

**Borough of Highlands  
Planning Board  
Reorganization/Regular Meeting  
January 10, 2008**

Mr. Stockton called the meeting to order at 7:49 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. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
Mayor Little, Mr. Stockton, Mr. Schoellner

**Absent:** Mr. Kovic, Mr. Nolan

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

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**Reorganization**

**Administer Oath of Office**

Mr. Serpico administered the Oath of Office to Mayor Anna C. Little, Richard O'Neil, Roderic Schoellner.

Mr. Cefalo stated that he was previously sworn in by the Borough Clerk.

Mr. Nolan was not present therefore he will be sworn in at the February Meeting.

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**Action on Any other Business**

**Amendment to Master Plan – P.H. Limited**

**Resolution – Adoption of Amendments to Master Plan**

**Review of Steep Slope Ordinance**

Mr. Bahrs offered a motion to carry amendments to Master Plan, Resolution for Adoption of Amendments to Master Plan and the Review of the Steep Slope Ordinance to the February 14, 2008 Meeting, seconded by Mr. Manrodt and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
Mayor Little, Mr. Schoellner, Mr. Stockton

**NAYES:** None

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**ABSTAIN:   None**

Mr. Stockton advised the public that these matter have been carried to the February 14, 2008 Meeting.

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**Reorganization**

**Appointment of Chair**

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

**BOROUGH OF HIGHLANDS  
PLANNING BOARD RESOLUTION  
DESIGNATING CHAIRPERSON  
FOR THE YEAR 2008**

**BE IT RESOLVED** by the Borough of Highlands Planning Board that **Andrew Stockton** be appointed Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2008.

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

**ROLL CALL:**

**AYES:           Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
                    Mayor Little, Mr. Schoellner, Mr. Stockton**  
**NAYES:       None**  
**ABSTAIN:     None**

**Vice Chairman**

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

**BOROUGH OF HIGHLANDS  
PLANNING BOARD RESOLUTION  
DESIGNATING VICE CHAIRPERSON  
FOR THE YEAR 2008**

**BE IT RESOLVED** by the Borough of Highlands Planning Board that **Donald Manrodt** be appointed Vice Chairperson of the Planning Board for a term of one (1) year expiring December 31, 2008.

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

**ROLL CALL:**

**AYES:           Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,**

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**Mayor Little, Mr. Schoellner, Mr. Stockton**

**NAYES: None**

**ABSTAIN: None**

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

**BOROUGH OF HIGHLANDS  
PLANNING BOARD RESOLUTION  
APPOINTING BOARD SECRETARY  
FOR THE YEAR 2008**

**BE IT RESOLVED** by the Borough of Highlands Planning Board of the Borough of Highlands that **Carolyn Cummins** be appointed Secretary of the Planning Board for a term of one (1) year expiring December 31, 2008.

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

**ROLL CALL:**

**AYES: Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
Mayor Little, Mr. Schoellner, Mr. Stockton**

**NAYES: None**

**ABSTAIN: None**

**Appoint Board Attorney**

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

**BOROUGH OF HIGHLANDS PLANNING BOARD  
RESOLUTION APPOINTING BOARD ATTORNEY  
FOR THE YEAR 2008**

**WHEREAS**, there exists the need for the professional legal services to be provided to the Planning Board of the Borough of Highlands for the calendar year 2008; and

**WHEREAS**, such professional legal services can only be provided by a licensed professional and **Jack Serpico, ESQ** of the law office of Jack Serpico, Esq., is so recognized;

**WHEREAS**, law office of Jack Serpico, Esq. has completed and submitted a Business Entity Disclosure Certification which certifies that the law office of Jack Serpico, Esq. has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit Jack Serpico, Esq. from making any reportable contributions through the term of the contract; and

**WHEREAS**, the determination of value has been placed on file with the resolution with the Board Secretary; and

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**WHEREAS**, Jack Serpico, Esq., has submitted the C.271 Political Contribution Disclosure Form in accordance with N.J.S.A. 19:44A-20.26 (P.L. 2005, c271, s2).

**WHEREAS**, the Local Public Contract Law N.J.S.A. 40A:11-1 et. seq., requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised; and

**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 state the circulation not more than (10) days after the passage of the Resolution is an official newspaper;

**NOW, THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that Jack Serpico, Esq., from the firm of Jack Serpico, Esq., be appointed Planning Board Attorney for the term of one (1) year expiring December 31, 2008. The person appointed is a member of a recognized profession and it is not possible to obtain competitive bids; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution be published in an official newspaper of the Borough within ten (10) days of its passage.

Seconded by Mr. O'Neil and adopted on the following Roll Call Vote:

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
Mayor Little, Mr. Schoellner, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

**Appoint Board Engineer & Approval of Contract**

Mr. O'Neil offered the following Resolution and moved in its adoption:

**RESOLUTION APPOINTING PLANNING BOARD ENGINEER FOR THE CALENDAR  
YEAR 2008  
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN  
CONTRACT FOR PROFESSIONAL ENGINEERING SERVICES**

**WHEREAS**, the Borough of Highlands has a need for professional engineering services as a non-fair and open contract to be provided to the Planning Board for the calendar year 2008 pursuant to the provisions of N.J.S.A. 19:44A-20.5; and

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**WHEREAS**, such professional engineering services can only be provided by licensed professionals and **Robert Bucco, P.E.** of the firm of T & M Associates, 11 Tindall Road, Middletown, NJ 07732 is so recognized;

**WHEREAS**, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; and

**WHEREAS**, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract; and

**WHEREAS**, T & M Associates has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

**WHEREAS**, T & M Associates has submitted that attached contract for Professional Engineering services for the calendar year 2008; and

**WHEREAS**, the Planning Board has reviewed attached contract for Professional Engineering Services for 2008; and

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

Planning Board Budget  
Account #1141-3757 - \$2,200.00  
For the Period of January 1, 2008 through June 30, 2008

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Stephen Pfeffer, Chief Financial Officer

**WHEREAS**, the Local Public Contracts Law N.J.S.A. 40A:11-1 et. seq. requires that notice with respect to contracts 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. Robert Bucco, P.E. of T & M Associates is hereby appointed as Planning Board Engineer for the calendar 2008 and is awarded a professional service contract for an amount not to exceed \$2,200 for professional engineering services provided for the period of January 1, 2008 through June 30, 2008.

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2. The attached Professional Engineering Contract is hereby approved and the Board Chairman and Secretary are hereby authorized to sign the contract.
3. This contract is awarded without competitive bidding as "Professional Service" in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a) because it is for services performed by persons authorized by law to practice a recognized profession.
4. A copy of the Resolution as well as the contract shall be placed on file with the Board Secretary.
5. The Board Secretary is hereby directed to publish notice of this award as required by law.

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

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
Mayor Little, Mr. Schoellner, Mr. Stockton  
**NAYES:** None  
**ABSTAIN:** None

**Set 2008 Meeting Schedule**

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

**RESOLUTION SETTING THE SCHEDULE FOR REGULAR  
MEETINGS OF THE BOROUGH OF HIGHLANDS  
PLANNING BOARD  
FOR THE YEAR 2008**

**BE IT RESOLVED** by the Borough of Highlands Planning Board that the following schedule is hereby designated as the official Regular Meeting Calendar of the Planning Board for the year 2008. The official meeting days shall be the second Thursday of each month unless otherwise noted.

February 14, 2008  
March 13, 2008  
April 10, 2008  
May 15, 2008 **Third Thursday**  
June 12, 2008  
July 10, 2008  
August 14, 2008  
September 11, 2008  
October 9, 2008  
November 13, 2008

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December 11, 2008

January 8, 2009 Regular/Reorganization Meeting

**BE IT FURTHER RESOLVED** that all meetings will be held at the Highlands Municipal Building, Council Chambers, 171 Bay Avenue, Highlands, NJ at 7:30 p.m.

Seconded by Mr. O'Neil and adopted on the following Roll Call Vote:

**ROLL CALL**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
Mayor Little, Mr. Schoellner, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

**Designate Official Newspaper**

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

**BOROUGH OF HIGHLANDS  
PLANNING BOARD RESOLUTION  
DESIGNATING THE OFFICIAL NEWSPAPER  
FOR THE YEAR 2008**

**BE IT RESOLVED** by the Borough of Highlands Planning Board that the **Courier, the Asbury Park Press and the Two River Times**, are hereby designated as the official Newspaper for the Borough of Highlands Planning Board publications which are required by law for the year 2008.

Seconded by Mr. O'Neil and adopted on the following Roll Call Vote:

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,  
Mayor Little, Mr. Schoellner, Mr. Stockton

**NAYES:** None

**ABSTAIN:** None

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**PB#2007-4 Knox 400, LLOC  
Block 108 Lot 2.01 – 460 Hwy 36  
Unfinished or Adjourned Hearings**

**Present:** Henry Wolffe, Esq.  
Catherine Franco, P.P., A.I.A.  
Michael Knox

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**Eric Rupnarain, P.E.**

**Mr. Leckstein, Esq., Attorney for Object Paul Mazzella**

**Conflict of Interest: Mr. Stockton and Mr. Bahrs both stepped down for this matter.**

**The following exhibits were marked into evidence:**

**AA-7: Amended Site Plan prepared by Rupnarain**

**AA-8: Plan approved by Fire Official Paul Murphy on 12/7/07.**

Mrs. Cummins announced the eligible board members present this evening for this matter being Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Cefalo, Mr. Schoellner.

Mr. Serpico stated that Mr. Schoellner and Mr. O'Neil have both listened to the Meeting tapes and provided proper certification for this mater.

Mr. Wolffe stated that they have revised their plans and where they left off last was the direct testimony of Catherine Franco, P.P., A.I.A., but since that testimony, maybe some of that testimony on direct is moot. We have revised the plans to take the entrance at Route 36 and eliminate it and in its place they have provided for sufficient parking spaces. So we now have 45 parking spaces. So the major contention no longer exists. We don't have access on Route 36, we do have it on Ocean Avenue and we now have 45 parking spaces but because this is a major change in the application he brought Mr. Rupnarain back. He would like to call Mr. Rupnarain before calling Ms. Franco for cross examination.

Mr. Leckstein agreed with Mr. Wolffe and stated that they will have their planner and traffic expert at the next meeting and then we can come to the conclusion of this case.

Eric Rupnarain, P.E. was sworn in and stated the following during his testimony and response to questions from the board:

1. He referred to sheet 3 of 10 of Exhibit AA-7 and stated that the original site plan showed two ingress and egress locations and that they have eliminated the ingress and egress from Route 36 and that allowed them to pick up an additional six parking spaces which was the variance that they were previously asking for.
2. In terms of the entrance on Route 36 there is a striped parking space and that is going to be dedicated for turn around. No one will be allowed to park in that space, it will be vacant at all times. That has not been counted into the provided parking spaces.
3. Anyone entering and exiting the site will have to use Ocean Avenue as they proceed through the property that one space marked as turn around, they will be able to use to turn around and exit the property.
4. The applicant now has 45 parking spaces.
5. We do have a plan and the fire department wants access to the site through Route 36 at the turnaround space. There will be two bollards that will be installed at that area and the



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bollard will have a chain that goes across to the next that will prevent anyone from using this space as an ingress and egress to the site. The Fire Department will get a set of keys

and will be the only ones with access to the keys to move the chain if they need to get onto the property.

6. The spaces are 18 by 9 feet.
7. He stated that the fire department requested this size space to enter into the property.
8. He then stated that Mr. Murphy, Fire Official approved the plan which was marked as Exhibit AA-8.
9. We have not revised the application to NJDOT at this point, we still have to get final approval from the NJDOT for this application, they will amend the application. The original application that they approved showed the entrance that they had at this location which didn't include any depressed curb.

Mr. Serpico described Exhibit AA-8 and stated they the Fire Official approved the plan, there is no letter specifically from them at this point.

Mr. Leckstein questioned what AA-8 showed on the plan.

Mr. Rupnarain continued as follows:

10. The plan that we have from the Fire Department is the same as sheet number 3. The only exception is the turn-around area is now wider. What he proposed originally was a 9-foot turn around and they requested that it be increased to 18-feet and then leave the entrance onto Route 36 and in addition to that, they wanted the two bollards installed. They will provide us with a chain that goes bollard to bollard with the lock. That is the only difference but they did not give us anything in writing to this effect.

Mr. Leckstein requested that the Fire Marshall appear so that he could ask him some questions. I can't cross examine this approval.

Mr. Serpico – we can request that Mr. Murphy appear at the next meeting to provide testimony about the approval.

Mr. Leckstein also requested that the Board Engineer review that fire approval as far as turning radiuses and things like that.

Mr. Rupnarain continued his testimony as follows:

11. He described why the turn-around space is at the proposed location.

Mr. Bucco – the fire apparatus that is coming in off of Route 36 where you propose the entrance he would like to see a plan sheet with the turning radius to make sure that the fire truck has proper maneuverability.

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Mr. Rupnarain continued his testimony as follows:

12. They are requesting a design waiver for five compact parking spaces.

Mr. Manrodt asked if there were any questions from the public for Mr. Rupnarain.

Mr. Leckstein cross examined Mr. Rupnarain and Mr. Rupnarain further testified as follows:

1. They removed the access on Route 36 to increase the parking spaces.
2. A traffic study was not done.
3. The geometry of the parking lot follows the ordinance requirements in terms of if there is dual frontage you are suppose to use the lower of the road.

Mr. Wolffe expressed an objection to this question and he and Mr. Leckstein engaged in discussion about this and Mr. Wolffe stated that he will allow Mr. Rupnarain to answer the question.

Mr. Rupnarain stated the following:

1. He then described hypothetically how the 46<sup>th</sup>, 47<sup>th</sup> and 48th car on the site would exit the site if all parking spots were full.

Mr. Leckstein stated that Mr. Rupnarain has no background on traffic circulation and that there was no traffic study done and Mr. Rupnarain agreed.

Carla Cefalo-Braswell of 62 Gravelly Point Road wanted to know if a traffic study was done when the borough ordinance was adopted.

Mr. Leckstein stated that this ordinance is under litigation.

Mr. Serpico – the ordinance is valid until such time.

Mr. Leckstein continued to cross examine Mr. Rupnarain.

Mr. Rupnarain – the ordinance requires 18 in addition to that for the parking depth and 24 feet for the \_\_\_\_\_ and given the building locations and the desire to provide landscaping we elected to reduce the five compact parking spaces by two feet. The site is 99% covered at this time and they are reducing that by 15%. If the building size were reduced they could comply with the coverage.

Mr. Mullen – the permitted FAR is .65 and the proposed .34, is he building half the building that he could build on this site, is that correct.

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Mr. Leckstein - that's not fair which he further explained.

Mr. Manrodt questioned the parallel parking and Mr. Bucco explained that he does not have a problem with this.

Elaine Hoffman of Laurel Drive questioned the sidewalk waiver.

Mr. Rupnarain explained that the applicant is contributing to the Borough's sidewalk fund.

Mr. Bucco explained that he would prefer the applicant to contribute funds verse putting in a sidewalk now to nowhere.

Mr. Leckstein – has grading been supplied?

Mr. Bucco – there has been discussions with engineer on these items and the engineer is looking into this right now.

Mr. Leckstein – I am going to hold off on any questions in this area because he wants to rely on the Borough's voice and expertise in that area. He stated that grading and drainage are concerns.

Mr. Serpico – ultimately the issues that are still outstanding will have to be addressed in a letter and at some point Mr. Bucco will let us know.

Mr. Bucco – there are a few outstanding issues that need to be addressed by the engineer and the majority of those questions are on drainage. He stated that he will reserve his questions for Mr. Rupnarain for the next meeting when we have the outstanding information.

There were no further questions from the public for Mr. Rupnarain.

Catherine Franco, P.P., A.I.A. was sworn in.

Ms. Franco stated the following during her testimony:

1. She previously testified as a Planner and Architect on this matter but she is withdrawing their plans.

Mr. Wolffe – she previously testified as to the C-2 Parking Variance but that is no longer necessary and effectively that issue is moot. She is going to be subject to cross examination on the lot coverage variance as well as anything concerning Planning and renovation of the building.

Mr. Leckstein cross examined Ms. Franco and Ms. Franco stated the following:

1. The positive criteria for the lot coverage variance is that they have reduced it by 15%, it was 99% and it was reduced to 84%, where 80% is allowed. They have created an

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improvement on an existing condition. The building was designed around an existing building and reducing the existing building will not do anything for parking perhaps only lot coverage.

2. The floor area of the existing is 3,805 square feet, the total of the proposed floor area is 9,158 square feet.
3. The façade facing east will be finished in some kind of concrete block. The façade facing the west will too be a block. They have not pinpointed the block that they are going to use.
4. The nature of the variance is a C-2 variance, it's going to be a bulk variance.
5. She has consulted with regard to the design of the circulation of the parking lot. There was no need to do a traffic study.

Mr. Manrodt asked if there were any questions from the public for Ms. Franco but there were none.

Mr. Wolffe – that is it for this evening

Mr. Mullen offered a motion to carry this hearing to February 14, 2008, seconded by Mr. O'Neil and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Mullen, Mr. O'Neil, Mr. Cefalo, Mr. Schoellner  
**NAYES:** None  
**ABSTAIN:** None

Mr. Manrodt advised the public that there would be no further public notice on this matter.

Mr. Stockton and Mr. Bahrs both returned to the meeting table.

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**PB#2007-5 Balland, Thomas  
Block 91 Lot 1 – 14 Huddy Avenue  
Unfinished Hearing**

**Present:** Thomas Balland  
Paul D'Apolito, Esq.  
Charles Surmonte, P.E.  
Catherine Franco, P.P., A.I.A.

**Conflict:** Mr. Mullen stepped down for this matter.

The following documents were marked into evidence:

A-11: Setback Map

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A-12: Photos on large sheet

A-13: Architectural Drawing, One Sheet

A-14: Revised Minor Subdivision Map dated 1/7/08 prepared by Surmonte.

Mr. Serpico swears in Charles Surmonte.

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

1. He described his education and professional background to the board and stated that he is a licensed engineer and land surveyor in New Jersey. The Board accepted his professional qualifications.
2. He prepared the engineering plans for this application dated 1/7/08 in response to the Board Engineers letter. They provided grading information and utility connections, indicated location of existing depressed curbs and the proposed depressed curb and driveway, indication of existing vegetation and the introduction of three shade trees on new lot 1.01. He also provided details that were requested by the board engineer and provided some information of exiting front yard setbacks. He actually shot the front face of the building on Recreation Place and Huddy Avenue to get some accurate front yard setbacks.
3. Grading - shouldn't be a problem which he further explained.
4. The property is located in V- Flood Zone and the flood elevation requirement is elevation 12 so they set the finished floor above 13 feet to comply with flood regulations.
5. He reviewed the Board Engineers letter dated January 10, 2008 and stated that item A-11, they are proposing a three bedroom house with a garage. Off tract comment #2 they will comply. Item 3 he will revise the plan to show a full faced curb. Item C-1 they indicated and C-2 they will comply and items 3,4 and 5 the plan addresses. Section D they will add topo contour lines..

Mr. Bucco stated they have to provided it and grade it so that it doesn't drain onto the other property so we need a grading plan and Mr. Surmonte stated that they will provide that.

Section E-2 they will provide deeds if application is approved.

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

Mr. Mullen of Marine Place stated that the street trees should be more appropriately located on the property instead of the sidewalk.

Mr. Bucco – they are.

There were no further questions from the public.

Mr. Serpico swears in Catherine Franco, A.I.A., P.P.

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Ms. Franco stated the following during her testimony and response to questions from the board:

1. Exhibit A-11 shows the finished floor elevation at 13 feet. There will be break away walls around parameter which is allowed in the VE Zone. The height to mean roof is 32.6 feet and their mean is 32.4 feet. It's a three bedroom home, 2 ½ bath home which she further described. There will be no plumbing on the first floor. There over all is 24 by 50 and includes the stairway system up to the main entrance. There stairway is within the setback that they are asking for because it will be roofed. The house meets all of the FEMA requirements, parking requirements and aesthetically it will fit within the area.
2. Exhibit A-12: she described the photographs, not all homes have garages or driveway. The existing house will need a parking variance because they could not provide a garage there. The new home will have two parking spaces within the garage.
3. Exhibit A-11 is the setback map. Mr. Surmonte did Huddy Avenue and she went back and took rough measurements knowing approximately where the property lines were, mostly because of steps and fences. She then described the front yard setbacks listed in Exhibit A-11. There are a total of 12 lots and the average setback is 9.2 feet to the covered building with a roof and they are proposing 10-feet. They are asking for a .8 variance on their front setback. She feels that the board can grant this variance because there steps are within our building coverage area. Mr. Bucco explained his calculations which were different (11.9 feet) from Ms. Franco's so he and Ms. Franco discussed their calculations. Mr. Bucco a bulk variance is still required of .8 feet The board discussed front yard setback and it was determined that they did not need a front yard variance for the proposed house of 10-feet where 9.2 feet is the average.
4. She stated that proposed lot 1.01 meets the parking requirements but lot 1.02 does not and will need a parking variance of 2.5 spaces where zero spaces are proposed for the existing four bedroom house. A parking variance could be granted because there is a hardship which is that they don't have enough land if the property is subdivided. A good percentage of houses in this area park on the street and there are four pictures that don't have parking which is 1/3 of the lots in that block.

Mr. Surmonte stated that off street parking is available and the RSIS standards allow for that which he further described.

Mr. Stockton asked if there were any questions from the public for Ms. Franco but there were none so the board closed the Franco questions public portion.

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

Mr. Serpico questioned the RSIS standards.

There were no questions from the public for Mr. Surmonte but there were none so the board closed the Surmonte questions public portion.

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Mr. Serpico swears in Thomas Balland.

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

1. He has lived in this town for 40-years and has lived in this house for most of those years.
2. Parking for existing house – there was never any parking, they always parked in the street.
3. Concrete Path next to Recreation Place – there were problems when it rained so he paid to have a concrete pad put in to seal it up, it's not a driveway.
4. On-street parking has always been adequate for his existing house.

Mr. Stockton asked if there were any questions from the public for Mr. Balland but there were none so the board closed the Balland public questions portion.

Mr. Stockton asked if there were any comments from the public on this application but there were none therefore the public portion was closed on this application.

The board discussed the application.

Mr. Bahrs stated that he feels that the application is consistent with the area and there is not net change of parking conditions in the area and would offer a motion to approve this application subject to compliance of outstanding issues in the T & M Letter dated January 12, 2008 and adding the site triangle.

Mr. Serpico stated that there would be usual standard conditions of outside agency approvals.

Mr. Stockton requested to add a condition that with regard to construction on proposed lot 1.01 that they pay attention to the FEMA Coastal Construction Guidelines and obtain the necessary DEP permits.

Mr. Bahrs – that fine, I will make a motion to approve subject to what was just reiterated, seconded by Mr. Manrodt and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. O'Neil, Mr. Bahrs, Mr. Schoellner

**NAYES:** Mr. Stockton

**ABSTAIN:** None

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**The Board took a brief recess.**

**Mr. Stockton called the meeting back to order.**

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**Mr. Bahrs left the meeting for the evening because he had a conflict on this matter.**

**ROLL CALL:**

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

**Absent:** Mr. Bahrs, Mr. Kovic, Mr. Nolan

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

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**PB#2007-1 Scaturro Irrevocable Trust  
Block 2 Lot 1, Block 3 Lots 6 & 7 – Portland Road  
Hearing on New Business**

**Present:** Martin McGann, Esq.  
James Kennedy, P.E.

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

Mr. Serpico stated that the board has jurisdiction to hear this matter.

The following documents were marked into evidence:

- A-1: Minor Subdivision Plan prepared by KC Engineering dated 10/2/06.
- A-2: Stormwater Management Report dated 10/2/07.
- A-3: Colored Rendering dated 12/14/07.
- A-4: Borough of Highlands Vacation Ordinance dated 12/5/07.

Mr. Serpico swears in James Kennedy, P.E., P.P. of 200 Maple Avenue, Red Bank, NJ

Mr. McGann stated that this is a minor subdivision consisting of two proposed lots 7.01 and 7.02. The property is located in the R-1.03 Single Family Zone. The lot requirements are 14,000 square feet and the applicant is providing on lot 7.01 19,540 square feet, on lot 7.02 20,900 square feet. They do comply in all respects such as lot frontage, side yard, rear yard, front, lot coverage, building coverage, FAR. The only deficiency that they have is associated with lot 7.02 which is for lot depth where 200 feet is required and they are providing 167 feet. They are proposing some improvements to an unnamed right of way.

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



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1. This is a two lot minor subdivision for two residential homes. They are oversized lots and they are making some public improvements and those public improvements have to do with an existing looped gravel area that currently exists on the site.
2. The RSIS standards require a means of turnaround that would allow for emergency vehicles and garbage pickup and access to the homes. They are proposing to improve the gravel loop, provide better geometry to make it safer and better.
3. They are proposing an 18-foot wide one-way looped system with an island in the middle with some landscaping. The island would be deeded to lot 7.02 and it would be there maintenance obligation, not the boroughs.
4. They are also proposing driveways to each of the single family homes. The driveways are proposed to be of porous' pavement and once again the homeowners would be required to maintain the driveways.
5. They are also proposing shade trees and landscaping in accordance with T & M 's recommendations along the frontage of the homes.
6. They are also proposing two ground boxes for homes to show you that the lots could provide for homes of adequate size. It's more than likely that when the house is designed a grading plan would be provided.
7. From a storm water management perspective they are increasing the impervious surfaces they are proposing seepage pits on the lots and it would be the homeowner's obligation to maintain them. He then further described the proposed drainage. They will consent to providing the soils information for test pits to be done.
8. He described the existing pavement and stated that T & M has suggested that they reconstruct that pavement. They will work with T & M to make sure that what they do makes sense. He described the proposed pavement.
9. Lot 4 currently has some of the driveway on his property and that will be relocated and shifted back onto the right of way.
10. They will provide some minor relocation and widening of the right of way to provide adequate road with.
11. They have minor regrading occurring within 15 feet of the top of the bluff. It is there proposal to not touch the bluff at all. They want to run the sanitary sewer into the main at the tow of the bluff. They want to provide temporary stabilization to provide the sanitary sewer later to both homes. So there would be temporary disturbance of the slope for just a week or two and they request a waiver.
12. They have one variance with the minor subdivision which is for lot depth. Lot depth for 7.02 is existing and they cannot purchase any right of ways to make the lot any larger or deeper to comply with the ordinance, so from that perspective the applicant does have a hardship.
13. Positive criteria – they are oversized lots and they are meeting all of the setbacks. There is adequate open air and space provided on this lot, they are promoting a desirable visual environment through creative techniques such as the center island. The density is in line and they are promoting the Master Plan and ordinance in general.
14. Negative – the lot depth is really a function of making sure that the lots conform to the lots in the area and in this area they are very few lots that can comply. There

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would be no negative impact on the zone ordinance or zone plan because this is pre-existing. This would not be a detriment to the public good.

15. The lot that requires the lot depth variance far exceeds the rear yard setback requirements for the zone.

16. The footprints are generic footprints but they couldn't be moved very much because of the bluff.

17. He then reviewed the Board Engineers review letter dated 12/27/07 and stated the following:

Items #

A-3: Our slope precludes barrier free sidewalks and the board should grant us an exception of sidewalk.

A-4: The temporary disturbance of the slope is for the sewer connection.

B-1: No proposed lighting fixtures because it faces homes but what they propose instead are two residential light fixtures right on each side of the driveway.

B-2: They will come up with a street name.

B-3: They will provide street trees and work with T & M on the island.

B-4: They request a waiver on this.

B-5: No problem – don't want to pull out old gravel, they will meet with T & M about this matter. Mr. Bucco agreed with Mr. Kennedy that there is no sense in taking out material that has been there for years. So T & M will work with contractor and do the right thing.

B-6 & B-7: Requires a diminimus exception.

B-8: Lot 7.02 would maintain and the island would be conveyed to lot 7.02 with any restriction required.

B-9: Site Triangle – They agreed with Mr. Bucco about where the site triangles are required.

B-10: Their next step is to get a markup of utilities because they are unmapped.

C-1: Retaining Wall is a small modular block wall it could be built from the rear and back filled from the rear.

C-2: Overlap of Right of Ways – the owners are working out an agreement.

C-3: Old Abanded Sanitary Sewer lines – they will confirm with Sewerage Authority. Mr. Bucco requested that a die test be done and Mr. Kennedy agreed.

C-4: They had a survey done and all utility easements are shown and he does not know of any other utility easements but they are sending out notices again to the utilities.

C-5: Certainly the applicant would rather provide gravity flow in the existing gravity main down at the tow of the slope.

D-1-D-4: They agree to do..

Misc. Refuge will be handled by town as it is done today.  
Emergency Vehicle Access is being made safer.

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- E-4: Retaining Wall Calculations will be provided at time of building permit.
- E-5: It is the intent of the applicant to file subdivision by way of deed. Mr. McGann stated that if they find that there are a lot of easements out there then they would file by map.
- E-6: Outside Agency Approval – they will comply.

Mr. Mullen – do any of the reconfigurations of the road way effect access to the base properties lots 4, 5 and 3?

Mr. Kennedy explained that lots 5 and 3 operate under a shared driveway configuration that appears to be a private easement which he further described. He also stated that the borough did a vacation ordinance. He continued to discuss the right of ways and driveway access for the properties. He also stated the existing stairs shown on sheet 3 will be left in.

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

Jim Parla of 16 Portland Road questioned why a pores' pavement driveway.

Mr. Kennedy explained the reasons for using pores' pavement.

Mary Jane Suruda stated that she can't see the Exhibits and that she has maintained the loop area not the borough. She expressed her opposition to this application and expressed her concerns with the possibility of losing her water view. She stated that a portion of the loop area is paved not graveled.

Mr. Kennedy – there is a portion of the loop that is paved and the rest is gravel.

Mr. McGann stated that there are no view shed easements that he is aware of. He also stated that the height of the homes will not exceed the ordinance.

Mary Jane Suruda questioned if the height of the houses would block her view.

Mr. McGann – explained that they are not exceeding the height ordinance and he does not know how it would impact Ms. Suruda.

Mary Jane Suruda requested that the applicant check on the easements because she believes that the surrounding property owners have a easement to the water.

Mr. McGann – there is some old covedents regarding the right to use the beach and they are not changing anything. It's a private covedant between property owners so whatever their rights are, they are.

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Mary Jane Suruda questioned if there is any recourse for the property owners that will be affected by this application and how long it would take to find out if this application is going to be approved.

Mr. Stockton explained the process.

Mary Jane Suruda stated that she did not receive a public notice of this hearing.

Mr. Serpico explained the public notice process.

Gary Monahan of 74-B Portland Road asked how the road can be changed when it's been deeded to other property owners. How can the borough vacate a right of way that is being used by people.

Mr. Kennedy explained that it was vacated by Council

Mr. McGann – it was vacated by Council and if there are easements, covenants then those covenants will remain.

Mike Dail questioned the stormwater runoff to make sure that they will not his property.

Mr. Kennedy described the stormwater management to Mr. Dail.

Mary Jane Suruda wanted to see where her house was on the plan and stated that she wants to know the height of the house and the effect it will have on her property taxes.

Mr. Stockton stated that the permitted height is 30 feet.

Mr. Serpico explained that the board does not know the value effect that this project will have on her taxes.

Gary Monahan asked if the plans were available for the public.

Mr. Stockton stated that the complete set of drawings is on file with the Board Secretary.

Mr. Mullen stated that the two houses are placed like they were sitting on the street and are fairly in line with one another and of a blocking force in terms of blocking views than if one of them could be changed.

Mr. McGann explained that there is house on lot 8 which is very close to the property line and by moving the house up the hill the effect is that the house is coming out of the ground. He explained that by keeping the proposed location actually minimizes the view point of the height.

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He is not able to speak about a change of building locations at this time without studying the consequences.

Mr. McGann – we don't know how that effects other property owners. So it may help one property owner and hurt another. His preference is to leave them where they are situated where they are conforming with the ordinance.

Mr. Mullen questioned if the houses were going to be identical.

Mr. McGann stated that the homes will be of different and they will stipulate that.

Mayor Little spoke about the grading differences on the site.

Mr. Stockton – due to the late hour the Board will carry the public comment portion to the next meeting.

Mr. Serpico explained that Mr. Kennedy will not have to come back to the next meeting if he completed his testimony this evening.

Mr. Manrodt offered motion to carry this matter to the February 14, 2008 meeting and be scheduled as the first hearing without any further public notice, seconded by Mr. Schoellner and all were in favor.

Mr. Stockton advised the public that this matter has been carried to the February 14, 2008 meeting and that there would be no further public notice.

Mr. McGann granted the board an extension of time through February 15, 2008.

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

The Meeting adjourned at 11:16 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**

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