

**Borough of Highlands
Planning Board
Regular Meeting
June 11, 2009**

Mr. Stockton called the meeting to order at 7:10 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 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. Schoellner, Mr. Parla, Mr. Roberts,
Ms. Peterson, Mr. Stockton

Late Arrival: Mr. Bahrs arrived at 7:12 P.M. Machine Time
Mayor Little arrived at 7:43 P.M. Machine Time

Absent: Mr. O'Neil, Mr. Francy

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

Professional Legal Services Resolution

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

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

**RESOLUTION AMENDING
PROFESSIONAL LEGAL SERVICES
RESOLUTION**

WHEREAS, on January 8, 2009 the Borough of Highlands Planning Board adopted a Resolution for Professional Legal Services awarding a contract to Jack Serpico, Esq., for an amount not to exceed \$3,375.00 for the purpose of providing professional legal services to the Planning Board for the period of January 1, 2009 through June 30, 2009.

WHEREAS, due to the amount of professional services needed for the period of January 1, 2009 through June 30, 2009 an increase of \$600.000 is needed.

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

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Planning Board Budget
Account #1141-3755 - \$600.00

Stephen Pfeffer, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board that the Professional Legal Services contract with Jack Serpico, Esq., in the amount of \$3,375.00 is hereby increased an additional \$600.00 for a total amended contract amount of \$3,975.00 for the period of January 1, 2009 through June 30, 2009.

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

ROLL CALL:

AYES: **Mr. Manrodt, Mr. Mullen, Mr. Schoellner, Mr. Parla,
 Ms. Peterson, Mr. Roberts, Mr. Stockton**
NAYES: **None**
ABSTAIN: **None**

Mr. Bahrs arrived to the meeting.

**Master Plan
Public Hearing & Adoption**

Present: **Martin Truscott, P.P. Board Planner**

Mr. Serpico stated that he reviewed the public notice and the mailing receipts and affidavit of publication and finds them to be in proper form; therefore the Board has jurisdiction to proceed.

Mr. Serpico swears in Martin Truscott, P.P. of T & M Associates.

The following documents were marked in to evidence:

- B-1: Master Plan Reexamination Report dated May 2009
- B-2: Land Use Element Plan

Mr. Truscott gave a brief overview of the Land Use Plan Element and Master Plan Reexamination Report.

1. He explained that the Board at the last meeting requested that items 14 and 15 of the Land Use Plan not be included in the list of recommendations that were reviewed at the last meeting. Item 16 relating to the Green Element can be deleted. Items 14 and 15 had to do with scenic view and also the mobile home park homes.

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2. The Reexamination Report is a periodical reexamination of the Municipal Master Plan and Zoning Regulations. The document reviews the goals and objectives of the prior Master Plan to see if any changes should be made, some updates to the demographics as to what changes are taking place in town, changes in municipal, state, county and federal policies and any changes that the board had recommended.

3. As you recall this was all the genesis of the whole Master Plan Reexamination Report was to examine what the borough could do in terms of zoning for the B-1 and B-2 Zones, the down town Bay Avenue, that was really the focus.

4. The Board formed a Sub-Committee which met numerous times and in the end the bulk of the recommendations in this report relate to the Bay Avenue area and they cover more investigation and focus on Flood Mitigation and how that affects down town development. There is also a recommendation to increase the building height in certain instances in certain parts of Bay Avenue to allow three and four story buildings. Another recommendation was some changes to the parking requirements to allow one area where they could waive on-site parking requirements and parking could be taken up by municipal parking lots. The FAR standard was looked to be revisited in terms of how that relates to possible full development and how that might also revitalize the down town area.

5. He explained that the recommendations are recommendations for the Council to make changes to the Ordinance.

6. The purpose here tonight is for further board comments and public input.

Mr. Manrodt stated that he wants items 14 and 15 that were removed last month put back in to make it easier for the people who have mobile homes to be able to fix up their homes. It was taken out because of a court case excuse.

Mr. Parla stated that the litigation is between the Homeowners Association and the Landlord, not the Borough of Highlands.

Mr. Stockton – I don't see the harm in keeping those recommendations out because the mobile homes will stay as a non-conformity in that zone and they are allowed to continue as a non-conformity in that zone.

Mr. Serpico explained that the mobile home owners can make repairs on the units but they are not allowed to expand them.

Mr. Bahrs questioned the overlay zone and stated that the down town area needs help and to restrict this to one area is a mistake. He would extend it to the entire length to encourage development down town.

Mr. Stockton stated that there were specific target areas that were discussed. He spoke about some concerns of having tall buildings on both sides of Bay Avenue for the entire length.

Mr. Parla commented on leaving the overlay zone the way it is in this report.

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Mr. Truscott – if you stretch it out the entire length you going to have ____ effect and there was a lot of conversations about impact of the higher buildings, the parking and the effect on the adjoining residential areas.

Mr. Stockton opened up the public hearing on the Master Plan.

Richard McOmber, Esq., representing Pauling Jennings asked if there were any changes to the section on Mobile Homes.

Mr. Truscott – no

Rosemary Flannery questioned the type of style and the size for tall buildings on Bay Avenue.

Mr. Stockton explained that there wasn't much talk about future styling's but they did talk about when things are taller and as the buildings got taller that the top floors should be set back and have a smaller footprint.

Mr. Mullen stated that there are design standards in the Master Plan.

Rosemary Flannery expressed her desire to keep beach type features. She stated that she agrees that Bay Avenue is a mess.

Mr. Parla stated that they are trying to encourage developers to come to this town and develop.

Connie Stolber stated that it's hard to know what the impact is going to be and what the town would look like with these amendments.

Mr. Stockton explained that developers dictate development. He then explained the Master Plan Amendment Process and how this was discussed over several months. He explained that this document has been available to the public and anyone can obtain a copy at Borough Hall.

Mrs. Cummins then gave a copy of the plan to Ms. Stolber.

Michelle Pezzullo of 115 Highland Avenue – has the flood issue been approached because until the flood issues are addressed and taken care of no one is going to spend money to come and put up a business and then all you have is buildings that are dictated by the developers instead of the town.

Mr. Stockton – there are and were concerns with regard to the flooding situation that were discussed as part of this process and concerns about making sure that buildings are built at the right elevation, which he further explained.

Rosemary Flannery questioned flood elevations.

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Mr. Stockton explained that it's not just the Borough that deals with flood hazard concerns there is FEMA and the Flood Insurance Guidelines that they have and then you have the NJDEP that also gets involved with reviewing development regulations.

There were no further questions from the public.

Mayor Little arrived to the meeting.

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

Roberta McEntee of 55-B Fifth Street was sworn in. She then asked a question about the PB Application for Highlander Associates.

Mr. Stockton informed her that this is the comment period on the Master Plan and that the Highlander Development Application is the next item on the agenda.

There were no further comments or questions from the public.

Mr. Manrodt offered a motion to close the public portion, seconded by Mr. Parla and all were in favor.

The Public Comment Period was closed for the Master Plan.

The Board then had discussions about the Master Plan Reexamination Report and the Land Use Element Plan.

Mr. Manrodt offered a motion to adopt the Master Plan with items 14 and 15 being added back in.

Mr. Parla spoke about the litigation not being with the Borough but with the Landlord.

Mayor Little spoke about the litigation and impact and that any recommendations on the topic of the mobile park would then force the Governing Body to revise something that was litigated.

The Board continued to discuss the Master Plan and recommendation items 14 and 15 being added back in.

Mrs. Cummins asked if there was second on Mr. Manrodt's motion but there was not. Motion failed due to lack of second.

Mr. Bahrs suggested that we amend the reexamination report to include the entire length of bay Ave in the overlay zone.

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Seconded by Mr. Schoellner and not approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Schoellner, Mr. Bahrs

NAYES: Mr. Manrodt, Mr. Mullen, Mr. Parla, Ms. Peterson, Mr. Roberts, Mr. Stockton

ABSTAIN: None

Mr. Parla offered a motion to adopt the Master Plan Amendments and the Reexamination Report as submitted this evening, seconded by Ms. Peterson and approved on the following roll call vote;

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. Parla, Ms. Peterson, Mr. Roberts, Mr. Stockton

NAYES: Mr. Bahrs, Mr. Schoellner

ABSTAIN: None

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

**RESOLUTION OF THE BOROUGH OF HIGHLANDS PLANNING BOARD
MEMORIALIZING ADOPTION OF AMENDMENTS TO THE LAND USE PLAN
ELEMENT OF THE BOROUGH MASTER PLAN AND THE PERIODIC MASTER
PLAN REVIEW REQUIRED BY N.J.S. 40:55D-89**

WHEREAS, the Planning Board of the Borough of Highlands has been tasked by the Mayor and Council of the Borough (via resolutions duly adopted by the Governing Body), pursuant to requests made by this Board and the Borough Zoning Board of Adjustment to review the Land Use Plan Element of the current Master Plan of the Borough and to conduct the periodic review of the Master Plan required by N.J.S. 40:55D-89; and

WHEREAS, the Board and Borough authorized T & M Associates to prepare a Master Plan Reexamination Report, which Report (annexed hereto and made a part hereof) contains certain recommendations and proposed amendments to the Land Use Plan Element of the current Master Plan. The Report also contains the required elements of the review required by N.J.S. 40:55D-89. In addition thereto the Board created a subcommittee to work with T & M Associates on the report and recommendations, which committee conducted fact finding and visioning sessions attended by members of the public. The aforementioned Report and amendment were formally presented to the Board and the public at a public hearing held on June 11, 2009; and

WHEREAS, the Board voted to adopt the annexed Report and amendments to the Land Use Plan Element of the Master Plan at a public hearing held on June 11, 2009; and

WHEREAS, the Board Secretary is hereby directed upon the adoption of this Resolution to transmit a copy hereof (with the report annexed hereto) to the Clerks of all adjoining Municipalities by certified mail and, to forward an additional copy of this Resolution via

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certified mail to the Monmouth County Planning Board along with a copy of the annexed Report and amendments to the Master Plan pursuant to the requirements of the applicable statutes.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Highlands that it hereby adopts the annexed Master Plan Reexamination Report and the amendments to the Land Use Plan Element of the current Master Plan set forth therein to the Borough Master Plan and this Board does further recommend to the Mayor and Council of the Borough that it adopt the appropriate ordinances and regulations in order to implement the various programs and policies identified within said document if required by law.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. Parla, Mr. Roberts, Ms.
Peterson, Mr. Stockton
NAYES: None
ABSTAIN: None

**PB#2009-1 Highlander Dev. Group, LLC
Block 105.107 Lot 1.01
Unfinished Public Hearing**

7:53 PM

Present: Paul Drobbin, Esq., Applicants Attorney
Daniele Bush, P.E, Applicants Engineer
Mr. McOmber, Esq., Attorney for Pauline Jennings, Objector
Danielle Golba, Certified Short Hand Reporter

Conflicts: Mr. Manrodt, Mr. Bahrs, Mr. Stockton all stepped down

Mr. Mullen served as Acting Chairman for this public hearing.

Mr. Mullen stated that Mr. Busch will be continuing his testimony this evening and then there will an opportunity for the public to ask questions of Mr. Busch.

ROLL CALL:

Present: Mr. Mullen, Mr. Schoellner, Mayor Little, Mr. Parla, Ms. Peterson,
Mr. Roberts

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

Absent: Mr. O'Neil, Mr. Francy

Mr. Serpico – there are two board members that were in attendance at the last meeting that are not here this evening and they are Mr. Francy and Mr. O'Neil.

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Mr. Serpico stated that there is an Affidavit from Mayor Little that she has listened to the portion of the May 14, 2009 meeting so that she is eligible to vote on this matter.

The following documents were marked into evidence:

A-14a:	Steep Slope Analysis of Existing Mobile Home on large board;
A-14b:	Steep Slope Analysis of Proposed Development on large board and Is a colored representation;
A-14c:	Steep Slope Analysis of Proposed Grade on large board;
A-15:	Letter from Maser Consulting dated May 29, 2009;
A-16:	Truck Turning Template prepared by Maser Consulting;
B-2:	T & M Associates Letter dated June 5, 2009.
14-B1:	Objectors Exhibit – Sheet 2 of 3 of Steep Slope Analysis.

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

1. He has been to the subject property and is familiar with the property and the topographical conditions.
2. He prepared the Steep Slope Exhibits which was marked as Exhibit A-14a, A-14b and A-14 c as requested.
3. Yes, this site has certain unique characteristics for topographical it has steep slopes areas throughout the site.
4. He then described Exhibit A-14a. He stated that it shows the limits of the site are identified by a dark line along the outside of the property, the trailers on the interior of the park, the bluish shade are the areas of steep slope that are in the range of 20 to 35 percent. He then described the steep slope areas. The slopes in excess of 35 percent is less than 27 percent of the site and 3.77 percent acres. The slopes in the range of 20 to 35 percent make up 1.19 acres or 8.4 percent of the tract. With regard to the ordinance requirements for disturbance setbacks, 10 feet of toe of slope and 15 feet from the top of slope and those buffers are in the ordinance. A-14a is an analysis of the existing steep slope with the mobile home park that exists today with its existing topography.
5. There is 1.36 acres of disturbance within the no disturbance buffer and within the no structure buffer near. He spoke about the existing disturbances with the steep slopes on the site.
6. The proposed development will require design waivers from the steep slope ordinance.
7. He then presented Exhibit A-14b to the board and stated that this is a steep slope analysis of the proposed development and it was also presented to the board previously. It depicts the proposed development with the three buildings, the access drive and identifying the tree limits. He then further described the details of Exhibit A-14b. He explained that around the parameter of the site there is no disturbance of the buffers. So they are basically limited to the remainder of the steep slope that are located in the middle of the site. In the no disturbance buffers there is 1.02 acres, a 25% reduction of what is existing on the site. In the no structure buffer there is .12 acres which is about 79% reduction over the existing. The disturbance is only on site, there is no

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affect to other properties. All of the structures are outside of the 35% slope. Building two north east corner is not within the buffer.

Robert Keady, P.E. and Joseph Venezia, P.E., Board Engineers were both sworn in.

Mr. Keady stated that there's some minor infringement of walls and sidewalks and slight road for clarification.

Mr. Busch continued as follows:

8. Yes, that is correct Mr. Keady and that is noted in the T & M Letter that there are some utilities but as far as the actual development and paved surfaces and structures themselves, they are not located with the exception of the finger in the middle of the site.

Mr. Venezia – we have also identified the retaining wall that follows the Scenic Drive slope which is at the toe of that slope.

Mr. Busch continued as follows:

9. That's correct, Mr. Venezia.

10. The finger in the middle of the site, it's obviously top and bottom and on the slope. The portions along the westerly side that Mr. Venezia described would be on the toe of the slope.

11. He prepared a third exhibit which was marked as Exhibit A-14c which is sheet three of three of the steep slope analysis and this was also submitted to the board. This document advances the prior exhibit which has the proposed site along with the proposed grade. He then further described Exhibit A-14c. He spoke about the reduction of slopes of 35%. There are no structures within slopes greater than 35% but there is disturbance. He then spoke about retaining walls. Within the no disturbance buffer there is .8 acres which is about a 40% reduction of that of what is existing.

12. He stated that he does not expect to bring material to the site in terms of grade.

Mr. Drobbin requested that Exhibits A-14a,b and c be marked as evidence.

Mr. McOmber did not have any objection to this.

Mr. Busch continued his testimony as follows:

13. His office provided a written response to the T & M Letter of May 29, 2009. Yes that response addressed the issues that were discussed the last time with regard to T& M 's review letter in March and the items that the developer said he would take care of and the other items related thereto.

Mr. Drobbin requested that Exhibit A-15 which is a letter from Mr. Busch dated May 29, 2009 be marked into evidence.

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Mr. McOmber stated that he has no objection to this item being entered into evidence.

Mr. Busch continued as follows:

14. We will be hearing testimony regarding geotechnical and traffic issues identified in the T & M letter from two other witnesses.

15. He prepared Exhibits A-15 and A-16.

15. Items 10-A and B on the Environmental Commission report are two separate comments that relate to storm water runoff. The answer to 10-A is yes, the retention basins are going to collect the water. Item 10B asks about the effect on adjacent properties for rainfall events associated with a 50 or a 100 year condition, and the basins are designed to handle the 100 year storm so obviously the basins would contain the 50 and 100 year storm. So the answers to those questions, they are designed for that. He previously testified to the questions regarding trash. It is his understanding that the other items contained in the Environmental Report are going to be addressed by other professionals.

Mr. Mullin question Mr. Busch about Exhibit A-11 which was an application for sewer connection and it was a calculation of existing verses proposed.

Mr. Busch responded – this letter Exhibit A-11 was sent to the AHHRSA and was copied to the Board Engineer.

Mr. Mullen questioned some of the gallon per day usage in Exhibit A-11.

Mr. Busch explained how they calculated the usage. He then spoke about existing flow and the request would be to actually document the actual water usage and utilize that to determine for the purpose of calculating the credits. For the purpose of EDU credit discussions this number is a benchmark but it's actually going to have to be a real flow number not a design.

Mr. Keady – relative to that this is preliminary and he assumes when you provide your capacity calculations it's going to have more detailed information in it or detailed review.

Mr. Busch – that correct. He then spoke about trash removal and stated that the trash will be brought out of the building on pick up days by the building staff.

Mr. Busch was finished with his testimony.

Mr. Mullen called Mr. McOmber up to cross examine Mr. Busch.

Richard McOmber, Esq., representing Pauling Jennings, adjoining property owner.

Mr. Busch stated the following during his cross examination by Mr. McOmber.

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1. He explained how the legend on Exhibits A-14a, b and c. relate to the plan.
2. He explained that A-14b is the same as what was submitted to the board but without a color representation on it. He stated that they are not two totally different plans, they contain information of around the property that extends beyond the limits of that which is shown on sheet 2 of 3 but the onsite information is totally identical.
3. Building three is on a steep slope in excess of 35%, building two is on a slope less than 35% but will be removed when buildings are put on it.
4. They can't move building three because of access drive, could make smaller but zoning ordinance allows the density.
5. Exhibit A-13 – the dark line is the property boundary which includes a portion of Scenic Drive.
6. Scenic Drive was included in the impervious coverage calculations.
7. Exhibit A-12 which is an aerial shot that he believes is from 2002 but he is not certain.
8. Exhibit B-14-1 he described that the center portion of the site is where the steep slope areas are located, some utility connections are located adjacent to Route 36 and Ocean Blvd and the east side of the access driveway.
9. The distance between the easterly corner of building two and the steep slope is about 26 feet.
10. Moving east to west you are going up a hill. The elevation of the top of the slope is approximately 147. The elevation of the first floor is elevation 170. So the first floor will be above the top of the slope. The building height on the cover sheet is 169. The top of the parking structure is 170.
11. The current impervious area on the site is about 32% its 4.56 acres. If the application is approved it will be 26.7% where 32.3 is existing.
12. Fire Truck – he did provide turning radius for a fire truck. The width of the oval driveway is 16 feet and the internal area, this is the red circular area which is 24. He explained that there is one way traffic circulation and a parked vehicle would not allow a fire apparatus to pass.
13. The buildings are 16 stories high and that is not including the parking. He stated that he could not speak on how many stories a fire truck could serve but he would agree the fire truck could not serve the top story. Mr. Drobbin objected to the question of whether or not a fire truck could service the top story. He is not sure how the trucks would service the buildings because he is not a fire expert.

Mr. McOmber questioned Mr. Busch about emergency vehicles having full access to the site.

Mr. Drobbin objected.

Mr. Serpico – you can't ask that question because it has not been established that access to the front won't service the rear probably, so rephrase it and move on.

Mr. Busch continues his testimony in response to cross examination by Mr. Mc Omber as follows:

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14. You could not drive an ambulance to the back of building one and it would appear the same thing for building two.
15. The twenty six feet distance between the steep slope and the building is certainly wide enough for a vehicle to get through there.
16. The depth of the underground garages is not his area of expertise.
17. The elevations on the lots on Linden Avenue vary from 140 to 110 and yes, the first floor level of the proposed is at elevation 170. The street elevations toward the easterly portion of Linden is roughly 110 which would be 60 feet below the first floor. Yes, the homeowners of Linden would be looking up 60 feet at a building. He then described the elevation changes for the Ralph Street homes would be about 56 feet difference in elevation. He is not sure if the proposed buildings will shade the homes on Ralph Street.
18. He can get information as to if the building would have to have lights on top.
19. He does not know if the subject property is in the pathway of any runways at Kennedy.
20. Referring to Exhibit A-1, sheet two there are a number of trees to be removed. The handful of trees are located to the center of the site. Exhibit A-14c shows the amount of disturbance.
21. Any roof top garden area that he may have referred to would have been about the top of the parking garage.
22. There will be no light spillage off site.
23. Sewer – they will tie into existing on site collection system and it ties into Ocean Blvd and the new tie in will be in the same area. He does not believe the Ocean Blvd tie in services Monmouth Hills.
24. The existing sewer gallon per day being carried is 25,155 which is listed in the Letter from him to the AHHRSA dated 2/27/09. There are 114 existing units on the site and the proposed units will be 282. The sewer capacity needed for this project is 67,650 gallons per day. There was a letter from the AHHRSA indicating that there are existing capacity limitations within the AHHRSA. It is his understanding that there are 348 EDU credits available for this project to provide capacity. He did not do the calculation for the required EDU's but there are enough EDU's for this project.
25. Bus Stop – he does not know what the school bus route is and would assume that what occurs today would occur in the future.
26. Retaining walls – they are at different heights and the highest one is about 16 feet which is south of building three. There will be geotechnical testimony addressing the retaining walls but that would be done by him.
27. Highlands Environmental Report - with exception of two or three areas that were discussed with counsel, he is not providing testimony on any of the other questions raised by the Environmental Commission.
28. Issues of possible failure of slopes is not his area of expertise.
29. Structural calculations would typically not be done at this point in the project.
30. Seismic loading – would not be testimony that he would give.

Mr. Drobbin posed an objection to Mr. McOmbers questioning about if there are any areas of the letters that he can respond to that he hasn't.

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Mr. McOmber was referring to Exhibit A-15. Most of the comments in this letter are of geotechnical nature and he wants to know if there are any areas in this letter that are of Mr. Busch's expertise as opposed to the Architect or Geotechnical Engineer.

Mr. Busch continued his testimony during cross examination as follows:

31. There are several comments toward the end of the letter that correlate plan revisions and that would be him.

32. The sewer calculations were based on actual units they did not specifically calculate pool discharge. He thinks that the architect should provide testimony about if there is a washing machine in every unit because he does not know what is in each unit.

Mr. McOmber stated that he has no further questions of this witness at this time but he is not going to waive a future opportunity to question.

Mr. Mullen asked if there were any questions from the public for Mr. Busch.

Michelle Pezullo of 115 Highland Avenue questioned the gallons of water usage calculations and Mr. Busch explained. She also stated that she is concerned about the fire truck access to the buildings.

Mr. Mullen stated that the Planning Board has requested a Fire Report.

Arnie Fuog of 50 Valley Street questioned if the impervious coverage considered how tall the buildings are.

Mr. Busch stated that it's a two dimensional view and that it didn't matter how tall the building is as far as the calculation.

Connie Stober of 1 Scenic Drive questioned what the impact of this project would have on the access to Eastpointe.

Mr. Busch stated that there is no disturbance of Scenic Drive.

Joe Nicosia of 1 Scenic Drive questioned Scenic Drive disturbance.

Mr. Busch – the entire pavement of Scenic Drive will not be disturbed.

Mr. Mc Omber questioned the property ownership by the line by Scenic Drive.

Mr. Busch – it generally follows the center line of Scenic Drive but not precisely. The project will not touch anything in the Scenic Drive Road.

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Lori Dibble of 32 Paradise Park questioned the proposed density and the possibility of reducing the size of the building.

Mr. Busch – the density is key to the number of units.

Lorie Dibble – so you could still have the same density and reduce the number of bedrooms in these units and possibly scale back the building and not need a waiver.

Mr. Busch stated that he has not looked at smaller units to make that determination.

Mr. Serpico explained to Ms. Dibble the requirement for burden of proof for the board to grant the waivers.

Albert Gallagher of 221 Linden Avenue questioned the catch basins close to Route 36 and wanted to know if they were impervious or pervious.

Mr. Busch stated that they are not designed to have any infiltration, they are not impervious. He does not think that there is a liner proposed there but he would have to double check that. The areas are not designed to account for infiltration, they are designed without infiltration which he further described.

Albert Gallagher – then any water retained there would have to percolate into the ground and could easily add to the instability of the land that the high building is going to be built on.

Mr. Mc Omber – if you don't have a clay layer or some sort of impervious material at the bottom of a detention or a retention pond then some percentage of water is going to leach into the ground.

Mr. Busch – yes, he would agree that without a liner there would have to be infiltration into the ground. He explained that he designed the basin to account for any infiltration, the basin is designed without accounting for any infiltration. He continued to answer questions from Mr. Mc Omber about the basin and water retention.

Lori Dibble of 32 Paradise Park asked if there was a list of design waivers being requested or is that it.

Mr. Busch – that's it.

Connie Stober of 1 Scenic Drive questioned the height of the retaining wall at the curb by the drive.

Mr. Busch – it varies from 1 foot tall and increases to its tallest point at 20 feet.

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Lori Dibble – in the event that there are some changes in the land surface or if there is some erosion occurring is there some specific things that were done in the design to increase the stability of the building.

Mr. Busch – that a geotechnical question.

There were no further questions from the public.

Mr. Mullen questioned soil erosion control.

Mr. Busch explained that they have submitted a permit application to Freehold Soil and received comments back from them. They then made revisions to address their concerns and have since resubmitted. The board did not receive a copy of this but they will be provided with a copy.

Mr. Mullen – what are the implications of the town for you to have a waiver from the water quality aspects of this project.

Mr. Busch – we actually meet them.

Mr. Mullen – the hoops that you would have to go through if you did not meet it are things that would be prudent to put into a project of this nature?

Mr. Busch explained that the storm water is still detained on the site so they meet the water quality measure.

Mr. Mullen questioned the garage structures and the fact that they would have to be drained and the water from the garages are put into the storm water system.

Mr. Busch - yes

Mr. Mullen – is that a water quality issue?

Mr. Busch – the storm water is still detained on site so they meet the measure of water quality. There is a measure of water of quality by allowing it to stay on the site for a period of time and allow solids to settle out but by the State standard. The water quality is met in another method.

Mr. Keady – Mr. Busch was accurate relative to the detention basin adding water quality capabilities. Depending on the design of basins they can range in how much water quality they provide, he thinks that it ranges from 50 to 80 percent in that range. So by nature this design they would be achieving water quality here.

Mr. Drobbin stated that he would like to redirect.

Mr. Busch stated the following during his questions from Mr. Drobbin:

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1. Outside Agency approval would be necessary as a result of this board granting a preliminary site plan approval. One of those approvals necessary would be a sewer authority approval and the applicant would be seeking site plan approval subject to obtaining outside agency approvals.

Mr. Drobbin requested that the following items be moved into evidence and they are Exhibits A-15 and A-16.

Mr. McOmber had no objection to the marking of Exhibits A-15 and A-16 into evidence.

Mr. Busch continued as follows during redirect:

2. A-14 is an analysis of the existing steep slope on this property. The existing intrusion into the area where the steep slopes exists are where the mobile homes are in fact situation on them. If the Mobile Home were to come in today for approval they would require design waivers for steep slope and the new development reduces and the new proposal reduces those design waivers in their severity.

Mr. Drobbin – subject to recall, nothing further at this time.

Mr. Mullen – given the late hour I think it's good to continue this hearing.

Mr. Drobbin – the next witness would be their Architect.

Mr. Mullen – that meeting would be here in these Chambers.

Mr. Parla offered a motion to carry this hearing to the July 9th meeting without the need for further notice, seconded by Mr. Roberts and approved on the following roll call vote:

Mr. Drobbin granted the Planning Board an extension of time to act on this matter through July 10th.

ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mayor Little, Mr. Parla, Ms. Peterson,
Mr. Roberts

NAYES: None

ABSTAIN: None

Mr. Mullen advised the public that this matter has been carried to the July 9th meeting and that no further public notice will be given.

Approval of Minutes:

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Mr. Parla offered a motion to approve the May 14, 2009 Planning Board Minutes, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mr. Parla, Mr. Roberts, Ms. Peterson,
Mr. Stockton

NAYES: None

ABSTAIN: None

Communications:

July 9th Meeting Agenda

Mr. Parla offered a motion to change the July 9th meeting time from 7:30 PM to 7:00 PM so that the Board can have an informal discussion with Seastreak before the Highlander Dev public hearing, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL

AYES: Mr. Mullen, Mr. Schoellner, Mr. Parla, Ms. Peterson, Mayor Little,
Mr. Roberts

NAYES: None

ABSTAIN: None

Mr. Parla offered a motion to adjourn the meeting, seconded by Ms. Peterson and all were in favor.

The Meeting adjourned at 10:21 P.M.

CAROLYN CUMMINS, BOARD SECRETARY