

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

Mr. Manrodt, Vice Chairman 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. O’Neil, Mr. Nolan, Mayor Little, Mr. Harrison,  
Mr. Schoellner**

**Late Arrival: Mr. Kovic arrived at 7:37 P.M.  
Mr. Bahrs arrived at 7:48 P.M.**

**Absent: Mr. Mullen, Mr. Cefalo, Mr. Stockton**

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

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**PB#2008-3 Lin, Fang  
Block 64 Lot 24 – 214 Bay Avenue  
Application Review & Set Public Hearing Date**

**Present: John Lane, Esq.  
Fang Lin**

The Board reviewed the application and documents with Mr. Lane and the following was stated:

1. The applicant must notice for site plan approval and all variances including the pre-existing variances and add “ and any and all other variances or waivers deemed necessary by the board”.
2. The Board Engineer will do a review letter and it will address all of the variances and the required number of parking spaces.
3. Lane – 4 one bedroom apartments upstairs and restaurant downstairs. The restaurant is a take-out business.
4. The applicant will designate customer parking spaces.
5. The applicant shall provide location of garbage area. The applicant stated that they will roll out the garbage for pickup.
6. The applicant will pave lot which is required.
7. The Board spoke about a 15-minute parking space requirement on Bay Ave.

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

8. The applicant must provide a drainage and grading plan.

Mr. Manrodt offered a motion to set a public hearing date for this matter on July 10, 2008 as the first hearing, seconded by Mr. O'Neil and approved on the following roll call vote:

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Kovic, Mr. O'Neil, Mr. Nolan, Mayor Little,  
Mr. Harrison, Mr. Schoellner

**NAYES:** None

**ABSTAIN:** Mr. Bahrs

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**Professional Legal Services Resolution**

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

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

**RESOLUTION AMENDING  
PROFESSIONAL LEGAL SERVICES  
RESOLUTION**

**WHEREAS**, on February 14, 2008 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, 2008 through June 30, 2008; and

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

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

Planning Board Budget  
Account #1141-3755 - \$2,500.00

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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

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

\$3,375.00 is hereby increased an additional amount of \$2,500.00 for a total contract amount of \$5,875.00 for the period of January 1, 2008 through June 30, 2008.

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

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Kovic, Mr. O'Neil, Mr. Bahrs, Mr. Nolan, Mayor Little,  
Mr. Harrison, Mr. Schoellner

**NAYES:** None

**ABSTAIN:** None

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**Review of Zoning & Master Plan Amendments**

The Board reviewed the following documents:

Prepared by: John Urbanski and Frank Nolan  
May 19, 2008

**Mayor and Council Recommendations for  
Bay Avenue Commercial Development Initiatives**

The Mayor and Council recognize the need to encourage commercial development along Bay Ave. Since the 2004-2006 Master Plan was adopted, FEMA and NJDEP adopted tougher rules for development within the coastal floodplain. The Highlands business area, Bay Ave., is 100% within the floodplain area. We need to make zoning changes to accommodate these new rules. The following recommendations are forwarded to the Highlands Planning Board as a guide for our thoughts about re-zoning Bay Avenue for commercial development. These recommendations are not intended to limit Planning Board efforts, but only to initiate a review of our current Bay Ave. commercial areas. The Planning Board is encouraged to take the extra time needed to complete this re-zoning study as soon as possible, reaching out to residents and business owners alike to get their input.

- 1) The current FEMA regulations limit development below the floodplain height to parking or storage unless the structure is flood proofed. In order to accommodate the ground floor parking, we would recommend raising allowable Bay Ave. building height from the current 36' to 49'. Also, we recommend that the Planning Board perform a study to develop means and methods of flood proofing commercial buildings, particularly ground level commercial storefront windows and doors that will form the basis of a "Design Manual" that potential developers could rely on as solutions pre-approved by FEMA to solve flood plain issues.
- 2) We recommend that commercial development be especially encouraged in two areas on Bay Avenue:

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

Bay Ave. Gateway Area: Bay Ave., on lot in off of Bay Avenue on both sides, starting at the corner of Bay Avenue and Shore Drive (Sasha's) and extending past the Municipal Building and Post Office to Valley Street.

- Building height increased to 49' with a 3<sup>rd</sup> & 4<sup>th</sup> story setback of 5 feet.
- Residential uses in the area are discouraged, any residential use currently permitted remains permitted as an accessory use, strictly limited to less than 50% of the commercial floor area.

Huddy Park Renaissance Area: an area centered around Huddy park, including Bay Avenue, one lot to the east from Washington St. to Central Avenue.; Central Ave. between Bay and Shore Dr., Shore Dr. from Central Ave. to Washington St., Washington St. from Shore Dr. to Bay Avenue.

- Building height increased to 49' with 3<sup>rd</sup> and 4<sup>th</sup> story setback of 5' and special allowances for TBD hotel/motel and conference center uses.
- Residential uses in area discourages, any residential use currently permitted remains as permitted as an accessory use, strictly limited to less than 50% of the commercial floor area.
- Municipal parking area on Central Avenue be designated for use by commercial interests only for the Huddy Park area. Some form of parking meter system to be installed.
- Underground utilities.

Establish a Developer's Fee of 3% of total project to be levied on all new commercial or residential developments in town above a threshold (\$1 million). This fee is to be collected by the Borough and put into a special account or "lock box" to be used only for Highlands infrastructure improvements (flood control projects, I&I reduction, municipal complex??, parks or recreation related projects).

- 5' sidewalks to encourage foot traffic
- Zero setback
- Spectacular Streetscapes

Set up a property tax rebate program for commercial development on Bay Ave. that reduced property taxes for a period to encourage new business and help them weather the first 5 years of business operation. Residential development would not qualify for the tax abatement.

Set up Residential Rental Property Improvement Program to encourage conversion of grandfathered multifamily (4 or more units/property), typically owned and managed by absentee landlords, into private ownership dwelling units (condos, attached houses, detached houses). Owner of the property would be able to count on building the new units at a rate of 1 new unit for every 2 MF units eliminated, irrespective of the current zoning at the property's location. The new units would be eligible for a 5 year sliding tax rebate if units are owner occupied.

Code violations not made after the 1<sup>st</sup> warning will be handled in the following manner:

- Town makes repairs. The cost of the repair is calculated and the owner is assessed a fine of 150% of that calculation. If that fine is not paid in 60 day time period, a lien is attached to all properties owned by the violator.

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

Ms. Nina Light-Flannery, Borough Clerk  
Mayor and Borough Council  
Borough of Highlands  
171 Bay Avenue  
Highlands, New Jersey 07732

**Re: Master Plan Update  
Timeline and Summary Chart**

Dear Ms. Light-Flannery:

Pursuant to the Mayor and Council's request, enclosed please find the following materials relevant to the proposed Master Plan and Ordinance amendments:

- Timeline
- Summary Chart

The Timeline provides a general guide for the process and typical time required to enact Master Plan and Ordinance Amendments.

The Summary Chart provides an analysis of the consistency of the salient issues of the narrative entitled "Master Plan Updated April 2008" to the Highlands Borough Master Plan and Zoning Ordinance. We have also provided comments regarding the issues for the Mayor and Council's consideration.

If you have any questions or require any additional information, please do not hesitate to contact this office.

Very truly yours,

ROBERT W. BUCCO, JR., P.E., C.M.E.  
BOROUGH OF HIGHLANDS ENGINEER

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JOSEPH R. VENEZIA, P.E., P.P., C.M.E.  
PRINCIPAL ENGINEER

RWB:JRV:han:lfm

Mr. Serpico explained the Master Plan Amendment process to the Board.

The Board discussed the need for funding to undertake this amendment.

Mayor Little directed both the Board Engineering and the Board Attorney to submit a cost estimate for this amendment to her so that the Council can discuss the funding for this at the June 16, 2008 Council Meeting.

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

The Board stated that they will put the review of the amendments on for discussion at the July 10<sup>th</sup> meeting if the funding is approved at the June Council Meeting and that this should be placed on the electronic board before the July 10<sup>th</sup> meeting.

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**Review of Steep Slope Ordinance**

The Planning Board had a lengthy discussion on the need for amendments to the Steep Slope Ordinance and the reasons for the need to amend the Steep Slope Ordinance.

After board discussion the Board made the following recommendations and directed the Board Attorney to draft a Resolution of the Board recommendations for adoption at the July 10<sup>th</sup> meeting:

1. Maps identifying the location of the slump block zones need to be prepared first.
2. Establish requirements of each zone.
3. Establish Administrative procedures for the application and review process.

The Board also spoke about the Flood Plain Review Ordinance and possibly putting in a procedure mechanism.

Mr. Serpico explained that the relief powers of the Flood Ordinance also needs to be looked into which he further explained.

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**PB#2006-1 Fleming, Daniel – Request for Ext. of Time to Perfect Subdivision  
Block 26 Lot 12 – 127 Highland Avenue  
Resolution**

The Planning Board reviewed the request for an extension of time to perfect the subdivision.

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

**RESOLUTION EXTENDING THE TIME TO PERFECT THE MINOR SUBDIVISION  
GRANTED TO DANIEL J. FLEMING AND CECILIA FOR BLOCK 26, LOT 12**

**WHEREAS**, the applicants referred to above are the owners of the above mentioned lot, which lot is located in the R-1.01 Zone; and

**WHEREAS**, the applicants have applied for a 2 lot minor subdivision with variances and design waivers that was granted with conditions by the Board on September 13, 2007; and

**WHEREAS**, the Board adopted a written Resolution memorializing the foregoing on November 8, 2007; and

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

**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 has requested an extension of an additional 180 days in order to comply with the conditions of the approval before the expiration of the 190 days referred to above which would have been May 16, 2008; and

**WHEREAS**, the applicant has requested an extension of the time within which to perfect the minor subdivision pursuant to N.J.S.A. 40:55D-47g.

**NOW THEREFORE BE IT RESOLVED** by the Planning Board of the Borough of Highlands, for good cause being shown, that the application for an extension of time to perfect the minor subdivision is hereby granted for a period of 180 days from May 16, 2008, pursuant to the statute set forth above.

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

**ROLL CALL:**

**AYES:** Mr. Manrodt, Mr. Nolan, Mayor Little, Mr. Harrison, Mr. Schoellner

**NAYES:** None

**ABSTAIN:** Mr. Kovic, Mr. O'Neil, Mr. Bahrs

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**Approval of Minutes**

Mr. Manrodt offered a motion to approve the May 15, 2008 Planning Board Meeting Minutes, seconded by Mr. Mr. Kovic and approved on the following roll call vote:

**ROLL CALL:**

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

**NAYES:** None

**ABSTAIN:** None

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**Communications:**

The Board briefly reviewed the following items:

- a. Freehold Soil 5/27/08 RE: 30 Shrewsbury Ave, bl. 43 lt 6
- b. Freehold Soil 6/2/08 RE: Scaturro, Block 3 lot 6
- c. MCPB Annual Dinner Date Announcement
- d. MCPB 5/19/08 RE: Technical Assistance Outreach Brochure

**Borough of Highlands  
Planning Board  
Regular Meeting  
June 12, 2008**

**e. MCPB 5/19/08 RE: Expansion of Scenic Byways in Monmouth Cty**

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

The Meeting adjourned 8:52 P.M.

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**CAROLYN CUMMINS, BOARD SECRETARY**