

**BOROUGH OF HIGHLANDS
PLANNING BOARD MEETING
MARCH 9, 2006**

Mr. Stockton called the meeting to order at 7:46 P.M.

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

Mr. Stockton made 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 Courier, the Asbury Park Press and the Two River Times. Notice has been posted on the public bulletin board.

ROLL CALL:

**Present: Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Urbanski, Mr. Gilson,
Mr. Stockton, Mr. Cefalo**

Late Arrival: Mr. Bahrs arrived at 9:08 P.M.

Absent: Mr. Manrodt, Mr. Schoellner, Mr. Harrison

**Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Jaclyn Flor, P.E., Acting Board Engineer**

**PB#2005-2 Johnson, William
Block 40 Lot 5 – 78 Navesink Avenue
Request From Applicant to Postpone P.H. until April 13, 2006**

Mr. Stockton announced that the board received a letter from the applicant's attorney requesting that this public hearing be carried to the April 13, 2006 Meeting. He also stated that he had a conflict on this matter.

Mr. Mullen offered a motion to approve the request to carry this public hearing to April 13, 2006, seconded by Mayor O'Neil and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Urbanski, Mr. Gilson,
Mr. Cefalo,**

NAYES: None

ABSTAIN: None

Mr. Stockton advised the public that this matter has been carried to the April 13, 2006 and no further public notice will be given.

**PB#2006-1 Fleming, Daniel
Block 26 Lot 12 – 127 Highland Avenue
Request to Reschedule P.H. to April 13, 2006 Due to Deficiency in Public Notice**

Present: Daniel Fleming

Mr. Serpico explained to the Board that the applicant did not notice in the newspaper on time therefore the notice is deficient. He suggested that the Board only require the applicant to republish in the newspaper and not have to renotece the property owners.

Mr. Kovic offered a motion to reschedule this public hearing to April 13, 2006 and the applicant only be required to republish in the newspaper, seconded by Mr. Urbanski and all were in favor.

ROLL CALL:

**AYES: Mr. Kovic, Mr. Mullen, Mayor O’Neil, Mr. Urbanski, Mr. Gilson,
 Mr. Cefalo, Mr. Gilson**

NAYES: None

ABSTAIN: None

The Board also advised the applicant that he still needed to submit the requested information such as a site profile and steep slope information and revised survey and the he needs to submit it at least ten days prior to the public hearing.

**PB#2006-2 Branin, Gary
Block 48 Lot 3 – 39 Cornwall Street
Application Review & Set P.H. Date**

**Present: Mike Letteri, Esq.
 Gary Branin, Applicant**

**Conflict: David Gilson announced that he had a conflict on this matter as the
 Flood Officer and he stepped down.**

Mr. Letteri stated that the applicant would like to have this matter heard this evening if possible because the applicant did serve public notice. He stated that the applicant is before both the Planning Board and Zoning Board. They are here because the Flood Plain Ordinance requires them to be here and they are also required to be before the Zoning Board for four bulk variances in connection with this entire application. The property is located at 39 Cornwall Street in the R2.02 Zone. This application is for a variance for relief from the flood plain ordinance.

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Mr. Serpico stated that he has reviewed the public notice and the newspaper advertisement is deficient because it states that the applicant is appearing before the Zoning Board and it should state Planning Board.

Mr. Letteri requested that the applicant not be required to renounce to everyone, just be required to republish.

Mr. Stockton advised Mr. Letteri that the normal procedure is that the board deems the applications complete and sets the public hearing date. The Board does not review and hear an application in the same night.

The Board reviewed the application and stated the following:

1. The applicant must provide a Flood Elevation Certificate.
2. Applicant must renounce in the newspaper for Public Hearing.
3. Identify the degree of relief that is being requested.
4. The applicants must provide photographs.
5. The applicant must submit all requested information at least 10-days prior to the meeting.
6. The Board Engineer was to include in review letter the list of proof needed for this application.

Mr. Kovic offered a motion to schedule this matter for a public hearing on April 13, 2006 contingent upon the applicant republishing and submission of the all requested documents, seconded by Mr. Mullen and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Urbanski, Mr. Stockton
 Mr. Cefalo**

NAYES: None

ABSTAIN: None

Mr. Stockton advised the public that this application has been scheduled for a public hearing on April 13, 2006 and the applicant is only required to renounce in the newspaper not to the property owners.

Mr. Gilson returned to the Meeting Table.

**PB#2006-3 Catsaros, Gregory
Block 14 Lot 3.01 – 30 Grand Tour
Application Review & Set P.H. Date**

**Present: Katherine Franco, A.I.A , P.P.
 Gregory Catsaros, Applicant**

Conflict: Mr. Stockton stepped down on this matter.

Mr. Bahrs arrived to the meeting.

Ms. Franco stated that they are seeking a public hearing date of April 13, 2006. This is an application for a subdivision at 30 Grand Tour. They are no longer seeking a front yard variance because it is no longer necessary but they are seeking relief because of the critical slope.

The Board reviewed the application and stated the following:

1. The front yard setback needs to be looked at and verified.
2. In the bulk requirements section there are two side yard set backs that do not jive and need to be looked at.
3. Serve public notice.

Ms. Franco explained that the applicant is proposing to subdivide the property which meets almost all of the bulk requirements except for that front yard setback and the critical slope and construct a new house on the new lot and on the existing lot either renovate and expand it or build a new home which will be within the footprint.

Mr. Mullen offered a motion to schedule this matter for a public hearing on April 13, 2006, seconded by Mayor O'Neil and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Urbanski, Mr. Gilson,
 Mr. Cefalo**

NAYES: None

ABSTAIN: Mr. Bahrs

Mr. Stockton returned to the Meeting Table.

Mr. Stockton read the title of the following Resolution for approval and Mr. Serpico explained some correction to the Resolution to the Board.

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

**RESOLUTION APPROVING THE AMENDED MINOR SITE
PLAN AND VARIANCE APPLICATION OF CHRISTOPHER AND
ANNE OSBORN, BLOCK 58, LOT 26**

WHEREAS, the applicants Christopher and Anne Osborn are the owners of property known as Block 58, Lot 26 on the Borough of Highlands Tax Map, which property is located at 164 Bay Avenue, Highlands, New Jersey and is located in the B-2 Zone; and

WHEREAS, the applicants have previously applied for preliminary and final minor site plan approval with variances for the purpose of converting an existing single family dwelling into a mixed use structure containing commercial space on the first floor and a residence on the second floor. The variances required were as follows:

1. Pursuant to the Borough Zoning Ordinance the applicants are required to have five (5) on-site parking spaces and the applicants are proposing three (3) on-site spaces.
2. The Borough Zoning Ordinance requires a minimum side-yard setback of five (5) feet and the applicants are proposing a 1.12 foot setback which is pre-existing; and

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

WHEREAS, the Board considered this application at a public hearing held on October 13, 2005; and

WHEREAS, the Board heard the testimony of the applicants and reviewed a Site Plan prepared by Arthur Lutzker, a licensed Planner and Architect in New Jersey, which Plan was entered into evidence on behalf of the applicants; and

WHEREAS, the Board after considering the evidence and testimony presented by the applicant had made the following findings of fact and conclusions based thereon:

1. The property is located in the B-2 Zone.
2. The variances requested are minor in nature since the conditions which necessitate variances are basically preexisting.
3. The applicants would suffer a true hardship if the variances requested were denied; and

WHEREAS, the Board determined that the relief requested by the applicants could be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Borough of Highlands; and

WHEREAS, the Board after considering the testimony and exhibits found the proposed minor site plan and variances to be acceptable with conditions; and

WHEREAS, the Planning Board of the Borough of Highlands approved the application for preliminary and final minor site plan and variances contingent upon 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 October 11, 2005, which is incorporated herein 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 applicants will obtain the approval of the Monmouth County Planning Board for the project if required by law.
6. The applicants will obtain the approval of the Highlands Regional Sewerage Authority for the project if required by law; and

WHEREAS, pursuant to condition #5 above the applicants applied to the Monmouth County Planning Board for approval of the project and County Planning Board required the applicants to provide two on-site parking spaces versus the three that were approved by this Board, which resulted in a new variance for an on-site parking deficiency of three spaces; and

WHEREAS, the County Planning Board also required the applicants to convey or dedicate five feet along the front of the property to the County for a future right of way for the street; and

WHEREAS, the foregoing resulted in the applicants reapplying to this Board for an amended approval which was noticed for and heard on February 9, 2006.

NOW THEREFORE BE IT RESOLVED that the application for amended site plan approval and variances is hereby granted subject to the applicants complying with outstanding conditions of the prior approval if any, that are not affected by this approval and the applicant making the appropriate financial contribution to the Borough parking fund for the deficient parking spaces at the subject premises.

BE IT FURTHER RESOLVED that the applicant voluntarily agreed to have property markers installed in order to clearly identify the boundary line between the applicant's property and the contiguous Sloan property.

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

ROLL CALL:

AYES: **Mr. Kovic, Mr. Mullen, Mr. Urbanski, Mr. Gilson, Mr. Cefalo,
 Mr. Stockton**
NAYES: **None**
ABSTAIN: **None**

**Highlands Board of Education
Review of Long Range Facility Plan**

Present: **Scott Mihalick of SSP Architectural Group
 Annemarie Tierney, Board President
 Ms. Galesetti, Superintendent of Schools**

Mr. Serpico swears in Mihalick.

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

1. This plan has no impact to the exterior of the building.
2. There are three main pieces to the plan which are demographic impact which the study provided by the New Jersey Department of Education that they do not indicate that there would be a significant amount of new students that the building could not handle. Education Adequacy issues, there are a few changes all of which are internal, which he further described. The third item is the infrastructure items such as the windows, doors, lighting and ceilings.
3. The School Board is currently putting together a budget for the next school year and it's not expected that the Board will address all of the issues in this plan.
4. This plan is more like a shopping list for the top priority items.

5. It is required by the State that as the Board chooses to advance projects the projects must be listed in this plan.
6. There isn't really anything that is going to affect the exterior of the building other than some maintenance and up grade work.
7. There are no changes to the parking or traffic flow to the school.
8. This plan does include both the main school building and the other little building.

Ms. Galesetti stated that there is always a parking issue especially at pick up time.

Mr. Stockton asked if there were any questions from the public.

Chris Francy of 36 Fifth Street – does the demographic study include the fact that the OLPH school is closing and how many students do you expect to add to your school?

Mr. Mihalick – it does not include the closing of OLPH.

Ms. Galesetti - there are about 40 students that we could possibly pick up.

Mr. Mihalick – the capacity of the building does look like we can hold that.

Mr. Stockton – what are the higher priorities for fixing?

Mr. Mihalick – the educational adequacy things which there aren't many. There are a few minor changes that the district was able to undertake without expending any funds such as moving some rooms around. Things like the boiler, the boiler replacement is at the top of the list, the ceilings and lightings is another need and some other things like the stage, they are trying to get some barrier free access to that.

The Board briefly discussed the Long Range Facility Plan.

Mr. Mullen offered a motion to have the Board Attorney prepare a Resolution in favor of the Long Range Facility Plan, seconded by Mr. Urbanski and approved on the following roll call vote:

ROLL CALL:

AYES: **Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,
Mr. Gilson, Mr. Cefalo, Mr. Stockton**

NAYES: **None**

ABSTAIN: **None**

Mr. Serpico stated that he would have a resolution prepared for the next meeting.

**PB#2005-11 Broderick, Shaun – Withdrawal of Application
Discussion RE: Application Fees
Block 60 Lot 7 – Shore Drive**

Mr. Stockton stated that the board received a letter from the applicant withdrawing his application and requested that he not be required to repost application fees at time of resubmission.

The Board had a discussion on this matter.

Mayor O’Neil offered a motion to accept the withdrawal of his application and that the applicant not be required to repost application fees at the time of resubmission unless the fees have increased than he would be required to post the difference. The applicant would be required to post additional escrow funds. Seconded by Mr. Kovic and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Kovic, Mr. Mullen, Mayor O’Neil, Mr. Bahrs, Mr. Urbanski,
 Mr. Gilson, Mr. Cefalo, Mr. Stockton**

NAYES: None

ABSTAIN: None

**PB#2005-4 Roslansky, Patrick
Request for Extension of Time to Perfect
Subdivision
Block 11 Lot 16.02 – Portland Road**

Present: Philip San Filippo, Esq., Applicants Attorney

Mr. San Filippo – the Board approved this application back in August and the Resolution was adopted on September 8, 2005. The applicant’s surveyor who drew the subdivision map retired and there have been difficulties between him and T & M Associates trying to resolve discrepancies with the description. The 190-days to perfect the subdivision is about to expire so we are asking for a 60-day extension.

Mr. Bahrs offered a motion to grant the applicant a sixty day extension to perfect the subdivision, seconded by Mayor O’Neil and approved on the following roll call vote:

ROLL CALL:

AYES: **Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,
Mr. Gilson, Mr. Cefalo, Mr. Stockton**
NAYES: **None**
ABSENT: **None**

Mr. Serpico stated that he will prepare a Resolution for the extension to adopt at the next meeting.

Approval of Minutes:

Mr. Kovic offered a motion to approve the February 9, 2006 Minutes, seconded by Mr. Urbanski and all were in favor expect for two abstentions from Mr. Mullen and Mayor O'Neil.

Mr. Bahrs offered a motion to adjourn the meeting, seconded by Mr. Urbanski and all were in favor.

The Meeting adjourned at 8:35 P.M.

CAROLYN CUMMINS, BOARD SECRETARY