

**Borough of Highlands
Mayor & Council
Special Meeting
May 22, 2013**

Meeting Location: Ptak Towers, 215 Shore Drive, Highlands.

Mayor Nolan called the meeting to order at 7:32 p.m.

Mayor Nolan asked all to stand for the Pledge of Allegiance.

ROLL CALL:

Present: Mr. Redmond, Mr. Francy, Ms. Kane, Mayor Nolan

Absent: Ms. Ryan

**Also Present: Carolyn Cummins, Borough Clerk
Debby Dailey, Deputy Clerk
Bruce Padula, Esq., Borough Attorney
Stephen Pfeffer, CFO
Tim Hill, Borough Administrator
Dale Leubner, Borough Engineer's Office
Rob Keady, Borough Engineer's Office**

Planning Board

ROLL CALL:

**Present: Ms. Peterson, Mr. Gallagher, Mr. Hill, Mr. Colby, Mr. Danzeisen, Mr. Korn,
Mr. Stockton**

Absent: Mr. Shoelner, Mr. Britton

Zoning Board

ROLL CALL:

Present: Mr. Fox, Mr. Knox, Mr. Gallagher, Mr. Mullen, Mr. O'Neil, Mr. Braswell

Absent: Mr. Kutosh

Late Arrival: Ms. Pezzullo at 7:39 p.m.

Ms. Maresca at 7:35 p.m.

Mrs. Cummins made the following statement: As per requirement of P.L. 1975, Chapter 231, notice is hereby given that this is a Special Meeting of the Mayor and Council 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.

Restoring Non-Conforming Uses:

Mayor Nolan spoke about non-conforming uses and damage from the storm.

Ms. Maresca arrived at 7:35 p.m.

Mayor Nolan continued to speak about pre-existing non-conforming issues. He then spoke about Bay Avenue and having wider sidewalks. He would like to start planning now.

Mr. Leubner gave presentation on damaged pre-existing non-conforming structures. If the damage exceeds 50% then you need variance. The B-2 zone prohibits residential uses. Many of those properties received substantial damages. They need a use variance to go back to residential. He further explained that B2 zones are lots that front Bay Avenue. He explained that B2 zone can have commercial on the first floor and residential on 2nd floor. He continued to explain how he is informing the public.

Mr. O'Neil stated that there are permits issued already.

Mr. Francy said that people are not getting a final c/o until they lift their house within 4 years.

Mr. Colby feels this will not help people with banks or for selling purposes.

Mr. Leubner guesses that 30% already have permits and about 75% are looking to rebuild.

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Mr. Colby asked if we allow the use in this zone, would it eliminate the variance.

Mayor Nolan responded an option is to appeal the substandard declaration.

Mr. Gallagher asked what it would take to get a survey of the number of people applying to rebuild versus those who have not yet applied. He spoke about declaring the town in whole an area of rehabilitation. We have an opportunity to do something but need more accurate data.

Discussion continued regarding residential uses. The condos across from Veteran's Park should be grandfathered. They must have been given board approval.

Mr. Alfieri, Esquire, spoke about zone changes and complying with current ordinance changes. The statute does not allow you to ignore ordinances. You can't say these houses don't have to get use variances. You can change the ordinance to allow all non-conforming uses as permitted uses in zones.

Mr. Stockton asked if there is any way to combine this with a rehabilitation plan.

Mr. Alfieri said no and further explained.

Lori Dibble of 32 Paradise Park asked if there is non-conforming use created by undersized lots.

Mr. Leubner responded.

Don Manrodt of 268 Bayside Drive said that the V zone is not commercial. We are making it tough on people who want to rebuild.

Mr. Leubner said he is speaking about Bay Avenue.

Mr. Colby stated that we should not block people from getting back into their homes.

Mayor Nolan spoke of the big impact on revenues.

Discussion continued.

Michelle Pezzullo feels we need to get the flooding under control first.

Mr. O'Neil stated there are a number of homes that are non-conforming that are repaired and people are living in them.

Melissa Macaleer of 52 Barberie asked what the difference between residential and commercial mitigation is.

Mayor Nolan stated if we get out of the V zone, FEMA requirements will be different.

Mr. Leubner explained the difference between V zone and A zone requirements.

Mr. Gallagher wants to talk to ask residents what they want and spoke about the possible government buyout.

Discussions on repercussions of buyouts continued.

Mr. Francy feels we will not be in a V zone.

Mayor Nolan stated that we need to get mechanism in place for residents to do what they need to do.

Mr. Francy said we are giving out permits and c/o's with four year to raise house.

Mr. Colby inquired about c/o's are not given with an expiration.

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Mr. Gallagher feels we have a moral obligation to consider all options.

Discussion continued.

Mr. Redmond is concerned if house is substantially damaged, it is a lot of money to comply. In four years, you will not get your money back. We don't know if and when the government buyouts are going to happen.

Mayor Nolan asked if you build in a non-conforming use area, will that take you out of the grant.

Mr. Padula stated that it can be a requirement of the grant.

Steve Szulecki of 116 Highland Avenue said if we do the government buyout, you cannot redevelop. We need to solve the flooding problem. The price of insurance in five years is going to be enormous.

Ms. Kane said we need a plan to move forward.

Discussion continued.

Ms. Peterson spoke on consolidating districts. If residents come back, it will bring business back.

Lori Dibble of 32 Paradise Park said that CAFRA has relaxed their rules. She then said we don't have rehabilitation plan and tax abatement ordinance.

Jack Smith of Bay Avenue spoke about his economic situation. Where do we stand as homeowners, he needs to decide within 60 days if he will have to walk away.

Jack Smith continued to speak about FEMA. They won't give him any money. He cannot afford to put any more money in to his house. He needs government money to rebuild. He said if the government offered him a buyout, he would take it.

Mr. Gallagher stated that we should have a meeting with the government to ask for help.

Jack Smith said we still need to deal with the flooding.

Mayor Nolan said we are on the list for flood mitigation. The Army Corp of Engineers is doing a survey and will give us their recommendations.

Discussion continued with Jack Smith regarding economics.

Mr. Braswell asked if this meeting was to get the town back to pre-Sandy condition. This overlay zone with non-conforming uses allow residents to go back. We should craft an exception for the storm to get properties restored. He spoke of the cost of flood insurance and bringing business back. He spoke of raising the town and having it funded from marketing and P.R. and private money.

Discussions continued.

Mr. Colby said that zoning has to consider what is marketable for the town.

Carla Cefalo-Braswell stated that if we were to create a redevelopment plan in our problem areas, it has so many financial incentives for developers.

Discussion continued with governing body.

Don Manrodt of 268 Bayside Drive said with the use variance, the Zoning Board will have so many applications. People want to get back into there homes.

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Arnie Fuog spoke about building on undeveloped lot and parking under houses.

Mr. Korn spoke of are need to address flood issues. We have to solve short term and long term issues.

Mr. O'Neil said the most important issue is the V zone, and then do height. The governing body needs to drive the flood zone thru.

Discussion continued.

Ms. Kane said we need to get people home and then go for the flood mitigation project. This is the year to do it.

Melissa Macaleer of Barbarie Avenue asked if we have opportunities for media and we should be addressing the flood zone.

Melissa Macaleer asked about grants.

Mayor Nolan responded that if you started to work on your house, you are not eligible for grants.

Melissa Macaleer feels we cannot wait until FEMA adopts flood zones.

Mr. Gallagher said he attended Mayor's Conference and the message was that we have got to be patient. Don't take no for an answer, keep pushing.

Discussion continued.

Mayor Nolan wants to talk about specific zones at the first council meeting in June.

Discussions continued about lifting and non-conforming use.

Mr. Padula stated that people can appeal to the zoning board.

Mr. Colby said we should change the ordinance.

Mr. Stockton spoke about FEMA redoing maps and that 12' elevation may be appropriate.

Discussions continued further.

Mr. Gallagher said we can do zoning for a period of time.

Mr. Padula responded that we cannot put an expiration date on the ordinance.

Mr. Alfieri agreed with Mr. Padula that an ordinance cannot have an expiration date.

Council will discuss restoring non-conforming use at the first meeting in June.

Mr. Colby is against making someone go thru the expense of going before the zoning board.

Bay Avenue & Shore Drive Traffic Pattern:

Mr. Mullen said there was a study done for angled parking

Mayor Nolan spoke of making the street a one way.

Mr. Stockton stated that this was talked up years ago but never went anywhere. Also, Bay Avenue is a County Road.

Mr. Francy asked if this is a benefit to the town.

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Mr. Braswell stated that the fire department may have issues with traffic patterns.

Discussion continued.

Ms. Braswell said Highlands can't be compared to other towns. Would flood mitigation cure high tide flooding?

Mr. Fancy said yes, 100% rain floods and 100% of flood surges to 8-9 ft. We need to divert water from Hwy. #36 to the river.

Mr. Manrodt stated that a study on making Bay Avenue a one way street was done 15 years ago by T & M.

Mr. Leubner will look for the study.

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

The meeting adjourned at 9:50 p.m.

Debby Dailey, Deputy Clerk