

**BOROUGH OF HIGHLANDS
PLANNING BOARD
REGULAR MEETING
OCTOBER 12, 2006**

Mr. Stockton called the meeting to order at 7:55 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, Mr. Schoellner,
Mr. Stockton, Mr. Cefalo**

Late Arrival: Mr. Bahrs arrived at 8:12 P.M.

Absent: Mayor O'Neil, Mr. Urbanski, Mr. Harrison

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

**PB# 2006-1 Fleming, Daniel – Request for Postponement to November 9, 2006
Block 26 Lot 12 – 127 Highland Avenue**

Mr. Stockton stated that the Planning Board received a request for a postponement of the public hearing on this matter to November 9, 2006 so that they can get some plans and reports together.

Mr. Manrodt offered a motion to carry the Fleming Public Hearing to November 9, 2006 and that no further public notice be required, seconded by Mr. Schoellner and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Schoellner, Mr. Cefalo,
Mr. Stockton**

NAYES: None

ABSTAIN: None

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Mr. Stockton advised the public that this matter will be continued on November 9, 2006 and that no further public notice will be given.

**PB#2006-5 Two River Construction, LLC
Block 42 Lot 14 – 74 Bay Avenue
Application Review & Set P.H. Date**

Present: John Beer of Two River Construction, LLC

Mr. Beer stated that this is an application for a single family residence on top of a commercial use. He needs a variance for the combined maximum Floor Area Ratio. He is providing for six parking spaces which complies with the requirements.

The Board reviewed the application and the following was stated:

1. The Board advised the applicant that the rear property line is boarding a residential zone therefore there should be a buffering at this location and advised him to see how this will affect the parking on this site which is right against the rear.
2. The Site Plan View on the map is too small for the board to do a complete review of the property and the surrounding areas. The focus of the drawing should be the property and surrounding areas, at least 100-feet. The applicant should do this on a separate page and also show across the Street on Bay Avenue as well.
3. The applicant should show how one would maneuver into the handicap parking space. The board felt that 20-feet would not be wide enough for two way driveway traffic and that the applicant may want to relocate the handicap parking space. The board also mentioned that gravel does not work well with handicap parking. If the applicant reduces the number of parking spaces then he will need a parking variance.
4. The applicant stated that the wood deck and other items on his neighbor's property will be taken down because it's all encroaching on to the subject lot.
5. The ADA parking space is not compliant because there has to be an 8-foot access isle for the handicap space.
6. The applicant must provide testimony to support a parking variance.
7. **It was determined that the insufficient floor area ratio is a use variance therefore the application must go before the Zoning Board not the Planning Board.**

8. The Board also questioned the applicants Site Plan with regard to if a Land Surveyor, not a Professional Planner could prepare a Site Plan.

The Board explained to the applicant that the Planning Board has no jurisdiction to hear this matter because it requires a "D" Variance for Floor Area Ratio.

Mr. Bahrs arrived to meeting.

APPROVAL OF RESOLUTION

Resolution Making Recommendation to Gov Body RE: Zoning Ordinance Amendments

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

Mr. Bahrs 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-06-10, (sometimes referred to as 0-06-03, both of which have the same content), 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

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 September 14, 2006; and

WHEREAS, the Board received comments from Board members, the Board Engineer and Attorney and various members of the public.

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

ROLL CALL:

AYES: Mr. Kovic, Mr. Bahrs, Mr. Schoellner, Mr. Cefalo, Mr. Stockton

NAYES: None

ABSTAIN: None

**Findings of the Planning Board
RE: Ordinance O-06-10
Previously Known as O-06-03**

October 12, 2006

Pursuant to the applicable law the Planning Board makes the following findings on proposed Ordinance O-06-10 (Previously known as O-06-03);

The Board reviewed and considered the following in its deliberation:

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1. Two Letter from the Monmouth County Park System dated 6/7/06 and 7/11/06 and annexed hereto.
2. Two Reports from T & M Associates dated 5/5/06 and 5/26/06 and annexed hereto.
3. Proposed Ordinance O-06-10 previously known as O-06-03.
5. Comments from the public and or Attorneys representing citizens of the Borough.

The Planning Bard as a result of reviewing the forgoing makes the following findings and recommendations to the Governing Body:

1. The recommendation from the Monmouth County Park System for a 25-foot buffer setback is not supported by the Planning Board because the Board finds that the existing 20-foot setback is appropriate and adequate.
2. The Board agrees with recommendations of the T & M Associates letters dated 5/5/06 and 5/26/06.
3. The Board recommends that the Ordinance on page 22 include single-family residences within the MXD Zone as a permitted.
4. The Board recommends that the Ordinance include single-family residences as a permitted use within the B-3 Zone.
5. The Board finds that the proposed ordinance with the foregoing requested amendments will be consistent with the Master Plan of the Borough of Highlands.
6. The Board encourages the Governing Body to continue with the process of amending the Zoning Ordinance for consistency with the Master Plan.

APPROVAL OF MINUTES:

Mr. Manrodt offered a motion to approve the September 14, 2006 minutes, seconded by Mr. Kovic and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Mullen, Mr. Bahrs, Mr. Schoellner,
Mr. Cefalo, Mr. Stockton**

NAYES: None

ABSTAIN: None

COMMUNICATIONS:

Highlands Landing Corporation:

Mr. Mullen stated that the board received a letter stating that they lost their approval from the Soil Management and he wonders what the status of their Board approval is.

The Board Secretary was directed to check the status of the Board Approval for Highlands Landing Corp.

PUBLIC PORTION:

George Gilbert of Highlands on the Bay Condo Association located on Beach Blvd explained the Associations beach erosion problems and his wife has done some research with regard to grants for beach erosion.

Pat Gilbert explained that she researched what is needed to qualify for a beach erosion grant and she said that they need the municipality to back them.

The Board discussed this matter with Mr. & Mrs. Gilbert and directed them to write a letter to the Mayor and Council and request to have this matter placed on an agenda for discussion and they also suggested that they hire their own Engineer or Environmental Consultant to assist them.

Mr. Manrodt offered a motion to adjourn the meeting, seconded by Mr. Bahrs and all were in favor and the meeting adjourned at 8:34 P.M.

CAROLYN CUMMINS, BOARD SECRETARY

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