

**BOROUGH OF HIGHLANDS
PLANNING BOARD
REGULAR MEETING
JULY 13, 2006**

Mr. Stockton called the meeting to order at 7:49 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 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. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Stockton, Mr. Harrison, Mr. Cefalo

Late Arrival: Mr. Gilson arrived at 7:52 PM.

Absent: Mr. Bahrs, Mr. Urbanski, Mr. Schoellner

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

**PB#2006-4 Reed, Thomas
Block 92 Lot 8 – 3 Snug Harbor Avenue
Hearing on New Business**

**Present: James Siciliano, Esq.
Thomas Reed**

Conflict: Mr. Stockton stepped down for this matter.

Mr. Kovic chaired this portion of the meeting.

Mr. Siciliano stated that this is a simple minor subdivision application and he will only be having the applicant testifying.

Mr. Serpico stated that he has reviewed the public notice and finds it to be proper therefore the Board has jurisdiction to proceed.

Thomas J. Reed of 3 Snug Harbor Avenue was sworn in.

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The Following documents were marked into evidence:

A-1: Minor Subdivision Map prepared by R. Stockton dated 6/29/06.

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

1. He is the current owner of the property and it contains his residence.
2. His proposal is to subdivide the property and create a new lot for the construction of a new single-family home.
3. The property has a frontage of 112.05 feet and he is proposing to subdivide that into two lots, a lot of 50 foot frontage and of 62.5 feet of frontage for the existing structure.
4. The new lot proposed would be known as lot 8.02 and would be fully conforming. The footprint of the house that he is proposing is shown on the plan and that house would be positioned in a way that all of the setbacks would be conforming.

Mr. Mullen questioned the front yard setback of lot 8.01.

Mr. Siciliano stated that existing house on lot 8.01 which contains the existing house is deficient in terms of the front yard setback of 10.4 feet. It's an existing condition and it is not something that we are changing with this application.

Mr. Reed continued his testimony:

5. Other than that pre-existing condition all of the other ordinance requirements have been met.

Mr. Mullen questioned the setback of the proposed deck on lot 8.02 and stated that it would be considered as part of the primary structure and the setbacks would be deficient there.

Ms. Flor explained that any deck that extends above the elevation of the first floor shall meet the setback requirements of the principal structure.

Mr. Kovic - then the applicant would need a variance tonight for the deck.

Mr. Mullen stated that the relief that the board would be granting is not for 12.7 feet it's greater because the deck is sticking out.

Mr. Siciliano stated that he has not seen the revised board engineer's letter and if there is anything on the revised engineering letter they would be happy to comply

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and submit it as a condition of approval.

Mr. Mullen stated that at the last meeting the applicant stated that he would provide the board with information with regard to previous applications that were made to other boards and the status of construction of those improvements. He stated on the application that there were no code violations.

Mr. Siciliano explained that in 2003 there was some confusion over the issuance of permits for a deck on the existing house and he has been informed that that was quickly cleared up by authority of the borough and that he was given permission to continue with the deck. So there are no outstanding violations against the property.

Mayor O'Neil – I cleared that up myself.

Mr. Mullen – in our meeting package there is a copy of a Stop Work Order that was issued.

Mr. Kovic stated that the matter was cleared up and does not feel that questioning it is appropriate.

Mayor O'Neil – I worked that out with Mr. Morgan and it was inspected and it's finished.

Ms. Flor – whenever the support columns go in for that deck she wants to make sure that you have an 8-foot clear width on that driveway so that you could avoid a design waiver. The other item is if the deck is elevated for lot 8.02 you still only have 12.7-feet so the board should be aware that a car is going to overhang into the right-of-way and that should be a design waiver.

Mr. Siciliano stated that both houses have garages underneath the house.

Ms. Flor – then she disregards that comments.

Mr. Kovic asked if there were any questions or comments from the public but there were none.

The public portion was then closed.

Mayor O'Neil offered a motion to approve the application seconded by Mr. Manrodt subject to conditions as outlined in the June 2, 2006 and July 13, 2006 engineers review letters and approved on the following roll call vote:

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Gilson, Mr. Harrison, Mr. Cefalo,

NAYES: Mr. Mullen – because this applicant appeared before the Zoning Board a couple of years ago for the deck and it was denied and he went ahead and built the deck and he feels that it is inappropriate for more action to be taken on this property when its not in compliance.

ABSTAIN: None

Mr. Stockton returned to the meeting table.

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

Present: Mike Irene, Esq.
Daniel Flemming
Joseph Mahoney, P.E.

Conflict: Mr. Kovic stepped down on this matter.

Mr. Serpico stated that jurisdiction was taken on this matter some time ago.

The following documents were marked into evidence:

- A-1: Minor Subdivision Plan, 3 Sheets last revised on 5/18/06;
- A-2: Colored Rendering of Sheet 1 of A-1;
- A-3: Copy of Tax Map;
- A-4: Colored Rendering on Large Board.

Joseph E. Maloney, P.E. was sworn in.

Mr. Irene stated that the subject property is located at 127 Highland Ave (block 26 lot 12). It's a through lot that runs from Highland Ave to Bay Street. It consists of in excess of 11, 000 square feet of area where 5,000 square feet is required. There is one house on the site right now. The application proposes to subdivide the parcel into two lots, relocate the existing dwelling onto proposed lot 12.01 and construct a new house on proposed lot 12.02. Both lots will be deficient in lot depth of 91.55 feet and 93.43 feet. There is a question about front yard setbacks and Mr. Maloney will testify about the

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average setback and we believe that we exceed the averages. There is an issue about the steep slope and he believes it's a design waiver.

Mr. Serpico explained that he agrees that the steep slope would be considered a design waiver.

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

1. He is a licensed Engineer and Professional Planner in the State of New Jersey and is employed with Charles Widdis & Associates of 175 Broadway, Long Branch, NJ.
2. He then discussed Exhibit A-2 and stated that the resident property is 11,400 square feet and is located in the R-1.01 Zone and it contains an existing single-family home.
3. The applicant is proposing to move the existing house to the front of proposed lot 12.01 and to construct a new house on Bay Street on proposed lot 12.02.
4. He described the location of the houses on the new lots.
5. There is an existing bulk variance for a side yard and if the application were approved the deficiency will be eliminated.
6. On proposed lot 12.01 they propose moving the existing house onto a new foundation and to put a garage in new foundation. This house will meet all setback and parking requirements.
7. He then described the average front yard setback on Sheet 1 of A-1 describing the front yard setbacks in the area.
8. The average front yard setback on Highland Ave is 14.16 feet and 14.44 feet on Bay Street.
9. They propose a front yard of 19.33 feet on lot 12.01 which exceeds the average.
10. They conform to standards on lot 12.01 but they need a lot depth variance of 91.55 feet on lot 12.01 and 93.43 on lot 12.02 where 100 feet is required.
11. They meet the lot area requirements.
12. Lot 12.02 requires a lot depth variance of 93.43 feet but they exceed the lot area requirements.
13. The average front yard setback on Bay Street is 14.44 feet and the proposed is 20-feet.
14. The existing house that is there now has a finished floor elevation of 114.55 and the proposed relocated house has a proposed finished floor of 112.5 so the finished floor of the relocated dwelling will be lower than what is there right now because it's being moved down the hill. The exposure of the foundation will be greater.
15. The only bulk variances are for two lot depths.
16. He then described the tax map exhibit marked as Exhibit A-3 and described the existing lot depth of neighboring properties which have lot depth deficiencies.

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17. He stated that 11 neighboring lots were deficient in lot depth which is 63% of the lots.
18. With regard to steep slopes he stated that Bay Street is higher than Highland Avenue and the difference between the streets is 48.7 feet.
19. He then described the slopes on the subject lot and that the slope is 35 and 40% from Bay Street to middle of lot.
20. There is a three story house located on lot 11.02 which is 6-feet from property line and then he described a comparison of the slope on the subject lot to lot 11.02 as shown on A-1.
21. In terms of the footprint our proposal is smaller than of lot 11.02.
22. The applicant would agree to provide soil stability and architectural plans that are satisfactory to the borough engineer and the building department.
23. The stability would be part of the structural process to the building of the house and the applicant has not gotten into that yet because he wanted to make sure that he gets the subdivision approved before he gets into the structural design of the new structure. The construction can be performed to the satisfaction of the building department through submission of plans.

Mr. Mullen stated that he feels that the applicant has to convince the board of the stability not the building department.

Mr. Irene stated that they are asking for a design waiver of that and they have no problem with having the plans be a condition of approval.

There was a discussion about the board wanting to see that it can be structurally done before they approve it.

Mr. Maloney continued his testimony as follows:

24. He discussed the building height and referred to sheet 3 of exhibit A-1.

Jaclyn Flor, P.E., P.P. of T & M Associates was sworn in by the Board Attorney.

Ms. Flor then described the proper way to calculate the building height of a structure and recommended as a condition of approval that the applicant not exceed the height.

Mr. Maloney continued his testimony:

25. The plot plan would be submitted at the time of construction.
26. The height of the structure will be 30-feet or under to comply with height ordinance.

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Mr. Mullen – the size of the house on the slope is critical because this is like a dam and the height of the house may be critical but none of those things are pinned down here.

Mr. Irene – does one go through all of the engineering when you don't know that a board is going to grant you relief. He would submit that this is the kind of condition that is subsequent to an approval which he further explained.

Mr. Serpico explained that the board has the right to be satisfied that the engineering works before voting.

The Board continued to discuss with Mr. Irene the need for more information before moving forward with this application.

Mr. Maloney continued to testify as follows:

27. On Page 2 of Exhibit A-1 he did not show the southerly side of the house on 11.02.

Mr. Stockton - the depth of the house on lot 11.02 is deeper than the house the proposed house on 12.02 but the width on the house on 11.02 is probably not as wide as what they are proposing.

Mr. Manrodt stated that he would like to see details on the stairway to see how much of the slope that will be disturbed.

Mr. Maloney continued as follows:

28. The area in question the stairway along the side of the house in that area the slope is at 35% but he imagines about 40% across the rest of the area and further described the land and slopes on the property.

29. The applicant is proposing a utility easement on lower portion of property specifically for a sanitary sewer connection.

Mr. Manrodt stated that building height should be provided to the board and the detail for the stairs and the amount of disturbance to the slope.

Ms. Flor stated that the plans did not identify if the stairs were existing or proposed but if they are proposed stairs then you have to check and see if they would work with the riser height and the disturbance should also be shown on the same drawing.

Mr. Maloney continued his testimony as follows:

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30. The proposed stairs can be removed.
31. He described exhibit A-4 describing the proposed condition of the site and stated that it was the applicant's intent to salvage the existing concrete paver patio with the hot tub in the mid section of the existing lot and that they wanted to install stairs to access the patio. The existing retaining walls around the hot tub are set into the hill.
32. He then described Sheet 3 of A-1. If they remove the patio and hot tub then they don't need those two retaining walls or the stairs.
33. He explained that the moving of the existing home is done in phases.
34. The construction of the upper house is done by Bay Street.
35. There is a proposed drywell system for each lot for water runoff.
36. They will be reducing the water runoff to Highland Avenue.

Mayor O'Neil requested a drainage report.

Mr. Irene stated that the grading and drainage could be submitted as a condition of approval.

They reviewed the board engineers review letter dated 7/13/06.

Ms. Flor there are no soil, drywell or drainage information and there is no comfort with out that information so it's still unclear and there are a lot of questions.

The Board advised Mr. Irene that they are requesting soil, grading and drainage information be provided to the board.

Mr. Irene – it appears to me that the board is looking for more information on the drainage, soil, grading and building height.

Mr. Stockton advised Mr. Irene to comply with the required reports of the steep slope ordinance.

Mr. Irene then requested that this matter be continued so that they have an opportunity to provide the board with the requested information and they will stipulate an extension of time for the board to act.

Mark Cohen, Esq. of 1 Executive Drive, Tinton Falls stated that he is here on behalf of Daniel Cohen property owner of Block 26 lot 11.02.

Mr. Irene stated that he will contact Mark Cohen to inform him if they can't make the September Meeting.

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Mr. Manrodt offered a motion to carry this matter to the September 14, 2006 meeting without the need for further public notice, seconded by Mayor O'Neil and all were in favor.

Mr. Stockton advised the public that this matter has been carried to the September 14, 2006 meeting without any further public notice.

Mr. Kovic returned to the meeting table.

Approval of Resolutions:

PB#2005-2 Branin, Gary

PB#2006-2 Johnson

PB#2006-3 Catsaros

Mr. Stockton stated that the Board just received the above three resolutions tonight at the meeting and the board has not had any time to review them and suggested that they be carried to the next meeting.

Mayor O'Neil offered a motion to carry the Branin, Johnson and Catsaros Resolutions to the next meeting, seconded by Mr. Mullen and all were in favor.

Mr. Manrodt offered the following Resolution be memorialized and moved on its adoption:

**RESOLUTION
FOR PROFESSIONAL LEGAL SERVICES
FOR THE BOROUGH OF HIGHLANDS PLANNING BOARD
FOR THE PERIOD OF JULY 1, 2006 THROUGH DECEMBER 31, 2006**

WHEREAS, the Borough of Highlands Planning Board has a need for professional legal services for the Planning Board; and

WHEREAS, such professional legal services can only be provided by a licensed professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution on January 12, 2006 appointing Jack Serpico, ESQ., from the firm of Jack Serpico, Esq. as Planning Board Attorney for a term of one (1) year expiring December 31, 2006; and

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WHEREAS, this contract is to be awarded for an amount not to exceed \$3,375.00 for legal services provided to the Borough of Highlands Planning Board for the period of July 1, 2006 through December 31, 2006; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon to the adoption of the SFY 2006 Municipal Budget by the Governing Body of the Borough of Highlands.

Planning Board Budget
Account #1141 – 3755 - \$3,375.00
July 1, 2006 – December 31, 2006

Stephen Pfeffer, Chief Financial Officer

WHEREAS the Local Public Contracts Law, NJSA 40A:11-1 et. seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. That JACK SERPICO, ESQ., from the firm of JACK SERPICO, ESQ., is hereby retained to provide Professional legal services as described above for an amount not to Exceed \$3,375.00 for the period of July 1, 2006 through December 31, 2006.
2. This contract is awarded without competitive bidding as a “Professional Services” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Mullen and adopted on the following Roll Call Vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O’Neil, Mr. Gilson
Mr. Harrison, Mr. Cefalo, Mr. Stockton**

NAYES: None
ABSTAIN: None

Mr. Manrodt offered the following Resolution be memorialized and moved on its adoption:

**RESOLUTION
FOR PROFESSIONAL ENGINEERING SERVICES
FOR THE BOROUGH OF HIGHLANDS PLANNING BOARD
FOR THE PERIOD OF JULY 1, 2006 THROUGH DECEMBER 31, 2006**

WHEREAS, the Borough of Highlands Planning Board has a need for professional engineering services; and

WHEREAS, such professional engineering services can only be a provided by a licensed professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution on January 13, 2006 appointing Robert Bucco, P.E., from the firm of T & M Associates as Planning Board Engineer for a term of one (1) year expiring December 31, 2006; and

WHEREAS, this contract is to be awarded for an amount not to exceed \$2,100.00, for engineering services provided for the Borough of Highlands Planning Board for the period of July 1, 2006 through December 31, 2006; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2006 Municipal Budget.

Planning Board Budget
Account #1141 – 3757 = \$2,100.00
July 1, 2006 – December 31, 2006

Stephen Pfeffer, Chief Financial Officer

WHEREAS the Local Public Contracts Law, NJSA 40A:11-1 et. seq. requires that notice with respect to contract for professional services awarded without competitive bids must be publicly advertised.

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NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. That Robert Bucco, P.E., from the firm of T & M Associates is hereby retained to provide Professional Engineering services as described above for an amount not to Exceed \$2,100.00 for the period of July 1, 2006 through December 31, 2006.
2. This contract is awarded without competitive bidding as a "Professional Services" in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

Seconded by Mr. Kovic and adopted on the following Roll Call Vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Gilson,
Mr. Harrison, Mr. Cefalo, Mr. Stockton**

NAYES: None

ABSTAIN: None

Mayor O'Neil offered a motion to adjourn the meeting, seconded by Mr. Mullen and all were in favor.

The Meeting adjourned at 9:39 PM.

CAROLYN CUMMINS, DEPUTY CLERK