

**Borough of Highlands  
Planning Board  
Regular Meeting  
April 12, 2012**

Mr. Schoellner called the meeting to order at 7:48 p.m.

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

Mr. Schoellner 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, Mayor Nolan, Mr. Hill,  
Mr. Gallagher, Mr. Colby

**Absent:** Ms. Ruby, Mr. Roberts, Mr. Redmond, Mr. Stockton

**Also Present:** Debby Dailey, Deputy Clerk  
Jack Serpico, Esq., Board Attorney  
Martin Truscott, P.P., Planner

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**New Business:**

**Mr. Gallagher signed his Oath of Office.**

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**PB#2011-1 Scaturro Irrevocable Trust  
Block 1 Lots 14-18 and Block 3 lots 9-11, Portland Road  
Approval of Resolution**

Mr. Serpico stated that Mr. McGann is in no rush to get his resolution and so he said carry it and he agrees.

Mayor Nolan offered a motion to carry this Resolution to the May meeting, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Schoellner, Ms. Peterson, Mayor Nolan, Mr. Hill,  
Mr. Gallagher, Mr. Colby

**NAYES:** None

**ABSTAIN:** None

This item will be placed on the May PB Meeting Agenda.

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**Review of Zoning Ordinance Amendments O-12-9 (2<sup>nd</sup> Revision)**

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

Mr. Truscott stated the following to the board during discussions:

1. He explained that the Borough Council had introduced for first reading two ordinances, O-12-9 and O-12-10. He was then requested by the Council to attend this meeting to go over the changes that were made to the ordinances.
2. At the last Planning Board Meeting the board talked at length and made comments and based on those comments changes were made to the ordinances.
3. He then stated that ordinance O-12-9 MH Zone, starting on page one originally disallowed for mobile homes and mid-rise multifamily dwellings but townhouses and single-family dwellings have now been added as additional uses.
4. Both townhomes and single-family's are consistent with the Master Plan.
5. On page two, under the mid-rise multi-family class development the density was originally at 20 units per acre and it has now been changed to 14 dwelling units per acre and also it allows for a density bonus that the board previously spoke about. The bonus

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- allows for an additional two units per acre if the public scenic overlook was included.
6. He then spoke about the ridgeline protection that section has been added to the ordinance. Mr. Mullen requested that a setback for the ridge line be required.
  7. Page four, Relocation Rights was added back into the ordinance.

Lori Dibble of 32 Paradise Park was sworn in and spoke about relocation rights. She explained that the relocation rights were written by Greg Vella, Esq. who was hired by the Borough to come up with some sort of protection, which she further explained.

The Board had lengthy discussion on the ordinance with Mr. Truscott and Mr. Serpico.

Mayor Nolan offered a motion for the Planning Board to recommends that all midrise development be composed of multiple buildings verses on large structure, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Schoellner, Ms. Peterson, Mayor Nolan, Mr. Hill,  
Mr. Gallagher, Mr. Colby

**NAYES:** None

**ABSTAIN:** None

Mr. Gallagher offered a motion to recommend that the Governing Body review the Statutes referred to in paragraph 8 to make sure that it is indeed their intent to do that and that it be removed. This motion failed for a lack of a second.

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

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF THE SECOND REVISION TO ORDINANCE O-12-9  
ZONING ORDINANCE AMENDMENTS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed second revision to Borough Ordinance O-12-9, which Ordinance will amend the Borough Zoning Ordinance; and

**WHEREAS**, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepared and transmit a report back to the Governing Body; and

**WHEREAS**, said statute does further require that the report of the Planning Board shall include an identification of any provision or provisions set forth in the proposed Ordinance amendment which is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, the Board conducted a review of the proposed amendment on April 12, 2012; and

**WHEREAS**, the Board received comments from Board Members, the Board Engineer and Attorney and various members of the public.

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that the second revision of Ordinance 0-12-9 is partially consistent with the Land Use and other elements of the Highlands Borough Master Plan due to the provision allowing mid-rise multifamily development in the MH Zone.

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**BE IT FURTHER RESOLVED** that in addition to the foregoing the Board hereby makes the following recommendations to the Mayor and Council:

1. The Board recommends that all mid-rise development be required to have multiple buildings or structures instead of one (1) residential structure.

**BE IT FURTHER RESOLVED** that the Board hereby directs its Secretary to transmit said findings to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

Seconded by Mayor Nolan and adopted on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Schoellner, Ms. Peterson, Mayor Nolan, Mr. Hill, Mr. Colby

**NAYES:** Mr. Mullen, Mr. Gallagher

**ABSTAIN:** None

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**Review of Zoning Ordinance Amendments O-12-10 (Revised)**

Mr. Truscott stated that at the last Planning Board Meeting there was a series of comments. He then reviewed Ordinance O-12-10 (Revised) and explained the changes as follows and had lengthy discussions with the board:

1. Nothing on page one.
2. On page 2, at the top under prohibited uses, taxi and livery uses be permitted as a permitted principal uses under Section 4.
3. Section 3 on page 2, there was discussion by the board on the word shall the board wanted the word “may” verses “shall”. He did not change that because in his opinion it should stay as “Shall”, which he then explained. Board had discussion on making recommendation to this item.
4. Section 4 on page 2, taxi/livery are permitted uses.
5. Section 4, Item 3 board wants to make art/handicraft studios/workshops as permitted uses, not conditional uses.
6. The Board also wants change in Section 5, Item 3 move to permitted use not conditional use.
7. Section, 6 – there were no changes.
8. Section 7, goes back to the “shall” and “may” wording. Board requested that the first sentence on page five be changed from “Additional Permitted Uses for the WC-2 zone district” to “Additional Permitted Conditional Uses for the WC-2”. The Board also recommends that the following be added to the end of Section 7; “unless the applicant requests to develop the property or tract with R-1.03 standards”.
9. Section 8, MXD Zone, it had to do with the language Section 8, Item B-3 for the existing mobile home park.

Lori Dibble of 32 Paradise Park spoke about the language for existing mobile home parks in the ordinance.

Marty Truscott and the Board continued discussions as follows:

10. Section 8, Item B-4. Hotel, Maximum height of four stories and forty-seven feet.  
The Board recommends that the Governing Body develop a set of specific stands for hotels that are proposed to be a permitted use in the MXD Zone pursuant to Section 8, B-4.
11. Section 9 is now out of the ordinance.

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Lori Dibble stated that Mr. Bollerman had no objection to permitting Mobile Homes as a permitted use.

Mr. Gallagher offered a motion to omit mobile parks as a permitted use. Motion failed for a lack of a second.

Mr. Truscott stated that the parts that are inconsistent with the Master Plan are the changes to the MXD Zone and the R-1.03 and the WC-2. He feels that the rest does advance the Master Plan.

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION  
BOROUGH OF HIGHLANDS PLANNING BOARD  
FINDINGS OF REVIEW OF REVISED ORDINANCE O-12-10  
ZONING ORDINANCE AMENDMENTS**

**WHEREAS**, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed revised Borough Ordinance O-12-10, which Ordinance will amend the Borough Zoning Ordinance; and

**WHEREAS**, the Municipal Land Use Act, NJSA 40:55D-26 & 64, requires that the Planning Board prepared and transmit a report back to the Governing Body; and

**WHEREAS**, said statute does further require that the report of the Planning Board shall include an identification of any provision or provisions set forth in the proposed Ordinance amendment which is or are inconsistent with the Borough Master Plan and contain recommendations concerning those inconsistencies and any other matters as the Board deems appropriate; and

**WHEREAS**, the Board conducted a review of the proposed amendment on April, 2012; and

**WHEREAS**, the Board received comments from Board Members, the Board Engineer and Attorney and various members of the public.

**NOW, THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Highlands that revised Ordinance O-12-10 is inconsistent with the Land Use and other elements of the Highlands Borough Master Plan due to the proposed expansion of the permitted uses in the MXD into the R-1.03 and WC-2 zones and allowing hotels as a permitted use in the MXD Zone.

**BE IT FURTHER RESOLVED** that in addition to the foregoing the Board does hereby make the following findings and recommendations to the Mayor and Council:

1. The Board recommends that the following be added to the end of **Section 3**"d.- "...unless the applicant requests to develop the property or tract with R-1.03 standards"
2. The Board recommends that the uses set forth in **Section 4, 3.** (Conditional Uses) be allowed as permitted uses and set forth in Section 4,"1.
3. The Board recommends that the uses set forth in **Section 5, 3, a.** (Conditional Uses) be allowed as permitted uses and set forth in Section 5, "1.
4. The Board recommends that the following be added to the end of **Section 7:** "...unless the applicant requests to develop the property or tract with R-1.03 standards."

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5. The Board recommends that the Mayor and Borough Council develop a set of specific standards for hotels that are proposed to be a permitted use in the MXD Zone pursuant to **Section 8, B. 4.**

**BE IT FURTHER RESOLVED** that the Board hereby directs its Secretary to transmit said findings to the Clerk of the Borough of Highlands pursuant to the Statute first mentioned above forthwith for consideration by the Mayor and Council of the Borough of Highlands.

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

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Schoellner, Ms. Peterson, Mayor Nolan, Mr. Hill,  
Mr. Colby  
**NAYES:** Mr. Gallagher  
**ABSTAIN:** None

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**Minutes:**

Mrs. Dailey stated that the Board Secretary has requested that the March minutes be carried to the April meeting.

Mayor Nolan offered a motion to carry the March PB Minutes to the April Meeting, seconded by Mr. Gallagher and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Mullen, Mr. Schoellner, Ms. Peterson, Mayor Nolan, Mr. Hill,  
Mr. Gallagher  
**NAYES:** None  
**ABSTAIN:** Mr. Colby

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

The Meeting adjourned at 9:46 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**