

**Borough of Highlands  
Planning Board  
Regular Meeting  
October 13, 2011**

Mr. Stockton called the meeting to order at 7:44 p.m.

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

Mr. Stockton 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 Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

**ROLL CALL:**

**Present: Mr. Mullen, Mr. Schoellner, Ms. Peterson, Ms. Ruby, Mr. Gallagher,  
Mr. Stockton**

**Absent: Mr. O'Neil, Mr. Parla, Mr. Roberts, Mayor Nolan**

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

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**PB#2011-1 C. Scaturro Irrevocable Trust  
Portland Road, Block 1 Lots 14-18, Block 3 Lots 9-11  
Hearing on New Business**

**Present: Martin McGann, Esq., Applicants Attorney  
Walter Hopkins, P.E., Applicants Engineer**

Mr. Serpico stated that he has reviewed the public notice and finds it to be proper therefore the board has jurisdiction to proceed.

Mr. McGann explained that they are moving lot lines around to create a buildable lot in front along the Shrewsbury River and they are creating two lots to provide access to the water for properties that are situated on 7.01 & 7.02. So they will have the ability to have docks along the river those two lots being 11.02 and 11.03 there is no plan development. They did receive a CAFRA Permit. The variances in question, a majority of them are existing conditions. They do have some lot depth variances associated with proposed lot 9.01, 14.01 and a front yard setback on lot 14.01 which is an existing condition. The bulk of the new variances associated are with lots 11.02 and 11.03 which will have no development.

The following documents were marked into evidence this evening:

- A-1: DEP CAFRA Permit dated 3/16/11;
- A-2: Subdivision Plan prepared by W.J.H. Engineering consisting of four sheets last revised 6/1/11;
- A-3: Colored Rendering of version of subdivision plan;
- A-4: Replacement of Sheet 3 of Exhibit A-2;

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

1. He described his professional and educational background to the board.
2. He prepared the subdivision plan dated 2/25/11 and revised 6/11/11.

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3. Existing Conditions on site, its lots 14 through 18 in Block 1 and lots 9-11 in Block 3. The property in question is six lots plus lot 8 so there are six lots that we are trying to consolidate, lots 14, 16, 18, 9, 10, 11. Those are the lots that they are going to change the size and shape on.
4. Lot 8 has been shown because it will be a benefit to one of the other lots by deed. To the right we show a consolidation of lots 14, 16 and part of lot 18, that will be known as lot 15.01. It will have an existing home on it and it will have a strip of land that extends down to the water.
5. The only lot that's planned for development would be the new proposed lot 9.01.
6. The existing home has the existing front yard setback and also lot depth shortages. The lot will become larger and the rear yard setback which does exist will be eliminated due to the inclusion of lot 14 into that lot, that is new lot 14.01.
7. The required lot size in this zone is 14,000 square feet. Proposed lot 14.01 consists of 30,716 square feet. The lot depth will remain at 91 feet and the front yard is .6 feet.
8. New lot 9.01 wanted to make larger so took part of lots 9 & 10 and part of 18. The lot size exceeds the required 14,000. The lot depth is 93 feet which is a variance which.
9. New lot 11.02 which is 2,458 square feet is being created to provide water front access on lot 8. No development proposed and will be deed restricted for only a shed or dock.
10. New lot 11.03, was a leftover of a 25 foot strip that will provide waterfront access.
11. Lots 7.01 & 7.02 were previously approved by board and do not have waterfront access.
12. The applicants wants frontage on river and docks for lots 7.01 & 7.02.
13. Lot 11.02 will have deed restriction for only a shed for a boat.
14. Lot 11.02 goes to lot 8, 11.03 goes to lot 7.01 and lot 12 goes to 7.02.
15. There is no change in lot size for lot 12.

Mr. McGann- we are asking the board for permission to create two undersized lots but not asking for permission to develop them. Just want frontage on river to serve lot 8 and 11.03, 7.01 and lot 12.

Mr. Hopkins continued his testimony as follows:

16. Under current CAFRA rules this wouldn't be permitted which is another reason for a deed restriction.

Marty McGann explained the upland owners would have common ownership. Only lot creating where will be a house is lot 1. He stated that lot 1.01 is a Riparian Grant which flows to the upland property. One new house will result from this application.

A discussion occurred between the board and Mr. McGann about the riparian grant and public right of way.

Mr. Hopkins continued his testimony as follows:

17. The variances that we are requesting fall into three categories. One is existing variances or variances on lots we have agreed to deed restrictions. There is a third our slopes addressed on page 3 of T & M report. Technically we are disturbing the slope but what really doing is to try to reduce the slope of the existing right of way.
18. Entering reason for not moving the access is we were restricted by the amount of disturbance that we could do. So we were trying to balance the amount of disturbance that CAFRA would allow with the Borough variances.
19. When an architectural plan is prepared we can then do a plot plan.

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Mr. Keady spoke of the steep slope and technically they are disturbing it and that will require a grading plan or geotech evaluation. Another issue is sanitary sewer going north to south need to locate to see if we need an easement.

Mr. Hopkins – we did get maps from borough and it does run through 9.01 and an easement may be required.

Mr. Keady wants to make sure outside of easements they will locate and show on plan and provide easement to borough.

Mr. Hopkins – they will locate and show on plan and provide easement to borough.

Mr. Keady – the right of way is undersized.

Mr. Hopkins – we have restricted CAFRA permit that limits them so can't make it wider.

Mr. Mullen – need access for emergency vehicles.

Mr. Hopkins - DEP wanted it narrower and RSIS does have a provision that allows this paved width to go down to 12 feet.

Mr. McGann stated that sidewalks are obviously not happening here.

Mr. Keady – don't think want to disturb additional steep slopes to create a wider right of way. He also requested that they confirm that there is no more than 35% slope.

Mr. Hopkins – site triangles, can we forgo that on this right of way. So if someone is coming out of the driveway on lot 9.01 they are not really going to be looking for someone because there really isn't going to be any other traffic on this right of way.

Mr. Keady - concerned of plantings blocking view with site triangle.

Mr. Hopkins – ok

Mr. Hopkins continued testimony:

20. Page five item 8 of engineers review letter. It was between 13 & 15 % we are proposing to end paving there so it would be existing grading. We are at CAFRA disturbance limits. He will flatten out slope at end. Page 6 item 12 of letter regarding street lighting – this is a driveway lighting would require further disturbance. Can put lights on properties not on right of way. Street name is up to the board. Page 8, slump blocks he feels it's the upper part of hill and have agreed to provide geo tech report on this. They can work with other engineering comments in the letter.
21. Have C-1 variance on lot 9.01 for log depth. The other variances are all existing. The lots being created not asking for development and they will do deed restriction except for accessory structure, dock or boat house would be linked to upland properties.
22. These are permitted uses in the zone. They are reducing a number of lots and bring them more into conformance.
23. No detriment to area or zone plan. The proposed lots are in keeping with in the neighborhood. CAFRA created hardship to conforming with steep slope and they will provide geotech report.

Mr. Keady – wants more permanent limits from west extend it to big loop.

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Agreed to.

Mr. Hopkins – garbage, he described exiting location.

Mr. McGann – lot 12 is not part of this application. He also stated that he will provide copy of DEP approved plan to Robert Keady.

The board then added to A-1 DEP approved stamped plan.

Mr. Hopkins – we will have a geo tech expert review his plans and do soil boring and submit a letter of danger to stability of slope.

Mr. McGann – we can make it a condition of approval.

Mr. Keady – his other recommendation was to vacate a portion the parking space next to the driveway but the applicant did not agree.

Mr. McGann – the subdivision will be perfected by map not by deed.

Questions from the public for Mr. Hopkins.

Constance Jennifer Poulksos of 78 Portland Road – does not understand how construction equipment will get down the right of way without damaging her house. She wants to know what's going to happen to road. She stated garbage truck already protrudes onto her property.

Mr. Hopkins – it could be done, could be brought in by barge or vial driveway.

Constance Poulkas wants restriction on weight of trucks.

Mr. McGann – we would have to post performance bond.

Mr. Hopkins – we can delineate roadway with snow fencing to protect her property boundaries.

Mr. Stockton requested that a note be added to the plan that they will repair all damage.

Mr. McGann – its only one single family home being built.

Constance Poulkas wants its reevaluated before approved.

Mr. McGann- we would have a preconstruction meeting with Borough Engineer and that's when it will be evaluated.

The Board commented that the application actually reduces potential for construction which reduces Ms. Poulkas's concerns.

Ms. Poulkas concerned there is no access for fire trucks.

Mr. Gallagher – that's something that would have to be addressed here.

Mr. Keady – he would defer to Fire official for review and approval of condition.

Mike Dale of 74A Portland Road questioned right of way. He is against having right of way vacated.

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Scott Beim of 100 Portland Road – does this effect size of building structure.

Mr. Stockton requested that the setback lines be added to plan.

There were no further questions from the public.

Mr. Stockton asked if there were any public comments.

Mary Jane Suroda of 82 Portland Road was sworn in. She is happy to hear we respect Ms. Poulkas concerns with small width of driveway. We all paid \$1,000 to have it paved.

Constance Poulkas does not understand variance with right of way.

Marty McGann – it's about the improvements to the right of way.

Ms. Poulkas further questioned.

Philip Giamata of 88 Portland Road was sworn in. He is concerned we are not going to hurt anyone and we will spend a lot of money on that driveway. We will do what it takes and we are stuck with this roadway.

Ms. Poulkas – not happy.

There were no further comments from the public; therefor public portion was closed.

Mr. Mullen – wants sewer system location, report from fire department and to update do to comply with engineer report.

Mr. Gallagher agree with Mr. Mullen.

Mr. Mullen offered a motion to carry this hearing to the December 8, 2011 meeting with no further public notice, seconded by Mr. Schoellner and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Schoellner, Ms. Peterson, Mr. Stockton, Ms. Ruby,  
Mr. Gallagher

**NAYES:** None

**ABSTAIN:** None

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**Approval of Minutes:**

Mr. Schoellner offered a motion to approve the September 8, 2011 minutes subject to a correction being made on page one change Truscott name to McGann and page two down town be changed from town down. Seconded by Mr. Mullen and all eligible members were in favor.

Mr. Gallagher offered a motion to adjourn, seconded by Mr. Schoellner and all were in favor.

The Meeting adjourned at 9:24 p.m.

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Carolyn Cummins, Board Secretary