

**BOROUGH OF HIGHLANDS
PLANNING BOARD
REGULAR MEETING
JUNE 14, 2007**

Mr. Manrodt called the meeting to order at 7:35 P.M.

Mr. Manrodt asked all to stand for the Pledge of Allegiance.

Mr. Manrodt 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. Bahrs, Mr. Nolan, Mr. Harrison, Mr. Cefalo

Late Arrival: Mr. Kovic arrived at 7:50 P.M.

Mayor O'Neil arrived at 7:39 P.M.

Absent: Mr. Mullen, Mr. Schoellner, Mr. Stockton

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

**PB#2007-4 Knox 400, LLC
Block 108 Lot 2.01 – 460 Hwy 36
Application Review & Set P.H. Date**

**Present: Henry Wolffe, Esq.
Mike Knox**

Conflict: Craig Bahrs stated that he has a conflict on this matter but both Mr. Wolffe and Mr. Serpico agreed that he could participate in the review and setting of a public hearing date.

Mr. Wolffe stated that this is an application for the development and renovation of the property which is located at 460 Highway 36 which is currently the Stewarts Restaurant. Knox 400, LLC is going to renovate the existing building and add additional building with a total of about 8,000 square feet. They are going to operate a gymnasium health club and athletic club at this facility. There are three variances being sought, four parking spaces, sign variance, tenant variance. There is no use variances required for this application.

Mr. Wolffe then explained the history of this application and the litigation history.

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Mayor O'Neil arrived to the meeting at 7:39 P.M.

Mr. Bahrs then recused himself for the remaining portion of the Knox application review.

Ms. Britell stated that from an engineering perspective there is nothing else needed to deem the file complete.

Mr. Nolan offered a motion to schedule this matter for a public hearing on July 12, 2007, seconded by Mr. Harrison and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mayor O'Neil, Mr. Nolan, Mr. Harrison,
Mr. Cefalo

NAYES: None

ABSTAIN: Mr. Bahrs

Mr. Wolffe stated that there is an appeal on the new ordinance amendment which permits the proposed use but he is not involved in that litigation.

**PB#2005-2 Johnson, William
Block 40 Lot 5 – 78 Navesink Avenue
Resolution – Approving Subdivision Deeds**

Mr. Manrodt read the title of the following resolution for approval:

Mayor O'Neil offered a motion to move on the adoption of the following Resolution:

**RESOLUTION APPROVING THE MINOR SUBDIVISION
AND VARIANCE APPLICATION OF
WILLIAM H. JOHNSON, BLOCK 40, LOT 5**

WHEREAS, the applicant William H. Johnson, hereinafter referred to as the applicant is the owner of the property known as Block 40, Lot 5 on the Highlands Borough Tax Map, which property is located in the R-B Zone; and

WHEREAS, the applicant has applied for a two lot, Minor Subdivision with variances. The applicant proposes to subdivide the above captioned property into two lots and ultimately construct on proposed lot 5.02 a single family residence. A single family residence exists on proposed lot 5.01. The variances required were as follows;

1. Lot 5.01. A front yard setback of 7.1 feet whereas 35 feet is required. A side yard setback of 7.6 feet whereas 8 feet is required. A building height of 30.7 feet

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whereas 30 feet is the maximum permitted. All of these conditions are pre-existing in nature. This lot has frontage on New Jersey State Highway Route 36. 2. Lot 5.02. A variance or waiver from N.J.S. 40:55D-35, which prohibits the issuance of any permit for the construction of any building unless the lot upon which the building is to be located abuts a street giving access to the building. Due to the proposed lot being located on a "steep slope" as that term is defined in the Borough Ordinances access from Shore Drive is physically impractical. Therefore the applicant proposed an easement for access over lot 5.01 to lot 5.02; and

WHEREAS, all jurisdictional requirements were met and proper notice was given pursuant to the Municipal Land Use Act and Borough ordinances, and the Board had jurisdiction to consider the application; and

WHEREAS, the Board considered this application at a number of public hearings and voted to deny the application at the June 8, 2006, meeting of the Board; and

WHEREAS, the Board heard the testimony of the applicant, William Johnson, his engineer Richard E. Stockton and the arguments of Counsel; and

WHEREAS, property owners within 200 feet of the subject property voice their objections to the application on the record; and

WHEREAS, the applicants submitted into evidence a number of documents including a Subdivision Map prepared by Richard E. Stockton dated February 24, 2005 which was entered into evidence; and

WHEREAS, the Board after considering the evidence and testimony presented on behalf of the applicants and the interested made the findings of fact and conclusions based thereon; and

WHEREAS, the Board determined that the relief requested by the applicant could not be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Borough of Highlands for the aforementioned reasons; and

WHEREAS, the Board adopted a resolution memorializing the actions of the Board; and

WHEREAS, the applicant filed an Action in Lieu of Prerogative Writ in the Superior Court of New Jersey challenging the denial of the application by the Board bearing Docket Number MON-L-4246-06; and

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WHEREAS, the matter was tried before the Honorable Alexander D. Lehrer, P.J.Ch. on March 30, 2007, at which trial the decision of the Board was reversed and the applicant was granted his subdivision as applied for with the variances and waivers requested, subject to the imposition of all of the normal administrative conditions attached to approved subdivisions. A true copy of the Judgment and Order for Reversal is annexed hereto and made a part hereof.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for the two-lot subdivision and variances and waivers by William H. Johnson for the above captioned property is hereby approved for the reasons aforementioned herein subject to the applicant complying with the following conditions:

1. Approval by any other governmental agency of the subdivision application if required by law.
2. All taxes for the subject property and escrows for legal and engineering fees must be current.
3. The subdivision Deeds must be filed on a timely basis.
4. The applicant entering into a Developers Agreement and/or the posting of performance bond and/or inspection fees customarily required for this type of subdivision.
5. The subdivision plan must indicate the number of trees to be removed as requested in the T & M letter dated March 7, 2006.
6. As recommended by the Board Engineers T & M Associates the retaining wall must have a fence or other approved barrier on top of it for safety purposes.
7. As recommended by the Board Engineer T & M Associates, since they do not know the "load amount" proposed on top of the retaining wall the applicant must do either of the following; submit wall design calculations for a surcharge load of 240 pounds per square foot or put a restriction in the Deed for Lot 5.02, restricting the building or structures from parking within 6 feet from the back of the wall.

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

ROLL CALL:

AYES: Mayor O'Neil, Mr. Bahrs, Mr. Harrison, Mr. Cefalo

NAYES: None

ABSTAIN: Mr. Manrodt, Mr. Nolan

**PB#2006-3 Catsaros, Gregory
Block 14 Lot 3.01 – 30 Grand Tour
Resolution Granting 2nd Extension of Time**

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

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

**RESOLUTION GRANTING A SECOND EXTENSION OF THE TIME TO
PERFECT THE MINOR SUBDIVISION
GRANTED TO GREGORY CATSAROS FOR BLOCK 14, LOT 3.01**

WHEREAS, the applicant referred to above is the owner of the above mentioned lot, which lot is located in the R-1.01 Zone; and

WHEREAS, the applicant has applied for a minor subdivision with variances that was granted with conditions by the Board on June 10, 2006; and

WHEREAS, the Board adopted a written Resolution memorializing the foregoing on August 10, 2006; and

WHEREAS, the MLUL requires a 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 applicant could not reasonably have complied with the conditions of the approval before the expiration of the 190 days referred to above which was February 16, 2007; and

WHEREAS, the applicant was previously granted an initial 90 day extension from February 16, 2007 and has requested a second 90 day extension of the time within which to perfect the minor subdivision pursuant to N.J.S.A. 40:55D-47g at the May 10, 2007 meeting of the Board.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands, for good cause being shown, that the application for a second extension of time to perfect the minor subdivision is hereby granted for a period of 90 days from May 17, 2007, pursuant to the statute set forth above.

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

ROLL CALL:

AYES: Mr. Manrodt, Mayor O'Neil, Mr. Bahrs, Mr. Nolan

NAYES: None

ABSTAIN: None

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**PB#2007-3 Claddagh of Highlands
Block 82 Lots 6.01 & 1.01 – 297 Bay Avenue
Approval of Resolution**

Present: Ara Jamgochian of Claddagh of Highlands was sworn in .

Mr. Jamgochian questioned the board about the conditions of approval that are listed in the Resolution and the Board reviewed the conditions with the applicant and there were no changes to the Resolution.

Mayor O’Neil offered a motion to move on the adoption of the following Resolution:

**RESOLUTION APPROVING THE AMENDED SITE PLAN
AND VARIANCE APPLICATION OF
CLADDAGH OF HIGHLANDS LLC
BLOCK 82 LOTS 6.01 & 1.01**

WHEREAS, the applicant Claddagh of Highlands LLC, hereinafter referred to as the “applicant” is the owner of property known as Block 82, Lots 6.01 & 1.10, on the Highlands Borough Tax Map, which property is located at 297 Bay Avenue, Highlands, New Jersey and is located in the B-1 Business Zone; and

WHEREAS, Preliminary and Final Site Plan Approval and Variances were previously granted to the applicant for the subject property in 1998. The Resolution memorializing said approvals was adopted by the Planning Board on November 12, 1998. The substantive terms and scope of the approvals are set forth in detail within the Resolution; and

WHEREAS, the applicant now requests an amended site plan to be approved permitting outdoor dining in a patio area at the premises the particulars of which are set forth in the application and the exhibits and testimony in evidence, with the following variances:

1. Section 21-65.N.g of the Borough Ordinances requires 1 parking space for every 4 seats for eating and drinking establishments. The applicant proposes to add 20 additional seats in the patio area thereby requiring 5 additional on-site parking spaces that the applicant cannot provide.
2. The total on-site parking requirement for all of the uses at the subject property is 35 spaces. The applicant can only provide a total of 18 spaces; and

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WHEREAS, all jurisdictional requirements have been met and proper notice has been given pursuant to the Municipal Land Use Act and Borough ordinances, and the Board has jurisdiction to consider this application; and

WHEREAS, the Board considered this application at a public hearing held on May 10, 2007; and

WHEREAS, the Board heard the testimony of Ara Jamgochian, a principal of the applicant and the arguments of his Attorney Kevin Kennedy; and

WHEREAS, the applicant submitted the following documents into evidence: A location survey prepared by Richard Stockton, P.L.S., dated February 8, 2006 and a proposed outdoor seating sketch; and

WHEREAS, the Board after considering the evidence and testimony presented by the applicant and the interested citizens has made the following of fact and conclusions based thereon:

1. The property is located in the B-1 Business Zone, which permits the pub and restaurant and outdoor seating proposed by the applicant.
2. The parking variance or variances are necessitated by the need for the outdoor seating proposed by the applicant. The applicant through witnesses established that due to the new law prohibiting smoking by patrons in the existing restaurant and pub, patrons are going outside and smoking in the front sidewalk area causing an overcrowding of the sidewalk. This also causes a crowd control problem that will be alleviated if patrons that smoke are seated in the proposed patio area that will be enclosed and controlled by the applicant.
3. The Board agrees that the proposed patio will insure patron control and reduce the detrimental effect that the crowd on the front sidewalk has caused to the neighborhood and zone plan and zoning ordinances of the Borough.
4. Additionally, if the application was denied it would result in a hardship to the applicant due to the existing conditions at the site.
5. The Board has concluded that the application can be granted with conditions imposed that will insure the integrity of the foregoing ordinances and lessen the negative impact on the neighborhood. These conditions hereinafter stated are voluntarily agreed to by the applicant.
6. The Board hereby adopts the contents of the letters prepared by the Board Engineer, dated April 12, 2007 and May 7, 2007, for the project.
7. The Board also accepts the conditions of approval by the Borough Fire Marshal, dated April 30, 2007, which conditions are made a part of this

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8. approval and must be complied with by the applicant prior to the use of the proposed patio area; and

WHEREAS, the Board determined that the relief requested by the applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan and zoning ordinance of the Borough of Highlands; and

WHEREAS, the Board after considering the testimony and exhibits has found the proposed amended site plan and variances to be acceptable with conditions; and

WHEREAS, this resolution shall memorialize the Board's action taken to approve the proposed site plan and variances with conditions at the meeting held on May 10, 2007.

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Highlands that the application for Amended Site Plan Approval and Variances is hereby approved contingent upon the applicant complying with the following conditions:

1. All testimony, evidence and representations made by the applicant and its witnesses are incorporated herein.
2. Taxes, fees and escrow accounts shall be current.
3. Compliance with the conditions set forth in the report of the Borough Fire Marshal, dated April 30, 2007.
4. Compliance with the recommendations set forth in the letters from the Board Engineer dated April 12, 2007 and May 7, 2007.
5. Compliance with any of the outstanding conditions of the prior approval unless such conditions have been waived or superseded by this approval.
6. The applicant shall comply with the Borough Parking Deficiency Ordinance for the 5 deficient parking spaces created by this application
7. The applicant shall submit an amended plan showing the addition and location of the proposed exterior lighting, landscape buffering, fencing and canopy to be installed in the patio area for the approval of the Board.
8. There shall be no outdoor music in the patio area with the exception of music being generated inside of the premises through outdoor speakers. The volume of the music must comply with the Borough noise ordinance.
9. No service bar can be located outside of the existing structure.
10. The fence that bounds the Zenakis property must be a "closed" type of fence.

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

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mayor O'Neil, Mr. Nolan

NAYES: None

ABSTAIN: None

Resolution – Professional Legal Services

Mrs. Cummins read the title of the following Resolution for approval:

Mayor O'Neil offered the following Resolution and moved on its adoption:

**RESOLUTION AMENDING
PROFESSIONAL LEGAL SERVICES
RESOLUTION**

WHEREAS, on February 8, 2007 the Borough of Highlands Planning Board adopted a Resolution for Professional Legal Services for Jack Serpico, Esq.: and

WHEREAS, the professional services amount that was approved was \$3,375.00 for the period of January 1, 2007 through June 30, 2007; and

WHEREAS, due to the amount of professional services needed for this period an increase in the amount is needed: and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer:

Planning Board Budget
Account #1141-3755 - \$1,000.00

Stephen Pfeffer, Chief Financial Officer

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board that the professional legal services contract with Jack Serpico, Esq., in the amount of \$3,375.00 is hereby increased an additional \$1,000.00 for a total contract amount of \$4,375.00 for the period of January 1, 2007 through June 30, 2007.

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

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mayor O'Neil, Mr. Bahrs, Mr. Nolan,
Mr. Harrison, Mr. Cefalo

NAYES: None

ABSTAIN: None

PB# 2007-2 Everclear Development, LLC

Block 60 Lot 7 – Shore Drive

Hearing on New Business

Present: Jeffrey Gayle, Esq.
Jason Fichter, P.E.

Mr. Serpico advised the board that he has reviewed the public notices and finds that the board has jurisdiction on this matter.

Mr. Gayle stated that this is a two lot subdivision and the applicant went to the borough to determine if there was any interest in the borough to vacate any of the adjacent paper streets and the Borough Council response was in the negative.

Jason Fichter, P.E. was sworn in and stated the following during his testimony and response to questions from the board:

1. He is a licensed Engineer in the State of New Jersey. He then described his professional background to the board which the board accepted.
2. This site is unique in that Shore Drive is the improved roadway; whereas First Ave is a public right-of-way between Shore Drive and the subject property which is unimproved.
3. The property is essentially located on a corner lot, the other right-of-way being unimproved which is Valley Avenue.
4. The front portion of the property on Shore Drive is improved with a building previously owned by the Water Company. The rear portion of the property contains significantly steep slopes with a significant amount of vegetation on them.
5. The intent of the existing structure on the property is to be removed.
6. Adjacent to this property First Street does extend northwest and southeast. So there are a significant amount of existing single-family homes that have to do the same thing that we are asking for which is to cross over a paper street to get to the street but pursuant to the Board Engineer that constitutes a variance application because First Street is unimproved.
7. It is not practical that the town would ever pave a street along side of an existing street.
8. What we are asking for is consistent with what we are asking for to cross over a paper street to get to the street.

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9. They submitted a request to the Governing Body to vacate a portion of Valley and First Street and the response came back that council was not opposed but did not feel right granting it to a developer but rather a homeowner.

10. He described how the second variance request which is the setback to the paper street portion of Valley Street came about by describing Exhibit A-1. He described that Valley Paper Street could never be improved because of the short distance and dramatic change in elevation.

11. He described how the ordinance prohibits development on slopes of 35% or greater and stated that no disturbance is proposed within 15 feet as required by the ordinance. On both proposed lots they are honoring the requirements of the ordinance relative to steep slopes.

12. The width of Valley is approximately 21-feet and does not meet the minimum road requirement.

13. Lot 23 is already developed and is about 4-feet off of the right-of-way line which is slightly less than what we are seeking.

14. Because this is a corner lot, if we were to honor the setback of those two paper streets we would have a very narrow house.

15. Where the generic house box is shown being 7-feet off the right of way line from Valley meets the intent of the ordinance to provide minimum side yards as viewed from Shore Drive.

16. The granting of either of the two variances as discussed would not adversely effect the health and safety of the members of the community.

17. It would be appropriate in his opinion for the board to grant the variances.

18. It enhances development of the site by encouraging development similar to that which already existing within the area. It would be similar to development in either direction of the property and it would also be an aesthetic improvement.

19. He then described the drainage that it runs down hill and they are continuing with that. They will improve the flow of the surface water. He also described the swails for the sites.

20. They are providing a 9-foot setback of the proposed dwelling and the existing front yard setback for the existing dwelling of lot is 6-inches. They are providing the maximum setback from lot 6 that they could to accommodate that situation.

21. He then reviewed the Board Engineers May 7th, 2007 with the board.

He stated that #2 with regard to repairing the road for utility connections they will comply with that. Driveways that cross an unimproved Street is consistent with the other houses. The applicant proposes to use existing depressed curb on Shore Drive for the entrances for the driveways. Section C, they will revise plans to include street trees. The maximum height of the retaining wall is 2 ½ feet. The property is located in a flood zone X and they will relabel it correctly. They provided two construction details for driveway material and they did not want to pin down the actual development of the property and would ask that any resolution provide the home purchaser with option of selecting one of the two details. CAFRA does not apply to this application and he will site the rules as to why it does not apply in a form of a letter. Item D-1, will have to be up to the eventual owners. D-2, they will add a note to the plan with regard to the roof leaders.

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Ms. Britell stated that a grading plan will have to be issued prior to building permits and Mr. Gayle stated that he did not have a problem with that.

Mr. Manrodt questioned how they capped the existing 120 foot well that was on the property and requested paperwork on that.

Mr. Gayle suggested that this request be put in the resolution.

Mr. Mr. Fichter continued his testimony as follows:

22. What they are showing on proposed lot 7.01 is a garage floor of 10.87, the back of the house at 12.55.

23. Within 200-feet they do show buildings with setbacks along Shore Drive on the plans. The minimum front yard setback is 20-feet and they are providing 21-feet. The other houses that are shown, lot 4 is actually over the First Street right-of-way line, lot 5 is 5.7 feet, lot 6 is 6 inches over the line, lot 23 is 16.9 feet, lot 22 is 18.4 feet, lot 21 is 24.1 feet. Within 200 feet we would be the only ones conforming to the 20-foot setback.

24. Valley Avenue – lot 23 is 4-feet off of Valley and the only other houses on Valley on there side of Shore drive is up hill, there are only two houses and based on the aerial they are right on the line.

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

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

Delores Armstrong of 201 Shore Drive was sworn in spoke against the development of this site because of water runoff and stated that she is concerned about the trees being cut down. She stated that the trees should be left alone because they are holding up the hill. She feels that the town is overdeveloped and that the hill is not stable.

There were no further comments from the public.

Mr. Kovic questioned the retaining wall.

Ms. Armstrong stated that the brick wall is from the old building.

Mr. Fichter stated that they are removing block wall in the area of the new proposed house. The retaining wall along Valley is about 30-feet long which he further described to the board.

Mr. Kovic requested that the applicant replace the burm with a small wall.

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

Chris Francy of 36 Fifth Street questioned if the two proposed lots were fully conforming in terms of square footage.

Mr. Fichter – yes which he further described in detail. He stated that the variances are for setbacks to the paper streets.

The Board discussed the water run off concerns for Mrs. Armstrong’s property with Mr. Fichter.

There were no further questions or comments from the public.

Mr. Bahrs offered a motion to approve the application subject to the compliance of the board engineer and the terms of the Board Engineers Review Letter of May 7th, 2007.

Mr. Gayle stated that they will comply with letter except for writing to the DEP as discussed and they were only going to do the site plan for individual lots in the area of disturbance.

Seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mayor O’Neil, Mr. Bahrs, Mr. Nolan,
Mr. Harrison, Mr. Cefalo**

NAYES: None

ABSTAIN: None

8:39 P.M.

**Review of Ordinance O-07-07 Zoning Amendment Ordinance
Make Recommendations & Adopt Resolution
Steep Slope Ordinance**

Mr. Serpico requested that the review of the steep slope ordinance be carried to the next meeting so that the Board Chairman can be present.

Mr. Manrodt offered a motion to table the review of the steep slope ordinance to the next meeting, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

**AYES: Mr. Manrodt, Mr. Kovic, Mr. Bahrs, Mr. Nolan, Mr. Harrison,
Mr. Cefalo**

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NAYES: None
ABSTAIN: None
ABSENT: Mayor O'Neil left the room during this vote and returned right after vote.

Ordinance O-07-07

The Board had a discussion with Mr. Bahrs about him owning a building within 200 feet of the proposed zoning ordinance amendment area and Mr. Serpico suggested that he step down on this matter.

Marilyn Jaccard of 228 Linden Avenue was sworn in and expressed her concerns with proposed development and retaining walls and water runoff that would result in the developing of the Shadow Mobile Park property.

Chris Francy of 36 Fifth street was sworn in and stated that the proposed change to the zoning ordinance is a modification of the Master Plan and questioned what is driving the proposed change to the Mobile Park. He does not feel that this is consistent with the Master Plan.

Joan Taylor of 21 Laurel Drive was sworn in and spoke against the proposed change for Shadow Lawn Mobile Park and stated that this will put many people out of their homes and stated that it's wrong.

Roberta McEntee of 55 Fifth Street was sworn in and stated that we are better off keeping this a vacation stop and that the taxes don't go down with the new ratable. She feels that we are doing more harm than good and that this change does not make sense.

Connor Jennings of 27 Ralph Street was sworn in and expressed his water runoff concerns and he is opposed to this project and zone change and that he has a petition of objection to this zone change.

He then submitted a stump block document to the board which was marked as Exhibit P-1. He expressed all of his concerns with the redevelopment of the Shadow Lawn Mobile Park such as geological and ethological infrastructure concerns. He stated that the sewer system is almost maxed out and this is a high density development. He expressed his concerns with the traffic problems. He does not believe that this is consistent with the Borough's Master Plan and stated that he is against this.

Jack Chamberlin of 3 Ralph Street was sworn in and stated that he concurs with the Peter Mullen Report on this matter as far as the inconsistency of the proposal.

Elaine Hoffman of 19 Laurel Drive was sworn in and stated that she has lived here for 25-years and if this zone change is approved that the residents of the mobile park will

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not receive any retribution. She spoke against this proposed zone change to Shadow Lawn Mobile Park.

Don Manrodt of 268 Bayside Drive – spoke about the AHHRSA turning down this project.

Marilyn Jaccard questioned how this will effect the affordable housing plan.

Mr. Serpico stated that this is a matter to be addressed by the Governing Body.

Chris Francy of 36 Fifth Street requested that the Board table this matter until the Board reviews the steep slope ordinance and he spoke against the ordinance.

Mr. Serpico explained the Planning Board review powers as reviewing for consistency with the Master Plan and he stated that the Board has 35-day to do so. He spoke about the steep slope ordinance and how it's going to be reviewed and he stated that the Board can make recommendations and send a report back to the Council of the inconsistencies and the impact that this will have on our steep slopes. He explained that if the board tables this then they would loose any input.

Tony Sloan of 154 Bay Avenue stated that he used to be on the Highlands Shade Tree Commission and spoke about how the trees protect the slopes.

There were no further questions or comments from the public.

Mr. Nolan spoke about more the rights of the property owner and the tax burden of the town and the need for more ratable.

Mr. Serpico stated that our task is to draft up a report and attach it to a resolution and we are suppose to send this report back to the Council advising them of the consistencies and inconsistencies with the Master Plan and if relevant tie in the concerns of the steep slope ordinance.

The Board had a discussion about a possible special meeting and the deadline for reporting back to the Governing Body.

Mr. Serpico stated that he has just spoken to Mayor O'Neil and he is willing to waive the 35-day requirement that would give the board more of an opportunity to review this and to come up with a report based upon the comments that were made and get input from the other board members that are not here this evening. So the Mayor has indicated that he will have the Council table this and not act on it next Wednesday to give the Planning Board an opportunity to finish up its deliberations.

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Mayor O'Neil stated that the Council will sit on taking any action until the Planning Board gives the report.

Mr. Serpico advised the public that the Planning Board is going to table there review until the next meeting. Mayor O'Neil has indicated that they will extend the 35-days for us. He advised the public to go to the meeting on June 20, then they can find out when the matter is going to be reheard by the Council.

Mr. Serpico announced that the Planning Board is carrying this matter to the July 12, 2007 meeting.

Mayor O'Neil offered a motion to carry this matter to the July 12th meeting, seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Kovic, Mayor O'Neil, Mr. Nolan, Mr. Harrison, Mr. Cefalo

NAYES: None

ABSTAIN: None

Approval of Minutes

Mayor O'Neil offered a motion to approve the May 10, 2007 Planning Board Meeting Minutes, seconded by Mr. Nolan and all eligible members were in favor.

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

The meeting adjourned at 9:36 P.M.

CAROLYN CUMMINS, BOARD SECRETARY