

**Borough of Highlands
Planning Board
Regular Meeting
September 11, 2008**

Mr. Manrodt called the meeting to order at 7:37 P.M.

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

Mr. Manrodt requested a moment of silence be observed in memory of the events of September 11th and for the men and women who served in Iraq and lost their lives.

Mr. Manrodt read 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. Kovic, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo, Mr. Schoellner

Late Arrival: Mr. Nolan arrived at 7:42 P.M.
Mayor Little arrived at 7:45 P.M.

Absent: Mr. Stockton, Mr. Harrison

Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Joe Venezia, P.E., Board Engineer

**PB#2008-1 Sandy Hook Developers, LLC
Block 101 Lots 27, 17.02, 27.01 – Willow Street
Request for Postponement of Unfinished Public Hearing**

Present: William Eaton, Esq. Attorney for Objector Paradise Mobile Park
Homeowners Association

Mr. Manrodt stated that the Board received a request for another postponement of this application.

Mr. Eaton objected to the Board granting another adjournment of this application. He stated that this is the fourth time that this application has been adjourned without any particular detailed explanation of the nature of the adjournment. He stated that holding off on an adjournment until after the election strikes him as a little strange. This application has been carried since last January and he thinks it's time for the board to say "No, you're in the wrong body and for them to

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go to the Board of Adjustment". He urges the Planning Board to deny this adjournment and send the applicants on their way.

Mr. Bahrs offered a motion to adjourn the hearing and carry it to the November 13th meeting and that the applicant be required to obtain an updated Certified List of Property Owners and renounce and the Board Attorney be directed to review the jurisdictional issues and advise the board prior to the October Meeting, seconded by Mr. Kovic and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Kovic, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo, Schoellner

NAYES: Mr. Manrodt

ABSTAIN: None

Mr. Manrodt advised the Board Attorney to have a jurisdictional opinion by the October Meeting.

Mr. Serpico stated that he would review the jurisdictional concerns of Mr. Eaton and advise the board and also stated that he will copy Mr. Eaton and Mr. Aikins on his letter of opinion.

**PB#2008-4 Huhn, John
Block 14 Lot 2.014 – 22 Grand Tour
Application Review & Set P.H. Date**

Present: John Huhn

Mr. Huhn stated that this is an application to waive the pre-existing conditions that were there prior to the builder putting in a retaining wall to correct the condition of water runoff. He wants to put black top on the gravel driveway.

Mr. Serpico stated that he has read the subdivision resolution for this property from back in 1999 and although it's not a condition of the subdivision approval it was a specific finding of fact that this flag shaped lot driveway be made of stone in order to have better traction and to have better drainage. So this can have an effect on contiguous property owners as such the applicant will have to serve public notice because he is changing the material condition of the approval. The applicant will have to obtain a Certified List of Property Owners and notice that he is seeking to amend the prior approval based on the conditions that he is setting forth to change the condition from stone to impervious surface for the driveway.

Mr. Venezia requested that drainage information be provided by the applicant to substantiate that there will not be an increase in water runoff. He stated that some additional retention may be required if the board were to approve this request.

The Board briefly discussed the application.

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Unidentified Woman – commented on the application and Mr. Serpico advised her that this is not the public hearing, its only an application review and scheduling of the public hearing date.

Mr. Manrodt advised Mr. Huhn to go the Borough Clerks office and apply for a Certified List of Property Owners and that he will then have to serve notice to the owners and advertise in the newspaper.

Mr. Serpico advised Mr. Huhn to contact the Board Secretary for assistance in obtaining the Certified List of Property Owners and for help with the public notice procedures. He also advised him that once he prepares his notice he can give it to the Board Secretary who will forward to him for review prior to serving the notice to check for any deficiencies.

Mr. Nolan offered a motion to schedule a public hearing date for this matter for October 9, 2008 subject to the applicant providing a drainage report as requested by the Board Engineer, seconded by Mr. O'Neil and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,
Mr. Nolan, Mayor Little, Mr. Schoellner

NAYES: None

ABSTAIN: None

Resolution – Approving PB By-Laws

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

Mr. Nolan offered the following Resolution and moved on its adopted

**RESOLUTION
APPROVING BOROUGH OF HIGHLANDS
PLANNING BOARD BY-LAWS**

WHEREAS, N.J.S.A. 40:55D-8 provides that a municipal agency shall adopt rules of procedure consistent with the provisions of the Municipal Land Use Laws (MLUL); and

WHEREAS, the Planning Board of the Borough of Highlands has reviewed existing Planning Board By-laws at a public meeting held on August 14, 2008; and

WHEREAS, the Planning Board voted to amend the Board By-Laws as follows:

1. The amount of copies of plans and supporting documentation submitted as part of the application shall be increased from 15 to 17 copies.

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2. The checklist section of the application for development and/or variances and waivers shall be amended to include a section requiring a determination from the Borough Zoning Officer whether or not the subject property is located in a flood zone.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board that it hereby adopts the aforementioned two (2) amendments to the By-Laws of the Board; and

BE IT FURTHER RESOLVED that a copy of said amendments to the By-Laws be on file with the Secretary of the Board; and

BE IT FURTHER RESOLVED that a copy of the aforementioned By-Laws be made available to the public for an appropriate photocopying fee as determined by the Borough of Highlands.

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

ROLL CALL:

AYES: **Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Nolan,
 Mayor Little**
NAYES: **None**
ABSTAIN: **None**

Engineer Update RE: Zoning/Master Plan Amendments

Joseph Venezia, P.E. of T & M Associates was sworn in.

Mr. Venezia spoke about his recommendation and the procedures for designating Rehabilitation Areas. He gave the board the presentation and discussed the following and stated they will be coming up with an area map of the areas in need of Rehabilitation:

The Rehabilitation Area

Designation Criteria:

1. 50% or more of dwellings are 50 years old or older; or
2. Utilities are 50 years old or older and in need of repair or maintenance; or
3. Presence of property tax arrearage.

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The Rehabilitation Area

Designation Process:

1. Governing Body Refers Resolution to Planning Board
2. Planning Board Reviews Resolution and Submits Recommendations to Governing Body
3. Governing Body Adopts Resolution Designating Area.

Powers:

- All Redevelopment Powers Except Condemnation
- Powers Granted Upon Adoption of a Redevelopment Plan

Zoning Ordinance Amendment

Adoption Process: Governing Body Prepares Ordinance

1. Governing Body Prepares Ordinance and Refers to Planning Board for Review.
2. Planning Board reviews Proposed Ordinance for Master Plan Consistency and Reports Back to Governing Body with Recommendations.
3. Governing Body Adopts Ordinance After Public Hearing

Governing Body may adopt an Ordinance that is not Consistent with the Master Plan but only by an Affirmative Vote of its Full Voting Membership and Must State the Reasons in Writing.

Mr. Venezia stated that there are certain areas the business area of Huddy Park and also the Gateway Area. There are areas along Bay Avenue in terms of Zoning Changes and that will all be matted out during the Master Plan Reexamination and Amendment Process.

The Board had a discussion with Mr. Venezia about his presentation and the process.

Mayor Little stated that there has been a lot of discussion of the John Urbanski and Frank Nolan presentation to the Council that was then referred to the Planning Board from the Council and that's where this is coming from and because this flows from that we are going to be limiting ourselves to what was in the May 19, 2008 Nolan/Urbanski Presentation. So that should be pretty much Bay Avenue with the inclusion of the Huddy Park area with a slight extension to incorporate those properties that are on both Bay Avenue and Shore Drive. So basically it appears to her after looking at the Urbanski/Nolan Presentation she met with Mr. Venezia and Mr. Nolan and they looked at a map of the town and what it does in her opinion is it discusses giving a bit more detail and maybe a little bit more refinement to the designated business district

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in the center of town. She then spoke about the HBP and how they are applying for grants and zero percent loans. She explained how these changes could help the HBP with applying for a zero percent loan. She also explained that activity of the boards moving with this process will help the HBP and that holding this off until next year may hurt the Borough.

Mr. Manrodt question why we are doing this process now when we didn't do Master Plan Amendments with the changing of the zone in the mobile home park.

Mr. Venezia – at that time he did not think that this was the focus. You can do Master Plan Amendments to look at certain areas and certain issues and 2004 was the last Master Plan Report.

Mr. Manrodt – If we did it like that then it would be faster because we are only going off of Bay Avenue 100 feet.

Mayor Little – she thinks that a Rehabilitation Zone will give us powers to do things that need to be done in the Business District that were not necessary in the other locations. We were dealing with single private lots in those circumstances and in this circumstance we are dealing with an entire business district which you are hoping that people with reinvest in.

Mr. Nolan explained that tax abatements for homes can't be granted unless we have Rehabilitation Zones.

Mr. Manrodt suggested that with this zone change on Bay Avenue we should go back to a street and not end 100-feet off of Bay Avenue and end in a middle of a lot.

The Board further discussed.

Mr. Kovic stated that he wants to add Miller Street to this.

Mr. Serpico explained the process to the Board and stated that once we get a map then we can follow proper procedures and discuss changes to the map area.

Mayor Little – stated that Resolution will be on the September 24th Council Agenda and it should be sent to the Planning Board the day after that. She would like to have this on the October Planning Board Meeting.

The Board discussed the possibility of having to serve notice to about 2,500 people.

Mr. Serpico spoke about public notice requirements. He stated that the Board should just wait and review what it sent to them and then discuss changes.

Mr. Manrodt directed the Board Secretary to place this matter on the October Agenda for further discussion and update.

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The board requested that the Board Engineer provide the Board Secretary with a hard copy of his presentation this evening.

Steep Slope Ordinance Amendments

Mr. Venezia stated that tonight he just received the comments from the Environmental Commission and he hasn't had a chance to do a detailed review of their recommendations. He thinks that we will need some time to really focus and work something out in terms of an actual ordinance.

Mr. Manrodt questioned the board time to respond to Council.

Mr. Venezia stated that we are still waiting for comments from the Shade Tree Commission.

The Board Secretary was directed to send a request to the Governing Body requesting an additional extension of time for comment on the Steep Slope Ordinance. She was also directed to place this topic on the October PB Meeting Agenda for further discussion.

Open Space Grant – Review & Make Recommendations to Acquire Block 56 Lot 12

The Board briefly spoke about the Borough acquiring Block 56 Lot 12.

Mayor Little – this is being worked on by Councilwoman Burton and she is working with Green Acres and the Monmouth County Open Space Grant Fund and she is following their suggestions on how to apply for grant money to acquire that piece of property. She has recently contacted Monmouth Conservation Foundation because there was a listing and there could be other offers made on this property. So she is attempting to get their assistance in keeping it from being encumbered by contract before we get to it. We have been advised by the CFO and the Borough Attorney that we cannot enter into a contract until we have bonded and we can bond until you know that you have the funds. I think what is being requested of this board is an approval or recommendations relative to the use of that parcel to open space. The council has voted to pursue this property.

Mr. Nolan offered a motion to support the acquisition of Block 56 Lot 12 and to authorize the Planning Board Chairman to send a letter of support, seconded by Mr. Bahrs and approved by the following roll call vote:

Mr. O'Neil asked if this property was being purchase with Grant Funds?

Mr. Nolan – yes

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. O'Neil, Mr. Bahrs, Mr. Cefalo,
Mr. Nolan, Mayor Little, Mr. Schoellner

NAYES: None

ABSTAIN: None

Approval of Minutes:

Mr. Bahrs offered a motion to approve the August 14, 2008 Planning Board Meeting Minutes, seconded by Mr. Nolan and all were in favor.

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

The meeting adjourned at 8:27 P.M.

CAROLYN CUMMINS, BOARD SECRETARY

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