

**Borough of Highlands
Planning Board
May 12, 2011
Regular Meeting**

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, Mr. Roberts, Ms. Peterson,
Mr. Stockton

Late Arrival: Mayor Nolan arrived to the meeting at 7:35 P.M.

Absent: Mr. O'Neil, Ms. Ruby, Mr. Shields

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

Discussion RE: Zoning Ordinance Amendments

Bollerman Request for Zone Change

Mr. Stockton there are two items for discussion regarding zone ordinance amendments. The first is the request from Mr. Bollerman.

The Board then reviewed the April 26, 2011 Letter from Sandy Hook Bay Marina, a memo from the Borough Clerk dated May 11, 2011 and a memo from the Zoning Officer dated May 11, 2011.

Mrs. Cummins stated that the request from Mr. Bollerman was referred to the Planning Board by the Mayor & Council.

Mr. Serpico – the letter was addressed to Mayor and Council from Mr. Bollerman. He suggested that the board not get into the substantive aspects of this. He read this today and the letter is loaded with a lot of complex issues that he feels need to be explored by the board through a planner and bedded out with perhaps members of the public and a subcommittee and so on. There is a lot here that he is asking about such as dropping affordable housing, different uses, more than one principal use on a property. So we should set this down for a future hearing in the interim the board has typically appointed a subcommittee and in addition to appointing a subcommittee had the planner get a report going and get a report in before the next meeting so that it's on record. Members of the public would be able to look at it and members of the board can think about this and have the benefit of a subcommittee report and a planners report.

Mr. Serpico then explained that the statute time period to respond which is a 35 day period.

Mayor Nolan then arrived at 7:35 p.m.

Mr. Serpico then spoke of the other amendments and in light of recent litigation he wants to make sure everything is done in compliance.

Unidentified Man requested to speak.

Mr. Stockton explained that now is not the time to have public comments.

Mr. Parla volunteered to be on a subcommittee.

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Mayor Nolan stated that Mr. Truscott is here to discuss doing a revised master plan which could maybe encompass both things.

Mr. Stockton explained that we outlined a procedure that we are going to follow with regard to this and it will probably take a public hearing but before we do the public portion of that we are going to create a subcommittee to discuss it and the planner is also going to be involved.

Mr. Serpico explained that we have a 35 day time frame to review a referral zoning ordinance change. In so far as the Master Plan is concerned, you have got to get into the document. In the past we usually get a report from the planner and the board will due as they see fit. Then you go from there when preparing a report of recommendations to the Council.

Mrs. Cummins questioned if we need to do a professional service agreement to obtain the planner report.

Mr. Mullen – with regard to the Bollerman request, may anyone petition for a change in the ordinance and does that trigger the expenditure of the board?

Mr. Serpico – they can ask the governing body. Again this was forwarded to us from the Governing Body. Expenditure of funds it seems logical that the Borough may ask for contributions for professional fees.

Mayor Nolan stated that our Municipal Attorney said most of this you can't do anyway and he doesn't feel that anyone at the Council table has a flavor for doing most of this anyway. We talked about doing a lot of things that are not zoned specific and not just a Master Plan revisit but more so like a stimulus package.

Mr. Serpico stated that he did not know what the Borough Attorneys intentions were.

Mayor Nolan stated that Ms. Dibble stated at a Council Meeting that she also wants to send in a request for zone change and that's fine. One of her main issues is the use to include mobile home parks.

Mr. Serpico – the prudent thing to do would be to discuss that for the subjective contents of the letter with the Borough Attorney and see if he believes that some of the requests are illegal to begin with and if that is the case then you may want to alter or retract the submission back.

Mrs. Cummins stated that she was directed to forward this to both board.

Chris Francy stated using the parking for boat storage during the winter seem like it's doable.

Mr. Serpico – I think that you need to look into this further at your level (Council Level).

Chris Francy – Mr. Mullen was starting to say something about since the parking is associated with the ferry it would require a site plan to change.

Mr. Mullen explained that it should go to Zoning Officer.

Mr. Serpico – if it's a permitted use then you need site plan approval and if it's not you go for a use variance. Maybe it shouldn't be with us just yet, it needs to be further looked at.

Mayor Nolan – we directed the Borough Clerk to send Mr. Bollerman a letter, correct?

Mrs. Cummins – yes, encouraging Mr. Bollerman that we were looking into this and that we were investigating the existing uses of the site. She was also directed to send this to both board for recommendations. Our Zoning Board Attorney informed me not to send this to the zoning board.

Discussions continued.

Mr. Serpico – send this back to Council.

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Zoning Ordinance Amendments (O-07-07)

Mr. Stockton stepped down due to a conflict on this matter.

Mr. Schoellner then chaired the remaining portion of the meeting.

Mr. Serpico this needs to be looked out by a subcommittee with a professional planner then scheduled for a public hearing. He recommends that tonight we set the procedure down and not get into it tonight. He recommends that we have Mr. Truscott, the Planner involved. Make the subcommittee this evening.

Mayor Nolan, Mr. Parla, Ms. Peterson and Mr. Schoellner all volunteered to be on the subcommittee.

Mayor Nolan offered a motion to create a subcommittee consisting of Mayor Nolan, Mr. Parla, Ms. Peterson and Mr. Schoellner, seconded by Mr. Parla and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Schoellner, Mr. Parla, Mr. Roberts, Ms. Peterson, Mayor Nolan

NAYES: Mr. Mullen

ABSTAIN: None

Mrs. Cummins – motion carries.

Mr. Serpico – keep in mind that the subcommittee does not absolve the rest of the board from getting involved in the process.

Mr. Mullen then explained that we are moving very quickly and the reason he voted “no” was there were a lot of things about this that were not done properly the first time and we are sort of jumping into this process. We are setting up a subcommittee to possibly revise our ordinance and he doesn’t have the sense that one, have we established the purpose of changing this ordinance is from its current use.

Mr. Serpico – that’s not what you do here. That’s your subjective feeling as to whether or not you should do it or not. I am talking specifically about procedure to get all of you to the point where

Mr. Mullen – is that subcommittee going to take up the matter of whether or not rezoning a property that is exclusively held by one person may constitute spot zoning.

Mr. Serpico – no, I wouldn’t think that they would do that. Whatever they want to do they can do. The law is that when you review a development ordinance the first task is to review for consistency or inconsistency with the master plan. The Borough Clerks Memo (dated May 6, 2011) outlines a task. It’s a review of these six items should be included as well as any other uses.

Mr. Mullen – what is the purpose?

Mr. Serpico – that’s what the board has to decipher. I would assume that this is what they seek to put into an ordinance.

Mayor Nolan – that’s what we are sorting out is that we should put back

Mr. Serpico – then I stand corrected. It’s not just an ordinance review a review of these six items to see whether or not the board is of the opinion that these items or any others items should be included.

Ms. Peterson - will board attorney attend the subcommittee meeting?

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The Board consented to the Board Attorney to attend subcommittee meetings.

Discussions continued

Mayor Nolan explained that two months ago we got a ruling and it says in the ruling to do it again but we didn't want to do same ordinance but we want to amend it. So we came up with some suggestions and sent them to the Planning Board for their input.

Mr. Francy – the goal is to have a super majority vote from council on an ordinance.

Mr. Serpico we will review and give a report.

Mrs. Cummins stated that we could scrape up money for a planner to meet with subcommittee.

Ms. Peterson – we need to look at master plan. She reminded everyone that the Council didn't want to review master plan.

Mr. Serpico stated that the task of what should come first will become clearer.

Mayor Nolan stated that the Bollermans request we can only consider the boat storage.

Mr. Serpico – in either case, master plan review would require services of a planner.

Mayor Nolan – and also the board attorney.

Discussion occurred about subcommittee meeting date and procedures.

Mr. Serpico explained that public notice must be given.

Mayor Nolan offered a motion to schedule a subcommittee meeting for May 19th at 7:30 PM, 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,
Mayor Nolan

NAYES: None

ABSTAIN: None

Mrs. Cummins – motion carries.

Subcommittee will meet on Thursday, May 19th at 7:30 P.M. The Board directed the Secretary to send a memo to Council about the subcommittee meeting date and serve public notice.

Board also was okay with paying a planner.

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Approval of Minutes

Mr. Mullen offered a motion to approve the February 10, 2011 Planning Board Meeting Minutes, seconded by Mr. Parla and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Parla, Mayor Nolan, Ms. Peterson

NAYES: None

ABSTAIN: None

Mayor Nolan offered a motion to carry the discussion of the substance of the May 6, 2011 letter to the next meeting in June, seconded by Mr. Mullen and approved on the following roll call vote:

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ROLL CALL:

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

NAYES: None

ABSTAIN: None

Communications:

Mrs. Cummins stated that we received a memo regarding the master plan review period has been extended to every ten years.

Public Questions

Martin Keilly of 55 Fifth Street questioned when the public can have access to the memo's on the agenda this evening.

Mrs. Cummins – its open to the public.

Lori Dibble of 32 Paradise Park – she was going to send a letter that she wants the board to consider mobile park use.

Mr. Serpico – we are getting into substantive items and we are not doing this at this time.

Lori Dibble – need some clarification of zoning, what can be done on the property?

Mr. Serpico – need to talk to Zoning Officer.

Lori Dibble wants manufactured home usage.

Mayor Nolan advised Ms. Dibble that if the association becomes the owner of the park then send a letter of request for use to Governing Body.

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

The Meeting adjourned at 8:20 P.M.

CAROLYN CUMMINS, BOARD SECRETARY