

**Borough of Highlands  
Planning Board Regular Meeting  
April 12, 2007**

Mr. Stockton called the meeting to order at 7:50 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. Stockton, Mr. Harrison**

**Absent: Mr. Manrodt, Mr. Bahrs, Mr. Schoellner, Mr. Nolan, Mr. Cefalo**

**Also Present: Nina Light Flannery, Borough Clerk  
Jack Serpico, Esq., Board Attorney  
Catherine Britell, P.E., Acting Board Engineer**

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**PB#2006-1 Fleming, Daniel  
Block 26 Lot 12 – 127 Highland Avenue  
Postponement of Public Hearing**

**Present: Daniel Fleming**

Mr. Serpico asked Mr. Fleming if he was aware of the board's situation of a lack of a quorum to hear his application which was conveyed to him by Mrs. Flannery.

Mr. Fleming – yes, and he does extend the board an extension of time to hear the application to the May 10<sup>th</sup> meeting.

Mr. Serpico advised Mr. Fleming to have his new attorney send the board a letter of representation.

Mr. Stockton stated that we need to have the board members listen to the past meeting tapes so that we have a quorum for the May Meeting on this matter. He then requested that the Board Secretary send a memo to the board members urging them to listen to the meeting tapes.

Mr. Mullen stated that he is not sure that the applicant has all of the information that he needs in order to make a decision on this case for granting variances from the steep slope ordinance.

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There was a discussion on the need for more information from the applicant. Mr. Mullen believes that an investigation of the ability to develop the site goes to the suitability of the subdivision.

Ms. Britell stated that she issued a letter yesterday on this matter requesting additional site plan information showing the grading so that we can do a review of the site to see if it's a buildable lot. The applicant would need to provide grading plans for the site.

Mr. Stockton – there were concerns about grading and drainage. The board pointed out early in the application process that right at the intersection of South Peak and Highland Avenue there was a bad flooding condition that we wanted to make sure that the run off from this property is not contributing to that. There were concerns over the documentation of the steep slope areas and the stability of the slope, there was a request for some soil tests.

Mr. Fleming – you should have in the file soil testing data as well as drainage data. We never had testimony on that.

Mr. Mullen explained that the board heard a subdivision application a year ago and it was clear that this board felt strongly that any new buildings were to be kept away from the steep slope areas which he further explained but on this application it's on 100% of the slope. They need to have some sort of investigation that this is a buildable site.

Mr. Mullen offered a motion to reschedule the public hearing on this matter to May 10<sup>th</sup> with no further public, seconded by Mr. Stockton and approved on the following roll call vote:

**ROLL CALL:**

**AYES: Mr. Mullen, Mr. Stockton**

**NAYES: None**

**ABSTAIN: None**

Mr. Stockton announced to the public that the Fleming application has been carried to the May 10<sup>th</sup> Planning Board Meeting and that there would be no further public notice.

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**Approval of Resolution Amending the By-Laws**

Mr. Serpico requested that this matter be tabled to the May Meeting.

Mr. Kovic offered a motion to table this Resolution to the May 10<sup>th</sup> meeting, seconded by Mayor O'Neil and approved on the following roll call vote:

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**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**PB#2007-2 Everclear Development, LLC**

**Block 60 Lot 7 – Shore Drive**

**Application Review & Set P.H. Date**

**Present: Shaun Broderick**

Shaun Broderick of was sworn in and stated the following:

1. Basically what we are doing is taking the lot and drawing a line down the middle.
2. I have approached the Council about a year ago to see if they wanted to vacate a part of Valley but they decided against that.

The Board reviewed the application and the following was stated:

1. On the Zoning Schedule on the fourth sheet the applicant identifies one of the properties as being a corner lot and gives the side yard at 7-feet but then he identifies a rear yard setback but there is no rear yard requirement, it's a side yard.
2. Street Opening Permits, there are two being proposed and the board wanted to know if the work could be done in a single street opening, the applicant will look into this.
3. The Certified list of property owners has expired so the applicant must obtain an updated list to serve public notice.

Mr. Kovic offered a motion to deem the application complete and to set a public hearing date for May 10, 2007, seconded by Mr. Mullen and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**ZB#2007-3 Claddagh of Highlands, LLC  
Block 82 Lot 6.01 & 1.01 – 297 Bay Avenue  
Application Review & Set Public Hearing Date**

**Present: Ara Jamgochian**

**Conflicts: Mr. Stockton stated that he has a conflict this matter and stepped down.**

There was a discussion with the applicant about Mr. Stockton stepping down on this matter and the fact that the board no longer has a quorum.

Mr. Serpico – this is only on for a completeness review and setting of a hearing date. If the Chairman was willing to stay in for this purpose would the applicant have an objection?

Mr. Jamgochian – he would not have an objection if Mr. Stockton participated in setting the public hearing date.

The Board reviewed the application and the following was stated:

1. Ara Jamgochian was sworn in and stated that he is one of the two owners.
2. The Board Engineer prepared a letter dated 4/12/07 stating that they find the application to be incomplete and part of that reason is based on conditions of the prior resolutions per a Bay Pointe Engineering letter dated 5/10/00.

Mr. Serpico suggested that this application come in as an amendment to the prior approval. Compliance issues will have to be addressed before the Board. If it's your position that you want to request a waiver from those conditions then the applicant can request such a waiver. He advised the applicant to obtain a copy of the previous resolution for this site and to address these issues. He believes that this application should come in as an amended application. The applicant will also have to address any new parking requirements for providing outdoor seating.

The Board had a discussion about the previous board approval on this site with the applicant.

Mr. Jamgochian stated that they want a visual separation between the parking lot and outdoor seating area, we are going to contact our insurance company to meet the safety requirements.

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Mr. Serpico advised the applicant to have his professionals contact the board engineer on the outstanding issues.

Mayor O'Neil offered a motion to schedule this matter for a public hearing date on May 10, 2007 and to accept this as an amended site plan application, seconded by Mullen and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES: None**

**ABSTAIN: None**

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**PB#2006-3 Catsaros, Gregory  
Block 14 Lot 3.01 – 30 Grand Tour  
Request for 2<sup>nd</sup> Extension of Time to Perfect Subdivision**

Mr. Stockton – it is my understanding that the request for an extension of time has been withdrawn.

Catherine Britell – we received a call from Two Rivers Engineering earlier today requesting that this matter be resolved over the next couple of days instead of going for an extension and that they will do what ever they need to do to comply.

Mr. Serpico stated that he will accept Ms. Britell's representation that the request for an extension of time has been withdrawn.

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**Other Business:**

**Johnson vs. Highlands Planning Board**

Mr. Serpico advised the board that the Boards denial was reversed which he expected but not for the effort that the board made but because the steep slope ordinance is vague which he further explained.

The Planning Board had a discussion about the steep slope ordinance and the need for it to be amended. They also discussed the problems with resolution compliance.

Mr. Serpico – with regard to the steep slope ordinance, we will put it up for discussion and put together a recommendation.

Mr. Stockton recommended that the review of the steep slope ordinance be placed on the June Meeting Agenda.

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**Approval of Minutes:**

Mr. Mullen recommended a correction to page 5 of the March 8, 2007 meeting minutes under the fifth paragraph, third sentence should be changed to “in no case shall it be lower than two feet lower than the plate”.

Mr. Mullen offered a motion to approve both the March 8, 2007 meeting minutes with the correction on page 5 of the March 8<sup>th</sup> minutes, seconded by Mayor O’Neil all eligible members were in favor, no abstentions.

Mr. Kovic offered a motion to approve the March 22, 2007 meeting minutes, seconded by Mr. Harrison and all eligible members were in favor.

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**Communications:**

**Ordinance O-07-06**

Mr. Stockton advised the board members that this is an amendment to the Zoning Ordinance for inclusion into their zoning books.

**Letter from Dept of Community Affairs dated March 9, 2007 RE: Recent Decision of Affordable Housing**

The Board briefly discussed this memo.

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

The meeting adjourned at 8:49 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**