

**BOROUGH OF HIGHLANDS
PLANNING BOARD
REGULAR MEETING
JULY 10, 2008**

Mr. Stockton called the meeting to order at 7:36 P.M.

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

Mr. Stockton read the Open Public Meeting Statement.

ROLL CALL:

Present: Mr. Manrodt, Mr. Kovic, Mr. Bahrs, Mr. Nolan, Mr. Stockton,
Mr. Schoellner

Late Arrival: Mr. O'Neil arrived at 7:38 P.M.
Mr. Harrison arrived at 7:38 P.M.

Absent: Mr. Mullen, Mr. Cefalo, Mayor Little

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

**PB#2008-1 Sandy Hook Dev. LLC
Block 101 Lot 17.02, 27, 20.01
Request for Postponement to September 11, 2008 Without the Need for Further Notice**

Mr. Stockton stated that the Board received a letter from the Applicant requesting a postponement of this public hearing to the September 11, 2008 Meeting.

Mr. Harrison arrived then Mr. O'Neil arrived.

Mr. Manrodt offered a motion to postpone the Sandy Hook Dev., LLC public hearing to the September 11, 2008 Meeting without the need for further public notice, 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. Stockton
NAYES: None
ABSTAIN: None

**PB#2008-3 Lin, Fang
Block 64 Lot 24 – 214 Bay Avenue
Request for Postponement of P.H. to August 14, 2008**

Mr. Stockton stated that the Board received a letter from the applicants Attorney requesting a postponement to August 14, 2008.

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Mr. Nolan offered a motion to postpone this hearing to the August 14, 2008 Meeting, seconded by Mr. Bahrs and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. O'Neil, Mr. Bahrs, Mr. Nolan, Mr. Schoellner, Mr. Harrison, Mr. Stockton

NAYES: None

ABSTAIN: None

Mr. Serpico stated that public notice will have to be served for this application.

Professional Service Resolutions:

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

Mr. Manrodt offered the following Resolution and moved on its adoption:

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
AUTHORIZING THE AWARD OF A NON-FAIR AND OPEN CONTRACT FOR
PROFESSIONAL ENGINEERING SERVICES
FOR THE PERIOD OF JULY 1, 2008 THROUGH DECEMBER 31, 2008**

WHEREAS, the Borough of Highlands Planning Board has a need for Professional Engineering Services; and

WHEREAS, such Professional Engineering services can only be provided by a licensed professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution on January 10, 2008 appointing Robert Bucco, P.E. of T & M Associates as Planning Board Engineer for a (1) one year term expiring December 31, 2008; and

WHEREAS, the Board Secretary has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, T & M Associates has completed and submitted a Business Entity Disclosure Certification which certifies that T & M Associates has not made any reportable contributions to a political or candidate committee in the Borough of Highlands in the previous one year and that the contract will prohibit T & M Associates from making any reportable contributions through the term of the contract; and

WHEREAS, T & M Associates has completed and submitted a Political Contribution Disclosure Form in accordance with P.L. 2005, c271; and

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WHEREAS, this contract is to be awarded for an amount not to exceed \$2,200.00 for Professional Engineering Services provided to the Borough of Highlands Planning Board for the period of July 1, 2008 through December 31, 2008; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2009 Municipal Budget.

Planning Board Budget
Account #1141-3757 = \$2,200.00
July 1, 2008 – December 31, 2008

Stephen Pfeffer, Chief Financial Officer

WHEREAS, the Local Public Contracts Law, NJSA40A:11-1 et. Seq. requires that notice with respect to contract for Professional Services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. That Robert Bucco, P.E. of T & M Associates is hereby retained to provide Professional Engineering Services as described above for an amount not to exceed \$2,200 for the period of July 1, 2008 through December 31, 2008.
2. This contract is awarded without competitive bidding as a “Professional Service” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

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

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ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. O'Neil, Mr. Bahrs, Mr. Nolan,
Mr. Harrison, Mr. Schoellner, Mr. Stockton
NAYES: None
ABSTAIN: None

Mr. Nolan offered the following Resolution be memorialized and moved on its adoption:

**RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
AUTHORIZING PROFESSIONAL LEGAL SERVICES FOR THE PERIOD OF
JULY 1, 2008 THROUGH DECEMBER 31, 2008**

WHEREAS, the Borough of Highlands Planning Board has a need for Professional Legal Services; and

WHEREAS, such Professional Legal Services can only be a provided by a Licensed Professional; and

WHEREAS, the Borough of Highlands Planning Board memorialized a Resolution on January 10, 2008 appointing Jack Serpico, Esq., from the firm of Jack Serpico, Esq., as Planning Board Attorney for a one (1) year term expiring December 31, 2008.

WHEREAS, this contract is to be awarded for an amount not to exceed \$4,000.00 for legal services provided to the Borough of Highlands Planning Board for the period of July 1, 2008 through December 31, 2008; and

WHEREAS, certification of availability of funds is hereby provided by the Chief Financial Officer contingent upon the Governing Body of the Borough of Highlands adopting the SFY 2009 Municipal Budget/

Planning Board Budget
Account #1141-3755 - \$4,000.00
July 1, 2008 – December 31, 2008

Stephen Pfeffer, CFO

WHEREAS, the Local Public Contracts Law, NJSA 40A:11-1 et. Seq. requires that notice with respect to contract for Professional Services awarded without competitive bids must be publicly advertised.

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NOW, THEREFORE, BE IT RESOLVED by the Borough of Highlands Planning Board as follows:

1. That Jack Serpico, Esq., from the firm of Jack Serpico, Esq., is hereby retained to provide Professional Legal Services as described above for an amount not to exceed \$4,000.00 for the period of July 1, 2008 through December 31, 2008.
2. This contract is awarded without competitive bidding as a “Professional Services” in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a)(i) because it is for services performed by persons authorized by law to practice a recognized profession.
3. A copy of this Resolution shall be placed on file with the Planning Board Secretary.
4. The Borough of Highlands Planning Board Secretary is hereby directed to publish notice of this award as required by law.

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

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. O’Neil, Mr. Bahrs, Mr. Nolan,
Mr. Schoellner, Mr. Harrison, Mr. Stockton

NAYES: None

ABSTAIN: None

Steep Slope Recommendation Resolution:

The Board reviewed and discussed the following Resolution

TABLED RESOLUTION
RESOLUTION
BOROUGH OF HIGHLANDS PLANNING BOARD
RECOMMENDATIONS
FOR STEEP SLOPE ORDINANCE UPDATES

WHEREAS, the Mayor and Council of the Borough of Highlands authorized the Planning Board by resolution to undertake a review of the current Borough Steep Slope Ordinance 21-65L and make recommendations that would update the ordinance, clarify its intent and make it easier to work with; 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 ordinance that is or are inconsistent with

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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 ordinance on June 12, 2008; and

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

NOW, THEREFORE BE IT RESOLVED, by the Planning Board of the Borough of Highlands that it hereby adopts the findings or recommendations of the Board which are set forth hereinafter; and

BE IT FURTHER RESOLVED that the Board hereby directs its Secretary to transmit said findings or recommendations 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. The recommendations are as follows:

1. The Board recommends that clearly defined maps identifying the location of the slump block zones be created and the topographical conditions be identified for each zone.
2. Create a clear, concise formula for each zone that will take into consideration the slump and soil characteristics for each zone.
3. Create a step by step procedure within the administration for the application process. For example, perhaps the initial contact point could be the Borough Zoning Officer who would then, based upon a matrix review the application and advise an applicant what the next step or steps would be in the process.
4. The Board also recommends that the Borough Tree Trimming Ordinance be strengthened to prohibit excessive tree trimming that would kill the tree(s) or result in destabilizing the soil base on the lot.
5. Development as of "right" be limited to lots containing a 10 to 15 percent slope (subject to appropriate soil conditions).
6. Any development on lots with a slope in excess of 15% should be analyzed pursuant to soil and site conditions pursuant to a clearly defined mathematical formula or scale.

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Mr. Manrodt offered a motion to table this Resolution that was on for adoption entitled "Resolution Borough of Highlands Planning Board Recommendations for Steep Slope Ordinance Updates". The tabling of this Resolution is based on a recommendation made by Councilman Nolan to withhold the Planning Board Comments at this time and to wait for feedback from both the Environmental Commission and the Shade Tree Commission unless the Council decides to hold the Planning Board to the 45-day period to comment. The Planning Board is requesting that the Environmental Commission and the Shade Tree Commission submit their comments with regard to amending the existing Steep Slope Ordinance to the Planning Board within 60-days. Seconded by Mr. Nolan and approved on the following roll call vote:

ROLL CALL:

AYES: Mr. Manrodt, Mr. Kovic, Mr. O'Neil, Mr. Bahrs, Mr. Nolan, Mr. Harrison, Mr. Schoellner
NAYES: None
BASTAIN: None

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The Board Secretary was directed to send a memo to both the Shade Tree and Environmental Commission requesting a response within 60-days.

**Discussions RE: Zoning Ordinance & Master Plan Amendments
Review of the May 19, 2008 Amendment Letter prepared by F. Nolan & J. Urbanski**

Mrs. Cummins advised the Board that that notice of this discussion was placed on the electronic board in front of Borough Hall as previously requested by the Board.

Mr. Serpico explained that this is not a formal hearing. Once you go through the discussion and fact finding phase and when the amendments are ready then we will have a public hearing.

Joseph Venezia, P.E., P.P. of T & M Associates was sworn in.

Mr. Venezia explained that they have been requested and discussed this matter with the Council. They will be meeting with the Sub-Committee to review the May 19th document. We will be formulating the best attack to implement the recommendation in this document and evaluate how to best do it whether it be through Master Plan changes or Zoning Recommendation. There is also a possibility of designated areas in need of rehabilitation which is similar to a Redevelopment Designation but it does not involve eminent domain. Really what this document that the Council has prepared is taking the next step and really focusing on some of the areas and then trying to come up with specific plans of how to best encourage development in that area.

Mr. Serpico spoke with Mr. Venezia about Visioning Session process that the Borough had during the last Master Plan Amendment. He spoke about how T & M sent out notices to different organization in the Borough and posted notices in the local businesses. T & M held a Visioning Session to get the public comments before the public hearing.

Mr. Venezia – what we have been tasked with so far is just a preliminary fact gathering, getting a handle on the issues. After we get a handle on the issues we are going to present our approach and what are recommendations are of how we go about doing it. At that point then we will have these Visioning Sessions.

Mr. Serpico – right now you are in the clarification and identification process, not into the substitutive process.

Mr. Nolan questioned what would be the cheapest and quickest way to go forward with the amendments. He stated that this documents has been public for three months now so nothing is being hidden.

Mr. Venezia explained that it is important for any ordinance changes to be consistent with the Master Plan

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Mr. Harrison – why are we talking about changing zoning on a street when there is no applicant at all asking for a change.

Mr. Nolan – we had a few people that came to the table that wanted to projects that we thought were good ideas.

Mr. Harrison – then they should go to the Zoning Board.

Mr. Nolan – they did and they got shot down. He explained that we are not doing this for one project there have been several that have been turned down and the people have approached every person on the Council. Most of the people on Council want to see a majority of this done.

Mr. Kovic questioned if we were changing zones.

The Board had a discussion about FEMA requirements and zone changes.

Mr. Manrodt stated that the map that is attached to the May 19th memo will have to be redone because you can't see the streets.

The Board had a discussion about the procedures for amendments.

Mr. Venezia agreed that it would be better to amend the Master Plan then the ordinance but T & M will review this more in depth to understand what these changes mean and then figure out the best way.

Mr. Manrodt stated that the Governing Body approved funds at the last meeting for this.

Mr. Nolan – yes, \$5,000

Mr. Manrodt – the Planner should come here with a proposal to us at either the August or September Meeting then October we can have a public hearing.

Mr. Stockton - or a Visioning Meeting then a public hearing.

Mr. Serpico – you probably want to have public comments before we have the public hearing.

Mr. Venezia – we are going to do this the most cost effective and most efficient way possible but we are going to make sure that the Borough is protected and that we are doing it right.

Mr. Nolan questioned Rehabilitation

Mr. Venezia explained the difference between designating an area in need of Redevelopment and Rehabilitation is that Rehabilitation you don't have the power of eminent domain which the Council and the board want to stay away from.

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Mr. Nolan Rehabilitation Zone is not a term that people will be happy with.

Mr. Venezia – Rehabilitation really encourages people to reinvest.

Mr. Nolan spoke about an abatement on an improvement in a Rehabilitation Zone.

Mr. Venezia – the town is able to encourage rehabilitation in the properties by offering tax abatements on the improvements.

Mr. Bahrs – we are going to stay away from Redevelopment Zone, so we will call it Rehabilitation Zones.

Mr. Nolan – is there grant money for redoing the Master Plan.

Mr. Venezia – I am not sure about that.

Mr. Venezia – I will report back to the board. We will get more information between now and the next meeting our office is going to be meeting with Councilmen to get a better understanding of the initiatives and to formulate a game plan. We will be updating our time line.

Mr. Nolan – what should we be prepared to do at the next Planning Board Meeting.

Mr. Kovic – has an aerial map been done yet.

Mr. Venezia – we haven't done that yet, we are just in the fact finding stage. We will get something to the board so that they have a better vision.

Mr. Stockton – we should have more discussions on this for the next meeting agenda.

Chris Francy of Fifth Street asked if the Board would have a Special Meeting in August to speed this up a little bit.

Mr. Nolan explained that Councilman Urbanski and he are going to meet with Mr. Venezia next week.

Mr. Serpico explained that a lot of the applications fall to the way side so he suggested that the Board wait until August to see if a Special Meeting is needed.

Chris Francy explained that the County has Rehab Grants for 70-Units and he suggested that someone look into it.

Mr. Stockton stated that further discussion on this will be placed on the August Meeting Agenda.

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Communications:

Mr. Stockton stated that the Borough has formulated a new Shade Tree Commission and a new Environmental Commission and one of the duties of this board would be to update our application check list to make sure that applicants direct their applications and plans to both of these Commissions for review and comments.

Mr. Manrodt – only one set to each Commission because it would be too costly to send plans to each member of both of those Commissions.

Mr. Nolan offered a motion to review the application forms and checklist at the next meeting.

Mr. Stockton stated that a motion was not needed but we will have a review of the application and forms placed on the August Meeting Agenda.

Approval of Minutes:

Mr. Manrodt offered a motion to approve the June 12, 2008 Planning Board Minutes, seconded by Mr. Bahrs and all eligible board members were in favor.

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

The Meeting adjourned at 8:19 P.M.

CAROLYN CUMMINS, BOARD SECRETARY

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