

**Borough of Highlands
Planning Board
Regular Meeting
June 9, 2011**

Mr. Stockton called the meeting to order at 7:30 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. Mullen, Mr. Schoellner, Mr. Parla, Mayor Nolan, Mr. Stockton, Ms. Ruby

Absent: Mr. O'Neil, Mr. Roberts, Ms. Peterson, Mr. Shields

Also Present: Carolyn Cummins, Borough Clerk
Jack Serpico, Esq., Board Attorney
Robert Keady, P.E., Board Engineer
Martin Truscott, P.P., Board Planner

Environmental Commission Bike Path Presentation

Steve Szulecki of the Highlands Environmental Commission was present to give a presentation on the Bike Path Grant Report.

Mr. Szulecki explained to the public that he is here for a bike path grant from ANJEC. He then gave a lengthy power point presentation of the bike path route and the proposed locations of the kiosk signs that will point out jump off points for the bikers. He then spoke of the goals in the draft report of the bike path grant dated May 2011. He then spoke about his proposal to use the Borough owned property previously known as the ice cream parlor on Highway 36 to be an overview park. He stated that the granting agency has requested that the bike path be added to the Master Plan and he feels that there it's consistent with the Master Plan. This is not a requirement to add to the Master Plan but it is a requirement that he at least request this.

Jim Parla questioned the sharing of the roads with bikes and he is assuming that Chief Blewett is okay with this.

Mr. Szulecki – correct, which he further explained.

The Planning Board felt that the Environmental Commission did a great job on this.

Mr. Schoellner stepped out of the meeting at 7:54 P.M.

Mr. Stockton stated that he would entertain a motion to do a resolution of support.

Mayor Nolan offered a motion to authorize the Board Attorney to prepare a Resolution of Support and finding of consistency of the Master Plan to be adopted at the next meeting, seconded by Mr. Parla and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Parla, Mayor Nolan, Ms. Ruby, Mr. Stockton

NAYES: None

ABSTAIN: None

Discussion RE: Zoning Ordinance Amendment

Mr. Stockton – we will table this for a few minutes until Mr. Schoellner returns.

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Approval of Minutes:

Mr. Schoellner returned to the meeting at 7:57 P.M.

Mr. Mullen offered a motion to approve the May 12, 2011 Planning Board Minutes, seconded by Mayor Nolan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mr. Parla, Mayor Nolan

NAYES: None

ABSTAIN: None

Discussion RE: Zoning Ordinance Amendment

Mr. Stockton – this pertains to the Shadow Lawn property and because of that he is conflicted out and stepping down.

Mr. Schoellner chaired the remainder of the meeting.

Martine Truscott, P.P. of T & M Associates was sworn in.

Mr. Serpico – we have a report of the Subcommittee's comments and it is time for the board to consider the matter. It's not an ordinance itself, its ideas for an ordinance amendment which will go back to the Mayor & Council. This ordinance will be referred to the Planning Board and will have public input, then it goes back to the Council for a public hearing and adoption. So public comments are not required this evening.

Mrs. Cummins – we have a time line.

Mr. Serpico explained the procedure of the review and comment on this to the board.

Mayor Nolan explained that at a Council meeting they voted unanimously to look at Ordinance O-07-07. The Planning Board then created a Subcommittee. We looked at the uses and the high rise was the protested part. The Subcommittee does not endorse high rise but did endorse a mid rise. We also put other uses as secondary uses. The Council came up with ideas and referred it to the Planning Board. The Subcommittee came up with high rise is impactful, spoke of changing density, allow public access for view, they tried to limit density by height and separation of buildings, they want to entice something to happen up there and they have put in things to protect current residents.

Mr. Parla – Janet Peterson had a lot to contribute to this. He agrees with recommendations made in the Subcommittee report. He also feels this report is much more consistent with the Master Plan.

Peter Mullen asked questions about the report. He asked what the Subcommittee considered the current maximum density to be. Currently if there is 14 acres up there and there are 114 units up there then there are less than 10 units per acre. The current surrounding zone up there which is the R-2.03 is 5000 square foot lot area with an 8.7 units per acre. He asked if the Committee considered that to be the basis for development density for this property.

Mr. Truscott – there is no density requirement in the MH Zone. I think the Committee references are probably from the multi-family zone uses 14 units per acre.

Mr. Mullen feels that it would be appropriate to consider using the density of the surrounding zone.

Discussions continued regarding density.

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Mr. Mullen – the second item is the ridge line protection was deemed to be too complex in the report. He feels that it is deemed and spoke of possible height of a structure is some ratio set distance from the ridge line. He is speaking about the location of the building verses the ridge line.

Mr. Parla – the way it's worded in the Master Plan did not make sense which he further explained. He then read from the Master Plan the language about the ridge line.

Mr. Mullen stated that we need to protect the ridge line and he requests that this be added to the report.

Discussions continued.

Mayor Nolan then stated that the report limited the number of townhouses to be four per building. He stated that he doesn't see a problem with adding Mr. Mullen's comments regarding the ridge line.

Mr. Mullen then questioned the report allowing eight story structures.

Mayor Nolan – we just wanted to allow for different uses.

Mr. Mullen – the density of an 8 story building would have to do a lot of site development as opposed to a townhouse development project of 4 units per building. He did state that he likes the limit of 4 units per building but not supportive of 8 story mid rise which is not consistent with the Master Plan.

Board continued discussions about the report.

Conditional uses on the site.

Mr. Serpico stated that conditional uses are permitted and you need to set conditions. When Council decides then conditions can be set or recommended.

Mr. Mullen suggested that we make them permitted uses rather than conditional uses.

Mayor – I don't have a problem with that.

Mayor – also we need information on setbacks.

Mr. Mullen – we need to consider that a good portion of this site is not buildable.

Discussions continued

Mr. Serpico – in terms of density a generalized recommendation can be made to look at the ridge line protection setbacks, lot coverage, open space requirements all of that be taken into consideration when looking at density.

Mayor Nolan – and buildable land.

Board continued discussions.

Mr. Mullen then commented on the Appellate Court Ruling and their decision to review the spot zoning on this site because it does benefit one person, one entity. He thinks that we need to be very careful that the reason and purpose of us developing this ordinance is for the general welfare and benefit. It can't be the benefit for one single property owner.

Mr. Serpico – need Council to address the purpose also to be mindful of the appellate case.

Discussions continued.

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Mr. Serpico – need to point out the ideas that are not consistent with the Master Plan.

Mr. Mullen – can the Planning Board send recommendations that are not consistent with the Master Plan?

Mr. Serpico – yes, which he explained. He then went over the points as follows:

1. Building height distance from ridge line.
2. Density issues – look at setbacks.
3. Finding that a midrise use is not consistent with the Master Plan.
4. Any ideas – changes from conditional to permitted uses.
5. Ask Council to be mindful of any spot zoning issues.

Mayor Nolan offered a motion to have Mr. Truscott modify the report for adoption at the next meeting, seconded by Mr. Parla and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Schoellner, Mr. Parla, Mayor Nolan, Ms. Ruby

NAYES: None

ABSTAIN: None

Communications:

Lori Dibble Memo RE: Zone Ordinance Amendment for Paradise Park

Mr. Serpico stated that he has reviewed the May 19, 2011 letter from Lori Dibble and he feels that it does not pertain to what the board is considering with the zoning ordinance amendments. He thinks the letter should be addressed to the Council.

The Board Secretary will forward this to the Mayor & Council.

Waterfront Public Access Rules

Mrs. Cummins – we have received some correspondences on Waterfront Public Access and Mr. Serpico recommended that we discuss this.

Mr. Serpico – he has read through the letters and written comments were due on June 3rd.

Mrs. Cummins stated that the Tim Hill, Acting Administrator did submit written comments on this subject.

Bollerman Zoning Ordinance Amendment Request

Mr. Serpico stated that he sent a letter to Mr. Bollerman dated May 13, 2011 a copy of which was provided to the board.

Freehold Soil letter dated May 17, 2011

No action required.

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

The meeting adjourned at 8:45 P.M.

Carolyn Cummins, Board Secretary

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