highlands 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. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Schoellner, Mr. Nolan,
Mr. Stockton, Mr. Harrison, Mr. Cefalo

Late Arrival: Mayor O'Neil arrived at 7:40 P.M.

Absent: Mr. Bahrs

Also Present: Nina Light Flannery, Borough Clerk
Jack Serpico, Esq., Board Attorney
Catherine Britell, P.E., Acting Board Engineer

**PB#2006-1 Fleming, Daniel – Request for Postponement of P.H. to August 9th
Without the Need for Further Public Notice
Block 26 Lot 12 – 127 Highland Avenue**

Mr. Stockton stated that the Board has received a written request for postponement of this matter to the August 9th meeting without the need for further public notice.

Mr. Manrodt offered a motion to carry the Fleming Public Hearing to the August 9th meeting without the need for further public notice, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. Schoellner, Mr. Nolan,
Mr. Stockton, Mr. Cefalo

NAYES: None

ABSTAIN: None

Mr. Stockton then announced to the Public that the Fleming Public Hearing has been carried to the August 9th meeting and that there would be no further public notice.

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**PB#2007-4 Knox 400, LLC – Request for Postponement of P.H. to August 9th
Without the Need for Further Public Notice
Block 108 Lot 2.01 – 460 Hwy 36**

Mr. Stockton announced that the Board received a request from Knox 400, LLC to postpone the public hearing to August 9, 2007.

Mr. Serpico stated that he has reviewed the public notice on this application and finds it to be in proper form; therefore the Board can take jurisdiction on this matter.

Mr. Nolan offered a motion to carry the Knox public hearing to the August 9th meeting without the need for further public notice.

Mr. Nolan offered a motion to carry the Knox 400 public hearing to the August 9th meeting without the need for further public notice, seconded by Mr. Manrodt and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil,
Mr. Schoellner, Mr. Nolan, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Stockton announced to the public that the Knox 400 public hearing has just been carried to the August 9th meeting without the need for further public notice.

**PB#2007-2 Everclear Development, LLC
Block 60 Lot 7 – Shore Drive
Approval of Resolution**

Mr. Stockton read the title of the following Resolution for approval:

Mr. Manrodt offered a motion to move on the adoption of the following Resolution:

**RESOLUTION APPROVING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF EVERCLEAR DEVELOPMENT, LLC,
BLOCK 60, LOT 7**

WHEREAS, the applicant referred to above is the owner of the above mentioned lot, which is located in the R-2.03 Zone; and

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WHEREAS, the applicant has applied for a two (2) lot Minor Subdivision with variances. The applicant proposes to subdivide the above captioned lot into two new residential lots, one containing an existing structure that the applicant intends to tear down and one vacant for a single family residence. Each lot will be conforming in nature with the exception of the front yard setback for proposed lot 7.01 from Valley Avenue. The Ordinance requires 20 feet, whereas the applicant is providing 7 feet however the ordinance allows the setback to be less than 20 feet if the proposed setback is consistent with the prevailing setbacks of properties within 200 feet from the subject property. Borough Ordinances also require that all principal structures be constructed on a lot with frontage on an improved public street. The subject properties do not front on the required street however they have direct access to Shore Drive which is an improved public street; and

WHEREAS, all jurisdictional requirements have been met and proper notice has been given pursuant to the Municipal Land Use Act and Borough ordinances, and the Board has jurisdiction to consider this application; and

WHEREAS, the Board considered this application at a public hearing held on June 14, 2007; and

WHEREAS, the Board considered the testimony of Jason Fichter of Insight Engineering who is a licensed Professional Engineer in the State of New Jersey and Delores Armstrong and the legal argument of Counsel; and

WHEREAS, the applicant submitted into evidence a subdivision map in support of the application prepared by Jason Fichter; and

WHEREAS, the Board after considering the evidence and testimony presented by the applicant and the interested citizens has made the following findings of fact and conclusions based thereon:

1. The property is located in the R-2.03 Zone.
2. The testimony of the applicant's witness verified that the variances requested are technical in nature since the proposed setback from Valley Avenue is consistent with the setbacks in the immediate area and the structures on the lots will have direct access to Shore Drive which is consistent with the Ordinance and complies with the requirements of N.J.S.A. 40:55D-35 and the case law interpreting said section.
3. The new lots will be in compliance with the applicable bulk provisions of the Borough Zoning Ordinance with the exception of the setback referenced in 2 above.
4. The applicant agreed to comply with the outstanding conditions if any, set forth in the T&M letter dated May 7, 2007, which is incorporated herein in full with the exception of CAFRA approval which is not required and the

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5. applicant is not required to do anything further regarding the well that existed on the property.
6. The applicant agreed to comply with additional conditions set forth hereinafter.
7. The applicant established the positive criteria required for the variances applied for; and

WHEREAS, the Board determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Borough of Highlands; and

WHEREAS, the Board after considering the testimony and exhibits has found the proposed minor subdivision plan and variances to be acceptable with conditions.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for a two lot minor subdivision and variances is approved contingent upon the following conditions being met;

1. All testimony, evidence and representations made by the applicant and its witnesses are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicant will adhere to the findings of fact set forth above.
4. The applicant agrees to enter into a Developers Agreement with the Borough, if required to do so by the Borough.
5. The applicant will tear down the existing one-story masonry building located at the site.
6. The applicant will comply with the conditions set forth in the T & M letter dated May 7, 2007, with the exception of those listed above in the finding of facts. Comment D1 set forth in the letter is hereby modified to require the applicant to provide to the Board Engineer individual grading plans for the disturbed lot areas. This will eliminate the need to re-certify the steep slope areas which are not being disturbed by the applicant.
7. If the applicant intends to perfect the subdivision by deeds, they must be submitted to the Board Engineer and Attorney for review and approval and must further be recorded within the time provided within the Land Use Act.
7. The applicant will contribute to the Borough sidewalk fund if required by the Borough Ordinances for the subject lots.

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

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mayor O'Neil, Mr. Nolan, Mr. Harrison, \ Mr. Cefalo
NAYES: None
ABSTAIN: None

Professional Service Resolutions

Mr. Stockton read the titles of the following Resolutions for approval:

Mr. Manrodt offered the following Resolution be memorialized and moved on its adoption:

**RESOLUTION
FOR PROFESSIONAL LEGAL SERVICES
FOR THE BOROUGH OF HIGHLANDS PLANNING BOARD
FOR THE PERIOD OF JULY 1, 2007 THROUGH DECEMBER 31, 2007**

WHEREAS, the Borough of Highlands Planning Board has a need for professional legal services; and

WHEREAS, such professional legal services can only be a provided by a licensed professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution in January 2007 appointing Jack Serpico, Esq., from the firm of Jack Serpico, Esq. as Planning Board Attorney for a term of one (1) year expiring December 31, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$3,375.00, for legal services provided for the Borough of Highlands Planning Board for the period of July 1, 2007 through December 31, 2007; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2008 Municipal Budget.

Planning Board Budget
Account #1141 – 3755 = \$3,375.00
July 1, 2007 – December 31, 2007

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Stephen Pfeffer, Chief Financial Officer

WHEREAS the Local Public Contracts Law, NJSA 40A:11-1 et. seq. requires that notice with respect to contract for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. That Jack Serpico Esq., from the firm of Jack Serpico, Esq. is hereby retained to provide Professional legal services as described above for an amount not to Exceed \$3,375.00 for the period of July 1, 2007 through December 31, 2007.
2. This contract is awarded without competitive bidding as a "Professional Services" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Nolan and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil,
Mr. Schoellner, Mr. Nolan, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Manrodt offered the following Resolution be memorialized and moved on its adoption:

**RESOLUTION
FOR PROFESSIONAL ENGINEERING SERVICES
FOR THE BOROUGH OF HIGHLANDS PLANNING BOARD
FOR THE PERIOD OF JULY 1, 2007 THROUGH DECEMBER 31, 2007**

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WHEREAS, the Borough of Highlands Planning Board has a need for professional engineering services; and

WHEREAS, such professional engineering services can only be provided by a licensed professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution in January 2007 appointing Robert Bucco, P.E., from the firm of T & M Associates as Planning Board Engineer for a term of one (1) year expiring December 31, 2007; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,200.00, for engineering services provided for the Borough of Highlands Planning Board for the period of July 1, 2007 through December 31, 2007; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2008 Municipal Budget.

Planning Board Budget
Account #1141 – 3757 = \$2,200.00
July 1, 2007 – December 31, 2007

Stephen Pfeffer, Chief Financial Officer

WHEREAS the Local Public Contracts Law, NJSA 40A:11-1 et. seq. requires that notice with respect to contract for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. That Robert Bucco, P.E., from the firm of T & M Associates is hereby retained to provide Professional Engineering services as described above for an amount not to Exceed \$2,200.00 for the period of July 1, 2007 through December 31, 2007.
2. This contract is awarded without competitive bidding as a “Professional Services” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Planning Board Secretary.

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4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Nolan and adopted on the following Roll Call Vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Schoellner,
Mr. Nolan, Mr. Stockton

NAYES: None

ABSTAIN: None

OTHER BUSINESS:

Review of Steep Slope Ordinance

Mr. Stockton stated that the board has copies of Highlands Ordinance O-00-03 Steep Slope Ordinance and a copy of Atlantic Highlands Steep Slope Ordinance. He stated that in past meetings the Board discussed the need to update our Steep Slope Ordinance and this is the start of that process update.

Mr. Manrodt – being that most of the board just received the copy of Atlantic Highlands Steep Slope Ordinance he suggested that we put this matter off until the next meeting to allow the board members more time to review the ordinance.

Mr. Serpico spoke about the Atlantic Highlands Steep Slope Ordinance. He stated that this is the next generation ordinance which he thinks is good. It has a sliding scale depending upon the slope which is really a good approach. We should develop another sliding scale that would go along with the severity of the slope and the size of the lot, so that no one can accuse the board of just imposing a subjective set of setbacks. Which is why the court upheld us and this is the first step and he thinks something like the Atlantic Ordinance tailored to the needs of this borough will take us a long way. He also suggested that the board consider that our steep slope ordinance is more in the design section of the ordinance and he would prefer that it be in the bulk standard section of our ordinance so that it's a variance application as opposed to a request for a design waiver.

Catherine Britell – because T & M Associates is familiar with the Atlantic Highlands Ordinance, there are some spots in the ordinance that have confused people at times and if you would like we can take a look at it and point out the sections.

Mr. Serpico and board members replied “absolutely”.

Mr. Manrodt offered a motion to carry the review of the steep slope ordinance to the August 9th meeting, seconded by Mr. Nolan and approved on the following roll call vote:

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil,
Mr. Schoellner, Mr. Nolan, Mr. Harrison
NAYES: None
ABSTAIN: None

Mr. Stockton advised the public that matter will be further discussed at the August 9th, 2007 Planning Board Meeting.

Review of Ordinance O-07-07

Zoning Amendment Ordinance – Review & Make Recommendations

Mr. Stockton and Mr. Manrodt both recused themselves from discussion on this matter due to a conflict of interest and they both stepped down.

Mr. Kovic chaired this portion of the meeting.

Mr. Kovic stated that the Board had a hearing on this ordinance at the last meeting and we adjourned it until this evening so that the board members could study it and come to a vote on this and forward it to the Council. He then asked the board members for their opinions on this matter.

Mr. Mullen stated that he was not at the last meeting but he did forward a letter to the Chairman basically outlining his feelings about this ordinance. He listened to the tape of the last Planning Board Meeting and thought that there were some interesting discussions and comments from the public. There was a discussion about ratables and he thinks that ratables will happen with anything that we do up there. So it doesn't matter about the characteristic of the site. He thinks that that's an argument that does not make much sense. He then asked if he should read his comments into the record

Mr. Kovic advised Mr. Mullen that most of his comments were presented by the audience, so it is a matter of record already.

Mr. Serpico advised Mr. Mullen that he could offer his letter.

Mr. Mullen then made the following comments:

1. The provisions of the Master Plan do not anticipate, nor does he recall any conversations about development of this site as a high rise development.
2. This site is wonderful, it's one of the last big sites in the borough and the board did consider its proper development and the board came up with either single-family or

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small cluster townhouse development that would be an appropriate future use of this site. In that regard that would mean that high rise buildings would not be consistent with single-family or townhouse use.

3. We specifically in our Master Plan talked about expanding this sites permitted uses, it did not say to eliminate mobile home parks. It just says to expand permitted uses that are there to allow for single-family homes and townhouses. To him that is something that the board should consider too.

4. He had a discussion with the Board Attorney before the meeting about why this is appropriate to be a conditional use of the site. He is totally opposed to this thing but now he is getting into the smaller aspects of this. Why would a development of this height and size be a conditional use of this site. This is not a zoned district that is made up of several different properties where a conditional use could be met and someone could put a use that isn't necessarily compatible with the surroundings if they were able to meet certain conditions. This is a one owner site and it seems to him that the conditions for use should be permitted or not permitted, not conditionally permitted. For him, he thinks that the slippery slope of conditional is they have to be extremely accurate conditions under which someone can develop. If you make them vague and it is vague in terms of how they can develop the site, it's difficult to say that he is not in compliance with those conditions and therefore he can't be remanded to the Zoning Board for a decision of a use variance. He feels that the borough his losing some control by making this a conditional use.

5. With regard to density, it's clear that a density of 20 dwelling units per acre is in excess of anything that is permitted in the borough. Right now it appears that the trailer parks may have somewhere between 10 and 11 units per acre and a newly proposed and adopted ordinance in the MX Zone allows 14 units per acre and he thinks that certainly this zone should be no greater than are most maximum.

6. FAR - the proposed maximum floor area ratio is proposed to be 1.50. Floor area ratio is the amount of floor area used and built as a percentage of your lot area. So if you have a 100 square foot lot and your FAR is 1.5 you can build a 150 square foot building. Currently for a multi-family zone you're allowed to build .45, which is a little less than half of your lot area in floor area of the building. This will allow you to build 1.5 times your lot area or 3.3 times what the current provision is for FAR and to him that is seriously out of line with our Master Plan and thought for the site.

7. Building Height – there are many considerations. He thinks that with the height our Master Plan talks about buildings that complement the site in a natural way and he does not think that high rise buildings will do that. He is quoting from our Master Plan that was adopted a year and a half ago. Our Master Plan specifically discourages long townhouses. The reason that we did not like long townhouses is because they take up to

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much of the visual space on a hill. There is no relief between structures, there is a long structure and no relief and if you were making smaller clusters there is a building an open space with trees, a building and open space with trees, so that it's broken up. He thinks that when you stand a building on its end and make it a high rise it has an equally discouraging look.

8. Our Master Plan talks about "ridge line protection" in that regard its more of a visual element and it says that development should not be sighted so as not to create a silhouette against the skyline. The high rise building is obviously a silhouette against the sky. A townhouse development is something that fits into and is the scale of a surrounding community.

9. One of the goals of the Master Plan was to limit new development that increases the intensity of the neighborhood land and property use and the strengths of our community is that it has a small town feeling. He feels that our town is a fully developed community and we are not building new buildings everywhere. We are reconditioning, rehabbing existing buildings and the scale of the community hasn't changed dramatically over the years that he has been here. He feels that it is important that the borough keep that as best as we can, that character by developing small scale, low scale, single family townhouse type development that has parking along side of it instead of parking structures.

10. Our Land Use Element of our Master Plan says "land use should evaluate and adopt zoning consistent with the existing land use pattern" and he would say that our proposal to put townhouse and single family development are consistent with development in the borough. "Preserve and protect the existing residential character" is another quote from the Master Plan. "Limit the new development in fill that increases the intensity of land and property uses" is another quote of the Master Plan.

Mr. Nolan - what we are voting on is a change in use, not a project is that correct?

Mr. Kovic – yes

Mr. Nolan – so, anything that is going to be done will still have to come back to the Planning Board for approval, correct?

Mr. Mullen – this evenings meeting is really to review the proposed ordinance to see if it is consistent with the Master Plan. Our charge is to review the ordinance to see if it is consistent with the Master Plan and to point out its insufficiencies.

Mr. Serpico – and you can make such other recommendations as you deem relevant.

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Mr. Kovic – it goes along the line where Mr. Mullen's comments are that townhouses or single family homes would be more in line with that area. Now when he takes a ride up highway 36 and sees the way the entire landscape was raked to put in townhouses every tree, every blade of grass, every bit of earth was just taken out of there for the sanitary systems storm drain lines. If they did something like that to the top of that hill, we would have no hill left at all. That would be a total disaster to even consider townhouses as a sprawl to that entire piece of property. It suites itself more to match a high rise building that is adjacent to it and its in a location area that is more in proximity to a shopping center area than single family residential homes. It backs three residential homes on one cluster on Linden Avenue and quite of few more on Ralph Street plus three or four condominiums on Ralph Street.

Mr. Mullen – and my answer to that is that we are not here to decide the Master Plan. We are here to decide if that proposal is consistent with the Master Plan. No where in the Master Plan does it say that we should consider high intensity development on limited areas so that we don't scour the site with development.

Mr. Kovic – your going along the same concept that I am that the trailer park is basically being sold and will no longer be there, it's a vacant piece of property that would be available there and the town has to consider the best interest for the borough of what to do with that specific piece of property on the Master Plan. His personal opinion is a matching high rise.

Mayor O'Neil – what would be the harm if we made all of the uses allowable making single-family, multi family, high rise and trailer homes all permitted?

Mr. Kovic – we are here to send recommendations to the Council and they will have final say on whatever the board sends them.

Mr. Serpico – yes, the Planning Board sits as an advisory capacity. You should point out any inconsistencies with the Master Plan. You can also make other recommendations as you feel are relevant and then the Mayor and Council can do as they please which he further explained.

Mayor O'Neil – explained that he could see high rises up there. Eastpointe is always part of this community, it's like a community under itself and he doesn't see a problem of allowing this use there. When we refer back to the slump block and if people think that people are going to just go up there with a shovel and start building a high rise that couldn't be further from the truth. There is going to be more engineering done on that piece of property then was ever done during the slump block investigation. If after engineering it's not feasible then he does not believe that that man will sink money into it.

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Mr. Kovic – should this pass we should set the guidelines as to the setbacks. If this is going to be a high rise it should be set closer to Scenic Drive and Ocean Avenue and keep it as further away from the residential units as possible. It would be a recommendation

for basically emergency equipment as well rather than a long driveway so that they have two secondary roads. Another question that came up was Shade Tree Commission, he would like to see if we could get are Garden Club involved into the Shade Tree Commission in town so that we get a little more protection about topping and cutting trees down. So if Council could put something in like that it would be a start.

Mayor O’Neil – we also got a letter from the Sewerage Authority that refers to some things. The guidelines are set for that on what the sewerage can or can not be.

Mr. Kovic – I think that one of our guidelines should be is that they have to apply to Middletown Township directly and tie into Middletown Township because right now we are taking in Monmouth Hills sewer right now.

Mayor O’Neil – I don’t know how that works, I would have to talk to the Sewerage Authority about that. There is a lift station right at the jug handle.

Mr. Nolan – we can make that a recommendation.

Mr. Kovic – that takes the burden off of us for any redevelopment downtown.

Mayor O’Neil – and if capacity is to heavy then off site improvements have to be made, that’s all there is. I will say that I do take exemption, if you want to put it all on the table right now with the input from Atlantic Highlands, he feels that the letter from Mayor Donahue is just pure politics. He has spoke n to Mayor Donahue about issues involving Highlands and Atlantic Highlands and suggested to him a lot of times that this is pure politics as far as he is concerned.

Mr. Kovic – I would like to put in a motion that is for what ever Eastpointe has for their footage this particular lot be allowed the same thing. He believes that Eastpointe has 166 units in it and his motion is to recommend 166 units per building to match.

Mr. Serpico –your in favor of similar development not a specific number

Mr. Kovic stated that he is in favor of this ordinance allowing development on this property that of similar development to Eastpointe Condos.

Mr. Serpico – you don’t want to get into specific numbers.

Mr. Kovic - no

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Mayor O'Neil – we should also suggest that it doesn't exceed the elevation of Eastpointe.

Mr. Kovic – they have to meet all of our requirements for on-site parking.

Mr. Nolan stated that he would also like to add the comments about the Shade Tree and the suggestion that the building be closer to Scenic and Ocean Avenue and the other uses that Mr. Mullen pointed out be permitted.

Mr. Serpico explained to Mr. Kovic that this is a Report approved by Resolution and it should contain all of the comments that you want in it pro and con. He then stated that the Mayor and Council can ignore the Boards report. He then explained the primary task of a referring ordinance to the board.

Mr. Serpico asked Mayor O'Neil if he wanted Mr. Mullen's comments as well.

Mayor O'Neil – yes, if some should be added.

Mr. Serpico then asked which comments from Mr. Mullen should be added.

Mayor O'Neil – the one with the multiple uses

Mr. Mullen – what about Floor Area Ratio? Do you have any concept of the building that you are allowing to go up there?

Mr. Nolan – I think that we can determine that when they come up with a true plan

Mr. Mullen – but they would be allowed to build that.

Mr. Nolan – yes, but any overall project will be voted on as yes or no.

Mr. Mullen then explained to Mr. Nolan that the Planning Board is the Board of permitted uses. When they walk in here and if they have 150 feet of building area for every 100 square feet of lot area, you can't deny it, that's a permitted use.

Mayor O'Neil – one thing that we have to do is make it come back to this board.

Mr. Serpico – when you design the ordinance and the ordinance is in effect and creates the permitted use, as long as somebody applies for a permitted use it has to come back to the Planning Board. He then suggested to the board that they suggest to the Council that they make sure that they definitely address the floor area ratio for what's going to go on up there. Just like we now are going to review the Steep Slope Ordinance that is worlds apart from our existing steep slope ordinance in terms of detail. This zone should have very good detail from engineering, slope and visual perspectives. So you should make a

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recommendation that all aspects of the site be reviewed as well as floor area ratio, setbacks and density at the very least.

Mr. Kovic – I think that we should call upon our engineer to get us a survey map of that particular area and at least a ridge line indicating where our steep slope by today's standards would be on that particular piece of property. So that we would have a general idea of what area it can be developed on.

Catherine Britell – should I just check existing information or have a survey done?

Mr. Kovic – they should have a survey on it and all they have to do is let us know where the top of the slope basically would be.

Ms. Britell – so, you don't want a full survey?

Mr. Kovic – no, not a full survey just a guideline.

Mr. Nolan seconded Mr. Kovic's motion and approved on the following roll call vote:

ROLL CALL:

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

NAYES: Mr. Mullen – absolutely not and he thinks that this is a real bad adventure that this board is going on. To him it is obvious, he did not think that he could come here and find people who disagree that the provisions of this new ordinance were anywhere consistent with the Master Plan. They are either not reading our Master Plan or just deciding to revise and revisit the Master Plan this evening. This to him was a pro forma vote this evening. Does it meet the existing conditions of our Master Plan or doesn't it. The Master Plan is developed with the whole communities' involvement. Everyone has a chance to come in and complain, they ask question, they develop a Master Plan. That is a document that is guiding the town with the consent of the people and seven people here tonight are going to make a decision to change the character of one of the best and most beautiful pieces of land to something that the Master Plan never envisioned and he is so opposed to it.

ABSTAIN: None

Approval of Minutes

Mr. Nolan offered a motion to approve the June 14, 2007 Planning Board Meeting Minutes, seconded by Mr. Manrodt and approved on the following roll call vote:

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mayor O'Neil, Mr. Nolan, Mr. Harrison,
Mr. Cefalo
NAYES: None
ABSTAIN: None

Communications:

6/28/07 Letter from the AHHRSA

6/28/07 Letter from Freehold Soil RE: Bayside Drive

6/28/07 Letter from Freehold Soil: Highlands/Sea Bright Transmission

Mr. Manrodt commented on the letter regarding Bayside Drive. He stated that Bayside Drive in Highlands is now open and Atlantic Highlands is shut down because of a collapse which he further described.

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

The Meeting adjourned at 8:26 P.M.

CAROLYN CUMMINS, BOARD SECRETARY

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**Review of Ordinance O-07-07 Zoning Amendment Ordinance &
Make Recommendations & Adopt Resolution**