

**Borough of Highlands  
Planning Board Meeting  
July 9, 2015**

Meeting Location: Highlands Elementary School, 360 Navesink Ave., Highlands, NJ

Mr. Stockton called the meeting to order at 7:38 P.M.

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

Mrs. Cummins read the following statement: As per requirement of P.L. 1875, 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. Hill, Mr. Korn, Mr. Francy, Mr. Stockton, Mr. O'Neil, Mr. Wells**

**Absent: Mayor Nolan, Mr. Redmond, Mr. Colby, Mr. Britton, Mr. Danzeisen**

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

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**PB#2015-1 B-Four Enterprises**

**Block 69 Lots 13 & 13.01, Block 72 Lots 8 & 8.01, Block 72 Lots 9.001 & 9.012**

**Resolution Corrections**

**Present: Martin McGann**

The Board reviewed and discussed corrections to Resolution that was adopted last month.

Mr. McGann spoke about wanting language in resolution to allow tiki bar to open even if there is no NJDEP approval yet for dining. Page 11 letter of exemption if applicable.

Mr. Stockton stated that he want something stating that NJDEP approval is not required.

Discussion continued onto page three item 11 wants to allow tie up pursuant to NJDEP even if no one is dining there.

Mr. Stockton - no floating docks was the testimony. The dock may not be compliant with NJDEP.

Mr. McGann – if we don't use the pier to serve then we can have boats tie to dock. You don't have jurisdiction if we are not using pier to serve.

Mr. Stockton – okay no boat tie up when dock is being used for food.

Mr. McGann spoke about live entertainment issue page 21 and 22 and stated that they will comply with noise ordinance for entertainment and that they are a permitted use.

Board discussion – moot point and the applicant will have to comply with noise ordinance.

Discussion continued and the following resolution was adopted.

Discussions occurred about the opening of the tiki bar even if no DEP approvals for dining to be incorporated into Resolution.

Letter of exemption with regard to paragraph 11, if applicable.

The Board discussed page 3, paragraph 11 regarding tie-ups for boats to the deck area.

The Board discussed entertainment/music.

Mr. Korn offered a motion to move on the adoption of the following Resolution:

RESOLUTION APPROVING THE PRELIMINARY AND FINAL MAJOR  
SITE PLAN AND DESIGN WAIVER APPLICATION OF B-FOUR  
ENTERPRISES, LLC FOR, BLOCK 72, LOTS 8 & 8.01; BLOCK 69, LOTS 13  
& 13.01; BLOCK 72, LOTS 9.001, 9.011 & 9.012

WHEREAS, the applicant B-Four Enterprises, LLC (hereinafter referred to as the “applicant”) is the owner of the above captioned lots, which lots are located in the WC-2 Zone in the Borough of Highlands, New Jersey; and

WHEREAS, the applicant has applied for preliminary and final major site plan approval with a design waiver for the purpose of operating a tiki bar and restaurant on the site previously occupied by the Clam Hut Restaurant in the Borough. The applicant intends to use the existing structures at the site for lavatory purposes and the tiki bar and the existing parking lot areas. All of the details of the proposed new and existing structures and proposed parking areas are set forth on the plans and maps submitted with the application, and submitted into evidence at the public hearing of the application by the Board held on May 14, 2015. All of the foregoing are incorporated herein by reference thereto. The applicant has also applied for a design waiver to permit new light fixtures to be attached to the existing utility poles at the site at an elevation of 24 feet, where the applicable ordinance permits a maximum elevation of 15 feet; and

WHEREAS, all jurisdictional requirements have been met and proper notice has been given pursuant to the Municipal Land Use Act and Borough Ordinances, and the Board has jurisdiction to consider this application; and

WHEREAS, the Board considered this application at a public hearing held on May 14, 2015; and

WHEREAS, Thomas Morford, a principal of the applicant testified on the operational details and the general layout and uses proposed at the site; and

WHEREAS, Michael James Monroe, a licensed architect in the State of New Jersey testified on the architectural elements and addressed the ADA compliance issues; and

WHEREAS, members of the public cross examined the applicant’s witnesses and expressed their opinions on the project; and

WHEREAS, the Board makes the following factual findings in connection with this application based on the testimony and plans and maps submitted on behalf of the applicant and the members of the public:

1. The proposed uses at the site are permitted pursuant to the applicable Borough Development and Zoning Ordinances.
2. The applicant intends to operate the tiki bar from mid-May to mid-September and use the area for boat storage during the months in between during the off-season.
3. The applicant will provide cross-easements for ingress, egress, parking and lavatory uses at the subject property.
4. The portable kitchen proposed to be located on the site will be contained in a trailer that will be placed on the site at the beginning of the season in May and be removed at the end of the season in September.
5. The applicant will operate the bar and restaurant seven (7) days per week from 11:00 am to 11:00 pm during the season.
6. The applicant will employ 10-15 employees during the season.
7. The applicant proposes to install two (2) dumpsters at the site that will be emptied at least two (2) times per week and more often if necessary.
8. All deliveries to the site will be contained in a box truck.
9. The applicant will have entertainment that complies with the Borough noise ordinance.

10. There will be two (2) lavatories located in each of the existing structures at the site. Two (2) lavatories will be ADA compliant.

11. The project is located in the CAFRA zone and requires CAFRA approval or a letter from the NJDEP exempting the project from the jurisdiction of the NJDEP.

12. The requested design waiver will be granted so long as the light fixtures are shielded to prevent light from shining on the contiguous properties that border the subject site.

13. The Board finds that there is a pre-existing non-conforming lot coverage variance that is not affected by this application.

14. The Board finds that the number of parking spaces proposed meet the requirements of the applicable ordinances and are adequate for the uses proposed at the subject premises; and

WHEREAS, the Board finds that the preliminary and final site plan application can be approved and the design waiver granted so long as the applicant complies with Board imposed conditions set forth hereinafter.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for preliminary and final major site plan approval and design waiver for the aforementioned lots is hereby approved contingent on the following conditions being met:

1. All testimony, evidence and representations made by the applicant and its witnesses are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. The applicant shall comply with all of the outstanding comments and conditions if any set forth in the Board Engineer's letter dated May 11, 2015, which is incorporated herein in full by reference thereto.
4. The applicant agrees to post performance bonds and/or inspection fees as determined by the Borough Engineer if any.
5. The applicant shall obtain the approval of all outside governmental agencies that have jurisdiction over this project prior to the issuance of any permits for any construction at the site.
6. The applicant must supply a permit from the NJDEP for the construction of the existing deck, tiki bar and the construction of the remainder of the proposed site improvements and the installation of the portable kitchen including the sink and grease trap at the premises or a letter indicating that the NJDEP has no jurisdiction over the installation of any one or all of these items. In the event the applicant supplies documentation indicating that the deck and tiki bar construction does not require any approval or permitting from FEMA and/or NJDEP, the applicant is permitted to use the deck and tiki bar area. In the event any outside agency requires the applicant to make any changes to the plans approved by this Board, the applicant must submit those changes to this Board for its review and approval.
7. The applicant shall obtain the approval of the Highlands Regional Sewerage Authority for the project if required by law.
8. The applicant shall construct the project in accordance with the plans and maps submitted with the application and/or submitted into evidence at the public hearing or any plans or maps hereinafter supplemented to conform to these conditions of approval and/or the representations made by the witnesses for the applicant at the public meeting.
9. The applicant shall submit the proposed cross-easements for ingress, egress, parking and lavatory use to the Board Engineer and Attorney for their review and approval.
10. The applicant shall repair and stripe the parking areas and replace all damaged sidewalk and curbing at the site. The applicant shall also install adequate traffic and parking signage at site as per the requirements of the Board Engineer and remove the existing "Private Property- No Trespassing" signs at the site.
11. No boats will be permitted to tie-up to the deck area if the applicant uses the deck area for dining and/or drinking purposes.
12. The applicant shall submit amended site plans to the Board (and Board Engineer) depicting the topography of the area (elevations) and flood zone information requested by the Board Chairman and Board Engineer at the public hearing.
13. The applicant is permitted to have a maximum of 12 boats stored on property during the time period that the bar and restaurant are in operation so long as that

- does not result in a loss of the amount of the approved parking spaces required by Ordinance or approved by this Board.
14. The applicant will shield the proposed pole mounted light fixtures to prevent light spillage onto contiguous properties.
  15. The applicant shall comply with the Borough sound or noise ordinances.
  16. The applicant shall confirm with the Borough Tax Assessor the correct (current) lot and block numbers for the subject property and so designate the correct lots and block numbers on revised plans.
  17. The applicant shall submit revised plans showing the number of parking spaces approved for the site; 130 boat slips; 26 seats at the tiki bar; 29 tables with seating for 4 patrons per table on the deck area and around the tiki bar.
  18. No tractor trailer deliveries are permitted. All deliveries will be by “box” truck as represented at the public hearing by the applicant.
  19. All construction and equipment shall be compliant with FEMA V-Zone Coastal Construction requirements, NJDEP, CAFRA and Flood Hazard Area construction requirements.
  20. The applicant shall install “duck-bill” backflow prevention valves on all existing storm drainage outfall pipes.

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

Ayes: Mr. Hill, Mr. Korn, Mr. Stockton, Mr. Wells

Nays: None

Abstain: None

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### Master Plan

Mr. Stockton stated that the Planner will have information of all data collected at the next meeting. He stated that the Borough participates in the NF land Program. That there are 78 properties not compliant with FEMA and that 500 properties are abandoned.

Mr. Francy had concerns regarding public participation on the Committee and he wanted to know why members of the public were not on the committee.

Mr. Korn stated that no, his understanding is it's up to the board to decide if the public can serve on the committee.

Mr. Serpico – there is no requirement to have a member of the public sit on Master Plan Subcommittee

The Board continues discussions

Mrs. Cummins stated that she provided the subcommittee with the Zoning Board annual reports as requested

Mr. Wells spoke about having a master plan meeting on July 20, 2015.

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### Approval of Minutes

Mr. Hill offered a motion to approve the June 11<sup>th</sup> minutes, seconded by Mr. Korn and approved on the following roll call vote:

### ROLL CALL:

**AYE:** Mr. Hill, Mr. Francy, Mr. Korn, Mr. Stockton, Mr. Wells

**NAY:** None

**ABSTAIN:** None

Mr. Hill offered a motion to adjourn, seconded by Mr. Wells and all were in favor.

The meeting adjourned at 8:22 p.m.

Carolyn Cummins, Board Secretary