

**Borough of Highlands
Planning Board
Regular Meeting
May 14, 2015**

Meeting Location: Highlands Elementary School, 360 Navesink Avenue, Highlands, NJ 07732.

Mr. Stockton called the meeting to order at 7:35 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. 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 bulletin board.

ROLL CALL:

Present: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Korn,
Mr. Francy, Mr. O'Neil, Mr. Wells, Mr. Stockton

Late Arrival: Mr. Britton arrived at 7:37 p.m.

Absent: Mr. Danzeisen

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

Review of Zoning Ordinance O-15-20

Resolution – Recommendations RE: O-15-20

The Board reviewed the following ordinance:

**BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH**

ORDINANCE #15- 20

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 21-89 OF THE REVISED GENERAL CODE
OF THE BOROUGH OF HIGHLANDS ENTITLED "ZONING" MODIFYING THE REQUIREMENTS OF THE MH
MOBILE HOME RESIDENCE DISTRICT AND ALLOWING MULTI-FAMILY DEVELOPMENTS IN THE MH
ZONE AS A CONDITIONAL USE AND ESTABLISHING REGULATIONS PERTAINING THERETO**

WHEREAS, the Borough currently has one MH Mobile Home Residence zone;

WHEREAS, the Borough has determined that it is in its best interest to amend its zoning code to permit, as a conditional use, certain multi-family development in the MH Mobile Home Residence zone; and

WHEREAS, permitting residential multi-family development under the conditions described herein is consistent with the master plan and the surrounding zones, specifically, the adjacent multifamily zone.

NOW, THEREFORE, BE IT ORDAINED that Section 21 of the revised general ordinances of the Borough of Highlands be and hereby is amended in following part only:

SECTION ONE: § 21-89, "MH Mobile Home Residence," is hereby amended and supplemented as follows: (Additions noted by underscore. Deletions noted by strikethrough)

A. Section 21-89(A)(2), "Permitted Accessory Uses," shall be supplemented by the addition of the following: "Other accessory uses and structures incidental to the permitted principal uses, including but not limited to structured parking for multi-family residences only."

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B. Section 21-89(A)(3), "Conditional Uses," shall be supplemented by the addition of the following: "Multi-family dwellings, and structured parking accessory or appurtenant thereto subject to the requirements of §21-97(M). For purposes of this conditional use only, multi-family developments shall be defined as any residential building of greater than four (4) stories and no greater than ten (10) stories."

SECTION TWO: §21-97, "Conditional Uses," is hereby supplemented by the addition of a new Paragraph "M," which provides:

M. Multi-Family Developments in the MH Zone. Multi-family developments in the MH Zone are subject to RSIS standards, and shall not be required to meet the requirements of Schedule I where said requirements are inconsistent with either RSIS or the follow requirements.

1. Density shall not exceed 30 dwelling units per acre
2. Minimum lot size: 10 acres.
3. Minimum front yard setback: 100 feet to a principal building or structured parking facility
4. Minimum side yard setback: 60 feet to a principal building or structured parking facility
5. Minimum rear yard setback: 60 feet to a principal building or structured parking facility
6. Minimum Buffer area along any property line: 25 feet. Driveways and sidewalks shall be permitted to cross buffer areas to provide access to streets and adjacent properties. Pedestrian paths shall be permitted within buffer areas. Development identification signs and gatehouses shall be permitted in buffer areas within 75 feet of driveway entrances providing access to a public street
7. Maximum building coverage: 25 percent
8. Maximum lot coverage: 50 percent
9. Maximum FAR: 1.50. The floor area of structured parking facilities underneath and adjacent to residential buildings shall not be considered as floor area for purposes of the Floor Area Ratio (FAR).
10. Maximum Height:
 - a. Residential buildings: 120 feet, but not greater than ten (10) stories . The height of residential buildings shall be measured from the floor of the building lobby or the first level that contains dwellings whichever is lower. Elevator shaft may exceed this limitation by no more than 15 feet.
 - b. Structured parking: 45 feet. Parking structures may be located underneath and/or adjacent to residential buildings.
 - c. Recreational facilities and other accessory structure: 25 feet.

11. Accessory Structures:

- a. Recreational facilities. Recreational facilities shall be provided for the use of residents of the multi-family development. Such facilities shall be setback a minimum of 50 feet from any property line.
- b. Signs. Development identification signs shall be permitted adjacent to the main entrance of a multi-family development. Such signs shall either consist of a monument sign or be mounted on a freestanding wall. The maximum number of signs shall be two faces on a monument sign or two wall-mounted signs. The maximum area per sign face shall not exceed 100 square feet. A development identification sign shall be setback a minimum of 5 feet from any property line.
- c. A gatehouse or similar structure shall be permitted within 75 feet of driveway entrances providing access to a public street.

12. Steep Slopes and Setback from Slopes. Developments in the MH Zone District shall comply with the minimum foundation (face of footing) clearances from the top of a steep slope, at the tract perimeter, of the International Building Code (IBC), 2009 or later, New Jersey edition, as illustrated in Figure 1808.7.1 of the 2009 IBC, NJ edition and with the Steep Slope and Slump Block Ordinance, § 21-84B of this Code. , The

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minimum clearance of the face of the footing and setback shall apply only to the top of a steep slope at the tract perimeter and shall be the least of the smaller of the height of the slope divided by three (3) or forty (40) feet, in accordance with the IBC, 2009 above and illustrated in Figure 1808.7.1 of the 2009 IBC. Notwithstanding the foregoing, the minimum setback from the top of a steep slope at the tract perimeter shall not be less than forty (40) feet. This requirement shall be considered as a bulk requirement of the conditional use. Relief for the steep slope and slope setback requirement, above shall be addressed under 40:55D-970.c.

SECTION THREE: SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

SECTION FOUR: REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION FIVE: EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Mayor Nolan explained that the ordinance is mirrored toward last year's ordinance and that this would generate revenue.

Mr. Stockton stated that it's the same ordinance that was reviewed in the past.

Mr. Francy – it's not clear why the Planning Board is considering this ordinance again. Ordinance O-07-07 was repealed by Superior Court. He further explained in 2013 a similar ordinance failed adoption for fear of spot zoning, this is still spot zoning. He is not clear how the Planning Board can find the ordinance to be consistent with the Master Plan. Every ordinance of a high rise has been repealed by the residents. Spots zoning does not consist with our Master Plan.

Mayor Nolan stated that nothing has changed its 14 acres and he spoke about the dollar amount of annual taxes. He feels this ordinance is consistent with our Master Plan.

Mr. Wells asked if the Master Plan allowed for six stories.

Board had discussion.

Mr. Serpico explained the law that the board is to review the ordinance for consistency with the Master Plan.

Mr. Wells – so we are going from six stories to ten stories.

Discussions continued.

Mr. Francy stated that the Master Plan calls for a ridge line protection which he further explained that this ordinance is not consistent with our Master Plan.

Mayor Nolan offered the following Resolution and moved its adoption:

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
FINDINGS OF REVIEW OF ORDINANCE O-13-16
ZONING ORDINANCE AMENDMENTS**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board to undertake a review of proposed Borough Ordinance O-15-20, which Ordinance will amend the Borough Zoning Ordinance; and

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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 May 14, 2015; and

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

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that the proposed inclusion of High Rise Multi-family dwellings as a Conditionally Permitted Use in the MH Zone and the proposed density set forth in Ordinance O-15-20 are consistent with the Land Use element of the Highlands Borough Master Plan.

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

None _____

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. Colby and adopted on the following roll call vote:

ROLL CALL:

AYES: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Korn,
Mr. O'Neil, Mr. Stockton

NAYE: Mr. Britton, Mr. Francy, Mr. Wells

ABSTAIN: None

B-Four Enterprises – 1 Atlantic Street

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

Review Application

Present: Martin McGann, Esq.,

Conflict: Mr. Francy

The board reviewed the application for completeness.

Mr. McGann stated that he received the engineer's letter and has no issues with it. There are no new variances created for the proposed seasonal tiki bar. They do have to comply with all ADA and lighting requirements. The tiki bar would be used from May through September. The tiki bar has a roof but no sides and the seating is for 132. The facility will share with marina parking and storage. There are 200 parking spaces and the capacity of the old clam hut was 250 and the applicant is asking for less. They would like to be heard this evening and they have two witnesses.

Mayor Nolan offered a motion to deem the application complete and to hear them this evening. Seconded by Mr. Britton and approved on the following roll call vote:

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ROLL CALL:

AYE: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton, Mr. Korn,
Mr. O'Neil, Mr. Stockton

NAY: None

ABSTAIN: None

PB#2000-8A Dan-Rob/Windanse Restaurant

Block 50 Lot 4 – 56 Shrewsbury Ave

Hearing

Present: Edward McKenna, Esq.
Dan Shields

Conflicted: Mr. Stockton, Mr. Colby, Mr. Francy – All stepped down

Mr. Korn chaired this hearing.

Mr. McKenna gave the history of the application and post Sandy Mr. Shields suffered damage. Mr. Shields made every attempt to get his business back up and running. There is a 39 foot auxiliary bar that holds 16 seats and is located under the building. The engineer letter says it requires one additional parking space.

Mr. Keady stated that the applicant leases 70 parking spaces from the borough and that the applicant has 31 onsite spaces for a total of 101 parking spaces.

Mr. McKenna stated that when they rebuilt they created this bar and were advised to apply for a building permit, then were told to apply for amended site plan which is why we are here tonight, not proper occupancy. 165 questioned limited occupancy there is a letter from Mr. Francy to the Fire Official and the Fire Official letter has 390 occupancy loads. The applicant is here tonight to seek amended site plan approval and possible parking variance which he further explained. Both the Construction Official and Fire Official signed off on the occupancy load.

Mr. Serpico – since you brought up occupancy load you have opened the door. This board does not have jurisdiction to the occupancy load. The Planning Board has no capacity to limit occupancy load.

Mr. Pepsny stated that he represents three homeowners who are Ms. Splain, Walzewski and Fennell and they object to use of the premise. It was approved as a restaurant use and family restaurant not a night club. The use changed to a night club since original use based on that this board has no jurisdiction and this should go to the Zoning Board.

Mr. Serpico – no, your clients have to go to the Zoning Board for an interpretation. The Zoning Officer has 20 days to respond then you can appeal to the Zoning Board. This is an application for an amended site plan.

Mr. Pepsny requested that his letter dated May 13, 2015 be made part of the record.

Mr. Serpico – not yet, wants Fire Official here to testify. He stated that he got this letter late yesterday and has had no time to digest it. The letter can't come in as evidence. He suggested that Mr. Pepsny go to the Zoning Officer. He then stated that he is not aware of a parking lease for 70 parking spaces and wants a copy of the agreement.

Mr. Keady stated that there are 70 offsite parking spaces and 31 onsite. He explained the required parking calculation.

Dan Shields of 55 Shrewsbury Avenue, Highlands was sworn in.

Mr. Serpico asked if we have the plan of the actual seating.

Mr. McKenna stated the seating plan is on file with the Construction and Fire Official.

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Mr. Serpico – if it's not on file then we will need it.

Mr. Pepsny questioned the location of the seating plan.

Mr. Serpico – what we need on record is what is proposed.

Mr. Keady stated we need plan of seating with the board.

Mr. Pepsny stated that at the time of the old site plan approval the seating was a significant issue. No seating outside area and is not reflected tonight.

Mr. McKenna stated that there has been outside seating since 2001.

Mr. Serpico questioned the seating of old approval. Need fire seating to compare to the prior approval.

Mr. Wells questioned the parking and handicap and questioned if the plan needed to be updated to reflect today's onsite parking.

Mr. Shields stated that the onsite parking has never changed.

McKenna and Mr. Truscott both believe no parking variance required.

Mr. Serpico stated that there are 70 off site and 31 onsite parking spaces and the ordinance only requires 74 spaces.

Mr. Shields read the following statement into the record:

Lost my business. Everyone said Windansea fared well, and the building did, but not the rest of it. We lost ice machines, our walk in refrigeration, our condensers for the kitchen, our pavers, our railings our tiki bar, our bottle chillers, keg coolers, soda systems, our fencing, our furniture, all to the tune of 220,000 dollars. I was so relieved that our \$8,000 flood premium was paid and up to date, only to find out from the adjuster upon his visit weeks after, in his words, "the water would have to come into the finished floor of the restaurant (elevation 17) in order for you to claim anything". We had no help from insurance. I was devastated by this news.

Like everyone else in this town, I went into survival mode. I went on the internet looking for used everything and anything that would help us get open for the upcoming season. Everything in the categories I was looking into were picked clean. It was by the skin of our teeth that we made it to get open outside for Memorial day 2013.

At that very time, the boro announced that they had some donated building materials for the businesses, granite bartops and some lumber was available. We took what we could get from the boro and we went to town. With a little help from my friends, we slapped that bar

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together in one day, as the main tiki bar sustained way too much damage for our pockets at that time. We had other costs to worry about. It was a survival plan. I wasn't thinking about permits, planning boards, inspections, or anything like that, I was thinking about, as we always do as a seasonal business in Highlands, how we will survive. How will my Windansea family be able to get back to work?

While I was dealing with this, I would like to point out that I was also dealing with my devastated home, the interior was totaled. I relocated to Red Bank for 8 months and again, I was trying to sort it all out. I was in a post Sandy funk and nothing was clear or transparent, it was a very dark time in my life.

Windansea almost didn't make it through that first winter looking back, and if it wasn't for a grant that was available to the businesses from the EDA for \$50,000 I don't think we would be in business today, that grant was so important to us, it really helped us stay alive.

When I was told by the construction official that I had to take out building permits for the bar, I did immediately. When I was told by a councilman that I had to go before the planning board, I called my attorney and we applied.

The seasonal bar in discussion has been in operation since the summer of 2013, we use it roughly 20-30 days per year, depending on the weather. If anything, that bar has improved the Windansea experience on our patio, making it more functional, and more beautiful. I don't think that is a bad thing, trying as we always do, to enhance our seasonal business through new and interesting food, music and atmosphere, that amazing Jersey Shore experience, the Windansea experience.

I would like to point out to the board, that Windansea has gone thru many transformations over the 14 years we've been in business. Unlike my planning board testimony of 14 years ago, when I knew nothing about this business, when we did not have one customer through the door, not one dollar in the register, I now am an authority on the Windansea business model and any questions you might have now, I can answer intelligently, from experience, not from dreams about what I thought our business was going to be 14 years ago.

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Looking back, we once had a thriving bar business, packed with people on Thursday, Friday and Saturday till 2 am, 52 weeks per year. We now have a busy bar, 12 Saturday nights per year, a drop in business and impact on the neighborhood by of 92.5%.

Windansea is now closed for a total of 122 of the 280 days of the off season, which equals 57% decline.

Windansea has evolved into a 12 week per year business. We are seasonal, period. Memorial day through labor day, then it's over. We are done.

I often say, if you shoot a cannon through Windansea on a Saturday night, in the off season, you wouldn't hit a soul. Unfortunately, for us it's true. We celebrate 3 holidays per year, Memorial Day Sunday, July 3rd. and Labor day Sunday. Those days are the ones that get us through the long, cold quiet winters down here on the water, those days, we need to be busy. Those three days help us survive.

I hope you'll give this application your positive consideration, it's important to our survival in Highlands.

Thank you.

I appreciate your consideration and support.

The audience then applauded.

Mr. Pepsny then cross examined Mr. Shields with regard to the 2001 Resolution which indicated 110 seats in winter and 16 in summer.

Public Questions – there were none.

Mr. McKenna asked for a motion to approve.

Mr. Pepsny wants to have his letter marked into evidence.

Mr. McKenna stated that he just received this yesterday and has not had enough time and he objects because it's not at least 10 days prior to the hearing.

Mr. Pepsny wants site plan to be required to limit to 110 seats in the winter and 160 seats in the summer plus the 14 seats.

Mr. Serpico stated that the Resolution already exists and is part of the record.

Mr. McKenna stated it only refers to seats.

Mr. Serpico – correct.

Public Comments

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There were several members in the public who raised hands in favor of the application.

Wanda Witkowski stated she represents all those in favor.

John Urbanski of 2 North Street was sworn in and stated to depict people against business is wrong. He thinks what happened last Memorial Date at the Windansea was like the PNC Art Center and there were only two Police Officers. The 2AM stuff needs to be policed. The people want a little relief, need to resolve the issues that people come onto his property and do rude things. Need to make it work without animosity. Need to have the Council set some rules in place.

Carla Cefalo-Braswell, President of the HBP said that this “us and you” verses has been going on too long and that we need businesses to sustain tax ratio, we need redevelopment to strive. She further explained the positives of the application and spoke favorably about it.

The public applauded.

Kim Skorka of 315 Shore Drive, Highlands stated she is supportive of the businesses.

Mr. Pepsny stated his clients are not antibusiness and that the use expanded into illegal use and needs to go before the Zoning Board.

There were no further comments from the public.

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

ROLL CALL:

AYE: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Britton, Mr. Korn,
Mr. O’Neil, Mr. Wells
NAY: None
ABSTAIN: None

The board then took a recess and returned at 8:57 p.m.

ROLL CALL:

Present: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Britton,
Mr. Korn, Mr. Stockton, Mr. Wells
Absent: Mr. Danzeisen, Mr. Francy, Mr. O’Neil

**PB#2015-1 B-Four Enterprise – 1 Atlantic Street
Block 69 Lots 13 & 13.01, Block 72 Lots 8 & 8.01, Block 72 Lots 9.001 & 9.012
Hearing**

Present: Martin McGann, Esq.
Tom Morford
Michael Monroe, A.I.A.

Mr. McGann stated that this is for a seasonal tiki bar that will operate from May through September. There are no variances required for the application. The bar will have a solid roof it would be a covered facility. There will be tables with umbrellas and will operate under two different LLC’s. He has Tom Morford and the Architect present this evening. He read from the deed of the property and stated there were problems with the lot numbers.

Mr. Stockton suggested that perhaps they file a deed of consolidation.

Tom Morford of 136 Linden Avenue, Highlands was sworn in. He stated that he is related to both of the LLC’s and the members of the LLC’s are Mark Baker and David Baker. He stated he started construction last summer then was told to stop and he did.

A-1: Six color photos and one aerial were marked into evidence.

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Mr. Morford described the photos of the bathroom , deck and aerial to the board. The roof of the structure is made of plywood and that they have a liquor license and will sell liquor and food from a portable kitchen on the site. It's a trailer with exhaust fan and sinks and deep fryers, it's like a catering kitchen. It will come on site from May through September and it will be tied into the sanitary sewer system. They will be open from May through September from the hours of 11 am to 11 pm. They would have ten to fifteen employees. The deliveries to the site would not be from tractor trailers, they would be by box trucks. Trash will be picked up twice a week by a private carter. There are cross easements between the two LLC's for the bathrooms and the 200 onsite parking spaces. The marina has 130 slips and the marina has parking lot. The tiki bar would be busy from lunch to late afternoon.. They will be utilizing marina parking spaces. The tiki bar would have 10 – 12 seats. The proposed application is 25% less intensive than the prior Clam Hut use. Entertainment would have piped in music and weekends maybe a solo act. He is familiar with the noise ordinance. The deck area will have tables and chairs as shown on the plan. They will have safety railings and lighting for the parking lot area.

Mr. Stockton asked how the construction started on the deck.

Mr. Morford stated that the concrete floor from the kitchen was there.

Mr. Stockton asked if Mr. Morford if he was with Mr. Piccollo, the prior applicant. The prior application made tiki bar application, then the board requested additional information , he turned around the application while starting construction with deck without any approvals. This must be done the right way.

Mr. Morford understands the deck was existing.

Mr. Stockton disagreed and stated that there is new construction without any approvals by the DEP.

Mr. Morford stated that the deck was preexisting.

Mr. Stockton stated that this does not qualify as a permit by rule.

Discussions continued.

Mr. Stockton wants jurisdictional documents that no NJDEP approval is required.

Mr. McGann stated that he has an email from the DEP, the bar is not enclosed DEP approval not needed. The deck is shown in the 1979 photo to show that the deck existed.

Evidence marked

A-2: 1979 Aerial Photo;
A-3: Email from NJDEP dated 5/14/15

Mr. Stockton stated that the deck is new and they have new structure that needs DEP permit. He wants the permit or a waiver and has a problem with the deck. No information supplied shows the flood zone. An AV Zone won't allow for a deck. This does not comply and he has concerns.

Mr. McGann stated that we have to take proper steps with DEP.

Mr. Serpico stated that we need something more formal.

Mr. Keady questioned the parking for 134 seats.

Mr. McGann stated 132 seats equal's 116 tables and 26 bar stools

Mr. Wells questioned seat capacity of square footage.

Mr. Keady – he calculated to 136 parking spaces. 130 parking spaces for boat slips.

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Mr. Morford stated boat storage of 75 to 80 boats in the winter

Discussion had on the parking.

Mr. McGann stated only have 30 to 40% of boaters at marina at one time.

Mr. Morford stated that residents will walk to their boats.

Mr. Colby stated the use is less and that the application makes for a better situation.

Mr. Wells questioned if alcohol is allowed on the deck.

Mr. Morford explained the bathrooms not included in the liquor license. The tiki bar is open to the public. The pilings to deck is 20 feet deep. Last year we did go to Dale Leubner and he said we could have a non-permanent tiki bar then we heard from Paul Vitale.

Mr. McGann stated that they will have to go through permitting process.

Mr. Morford would be willing to stipulate to bonds.

Mr. McGann they will abide by ordinances.

Mr. Colby – if approved can be contingent upon dep approval. The applicant may want to bifurcate the deck from the tiki bar.

Mr. McGann it will comply with code and noise ordinance.

Mr. Morford stated he has no contemplation of a ferry use at the site. No boats will be tied to deck and they have a floating docks.

Discussions continued.

Mr. Keady asked if they will comply with ADA and lighting.

Mr. McGann stated that he needs to speak with his professionals.

Mr. Stockton stated that the borough has utility easements there.

Public Questions

Maureen Welch of 50 Valley Street questioned the restrooms and if they had to be indoor or port-a-potties.

Mr. Stockton stated that questions would be best answered by the Architect.

There were no further questions.

Michael J. Monroe of 12 Broad Street, Red Bank, NJ was sworn in and stated the following:

1. He gave his professional and educational background to the board.
2. He prepared the plans.
3. He designated the tiki bar with 26 seats, table and deck with tables, garbage area and restroom.
4. There are four unisex bathrooms which he described and there are two showers and two bathrooms are ADA compliant.
5. ADA pathways to bathroom are provided by a concrete walkway.
6. The need design waiver for fixtures for lighting. He explained the lighting plan and has no objection to a certain light fixture.

At 10:02 PM the board took a recess.

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At 10:05 PM the board returned.

Michael Monroe continued his testimony as follows:

7. Utilities are already hooked up in tiki bar and in the vicinity of the food truck.
8. They will provide a grease trap.
9. They will do what is required.
10. Any damaged caused would be replaced.
11. Trash enclosure is 20 by 20 foot area. Six foot height fence enclosure.
12. Site is flat further explained.
13. No objection to providing spot elevations

Mr. Stockton – yes, he wants topo of site and listing of flood zones.

Mr. Monroe continued:

14. Ramp where two restrooms are
15. No objection to removing private property sign.
16. Existing fence in front of tiki bar. Proposed is solid vinyl fence and garbage enclosure.

Mr. Hill questioned fire prevention for food truck.

Public Questions

Marueen Welch of 50 Valley Street is very thrilled that they are coming back. She then questioned bathroom calculations.

Mr. Monroe explained it's under code and he is comfortable with four bathrooms.

There were no further questions from the public

Carla Cefalo-Braswell of 62 Gravelly Point Road was sworn in and spoke favorably about the application.

John Urbanski of 2 North Street was sworn in and does not see how the board can't pass this.

Arnie Fuog of 50 Valley Street was sworn in and has no objections to this application.

Tammy Caron was sworn in and stated she had her boat at this marina and never had an issue with parking and spoke favorably.

There were no further comments.

Board had discussion

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

ROLL CALL:

AYE: Mayor Nolan, Mr. Hill, Mr. Redmond, Mr. Colby, Mr. Korn,
Mr. O'Neil, Mr. Stockton

NAY: None

**Informal Subdivision
Fred Rosiak – 9 Marine Place**

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Present: Fred Rosiak

Mr. Rosiak said the Zoning Officer suggested he appear before the board . His home was damaged by Sandy and he will knock it down. Architect said property has buildable lots. Dale said to find out the board preference if the lots should be facing marine place or the other way.

Mr. Colby and Mayor Nolan agree that the houses should face Marine Place.

Mr. Stockton suggested he study both ways and prepare a plan and application

Approval of Minutes

Mayor Nolan offered the approval of the April minutes. Seconded by Mr. Stockton and all were in favor.

Communications

Mr. Fuog asked when the public can submit information for the Master Plan.

Mr. Stockton said he could submit it to the board secretary.

Mayor Nolan offered a motion to adjourn. Seconded by Mr. Redmond and all were in favor.

The meeting adjourned at 10:43 P.M.

Carolyn Cummins, Board Secretary