

**Borough of Highlands  
Planning Board  
Regular Meeting  
February 9, 2012**

Mr. Mullen called the meeting to order at 7:37 p.m.

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

Mrs. Cummins 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. Parla, , Mayor Nolan, Mr. Redmond,  
Mr. Gallagher

**Absent:** Mr. Schoellner, Ms. Peterson, Mr. Roberts, Mr. Hill, Mr. Stockton  
Ms. Ruby

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

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**PB#2011-1 Scaturro Irrevocable Trust  
Block 1 Lots 14-18 and Block 3 Lots 8-11 – Portland Road  
Unfinished Public Hearing**

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

Mr. McGann stated that they appeared before the board several months ago and they put a significant amount of testimony into evidence. We went over the engineer aspects and we proceeded on the planning aspects and at the conclusion of the meeting there were basically three things that the board asked us to do. One, locate the sanitary sewer line easement on the property. Two, we were waiting for a report from the Fire Dept. Three, the Board Engineer wanted a geotech report. We have submitted a geotech report which is dated November 14, 2011. He then stated that they had a difficult time locating the sanitary sewer line. The manholes were buried under two or three feet of dirt.

The following documents were marked into evidence this evening:

- A-5: Geotech Report dated 11/14/11;
- B-1: Fire Prevention letter dated November 2, 2011;
- B-2: T & M Letter dated February 2, 2012
- B-3: Fire Prevention Bureau Letter dated 1/19/12;

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

1. He prepared the Subdivision Plan revised 1/18/12.
2. He then went through the revisions to the plan. He stated that there were some housekeeping things some grading and some technical issues. They attempted to widdle down Mr. Keady's comments. They did locate two of the sanitary sewer manholes on the property. One is just off the property that they weren't able to locate. The proposed dwelling is not located over it. An easement that we would propose that does not exist would give the borough the ability to access the easements in the future.
3. He explained the difficulties of locating the sewer lines. They were not able to locate the third sewer but they are willing to go back if it's a requirement of the board.
4. The proposed home will be fully fire suppressed and will have sprinklers in lieu of a fire hydrant.
5. The Maser Report recommended that we do not propose to infiltrate the storm water from the roof runoff. So we will just use a standard splash block. The other was for some sort of drainage for the right of way and what we would propose there would be riprath apron at the end of the paved area.

Mr. Keady stated that he wants to verify the onsite soils.

**Borough of Highlands  
Planning Board  
Regular Meeting  
February 9, 2012**

Mr. Mullen stated that the following Board Members listened to meeting tapes and have signed an affidavit so they are eligible to vote on this application: Mr. Parla, Mayor Nolan and Councilman Redmond.

Mr. Keady was then sworn in.

Mr. Hopkins continued as follows:

6. With regard to the Board Engineers letter marked as Exhibit B-2 page five item 6 again two of the manholes have been located and the third they were not able to locate. So if that is a requirement he would need the Borough DPW to assist. Page 6 item 8, there must be a graphical error and they do not intent to exceed 25% will comply with the grade of 16%. Any items on the engineers report not being discussed will be complied with. Item 12 on page 6 – he previously testified that we would provide bollard lighting rather than street lighting along driveway/roadway. The maintenance responsibility to that lighting if in right of way borough on private property home owner. He will comply with rest.

Mr. McGann - Lot 11.02 would be deed restricted for development. They may want to build a boat house which requires a variance for accessory structures. This can be a condition of approval. Lot 11.03, no plans for development, again reference to this can be put into the Resolution. It can be deed restricted but should have ability in future to apply for approval. They anticipate long term with lot 7.01 and 7.02 when they subdivide this lot can be sold to them at that time. He then described the locations of the proposed docks.

Mr. Hopkins continued as follows:

7. Lot 11.02 and 11.03 one would go to lot 7.01 and 7.02
8. He can comply with the rest of the engineer's comments in the B-2 letter.
9. The right of way will be paved but not curbed.

Mr. Keady wants clearing limits on proposed lots. A construction easement would be required from a number of property owners.

Mr. McGann – we can obtain temporary easements.

Mr. Keady – spoke about the walls.

Mr. McGann – residents take the trash to the top of the hill. He then stated that right of way would be considered a town road.

Mr. Hopkins continued:

10. Testimony was given the last time about steep slope issue, there is one portion of the property that is being developed with a driveway that is crossing a steep slope and he presented testimony with regard to the nature of that.

Mr. McGann – a variance for the disturbance of the required setback at the top of the slope is needed.

Mr. Hopkins – we will provide boundary markers.

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

Constance Pallakas of 78 Portland Road explained her concern is for existing structures that surround this site. How are you going to get construction equipment and materials down the tiny driveway without damaging her property. She then stated that the road was being maintained by the residents. She is requesting bond from applicant to repave the road.

**Borough of Highlands  
Planning Board  
Regular Meeting  
February 9, 2012**

Mr. Hopkins – 12 feet wide is wide enough for most construction vehicles but they also can be brought in by water.

Mr. McGann stated that a performance bond has to be posted and large equipment can be brought in by barge and they will have a preconstruction meeting.

Ms. Pallakas wants more information on construction vehicles and wants restriction on size of vehicles allowed on that road.

Mr. McGann stated that during the preconstruction meeting they can address those issues.

Ms. Pallakas – part of the 12 ft. width is on her property and she is going to put up a fence.

Mr. McGann stated that a preconstruction meeting can be a condition of approval.

Mr. Hopkins – will have applicant provide protection measures during construction.

Mr. McGann- would put a base down then do a final pavement.

There were no further questions from the public.

Mr. Mullen then asked if any members of the public wanted to make any comments on the application.

Ms. Pallakas of 78 Portland Road was sworn in and further expressed her concerns about the structural integrity of her house and other surrounding homes.

Mr. McGann – they do not anticipate doing any drilling.

Mr. Mullen requested that a condition of approval be that the applicant must notify neighbors of the preconstruction meeting.

Mayor Nolan offered a motion to approve the application subject to conditions as discussed, seconded by Mr. Parla and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Mullen, Mr. Parla, Mayor Nolan, Mr. Redmond, Mr. Gallagher**

**NAYES: None**

**ABSTAIN: None**

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**Monmouth County Board of Chosen Freeholders – Capital Project Review  
Block 13 Lot 2 – 145 Portland Road**

**Present: James Pryor, Esq.,  
Robert Dawson, Monmouth County Sheriff  
Michael Bohlinger, P.E.,  
Dan Collins**

The following documents were marked into evidence:

- A-1: Site Plan;
- A-2: Antenna Report

Mr. Pryor stated that the the Monmouth County Sherriff in connection with a project whereas the Sherriff is essentially building out a new communications network and the subject property has been selected for a new tower. This is before the Planning Board as a Capital Project Review.

Robert Dawson, Under Sherriff was sworn in and stated the following:

**Borough of Highlands  
Planning Board  
Regular Meeting  
February 9, 2012**

1. He has been with the Monmouth County Sherriff's office for one year.
2. Sherriff Golden started this project a number of years ago and has handed this project over to him to run through the Communications Division which is the Division that he runs under the Sheriff.
3. This is a replacement for an existing tower.
4. They will remove the existing tower and put replacement one up on this County owned property.
5. Having 24 hours a day access to site is needed.
6. This site meets the criteria to serve the needs of the necessary.
7. This radio system is a digital system to try to tie Entire County into system.
8. He met with Chief Blewett to help enhance Highlands needs at this site.
9. 100 ft. existing tower height which is not high enough to meet the coverage needs and the proposed is 180 feet.
10. Current building is old farm house which has equipment in it.
11. This would be an unmanned facility.

There were no questions from the public.

Michael Bohlinger was sworn in and stated the following:

1. He gave a quick background of his professional and educational background.
2. He spoke about sheet C-4 of the plans which shows the proposed 180 foot replacement tower and that it will have emergency radios on it.
3. The tower will be adjacent to the existing building.
4. The proposed is a 40 by 28 foot compound. There will be a 12 by 20 foot shelter, tower, generator and propane tank . They will all be automated and it will be a fulltime operation.
5. The new compound will be fenced.
6. The tower will be monitored 24/7 by video.

There were no questions from the public.

Dan Collins was sworn in and stated the following:

1. He prepared the Antenna Report which was marked as Exhibit A-2.
2. The Antenna Report shows that this will be in full compliance and below both the State and Federal limits.
3. This is safe.

There were no questions from the Public.

There were no comments from the Public.

Mayor Nolan offered a motion to approve, seconded by Mr. Parla and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Mullen, Mr. Parla, Mayor Nolan, Mr. Redmond, Mr. Gallagher  
NAYES: None  
ABSTAIN: None

Mayor Nolan offered a motion to move on the adoption of the following Resolution:

**BOROUGH of HIGHLANDS PLANNING BOARD**

WHEREAS, the Planning Board received a request from the Monmouth County Board of Chosen Freeholders to review a plan for the construction of a 180 foot monopole, equipment shelter, generator and propane tank within a fenced in area on Block 13, Lot 2, within the Borough of Highlands; and

**Borough of Highlands  
Planning Board  
Regular Meeting  
February 9, 2012**

WHEREAS, the proposed installation of the monopole will replace an existing monopole at the site. The installation of the above mentioned facilities is proposed as a component of an emergency communications network utilized by the Monmouth County Sheriff's Department; and

WHEREAS, the Planning Board is required by Section 31. a, of the Municipal Land Use Act to review all proposed capital improvement projects to be located in the Borough in conjunction with the Borough Master Plan and set forth its findings and recommendations in the form of a written resolution; and

WHEREAS, representatives of the Board of Chosen Freeholders appeared at a public meeting of the Board held on February 9, 2012, and presented testimony and plans in support of the proposed project. The public was also afforded an opportunity to make comments on the record relating to the project at the aforementioned meeting of the Board.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Highlands, assembled in public session on February 9, 2012, that the following findings, recommendations and determinations are hereby adopted by this Board:

1. The Board finds that it has the jurisdiction to act upon the review of the Plan pursuant to Section 31. a, of the Municipal Land Use Act of the State of New Jersey.
2. The Board finds that the Plans submitted and explained by the testimony of the witnesses is consistent with the Master Plan of the Borough of Highlands.
3. The Planning Board is also pleased to be informed that the County will allow the police to co-locate on the tower.
- 4.

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

ROLL CALL:

Ayes: Mr. Mullen, Mr. Parla, Mayor Nolan, Mr. Redmond, Mr. Gallagher

Nays: None

Abstain: None

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**Approval of Minutes:**

Mr. Mullen requested that a correction be made on page 6 for the vote on the newspapers. He stated that he voted against the resolution.

Mr. Parla offered a motion to approve the January 12, 2012 Planning Board Meeting Minutes subject to the correction being made on page 6, seconded by Mayor Nolan and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Mullen, Mr. Parla, Mayor Nolan, Mr. Redmond, Mr. Gallagher**

**NAYES: None**

**ABSTAIN: None**

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**Communications:**

The Board briefly reviewed and discussed the following letters:

**MCPB Letter dated 12/15/11 RE: Panhandle Regional Plan**

**Letter from D. Lomurro RE: MXD Zone dated 1/3/12**

**Hilltop at Highlands Notice of Tort Claim dated 11/21/11**

**DEP Application for Mazzei RE: 140 Portland Road**

**DEP Application for Urbanski RE: 2 North Street**

**Borough of Highlands  
Planning Board  
Regular Meeting  
February 9, 2012**

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

The Meeting adjourned at 8:45 P.M.

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Carolyn Cummins, Board Secretary