

**BOROUGH OF HIGHLANDS
PLANNING BOARD
REGULAR MEETING
MAY 11, 2006**

Mr. Stockton called the meeting to order at 7:51 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. Manrodt, Mr. Mullen Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,
Mr. Schoellner, Mr. Gilson, Mr. Stockton, Mr. Harrison, Mr. Cefalo

Late: Mr. Kovic arrived at 7:52 P.M.

Absent: None

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

**Request for Zone Change from Highlander Associates/Shadow Lawn Mobile Park
Referred to PB from Mayor and Council for Recommendations
Martin McGann Request Special Meeting Date**

Mr. Stockton stated that Mr. McGann has submitted a letter requesting a Special Meeting Date for this matter.

Mr. Manrodt stated that he resides within two hundred feet of this property and wanted to know if he should step down for this matter.

Mr. Serpico stated that he is not sure that he has to step down for this because it's an ordinance change not an application for development. He stated that he will look into this.

Mr. Stockton stated that he has a conflict on this matter and he stepped down.

Mayor O'Neil offered a motion to set a special meeting date for this matter on June 22, 2006, seconded by Mr. Mullen and all were in favor except Mr. Manrodt who abstained.

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Mr. Serpico stated that since this is a specific request for a zoning ordinance change and without a formal ordinance being drafted, he will have to do some research to see if there are any notification requirements that have to be met by the applicant. He will look up the law and send a memo out on this matter.

Mr. Mullen suggested that the applicant submit more information on the proposed zone.

**PB#2006-4 Reed, Thomas
Block 92 Lot 8 – 3 Snug Harbor Avenue
Application Review & Set P.H. Date**

Present: Thomas Reed

Mr. Reed briefly explained that he is proposing to subdivide his existing lot into two lots.

The Board reviewed the application and the following was stated:

1. Question #10 on the variance application stated that there were no previous appeals on this application but there was a previous appeal to zoning board for this property therefore the application must be amended.
2. Question #12 with regard to any building or code violations on the property there was a previous violation and the applicant should provide evidence that the violation has been satisfied. The applicant stated that he has a building permit to show compliance.

This matter was scheduled for a public hearing on June 8, 2006.

Mr. Stockton returned to the meeting table.

Mr. Stockton read the title of the following Resolution for approval:

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

**RESOLUTION EXTENDING THE TIME TO PERFECT THE MINOR
SUBDIVISION
GRANTED TO ELLEN LoBELLO FOR BLOCK 57, LOT 21**

WHEREAS, the applicant referred to above is the owner of the above mentioned lot, which lot is located in the R—2.02 Zone; and

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WHEREAS, the applicant has previously applied for a Minor Subdivision with variances that was granted with conditions by the Board on August 11, 2005; and

WHEREAS, the Board adopted a written Resolution confirming the foregoing on September 8, 2005; and

WHEREAS, the MLUL requires the minor subdivision to be perfected within 190 days from the date the written Resolution was adopted by the Board unless there are extenuating circumstances that effectively prevent the perfection of the subdivision; and

WHEREAS, the applicants could not reasonably comply with the conditions of the approval before the expiration of the 190 days referred to above; and

WHEREAS, the applicants have requested an extension of the time within which to perfect the minor subdivision pursuant to N.J.S.A. 40:55D-47g.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands, for good cause being shown, that the application for an extension of time to perfect the minor subdivision is hereby granted for a period of 120 days from March 17, 2006, pursuant to the statute set forth above.

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

ROLL CALL:

AYES: Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs, Mr. Urbanski,
Mr. Schoellner, Mr. Gilson, Mr. Harrison, Mr. Stockton

NAYES: None

ABSTAIN: Mr. Manrodt

**Review & Make Recommendations on Zoning Ordinance Amendments (O-06-03)
Martin Truscott , P.P. of T & M Associates**

Mr. Serpico swears in Martin Truscott, P.P. of T & M Associates.

Mr. Truscott explained that since the last time the Planning Board reviewed the ordinance the Mayor and Council introduced it with some amendments and his memo list all of the changes.

The Board reviewed and discussed ordinance O-06-03 with Mr. Truscott and Mr. Truscott discussed his memo dated May 5, 2006 which listed the latest revisions.

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Mr. Truscott explained that there are three changes that have merited attention by the Planning Board which are the eastern boundary of the proposed MXD Zone which he shown on the proposed new zoning map which was marked as Exhibit A-1. This shows that that a long narrow lot that belongs to marina property is to be included in the MXD Zone which is a correction. The second is the change to the Locust Street area to maintain the current zoning rather than to include it in the MXD Zone. The third change is the change to add multi-family use to MXD which he further explained. He asked that the board find that the proposed zoning ordinance amendment is consistent with the intent and purpose of the Master Plan and accept all of the changes.

The Board discussed the proposed changes with Mr. Truscott.

The Board announced that that they will take a short recess until the fire sirens stop.

One minute later the board called the meeting back to order.

Mr. Mullen suggested that we add an item 30E, the investing of Locus t Street are for future rezoning as the future appropriate rezoning.

The Board discussed the third change of adding multi-family use to the MXD Zone with Mr. Truscott.

Mrs. Cummins stated that on page 32 of the proposed zoning ordinance, section 43 the certificate of occupancy fee should be \$50.00 not \$35.00 and the smoke detector fee should be \$35.00 not \$20.00. She requested that the Planning Board make a recommendation to correct these fees.

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

Alice Banks of Paradise Park wanted the board to simplify everything that was said because she had trouble understanding the discussion.

Mr. Truscott gave Ms. Banks an explanation of changes 1, 2 and 3 as mentioned in his memo of May 5, 2006 and she was satisfied with his explanation.

Chris Francy of 36 Fifth Street expressed his opinion that the inclusion of the multi-family in this zone is not a minor change in this zone. He feels that that multi-family is universally a landlord situation and it's different than town homes. He feels that it is flat out contrary to the master planning goal to promote owner occupied housing and he is not sure how we are responding to the developer in his every wish the way that we seem to be.

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Mr. Truscott responding by stated that he feels that Mr. Francy is confusing multi-family use with ownership and renter but he is talking about physical structure. Multi-family does not necessarily mean renter or owner.

Chris Francy – how does the inclusion of multi-family comply with the Master Plan goal #5.

Mr. Truscott – I think its consistent because I don't think that there is much of a distinction between multi-family and town homes because you are protected by the bulk standards.

Chris Francy – the change in Locust Street is a good change and it was driven by the need to make the home owners whole. How does that protection that you afforded Locust Street not get afforded to the residents of the Paradise Mobile Park?

Mr. Truscott explained that it was a decision by the Mayor and Council to change that part of the ordinance and this is a question for the borough council

Lori Dibble of 32 Paradise Park – How do you calculate the permitted density of this new zone?

Mr. Truscott – the density is for the entire tract.

Lori Dibble – they can't build anything within 160 feet of the water so all of the residents have to be back behind that line. Have you given any consideration for the particular characteristics of that lot and how this proposed MXD zone will look on that lot.

Mr. Stockton – I think that is a question for the property owner and that will come out when the site plans come out for that property.

Lori Dibble – shouldn't consideration of whether or not that the zoning that you are putting through is appropriate for the particular tract of land that are being zoned.

Mr. Serpico explained that the task for the Planning Board to consider the amendments in connection with the consistency of the Master Plan.

Ms. Dibble continued to ask questions about the proposed MXD zone change for the Paradise Park.

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Frank Wallzein of 30 Paradise Park wanted to know how many acres of property is being considered.

Mr. Truscott – I don't have that information but it's not a lot of land.

Frank Wallzein questioned the allowed number of units per acre.

Mr. Truscott explained that we still have the protection of the floor area ratio.

Frank Wallzein continued to question the addition sliver of land that is being added to the MXD Zone.

Eugene VanWagner of 8 Beach Blvd questioned the zoning for his property located on Beach Blvd.

Mr. Truscott explained that it is a WTR Zone.

Mr. Urbanski explained that this zone will now be more consistent with what is there.

Chris Francy of 36 Fifth Street – wanted to know if the sliver of land that is being added to the MXD Zone is owned by the Bollerman and is it a separate lot.

Mr. Truscott stated that is a separate tax lot and he is not sure who owns it but he believes that it is part of the Marina.

There were no further questions from the public.

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

William Eaton, Esq. representing Paradise Mobile Park Homeowners Association stated that they are here regarding the MXD Zone for Paradise Park. He expressed his opposition to the proposed MXD Zone. He explained that his clients will lose their right to relocation benefits if the zone is changed. If the owner were to go for a variance under the MH district then his clients would be protected in getting right to relocation benefits. He then requested that the Zoning Amendments be bifurcated to separate the MXD Zone because they are only questioning and opposing the MXD Zone.

There were no further comments from the public so the public portion was closed on this matter.

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The Board had a discussion about the proposed zoning amendments and all voiced their opinion.

Mr. Manrodt offered a motion to withdraw the proposed MXD Zone for the mobile home park and to accept all other amendments, seconded by Mr. Harrison and not approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Mullen, Mr. Urbanski, Mr. Stockton

NAYES: Mr. Kovic, Mayor O'Neil, Mr. Bahrs, Mr. Schoellner, Mr. Gilson

ABSTAIN: None

Mr. Kovic offered a motion to make a recommendation that all of the amendments are consistent with the Master Plan, seconded by Mr. Bahrs and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Kovic, Mayor O'Neil, Mr. Bahrs, Mr. Schoellner, Mr. Gilson

NAYES: Mr. Manrodt, Mr. Mullen, Mr. Urbanski, Mr. Stockton

ABSTAIN: None

Mr. Serpico stated that he has prepared a Resolution which will adopt the report on this matter and he stated that the only members of the board that can vote on this resolution are the members that voted in favor.

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

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD**

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of proposed Borough Ordinance O-06-03, 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 prepare and transmit a report back to the Governing Body; and

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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 11, 2006; 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 it hereby adopts the findings of the Board annexed hereto and made a part hereof; and

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 O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Kovic, Mayor O'Neil, Mr. Bahrs, Mr. Schoellner, Mr. Gilson

NAYES: None

ABSTAIN: None



Memorandum

**TO: Andrew Stockton, Chairman
Highlands Borough Planning Board**

FROM: Martin P. Truscott, P.P., A.I.C.P.

DATE May 5, 2006

**RE: Ordinance 06-03
Amendments to Land Development Ordinance
Borough of Highlands**

The Borough Council has referred the above-referenced ordinance to the Planning Board for review in accordance with NJSA 40: 55D-64. It is my understanding that the Board Secretary has forwarded a copy of the current ordinance amendment to each Board member under separate cover.

Ordinance 06-03 is essentially the same ordinance that was reviewed by the Planning Board and its subcommittee in late 2005 and early 2006 with some slight revisions. The modifications to the Ordinance are listed on the attachment to this memorandum.

The Municipal Land Use Law provides that the Planning Board prepare a “report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations

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concerning these inconsistencies and any other matters as the board deems appropriate.”
(40:55D0-26a.)

This memorandum is intended to provide a report as required by the statute for the Board’s consideration. My findings concerning the proposed Ordinance are as follows:

1. Ordinance No. 05-23 amends various sections of Chapter 21, Zoning and Use Regulations, of the Borough of Highlands Code. The purpose of the proposed amendment is to implement the recommendations of the Highlands Borough Master Plan. The Master Plan recommended numerous changes to the zoning ordinance and the zoning map. The modifications include, but are not limited to, updating the zoning and land use regulations in accordance with recent amendments to the Municipal Land Use Law and incorporating references in the Borough regulations to the NJ Residential Site Improvements Standards, revisions in specific instances to permitted principal uses within certain zone districts, updating the fee schedule for land development applications, revisions to the sign regulations, clarification of sections of the regulations dealing with floodplain development, several zoning map revisions, provisions addressing compliance with affordable housing regulations and creation of a Mixed-Use zone district. The proposed amendment also includes revisions of existing regulations for purposes of addressing codification issues, adds new definitions, amends the building height definition and requires an as-built survey prior to framing of new buildings.
2. The Highlands Borough Master Plan was adopted by the Planning Board on November 10, 2004. The 2004 Master Plan was prepared and reviewed by the Planning Board over a one and one-half year time period and included numerous workshop and public meetings. The Master Plan is a comprehensive planning document addressing the elements required in the Municipal Land Use Law (40:55D-28).
3. The proposed ordinance addresses the recommendations of the Land Use Plan Element of the 2004 Master Plan with the exception of the following:
 - a. Inclusion of additional permitted uses for the Shadow Lawn Mobile Home Park;

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- b. Adding a Floor Area Ratio requirement to control residential and commercial intensity;
- c. Standards for the bungalow colonies; and,
- d. Creation of an ordinance and use manual for floodplain management.

Each of the above exceptions is to be addressed at a later date, since they will require further detailed investigation, prior to preparation of implementing ordinance amendments.

- 4. Several of the revisions listed in the attachment to this memorandum are not consistent with the 2004 Master Plan. They are as follows:
 - a. The eastern boundary of the proposed Mixed-Use District (MXD) was corrected to properly incorporate all of the Sandy Hook Bay Marina tract. The boundary of the Mixed-Use land use area as designated in the adopted Land Use Plan Map was based on aerial photographs and incorrectly identified. The proper tract limits of the MXD Zone District are reflected in the proposed Zoning Map dated February 2006.

The Planning Board intended to include all of the marina property in the MXD land use area and therefore this change is consistent with the intent and purpose of the Master Plan.

- b. Designation of the “Locust Street” area to maintain the current zoning. The Locust Street area is currently zoned as R-1.03 Residential and was included in the MXD land use designation in the 2004 Land Use Plan Element of the Master Plan. The prior Zoning Map identified the Locust Street area as “MXD.” This area contains numerous single-family residences on small lots and is not required to implement the MXD Zone.

The designation of the existing residential neighborhood in the MXD land use area would render the existing homes as nonconforming and the area does not appear likely to be redeveloped in the near future. This change does not impair the intent of the MXD land use designation and was acknowledged by the Planning Board during its deliberations on the consistency of proposed ordinance 05-23.

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- c. Multifamily Use was added as a permitted use to facilitate greater variation in architectural design. The Master Plan recommendation for residential use was limited to townhouses. Multi-family dwellings are those types of units which are located in a building containing three or more units, including units that are located one over another. Townhouse dwellings are also attached units, but no unit is located above another

This modification should be deemed as a technical change, due to the similarity of townhouses with other multifamily uses.

I would recommend that the Planning Board determine that proposed Ordinance 06-03 is consistent with the 2004 Master Plan, noting that the above modifications are not substantial and are consistent with the goals and objectives of the Master Plan. In my opinion, the subject ordinance may be adopted without impairing the intent and purpose of the Master Plan.

MPT:lbw

- cc: Individual Planning Board Members
C. Cummins, Board Secretary, Highlands Borough Planning Board
(Via Facsimile: 732-872-0670)
J. Serpico, Esq., Highlands Borough Planning Board Attorney
D. Manco, Esq., Borough Attorney
J. Flor, P.E., T&M Associates

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ATTACHMENT ONE

1. **Map Change.** MXD Zone boundary shifted slightly to include Lot 17.02 Block 101, a long narrow parcel.
2. **Map Change.** Locust Street area changed from MXD to R-1.03.
3. **Page 6.** Added reference to "Building Height" illustration. Illustration added as Appendix B.

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4. **Page 13, Section 22.** Changed date of the Zoning Map from September 2005 to February 2006.
5. **Page 16, Section 25.** Added “Single Family Residential” to the title of R-2.01 Zone.
6. **Page 17, Section 25.** Added “Single Family Residential” to the title of R-2.02 Zone.
7. **Page 18, Section 25.** Added “Single Family Residential” to the title of R-2.03 Zone.
8. **Page 22, Section 32.** Added Multi-family dwellings as a permitted use in the MXD Zone.
9. **Page 23: Section 32, D. #7:** Added phrase: “for the entire tract.”
10. **Page 26: Section 32.** Added Paragraph F, which addresses compliance with the Multi-family guidelines.
11. **Former Section 38 amending Section 21-98.A.2** (Non-Conforming Uses, Structures, and Lots) was deleted. This section was to modify the allowance of vertical additions of nonconforming buildings to be up to 100% of the original building footprint.
12. **Page 37, Section 47, (Ordin. Section 21-123).** Revision to Flood Damage Prevention Ordinance requested by Board of Adjustment Annual Report concerning board of proper jurisdiction.
13. **Page 38, Section 48.** Sets a threshold for growth share requirement for residential development at 9 or more units. (Section 21-129D.)
14. **Page 39, Section 48.** Rounding of fractions for affordable units. (Section 21-130. A)
15. **Page 39, Section 48.** Sets a threshold for growth share requirement for residential development. (Section 21-130.C)

HGHL-00370



Memorandum

Via Facsimile (732/872-0670)

TO: Carolyn Cummins, Secretary
Highlands Borough Planning Board

FROM: Martin P. Truscott, P.P.

DATE: May 26, 2006

RE: Consistency Review
Ordinance 06-03
Highlands Borough

Please consider this memorandum as an addendum to my memorandum to Andrew Stockton, Chairman, Highlands Borough Planning Board, dated May 5, 2006 concerning the above referenced matter.

At the Planning Board meeting on May 11, 2006, I discussed the memorandum and recommended the following amendment:

Amend the following sentence on page 22 in Section 32 (Paragraph B.1.b):
(~~strike through~~ (deletions indicated as strikethroughs, and brackets [~~thus~~]).

“Multi-family dwellings [~~in accordance with MF Multi-family Residence Zone District Standards, Section 21-88~~].”

In addition, you recommended a second amendment as a correction to the fee schedule:

Section 43 (Page 32)

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- | | | |
|----|---|-------------------------------------|
| I. | Certificate of Continuing Occupancy | [\$35.00] \$50.00 |
| J. | Smoke Detector permits, per N.J.A.C. 5:19 | [\$20.00] \$35.00 |

The Planning Board accepted the amendments.

Please contact me if there are any questions concerning this memorandum.

MPT:lfm

cc: Andrew Stockton, Chairman
Jaclyn Flor, P.E., P.P., C.M.E.
J. Serpico, Esq., Board Attorney
D. Manco, Borough Attorney

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**PB#2006-1 Fleming, Daniel
Block 26 Lot 12 – 127 Highland Avenue
Hearings on New Business**

**Present: Daniel Fleming
Mike Irene, Esq.**

Mr. Stockton announced that the board would not have time to hear this matter this evening.

Mr. Mullen offered a motion to carry this public hearing to June 8, 2006, seconded by Mr. Manrodt and all were in favor and approved on the following roll call vote:

ROLL CALL:

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

Mr. Irene stated that a time extension is granted to the board.

Mr. Serpico stated that no further public notice will be given.

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**PB#2006-3 Catsaros, Gregory
Block 14 Lot 3.01 – 30 Grand Tour
Hearing on New Business**

**Present: Kevin Kennedy, Esq.
Gregory Catsaros
A.J. Garito, P.E.
Katherine Franco, A.I.A., P.P.**

Conflicts: Mr. Stockton & Mr. Bahrs both stepped down for this matter.

Mr. Serpico stated that Mr. Kennedy is the Zoning Board Attorney for the Borough of Red Bank and T & M Associates is the Board Engineer in both Red Bank and Highlands but he does not feel that there is a conflict.

Kevin Kennedy – this is a minor subdivision application for the property located at 30 Grand Tour. There is an existing lot that is approximately 18,000 square feet and it is located in the R-1.01 Zone. The applicant is proposing to subdivide into two lot. The minimum lot size in this zone is 5,000 square feet. One lot will be approximately 11,300 square feet and the other 6,800 square feet. There is a front yard setback variance necessary and that will be for the existing structure. Thirty five is required and under one calculation our engineer will say that we have 34.5 feet and the other method of calculation our engineer will say that we have 35.99 feet, so we need a variance.

The following documents were marked into evidence:

- A-1: Minor Subdivision Map prepared by Two River Engineering dated 02/17/06
Consisting of 4-sheets.
- A-2: Minor Subdivision Plan – 1 Page, prepared by R. Stockton dated 2/17/06.
- A-3: One Page Proposed Construction Plan prepared by C. Franco dated 2/27/06.
- A-4: Colored Rendering of Grading Plan on Large Board dated 2/17/06.
- A-5: Photo Board consisting of four photographs.
- A-6: Front Elevation Illustrated by C. Franco.

Mr. Serpico swears in A. J. Garito, P.E.

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Mr. Garito then stated that he is a licensed Engineer in New Jersey and then described his professional background.

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

1. The property is located in the R-1.01 Zone and there is currently a single-family residence on the site.
2. He then described A-4.
3. The lot is approximately 18,000 square feet in area.
4. There are residential houses on both sides of the property and across the street.
5. The property slopes from the rear to the front.
6. The applicant is proposing to subdivide the lot into two lots. One will be 11,343.87 square feet and the other is 6,800 square feet and the required in 5,000 square foot lot.
7. Proposed Lot 3.011 is the lot with the existing home on it and that will be 11,343.87 square feet. The front yard setback from where the proposed subdivision is will be 34.99 feet where 35-feet is required.
9. They intend to add on to the existing home. They are proposing a house and the footprint of the house is 2500 square feet and it conforms to all bulk requirements except for the existing front yard setback. There are existing steps that run to the existing home and they will remain, they are proposing a new relocated driveway. The existing steps encroach slightly onto lot 3.012 and we will correct that. They are proposing a patio to the rear of the lot. This patio area has a retaining wall of almost 15-feet in height at its tallest point. We will make the house a bi-level house so that the wall would be a maximum of 4-feet high verses the 15-feet high. This lot can accommodate two or three cars.
10. Proposed Lot 3,012 will have a new structure of 1500 square feet and enclosing a rear porch with a retaining wall of a maximum of 6-feet. This lot will be 6,850 square feet. This lot will accommodate at least two vehicles.
11. He then showed the board Exhibit A-5 and described each of the photographs.
12. He then reviewed the Board Engineers Letter dated 4/12/06 and stated the following:

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- Item #4 They are requesting a waiver.
- Item #5 He stated that he showed the critical steep slope on sheet 4 of 4 of Exhibit A-1 and stated that the disturbance is where the existing structure is. On lot 3.012 there is a small area of disturbance by the driveway. The proposed slope for the driveway will be 10% and they will look into if the cars will bottom out off the driveway. The grading plan will be revised to accommodate the existing front retaining wall comment.
- Item #6 At the closest point its 2.6 feet to the property line from to the outside of the wall so there is a minor existing condition in t his area where 3-feet is required.
- Item #7 With regard to terraces and lot coverage – if we include the terrace we still do not exceed the allowed lot coverage 30% it brings lot 30.012 from 24% to 29.9%.
- Item #8 Is just a comment and no response is needed.
- Item #9 They agree to have a fence on top of wall.

Technical Comments – there are six technical comments and we would agree to do all of those. Comment #4 asked to show trees to be removed and we will identify which trees have to be removed. Comment #5 street trees are not applicable which he further explained. Comment C has to do with grading and drainage and he briefly described them and discussed them with Ms. Sunyak. Comments D – they will address them.

13. the southerly lot the closest point to the rear is about 36-feet and the height of the wall there is going to be about a 3-foot high wall in that area and on the northerly lot its approximately 10-feet to the rear property line and that wall is about 5-feet tall in that area.

14. He discussed roof drainage and what he will probably do.

Mr. Kovic asked if there were any questions from the public for Mr. Garito.

Rachel Stockton of Grand Tour asked several questions of Mr. Garito about the project and the surveys. She also mentioned that there is a moratorium on Grand Tour and suggested that the applicant be required to make contributions to the sidewalk fund.

Mr. Manrodt left the meeting for the night at 10:27 PM.

There were no further questions from the public.

Mr. Serpico swears in Catherine Franco, A.I.A, P.P.

Ms. Franco stated the following during her testimony and response to questions from the board:

1. Richard Stockton did go out and shoot spot elevations to confirm the original topo map that he had given us for Mitchell.
2. She described Exhibit A-6 to the board which is the front elevation on Grand Tour of the new home which is going to be approximately 2800 square feet on lot 3.012.
3. She described Exhibit A-3 and stated as far as the topo's go lot 3.012 we are doing a patio in the back which starts off at 5-feet then its going to slope down to zero. On the existing house we are proposing an addition that hasn't been designed yet but what we have discussed is having it two levels so that we don't have a retaining wall that high which she further explained.
4. She described the interior of the new home and stated that it will be two stories high and that the house will comply with the height ordinance.

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

Rachel Stockton asked if the design of the renovation should be done before the board makes a decision.

Ms. Franco stated that they haven't done it yet.

Rachel Stockton asked if the renovation of the existing house will disturb any of the slope.

Ms. Franco – yes, it's going to go back which she further explained.

There were no further questions for Ms. Franco from the public.
Due to the late hour the board will carry this matter the June 8th meeting.
Mr. Kennedy granted the board a time extension.

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Mr. Urbanski offered a motion carry this matter to the June 8th meeting, seconded by Mayor O'Neil and all were in favor.

Mr. Serpico stated that no further notification will be given that this matter has been carried to the June 8th meeting.

Communications:

Mr. Stockton advised the board that there will be a FEMA Representative at the next meeting for the Branin hearing.

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

The Meeting adjourned at 10:51 P.M.

CAROLYN CUMMINS, DEPUTY CLERK