

**BOROUGH OF HIGHLANDS
PLANNING BOARD MEETING
SEPTEMBER 14, 2006**

Mr. Stockton called the meeting to order at 7:52 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. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Bahrs,
Mr. Urbanski, Mr. Schoellner, Mr. Stockton, Mr. Harrison,
Mr. Cefalo**

Absent: Mr. Gilson

**Also Present: Carolyn Cummins, Board Secretary
Jack Serpico, Esq., Board Attorney
Board Engineer was not present**

**PB#2006-1 Fleming, Daniel
Block 26 Lot 12 – 127 Highland Avenue
Request for Postponement to October 12, 2006**

Mr. Stockton announced that the Board received a written letter from the applicants Attorney requesting a postponement of the public hearing to the October 12, 2006 meeting with out the need for further public notice.

Mr. Bahrs offered a motion to postpone the public hearing on the Fleming matter to the October 12, 2006 meeting without the need for further public notice, seconded by Mr. Mullen 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. Harrison,
Mr. Stockton**

NAYES: None

ABSTAIN: None

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Mr. Stockton advised the public that the Fleming public hearing has been postponed to the October 12, 2006 meeting and that there would be no further public notice served on this matter.

**Review of Land Use Amendment Ordinance O-06-10 also known as O-06-03
Review of Monmouth County Park System Letters dated 6/7/06 & 7/11/06**

The Board reviewed and discussed Ordinance O-06-10 (also known as O-06-03).

Mr. Serpico explained the review process of section 26 of the Land Use Law.

Mr. Mullen stated that the Master Plan and the Zoning Ordinance are not the same and that they need a comprehensive document and he feels that more amendments are needed.

The Board discussed the process of how the zoning amendments were prepared.

Mr. Kovic expressed his disappointment that the Planning Board Master Plan Sub-Committee was not involved with the preparation of the zoning ordinance amendments.

William Eaton, Esq. Attorney for the Paradise Park Homeowners Association questioned the status of the zoning ordinance amendments and stated that his clients are involved in litigation with the Governing Body regarding the zoning ordinance amendments. He stated that he hopes that the Planning Board votes to delete the MXD zone as it applies to the Paradise Mobile Park.

Mayor O'Neil explained to Mr. Eaton that the Zoning Ordinance Amendments are not permanently tabled and advised him that this ordinance is going back to the Mayor and Council after the Planning Board reviews it.

The Board reviewed the Monmouth County Planning Board Letters dated 6/7/06 and 7/11/06 which both letters recommended that the Borough provide for a minimum setback of 25-feet between any structures and the Monmouth County Park Systems property line.

The Board discussed the Monmouth County Parks Systems request for a 25-foot setback and declined their recommendation because the board felt that ordinance provides for a 20-foot setback (page 23, Section D-2) which they feel is adequate.

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Mr. Stockton spoke about page LU-13, second paragraph of the Master Plan which recommends expanding the types of uses permitted in the MH district to include townhouses and single-family homes. He noticed that in this ordinance under the MXD Zone District on page 22 paragraph b-1 of the Zoning Amendments, the residential use does not list single-family homes as a permitted use and he recommends that that for consistency that single-family be added as a permitted use in the MXD Zone.

Mr. Mullen stated that standards would have to be developed possibly different than those set forth for townhouse development.

Mr. Manrodt made a recommendation to remove the proposed MXD Zone from the Paradise Mobile Park and the Planning Board discussed this recommendation.

Mr. Stockton explained that development on the waterfront area would have to go through the NJDEP CAFRA process and CAFRA requires that a 150-foot buffer be used and maintained with water dependent uses so that will build the mix into that development consideration for that property.

Mr. Harrison questioned why Mr. Bollerman can't buy the trailers one by one and slowly get rid of them that way because we should not have to exhaust our money to do this.

The Board continued to discuss the proposed MXD Zone for the Paradise Mobile Park.

Mayor O'Neil, Mr. Kovic and Mr. Bahrs spoke favorably about the proposed MXD Zone and Mr. Urbanski, Mr. Manrodt and Mr. Harrison spoke unfavorably about the proposed MXD Zone.

Mr. Stockton explained to the board that the task that is before the board this evening is to review the proposed Zoning Amendment Document for consistency with the goals of the Master Plan.

Mr. Manrodt offered a motion to keep Paradise Mobile Park as a Mobile Home Zone and to not change it to the proposed MXD Zone.

Mayor O'Neil stated that he feels that Mr. Urbanski should disqualify himself from this vote because he has an interest in the changes in the Master Plan and he does not believe that someone with interest in the changes should be voting on it.

Mr. Urbanski stated that he will disqualify himself per Mayor O'Neil's request.

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Mr. Stockton asked if there was a second on Mr. Manrodt's motion but there were none so that motion failed.

Mr. Mullen feels that information came late that there may be displacement of people at the Paradise Mobile Park and in fairness if there is displacement then it should be part of the board's discussions with regard to their housing element and COAH requirements and he would like some guidance on this before he makes a decision.

Mr. Serpico explained that the displacement of the residents becomes a private issue between the owner of the Mobile Park and the residents of the Mobile Park.

The Board discussed the proposed zone change of the Paradise Mobile Park.

Loretta Dibble, President of Paradise Park Homeowners Association was sworn in and spoke unfavorably about the proposed MXD zone change of Paradise Park. She discussed the State Statute that governs the closure of Mobile Home Parks and stated that if the property owner gets a variance then the municipality must certify that relocation and reimbursement is in effect. If the property gets a change in use by a change in zoning then the municipality is not responsible for verifying relocation. She questioned if the Paradise Mobile Park is included in the borough's COAH requirements.

William Eaton, Esq., Attorney for Paradise Mobile Park stated that the board should review a letter that was addressed to Dave Gilson from Mr. Bollerman because he feels that in the letter Mr. Bollerman made it clear in his letter that he needed to have a change in the permitted use for the Paradise Mobile Park so that he could act in conformity with the closure of the trailer park. That closure meant that by changing it from mobile home to a mixed use to another use he would not have to seek a variance and by not seeking a variance we would lose the protection that we would get under Statute 46.8C-20 & 21. By changing the Zoning Ordinance you would be relieving that owner of his obligation to provide for appropriate relocation and he urged the board not to approve this proposed zone change for Paradise Park.

Chris Francy of 36 Fifth Street was sworn in and stated that the MXD Zone change is holding up some necessary housekeeping items that need to be made to the Zoning Ordinance and asked the board to separate the MXD Zone change from the other changes so that we don't have to hold up the adoption of the zoning amendments.

John Urbanski of 2 North Street was sworn in and stated that if the MXD Zone change is approved that the borough is giving Mr. Bollerman a break and a free pass to do what he wants.

Ken Braswell of Gravelly Pt Road questioned if the MXD Zone excludes mobile homes.

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Mr. Stockton stated that the MXD Zone does not mention mobile homes as a permitted use.

Mr. Braswell questioned the COAH requirements of the borough.

Mr. Stockton stated that boards Planner advised the board that the COAH requirements are not an issue.

Carla Cefalo, President of the Highlands Business Partnership was sworn in and stated that the hold up of the adoption of the zoning amendments is blocking the growth of the business community. She also stated that the HBP needs cooperation from their representative that is on this board.

John Urbanski stated that Mrs. Braswell is advocating for Mr. Bollerman and her comments about lack of cooperation from him as representative is way out of line.

There were no further questions or comments from the public.

The Board discussed the recommendations that have been made this evening as follows:

1. To consider what the Zoning Board needs for us to reconcile the ordinance differences between the ordinance and the Master Plan such as the Waterfront Development in the B-3 Zone.
2. There was a recommendation to add single-family homes as a permitted use in the MXD Zone and to create standards for this.
2. There was a recommendation to follow the prior T & M report which should be annexed to this resolution.
3. A general finding of the board that ordinance as proposed with the amendments that Mr. Truscott has recommended that the ordinance is consistent with the Master Plan.

Mr. Bahrs offered a motion to send a report that says that the ordinance as proposed with the prior amendments that were added is consistent with the Master Plan and that further recommendations as discussed be made and that the Governing Body continue with the process of amending the ordinance and updating it to match the Master Plan. Mr. Kovic seconded the motion and it was approved on the following roll call vote:

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ROLL CALL:

AYES: Mr. Kovic, Mayor O'Neil, Mr. Bahrs, Mr. Schoellner, Mr. Cefalo,
Mr. Stockton
NAYES: Mr. Manrodt, Mr. Mullen, Mr. Harrison
ABSTAIN: None 1

Approval of Minutes:

Mr. Manrodt offered a motion to approve the August 10, 2006 Planning Board Minutes, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mayor O'Neil, Mr. Schoellner,
Mr. Cefalo
NAYES: None
ABSTAIN: Mr. Stockton

Communication:

Education For Board Members

The Board discussed upcoming educational classes and the need for board members to attend the required education classes.

Highlands Bridge Project

The Board briefly discussed the Highlands Bridge Project and a recent petition against the bridge project..

Board Procedures

Mr. Serpico clarified the responsibilities of Regular and Alternate Board Members. Alternate Members can sit in for Regular Members when they are absent and then they can participate and move motions. If all Regular Members are present then the Alternate can participate in discussions but they can not move motions.

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

The meeting adjourned at 9:15 P.M.

CAROLYN CUMMINS, BOARD SECRETARY

